



## Cambridge City Council Planning

**Date:** Wednesday, 5 December 2018

**Time:** 10.00 am

**Venue:** Committee Room 1 & 2, The Guildhall, Market Square, Cambridge, CB2 3QJ

**Contact:** [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk), tel:01223 457000

### Agenda

#### 1 Order of Agenda

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

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.

#### 2 Apologies

#### 3 Declarations of Interest

#### 4 Minutes

(Pages 19 - 28)

## Part 1: Major Planning Applications (10am)

5 18/1432/FUL - Ridgeons 75 Cromwell Road (Pages 29 - 46)

## Part 2: Minor/Other Planning Applications (12.30pm)

6 18/1116/FUL - Land North of Harrison Drive and  
West of The Donald Macintyre Building, Hills Road (Pages 47 - 92)

7	18/0829/FUL - Lion Yard and St George House, Lion Yard, Petty Cury	(Pages 93 - 142)
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8      18/1123/FUL - 23A Hooper Street      (Pages 143 - 158)

9	18/1467/FUL - University Eye Clinic, Anglia Ruskin University, East Road	(Pages 159 - 168)
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10	18/0211/FUL - 585 Newmarket Road	(Pages 169 - 190)
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11	18/1625/FUL - Land to the rear of 53-55 Wulfstan Way	(Pages 191 - 212)
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12      18/1741/CL2PD - 15 Highworth Avenue      (Pages 213 - 218)

**Planning Members:** Smart (Chair), Blencowe (Vice-Chair), Baigent, Hart, Hipkin, McQueen, Nethsingha, Page-Croft, Thornburrow and Tunnacliffe

**Alternates:** Gillespie, Green and Holt

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# **Appendix 1 – Development Plan Policy, Planning Guidance and Material Considerations**

(Updated October 2018)

## **1.0 Central Government Advice**

**1.1 National Planning Policy Framework (July 2018)** – 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 Planning Practice Guidance (March 2014)**

The guidance complements the National Planning Policy Framework and provides advice on how to deliver its policies.

Guidance is provided in relation to the following:

Advertisements (March 2014)  
Air quality (March 2014)  
Appeals (March 2014)  
Before submitting an application (February 2018)  
Brownfield land registers (July 2017)  
Climate change (June 2014)  
Community Infrastructure Levy (March 2018)  
Conserving and enhancing the historic environment (February 2018)  
Consultation and pre-decision matters (June 2018)  
Crown Development (July 2017)  
Design (March 2014)  
Determining a planning application (July 2017)  
Ensuring effective enforcement (February 2018)  
Ensuring the vitality of town centres (March 2014)  
Environmental Impact Assessment (July 2017)  
Flexible options for planning permissions (March 2014)  
Flood Risk and Coastal Change (March 2014)  
Hazardous Substances (July 2017)  
Health and wellbeing (July 2017)  
Housing and economic land availability assessment (September 2018)  
Housing need assessment (September 2018)  
Land affected by contamination (June 2014)  
Land stability (March 2014)  
Lawful development certificates (March 2014)

Light pollution (March 2014)  
Local Plans (September 2018)  
Making an application (June 2018)  
Minerals (October 2014)  
Natural Environment (January 2016)  
Neighbourhood Planning (September 2018)  
Noise (March 2014)  
Open space, sports and recreational facilities, public rights of way and local green space (March 2014)  
Permission in principle (June 2018)  
Plan making (September 2018)  
Planning obligations (May 2016)  
Renewable and low carbon energy (June 2015)  
Rural housing (May 2016)  
Self-build and custom housebuilding (July 2017)  
Starter homes (March 2015)  
Strategic environmental assessment and sustainability appraisal (February 2015)  
Transport evidence bases in plan-making and decision-taking (March 2015)  
Travel plans, transport assessments and statements in decision-taking (March 2014)  
Tree Preservation Orders and trees in conservation areas (March 2014)  
Use of Planning Conditions (June 2018)  
Viability (July 2018)  
Water supply, wastewater and water quality (March 2015)  
When is permission required? (June 2018)

**1.3 Circular 11/95 – The Use of Conditions in Planning Permissions (Annex A only):** Model conditions.

**1.4 Community Infrastructure Levy Regulations 2010**

Paragraph 122 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.

Paragraph 123 Other than through requiring a highway agreement to be entered into, a planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that

(a) obligation A provides for the funding or provision of an infrastructure project or provides for the funding or provision of a type of infrastructure; and

(b) five or more separate planning obligations that —

(i) relate to planning permissions granted for development within the area of the charging authority; and

(ii) which provide for the funding or provision of that project, or provide for the funding or provision of that type of infrastructure

have been entered on or after 6th April 2010.

#### **1.5 Planning Policy Statement – Green Belt protection and intentional unauthorised development August 2015**

Sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt.

#### **1.6 Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration).**

### **Development Plan policy**

#### **2.0 The Cambridgeshire and Peterborough Minerals and Waste Plan (Development Plan Documents) July 2011**

**Minerals and Waste Core Strategy** : this sets out the Councils' strategic vision and objectives for future development and management of minerals and waste within Cambridgeshire and Peterborough, including strategic site allocations over the Plan period to 2026. The document also contains a suite of development control policies to guide minerals and waste development.

**Minerals and Waste Site Specific Proposals Plan (2012)** : this sets out the Councils' allocations for site specific proposals for future development and management of minerals and waste within Cambridgeshire and Peterborough. It identifies site specific land allocations for future minerals and waste management development and other supporting site specific policies.

**Proposals Maps:** Map A: shows minerals and transport proposals; Map B: shows waste management proposals; Map C: shows Mineral Safeguarding Areas.

### 3.0 Cambridge Local Plan 2018

- Policy 1: The presumption in favour of sustainable development
- Policy 2: Spatial strategy for the location of employment development
- Policy 3: Spatial strategy for the location of residential development
- Policy 4: The Cambridge Green Belt
- Policy 5: Strategic transport infrastructure
- Policy 6: Hierarchy of centres and retail capacity
- Policy 7: The River Cam
- Policy 8: Setting of the city
- Policy 9: Review of the Local Plan
- Policy 10: The City Centre
- Policy 11: Development in the City Centre Primary Shopping Area
- Policy 12: Fitzroy/Burleigh Street/Grafton Area of Major Change
- Policy 13: Cambridge East
- Policy 14: Areas of major change and opportunity areas – general principles
- Policy 15: Cambridge Northern Fringe East and new railway Station Area of Major Change
- Policy 16: South of Coldham's Lane Area of Major Change
- Policy 17: Cambridge Biomedical Campus (including Addenbrooke's Hospital) Area of Major Change
- Policy 18: Southern Fringe Areas of Major Change
- Policy 19: West Cambridge Area of Major Change
- Policy 20: Land between Huntingdon Road and Histon Road Area of Major Change
- Policy 21: Station Areas West and Clifton Road Area of Major Change
- Policy 22: Mitcham's Corner Opportunity Area
- Policy 23: Eastern Gate Opportunity Area
- Policy 24: Mill Road Opportunity Area
- Policy 25: Cambridge Railway Station, Hills Road Corridor to the City Centre Opportunity Area
- Policy 26: Old Press/Mill Lane Opportunity Area
- Policy 27: Site specific development opportunities
- Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use
- Policy 29: Renewable and low carbon energy generation
- Policy 30: Energy-efficiency improvements in existing dwellings
- Policy 31: Integrated water management and the water cycle
- Policy 32: Flood risk

- Policy 33: Contaminated land
- Policy 34: Light pollution control
- Policy 35: Protection of human health from noise and vibration
- Policy 36: Air quality, odour and dust
- Policy 37: Cambridge Airport Public Safety Zone and Air Safeguarding Zones
- Policy 38: Hazardous installations
- Policy 39: Mullard Radio Astronomy Observatory, Lord's Bridge
- Policy 40: Development and expansion of business space
- Policy 41: Protection of business space
- Policy 42: Connecting new developments to digital infrastructure
- Policy 43: University development
- Policy 44: Specialist colleges and language Schools
- Policy 45: Affordable housing and dwelling mix
- Policy 46: Development of student housing
- Policy 47: Specialist housing
- Policy 48: Housing in multiple occupation
- Policy 49: Provision for Gypsies and Travellers
- Policy 50: Residential space standards
- Policy 51: Accessible Homes
- Policy 52: Protecting garden land and the subdivision of existing dwelling plots
- Policy 53: Flat conversions
- Policy 54: Residential moorings
- Policy 55: Responding to context
- Policy 56: Creating successful places
- Policy 57: Designing new buildings
- Policy 58: Altering and extending existing buildings
- Policy 59: Designing landscape and the public realm
- Policy 60: Tall buildings and the skyline in Cambridge
- Policy 61: Conservation and enhancement of Cambridge's historic environment
- Policy 62: Local heritage assets
- Policy 63: Works to a heritage asset to address climate change
- Policy 64: Shopfronts, signage and shop security measures
- Policy 65: Visual pollution
- Policy 66: Paving over front gardens
- Policy 67: Protection of open space
- Policy 68: Open space and recreation provision through new development
- Policy 69: Protection of sites of biodiversity and geodiversity importance
- Policy 70: Protection of priority species and habitats
- Policy 71: Trees



- Policy 72: Development and change of use in district, local and neighbourhood centres
- Policy 73: Community, sports and leisure facilities
- Policy 74: Education facilities
- Policy 75: Healthcare facilities
- Policy 76: Protection of public houses
- Policy 77: Development and expansion of visitor accommodation
- Policy 78: Redevelopment or loss of visitor accommodation
- Policy 79: Visitor attractions
- Policy 80: Supporting sustainable access to development
- Policy 81: Mitigating the transport impact of development
- Policy 82: Parking management
- Policy 83: Aviation development
- Policy 84: Telecommunications
- Policy 85: Infrastructure delivery, planning obligations and the Community Infrastructure Levy

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

(These have been prepared in parallel with the Local Plan preparation and will be shortly adopted by the Executive Councillor by an out of cycle decision. Significant weight can be attached to them; they were brought before Development Plan Scrutiny Sub-Committee for prior consideration and comment on the dates shown)

- 4.1 The New Museums Site Development Framework (March 2016)** – Sets out the joint aspirations of the council and the University of Cambridge regarding future changes to the site. These should improve the urban form with changes to the public realm, provide better access for all and adopt more sustainable forms of development while respecting the site's heritage and surroundings. Future development on the site offers an opportunity to create an improved, more coherent development and especially to improve the public realm on the site.
- 4.2 Ridgeons site Planning and Development Brief (July 2016)** – created to ensure that any future development on this site, allocated for residential development in the 2018 Local Plan as R12, is appropriate to its context and delivers the aspirations as set out in the Local Plan.
- 4.3 Cambridgeshire and Peterborough Flood and Water (December 2016)** - produced by Cambridgeshire County Council in its role as Lead Local Flood Authority, in partnership with the city and district council. It provides detailed guidance to support the implementation of flood and

water related policies in each of the Cambridgeshire local planning authorities' local plans.

- 4.4 **Mitcham's Corner Development Framework (January 2017)** - supports Local Plan Policy 22: Mitcham's Corner Opportunity Area and is designed to ensure that future development in the area is appropriate to its context and delivers the aspirations as set out in the Local Plan. It provides greater certainty and detail to support delivery of development in the coming years.
- 4.5 **Mill Road Depot Planning and Development Brief (March 2017)** - supports Local Plan Policy 24: Mill Road Opportunity Area and is designed to ensure that future development on this site, allocated for residential development in the 2018 Local Plan as R10, is appropriate to its context and delivers the aspirations as set out in the Local Plan. It provides greater certainty and detail to support delivery of development in the coming years.
- 4.6 **Land North of Cherry Hinton (February 2018)** - supports Local Plan Policy 13: Cambridge East, and is designed to ensure that future residential-led development on this site is delivered successfully. It provides greater certainty and detail to support delivery of development in the coming years. It outlines the aspirations for the area, as well as the key issues, constraints and opportunities that will influence how new development will take place.
- 4.7 **Grafton Area of Major Change - Masterplan and Guidance (February 2018)** - Prepared in partnership with local stakeholders to help guide the development of the area, supporting Policy 12 of the Local Plan. The area is designated in the Plan as the primary location for providing additional comparison retail in the City Centre along with other mixed uses including leisure uses, and the SPD promotes a number of key strategies for change. These aim to take advantage of the opportunities to provide an improved street environment including public realm enhancements as well as a positive and attractive destination to support the vitality and viability of the centre for retail and associated uses. The SPD envisages a phased approach to ensure the area continues to perform as a mainstream City Centre leisure and retail location while ensuring phased improvement will deliver the area's longer-term strategy.

## **5.0 Former Supplementary Planning Documents**

(These documents, prepared to support policies in the 2006 local plan, are no longer SPDs, but are still material considerations.)

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

policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

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

**5.7 Eastern Gate Supplementary Planning Document (October 2011)** Guidance on the redevelopment of the Eastern Gate site. The purpose of this development framework (SPD) is threefold:

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

## **6.0 Other Material Considerations**

### **6.1 City Wide Guidance**

**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 complements the Sustainable Design and Construction Supplementary Planning Document.

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

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

**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.

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

**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 and South Cambridgeshire Level 1 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.

**Cambridge City Council Draft Air Quality Action Plan 2018-2023** - Sets out Cambridge City Council's priority actions for improving areas of poor air quality in the city and maintaining a good level of air quality in a growing city.

The plan responds to the evidence gathered from air quality monitoring across Cambridge and analysis of the sources of air pollution contributing to the problem. The Identified actions fall in to three main categories: reducing local traffic emissions as quickly as possible to meet national objectives, maintaining pollutant levels below national objectives, and improving public health by reducing population exposure to air pollutants.

**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

**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.

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

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

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

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

**Cambridgeshire County Council Transport Assessment Guidelines (2017)** - Provides guidance to applicants, developers, their agents and local authority officers on when a Transport Assessment (TA) is required and what it should contain. It also gives guidance on what information may be required for smaller applications through a Transport Statement (TS).

**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.

**Cambridgeshire Green Infrastructure Strategy (2011)** - Designed to assist in shaping and co-ordinating the delivery of Green Infrastructure in the county, to provide social, environmental and economic benefits now and in the future. It demonstrates how Green Infrastructure can be used to help to achieve four objectives:

- 1) To reverse the decline in biodiversity
- 2) To mitigate and adapt to climate change
- 3) To promote sustainable growth and economic development
- 4) To support healthy living and well-being.

**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



**Contaminated Land in Cambridge - Developers Guide (2009)** – Aims to ensure developers are aware of their responsibilities regarding contaminated land. Outlines the Council's requirements and the information needed in order to assess planning applications.

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

**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.

**Indoor Sports Facility Strategy 2015-2031 (updated June 2016)** – With the Playing Pitch Strategy, forms a guide for the future provision and management of sports pitches, built facilities and community use services to serve existing and new communities in the City and South Cambridgeshire. In line with the NPPF, the strategies set out to evaluate existing built facilities, and assess the future need for sport and active recreation, as the region grows and develops, identifying opportunities for new provision, and the expansion of existing facilities.

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

**Playing Pitch Strategy 2015-2031 (updated June 2016)** – With the Indoor Sports Facilities Strategy, forms a guide for the future provision and management of sports pitches, built facilities and community use services to serve existing and new communities in the City and South Cambridgeshire. In line with the NPPF, the strategies set out to evaluate existing built facilities, and assess the future need for sport and active recreation, as the region grows and develops, identifying opportunities for new provision, and the expansion of existing facilities.

**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.

## 6.2 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 Plans 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.

**Barrow Road Conservation Area Appraisal (2016)**

**Brooklands Avenue Conservation Area Appraisal (2013)**

**Cambridge Historic Core Conservation Area Appraisal (2015)**

**Castle and Victoria Road Conservation Area Appraisal (2012)**

**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 (2014)**

**Mill Road Area Conservation Area Appraisal (2011)**

**Newnham Croft Conservation Area Appraisal (2013)**

**New Town and Glisson Road Conservation Area Appraisal (2012)**

**Riverside and Stourbridge Common Conservation Area Appraisal (2012)**

**Southacre Conservation Area Appraisal (2013)**

**Storeys Way Conservation Area Appraisal (2018)**

**Trumpington Conservation Area Appraisal (2010)**

**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.

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**PLANNING**

3 October 2018  
10.00 am - 4.10 pm

**Present:**

**Planning Committee Members:** Councillors Smart (Chair), Blencowe (Vice-Chair), Baigent, Hart, Hipkin, McQueen, Nethsingha, Page-Croft, Thornburrow and Tunnacliffe

Councillor Hipkin left after the vote on item 18/146/Plan

**Officers:**

Principal Planner: Nigel Blazeby  
Principal Planner: Lorraine Casey  
Senior Planning Officer: Lewis Tomlinson  
Planner: Mary Collins  
Principal Planner (City): Tony Collins  
Arboricultural Officer: Joanna Davies  
Legal Advisor: Richard Pitt  
Committee Manager: Toni Birkin  
Committee Manager: James Goddard

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**18/135/PlanApologies**

There were no apologies.

**18/136/PlanDeclarations of Interest**

No declarations of interest were made.

**18/137/PlanMinutes**

The minutes of the previous meeting would be brought to the next meeting for sign-off.

**18/138/PlanNew Local Plan**

The Senior Planner updated Planning Committee on progress on the Local Plan:

- i. The Planning and Transport Committee resolved 2 October 2018 to recommend to Council (18 October 2018) to adopt the new Local Plan.
- ii. The Council was in a period of transition between the 2006 and 2014 Local Plans. However, Councillors should now give significant weight to the new Local Plan.
- iii. The Council received the Planning Inspector's comments on 2014 Local Plan noon 29 August 2018, ie the same day as the last Planning Committee.
- iv. The Council reviewed 29 August committee decisions in light of the Planning Inspector's comments and found the vast majority were unaffected. However, decision letters were not sent out for two applications: 18/0806/FUL - 291 Hills Road and 18/0765/FUL - Garage Block, Markham Close, the latter of which has been returned to committee today.
- v. The Romsey Labour Club application (from earlier in 2018) will also return to committee for further consideration in future.

### **18/139/Plan18/0090/FUL - 63 New Street**

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing buildings on the site and the erection of a building comprising of three 2 bed units, six 1 bed units and one studio flat. The proposal would provide one visitor/disabled parking space and 13 cycle parking spaces.

Mr Bainton (Applicant's Agent) addressed the Committee in support of the application.

Councillors sought advice from the Legal Advisor on reasons that could be considered for refusal of the application if they were minded to do so. The Legal Advisor said that amenity was a low risk reason for refusal, parking was a higher risk one. He suggested not including it due to cost implications to the Council if Officers tried to contest a decision that was hard to defend. Several Committee Members were minded to support parking as a possible reason for refusal as the application would exacerbate existing parking pressure in the area. The Chair said that Highways Authority comments in the report reflected advice to consider for housing estates in rural areas. The comments had been made in January 2018, so were no longer relevant. They had to be included in the Officer's report as the comments had been made. The Highways Authority

were asked not to include generic comments more appropriate to rural developments in future consultation responses. The Chair said National Planning Policy Framework guidance on parking standards was a material consideration for Planning Committee Members.

Councillor Hipkin volunteered to give evidence at an appeal if parking was proposed as a reason for refusal.

The Committee:

**Resolved (by 8 votes to 2)** to reject the officer recommendation to approve the application.

The Chair decided that the possible reasons for refusal should be voted on and recorded separately:

**Resolved (unanimously)** that Members were minded to refuse the application for the following reason:

There was no direct access to private external amenity space.

**Resolved (by 6 votes to 3)** that Members were minded to refuse the application for the following reason:

Lack of on-site parking for future occupiers.

Councillor Smart proposed, and Councillor Nethsingha seconded, implementing the major decision protocol. The Committee would give a minded to refuse decision which would be brought back for review at a future committee.

**Resolved (by 7 votes to 0)** to implement the major decision protocol and were minded to refuse the application contrary to the officer recommendation for the following reasons:

- i. The proposal has no direct access to a private external amenity area for units 3,4,5,6,7,8,9 and 10. The application has therefore failed to demonstrate that 10 units can be accommodated on the site in a form that secures an acceptable level of amenity space for future occupants. The proposal is therefore contrary to Cambridge Local Plan (2006) policies 3/4 and 3/12 and Cambridge Local Plan 2014: Proposed

submission, July 2013 (submitted March 2014) as amended by the Inspectors' Main Modification policy 50.

- ii. The proposal has no car parking for future occupiers, apart from the disabled/visitor car parking space. This will increase parking pressures on nearby streets and therefore be detrimental to amenity of nearby residents. The proposal is therefore contrary to Cambridge Local Plan (2006) policies 3/4 & 3/12 and Cambridge Local Plan 2014: Proposed submission, July 2013 (submitted March 2014) as amended by the Inspectors' Main Modification policies 55 & 57.

The case officer will produce a follow up report concerning the potential reasons for refusal for the members' consideration at the next committee.

### **18/140/Plan18/1108/FUL - 560 Newmarket Road**

The Committee received an application for full planning permission.

The application sought approval for the erection of a 1x Bed Bungalow along with car parking and associated landscaping.

Peter McKeown (Applicant's Agent) addressed the Committee in support of the application.

Councillor Johnson (Abbey Ward Councillor) addressed the Committee about the application and made the following comments:

- i. Speaking on behalf of local residents who were unable to attend.
- ii. The current proposal was an improvement on the previous application but did not address all concerns.
- iii. Access for vehicles and pedestrians was still poor.
- iv. Would result in overlooking and a loss of privacy for neighbours.
- v. Would have an adverse impact on the amenity of neighbours.
- vi. Appeared to contravene the Local Plan (3.4, 3.10 and 3.7).

#### The Committee:

**Resolved (by 6 votes to 2 and 2 abstentions)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **18/141/Plan18/0758/FUL - 57 Hartington Grove**

The Committee received an application for full planning permission.

The application sought approval for Conversion of existing first floor and ground floor HMO (7 occupants) into 5 self-contained bedsits, a two storey rear extension and a side dormer.

The Committee noted the amendment sheet.

The Committee received a representation in objection to the application from a local resident who made the following comments:

- i. Speaking on behalf of herself and an owner occupier and neighbours who were unable to attend.
- ii. Application was overdevelopment.
- iii. Would have an adverse impact on neighbour amenity.
- iv. Lack outdoor space.
- v. Single person units could be occupied by 2 people.
- vi. Had limited cycle and bin storage.
- vii. Would be unpleasant for occupiers due to the amount of obscure glazing.
- viii. Scale and mass on build on the boundary line was unacceptable.
- ix. Would result in noise nuisance.

Ben Pridgon (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

**Resolved (by 4 votes to 4 with 2 abstentions and on the Chair's casting vote)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**18/142/Plan18/1050/FUL - 107 Hazelwood Close**

The Committee received an application for full planning permission.

The application sought approval for Part two storey, part single storey rear extension. Single storey front extension with alterations to convert existing garage to habitable space and incorporate into main dwelling.

The Committee received a representation in objection to the application from a local resident who made the following comments:

- i. Loss of sunlight to rear windows and patio area.
- ii. Would be overbearing.
- iii. Feared the property would become a HMO and make life unbearable for neighbours.
- iv. Parking issues would be exasperated.

Parvez Khan (Applicant's Agent) addressed the Committee in support of the application.

Councillor Mike Todd-Jones (Arbury Ward Councillor) addressed the Committee about the application and made the following comments:

- i. A previous application had been refused due to size, scale, massing and the impact on neighbours.
- ii. Previous reasons still apply.
- iii. Scale of proposal out of keeping with the area.

Councillor requested that in in future report regarding application that had been to committee before in the past include the reasons for previous refusal.

The Committee discussed the application and suggested that the application was out of keeping with the character of the street. The size, massing and sense of dominance was considered inappropriate.

#### The Committee:

**Resolved (by 9 votes to 0 and 1 abstention)** to reject the officer recommendation to approve the application.

**Resolved unanimously** to refuse the application contrary to the officer recommendation for the following reasons:

Due to the size and scale of the proposed first floor rear extension and its proximity to the side boundaries, it would negatively impact on the residential amenity of the neighbouring properties 106 and 108 Hazelwood Close. The proposed first floor rear extension would dominate these properties and cause a sense of enclosure, particularly when viewed from the ground floor rear windows, which would be unacceptable. The proposal is therefore considered to be contrary to policies 3/4, 3/7 and 3/14 of the Cambridge Local Plan 2006 and to policies 55, 56 and 58 of the Cambridge Local Plan 2014: Proposed



Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications).

### **18/143/Plan18/0745/FUL - Cantabrigian RUFC**

The Committee received an application for full planning permission.

The application sought approval for the installation of four 15 metre tall floodlight masts each with no.3 2kw floodlights on top. The floodlights would be pointed down towards the pitch. The masts are proposed to be located in each corner of the pitch and provide 100lux over the pitch.

The Committee received a representation in objection to the application from a local resident who made the following comments:

- i. Speaking on behalf of a local resident group.
- ii. The amenities of local people were not being protected.
- iii. Residents of Sedley Taylor Avenue would be impacted by the proposed lighting.
- iv. Existing lighting was already problematic.
- v. Additional conditioning was required regarding the angle and shading of the lights.
- vi. Permitted hours should not exceed the current usage.

Nigel Faben, Treasurer of Cantabrigian RUFC addressed the Committee in support of the application.

Councillor Pippas (Queen Edith's Ward Councillor) addressed the Committee regarding the application and made the following comments:

- i. Local residents had concerns.
- ii. Light pollutions would impact a number of properties.
- iii. Concerns had been raised about the drainage of the sports field.
- iv. Environmental information was missing.
- v. Applications lacked considerations for neighbours.
- vi. Neighbour fear increased use and extended hours of lighting.
- vii. A travel plan was needed as access was problematic.

#### The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**18/144/Plan18/0765/FUL - Garage Block, Markham Close**

The Committee received an application for full planning permission.

The application sought approval for the demolition of existing garages and erection of 5 no. affordable apartments with associated car parking.

The Committee noted the amendment sheet.

Stephen Logstaf (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**18/145/Plan18/1104/FUL - Gunhild Way Garages**

The Committee received an application for full planning permission.

The application sought approval for the demolition of garages and erection of 2no. affordable dwellings, widening of access and associated works.

The Committee noted the amendment sheet.

Stephen Longstaf (Applicant's Agent) addressed the Committee in support of the application.

The Committee suggested that the site had offered the potential for greater density and a more imaginative design.

The Committee:

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

**18/146/Plan18/0768/FUL - 21-25 Fitzwilliam Road**

The Committee received an application for full planning permission.

The application sought approval for Fourth storey extension to create 1no 3bedroom flat, and 4no 1no bedroom flats and 1no 1bed mews style flat to incorporate bin and bike store.

The Committee noted the textual corrections contained in the amendment sheet and the late representations received.

Clive Barnes (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

**Resolved (by 7 votes to 1 and 1 absetention)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

#### **18/147/PlanTPO 21/2018 - 5A and 7 Herschel Road**

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order 21/2018 that relates to 5A and 7 Herschel Road.

The Committee:

**Unanimously Resolved** to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application.

#### **18/148/PlanTPO 10/2018 - 2 Southacre Drive**

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order 10/2018 that relates to a 2 Southacre Drive.

The Committee:

**Unanimously Resolved** to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application.

The meeting ended at 4.10 pm

**CHAIR**

## PLANNING COMMITTEE

5<sup>th</sup> December 2018

<b>Application Number</b>	18/1432/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	10th September 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	10th December 2018		
<b>Ward</b>	Romsey		
<b>Site</b>	Ridgeons 75 Cromwell Road Cambridge CB1 3EB		
<b>Proposal</b>	Demolition of all buildings and hardstanding on the site.		
<b>Applicant</b>	Cambridge Investment Partnership		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal would not have an adverse impact on surrounding occupiers subject to conditions</li> <li>- The proposal would not harm trees on site.</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site comprises the Ridgeons site on the western side of Cromwell Road, measuring 3.31ha. The application site includes the main vehicle access onto Cromwell Road and the secondary access further to the south.
- 1.2 The last use of the site was as a builder's merchants. Following the grant of outline permission for the redevelopment for housing, the site was purchased by Cambridge City Council and Cambridge Investment Partnership. The largest building lies in the centre of the site and was the main Ridgeons store. Two further warehouse buildings are located to the south. The remainder of the site is predominantly laid out with hard surfacing and was used for storage, parking and deliveries. There is an attenuation pond in the northern corner.

