



# Public Document Pack

## Cambridge City Council

### PLANNING COMMITTEE

**To:** Councillors Dryden (Chair), Blencowe (Vice-Chair), Hipkin, Gawthrope, Hart, Pippas, C. Smart and Tunnacliffe

Alternates: Councillors Holland, Avery and Bird

*Despatched: Tuesday, 23 September 2014*

**Date:** Wednesday, 1 October 2014

**Time:** 10.00 am

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

**Contact:** Claire Tunnicliffe **Direct Dial:** 01223 457013

### AGENDA

#### 1 APOLOGIES

#### 2 DECLARATIONS OF INTEREST

Members are asked to declare at this stage any interests, which they may have in any of the following items on the agenda. If any member is unsure whether or not they should declare an interest on a particular matter, they are requested to seek advice from the Head of Legal Services before the meeting.

#### 3 MINUTES

To confirm the minutes of the meeting held on 3 September 2014 as a correct record.

To Follow

The Planning Committee operates as a single committee meeting but is organised with a three part agenda and will be considered in the following order:

- **PART ONE**  
Major Planning Applications  
Start time: 10am
- **PART TWO**  
Minor/Other Planning Applications  
Start time: 12.30pm
- **PART THREE**  
General and Enforcement Items  
Start time: at conclusion of Part Two

There will be a thirty minute lunch break before part two of the agenda is considered. With a possible short break between agenda item two and three which will be subject to the Chair's discretion.

If the meeting should last to 6.00pm, the Committee will vote as to whether or not the meeting will be adjourned. If the decision is to adjourn the Committee will agree the date and time of the continuation meeting which will be held no later than seven days from the original meeting.

## Planning

<b>Part 1: Major Planning Applications (10am)</b>
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- 4      **14/0790/FUL - CAMBRIDGE CITY FOOTBALL GROUND, MILTON ROAD**  
*(Pages 19 - 78)*
- 5      **14/1111/FUL - ASHLEY HOTEL, 74-76 CHESTERTON ROAD**  
*(Pages 79 - 109)*

<b>Part 2: Minor/Other Planning Applications (12.30pm)</b>
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- 6      **14/0649/FUL - CAMBRIDGE REPETITION ENGINEERS, 2 GREENS ROAD** *(Pages 111 - 136)*
- 7      **14/0453/S73 - 2A SCOTSDOWNE ROAD** *(Pages 137 - 151)*

- 8      **13/1772/FUL - LEYS SCHOOL, FEN CAUSEWAY** *(Pages 153 - 169)*
- 9      **14/0320/FUL - PAYPHONE KIOSK, ADJ CHURCH OF ST MARY THE GREAT, ST MARYS STREET** *(Pages 171 - 188)*
- 10     **14/0806/LBC - PAYPHONE KIOSK ADJ CHURCH OF ST MARY THE GREAT, ST MARYS STREET** *(Pages 189 - 201)*
- 11     **14/1163/S73 - 21 VICTORIA PARK** *(Pages 203 - 218)*
- 12     **14/0860/FUL - 113 HISTON ROAD** *(Pages 219 - 225)*
- 13     **14/0936/FUL - GARAGES 301-326 HAWKINS ROAD** *(Pages 227 - 252)*
- 14     **14/0854/FUL - 86 SEARLE STREET**

<b>Part 3: General and Enforcement Items</b>
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- 15     **OMBUDSMAN FINDING OF MALADMINISTRATION** *(pages 261 – 273)*

## Meeting Information

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

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

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

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

**Local  
Government  
(Access to  
Information)  
Act 1985**

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

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

These papers may be inspected by contacting Patsy Dell (01223 457103) in the Planning Department.

**Development  
Control  
Forum**

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



## **Public Participation**

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

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

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

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

Further information is available at

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

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

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

**Representations on Planning Applications**

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

The submission of late information after the officer's report has been published is to be avoided.

A written representation submitted to the Environment Department by a member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report. Any public representation received by the Department after 12 noon two business days before the relevant Committee meeting (e.g. by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

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

**Filming, recording and photography**

The Council is committed to being open and transparent in the way it conducts its decision making. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

Anyone who does not want to be recorded should let the Chair of the meeting know. Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.

<b>Fire Alarm</b>	In the event of the fire alarm sounding please follow the instructions of Cambridge City Council staff.
<b>Facilities for disabled people</b>	<p>Level access to the Guildhall via the Peas Hill entrance.</p> <p>A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.</p> <p>Accessible toilets are available on the ground and first floor.</p> <p>Meeting papers are available in large print and other formats on request.</p> <p>For further assistance please contact Democratic Services on 01223 457013 or <a href="mailto:democratic.services@cambridge.gov.uk">democratic.services@cambridge.gov.uk</a>.</p>
<b>Queries on reports</b>	<p>If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or <a href="mailto:democratic.services@cambridge.gov.uk">democratic.services@cambridge.gov.uk</a>.</p>
<b>General Information</b>	<p>Information regarding committees, councilors and the democratic process is available at <a href="http://democracy.cambridge.gov.uk/">http://democracy.cambridge.gov.uk/</a></p>

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

### **1.0 Central Government Advice**

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

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

#### Planning Obligation Related Policies

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

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

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

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

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

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

- 10/1 Infrastructure improvements

#### Planning Obligation Related Policies

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

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

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



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

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

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

## **5.0 Material Considerations**

### **Central Government Guidance**

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

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

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

Includes the following statement:

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

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

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

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

### 5.3 City Wide Guidance

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

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

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

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

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5.6 Area Guidelines

**Cambridge City Council (2003)–Northern Corridor Area Transport Plan:**  
**Cambridge City Council (2002)–Southern Corridor Area Transport Plan:**  
**Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:**  
**Cambridge City Council (2003)–Western Corridor Area Transport Plan:**  
The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

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

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

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

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

**Jesus Green Conservation Plan (1998)**

**Parkers Piece Conservation Plan (2001)**

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

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

Historic open space guidance.

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

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

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

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

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

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

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

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

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

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

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

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

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# Agenda Item 4

## PLANNING COMMITTEE

Date: 1<sup>st</sup> October 2014

<b>Application Number</b>	14/0790/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	19th May 2014	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	18th August 2014		
<b>Ward</b>	West Chesterton		
<b>Site</b>	Cambridge City Football Ground Milton Road Cambridge Cambridgeshire CB4 1FA		
<b>Proposal</b>	Residential development of 106 units comprising a mix of townhouses and apartments including up to 40% affordable housing, open space, hard and soft landscaping, car and cycle parking and associated infrastructure		
<b>Applicant</b>	c/o Agent United Kingdom		

SUMMARY	<p>The proposal accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li>-The amount of on-site open space is increased from the previous proposal and is acceptable.</li><li>-Proposed off-site enhancement and provision of recreational facilities is improved.</li><li>-It is of a high quality design and layout.</li><li>-Provision for affordable housing and mitigation measures are to be secured via a Planning Obligation</li></ul>
RECOMMENDATION	<b>APPROVAL</b>

## 0.0 BACKGROUND

- 0.1 This revised application follows the grant of planning permission 12/1211/FUL in December 2013 for 138 dwellings.

0.2 The application before Members is for 106 dwellings. The site layout has been reorganised to create a central green space and The key differences include:

- ☐ Reduction in dwellings from 138 to 106;
- ☐ Increase in family housing from 13% townhouses in the consented scheme to 38% in the proposed scheme;
- ☐ The layout and arrangement of the proposed development has been revised which sees an overall increase in green open space within the site;
- ☐ No underground parking;

0.5 The key issues are debated in assessment section 8 of the report.

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

1.1 The site occupies land to the north-west of the Westbrook Centre, and south-east of Chesterton Community College. It is set away from main street frontages in an area bounded by Victoria Road, Milton Road, and Gilbert Road. The site is made up of a playing pitch, stands and ancillary buildings and facilities, used by Cambridge City Football Club, which lie on the west side of the site, and a large tarmac car parking area, which lies to the east. The site is reached via the Westbrook Centre access road, which turns off Milton Road a short distance beyond Mitcham's Corner.

1.2 The site is listed as No. 5.05 in the Proposals Schedule of the Cambridge Local Plan (2006), which is allocated for residential development subject to certain provisos. The site is within the area of the Mitcham's Corner Strategic Development Brief (2003).

1.3 The site is not within any conservation area. None of the buildings are listed or Buildings of Local Interest.

1.4 There are no protected trees on the site. There is a TPO protecting a walnut tree in the rear garden of 45 Green's Road which is close to the western boundary of the site. There are a large number of substantial trees just beyond the north-western edge of the site in the grounds of Chesterton Community College. These trees are not subject to TPOs.



1.5 The site falls outside the controlled parking zone.

## 2.0 THE PROPOSAL

2.1 The proposal is for the erection of 106 residential units, of which 42 would be affordable (40%). The flatted accommodation would consist of 55 apartments arranged in two blocks; E and I. These blocks would be 5 storeys with a recessed top floor. Below is a table showing the breakdown of the mix of private and affordable units:

Tenure	1bed	2bed	2bed (house)	3bed (house)	4bed (house)	5bed (house)	Total
Private	4	20	10	16	12	2	64
Shared Ownership	5	10	1	5	0	0	21
Social Rented Mix	0	16	2	3	0	0	21
Total	9	46	13	24	12	2	106

2.2 The access into the site has not changed from the consented scheme. However, the visual approach has changed with the revised layout of the housing development. From the access point, a spine road would run south-west through the development and provide five secondary streets running off this. The residential accommodation and open space would be arranged around this street pattern

2.3 The apartment blocks would be located south of the spine road adjacent to Westbrook Centre. Block I would face towards the Central Square and be located adjacent (west) of the main access into the site. Block E would be located 14.5 metres south-west of Block I. Both blocks would contain cycle parking and bin storage for the apartments. Some external cycle parking stands are proposed adjacent to main entrances but the majority of cycle spaces would be located on in the undercroft. Block I would contain 50 cycle parking spaces in one area and Block E 56 spaces in two separate areas. Communal bins would also be provided within the ground floor envelope of each block. Block I would also contain 20 undercroft car parking spaces (including 2 disabled spaces) and 5 spaces adjacent to the access road to the north-east of Block I. Block E does not

contain any undercroft parking provision. Instead all the car parking is located in front and to the side of the block. 18 spaces would be provided to serve Block E.

- 2.4 Both Blocks would be 5 storeys with car parking on the ground floor and a recessed section on the top level. Both blocks have been designed in a similar manner with flat roofs and semi-recessed balconies. However, Block I is the bigger of the two blocks. Both blocks would be 15.2 metres in height above ground level. Block E is rectangular in shape but has a projection on the south-west elevation. As a result this block would be 34.5 metres wide at its widest point, 32.4 at its narrowest and 18.8 metres in depth. Block I is a more regular rectangular shape and would be 42.8 metres wide and 17.2 metres in depth.
- 2.5 The main dwellings have been arranged around the edge of the site with a small cluster of houses located in the centre. The Central Square, which would be the main green space within the development, would be surrounded by houses (rows F, G, H) and Block I on all four sides. The dwellings range from two and three storey townhouses are arranged in seven separate linear rows (A, B, C, D, F, G and H). Rows A, D and F accommodate the affordable houses. The bin and cycle storage for each dwelling would be provided within an enclosure which projects along the common boundary. The bin and cycle enclosure would be 1.45 metre in height and contain a flat sedum laid roof.
- 2.6 The dwellings in rows C, D, F, G and H would be three storeys high. Row B would contain dwellings that are two storeys high and in Row A there would be a combination of 2 and 3 storeys high dwellings. All the dwellings would have private gardens and, apart from the two storey dwellings, include large external terraces either at first or second floor level. The rows with first floor terraces are G and H. The rows with second floor terraces are A (three storey dwellings), C, D and F.
- 2.7 One car parking space is provided for each dwelling house, apart from the dwellings in rows G and H, which have integral garages.
- 2.8 The main communal open space would be the 'Central Square', which is centred around rows F, G and H and Block I. A smaller

area known as 'pocket garden' is also provided between rows B and C. Both spaces are to be landscaped with hard and soft landscaping. On-site private open space provision exceeds that previously put forward.

2.9 The application is accompanied by the following supporting information:

1. Application drawings
2. Design and Access Statement
3. Planning Statement
4. Transport Assessment and Framework Travel Plan
5. Ecological Assessment
6. Ground Investigation Report
7. Pre-Development Tree Survey and Arboricultural Method Statement
8. Flood Risk Assessment (Drainage Strategy)
9. Landscape Scheme (within Design and Access Statement)
10. Sustainability Statement
11. Shadow Assessment (within Design and Access Statement)
12. Utilities
13. Air Quality Screening Letter
14. Noise Assessment
15. Public Art Scheme
16. Consultation Statement
17. Affordable Housing Statement (within Design and Access Statement)
18. Open Space Assessment (see Planning Statement)
19. Tall Buildings Assessment (see Planning Statement)
20. Site Waste Management Plan

### 3.0 SITE HISTORY

Reference	Description	Outcome
06/0438/FUL	Residential development	Withdrawn
11/0008/FUL	Proposed residential development of 148 dwellings incorporating affordable housing, open space and landscaping, car and cycle parking and access work.	Refused 10/04/2012 Appeal withdrawn

12/1211/FUL	Proposed residential development of 138 dwellings incorporating affordable housing, open space and landscaping, car and cycle parking and access roads and demolition of existing buildings and structur	A/C
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#### 4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes
	Public Meeting/Exhibition (meeting of 23 April 2014):	Yes

#### 5.0 POLICY

##### 5.1 Central Government Advice

National Planning Policy Framework 2012  
 National Planning Practice Guidance 2014  
 Community Infrastructure Levy Regulations 2010  
 Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)

##### 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1, 3/4, 3/6, 3/7, 3/8 3/11, 3/12 4/2, 4/4, 4/13, 4/15 5/1, 5/5, 5/9, 5/10, 5/14, 6/1 8/1, 8/2, 8/3, 8/4, 8/6, 8/10, 8/16, 8/18 10/1

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

Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide
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	<p>Affordable Housing</p> <p>Planning Obligation Strategy</p> <p>Public Art</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><u>City Wide</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Cambridge City Council) - Open Space and Recreation Strategy (2006)</p> <p>Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)</p> <p>Cambridgeshire Design Guide For Streets and Public Realm (2007)</p>
	<p><u>Area Guidelines:</u></p> <p>Northern Corridor Area Transport Plan</p> <p>Mitcham's Corner Area Strategic Planning and Development Brief</p>

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 The joint use of the Westbrook access road by commuters and residents would not be ideal. Lay-bys and service bays on the access road would need improvement in order to improve the

pedestrian environment if they are to be adopted. Features of the development layout would prevent adoption of streets as it stands.

- 6.2 The junction layout at Milton Road is not ideal due to the proximity of the bus stop, but no significant accident history. Not possible to demonstrate significant adverse impact from the development.
- 6.3 If Westbrook access road is to be adopted, it would require complete rebuilding. If the new roads within the development were to be adopted they would have to be subject to amendment.
- 6.4 Our signals engineers will require a sum of money, as agreed under the previous scheme to cover work in recalibrating the Mitcham's Corner signals to accommodate changes in traffic patterns.
- 6.5 The 'shared space' concept on the square is confusing and a hybrid scheme that may put pedestrians at risk. The southern face is not shared surface, but almost looks like one, whilst, on entering the other arms the scheme become a true shared surface yet has no visible delineation between the two to reinforce the change. Drivers may, therefore drive through into the shared space from what is, in effect, a traditional carriageway without altering their driving behaviour.
- 6.6 The southernmost face of the square provides a route straight through the square for motor traffic, without significant horizontal deviation. The line of sight perception of motor vehicle drivers and cyclists may be one of priority over other modes.
- 6.7 Highways Officer has raised concerns with the use of the shared surface to the south of the central square, as no provision is made for pedestrian access, and is concerned this could create a potential conflict issues between drivers and pedestrians.

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

- 6.8 No objection. No NCATP contribution required. Contribution of £2000 towards Mitcham's Corner traffic signals required.

Residential Travel Plan required with a target of 10% single occupancy vehicles and Travel information pack with free taster tickets. Car and cycle parking provision accords with the adopted standards

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

- 6.9 No objections subject to conditions required with respect to: contaminated land, noise assessment, noise insulation, construction hours, construction deliveries, construction noise and vibration, contractors' operations, dust suppression, waste storage.

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

- 6.10 Subject to conditions on elevational treatment and materials, the submitted scheme is supported in design terms and has the potential to create a well-designed and high quality development.

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

- 6.11 No firm proposals for sustainable drainage which is integral to landscape design and on this basis the proposal is not supported. Concerns also raised with pedestrian links. If minded to approve the following conditions should be applied: full hard and soft landscaping details; softwork specification; groundwork specification; details of the play area/equipment; tree pit and planting details; sustainable drainage details; details of retained features.

### **Sustainability Officer**

- 6.12 The proposal includes a series of energy efficient measures and the use of solar panels to meet the 10% renewable energy provision would comply with policy and is therefore supported.

### **Strategic Housing Manager**

- 6.13 The affordable housing provision within this proposal is supported. The affordable housing provision has good provision tenure mix, good integration of tenures across the site and the design of the affordable units and private units is tenure blind.



### **Head of Streets and Open Spaces (Sustainable Drainage Engineer)**

- 6.14 No comments received to date. Any comments will be reported on the amendment sheet or orally at the meeting. However, the following comments were made on the previous application (12/1211/FUL): Revised surface water strategy, allowing for a 30% climate change factor, should be submitted to demonstrate that the development of the site would not increase the risk of flooding elsewhere.

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

- 6.15 No arboricultural objections subject to the measures in Tree Protection Plan being implemented and confirmation that no services installations will impact the retained trees.

### **Anglian Water**

- 6.16 There is capacity to available in the wastewater treatment and foul sewerage network to accept these flows. A condition is recommended on surface water drainage.

### **Environment Agency**

- 6.17 No Objection: Conditions required regarding ground contamination and surface water strategy.

### **Sport England**

- 6.18 As planning permission has been granted for the redevelopment of the site (12/1211/FUL) to which Sport England objected to, Sport England do not wish to object to this application but would like to see off site improvement to Chesterton Community College and Chesterton Recreation Ground which were secured in the previous package of mitigation in the S106 agreement to be applied to this application if approved.

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

- 6.19 No objection in principle subject to the following issue; height of cycle stores on the 3bed houses would limit surveillance of the



front entrances. Height should be lowered to 1.475 metres. The cycle store for Block E could become a meeting place for anti-social behaviour and feel unsafe for anyone using the store. This store area should be well lit.

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

- 6.20 Contributions required for educational provision at pre-school, primary, secondary and life-long learning levels. Contributions also required towards Household waste recycling centres.

### **Cambridgeshire Fire and Rescue Service**

- 6.21 Provision of fire hydrants required via condition (see condition 25) or S106 agreement.

### **Minister of Defence**

- 6.22 No objections to the proposal.

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

- 6.23 No objections following receipt of amendments and further clarification to the scheme.

### **Design and Conservation Panel (Meeting of 12 February 2014 – pre-application stage).**

- 6.24 The Panel's comments were as follows:

- ☐ Response to context. The presentation included the exploration of the various layout options and the Panel concluded that the option selected appears to be the most viable.

- ☐ Movement and access (linkages). A land-locked site presents any design team with limitations. However, there is an opportunity to improve permeability providing some issues relating to third party ownership can be overcome. A future link with Gilbert Road if only for pedestrians and cyclists would be a significant breakthrough and thorough exploration of this possibility is to be strongly encouraged.

- ☐ Scale and massing.

- o Blocks E and I (overlooking). The Panel expressed concerns as to the likelihood of overlooking by the Westbrook

Centre. The distance from this office block may be over 20 meters but occupants will have direct views into the apartments. Further thought is recommended as to the choice of fenestration to help resolve this issue.

- o Block E. This block was in the Panel's view particularly dominant. The 5<sup>th</sup> floor could be set back as one of a number of measures that could break up the massing for improved sun exposure, and provide an improved relationship with Block C.

- o Block I. The Panel were not supportive of the inclusion of a gabion wall at the base, as this invites wildlife. Surveillance at ground floor combined with robust landscaping would be the Panel's preferred option.

- ☐ Interior living spaces (Blocks E & I). Some reservations were expressed regarding the quality of these living spaces. It was felt that single aspect apartments should not be acceptable (particularly with the overlooking risk as already described) although no consensus was reached regarding the appropriateness of the 2.5 meter floor to ceiling heights.

- ☐ Townhouses (elevations). The Panel would recommend corner windows without mullions for a more visually pleasing result.

- ☐ Affordable housing. The Panel note that the market housing is given the benefit of the main area of amenity, while the majority of the affordable housing is located around a small pocket park. The Panel would prefer to see the affordable housing more effectively integrated.

- ☐ Open space and landscaping. Although currently described as a work in progress, the Panel would like to stress the importance of high quality landscaping in the creation of attractive living spaces; providing a sense of place and arrival.

- o Groundfloor thresholds (townhouses). The Panel welcome the visual breakage provided by the individual covered bin stores. This could be further enhanced however by carefully considered landscaping maintained as part of a management plan.

- o Central square (parking). The Panel were disappointed to see parking located within this central space, as parked cars would likely conflict with children's activities. Every effort should be made to relocate the parking to the side road.

- o Typography (central square). The Panel would welcome less emphasis being placed on formal lines of trees to allow for a more community-focussed space.

- ☐ Materials palette. In general terms, the Panel were comfortable with the materials palette as presented but would

urge against choosing a perforated, textured brick that would be vulnerable to staining.

□ Code for Sustainable Homes. The Panel understands that new affordable homes require Code Level 4 and not Code 3 as specified in the presentation.

□ SuDs. The Panel would like to emphasise the importance of exploring sustainable drainage options as far as possible.

### Conclusion:

The Panel appreciated the clear and concise presentation of a far superior scheme to the consented scheme by Camal Architects. The revised brief with its emphasis on family housing and private amenity space for all units is a very welcome step forward. The Panel would like to stress the importance of linkages however, and would like to see measures taken to resolve the intervening land ownership issues that currently obstruct the likelihood of improved permeability.

### **VERDICT – GREEN (unanimous)**

6.25 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:

- 9 Albert Street
- 32 Green Road
- 27 Gilbert Road
- 36 Gilbert Road
- 77 Garden Walk
- 6 Springfield Road

And also from

- Arquiva (in objection)
- Chesterton Community College
- Friends of Mitcham's Corner

7.2 The representations can be summarised as follows:

- Concerns with additional traffic movement at junction with Milton Road;
- Concerns with the single point of access into the site;
- Concerns with rogue car parking
- No details of site boundary fencing;
- 6 metre lamp posts not appropriate;
- Better cycle and pedestrian provision should be incorporated;
- Flat roofs are out of character with the area suggest pitched roofs;
- The development is too contained and isolated and could become a gated community;
- Height of Block E and I is inappropriate;
- Regret loss of allotments;
- Object to the removal of the existing electronic communication base station which would detrimentally affect mobile phone coverage in this part of Cambridge and no alternative provision has been proposed or agreed.

7.3 Cambridge, Past, Present and Future - The revised proposed scheme is supported in general but still have concerns with the lack of permeability through the site for cycles and pedestrians.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Affordable Housing
3. Context of site, design and external spaces
4. Public Art
5. Renewable energy and sustainability
6. Disabled access
7. Residential amenity
8. Refuse arrangements
9. Highway safety
10. Car and cycle parking
11. Third party representations

## 12.Planning Obligation Strategy

### Principle of Development

- 8.2 The Proposals Schedule of the Local Plan states that site 5.05 should be developed in accordance with the provisions of the Mitcham's Corner Development Brief. The Brief identifies the preferred future use of the CCFC site as:

Residential with on-site open space to meet the Council's adopted standards.

- 8.3 It also notes:

*In addition to on-site open space, the Council would not wish to grant permission for redevelopment involving the loss of the existing recreational facility unless an equal/improved facility can satisfactorily be provided elsewhere in the city.*

- 8.4 The Cambridge Local Plan (2006) makes provision for an increase of approximately 6500 new dwellings within the existing urban area of the city over the period 1999-2016. In my opinion, the principle of residential development is acceptable and in accordance with policy 5.1 of the Cambridge Local Plan (2006) and with the Proposals schedule of that plan and the Mitcham's Corner Development Brief 2003.
- 8.5 The principle of development and loss of open space on this site has been established by the grant of planning permission (12/1211/FUL) for 138 dwellings in 2013. Development Plan policy has not changed since this permission was granted and emerging Local Plan can only be given limited weight. I therefore do not consider it necessary to reiterate the justification for the loss of open space. The applicant has agreed to provide the local enhancement proposals that were agreed in the approved scheme. The 2013 permission remains extant notwithstanding that the applicant now seeks to refine the design and layout of the scheme. This is a significant material consideration.
- 8.6 In these terms, therefore the principle of development on this site including the loss of protected open space has already been established and the proposal would comply with policy 5.1

of the Local Plan. This scheme will also be subject to the same mitigation and enhancement measures that the previous scheme was tied to in the S106 agreement such as contributions towards highway improvements, contributions towards local enhancements to mitigate the loss of open space, contribution towards upgrading of Chesterton Recreation Ground and construction of a pavilion building at Chesterton Community College.

### **Affordable Housing**

- 8.7 It is proposed that 42 of the 106 residential units are affordable. This equates to 40% and as such meets the requirements for affordable housing provision as set out in the Local Plan. The mix of affordable units is set out below:

Tenure	1bed	2bed	2bed (house)	3bed (house)	4bed (house)	5bed (house)	Total
Private	4	20	10	16	12	2	64
Shared Ownership	5	10	1	5	0	0	21
Social Rented Mix	0	16	2	3	0	0	21
Total	9	46	13	24	12	2	106

- 8.8 The detail of the Affordable housing scheme can be secured through a Section 106 Agreement
- 8.9 The affordable units are located in five different locations across the site such as in rows A, D and F and Blocks E and I. The cluster sizes and distribution are as follows:
- Row A: 2 shared ownership and 5 social rented
  - Row D: 2 shared ownership
  - Row F: 4 shared ownership
  - Block E: 11 shared ownership and 16 social rented (flats)
  - Block I: 2 shared ownership (flats)
- 8.10 The cluster sizes and maximum number of affordable units accessed from a single stairwell are above the guideline maximum of 12 set in paragraph 23 of the Affordable Housing SPD. 27 affordable units are accessed off one main stair-core in Block E. Therefore, whilst this element of the affordable housing

provision does not comply with the standards in the SPD, the benefits from the clustering pattern/distribution and increase in number of 3 bed units would outweigh this issue. This is a stance supported by the Strategic Housing Officer.

8.11 Annex 2 to the Affordable Housing SPD states that as a guide (allowing for variations from site to site as permitted by Local Plan policy 5/10), the unit size mix in new affordable housing should be:

- 50% 1 and 2 bedroom dwellings, but with no more than 10% 1-bedroom dwellings
- 50% 3 bedroom or larger dwellings, but with no less than 20% 3-bedroom dwellings

8.12 The mix of the 42 affordable units is:

- 5 x 1 bed (12%)
- 27 x 2 bed (of which 3 are houses) (64%)
- 10 x 3 bed (24%)

8.13 The mix of the 64 private units is:

- 4 x 1bed (6%)
- 32 x 2bed (47%)
- 14 x 3 bed (25%)
- 12 x 4bed (19%)
- 2 x 5 bed (3%)

8.14 The overall proportion of one and two-bedroom affordable units proposed, at 76%, is higher than that in the extant permission and suggested in the SPD guidance. Annex 2 of the SPD suggests that the 50/50 split between one-and-two bedroom units and larger units should be 'provided in the urban extensions to Cambridge and on other sites as appropriate to their location and site area'. In my view, the larger proportion of smaller units proposed here is reasonable for a site of this size, in this location, and in light of the private mix. The mix of affordable housing is supported by the Strategic Housing Manager.

8.15 The amount of affordable housing has been redistributed compared to the approved scheme with a better tenure mix and distribution across the site. In my opinion the proposal is



compliant with Cambridge Local Plan (2006) policies 5/5 and 10/1 and the Affordable Housing SPD (2008)

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

8.16 Aside from the reduction in the amount of housing development, a number of other amendments have been made to the site layout and scale and arrangement of housing. I set out below a summary of the key changes:

- The proposed scheme is predominantly 3 storeys dropping to 2 storeys along the south-west boundary adjacent to the existing houses in Green's Road;
- Two 5 storey blocks are proposed along south-west boundary adjacent to the existing Westbrook Centre;
- A Central Square is proposed which is to be landscaped and overlooked by three rows (F, G and H) and Block I;
- A new Pocket Garden is proposed between Row B and C;
- The underground parking has been removed in favour of undercroft parking under Block I;

### **Density**

8.17 The total site area, minus the access road, is 1.62Ha. Since the application proposes 106 residential units, the gross density is approximately 65 dwellings per hectare (dph).

8.18 The Mitcham's Corner Development Brief 2003 provides guidance that residential development on the main sites in the Brief area should be in the range of 75-100dph. The proposal has a density below the level of the range recommended. However, the arrangement of the scheme is considered to be better balanced in terms of green space and built form and would provide more public and private green space within the site.

8.19 I am of the opinion that the proposal successfully manages the challenges of the proposed density and housing mix. It should also be noted that the Mitcham's Corner Development Brief was produced at a time when Central Government were providing specific guidance on housing density which is no longer the case.



## Scale and Massing

- 8.20 The buildings proposed are predominantly of three storeys but reduce to two storeys along the south-west boundary of the site. Along the north-eastern boundary, adjacent to the rear gardens of Gilbert Road properties, the scale of housing has been increased by a storey from the previous scheme to three storey townhouses with rear gardens. The buildings are set marginally further away from Gilbert Road properties than in the previous scheme. Along the south-western edge of the site, adjacent to Greens' Road properties, the scheme is reduced to two and three storeys (lower than previous), with an open space proposed as a break between blocks K and L.
- 8.21 Blocks E and I are 5 storeys and located adjacent to the boundary with the Westbrook Centre which is of a comparable size. This clustering of Blocks E and I adjacent to an existing buildings would, in my view, reduce the visual impact on the other dwellings and particularly those that adjoin the site. The applicant has carried out a detailed height and massing assessment to demonstrate the height relationship with the Westbrook Centre and from the wider area such as Gilbert Road and Green's Road. Blocks E and I are proposed to be 20 metres away from the Westbrook Centre building and of a comparable height. The fifth floors of Block E and I have been designed to appear ancillary as it would be set in the edge giving the blocks less dominance at rooftop level. I am satisfied with the scale and massing of Blocks E and I.
- 8.22 Whilst the quantum of development has reduced, the number of 3 storey dwellings has increased. The dwellings in Rows C, D, F, G and H are all 3 storey 9.6 metres high. Row A which contains eleven units, would accommodate a mixture of 2 and 3 storey dwellings. The 3 storey dwellings would be located mid-terrace with the 2 storey units either side. The centralised location of the 3 storey units within the row would result in a stepping down from 3 to 2 storey onto the south-west (SW) boundary which is adjoined by the rear gardens in Gilbert Road. In my view this arrangement not only gives the terrace row more architectural interest but also reduces the impact and dominance of the 3 storey units on the rear gardens of the properties in Green's Road. The side elevation of the two storey dwelling within Row A which faces the SW boundary would be 10 metres in depth and 3 metres from the SW boundary at a

height of 6.5 metres. The side elevation of the 3 storey unit closest to the boundary would be 17.5 metres away. The dwellings that face directly towards the side elevation of Row A in Green's Road are set approximately 20 metres away. The side elevation of Row A is located closer to the dwellings in Green's Road than the rear elevation of Row B.

