



**SOUTH AREA COMMITTEE**  
**CHAIR COUNCILLOR TAYLOR**



**AGENDA**

**To: City Councillors:** Taylor (Chair), Blackhurst (Vice-Chair), Sanders, Al Bander, Dryden, McPherson, Newbold, Stuart, Swanson

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

*Dispatched: Wednesday, 23 February 2011*

**Date:** Thursday, 3 March 2011

**Time:** 7.30 pm

**Venue:** Horobin Room - Homerton College

**Contact:** Martin Whelan

**Direct Dial:** 01223 457012

**1 APOLOGIES FOR ABSENCE**

**2 MINUTES** (*Pages 1 - 6*)

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

**4 DECLARATIONS OF INTEREST**

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

**5 OPEN FORUM**

**6 SAFER NEIGHBOURHOODS** (*Pages 7 - 20*)

**7 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY - CONSULTATION ON THE SECTION OF HILLS ROAD BETWEEN THE JUNCTIONS OF REGENT STREET AND PURBECK ROAD AS A**

**FOURTH CUMULATIVE IMPACT AREA AND EXTENSION OF THE LEISURE PARK CUMULATIVE IMPACT (CI) AREA TO INCLUDE THE SECTION OF CHERRY HINTON ROAD RUNNING FROM HILLS ROAD TO CLIFTON ROAD** *(Pages 21 - 28)*

*(Pages 21 - 28)*

- 8 SEX ESTABLISHMENTS DRAFT STATEMENT OF LICENSING POLICY**  
*(Pages 29 - 56)*
- 9 ENVIRONMENTAL IMPROVEMENT PROGRAMME** *(Pages 57 - 62)*
- 10 COMMUNITY DEVELOPMENT AND LEISURE GRANTS** *(Pages 63 - 70)*
- 11 LOCALISM BILL AND PLANNING**
- 12 PLANNING APPLICATIONS**
- 12a 10/1278/REM - The Cottage, Gazeley Road, Cambridge *(Pages 71 - 88)*
- 12b 10/0996/FUL - 255 Hills Road, Cambridge *(Pages 89 - 98)*
- 12c 11/0003/FUL - 1A Orchard Estate, Cambridge *(Pages 99 - 118)*

**INFORMATION FOR THE PUBLIC**

**The Open Forum section of the Agenda:** Members of the public are invited to ask any question, or make a statement on any matter related to their local area covered by the City Council Wards for this Area Committee. The Forum will last up to 30 minutes, but may be extended at the Chair's discretion. The Chair may also time limit speakers to ensure as many are accommodated as practicable.

***To ensure that your views are heard, please note that there are Question Slips for Members of the Public to complete.***

**Public speaking rules relating to planning applications:**

Anyone wishing to speak about one of these applications may do so provided that

they have made a representation in writing within the consultation period and have notified the Area Committee Manager shown at the top of the agenda **by 12 Noon on the day before the meeting** of the Area Committee.

**Filming, recording and photography** at council meetings is allowed subject to certain restrictions and prior agreement from the chair of the meeting.

Requests to film, record or photograph, whether from a media organisation or a member of the public, must be made to the democratic services manager at least three working days before the meeting.

## **REPRESENTATIONS ON PLANNING APPLICATIONS**

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

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

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

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

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

### **To all members of the Public**

Any comments that you want to make about the way the Council is running Area

Committees are very welcome. Please contact the Committee Manager listed at the top of this agenda or complete the forms supplied at the meeting.

If you would like to receive this agenda by e-mail, please contact the Committee Manager.

Additional information for public: City Council officers can also be emailed [firstname.lastname@cambridge.gov.uk](mailto:firstname.lastname@cambridge.gov.uk)

**Information (including contact details) of the Members of the City Council can be found from this page:**

<http://www.cambridge.gov.uk/democracy>

**SOUTH AREA COMMITTEE**

12 January 2011

7.30 - 8.50 pm

**Present:** Councillors Taylor (Chair), Blackhurst (Vice-Chair), Dryden, Newbold, Stuart, Swanson and Shepherd

**Officers Present**

Development Control Manager – Peter Carter  
Committee Manager – Martin Whelan

**Also Present**

Chief Executive - Cambridgeshire Community Foundation  
Area Manager – Census 2011

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**11/1/SAC Apologies for Absence**

The committee received apologies for absence from City Councillors McPherson and Sanders, and County Councillor Heathcock.

**11/2/SAC Minutes of the meeting held on 11th November 2010**

The minutes of the meeting held on 11<sup>th</sup> November 2010 were approved as a true and accurate record of the meeting.

**11/3/SAC Matters and Actions Arising from the Minutes**

There were no matters arising.

**11/4/SAC Declarations of Interest**

Cllr Blackhurst declared a personal interest in item 8 (Community Development and Leisure Grants) as a member of the Trumpington Residents Association, and his wife being an officer holder of the association.

### **11/5/SAC Open Forum**

There were no issues raised in the open forum.

### **11/6/SAC Community Announcements**

The committee were advised that Police Sergeant Gavin Townsend would be leaving his current role on 24<sup>th</sup> January and that Jim Stephen would replace him. The committee also noted that a new Community Police Officer Matt Smith would be starting imminently. The committee formally thanked Sergeant Townsend for his work with the committee.

### **11/7/SAC Census 2011 Presentation**

The committee received a presentation from the Census Area Manager regarding the 2011 census process.

In response to a question from a member of the public, the Area Manager reassured the committee and the public present that robust processes were in place for the management of personal information. It was also confirmed that personal information would not be shared or transfer to other organisations.

The committee agree to alter the order of the remaining items to take the items in the following order 10, 9b, 9c, 8 and 9a.

### **11/8/SAC Community Development and Leisure Grants**

The committee received a report from the Chief Executive of Cambridgeshire Community Foundation regarding grant applications. The Chief Executive clarified a number of points in the report, namely

- Mission 7 Impossible – The committee were advised that the group was a ladies group meeting at Netherhall School.
- Normanhurst – The grant had been incorrectly attributed to the wrong area committee.