- 1.3 The western boundary of the site adjoins the railway line. The surrounding area is predominantly residential, characterised by inter-war semi-detached properties on the eastern side of Cromwell Road and Victorian terraces to the south. To the north the site adjoins Winstanley Court which is a development of residential flats.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the demolition of all buildings and hardstanding on site. Full planning permission is required for the demolition of the buildings on site, as there is an existing extant outline consent it is not possible to deal with the demolition through the prior approval process as would normally be the case.
- 2.2 Demolition plans have been provided as part of the application which outline the extent of demolition and areas of proposed vegetation clearance. Further information has also been provided in response to comments from the Environmental Health Officer.
- 2.3 Planning permission has already been granted for the demolition of all buildings on site under the extant outline consent so the principle of demolition has already been established. The proposal seeks permission for the detail of the demolition process including the demolition of the buildings on site, removal of hard standing and clearance of some vegetation.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/1904/OUT	Outline application for erection of up to 245 dwellings, including affordable housing, a nursery and/or community facility, open space, car parking, cycle parking and associated works following the demolition of all existing buildings on the site	Permitted

18/5332/SCRE	Request for EIA Screening Opinion in respect of the proposed development of the former Ridgeons site, Cromwell Road, Cambridge for the development of up to 295 dwellings, a basement car park and approximately 272sqm nursery and community facility.	EIA screening not required
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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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 14 16 31 33 35 36 59 61 70 71 81

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

Central Government Guidance	National Planning Policy Framework July 2018  National Planning Policy Framework – Planning Practice Guidance from 3 March
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	<p>2014 onwards</p> <p>Circular 11/95 (Annex A)</p>
<p>Supplementary Planning Documents (These have been prepared in parallel with the Local Plan preparation and will be shortly adopted by the Executive Councillor by an out of cycle decision.)</p>	<p>Ridgeons site Planning and Development Brief</p> <p>Cambridgeshire and Peterborough Flood and Water</p>
<p>Previous Supplementary Planning Documents</p> <p>(These documents, prepared to support policies in the 2006 local plan are no longer SPDs, but are still material considerations.)</p>	<p>Sustainable Design and Construction (May 2007)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>Arboricultural Strategy (2004)</p> <p>Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p>



	<p>Cambridge City Council Draft Air Quality Action Plan 2018-2023</p> <p>Cambridge City Nature Conservation Strategy (2006)</p> <p>Cambridgeshire and Peterborough Biodiversity Action Plan - priority species</p> <p>Cambridgeshire County Council Transport Assessment Guidelines (2017)</p> <p>Contaminated Land in Cambridge - Developers Guide (2009)</p> <p>Protection and Funding of Routes for the Future Expansion of the City Cycle Network (2004)</p>
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## 6.0 CONSULTATIONS

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

- 6.1 No objection: The proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of a condition and informatives requiring a traffic management plan.

### **Environmental Health**

#### *First comment*

- 6.2 No objection: The contaminated land information has been assessed for the demolition work only and the information will need to be re-submitted with a significant amount of further information as part of any subsequent application to redevelop the site. Further information is needed regarding noise and vibration but this can be dealt with by condition. Conditions are recommended regarding demolition/construction noise and vibration and hours, hours for deliveries and collections, contaminated land, and dust. Informative related to the noise

assessment, use of a concrete crusher and asbestos are recommended.

*Second comment*

- 6.3 No objection: Further information has been provided regarding noise and vibration which is considered satisfactory. As a result, this condition can be amended to be a bespoke compliance condition rather than a pre-commencement condition. The other requested conditions and informatives are still relevant.

**Refuse and Recycling**

- 6.4 No comments received.

**Policy**

- 6.5 No comments received.

**Access Officer**

- 6.6 No comments received.

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

*First comment*

- 6.7 A plan is missing and is needed before formal comment can be made

*Second comment*

- 6.8 No objection: No formal objection to the proposed demolition subject to the phased tree protection detailed in the Arboricultural Impact Assessment.

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

- 6.9 No comments received.

**Cambridgeshire County Council (Lead Local Flood Authority)**

- 6.10 There are no drainage implications to the demolition application. Information will be needed as part of any subsequent application to redevelop the site. An informative is requested.

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

6.11 No comment.

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

6.12 No objection: The demolition method statement should be amended to reference the protection of hedgehogs during site clearance. The reports make recommendation with relation to enhancement of the site, including the provision of hedgehog holes in all boundary fences, integrated bird and bat box provision and sensitive lighting proposals, particularly along existing garden boundaries to aid foraging bats. I would seek to condition these at the appropriate time. I would request a development of this scale also seek to incorporate large areas of biodiverse green roofs. A nesting bird informative is requested.

**Environment Agency**

6.13 No comments received.

**Anglian Water**

6.14 No comments received.

**Cambridgeshire Constabulary (Architectural Liaison Officer)**

6.15 No objection.

**Cadent Gas**

6.16 No objection: Searches have identified apparatus within the site. The apparatus is Low or Medium pressure (below 2 bar) gas pipes and associated equipment. The applicant must ensure that the proposed works do not infringe on Cadent's legal rights.

**Marshall Airport**

6.17 No comments received.

## **Cambridge Water**

6.18 No comments received.

## **Developer Contributions Monitoring Unit**

6.19 No comments received.

6.20 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:

- 127 Cavendish Road
- 17 Cromwell Road
- 65 Cromwell Road
- 71 Cromwell Road
- 56 Winstanley Court

7.2 The representations can be summarised as follows:

- Request a shield is erected during demolition to protect health of neighbouring occupiers.
- Concerned about the redevelopment rather than the demolition
- Concerned about damage to property as a result of the development
- Request that boundary wall is retained
- Concerned about the number of houses proposed in terms of highway safety, traffic generation and pressure on the existing access.
- Concerned about amount of affordable housing as it may lead to further antisocial behaviour.

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 and impact on heritage assets
3. Water management and flood risk
4. Noise, vibration, dust and contaminated land
5. Residential amenity
6. Highway safety
7. Third party representations

### **Principle of Development**

8.2 The demolition of the buildings on site has already been accepted as part of 16/1904/OUT. This application seeks permission for the details of the demolition process. The application will later be followed by a new application for the redevelopment of the site.

### **Context of site, design and external spaces and impact on heritage assets**

8.3 The site itself lies outside of the Conservation Area but lies adjacent to the boundary at Cavendish Place. As noted above, the demolition of the buildings on site has been accepted in principle as part of the extant outline consent. The Tree Officer is satisfied that subject to compliance with the Arboricultural information submitted the proposal would not harm trees on site.

8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 59, 61 and 71.

### **Integrated water management and flood risk**

8.5 There are no drainage implications to the demolition works on site. Surface water drainage information will need to be provided as part of any future application for the redevelopment of the site

- 8.6 In my opinion the applicants have suitably addressed the issues of water management and flood risk, and the proposal is in accordance with Cambridge Local Plan (2018) policies 31 and 32.

### **Noise, vibration, dust and contaminated land**

- 8.7 During the application further information was provided by the applicant regarding demolition noise and vibration. The Environmental Health Officer considered this to be acceptable and has recommended a compliance condition. The contaminated land information provided is acceptable for the demolition phases and a compliance condition is recommended. Further information regarding contaminated land will be needed as part of any subsequent application for redevelopment of the site. The dust information provided is acceptable and a condition is recommended to ensure compliance. Conditions are recommended regarding the hours of demolition and hours of collections and deliveries to and from the site.
- 8.8 In my opinion, subject to the conditions I have recommended, the applicants have suitably addressed the issues of noise, vibration, dust and contaminated land, subject to conditions, and the proposal is in accordance with Cambridge Local Plan (2018) policies 33, 35 and 36.

### **Residential Amenity**

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

- 8.9 The Environmental Health Officer is satisfied that subject to conditions the proposal will not harm the amenity of surrounding occupiers. I share this view and have recommended the conditions as outlined above.
- 8.10 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 (2018) policy 35.

## **Highway Safety**

- 8.11 The Highway Authority has no objection to the proposed demolition works subject to a condition and related informative requiring a traffic management plan. I share the Highway Engineer's view and have recommended the condition and informative.
- 8.12 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

## **Biodiversity**

- 8.13 The Nature Conservation Officer has requested that the demolition method statement is updated to reference protection of hedgehogs during site clearance. I have requested that the amendment is made ahead of committee and will provide an update on the amendment sheet. The other matters relate to any future application for redevelopment of the site and have been added as informatives so the applicant is aware.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 70.

## **Third Party Representations**

- 8.15 I address the third party representations in the below table:

<b>Representation</b>	<b>Response</b>
Request a shield is erected during demolition to protect health of neighbouring occupiers.	The Environmental Health Officer has assessed the information submitted regarding dust management and mitigation and is satisfied that it is acceptable. A condition requiring compliance with the information provided is recommended.
Concerned about the redevelopment rather than the demolition	Noted but the current application relates only to demolition.

Concerned about damage to property as a result of the development	This is a civil matter and cannot be considered as part of the planning process.
Request that boundary wall is retained	The boundary wall adjacent to 71 Cromwell Road is proposed to be retained. This would be assessed further as part of any future planning application for redevelopment of the site/
Concerned about the number of houses proposed in terms of highway safety, traffic generation and pressure on the existing access.	This is not relevant to the current application which only relates to demolition of the existing buildings and removal of hard standing on site.
Concerned about amount of affordable housing as it may lead to further antisocial behaviour.	This is not relevant to the current application which only relates to demolition of the existing buildings and removal of hard standing on site

## 9.0 CONCLUSION

- 9.1 The application relates to demolition of the buildings on site, removal of hard standing and some vegetation clearance. The principle of demolition has been accepted as part of the outline permission ref. 16/1904/OUT. The current application deals with the detail of demolition including noise, vibration and dust management. The Environmental Health Officer is satisfied with the information submitted and has recommended conditions. The Tree Officer has recommended a condition to ensure compliance with the arboricultural information provided. The Highway Authority is satisfied that the works would not have an adverse impact on Highway Safety subject to an adequate demolition traffic management plan being provided.



## 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 91 of the Town and Country Planning Act 1990 (as amended by 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 construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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 2018 policy 35)

4. There shall be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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 2018 policy 35)

5. The proposed mitigation, management and monitoring of airborne dust from all site activities during demolition shall be implemented in accordance with the Dust Risk Assessment and Management Plan; Former Ridgeons, Cromwell Road, Cambridge, Revision A, ref DM/CC/P18-1536/01 Rev A (Create Consulting Engineers Ltd, August 2018).

Reason: To protect residential amenity at the existing adjoining / nearby residential premises in accordance with Cambridge Local Plan 2018 policy 36.

6. The demolition activities shall be carried out in accordance with the following documents:  
Method Statement: Demolition Works, Revision A, Ref 270718:0500 (David Humphrey & Sons Ltd, 27th July 2018)  
Remediation Strategy and Verification Plan; Cromwell Road, Cambridge, CB1 3YB, ref 724323-MLM-ZZ-XX-RP-J-0002 (MLM Group, 28/8/18)

Reason: To ensure that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 policy 33.

7. The proposed mitigation, management and monitoring of noise and vibration from all site activities during demolition shall be implemented in accordance with the Demolition Noise and Vibration Assessment (Revision C) ref JDB/JEB/P18-1536/02 Rev C (Create Consulting Engineers Ltd, September 2018) shall be fully implemented.

Reason: To protect residential amenity at the existing adjoining / nearby residential premises in accordance with Cambridge Local Plan 2018 policy 35.

8. The development shall accord with the submitted phased tree protection methods set out in the Arboricultural Impact Assessment (report dated 06/09/2018 and accompanying plan 6932-D-DEM REV A).

Reason: To ensure trees on site are adequately protected during construction in accordance with Cambridge Local Plan 2018 policy 71.

9. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be in accordance with the approved details.

Reason: In the interests of highway safety (Cambridge Local Plan 2018 policy 81)

**INFORMATIVE:** The principle areas of concern that should be addressed by the traffic management plan are:

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
- iii. Movements and control of all deliveries (wherever possible 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.

**INFORMATIVE:** Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

## **INFORMATIVE:** Demolition/Construction noise/vibration report

The noise and vibration report should include:

- a) An assessment of the significance of the noise impact due to the demolition/construction works and suitable methods for this are to be found in BS 5228:2009 Part 1 Annex E - Significance of noise effects. It is recommended that the ABC method detailed in E.3.2 be used unless works are likely to continue longer than a month then the 2-5 dB (A) change method should be used.
- b) An assessment of the significance of the vibration impact due to the demolition/construction works and suitable methods for this are to be found in BS 5228:2009 Part 2 Annex B - Significance of vibration effects.

If piling is to be undertaken then full details of the proposed method to be used is required and this should be included in the noise and vibration reports detailed above.

Following the production of the above reports a monitoring protocol should be proposed for agreement with the Local Planning Authority. It will be expected that as a minimum spot checks to be undertaken on a regular basis at site boundaries nearest noise sensitive premises and longer term monitoring to be undertaken when:-

- Agreed target levels are likely to exceeded
- Upon the receipt of substantiated complaints
- At the request of the Local Planning Authority / Environmental Health following any justified complaints.

Guidance on noise monitoring is given in BS 5228:2009 Part 1 Section 8.4 - Noise Control Targets and in Annex G - noise monitoring.

A procedure for seeking approval from the Local Planning Authority (LPA) in circumstances when demolition/construction works need to be carried out at time outside the permitted hours. This should incorporate a minimum notice period of 10 working days to the Local Planning Authority and 5 working days to neighbours to allow the Local Planning Authority to consider the application as necessary. For emergencies the Local Planning Authority should be notified but where this is not possible the Council's Out of Hours Noise service should be notified on 0300 303 8389.

Contact details for monitoring personnel, site manager including out of hours emergency telephone number should be provided.

**INFORMATIVE:** Notification to the Environmental Growth and Quality team will be required under the Environmental Permitting Regulations if an on site concrete crusher will be used during the demolition stage.

**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:** The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Buildings, trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**INFORMATIVE:** The reports provided relating to ecological matters make recommendation with relation to enhancement of the site, including the provision of hedgehog holes in all boundary fences, integrated bird and bat box provision and sensitive lighting proposals, particularly along existing garden boundaries to aid foraging bats. These matters will be conditioned as part of any subsequent application to redevelop the site.

Any future application should seek to incorporate large areas of biodiverse green roofs.

## PLANNING COMMITTEE

5<sup>th</sup> December 2018

<b>Application Number</b>	18/1116/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	13th July 2018	<b>Officer</b>	Tony Collins
<b>Target Date</b>	7th September 2018		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Land To The North Of Harrison Drive And West Of The Donald Macintyre Building, Hills Road Cambridge CB2 8PH		
<b>Proposal</b>	Erection of a new children's day nursery on the existing Faculty of Education car park, with associated outdoor playspace, alterations to the car park, provision of new bicycle and buggy parking, landscaping and ancillary works.		
<b>Applicant</b>	Chancellor, Masters and Scholars		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>It will improve the range, quality and accessibility of education facilities.</p> <p>It will not have an adverse impact on the amenity of neighbouring residential or non-residential occupiers through noise.</p> <p>It will not have an adverse impact on the highway network.</p> <p>It will manage surface water satisfactorily, and not pose an unacceptable risk of flooding.</p>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site, which is at present almost entirely covered by a paved car parking area, lies alongside Harrison Drive

(which is not an adopted public highway). It is to the west of the University Faculty of Education building, to the north of the main Homerton College buildings, and to the east of the Hills Road Sports and Tennis Centre. Immediately to the north of the application site are detached houses in Corfe Close.

- 1.2 Trumpington House, which stands 38m east of the site, is listed Grade II. The Ibberson Building, part of the main Homerton College range, lies 38m to the south-west of the site. It is also listed Grade II, but is partly screened from the application site by adjoining buildings. There are no other locally or statutorily listed buildings in the vicinity. The site is not within a conservation area.
- 1.3 An Area Tree Preservation Order (24/2018) covers the entire site. Another TPO (01/2000) protects two sycamores and a maple which lie just beyond the western boundary of the site. The tennis courts immediately to the west of the site, and the landscaped area to the east, surrounding Trumpington House and the Faculty of Education building, are both defined as Protected Open Space in the local plan, but the application site, lying between these two areas, is not a Protected Open Space. The site falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposed nursery would be a single-storey building, oriented along a north-south axis and located in the north-west part of the site, with outdoor play space on the east side and the approach drive, car and cycle parking spaces to the south. It would accommodate 100 children, and have a staff of 40.
- 2.2 The building would measure 41m north to south, and 18m from east to west at its widest point. The majority of this footprint would be occupied by four large nursery rooms on the east side, with full-height glazing and French doors opening on to the outdoor play area. This section of the building (34m x 10m) would be covered by a monopitch roof, sloping up from eaves at 2.5m on the east to a peak at 5.8m on the west. The remainder of the building, which would accommodate the stores, plant room, toilets, kitchen and lockers down the west side, and the offices, staff room and reception area the south end, would have a flat roof at 3m above ground, surrounded by a 400mm parapet. The main roof would be of standing-seam zinc. The



nursery would be clad in a mix of horizontal and vertical timber cladding, with metal joinery.

2.3 The outdoor play area would be surfaced in rubber. It would have an acoustic fence down the east side (facing Trumpington House), clad on the east face with climbing plants. The acoustic fence would continue along the north boundary to a point 3m west of the north-east corner of the building. The existing boundary wall between the site and Nos. 3 and 4 Corfe Close would be retained; the acoustic fence would run along the south (nursery) side of this wall.

2.4 The area to the south of the building would be surfaced with permeable paving, and would contain two cycle shelters, accommodating 100 cycles. 16 car parking spaces would be provided in this area, including two disabled spaces. Four parking hoops for non-standard cycles (such as cargo bikes) are also proposed. The areas around the car parking area would be landscaped, and two additional trees are proposed at the north end of the site to increase the extent to which the building would be screened in views from 3 Corfe Close.

2.5 The original application was accompanied by the following supporting information:

1. Design and Access Statement
2. Transport assessment
3. Travel Plan
4. Flood Risk Strategy
5. Acoustic Report
6. Archaeology report
7. Ecology report
8. Tree survey

2.6 Following comments from consultees, the following additional information has been submitted:

On 04.09.2018:

9. Technical Note covering playspace standards, mechanical and electrical plant, conservation, odour, cycle storage and drainage.

On 01.10.2018:

- 10. Noise impact report
- 11. Surface water strategy

2.7 An updated version of the noise impact report was submitted on 16.10.2018, and a further revision on 30.10.2018.

**3.0 SITE HISTORY:** None relevant

#### **4.0 PUBLICITY**

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

#### **5.0 POLICY**

##### **5.1 Central Government Advice**

National Planning Policy Framework 2018  
Planning Practice Guidance 2014  
Noise Policy Statement for England 2010  
Circular 11/95 – The Use of Conditions in Planning Permissions  
(Annex A)

##### **5.2 Cambridge Local Plan 2018**

- ☐ Policy 1: The presumption in favour of sustainable development
- ☐ Policy 28: Carbon reduction, community energy networks, sustainable design and construction, and water use
- ☐ Policy 31: Integrated water management and the water cycle
- ☐ Policy 32: Flood risk
- ☐ Policy 34: Light pollution control
- ☐ Policy 35: Protection of human health from noise and vibration
- ☐ Policy 36: Air quality, odour and dust
- ☐ Policy 43: University development
- ☐ Policy 55: Responding to context
- ☐ Policy 56: Creating successful places
- ☐ Policy 57: Designing new buildings

- ☐ Policy 59: Designing landscape and the public realm
- ☐ Policy 61: Conservation and enhancement of Cambridge's historic environment
- ☐ Policy 62: Local heritage assets
- ☐ Policy 70: Protection of priority species and habitats
- ☐ Policy 71: Trees
- ☐ Policy 74: Education facilities
- ☐ Policy 80: Supporting sustainable access to development
- ☐ Policy 81: Mitigating the transport impact of development
- ☐ Policy 82: Parking management

### 5.3 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

## 6.0 **CONSULTATIONS**

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

#### Walking and Cycling Routes and Facilities

- 6.1 Site considered to be within an accessible distance to local public transport links including Cambridge Railway Station. Walking and cycling facilities including wide footways and cycle lanes are provided on Hills Road and therefore are likely to be used by staff and parents carrying pupils of nursery age.

#### Public Transport

- 6.2 Approximately 13 bus services stop in the vicinity of the proposed site which makes the site well connected and accessible. Cambridge Railway Station is approximately 1.5km from the proposed site which provides a viable option for staff to use who live outside of the City.

#### Local Roads and Parking

- 6.3 The highway authority: agrees with the use of ATCs, Classified Turning Counts, and Queue surveys on Harrison Drive as the only site access drive, accepts that Harrison Drive/Hills Road junction is currently operating well within capacity, and accepts

the accident data set provided and concludes that the study area in question does not show an accident cluster.

#### Forecast Trip Generation and Distribution

- 6.4 The 'first principles' approach has been used and is accepted as the applicant has derived likely enrolment profile from another existing nursery in Cambridge. Highway authority accepts the proposed trip generation in Table 5.3 and considers this a robust assessment. TRICS analysis provided in Table 5.8 and Appendix H(i)a accepted.

#### Transport Impact

- 6.5 Junction capacity analysis accepted. Agreed that the development will not have a detrimental impact on the local highway network. The assessment concludes that there will be some spare capacity in the 2025 Do Something scenario. Travel Planning measures should focus on reducing single occupancy vehicle usage to ensure that the junction stays within capacity.
- 6.6 Highway authority notes that that the Assessment shows a parking supply deficit between approximately 10:00 and 15:00 but parking levels will remain within local standards. CCC support the encouragement of sustainable modes. In any case, parking levels need to be monitored as part of the Travel Plan measures.

#### Mitigation

- 6.7 Due to the location of the car park, individuals may want to park there to avoid paying for other car parks. It is strongly advised that a Car Parking Management Plan is implemented to ensure that those parking on site are users of the Nursery. They may come in the form of a permit system or in the form of a Travel Plan measure for example.

#### Travel Plan

- 6.8 Required.

## Conclusions

- 6.9 No objection to this application. Travel Plan required. Parking Management Plan urged.

## **Environmental Health**

### Original comments (07.08.2018)

#### Noise

- 6.10 Noise impact assessment not submitted. Further information required to address concerns about impulsive event noise, proximity of play area to Corfe Close, impact on neighbouring buildings at first floor level, use of open windows for ventilation, and plant noise.

#### Odour

- 6.11 Insufficient information.

#### Contaminated Land

- 6.12 Due to the brownfield nature of the site, and the sensitivity of the proposed end use, the risks from potentially contaminated land will need to be assessed by the applicant. The standard suite of contaminated land conditions will need to be applied to this permission.

#### Air Quality

- 6.13 Although the proposed development will lead to a small increase in vehicle movements at peak times (as shown in the Transport Assessment), taking into account the overall net decrease in car parking spaces, I have no objections on air quality grounds.
- 6.14 We would, however, welcome the installation of two slow electric vehicle (EV) charge points, to future-proof the development as demand for EV charge points continue to increase and to encourage the uptake of low emission vehicles, in line with paragraph 35 of the Framework.

6.15 Conditions recommended to control:

- ☐ Construction hours
- ☐ Construction deliveries
- ☐ Piling
- ☐ Contaminated land

Further conditions may be required

Second comments (11.10.2018, following submission of a noise impact assessment)

- 6.16 Noise impact assessment submitted, but issues of play area layout, neighbouring first-floor rooms, and plant noise not yet addressed.

Third comments (16.10.2018)

- 6.17 These comments address the specific issues raised by the residents of Corfe Close about the noise impact assessment.

- 6.18 Residents suggest that the noise impact assessment (NIA) fails to consider noise from activities in the external playground area of the proposed nursery. In fact, Table 5 of the assessment identifies the impact from the external playground area; it is correctly labelled in the title but incorrectly labelled within the table itself. The noise levels, however, are correct

- 6.19 Residents suggest that since the NIA states that at the Edwinstowe Close Nursery the noise from the external playground area is within the range 59-85, then the noise from the external play area impacting on N<sup>os</sup>. 3 and 4 Corfe Close would be much higher than the 49-77 existing background level stated in the Report. This is not the case; the figures of 59 (LA<sub>eq</sub>) - 85 (LA<sub>max</sub>) cannot be treated as a comparable range as the LA<sub>eq</sub> and LA<sub>max</sub> are two different measurement parameters.

- 6.20 Residents suggest that the comparison of Edwinstowe Close Nursery with the proposed nursery fails to take into account their different sizes. They assert that because the former has only 79 children, whereas the proposed Harrison Drive Nursery will have 100, the latter will consequently have a noise impact at least 25% greater than the EC Nursery, which would be very

significant.

- 6.21 The 21 additional children are in practice unlikely to have a significant noise impact due to the likely low levels of additional children outside at any one time. Even if all children were outside at once, then an additional 21 children would still not have a significant impact. The doubling of energy of a continuous noise source, e.g. increasing from 50 children to 100 (if each individual child generated the same noise level), would only result in an increase of 3 dB which would not be significant.

Fourth comments (12.05.2018, following additional submissions from the applicant)

- 6.22 Previous comments regarding construction impacts, contaminated land and air quality remain relevant.

#### Noise

- 6.23 The applicant's email confirms the hours of use for the site will be 08:00hrs to 18:00hrs Monday to Friday. This is reasonable and should be conditioned.
- 6.24 The submitted email from Michael Osbourn and the BDP revised (P02) "noise impact assessment" dated 18<sup>th</sup> October 2018 have addressed my outstanding queries. I recommend a compliance condition to ensure the plant and acoustic mitigation installed complies with the recommendations and the stated sound levels calculated within the BDP report. It is also recommended that a further condition requires submission of details of the play area and equipment prior to installation to ensure the equipment is suitable with regards to noise impact and is located in a suitable position away from the residential shared boundary.

#### Odour

- 6.25 Odour from the cooking process at the application site has the potential to adversely affect amenity. Condition required.

6.26 Additional conditions recommended to control:

- ☐ Hours of use
- ☐ Compliance with the acoustic assessment
- ☐ Fume extraction and filtration
- ☐ Design and location of play equipment

**Urban Design and Conservation team**

Initial comments (02.08.18)

6.27 The design of the building and the materials are acceptable. The proposed site plan would reduce the impact of the built form on the setting of the listed building.

6.28 However, the application does not give enough detail about the boundary that will be installed between the grounds of the listed building and the nursery. Despite having new development on the site, Trumpington House has retained an open character to its immediate landscape with no obvious boundaries other than trees or shrubs used for that purpose. This open character to the grounds is important as it gives a large 'breathing space' to the listed building. The plans as proposed show a fence line between the play area and the grounds of Trumpington House, but there is not enough information for a full assessment of the impact on the setting to be made.

Second comments (11.09.2018)

6.29 The applicant has supplied the additional information requested regarding the boundary between the nursery and Trumpington House. The information submitted is acceptable in terms of its impact on the setting of the listed building.

**Nature Conservation Officer**

6.30 Content with submitted Ecology report. Recommend a condition to secure bird and bat boxes.



## **Drainage Officer**

### Initial comments (02.08.2018)

- 6.31 The submitted Flood Risk Assessment mentions the existence of shallow groundwater. The groundwater level should be identified to assess the suitability of permeable paving infiltration as the preferred option.
- 6.32 Should the infiltration be unfeasible, the proposed alternative solution is a connection to an existing drainage system in Homerton College's ownership who have a reluctance due to capacity concerns. It is understood that an assessment of this existing network is being undertaken and the findings need to be submitted. Without this information it has not been demonstrated how the proposed development can be sustainably drained.
- 6.33 The hydraulic calculations submitted only include 30% allowance for climate change which should be 40% in accordance with the latest Environment Agency guidance.
- 6.34 Not possible to give a full assessment.