8.23 Row B is a terrace of six 2 storey dwellings which are approximately 6.5 metres in height. The terrace runs parallel to the boundary and is 31 metres wide. The entire rear elevation of Row B would be set off the SW boundary by 8.5 metres. At its nearest point, Row B would be located 13 metres from the rear elevation of the closest property in Green's Road. The first floor rear elevation of the dwellings would contain two bedroom windows. Whilst the proposal would result in new dwellings being introduced closer to the dwellings in Green's Road, this arrangement has already been established in the 2013 permission. I note that the occupant of 32 Greens' Road, which is the closest property to the site, has welcomed the revised scheme subject to further details on street lighting. In these terms, therefore, I am satisfied that the scale and massing of the development adjacent to the south-west boundary is acceptable.

8.24 Prior to the submission of the revised scheme, the revised scheme was presented to the Design and Conservation Panel. In respect of scale and massing they made the following comments:

- Blocks E and I (overlooking). The Panel expressed concerns as to the likelihood of overlooking by the Westbrook Centre. The distance from this office block may be over 20 metres but occupants will have direct views into the apartments. Further thought is recommended as to the choice of fenestration to help resolve this issue.
- Block E. This block was in the Panel's view particularly dominant. The 5th floor could be set back as one of a number of measures that could break up the massing for improved sun exposure, and provide an improved relationship with Block C.
- Block I. The Panel were not supportive of the inclusion of a gabion wall at the base, as this invites wildlife. Surveillance

at ground floor combined with robust landscaping would be the Panel's preferred option.

- 8.25 In respect of the first point, the applicant has undertaken an assessment of similar building to building relationships which have been approved in Cambridge such as in the CB1 Station Road development. I am satisfied with the level of separation between the Westbrook Centre (offices) and Block E and also because offices are mainly occupied during the day on weekdays only which are at times when residential dwellings have lowest occupation levels.
- 8.26 In respect of the second point, the fifth floor of both blocks has been set back from the edges of the building as suggested. This in my view reduces the dominance of the buildings. The applicant has produced a shadow study which demonstrates that neither of the blocks would cause an adverse overshadowing issues on the other aspects of the development and that the existing Westbrook Centre would not adversely affect the apartments in the south-east elevation.
- 8.27 In respect of the third point, the applicant has maintained the use of a gabion wall around the base of Block I. This has been used at other developments in Cambridge such as Accordia. The applicant has considered alternative base materials but from the study and images produced, I am the view that the gabion wall option is the most acceptable, particularly as the variation in tone from the proposed colour of brick helps to define the base level. The Urban Design and Conservation Team has not raised any concerns with the use of gabion walls.
- 8.28 The revised scheme has in my view addressed the mains concerns of the Panel and the reasons for deviation from the Panel's views are justified. I believe this scheme is a well considered proposal and is more sensitive to the context of its neighbours and that the scale of development provides a better and more balanced site arrangement than the previous scheme.

Layout:

- 8.29 The layout of the proposed development is based on a framework of a square and spine road with linked spaces. In my view this basic framework is a coherent and legible design. This also has resulted in a significant reduction in hard

landscaping compared with the previous scheme. The way in which these streets and spaces would function would provide the satisfactory hierarchy of routes, attractive frontages, safe and usable spaces, and natural surveillance required by policy 3/7 of the Cambridge Local Plan (2006), and would not inhibit future occupiers from using cycles as a key element in travel.

8.30 The Mitcham's Corner Development Brief identifies the need for a satisfactory separation between the proposed development and the existing Westbrook Centre. The nearest flat in Blocks E and I would have a separation distance of approximately 20m between their rear elevation and the nearest part of the Westbrook Centre. I am of the view that this is acceptable.

8.31 In terms of permeability through the site to aid movement and linkages to wider areas, the site is extensively land-locked and therefore any such provision is prohibited due to land ownership issues. The Design and Conservation Panel acknowledged this issue when the scheme was presented to them in February. Whilst they see this as being an opportunity to improve permeability, they acknowledge that this can only be achieved if third party ownership issues can be overcome.

#### Public Realm and Landscape

8.32 Suitable landscape buffers around the ground-floor apartments in Block E are provided. The scheme features tree planting along all the streets, a Central Square which has clear routes through it, but is also suitable for a variety of uses and smaller Pocket Garden between Rows B and C. Considerable use of shrubs around Block E and I, within the Central Square and Pocket Garden creates a strong sense of greenery to help soften buildings and enhance views through the site from one side to the other.

8.33 I acknowledge that the height and orientation of the buildings will cause some areas to be shaded for proportions of the day, but I do not consider this to prevent the implementation of good quality landscaping. Nevertheless, the landscape officer has recommended a hard and soft landscape condition to be applied in order for such details to be agreed. This is considered to be acceptable as there is sufficient space within the site and around the proposed buildings to accommodate

meaningful landscape which will benefit the appearance of the scheme.

8.34 The Panel highlighted the importance of high quality landscaping to create attractive spaces and to provide a sense of place on arrival. They welcome the visual breakage provided by the individual covered bin stores. Aside from this they made the following comments on the proposed open space provision:

- Central square (parking). The Panel were disappointed to see parking located within this central space, as parked cars would likely conflict with children's activities. Every effort should be made to relocate the parking to the side road.
- Typography (central square). The Panel would welcome less emphasis being placed on formal lines of trees to allow for a more community-focused space.

8.35 In respect of the first point, the scheme no longer includes any car parking on the Central Square.

8.36 In respect of the second point, whilst formal lines of trees are still being proposed the internal layout of the space has been designed to allow flow through the space from different directions with good levels of natural surveillance. I am satisfied with the provision and layout of open space within the site, as it forms an integrated part of the development.

#### Detailed building design and materials

8.37 The Urban Design and Conservation Team support the scheme subject to details aspects of the scheme such as materials and detailing of elevations being agreed by condition. The design and detailing of the buildings are of high quality and comparable to other residential schemes in Cambridge.

8.38 The revised scheme has also responded to the comments made by the Design and Conservation Panel before the application was submitted. The Panel was comfortable with the materials palette that was presented but urged against choosing a perforated, textured brick that would be vulnerable to staining. I have recommended a materials and a sample condition to ensure the suite and palette of materials are agreed.

- 8.39 Aside from the specific detailed aspects of the scheme presented to the Panel gave the scheme a unanimous 'Green' light.
- 8.40 In my opinion, the proposal achieves acceptable interrelations between buildings, routes and public spaces, creates attractive built frontages, and promotes natural surveillance. It would provide an attractive, high-quality, accessible, stimulating, socially inclusive and safe living environment, and would be compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, and 3/12.

#### Open space provision on site

- 8.41 Private gardens are provided for all proposed townhouses. The 3 storey townhouses also benefit from external terraces at first floor. The apartments in Block E and I have 1.5 metre deep balconies. I consider the level of private amenity provision to be acceptable.
- 8.42 The provision of communal open space is provided in two main locations on site. They are as follows.
- The Central Space;
  - Pocket Garden;
- 8.43 Other small pockets of landscaped public space and ecological planting are proposed around the site.
- 8.44 The combined area of open space amounts to 3482sqm of which 3199 comprises informal open space and 283sqm is for play space. 3182sqm of private open space will also be provided which is significantly more than in the previous scheme which was 1258sqm.
- 8.45 Open space requirements are calculated on the basis of the number of people to be accommodated in a development, each unit being assumed to accommodate one person per bedroom, except that single-bedroom units are assumed to accommodate 1.5 people. The total assumed population of the development would therefore be 261 people.
- 8.46 The total informal open space required by the development (at a rate of 18sqm per person) is 4698sqm. On site provision is



3199 sqm. On this basis the on-site provision proposed would be 67% of that total requirement. Whilst this is below the required rate, this is the same level as that provided in the consented scheme. I am therefore satisfied with the level of informal open space provided on this site.

8.47 The total space for children and young people required by the development (at a rate of 2.9sqm per person) is 757sqm. On site provision is 283 sqm. The on-site provision proposed would be circa 38% of that total. This is the same as that provided in the consented scheme. I am therefore satisfied with the level of play space provided on this site.

8.48 The open space proposed on site forms a substantial part of the total requirement for informal open space, and a significant part of the requirement for children's space in policy terms. The Planning Obligation Strategy 2010 states that:

*'The City Council will normally expect all appropriate development to contribute to meeting the additional demand for open space it creates, either on site, or through a commuted payment to provide new open space or improve existing open space provision in the vicinity of the development'*

8.49 In my view, the level of on-site open space in these two categories is acceptable provision and is similar to quantum provided in the previously consented scheme. Any shortfall should be supplemented by a financial contribution to the enhancement of provision elsewhere.

8.50 In my view, subject to appropriate contributions elsewhere being secured through a Section 106 agreement, the provision of informal open space and space for children and young people on site in the scheme is acceptable, and in accordance with policy 3/8 of the Cambridge Local Plan (2006), the Planning Obligation Strategy 2010 and the City Council's Open Space Standards.

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

## **Public Art**

- 8.52 As part of the previous scheme, a public art consultant was engaged at a very early point in the design process and a public art strategy for the site, entitled Kickstart, was developed and presented to Public Art Panel in May 2010. The strategy was supported by the Public Art Co-ordinator, and approved by Panel. An updated scheme has been discussed with the Council's Public Art Officer and the delivery plan has been reassessed to ensure that it is relevant to the latest submission whilst retaining the key qualities that were considered to be successful under the previous scheme. Zoe Chamberlain, who was artist appointed for the previous scheme is being retained and will focus on commissioning artwork that helps document and celebrate memories and aspirations for the club whilst they embark on a number of potential years of ground share
- 8.53 In my opinion the continuation and updating of the Kickstart strategy provides a sound basis for public art in connection with this proposal, and is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010

## **Renewable energy and sustainability**

- 8.54 The proposal seeks to utilise photovoltaic panels on the flat roofs of Blocks E and I. The Council's Sustainability Officer supports the energy strategy. The strategy suggests a 10% reduction in carbon emissions would comply with the policy requirement of 10%.
- 8.55 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

## **Disabled access**

- 8.56 15% of the total number of units in the scheme have been designed to Lifetime homes standards. Detailed plans for these units, demonstrating their compatibility with the standards accompany the application. In my opinion, the scheme is in accordance with policy 5/9 of the Cambridge Local Plan (2006).



- 8.57 The Access Officer is satisfied with the proposed disabled access provision. In my opinion, the proposal shows appropriate consideration for the needs of those with disabilities, and complies with or exceeds the requirements of Cambridge Local Plan (2006) policies 3/7, 3/12 and 5/9.
- 8.58 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

Green's Road

- 8.59 The rear elevations of the proposed 2-storey houses would be at a distance of between 14m and 22m from the rear elevations of the houses at 32-46 Green's Road. The houses along this boundary, particularly those adjacent to the houses in Green's Road (Row A and B are mainly two storey and therefore would be a comparable height to the existing. The terraced in Row A is located side on to the boundary which reduces the mass and scale of the terrace from the adjacent dwellings. The terraces in Row A, B and C have better spacing compared to the previous scheme, which, in my view, created a defined barrier with less spacing. The rear gardens of 38-46 Greens Road and SW boundary of the site are separated by a path that provides access to the rear gardens. The SW boundary of the site would be defined by a 1.8 metre close boarded timber fence.
- 8.60 I do not consider that the proposed two storey houses would cause significant overshadowing of the Green's Road properties; they lie to the north and are not of sufficient height. Equally, because of their height, I do not consider they would create any unacceptable sense of enclosure.
- 8.61 The proposed houses would not be aligned with the rear elevations in Green's Road, so there would not be direct window-to window overlooking. However, the distances between these houses would be limited, and even given the angle of view it is my view that the first floor bedroom windows in Row B could pose a threat to the privacy of the occupiers of 32-46 Greens Road. This issue can be resolved by condition, for example by ensuring projecting visibility screens or canted

windows are installed. Row A is laid out side onto the boundary and so there would not be any direct overlooking issue from this terraced. Row C is located adjacent to the existing allotment site and so would not cause any adverse privacy issues. However, overall, the revised scheme would result in a better relationship with the adjacent housing development in terms of residential amenity compared to the previous scheme.

#### Gilbert Road

8.62 The six townhouses in Row H, each with a rear garden, are close to the common boundary with the rear gardens of Nos. 11-27 Gilbert Road. The separation between these houses and the nearest proposed units is in all cases at least 52.5 metres (measured from the main rear of no.11 Gilbert Road to the rear elevation of unit H.6 in Row H). Furthermore, Gilbert Road gardens are long and in most cases contain significant planting. Any overlooking opportunities would be confined to the rearmost parts of these gardens, and any impact of sunlight from the southwest would be confined to times when the sun is very low in the sky. In neither case would this impact be significant enough to warrant refusal of the application. However, overall, the revised scheme would result in a better relationship with the adjacent housing development in terms of residential amenity compared to the previous scheme.

8.63 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

8.64 I am satisfied that all the units proposed would enjoy reasonable levels of privacy and light. Private amenity space is provided for all the houses, almost all the maisonettes and top floor flats.

8.65 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Refuse Arrangements**

- 8.66 All townhouses are provided with an individual store for three bins located at the front of each dwellinghouse in an enclosed storage area. In the apartment blocks (E and I) communal stores accommodating larger bins are provided on the ground floor. The Refuse Officer requested some additional information to be provided to clarify certain points relating to the size and number of sizes for the 4 and 5 bed units, walking distance to and from collection points and tracking details for refuse vehicles. The information requested has been provided and in my view addresses the issues raised by the Refuse Officer. Therefore, the overall refuse strategy and the space provided for townhouses and apartment blocks are acceptable.
- 8.67 I am of the view that all these matters can be resolved by conditions 25-26. Subject to this, I am confident that, with respect to waste and recycling, the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.68 The Highway Officer raises a number of concerns relating to the access junction and relationship with the Westbrook Centre access, mix of traffic movement, and the design of the internal road and the shared space concept on the central square, no refuse vehicle tracking plan details. The Officer suggests that the access road would only require rebuilding if it were to be adopted, and does not raise any issues, other than planning obligation commitments, with regard to the transport impact of the proposal.
- 8.69 The revised scheme in terms of access to the site from Milton Road and its relationship with the Westbrook Centre, has not changed from the consented scheme. Therefore it would be difficult to argue the proposed relationship would have any adverse implications such that it would warrant refusal. Whilst the access road is unlikely to be adopted, the Highway Officer has still raised concerns with the lack of detailing on the access road which defines pedestrian and vehicle areas. The concern relates to the potential conflict between pedestrian and vehicles movement on the shared surface to the south of the central square. In my view, suitable provision has been provided on both sides of the access road with designated pedestrian

walkways in front of Block I and to the south of the Central Square. I am therefore satisfied suitable provision has been designed into the layout of the scheme which makes it distinguishable where the pedestrian and traffic zones are without it being made too deliberate.

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

### **Car and Cycle Parking**

- 8.71 The proposal car parking provision is as follows:

20	Block I (podium)
18	Block E (external)
51	On-plot (for 2, 3, 4 and 5 beds)
14	Garage (for 4 and 5 beds)
5	Visitor
<b>108</b>	<b>Total</b>

- 8.72 The application provides on average one space for each one and two bedroom unit and two spaces for each of the 4 and 5bed townhouses, with a small amount of visitor parking close to the entrance to the site. This provision does not exceed the levels set out in the Councils Car Parking Standards, which would equate to a maximum provision of 144 spaces, and but given the central location of the site, it is in accordance with Local Plan policy.
- 8.73 A number of representations suggest that the car parking provision made is insufficient. In my view this concern is not well-founded. National statistics show that a significant proportion of households in one-and-two-bedroom flats in urban areas typically do not own a car. In my view it is unlikely that any significant demand for car parking space outside the site would be generated by the development.
- 8.74 Representations also raise concerns that since the present car park on the site is used during the day as car parking space by people coming into the city to work, the cars accommodated will be displaced to on-street spaces nearby, increasing the pressure for space which already exists in the area. I accept that there is the possibility that this may happen. It is City Council policy, however, to promote lower levels of private car

parking in order to promote modal shift, particularly with respect to non-residential uses and where good public transport accessibility exists. In my view, given the pressure for on-street car parking in the vicinity, the elimination of the football ground car park is likely to promote the use of other means of transport, which is in accordance with the sustainability aims of the Local Plan. Increased designation of residents-only parking in the future might help to secure these objectives whilst retaining space for local occupiers. However, given that the new streets within the scheme are not to be adopted, there is a risk that if unmanaged, occupiers of the Westbrook Centre could continue to park on them. I have conditioned the management of parking within the site to exclude this possibility (condition 26).

8.75 Cycle storage space for the 4 and 5 townhouses is provided within widened garages whereas for the smaller dwellings have dedicated external stores which are located adjacent to the driveway.

8.76 The proposal cycle parking provision is as follows:

104	Basement	(for Block E and I)
98	Enclosures	(for 2 and 3 bed townhouses)
52	Garage	(for 4 and 5bed townhouses)
20	Visitor	
<b>274</b>	<b>Total</b>	

8.77 The application provides on average 2.4 spaces for each residential unit within the scheme excluding visitor parking. This provision exceeds the levels set out in the Councils Car Parking Standards, which would equate to a maximum provision of 134 spaces, and is therefore in accordance with local plan policy.

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

### **Third Party Representations**

8.79 I have addressed the majority of the issues raised in the above section but I set out below my response to the any issues I have missed:

Comments	Response
Concerns with additional traffic movement at junction with Milton Road;	The proposal would result in a reduction in traffic movement due to the reduction in the number of dwellings from 138 to 106.
Concerns with the single point of access into the site;	There are land ownership issues on the surrounding land that prohibit access from any other point.
Concerns with rogue car parking	The internal road is unlikely to be adopted and therefore no parking restrictions could be applied. However, I am of the view that the site is laid out to minimise any opportunity of rogue parking.
No details of site boundary fencing;	The Design and Access Statement contains specific details on the boundary treatment. However, this does not appear to relate to the entire site. I have therefore recommended a boundary treatment condition.
6 metre lamp posts not appropriate;	The lighting strategy has been assessed by our Environmental Services Team who considered the type and amount of lighting would minimise glaze and overspill. The lighting scheme is therefore acceptable in this context as long as the recommendations within the strategy are followed.
Better cycle and pedestrian provision should be incorporated;	There are land ownership issues on the surrounding land that prohibit access from any other point.
Flat roofs are out of character with the area suggest pitched	The design of the revised scheme has been carefully



roofs;	and thoroughly considered. The roof forms whilst would contrast with the traditional housing development close-by, it would be a successful contrast.
The development is too contained and isolated and could become a gated community;	No gates are proposed to make this scheme a gated community. The site is landlock and due to land ownership issues it has been difficult to provide connections through the site to surrounding area.
Height of Block E and I is inappropriate;	The height of Blocks E and I have been carefully assessed. The Blocks would be no taller than the existing Westbrook Centre. By grouping the Blocks close to the Westbrook Centre it reduces the impact on these buildings on other parts of the scheme.
Object to the removal of the existing electronic communication base station which would detrimentally affect mobile phone coverage in this part of Cambridge and no alternative provision has been proposed or agreed.	There is an extant planning permission which if implemented would require the removal of the mast. The applicant's client has also advised that the telecoms operator's lease is due to expire in 2015 and would be prepared to building around the mast until the lease expires. Landowner issues are civil matters and not material planning consideration in this instance. Whilst I accept the loss of the mast would have a detrimental impact, based upon the information available to me, it would be unreasonable to frustrate this

	application on the basis of a telecoms mast that is intended to be removed from the site next year.
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## Planning Obligation Strategy

8.81 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.

8.82 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. This is set out in brief in the table below:

<b>Heads of Term</b>	<b>Value</b>
New pavilion at Chesterton Community College playing fields, including Community Access Agreement	£510,328
New clubroom, changing facilities or pitch improvement at Chesterton Recreation Ground	£173,125
Indoor sports facilities	£70,343
Informal open space (off-site)	£20,883
Children and teenagers (off-site)	£48,588
Waste and recycling containers	£12,075
Household waste recycling centre	£20,140
Pre-school education	£77,570
Primary education	£130,950
Secondary education	£147,440



Life-long learning	£16,960
Northern corridor transport plan	£0
Mitcham's corner signal improvements	£2,000
Community chest	£2,000
Monitoring	5%
Travel plan	% modal shift
Affordable housing scheme (on-site)	40%
Public art (on-site)	1%

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

#### Open Space

8.84 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. This requirement covers outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers.

8.85 The application proposes the erection of two 5-bedroom units, 12 four-bedroom units, 24 three-bedroom units, 59 two-bedroom units and 9 one-bedroom flats. No residential units would be removed, so the net total of additional residential units is 106. 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 children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£ per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	9	3,213
2-bed	2	238	476	59	28,084
3-bed	3	238	714	24	17,136
4-bed	4	238	952	12	11,424

5-bed	5	238	1190	2	2,380
<b>Total</b>					<b>62,237</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	9	36,31.50
2-bed	2	269	538	59	31,742
3-bed	3	269	807	24	19,368
4-bed	4	269	1076	12	12,912
5-bed	5	269	1345	2	2,690
<b>Total</b>					<b>70,343.50</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		
1 bed	1.5	242	363	9	3,267
2-bed	2	242	484	59	28,556
3-bed	3	242	726	24	17,424
4-bed	4	242	968	12	11,616
5-bed	5	242	1210	2	2,420
<b>Total</b>					<b>63,283</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	9	0
2-bed	2	316	632	59	37,288
3-bed	3	316	948	24	22,752
4-bed	4	316	1264	12	15,168
5-bed	5	316	1580	2	3,160
<b>Total</b>					<b>78,368</b>

8.86 Open space requirements are calculated on the basis of the number of people to be accommodated in a development, each unit being assumed to accommodate one person per bedroom,

except that single-bedroom units are assumed to accommodate 1.5 people. The total assumed population of the development would therefore be 261 people.

8.87 The total informal open space required by the development (at a rate of 18sqm per person) is 4698sqm. On site provision is 3199 sqm. On this basis the on-site provision proposed would be 67% of that total.

8.88 The total space for children and young people required by the development (at a rate of 2.9sqm per person) is 757sqm. On site provision is 283 sqm. The on-site provision proposed would be 38% of that total.

8.89 I am of the view that the contributions proposed towards Chesterton Community College new pavilion and projects in East Chesterton would provide for outdoor sports facilities, which would be used by the inhabitants of the development. I do not consider that seeking an additional contribution for such provision would be justified.

8.90 The open space contributions sought therefore, are as follows:

- Informal open space: £20,883 (33% of £63,283)
- Indoor sports facilities: £70,343.50
- Outdoor sports facilities: £0 (assuming £62,237 waived in favour of off-site improvements)
- Facilities for children and young people £48,588 (62% of £78,368)

8.91 Subject to the completion of a S106 planning obligation to secure these requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8 and 10/1.

#### Community Development

8.92 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects, with contributions calculated by formula. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total

contribution produced by the formula in this case would be as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	9	11,304
2-bed	1256	59	74,104
3-bed	1882	24	45,168
4-bed	1882	12	22,584
5-bed	1882	2	3,764
<b>Total</b>			<b>156,924</b>

8.93 The applicants have suggested that since the provision of the pavilion at the College playing fields will include space that can be used for a variety of community activities, as well as for sport, that this contribution provides the additional community facilities, which the Planning Obligation Strategy requires. I concur with this view. Subject to the completion of a S106 planning obligation to provide this, I am satisfied that those improvements will secure the requirements of the Planning Obligation Strategy (2010) with respect to community facilities. I am satisfied that an additional contribution of £156,924 is not required, and that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1.

### Waste

8.94 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:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	51	3,825
Flat	150	55	8,250
Total			12,075

- 8.95 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.

### Education

- 8.96 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 appendix 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.
- 8.97 In this case, 106 additional residential units are created and the County Council has confirmed that there is insufficient capacity to meet demand over all four stages of education. 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.

Pre-school education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	9	0
2+-beds	2		810	97	77,570
Total					77,570

Primary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	9	0
2+-beds	2		1350	97	130,950
Total					130,950

Secondary education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	9	0
2+-beds	2		1520	97	147,440
Total					147,440

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	9	1,440
2+-beds	2		160	97	15,520
Total					16,960

### Household Waste Recycling Centre

- 8.98 A contribution is sought from all dwellings towards up-grading existing/providing new Household Waste 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 (£20,140). Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and RECAP Waste Management Design Guide SPD 2012.

### Affordable Housing

- 8.99 The development is required to make provision for affordable housing (40%). The detail of the Affordable Housing Scheme can be secured through a Section 106 Agreement.
- 8.100 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 5/5 and 10/1 and the Affordable Housing SPD (2008).

### Transport

- 8.101 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. The site lies within the Northern Corridor Area Transport Plan where the contribution sought per trip is £399.
- 8.102 The Highway Authority has made an assessment of the proposal, and it accepts that the proposed development is likely to generate 813 daily trips by all modes. As this total exceeds the daily trips generated by the present use (791) by only 22, which is less than the threshold of 50 net additional trips which triggers contributions, no contribution towards NCATP is required. The applicants have agreed, however, to make a contribution of £2000 towards improving the Mitcham's Corner traffic signals.
- 8.103 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 8/3 and 10/1.

### Public Art

- 8.1024 The development is required to make provision for public art. A strategy for this provision has previously been approved by the Public Art Co-ordinator and the Public Art Panel. The development and implementation of a specific scheme of public art needs to be secured by the S106 planning obligation.



8.105 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 and 10/1 and the Public Art SPD 2010.

#### Monitoring

8.106 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy

8.107 For this application, the financial contributions (or financial equivalents) for City Council elements (open space, community facilities and waste storage) total £1,116,563. 5% of this total is £55,828, which exceeds the maximum contribution and therefore a monitoring fee of £50,000 is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

#### Community Chest

8.108 The Planning Obligation Strategy (2010) allows for development specific planning obligations to be sought. In light of the proposed provision of the allotments, I recommend that a nominal sum of £2,000 is secured for use by any new Residents' Association set up by occupants of the new development who may wish to use the monies towards community based projects within the site. This could include, for example, tools or a basic storage facility(s) for the site.

#### Conclusion

8.109 I have considered carefully the planning obligation proposals put forward by the applicants in the light of the legal requirement that any planning obligation be necessary, directly



related to the development and related fairly and reasonably in scale and kind to the development.

8.110 The proposals put forward do not provide a separate financial contribution for community facilities or outdoor sports facilities in line with the total produced by the standard formula used by the Council for these categories. I have explained above why I consider that the proposals for a new pavilion to the College playing fields and extensions and enhancements at Chesterton Rec. playing fields should be regarded as fulfilling these obligations as well as meeting the need for open space to replace the CCFC playing pitch.

8.111 I am satisfied that this properly reflects the need generated by the development. I am of the view that without this 'overlapping' of contributions, the Planning Obligation might fail the test of fairness and reasonableness set by the Community Infrastructure Levy (CIL) Regulations 2010. As it stands, I am satisfied that the obligation passes this test and the other two tests set by the CIL regulations

## **9.0 CONCLUSION**

9.1 The extant permission is a significant material consideration. The proposed scheme delivers a reduced number of dwellings but improves dwelling mix and allows for an improved layout. The mitigation measures secured as part of the previous application are secured.

## **10.0 RECOMMENDATION**

10.1 1 **APPROVE** subject to the satisfactory completion of the s106 agreement by 30 January 2015 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. 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. Before starting any external brick or stone work, or any external render or timber, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and parapet detailing shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development. All window frames shall be recessed at least 50-75mm back from the face of the wall/facade.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework/render/timber and jointing and parapet detailing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

4. No development shall take place until a traffic management plan for the demolition phase has been submitted to and approved in writing by the local planning authority. Demolition shall proceed only according to the approved plan.

Reason: To avoid an unacceptable transport impact. (Cambridge Local Plan (2006) policy 8/2)

5. 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)

6. 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)

7. 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).

8. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), 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 'Noise and Vibration Control On Construction and Open Sites', especially Part 1: 1997 'Code Of Practice (COP) for basic information and procedures for noise and vibration control', Part 2: 'Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance' and Part 4: 'COP for noise and vibration control applicable to piling operations', (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

9. In the event of the foundations for the proposed development requiring piling, and piling is agreed as appropriate for the site, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. 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 avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

10. 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: To protect the amenity of neighbours and highway users, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4, 4/13 and 8/2)

11. Confirmation or not that an on-site concrete crusher will be used during the demolition stage will be required. If not, confirmation of an appropriate alternative procedure that will be used will be required to be agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

12. No development shall take place until details of site lighting during the construction period have been submitted to and approved in writing by the local planning authority. Lighting shall be installed only according to the agreed details.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

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

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

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

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

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

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

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

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

Reason: To avoid adverse effects of pollution. (Cambridge Local Plan (2006) policy 4/13)

14. No development shall commence until a surface water drainage scheme for the site, which shall include maintenance and adoption agreements, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Detailed calculations for any proposed storage requirements and discharge rates to a public sewer where applicable.
- Details of where a reduction in flows is achieved to show betterment from the existing system.
- Details of any potential on or off-site flow routes for extreme rainfall events for any proposed surface water drainage where it is outside its design parameters.
- Detailed scheme for the future responsibilities for the management of the surface water drainage scheme

The scheme shall subsequently be implemented and maintained in accordance with the approved details before the development is completed.

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



15. No development shall take place until 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); full engineering construction details of spaces above car parking; and proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); 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. The submission shall provide full details of the arrangements to allow for extensive root growth of trees within the public highway.

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)

16. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.



Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

17. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

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

18. A landscape management plan, including long term (20 year) design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic spaces, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

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

19. 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 permitted is commenced.

Reason: to protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 3/4 and 4/13)

20. Prior to the commencement of development/construction, a noise insulation/mitigation scheme to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the Artificial Turf Pitch at Chesterton Community College shall be submitted to and approved in writing by the local planning authority. The scheme shall ensure that dwellings achieve the internal noise levels recommended in British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice".

The approved scheme shall be fully implemented and a completion statement submitted prior to the occupation of the noise sensitive development. The approved scheme shall remain unaltered in accordance with the approved details.

Reason: to protect the amenity of nearby properties (Cambridge Local Plan 2006 policies 3/4 and 4/13)

21. Noise Assessments and Mitigation/Insulation; Plant at the Westbrook Centre (BS 4142:1997)

a. Prior to the commencement of refurbishment/development works a noise report prepared in accordance with the provisions of British Standard (BS) 4142:1997, "Method for rating industrial noise affecting mixed residential and industrial areas," that considers the impact of industrial noise upon the proposed development shall be submitted in writing for consideration by the local planning authority. The survey should specifically consider noise from plant at the Westbrook Centre.

b. Following the submission of a BS 4142:1997 noise report and prior to the commencement of refurbishment/development works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) for protecting the residential units from noise from the neighbouring industrial use shall be submitted to and approved in writing by the local planning authority. The scheme shall achieve the recommended internal noise levels in British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice". These levels shall be achieved with ventilation meeting both the background and summer cooling requirements.

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 nearby properties (Cambridge Local Plan 2006 policies 3/4 and 4/13)

22. The new streets to be constructed within the development shall be constructed and permanently maintained to an adoptable standard.

Reason: To ensure acceptable access for waste collection vehicles (Cambridge Local Plan 2006 policy 3/12)

23. Prior to the occupation of any dwelling, the lighting strategy (by itdoeslighting dated 6 May 2014) shall be complied with and fully implemented and shall thereafter be maintained as such.

Reason: In the interests of visual amenity and to ensure that the development will not result in unacceptable light pollution (Cambridge Local Plan 2006 policies 3/11, 4/13 and 4/15).

24. No occupation shall take place until an agreement on liability for damage to the carriageways within the development has been reached between the applicants and Cambridge City Council.