The committee were advised that there was one application (Trumpington Residents Association) for consideration. The committee made the following comments regarding the application

- i) The proposal (purchase of Marquee) was welcomed, but it was suggested whether it would be possible for the sharing of assets to be promoted through Community Foundation process.
- ii) Reservations were expressed about the principle of the group charging of other users of the facility, other than for transport and associated costs such as cleaning.
- iii) It was noted that the group would have to set a policy of whether the marquee would be loaned to groups outside of Trumpington.

The committee **resolved** to approve (unanimously)

- i) A grant allocation to Trumpington Residents Association of £800 towards the purchase of a marquee

## **11/9/SAC Planning Items**

The following members considered the planning applications, Councillors Taylor, Stuart, Blackhurst, Swanson and Dryden.

### **9a 10/1003/FUL - British Telecom, Long Road**

The committee received an application for full planning permission for the installation of a fenced enclosure and pole stack housing along with lighting and associated CCTV to existing car park and associated works.

The committee received representations from one objector, the applicant and a County Councillor acting in their Ward Councillor capacity.

The objector (Philipa Bond) raised the following issues

- i) Concerns about the potential consequential effects on the local road system, if the parking provision is reduced.
- ii) Potential increased risk to cyclists if there are an increase number of parked cars.

The agent for the applicant spoke in favour of the application.

County Councillor Shepherd addressed the committee and raised the following issues

- i) Concerns about the potential consequential effects on the local road system, if the parking provision is reduced.
- ii) Highlighted that the County Council were currently reviewing options to address parking issues in the local road system.

**Resolved** (Unanimously) to accept the officer recommendations and approved the application, subject to conditions, for the following reasons

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

East of England plan 2008: SS1, T1, T2, T3, T4, T8, T14 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/11, 4/4, 4/13, 4/15, 8/9, 8/10 and 10/1

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

**9b 10-0742-FUL - 2 Drayton Road**

The committee received an application for full planning permission for the erection of 2 flats and bin storage and parking provision off road.

The agent for the applicant spoke in favour of the application.



**Resolved** (Unanimously) to accept the officer recommendations and approved the application, subject to conditions, for the following reasons

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

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/8, 3/10, 3/12, 3/14, 5/1, 5/14, 8/2, 8/6, 8/10 and 10/1

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

**9c** 10-1148-FUL - 11 High Street, Cherry Hinton

The committee received an application for full planning permission for Change of use to a mixed Restaurant/Cafe and take-away use (mixed use Classes A3 and A5).

The applicant spoke in favour of the application.

**Resolved** (4 votes to 1) to reject the officer recommendations and approve the application for the following reasons.

1. The takeaway element of the proposed mixed A3/A5 use would be likely to result in short stay car parking on the highway close to the premises, which is located at a narrow and busy part of the High Street, with a pedestrian crossing immediately to the front and very close to the junction with Mill End Road, where there are high volumes of cycle and pedestrian traffic as well as vehicular traffic. These factors combine to make this a location where cars parking close to the junction to use the takeaway, even for short periods, are likely to obstruct the highway and create a hazard for other users, vehicles, cycles and pedestrians. The development would as a consequence prejudice highway safety, contrary to East of England Plan (2008) policy T1, Cambridge Local Plan (2006) policy 8/2 and advice provided by Planning Policy Statement 1 – Delivering Sustainable Development (2005) and Planning Policy Guidance 13 Transport (2001).
2. The proposal, because of the nature of a Class A5 Use and its relatively short-term customers and higher turnover levels compared to customers of the existing Class A3 use, will be likely to generate significantly

greater levels of activity to the frontage of the premises in a predominantly residential area. The noise and disturbance from this greater level of activity will be detrimental to the amenity that neighbours should reasonably expect to enjoy. For these reasons the proposal, fails to respond to its context or relate well to its surroundings and is contrary to Cambridge Local Plan 2006 policy 3/4; gives rise to unacceptable environmental problems or nuisance contrary to Cambridge Local Plan 2006 policy 6/10; and adversely affects the environmental amenity of others, contrary to Cambridge Local Plan 2006 policy 4/13.

### **11/10/SAC Meeting dates 2011/12**

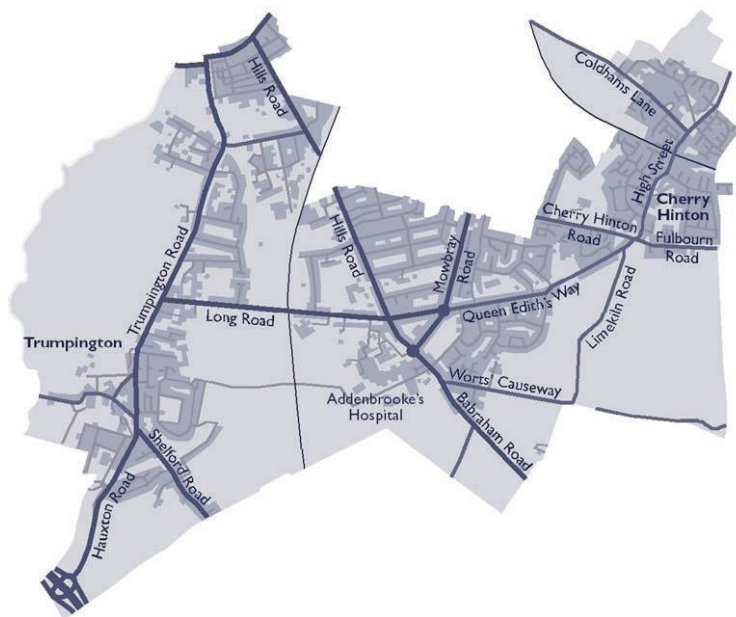
The committee resolved to approve the meeting dates as circulated for 2011/12.