### Second comments (24.09.2018) – following additional drainage information.

- 6.35 It has not been demonstrated that a minimum of 1m between the invert level of the proposed soakaway and the groundwater level is achievable. The submitted recorded groundwater levels show that the highest recorded level would be less than 300mm below the invert level of the proposed permeable paving.
- 6.36 For the proposed alternative solution, the submitted Technical File Note identifies mitigation measures that should be undertaken in third party land. It is unclear who would be responsible for installing and maintaining these mitigation measures. Furthermore, the applicant will need to demonstrate the proposed development will have the right to discharge into this system for the lifetime of the development and to construct/maintain the mitigation measures in third party land, through the provision of a legal agreement.

6.37 Hydraulic calculations to prove that the receiving network can manage the proposed development should also be provided.

6.38 Recommend refusal.

Third comments (05.10.2018) – following further drainage submission

6.39 The submitted recorded groundwater levels show that the highest recorded level would be less than 300mm below the invert level of the proposed permeable paving. Even if this is an improvement on the current drainage condition, it represents a risk of contamination of groundwater and a risk of inundation of the system which is unacceptable.

6.40 For the proposed alternative solution, the submitted Technical File Note identifies mitigation measures that should be undertaken in third party land. It is unclear who would be responsible for installing and maintaining these mitigation measures. The applicant needs to provide a written acceptance from the landlord to demonstrate their (the applicant's) right to construct and maintain the mitigation measures as well as their right to discharge into this system for the lifetime of the development. Provision of a legal agreement can be conditioned once the written acceptance is submitted.

6.41 Hydraulic calculations proving that the receiving network can cope with the proposed development have still not been submitted.

6.42 Recommend refusal.

### **Streets and Open Spaces (Landscape officer)**

6.43 Concerns expressed about cycle parking provision (both two-tier design and space for cargo bikes) and the absence of any naturally-surfaced areas within the play space. Conditions sought on cycle parking, landscape details and landscape maintenance

### **Streets and Open Spaces (Arboricultural Officer)**

6.44 No arboricultural objections to the proposal subject to conditions to ensure the submission of an acceptable tree

protection plan (TPP) and arboricultural method statement (AMS), a pre-commencement meeting on site with the arboricultural officer, and adherence to the agreed TPP and AMS.

### **Cycling officer**

- 6.45 Requires specific low hoop or ground-ring provision and markings for cargo bikes. Broxap two-tier racks are unsuitable; alternative required.

### **Shared Waste Service**

- 6.46 Children's nurseries typically produce more waste than is expected, especially if there is a kitchen providing meals/hot food. It is recommended that the bin store be large enough to easily accommodate a number of 1100 litre bins, and should be:

- ☐ lockable
- ☐ well lit
- ☐ fitted with doors which stand/lock open to ease access/egress
- ☐ ventilated
- ☐ suitably drained and close to a tap for cleansing
- ☐ free from raised kerbs outside, for ease of moving bins to vehicle
- ☐ accessed by sufficiently wide paths

- 6.47 Something to prevent vehicles parking where the refuse collection vehicle needs to stop is required. Capacity and frequency of collection can be sorted out by the Nursery on completion.

### **Fire and Rescue**

- 6.48 Condition requested to secure fire hydrants.

### **Disability Access Panel** (meeting of 31.07.2018)

- 6.49 Design should consider access provision for all potential users of this site including visitors and should provide: front door automation to ensure access for all into the building, a dual height reception desk, an induction hearing loop system, level thresholds at rear doors, colour contrasts to assist the partially sighted on all internal doors, an outward-opening or sliding door

to the accessible WC, and door widths and configurations to enable wheelchair users to be able to travel easily through the building.

- 6.50 As this is not a University building it will not be linked to their 24/7 alarm system, so measures will need to be specified in the event of an emergency.
- 6.51 Panel would also encourage sufficient space for storage of pushchairs/buggies within the lobby, as these can cause an obstruction.
- 6.52 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 County Councillor Taylor has commented on this application.
- 7.2 Her comment is as follows: 'Reducing parking spaces at the Faculty of Education will cause displacement. Cars cannot park in the residential streets on the opposite side of Hills Road as they are covered by a residents' parking scheme. Any extra parking in other streets would cause nuisance to residents.'
- 7.3 This application is before Committee because the delegation scheme does not give officers delegated powers to determine an application for change of use about which there are objections from third parties. However, Councillor McGerty has also requested that the application be brought before Committee.
- 7.4 The owners/occupiers of the following addresses made representations on the original submission:

Within Cambridge:  
255 Cherry Hinton Road  
3 Corfe Close  
23 Gladeside  
57 Great Eastern Street  
2 Harrison Drive  
3 Harrison Drive

170 Hills Road  
Trumpington House, 184 Hills Road (5 responses)  
301 Hills Road  
7 Marshall Road  
23 Scholars Court  
24 Scholars Court  
37 Scholars Court  
39 Scholars Court  
43 Scholars Court  
44 Scholars Court  
76 Scholars Court  
82 Scholars Court  
84 Scholars Court  
86 Scholars Court  
87 Scholars Court  
149 Vinery Road

Outside Cambridge:

4 John Beckett Court, Chapel Street, Ely  
Home Farm, 25 High Ditch Road, Fen Ditton  
38 School Lane, Fulbourn  
Kings Cottage, Brandon Road, Wordwell, Bury St Edmunds

Representations have also been received from Camcycle

7.5 The representations can be summarised as follows:

### **Principle of development**

- ☐ Should be on the Addenbrooke's site
- ☐ Should not be limited to use by University employees, but be open at least to Harrison Drive residents
- ☐ Erosion of open space and tree cover
- ☐ Inappropriate to put nursery in car park

### **Design in context**

- ☐ Insufficient outdoor space
- ☐ Barely meets minimum standards for nurseries
- ☐ Standard of nursery provision would harm reputation of Faculty of Education
- ☐ No consultation with children about nursery design
- ☐ Site is too noisy for children (aircraft noise)

- ☐ Cladding may deteriorate

### **Neighbour amenity**

- ☐ Needs conditions to mitigate noise impact on houses in Corfe Close (double thickness acoustic fence, acoustic fence extended to NE and NW, extended wall in NE corner)
- ☐ Disruption to students and researchers at Faculty of Education
- ☐ Increased traffic noise on Harrison Drive
- ☐ Needs conditions on construction work

### **Highway safety**

- ☐ Hazard to safety of cyclists and pedestrians during construction
- ☐ There are existing safety issues at junction of Hills Road and Harrison Drive which would be exacerbated by more journeys at peak times
- ☐ Transport Assessment (TA) wrong with respect to visibility at Hills Road junction
- ☐ TA wrong with respect to pedestrian priority at Hills Road junction
- ☐ Hazard to vulnerable road users from drop-off traffic
- ☐ Parents on nursery run likely to exhibit particularly risky/antisocial driving behaviour
- ☐ Harrison Drive too narrow; reduction in motor traffic needed to improve safety for cyclists Painted zebra crossing at car park entrance should be raised
- ☐ TA wrong to suggest cyclists could share narrow Harrison Drive footway with pedestrians

### **Parking and deliveries management**

- ☐ Insufficient car parking and drop-off space for nursery users – unrealistic to believe parents will use non-car modes
- ☐ Parking space for visitors and services in Harrison Drive is already inadequate
- ☐ Will exacerbate existing parking on yellow lines in Harrison Drive, inconveniencing residents and endangering cyclists
- ☐ Parents will park in Scholars Court disabled bay

- ☐ Vehicles will be forced to turn round in Scholars Court entrance, causing inconvenience to residents, damage, and air pollution
- ☐ Concern that car parking restrictions in Harrison Drive cannot be enforced
- ☐ Will exacerbate pressure on on-street car parking nearby, already worsened by extension of the CPZ
- ☐ Conflict between deliveries to / waste collection from Faculty of Education / Homerton College and nursery parents drop-off and pick-up
- ☐ Existing delivery vehicle activity connected with the College causes early morning disruption to Scholars Court residents and damage to footways. This is to be compounded by the use of larger delivery vehicles in the near future, and would be exacerbated by the addition of hundreds more car movements
- ☐ Reduced car parking for Faculty of Education
- ☐ Loss of disabled parking space at the Faculty of Education
- ☐ No separation between car park and area where toddlers may be running about
- ☐ Inadequate car parking for nursery staff
- ☐ Lack of cycle parking on the site is already an issue
- ☐ Only four additional cycle hoops are to be provided
- ☐ Insufficient parking spaces for cargo bikes
- ☐ Parking space for cycle trailers required
- ☐ Two-tier cycle parking is inferior, especially when many users may have child seats attached
- ☐ Main cycle parking area is on wrong side of car park
- ☐ Cycle shelter not protected from vehicles by bollards

### **Transport issues**

- ☐ Traffic on Hills Road is already very heavy; increased traffic flow will have a detrimental impact
- ☐ Increased traffic could cause gridlock
- ☐ Transport assessment (TA) does not take account of expected future developments at Homerton
- ☐ Poor bus connectivity to the site
- ☐ Enrolment profile in TA inaccurate
- ☐ TA wrong to suggest nursery staff will show same modal pattern as Faculty of Education staff; former are more poorly paid, and therefore more likely to live further away and be forced to use cars

- ☐ TA wrong on modal shares of car and cycle travel to West Cambridge nursery

## **Drainage**

- ☐ Pressure on surface water network
- ☐ Existing issues with surface water overloading the foul sewer and causing serious odour problems

7.6 Following the submission of additional material by the applicant on 1<sup>st</sup> October 2018, further representations objecting to the application were submitted from the following addresses:

3 Corfe Close  
4 Corfe Close  
87 Scholars Court

and from a committee at the Faculty of Education set up to respond to this application.

7.7 The additional representations from Corfe Close residents express concerns about key aspects of the applicants' noise survey and question its findings.

7.8 The representation from the Faculty of Education Committee reiterates the concerns expressed in earlier representations about:

- ☐ Disruption to students and researchers at Faculty of Education
- ☐ Increased traffic noise on Harrison Drive
- ☐ Pressure on surface water network (highlighted by flooding which has already occurred in the Faculty)
- ☐ Infiltration surveys may have avoided existing non-permeable footings on the site
- ☐ Standard of nursery provision would harm reputation of Faculty of Education

7.9 It also raises the following additional issues.

- ☐ Noise impact on administrative offices at the Faculty of Education
- ☐ Noise disruption caused by installation of new drainage system



- ☐ Potential overloading of the pumping station for foul sewage
- ☐ Nursery car park may obstruct access to sewage pumping station for servicing
- ☐ Submitted traffic survey took place during period of abnormally low use

7.10 The additional representation from Scholars' Court reiterates the concerns about traffic car parking and the manoeuvring of service vehicles set out in earlier representations. It also raises the following additional issue.

- ☐ Proposed enlargement of the balancing pond on Harrison Drive would reduce amenity value, increase risk to children playing, and detract from the sculpture

7.11 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**

### **Principle of Development**

- 8.1 In my view, the proposed nursery would improve the scale, range, quality and accessibility of education facilities and would be located in the area it would serve. I accept that many of the parents using this nursery may work on the Cambridge Biomedical Campus, but I do not consider that this location is so far away as to be inappropriate for that purpose; the two sites are very easily accessible from each other by bus and cycle, and I do not consider it to be the case that such users will inevitably make the journey between them by private car.
- 8.2 The area to be developed is currently occupied mainly by hard-surfaced car parking space, and is not protected open space. I do not consider there will be any significant erosion of openness or green space or loss of trees.
- 8.3 The restriction of places at the nursery to those employed by the applicant (the University) does not appear to me to be unreasonable, nor does it cause any conflict with policy. The quality of provision at the facility will depend on factors such as staffing, training, operational policies and monitoring, which are

not affected by this application. Quality will also be the subject of other regulatory regimes including OFSTED; it is not appropriate for the assessment of a planning application to consider these issues, or the impact those standards will have on the reputation of the University department nearby.

- 8.4 In my opinion, the principle of the establishment of a new 100-place nursery on this site is acceptable, and in accordance with policies 1, 55, 56, 57, 67, 70, 71 and 74 of the Cambridge Local Plan 2018.

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

- 8.5 In my view, the scale and massing of this building are appropriate for the location. It would be a modest building compared to others nearby, and the roof profile and extensive use of timber boarding would give it distinctiveness while at the same time allowing it to sit comfortably in this relatively open area alongside trees. The quality and appropriateness of the individual cladding materials can be ensured through the discharge of conditions process. Timber boarding has been successful as a cladding material on other buildings in the city, and I do not consider it likely that the quality of the proposed building would be undermined by the deterioration of the cladding.
- 8.6 The building is configured in an appropriate manner for its function, with playrooms offering access to the external space and also shaded from direct afternoon sun, a legible approach and entrance, and functional areas including plant and bin storage arranged in the 'hidden' zone between the building and the western boundary.
- 8.7 As far as internal space standards are concerned, Government policy set out in *Statutory Framework for the Early Years Foundation Stage, Setting the Standards for Learning, Development and Care for Children from Birth to Five (March 2017)* requires 3.5 m<sup>2</sup> per child for those under 2 years old, 2.5 m<sup>2</sup> per child for two-year-olds and 2.3m<sup>2</sup> per child for those aged 3-5. The area for babies in the proposed nursery provides 3.7 m<sup>2</sup> per child, and the three other spaces provide 3.4 m<sup>2</sup>, 3.4 m<sup>2</sup> and 3.8 m<sup>2</sup> per child. Representations suggest that the proposal barely meets minimum standards for nurseries, but in

terms of internal space, these figures lie comfortably above the Government minimum levels.

8.8 The above document requires that access to external play space be provided, but does not specify any area guidelines. A further document, Department for Education and Skills: *Building for Sure Start: a design guide Integrated provision for under-fives* recommends 'external space large enough to accommodate the needs of all the children using the space at any one time and to minimise the likelihood of collision accidents resulting from overcrowding'. It provides an approximate guideline of 9m<sup>2</sup> per child. The external space available in this proposal is 385m<sup>2</sup>, which would provide the 9m<sup>2</sup> guideline allowance for 42 children. The applicants state that the 25% of children under 1 will generally not be outside, and the 1-2 yr old group only at limited times with close supervision. I acknowledge that this outdoor space provision is more limited than is ideal, but I do not consider that the shortfall is so serious that it conflicts with the objectives of creating successful places and high-quality buildings in policies 56 and 57 of the Cambridge Local Plan 2018.

8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 59.

### **Impact on the listed building**

8.10 The conservation officer is satisfied that the proposal will not have a harmful impact on the setting of Trumpington House. I concur with this view.

8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 61.

### **Amenity of residential and non-residential neighbours**

#### Sunlight, privacy and visual impact

8.12 The proposed building would not give rise to any opportunities for overlooking. The building would stand 11m to the south of the house at 3 Corfe Close, which has a relatively modest garden space between the house and the common boundary with the application site. This would result in some overshadowing of the garden in the winter months, but in my

view the impact would be limited, given the height of the existing boundary wall, and the impact of existing planting. I have viewed the site from the rear garden at 3 Corfe Close. I note that the proposed building would be clearly visible from this garden. It would be partly screened by an existing tree, and would be further screened by the two proposed new trees, but it would not be completely hidden. However, I do not consider the building to be close enough or high enough to have an overbearing impact or to create an unacceptable sense of enclosure.

- 8.13 I do not consider that the proposal would cause significant harm to the residential amenity of the occupiers of Nos. 4 and 5 Corfe Close in terms of daylight, sunlight, privacy or outlook, and in these respects, I consider the proposal to be in accordance with policies 55 and 57 of the Cambridge Local Plan 2018. The building is not close enough to any other residential premises to cause harm in any of these ways.

#### Noise

- 8.14 A detailed noise impact assessment has been submitted, and further information requested by the environmental health team has also been provided to supplement the initial assessment. Predicted noise levels in the assessment are based on survey data from the Edwinstowe Close nursery on 11<sup>th</sup> and 12<sup>th</sup> September 2018. The environmental health team are satisfied with the validity of this survey data as a basis for prediction, and I concur with their view. I agree with the environmental health officer (paras 6.17-6.21) that the concerns expressed by residents about the updated noise impact assessment are not well-founded and do not diminish its validity.
- 8.15 The noise impact assessment considers in detail the likely impact of internal (playroom) noise and external (play area) noise on the two receptor locations closest to the proposed nursery, namely first-floor windows of habitable rooms on the south side of Nos. 3 and 4 Corfe Close. For the purposes of this prediction, the existing vegetation along the common boundary between these two houses and the proposed nursery site (which is significant) is ignored, in order to present a worst-case scenario.

8.16 The assessment gives predicted levels for both  $LA_{max}$  (a maximum level over a very short duration), and  $LA_{eq}$  (the equivalent continuous noise level of a sound, over a given time period, as an average). It assesses these levels against the three categories of noise level given in the Noise Policy Statement for England (NPSE):

- ☐ No Observed Effect (NOEL)
- ☐ Lowest Observed Adverse Effect (LOAEL), and
- ☐ Significant Observed Adverse Effect (SOAEL).

8.17 The assessment shows that as far as internal (playroom) noise is concerned both the  $LA_{eq}$  and the  $LA_{max}$  levels of noise would remain within the NOEL category of the NPSE for both 3 and 4 Corfe Close, and would therefore be unlikely to cause annoyance. The same applies as far as external (play area) noise is concerned when the nursery day as a whole (0800-1800) is considered. When levels are taken for the Loudest Measured Hour the predicted  $LA_{max}$  at both houses would fall into the LOAEL category, as would the predicted  $LA_{eq}$  at 3 Corfe Close, but these levels are judged unlikely to cause annoyance, because they are still lower than the typical background levels in the area.

8.18 The environmental health officer is satisfied, in the light of this detailed analysis, that the expected levels of noise from the playrooms and playground would not have a significant adverse impact on the amenity of neighbouring occupiers, and I concur with this view. He does not accept the view expressed in neighbour representations that additional noise screening measures above and beyond those set out in the application area required, but he does recommend a condition to control the layout of the external play area. I concur with his advice on all these issues.

8.19 All other receptors, including other houses in Corfe Close, and rooms in the Faculty of Education, are much more distant from the proposed nursery site than the two houses considered in the submitted noise impact assessment, and I do not consider there is likely to be any adverse noise impact from nursery activities in any of those locations. Similarly, I do not consider that vehicle movements associated with pick-up and drop-off at the proposed nursery are likely to have any significant noise

impact at any of these locations. The environmental health officer has raised no concerns about this issue.

- 8.20 The environmental health officer is satisfied that any noise impact associated with the plant proposed at the site can be controlled by condition. I concur with this view and recommend the condition he has suggested.
- 8.21 I acknowledge that construction can be disruptive to the residential amenity of neighbouring occupiers, and I recommend conditions to control the hours of construction, the times of delivery and collection during construction, piling, and the mitigation of dust.
- 8.22 The environmental health team's advice is that the issue of cooking odours from the on-site kitchen can be addressed by condition. I concur, and recommend such a condition.
- 8.23 In my opinion, subject to conditions, the proposal adequately respects the amenity of its residential and non-residential neighbours with respect to noise, vibration, odours and dust, and I consider that in these respects, it is compliant with policies 1, 35, 36, 55 and 56 of the Cambridge Local Plan (2018), paragraphs 170 and 180 of the Framework, and the Noise Policy Statement for England 2010.

### **Highway Safety**

- 8.24 The highway authority has confirmed that, notwithstanding objectors' comments, there is no accident cluster at the junction of Hills Road and Harrison Drive. The authority has raised no concerns about highway safety, nor has it criticised nor questioned the accuracy of, the applicants' transport assessment. I do not consider that the threat to cyclists and pedestrians from cars dropping off at the nursery is any greater than that posed by vehicles entering the car park at present.
- 8.25 I agree with respondents that construction vehicles may create a hazard on Harrison Drive. In my view this can be addressed by a condition requiring a traffic management plan for the construction phase, which will need to cover measures to ensure safety during collections and deliveries, such as a banksman. Since this condition is a 'pre-commencement condition', it has been agreed with the applicant prior to this

meeting, in accordance with Section 100ZA of the Town and Country Planning Act 1990.

- 8.26 In my opinion, subject to condition, the proposal does not pose a threat to highway safety, and is compliant with Cambridge Local Plan (2018) policy 81.

### **Car Parking**

- 8.27 The application states that the proposed nursery would have 30 employees. The Car Parking Standards in Appendix L of the Cambridge Local Plan 2018, which are expressed as 'no more than' totals, would therefore permit up to 20 car parking spaces. The total proposed is 14, which is in accordance with the Standards. The layout of the car park is in my view acceptable. I recognize that parents and pre-school children will be circulating in the same space as moving cars, but such conflicts are almost inevitable. Other than in very large car parks, it is very difficult to achieve effective separation of vehicles and pedestrian users. Parents will be aware of the potential conflicts here, as they are in most car parks, and will take appropriate measures to safeguard their own children. It is not, in my view, a significant design fault in the application.
- 8.28 The application proposes two disabled car parking spaces. This meets the requirement in Appendix L of the Cambridge Local Plan 2018 to provide at least one disabled space for employees and 5% (0.7 of a space) of the total provision for disabled visitors. The applicants propose to create three additional disabled car parking spaces adjacent to Trumpington House to replace those lost from the current car park.
- 8.29 Representations suggest that the proposed level of car parking on the site is inadequate, and that it is unrealistic to expect parents to use other modes of transport. I disagree with these views; the local plan continues to encourage a reduction in the provision of non-residential car parking and the use of alternative modes. This site is accessible by other modes of transport, and I do not consider it unrealistic to expect that users of the nursery will employ them. The modal split expected in the submitted Transport Assessment appears to me to be reasonable, and this predicts that even in the busiest ten-minute block of the morning peak (0800-0810) there are likely to be only seven incoming cars. Even accepting that drop-off is not

instantaneous and that parents are likely to remain on site for several minutes, I am of the view that the car park will not be overly congested, and the temptation to park illegitimately in Harrison Drive will not be strong. In most of the ten-minute blocks of the peak, the number of dropping-off cars is likely to be considerably less than this. I recognize that there is a risk, even so, that some nursery users may park and manoeuvre in an inconsiderate manner in Harrison Drive, but I do not agree that it is impossible to enforce the present parking restrictions in that street. I agree that a robust parking management plan is required; in my view such a plan will be an adequate safeguard against the negative impacts of inconsiderate car parking by nursery staff or users.

- 8.30 I also recognize, in common with County Councillor Taylor, that car users displaced from the present car park may be inclined to seek on-street car parking spaces in the future in uncontrolled streets on the east side of Hills Road. However, the on-street space in these streets will continue to be under extreme pressure from commuter parking regardless of whether this development is permitted. The issue can only be addressed by the imposition of parking controls.
- 8.31 In my opinion, subject to a condition requiring a parking management plan, the proposal is compliant with respect to car parking, with Cambridge Local Plan (2018) policy 82.

### **Service and Delivery Vehicles**

- 8.32 There are a number of representations on this issue, but they relate largely to the impact of existing service and delivery vehicle movements connected to the College, and the expected increase in such movements if the College is further developed. These are not connected to, or affected by, the proposal; in my view, if such vehicles have previously used the car park entrance as a turning point, they are likely to continue to use the nursery car park entrance for this purpose, even if the pattern of other vehicle movements into and out of this entrance is different from the present pattern.
- 8.33 The nursery itself is not likely to generate a significant number of service vehicle movements: there will be some deliveries, and regular waste collections, but these would not add up to a significant number.



- 8.34 I agree that proper access for waste collection vehicles, deliveries to the Faculty of Education, and servicing of the sewage pumping station all need to be protected, but in my view this can be ensured through a condition requiring a parking and servicing management plan, which I recommend.
- 8.35 In my opinion, subject to such a condition, the proposal is compliant in terms of the impact on, and of, service and delivery vehicles, with Cambridge Local Plan (2018) policies 80, 81 and 82.

### **Cycle Parking**

- 8.36 Representations have asserted that there is currently insufficient cycle parking on the wider Homerton site which would be exacerbated by the proposal. However, the applicants have submitted a survey of unoccupied cycle parking spaces for the existing cycle parking space on the application site, and the other six cycle parking spaces on the Homerton site. This data, from May 2018, shows that there were a minimum of 57 unoccupied spaces in the cycle park on the application site, and a minimum of 157 unoccupied spaces on the Homerton and Faculty of Education sites as a whole. In this context, I am of the view that the total number of cycle parking spaces proposed in the application is sufficient.
- 8.37 Notwithstanding the view expressed in representations, I do not consider that the location of the majority of the cycle parking spaces on the south side of the car park is sufficiently inconvenient to justify refusal of the application.
- 8.38 I agree with the views expressed in representations, and in the advice from the landscape and cycling officers, that the provision for cargo and other non-standard cycle is inadequate, and that the configuration of two-tier racks proposed is not satisfactory, but in my view these issues, the optimal configuration of cycle parking close to the building entrance and the question of adequately protecting the cycle storage areas from motor vehicles can be adequately addressed by a condition, which I recommend.

- 8.39 In my opinion, subject to conditions, the proposal is compliant, with respect to cycle parking, with Cambridge Local Plan (2018) policy 82.

### **Traffic**

- 8.40 The highway authority confirms that the Hill Road / Harrison Drive junction is operating well within capacity. The authority also considers that the proposal will not have any detrimental impact on the local highway network, but recommends that a travel plan fosters a reduction in single-occupier car journeys to preserve the available capacity on the network into the future. The authority also notes that the site has good bus connectivity, which will enable use of this mode to reach the site. I accept this advice and conclude that the proposal would not have an unacceptable impact on Hills Road or any other part of the highway network, and would not, in this respect, cause any conflict with Cambridge Local Plan policy 81. I acknowledge that the Transport Assessment does not encompass possible future developments on the Homerton College site. It would not be reasonable to expect it to do so, nor to make a decision on this application on the basis of possible future developments elsewhere which may or may not be brought forward.
- 8.41 The applicants' Transport Assessment predicts that the total one-way car trips to and from the site during the period from 0800-1000 is likely to be 50 (28 in, 22 out). In my view the Transport Assessment contains robust estimates. The trip generation figures have been compared with data from the TRICS database, and are higher than the average figures therein, so I consider, notwithstanding the concerns expressed in some representations about the assumptions on enrolment, modal split of nursery staff travel to work, modal split comparisons with the West Cambridge nursery and the timing of surveys, they are unlikely to be an underestimate. Even allowing for possible underestimation, and allowing for a degree of concentration of these trips into the period immediately after 0800, these totals are not such as to create significant congestion in Harrison Drive, nor to create a hazard to pedestrians and cyclists, or to necessitate cyclists' riding on the footway, nor to require creation of a raised zebra crossing to enable safe pedestrian transit of the entrance to the car park.

- 8.42 I recognize that there are genuine concerns on the part of both Scholars' Court residents and Faculty of Education staff that car journeys to and from the nursery will create inconvenience and safety hazards in Harrison Drive. These concerns are not supported by what I consider to be a robust Transport Assessment, however, and I do not consider they are well-founded. In my view, the impact on Harrison Drive of trips generated by the proposed nursery would not create any conflict with policy 81 of the Cambridge Local Plan (2018).

### **Inclusive Access**

- 8.43 Disability Panel raised a number of questions about the detail of inclusive access in the proposed design. In response, the applicants have confirmed that all the following features will be incorporated in the building.

- ☐ automated front door
- ☐ low-level reception counter
- ☐ induction hearing loop
- ☐ level access throughout
- ☐ colour contrasts on all internal doors
- ☐ internal door opening widths and configurations in accordance with part M of the Building Regulations
- ☐ emergency procedures
- ☐ space for short-term buggy storage in the lobby

- 8.44 The applicants have indicated that outward-opening doors are proposed on WCs to avoid obstructing the corridors, but that sufficient space has been provided to minimise the restrictions to inclusive access created by inward-opening doors

- 8.45 I note that inward-opening WC doors place some restrictions on access, but in my view this is a limited shortcoming in the context of a building which would generally provide a high level of inclusive access, and is, in this respect, in accordance with policy 57 of the Cambridge Local Plan 2018.