Reason: to ensure satisfactory arrangements for the collection of waste and recycling (Cambridge Local Plan 2006 policy 3/12)

25. No occupation shall take place in Block E or I until the renewable energy equipment, as specified in the application for that each block, has been installed and tested, and a scheme for future maintenance has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure appropriate means for the generation of renewable energy are in place (Cambridge Local Plan 2006 policy 8/16)

26. The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of community safety Cambridge Local Plan 2006 policy 3/7 (h).

27. Prior to the occupation of any dwelling, details of Parking Management Arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- how parking within the development is to be managed and controlled so that it occurs within designated vehicular parking bays.
- how the proposed measures are to be publicised to potential purchasers.
- how the subsequent enforcement of parking that occurs outside designated vehicular parking bays is to be managed.

Prior to the use of any highway for access to an occupied residential property, the Parking Management Arrangements shall be implemented in accordance with the approved details.

Reason: To avoid the proliferation of parking across the site that is uncontrolled and can limit the proper functioning of the site, to ensure that parking management of the site is consistent at an early stage in its development, in the interests of sustainable travel choice and to ensure that the site does not become a parking refuge for commuters (Cambridge Local Plan policies 3/1, 3/7, 8/2 and 8/11)

28. Prior to the occupation of any dwelling, a scheme for bio-diversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure a sustainable development which enhances bio-diversity (Cambridge Local Plan 2006 policies 3/1 and 3/12).

29. Prior to the occupation of the building hereby approved, full details of a travel plan detailing the measures taken to promote sustainable travel modes shall be submitted to and approved by the Local Planning Authority. The travel plan shall be implemented in accordance with that agreed.

Reason: In the interests of promoting sustainable travel modes for future users of the building, Cambridge Local Plan 2006 policy 8/3.

30. 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.

**INFORMATIVE:** The Council's document 'Developers guide to Contaminated Land in Cambridge' provides further details on the responsibilities of the developers and the information required when assessing potentially contaminated sites. An electronic copy can be found on the City council's website.

<http://www.cambridge.gov.uk/ccm/content/environment-and-recycling/pollution-noise-and-nuisance/land-pollution.en>

Hard copies of the guide can also be provided upon request.

**INFORMATIVE:** To satisfy standard condition C62 (Noise Insulation), the rating level (in accordance with BS4142:1997) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period).

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers-by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

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

**INFORMATIVE:** To satisfy condition 15 (surface water drainage), I draw the applicant's/developer's attention to the Environment Agency's letter dated 10 June 2014.

**INFORMATIVE:** If during the works contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. 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 Council's document 'Developers Guide to Contaminated Land in Cambridge' provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Council's website on <http://www.cambridge.gov.uk/ccm/content/environment-and-recycling/pollution-noise-and-nuisance/land-pollution.en>.

Hard copies can also be provided upon request.

**INFORMATIVE:** Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E.

**INFORMATIVE:** To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

- o Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

- o Guidance on the assessment of dust from demolition and construction

[http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

- o Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:

[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)



**INFORMATIVE:** To satisfy the noise insulation condition for the building envelope as required above, the Council expects the scheme to achieve the recommended internal noise levels of British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice". Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria.

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

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

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

**INFORMATIVE:** This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

**2 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 30 January 2015, 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 open space arising from the development needs of occupiers, appropriate provision for the loss of existing pitch, community development facilities, education and life-long learning facilities, transport mitigation measures, affordable housing, public art, waste storage, waste management facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Affordable Housing Supplementary Planning Document 2008, the Public Art Supplementary Planning Document 2010, the RECAP Waste Management Design Guide SPD 2012, the Open Space Standards Guidance for Interpretation and Implementation 2010 and the Northern Corridor Area Transport Plan 2003.

**3 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**

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## PLANNING COMMITTEE

Date: 1<sup>st</sup> October 2014

<b>Application Number</b>	14/1111/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th July 2014	<b>Officer</b>	Ms Lorna Gilbert
<b>Target Date</b>	7th October 2014		
<b>Ward</b>	West Chesterton		
<b>Site</b>	Ashley Hotel 74 - 76 Chesterton Road Cambridge Cambridgeshire CB4 1ER		
<b>Proposal</b>	Demolition of existing garages, to be replaced by a two storey building to provide 19 additional hotel bedrooms (4 within roof space) an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.		
<b>Applicant</b>	Mr Robert Norfolk Arundel House Hotel Chesterton Road Cambridge CB4 3AN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Planning permission has been granted for the development and changes in the planning policy context do not justify rejection of the current application.</p> <p>The development will not have a harmful effect on residential amenity.</p>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is the empty space to the rear of the Ashley Hotel, which is located on the south-eastern corner of Chesterton Road and Hamilton Road. The site is currently occupied by hardstanding that is used for guest parking, and some old garages, which have not been used for car parking for some twenty or more years. The site is bounded to the south

and west by Hamilton Road, which wraps around the south-west corner of the site and to the east by houses that proceed along Hamilton Road. The general site context has a residential character made up of a mix of medium to large terraced and semi-detached, family housing predominantly of two storeys.

- 1.2 The site has no specific allocation in terms of the Cambridge Local Plan (2006). The site is not located within a Conservation Area but lies adjacent to the De Freville Conservation Area. The boundary of the conservation area travels along the southern half of the west shared boundary of the application site with Ferry Path and then along the southern shared boundary with Hamilton Road. The building is not a listed building. There are a number of trees on the eastern and western boundaries, which are not subject to Tree Preservation Orders. The site falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission reference 08/0941/FUL was granted by Planning Committee Members at the meeting on 5 November 2008 and extant permission reference 11/0746/EXP was granted by Planning Committee Members at the meeting on 16 November 2011. Both proposals were identical for the demolition of the existing garages and replacement with a two storey building to provide 19 additional hotel bedrooms (4 within roof space), an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.
- 2.2 The purpose of the current planning application is to replicate the above planning permission as the applicant intends to open the hotel extension in April 2018, but the current approval expires in March 2015.
- 2.3 The proposal is for the demolition of some existing garages at the rear, southern part of the site adjacent to the shared boundary with Hamilton Road and the erection of a two and a half storey annexe building to provide additional hotel accommodation comprising 19 bedrooms, incorporating underground car and cycle parking.
- 2.4 The building has an L-shaped plan which wraps around the corner of Hamilton Road and is two-storey in height but has four

of the nineteen bedrooms proposed contained within its roof space. The building has a glazed reception 'tower', containing the main entrance, which is in contrast to the brick-faced traditional treatment of the main building.

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement

### 3.0 SITE HISTORY

Reference	Description	Outcome
80/0725	Change of use from residential to guesthouse	A/C
80/1073	Change of use from residential to guesthouse	REF
81/0264	Erection of front porch	A/C
81/0284	Change of use from residential to guesthouse	REF
90/1080	Change of use from residential to hotel	A/C
06/0456/FUL	Demolition of existing garages to be replaced by two-storey gatehouse style building to provide 9 additional bedrooms	W/D
07/0016/FUL	Demolition of existing garages to be replaced by three storey building to provide 14 additional bedrooms	W/D
07/0960/FUL	Demolition of existing garages to be replaced by three storey building to provide 14 additional bedrooms	REF
08/0941/FUL	Demolition of existing garages. To be replaced by a two storey building to provide 19 additional hotel bedrooms (4 within roof space), an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.	A/C
11/0746/EXP	Demolition of existing garages.	A/C

	To be replaced by a two storey building to provide 19 additional hotel bedrooms (4 within roof space), an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.	
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#### 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		3/1 3/4 3/7 3/12
		4/4 4/11 4/13
		8/2 8/3 8/6 8/10 8/16
		10/1

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

Central Government Guidance	National Planning Policy Framework March 2012
	National Planning Policy Framework – Planning Practice Guidance March 2014

	Circular 11/95
Supplementary Planning Guidance	<p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p> <p>Planning Obligation Strategy (March 2010)</p> <p>Public Art (January 2010)</p>
Material Considerations	<p><u>Area Guidelines</u></p> <p>Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:</p> <p>De Freville Conservation Area Appraisal (2009)</p>

#### 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, there are no policies in the emerging Local Plan are of relevance/the following policies in the emerging Local Plan are of relevance:

## **6.0 CONSULTATIONS**

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

- 6.1 The proposal replicates previous permitted schemes; the only material change as far as the Highway Authority is concerned since the last permission has been the introduction of a Residents Parking Scheme on the surrounding streets.
- 6.2 This, if anything, would act to reduce the risk of overspill parking (although this may still occur if a specific function were held at the hotel outside the hours of operation of parking restriction).
- 6.3 Any and all requirements of Conditions and Planning agreements applying to the previous permitted schemes must be carried through onto any new permission that the Planning Authority is minded to grant in regard to this application.
- 6.4 The applicant would need to fund any necessary alterations to the Traffic Regulation Order governing the scheme, if there are any necessitated by provision of the access.
- 6.5 Requested the inclusion of Highways conditions and informatives to any permission that the Planning Authority is minded to issue in regard to this application.

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

- 6.6 No objection to this application in principle, subject to their comments and recommended conditions/informatives. They have requested conditions for construction hours, collection or deliveries during construction, construction/demolition noise, vibration and piling, dust, plant/building noise insulation.

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

- 6.7 The pollarded limes along Ferry Path provide a distinct green edge to the site and whilst potentially of low quality are remnants of a historic line of pollarded limes which carried through to the river edge. Consideration should be given to providing some green elements to the streetscape as part of the proposals. Some form of planting should be introduced within the railed curtilage outside the Ground Floor rooms, etc.



6.8 Landscaping conditions are recommended.

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

6.9 This application is supported with conditions.

6.10 The plans are the same as those submitted for the 2011 application. Therefore the Conservation comments on the previous application are generally replicated below.

6.11 The 2011 application was for an extension of time to the 08/0941/FUL planning approval. When this approval was given, the conservation area had not been designated therefore there were no previous conservation comments on these proposals. The comments relate to the 2014 application for the proposed new building on the boundary of the property only, which is a resubmission of 11/0746/EXP.

6.12 The existing garages and exterior space for the Ashley Hotel do not contribute positively to the character of the adjacent conservation area. A number of the outbuildings to the Chesterton Road properties have either been converted or demolished for residential or office use. This gives Hamilton Road an eclectic mix of properties of differing styles and proportions. The proposals for this site appear to have taken their references for the site from properties in the area and with the use of appropriate materials it should sit well within the area.

6.13 Issues relating to underground parking, detailed elevations, CCTV and landscaping of threshold space can be addressed by conditions.

### **Planning Policy (Senior Sustainability Officer)**

6.14 The approach being taken by the applicant in relation to renewable energy and sustainable construction is supported. Further detail in relation to the sustainable drainage systems and renewable energy would be helpful, and it is considered that this could be dealt with by way of condition.

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

- 6.15 We would recommend that the same archaeological standard condition is placed on the development as was given for prior application advice (08/0397/FUL, 08/0941/FUL & 11/0746/EXP) within the same bounds.

## **Cambridge City Council Access Officer**

- 6.16 The reception needs a hearing loop and a vibrating fire alarm for deaf guests.
- 6.17 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:

- ☐ Labour County Councillor for West Chesterton
- ☐ 1, 3, 13, 17, 23 Kimberley Road
- ☐ 82, 193, 197 Chesterton Road
- ☐ 4, 5, 10, 22 Ferry Path
- ☐ 5 Trafalgar Road
- ☐ 2, 5, 6, 10, 13, 18, 20, 21, 22, 23, 41 Pretoria Road
- ☐ 18-20 Victoria Road
- ☐ 22 Aylestone Road
- ☐ 65 De Freville Avenue
- ☐ 2 George Street
- ☐ 9 Albert Street

- 7.2 The representations can be summarised as follows:

- ☐ Traffic, Parking and Safety. Concerned about increase in traffic levels. Lack of attention of the need for taxi ingress drop off and egress.
- ☐ Prospect of fewer parking places for hotel guests adds to residents' parking concerns where finding a parking space is difficult, narrow roads makes it difficult for emergency vehicles and rubbish collections. Health and safety considerations should not be exacerbated by more visitor parking on these small streets.

- Impact on nature of the area, particularly the De Freville Conservation Area.
- Places a large development in a residential area and runs counter to the present arrangement whereby the Hotel's main building faces Chesterton Road rather than encroaching into neighbouring residential streets where houses are smaller.
- Height of the proposed development is not consistent with the buildings on the opposite corner of Ferry Path and Chesterton Road, particularly the Old Spring Hotel, nor is consistent with houses on Ferry Path and Hamilton Road.
- Mitcham's Corner has been categorised as a priority area, with increased attention being paid to the importance of this as a village area and community, with a recognition of a need to develop the area as a cosmopolitan and local shopping and café quarter. Proposed development is out of keeping with this.
- Massive scale of the development and it will overshadow the existing buildings.
- Major disruption during construction stage. Excavating and pile driving will be a major noise nuisance.
- No drop off area for taxis and cars.
- Would oppose the provision of Resident Parking permits to the hotel for any overspill vehicles as residents have difficulty finding spaces.
- Safety of road users around the proposed entrance to the underground car park in Hamilton Road, Pretoria Road and on the sharp corner of Hamilton Road and Ferry Path.
- Volume of traffic continues to increase, regardless of the parking control scheme now in operation. Home deliveries, trade vehicles and taxis have increased.
- Height of proposed development will make visibility on the sharp corner a greater problem than it is already and the queue of cars likely to build up for accessing and exiting the underground car park will be a constant hazard.
- Hamilton Road and Ferry Path fall within the De Freville Conservation Area, designated in March 2009. The Conservation Area Appraisal specifies with regard to development that 'further infill should be discouraged; and identifies a weakness that 'narrowness of streets with access at either end together with on street parking can cause traffic problems'.
- Traffic congestion would cause increased noise, fumes and disturbance to the conservation area.

- Over dominant in the area, impacting on the light of all surrounding buildings and dwarfing the houses on Ferry Path and the pub.
- Consultation took place in August and short time available for comment meant many people do not get an opportunity to express their views.
- Proposal's too big and will dwarf the Old Spring and houses adjacent to it. Permission granted pre conservation status should be withdrawn and this should be treated as a new application and not an extension.
- Properties at the north end of Ferry Path and the Spring PH will have an awful view of a two-storey building.
- Underground car park is out of keeping with the "out of city centre" leafy suburb character of the area.

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. Public Art
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligation Strategy

### **Principle of Development**

8.2 An adequate supply and range of accommodation is required throughout the city to encourage and cater for visitors and tourists who are visiting the City on a short stay basis. Policy 6/3 of the Cambridge Local Plan 2006 supports development, which maintains, strengthens and diversifies the range of short

stay accommodation in Cambridge. The proposed development would create an additional 14 units of accommodation and therefore in my opinion, the principle of the development is acceptable and in accordance with policy 6/3 of the Cambridge Local Plan 2006.

- 8.3 The proposed development is identical to the previous planning permission reference 08/0941/FUL and extension of time permission reference 11/0746/EXP and therefore the assessment of the application turns on whether there have been any changes in planning policy or guidance and whether the site context has changed.

#### Changes to Planning Policy and Guidance

- 8.4 The following key changes have been made to Planning Policy and Guidance since the determination of the previous application:
- ☐ National Planning Policy Framework March 2012
  - ☐ National Planning Policy Framework – Planning Practice Guidance March 2014
- 8.5 The National Planning Policy Framework (2012) states that *‘local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century’*.
- 8.6 I have reviewed all of these documents and reached the view that none of them lead me to conclude that the application should be refused. In general the changes that have been made do not alter the policy background against which the proposal needs to be assessed.
- 8.7 The De Freville Conservation Area was designated in 2009 and the site lies next to the conservation area boundary. The previous extension of time application (reference 11/0746/EXP) assessed the impact of the conservation area on the previous identical scheme.

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

- 8.8 The approved building has an L-shaped plan-form, which wraps around the Hamilton Road/Ferry Path frontages. The building is

two-storey in height with additional accommodation contained within the roof space, and in terms of its design has two distinct elements. For the greatest part, the proposed building is designed to echo the C19 architecture of the existing hotel building through its formal fenestration arrangements and traditional proportions, features and detailing. The scale that is expressed by the two-storey height of the building, responds to the domestic scale of the buildings that are found on Ferry Path and Hamilton Road and the streets that run off it to the south.

- 8.9 In contrast, a glazed entrance bay containing the reception area with stair tower feature abuts the main part of the building at its northern end. The ridge steps down at this point to signify a separation and to allow the two distinct elements to be read as such. The tower, as well as providing the lift over-run also forms a feature of visual interest that marks the entrance and echoes the round feature tower that is on the south-west corner. The two styles, although both very different to each other, work successfully together – the glazed element providing a light and welcoming entrance to the hotel and views through to the courtyard garden and human activity, and the more solid form of the main accommodation quarters to provide security and privacy for the hotel guests.

#### Impact on the adjacent De Freville Conservation Area

- 8.10 The extension of time permission (11/0746/EXP) assessed the scheme in terms of its impact on the nearby De Freville Conservation Area. The site is not within a conservation area but lies immediately adjacent to it. Third party comments have been received which are concerned with the impact of the proposal on the nearby conservation area.
- 8.11 The UDC team supports the current application with conditions. I agree with their comments in that the existing garages and exterior space does not contribute positively to the character of the adjacent conservation area. There is an eclectic mix of properties of differing styles and proportions nearby. In my opinion the proposed accommodation will improve the appearance of the site and preserve the character and appearance of the conservation area.
- 8.12 The application form includes details of the materials proposed. This includes buff coloured bricks with glass around the atrium,



clay tiles with zinc on part of the rear elevation, painted wood glass doors at main entrance and white painted wooden sash windows. The boundary treatment would be brick walls with cast iron railings. In my opinion the choice of materials would either match or complement the existing materials used on the hotel. I consider conditions in relation to material samples and joinery details are justifiable for the size of the development and its proximity to a conservation area.

- 8.13 The inclusion of an underground car park has been queried by third parties. In terms of its appearance, I consider details should be provided for the car park door equipment as suggested by the UDC team.
- 8.14 In my opinion the proposal remains compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

### **Public Art**

- 8.15 The planning application is classed as a Major application. The Public Art SPD (2010) refers to how all major development will dedicate 1% of the construction cost of capital projects to public art. This can be secured through a Section 106 agreement as was previously sought for the extant permission.
- 8.16 The Design and Access Statement refers to Public Art. It proposes a glass entrance atrium will have a large display wall as guests enter the building and art and sculptures within the building. Comments have not been received from the Public Art Officer.
- 8.17 In my opinion, a Section 106 agreement would ensure the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

### **Renewable energy and sustainability**

- 8.18 Policy 3/1 of the Local Plan (2006) requires major development to include a Sustainability Statement and the Councils Sustainability Checklist as part of the application. This information is incorporated into the Design and Access Statement. The measures include low energy lighting and energy efficient heating systems and a very high level of insulation for instance.

- 8.19 The Council's Senior Sustainability Officer supports the measures put forward. A condition has been recommended relating to further technical details of the rainwater harvester.
- 8.20 Policy 8/16 of the Local Plan (2006) specifies that major proposals meet at least 10% of their proposed energy requirements through on-site renewable energy provision. Information has been provided within the Design and Access Statement. The Council's Sustainability Officer supports the approach that predicts a 10.3% reduction in carbon emissions. Renewable energy provision has been integral to the design of the scheme and includes a ground source heat pump.
- 8.21 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

### **Disabled access**

- 8.22 The Design and Access Statement includes a Disability Access Statement. The existing hotel is unable to accommodate a lift. Within the proposed extension a ground floor bedroom has been specifically designed to meet disabled access requirements. It also includes a wet room area for showering. It is located adjacent to the reception area and is accessible to the courtyard garden. The new hotel lobby entrance doors are level with the pavement and would include a disability access push panel to open the doors automatically. A lift would also provide access to all floors. A disabled toilet would also be located in the basement bar lounge/breakfast area. A disabled accessible car parking space is provided and the lift serves the car parking area.
- 8.23 The Access Officer is happy with the proposal. He suggests the reception has a hearing loop and there be a vibrating fire alarm for deaf guests. I recommend an informative is included to recommend this be provided.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.



## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.25 Third parties have objected to the proposal on residential amenity grounds. The case officer's report to Planning Committee in conjunction with 08/0941/FUL acknowledged that the residential property that is most likely to be affected by the proposed development is the property adjacent to the existing hotel and fronting Chesterton Road (no.78). However, this relationship was agreed as acceptable because the approved building will be sited at least 13 metres from the shared boundary with 78 Chesterton Road and the part of the approved building that is closest to the boundary, is sited a distance of at least 22 metres from the rear of 78 Chesterton Road. The Planning Committee agreed that this was sufficient distance to ensure that no overlooking or loss of privacy will result from this development. This distance will also ensure that occupants of this property will not experience any sense of enclosure, loss of light or significant overshadowing.
- 8.26 It is recommended that all conditions which were imposed on the previous permission should be attached to this latest permission. These include conditions to control the hours of demolition and construction, vibrations from construction, piling and mitigation measures, contractors arrangements on site, collections and deliveries to and from the site during the demolition and construction phases, dust suppression, wheel washing, and noise insulation of the building and plant. The imposition of these conditions will satisfactorily safeguard the residential amenity of nearby occupiers. Subject to these conditions the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

## **Highway Safety**

- 8.27 A number of objectors have highlighted concerns over highway safety including the safety of pedestrians, cyclists and road users. Since permission was granted for the previous application for the site there has been the introduction of a Residents Parking Scheme on surrounding streets. Highways considers this if anything, would act to reduce the risk of

overspill parking, although it may occur if functions are held at the hotel outside the hours of the operation of parking restrictions.

- 8.28 As stated in the previous permission (11/0746/EXP) there has been no material change to the junction or highway layout or legislation. The Highways Authority has no adverse comments to make regarding this application. In my opinion the proposal is compliant with Local Plan (2006) policy 8/2

### **Car and Cycle Parking**

- 8.29 The proposed scheme provides 16 car parking spaces and 12 secure and covered cycle parking spaces in the basement parking area. This provision accords with the City Council's Car and Cycle Parking standards as set out in Appendix C and D of the Cambridge Local Plan (2006). The applicant states that the current provision of 12 car spaces for 16 rooms is more space than it typically required. When planning application (08/0941/FUL) was being considered CCTV footage from between April 2004 and February 2008 was used to demonstrate this. This evidenced that the average number of cars parked per night over this period was 4.08.
- 8.30 Residents Parking Scheme that was introduced on nearby roads should help to reduce the pressure of hotel guests parking along these streets when it is in operation.
- 8.31 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.

### **Refuse Arrangements**

- 8.32 A new waste and recycling area is proposed in common with the earlier scheme. The Environmental Health officer has no objections
- 8.33 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Third Party Representations**

- 8.34 In general the issues raised by objectors have reflected concerns raised in the context of the previous applications and I have addressed them in my Assessment.

## **Planning Obligation Strategy**

### **Planning Obligations**

- 8.35 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.

- 8.36 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 Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). 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:

### Transport

- 8.37 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. The site lies

within the North Corridor Area Transport Plan where the contribution sought per trip is £229.

- 8.38 The applicant submitted a transport assessment with the original extant permission from which the assessment of additional trips and contributions was based. Using the County Council standard figures for the number of trips likely to generated by residential units, contributions have been calculated as follows:

Eastern Corridor Area Transport Plan

19 (rooms) x 7.5 trips x £229 = £32,632.50

- 8.39 The County Council Highway Engineer has also requested that the applicant funds any necessary variation of the Traffic Regulation Order to provide the access. This also needs to be secured via the s106 Agreement.
- 8.40 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

#### Public Art

- 8.41 The development is required to make provision for public art and officers have recommended as set out in paragraphs 8.15 to 8.17 above that in this case provision for public art should be made on site. This needs to be secured by the S106 planning obligation.
- 8.42 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

#### Monitoring

- 8.43 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and

non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy

- 8.44 For this application a monitoring fee is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

#### 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 The application seeks a planning permission for an identical development to that which has been granted planning permission on two previous occasions. Neither the site context nor the planning policy position has changed significantly and approval is therefore recommended.

### **10.0 RECOMMENDATION**

**1. APPROVE** subject to completion of the s106 Agreement by 31 December 2014 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. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the local planning authority for approval in writing.

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

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

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



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

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

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

Reason: To safeguard the amenity and health of future occupants of these residential units (Cambridge Local Plan 2006 policy 4/13).

5. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), 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 - Noise and Vibration Control On Construction and Open Sites, especially Part 1: 1997 Code Of Practice (COP) for basic information and procedures for noise and vibration control, Part 2: Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance and Part 4: COP for noise and vibration control applicable to piling operations, (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

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

6. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 - Part 4: 'OP for noise and vibration control applicable to piling operations', development shall be carried out in accordance with the approved details.

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

7. 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)

8. 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: To protect the residential amenity of nearby residents (Cambridge Local Plan 2006 policy 3/4)

9. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the 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: To protect the residential amenity of nearby residents (Cambridge Local Plan 2006 policy 4/13)

10. Before the development hereby permitted is commenced, including any works of demolition, details of proposed wheel washing and other mitigation measures in relation to dust suppression shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.

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

11. 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)

12. No work shall commence (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until such time as:
  - a) A Tree Protection Plan, as defined in BS 5837:2005 'Trees in Relation to Construction - Recommendations', containing the following Arboricultural Method Statements/specifications has first been submitted and agreed to, in writing, by the Council's Principal Arboricultural Officer:

- Arboricultural method statements for the precise location and erection of tree protection barriers and ground protection for all trees retained adjacent to the site, in order to establish Root Protection Areas and construction exclusion zones;
- Arboricultural method statements for any special engineering operations within Root Protection Areas;
- Arboricultural method statement for any development facilitation pruning.

and,

b) that there has been:

- A pre-construction site meeting between the site agent, the developers chosen arboriculturalist, and the Council's delegated Arboricultural Officer.
- All development facilitation pruning, where required, has been completed in accordance with BS 3998:1989.
- All tree protection barriers and ground protection measures have been installed to the satisfaction of the Council's delegated Arboricultural Officer.

All tree protection barriers and ground protection must be in accord with BS 5837:2005 clause 9 - "The construction exclusion zone: barriers and ground protection"

Reason: To ensure that the existing trees are adequately protected during construction (Cambridge Local Plan 2006 policy 4/4)

13. Full details of all powered car park door equipment, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

14. No external materials shall be implemented until such time as full details of all external joinery, including finishes and colours, have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

15. No brickwork shall be erected until the choice of brick, bond, mortar mix design and pointing technique has been submitted to and approved in writing by the local planning authority by means of sample panels prepared on site. The approved panels shall be retained on site for the duration of the works for comparative purposes. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

16. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

17. No CCTV cameras shall be installed until such time as their type, size and location have been agreed, in writing, with the local planning authority.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

18. 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.

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

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L90) and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked. Any ventilation system with associated ducting should have anti vibration mountings.

**INFORMATIVE:** The applicant is advised, when submitting details for the discharge of condition 4 with regard to possible land contamination the following documents should be referred to:

- Planning Policy Guidance Statement 23: Planning and Pollution Control: Office of the Deputy Prime Minister (ODPM) 2004.
- Cambridge City Council's planning guidance document Contaminated Land In Cambridge: A Developers Guide.
- The various Contaminated Land Research (CLR) reports 1 to 11 published by the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency.

- The Interdepartmental Committee Report on Contaminated Land (ICRCL) guidelines were replaced in December 2002 with the Contaminated Land Exposure Assessment (CLEA) guidelines. Only reports considering CLEA will be accepted as valid. Where pollutants are found that are not covered by CLEA guidelines then a qualitative risk assessment must be undertaken.

If any intrusive investigation is required, particular reference should be made to:

- CLR10 (2002): Contaminated Land Exposure Assessment Model (CLEA): Technical Basis and Algorithms, which describes the conceptual exposure models for each standard land use for which Soil Guideline Values are derived.

- CLR 11 (2004): Model procedures for the management of land contamination

By deriving site-specific Contaminated Land Exposure Assessment (CLEA) guideline values, it is possible to establish whether a site poses actual or potential risks to human health, in the context of the existing or intended usage of the site. Where contaminants exist that are not covered by CLEA guidelines the current policy is that the applicant/agent/developer has to submit a site-specific human risk assessment, and for the site investigator to justify that approach and methodology.

- British Standards Institute (2001) BS10175 Code of Practice for Investigation of Potentially Contaminated Sites BSI, London 1999

- British Standards Institute BS 5930:1999, Code of practice for site investigation.

**INFORMATIVE:** The applicant is advised to contact the following with regard to Occupational/Operational Issues:

i. Building Control at Cambridge City Council, Tel No: 01223 457114 for advice regarding building control requirements. Sanitary provision will need to be sufficient. All the w.c. closets / bathrooms will require natural or mechanical ventilation. Adequate noise insulation will be required between different room floor uses and will need to be in accordance with building regulation Approved Document E: Resistance To The Passage of Sound. Fire precautions and means of escape will need to be complied with.

ii. The Food and Occupational Safety Section, Environmental Services, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge for advice concerning the proposed premises design/layout, Food and Occupational Safety/Welfare, Regulations/requirements and Food Premises Registration, Tel No: 01223 457900.

iii. The Head of Waste and Fleet, City Services, Cambridge City Council on 01223 458281 for further advice/information regarding general refuse collection provision.

iv. The Fire Officer, Cambridgeshire Fire and Rescue Service, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF, Tel No: 01223 376224 for advice / clarification regarding fire certification requirements associated with hotel alterations.

v. The Principal Scientific Officer, Environmental Health & Waste Strategy, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge, Tel No: 01223 457926 for advice regarding contaminated land.

**INFORMATIVE:** The applicant is advised when submitted details for the discharge of condition 11 that they contact the organisations listed below and are also aware of the guidance listed.

i. The Health & Safety Executive, 14 Cardiff Road, Luton, LU1 1PP: -Tel No: 01582 444200 concerning health and safety regulation requirements associated with the construction and operational phases. Considering the age of these buildings asbestos may be present and will need to be removed in accordance with appropriate regulations.

ii. The Environment Agency, Brampton Environment District, Bromholme Lane, Brampton, Huntingdon, Cambs, PE28 4NE, Tel no: 01480414581 for advice regarding, the removal and disposal of waste and adherence with Agency pollution prevention guidelines. The waste produced on the site during demolition / construction will be subject to the general Duty Of Care under the Environmental Protection Act 1990 and is likely to be subject to control under the Waste Management Licensing Regulations 1994 and the Special Waste Regulations 1996 (hazardous waste). With regard to construction noise / vibration the following documents should be referred to:

iii. BS 5228: Parts 1, 2, 3 and 5: 1997; BS 5228-4: 1992: `Noise and vibration control on construction and open sites`. Provides a method for predicting construction site noise and several parts are Codes of Practice under the Control of Pollution Act, 1974.

iv. BS 7385-1:1990: Evaluation and measurement for vibration in buildings. Guide for measurement of vibrations and evaluation of their effects on buildings

v. BS 7385-2:1993: Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration

vi. Department of the Environment (DoE) Advisory Leaflet (AL) 72: Control of noise on building sites, Advisory Leaflet 72 (1976) Noise control on building sites, DoE.

vii. BRE document `Control of Dust from Construction and Demolition Activities` February 2003, ISBN 1 86081 6126.

viii. London Best Practice Guidance: The control of dust and emissions from construction and demolition (November 2006)

[http://www.london.gov.uk/mayor/environment/air\\_quality/docs/construction-dust-bpg.pdf](http://www.london.gov.uk/mayor/environment/air_quality/docs/construction-dust-bpg.pdf)



ix. To satisfy the recommended condition requiring the submission of a demolition / construction noise and vibration impact reports, the following should be included in any report: details regarding the phasing of the demolition, the demolition activities of each phase, the timetable for that phasing, associated predicted noise and vibration levels at the nearest noise sensitive locations, details of any noise/vibration mitigation measures and noise/vibration monitoring. The report should also detail liaison, consultation and public relation arrangements. This report could detail phase schemes as they progress. In relation to environmental construction noise impact we recommend the developer uses the standard the City Council requires in relation to noise levels when letting contracts, known as clause 109 Noise Control and Department of the Environment (DoE): Control of noise on building sites Advisory Leaflet 72 (1976).