The meeting ended at 8.50 pm

**CHAIR**

## Neighbourhood Profile Update Cambridge City South Neighbourhood

March 2011



**Steve Kerridge,**  
Neighbourhood Policing  
Inspector

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



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## 1. Introduction

### Aim

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

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

### Methodology

This document was produced using the following data sources:

- Crime and Incident data from October 10 – January 11 and as a comparison data from June 10 – September 10 and October 09 – January 10.
- Information from the Neighbourhood Policing teams January/February 2011.
- Cambridge City Council, City Services data, October 2010 – January 2011, and as a comparison, data from the same period the previous year.

## Previous Priorities & Engagement Activity

### Previous Priorities

At the neighbourhood panel meeting on 11<sup>th</sup> November, the following issues were adopted as priorities. The tables below summarise action taken and the current situation regarding the priorities that were set:

<b>Anti-social behaviour (ASB) in Paget Road and Foster Road, Trumpington</b>	
<b>Objective</b>	<ol style="list-style-type: none"> <li>1. Reduce calls for service re. ASB to the area.</li> <li>2. To secure prosecutions / alternative methods of disposal to acts of ASB where lawful, necessary and proportionate to do so.</li> <li>3. To seek to increase community confidence and trust in the work of Police and partners.</li> </ol>
<b>Action Taken</b>	<p>Tenancy action has been taken against two problematic addresses. The City Council has received very few reports of ASB since this action was taken last year.</p> <p>The area has also been regularly and frequently patrolled over the last panel period. This consists of over twenty individual patrols lasting between 10 and 40 minutes at a time. Patrols have been carried out by both PCSOs and Police Officers. None of these patrols have highlighted any action that required further police action.</p>
<b>Current Situation</b>	<p>ASB in the Trumpington area is low at the moment both compared to the same period last year and the preceding panel period. Of the 113 ASB incidents in the Trumpington Beat area in these four months about ten are linked to Paget Road and Foster Road.</p>
<b>Continue or Discharge?</b>	<p>It is recommended that the committee discharge this priority.</p>

<b>ASB in Cherry Hinton High Street</b>	
<b>Objective</b>	To reduce incidents of ASB predominately outside Tesco Express and provide reassurance to staff and public.
<b>Action Taken</b>	The problem was largely caused by groups of young people gathering in the location and behaving badly. This area has been regularly and frequently patrolled over the last panel period. This consists of over 20 individual patrols lasting between 10 and 90 minutes at a time. This has resulted in: <ol style="list-style-type: none"> <li>1. Moving on a total of 23 individuals on several different occasions.</li> <li>2. Two youths issued with Guardian Awareness forms for underage smoking.</li> <li>3. One moped rider reported for no documents.</li> </ol>
<b>Current Situation</b>	Reports of ASB in Cherry Hinton have fallen overall in comparison to the previous period and the staff at Tesco has informed patrolling officers that the situation has improved. Recent policing activity shows that enforcement action is still being taken and better weather and longer daylight hours it is suggested that policing activity needs to be maintained in this area.
<b>Continue or Discharge?</b>	It is recommended that the committee continue with this priority.

### **Engagement Activity**

Engagement events permitting members of the public to meet the City South and other Cambridge City Neighbourhood Policing Teams are listed on the Constabulary's website.

They include monthly surgeries at Waitrose, Trumpington, Addenbrooke's Hospital Concourse and Cherry Hinton Village Centre.

For more private matters, officers will be happy to arrange a meeting at your convenience or discuss matters via telephone.

For further details please visit [www.cambs.police.uk](http://www.cambs.police.uk) and look for the "My Neighbourhood" link or call 0345 456 456 4.

## 4. Emerging Issues

### Neighbourhood trends

Offence levels across City South have decreased compared to the previous period and the same period last year with 523 offences in the last four months. Offences were very low in December but increased again in January. Anti-social behaviour (ASB) incidents have decreased compared the previous and the same period last year.

### Trumpington

- Total crime in Trumpington has decreased compared to the previous period (216 offences vs. 251 offences) but showed a small increase in comparison to the previous year.
- Dwelling burglary offences have increased from 5 offences in the previous period to 16 offences in this period. This is also an increase compared to the same period last year (6). There doesn't appear to be a common MO used; in a number of these offences electrical items such as televisions, games consoles and laptops were stolen.
- Violent crime offences have remained relatively stable at 40 offences. In thirteen of these offences an offender has been arrested and charged.
- Theft from vehicle offences have decreased compared to the previous period (21 offences vs. 32 offences) but remained stable compared to the same period last year (23 offences). There were five offences during October at the same location on the High Street; bags, a laptop and a mobile phone were stolen.
- Cycle theft offences have decreased compared to the previous period (55 offences vs. 67 offences) but increased compared to the same period last year (45 offences). Common locations for cycle theft offences were Gonville Place, Lensfield Road, Norwich Street and Trumpington Road.
- ASB incidents have decreased to 113 incidents compared to the previous period (155 incidents) and the same period last year (157 incidents). There were four complaints about people sleeping and drinking alcohol in the Queen Anne car park and refusing to leave when challenged. Six calls from Hanover Court concerned the informant complaining about a neighbour being rowdy and playing loud music. Six incidents occurred at Cambridge Railway Station, which included a passenger being verbally abusive to staff, a passenger refusing to leave the station and another passenger jumping the barriers.