### **Surface water and foul drainage**

- 8.46 Advice from the sustainable drainage team states that because the highest recorded groundwater level would be less than 300mm below the invert level of the proposed permeable paving, there is a risk of contamination of groundwater and a

risk of inundation of the system which is unacceptable, even if this is an improvement on the current drainage condition. This advice coincides with concerns raised in representations. The drainage team's advice is that in these circumstances, infiltration as a solution for surface water drainage could only be acceptable with the specific support of the Environment Agency, support which they consider to be unlikely. I share the view of the drainage team on this question, and I do not consider the possibility of an infiltration scheme to be a realistic basis on which to grant planning permission.

8.47 The only alternative surface water solution suggested by the applicants rests on mitigation measures undertaken in third party land (i.e. discharging water into the surface water drainage system on the Homerton College site). To ensure that the risk of flooding is avoided, improvements to the Homerton College drainage system would need to be undertaken before the nursery was constructed, and that improved system would need to be maintained into the future. Conditions would be necessary to ensure that an acceptably improved drainage system was constructed before the development of the nursery, and to ensure that the owners of the nursery site had the right to both discharge water into, and to maintain, the third party drainage system for the lifetime of the development. In my view, subject to a condition requiring approval and implementation of a surface water drainage scheme before the commencement of development, including the completion and submission of a legal agreement between the site owners and the adjacent landlords to guarantee the rights to discharge water and to maintain the system, this solution to surface water drainage would be acceptable. It would not be appropriate, however, to grant permission on the basis of this condition unless there is a reasonable likelihood that it could be discharged.

8.48 The applicants have submitted a copy of a letter from Homerton College confirming that the College 'is in discussions with the University regarding a technical and legal solution which would enable the proposed nursery development to utilise an enhanced surface water network along Harrison Drive'. In my view, this offers adequate reassurance that there is a reasonable possibility that the surface water condition I have recommended could be discharged. Since this condition is a 'pre-commencement condition', it has been agreed with the

applicant prior to this meeting, in accordance with Section 100ZA of the Town and Country Planning Act 1990.

- 8.49 In the event that works to the balancing pond prove necessary in the future, a separate planning application would be required. The issues raised about visual impact, landscape design and safety in connection with this pond would be considered in connection with that application.
- 8.50 The additional load on the sewerage system imposed by the nursery would be relatively modest. In my view, it is unlikely to overload the present system.
- 8.51 In my opinion, subject to the specific conditions indicated in para 8.47 above, the proposal adequately addresses the issues of integrated water management and flood risk, and is compliant with Cambridge Local Plan (2018) policies 31 and 32.

### **Trees**

- 8.52 I note and accept the advice of the arboricultural officer that the proposal is acceptable, and in accordance with Cambridge Local Plan 2018 policy 71, subject to conditions. I recommend these conditions, which, since they are 'pre-commencement conditions', have been agreed with the applicant prior to this meeting, in accordance with Section 100ZA of the Town and Country Planning Act 1990.

### **Third Party Representations**

- 8.53 I have addressed the majority of the issues raised in representations in the above assessment. The table below indicates the respective paragraphs.

<b>Principle of development</b>	
Should be on the Addenbrooke's site	8.1
Should not be limited to use by University employees	8.3
Erosion of open space and tree cover	8.2 and Condition 11
<b>Design in context</b>	
Insufficient outdoor space	8.7

Barely meets minimum standards for nurseries	8.8
Cladding may deteriorate	8.5 and Condition 23
Detrimental impacts of enlargement to balancing pond	8.49
<b>Neighbour amenity</b>	
Needs conditions to mitigate noise impact on houses in Corfe Close (double thickness acoustic fence, extended acoustic fence, extended wall in NE corner)	8.17-8.18 and Conditions 17 and 18
Disruption to students and researchers at Faculty of Education	8.19
Disruption to Faculty administrative staff	8.19
Increased traffic noise on Harrison Drive	8.19
Noise from laying proposed new drainage	8.19
Noise assessment unreliable	8.14
Needs conditions on construction work	8.21 and Conditions 12-16
<b>Highway safety</b>	
Hazard to safety of cyclists and pedestrians during construction	8.25
Existing safety issues at junction of Hills Road and Harrison Drive would be exacerbated	8.24
TA incorrect about visibility at Hills Road	8.24
TA incorrect about pedestrian priority at Hills Road	8.24
Hazard to vulnerable road users from drop-off traffic	8.24
Nursery-run drivers exhibit risky driving behaviour	8.24
Harrison Drive too narrow; reduction in motor traffic needed to improve safety for cyclists	8.41
Painted zebra crossing at car park entrance should be raised	8.41
TA wrong to suggest cyclists could share	8.41

narrow Harrison Drive footway with pedestrians	
<b>Parking and deliveries management</b>	
Insufficient car parking and drop-off space for nursery users; unrealistic to believe parents will use non-car modes	8.29
Parking space for visitors and services in Harrison Drive is already inadequate	8.29 and Condition 27
Parents will park in Scholars Court disabled bay	8.29 and Condition 27
Will exacerbate existing parking on yellow lines in Harrison Drive	8.29 and Condition 27
Concern that car parking restrictions in Harrison Drive cannot be enforced	8.29 and Condition 27
Vehicles will be forced to turn round in Scholars Court entrance	8.29
Will exacerbate pressure on on-street car parking nearby, already worsened by extension of the CPZ	8.30
Conflict between deliveries to / waste collection from Faculty of Education / Homerton College and nursery parents drop-off and pick-up	8.29, 8.32
Existing delivery vehicle activity connected with the College causes early morning disruption to Scholars Court residents and damage to footways. This is to be compounded by the use of larger delivery vehicles in the near future, and would be exacerbated by the addition of hundreds more car movements	8.32
No separation between car park and area where toddlers may be running about	8.27
Reduced car parking for Faculty of Education	8.29-8.30
Loss of disabled parking space at the Faculty of Education	8.28
Inadequate car parking for nursery staff	8.29
Lack of cycle parking on the site is already an issue	8.36
Only four additional cycle hoops are to be	8.36

provided	
Insufficient parking spaces for cargo bikes	8.38 and Condition 25
Cycle trailer parking space required	8.38 and Condition 25
Two-tier cycle parking is inferior	8.38 and Condition 25
Main cycle shelter on wrong side of car park	8.37
Cycle parking area not protected from cars by bollards	8.38 and Condition 25
<b>Transport issues</b>	
Detrimental impact of increased traffic flow on Hills Road	8.40
Increased traffic could cause gridlock	8.40
Transport assessment does not take account of expected future developments at Homerton	8.40
Poor bus connectivity to the site	
Enrolment profile in TA inaccurate	8.41
TA wrong to suggest nursery staff will show same modal pattern as Faculty of Education staff; former are more poorly paid, and therefore more likely to live further away and be forced to use cars	8.41
TA wrong on modal shares of car and cycle travel to West Cambridge nursery	8.41
Timing of traffic survey renders it unreliable	8.41
<b>Drainage</b>	
Pressure on surface water network	8.46 and Condition 9
Existing issues with surface water overloading the foul sewer and causing serious odour problems	8.46 and Condition 9
Overloading of foul sewage pumping station	8.50
Obstruction of access to service sewage pumping station	8.34 and Condition 27



- 8.54 I address the remaining issues raised in representations below.
- 8.55 I am of the view that the representation expressing anxiety about the nursery being sited 'in a car park' is either based on a misreading or misunderstanding of the application proposal, or else was made without benefit of seeing the full details.
- 8.56 The proposed nursery would not be part of the Faculty of Education, and would not be associated with it. I do not believe that harm would be caused to the Faculty's reputation simply by geographic proximity. Protection of the Faculty's reputation is not within the remit of the local plan, but, as I have indicated above, I do not consider the space standards of the proposed building to be unacceptable, and the quality of provision in the nursery will depend to a much greater extent on other factors, which are the subject of different regulatory regimes.
- 8.57 I acknowledge that to involve pre-school children actively in the design process for a building of this type is a laudable aspiration, but I do not consider that the absence of such a process renders the building less than high-quality, and I do not consider that it involves any conflict with policies 56 or 57 of the Cambridge Local Plan 2018.
- 8.58 In my view, aircraft noise on this site is only occasional, and not at a level to cause disturbance to the users. The environmental health team have not raised this issue, and I do not consider it creates any conflict with policy 35 of the Cambridge Local Plan 2018.

## **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 91 of the Town and Country Planning Act 1990 (as amended by 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. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) Desk study to include:

- Detailed history of the site uses and surrounding area (including any use of radioactive materials)
- General environmental setting.
- Site investigation strategy based on the information identified in the desk study.

(b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the Local Planning Authority:

(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors

(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

5. Implementation of remediation.

Prior to the first occupation of the development (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the Local Planning Authority.

(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.

(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:

- a) Include details of the volumes and types of material proposed to be imported or reused on site
- b) Include details of the proposed source(s) of the imported or reused material
- c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
- d) Include the results of the chemical testing which must show the material is suitable for use on the development
- e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

8. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5.

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

9. Prior to the commencement of development (other than demolition) a scheme for surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the Local Planning Authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

- 1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- 2) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 3) Specifically, if the surface water drainage scheme requires discharge of water to infrastructure on adjoining sites not within the ownership of the applicants (or their successors in title), the submitted details shall include a legal agreement between the applicants and the adjoining landowners which confirms the right of the applicant to carry out the required works, maintain them thereafter, and discharge water to them throughout the lifetime of the development.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage.  
(Cambridge Local Plan 2018 policies 31 and 32)

10. Prior to occupation a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the approved scheme shall be fully operational prior to the first occupation of the building, and retained and maintained thereafter.

Reason: To ensure the provision of adequate water supply infrastructure to protect the safe living and working environment for all users and visitors (Cambridge Local Plan 2018 policies 56 and 57).

11. Prior to commencement and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any tree works are carried and before equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and LPA Tree Officer to discuss details of the approved AMS.

The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with the TPP, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out. If any tree shown to be retained is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2018 policies 55, 59 and 71).

12. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety (Cambridge Local Plan 2018 Policy 81)

13. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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 from 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 the adjoining properties.  
(Cambridge Local Plan 2018 policy 35)

14. 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 2018 policy 36.

15. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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 2018 policy 35)

16. There shall be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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 2018 policy 35)

17. The mechanical services plant, auxiliary equipment and specified mitigation hereby approved shall be installed / implemented fully in accordance with the operational noise levels and noise mitigation scheme measures as specified in the submitted BDP noise impact assessment report dated 18th October 2018 (rev P02, doc no: HDN-BDP-XX-XX-RP-YA-0002) .

The plant / equipment operational noise levels and noise mitigation scheme measures shall be fully maintained and retained thereafter.



Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 35)

18. The nursery hereby approved shall be open to children only during the hours 0800-1800 Monday to Friday.

Reason: To protect the amenity of neighbouring occupiers. (Cambridge Local Plan 2018 policies 35, 55 and 56)

19. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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); 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.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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: 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 2018 policies 55, 57 and 59)

20. Prior to first occupation or the bringing into use of the development, hereby permitted, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscaped areas shall thereafter be managed in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is maintained as part of the development. (Cambridge Local Plan 2018 policies 55, 57 and 59)

21. No works to construct the external play area on the east side of the building shall take place until full details of the layout, the surface and the location of fixed and movable play equipment has been submitted to and approved in writing by the local planning authority. The play area shall be laid out in accordance with the approved details and maintained in that condition thereafter, and play equipment shall be positioned only as specified in the approved details.

Reason: To protect the amenity of neighbouring occupiers (Cambridge Local Plan 2018 policies 35, 55 and 56)

22. No development above ground level, other than demolition, shall commence 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 treatments to be erected. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59)

23. External finish materials on the buildings hereby approved shall be erected only once details of those materials have been submitted to, and approved in writing by, the local planning authority. The approved materials shall be retained thereafter for the lifetime of the development.

Reason: To ensure the building responds positively to its context. (Cambridge Local Plan 2018 policies 55, 56 and 57)

24. No works above ground level (other than demolition) shall commence until a plan detailing the proposed specification, number and locations of internal and / or external bird boxes on the new buildings has been submitted to and approved in writing by the local planning authority. The installation shall be carried out and subsequently maintained in accordance with the approved plans.

Reason: To provide ecological enhancements for protected species on the site. (Cambridge Local Plan 2018 policy 70)

25. Prior to any works above ground level, other than demolition, full details of facilities for the secure parking of bicycles, including cargo bikes and other non-standard bicycles in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the use commences and shall be retained in accordance with the approved details thereafter.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2018 policy 82)

26. No occupation of the building shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

27. No occupation of the building shall commence until a Parking and Servicing Management Plan (PSMP) has been submitted to and approved in writing by the Local Planning Authority. The PSMP shall specify the methods to be used to:

Ensure safe and efficient operation of the car park area  
Prevent illegitimate and inconsiderate parking in and adjacent to, Harrison Drive  
Facilitate necessary access to the approved building and nearby buildings by delivery, waste collection, service and emergency vehicles

The PSMP shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the Local Planning Authority.

Reason: To ensure the safety of users of the area and avoid inconvenience and delays for those using Harrison Drive. (Cambridge Local Plan 2018, policies 56, 80, 81 and 82).

28. Prior to the first occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such.

Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2018 policy 36)

## PLANNING COMMITTEE

5<sup>th</sup> December 2018

<b>Application Number</b>	18/0829/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	22nd May 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	17th July 2018		
<b>Ward</b>	Market		
<b>Site</b>	Lion House And St George House, Lion Yard, Petty Cury, Cambridge		
<b>Proposal</b>	Change of use of St George House and Lion House from office (Class B1) to hotel (Class C1); relocation of nightclub (Sui Generis) in St George House to basement service yard in Lion Yard shopping centre (Class A1); relocation of the substation within the basement; associated alterations to the buildings including new windows, new entrance to the nightclub from the shopping centre, new goods lift for the hotel and cycle parking.		
<b>Applicant</b>	Barclays Nominees (George Yard) Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- Only minor modifications are proposed and all are considered to respect the character and appearance of the Conservation Area</li> <li>- The proposal retains a nightclub on site and the proposal is not considered to harm residential amenity subject to conditions</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site forms part of the Lion Yard Shopping Centre. The site is subject to two separate planning applications. This application relates to St George House, Lion

House and part of the basement. Lion House and St George House are in B1 use as offices. BPP University occupies part of the third floor of Lion House. Their office falls outside of the application site. The remainder of the office space in both buildings is vacant. Lion House has a ground floor entrance by EAT and George House has a ground floor access adjacent to Fisher House and opposite the Guildhall. The site is located within the designated City centre and the surrounding uses are predominantly retail (A1).

- 1.2 The site lies within the Historic Core of Cambridge. The entrance to the nightclub will be opposite the Grade II listed St Andrew the Great Church. The entrance to the hotel will be opposite the Grade II listed Guildhall and adjacent to Grade II Listed Fisher House. The main elevation of the hotel will also be in close proximity to the Grade II\* listed Lloyds Bank.

## **2.0 THE PROPOSAL**

- 2.1 The application includes two elements; the provision of a hotel and relocation of the existing nightclub at Lion Yard. The hotel is proposed through change of use of St George House and Lion House from office (Class B1). The nightclub is to be relocated from the first floor of St George House to the basement and this requires a change of use from servicing yard to the retail units (Class A1) to a Sui Generis use as a nightclub. As part of these works the substation within the basement is to be relocated. Alterations are proposed to the windows at Petty Curry Street but this will not read as different. A new nightclub entrance is proposed and ground floor and will be a small single storey extension which includes acoustic treatment. Cycle parking is proposed for staff; this would be located in Heidelberg Gardens. A dockless bike station is proposed adjacent to the hotel entrance to serve visitors.
- 2.2 The proposed hotel would provide 125 rooms and accommodate approx. 288 guests. It would be accessed from the entrance to George House, adjacent to Fisher House. A large amount of brickwork will be removed and replaced with a glazed wall to demarcate the entrance. The existing window boxes on Petty Cury Street would be retained but refurbished to ensure they include the relevant air handling and noise insulation required. Plant will be included on top of the stair core but will be screened by louvres.

- 2.3 A new single storey structure is proposed to accommodate the nightclub entrance. The entrance is proposed adjacent to the ground floor entrance to Lion House and would include acoustic treatments to minimise any noise spillage.
- 2.4 Another application has been submitted for the Lion Yard which will be considered separately. The other application relates to the demolition of existing retail kiosks and provision of a new extension to provide a food and beverage quarter. This application also includes works to the public realm including new paving, benches and cycle stands and the opening up of the eastern entrance to the shopping centre. Details of this application can be found in the table below. The two applications would complement one another; particularly the proposed public realm improvements which will be considered under the other application will have a positive impact on the area surrounding the nightclub. However, they are separate applications and could each be implemented without the other going ahead.

### 3.0 SITE HISTORY

Reference	Description	Outcome
18/0830/FUL	Demolition and redevelopment of the existing retail kiosk units (Class A1) to the south of St Andrews Church, to create a new food and beverage quarter (Class A3/A4); change of use of retail units (Class A1) facing onto St Andrews Church within Lion Yard to create a new food and beverage quarter (Class A3/A4); provision of new roof terrace looking over St Andrews Church, improvements to the public realm, provision of plant, cycle parking and associated alterations to the shopping centre facade	Pending consideration

## 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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2018		1
		10 11
		34 35 36
		41
		55 56 58 59 61 69 71
		73 77
		82

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

Central Government Guidance	National Planning Policy Framework March 2018
	National Planning Policy Framework – Planning Practice Guidance March 2014
	Circular 11/95 (Annex A)



<p>Supplementary Planning Guidance</p>	<p>Sustainable Design and Construction (May 2007)</p> <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> <p>Old Press/Mill Lane Supplementary Planning Document (January 2010)</p>
<p>Material Considerations</p>	<p><u>City Wide Guidance</u></p> <p>Arboricultural Strategy (2004)</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment (November 2010)</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan (2011)</p> <p>Cycle Parking Guide for New Residential Developments (2010)</p> <p>Air Quality in Cambridge – Developers Guide (2008)</p> <p>The Cambridge Shopfront Design Guide (1997)</p>
	<p><u>Area Guidelines</u></p> <p>Cambridge Historic Core Conservation Area Appraisal (2006)</p>

## 6.0 CONSULTATIONS

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

#### *First comment*

- 6.1 Objection: I will make a full comment after consultation with my colleagues in the Transport Planning Team. The applicant must provide plans showing the existing building footprint with the proposed building footprint superimposed so that it can be verified whether any of the structures, or their doors, encroach upon the public highway. From this it will be able to be determined whether, or not, the application can proceed without a stopping up order, or would breach the Highways Act, 1980. Until this is provided the Highway Authority considers that inadequate information has been provided upon which to make a decision and so objects to the proposal.

- 6.2 The application proposes extensive changes to the adopted public highway. The Highway Authority cannot accept the additional burden on the Authority's budget that the maintenance of this landscaping will impose. The Highway Authority is no longer able to accept additional street trees or planting as it cannot undertake the ongoing maintenance burden of these. If trees or planting are required as part of the proposal the future maintenance will need to be undertaken by others in a way acceptable to the Highway Authority. A condition and an informative are recommended.

#### *Second comment*

- 6.3 The applicant is currently in discussions with my colleagues in asset Management regarding the stopping up of public highway and rededication of land as a public footpath maintained by others. A satisfactory conclusion to these discussions and imposition of Conditions previously requested would address the issues that I have raised previously.

#### *Third comment*

- 6.4 The information provided by the applicant does not change the last set of comments made by the Highway Authority (second comment). Colleagues in Major Developments will respond to the Transport related matters.

## **Transport Assessment Team**

- 6.5 Objection: The Transport Assessment Team has reviewed the application and place a holding objection as further information is needed. Detailed plans of the proposed uses and how they are sited in related to the public highway are required. TRICS results and trip generation information is needed. Street trees are not accepted by the county council due to maintenance costs.
- 6.6 Objection: The Transport Assessment Team has reviewed the additional information and maintains a holding objection. The TRICS analysis needs to be amended. Need trip distribution to be included. Extant and proposed land uses have not been included within the Transport Assessment.
- 6.7 No objection: The Transport Assessment Team has reviewed the additional information and is satisfied that the proposal is acceptable subject to conditioning a travel plan. There are still ongoing matters with other colleagues regarding the public highway.

## **Environmental Health**

### *First comment*

- 6.8 No objection: We have concerns about potential operational noise, disturbance and odour impacts associated with the proposals on several nearby residential premises. Notwithstanding these concerns, considering the character of the area and the fact that this is a busy City Centre location, on balance this service has no objection in principle to this full application. 5 conditions are recommended to protect residential amenity during construction. All 6 standard contaminated land conditions are recommended. Conditions are recommended to control, restrict and manage noise from the nightclub and hotel uses once they become operational. Conditions are recommended to protect the amenity of the hotel users from noise. Details of plant noise insulation are required by condition. An artificial lighting condition and an air quality management condition are recommended. A number of informatives are also requested.

*Second comment*

- 6.9 No objection: The applicant/agent has provided a response to Environmental Health Comments. Clarification is provided regarding condition wording. Willing to accept re-wording of triggers for a number of conditions. Some limited amplified noise may be acceptable within the hotel lobby and reception but details of this and a management plan are required to ensure that this doesn't harm residential amenity. As the works are limited, only one contaminated land condition, the one which relates to unexpected contamination, is needed.

*Third comment*

- 6.10 The applicant has provided a response to the Environmental Health Officer's most recent comments. The Environmental Health officer intends to respond to the most recent comments. Any response will be updated on the amendment sheet.

**Urban Design and Conservation Team**

- 6.11 No objection: A number of conditions are recommended.

*Hotel use*

- 6.12 The hotel entrance will be in the same location as the existing entrance to St George House, but with additional glazing above the new doors replacing some of the brickwork. The proposals for the entrance to the new hotel are acceptable in terms of their impact on the listed buildings close by, and the character and appearance of the conservation area as this will only be minimally altered. The greatest alteration will be the new plant on the roof of the existing stairwell, but this is proposed to be confined within a screen and at a level where it will not be fully visible from the street. These alterations can be supported as they will have minimal impact on the heritage assets in the area. It is understood that there will be a separate application for signage, however it should be noted that the areas shown on drawing no. 13041/P-A-323 would not all be supported as being appropriate for this location and should be reconsidered. The proposal to provide a designated area for dockless bikes outside the hotel entrance to meet the need for hotel residents is considered a reasonable solution. Details of how this will be treated are required by condition.

#### *Nightclub use*

- 6.13 The proposed location for the new nightclub entrance is supported. The proposed structure will have no greater impact on the setting of the grade II St Andrew the Great Church and the other listed buildings close by than the existing built form in this area. In addition, the proposed new entrance will not affect the character or appearance of the conservation area. These comments are caveated by the necessity for the materials, workmanship and signage to be appropriate for this location. Notwithstanding the materials proposals that have already been submitted for this application, and the other that is running alongside it (drawing no. 13041 P-B-500), the Urban Design and Conservation Team would ask for a condition to be attached to any approval for the submission of materials so that an appropriate pallet can be agreed for all of the proposed development at Lion Yard. The materials will have to work well with the character of the area which may not mean being the exact same brick as is on the existing buildings.

#### **Senior Sustainability Officer (Design and Construction)**

##### *First comment*

- 6.14 No objection: A sustainability statement has been submitted in accordance with policy. It is noted that for some elements of the scheme, fit-out is to be left to future tenants and as such, at this stage, it is not possible to commit to targets such as water efficiency. I would echo the concerns of landscape colleagues with regards to the use of green walls due to the long term sustainability implications of such features, particularly in relation to water use. I would also echo the response of my sustainable drainage and ecology colleagues with regards to the role of green roofs for the scheme. The Sustainability Statement does make reference to green roofs but as of yet there does not appear to be a firm commitment to utilise green roofs. A green roof could offer multiple benefits to the scheme from surface water attenuation, ecological enhancement and helping to reduce the internal cooling loads of the building. I would, therefore, strongly recommend their implementation. Three conditions are recommended.

##### *Second comment*

- 6.15 No objection to extending the timeframe for submission of details from 6 to 8 months.

## **Access Officer**

- 6.16 The streetscape will need seating of mixed height and with and without handrails. The nightclub will need a wheelchair accessible toilet and wheelchair access to all of nightclub. The hotel I've reservations because of the lack parking or drop off. Technically every wheelchair accessible room should have a parking space. I feel that the hotel should have some deal with a nearby car park for at least 5 blue badge spaces. Even with this, drop off would be difficult. To mitigate this 2 rooms with fixed hoists would be something to meet BS8300. I would like to see detailed plans of all accessible rooms (7). Fire evacuation policy needs to be established.

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

- 6.17 No objection: No formal objection to the removal of the Birch. A tree protection condition is requested in relation to the trees in the Church. The London Plane especially could be impacted by construction works. (Comments relate to other application - 18/0830/FUL)

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

- 6.18 Further information is needed: In general, cycle parking requirements will not conform to standard cycle parking policies within the Local Plan due to its change of use status and typology as well as the existing public realm provision around the site. This approach was accepted by the cycling officer. The existing retail uses have been in part accommodated within the remaining portion of Heidelberg Gardens. The use of high density stands was acceptable pending a design which included locker and maintenance area allocation in close proximity. The Travel Plan, para 6.1.9 states that shower and changing facilities will be provided for staff, but it is unclear from the drawings where this area would be located. The hotel, with approximately 125 rooms, generates a requirement for 25 spaces for guest accommodation according to the Policy requirements. The travel plan identifies the transport requirements for a city centre hotel and recommends that the alternative of utilising dockless bike hire for the use of the hotel guests to be the best option for this change of use development. This is an acceptable alternative to the policy requirements and supportable. Please also include a

statement which identifies the chance inclusion of guests who arrive with their own bicycles. Granted this is likely to be of very low incidence. It is expected the hotel could provide access on an ad hoc basis to the cycle parking area in Heidelberg Gardens for those guests who may require suitable secure cycle parking during their stay. It is considered that the nightclub guests use can utilise the public stands in the area and as illustrated in the proposals for that associated retail and restaurant development adjacent. Will staff at the nightclub also share the 54 cycle stands in Heidelberg Gardens? A hard landscape condition is recommended.

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

#### *First comment*

- 6.19 Objection: Whilst we recognise there will be no fundamental changes to the drainage infrastructure there are still opportunities for betterment. All developments including redevelopments in Cambridge are required to provide a 20% reduction in runoff rates, whilst we recognise this may be impractical in this particular circumstance and location there are still other opportunities for betterment which will need to be explored. There are several areas of flat roof which could provide a retrofit green roof solution; further detail is required to demonstrate what options are available.

#### *Second comment*

- 6.20 No objection: A surface water drainage condition is recommended.

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

- 6.21 Further information needed: The Breeam report prepared by The Ecology Consultancy identifies the existing buildings as having moderate potential for roosting bats and recommends two emergence surveys to comply with best practice. The results of these surveys do not appear with the submitted documents. The D&A statement has a section on ecology that refers to the Breeam report and also recommends installation of a biodiverse green roof. However, such provision does not appear within the submitted plans. I would recommend that installation of a biodiverse living roof on existing flat roofs be

explored to considerably enhance the biodiversity value of the site. Detailed construction and design could be conditioned.

I support the recommended ecological enhancements for nesting bird and breeding bats. If minded to approve the development I would propose the conditions to deal with bat and bird box details

- 6.22 No objection: Content with additional bat survey information which has been provided by the applicant.

### **Historic England**

- 6.23 No comments.

### **Anglian Water**

- 6.24 No objection: A condition is recommended regarding a surface water management strategy.

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

#### *First comment*

- 6.25 No objection: This office has already been engaged in early consultation with the applicant and provided details on crime research and a security needs assessment for this application. The plans and documents suggest that this assessment has been considered to incorporate necessary and relevant security measures applicable to this location.