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers-by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).

**INFORMATIVE:** For the avoidance of doubt, when submitting details for the discharge of condition 14, Joinery is taken to mean all windows, doors, etc. whether made of timber or not.

**INFORMATIVE:** This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

**2. 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 December 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 transport mitigation measures, public art and monitoring (ADD/DELETE AS APPROPRIATE) in accordance with Cambridge Local Plan 2006 policies 3/7, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010 and the Northern Corridor Area Transport Plan 2003

**3. 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**

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# Agenda Item 6

## PLANNING COMMITTEE

Date: 1<sup>st</sup> October 2014

<b>Application Number</b>	14/0649/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	29th April 2014	<b>Officer</b>	Ms Lorna Gilbert
<b>Target Date</b>	24th June 2014		
<b>Ward</b>	West Chesterton		
<b>Site</b>	Cambridge Repetition Engineers Ltd 2 Greens Road Cambridge CB4 3EQ		
<b>Proposal</b>	Erection of a residential development comprising of 4 x 2 bed apartments, and 2 x 1 bed apartments, car and cycle parking and associated landscaping.		
<b>Applicant</b>	c/o Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The scale and appearance of the proposed residential blocks will harmonise with the surrounding area and will preserve the character and appearance of the conservation area.</p> <p>The proposed development will not adversely affect residential amenity.</p>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is a roughly triangular area measuring 28m from street to rear boundary at its deepest. It is approximately 16m wide over the rear half of this depth, but narrows to a point at the front. It lies to the east of Greens Road, at the point where that street makes a dog-leg turn to the west.
- 1.2 The site is currently occupied by two buildings which have been used for car repair and engineering. They lie along the northern and southern boundaries of the site. The northern building, which appears to have nineteenth-century elements in it, but

which has been altered and added to on several occasions since, is partly single-storey, and partly two-storey. The southern building, which appears to date from the later part of the twentieth century, is entirely single storey. The buildings are of various types of brick, roofed chiefly in red clay pantiles, but partly in corrugated fibre-cement sheeting. The buildings have been out of use since August 2005.

- 1.3 Residential property, in the form of small nineteenth-century terraced houses lies directly to the north of the site, and to the west on the opposite side of Green's Road. To the east lie the grounds and bungalows of Victoria Homes. To the south of the site, land is used for car parking by businesses operating on Victoria Road. To the south-west, across Greens Road, a gateway leads into the business premises of Cambridge Artworks.
- 1.4 The site falls within a conservation area. The site falls just outside the controlled parking zone; the boundary of the zone runs along the northern edge of Victoria Road, some 30m away.

## **2.0 THE PROPOSAL**

- 2.1 The buildings on the site were formerly occupied by Cambridge Repetition Engineering Ltd and most recently used for car repairs and light engineering works. The two buildings on the site have been redundant since 2005 and have fallen into disrepair. They would be demolished as part of the proposal.
- 2.2 The proposed buildings appearance has been revised from the original plans submitted as part of this planning application. The amended plans were received on 22<sup>nd</sup> July 2014 and it alters the materials and treatment of the buildings. The proposal involves the construction of two blocks to provide residential accommodation for 4 x 2 bedroom apartments and 2 x 1 bedroom apartments with car and cycle parking and associated landscaping.
- 2.3 The northern block is the largest and includes four residential units. It extends 26.2m in length and between 5.54m and 9.565m wide. The building has a pitched roof extending up to 8.65m high.

- 2.4 The southern block includes two residential units. This building is 16.18m in length, 4.84m wide and has a pitched roof of between 4.3m and 6.4m high.
- 2.5 The materials proposed are buff brick, lime rendered panels and vertical cedar board cladding on the walls. The roofs would be constructed from slate on the roof and timber louvres on the western elevation of the southern block. The windows would be aluminium faced timber windows.
- 2.6 Six on street car parking spaces would be provided as part of the proposal along with twelve cycle parking spaces and a refuse store.
- 2.7 The application is accompanied by the following supporting information:
1. Planning Statement
  2. Transport Statement
  3. Drainage Strategy Statement
  4. Phase One Desk Study Report
  5. Preliminary Design and Access Statement

### 3.0 SITE HISTORY

Reference	Description	Outcome
65/0153	Demolition of showrooms and workshops; erection of offices and showroom	REF
70/0221	Improvements to offices	REF
05/1174	Outline permission for five dwellings	REF
06/0324/OUT	Erection of 4 dwellings and a garage (following demolition of workshop)	A/C
11/1208/OUT	Demolition of workshop and erection of 4 dwellings and garaging.	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 Local Plan 2006	3/1 3/4 3/7 3/11 3/12 4/4 4/11 4/13 5/1 5/5 8/2 8/6 8/10 10/1  Planning Obligation Related Policies 3/7 3/8 3/12 4/2 5/14 8/3

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Practice Guidance 2014  Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A)  Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Planning Obligation Strategy (March 2010) Cambridge City Council (May 2007) – Sustainable Design and Construction  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)
Material Considerations	<u>Central Government:</u>  Letter from Secretary of State for Communities and Local Government (27

	<p>May 2010)</p> <p>Written Ministerial Statement: Planning for Growth (23 March 2011)</p> <p><u>City Wide</u></p> <p>The Castle and Victoria Road Conservation Area Appraisal (2012)</p>
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The council submitted the Cambridge Local Plan 2014 to the Secretary of State for Communities and Local Government on 28 March 2014 for independent examination. Following submission of the local plan, an independent planning inspector has been appointed to hold an examination to consider the 'soundness' of the local plan. The Inspector has indicated that the hearings are not likely to start before mid October 2014.

## **6.0 CONSULTATIONS**

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

- 6.1 The site is very constrained and the westernmost car parking space will require motor vehicles accessing the space to manoeuvre on the pedestrian strip, however, the degree of conflict should be low.
- 6.2 The development would remove an existing employment use from what is now largely a residential area and so reduce conflict with HGVs.
- 6.3 A Highways condition has been requested.

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

- 6.4 No objection to this application in principle. Recommends a number of conditions.

## **Urban Design and Conservation team**

### Comments to the amended drawings (dated 23<sup>rd</sup> July 2014)

- 6.5 I've had a look at our original comments and compared the amendments with the original drawings. There have been improvements with regard to the southern block in terms of clarifying the materials and reducing the conflict that was created by the previously proposed mix. However, the scale of this block still remains unchanged and this will still be incongruous in the context of the scale and character of the surrounding more domestic buildings

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

- 6.6 Our records indicate that the site lies in an area of high archaeological potential. The application area is located in an area of known Saxon activity (such as inhumations found at Swan's Quarry in the late 19th/early 20th centuries - HER No. MCB5501) which would also indicate contemporary settlement of the area.
- 6.7 We therefore consider that the site should be subject to a programme of archaeological investigation and Historic Building Recording and recommend that this work should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a negative condition such as the model condition 'number 55' contained in DoE Planning Circular 11/95.
- 6.8 The model condition also indicates: Developers will wish to ensure that in drawing up their scheme, the timetable for the investigation is included within the details of the agreed scheme.

## **Cambridge City Council Access Officer**

- 6.9 I would recommend traditional flats rather than duplex to be built.
- 6.10 There must be one parking space marked out for Blue Badge use.



6.11 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:

- ☐ Beechfield, Potton End Eltisley, St Neots (Support)
- ☐ Flat 2, 24 Green Street (Support)
- ☐ No.4 Green's Road (Support)
- ☐ Cambridge Victoria Homes (Objects)

7.2 The representations can be summarised as follows:

- ☐ The design of the project has been well thought out and is aesthetically pleasing and will enhance the whole area. Prefer the current application to previous applications.
- ☐ The approach creates an active dialogue with the interesting dog-leg early in Green's Road as well as with the straight section beyond. At the same time it successfully responds to, and embodies, the practical suggestions brought forward by your team.
- ☐ Support the current application. Specific conditions requested by me are intended to protect the interests of my tenants. The development next door will enhance the aspect of the entrance to Greens Road and end years of planning blight.
- ☐ Overlooks not only the entire Victoria Homes site but in particular numbers 1, 15, 17, 19 and 21. The bungalows on the Greens Road side of Victoria Homes site are set back from the boundary thus providing a haven in an increasing busy part of Cambridge. Regrettably this peace and tranquillity is threatened by the proposed development.

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. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Planning Obligation Strategy

### **Principle of Development**

8.2 The site is not designated as protected industrial/storage space, but policy 7/3 of the Cambridge Local Plan (2006) states that development that results in a loss of floorspace within Use Classes B1(c), B2 and B8 elsewhere in the City will only be permitted if:

- a) There is sufficient supply of such floorspace in the City to meet the demand and/or vacancy rates are high; and either
- b) The proposed development will generate the same number or more unskilled or semi-skilled jobs than could be expected from the existing use; or
- c) The continuation of industrial and storage uses will be harmful to the environment or amenity of the area; or
- d) The loss of a small proportion of industrial or storage floorspace would facilitate the redevelopment and continuation of industrial and storage use on a greater part of the site; or
- e) Redevelopment for mixed use or residential development would be more appropriate.

8.3 Criteria b) and d) of policy 7/3 of the Local Plan are not relevant to this proposal. Although the area to the north and east of the site is mainly residential, and the removal of the existing buildings on the site would in my opinion improve the environment, I do not consider it to be clear that the continuation of industrial or storage use on the site would be

harmful either to the environment or to neighbour amenity. However, I do consider that redevelopment for residential use would be more appropriate, for reasons of access, noise and disturbance, and visual amenity, and consequently it is my view that the proposal satisfies criterion (e).

- 8.4 Two previous outline applications reference 06/0324/OUT approved in 2006 and 11/1208/OUT approved in 2012 were for the erection of four dwellings following the demolition of the workshops on site. These applications established that the principle of the loss of light engineering/car repairs and the introduction of residential units on the site is acceptable.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 7/3 of the Cambridge Local Plan (2006).

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

- 8.6 Greens Road is characterised by modest two storey terraced houses to the north and an Art Works building to the south-west. To the east of the site are allotments and bungalows. To the south is Victoria Road which contains a mixture of building styles of varying sizes and uses. In my opinion the site is most closely linked to the terraced houses along Greens Road due to the site's proximity to these properties.
- 8.7 The site is within the Central Conservation Area and is covered by The Castle and Victoria Road Conservation Area Appraisal. The conservation area was extended in June 2012 and therefore the previous outline applications for the site were assessed when it was not part of the conservation area.
- 8.8 Pre-application advice was provided prior to the submission of the current planning application. The most recent advice was given in January 2014 and the Urban Design and Conservation team were involved in the advice given. The applicant has sought to address the comments raised in the pre-application advice responses in relation to the context of the site, design and external spaces and I consider they have addressed all aspects raised. The scale of the southern block was not raised as an issue in the pre-application advice provided, however the Conservation team have raised concerns over this in their comments for this planning application.

- 8.9 The site is currently occupied by two buildings of up to two storeys high. These are to be demolished. The existing northern block is labelled as a building which detracts in the Castle Area and Victoria Road Conservation Appraisal. Greens Road has a kink in the street by the application site and therefore the site is highly visible as you enter the street. The proposed residential blocks are of a similar height to the terraced houses located to the north of the site. The northern block steps down to the rear, which helps to lessen its bulk near the garden of No.4 Greens Road. The buildings would be predominantly constructed from buff brick on the walls and slate on the roofs which helps the building to tie in with the adjacent terrace houses to the north and allows them to read as for residential use. I consider the proposed blocks would harmonise with the streetscene and improve the visual appearance of the existing site. The site lies within the Central Conservation Area and in my opinion the proposal would preserve and enhance the character and appearance of the conservation area as it would remove buildings that detract from the conservation area and replaces these with a proposed scheme that I consider is an aesthetic improvement for the site.
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

### **Disabled access**

- 8.11 The Access Officer would prefer flats rather than duplex to be built. Two of the units are flats rather than duplex. I do not consider the inclusion of duplex flats as a reason to refuse the planning application.
- 8.12 One wider car parking space has been provided as part of the proposal. This would be up to 3.3m wide. Although, 0.8m of the space is also at times used as a path to a storage area.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.14 The nearest property to the site is No.4 Greens Road. This property is an end of terrace house and is directly north of the site. It does not have upper floor flank windows directly facing the application site. The proposed northern block closest to this neighbour steps down towards the rear of the block which I consider lessens the impact of the bulk of the building on this neighbour. I consider the lack of flank windows and the stepping down of the proposed building to the rear avoids this neighbour experiencing an unreasonable loss of light or outlook as a result of the proposal. No flank windows are proposed on the northern elevation and therefore the proposed building would not overlook this neighbour.
- 8.15 To the west of the proposal is No.7 Greens Road. The proposed northern block building line matches that of No.4 Greens Road. It is located 10m from this neighbour on the opposite side of the street. I consider this distance and height of the building to be acceptable as in my opinion it would not adversely affect the privacy, outlook or loss of light to this neighbour.
- 8.16 There is a car park directly south of the site and beyond this is the rear of No.52 Victoria Road. This building contains a beauty salon at ground floor with a flat above. This property is between 18m (part of the ground floor) and 22.5m from the proposed southern block. The proposed southern block contains two windows for the stairwells at ground floor. The proposed upper floor windows are for bedrooms and stairwells and these would be located 22.5m from the windows they would directly face. I therefore consider there would be no unreasonable harm to privacy of this neighbouring residential unit. I consider the distance between the properties would not lead to a loss of outlook or light to this neighbour.
- 8.17 Privacy concerns have been raised by Victoria Homes located to the east of the proposal. The nearest bungalows at No.15 and No.17 are located 13.5m from the proposed northern block. This block would have an obscure glazed stairwell window at first floor level and high level glazing at first floor level facing these properties. Angled glazing is proposed on the side

elevation of this block which avoids the windows directly face the rear of these properties. On the southern block the first floor windows would be set in 200mm into the reveal and a terrace is proposed at second floor level. These would directly face towards the allotments to the east. At an angle they would be located 15m from No.15. I consider the measures proposed to reduce privacy issues to the east would help to mitigate against an unreasonable loss of privacy to these closest neighbours which are part of Victoria Homes. In my opinion the proposed development would not lead to an unreasonable loss of light, noise disruption or outlook to these neighbours.

- 8.18 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

- 8.19 I consider the orientation of windows and terraces would avoid the proposal from leading to an unreasonable loss of privacy to other future occupiers on the site.
- 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.

#### **Refuse Arrangements**

- 8.21 A refuse and recycling storage area has been allocated within the southern block. The Environmental Health Officer has requested a waste condition, which I consider appropriate for this development.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Highway Safety**

- 8.23 Highways note that the site is very constrained and that vehicles accessing the car parking area will need to manoeuvre on the pedestrian strip, but the level of conflict should be low.

The loss of employment use from the site and therefore a reduction in larger vehicles along the street is likely to result in the change of use on the site.

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

### **Car and Cycle Parking**

- 8.25 The proposal provides six car parking spaces for the six units which are a mixture of one and two bedroom units. This complies with the guidance in the Local Plan (2006). One of these car parking spaces is a wider width and could be used by people with more limited mobility.
- 8.26 Twelve bicycle spaces would be accommodated in an undercover area at ground floor level in the southern block. The provision complies with the Local Plan (2006).
- 8.27 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Planning Obligation Strategy**

#### **Planning Obligations**

- 8.28 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in



terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

- 8.29 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.
- 8.30 The application proposes the erection of four two-bedroom flats and two one-bedroom 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		
1 bed	1.5	238	357	2	714
2-bed	2	238	476	4	1904
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>2618</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such	Total £



				units	
studio	1	269	269		
1 bed	1.5	269	403.50	2	807
2-bed	2	269	538	4	2152
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>2959</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	726
2-bed	2	242	484	4	1936
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>2662</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	4	2528
3-bed	3	316	948		
4-bed	4	316	1264		
<b>Total</b>					<b>2528</b>

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

## Community Development

- 8.32 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	2	2512
2-bed	1256	4	5024
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>7536</b>

- 8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

## Waste

- 8.34 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	6	900
<b>Total</b>			<b>900</b>

- 8.35 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

#### Household Recycling Centres

- 8.36 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.
- 8.37 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.
- 8.38 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> Total number of households in catchment x New households in catchment		
<u>£22 million</u> x 24,273 = £4,611,730 115,793		
Total Developer Contribution per household = £190		

8.39 The net gain is 6 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 therefore required on the following basis.

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	2	320
2+-beds	2		160	4	640
<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. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. For this application a monitoring fee of £1065.15 is required.

#### 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 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 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)

5. 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: To protect the amenity of nearby properties in accordance with policies 4/13 of the Cambridge Local Plan (2006).

6. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. 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 in accordance with policies 4/13 of the Cambridge Local Plan (2006).



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

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

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

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

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

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

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



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

Reason: To protect the amenity of future occupiers and nearby properties in accordance with policies 4/13 of the Cambridge Local Plan (2006).

8. Prior to the commencement of development, 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 wheeled bins, will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. 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 To protect the amenities of nearby residents/occupiers and in the interests of visual amenity and to comply with policy 3/7 and 4/13 of the Local Plan (2006).

9. No development shall take place within the area indicated until the applicant, or their agents 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 comply with the requirements of 4/9 of the Local Plan (2006).

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

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

11. No development shall take place until 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 means of enclosure; hard surfacing materials; signs, lighting. 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)

12. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
  - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
  - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
  - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: in the interests of highway safety and to comply with policy with policy 8/2 of the Local Plan (2006).

13. 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.

**INFORMATIVE:** Asbestos containing materials (cement sheeting) may be present at the site. The agent/applicant should ensure that these materials are dismantled and disposed of in the appropriate manner to a licensed disposal site. Further information regarding safety issues can be obtained from the H.S.E.

**INFORMATIVE:** To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

Councils Supplementary Planning Document Sustainable Design and Construction 2007:  
<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

Guidance on the assessment of dust from demolition and construction [http://iaqm.co.uk/wp-content/uploads/guidance/iaqm\\_guidance\\_report\\_draft1.4.pdf](http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf)

Control of dust and emissions from construction and demolition - Best Practice Guidance produced by the London Councils:  
[http://www.london.gov.uk/thelondonplan/guides/bpg/bpg\\_04.jsp](http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp)

**INFORMATIVE:** If during the works contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. 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 Councils document Developers Guide to Contaminated Land in Cambridge provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Councils website on <http://www.cambridge.gov.uk/ccm/content/environment-and-recycling/pollution-noise-andnuisance/land-pollution.en>.

Hard copies can also be provided upon request.

**INFORMATIVE:** The Council has produced a guidance to provide information to developers on waste and recycling provision which can be accessed from the City Council website via the following link:- <https://www.cambridge.gov.uk/waste-and-recycling-provision-information-developers>

**INFORMATIVE:** One car parking space should be reserved for disabled people in line with the Car Parking Standards in Appendix C of the Local Plan (2006).

<b>Application Number</b>	14/0453/S73	<b>Agenda Item</b>	
<b>Date Received</b>	3rd June 2014	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	29th July 2014		
<b>Ward</b>	Trumpington		
<b>Site</b>	2A Scotsdowne Road Cambridge Cambridgeshire CB2 9HU		
<b>Proposal</b>	S73 application to vary condition 2 of planning permission 10/0201/FUL (allowed on appeal) to permit the addition of pitched roof dormers in the front and rear roof slopes (retrospective).		
<b>Applicant</b>	Mr Pizza 93 Hills Road Cambridge CB2 1PG		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed houses with the addition of dormer windows would not adversely affect the character or appearance of the Conservation Area; and</li> <li>2. The proposed addition of dormer windows would not have a significant detrimental impact on the occupiers of neighbouring properties.</li> </ol>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 2A Scotsdowne Road is situated on the western side of Scotsdowne Road. The surrounding area is predominantly residential, consisting of bungalows and two-storey semi-detached and terrace houses. A single storey church hall stands directly opposite the site. The site is within a Conservation Area.

## 2.0 THE PROPOSAL

- 2.1 Permission is sought to vary condition 2 of planning permission 10/0201/FUL (allowed on appeal) to permit the addition of pitched roof dormers in the front and rear roof slopes. Works have begun and therefore this application is retrospective.

## 3.0 SITE HISTORY

Reference	Description	Outcome
C/04/0707	Erection of single storey side extension to bungalows and new garage.	REF
C/04/1031	Erection of single storey side extension and new garage to bungalow.	A/C
09/0443/FUL	Erection of 3no 2bed terrace dwellings following demolition of existing bungalow.	REF
10/0201/FUL	Erection of 3no 2bed terrace dwellings following demolition of existing bungalow.	REF Appeal allowed
14/0043/FUL	Demolition of existing bungalow.	A/C
14/0204/S73	Section 73 application to vary condition 12 of approval 10/0201/FUL to erect 3no 2bed terrace dwellings following demolition of existing bungalow (allowed on appeal).	A/C

The Appeal Decision relating to 10/0201/FUL is attached 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 Plan 2006	Local	3/1 3/4 3/7 3/12 4/11

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	Planning Obligation Strategy (March 2010)
	<u>Area Guidelines</u>  Trumpington Conservation Area Appraisal (2010)

## 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, there are no policies in the emerging Local Plan are of relevance.

## **6.0 CONSULTATIONS**

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

6.1 No comment.

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

6.2 No objection.

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

6.3 There are no Conservation policy issues with this application.

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:

- ☐ 7 Alpha Terrace
- ☐ 3 Scotsdowne Road

7.2 The representations can be summarised as follows:

- ☐ Out of character – there are no dormer windows in the street
- ☐ Loss of privacy
- ☐ Additional floorspace is created
- ☐ Lack of parking

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



## **8.0 ASSESSMENT**

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

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

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

8.2 The application proposes the addition of traditionally designed, pitched roofed dormer windows in the front and rear roof slopes. The two streets at the junction of which the site sits (Scotsdowne Road and Alpha Terrace) differ greatly in character. The dwellings on Scotsdowne Road are mainly detached bungalows and two-storey, semi-detached properties, with the property immediately adjacent to 2A being a detached bungalow. Alpha Terrace consists almost exclusively of two-storey, Victorian properties with the occasional semi-detached and detached property.

8.3 In the Appeal Decision for the previous application the Inspector took the view that 'the proposed dwellings would complement the Victorian housing in Alpha Terrace being of a similar height and a modern version of the traditional style' (paragraph 7). It was his opinion that the proposed houses would not detract from the immediate area or adversely affect the character and appearance of the area. It is accepted that no houses on Alpha Terrace or Scotsdowne Road have dormer windows in the front roof slope, and that the houses therefore are no longer strictly a modern interpretation of the Victorian houses on Alpha Terrace. However, as the houses stand alone, it is my opinion that the addition of dormer windows would not result in the houses appearing out of character with their surroundings. It is my view that the proposals would not have a detrimental impact on the character or appearance of the Conservation Area. The Urban Design and Conservation Team have raised no objection.

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

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.5 The site backs onto commercial space, which has residential dwellings adjacent to it, but I believe these buildings are at too great a distance to be impacted on by the additional of the proposed dormer windows to the rear. The dormer windows at the front of the houses would allow views towards the dwellings on the opposite side of Scotsdowne Road, but given the separation distances it is my view that the proposed windows would not have a significant detrimental impact on the privacy of the occupiers of these properties. The dwellings diagonally opposite the site are bungalows and as the proposed dormer windows would allow views over the rooftop of these dwellings I do not believe it would be unreasonable to withhold planning permission due to loss of privacy.
- 8.6 The proposed introduction of dormer windows results in the houses increasing in size from two bedroom houses to four bedroom houses. I understand that there is often considerable demand for on-street parking spaces at this end of Scotsdowne Road, due to the church and church hall, and Fawcett Primary School, which is at the end of Alpha Terrace. In saying that, the City Council car parking standards are maximum standards, and stipulate that no more than two car parking spaces can be provided for a dwelling of four bedrooms. One parking space is proposed for each house. The Local Highway Authority has raised no objection, and I consider this provision to be acceptable.
- 8.7 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 3/7 and 8/10.

### **Third Party Representations**

- 8.8 The issues raised in the representations received are addressed above.

## **Planning Obligation Strategy**

### **Planning Obligations**

8.9 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

- 8.10 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.
- 8.11 The contributions relating to the application for the originally proposed three two bedroom house have been paid, and therefore what is sought is the additional contributions relating

to the six additional bedrooms proposed. The totals required for the additional bedrooms are calculated as follows:

<b>Outdoor sports facilities</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	<b>Total £</b>
		6	6	238	<b>1428</b>

<b>Indoor sports facilities</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	<b>Total £</b>
		6	6	269	<b>1614</b>

<b>Informal open space</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	<b>Total £</b>
		6	6	242	<b>1452</b>

<b>Provision for children and teenagers</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms not in 1-bed units	Assumed net additional persons not in 1-bed units	£ per person	<b>Total £</b>
		6	6	316	<b>1896</b>

8.12 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) has been completed. 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

- 8.13 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. In relation to the previous application, a contribution for 2 additional 2 bedroom houses has been paid (£2512). As the proposed houses are 4 bedrooms an additional contribution of £1252 is required.
- 8.14 A S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) has been completed. I am, therefore, satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

- 8.15 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.16 For this application a monitoring fee of £382.10 is required to cover monitoring of Council obligations plus the County Council monitoring fee.

### Planning Obligations Conclusion

- 8.17 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 proposals would not have a detrimental impact on the character or appearance of the Conservation Area or on the occupiers of neighbouring properties. I therefore recommend that the application is approved subject to conditions.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

2. 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.





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## Appeal Decision

Site visit made on 31 January 2011

**by Paul Crysell BSc (Hons) MSc MRTPI**

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

Decision date: 1 March 2011

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**Appeal Ref: APP/Q0505/A/10/2132452**  
**2A Scotsdowne Road, Cambridge CB2 9HU**

- 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 P Pizza against the decision of Cambridge City Council.
  - The application Ref 10/0201/FUL, dated 10 March 2010, was refused by notice dated 8 July 2010.
  - The development proposed is the erection of 3 no. 2 bed terrace dwellings following demolition of the existing bungalow.
- 

### Decision

1. I allow the appeal, and grant planning permission for the erection of 3 no. 2 bed terrace dwellings following demolition of the existing bungalow at 2A Scotsdowne Road, Cambridge CB2 9HU in accordance with the terms of the application, Ref 10/0201/FUL, dated 10 March 2010, subject to the conditions attached to this decision.

### Procedural Matters

2. The Council has confirmed that it inadvertently failed to refer to drawings PP05B and PP06B in its decision notice. I have therefore had regard to these. It also acknowledges that a contribution of £2,170 required towards community facilities and referred to in its Committee Report was wrong. The correct figure was £1,630 which is the sum indicated in the appellant's unilateral undertaking. The Council has also clarified that a fee is required to cover the cost of checking the legal agreement.

### Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The appeal site is situated next to the junction of Alpha Terrace and Scotsdowne Road where traditional Victorian terraced properties give way to 20<sup>th</sup> century development. The Council says replacing the existing bungalow with a short terrace of three dwellings would be unacceptable because the proposal ignores the different building styles and the contrast between the urban and suburban forms of housing in the two roads.
5. The cohesive and contained street of Victorian cottages in Alpha Terrace has little in common with the less structured and open mix of bungalows and semi-detached properties in Scotsdowne Road. The latter do not have the same



architectural merit and this appears to be reflected in the Council's intention to include only Alpha Towers in an enlarged Trumpington Conservation Area<sup>1</sup>.

6. This expansion of the Conservation Area would include the appeal site thereby recognising the contribution of buildings and spaces on the southern side of Alpha Terrace to the street scene. The Appraisal suggests that the front garden of the appeal site together with the car park to the rear of 47 High Street helps to create a relatively open feel at the beginning of the road. It also highlights the strong sense of enclosure along much of the street, the result of the narrow road and pavement widths coupled with the height of buildings.
7. The proposed dwellings would complement the Victorian housing in Alpha Terrace being of a similar height and a modern version of the traditional style. The appellant's intention to keep the garden at the northern end of the appeal site would maintain an element of openness while the greater mass of the terraced units would be more in keeping with the scale of the church and church hall on the opposite side of the road than the existing bungalow.
8. The proposed dwellings are identical to those in a previous application<sup>2</sup>. This was refused because of its potential affect on trees in an adjacent garden most of which are covered by a Tree Preservation Order<sup>3</sup>. Re-positioning the dwellings slightly to the south as is now proposed would address the main concerns of the Council's Arboricultural Officer.
9. Local residents believe the development to be too intense and inappropriate but this would be more likely if the dwellings were sited further along Scotsdowne Road. It is also suggested that the proposal does not accord with recent changes in national planning guidance (PPS3) intended, in part, to prevent the loss of garden land<sup>4</sup>. I do not accept this because the dwellings would occupy a similar footprint to the existing bungalow resulting in little, if any, loss of amenity land. Furthermore, the change to guidance does not mean that garden land cannot be developed under any circumstances although I accept there is no longer the same priority for doing so.
10. Residents have also identified a number of other issues including parking concerns, the hazards posed to schoolchildren and users of the church, loss of privacy, pedestrian problems, tree damage and flooding concerns but I can find no evidence to suggest any of these are significant. The Highway Authority has raised no objections on highway grounds and the Council has not identified any of these matters as reasons for rejecting the scheme.
11. I therefore find that the proposed development would not detract from the immediate area in the manner the Council suggests or adversely affect the character and appearance of the area contrary to relevant policies in the Cambridge City Council Local Plan (LP). In particular the Council refers to policy 3/4 of the LP which expects schemes to respond to key characteristics of the surrounding area in order to create distinctive places. I am satisfied the proposed development would do so. In reaching this conclusion I have also taken into account policy ENV7 of the East of England Plan on quality in the built environment.

<sup>1</sup> Draft Trumpington Conservation Area Appraisal, June 2010

<sup>2</sup> App Ref: 09/0443/FUL

<sup>3</sup> City of Cambridge (St Mary's House, 47 High Street, Trumpington) Tree Preservation Order No 5/2004

<sup>4</sup> Planning Policy Statement 3 *Housing* (PPS3)



12. I have also had regard to policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan which require new development to support the provision of essential infrastructure and community requirements through legal agreements. Policies 3/8, 5/14 and 10/1 of the LP take a similar form. The appellant has submitted a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 to ensure contributions are forthcoming towards the provision of community facilities and open space.
13. I have considered this undertaking against the requirements of the Community Infrastructure Levy Regulations 2010 and I am satisfied that it meets the identified tests, namely that it is necessary to make the development acceptable in planning terms, it is directly related to it and is fairly and reasonably related in scale and kind to it.
14. The Council has suggested a number of conditions in the event that I allow the scheme. I have considered these against the advice in Circular 11/95 *The Use of Conditions in Planning Permission* and have adjusted them where appropriate. In order to secure the satisfactory appearance of the development a condition covering materials is necessary. Conditions to ensure construction is adequately controlled, including the storage of materials and restrictions on hours and deliveries, are required to minimise disturbance to local residents. I also agree that conditions for a traffic management plan for the demolition phase of work and adequate visibility splays are needed to ensure highway safety. Conditions covering the provision of waste facilities and to ensure nearby trees are adequately protected are reasonable and I have included a condition identifying the relevant plans.
15. The Council's Environmental Services Department has identified a business which previously operated from adjacent premises and could be a potential source of ground contamination. A condition to protect future occupants of the development by requiring a scheme to investigate possible contamination is therefore appropriate as a precautionary measure. I have had regard to the relevant model conditions replacing those in Circular 11/95 which are no longer consistent with PPS23 *Planning and Pollution Control*. I consider a simplified form of a contaminated land condition being advanced by the Inspectorate for use on small developments would be sufficient to address the Council's concerns.
16. For the reasons given above and having regard to all other matters, I allow the appeal.