## Environmental Issues

- Between October 2010 and January 2011 there were 2 reports of abandoned vehicles in the ward, compared with 6 during the same period the previous year. One vehicle was removed and taken to a compound and is currently pending further investigation. An illegally parked sticker was applied to the second vehicle. There were no specific hotspots during either period.
- Between October 2010 and January 2011 there were 37 reports of flytipping within the ward, compared with 27 during the same period the previous year. There was sufficient evidence to issue 14 warning letters to domestic offenders as well as 2 verbal warnings. In addition, two cases are currently pending further investigation. Specific hotspots during the 2010/11 period were Bentinck Street (7), George IV Street (6), Anstey Way (5, 7 compared with the same period the previous year), Hills Road (4). Additional hotspots during the same period the previous year were Monkswell and Russell Court, both with 3.
- Between October 2010 and January 2011, 14 derelict cycles were dealt with, compared with 36 during the same period the previous year. There were no specific hotspots during the 2010/11 period, but Hauxton Road (8), Coronation Street and Shelford Road (both with 4) and Gonville Place (3) were the hotspots during the same period the previous year.
- Between October 2010 and January 2011, and during the same period the previous year, three needles were reported; both related to one-off reports during each period (on the corner of Union Road/Hanover Court in the 2010/11 period and in bushes near Queen Anne Car Park at Gonville Place during the same period the previous year).

## Cherry Hinton

- Total crime in Cherry Hinton has decreased compared to the previous period (123 offences vs. 197 offences) but has remained fairly stable compared to the same period last year (118 offences).
- Dwelling burglary offences have more than halved compared to both the previous period (8 offences vs. 18 offences) and the same period last year (20 offences). In three of the offences the offenders distracted the victims by pretending to be either police officers or from the water board whilst they stole cash from the victims. The victims were all female and in their eighties and nineties.
- There were seven theft of vehicle offences in this period compared to three offences in both the previous period and the same period last year. Offenders didn't appear to be selecting specific vehicles and a minibus, a pickup, moped and small cars were all targeted.



- Criminal damage offences have decreased compared to the previous period (26 offences vs. 38 offences) but increased compared to the same period last year (19 offences). Eleven vehicles were damaged in Chequers Close, ten of which had their tyres slashed on the same evening in January.
- ASB incidents have decreased from 133 incidents in the previous period to 121 incidents in this period. This is an increase compared to the same period last year (101 incidents). Three calls from Arran Close concern youth congregating in the stairwell, which is concerning the elderly residents. There were fifteen calls from Coalville Road, three concern neighbours being noisy and playing music whilst another eleven concern youths congregating in the area shouting, screaming and riding mopeds. Six of the eight calls from Tesco, Rectory Terrace concern youth congregating outside the store, throwing things at customers, and coming in and out of the store when they don't want to buy anything, just to cause a nuisance. In five calls from a particular property on Walpole Road the informant complained about youths using his garden overnight and leaving their beer bottles behind.

### **Environmental Issues**

- Between October 2010 and January 2011 there were 10 reports of abandoned vehicles in the ward, compared with 8 during the same period the previous year. This included 3 vehicles, which were not on site following inspection and one, which was later claimed by its owner. In addition, 3 vehicles were impounded on behalf of the DVLA for not having valid road tax, 2 of which were subsequently destroyed for non-payment of the DVLA fine. There were no specific hotspots during either period.
- Between October 2010 and January 2011 there were 24 reports of fly tipping within the ward, compared with 22 during the same period the previous year. There was sufficient evidence to investigate 3 cases further, which are currently pending further action. Colville Road (4, 3 during the same period the previous year) and Fulbourn Road (5, 3 during the same period the previous year) were the hotspots. Teversham Drift was also a hotspot during the same period the previous year with 3.
- Between October 2010 and January 2011, 13 derelict cycles were dealt with, compared with 17 during the same period the previous year. Headington Drive (3) was a hotspot during the 2010/11 period and there were no specific hotspots during the same period the previous year.

- Between October 2010 and January 2011, 4 needles were reported in the ward compared with one during the same period the previous year. Three were removed from shrub beds at Cherry Hinton Hall.

### **Queen Ediths**

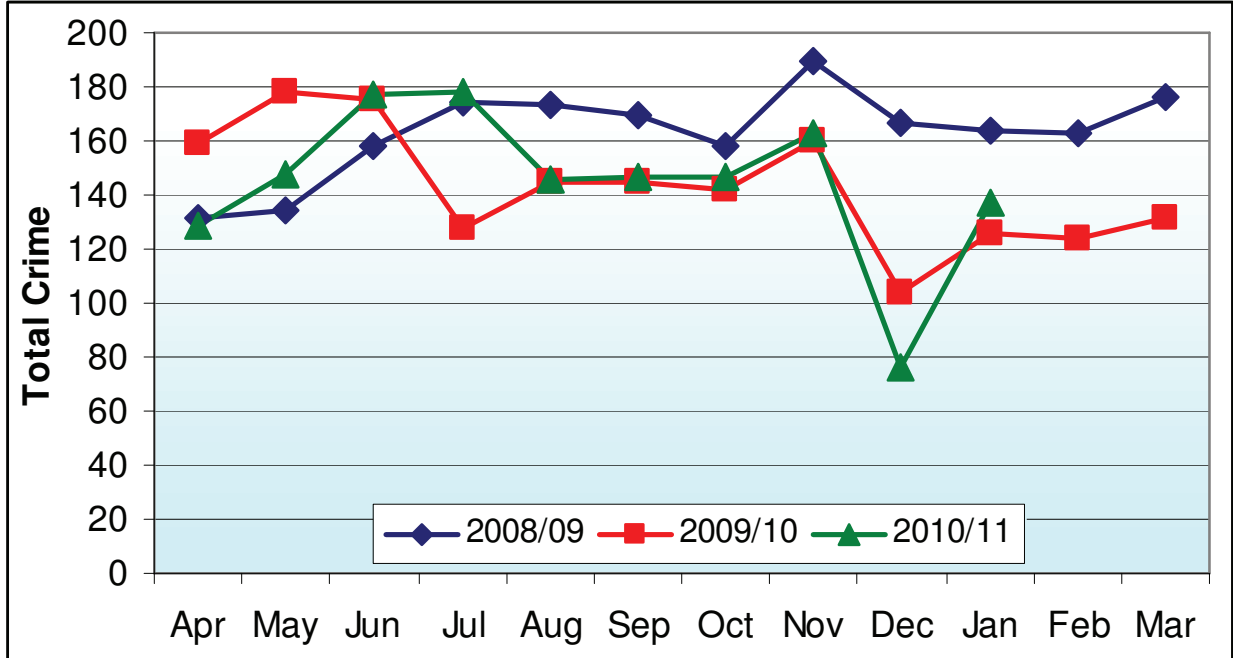
- Total crime has decreased in Queen Ediths compared to the previous period (184 offences vs. 200 offences) and the same period in the previous year (206 offences).
- Dwelling burglary offences have remained stable compared to the previous period (21 offences vs. 18 offences) but decreased compared to the same period last year (37 offences). Thirteen of these offences occurred in November and in the majority of them offenders gained entry by forcing a door or window. There were also two burglaries similar to those in Cherry Hinton where the victim was distracted by offenders claiming to be from the water board.
- Violent crime offences have decreased compared to the previous period (29 offences vs. 44 offences) but increased compared to the same period last year (16 offences). An offender has been arrested and charged in 12 of these offences.
- Theft from vehicle offences has remained stable compared to both the previous period (19 offences vs. 21 offences) and the same period last year (20 offences). Twelve of the vehicles had their windows smashed and items including laptops, satellite navigation systems, mobile phones and handbags stolen.
- Cycle theft offences have increased from 32 offences in the previous period to 44 offences in this period. Levels have remained stable compared to the same period last year (46 offences). Hills Road was the most common location for cycle theft offences (21), six of which occurred at Addenbrooke's.
- Thirteen of the other crime offences were thefts at Addenbrooke's in which patients, visitors and staff had cash or mobile phones stolen.
- ASB incidents in Queen Ediths have decreased compared to both the previous period (104 incidents vs. 123 incidents) and the same period last year (129 offences). There were eight incidents at Queen Ediths Way about youths congregating in the road and throwing things. Eleven calls from Addenbrooke's appear to be unrelated and mainly concern patients or relatives being abusive and aggressive. Two of the three calls from Gunhild Close concern youths riding mopeds through the children's play area; the informants are concerned about this due to the icy conditions.