#### *Second comment*

- 6.26 This office has already been engaged in early consultation with the applicant and provided details on crime research and a security needs assessment (SNA) for their Bream application. I did not however provide the planning authority with any details regarding this assessment, suggested or recommended security measures. I have since noted comments from other consultees, visited the site again and had further discussions with local officers and the Cambridge City police licensing officer.
- 6.27 My main concerns at present are in relation to the proposed move of the nightclub to the basement and ensuring the safety of staff, visitors to the club and the general public going about



their normal business in this area, should the application be successful. There is of course room for conditions to be imposed via the licensing authority after the premises is built and a client secured but it is at this early stage of design that the layout can be planned and the public realm security surrounding the venue confirmed. While this office is happy to discuss measures such as door and window security, alarms, lighting and CCTV, accredited security staff, management and evacuation plans with any future owner, there are two issues in relation to nightclubs which cause concern to the security staff and emergency services in relation to safety and conflict: a) controlling the entrance and queue for people waiting to enter the club and b) the smoking area.

- 6.28 Recommend removing/re-locating the cycle stands in the walkway leading to the entrance of Lion House to avoid conflict between cycle stand users and those queueing for the nightclub and to reduce obstruction in this area. Monitored CCTV should be increased around nightclub entrance.
- 6.29 Suggest that the Smoking Area is located in Post Office Terrace as it should be away from the queue and public thoroughfares. This could be accessed through the fire exit way if this complies with the relevant regulations. Increased CCTV in the proposed smoking area with lighting to compliment it is also recommended.
- 6.30 While this application is still in the early stages, if it is determined and granted any future owner must consider installing a welfare room. It is important for all such premises to have a room where people who are taken ill or feel threatened for any other reason, can be taken for safety or to await a friend or relevant authority/emergency service to arrive. If granted, such plans should be submitted along with a security plan and evacuation plan prior to development.

### **Planning Policy**

- 6.31 No objection: The NPPF's definition of main town centre uses includes Office, Hotel & Night-club uses. The NPPF also prioritises the location of main town centre uses in such centres before other locations are considered. Office use is not protected and thus its loss would not raise any policy objections. Policy 73 of the emerging plan supports new or

enhanced leisure facilities if the range, quality and accessibility of facilities are improved; there is a local need for the facilities; and the facility is in close proximity to the people it serves. The proposed replacement nightclub use will provide two separate performance areas within the venue allowing for a wider variety of music on the same night. The new venue would also block out any noise and vibrations generated by the music. This means it can be used throughout the day as well as night for different music performances, including band practice which can raise noise concerns in a venue that is not sound proofed. The new venue will have improved access included disabled access. At the moment, this is provided by the shared access with the office uses.

6.32 Cambridge Retail and Leisure Update Study 2013 noted the main nightclub venue existing capacity in Cambridge. Using these figures, it can be determined the proportion of nightclub capacity the current at Lion Yard provides is 35% of the city's total capacity. Cambridge has a large student population and is a sub-regional destination for leisure activities. It is therefore critical that Cambridge continues to provide a vibrant centre to attract and retain students and young people who may want to use these types of facilities.

6.33 Policy 77: 'Development and expansion of visitor accommodation' supports new visitor accommodation in any large windfall site that comes forward in the City Centre during the plan period. New visitor accommodation should also be located in areas of mixed-use or within walking distance of bus route corridors with good public transport accessibility. Lion Yard satisfies all of these criteria and therefore the hotel proposal is compatible with this proposal area. The proposal therefore satisfies the applicable policy criteria in the emerging Local Plan with regard to land use suitability.

### **Disability Consultative Panel (Meeting of)**

6.34 The conclusions of the Panel meeting were as follows:

#### *Extension of the public realm and street furniture.*

The Panel expressed concern as to the likelihood of tables, chairs and A-Boards encroaching on this new space, but were assured that restrictions would be in put in place. Refuse would

be re-located to basement level and cycle provision would be increased to reduce clutter.

New benches are to be introduced to provide resting points outside the church but these would be designed in a way to inhibit cycles being chained to them. The entrance to the church is to be redesigned for the benefit of wheelchair users.

#### *Bollards.*

The Panel note these will be sufficiently wide apart to accommodate wheelchairs, but would stress the need for a robust management plan to avoid cycles being irresponsibly locked to them.

#### *A controlled crossing into Lion Yard across St Andrew's Street.*

Since the demolition of what was Bradwell's Court when the controlled crossing was removed, disabled and vulnerable people can no longer cross with safety at this point and have to travel further up St Andrew's Street towards Emmanuel College where traffic volumes can be intimidating. The Panel would therefore welcome any dialogue with the Highways Authority regarding the re-instatement of this crossing.

#### *Staircase to restaurant level.*

The Panel questioned whether the seemingly daunting gradient of the staircase would result in pedestrians queuing for the lift. There are also anti-social behaviour issues related to such a space where people would be tempted to linger but the Panel were informed that 24/7 security would be in place.

#### *Means of escape in an emergency.*

With one lift per unit, the Panel questioned whether wheelchair users would be able to escape safely from the restaurant area in the event of an emergency. It was felt however that if the units are linked at the service area level, then that would constitute an acceptable fire evacuation strategy.

#### *Hotel (currently St George House.)*

#### *Entrance.*

The Panel welcome the improvements proposed for the entrance and would stress the need for a double automated door.

### *Bedrooms.*

The designers are reminded that DDA compliance is now Equalities Act, but both give no guidance. Standards that should be met are those of Part M Building Regs and BS8300, or industry standards such as Sport England when considering access features. The inclusion of a hoist in some accessible bedrooms would be a welcome addition. These are not currently provided by any Cambridge city centre hotel and as a disabled guest would therefore not need to provide their own portable hoist, this would go some way to mitigating the absence of any parking provision as there would be less equipment to unload on arrival. A significant selling point therefore.

### *Means of escape (basement nightclub)*

The inclusion of robust fire evacuation procedures particularly for the more vulnerable is a key consideration for the Panel; particularly since the Grenfell disaster. The inclusion of various escape routes is welcomed but the designers are urged to consult with a fire evacuation expert on the specific issue of disabled egress in an emergency. The Panel note that as this will be a conversion from office use, the rooms will be non-standard. The opportunity to comment on the rooms once the tenant has been identified would be welcomed therefore.

### *Bathrooms.*

The Panel would recommend the use of sliding bathroom doors for improved access when space is limited. For flexibility, ambulant features such as handrails in all showers would also be recommended and can be designed to be an attractive feature.

### *Parking and drop-off arrangements.*

The Panel note that the two disabled parking bays will remain although in the experience of Panel members, these are often full and the narrow paving around Fisher House makes this area particularly difficult for wheelchair users to navigate. The Panel note that taxis will be able to pull in and drop off at the hotel entrance. The inclusion of parking is not expected for budget hotels but the designers are advised to refer to Building Regs guidance on this issue. As disabled people often have to travel with more equipment, consideration should at least be given to the inclusion of a valet parking system.

*Hotel cycle parking provision.*

Concern was expressed as to whether additional cycle parking provision beneath the arcaded area would become cluttered. Additional provision proposed for the dockless 'Ofo' bikes was also a concern as their irresponsible use is becoming a city-wide problem. A controlled and formalised approach will be key to its success.

*Conclusion.*

The Panel welcome the public realm improvements although the absence of parking for the hotel is disappointing. As disabled people inevitably need to travel by car into the city centre, a solution perhaps reached in partnership with the Grand Arcade car park should be thoroughly explored.

**Design and Conservation Panel (meeting of)**

6.35 Prior to the submission of the applications, the proposals for the Lion Yard to be considered under this application and 18/0829/FUL were presented to Design and Conservation Panel. The scheme remains largely the same although some changes were made in response to comments from the panel.

6.36 The panel's comments are as follows:

Although the proposals are largely a refurbishment of the existing Lion Yard Shopping Centre, they embody some new moves that would potentially greatly enhance the nature of the spaces around and within Lion Yard. The Panel would be keen to see these aspects of the project explicitly defined and realised. They include the following aspects:

*Public realm and the setting of the Church of St Andrew the Great.*

Although crucial to the success of this scheme, the Panel were disappointed by what they regarded as a particular lack of vision in terms of proposals for redefining the setting of the church, (Grade II Listed). It seemed to be regarded as an embarrassment rather than an asset. At its western entrance in particular, with its awkward steps, the church turns its back on the street. The proposed additional seating also faces away from the church.

The Panel are supportive of public realm improvements in this area. With the proposed re-paving of these spaces, this is an opportunity to consider the whole Yard entrance area as a precinct of the church. The church entrances and existing trees make a distinctive setting for the entrance to Lion's Yard. The paving at the east end, for example, could be pushed out to the kerb line on St Andrew's Street, allowing the church to relate more effectively to the street.

This is a major church that should feel like a unique and celebrated element in the streetscape. It was suggested that Michaelhouse church on Trinity Street is a good example of how an existing church can be integrated into the surrounding street scene.

*The new entrance to Lion Yard.*

The proposed double height space of the first bays into the arcade is to be applauded as a measure that would enhance this entrance by introducing more light and space.

*The new staircase to 1<sup>st</sup> floor restaurant.*

With only nominal external space at the top of the staircase and no through route into Lion Yard, the Panel felt this was a major urban gesture that should be revisited. The internal lift allows disabled access into the restaurant at the top, but questions were raised as to how these two uncontrolled entrances would work in practice. Also, the height of the screen wall to the upper floor external terraces would exert a major presence on the yard alleyway beyond, which happens to include the historic photographic studio of Ramsey and Muspratt.

*New entrance to nightclub.*

Creating a safe new entrance to the nightclub is crucial to the success of this scheme and its night time use. This is a critical component of the new urban routes and entrances around the entrance court for Lion's Yard on to St Andrew's Street.

*The hotel.*

The Panel note that the dialogue with the Highways Authority had not yet begun. The outcome of these discussions will be relevant to (among other issues) the current lack of vehicular drop-off outside the hotel entrance on Guildhall Street. The Panel felt that the constrained and understated nature of the

proposed hotel entrance doorway could work, if handled competently.

*Refurbishment.*

The Panel were not convinced by the need to preserve the existing Petty Cury elevation as the reason to adhere solely to a refurbishment scheme. As this is not considered as a building of particular merit or described as positive in the Local Authority appraisal documents, the Panel would consider a fresh and thoughtful design approach to the definition of the street elevation.

*The new windows along Petty Cury.*

No information was provided on the quality of the spaces created behind these windows. The Panel would encourage the designers to work with the existing rhythm of structural bays, rather than trying to impose a standard hotel room dimension on top of the existing bay spacing. This could achieve a better fit for the rooms and improve their proportions.

*Heidelberg Gardens.*

This has the potential to be a landscaped space for the hotel guests to enjoy and not simply a cycle park. The Panel also questioned the practicality of the ramped entrance to this space that could be potentially made more attractive and usable.

*Conclusion.*

The Panel cannot overemphasise the importance of this Lion Yard scheme for the centre of Cambridge. It is also a complex refurbishment project involving many technical issues; not least the integration of new services, mechanical ventilation and the scheme's impact on the existing retail units. These challenges were not explored as part of today's presentation.

The Panel can see the positive aspects of the scheme, but also the variety of presently unresolved urban issues that need extensive further examination. An early May application submission would be regarded as very premature, leaving little time to resolve many key issues.

The Panel look forward to seeing more of the detailed development of this important project.

**VERDICT – RED (6) AMBER (2)**

6.37 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 Representatives from the following organisations have made representations:

- Cambridge Past Present and Future
- Fisher House
- 29 Petty Cury,
- UK Power Networks

7.2 The representations can be summarised as follows:

- The applicant has not served notice in accordance with the Party Wall Act
- Do not object to the redevelopment but feel that more could be done to enhance the conservation area and adjacent heritage assets
- There is an opportunity to enhance the elevations to the hotel which is being missed
- Where will guests park cycles when visiting the hotel and nightclub
- The third floor of the hotel appears to lead directly into the offices
- Location of plant and odour ventilation equipment is critical visually
- There are a number of vacant retail units under the hotel
- New paving should be appropriate; this is not the place for tarmac
- Heidelberg Gardens is not mentioned
- Signage and lighting arrangements for the hotel and nightclub not detailed
- Concerned that volume of users of the nightclub and antisocial behaviour from its use will harm the heritage asset
- There is inadequate space for the development and it will lead to people congregating in an already overcrowded area
- The terrace outside the stairwell is next to a bedroom and sitting room in the rear of Fisher House. If permission is granted, this should not be used as a recreation and smoking area.
- Will harm the setting of the listed St Andrew Church
- Concerned about sewage



- Will increase traffic
- Will increase the pressure on street cleaning
- There has been too great an increase in food offer in the city centre which may negatively impact on the local economy

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 and impact on heritage assets
3. Public Art
4. Renewable energy and sustainability
5. Drainage
6. Disabled access
7. Residential amenity
8. Refuse arrangements
9. Highway safety
10. Car and cycle parking
11. Third party representations
12. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 Policy 73 of Cambridge Local Plan 2018 classifies a nightclub use as 'Leisure entertainment'. New or enhanced facilities are supported if the range, quality and accessibility of the facilities are improved, there is a local need and if the facility is in close proximity to those it serves. The replacement nightclub will have lift access so will improve access to those less able. The nightclub will have two performance areas allowing for separate performances and a greater variety of music. The new nightclub would be subject to acoustic treatment to reduce noise spillage. The Cambridge Retail and Leisure Update Study 2013 found that the existing nightclub at the Lion Yard, Ballare, caters for 35% of the total nightclub capacity in Cambridge. Cambridge serves as a sub-regional destination for leisure activities so it is

important that it continues to provide a vibrant centre. The retention of the nightclub use and provision of improved facilities would therefore comply with policy 73.

- 8.3 The application replaces office floorspace with a hotel. Policy 41 of the Cambridge Local Plan seeks to protect B uses and prevent the loss of business floorspace unless a marketing exercise has demonstrated that the space is no longer needed. No details of marketing information was provided as part of the application but the applicant has confirmed that the site has been vacant since 2014 and that they have been unable to find a long term occupier due to the small floorplates which make it unfit for modern office requirements. Policy 77 of the Cambridge Local Plan (2018) relates to development and expansion of visitor accommodation. This states that new visitor accommodation will be supported in any large windfall sites within the city centre during the new plan period. New visitor accommodation should be in mixed use areas within walking distance of good public transport links. The proposal meets all of these criteria and is considered to be a more appropriate town centre use for the central location. The proposal will bring back into use a currently vacant space in the city centre and will diversify the offer within the shopping centre in line with the NPPF.

#### **Context of site, design and external spaces and impact on heritage assets**

- 8.4 There are minimal physical alterations proposed as part of this application. The hotel entrance will remain in the same location as the entrance to St George House but with additional glazing proposed above the new doors. The Urban Design and Conservation Officer are satisfied that this element would preserve and enhance the character of the conservation area and would not harm the setting of the surrounding listed buildings. Plant is proposed behind a screen to the roof of the stair core. Given the tight angle between buildings, this would not be prominent in any public views. Details of the plant screen are required by condition. Given the limited visibility of this element the Urban Design and Conservation Officers are satisfied that this would not be harmful to the Conservation Area or the setting of the surrounding listed buildings. I share this view.

- 8.5 Signage for the proposed hotel use does not form part of this application and will need to be considered as part of an advert consent. The Urban Design and Conservation Officers have noted that some of the signage shown on the proposed plans would not be supported as it is inappropriate for the sensitive location. A dockless bike station is proposed outside the hotel entrance rather than the provision of cycle parking for hotel visitors. This is considered in more detail under the car and cycle parking heading below. Details of how this docking station will be treated are recommended to be dealt with by condition.
- 8.6 The proposed nightclub entrance would be adjacent to the existing entrance to Lion House. It is a simple rectangular form and set back from the street. The Conservation officer has confirmed that the new structure would not have any greater impact on the setting of the adjacent St Andrew the Great Church than any of the other existing built form in the area. Details of materials to be used are recommended to be required by condition to ensure these would be appropriate.
- 8.7 The Petty Curry Street elevation would remain unchanged with the existing upper floor windows proposed to be retained and refurbished to ensure adequate ventilation can be provided. Design and Conservation Panel raised concerns about the window arrangement as the windows would not reflect the bedroom layout with some hotel rooms sharing a window. This is not an uncommon arrangement and given the constraints of the site, I am satisfied that this would be acceptable.
- 8.8 I note the comments from Design and Conservation Panel were not supportive of the application. The Panel did not support the refurbishment approach and suggest a reworking of the Petty Curry elevation. This does not form part of the application which aims to refurbish the existing space and bring a vacant building back into use. They expressed concerns about the layout of the windows with the hotel rooms as the rhythm of the windows does not reflect the room layout and some rooms may share windows and others may be windowless. This is not uncommon in city centre hotels and I do not consider this problematic. Whilst Heidelberg Gardens would have the potential to be landscaped and used by the hotel guests, the proposed use for staff cycle parking is in my view a better use of this part of the site. The users of the hotel are in close proximity to public open space at Christ Pieces and the retail, food and drink uses

whereas cycle parking is a significant demand in the area and is difficult to accommodate in the city centre location. Therefore I am satisfied that the use of this cycle parking is acceptable. The remainder of the Panel's comments relate to the other planning application for the Food and Beverage Quarter.

- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 61.

### **Public Art**

- 8.10 The application is classified as a minor application and as a result there is no policy requirement to provide public art. Given the prominent city centre location of the site, an element of public art could have a positive inclusion in the project. I have discussed this with the applicants but no further information has come forward. As there is no policy requirement for public art to be provided on an application of this type, the lack of public art is not considered harmful or to be a reason for refusal. An informative will be included to explain that public art would be viewed favourably on site.

- 8.11 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 56 and the Public Art SPD 2010

### **Renewable energy and sustainability**

- 8.12 The Senior Sustainability Officer is satisfied that the information provided is acceptable subject to conditions. The applicant has requested that the timeframe for submitting information to discharge the conditions is increased from 6 to 8 months. The Senior Sustainability Officer has no objection to the minor increase to the timeframe for submission.
- 8.13 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 (2018) policies 28 and 29 and the Sustainable Design and Construction SPD 2007.

### **Integrated water management and flood risk**

- 8.14 The Drainage officer requested further information of betterment and requested that details of green roof which are mentioned in some of the documentation to be provided. The applicant has

provided further information and the drainage officer is satisfied that a surface water drainage condition can deal with the details. A technical note has been provided which finds that green roofs are not feasible on site. The Drainage Officer is satisfied that adequate information has been provided to demonstrate that green roofs cannot be provided.

- 8.15 In my opinion the applicants have suitably addressed the issues of water management and flood risk, and the proposal is in accordance with Cambridge Local Plan (2018) policies 31 and 32.

### **Disabled access**

- 8.16 The Access Officer notes that all of the nightclub must be wheelchair accessible and an accessible toilet is also required. An informative including his comments will be included so the applicant is aware. The Access Officer and disability panel express some reservations about the car parking for the hotel. The Access Officer requests that car parking be provided for blue badge holders visiting the hotel within the Grand Arcade. It is not possible to require that the applicants purchase additional car parking spaces as these would fall outside of their site ownership. Whilst I accept that disabled users may be more likely to arrive by car as some may require equipment, such as hoists, and the lack of specific parking for the site could make this difficult. However, I do not consider this to be a reason for refusal. There are two public blue badge holders parking bays on Guildhall Street and disabled users could also utilise 3 hours of free parking in the Grand Arcade. Both Panel and the Access Officer have suggested that a hoist could be included in some of the accessible rooms as this would reduce the amount of luggage required by a wheelchair user visiting the hotel and could mitigate for the lack of parking. An informative will be included to suggest that a hoist be included in one or more of the accessible rooms. The final fit out will be done by the tenant and the applicant has confirmed that between 6 and 10% of the rooms will be provided for disabled users.
- 8.17 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 56 and 57.

## **Safety**

- 8.18 The Architectural Liaison Officer raises concerns regarding artificial lighting, CCTV, security alarms and queue management. The nightclub is an existing use and is simply relocating as part of the application so I do not consider there to be any significant safety concerns. The issues raised relating to security are not material planning considerations and would be covered by licensing and building regulations. I have asked the applicant to comment and will provide an update on the amendment sheet.
- 8.19 The Access Officer and Disability Panel raise the matter of fire evacuation. This is a building regulations consideration but I have asked the applicant to provide comment ahead of committee. I will also provide an update on this matter on the amendment sheet.

## **Residential Amenity**

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

- 8.20 The primary concern in terms of residential amenity arising from the proposed development is noise and disturbance from the proposed uses. The Environmental Health Officer notes that there are a number of residential units, which are listed in full in their response, which have the potential to be impacted by the uses. However, the Environmental Health Officer ultimately concludes that due to the busy city centre location of the site and as there is an existing nightclub which has operated on site for a number of years that subject to conditions the impact would on balance be acceptable. Conditions are recommended to deal with operational noise from both uses. A condition is recommended requiring nightclub noise insulation, and a noise management and monitoring plan to be agreed, in place and tested prior to the opening of the opening of the nightclub. The applicant has also requested that some limited amplified music be allowed in the hotel lobby and reception. The Environmental Health Officer is satisfied that this could be accommodated subject to conditions regarding details and requiring an operation management plan for the hotel use.
- 8.21 A number of conditions are recommended to protect the amenity of surrounding residents during construction including

conditions to restrict hours of construction work, and deal with construction noise, vibration and dust.

- 8.22 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 (2018) policies 35, 55 and 56.

### **Refuse Arrangements**

- 8.23 The Hotel does not include a kitchen so refuse would be limited. There are linen stores marked in the floorplans and the hotel includes basement access where any refuse could be stored. The Nightclub has a store and servicing area within the basement.
- 8.24 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

### **Highway Safety**

- 8.25 The comments regarding the stopping up order relate to the other Lion Yard Planning application (18/0830/FUL) which proposes public realm improvements. Discussions are ongoing between the applicant, City Council and the County Council as to how this can be implemented. The Transport Assessment Team initially requested further details of the TRICS analysis and Trip generation. Satisfactory information has now been provided and they are happy to remove their objection subject to conditioning a travel plan.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

### **Car and Cycle Parking**

- 8.27 Given the City Centre location of the site, it is not possible to provide any off-street car parking provision for either of the uses. The site is located adjacent to a number of bus stops and a taxi rank. I have noted the proximity of the site to two blue badge car parking spaces under the disabled access chapter above.

8.28 No visitor cycle parking is proposed for the hotel visitors. Instead a dockless bike point is proposed by the hotel entrance. There is an existing designated OFO bike area in Lion Yard to the rear of St Andrew The Great Church. The area by the hotel entrance would be contained under the existing projecting façade. Secure cycle parking for hotel and nightclub staff as well as staff from the Food and Beverage Quarter would be provided in Heidelberg Gardens. In my view, the reliance on dockless bikes is a pragmatic approach and given the constraints of the site and its proximity to public transport links, I consider it to be an acceptable alternative to providing the 25 visitor spaces required by the policy.

8.29 Policy 82 of the Cambridge Local Plan (2018) relates to parking management. This states that car free developments will be accepted where they have easy access by walking or cycling to the city centre or a district centre, there is high public transport accessibility and where the car-free status can be realistically enforced for example through on-street car parking controls. In my view, the proposal meets with these criteria and would satisfy policy 82.

8.30 In my opinion the proposal is compliant with policy 82 of the Cambridge Local Plan (2018).

## **Ecology**

8.31 The Biodiversity Officer has requested a condition requiring details of proposed bat and bird boxes. He also requests further details of green roofs. As noted above, the green roofs have been demonstrated to be unfeasible.

## **Third Party Representations**

8.32 I have addressed the majority of the third party representations within the body of my report. I will cover any outstanding matters in the below table:

<b>Representation</b>	<b>Response</b>
The applicant has not served notice in accordance with the Party Wall Act	This is not a planning matter.



Do not object to the redevelopment but feel that more could be done to enhance the conservation area and adjacent heritage assets	The proposal is for refurbishment works and the Conservation Officer is satisfied that the proposal would preserve and enhance the character and appearance of the Conservation Area.
There is an opportunity to enhance the elevations to the hotel which is being missed	The applicant is not obliged to make changes to the façade. The proposal is for refurbishment works and there is no objection to this approach.
Where will guests park cycles when visiting the hotel and nightclub	There is no allocated visitor cycle parking for hotel guests. A dockless bike hub is instead proposed to serve hotel guests. Given the constraints of the city centre site, this approach is considered to be acceptable.
The third floor of the hotel appears to lead directly into the offices	I note that the corridor leads to the college. This is more than likely for fire escape and is not material to the consideration of the application.
Location of plant and odour ventilation equipment is critical visually	I share this view. Final detail of plant will be dealt with by condition.
There are a number of vacant retail units under the hotel	This is noted but not relevant to the consideration of the application.
New paving should be appropriate; this is not the place for tarmac	The new paving forms part of application ref 18/0830/FUL
Heidelberg Gardens is not mentioned	Heidelberg Gardens is proposed to be used as staff cycle parking for the hotel and nightclub use.

Signage and lighting arrangements for the hotel and nightclub not detailed	I am satisfied that the lighting details can be dealt with by condition. Signage will need to be part of a separate advert consent application.
Concerned that volume of users of the nightclub and antisocial behaviour from its use will harm the heritage asset	The nightclub use is existing on site but is proposed to be relocated from the upper floors to the basement.
There is inadequate space for the development and it will lead to people congregating in an already overcrowded area	The only additional mass proposed as part of this application is a single storey flat roof extension to provide an entrance to the nightclub. This is not considered to enclose the space significantly.
Will harm the setting of the listed St Andrew Church	The Conservation Officer does not consider the proposal harmful to the setting of the listed church.
Concerned about sewage	The Drainage officer is satisfied with the proposal subject to a surface water condition.
Will increase traffic	The Transport Assessment Team are satisfied with the transport information submitted subject to a travel plan condition
Will increase the pressure on street cleaning	This is not a material planning consideration
There has been too great an increase in food offer in the city centre which may negatively impact on the local economy	This relates to the other planning application on site which proposes the creation of a food and beverage quarter (18/0830/FUL)

## 9.0 CONCLUSION

- 9.1 The application retains a nightclub on site and relocates it to a new location which improves access as a lift is proposed to be provided. The external changes to the building are minor. The

greatest changes will be the small extension for the nightclub entrance, the works to create an entrance to the hotel and the screens for proposed plant. All of these elements are considered to be acceptable in Urban Design and Conservation terms subject to conditions. Whilst the proposal does result in the loss of some office space, the proposed hotel use would bring a currently vacant element of the building back in to use and is considered to be a more appropriate and viable use for the site.

## **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 91 of the Town and Country Planning Act 1990 (as amended by 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. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5.

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2018 Policy 33.

4. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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 2018 policy 35)

5. There shall be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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 2018 policy 35)

6. Prior to commencement of the development, hereby permitted, 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.

The development shall be undertaken only in accordance with the approved details.

Reason: To protect the amenity of the adjoining properties during the construction period. (Cambridge Local Plan 2018 policies 35 and 36)

7. No development shall commence (including any pre-construction, demolition, enabling works or piling), until a written report, regarding the demolition / construction noise and vibration impact associated with this development, has been submitted to and approved in writing by the Local Planning Authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. The development shall be carried out in accordance with the approved details only.

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 2018 policy 35)

8. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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 from 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 the adjoining properties. (Cambridge Local Plan 2018 policy 35)

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 2018 policy 36.

10. Prior to the first occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such.

Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2018 policy 36)

11. Prior to occupation of the nightclub hereby approved a Nightclub Operational Noise Management and Monitoring Plan (ONMMP) to minimise and reduce the noise impact of sources associated with the premises use (internally and externally) shall be submitted to and approved in writing by the Local Planning Authority.