*P R Crysell*

INSPECTOR



### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following plans: PP01, PP03B, PP04B, PP05B and PP06B.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.
4. Prior to the commencement of development, a drawing showing two 2.0 x 2.0 metre visibility splays shall be submitted to and approved in writing by the local planning authority. This area shall be kept clear of all planting, fencing and walls exceeding 600mm in height.
5. No demolition works shall commence on site until a traffic management plan has been agreed with the Highway Authority and put into effect.
6. Except with the prior written agreement of the local planning authority no construction or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Mondays to Friday; 0800 hours to 1300 hours on Saturday and there shall be no collections or deliveries on Sundays, Bank or public holidays.
7. Except with the prior written agreement of the local planning authority no collection or deliveries shall be taken at or despatched from the site during the demolition and construction stages outside the hours of 0700 hours and 1900 hours on Monday to Saturday and no collection or deliveries on Sundays or Bank or public holidays.
8. Prior to the commence of development, 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 first occupation of the dwellings hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.
9. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved in writing by the local planning authority:
  - (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.



10. Unless otherwise agreed in writing by the local planning authority no underground services shall be located within the Root Protection Area (RPA) of the Horse Chestnut Tree and any foundations within the RPA shall be piled and hand dug.
11. No work shall commence (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses and positioning of site huts) until:
  - a) A Tree Protection Plan has been submitted to and agreed in writing by the local planning authority;
  - b) The developer has appointed a competent arboriculturalist to coordinate with the Council's arboricultural officer and the site agent the necessary works and protection measures to ensure the health, safety and retention of the Horse Chestnut Tree;
  - c) Pruning necessary to facilitate development, where required, shall be carried out and completed in accordance with BS: 3998:1998;
  - d) All tree protection barriers and ground protection measures shall be installed to the satisfaction of the local planning authority.
12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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# Agenda Item 8

## PLANNING COMMITTEE

Date: 1<sup>st</sup> October 2014

<b>Application Number</b>	13/1772/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th December 2013	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	3rd February 2014		
<b>Ward</b>	Trumpington		
<b>Site</b>	The Leys School Fen Causeway Cambridge CB2 7AD		
<b>Proposal</b>	Erection of flood lights on the single tennis court comprising three eight metre high lighting poles with light fittings and one bracket with lighting mounting on the sports hall.		
<b>Applicant</b>	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 proposed floodlights would not have a significant detrimental impact on the surrounding area; and</li><li>2. The proposed floodlights would not have a significant detrimental impact on the occupiers of neighbouring properties.</li></ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The Leys School is situated to the west of Trumpington Road, and to the south of Fen Causeway. Sheeps Green and Coe Fen Straits, directly to the south of the site, are County Wildlife Sites and Protected Open Space in the Cambridge Local Plan (2006). The site is within a Conservation Area.

## 2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for the erection of floodlights on the single tennis court comprising three eight metre high lighting poles with light fittings and one bracket with lighting mounting on the sports hall.

## 3.0 SITE HISTORY

Reference	Description	Outcome
C/84/0274	Provision of 4 synthetic turf tennis courts	A/C
C/98/0606	Construction of tennis and netball court enclosed by 2.75m high chain link fence.	A/C
C/03/1402	Laying of an all weather (astro turf) pitch over existing grass tennis courts to provide new and improved netball and tennis courts.	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
		4/1 4/2 4/3 4/6 4/11 4/13 4/15

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)

### 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, there are no policies in the emerging Local Plan are of relevance.

## 6.0 CONSULTATIONS

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

#### 6.1 No comment.



## **Head of Refuse and Environment**

- 6.2 No objection in principle, subject to conditions relating to construction hours and details of the lighting.

## **Urban Design and Conservation team**

- 6.3 I have been advised by the Nature Conservation Officer that they will not be objecting to the application. Their formal comments will be reported on the Amendment Sheet.

## **Nature Conservation Officer**

- 6.4 I have been advised by the Nature Conservation Officer that they will not be objecting to the application. Their formal comments will be reported on the Amendment Sheet.
- 6.5 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:

- ☐ Vicarsbrook, Chaucer Road
- ☐ 12 Chaucer Road
- ☐ 14 Chaucer Road
- ☐ 15 Latham Road
- ☐ 16 Chaucer Road
- ☐ 18 Chaucer Road
- ☐ 20 Chaucer Road
- ☐ 11 Latham Road
- ☐ 15 Latham Road
- ☐ 5 Southacre Close
- ☐ Southacre, Latham and Chaucer Road Residents' Association (SOLACHRA)

- 7.2 The representations can be summarised as follows:
- ☐ In the appeal for the Perse Girls School, Latham Road the Inspector ruled that no increase in light pollution should be allowed;

- ☐ Coe Fen is a nature reserve and the increase in activity at the Leys School has resulted in light and noise pollution affecting the wildlife on Coe Fen
- ☐ Trees have been removed by the School and the City Council which have exacerbated light pollution. These trees should be replaced
- ☐ Existing noise from the School now continues throughout the summer and this will get worse
- ☐ The existing lighting on the hockey pitch is very intrusive
- ☐ The lighting from the hockey pitch spills over onto the tennis court and additional lighting is not needed
- ☐ If the lighting is allowed this should be on the basis that the lighting does not spread and cause light pollution
- ☐ The School should alter their existing lighting so that it does not have an impact on Coe Fen. The proposed lighting would exacerbate this problem
- ☐ The lights should only be on when the facilities are in active use
- ☐ The Leys School is higher than Coe Fen which increases light spillage

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. Third party representations

### **Principle of development**

8.2 Policy 6/2 of the Cambridge Local Plan (2006) states that development for the improvement of a leisure facility will be permitted if it improves the range, quality and accessibility of facilities, is of an appropriate scale for the locality, and would not have a negative impact on the vitality and viability of the City Centre. Intensive-use sports facilities such as floodlit multi-use

games areas and synthetic turf pitches contribute greatly to sports development. The policy sets out that proposals for these will be supported provided there would not be undue intrusion or significant adverse impact on the immediate locality or wider environment.

- 8.3 This application must, therefore, demonstrate that the proposed lighting is appropriate to the surrounding area, and that this would improve the quality of the existing sports facility. I am satisfied that this application appears to firmly enhance sporting provision in Cambridge by developing an existing facility to ensure that its use is maximised to make the best use of land and facilities. I consider that the improvement and enhancement of the existing facility is not unreasonable and is supported by policy 6/2 of the Cambridge Local Plan 2006 that notes the scarcity of land for such developments and promotes the efficient use of land for such uses in suitable locations. There is no intrinsic harm in the development of this existing sports site to meet the requirements of the School.

#### **Lighting levels and impact on the Conservation Area, Nature Reserve and Residential Amenity**

- 8.4 The representations received have drawn my attention to the Appeal Decision at the Perse Girls School on Latham Road (04/0271), which sought permission for eight floodlights to the existing all weather pitch. This Appeal Decision is attached as Appendix 1. The Appeal was dismissed (in part) because the Inspector took the view that the proposed floodlights would have introduced 'a major intrusion into the rural and semi-rural feel' of the area, as it would have resulted in a 'block of light seen from some external vantage points'. Whilst there are similarities between the Perse application and this application, there are also differences. In the Perse Appeal Decision, the Inspector was concerned about the introduction of floodlights because he felt that they would be visually alien alongside the existing features'. In my opinion, the same could not be argued here. There are other floodlights on the Leys School site with substantial floodlights lighting the hockey pitch directly adjacent to the tennis court. These floodlights are not a positive feature in my view, but they do form part of the character of the immediate area, and must be taken into consideration when assessing the visual impact of the proposed floodlights. In my opinion, the floodlight structures would not be out of character

with the immediate area or detrimental to the character or appearance of the Conservation Area.

- 8.5 Policy 4/15 of the Cambridge Local Plan (2006) requires proposals including new external lighting to demonstrate that the lighting proposed is the minimum required to undertake the task. The Institute of Lighting Professionals (ILP) has published a Guidance Note for the Reduction of Obtrusive Light (GNO1:2011), and according to this document, the Leys School site would be considered to be in Environmental Zone E2 (a relatively dark outer suburban location). The ILP recommends that in this area the Upward Light Ratio (the level of illumination upwards towards the sky) is no more than 2.5%. The explanatory report submitted by the applicant explains that no direct light would be emitted upwards and the proposal therefore complies with this advice. The ILP advises that light intrusion into neighbouring windows should be no greater than 5 lux before 11:30pm. The applicant has demonstrated that the 5 lux level contour, ie the spill of the light at 5 lux would not extend beyond the school boundary, and the proposal therefore complies with this advice.
- 8.6 The Lawn Tennis Association (LTA) Factsheet 'Floodlighting Outdoor Tennis Courts' provides guidance on the installation of floodlights. This guidance indicates that the minimum standard of illumination should be an average of 300 lux on the total playing area (TPA) and 400 lux on the principal playing area (PPA), which means the court and the areas outside it at the ends and sides which form part of the playing area. The recommended average is 400 lux. In order to ensure that the lighting level is uniform across the court, it is recommended that the uniformity is 0.7%.
- 8.7 The tennis court is larger than a standard tennis court as it is also used for netball. The proposed lighting level does exceed the standards provided by the LTA, but due to the larger size of the court this is necessary in order for the lighting to meet the uniformity requirement. Reducing the wattage of the lights, or removing one of the floodlights would reduce the lux level down to the recommended level, but this would render the court unusable in the hours of the darkness as the level of lighting would not be uniform. The lux level could be reduced by increasing the number of floodlights but this would have a detrimental visual impact.

- 8.8 Concern has been raised about the impact of the existing floodlights at the School, and more specifically the floodlights to the hockey pitch. These floodlights cannot be controlled through this application. The hockey pitch floodlights have been in situ for some time, and since their installation advances have been made which means that the proposed floodlights would be more easily directed and controlled than the existing floodlights on the School site.
- 8.9 In my opinion, the applicant has demonstrated that the level of lighting is the minimum required to undertake the task, with the minimum impact on the appearance of the surrounding area, and the occupiers of neighbouring properties. The applicant has proposed that the hours of use of the floodlights are restricted so that they are not in use after 9pm, which I consider to be appropriate. The Environmental Health Officer has raised no objection. I, therefore, recommend a condition requiring the floodlights to be switched off when not in use or by 9pm (3).
- 8.10 No information has been submitted regarding the potential impact the proposed floodlights may have on biodiversity. In saying that, the information submitted by the applicant demonstrates that light spill at a level of 5 lux would not spread beyond the School boundary and it is therefore my view that the impact on biodiversity would be minimal. As the floodlights would be switched off by 9pm at the latest, the impact on wildlife would be greatly reduced. The formal comments of the City Council's Nature Conservation Officer are awaited, and will be reported on the Amendment Sheet. It is understood from the Arboricultural Team that the removal of trees along the boundary was carried out by the School, and it is the Nature Conservation Officer's initial view that as these trees were *Leylandii* these works have had a minimal impact on the spread of light and the neighbouring County Wildlife Site. In order to ensure that this is the case I recommend that a landscaping scheme relating to the area of the school site adjacent to the common boundary with Coe Fen Straits is required by condition (4).
- 8.11 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, 3/7, 4/11, 4/13 and 4/15.

## **Third Party Representations**

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

## **9.0 CONCLUSION**

- 9.1 In my opinion, the proposed floodlights are acceptable as they would not have a significant detrimental impact on the surrounding area or neighbouring residential properties.

## **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. The floodlights hereby approved shall only be switched on between the hours of 4pm and 9pm and shall be switched off when not in use.

Reason: To protect the amenities of nearby residents, ecology and the character and appearance of the Conservation Area (Cambridge Local Plan 2006 Policies 4/11, 4/13 and 4/15)

4. Prior to installation, a landscaping scheme relating to the area of the School site adjacent to the common boundary with Coe Fen Straits shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenities of nearby residents, ecology and the character and appearance of the Conservation Area (Cambridge Local Plan 2006 Policies 4/11, 4/13 and 4/15)





# Appeal Decision

Hearing on the 23 August 2005

by **J S Nixon** BSc(Hons) DipTE CEng MICE MRTPI MIHT

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
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Bristol BS1 6PN  
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Date

**21 SEP 2005**

**Appeal Ref: APP/Q0505/A/04/1157564**

**Site Address: Perse School Playing Fields, Latham Close, Cambridge, CB2 2EL**

- 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 the Perse School for Girls against the decision of Cambridge City Council.
- The application (Ref No: C/04/0271/FP), dated the 13 March 2004, was refused by notice dated the 11 May 2004.
- The development proposed is for floodlighting to an all weather sports pitch.

**Summary of Decision: The appeal is dismissed.**

## Policy Framework

1. I am obliged to determine this appeal in accordance with the provisions of the Development Plan, unless the material considerations indicate otherwise. In this case, my attention is drawn to policies within the Cambridgeshire and Peterborough Structure Plan 2003 (SP), the Cambridge Local Plan 1996 (LP) and the Cambridge Green Belt Local Plan (GBLP) adopted in August 1992. In addition, the Council's Supplementary Planning Guidance entitled "*Southacre Conservation Area Appraisal*" is prayed in aid.
2. There is no dispute that the appeal site lies within the adopted Cambridge Green Belt and within the designated Southacre Conservation Area. As such, a raft of policies evinced by the Development Plan looks to safeguard the openness of the Green Belt by resisting inappropriate development and limiting new development to that required for agriculture and forestry, outdoor sport, cemeteries, or other uses appropriate to a rural area. In general, I find these policies rest comfortably alongside Government guidance issued in Planning Policy Guidance Note 2: Green Belts (PPG2).
3. Turning to the Conservation Area designation, policies in the SP and LP are intended to resist development that would fail to preserve or enhance the character or appearance of the designated area. Once again, this is in conformity with Government guidance delivered by PPG15: Planning and the Historic Environment. From the wider perspective, LP Policy NE3 looks to protect the setting and special character of Cambridge and Policy NE5 seeks to resist proposals that would adversely affect the open character of structurally important open spaces or detract from their relationship to the adjoining built-up area.
4. In considering the appeal proposals against the background of these policies, I have been mindful that there is an over arching desire evinced through published local and national guidance and in particular PPG17: Planning for Open Space, Sport and Recreation to encourage opportunities to improve the value of existing facilities and look to modernise



essential facilities for outdoor sports and recreation. As I see it, this advice also pertains to Green Belt locations, where the openness of the Green Belt can be maintained.

### **Main Issues**

5. Having regard to the prevailing planning policies, my inspection of the site and surroundings and the evidence presented in discussion at the hearing, I consider that the main issues to be decided in this appeal are first, the implications of the proposals for the aims and objectives of Green Belt policy; secondly, the effect on the character and appearance of the Southacre Conservation Area; and finally, the impact on the reasonable expectations of local residents, with particular reference to outlook, noise and disturbance.

### **Inspector's Reasons**

#### *Overview*

6. It was accepted by all that sport and recreation and the opportunity for exercise they deliver are high on the list of Government priorities. Evidence to this effect was presented on behalf of the School <sup>(Documents 8 and 9)</sup> and, of course, support for this is contained in PPG17. I was also advised of local initiatives and encouragement in this context. As such, making better and more efficient use of the existing facility at the Perse Girls School Playing Fields presents a strong argument in favour of allowing this appeal.
7. Next, there is agreement between the parties that the lighting system proposed and levels of illumination are both those that are necessary and the best that can be achieved. With one reservation, I see no reason to disagree and accept that the levels of light spillage beyond the confines of the all weather pitch would not be inordinate. The reservation I have pertains to the potential for minimising the visual intrusion of the stanchions when not in use, especially during the summer. However, fully demountable and/or rise and fall lights do not form a part of the proposals that are before me or are something that I am sure would be practical and/or viable. Accordingly, and faced with the Council's 'agreement' it is not something I pursued.

#### *Implications for the Green Belt*

8. The use of land within the Green Belt for sport or recreational purposes is included in a list of development that is judged not inappropriate. In addition, essential facilities that are genuinely required in connection with such uses can be acceptable. It is in the application of the 'definition' of essential that the parties diverge. On the School's behalf, it is contended that the floodlighting is essential and genuinely necessary to make the best use of a facility already granted planning permission and should be viewed in a similar way to unobtrusive spectator accommodation identified as acceptable in PPG2.
9. From the Council's and resident's perspectives, they view the proposed floodlighting as desirable, even highly desirable, but not essential in the terms necessary to satisfy policy or published guidance. In support of this argument, a survey <sup>(Document 12)</sup> undertaken by local residents in January/February 2005 was submitted. This shows very limited use of the all weather playing facilities during daylight hours. As a consequence, it is contended that better planning and organisation of the school curriculum would allow all the activity necessary for the girls to be confined to the hours of natural daylight, even during the winter months. Moreover, it is submitted that the floodlighting cannot be seen as essential, even by



the School, as despite being advised by Council Officers that this particular aspect was unlikely to receive approval, the School's application to upgrade the playing fields and the pavilion was pursued without the proposed floodlighting.

10. For my part, I accept many of the School's arguments that its curriculum is formulated primarily around high academic attainment and that the experience of the School is that more favourable attention to this is gained during the morning periods. As such, I acknowledge the curriculum needs for sport should be concentrated primarily into the afternoons and the extra curricula activities such as sports clubs and school matches undertaken outside normal school hours. Both would be helped appreciably by the addition of floodlighting extending the hours the facilities are available.
11. Having said this, from the information available I agree with the Council that the necessary curriculum activity could be accommodated within school hours, with some reorganisation of the timetable and greater restriction on external use. However, I appreciate that the School does and should want to offer opportunities above the minimum and that events such as inter-school matches represent a statement of their efforts and can contribute to School pride and general well-being. It seems to me, therefore, that it is the essential nature of the extra curricula activity that is crucial. In this context, I look at the advantage that would be delivered by the introduction of the proposed floodlights.
12. On behalf of the school it is submitted that the period between half-term in the autumn through winter to half-term in the spring would be the period when the floodlights would be necessary and only to a time of 1830 or 1900 hours. Even then, from the draft timetable for the coming academic year <sup>(Document 13)</sup>, the school matches appear to be accommodated satisfactorily by playing some on Saturday mornings and others away during the winter months, with the reciprocal fixture being played at home during the months with longer daylight hours. As for the clubs and extra over training for school teams etc I looked to attach weight to this argument. However, I found it extremely difficult to do so from the limited evidence presented that establishes any formalised or cogent programme.
13. In my assessment, I have allowed weight on the basis of the School's submission that use of floodlit facilities at the Leys Boys School, that had hitherto taken place in out of school hours on their floodlit pitch, is a facility that has recently been withdrawn due to over-use of the pitches. Nevertheless, there was no objective evidence that other opportunities and locations had been investigated to ascertain their availability. Whereas there was an articulate submission on behalf of the School in this regard, I do not feel that it was presented in any objective or persuasive manner that elevates the need for the lights above the highly desirable to the essential and necessary. In saying this, I can recognise the sense of frustration there must be having spent substantial sums on the playing fields and not being able to use them to their full potential.
14. On balance, therefore, I am more inclined to the Council's view that the proposals are highly desirable, but not essential in meeting the obligations of the National Curriculum or in fulfilling the extra curricula activities identified.
15. Turning now to consider the harm, it is fair to say that, in my experience, the Green Belt around Cambridge is somewhat unusual. Nevertheless, it has been confirmed and supported at subsequent examinations and inquiries that its relatively narrow fingers, penetrating close to the City Centre, should be retained within the designation along with the aims and



objectives that imposes. Around the appeal site, this can be seen to incorporate a very narrow corridor to the northeast and east and a none too wide finger straddling the River Cam to the northwest. The appeal site itself lies in this latter sector and, of course, forms the edge of the Green Belt and includes a partial re-entrant into the built-up area of Southacre. As such, I see its openness as being particularly important and potentially vulnerable to development and erosion by urban influences.

16. In the case of the appeal site, I am ever mindful that it lies within the Green Belt, where it already has a designated sports use. This use is very long standing and in policy terms is not inappropriate in this location. Moreover, even with the latest scheme for upgrading the facilities with the all-weather surface, the surrounding chain-link fencing and the new pavilion it somehow still rests comfortably in its location and maintains a distinct degree of openness. With the proposed floodlighting and stanchions however, I have mixed feelings. Walking around the appeal site and looking from vantage points both near and more distant, I find it difficult to envisage how much of the stanchions and lights could be seen during daylight hours. On the basis that the appeal site is on gradually rising land from the River Cam, I have little doubt that they would be seen from some locations, although the extent of the adverse effect on openness they would have seems highly debatable allowing for the natural vegetation and trees around the appeal site.
17. In my view, the times when the floodlights would be in operation present an entirely different perspective and well beyond any similarity I can see with small scale spectator facilities. During the winter period, there would be no leaves on the many deciduous trees in the vicinity. Most importantly, the actual light source and 'block' of light delivered to the all-weather surface would inevitably extend an urban perception into the Green Belt for the periods involved. Although the School activities identified during the hearing would certainly not appear to fill all the evening periods when floodlighting would be required, I have little doubt that the activities would extend to the maximum allowable under the conditions attached to any planning permission for their use.
18. This is not intended to imply criticism, but merely to accept the reality of the situation. There is no restriction on the use of the sports facilities by persons and organisations out with the school and it is sensible to make the best use of expensive facilities that are available. Accordingly, I anticipate that for 3 to 3½-hours of each day between Monday and Friday during a 4+ month winter period the floodlights would be in use. In my view, and although I was not able to establish a zone of visual influence, I foresee that the introduction of a greatly urbanising feature would harm the openness of the Green Belt. I say this even though some of the public and semi-public vantage points from which the appeal site would be viewed would be far less likely to be used during the hours of darkness.
19. In summary on this issue, I consider that the proposal constitutes an inappropriate form of development in the Green Belt and one that would harm its aims and objectives and threaten its main attribute of openness. Moreover, I am not satisfied that the evidence presented constitutes the very special circumstances necessary to outweigh the presumption against inappropriate development in Green Belt locations.

#### *The Effect on the Southacre Conservation Area*

20. The Southacre Conservation Area has been the subject of an appraisal <sup>(Document 11)</sup> published in February 2000. This document identifies the key elements that define its special character



and within its aims and objectives seeks to ensure that future development protects the positive features of the area. Insofar as the special character of the area is concerned, I agree that it projects a strong rural feel, with a quiet and peaceful atmosphere. Most particularly in the context of the appeal proposals, the level of lighting both within the Conservation Area itself and perceived from external vantage points is extremely low key.

21. Against this background, I anticipate that the appeal proposals would conflict materially with this perception and, thereby, harm the character and appearance of the Conservation Area. While one might argue that the lighting stanchions and lights are individually of no great mass, they would be visually alien alongside existing features, including those delivering lighting to the surrounding area. When illuminated, albeit only for 3 to 4-hours on weekdays, this would introduce a major intrusion into the rural and semi-rural feel. In my opinion, this could not be judged to preserve some important elements of the Conservation Area's make-up.
22. Once again, I had some difficulty in anticipating the effect the proposals would have on the views into the Conservation Area either during daylight hours or when the floodlighting was in use. Clearly at times when the lights are in use the foliage on the trees would be considerably less. As such, I foresee that the block of light would be seen from some external vantage points from where the public have access. As I concluded in the context of the Green Belt, the weight I afford these external views is tempered by the belief that the public are less likely to be abroad during those hours when the lights are in operation. Nevertheless, it does lend support to the main objection on this ground and there was no objective evidence to demonstrate that the lighting would not be seen.
23. An additional concern I have for the effect of the proposals on the continued well-being of the Conservation Area pertains to the increased activity in the area during the hours of darkness. As noted, the levels of street lighting and the lighting of footways/cycleways serving the playing fields are extremely low key. Although parents are, in the main, expected to collect children after evening clubs and matches, this clearly cannot always be the case. Even if it were, I see there being considerable pressure for improved lighting in the area so that pick-ups can be effected safely and that those children walking back to school accompanied or unaccompanied would be able to do so with a reasonable level of lighting. Although it might not be considered necessary today, I have little doubt that those responsible for Health and Safety would require improvements to the lighting before an unfortunate accident occurs. I anticipate that this would lead to further and distinct harm to the character and appearance of the Conservation Area.

#### *Neighbour Interests*

24. Insofar as neighbours are concerned, there is individual concern that views from particular windows or points in gardens of the lighting stanchions would be intrusive and, when in use the light would materially affect the outlook for residents. For my part, I must first of all state that no one has an inalienable right to an uninterrupted view. In law, it is a matter of fact and degree. In this particular case, however, I do have some sympathy with the local residents.
25. Although the intrusion into their outlook during daylight hours may not be pronounced or inordinate, I believe that to some small extent any sight of the stanchions would run counter to their reasonable expectations. Essentially, this is a Conservation Area defined by the



elements referred to above. As such, their views could reasonably be expected to reflect this and as said, the lighting stanchions would constitute an alien feature in the Conservation Area. As to the level of illumination when in use, again this rests uneasily alongside what might be expected in a conservation area and this one in particular. In saying this, I acknowledge that the actual light spillage into gardens would not be inordinate. In combination, however, I believe these factors register a further modest level of objection to the proposals.

26. As far as noise and disturbance are concerned, the proposals would undoubtedly introduce further activity to the area and this would have some consequences for neighbours. However, my perception of the School's organisation and discipline, confirmed by the responses to resident's concerns so far, do not indicate to me that this would introduce an untenable level of noise and disturbance for residents. I have, therefore, afforded this aspect only very limited weight.

#### *Other Matters*

27. A part of the appeal site lies within an Area of Best Landscape defined in the LP. Even so, very little was made of this point by the Council and I agree that on the very fringe of the designation there is a reasonable argument to say that less weight should be attached to any visual intrusion. The appeal site is not included in any of the City views defined within the LP for protection. Accordingly, I have attributed no negative weight to this factor.
28. Moving on to traffic and parking, there is an almost inevitable area of tension between those dropping off or collecting children and the local residents. In the organisation that pertains today, there is clearly an appreciation on behalf of the School of this difficulty and the residents seem to accept that the School is doing as much as it can. I have no reason to believe that this would not continue were the floodlights installed and later hours of operation during the winter months follow.
29. Having said this, the off-road parking associated with the playing fields is fairly limited and I have little doubt that many parents would park on Latham Road and in Latham Close. Both are relatively narrow and poorly lit and, thus, I would expect that parking on the grass verges would become more of a feature than it has in the past. Moreover, it is clear that with the loss of the facility at Leys School, there will be greater use of the playing fields, irrespective of whether the floodlights are introduced or not. A final point to enter into the equation is that both Latham Road and Latham Close are unadopted private roads. For this reason, the Highway Authority has very restricted scope of action in the event problems ensue.
30. For my part, I view the level of off-street parking provided not as a consequence of the proposed floodlight scheme, but more a function of the upgrade to the sporting facilities and the erection of the new pavilion, both of which were granted planning permission sometime ago. Even without lighting, during the days with longer hours of light there is likely to be additional activity and the occasional breach of common sense. However, the roads are very narrow and, thus, drivers are likely to take greater care. Although I can see the possibility of tension between parents and residents, I have not seen this as a determining issue in the specific context of the appeal proposals. My main concern from the extended hours of use would be the pressure I anticipate for improved lighting and the effect this would have on the presentation of the Conservation Area.



### Summary and Conclusion

31. At the outset, I recognise that there is very strong support for making the best use of existing sporting facilities and extending the opportunity available to children of all ages for exercise and recreation. I agree also that in technical terms the level of illumination necessary is delivered in the most efficient way possible and minimises the spillage. As noted above, I believe that more might be done to reduce the visual impact of the stanchions and lights when not in use, but this is not a matter before me or that I believe could be conditioned as part of a planning permission for the appeal scheme. In any event, I have distinct doubts that any such arrangement would overcome the key objections.
32. Against these positive elements, it is necessary for me to weigh in the balance the negative effects of the proposal. As I see it, from the evidence presented to the hearing and objective support for the proposal I conclude that the lights are highly desirable, but not essential facilities for use in conjunction with the playing fields. As such, they must by definition constitute inappropriate development in the Green Belt for which there is a presumption against a grant of planning permission. Had the only objection stemmed from the Green Belt designation then applying proportionately to the effect on the aims and attributes of the Green Belt it might have been possible to demonstrate a stronger need argument based on more detailed curriculum information. However, in the absence of this and greater detail about the out of school clubs etc I have not found the need arguments constitute very special circumstances.
33. Notwithstanding, the strongest argument against the proposals is the harm that I anticipate to the character and appearance of the Southacre Conservation Area. Not only do I believe that this would be substantial and a direct result of the current appeal proposals, I foresee the greater use leading to a further pressure for change in the character through the introduction of additional street/footpath/cycleway lighting for safety reasons. Even taking the most proportionate and optimistic view of the proposals and their impacts I find it impossible to reconcile them with national guidance and local policies contained in the Development Plan, which look to preserve or enhance the character or appearance of the Conservation Area. Moreover, when this is taken in combination with the Green Belt objection and a further modest supporting objection stemming from the likely infringement to the reasonable expectation of neighbours I find the cumulative objection to be overwhelming.
34. I have taken into account all other matters raised in the evidence and representations, but have found nothing of such significance as to outweigh the material planning considerations leading to my conclusion that this appeal should fail.



INSPECTOR



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# Agenda Item 9

## PLANNING COMMITTEE

1<sup>st</sup> October 2014

<b>Application Number</b>	14/0320/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th May 2014	<b>Officer</b>	Mrs Angela Briggs
<b>Target Date</b>	11th July 2014		
<b>Ward</b>	Market		
<b>Site</b>	Payphone Kiosk Adjacent Church Of St Mary The Great St Marys Street Cambridge Cambridgeshire		
<b>Proposal</b>	Change of use of 2no. phone boxes to 2no. retail kiosks (A1) selling either tea/ coffee, ice cream, shoe shine or souvenirs.		
<b>Applicant</b>	Mr Steve Beeken 6 Kensington Gardens Brighton BN1 4AL		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> The proposed use would contribute to the vitality and viability of the City Centre;</li><li><input type="checkbox"/> The proposed change of use would not have a detrimental impact on the character or appearance of the Conservation Area;</li><li><input type="checkbox"/> The proposal would not have a significant impact on highway safety.</li></ul>
RECOMMENDATION	APPROVAL FOR TEMPORARY PERIOD OF 9 MONTHS

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is to the rear of the Church of St Mary the Great, which is a Listed Building, on Market Hill, and close to the corner with the Peas Hill junction. The site is occupied by two iconic 'K6' red phone boxes. Adjacent, are two more phone boxes which

are identical and make up the group of four. The phone boxes are currently in operation and are accessed from Market Hill. The surrounding area is predominantly retail in character, including the market stalls in the market square. Behind the phone boxes are the black iron railings that bound the church. There is a gate along this elevation, for access to the bins only. The main entrance to the church is via St Edwards Passage.

- 1.2 The site falls within the Central Conservation Area and therefore the Historic Core Conservation Appraisal is relevant. The structures are also Grade II Listed.

## **2.0 BACKGROUND**

- 2.1 The development, if approved, would be novel to Cambridge and is part of the reason why it is being report to Planning Committee. It involves the alternative use of 2 iconic K6 payphone kiosks and is part of a growing UK trend to find alternative uses for them. The agent has confirmed that planning permission has already been granted in other cities such as Brighton, Nottingham, Plymouth and Blackpool for similar uses to those proposed here.