## **Environmental Issues**

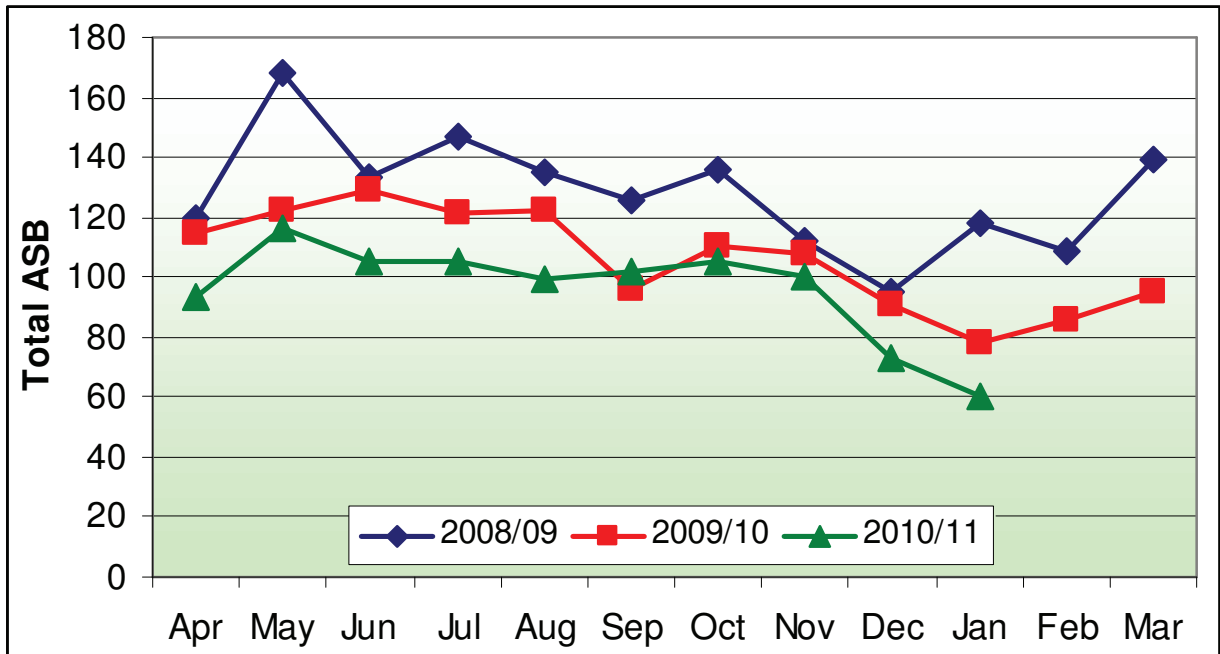
- Between October 2010 and January 2011 there were 10 reports of abandoned vehicles in the ward, compared with 5 during the same period the previous year. This included 4 vehicles, which were not on site following inspection and 2, which were later claimed by its owner. In addition, one vehicle was impounded on behalf of the DVLA for not having valid road tax, but was subsequently released following payment of the DVLA fine. Rathmore Road (3) was a hotspot during the 2010/11 period, but there were no specific hotspots during the same period the previous year.
- Between October 2010 and January 2011 there were 11 reports of fly tipping within the ward, compared with 6 during the same period the previous year. There was insufficient evidence to take formal enforcement action and there were no specific hotspots during either period.
- Between October 2010 and January 2011, 33 derelict cycles were dealt with, compared with 19 during the same period the previous year. This is largely on account of 20 cycles, which were removed from Babraham Road Park & Ride on two separate occasions. There were no further hotspots during the 2010/11 period, but Baldcock Way (5), Blinco Grove and Templemore Close (both with 3) were hotspots during the same period the previous year.
- Between October 2010 and January 2011, no needles were reported, compared with 6 during the same period the previous year, which were removed from a wheelie bin near Elsworth Place.