The approved ONMMP shall be implemented in full thereafter and shall be reviewed and updated, as necessary and at the request of the Local Planning Authority.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

12. Before the development hereby permitted is commenced, a noise impact assessment of the nightclub use on neighbouring premises (to include existing residential premises in the area and the proposed hotel bedrooms on the upper floors of St George House and Lion House) and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said use (having regard to internal noise generation - sound system setup with consideration of in-system noise limiting devices, noise egress via building structure - fabric, glazing, openings and ventilation systems, premises entrances and associated external patron noise) shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully constructed and implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

13. Before the nightclub use hereby permitted is commenced a nightclub noise insulation scheme post construction completion, commissioning and testing report to include scheme sound performance testing and monitoring, shall be submitted to and approved in writing by the local planning authority.

The post construction completion, commissioning and testing report shall demonstrate compliance with the Nightclub Use Noise Assessment / Insulation Scheme and Plant / Equipment Noise Assessment and Insulation Scheme (as required by conditions 17 and 23 respectively) and shall include airborne acoustic / sound insulation and attenuation performance standard certification / reports for scheme elements, the consideration and checking of the standard and quality control of workmanship and detailing of the sound insulation scheme and any other noise control measures as approved. Full noise insulation scheme sound performance testing and monitoring will be required.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

14. With the exception of the need to open windows for cleaning and maintenance, under a building management regime, all windows are to be fixed units, as shown on plan Ref LYC-LSH-A-ZZ-DR-A-28-302-P2. The windows shall be fixed prior to the occupation of the hotel and retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

15. Amplified music / voice shall not be played externally at or in the vicinity of the main hotel entrance of Guildhall Place.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

16. The Reception and Lounge Area on the first floor of the Hotel shall not be used for functions / activities, entertainment, conference, party, wedding or other social receptions and events incorporating amplified music / voice or other amplification. Should the end user wish to use amplified music in these areas, before the hotel use is commenced a noise impact assessment for the use of amplified music in the reception and first floor area of the hotel on neighbouring premises and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said use shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully constructed and implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

17. Should the end user of the hotel use wish to use amplified music in the reception and first floor lobby, prior to the commencement of the hotel use hereby approved a Hotel Operational Noise Management and Monitoring Plan (ONMMP) to minimise and reduce the noise impact of the use of amplified music in the reception and first floor lobby shall be submitted to and approved in writing by the Local Planning Authority.

The approved ONMMP shall be implemented in full thereafter and shall be reviewed and updated, as necessary and at the request of the Local Planning Authority.



Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

18. Operational service collections and deliveries / dispatches associated with the approved uses shall be undertaken fully in accordance with the submitted Transport Planning Practice (TPP) Lion Yard - Hotel and Nightclub Delivery and Servicing Management Plan, May 2018. All collections / deliveries and servicing, including refuse / recycling collections for the proposed hotel and nightclub shall be undertaken from the existing Lion Yard basement service yard area with vehicular access from Downing Street via St Tibb's Row. No collections / deliveries and servicing directly on or from the public highway / on-street is permitted.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

19. Before the development/use hereby permitted is commenced, a noise impact assessment of plant and equipment (including all mechanical and electrical services such as combustion appliances/flues and ventilation systems/louvres, plant rooms and electricity substations) and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said plant and equipment shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

20. Combustion Appliances - Low Emissions

i)The development hereby approved shall utilise low NO<sub>x</sub> boilers, i.e. Boilers that meet a dry NO<sub>x</sub> emission rating of 40mg/kWh. If the proposals include any gas fired Combined Heat and Power System, that system shall meet an emissions standard of:

- Spark ignition engine: less than 150 mgNO<sub>x</sub>/Nm<sup>3</sup>
- Compression ignition engine: less than 400 mgNO<sub>x</sub>/Nm<sup>3</sup>
- Gas turbine: less than 50 mgNO<sub>x</sub>/Nm<sup>3</sup>

ii) Details of all combustion appliances shall be submitted to and approved in writing by the Local Planning Authority for approval prior to installation demonstrating compliance with the agreed emissions limits.

iii) All combustion appliances shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To protect local air quality and human health by ensuring that the production of air pollutants such as nitrogen dioxide and particulate matter are kept to a minimum during the lifetime of the development, to contribute toward National Air Quality Objectives and accords with the requirements of the National Planning Policy Framework (2018), policy 36 and of the Cambridge Local Plan 2018 and in accordance with Cambridge City Councils Air Quality Action Plan (2018)

21. Prior to the installation of any artificial lighting an external artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed hotel and existing properties shall be undertaken (horizontal / vertical isolux contour light levels and calculated glare levels at receptors) . Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals - Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded).

The artificial lighting scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of amenity. (Cambridge Local Plan 2018 policies 34 and 59)

22. Before the use hereby permitted is commenced, a noise impact assessment of plant and equipment (including all mechanical and electrical services such as combustion appliances / flues and ventilation systems / louvres, plant rooms and electricity substations) and a noise insulation scheme as appropriate, in order to minimise the level of noise emanating from the said plant and equipment shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of amenity (Cambridge Local Plan 2018 policy 35)

23. No development shall commence until a plan has been submitted to and approved in writing by the Local Planning Authority detailing the proposed specification, number and locations of internal and / or external bird and bat boxes on the new buildings. The bird and bat boxes shall be installed prior to the commencement of the proposed uses and subsequently maintained in accordance with the approved plans.

Reason: to provide ecological enhancements for protected species on the site (Cambridge Local Plan (2018) policy 70).

24. The approved renewable energy technologies, as set out in the submitted Energy Strategy (TFT, Energy Statement Lion Yard - Hotel and Nightclub, May 2018) shall be fully installed and operational prior to the first occupation of the development and shall thereafter be retained and remain fully operational in accordance with a maintenance programme, which shall be submitted to and agreed in writing by the local planning authority.

No review of this requirement on the basis of grid capacity issues can take place unless written evidence from the District Network Operator confirming the detail of grid capacity and its implications has been submitted to, and accepted in writing by, the local planning authority. Any subsequent amendment to the level of renewable/low carbon technologies provided on the site shall be in accordance with a revised scheme submitted to and approved in writing by, the local planning authority

Reason: In the interests of reducing carbon dioxide emissions. (Cambridge Local Plan 2018 policy 29).

25. Within 8 months of commencement of the hotel, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that BREEAM 'very good' as a minimum will be met. Where the interim certificate shows a shortfall in credits for BREEAM 'very good', a statement shall be submitted identifying how the shortfall will be addressed. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 policy 29 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

26. Prior to the occupation of the hotel, or within 8 months of occupation, a certificate following a post construction review, shall be issued by an approved BREEAM Assessor to the Local Planning Authority, indicating that the approved BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge Local Plan 2018 policy 29 and Supplementary Planning Document 'Sustainable Design & Construction' 2007).

27. No occupation of the building shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking. The Travel Plan shall be implemented as approved upon the occupation of the development and monitored in accordance with details to be agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging sustainable travel to and from the site (Cambridge Local Plan 2018, policies 80 and 81).

28. Prior to the commencement of development, other than demolition, a scheme for surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the Local Planning Authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + an allowance for climate change. The submitted details shall include the following:

1) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

2) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved details shall be fully implemented on site prior to the first use/occupation and shall be retained thereafter.

Reason: To ensure appropriate surface water drainage.  
(Cambridge Local Plan 2018 policies 31 and 32)

29. Prior to installation of any facing or roofing materials a sample panel of the facing and roofing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour, type of jointing 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.

Reason: In the interests of the visual amenity of the Conservation Area and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development.  
(Cambridge Local Plan 2018 policies 57, 58 and 61)

30. Prior to the commencement of installation of glass/glazing, full details of all glass to be installed in doors / windows / screens, etc., shall be submitted to and approved in writing by the local planning authority. Mirrored, reflective, metallic coated or other non-transparent glass types are unlikely to be approved. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

31. Prior to the installation of any plant, large scale, full details of the rooftop plant screening system are to be submitted to and approved in writing by the Local Planning Authority. This may include the submission of samples of mesh/louvre types and the colour or colours of the components. Colour samples should be identified by the RAL or BS systems. Rooftop plant screening systems, etc. shall be installed thereafter only in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

32. Prior to the pre-occupation of the hotel full details of the area designated for dockless bikes by the hotel entrance should be submitted and approved in writing by the Local Planning Authority. This should be in the form of large scale drawings. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2018, policy 61)

**INFORMATIVE:** Demolition/Construction noise/vibration report

The noise and vibration report should include:

- a) An assessment of the significance of the noise impact due to the demolition/construction works and suitable methods for this are to be found in BS 5228:2009 Part 1 Annex E - Significance of noise effects. It is recommended that the ABC method detailed in E.3.2 be used unless works are likely to continue longer than a month then the 2-5 dB (A) change method should be used.
- b) An assessment of the significance of the vibration impact due to the demolition/construction works and suitable methods for this are to be found in BS 5228:2009 Part 2 Annex B - Significance of vibration effects.

If piling is to be undertaken then full details of the proposed method to be used is required and this should be included in the noise and vibration reports detailed above.

Following the production of the above reports a monitoring protocol should be proposed for agreement with the Local Planning Authority. It will be expected that as a minimum spot checks to be undertaken on a regular basis at site boundaries nearest noise sensitive premises and longer term monitoring to be undertaken when:-

- Agreed target levels are likely to exceeded
- Upon the receipt of substantiated complaints
- At the request of the Local Planning Authority / Environmental Health following any justified complaints.

Guidance on noise monitoring is given in BS 5228:2009 Part 1 Section 8.4 - Noise Control Targets and in Annex G - noise monitoring.

A procedure for seeking approval from the Local Planning Authority (LPA) in circumstances when demolition/construction works need to be carried out at time outside the permitted hours. This should incorporate a minimum notice period of 10 working days to the Local Planning Authority and 5 working days to neighbours to allow the Local Planning Authority to consider the application as necessary. For emergencies the Local Planning Authority should be notified but where this is not possible the Council's Out of Hours Noise service should be notified on 0300 303 8389.

Contact details for monitoring personnel, site manager including out of hours emergency telephone number should be provided.

**INFORMATIVE:** To satisfy the plant sound insulation condition, the rating level (in accordance with BS4142:2014) 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 sound frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. This is to prevent unreasonable 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 15 minute period).

It is recommended that the agent/applicant submits an acoustic prediction survey/report in accordance with the principles of BS4142:2014 "Methods for rating and assessing industrial and commercial sound" 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.



It is important to note that a full BS4142:2014 assessment is not required, only certain aspects to be incorporated into an acoustic assessment as described within this informative.

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

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

-Council's 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)

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

-Control of dust and emissions during construction and demolition - supplementary planning guidance

[https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014\\_0.pdf](https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf)

**INFORMATIVE:** To satisfy the odour/fume filtration/extraction condition, details should be provided in accordance with Annex B and C of the "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69280/pb10527-kitchen-exhaust-0105.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf)

**INFORMATIVE:** The ONMMP shall consider (but not exclusively or limited to) the following:

Control of noise from customers / patrons (voices/shouting both onsite including in association with any external smoking areas /shelters, external seating, when queuing at entrance / arriving / departing and in particular dispersal at closing time);  
Entrance queue management;  
Limiting the egress of internal amplified music;  
Prohibition of the playing of amplified music externally including at entrances,  
Closing of doors and windows when the premises is in use;  
Opening and closing and drinking up times;  
Hours of use of any external areas;  
Details of appropriate signage to be placed around the premises reminding customers of the residential nature of the location and need to be mindful about causing a noise disturbance;  
Collections and delivery servicing activities and times;  
Mechanical & Electrical services operational noise - plant and equipment e.g. chillers, air con, extractors, air source heat pumps, combustion plant;  
Complaints procedure - receipt, investigation, outcome and review / actions whether complaints received directly from a member of the public, local premises or local authority;  
Management / staff duties, roles and responsibilities / authority including monitoring and record keeping;  
Regular review and update of ONMMP, as necessary.  
How all the above will be controlled/managed/enforced

**INFORMATIVE:** It is a requirement of the Clean Air Act 1993 that no relevant furnace shall be installed in a building or in any fixed boiler or industrial plant unless notice of the proposal to install it has been given to the local authority. Details of any furnaces, boilers or plant to be installed should be provided using the Chimney Height Calculation form (available here: <https://www.cambridge.gov.uk/chimney-height-approval>).

**INFORMATIVE:** The site investigation, including relevant soil, soil gas, surface and groundwater sampling should be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling, analysis methodology and relevant guidance. The Council has produced a guidance document to provide information to developers on how to deal with contaminated land. The document, 'Contaminated Land in Cambridge- Developers Guide' can be downloaded from the City Council website on <https://www.cambridge.gov.uk/land-pollution>. Hard copies can also be provided upon request

**INFORMATIVE:** 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.

**INFORMATIVE:** Any material imported into the site shall be tested for a full suite of contaminants including metals and petroleum hydrocarbons prior to importation. Material imported for landscaping should be tested at a frequency of 1 sample every 20m<sup>3</sup> or one per lorry load, whichever is greater. Material imported for other purposes can be tested at a lower frequency (justification and prior approval for the adopted rate is required by the Local Authority). If the material originates from a clean source the developer should contact the Environmental Quality Growth Team for further advice.

**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 <https://www.cambridge.gov.uk/land-pollution>. Hard copies can also be provided upon request.

**INFORMATIVE:** As the premises is intended to be run as a food business 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 at Cambridge City Council on telephone number (01223) 457890 for further information.

**INFORMATIVE:** A premises licence may be required for this development in addition to any planning permission. A premises licence under the Licensing Act 2003 may be required to authorise:

- The supply of alcohol
- Regulated entertainment e.g.
- Music (Including bands, DJ's and juke boxes)
- Dancing
- The performing of plays
- Boxing or wrestling
- The showing of films
- Late Night Refreshment (The supply of hot food or drink between 23:00-05:00)

A separate licence may be required for activities involving gambling including poker and gaming machines.

The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 or email [Licensing@cambridge.gov.uk](mailto:Licensing@cambridge.gov.uk) for further information.

**INFORMATIVE:** An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

**INFORMATIVE:** There is no policy requirement for the provision of public art on site as the application is a minor development. However, given the nature of the development and the central location of the site, the provision of public art as part of the redevelopment would be viewed favourably.

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## PLANNING COMMITTEE

5<sup>th</sup> December 2018

<b>Application Number</b>	18/1123/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	17th July 2018	<b>Officer</b>	Mary Collins
<b>Target Date</b>	11th September 2018		
<b>Ward</b>	Petersfield		
<b>Site</b>	23A Hooper Street Cambridge CB1 2NZ		
<b>Proposal</b>	Retrospective planning application for the change of use of existing buildings from Class B2 micro-brewery to Class B2 micro-brewery and Class A4 Drinking establishment.		
<b>Applicant</b>	Mr Sam Calverley 23A, Hooper Street Cambridge CB1 2NZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers.</li> <li>- The additional use of the premises as A4 (Drinking Establishment) is in accordance with policy 41 of the Cambridge Local Plan 2018.</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated on the northern side and eastern end of Hooper Street. To the west are adjoining residential properties and to the east the railway line. Opposite the site to the south is the former Mill Road Depot which is to be redeveloped as housing. To the north is 23B Hooper Street, a detached residential dwelling.
- 1.2 The application site comprises two brick built buildings within a courtyard of buildings occupied in business uses.

1.3 The site is currently in commercial use as a microbrewery which falls within a B2 use class.

1.4 The application site is next to the Mill Road Conservation Area.

## **2.0 THE PROPOSAL**

2.1 Retrospective planning permission is sought for the change of use of existing buildings from Class B2 microbrewery to Class B2 microbrewery and Class A4 Drinking Establishment.

2.2 The application site was granted a premises licence in 2016 and the use has been operating since.

2.3 The proposal includes the use of two buildings for A4 use. To the Hooper Street frontage in the south western part of the application site is a brick built building with a gable fronting Hooper Street with external garage doors opening directly on to / fronting Hooper Street.

2.4 The other unit is situated on the opposite side of the courtyard to the north-east. It is single storey with a flat roof.

2.5 The proposal includes the use of the courtyard area between the two buildings for use as an outside seating and drinking area.

2.6 The opening hours would be Thursday and Friday evenings 17:00 to 22:30 and Saturdays 11:00 to 22:30. This would match the times at which the premises licence enables the premises to open to the public for the on-site consumption of alcohol.

2.7 The use would retain the Microbrewery as the primary function with A4 use as an ancillary element.

2.8 The proposal seeks to regularise the use of the site for Class A4 use (Drinking Establishments) in conjunction with the current Class B2 use (Microbrewery).



2.9 The application is accompanied by the following supporting information:

1. Planning Statement
2. Plans
3. Noise Management Plan

### 3.0 SITE HISTORY

None

### 4.0 PUBLICITY

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

### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Local Plan 2018		1
		35 36
		41 55 56 58 61
		72
		81 82

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

Central Government Guidance	National Planning Policy Framework July 2018  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
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## 6.0 CONSULTATIONS

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

#### 6.1 No off-street car parking provision is made for customers.

The streets in the vicinity provide uncontrolled parking, and so any demand is likely to appear on-street in competition with existing residential uses.

The development may therefore impose additional parking demands upon the on-street parking 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.

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

#### 6.2 It is considered that there are no material Conservation issues with this proposal.

### **Environmental Health**

#### Original comments

#### 6.3 Complaints have been received regarding the drinking establishment use and noise disturbance to nearby properties. A Noise Management Plan is therefore required before the application can be determined.

### Comments following submission of Noise Management Plan

- 6.4 The applicant has now submitted a Noise Management Plan (prepared by Beacon Planning and dated 27<sup>th</sup> August 2018) which provides further details on the intended methods of operation and the way in which noise from the premises will be controlled to minimise disturbance to local residents.
- 6.5 Whilst the details are generally satisfactory, given the status of the noise complaints consider that it is prudent and necessary to grant a temporary permission for 1 year for the A4 Drinking establishment use, in order to enable the active complaints to be adequately assessed as necessary during implementation of the Noise Management Plan (NMP). The temporary period would also allow local residents to monitor, record and report any noise disturbance should it arise.

Environmental Health have no objections subject to the following conditions being attached if approval is given:

- ☐ Temporary Permission for A4 Use for one year
- ☐ Restrictions on A4 Use
- ☐ Hours of use - The premises are currently open to members of the public for on-site consumption of alcohol between the following times:  
Thursday-Friday: 1700hrs – 2230hrs  
Saturday: 1100hrs – 2230hrs  
The premises shall be vacated by 2300hrs on the days stipulated above.
- ☐ The premises shall be operated and managed in accordance with the submitted and approved “Noise Management Plan: Calverleys Brewery Ltd. 23A Hooper Street, Cambridge” (Version 2 prepared by Beacon Planning and dated 27th August 2018).
- ☐ Hours of deliveries and collections to / from the Site
- ☐ Restriction on times refuse and recycling bins / receptacles, bottles, barrels and stores can be moved around the external area of the site
- ☐ Garage Doors to the ground floor of the main unit building opening directly on to / fronting Hooper Street shall be kept closed at all times and shall not be used for patron ingress / egress when the premises is open to the public and operating as A4 Class Use – as a drinking establishment.

## **Disability Cambridgeshire**

### **6.6 Object for the following reason:**

The legislative Equality Act 2010 stipulates fair and equal access to all patrons of any establishment. The current site offers inadequate toilet amenity for disabled (and abled) patrons alongside general internal access. The Act particularly instructs Drinking Establishments (Class A4) to offer full disabled access. Premises can be retrospectively modified within up to 5 years if the A4 class status is already held. However, in the case of a new A4 class allocation the Act must be adhered to from the start. It appears that by changing the class to A4 without the full disabled access provisioning it would be complicit in creating an unlawful establishment.

## **CAMRA**

### **6.7 Fully supports this retrospective application**

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

## **7.0 REPRESENTATIONS**

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

#### Object:

- 82 Ainsworth Street
- 84 Ainsworth Street
- 90 Ainsworth Street
- 92 Ainsworth Street
- 96 Ainsworth Street
- 106 Ainsworth Street
- 108 Ainsworth Street
- 142 Gwydir Street

#### Support:

- 98 Ainsworth Street
- 79 Argyle Street

- 60 Blackthorn Close
- 28 Chesterton Road
- 23 Lichfield House Rustat Road (x2)
- 12 Springfield Road
- 1 Sturton Street
- 132 Thoday Street
- 43 York Street
- 23 De La Haye Close, Papworth Everard

7.2 The representations can be summarised as follows:

### Objections

- ☐ Within, roughly, 3 square blocks from this proposed new Drinking establishment there are about 8 Drinking establishments! Both the NPPF 2018 (Section 180.a) as well as the Cambridge Local Plan, require planners to consider the cumulative impact of noise pollution. This stretch of Mill Road is a cumulative impact zone
- ☐ The noise from the brewery at night is very loud. The planning application gives the impression that this is for a few drinkers inside and perhaps a few more outside. In reality the brewery is a very popular destination and at the weekends there are often hundreds of people in the courtyard outside. This results in noise and disturbance to nearby residents in an otherwise quiet residential area.
- ☐ There should be a strict maximum number of drinkers outside to ensure the surrounding neighbours are not constantly disturbed.
- ☐ Do not object to the sale of beer from the brewery as an off-licence but strongly object to the site being used as an outdoor beer garden

### Support

- ☐ There is no music and the noise produced is genuinely from good conversation from all.
- ☐ It is vital that imaginative small businesses like this brewery should thrive. It is a significant benefit to the area.
- ☐ Installation of noise barriers to reduce the negative affect of noise on the local amenity should be considered. A condition on the opening hours of the beer garden would also improve the negative affect of noise on the local residential amenity as done by other local drinking establishments in Petersfield and Romsey.

- Would like a condition that revokes the A4 class on the premises if Calverley's Brewery move away from the site to mitigate future development by another drinking establishment without a new application.
- In terms of traffic and parking impact most customers seem to arrive on foot or bicycle, and there is ample space to park bicycles in the site.

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 (and impact on heritage assets)
3. Residential amenity
4. Inclusive access
5. Refuse arrangements
6. Highway safety
7. Third party representations

### **Principle of Development**

8.2 The application site is situated outside the city centre and is not within a district, local or neighbourhood centre, therefore policies 11 and 72 of the Cambridge Local Plan 2018 do not apply in this case. Within these areas A4 use is an acceptable use at ground floor level. There is no policy controlling such uses outside these areas and the main consideration will therefore relate to residential amenity matters set out within other policies of the plan.

8.3 The proposal does not entail the loss of a dwelling and is currently in B2 use.

8.4 Policy 41 of the Cambridge Local Plan 2018 (Protection of Business Space) states:

- There will be a presumption against the loss of any employment uses outside protected industrial sites. Development (including change of use) resulting in the loss of employment uses will not be permitted unless:
    - the loss of a small proportion of floorspace would facilitate the redevelopment and continuation of employment uses (within B use class or sui generis research institutes) on the site and that the proposed redevelopment will modernise buildings that are out of date and do not meet business needs; or
    - the site is vacant and has been realistically marketed for a period of 12 months for employment use, including the option for potential modernisation for employment uses and no future occupiers have been found
- 8.5 In this case B2 space is not being lost as during the day these buildings would still be used for the primary use of brewing. The A4 use would be ancillary to and outside the operating time of the brewery and would only relate to the hours of use as outlined later in this report.
- 8.6 As such I am of the opinion that the use would not be contrary to policy 41 of the Cambridge Local Plan 2018.

### **Context of site, design and external spaces (and impact on heritage assets)**

- 8.7 The proposal would not have a detrimental impact on the setting of the conservation area and would not impact on the wider surrounding area.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 and 61.

### **Residential amenity**

- 8.9 The application site is on the periphery of a residential area and there are residential properties adjoining to the west in Ainsworth Street with an intervening distance of approximately 20 metres and to the north – 23B Hooper Street. The Mill Road Depot site to the south has consent for residential development.
- 8.10 The applicant has submitted a Noise Management Plan (prepared by Beacon Planning and dated 27<sup>th</sup> August 2018)

which provides details on the intended methods of operation and the way in which noise from the premises will be controlled to minimise disturbance to local residents.

- 8.11 Environmental Health are generally satisfied that subject to conditions the impact on neighbours through noise and odour can be controlled.
- 8.12 Environment Health consider that it is prudent and necessary to grant a temporary permission for 1 year for the A4 Drinking establishment use, in the first instance in order to enable the active complaints to be adequately assessed as necessary during implementation of the Noise Management Plan (NMP). The temporary period would also allow local residents to monitor, record and report any noise disturbance should it arise. At the expiration of this period the A4 use would be required to cease unless a further permission to extend has been previously granted in writing by the Local Planning Authority prior to the end of that period.
- 8.13 The applicant has expressed concern that the granting of a temporary permission puts them in a difficult position with no certainty from a business perspective as to their future and with the need to repeat the same planning application in less than a year's time. If the use had not already been in operation for a substantial period of time then they could understand the Council's reservations. However as this use has been in place for over two years and during that time there have been no substantiated complaints they are unsure as to the Council's justification for restricting the permission to a year only.
- 8.14 It is my view that although the use has operated with a premises license since 2016, it operated without the benefit of planning permission and a number of noise related issues have arisen. I do not consider it unreasonable to impose a condition restricting the planning permission to one year. After this period, the council would be in a better position to assess whether the management of the use has been effective.
- 8.15 I have recommended that permitted development rights be removed to prevent the A4 use changing to A3 use (drinking establishment with expanded food provision) without the express granting of planning permission. The A4 hours of use would be limited to Thursday and Friday evenings (5pm-



10.30pm) and Saturdays (11am-10.30pm) and I have recommended a condition to restrict the hours to those specified.

- 8.16 The planning permission cannot be personal and restricted to use by a specific person or company and in this case if the premises are sold in the future, the A4 use of these buildings would remain. However I am of the opinion that given the restricted hours of use that the premises would have A4 use for, their limited size, appearance and location that it is unlikely that these premises would be an attractive proposition for other A4 users. In any event the conditions would still apply to any potential future occupier.
- 8.17 The main concern is the use of the courtyard for outside seating. However given this is only likely to be used in the warmer months and the impact of noise from the use of this area could be managed, I am of the opinion that the use would not be detrimental.
- 8.18 In my opinion, subject to the conditions that have been recommended by Environmental Health, I am of the opinion that these issues have been addressed and that the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and is in accordance with Cambridge Local Plan (2018) policies 35, 36 55 and 56.

### **Inclusive access**

- 8.19 With regard to the Cambridge Local Plan 2018, Policy 56 (Creating successful places), this policy requires development that is designed to be attractive, high quality, accessible, inclusive and safe and proposals should create clearly defined public and private amenity spaces that are designed to be inclusive, usable, safe and enjoyable.
- 8.20 With regard to this policy Disability Cambridgeshire has commented regarding the inadequate toilet amenity for disabled (and abled) patrons alongside general internal access.
- 8.21 The applicant has given consideration to the requirements of policy 56 of the Local Plan and the need to provide a development that is accessible and inclusive. The building at the front of the site has a level threshold between the pavement

and the opening through the existing garage door. Access to the establishment could be provided through this entrance as and when the need arises. It is intended not to make this an access for general members of the public, only when requested. As Environmental Health have requested that this door is kept shut to prevent noise breakout, this would need to be carefully managed.

8.22 The applicant has suggested that they may be able to use one of the additional buildings on the site and install a disabled toilet which would be accessed via a key arrangement from the staff behind the bar to ensure that it was not open to the general public. This provision would involve internal works and the signing of the lease to that building which could only be feasible should full planning permission be granted rather than a temporary permission.

8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 56.

### **Refuse arrangements**

8.24 Waste collections are made by Cambridge City Council and will be made on Tuesday and Wednesday mornings. The bins will be made ready by 1900hrs on the evening before the collection day. This is acceptable. Environmental Health recommend that a condition restricting the hours of use and movement of refuse and recycling bins / receptacles, bottles, barrels and stores is attached if approval is given to minimise noise disturbance.

8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 56 in relation to refuse provision.

### **Highway Safety**

8.26 The Highways Authority has commented that there is no off-street car parking provision made for customers and there is uncontrolled parking in the vicinity. As such the development may impose additional parking demands upon on-street parking on the surrounding streets, which could impact on residential amenity.