## **THE PROPOSAL**

- 2.2 There are two applications in relation to this site. The full application, Ref: 14/0320/FUL, seeks planning consent for a change of use of 2no. phone boxes to 2no. retail kiosks (A1) selling either tea/coffee, ice-cream, show shine or souvenirs. The sister application, Ref: 14/0806/LBC is for Listed Building Consent.
- 2.3 The proposals do not seek to remove the existing phone box structure. The proposal includes minor alterations to the door lock mechanism and the glazing, for security measures. Externally, the phone boxes would remain as existing in terms of size, colour and detailing (including HRH's crown logo), and even the word 'Telephone' at the top of the entrance. Internally, the telephone unit and its associated equipment would be removed, and a stand-alone modular unit inserted, which would contain the retail goods. These modular units are positioned on in-built rollers with no fixings to the existing phone box shell.

2.4 The application is accompanied by the following supporting information:

1. Design & Access Statement/Heritage Statement;
2. Plans

2.5 The application is brought before Committee because this proposal involves development that is novel to the City of Cambridge and affects two iconic Listed structures within the City Centre that has drawn objection from third parties and from the Principal Conservation and Design Officer.

2.6 An amended plan was submitted on 8<sup>th</sup> September 2014, to show the position of the drop-down seat in the down position and the position of the sink, when in use. These two elements would not necessarily be out for the duration of the service, and would be used as and when required. The door of the kiosks would need to remain open during service times. The sink and the seat would be tucked away within the module when the retail kiosks close for business.

2.7 The proposed retail kiosks would function in two ways: They would be staffed on a daily basis and therefore would assist in the vending and sale of items from the kiosks. The kiosks would operate from 08:00hrs to 18:00hrs Monday to Saturday and from 09:00hrs until 18:00hrs on Sundays and Bank Holidays. It is also possible to place an order via a mobile phone app, or online, and pick it up on your way. A typical example given, would be: *“to get off your train at Victoria Station around your normal time and you could pay via your mobile phone knowing your daily walk would take you past the kiosk within the next 10-15mins and it will be ready waiting for you to collect, “Grab & Go”. No queuing and the incentive would be to offer this at a 5% discount when purchasing via your smart phone or online”.*

### **3.0 SITE HISTORY**

3.1 None relevant.

## 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		3/1 3/4 3/7 3/11
		4/10 4/11 4/13
		6/5
		8/2

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Supplementary Planning Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)



Material Considerations	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)
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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.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance.

## 6.0 CONSULTATIONS

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

- 6.1 Object. Telephone kiosks are allowed to be placed upon the public highway by telecommunication companies under their rights as statutory undertakers in order that they may provide a public service. As this public service is to be removed, these structures will simply become private structures on the public highway and will need to be removed as the Highway Authority will not license such a use. Therefore, for the avoidance of doubt, the Highway Authority recommends that the proposal be REFUSED planning permission. Reason: Impact upon the safe and efficient use of the public highway. If the conversion takes place, the Highway Authority will use its powers to remove the structures from the public highway. The applicant should be informed of this resultant action.

### Further comments:

British Telecom are a Statutory Undertaker, which allows them to place telecommunications apparatus and plant within the public highway.

The proposal removes the telecommunication function of the structure, which would remove the right of British Telecom to place a structure on the public highway. The structure would then become an illegal structure on the public highway, unnecessarily occupying the public highway.

In essence a shopkeeper cannot erect a shop on the public highway, and that is what is proposed. The Highway Authority would be duty bound to remove it.

Furthermore the shop would have a door that opens outwards over the public highway, a straightforward breach of the Highways Act. British Telecom can do it for a public call box, but not a shop. We would be forced to fix the door shut, (I would not resort to the alternative of removing the door of a listed structure).

Our duties do not take into account listing and so this has potential to become a problem to the Authorities. I assume that you wish to retain the structure as it is a listed structure in the setting of a Listed Building, but it would become a breach of highway law, requiring enforcement.

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

- 6.2 No objection subject to a condition relating to construction hours.

### **Head of Urban Design and Conservation**

- 6.3 The Head of Conservation team makes the following comments:

The application relates to two Grade II Listed telephone kiosks within the Central Conservation Area. The concerns are the impact of the proposal on the special interest of the listed buildings; on the setting of the listed Great St Marys' church; and on the character or appearance of the Conservation Area.

### Existing:

The two telephone kiosks affected are within a line of four (three of which are listed) beside the railings of Great St Marys' church on its St Mary's Street side. They have metal frames and margin glazing to the windows and doors. All four currently contain functioning phone equipment.

### Proposals:

The proposals are to change the use of two kiosks from pay phones to retail and in doing so, removing the telephone equipment. It is understood that the equipment itself is not covered by the statutory listing.

Proposed works include the replacement of the existing glass with 4mm thick thermally toughened soda lime silicate safety glass for security reasons. Glazing by the manufacturers concerned has evidently been used in other listed phone boxes. There are no concerns with this aspect of the application subject to a sample of the glass being approved.

The unit to be installed within the kiosk is a self-contained modular unit which will not have any fixings to the carcass or the floor plate of the phone box.

A door lock would also be installed as shown on the submitted drawings.

The kiosks currently have functioning phone equipment and are available to the public to use. National Planning Practice Guidance notes that "It is important that any use is viable, not just for the owner, but also the future conservation of the asset." The effect of the proposals may be regarded as curtailing the optimum viable use of these listed buildings. However, the submitted letter of support from BT Payphones is noted.

Their external appearance would not be significantly changed – at least when closed. However, the phone box doors would have to be propped open for a good deal of time during trading and it is noted that a drop-down seat and swivel-out basin are part of the modular unit to be installed. D & A Statement:

"6.8 The modular unit incorporates a drop-down seat and swivel-out basin for staff use. When not in use, these items can

be withdrawn into the modular unit, and the whole unit is encased with doors ....."

#### Discussion:

#### Impact of the proposal on the special interest of the listed buildings;

National Planning guidance refers (NPPF para 131) in determining planning applications, to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Their significance as individual listed buildings may be different to their significance as elements within the conservation area. Their significance as examples of the design may be little affected in terms of their appearance *at least whilst the doors are closed*. At the time of writing though, information on the modular unit incorporating a drop-down seat and swivel-out basin had been requested and was awaited from the applicants. This unit could significantly impact the appearance of the listed buildings particularly if it is likely to require the door to be propped open for periods. It is hoped this information will be available at the time the applications are determined as the impact on appearance cannot be fully assessed otherwise.

The effect of other alterations are limited to the alterations (lock and glass) noted above.

Other aspects of their significance include their use. Their use and appearance are clearly closely related as the boxes are intended to highlight the availability of a payphone in the surroundings in which they stand. This is how they are considered significant by many. The NPPF criterion of viable uses should also be considered. These particular phone boxes are understood to be still in use.

#### Impact on the character or appearance of the Conservation Area.

The impact on the established character and appearance of the Conservation Area. 4/11. The phone boxes are a characterful part of views toward the market along St Mary's Street and vice versa and are shown in the Historic Core Conservation Area Appraisal. The telephone boxes are notable for being part of the

line of four standing together in the market area of the city centre. They make a positive contribution to the appearance of the conservation area. They also attract a good deal of attention from visitors to the city centre. However, the above matters in relation to the telephone boxes as Listed Buildings are also considered to also relevant to their role in the conservation area.

The regular maintenance proposed (including painting) would be a benefit (Though all four boxes were painted just before the Tour De France came through Cambridge). There might be said to be little public benefit otherwise – coffee and ice cream not being in short supply in the vicinity. However, the painting if applied only to two of the four kiosks could result in an incongruous difference in the appearance of the group.

#### Impact on the setting of the Listed Great St Mary's Church.

Street trading is a characteristic feature of the context and the impact of the proposals on the setting of Great St Mary's would arguably not be harmed in this respect. It is also a consideration that the kiosks stand next to a side gate in the church railings (ie not on the particularly sensitive west or south entrance sides of the church) that appears only to be used for wheelie bins.

#### Conclusions

Regarding the Planning application, the existing use is the original use the boxes were designed for and is evidently at least sufficient to maintain the telephone boxes in use. Would the proposed new use be more likely to be an optimum viable use (ref NPPF para 134 (where a proposal will lead to less than substantial harm, this should be weighed against the public benefits, including securing its optimum viable use))?

What is the visual impact of the modular unit incorporating a drop-down seat and swivel-out basin? This will significantly affect whether the listed building application is consistent with Cambridge Local Plan Policies 4/10 (Listed Buildings). If the resultant change to the appearance of the listed buildings (even if during the hours of operation of the proposed business) is regarded as sufficiently harmful, it may be considered that proposed use is not "consistent with their conservation." It is hoped this information will be available at the time the

applications are determined as the impact on appearance cannot be fully assessed otherwise.

Conservation Officer comments on the amended plan:

- 6.4 The drawing now submitted shows the drop-down seat and sink in their in-location positions and in their in-use positions.

It is clear that self-contained modular units effectively fill the telephone kiosks – the operative remains outside the kiosk. The drop down seat would extend out of the kiosk as would the sink when in use. Evidently then, the doors of the kiosks would often be open to allow the products to be dispensed or the operative to sit or use the sink.

This contrasts with the telephone kiosks currently having to be entered to use them and the doors being closed generally. Part of the significance of the Listed buildings can be said to be how they are perceived and experienced. In the proposed use, their character would be changed by the lack of public access into the kiosk; by the visible occupancy of the kiosks by the modular unit; and by the uncharacteristic projection outside the kiosks of the sink/seat unit. The meaning and perception of the Listed buildings would be changed and their significance harmed.

Against the harm created is a consideration of the benefit of the employment of the operatives. However, Planning guidance requires that where there is harm to a heritage asset that harm be given “considerable weight” and in this case I consider the harm to the Listed buildings is not outweighed. This is reinforced given the iconic nature of this group of telephone boxes in their relationship to their historic surroundings.

The proposal is not consistent with Cambridge Local Plan Policies 4/10 (Listed Buildings). A clear understanding of the buildings importance has not been demonstrated and the proposed works would harm aspects of the buildings special interest.

## **7.0 REPRESENTATIONS**

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



- ☐ 7A Adams Road
- ☐ 30 Callander Close
- ☐ 6 Perse Almshouses, Newnham Road
- ☐ 80 Hills Avenue
- ☐ Great St Mary's, The University Church

7.2 The representations can be summarised as follows:

- ☐ Increased congestion as a result of people queuing;
- ☐ City Centre bins unable to cope with additional rubbish;
- ☐ Removal of the four public telephones will reduce provision to those who do not own mobile phones;
- ☐ No site notices to make public aware of the applications, nor to the surrounding shop traders or market stall holders;
- ☐ What is the need?
- ☐ This change of use would have a negative effect in a Conservation Area and the iconic phone boxes are a major attraction because of what they are;
- ☐ Inappropriate location for the sale of refreshments or other commercial activities;
- ☐ Does not preserve or enhance the unique character of Cambridge.

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. Impact on Conservation Area and Listed Building
4. Delivery and Refuse arrangements
5. Highway safety
6. Third party representations

### **Principle of Development**

8.2 The concern is whether this retail proposal seeks to maintain and enhance the vitality and viability of the City Centre, as

required by Policy 6/5 of the Local Plan. The development, if approved, would result in two new retail units, albeit, occupying an existing structure, selling particular items as specified within the proposal description. In my view, I consider that the change of use to two retail kiosks would complement the existing surrounding retail environment and would make a positive contribution towards the vitality and viability of the City Centre.

- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 6/5 of the Cambridge Local Plan (2006).

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

- 8.4 The area surrounding the site is predominantly retail in character. However, the phone boxes are also in close proximity to St Mary's the Great Church. In terms of the change of use, the proposal would not be introducing any additional physical development, other than a "drop-down seat and a swivel-out basin for staff use" (see paragraph 6.8 of the Design & Access Statement). In terms of design, the appearance of the phone boxes would be altered as the phone unit would be removed and replaced with a modular unit, which would sit inside the phone box structure. This modular unit measures 600mm by 600mm and would be more noticeable than the phone unit currently is, and therefore may result in the phone boxes appearing more solid along the street scene. However, in my view, although it is likely to change the character of the phone box, I do not consider that the modular unit would seriously harm the visual character of the area and warrant refusal of the application on this basis.
- 8.5 In terms of external spaces, currently, the phone boxes operate as single self-contained structures, in that it is designed to be used by one person at a time. Their function is such that a user would close the door whilst making a phone call, for privacy, and against the hustle and bustle of the market square. The iconic design of these phone boxes mean that users are likely to close the door behind them whilst making a phone call, although they are not obliged to. Nonetheless, it is recognised that these phone boxes are "tourist attractions" and therefore also contribute to the uniqueness of the City of Cambridge.

- 8.6 The application proposes the change of use to two of the four phone boxes. This would mean that the remaining two would continue to provide a telecommunication service to the public. I would be more concerned about the loss of all four phone boxes to retail, or other, uses, because of their popularity and uniqueness. I am not concerned about the functionality and compatibility of the group of phone boxes and consider that the remaining two phone boxes would not be compromised by the proposed change of use for retail purposes.
- 8.7 I understand that the proposal would be novel to the City and that these phone boxes are iconic and are popular with tourists and residents. I am of the view that if Members are minded to approve the application, I would recommend granting a temporary permission for 9 months in the first instance. I consider this to be a reasonable amount of time to enable the council to monitor the kiosks and their impact on the surrounding environment. I therefore recommend a condition (condition 1) to permit the change of use to retail use for 9 months only.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

### **Impact on Conservation Area and Listed Building**

- 8.9 The Conservation Officer does not support the proposal. I agree that the character of the listed buildings would change, in so far as they would no longer function as a telephone box. However, the skeletal structure and the detailing would remain, which in my view, is how these structures are considered to be 'iconic'. I would argue that the telephone equipment inside is not considered to be of any architectural merit and therefore its removal would not, specifically, in my view, harm the historic meaning or attraction of the listed structures. The colour and external appearance of the telephone box structures would be retained, so that when visitors walk by, the 'K6' telephone boxes are still recognised as a group and admired in the same way in which it was intended.

In my view, it is the internal function that would make the most significant difference, and their effect on the character of the Conservation Area and the historic assets. As I have already mentioned, the modules are self-contained and free-standing.

When the door is open, the module will be visible from the public domain. They would be providing a retail service within the confines of the 'iconic' historic asset, but the 'K6' attraction would still be acknowledged by visitors and passers-by. The integrity of the phone boxes, as historic assets within the Conservation Area, in my view, would not be lost. When the door is closed, you will see the module behind the door, but the visual appearance of the 'K6' structures would prevail and, in my view, continue to preserve the character of the Conservation Area.

- 8.10 I acknowledge the Conservation Officer's comments about the impact on the Church of St Mary the Great, and I would concur with his view that the proposal is unlikely to have a significant impact on the Listed Church.

### **Delivery and Refuse Arrangements**

- 8.11 The kiosks will have deliveries on a daily basis. Waste removal would be part of the same daily process, whereby the operators will remove any waste at the end of each day. Due to the size of the kiosks, stock levels are unlikely to be high and therefore it is likely that delivery vehicles would be no bigger than a transit van. Delivery would be once a day and would occur in accordance with existing delivery time restrictions.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.13 In terms of highway safety, the Highways Authority recommend refusal. From their comments, the proposed retail kiosks would contravene their highway regulations, and could potentially be removed. The reason they have given is "Impact on the safe and efficient use of the public highway". However, in their comments, no explanation is given as to why the kiosks would compromise public safety. Further comments from the Highway Authority suggest that the permanent open door feature would be problematic, whilst the kiosk is in use. It is also stated that the Highways Authority "*would not resort to the alternative of removing the door of a listed structure*". The kiosks would be staffed during normal hours, and then the door will be locked. In my view, if the kiosks are staffed, I would expect that member

of staff to be aware of any hazard resulting from the door being left opened and be in a position to manage this situation, if necessary. The kiosk door is not wide enough, in my view, to cause a major incident, in its open state, nor would it severely obstruct pedestrians. In my view, it would be difficult to argue that, from a planning perspective, the proposed kiosks would have a significant impact on highway safety.

8.14 All service activity takes place within the swing of the door, so no additional highway space is used up, other than the physical door itself. Where phone boxes are still being used for their original purpose, they still have the same swing door. There are no planning restrictions on the number of users in any one day or on the number of times that the door may be opened. Furthermore, when any one (or more) people are inside the phone box making a call, there is no restriction on the numbers of people that may be waiting outside the box to use the phone or waiting for their companion(s).

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

### **Third Party Representations**

8.16 I have covered comments relating to the impact on the Conservation Area above, and will report more on the amendment sheet. I have the following comments on the other issues raised:

#### Increase in congestion:

8.17 I agree that the proposed use would attract more people around this area as the kiosks would be offering a service to the public. However, this area is already a busy thoroughfare and there is always congestion around this part of the city centre at various times, such as when Buskers are playing, or groups gathering, cycles parked on railings and lampposts. Users/customers would gather for a short while, make their purchase, and then move on. I do not consider that any congestion would be significant given the nature of the kiosk.

#### Removal of the four public telephones will reduce provision to those who do not own mobile phones

- 8.18 None of the phone boxes are to be removed. The application relates to two phone boxes and their proposed change of use.

No site notices to make public aware of the applications, nor to the surrounding shop traders or market stall holders

- 8.19 Two site notices were posted on the lamppost, dated 22<sup>nd</sup> May, opposite the site to advertise both applications, and an extensive consultation with neighbouring units was carried out. The application was also advertised in the Cambridge Evening News on 30<sup>th</sup> May 2014.

What is the need?

- 8.20 The principle of the development is explained in paragraph 8.2 of this report. I concluded that I considered that the proposed change of use was acceptable in policy terms.

Inappropriate location for the sale of refreshments or other commercial activities

- 8.21 The kiosks would be located close to other retail units, and therefore I do not consider that their location would be inappropriate. The retail goods are quite restricted so it is unlikely that this could be expanded. A condition is recommended to restrict the sale of goods to ice cream, hot beverages and souvenirs/shoe shine (condition 2).

## **9.0 CONCLUSION**

- 9.1 In conclusion, I consider that the proposed development for a change of use to two phone boxes for A1 retail use, is acceptable, subject to a condition restricting planning permission to 9 months in the first instance, to enable the Local Authority to monitor and assess the impact of the retail use on the surrounding environment.

## **10.0 RECOMMENDATION**

**APPROVE FOR A TEMPORARY PERIOD OF 9 MONTHS** and subject to the following conditions:

1. The use hereby permitted shall be discontinued on or before 31st July 2015 .



Reason: To enable the local planning authority to assess the impact of the use on the amenity of the surrounding area (Cambridge Local Plan 2006 policies 3/1, 3/4, 3/12 and 8/2).

2. The retail kiosks, hereby approved, shall be restricted only for the selling of the following retail goods: Ice Cream, hot beverages, souvenirs and/or shoe shine. No food shall be handled or prepared on the premises at any time and the selling of alcohol or alcoholic goods is strictly prohibited.

Reason: For the avoidance of doubt and to protect the vitality and viability of the City Centre (Cambridge Local Plan 2006, policy 6/5)

3. The retail kiosks, hereby permitted, shall operate between the following times only: Monday to Friday 08:00hrs to 18:00hrs, Saturday 08:00hrs to 19:00hrs, Sunday and Bank Holidays 09:00hrs to 18:00hrs.

Reason: To protect the amenity of nearby residents (Cambridge Local Plan 2006, Policy 4/13)

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. Other than the drop-down seat, which forms part of the kiosk modular structure, there shall be no external seating, advert boards, or such equipment associated with the use.

Reason: To ensure the pavement does not become congested with street furniture (Cambridge Local Plan policy 8/2, 8/4).

**INFORMATIVE:** The applicant is reminded that under the Food Safety Act 1990 (as amended) the premises will need to be registered with Cambridge City Council. In order to avoid additional costs it is recommended that the applicant ensure that the kitchen, food preparation and food storage areas comply with food hygiene legislation, before construction starts. Contact the Commercial Team of the Refuse and Environmental Service at Cambridge City Council on telephone number (01223) 457890 for further information.

<b>Application Number</b>	14/0806/LBC	<b>Agenda Item</b>	
<b>Date Received</b>	16th May 2014	<b>Officer</b>	Mrs Angela Briggs
<b>Target Date</b>	11th July 2014		
<b>Ward</b>	Market		
<b>Site</b>	Payphone Kiosk Adjacent Church Of St Mary The Great St Marys Street Cambridge Cambridgeshire		
<b>Proposal</b>	Change of use of 2no. phone boxes to 2no. retail kiosks (A1) selling either tea/ coffee, ice cream, shoe shine or souvenirs.		
<b>Applicant</b>	Mr Steve Beeken 6 Kensington Gardens Brighton BN1 4AL		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The proposal would preserve and enhance the character and appearance of the Conservation Area</li> <li><input type="checkbox"/> The proposal would not harm the historic fabric of the listed buildings.</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is to the rear of the Church of St Mary the Great, which is a Listed Building, on Market Hill, and close to the corner with the Peas Hill junction. The site is occupied by two iconic 'K6' red phone boxes. Adjacent, are two more phone boxes which are identical and make up the group of four. The phone boxes are currently in operation and are accessed from Market Hill. The surrounding area is predominantly retail in character, including the market stalls in the market square. Behind the phone boxes are the black iron railings that bound the church.

There is a gate along this elevation, for access to the bins only. The main entrance to the church is via St Edwards Passage.

- 1.2 The site falls within the Central Conservation Area and therefore the Historic Core Conservation Appraisal is relevant. The structures are also Grade II Listed.

## **2.0 BACKGROUND**

- 2.1 The development, if approved, would be novel to Cambridge and is part of the reason why it is being report to Planning Committee. It involves the alternative use of 2 iconic K6 payphone kiosks and is part of a growing UK trend to find alternative uses for them. The agent has confirmed that planning permission has already been granted in other cities such as Brighton, Nottingham, Plymouth and Blackpool for similar uses to those proposed here.

## **THE PROPOSAL**

- 2.2 There are two applications in relation to this site. The full application, Ref: 14/0320/FUL, seeks planning consent for a change of use of 2no. phone boxes to 2no. retail kiosks (A1) selling either tea/coffee, ice-cream, show shine or souvenirs. This sister application, Ref: 14/0806/LBC is for Listed Building Consent.
- 2.3 The proposals do not seek to remove the existing phone box structure. The proposal includes minor alterations to the door lock mechanism and the glazing, for security measures. Externally, the phone boxes would remain as existing in terms of size, colour and detailing (including HRH's crown logo), and even the word 'Telephone' at the top of the entrance. Internally, the telephone unit and its associated equipment would be removed, and a stand-alone modular unit inserted, which would contain the retail goods. These modular units are positioned on in-built rollers with no fixings to the existing phone box shell.
- 2.4 The application is accompanied by the following supporting information:
1. Design & Access Statement/Heritage Statement;
  2. Plans

- 2.5 The application is brought before Committee because this proposal involves development that is novel to the City of Cambridge and affects two iconic and Listed structures within the City Centre.
- 2.6 An amended plan was submitted on 8<sup>th</sup> September 2014, to show the position of the drop-down seat in the down position and the position of the sink, when in use. These two elements would not necessarily be out for the duration of the service, and would be used as and when required. The door of the kiosks would need to remain open during service times. The sink and the seat would be tucked away within the module when the retail kiosks close for business.
- 2.7 The proposed retail kiosks would function in two ways: They would be staffed on a daily basis and therefore would assist in the vending and sale of items from the kiosks. The kiosks would operate from 08:00hrs to 18:00hrs Monday to Saturday and from 09:00hrs until 18:00hrs on Sundays and Bank Holidays. It is also possible to place an order via a mobile phone app, or online, and pick it up on your way. A typical example given, would be: *“to get off your train at Victoria Station around your normal time and you could pay via your mobile phone knowing your daily walk would take you past the kiosk within the next 10-15mins and it will be ready waiting for you to collect, “Grab & Go”. No queuing and the incentive would be to offer this at a 5% discount when purchasing via your smart phone or online”.*

### **3.0 SITE HISTORY**

- 3.1 None relevant

### **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
		4/10 4/11

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
Material Considerations	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)

## 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, there are no policies in the emerging Local Plan are of relevance.

## **6.0 CONSULTATIONS**

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

- 6.1 Object. Telephone kiosks are allowed to be placed upon the public highway by telecommunication companies under their rights as statutory undertakers in order that they may provide a public service. As this public service is to be removed, these structures will simply become private structures on the public highway and will need to be removed as the Highway Authority will not license such a use. Therefore, for the avoidance of doubt, the Highway Authority recommends that the proposal be REFUSED planning permission. Reason: Impact upon the safe and efficient use of the public highway. If the conversion takes place, the Highway Authority will use its powers to remove the structures from the public highway. The applicant should be informed of this resultant action.

#### Further comments:

British Telecom are a Statutory Undertaker, which allows them to place telecommunications apparatus and plant within the public highway.

The proposal removes the telecommunication function of the structure, which would remove the right of British Telecom to place a structure on the public highway. The structure would then become an illegal structure on the public highway, unnecessarily occupying the public highway.

In essence a shopkeeper cannot erect a shop on the public highway, and that is what is proposed. The Highway Authority would be duty bound to remove it.

Furthermore the shop would have a door that opens outwards over the public highway, a straightforward breach of the Highways Act. British Telecom can do it for a public call box, but not a shop. We would be forced to fix the door shut, (I would not resort to the alternative of removing the door of a listed structure).

Our duties do not take into account listing and so this has potential to become a problem to the Authorities. I assume that you wish to retain the structure as it is a listed structure in the setting of a Listed Building, but it would become a breach of highway law, requiring enforcement.

### **Head of Urban Design and Conservation Team**

- 6.2 The Head of Conservation team makes the following comments:

The application relates to two Grade II Listed telephone kiosks within the Central Conservation Area. The concerns are the impact of the proposal on the special interest of the listed buildings; on the setting of the listed Great St Marys' church; and on the character or appearance of the Conservation Area.

#### Existing:

The two telephone kiosks affected are within a line of four (three of which are listed) beside the railings of Great St Marys' church on its St Mary's Street side. They have metal frames and margin glazing to the windows and doors. All four currently contain functioning phone equipment.

#### Proposals:

The proposals are to change the use of two kiosks from pay phones to retail and in doing so, removing the telephone equipment. It is understood that the equipment itself is not covered by the statutory listing.

Proposed works include the replacement of the existing glass with 4mm thick thermally toughened soda lime silicate safety glass for security reasons. Glazing by the manufacturers concerned has evidently been used in other listed phone boxes. There are no concerns with this aspect of the application subject to a sample of the glass being approved.

The unit to be installed within the kiosk is a self-contained modular unit which will not have any fixings to the carcass or the floor plate of the phone box.

A door lock would also be installed as shown on the submitted drawings.

The kiosks currently have functioning phone equipment and are available to the public to use. National Planning Practice Guidance notes that "It is important that any use is viable, not just for the owner, but also the future conservation of the asset." The effect of the proposals may be regarded as curtailing the optimum viable use of these listed buildings. However, the submitted letter of support from BT Payphones is noted.

Their external appearance would not be significantly changed – at least when closed. However, the phone box doors would have to be propped open for a good deal of time during trading and it is noted that a drop-down seat and swivel-out basin are part of the modular unit to be installed. D & A Statement:

"6.8 The modular unit incorporates a drop-down seat and swivel-out basin for staff use. When not in use, these items can be withdrawn into the modular unit, and the whole unit is encased with doors ....."

#### Discussion:

#### Impact of the proposal on the special interest of the listed buildings;

National Planning guidance refers (NPPF para 131) in determining planning applications, to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Their significance as individual listed buildings may be different to their significance as elements within the conservation area. Their significance as examples of the design may be little affected in terms of their appearance *at least whilst the doors are closed*. At the time of writing though, information on the modular unit incorporating a drop-down seat and swivel-out basin had been requested and was awaited from the applicants. This unit could significantly impact the appearance of the listed buildings particularly if it is likely to require the door to be propped open for periods. It is hoped this information will be available at the time the applications are determined as the impact on appearance cannot be fully assessed otherwise.

The effect of other alterations are limited to the alterations (lock and glass) noted above.

Other aspects of their significance include their use. Their use and appearance are clearly closely related as the boxes are intended to highlight the availability of a payphone in the surroundings in which they stand. This is how they are considered significant by many. The NPPF criterion of viable uses should also be considered. These particular phone boxes are understood to be still in use.

#### Impact on the character or appearance of the Conservation Area.

The impact on the established character and appearance of the Conservation Area. 4/11. The phone boxes are a characterful part of views toward the market along St Mary's Street and vice versa and are shown in the Historic Core Conservation Area Appraisal. The telephone boxes are notable for being part of the line of four standing together in the market area of the city centre. They make a positive contribution to the appearance of the conservation area. They also attract a good deal of attention from visitors to the city centre. However, the above matters in relation to the telephone boxes as Listed Buildings are also considered to also relevant to their role in the conservation area.

The regular maintenance proposed (including painting) would be a benefit (Though all four boxes were painted just before the Tour De France came through Cambridge). There might be said to be little public benefit otherwise – coffee and ice cream not being in short supply in the vicinity. However, the painting if applied only to two of the four kiosks could result in an incongruous difference in the appearance of the group.

#### Impact on the setting of the Listed Great St Mary's Church.

Street trading is a characteristic feature of the context and the impact of the proposals on the setting of Great St Mary's would arguably not be harmed in this respect. It is also a consideration that the kiosks stand next to a side gate in the church railings (ie not on the particularly sensitive west or south entrance sides of the church) that appears only to be used for wheelie bins.

## Conclusions

Regarding the Planning application, the existing use is the original use the boxes were designed for and is evidently at least sufficient to maintain the telephone boxes in use. Would the proposed new use be more likely to be an optimum viable use (ref NPPF para 134 (where a proposal will lead to less than substantial harm, this should be weighed against the public benefits, including securing its optimum viable use))?

What is the visual impact of the modular unit incorporating a drop-down seat and swivel-out basin? This will significantly affect whether the listed building application is consistent with Cambridge Local Plan Policies 4/10 (Listed Buildings). If the resultant change to the appearance of the listed buildings (even if during the hours of operation of the proposed business) is regarded as sufficiently harmful, it may be considered that proposed use is not “consistent with their conservation.” It is hoped this information will be available at the time the applications are determined as the impact on appearance cannot be fully assessed otherwise.

### Conservation Officer comments on the amended plan:

- 6.3 The drawing now submitted shows the drop-down seat and sink in their in-location positions and in their in-use positions.

It is clear that self-contained modular units effectively fill the telephone kiosks – the operative remains outside the kiosk. The drop down seat would extend out of the kiosk as would the sink when in use. Evidently then, the doors of the kiosks would often be open to allow the products to be dispensed or the operative to sit or use the sink.

This contrasts with the telephone kiosks currently having to be entered to use them and the doors being closed generally. Part of the significance of the Listed buildings can be said to be how they are perceived and experienced. In the proposed use, their character would be changed by the lack of public access into the kiosk; by the visible occupancy of the kiosks by the modular unit; and by the uncharacteristic projection outside the kiosks of the sink/seat unit. The meaning and perception of the Listed buildings would be changed and their significance harmed.

Against the harm created is a consideration of the benefit of the employment of the operatives. However, Planning guidance requires that where there is harm to a heritage asset that harm be given “considerable weight” and in this case I consider the harm to the Listed buildings is not outweighed. This is reinforced given the iconic nature of this group of telephone boxes in their relationship to their historic surroundings.

The proposal is not consistent with Cambridge Local Plan Policies 4/10 (Listed Buildings). A clear understanding of the buildings importance has not been demonstrated and the proposed works would harm aspects of the buildings special interest.

## **7.0 REPRESENTATIONS**

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

- 7A Adams Road;
- 30 Callander Close;
- 6 Perse Almshouses, Newnham Road;
- 80 Hills Avenue;
- Great St Mary’s, The University Church.