### 5. Current Crime and Incident Levels

Total Crime



Total ASB



**Current Crime and Incident Levels in Neighbourhood, by Ward**

N.Hod	Wards	Current Crime and Incident Levels in Neighbourhood, by Ward											TOTAL CRIME	TOTAL ASB
		Dwell. Burg.	Other Burg.	Violent Crime	Robbery	Theft of Vehicle	Theft from Veh.	Cycle Theft	Theft from Shop	Criminal Damage	Other Crime			
City South	Oct 10 – Jan 11	45	30	99	10	11	42	107	5	72	102	523	338	
	Jun 10 – Sep 10	41	37	124	4	13	73	130	15	94	117	648	411	
	Oct 09 – Jan 10	63	32	77	4	10	38	100	17	68	123	532	387	
Trumpington	Oct 10 – Jan 11	16	16	40	2	2	21	55	2	28	34	216	113	
	Jun 10 – Sep 10	5	13	39	4	4	32	67	13	26	48	251	155	
	Oct 09 – Jan 10	6	9	42	1	3	23	45	15	25	39	208	157	
Cherry Hinton	Oct 10 – Jan 11	8	5	30	8	7	2	8	3	26	26	123	121	
	Jun 10 – Sep 10	18	13	41	0	3	20	31	2	38	31	197	133	
	Oct 09 – Jan 10	20	9	19	2	3	15	9	0	19	22	118	101	
Queen Edith	Oct 10 – Jan 11	21	9	29	0	2	19	44	0	18	42	184	104	
	Jun 10 – Sep 10	18	11	44	0	6	21	32	0	30	38	200	123	
	Oct 09 – Jan 10	37	14	16	1	4	20	46	2	24	42	206	129	

## ASB Incident Types in the City South Area Neighbourhood, by Ward

### Please Note

Incident levels for each of the Wards may not be consistent with the official figures that will be published by the Force and Home Office. This is because the data system used to draw the level of detail needed for the ASB type breakdown for this report may not contain precise locations due to the way incidents are reported e.g. ASB reported where Ward boundaries lie could initially be recorded in the neighbouring ward but subsequently corrected.

The figures should only be used as a guide and not regarded as official statistics for publication.

Wards	N'Hod	City South		Incident Types														Grand Total		
		Oct 10 – Jan 11	Jun 10 - Sep 10	ABAN VEH (NOT SMV/OBSTRUCT)	ANIMAL PROBLEMS	BEGGING/VAGRANCY	HOAX CALL TO EMERGENCY SERVICE	MALICIOUS/NUIS. COMMUNICATION	NOISE	PREJUDICE INCIDENT	PROSTITUTION	ROW & INCONSID. BEHAVIOUR.	ROW/NUIS - NEIGHBOURS	ROW/NUIS - USE/SALE F/WORKS	STREET DRINKING	TRESPASS	VEH REL NUIS/INAPP VEH USE			
Trumpington		Oct 10 – Jan 11	Jun 10 - Sep 10	27	2	5	1	42	15	1	1	1	0	66	10	0	0	1	12	113
		Jun 10 - Sep 10	15	1	2	1	11	6	0	1	1	79	16	0	0	0	0	18	150	
Cherry Hinton		Oct 10 – Jan 11	Jun 10 - Sep 10	6	2	0	0	19	6	0	1	64	12	1	1	0	9	121		
		Jun 10 - Sep 10	6	2	0	2	12	5	0	0	0	82	13	1	0	0	9	132		
Queen Edith		Oct 10 – Jan 11	Jun 10 - Sep 10	16	0	1	0	16	3	0	0	66	10	0	0	1	12	113		
		Jun 10 - Sep 10	11	0	2	0	8	18	1	0	0	50	16	0	0	0	17	123		

## **6. Recommendations**

The following Neighbourhood Priorities are recommended for consideration:

- It is recommended that the Cherry Hinton ASB patrols in the High Street continue for another panel period.

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## CAMBRIDGE CITY COUNCIL

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REPORT OF: The Licensing Manager

TO: East, South & West/Central Area Committees 10<sup>th</sup> & 24<sup>th</sup> Feb,  
3<sup>rd</sup> March 2011

WARDS: Abbey, Coleridge, Petersfield, Romsey, Cherry Hinton,  
Queen Edith, Trumpington, Market, Castle, Newnham

### **LICENSING ACT 2003 – PUBLIC CONSULTATION ON THE INCLUSION OF A FOURTH CUMULATIVE IMPACT AREA AND AN EXTENSION TO THE EXISTING LEISURE PARK CUMULATIVE IMPACT AREA WITHIN THE STATEMENT OF LICENSING POLICY.**

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#### **1 INTRODUCTION**

- 1.1 The Licensing Act 2003 “the Act” requires the Council to publish a statement of licensing policy, setting out its licensing functions. The Statement of Licensing Policy must be kept under review and approved by Full Council.
- 1.2 The current policy, attached as Appendix A, came into effect on 7<sup>th</sup> January 2011. The policy was consulted upon prior to it being adopted. Arising from the consultation process, a request was received from Cambridgeshire Constabulary for consideration to be given to the introduction of a section of Hills Road as a fourth cumulative impact area and an extension to the existing Cambridge Leisure Park cumulative impact area.
- 1.4 The purpose of this report is to inform the Area Committee of the public consultation process and to request feedback on the two proposals. The HM Government Code of Practice on Consultation recommends a 12-week consultation period.
- 1.5 Having taken into consideration the consultation response, the policy may be extended to include one or both of the areas. The response will be reported to the Licensing Committee, then Full Council.

#### **2 RECOMMENDATIONS**

- 2.1 The Area Committee is recommended to:
- 2.1.1 Make the public aware of the draft amendments to the Statement of Licensing Policy, that are subject to public consultation for a 12-week period between 7<sup>th</sup> January and 31<sup>st</sup> March 2011 and to involve them in the consultation process.
- 2.1.2 Consider the draft amendments to paragraph 5.8 of the special policy on cumulative effect that is contained within the Statement of Licensing Policy, namely:
- (a) The addition of a fourth cumulative impact area being the section of Hills Road running from the city to Purbeck Road (both sides of the road).
- (b) The extension of the existing Cambridge Leisure Park area to include the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of the road).
- 2.1.3 Request that any comments regarding the proposed amendments to the special policy on cumulative effect should be submitted to the Licensing Manager before the close of the consultation period on 31<sup>st</sup> March 2011.