8.27 I am of the opinion that there would not be significant extra demand for on street parking. There are already public houses

in close vicinity and many of the patrons would be walking or cycling to the premises and would not be driving to the venue. As such I am of the opinion that there would not be any significant adverse impact upon residential amenity.

- 8.28 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

### **Cycle Parking**

- 8.29 The adopted standards require one space per 10 square metres of floor area. The floor area for drinking is approximately 30 square metres and three cycle parking spaces have been provided.

- 8.30 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

### **Third Party Representations**

- 8.31 I have addressed the third party representations within my report

## **9.0 CONCLUSION**

The retention of the A4 use is acceptable in association with the existing B2 use and subject to conditions would not be detrimental to the amenities of neighbouring residential properties.

## **10.0 RECOMMENDATION**

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

1. The A4 use hereby permitted shall cease 1 year from the date of this permission.

Reason: To enable the Local Authority to monitor and assess the impact of the use upon the amenities of nearby residents. (Cambridge Local Plan (2018) policy 35).

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. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any statutory instrument revoking and re-enacting that Order with or without modification), the premises shall be operated and used for the purposes as detailed / defined within the "Planning Statement; Calverleys Brewery Ltd. 23A Hooper Street, Cambridge, Ref 18-1060" (prepared by Beacon Planning and dated 13th July 2018) only and for no other purpose.

Reason: To protect the amenity of the adjoining properties (Cambridge Local Plan (2018) policy 35) and to ensure the retention of the predominant B2 use (Cambridge Local Plan (2018) policy 41).

4. The Premises shall not be open to the public for the on-site consumption of alcohol, other than during the following times:
  - Thursday-Friday: 1700hrs - 2230hrs
  - Saturday: 1100hrs - 2230hrs

The premises shall be vacated by 2300hrs on the days stipulated above.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

5. The premises shall be operated and managed in accordance with the submitted and approved "Noise Management Plan: Calverleys Brewery Ltd. 23A Hooper Street, Cambridge" (Version 2 prepared by Beacon Planning and dated 27th August 2018). The Noise Management Plan will be reviewed and updated at the request of the Local Planning Authority and/or in response to noise complaints. Updates shall be approved in writing by the Local Planning Authority prior to implementation.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

6. There shall be no operational dispatches / collections from and deliveries to the site outside the following hours:

Monday - Saturday: 0800hrs - 1800hrs

There are to be no deliveries made on Sundays or bank / Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

7. The external garage doors on the ground floor of the main unit building opening directly on to / fronting Hooper Street (or any opening in this location should the garage doors as detailed be replaced) shall be kept closed at all times and shall not be used for patron ingress / egress when the premises is open to the public and operating as A4 Class Use - as a drinking establishment.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan (2018) policy 35).

8. No bottles, kegs / barrels or other commercial refuse / waste or recycling material associated with the approved uses / site shall be emptied into external receptacles and the said receptacles and kegs / barrels shall not be taken out externally or moved around the exterior of the site between the hours of 2100-0700 hours.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan (2018) policy 35).

**INFORMATIVE:** Your attention is drawn to the Equality Act 2010

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## PLANNING COMMITTEE

5<sup>th</sup> December 2018

<b>Application Number</b>	18/1467/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th September 2018	<b>Officer</b>	Alice Young
<b>Target Date</b>	13th November 2018		
<b>Ward</b>	Petersfield		
<b>Site</b>	University Eye Clinic Anglia Ruskin University East Road Cambridge CB1 1PT		
<b>Proposal</b>	Infill of the existing undercroft.		
<b>Applicant</b>	Anglia Ruskin University Higher Education Corporation		

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 infill development, due to the scale, massing and materials, would not negatively impact the street scene and would not be out of character with the surrounding area.</li> <li><input type="checkbox"/> The proposal would not cause any significant adverse impact on residential amenity.</li> </ul>
RECOMMENDATION	APPROVAL

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is a two storey detached building currently used as the University Eye Clinic. The site is bound on all sides by Bradmore Lane to the south, Palmers Walk to the east and Bradmore Street to the north and sits opposite the rear of the residential properties in Petersfield Terrace. The site falls just outside the Mill Road Conservation Area extension of the Central Conservation Area which includes parts of Bradmore Street and Palmers Walk.
- 1.2 The application has been called into Committee at the request of Councillor Robertson.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is to infill the existing undercroft which is located on the south-western corner of the building and is currently used as a bin storage area for local residents, mainly those of Petersfield Terrace.
- 2.2 An accompanying letter submitted by the applicant's agent explains that the undercroft area has been subject to rough sleeping and anti-social behaviour issues. This has resulted in some disturbance to neighbouring properties and has also led to bins encroaching on Bradmore Lane and obstructing access. Therefore, the University has proposed to infill the undercroft area in order to address this issue.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
10/1272/FUL	Erection of D1 educational building and external alterations to electricity sub-station.	Granted
10/0494/FUL	Erection of a single storey building to house a Ring Main Unit.	Granted
09/0691/FUL	Temporary site accommodation at Bradmore Street in relation to the redevelopment of Anglia Ruskin University Campus.	Granted
09/00069/REFUSL	Erection of D1 educational building and external alterations to electricity sub-station.	DISMIS
08/1575/FUL	Erection of D1 education building following demolition of Rackham Building and relocation of cycle store.	Granted
08/1579/FUL	Erection of D1 educational building and external alterations to electricity sub-station.	Refused



## 4.0 PUBLICITY

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

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	28 43 55 56 58 59

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

Central Government Guidance	National Planning Policy Framework July 2018  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)  Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)

## **6.0 CONSULTATIONS**

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

- 6.1 The Highway Authority has no comment to make upon this application.
- 6.2 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:
- ☐ 1 Petersfield
  - ☐ 4 Petersfield
  - ☐ 8 Petersfield
  - ☐ 10 Petersfield
- 7.2 The representations can be summarised as follows:
- ☐ The bin store was included in the planning application for the eye clinic to provide residents of Petersfield Terrace (which backs onto Bradmore Lane) with a dedicated area for bins under historic easement.
  - ☐ Infilling the undercroft would be contrary to a condition of the planning permission for the eye clinic
  - ☐ The removal of the bin store would negatively impact the amenity of Petersfield residents as they would then have to store their bins within their shallow and narrow back yards
  - ☐ Increase of noise, disturbance and anti-social behaviour
  - ☐ On bin collection days, the narrow lane would be unpassable for cars
- 7.3 Councillor Robertson has objected to the application for the following reasons and asked that it be called in to Committee if Officers are minded to support the application.
- ☐ ARU agreed to continue the use of the undercroft as a bin store for Petersfield residents and the proposed infill would cause a loss of bin storage for Petersfield residents and consequently a loss of amenity.
  - ☐ Within the approved plans for the Eye Clinic (10/1272/FUL), the plans showed the inclusion of a bin store which could be used

for residents. This was confirmed in a document which informed the discharge of Condition 17 (waste).

- Although the provision of the bin store was not the subject of a condition of the approval of the application, it was an element of the approved scheme and one which the residents had been promised by ARU.
- The building was constructed on land where nearby residents had stored their refuse for many years.

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. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Third party representations

### **Principle of development**

8.2 Policy 58 outlines that alterations and extensions to existing buildings will be permitted where they:

- a) Do not adversely impact on the setting, character or appearance of listed buildings or the appearance of conservation areas, local heritage assets, open spaces, trees or important wildlife features;
- b) Reflect, or successfully contrast with, the existing building form, use of materials and architectural detailing while ensuring that proposals are sympathetic to the existing building and surrounding areas;
- c) Ensure that proposals for doors and windows, including dormer windows, are of a size and design that respects the character and proportions of the original building and surrounding context;
- d) Create altered or new roof profiles that are sympathetic to the existing building and surrounding area and in keeping

with the requirements of Appendix E (roof extensions design guide);

- e) Do not acceptably overlook, overshadow or visually dominate neighbouring properties;
- f) Respect the space between buildings where this contributes the character of an area; and
- g) Retain sufficient amenity space, bin storage, vehicle access and cycle and car parking

8.3 In my opinion, the proposal complies with these criteria and this is outlined in the relevant paragraphs below.

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

8.4 The proposed infill would be visible from Bradmore Lane. The area it is proposed to infill measures 1.15 meters in depth and 4.62 metres in width with a height of 1.9 metres. The extension would not project further than the existing building. The materials are proposed to match the existing building and the prevailing brick used in Cambridge, but this will be conditioned to ensure compliance. Additionally, the scale and massing is minimal. Therefore, the proposal would respond to the characteristics of the site and the surrounding area and appear subservient when viewed from the Bradmore Lane resulting in the infill blending into the existing building. As a result of the development, the infill would not harm the street scene or the character of the surrounding area. Altogether, I accept the proposed plans.

8.5 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 58 and 59.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

8.6 As the infill extension is minimal in scale and massing and at ground floor, the undercroft infill would have a limited impact on neighbouring amenity in terms of overbearing, overshadowing and enclosure. There would be no additional windows on the rear elevation facing Bradmore Lane, therefore, there would be no additional overlooking.

- 8.7 Application reference 10/1272/FUL (application for the erection of the University Eye Clinic), was considered at Committee in June 2011 and approved subject to a number of conditions including the following condition 17:

*“Prior to the commencement of the use hereby permitted, the on-site storage facilities for **trade waste**, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements 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 (in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)).”*

Whilst it is understood from representations received from Councillor Robertson and local residents that the land upon which the building is sited was previously used to store residents' bins, as can be seen from condition 17, which is quoted in full above, it requires details of 'trade waste'. This makes it clear that the space was intended to store ARU/commercial bins. Within the Officer report to Committee at the time there was no reference to a requirement to include storage for nearby residents' bins within the building. Had the intention been to offset the loss space previously used by residents to store their bins, it would have been clearly specified as such in the committee report and in the wording of the condition.

In the information submitted to discharge the condition, ARU advised they had made arrangements for trade waste to be collected directly from the building for recycling and disposal. ARU therefore offered to make the undercroft available for the storage of local residents' bins as a neighbourly gesture.

Whilst I sympathise with the concerns raised by local residents and consider the loss of the bin storage facility to be regrettable, given that there are no controls within the existing planning permission to secure the use of the storage area for residents, I do not consider there to be sufficient material planning grounds to substantiate a refusal of the application. The development

would also bring forward benefits in terms of addressing ongoing anti-social behaviour issues.

- 8.8 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 (2018) policies 35, 55 and 56.

### **Refuse Arrangements**

- 8.9 Anglia Ruskin currently uses an alternative location for refuse; this is an existing situation and will not be impacted as a result of the development.
- 8.10 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

### **Third Party Representations**

- 8.11 See paragraph 8.7 regarding the loss of refuse arrangements for the residents of Petersfield. In terms of the loss of the bin storage leading to anti-social behaviour and disturbance, this is not a material planning consideration. The inaccuracies within the application have been addressed by the agent.

## **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 91 of the Town and Country Planning Act 1990 (as amended by 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. Unless otherwise agreed in writing by the Local Planning Authority, the extension(s) hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension(s) is (are) in keeping with the existing building. (Cambridge Local Plan 2018 policies 55 and 58)

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## PLANNING COMMITTEE

5<sup>th</sup> December 2018

<b>Application Number</b>	18/0211/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	7th March 2018	<b>Officer</b>	Mairead O'Sullivan
<b>Target Date</b>	2nd May 2018		
<b>Ward</b>	Abbey		
<b>Site</b>	585 Newmarket Road Cambridge CB5 8PA		
<b>Proposal</b>	Demolition of existing dwelling and erection of 3 detached houses.		
<b>Applicant</b>	College Street Properties C/o Barker Storey Matthews 37 Priestgate Peterborough PE11JL		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed buildings are considered to be acceptable in terms of design</li> <li>- The proposed residential units would provide an adequate level of amenity to future occupiers</li> <li>- The proposed development would not have any significant adverse impact on the amenity of surrounding occupiers.</li> </ul>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site lies on the northern side of Newmarket Road to the east of the Brook over Coldhams Brook. The area is predominantly in residential use but has quite a mixed character; there are a range of brick and render properties, some of which are detached, others are semi-detached and terraces. There are a number of bungalows which surround the site.

- 1.2 The existing building on site is a two storey detached brick property. It is set back from the street with car parking and a small front garden. There is a low wall with some planting bounding the highway. The property has a long rear garden which is currently overgrown. The garden also encompasses land which appears to have originally belonged to no. 587.
- 1.3 Due to the unusual shape of the plot and the neighbouring plots, the site shares a boundary with a number of properties. No 583A has a short garden which runs adjacent to part of the western boundary of the site. The garden of no. 583 wraps around the northern end of the garden of no. 583A and also runs directly adjacent to the western boundary. No. 583 has an ancillary building located at the north eastern part of its garden directly adjacent to the boundary with the site, No. 587 Newmarket Road also has a short garden as part of the original garden appears to have been bought and now forms part of the application site. As a result the site also shares a boundary with the north western part of the garden of no 589 Newmarket Road. No. 589 is a single dwelling with a granny annexe attached as part of a single storey extension to the house. The north of the site is bounded by no's 351-357 Ditton Fields.
- 1.4 There are no site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks full planning permission for the demolition of the existing building and construction of 3 detached houses; one fronting onto Newmarket Road and two houses within the site. The application follows on from a previously withdrawn scheme (17/0951/FUL). The application is broadly similar but there have been some amendments to the frontage building; the height has been reduced and the building is now proposed to be a single dwelling rather than flats. Since the application has been submitted, the elevations to plot 3 have been amended in response to comments from the Urban Design Officer. The footprints for Plots 1 and 2 have also been marginally increased to ensure that the units would meet with the internal space requirements of policy 50 of the Cambridge Local Plan (2018).
- 2.2 Plot 1 is proposed as a 3 bedroom dwelling with an attached garage. This building is sited within the rear part of the site and

is west facing. Plot 2 is located at the northern end of the site. This plot has a detached garage and a garden to the rear. This building would be south facing and would accommodate 4 bedrooms. Plot 3 is located on the southern end of the site and fronts onto Newmarket Road; as noted above, this has been amended since the application was submitted. It would be set back from the street, as is the case with the existing building. It is shown to accommodate 4 bedrooms. A garden is proposed to the rear which contains bin and bike storage. Two off-street car parking spaces are proposed to the front of the property.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Plans

### 3.0 SITE HISTORY

Ref	Description	Outcome
17/0951/FUL	Demolition of existing dwelling and erection of two detached houses and five flats.	Withdrawn
07/0506/FUL	Demolition of existing bungalow and erection of 2no apartments and 2no semi-detached houses.	Withdrawn
06/0838/OUT	Erection of a bungalow to rear of 585 Newmarket Road.	Refused

### 4.0 PUBLICITY

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

### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

## 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	<p>1 3</p> <p>35 36</p> <p>50 51 52</p> <p>55 56 57 59</p> <p>81 82</p>

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

Central Government Guidance	<p>National Planning Policy Framework July 2018</p> <p>National Planning Policy Framework – Planning Practice Guidance March 2014</p> <p>Circular 11/95 (Annex A)</p> <p>Technical housing standards – nationally described space standard – published by Department of Communities and Local Government March 2015 (material consideration)</p>
Supplementary Planning Guidance	<p>Sustainable Design and Construction (May 2007)</p> <p>Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)</p>
Material Considerations	<p><u>City Wide Guidance</u></p> <p>Cycle Parking Guide for New Residential Developments (2010)</p>

## 6.0 CONSULTATIONS

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

- 6.1 No objection: The bins should be moved out of the access as they narrow the space to prevent two cars passing in the accessway, otherwise the proposal should have no significant impact on the public highway. A number of conditions are recommended.

### **Environmental Health**

- 6.2 No objection: A number of conditions are recommended regarding construction/demolition/delivery hours, piling and dust conditions and a bespoke condition regarding ventilation for windows which cannot be open due to their proximity to traffic noise from Newmarket Road.

### **Refuse and Recycling**

- 6.3 No comments received.

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

#### *Original Plans*

- 6.4 Objection: There is a significant jump in scales between the neighbouring property at 583A Newmarket Road and the frontage dwelling on Plot 3. The scale to the front of Plot 3 has been reduced (from the previous application) by having a lower gabled section. The height increase between the existing building and the proposed building is approx. 0.5m. However, the perceived bulk is increased due to the continuous roof form at that height; this could potentially be overbearing on the neighbouring property. The scale of the Plot 3 is further compounded by the large eastern elevation. The bin drag distances for plots 1 and 2 do not comply with RECAP waste management guidelines.

#### *Amended scheme*

- 6.5 No objection: The Urban Design Team have reviewed the amendments and find the reduction in scale and massing acceptable.

## **Landscape**

6.6 No comments received.

## **Fire and Rescue**

6.7 No comments received.

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

## **7.0 REPRESENTATIONS**

7.1 Councillor Richard Johnson has commented on this application and requested that it be “called-in” to Committee if Officers are minded to support it. His comments can be summarised as follows:

- Objections remain unchanged as plans are similar to previous application
- Only small improvement to height on boundary with 583A Newmarket Road
- Overshadowing and loss of privacy to no 587 Newmarket Road is still unacceptable.
- I judge the proposals to still fall foul of Local Plan policies 3/4, 3/7, 3/11, and 3/12
- Confirm that revised plans do not overcome objections

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

- 583 Newmarket Road
- 587 Newmarket Road x2
- 589 Newmarket Road x2
- Annexe At, 589 Newmarket Road x2

7.3 The representations can be summarised as follows:

### Design and character

- Replacement building would be out of character
- Plot 3 is over 8m high; much taller than surrounding buildings
- Would change the character of the area; currently mainly family houses on large plots

### Residential amenity

- Buildings at the end of the plot would overpower the garden of 589 and result in a loss of privacy to the garden and rooms in the rear of no. 589
- Would overshadow no. 583
- Windows in side elevation would overlook 587
- Noise from comings and goings will be increased
- Would increase noise from vehicular movements

### Other

Concerned that house at front would be converted to flats once completed

- Concerned about highway safety due to proximity with junction of Newmarket Road and Whitehill Road
- A previous smaller application from 2006 was turned down as it was considered to be out of character
- All trees were removed prior to submission of the application
- Concerned about noise and traffic disruptions during construction
- The amendments to plot 3 are minor and the building remains largely the same; the changes do not overcome previous objections.

- 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. Context of site, design and external spaces
3. Residential amenity
4. Inclusive access
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations

## **Principle of Development**

- 8.2 The proposal includes development on former garden land to the rear of the property. As a result policy 52 which relates to the subdivision of plots is relevant. This policy requires consideration to be given to the impact on the character of the area (part a), sufficient garden space for new and retained dwellings and consideration of the importance of trees and biodiversity (b), impact on the character of the area (c), amenity of neighbouring properties (d), adequate amenity space, vehicular access arrangements and parking spaces for existing and proposed dwellings (e) and whether the proposal would compromise comprehensive redevelopment (f). In this case part (f), is not relevant. I have addressed the other parts of policy 52 below.

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

- 8.3 Plots 1 and 2 are proposed to be located within the site and would not be prominent in the streetscene. Both of these buildings are two storeys with shallow pitched roofs finished in brick with some rendered elements. Both have a height of 7.1m (with a parapet at either side of the roof which goes up to 7.3m) and eaves height of 5.5m. Both buildings have front porches and flat roofed garages. Both buildings are well proportioned and have a simple architectural form. The footprints of both plots 1 and 2 have been amended since submission as the original plans did not provide adequate internal space to meet with the requirement of policy 50 of the Cambridge Local Plan. The increase is minimal and I am satisfied that it does not compromise the design of either building. In my view, the buildings proposed in plots 1 and 2 are acceptable in terms of design.
- 8.4 The Urban Design Officer raised concerns regarding the design of plot 3 and its impact on the streetscene. The current building is a detached two storey property. The original proposal was for a two and a half storey building with an elongated form. The replacement building was substantially taller than the existing building and has a much longer profile. The length of the originally proposed building was further emphasized by the continuous roof form and lack of detailing to the side elevation. This was considered to appear dominant in the street scene.



- 8.5 The plans have been amended and the mass has been broken down. The roof form has been broken up so it steps down to the front and rear. The overall height of the building has also been reduced from 8.4m to 7.8m and the second floor of the building has been removed. The east elevation, which is the most prominent due to its visibility between the gap between plot 3 and no 587, is broken down with the building stepping out and then back in towards the rear. The detailing around the window further helps to reduce the mass. The lower gable adjacent to the street helps the relationship with Newmarket Road and I am satisfied that the revised proposal would no longer appear dominant. I have included a condition removing permitted development rights for loft extensions (Class B) for Plot 3 to ensure that additional bulk could not be added to the roof without planning consent.
- 8.6 As it stands there is a low wall with mature hedge adjacent to Newmarket Road. These are shown to be retained as part of the proposed plans. I have not received comments from the Landscape Officer and very little information is provided about landscaping. As a result I have recommended a condition requiring details.
- 8.7 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52, 55, 56, 57 and 59.

## **Residential Amenity**

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

- 8.8 The proposals within the site (plots 1 and 2) are located adjacent to the residential gardens of no. 583 to the west, 587 to the south and 589 to the east and the long rear gardens of the houses to the north on Ditton Fields. Both 589 and 583 have substantial long gardens. The buildings would result in some enclosure but only the ends of these gardens would be impacted. The footprint of both buildings has been marginally increased since the application was submitted to ensure the internal space proposed would comply with the Nationally Described Space Standards.
- 8.9 Plot 1 is significantly set away from the boundary with 589 and the annexe at 589 by over 6m. No. 587 has a shorter garden than the other properties; although it is still substantial being

over 15m in length. Plot 1 is located in close proximity to the end of the garden. This will result in some enclosure but again only the end of the garden would be impacted. No 587 is located to the south of the site so there would be no overshadowing impact.

- 8.10 Plot 2 is in close proximity to the garden at 583. No. 583 also has a small single storey building located adjacent to where the building of plot 2 is proposed. I cannot find any planning history for this building. I have been on site and it appeared to be an incidental building which was predominantly used as storage space and was likely constructed under permitted development. As a result I am satisfied that any enclosure to this building would be acceptable as it is an incidental space rather than a habitable annexe. Due to the orientation of the plots, there may be some overshadowing of the end of the garden of 583 but this would not be significantly harmful given that only the very end of the garden would be impacted. Plot 2 is set off the boundary with the properties to the north by 5.5m. These properties have long gardens of approx. 30m so I am satisfied that there would be no significant impact in terms of enclosure, overshadowing or overlooking given the great distance between the buildings.
- 8.11 Plot 3 has been reduced in length since the previous application. The proposal no longer extends beyond the rear building line of no 583A which is sited adjacent to the building. The building is set away from the boundary with no. 587 by over 3m. No. 587 does have a number of windows, some of which serve habitable rooms which look towards the site. All of these windows are obscure glazed and the habitable room windows are secondary with further windows to the front and rear. The building would result in some enclosure to this space but given the nature of the windows I do not consider this impact significantly harmful to warrant a refusal of permission.
- 8.12 There are a number of first floor side windows on both elevations. These are all shown to be obscure glazed. All of these windows are either secondary windows or windows to non-habitable rooms. As a result, I am satisfied that subject to a condition requiring these windows to be installed and retained as obscure glazed and on restrictors they would not result in any overlooking.

- 8.13 A number of the representations raise concerns regarding disturbance from comings and goings. The site provides 3 dwellings in place of a single dwelling. There will be some vehicular movement within the site but I do not consider that it would be significant enough to result in any significant noise disturbance to neighbouring properties subject to adequate boundary treatment and the driveway being finished in a suitable material i.e. not gravel which could be quite loud. The vehicular access and driveway is sited near the boundary with the neighbour at 587 Newmarket Road. As I have previously noted, this neighbour has windows which face towards the plot but these are all obscure glazed and secondary windows. As a result, subject to a suitable boundary condition, I consider that there would be no significant harm to the amenity of no. 587.
- 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 (2018) policies 35, 52, 55, 56 and 57.

*Amenity for future occupiers of the site*

- 8.15 Plots 1 and 2 have substantial rear gardens. Plot 1 would provide 3 bedrooms with 5 bed spaces (one room is shown as a single bedroom) and provides 93sqm of internal space. Plot 2 accommodates 4 bedrooms with 8 bed spaces and provides the minimum internal space required by policy 50. Both properties would include substantial gardens.
- 8.16 Plot 3 is shown as a 4 bedroom house. Initially a second floor was proposed which contained a large loft space but the building height and massing has been reduced which has resulted in the loft space being removed. The unit would provide 176sqm of internal space which is well above the minimum standard required by policy 50. This building also has a good sized garden to the rear. I am satisfied that plot 3 would provide a good standard of living accommodation for future occupiers.

The gross internal floor space measurements for units in this application are shown in the table below:

Plot	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	3	5	2	93	94	+1
2	4	8	2	124	124	0
3	4	8	2	124	176	+52

#### Size of external amenity space

Plot	External space
1	65sqm
2	111sqm
3	105sqm

- 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 (2018) policies 50 and 52

#### Inclusive access

- 8.18 Policy 51 of the Cambridge Local Plan (2018) requires that all new residential units are a size and configurations which can allow them to meet part M4(2) of Building Regulations. All units have downstairs bathrooms and off street car parking spaces. I am satisfied that subject to minor internal changes the buildings could meet with M4(2). I have queried whether level access will be provided for all dwellings and will update this matter on the amendment sheet. I have recommended a condition requiring the dwellings meet with Part M4(2) of Building Regulations to ensure compliance with policy 51.

- 8.19 In my opinion, subject to condition and confirmation that level access will be provided to all units, the proposal is compliant with Cambridge Local Plan (2018) policy 51.

#### Refuse Arrangements

- 8.20 Bin drag distances for plots 2 and 3 are significantly in excess of the 30m required by the RECAP design guide and as a result a management company may be required to deal with bins. Adequate storage is shown for Plot 3 with stores being shown in

the garden for bins and bikes. Bins and bikes for the plots 1 and 2 would be provided within their garages.

- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 52 and 57 in relation to refuse provision.

### **Highway Safety**

- 8.22 The Highway Authority has requested that the bin collection point is relocated to allow two cars to pass within the site. The applicant has not provided a plan with a revised location but I am satisfied that this could be accommodated within the site and details could be dealt with by condition. I have recommended a condition requiring revised details.

- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81 in relation to highway safety impact subject to amendments to the bin collection point.

### **Car and Cycle Parking**

- 8.24 Plot 3 has bike and bin stores in the rear garden. Bikes and bins for plots 1 and 2 are to be within the proposed garages. I am satisfied that the garage provision would be adequate. I have recommended a condition requiring details of the stores for plot 3 prior to occupation. Off street car parking is provided for all of the units.

- 8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 52, 57 and 81 in relation to car and cycle parking provision.

### **Third Party Representations**

- 8.26 I have addressed the majority of the third party representations within my report but will respond to any outstanding matters in the below table.

<b>Representation</b>	<b>Response</b>
Replacement building would be out of character	See paragraph 8.4 and 8.5
Concerned that house at front would be converted to flats once completed	This would require a further planning application.

Buildings at the end of the plot would overpower the garden of 589 and result in a loss of privacy to the garden and rooms in the rear of no. 589	See paragraph 8.8 and 8.10
Would overshadow no. 583	See paragraph 8.10
Windows in side elevation would overlook 587	See paragraph 8.12
Noise from comings and goings will be increased	See paragraph 8.13
Plot 3 is over 8m high; much taller than surrounding buildings	The height has been reduced to 7.8m. See paragraph 8.4 and 8.5
Would change the character of the area; currently mainly family houses on large plots	The area is predominantly in residential use. There are other backland developments nearby on Newmarket Road. Therefore the proposal is not considered out of character in principle.
Would increase noise from vehicular movements	See paragraph 8.13
Concerned about highway safety due to proximity with junction of Newmarket Road and Whitehill Road	See paragraph 8.22
A previous smaller application from 2006 was turned down as it was considered to be out of character	Each application is assessed on its own merits
All trees were removed prior to submission of the application	Noted but these trees were not protected so there was no restrictions to prevent these being removed
Concerned about noise and traffic disruptions during construction	A construction traffic management condition has been recommended
The amendments to plot 3 are minor and the building remains largely the same; the changes do not overcome previous objections.	I note the concerns but consider the revisions to plot 3 have overcome objections and the revised building is considered to be acceptable in terms of design

## 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 91 of the Town and Country Planning Act 1990 (as amended by 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 above ground level, other than demolition, until samples of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area. (Cambridge Local Plan 2018 policies 55, 57 (for new buildings) and/or 58 (for extensions))

4. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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); 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.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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: 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 2018 policies 55, 57 and 59)

5. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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 2018 policy 35)



6. There shall be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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 2018 policy 35)

7. In the event of the foundations for the proposed development requiring piling, prior to the development taking place, other than demolition, 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 from 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 the adjoining properties.  
(Cambridge Local Plan 2018 policy 35)

8. 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 2018 policy 36.