7.2 The representations can be summarised as follows:

- Increased congestion as a result of people queuing;
- City Centre bins unable to cope with additional rubbish;
- Removal of the four public telephones will reduce provision to those who do not own mobile phones;
- No site notices to make public aware of the applications, nor to the surrounding shop traders or market stall holders;
- What is the need?
- This change of use would have a negative effect in a Conservation Area and the iconic phone boxes are a major attraction because of what they are;
- Inappropriate location for the sale of refreshments or other commercial activities;
- Does not preserve or enhance the unique character of Cambridge.



- 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. Impact on the historic interest of the Listed structures and the setting of the Listed Church.
2. Third Party Representations

### **Impact on the historic interest of the Listed structures and the setting of the Listed Church.**

- 8.2 The Conservation Officer does not support the proposal. I agree that the character of the listed buildings would change, in so far as they would no longer function as a telephone box. However, the skeletal structure and the detailing would remain, which in my view, is how these structures are considered to be 'iconic'. I would argue that the telephone equipment inside is not considered to be of any architectural merit and therefore its removal would not, specifically, in my view, harm the historic meaning or attraction of the listed structures. The colour and external appearance of the telephone box structures would be retained, so that when visitors walk by, the 'K6' telephone boxes are still recognised as a group and admired in the same way in which it was intended.

In my view, it is the internal function that would make the most significant difference, and their effect on the character of the Conservation Area and the historic assets. As I have already mentioned, the modules are self-contained and free-standing. When the door is open, the module will be visible from the public domain. They would be providing a retail service within the confines of the 'iconic' historic asset, but the 'K6' attraction would still be acknowledged by visitors and passers-by. The integrity of the phone boxes, as historic assets within the Conservation Area, in my view, would not be lost. When the door is closed, you will see the module behind the door, but the visual appearance of the 'K6' structures would prevail and, in

my view, continue to preserve and enhance the character of the Conservation Area.

- 8.3 In terms of the physical works to the listed buildings, the module would be free-standing and therefore, not fixed to any part of the phone box structure, nor to the floor plate. The majority of physical works would be to the door. Replacement glazing panels are proposed, to ensure that the kiosk is secure. This would consist of 4mm-thick thermally toughened soda lime silicate safety glass to BS EN 12150-1:2000. A new lock mechanism would need to be installed, which would consist of a piano-style hinge installed behind the existing "PULL" plate in order to allow access to the locking mechanism. The Conservation Officer raises no concern about these elements and I would concur with his view that these works are acceptable, subject to conditions relating to glass sample and details of the lock mechanism.

### **Third Party Representations**

- 8.4 I have responded to these concerns under my report for Ref: 14/0320/FUL, from paragraphs 8.17 onwards.

## **9.0 CONCLUSION**

- 9.1 In conclusion, I consider that the proposed development would not significantly harm the character or appearance of the Conservation Area. Furthermore, whilst I acknowledge that the character of the Listed Building would be altered, the proposed development would not involve significant works to the skeletal structure which could not be reversed. I consider that the conditions suggested by the Conservation Officer are reasonable, and as such I recommend that the application be approved, subject to those conditions.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

2. Prior to the new use being commenced, a maintenance schedule shall be submitted to and agreed in writing by the Local Planning Authority, and all four kiosks shall be painted to the same standard.

Reason: In the interests of the appearance of the Conservation Area and to be consistent with policy 4/10 of the Cambridge Local Plan 2006.

3. No works shall take place until a sample of the proposed replacement glazing and full details of the proposed lock have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to be consistent with policy 4/10 of the Cambridge Local Plan 2006.

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## PLANNING COMMITTEE

Date: 1<sup>st</sup> October 2014

<b>Application Number</b>	14/1163/S73	<b>Agenda Item</b>	
<b>Date Received</b>	28th July 2014	<b>Officer</b>	Mr Tony Collins
<b>Target Date</b>	22nd September 2014		
<b>Ward</b>	West Chesterton		
<b>Site</b>	21 Victoria Park Cambridge Cambridgeshire CB4 3EJ		
<b>Proposal</b>	Section 73 application to remove condition 5 of permission 14/0489/FUL to remove requirement for amended floor plan.		
<b>Applicant</b>	Mr David Lewis 21 Victoria Park Cambridge Cambridgeshire CB4 3EJ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Enlarged and clarified drawings remove the apparent inconsistency originally noted and hence eliminate the need for the condition</li> </ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 21 Victoria Park is a three-storey semi-detached house. It is finished in a cream coloured Cambridge brick, with a natural slate roof. The site is on the western side of Victoria Park.
- 1.2 The site is situated within the conservation area. The building is not listed, statutorily or locally. There are no tree preservation orders on the site. The site lies outside the controlled parking zone.

## **2.0 THE PROPOSAL**

2.1 An application for a single storey rear extension was approved at North Area Committee on 3<sup>rd</sup> July 2014. The Committee report for that application is attached as Appendix A. The drawings submitted with that application created some confusion, because there appeared to be an inconsistency between the elevational drawings and the plans about the position of the north wall of the proposed extension. The plan seemed to show this wall aligned with a particular brick joint on the rear wall of the existing building between No. 21 and No. 23, while the elevation seemed to show it set into the curtilage of No.21 by approximately 100mm. (There is a difference of opinion between the occupiers of No.21 and the occupiers of No.23 about whether the line of this brick joint represents the common boundary between the two properties.)

2.2 North Area Committee consequently added a condition to the approval, as follows:

Notwithstanding the approved drawings, no development shall take place until a revised ground floor plan, on which the set-back of the north wall of the extension from the common boundary with No.23 corresponds with the 100mm distance shown on the approved west elevation, has been submitted to, and approved in writing by, the local planning authority. Development shall take place only in accordance with the revised drawing submitted to discharge this condition.

2.3 The applicants assert that the confusion about these drawings arose as a result of misunderstandings, and that the drawings consistently showed the wall of the extension as being along the line of the brick joint on the existing building. They therefore seek to remove the condition, having submitted new drawings which they believe will clarify the position of this wall.

2.4 The application is brought before Planning Committee because the previous application was called in to North Area Committee at the request of Councillor Pitt, and since Committee attached the condition which this application seeks to vary, officers felt that the application should not be determined under delegated powers.



### 3.0 SITE HISTORY

Reference	Description	Outcome
C/83/0710	Erection of two-storey extension to existing dwelling house	A/C
C/86/0881	Formation of room in roof.	A/C
C/89/0676	Extension to house (erection of conservatory).	A/C
14/0489	Single-storey rear extension	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 Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/4 4/11

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
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Supplementary Planning Guidance	Cambridge City Council (May 2007) – Sustainable Design and Construction:
	Area Guidelines  Castle Area and Victoria Road Conservation Area Appraisal (2012)

#### 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 there are no policies which can be considered of relevance.

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

6.1 No comment.

### Urban Design and Conservation

6.2 No issues.

## 7.0 REPRESENTATIONS

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

- ☐ 19 Victoria Park
- ☐ 23 Victoria Park

7.2 The representations can be summarised as follows:

**Compliance with condition**

- ☐ No reason to vary condition – original wording should be complied with.

**Further inconsistency in drawings**

- ☐ Drawings not sufficiently clear about nature of proposed gutter
- ☐ Submitted drawings do not show same ridge height as approved drawings
- ☐ Submitted drawings show additional ‘buttress wall’ not included in approved drawings
- ☐ S73 application should not be determined on the basis of inconsistent drawings

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 The main issues in this application are the consistency of drawings and the impact of the proposal on neighbor amenity.

**Consistency of drawings**

8.2 I agree with the objectors that the first ‘west elevation enlarged’ drawing submitted with this application, dated 06/07/2014, contains information which is at odds with the approved drawings; namely a different ridge height and the appearance of a ‘buttress wall’. The applicant has now submitted a drawing consistent with those previously approved eliminating these two discrepancies. I am satisfied that a different ridge height is not sought, nor is approval for a buttress wall.

8.3 I am satisfied that the revised ‘west elevation enlarged’ drawing dated 10/09/2014 now clearly shows the north wall of the proposed extension aligned with the brick joint on the existing building, and a concealed gutter which does not overhang beyond the elevation. In my view these details are acceptable, and the clarification renders the condition originally imposed unnecessary.

- 8.4 In my opinion, subject to reference to the new clarifying drawing dated 10/09/2014, the proposal to remove the condition causes no conflict with Cambridge Local Plan (2006) policies 3/4 or 3/14.

### **Residential Amenity**

- 8.5 As I have previously indicated in my report on 14/0489/FUL, I do not consider that the proposed extension would have a harmful impact on neighbor amenity.

### **Third Party Representations**

- 8.6 I have dealt with the issues raised by third parties above.

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

Reason: To ensure that the extension is in keeping with the existing building. (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)

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## APPENDIX A to report on 14/1163/S73

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<b>Application Number</b>	14/0489/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	1st April 2014	<b>Officer</b>	Natalie Westgate
<b>Target Date</b>	27th May 2014		
<b>Ward</b>	West Chesterton		
<b>Site</b>	21 Victoria Park Cambridge CB4 3EJ		
<b>Proposal</b>	Single storey pitched roof extension to rear of property.		
<b>Applicant</b>	Mr David Lewis 21 Victoria Park Chesterton Cambridge Cambridgeshire CB4 3EJ United Kingdom		

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 21 Victoria Park is a three-storey semi-detached house. It is finished in a cream coloured Cambridge brick, with a natural slate roof. The site is on the western side of Victoria Park.
- 1.2 The site is situated within the conservation area. The building is not listed, statutorily or locally. There are no tree preservation orders on the site. The site lies outside the controlled parking zone.

### 2.0 THE PROPOSAL

- 2.1 The application seeks planning permission for a single storey pitched roof extension to rear of property. The proposed ground floor extension would have a width of 4.7m and a depth of 3.6m. The proposed ground floor extension would measure 2.65m in height to the eaves and 3.75m in height to the ridge.
- 2.2 The application is accompanied by the following supporting information:
1. Plans
- 2.3 The application is brought before North Area Committee at the request of Councillor Pitt.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/89/0676	Extension to house (erection of conservatory).	A/C
C/86/0881	Formation of room in roof.	A/C
C/83/0710	Erection of two-storey extension to existing dwelling 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 Local Plan 2006	3/1 3/4 3/7 3/11 3/14 4/4 4/11

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95
Supplementary Planning Guidance	Cambridge City Council (May 2007) – Sustainable Design and Construction:
	Area Guidelines Castle Area and Victoria Road Conservation Area Appraisal (2012)

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 there are no policies which can be considered of relevance.

## **6.0 CONSULTATIONS**

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

6.1 No comment.

### **Streets and Open Spaces/Landscape**

6.2 Supported.

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:

- ☐ 19 Victoria Park
- ☐ 23 Victoria Park

7.2 The representations can be summarised as follows:

#### **Design issues**

- ☐ Overdevelopment of the site
- ☐ Disproportionate in size compared with the original dwelling
- ☐ Concern for amendment of hipped roof which would be out of character with the Victorian character of the locality
- ☐ The north wall of the extension should be constructed using reclaimed Cambridge gault brick with the appearance of Flemish bond to match the brickwork of No.23 Victoria Park

#### **Residential amenity issues**

- ☐ Sense of enclosure caused to No's.19 and 23 Victoria Park
- ☐ Overshadowing and loss of sunlight, natural light and outlook to No.23 Victoria Park
- ☐ Further loss of light and outlook, poor ventilation and lack of garden space would occur to occupants of application site

#### **Other issues**

- ☐ The Design and Access Statement is misleading as there is nothing new to enhance disabled access
- ☐ Lack of detail on patio
- ☐ Party Wall issues
- ☐ Concern of contractor disruption and contractors should not work during unneighbourly hours
- ☐ Concern for future two storey extension above this proposed single storey extension

- Any future proposed changes to roof fenestration at first floor level should ensure rooflight serving back bedroom to be situated near to ridge line to minimise/prevent overlooking to No's.19 and 21 Victoria Park

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 response and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

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

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

8.2 The proposed single storey rear extension would not be visible within the streetscene. There are numerous other rear extensions within the locality. The proposed development has been amended during the application to reduce the depth from 4m to 3.6m. The proposed ridge height is 3.75m high but given the hipped roof form and eaves height of 2.5m, my view is that the overall bulk of the extension is satisfactory. I recognise that there have been previous extensions to the site but I do not feel that the additional proposed single storey rear extension would be overdevelopment of the site. There would be approx.27m of remaining rear garden space.

8.3 The proposed hipped roof pitch would be at a pitch that is in keeping with the existing dwelling. The proposed materials are acceptable as they would match the existing dwelling. In my opinion the proposed development would have limited impact on the conservation area as a result of its scale and location.

8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/11.

### **Residential Amenity**

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

8.5 The proposed single storey rear extension is situated to the south of the attached neighbouring property (No.23 Victoria Park). The proposed rear extension will be set off the adjacent common boundary by approx.0.1m. The proposed rear extension will be 3.6m deep. Given the single storey level with the pitched roof so as to reduce the height towards this

boundary to 2.5m, and there is adequate boundary treatment of a brick wall and landscaping at No.23 Victoria Park, I do not consider there to be an issue of enclosure. There are no proposed side windows facing this neighbouring property. There are French doors proposed on the rear elevation but given the separation distance of the doors from the common boundary of 0.85m, the proposed windows are set further back in the rear garden and adequate boundary treatment I do not consider there to be an issue of loss of privacy and outlook. No.23 Victoria Park may experience some overshadowing and loss of light during late afternoon, but this will not have such a significantly harmful impact as to warrant refusal of the application.

8.6 The proposed rear extension would be situated to the north of No.19 Victoria

Park. The neighbouring property benefits from rear extensions. There would be a separation distance from the proposed development to the neighbouring property of 3.5m. There are two proposed rooflights facing this neighbouring property but given the separation distance and high level of the rooflight windows then there will be no loss of privacy or overlooking. The proposed rear extension will be 3.6m deep. Given the separation distance, single storey level, reduced height at the boundary of 2.5m and presence of boundary fencing I do not consider there to be an issue of enclosure.

8.7 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, 3/7 and 3/14.

### **Third Party Representations**

8.8 I have dealt with most of the issues raised by third parties above. With regard to the outstanding issues, in my view adequate information is provided regarding the patio and disabled access. The development is not specifically to meet the needs of a disabled person and in householder applications of this type an Access Statement is no longer required.

8.9 The proposed extension will have some impact on the occupation of the existing house in terms of light, outlook and ventilation but this is the applicant's choice. An adequate amount of amenity space would be retained. Additional rooflights may benefit from permitted development.

## **9.0 RECOMMENDATION**

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

Condition Number	Condition Name	Who to consult
1	Time	Implement
2	Approved drawings	Implement
3	Matching materials	Implement
4	Construction hours	Implement

\*AWA – Anglian Water Services.

CCA – Historic Environment Team (County).

CNE – New Communities (County).  
CYC – Cycling and Walking Officer.  
DRN – Drainage.  
FIR – Fire and Rescue Service.  
LAN – Landscape Architects.  
NRA – Environment Agency.  
URB – Urban Design

CON – Conservation.  
DIS – Disability Access Officer.  
ENV – Environmental Health.  
HIG – Highways Authority.  
NCON – Nature Conservation Projects Officer.  
SOS – Streets and Open Space.

\*\* Table to be deleted by Application Support when formal Committee Report is produced

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

Reason: To ensure that the extension is in keeping with the existing building. (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. Notwithstanding the approved drawings, no development shall take place until a revised ground floor plan, on which the set-back of the north wall of the extension from the common boundary with No.23 corresponds with the 100mm distance shown on the approved west elevation, has been submitted to, and approved in writing by, the local planning authority. Development shall take place only in accordance with the revised drawing submitted to discharge this condition.



Reason: In the interests of clarity, and to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2006 policy 3/4)

6. **INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).

Determined under delegated powers by:

Designation - Development Control Manager

Date:

Declaration of Interest for case officer

Does the case officer have any interest (whether financial or not) in the application or application site or any personal or business connection with the applicant(s)?

9 Yes

10 No

If yes, please confirm that full details of any interest or connection have been provided to the [Head of Planning] [Director of Environment]

Signed .....

Declaration of Interest for officer with delegated powers

Does the officer with delegated powers have any interest (whether financial or not) in the application or application site or any personal or business connection with the applicant(s)?

11 Yes

12 No

If yes, please confirm that full details of any interest or connection have been provided to the [Head of Planning] [Director of Environment]

Signed .....

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## PLANNING COMMITTEE

Date: 1<sup>st</sup> October 2014

<b>Application Number</b>	14/0860/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	28th May 2014	<b>Officer</b>	Miss Alison Twyford
<b>Target Date</b>	23rd July 2014		
<b>Ward</b>	Arbury		
<b>Site</b>	113 Histon Road Cambridge CB4 3JD		
<b>Proposal</b>	Proposed storage shed		
<b>Applicant</b>	Mr Mitesh Joshi Block B The Stable Buildings Wick Road Englefield Green Surrey TW20 0HJ United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>It is in keeping with other outbuildings in the locality</p> <p>It is appropriate in size and design</p> <p>It does not significantly adversely affect the amenity of local residents</p>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 113 Histon Road is located on the west side of Histon Road, in an area that has a residential character but is punctuated by shops and other businesses. 113 forms the left hand side of a pair of semi-detached properties, the right hand property being a dwelling house. A terraced row of houses lies to the south. To the rear is a large open green area used as a public recreation ground. A hair studio is located on the opposite side of the road. The area to the south is wholly residential.

1.2 113 Histon Road currently operates as a fast food take away business at ground floor level, known as Domino's Pizza. There is residential accommodation at first floor level.

1.3 The site falls within the Central Conservation Area.  
The site falls within the controlled parking zone.

## **2.0 THE PROPOSAL**

2.1 The application seeks permission for a single storey storage shed to be used in association with the main take away unit.

2.2 The application is accompanied by the following supporting information:

1. Plans

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
04/1174/S73	Variation of Condition 01 of C/0786/90 to extend opening hours from 11pm to 11.30pm nightly (Tues-Thurs), (Fri-Sat 12-30) except Sundays.,	REFU dated 14.03.2005
07/0130/FUL	Erection of single storey rear extensions, installation of external flue, loft conversion incorporating rear dormer and erection of new external access staircase with WC under.,	PERM dated 02.04.2007
07/1304/FUL	Proposed enlargement of rear preparation area. New extension with flat roof. New galvanised metal flue. Relocation of external steel access staircase.,	PERM dated 20.10.2008
10/1172/FUL		PERM

10/1173/ADV	Installation of new shopfront and 2 external compressors for A/C and cold room units.,	dated 12.01.2011
	Installation of 1 fascia sign (externally illuminated) and one illuminated internal window sign.,	PERM dated 12.01.2011

#### **4.0 PUBLICITY**

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

#### **5.0 POLICY**

##### **5.1 Central Government Advice**

National Planning Policy Framework 2012  
 Planning Practice Guidance 2014  
 Circular 11/95 – The Use of Conditions in Planning Permissions  
 (Annex A)

##### **5.2 Cambridge Local Plan 2006**

3/1 Sustainable development  
 3/4 Responding to context  
 3/12 The design of new buildings  
 4/11 Conservation Areas

##### **5.3 Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

###### **Area Guidelines**

Cambridge Historic Core Conservation Area Appraisal (2005)

## **6.0 CONSULTATIONS**

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

6.2 No comments received

## **7.0 REPRESENTATIONS**

7.1 Councillor Michael Todd Jones has requested this application be considered at committee if the officer recommendation is one of approval.

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

117 Histon Road  
111 Histon Road

7.3 The representations can be summarised as follows:

- ☐ Application should be considered as retrospective as the building is already on site
- ☐ Noise and disturbance from constant use and door banging is unacceptable in a residential area.
- ☐ Not considered to be a shed but more of a commercial grade storage facility
- ☐ Almost three quarters of the site is not covered with storage and preparation facilities which are seen as unacceptable overdevelopment of the garden area.

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

## **8.0 ASSESSMENT**

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

1. Context of site, design and external spaces
2. Impact on the Conservation Area
3. Residential amenity
4. Third party representations



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

- 8.2 I do not consider that the timber shed will have a large impact on the character of the existing property as it is located to the rear and cannot be viewed from the front of the site. The view to the rear of the site is screened by existing planting and the view of the structure from the open space is therefore limited. The adjacent properties both have high fences that reduce the impact of the outbuilding to the sides. The materials are specified as timber and although they do not match the existing property they are similar in appearance to outbuildings in neighbouring properties. There is a mix of building styles in terms of design and appearance of other outbuildings in the locality. I consider that the design is appropriate for the context and would relate well to the existing context.
- 8.3 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, and 3/12.

## **Impact on the Conservation Area**

- 8.4 The conservation and design team were consulted as part of the application and raised no comments. The limited view of the outbuilding is not considered to harm the Conservation area.
- 8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/11

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.6 I consider there to be two key issues for discussion in relation to amenity.

Concern has been raised that a large proportion of the site is already occupied by buildings. Having visited the site I am satisfied that the addition of the timber shed will not result in overdevelopment of the site as on balance there is a reasonable area of garden land remaining.

The issue of noise and disturbance has been raised in the representations from neighbouring properties. The existing

property is restricted in the hours of use and opening and I therefore consider that the addition of a condition that restricts the hours of use of the outbuilding will limit the impact caused by the building. In addition, noise from the opening and closing of the door has been raised as causing disturbance to neighbouring properties. In order to minimise this I consider a condition requiring the addition of a soft closing mechanism to be applied to the door would be appropriate and would mitigate this impact to an acceptable level.

- 8.7 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.

### **Third Party Representations**

- 8.8 Other matters have been raised in the representations that include the retrospective nature of the application not being acknowledged within the description and the accuracy of the description as a timber shed. I have considered the outbuilding as a storage use in connection to the authorised planning use of the main property and therefore consider that the description has not prejudiced my assessment. In addition I have considered the application as a retrospective one as the shed was present when I visited the site.

## **9.0 CONCLUSION**

- 9.1 In the light of the preceding discussion it is concluded that the proposals would comply with the provisions of the relevant development plan policies, and as such I recommend approval.

## **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. The outbuilding hereby approved shall only be used in connection with 113 Histon Road and shall not be used between the hours of 23.00 and 08.00.

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

4. Within 2 months from the date of the decision notice a soft closing mechanism shall be applied to the door of the timber shed, and shall be retained thereafter.

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

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# Agenda Item 13

## PLANNING COMMITTEE

Date: 1<sup>st</sup> October 2014

<b>Application Number</b>	14/0936/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	12th June 2014	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	7th August 2014		
<b>Ward</b>	Kings Hedges		
<b>Site</b>	Garages 301 - 326 Hawkins Road Cambridge Cambridgeshire		
<b>Proposal</b>	Demolition of existing garages (26 No.) and erection of residential units, all of affordable tenure. The proposal shows 9 units in total. 3 No. 2 Bed houses, 2 No. 3 Bed houses and 4 No. 1 Bed flats, with associated car parking, and private and shared amenity space. This is as part of the Cambridge City Council Affordable Housing Framework.		
<b>Applicant</b>	Mr Colin Rickard 950 Capability Green Luton Bedfordshire LU1 3LU United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"><li>1. The proposed development respects the character of the surrounding area;</li><li>2. The residential amenity of neighbouring properties is not significantly impacted upon; and</li><li>3. Car parking, cycle parking and refuse storage is successfully integrated into the scheme.</li></ol>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site is situated on the south-western side of Hawkins Road, to the rear of houses, and is currently occupied by garages.
- 1.2 The surrounding area is predominantly residential mainly consisting of two storey, terrace houses. The Grove Primary School is directly adjacent to the site to the southwest, and there is a right of way through the site to the school for the use of emergency vehicles. The site is accessed via an access road, which runs between 16 and 18 Hawkins Road. An Electricity Substation stands in the north-eastern corner of the site.

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for the redevelopment of the site for affordable housing, which will be maintained by the City Council.
- 2.2 This is part of the City Council's new Council House building programme. Changes in the regulations mean that the Council can develop new housing, without having to hand the site over to a housing association to develop and manage, as has been the case in the past. The Council has been successful in securing grant funding from the Homes and Communities Agency (HCA). Allocated grant funding from the HCA will be spread across a number of sites and provide 146 new homes by the end of March 2015 (The 146 Programme). This scheme, along with 9 others has been granted Executive Councillor Approval to proceed.
- 2.3 The following dwellings would be provided:
  - 4 x 1-bed flats
  - 3 x 2-bed houses
  - 2 x 3-bed houses

Plots 1-3: terrace of 2-bed houses
- 2.4 The terrace would be situated at the south-eastern end of the site and would stand 1m from the south-western boundary with the school; 3m from the north-eastern boundary with Hawkins



Road and 7.4m from the south-eastern boundary. The proposed houses would be two storeys in height. Cycle and bin stores would be provided in the rear gardens.

#### Plots 4-7: 1-bed flats

- 2.5 This building would be two storeys in height and would stand in the centre of the site. The building would stand 5.6m from the north-eastern boundary with Hawkins Road; and 3.6m from the south-western boundary with the school. Single storey cycle/bin stores attached to the building would abut the common boundary with the school, with further cycle/bin stores attached to the building on the north-western and south-eastern ends.

#### Plots 8-9: semi-detached 3-bed houses

- 2.6 This pair of semi-detached houses would stand at the north-western end of the site and would stand 5.8m from the north-eastern boundary with Hawkins Road; 1.6m from the south-western boundary with the school; and 8.8m from the north-western boundary with Campkin Road. The proposed houses would be two storeys in height. Cycle and bin stores would be provided in the rear gardens.
- 2.7 Seven car parking spaces would be provided. Each dwelling would have an individual cycle and bins store.
- 2.8 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Waste Management Strategy
  3. Code Assessment
  4. 10% Planning Low or Zero Carbon Technology Feasibility Study
  5. Flood Risk Assessment
  6. Transport Statement
  7. Materials Schedule
  8. Incoming Services Appraisal
  9. Tree protection plan
  10. Soil technics Preliminary Investigations Report
- 2.9 This application was deferred by North Area Committee on 28<sup>th</sup> August 2014 because representations made by neighbours had

not been received by the Case Officer. These further representations have not yet been received. Their content and my assessment of the issues raised will be reported on the Amendment Sheet.

### 3.0 SITE HISTORY

None.

### 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		3/1 3/4 3/7 3/10 3/11 3/12
		4/4
		5/1 5/4 5/12
		8/2 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
	National Planning Policy Framework – Planning Practice Guidance March 2014

	Circular 11/95
Supplementary Planning Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)  Air Quality in Cambridge – Developers Guide (2008)  The Cambridge Shopfront Design Guide (1997)  Roof Extensions Design Guide (2003)  Modelling the Costs of Affordable Housing (2006)  Buildings of Local Interest (2005)

#### 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, there are no policies in the emerging Local Plan that are of relevance.

## **6.0 CONSULTATIONS**

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

- 6.1 Garages are not regarded as trip generators in themselves and so Corridor payments for 77 trips are triggered.
- 6.2 The loss of the garages and the provision of parking for the development at less than one space per dwelling, may result in an increase in parking demand on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.
- 6.3 The access width is narrow and the standard proposed would normally only be considered appropriate as a shared private drive serving no more than 5 houses as it is only suitable for two cars to pass, not a car and a service vehicle. On such an accessway pedestrians may feel intimidated by motor vehicles.
- 6.4 The layout within the site is unsuitable for adoption and the Highway Authority and cannot be improved to provide an adoptable highway to the Highway Authority's satisfaction. The developer must confirm that adoption will not be sought for the internal roadways.

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

- 6.5 No objection, subject to conditions relating to contaminated land, demolition/construction hours, piling, dust, demolition/construction deliveries/collections, and noise.

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

- 6.6 Conditions are recommended relating to a landscape plan, landscape implementation, landscape management plan, and boundary treatment

## **Urban Design and Conservation team**

- 6.7 The proposed scheme is acceptable in design terms subject to the following amendments:
- ☐ Further narrowing of the road is needed to provide planting adjacent to the rear garden boundary of No.10-16 Hawkins Road (as per the rear garden boundary of No. 20-22), and;
  - ☐ A robust boundary treatment (e.g. a brick wall) is needed for the rear garden boundaries of Plots 1-3 and No. 2-16 Hawkins Road which front the public realm and car park.
  - ☐ Confirmation of the acceptability of the refuse collection and substation access needs to be provided.

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

- 6.8 The site should be subject to a programme of archaeological investigation, which can be secured by condition.
- 6.9 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:
- ☐ 20 Hawkins Road
- 7.2 The representations can be summarised as follows:
- ☐ Plots 1-3 prevent rear vehicle access to 20 Hawkins Road
- 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. 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 (2006) states that proposals for housing developments on windfall sites will be permitted subject to the existing use and compatibility with adjoining land uses. The surrounding area is predominantly residential and I am, therefore, satisfied that the proposals comply with policy 5/1 of the Local Plan.

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

#### Scale and layout

8.3 The proposed site layout is considered to be acceptable. The proposed houses and block of flats are two storeys in height. This is the prevailing character of the area and is considered to be acceptable.

#### Elevations and materials

- 8.4 The proposed elevations and materials are similar to other recently approved City Council housing sites with buff facing brickwork, grey flat concrete roof tiles, and grey PVCu windows. The majority of the proposed materials are supported, and it is recommended that samples of all materials are required by condition (3).
- 8.5 The submitted elevations show three courses of projecting brickwork between the ground and first floors of both the houses



and flat block. This approach is supported and helps to articulate the elevations.

- 8.6 Timber boarding is shown on the front (northeast) elevation of the balconies associated with the first floor flat units (Plots 5 & 7) which prevents overlooking of the rear gardens of 10, 14 and 16 Hawkins Road. This approach is considered to be visually acceptable.

#### Landscape and amenity space

- 8.7 The general approach to private amenity space is supported with approximately 7-9m deep gardens proposed for the houses and 3.7m x 8m rear gardens for the ground floor flat units. Balconies (1.7 x 2.7m) are proposed for the first floor flat units and provide private amenity space for these units.
- 8.8 The rear garden boundaries of No. 2-16 Hawkins Road are currently secured by the back wall of the garages. It is proposed that a 1.8m high close boarded fence is provided along the boundaries. In my opinion, a more robust boundary treatment is needed and I recommend that details are required by condition (4).
- 8.9 Where it passes in front of the block of flats, the internal access road would be 4m in width. This would discourage ad hoc parking. In order to soften the appearance of the boundary it is my view that planning should be provided here. I recommend that a Planting Scheme and Implementation Plan are required by condition (5 and 6).
- 8.10 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, and 3/12.

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

##### *Impact on 2-24 Hawkins Road*

- 8.11 The proposed dwellings would be situated to the southwest of the neighbouring houses on Hawkins Road. The submitted shadow diagrams demonstrate that generally the shadows cast by the proposed buildings do not reach the Hawkins Road

houses. The exceptions to this are December at noon and June at 6pm. In my view, this is not significant as it is likely that the rear gardens of the houses on Hawkins Road are already overshadowed by the existing garages and the impact of the proposed buildings is unlikely to be significantly worse than this. Windows are proposed on the northeastern (front) elevation of the block of flats and balconies are proposed on the sides of the building. The balconies include opaque screen, and there would be no potential for overlooking from these balconies. The building would stand 5.6m from the common boundary with Hawkins Road, and 23m from the houses. Due to this separation distance it is my opinion that the neighbouring houses on Hawkins Road would not be overlooked to an unacceptable degree.