### **3 BACKGROUND**

- 3.1 The Act requires the Council to produce adopt and publish a Statement of Licensing Policy, stating how it exercises its licensing functions. The policy must be kept under review and remains in existence for up to three years.
- 3.2 The Council's first Statement of Licensing Policy came into effect on 7<sup>th</sup> January 2005 and ran until 6<sup>th</sup> January 2008. A second Statement of Licensing Policy, which took effect from 7<sup>th</sup> January 2008 - 6<sup>th</sup> January 2011, incorporated a special Cumulative Impact Policy within the Statement of Licensing Policy for a prescribed area of the city centre and the Cambridge Leisure site. The two areas were introduced following a request by Cambridgeshire Constabulary and public consultation.
- 3.4 During the consultation period for the second policy, Cambridgeshire Constabulary requested the inclusion of Mill Road as a third cumulative impact area. Separate consultation was undertaken and the third area of Mill Road was added, effective

from 22<sup>nd</sup> May 2008.

- 3.5 The current, third Statement of Licensing Policy came into effect on 7<sup>th</sup> January 2011, again following public consultation. During the consultation period, Cambridgeshire Constabulary requested the inclusion of Hills Road as a fourth cumulative impact area and an extension to the existing Cambridge Leisure Park area. The request and evidence forms Appendix 3 to the current Statement of Licensing Policy. As a result, we are now undertaking public consultation in the areas likely to be affected by this request.
- 3.6 Government guidance recommends that once adopted, special policies for cumulative impact should be reviewed regularly to assess whether they are needed any longer or whether they need expanding. The public consultation enables representations about this.
- 3.7 The only change to the existing statement of licensing policy as a result of the proposals, will be the amendment of paragraph 5.8, to reflect the decision of the council following the consultation exercise. The proposed draft amendment is attached as Appendix B to the report.

## **4 PUBLIC CONSULTATION**

- 4.1 Legislation requires that before determining or revising its policy, the licensing authority must consult with bodies prescribed in the Act. These include the police, fire and rescue and persons/bodies representative of local holders of personal and premises licences, club premises certificates and persons/bodies representative of businesses and residents in the area.
- 4.2 We are undertaking consultation as widely as possible by a variety of means, including letters to those mentioned in paragraph 4.1 above. The document and process is available to view on the consultation section of Cambridge City Council's website and officers will be attending Area Committees during the consultation period.
- 4.3 Raising awareness at Area Committees, gives the opportunity for members of the public to be involved in the process of developing the policy and to comment on the proposals.
- 4.4 We welcome any feedback or any concerns you may have on the requests. All comments will be considered in drawing up the final policy, although we will not be able to give individual responses to

comments received. Subject to the findings of the consultation, the Council may wish to consider the areas proposed for inclusion within its special policy on cumulative impact. We will be publishing the results on our website in June 2011, together with any amendments to paragraph 5.8 of the policy.

4.5 Early feedback would be appreciated, with all feedback being received by 31st March 2010.

4.6 The public can access the policy and covering letter from Cambridgeshire Constabulary (Appendix 3) on the consultation section of our website [www.cambridge.gov.uk](http://www.cambridge.gov.uk), or alternatively hard copies can be made available by visiting the Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, during office hours or telephoning 01223 457879.

## **5. ISSUES AND OPTIONS**

5.1 We have a statutory duty to prepare and publish a statement of licensing policy, to undertake public consultation and to consider any feedback. Having considered all comments, we must then draw up and adopt any amendments.

5.2 The Statement of Licensing Policy contains a section, setting out our approach to cumulative impact. Our existing policy contains a special policy on cumulative impact for three areas of the city. Government guidance recommends that once adopted, this should be reviewed regularly to assess whether the special policy is needed any longer or whether it needs expanding. The public consultation invites representations about this.

## **6. CONCLUSIONS**

6.1 We are committed to providing a Statement of Licensing Policy setting out the way in which the Council will exercise its licensing functions under the Act. Our current policy commenced on 7<sup>th</sup> January 2011, for a period of up to three years. This report provides the opportunity for the public to be involved in the process of developing our policy and input towards the Council's approach to cumulative impact.

## **7. IMPLICATIONS**

### **(a) Financial Implications**

Provision is made in the Council's budget to review the statement of licensing policy. The Council will meet the cost of consultation.

**(b) Staffing Implications**

There are no additional staffing implications. Budget provision is made for reviews of the policy.

**(c) Equal Opportunities Implications**

The deregulation of licensing hours was aimed to provide more freedom to the leisure and hospitality trade, which has to be balanced by the requirements of residents for a safe and nuisance free environment. We are undertaking wide consultation in an endeavour to reach all affected parties. An EqlA has been prepared for the Licensing function.

**(d) Environmental Implications**

The environmental implications are minimal. The legislation sets out four licensing objectives to be followed and provides certain checks and balances to protect the local environment and community.

**(e) Community Safety**

The Government hoped that by removing licensing conditions (e.g. set licensing hours, zoning etc.) deregulation would encourage sensible alcohol consumption and reduced crime and disorder. A number of later enhancements to the government guidance and amendments to the Licensing Act brought about by more recent legislation e.g. Policing and Crime Act 2009, have particularly focussed on police powers and issues surrounding community safety and sensible drinking. The cumulative impact policy also provides a robust framework against which the council could refuse new applications or variations of premises licenses that have a negative impact on the licensing objectives.

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

To inspect these documents contact Christine Allison on extension 7899. The author and contact officer for queries on the report is Christine Allison on extension 7899.