9. Prior to the commencement of above ground works, details of an alternative ventilation scheme for bedroom 1 of plot 3 on the Newmarket Road facade to negate or replace the need to open windows, in order to protect future occupiers from external traffic noise shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall achieve at least two air changes per hour. Full details are also required of the operating noise level of the alternative ventilation system. The scheme shall be installed before the use hereby permitted is commenced and shall be fully retained thereafter.

Reason: In the interest of the amenity of future occupiers of the dwelling on plot 3 (Cambridge Local Plan 2018 policy 35)

10. Prior to the occupation of plot 3, details of the cycle and bin store shall be submitted to and approved in writing by the Local Planning Authority. The stores shall be provided prior to the occupation of plot 3 and shall be retained thereafter.

Reason: To ensure adequate bike and bin storage for future occupiers (Cambridge Local Plan 2018 policies 52 and 56)

11. Prior to the occupation of the development, hereby permitted, the curtilage(s) of the approved dwelling(s) shall be fully laid out and finished in accordance with the approved plans. The curtilage(s) shall remain as such thereafter.

Reason: To ensure an appropriate level of external amenity space for future occupiers of the dwellings (Cambridge Local Plan 2018 policies 50, 52, 55 and 56)

12. No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety (Cambridge Local Plan 2018 Policy 81)

13. Notwithstanding the approved plans, details of a revised bin collection point shall be submitted to and approved in writing prior to the occupation of the dwellings hereby approved. The approved details shall be implemented prior to occupation of the dwellings and shall be thereafter retained.

Reason: To ensure there is adequate space for two cars to pass in the access and in the interest of highway safety (Cambridge Local Plan 2018 policy 81)

14. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81)

15. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81)

16. Prior to the first occupation or bringing into use of the development, hereby permitted, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of highway safety and to ensure satisfactory access into the site (Cambridge Local Plan 2018 policy 81)

17. The access hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: To prevent surface water discharging to the highway, in the interests of highway safety (Cambridge Local Plan 2018 policy 81).

18. Prior to the first occupation or bringing into use of the development, hereby permitted, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the approved drawings. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81)

19. Prior to the first occupation or bringing into use of the development, hereby permitted, the manoeuvring area shall be provided in accordance with the approved drawings. The manoeuvring area shall be retained free of obstruction thereafter.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81)

20. No development above ground level, other than demolition, shall commence 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 treatments to be erected. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59)

21. Notwithstanding the approved plans, the dwellings, hereby permitted, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51)

22. Prior to the occupation of plot 3, hereby permitted, the windows identified as having obscured glass on the approved plans (drawing 07 Rev E) shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55 and 57).

23. Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed to the dwelling on Plot 3 without the granting of specific planning permission.

Reason: To protect the amenity of occupiers of adjoining properties (Cambridge Local Plan 2018 policies 55, 56, and 57).

**INFORMATIVE:** Dust condition informative

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

-Council's 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)

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

-Control of dust and emissions during construction and demolition - supplementary planning guidance  
[https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014\\_0.pdf](https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf)

**INFORMATIVE:** The principle areas of concern that should be addressed by the traffic management plan are:

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
- iii. Movements and control of all deliveries (wherever possible 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.

This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

## PLANNING COMMITTEE

5<sup>th</sup> December 2018

<b>Application Number</b>	18/1625/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	18th October 2018	<b>Officer</b>	Lewis Tomlinson
<b>Target Date</b>	13th December 2018		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	Land To Rear Of 53 - 55 Wulfstan Way Cambridge		
<b>Proposal</b>	Erection of three dwellings and provision of access.		
<b>Applicant</b>	Cambridge Investment Partnership LLP CIP Officers Mill Road Depot Mill Road Cambridge CB1 2AZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposed development would make effective use of a previously developed site to create additional affordable housing units;</li> <li>- The design and scale of the proposed development would respond sympathetically to the surrounding built form;</li> <li>- The proposed development would not have any significant adverse impact on the residential amenity of the neighbouring occupiers;</li> </ul> <p>The proposed development is unlikely to give rise to any significant adverse impact upon on street car parking capacity on the surrounding streets.</p>
RECOMMENDATION	APPROVAL

### 0.0 BACKGROUND

- 0.1 This planning application has been submitted by Cambridge Investment Partnership (CIP) which is a joint venture company set up by Cambridge City Council and Hill Investment

Partnership. The purpose of the partnership is to help increase the amount of affordable housing within Cambridge. The target is to provide 500 new dwellings across the City using mainly council owned sites/assets. The City Council has received £70million grant funding from central government, as part of the Devolution Deal, to help achieve this target.

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

- 1.1 The application site consists of an area of unused land to the rear of 53 – 55 Wulfstan Way. To the north of the site is the rear garden access for No.10 Godwin Way, to the south of the site is the Queen Edith Chapel and to the east of the site is Queen Edith Community Primary School. There are no site constraints.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is to erect a pair of semi-detached 2 bedroom dwellings and a detached 3 bedroom dwelling. The proposal would include cycle parking and waste provision for each dwelling and a total of 4 car parking spaces on the site (two for plot 1, one for plot 2 and one for plot 3). Provision has also been made to ensure the occupiers of 10 Godwin Way retain access to the rear garden from within the site. Dropped kerbs are also being provided for No.53 and 55 Wulfstan Way to allow parking within their curtilage.
- 2.2 The applicant amended the proposal to:
- ☐ Move the cycle parking shed/bin storage to the front of plots 2 & 3, reducing the car parking spaces to one each for plots 2 & 3.
  - ☐ The first floor window serving the bedroom on the south facing elevation of Plot 1 would be obscure glazed.

## **3.0 SITE HISTORY**

- 3.1 11/1022/FUL – Erection of a new bungalow (approved)

## **4.0 PUBLICITY**

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



## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1, 3, 31, 32, 33, 35, 36, 50, 51, 52, 55, 56, 57, 59, 70, 71, 80, 81, 82

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

Central Government Guidance	National Planning Policy Framework July 2018 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

## 6.0 CONSULTATIONS

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

6.1 No objection.

6.2 Recommends the inclusion of conditions regarding unbound material, surface water run-off, construction of access, removal of permitted development rights in relation to gates, access free of obstruction and an informative regarding works within the highway.

## **Environmental Health**

- 6.3 No objection subject to the inclusion of conditions regarding construction hours, construction collections, construction/demolition noise/vibration & piling, dust, contamination and an informative regarding dust.

## **Landscape Officer**

- 6.4 No objection subject to the inclusion of conditions regarding soft and hard landscaping and boundary treatment.
- 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:
- ☐ Camcycle (Objection)
  - ☐ The Trustees of Queen Edith Chapel (Objection)
- 7.2 The representations can be summarised as follows:

### *Camcycle*

- ☐ The cycle parking is located in the rear garden of plots 2 & 3 and improperly designed and access paths are too narrow.
- ☐ Plot 1 has inadequate cycle parking for a 3 bed.
- ☐ Gates are less than 1m
- ☐ The applicants have provided six car parking spaces, which exceeds the maximum levels permitted in Appendix L of the new Local Plan

### *The Trustees of Queen Edith Chapel*

- ☐ Plot 1 would overlook the grassed area which is used as a recreation space by after school clubs and children's activities and would also overlook an area where in the future The Trustees of Queen Edith Chapel may potentially apply to build a dwelling, which could cause loss of light to the future occupants of Plot 1.

- It would create a further vehicle access onto Wulfstan Way at a point where there is already considerable congestion during the hours that parents of the nearby Queen Edith School drop off and collect their children.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Drainage
8. Trees
9. Ecology
10. Third party representations

### **Principle of Development**

8.2 Policy 3 of the Cambridge Local Plan (2018) states that the majority of new development should be focused in and around the existing urban area, making the most effective use of previously developed land, and enabling the maximum number of people to access services and facilities locally.

#### Policy 52 Protecting garden land and the subdivision of existing dwelling plots

8.3 As the proposal is for the subdivision of an existing residential plot, policy 52 of Cambridge Local Plan (2018) is relevant in assessing the acceptability of the proposal.

8.4 Policy 52 of the Cambridge Local Plan (2018) states that: Proposals for development on sites that form part of a garden or group of gardens or that subdivide an existing residential plot

will only be permitted where:

- a. the form, height and layout of the proposed development is appropriate to the surrounding pattern of development and the character of the area;
- b. sufficient garden space and space around existing dwellings is retained, especially where these spaces and any trees are worthy of retention due to their contribution to the character of the area and their importance for biodiversity;
- c. the amenity and privacy of neighbouring, existing and new properties is protected;
- d. provision is made for adequate amenity space, vehicular access arrangements and parking spaces for the proposed and existing properties; and
- e. there is no detrimental effect on the potential comprehensive development of the wider area.

- 8.5 I consider that the proposal complies with the above five criteria and the reasons for this are set out in the relevant sections of this report.

**Context of site, design and external spaces (and impact on heritage assets)**

- 8.6 The site is located within an area that is characterised by two storey housing. The houses that surround the site in Wulfstan Way and Godwin Way are set back from the road with gardens and driveways in front and reasonable rear gardens.
- 8.7 The proposed development of 3 no. two storey dwellings, 2 within a semi-detached arrangement would respond to the surrounding context in terms of built form and provide reasonably sized rear gardens. The dwellings are of simple design which in my view would be in keeping with the prevailing character of the area. Therefore, in terms of design and scale I consider the proposed development is an acceptable response to the site context. The layout of the dwellings ensures that the site is legible and provides adequate car parking and turning space.
- 8.8 The Landscape Officer has recommended a hard and soft landscaping condition alongside a boundary treatment condition to ensure that the shared space is adequate and that privacy is protected for future occupants and neighbouring properties.

- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policies 55, 56 & 57.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.10 Given that the minimum distance between the neighbouring properties and any of the proposed dwellings is 15m, and the proposed houses are of an appropriate scale, the proposal would not in my opinion have a significant overbearing/overshadowing impact upon occupiers of the neighbouring properties. The east facing elevation of Plot 3 would measure 7.4m to the ridge, 5.8m to the eaves and would have a width of 8.9m. It would be close to the boundaries of No's.53 & 55 Wulfstan Way. However, due its siting, it would not span the entire length of either property boundary and would be over 16m away from the rear elevations of No's 53 & 55 Wulfstan Way. In light of the above points, it would not have a significant impact upon No's.53 & 55 Wulfstan Way. The first floor window on the west facing elevation of plot 3 and the first floor window on the east facing elevation of plot 2 would serve bathrooms. Therefore I have recommended a condition to ensure these bathroom windows are obscure glazed and are vertically hung with 45 degree restrictors to minimize any potential overlooking impact.
- 8.11 The first floor windows on the south facing elevation of plot 1 would overlook the grassed area to the rear of the Queen Edith Chapel. One of these windows would serve a bathroom and one would serve a bedroom. Therefore I recommended an obscure glazed condition to restrict any overlooking impact upon the grassed area to the rear of the Queen Edith Chapel.
- 8.12 I have assessed above the potential impact on the residential amenity of the surrounding occupiers in terms of overlooking, overbearing sense of enclosure and overshadowing. I am satisfied that the proposed dwellings due to their orientation, layout and distance from existing dwellings and boundaries, would not have a significant adverse impact on the residential amenity of the neighbouring occupiers such that it would warrant refusal.

### Wider area

- 8.13 The Environmental Health Team has recommended various construction related conditions in order to protect the residential amenity of occupiers of properties in the wider area during construction. I accept this advice and have recommended the conditions accordingly.
- 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 (2018) policies 35, 36, 55 and 56.

### Amenity for future occupiers of the site

- 8.15 Policy 50 of the Cambridge Local Plan (2018) sets out internal residential space standards. All the proposed units comply and exceed the standards. In this regard, the units would provide a high quality internal living environment for the future occupants in my opinion. The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	3	4	2	84	94.5	+10.5
2	2	3	2	70	83	+13
3	2	3	2	70	83	+13

- 8.16 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space. All the proposed units would have a private garden area that is considered to be of an acceptable size to accommodate the number of occupants. Notwithstanding that, plot 2 would have a smaller garden than the other plots. To ensure that adequate private amenity space is retained for plot 2, I recommended that permitted developments rights are removed for extensions and outbuildings.
- 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 (2018) policy 50.

- 8.18 The development has been assessed for compliance with Policy 51 and, subject to a minor revision to the internal layout, complies with the requirements of Part M4 (2) of the Building Regulations. I have recommended a condition to secure this requirement.

### **Refuse Arrangements**

- 8.19 The proposed refuse storage arrangement consists of a dedicated bin storage point in the front gardens of plots 2 & 3 and the rear garden of plot 1, close to the access for ease of movement to the collection point. The drag distance for the bins to the collection point (pavement on Wulfstan Way) would be circa 35 metres. This is over the recommended travel distance of 25 metres as set out in the RECAP Waste Design Guide (2012). As the County Highway Authority will not adopt the access road, the refuse vehicles are unlikely to use the access road to collect the bins. Therefore the onus will be on the future occupiers to ensure the bins are taken to the collection point and returned. As there is no alternative solution and as there is a need for affordable dwellings within the city, I do not consider the issue with the drag distance is significant enough to warrant refusal of this application. An informative shall be attached regarding Cambridge City Council's assisted bin collection.
- 8.20 In my opinion the proposal is compliant in this respect with Cambridge Local Plan (2018) policy 57.

### **Highway Safety**

- 8.21 The Highway Authority was consulted as part of the application and does not consider there would be any adverse impact upon highway safety. The Highway Authority has recommended a condition regarding visibility splays. No visibility splays are shown on the submitted plans and it would not be possible to achieve them within the red line boundary, therefore the condition is not considered reasonable. All other conditions are considered necessary.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 81.

## **Car and Cycle Parking**

### **Car Parking**

- 8.23 The proposal includes four car parking spaces; 2 for plot 1 (3 bed) and 1 each for plot 2 & 3 (2 beds). This complies with the maximum standards in the Cambridge Local Plan (2018) which would seek 1 car parking space for dwellings with up to 2 bedrooms and 2 car parking spaces for dwellings with 3 or more bedrooms. The car parking spaces have been laid out to ensure they are accessible and to enable a parked car to leave the site in forward gear.

### **Cycle Parking**

- 8.24 The proposal includes detached cycle storage sheds in the front gardens of plots 2 & 3 and in the rear garden of plot 1. The applicant has amended the plans since submission to relocate the cycle sheds in plots 2 & 3 from the rear garden to the front garden. This partly addresses concerns raised by Camcycle. Camcycle has also raised concerns regarding the size of the cycle parking sheds and the size of the access to Plot 1. I have recommended a condition requesting further details of cycle storage to be submitted and a boundary treatment condition is also recommended which can ensure that the gate on plot 1 would be wide enough to manoeuvre bikes in and out.
- 8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 82.

## **Integrated water management and flood risk**

- 8.26 The Drainage Engineers comments have not been received to date and will be reported on the amendment sheet.

### **Trees**

- 8.27 The proposal would result in the loss of two trees, however as these are located to the rear of the site and do not provide significant public amenity in my opinion, I consider this to be acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2018) policy 71.



## **Ecology**

- 8.28 The Ecology Officer comments have not been received to date and will be reported on the amendment sheet.

## **Third Party Representations**

- 8.29 The Trustees of Queen Edith Chapel have objected to the application on the basis that Plot 1 would be in close proximity to an area where they may apply for a residential dwelling. As no dwelling has been approved on the site, I cannot give this significant weight in my recommendation. I have dealt with the other third party representations in the preceding paragraphs.

## **9.0 CONCLUSION**

- 9.1 The proposed development of 3 no. two storey dwellings including cycle and bin storage and car parking would make efficient use of brownfield land to provide new affordable housing. The proposal would not result in an adverse impact upon neighbouring properties and would provide an acceptable level of amenity for future occupiers.

## **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. Submission of Preliminary Contamination Assessment:

Prior to the commencement of the development (or phase of) or investigations required to assess the contamination of the site, the following information shall be submitted to and approved in writing by the local planning authority:

(a) Desk study to include:

- Detailed history of the site uses and surrounding area (including any use of radioactive materials)
- General environmental setting.
- Site investigation strategy based on the information identified in the desk study.

(b) A report setting set out what works/clearance of the site (if any) is required in order to effectively carry out site investigations.

Reason: To adequately categorise the site prior to the design of an appropriate investigation strategy in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 33)

4. Submission of site investigation report and remediation strategy:

Prior to the commencement of the development (or phase of) with the exception of works agreed under condition 3 and in accordance with the approved investigation strategy agreed under clause (b) of condition 3, the following shall be submitted to and approved in writing by the local planning authority:

(a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors

(b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: To ensure that any contamination of the site is identified and appropriate remediation measures agreed in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 33)

5. Implementation of remediation.

Prior to the first occupation of the development (or each phase of the development where phased) the remediation strategy approved under clause (b) to condition 4 shall be fully implemented on site following the agreed schedule of works.

Reason: To ensure full mitigation through the agreed remediation measures in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 33)

6. Completion report:

Prior to the first occupation of the development (or phase of) hereby approved the following shall be submitted to, and approved by the local planning authority.

(a) A completion report demonstrating that the approved remediation scheme as required by condition 4 and implemented under condition 5 has been undertaken and that the land has been remediated to a standard appropriate for the end use.

(b) Details of any post-remedial sampling and analysis (as defined in the approved material management plan) shall be included in the completion report along with all information concerning materials brought onto, used, and removed from the development. The information provided must demonstrate that the site has met the required clean-up criteria.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 33)

7. Material Management Plan:

Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall:

- a) Include details of the volumes and types of material proposed to be imported or reused on site
- b) Include details of the proposed source(s) of the imported or reused material
- c) Include details of the chemical testing for ALL material to be undertaken before placement onto the site.
- d) Include the results of the chemical testing which must show the material is suitable for use on the development
- e) Include confirmation of the chain of evidence to be kept during the materials movement, including material importation, reuse placement and removal from and to the development.

All works will be undertaken in accordance with the approved document.

Reason: To ensure that no unsuitable material is brought onto the site in the interest of environmental and public safety in accordance with Cambridge Local Plan 2006 policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 33)

8. Unexpected Contamination:

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the Local Planning Authority has been notified and the additional contamination has been fully assessed and remediation approved following steps (a) and (b) of condition 4 above. The approved remediation shall then be fully implemented under condition 5.

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with Cambridge Local Plan 2006 Policy 4/13 and Cambridge Local Plan 2014: Proposed Submission, July 2013 (submitted March 2014), as amended by the Inspectors' Main Modifications, policy 33)

9. The dwellings hereby approved shall not be occupied until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before dwellings are occupied.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2018 policies 55, 56, and 82)

10. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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 2018 policy 35)

11. 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 amenity of the adjoining properties. (Cambridge Local Plan 2018 policy 35)

12. In the event of the foundations for the proposed development requiring piling, no such piling shall take place until a report / method statement detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration has been submitted to, and approved in writing by, the local planning authority. 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 the adjoining properties. (Cambridge Local Plan 2018 policy 35)

13. 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 2018 policy 36)

14. For plot 2, notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification): the enlargement, improvement or other alteration of the dwellinghouses; and the provision within the curtilage of the dwellinghouses of any building or enclosure, swimming or other pool, shall not be allowed without the granting of specific planning permission.

Reason: To ensure sufficient amenity space is retained for future occupiers of the dwellings, to protect the character of the area and to protect the amenity of neighbouring occupiers (Cambridge Local Plan 2018 policies 52 and 57)

15. Notwithstanding the approved plans, the dwellings, hereby permitted, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible housing (Cambridge Local Plan 2018 policy 51)

16. The following windows shall be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be non-opening unless the part of the window, door or opening is more than 1.7m above the finished floor level of the room in which it is installed. For the avoidance of doubt, these windows are:
- The first floor window on the west facing elevation serving plot 3
  - The first floor window on the east facing elevation serving plot 2
  - The first floor windows on the south facing elevation serving plot 1

The development shall be retained as such thereafter.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55 and 58)

17. The driveway hereby approved shall be constructed using a bound material for the first 6m from the back of the adopted public highway, to prevent debris spreading onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81)

18. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81)

19. Prior to the first occupation or bringing into use of the development, hereby permitted, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the approved plans and shall be retained as such thereafter.

Reason: In the interests of highway safety and to ensure satisfactory access into the site (Cambridge Local Plan 2018 policy 81)

20. The driveway hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Once constructed the driveway shall thereafter be retained as such.

Reason: To prevent surface water discharging to the highway, in the interests of highway safety (Cambridge Local Plan 2018 policy 81).

21. Prior to the first occupation or bringing into use of the development, hereby permitted, the manoeuvring area shall be provided in accordance with the approved drawings. The manoeuvring area shall be retained free of obstruction thereafter.

Reason: In the interests of highway safety. (Cambridge Local Plan 2018 policy 81)

22. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The 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); 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.



All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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: 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 2018 policies 55, 57 and 59)

23. No development above ground level, other than demolition, shall commence 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 treatments to be erected. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation or the bringing into use of the development (or other timetable agreed in writing by the Local Planning Authority) and retained as approved thereafter.

Reason: To ensure an appropriate boundary treatment is implemented in the interests of visual amenity and privacy (Cambridge Local Plan 2018 policies 55, 57 and 59)

**INFORMATIVE:** Dust condition informative

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

-Council's 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)

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

[http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring\\_construction\\_sites\\_2012.pdf](http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf)

-Control of dust and emissions during construction and demolition - supplementary planning guidance

[https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014\\_0.pdf](https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf)

### **INFORMATIVE:**

This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

**INFORMATIVE:**

For residents who are unable to place their bin at the normal collection point, Cambridge City Council offer an assisted collection service. For further information, please visit [www.cambridge.gov.uk/get-help-putting-your-bin-out-for-collection](http://www.cambridge.gov.uk/get-help-putting-your-bin-out-for-collection) (link correct at time of decision) or contact 01223 458282.

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## PLANNING COMMITTEE

5<sup>th</sup> December 2018

<b>Application Number</b>	18/1741/CL2PD	<b>Agenda Item</b>	
<b>Date Received</b>	7th November 2018	<b>Officer</b>	Nigel Blazeby
<b>Target Date</b>	2nd January 2019		
<b>Ward</b>	West Chesterton		
<b>Site</b>	15 Highworth Avenue Cambridge CB4 2BQ		
<b>Proposal</b>	Application for a Certificate of Lawfulness under section 192 for a hip to gable roof extension and rear box dormer, with Juliet balcony and front roof lights.		
<b>Applicant</b>	Mr And Mrs Kimberley 15 Highworth Avenue Cambridge CB4 2BQ		

SUMMARY	<p>A Lawful Development Certificate should be granted for the following reasons:</p> <p>The rear dormer and hip to gable roof extension are compliant with Schedule 2, Part 1, Class B of the GPDO</p> <p>The front rooflights are compliant with Schedule 2, Part 1, Class C of the GPDO.</p>
RECOMMENDATION	GRANT CERTIFICATE

### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is a two storey semi-detached property on the western side of Highworth Avenue. This is a predominantly residential area characterised by brick and render semi-detached properties.
- 1.2 The site is not located within a conservation area, nor is it within the Controlled Parking Zone.

### 2.0 THE PROPOSAL

- 2.1 This is an application for a Certificate of Lawfulness for a hip to gable roof extension with rear facing dormer, incorporating Juliet balcony, and roof lights to front elevation.

2.2 The application has been submitted under S192 of the Town and Country Planning Act 1990. It is an application for a Certificate of Lawfulness for a proposed development. It is not an application for planning permission and the planning merits of the proposal are not therefore relevant considerations.

2.3 The applicant seeks to demonstrate that:

- ☐ No extension is to be higher than the highest part of the existing roof.
- ☐ No extension is to be beyond the plane of the existing roof slope of the principal elevation that fronts the highway.
- ☐ The works would not include the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe
- ☐ The dwelling house is not within a Conservation Area
- ☐ There are no side-facing windows
- ☐ The velux window on the front elevation would not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from perpendicular with the external surface of the original roof.
- ☐ External materials to be similar in appearance to the existing house.
- ☐ The dormer will be set back at least 20cm from the eaves
- ☐ The cubic content of the resulting roof space would be less than 50 cubic metres

2.4 The application is supported by plans and a statement of proposed materials.

2.5 The application must be determined at planning committee as the applicant is a Council employee.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/93/0896	Erection of extension to dwelling house (single storey extension to rear).	Approved with conditions

## **4.0 PUBLICITY**

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

## **5.0 POLICY**

- 5.1 The application seeks a lawful development certificate. The planning merits of the proposal are not relevant to this consideration. The Development Plan, including the Cambridge Local Plan 2018 is similarly not a relevant consideration.

## **6.0 CONSULTATIONS**

None

## **7.0 REPRESENTATIONS**

None

## **8.0 ASSESSMENT**

### Roof Extension

- 8.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Class B sets out that 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof' is permitted development, but then goes on to explain that development is not permitted in a number of specific circumstances. Those specific tests are set out below in italics, with the officer response to this specific case below.

*(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);*

*This is not relevant as the property is not a dwelling that has been permitted through the prior approval process.*

*(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;*

The proposed hip-to-gable roof extension is of equal height to the existing roof and the proposed dormer is lower than the existing ridge height.

*(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;*

No part of the roof extension extends beyond the front roof slope.

*(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—*

*(i) 40 cubic metres in the case of a terrace house, or*

*(ii) 50 cubic metres in any other case;*

The dwelling is not a terrace house and the additional cubic space is not more than 50 cubic metres.

*(e) it would consist of or include—*

*(i) the construction or provision of a verandah, balcony or raised platform, or*

*(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or*

The proposed roof extension does not consist of or include any of these elements. For clarification, the term 'balcony' above only applies to projecting balconies and does not include Juliet balconies, such as proposed within this application.

*(f) the dwellinghouse is on article 2(3) land.*

The dwelling is not within a conservation area.

8.2 The Order goes on to stipulate that external materials used shall be of a similar appearance to those used for the existing property; that the edge of the addition should so far as is practicable be at least 20cm from the existing eaves of the original roof; and to impose limitations on side windows. In this case the agent has indicated that the materials are to reflect the existing. The addition is much more than 20cm above the existing eaves and no side windows are proposed.

8.3 Having considered all the tests I am of the opinion that the addition proposed to the roof of this dwelling house constitutes permitted development.



## Front Rooflights

- 8.4 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Class C sets out that 'Other alterations to the roof of a dwellinghouse' is permitted development, but then goes on to explain that development is not permitted in a number of specific circumstances. Those specific tests are set out below in italics, with the officer response to this specific case below.

*(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);*

*As stated in paragraph 8.1, this is not relevant to this case.*

*(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;*

The rooflights do not protrude more than 0.15m beyond the original roof slope.

*(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or*

No part of the roof lights are higher than the highest part of the original roof.

*(d) it would consist of or include—*

*(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*

*(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.*

The proposed roof extension does not consist of or include any of these elements.

- 8.5 Having considered all the tests I am of the opinion that the introduction of the rooflights constitutes permitted development.

## **9.0 CONCLUSION**

- 9.1 Based on the evidence submitted, I am of the opinion that the proposed additions meet with the criteria set out in Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

## **10.0 RECOMMENDATION**

**APPROVE** the granting of a Lawful Development Certificate.