#### *Impact on 155-159 Campkin Road*

8.12 The proposed 3-bed houses (plots 8 and 9) would be situated directly to the southeast of the neighbouring houses on Campkin Road. The submitted shadow diagrams demonstrate that generally the shadows cast by the proposed houses do not reach the Campkin Road houses with the exception of March/September at 8am. In my opinion, the overshadowing would not be significantly worse than the existing situation and I consider it to be acceptable, on balance. Windows are proposed on the rear elevations of the houses, which would be 8.8m from the common boundary and 22.4m from the houses. Due to this separation distance it is my opinion that the neighbouring houses on Hawkins Road would not be overlooked to an unacceptable degree.

8.13 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.

#### *Disturbance from construction*

8.14 Due to proximity to residential properties Environmental Health have recommended conditions to control demolition and construction hours (7), deliveries and collections (8) and dust suppression (9). Piling can create significant noise disturbance and it is recommended that if this is required a methodology and noise assessment is required by condition (10).

### Amenity for future occupiers of the site

- 8.15 There is an existing electrical substation on the site which will remain. Substations can produce very low frequency tonal humming, which may cause disturbance and it is therefore recommended that a noise report and noise insulation scheme is required by condition (11).
- 8.16 The application includes a Preliminary Investigation Report relating to contaminated land. This report identifies that there is potential for contamination on the site and I, therefore, recommend that further investigation is required by condition (12).
- 8.17 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.18 A Waste Strategy has been provided as part of the application, which is considered to be satisfactory.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Car and Cycle Parking**

#### Car parking

- 8.20 It is proposed that car parking spaces are allocated for each of the houses and the ground floor flat units. The first floor flats would not be provided with a car parking space. Some of the proposed car parking is placed further from the relevant units than I would wish. This is a result of the constrained site layout and whilst not ideal is generally acceptable.

#### Cycle parking

- 8.21 It is proposed that each dwelling would have an individual store, with the stores for the houses situated in the rear gardens and

the stores for the flats attached to the building. This approach is acceptable. I recommend that details are submitted by condition (13).

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

### **Third party representations**

#### Plots 1-3 prevent rear vehicle access to 20 Hawkins Road

- 8.23 The application site is private land, and access from the site to neighbouring properties is not a planning consideration.

### **Planning Obligation Strategy**

#### **Planning Obligations**

- 8.24 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

- 8.25 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.
- 8.26 The application proposes the erection of two three-bedroom houses, three two-bedroom flats and four one-bedroom flats. The net total of additional residential units is nine. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	4	1428
2-bed	2	238	476	3	1428
3-bed	3	238	714	2	1428
4-bed	4	238	952		
<b>Total</b>					<b>4284</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	4	1614
2-bed	2	269	538	3	1614
3-bed	3	269	807	2	1614

4-bed	4	269	1076		
<b>Total</b>					<b>4842</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	4	1452
2-bed	2	242	484	3	1452
3-bed	3	242	726	2	1452
4-bed	4	242	968		
<b>Total</b>					<b>4356</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	4	0
2-bed	2	316	632	3	1896
3-bed	3	316	948	2	1896
4-bed	4	316	1264		
<b>Total</b>					<b>3792</b>

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



## Community Development

- 8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £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	4	5024
2-bed	1256	3	3768
3-bed	1882	2	3764
4-bed	1882		
<b>Total</b>			<b>12556</b>

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

## Waste

- 8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £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	4	600
<b>Total</b>			<b>975</b>

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

#### Household Recycling Centres

- 8.32 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.
- 8.33 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. However, as this development is 100% affordable housing the County does not require contributions to be paid.

#### Education

- 8.34 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. As this development is 100% affordable housing the County does not require contributions to be paid.

### Transport

- 8.35 The Highway Authority has made an assessment of the proposal, on which the following assessment of expected additional trips and contributions is based.

<b>Northern Corridor Area Transport Plan</b>				
Existing daily trips (all modes)	Predicted future daily trips (all modes)	Total net additional trips	Contribution per trip	<b>Total £</b>
0	77	77	£399 (NCATP)	30723

- 8.36 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

- 8.37 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.38 For this application a monitoring fee of £1540.25 is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

## Planning Obligations Conclusion

- 8.39 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 scheme will provide much needed Council housing. In my opinion, the proposal respects the character of the surrounding area and would have a minimal impact on neighbouring residents. The application is, therefore, recommended for approval, subject to conditions and the completion of a S106 agreement.

## **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. 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. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

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

5. No development shall take place until 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)

6. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

7. 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)

8. 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)

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

10. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report/method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. 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)

## 11. Part A

Prior to the commencement of development a noise report prepared in accordance with the provisions of British Standard (BS) 4142:1997, Method for rating industrial noise affecting mixed residential and industrial areas, that considers the impact of the potential noise from the existing electrical substation upon the proposed development shall be submitted in writing for consideration by the local planning authority.

## Part B

Following the submission of a BS 4142:1997 noise report and prior to the commencement of refurbishment/development works, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) for protecting the residential units from noise from the neighbouring industrial use shall be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. These levels shall be achieved with ventilation meeting both the background and summer cooling requirements. 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 nearby properties. (Cambridge Local Plan 2006, policy 4/13)

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

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

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

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

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

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

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

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

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

13. 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)

**2. 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 30<sup>th</sup> November, 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, education and life-long learning facilities, transport mitigation measures, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, the Northern Corridor Area Transport Plan 2003, and Cambridgeshire and Peterborough Waste Partnership

**3. 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**

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## PLANNING COMMITTEE

Date: 1<sup>st</sup> October 2014

<b>Application Number</b>	14/0854/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd May 2014	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	18th July 2014		
<b>Ward</b>	Arbury		
<b>Site</b>	86 Searle Street Cambridge Cambridgeshire CB4 3DD		
<b>Proposal Applicant</b>	First floor extension to create a two bedroomed flat. Mr And Mrs Brown C/o Neale Associates The Tram Shed East Road Cambridge CB1 1BG		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposal complies with development plan policies (2006).</li> <li>2. The proposal is acceptable within the Conservation Area.</li> <li>3. The proposal is harmful to the amenity of the occupiers of the neighbouring.</li> </ol>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is 86 Searle Street. The site is a single-storey house with amenity space to the side and rear of the property. There is a path to the west that connects to Hilda Street and access to the rear of the properties. To the south is Searle Street running east to west and to the north Hilda Street running east to west.

- 1.2 The area is characterised by two-storey Victorian dwellings with a mix of modern developments. The properties have small front gardens but also benefit from rear gardens. This immediate terrace does have a rear access from Hilda Street, which allows access to properties on Victoria Road as well. The application building is modern and makes up a pair of semi-detached properties adjacent to the Victorian terrace along this street.
- 1.3 The application site is located within the Conservation Area and falls within the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for a first-floor extension above the existing building to create a two-bedroom unit. The proposed extension will be lower than the existing ridge line of the adjacent property and will be wider than the footprint of the existing ground-floor.
- 2.2 The proposal is to be finished in matching materials. There will be an independent bike and bin store associated with the new dwelling and existing.
- 2.3 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Plans
  3. Photos
- 2.4 Amended plans have been received showing the ground floor flat to have its own defensible space in front of the bedroom.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/82/0199	Erection of one pair semi-detached Residential units	Refused – Allowed on Appeal

## 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	3/1 Sustainable development 3/4 Responding to context 3/7 Creating successful places 3/14 Extending Buildings  4/11 Conservation Areas 4/13 Pollution and Amenity  5/1 Housing provision 5/2 Conversion of large properties  8/2 Transport impact 8/4 Walking and Cycling accessibility 8/6 Cycle parking
Plan 2006		

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
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	CIL
Supplementary Planning Guidance	Cambridge City Council (May 2007) – Sustainable Design and Construction Cambridge City Council (March 2010) – Planning Obligation Strategy
Material Considerations	<u>City Wide Guidance</u>  Cambridge Walking and Cycling Strategy (2002)  Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Castle and Victoria Road Conservation Area Appraisal (2012)

#### 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 (Transport)**

- 6.1 Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site (whether in existing units or those proposed) will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. It is also recommended that a Construction Management Plan is required.

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

- 6.2 Refuse and Environment have no objection to the proposal in principle. A condition relating to working hours is recommended.

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

- 6.3 Provided that the suggested conditions are adequately discharged, the proposed works will not be detrimental to the character or 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:

☐ 72 Hertford Street

- 7.2 The representations can be summarised as follows;

☐ Acceptable in principle, however the dormer to the front is an eyesore and not in keeping.

## **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 and impact on the Conservation Area
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 principle of the proposed development at this location is considered to be acceptable. The provision of additional dwellings to meet the housing needs of the City is encouraged especially where the future residents will be closer to jobs and would have access alternative modes of transport.
- 8.3 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1.

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

- 8.4 The application site is located north of the City Centre. The area is residential in character with predominately two-storey Victorian dwellings with either brick or render and slate roofs. There are modern buildings in the area and there are some that have front dormers. Comments have been received regarding the dormer proposed here to be out of keeping. The Conservation Officer also has concerns regarding this element but considers that appropriate conditions are sufficient to safeguard the character of the Conservation Area. I accept this view and recommend the conditions (3 and 4).



- 8.5 The design of the extension is considered to be acceptable with the ridged roof design. The roof design follows on from the existing building but set slightly lower. The fenestration appears to be acceptable but details of the front dormer and matching materials will be required as the site is in a conservation area.
- 8.6 Subject to condition, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.8 There are residential properties to the north, east, south and west of the application site. However, on the north and south is a public highway between properties and considering the distances between these properties, the proposal will not have any harmful residential amenity impact. The Environmental Health officer has commented that the proposal is acceptable subject to condition relating to construction hours. I agree with their advice and recommend condition 5.

#### 84 Searle Street

- 8.9 The proposed extension sits to the west of the existing building at no. 84. Except for the front bay, the proposed extensions do not project forward of the existing building line. I do not consider that there will be any dominating or overshadowing impact on this property.
- 8.10 The proposal will introduce first floor windows which will give some opportunity to overlook the neighbouring garden at number 84. However, there is already some mutual overlooking between properties in this area and I do not consider that the situation will be significantly different to the existing.

#### 88 and 88a Searle Street

- 8.11 Number 88 Searle Street sits to the west of the application site. The proposal comes closer to this boundary. However there is an access path between these properties that links Searle Street to Hilda Street to the rear. The access path is 3m wide. Number 88 is split into two flats and sits on the junction with

Searle Street and Hilda Street. The element closest to number 88 is lower than the main first-floor element. The first-floor element will have some impact on light regarding number 88 and 88a but this will be limited and will not cause significant harm.

- 8.12 There are windows in the rear elevations of number 88 and 88a Searle Street. These will look at the proposed extension. However, there is a distance of 4m between the rear elevation and the boundary with the application site. I consider that given its lower height and the distance between the properties the proposal will not have a significant visual impact upon the residents at 88 and 88a Searle Street.
- 8.13 There are new first-floor windows being introduced, which are angled away from 88 and 88a Searle Street. There are no windows in the side elevation at first-floor level. Therefore there will not be any overlooking to this neighbour.
- 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 Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/14.

#### Amenity for future occupiers of the site

- 8.15 The proposal is considered to be acceptable and provides a communal amenity space for the future and existing residents of the development. Within flatted developments this is considered acceptable. The agent has introduced a defensible space to increase the privacy to the bedroom at ground floor and this is welcomed. I consider that further details are required for this and recommend condition (7). The proposal also allows for waste storage and space for cycles in the communal garden area and this is acceptable in principle.
- 8.16 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 3/14.

## **Refuse Arrangements**

- 8.17 The refuse arrangements at the ground floor are considered to be acceptable. There will be a communal waste storage area which is considered acceptable.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/13.

## **Highway Safety**

- 8.19 No objections have been raised by the local highway authority. No extra car parking is proposed for the site. The local highway engineer has recommended that a construction management plan is required. I accept this advice and recommend condition (6).
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## **Car and Cycle Parking**

- 8.21 There are no new car parking spaces proposed for the site. The existing car parking at the rear of the site remains the same. The revised ground-floor plans shows an area for bin and bike storage. 4 bicycle spaces are proposed on the ground floor of the proposed development. The local authority cycle parking standards under the adopted standards, requires 1 space per bedroom up to 3 bedroom dwellings. There are 2 two bed dwellings. A total of 4 spaces are required for the total site. The bicycle spaces will be located at the rear of the bin stores and will be in a secure area.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.23 A representation has been received regarding the front dormer which has been addressed in the report above.

## **Planning Obligation Strategy**

### **Planning Obligations**

8.24 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

8.25 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.

- 8.26 The application proposes to extend the existing house to accommodate a new 2 bedroom unit. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	1	476
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>476</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	1	538
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>538</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	1	484
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>484</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	1	632
3-bed	3	316	948		
4-bed	4	316	1264		
<b>Total</b>					<b>632</b>



8.27 The Unilateral Undertaking has been completed on 11<sup>th</sup> September 2014 and secures 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

8.28 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	1	1256
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>1256</b>

8.29 The Unilateral Undertaking has been completed on 11<sup>th</sup> September 2014 and secures 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

8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of

household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £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>

- 8.31 The Unilateral Undertaking has been completed on 11<sup>th</sup> September 2014 and secures 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.

#### Monitoring

- 8.32 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy
- 8.33 For this application a monitoring fee of £176.80 is required to cover monitoring of Council obligations plus the County Council monitoring fee.

## Planning Obligations Conclusion

- 8.34 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 Approve subject to conditions. The provision of additional dwellings to meet the housing needs of the City is encouraged especially where the future residents will be closer to jobs and would have access alternative modes of transport.

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

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

4. Notwithstanding the approved plans no development shall take place until full details of a revised dormer design, eliminating the V shaped form originally shown have been submitted to, and approved in writing by the local planning authority. The proposal shall then be implemented in accordance with the approved details.

Reason: To protect the character of the Conservation Area. (Cambridge Local Plan (2006) policy 4/11).

5. 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)

6. Prior to any demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

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

7. Prior to occupation full details of all the boundary treatment needs to be submitted and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

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 3/14)

**INFORMATIVE:** Following implementation of any Permission issued by the Planning Authority in regard to this proposal the residents of the site (both the new and the existing dwelling units) will not qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets. This should be brought to the attention of the applicant, particularly as the applicants' agent seems under the impression that the existing residential unit will retain rights to Residents' Permits, and an appropriate informative added to any Permission that the Planning Authority is minded to issue with regard to this proposal.

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To: Planning Committee  
Report by: Head of Legal Services, Head of Planning Services  
Relevant scrutiny committee: Planning 1/10/2014  
Wards affected: All

**FINDINGS OF MALADMINISTRATION BY THE LOCAL GOVERNMENT  
OMBUDSMAN: PLANNING APPLICATION  
Not a Key Decision**

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**1. Executive summary**

The Local Government Ombudsman has made findings of maladministration in respect of two complaints. The complaints relate to the Council's determination of a planning application.

In these circumstances, the Head of Legal Services, as the Council's Monitoring Officer, has an obligation to report the findings to a meeting of the full Council. The Council is obliged to set out what action has already been taken in respect of the findings, what action it intends to take and the reasons for taking the action.

This matter has already been reported to the Planning Committee but, at that point, the Ombudsman's decisions had not been issued. The two decision letters are appended to this report.

The Ombudsman's final decision is this:

"The Council was at fault for failing to take account of the locally protected status of a building when it granted permission for the building to be extended. It has since done everything reasonable to put this right and, as there was no other fault with the process, there is no reason for me to pursue the complaint."

This report summarises the complaints and sets out the action taken in response. The Planning Committee is asked to consider the action taken and whether it is adequate or whether further steps should be taken. The Planning Committee then needs to make a recommendation to full Council accordingly.

The previous report was considered by the Planning Committee on 6 August 2014. Its title is:

“Development at 14 Victoria Street, Cambridge (Planning permission ref: c/14/0342/ful): Consideration of revocation of planning permission.”

The Committee decided not to revoke the planning consent.

## **2. Recommendation**

To recommend to full Council that it endorses the actions taken by officers in response to the findings of the Local Government Ombudsman

## **3. Background**

The two complaints relate to the Council’s consideration of an application for a home extension. The Ombudsman’s conclusions are the same for each complaint. The decision letters are appended to this report.

The Ombudsman found the Council at fault “for failing to take account of the locally protected status of a building when it granted permission for the building to be extended.” The decision letter goes on to say that the Council “has since done everything reasonable to put this right and, as there was no other fault with the process, I have closed the complaint.”

The Ombudsman rejected other aspects of the complaints.

The Ombudsman decision letter summarised the issue as follows:

“When considering planning applications, the Council must take account of its Local Plan and associated policies. Policy 4 / 12 of the Council’s Local Plan deals with Buildings of Local Interest. It says: *“Applications for planning permission to alter such buildings will be considered in the light of the Council’s Approved Guidance on Alterations and Improvements to Buildings of Local Interest.”*

“The officer’s report on [the] planning application made no reference to the building being on the local list.”

When one complainant, Mrs B queried the lack of reference to the building being listed as of local interest,

“a senior officer told her it was not. As is evident from the Council’s website, [the property] is on the local list. The Council accepts the case officer was wrong about the house not being on its local list and its senior officer was wrong when he wrote to Mrs B telling her she

was mistaken.... It explains a constraints map relied on by the case officer failed to identify the terrace as on the list of Buildings of Local Interest, an error which it has now put right.”

#### **4. How the Council responded to the complaints.**

The Ombudsman’s decision letter summarised the action taken by the Council. It says:

“Apart from its failure to deal with the application site as a Building of Local Interest, there is no evidence of fault with the rest of the process. When it realised its mistake, the Council volunteered the following action without prompting from our office:

- It wrote a letter of apology to [both complainants] and offered [them] a small compensation payment in recognition of the time and trouble to which it had put [them] by overlooking the protected status of the properties.
- It took a report to Members explaining the error it had made and how this may have affected the decision. It asked Members to decide if the permission should stand or not.
- It reviewed its procedures (and will monitor the outcome of the review) to ensure it identifies buildings on the list of Buildings of Local Interest at an early stage in the planning process.”

There has been a full investigation of the complaint and a number of internal actions have been implemented as a result. Specifically:

The planning computer system and associated procedures relating to the automated flagging up of the status of Buildings of Local Interest (BLI) at the time that new planning applications are registered has been reviewed. . Changes have been made to the database and internal processes and procedures to avoid this designation being missed in future. All planning case officers have been briefed on the matters raised by the complaint and the changes that have been made to the planning computer system as a result. A single definitive list is now kept of BLI’s that is used to update all other records including the website.

Planning case officers have been reminded of the responsibility to check matters raised at the neighbour consultation stage of planning applications to ensure that committee recommendations are based upon accurate, up-to-date information.

The applicant also received an apology from the Head of Planning Services as they were unable to implement their planning permission until the issue of revocation was considered formally by the council.

## **5. Conclusion.**

The Council made an error in respect of its consideration of this planning application. It has taken the steps set out to offer redress and to avoid this happening again. The Ombudsman's view is that the Council has done everything reasonable to put the error right and has found no other fault with the process,

## **6. Implications**

- (a) **Financial Implications.** The Council has made small compensation payments to the two complainants in recognition of the time and trouble to which they had been put.
- (b) **Staffing Implications.** All planning case officers have been briefed on the matters raised by the complaint.
- (c) **Equal Opportunities Implications.** An equality impact assessment has not been carried out in respect of this report. The complaints raised an issue about the Council's consideration of the application and applicant's personal circumstances. The Ombudsman did not accept this aspect of the complaints.
- (d) **Environmental Implications.** This report has no climate change impact.
- (e) **Procurement.** There are no procurement implications.
- (f) **Consultation and communication.** The Monitoring Officer is obliged to consult the Head of Paid Service (Chief Executive) and the Chief Finance Officer (Head of Finance) in preparing this report, and has done so.
- (g) **Community Safety.** There are no community safety implications.

## **7. Background papers**

These background papers were used in the preparation of this report:

The Ombudsman decision letters are appended to this report.

The report to Planning Committee on 6 August 2014 titled: "Development at 14 Victoria Street Cambridge (Planning permission ref: c/14/0342/ful): Consideration of revocation of planning permission."

## **8. Appendices**

Local Government Ombudsman decision letters.

## **9. Inspection of papers**

To inspect the background papers or if you have a query on the report please contact:

Author's Name:	Simon Pugh. Head of Legal Services
Author's Phone Number:	01223 - 457401
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## **The Ombudsman's final decision**

Summary: The Council was at fault for failing to take account of the locally protected status of a building when it granted permission for the building to be extended. It has since done everything reasonable to put this right and, as there was no other fault with the process, I have closed the complaint.

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## **The complaint**

1. Mrs B complains the Council failed to take account of material information when it granted her neighbour permission to extend his house. In particular she says:
  - it overlooked the fact their properties are on the list of buildings of local interest and subject to planning constraint;
  - it took the applicant's disability into account when it should not have done;
  - it did not ask the applicant to produce a daylight / sunlight report when it asked others making comparable applications to do so; and
  - it failed to assess if noise from a domestic lift shaft might disturb adjoining properties.

## **The Ombudsman's role and powers**

2. The Ombudsman investigates complaints of injustice caused by maladministration and service failure. I have used the word fault to refer to these. The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. She must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3)*)

## **How I considered this complaint**

3. I have considered all the information sent to me by Mrs B and I have discussed the complaint with her. I have considered information on the Council's public access website and the information I asked it to send me. I have also taken account of the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Local Government Act 1974.

## **What I found**

4. Mrs B lives in a Victorian terrace close to the City centre. The Council granted her neighbour permission to build a modern steel and glass two storey extension, part of which would house a lift shaft which, because of a degenerative medical condition, he had reason to believe he would need.

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5. Mrs B objected to the extension which she considered incongruous on the back of a Victorian terrace. She also objected to the possibility of noise from the lift shaft. At the same time as the Council was considering her neighbour's application, Mrs B was herself in discussion with it about a small rear extension and she feared her neighbour's plans would affect her own. When the Council granted permission Mrs B complained to the Council and, dissatisfied with its response, she complained to us.

### **Buildings of Local Interest**

6. Apart from nationally listed buildings, councils may create lists of buildings of local interest and afford them some protection. Cambridge City Council has a list of Buildings of Local Interest which it has published on its website.
7. When considering planning applications, the Council must take account of its Local Plan and associated policies. Policy 4 / 12 of the Council's Local Plan deals with Buildings of Local Interest. It says: "*Applications for planning permission to alter such buildings will be considered in the light of the Council's Approved Guidance on Alterations and Improvements to Buildings of Local Interest.*"
8. The officer's report on Mrs B's neighbour's planning application made no reference to the building being on the local list and, when Mrs B queried this, a senior officer told her it was not. As is evident from the Council's website, Mrs B's terrace is on the local list.
9. The Council accepts the case officer was wrong about the house not being on its local list and its senior officer was wrong when he wrote to Mrs B telling her she was mistaken. Without prompting from our office the Council wrote to Mrs B to apologise for its error. It explains a constraints map relied on by the case officer failed to identify the terrace as on the list of Buildings of Local Interest, an error which it has now put right.
10. Also without prompting from our office and in recognition it had not given Members all the material information, the Council apologised to Mrs B's neighbour and made arrangements for the application to go back to its Members for a decision about whether permission should stand or be revoked.

### **The applicant's personal circumstances**

11. Personal circumstances such as health and disability are not generally material planning considerations. Mrs B says the planning officer told Members at their meeting that personal circumstances could, occasionally, be material.
12. I have read the officer's report. The officer explains the extension has been designed around the health needs of the applicant but makes it clear the Council must assess the application according to planning policy and not because of the applicant's needs. The planning officer may have elaborated on this to Members but there is nothing to suggest Members approved the application which, but for the personal circumstances of the applicant they would have refused.

### **Daylight and sunlight report**

13. Mrs B's houses faces south so her neighbour's extension, affecting as it does the rear of her house, has the potential to impact on her evening light. Mrs B says, during her own pre-application discussions she was told she would need to supply a daylight and sunlight assessment. She says another nearby applicant was told the same yet the Council did not ask her neighbour for this.
14. It is not uncommon for planning officers, when assessing loss of light to neighbouring properties, to use an indicative tool known within the profession as

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the '45 degree rule.' Mrs B says she asked the case officer if her neighbour's proposal passed this test but he did not give her a clear answer.

15. The Council says it has no set policy for seeking sunlight / daylight assessments but relies on the case officer's judgement of whether one is necessary. The officer did not ask Mrs B's neighbour for one for the following reasons:
  - Mrs B's house is north west of the applicant's so overshadowing would be slight and only in late afternoon;
  - The house on the other side of the applicant has a two storey extension projecting 4.2m along their shared boundary so Mrs B's neighbour's extension, lower in height, would be hidden behind it;
  - The two storey part of the extension would be set back ½ m from the shared boundary with Mrs B and project approximately 1½ m off the rear elevation, not much further than the current balcony already does. The single storey part would be set back a further 1m from the shared boundary.
  - The extension would be glazed and allow light to penetrate.
16. These are all sound reasons for the officer's decision, the merits of which the Ombudsman would have no reason to challenge.
17. The officer also comments, in relation to the 45° rule, that the applicant withdrew his original plans partly because they breached the rule. The Council has supplied a block plan of the current proposal which shows the two storey element does not cut the 45 degree line and, although the single storey element does, because it is glazed and single storey, there will be no harm. The Ombudsman would have no reason to be critical of this line of reasoning.

### **Noise**

18. Lift mechanisms can create noise nuisance. Although the two properties are close, the Council did not ask for noise insulation as a condition of the permission.
19. I explained to Mrs B that, if the mechanism were to become a nuisance, she could complain to the environmental health officers. To be sure, I asked the Council to confirm its officers would not be constrained because the noise was "ordinary domestic noise."
20. The Council says a standard lift or lift platform is unlikely to be noisy but, if there are complaints of noise nuisance, it will investigate them.

### **Mrs B's proposed application**

21. Mrs B suggested her neighbour's application, if implemented, would prevent the Council approving her plans because if her window were moved forward, she would be able to see into her neighbour's house.
22. The Council assures me this is not so. It says Mrs B's proposals, to extend her house no further than in line with her neighbour's, will not impact unacceptably on either of them. Mrs B doubted this, given her neighbour's extension will be glazed so I asked the Council to double-check. It has done so. Mrs B's neighbour's extension, although glazed, will have obscure glazing (ensured by planning condition) to a minimum level of Pilkington No 3. It will not be possible for anyone outside to see more than outline movement within.

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## **Agreed action**

23. Apart from its failure to deal with the application site as a Building of Local Interest, there is no evidence of fault with the rest of the process. When it realised its mistake, the Council volunteered the following action without prompting from our office:
- It wrote a letter of apology to Mrs B and offered her a small compensation payment in recognition of the time and trouble to which it had put her by overlooking the protected status of the properties.
  - It took a report to Members explaining the error it had made and how this may have affected the decision. It asked Members to decide if the permission should stand or not.
  - It reviewed its procedures (and will monitor the outcome of the review) to ensure it identifies buildings on the list of Buildings of Local Interest at an early stage in the planning process.

## **Final decision**

24. The Council was at fault for failing to take account of the locally protected status of a building when it granted permission for the building to be extended. It has since done everything reasonable to put this right and, as there was no other fault with the process, there is no reason for me to pursue the complaint.

## **Investigator's decision on behalf of the Ombudsman**

## **The Ombudsman's final decision**

Summary: The Council was at fault for failing to take account of the locally protected status of a building when it granted permission for the building to be extended. It has since done everything reasonable to put this right and, as there was no other fault with the process, I have closed the complaint.

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## **The complaint**

1. Ms C complains the Council failed to take account of material information when it granted her neighbour permission to extend his house. Ms C objected to the glass structure to the rear of her house because light (from sun bounce and electric bulbs) would cause dazzle and she complained that information given to the decision-making committee, that the applicant's disability could be material, was wrong.

## **The Ombudsman's role and powers**

2. The Ombudsman investigates complaints of injustice caused by maladministration and service failure. I have used the word fault to refer to these. The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. She must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3)*)

## **How I considered this complaint**

3. I have considered all the information sent to me by Ms C and I have discussed the complaint with her. I have also considered information on the Council's public access website and the information I asked it to send me. I have also taken account of the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Local Government Act 1974.

## **What I found**

4. Ms C lives in a Victorian terrace with a small rear garden which backs on to the gardens of the terrace behind. The extension about which she complains is offset to the south of Ms C's garden.
5. Ms C objected to the extension because she considered it would be out of keeping with a Victorian terrace and the glass structure would cause sun bounce and dazzle. When the Council granted permission Mrs B complained about the decision. She also complained the decision-making committee had been given

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information about the applicant's personal need for the extension to house a lift shaft which she thought was wrong.

### **Buildings of Local Interest**

6. When Ms C complained to me, I was also investigating a complaint from another neighbour about the Council's failure to deal with the applicant's property as a Building of Local Interest.
7. Apart from nationally listed buildings, councils may create lists of buildings of local interest and afford them some protection. Cambridge City Council has a list of Buildings of Local Interest which it has published on its website.
8. When considering planning applications, the Council must take account of its Local Plan and associated policies. Policy 4 / 12 of the Council's Local Plan deals with Buildings of Local Interest. It says: "*Applications for planning permission to alter such buildings will be considered in the light of the Council's Approved Guidance on Alterations and Improvements to Buildings of Local Interest.*"
9. The officer's report made no reference to the building being on the local list although it is clear from the list published on the Council's website that it is. The Council accepted this error and, without prompting from our office it wrote to apologise to both complainants. It also arranged for the application, with full information, to go back to its Members for a decision about whether permission should stand or be revoked.

### **The applicant's personal circumstances**

10. Personal circumstances such as health and disability are not generally material planning considerations. Ms C says the planning officer told Members at their meeting that personal circumstances could, occasionally, be material.
11. I have read the officer's report. The officer explained the extension had been designed around the health needs of the applicant but made clear the application should be assessed according to planning policy and not because of the applicant's needs. The planning officer may have elaborated on this to Members but there is nothing to suggest Members approved the application which, but for the personal circumstances of the applicant they would have refused.

### **The likelihood of glass causing dazzle.**

12. Ms C's objection to the possibility of 'sun bounce or dazzle' was summarised in the officer's report under a section dealing with light pollution.
13. The officer noted Ms C's property was south facing to the rear and at an angle from the rear of the application property (which faces north). The officer considered the combination of the path the sun would track (as it moves from east to west at the different times of the year) and the angles of the surfaces of the roof and sides of the new glazed extension and concluded from these that sun dazzle was highly unlikely.
14. The Council accepts this could have been made clearer in the case officer's report but the conclusion (at paragraph 9.1 of the report) does refer to the overall impact on amenity (including from the glazed design) being acceptable.
15. The case officer also asked for lighting details from the applicant's architects so he could understand whether lighting sources would be visible from outside the property (and whether this would be an issue or not). These plans showed down-lighters would be used to avoid the light source inside the extension being visible outside. The planning officer considered this to be an acceptable approach. (A planning condition, number 4 was also recommended to ensure this lighting specification was implemented).

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## **Agreed action**

16. Apart from its failure to deal with the application site as a Building of Local Interest, there is no evidence of fault with the rest of the process. When it realised its mistake, the Council volunteered the following action without prompting from our office:
- it wrote a letter of apology to Ms C and offered her a small compensation payment in recognition of the time and trouble to which it had put her by overlooking the protected status of the properties.
  - it took a fresh report to Members explaining the error and how this may have affected the decision. It asked Members to decide if the permission should stand or be revoked.
  - it has reviewed its procedures (and will monitor the outcome of the review) to ensure buildings on the list of Buildings of Local Interest are identified at an early stage in the planning process.

## **Final decision**

17. The Council was at fault for failing to take account of the locally protected status of a building when it granted permission for the building to be extended. It has since done everything reasonable to put this right and, as there was no other fault with the process, there is no reason for me to pursue the complaint.

## **Investigator's decision on behalf of the Ombudsman**

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