Report file: M:\EVERYONE\Lic Committee Mtgs 2003 sub/AC11-Jan/ Hills Rd Consult

Date originated: 10<sup>th</sup> January 2011

Date of last revision: 10<sup>th</sup> January 2011

**Draft amendment to paragraph 5.8 of Cambridge City Council Statement of Licensing Policy.**

**Special Policy on Cumulative Effect**

- 5.8 The Licensing Authority is adopting a special policy relating to cumulative impact in relation to the areas of the City:
- Within the city centre marked on the map at Appendix 1
  - At the Cambridge Leisure Park marked on the map at Appendix 2. With effect from (date to be inserted) this area includes the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of the road).
  - The entire length of Mill Road Cambridge (excluding Brookfields)
  - With effect from (date to be inserted) the section of Hills Road running from the city to Purbeck Road (both sides of the road).

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## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Refuse & Environment

TO: Area Committees 10<sup>th</sup> & 24<sup>th</sup> Feb, 3<sup>rd</sup> & 24<sup>th</sup> March 2011

WARDS: All

### **LICENSING OF SEX ESTABLISHMENTS – PUBLIC CONSULTATION ON THE DRAFT STATEMENT OF LICENSING POLICY**

---

#### **1 INTRODUCTION**

- 1.1 Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called 'sexual entertainment venues' (SEV's) and gives local authorities in England and Wales the power to regulate lap dancing clubs and similar venues under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The new powers enable these types of establishment to be licensed in the same way as sex shops, rather than as pubs and clubs and give local councils greater scope and discretion as to how those venues are controlled within their areas. The new measures came into effect on 6<sup>th</sup> April 2010.
- 1.3 On 11<sup>th</sup> October 2010, the Licensing Committee recommended to full council that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, shall apply to the Cambridge City Council area with effect from 1<sup>st</sup> December 2010. On 21<sup>st</sup> October 2010 full council resolved to adopt the amendment with delegation of the regulatory functions and responsibilities to the Licensing Committee.
- 1.4 The adoption of the new powers started a 12-month transitional process for the one existing lap-dancing club in Cambridge City and will provide a framework for any future applications of this nature.
- 1.5 We now need to ensure that the necessary steps are put in place to enable the authority to exercise their functions in licensing SEV's as sex establishments.
- 1.6 The purpose of this report is to inform the Area Committees of the public consultation process and to request feedback on the draft statement of licensing policy attached at Appendix 1. The HM Government Code of Practice on Consultation recommends a 12-week consultation period.

#### **2. RECOMMENDATIONS**

- 2.1 The Area Committee is recommended to:

2.1.1 Make the public aware of the 12-week public consultation period on the draft Sex Establishment Statement of Licensing Policy, between 31<sup>st</sup> January and 26<sup>th</sup> April 2011 and to involve them in the consultation process.

2.1.2 Request that any comments regarding the draft statement be submitted to the Licensing Manager before the close of the consultation period on 26<sup>th</sup> April 2011.

### 3. BACKGROUND

3.1 **History.** Since the introduction of the Licensing Act 2003 in November 2005, the Council has exercised its statutory function to license premises selling/supplying alcohol, providing late night refreshment and providing regulated entertainment. This includes live and amplified music, dancing and dance performances. Under the Licensing Act 2003, if no relevant representations relating to any of the four licensing objectives have been made, all applications must be granted, as applied for. Only responsible authorities or interested parties living/working in the vicinity can make representations. Premises licences are granted for the life of the business and although they can be reviewed, this mechanism is rarely used.

3.2 In contrast, sex shops and sex cinemas are classified as sex establishments, licensed under the Local Government (Miscellaneous Provisions) Act 1982. The regime gives the council a wider discretion in determining whether to grant or refuse licences, a power to set a limit on the number of premises that may be suitable in a particular locality, greater flexibility on applying licence conditions and the ability to accept representations from a wider scope of the community. Sex shop licences are only valid for up to one year, giving greater scope for review.

3.3 To address concerns about the growth and operation of lap-dancing / similar venues and recognition that the existing legislation did not give communities sufficient powers to control where such clubs were established, section 27 of the Policing and Crime Act 2009 created a new class of licensed sex establishment, the sexual entertainment venue. The new provisions give local authorities more powers to control where and how many SEV's open and operate in their areas.

3.4 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, relating to sex shops was adopted by full council on 19<sup>th</sup> October 1989 and the adoption was advertised in the Cambridge Evening News on 27<sup>th</sup> October 1989. On 21<sup>st</sup> October 2010 the full council resolved to adopt the amended provisions introduced by section 27 of the 2009 Act as it relates to the new category of SEV's with effect from 1<sup>st</sup> December. In accordance with the regulations, this was advertised in the Cambridge Evening News on 27<sup>th</sup> October and 3<sup>rd</sup> November 2010.

3.5 The meanings of 'sexual entertainment venue' and 'relevant entertainment' are now defined in the 1982 Act and appear at paragraphs 4.1 and 4.2 of the draft policy.

3.6 **Guidance** The Government has produced Guidance for local authorities, which are encouraged to have regard to the guidance when exercising their functions

(although there is no statutory requirement to do so), in order to promote best practice and consistency across local authorities in England and Wales.

- 3.7 Guidance suggests relevant forms of entertainment that could apply, although authorities should judge each case on its individual merits. This is reflected in paragraphs 4.3 and 4.4 of the draft policy.
- 3.8 **Timetable for implementation and impact on existing businesses.** The 1<sup>st</sup> December 2010, the day the resolution came into force, marks the start of a 12-month transitional period. There is currently only one premises within Cambridge City known to be offering 'relevant entertainment' in the form of lap-dancing that will need to apply for a SEV licence under the transitional arrangements in order to continue operating. The decision to adopt the amended Schedule 3 applies to the relevant 'adult' entertainment element provided in a SEV. Alcohol sales, late night refreshment and other forms of regulated entertainment at the premises will still require a premises licence under the Licensing Act 2003.
- 3.9 **New applicants/ application procedure.** New applicants will not be able to operate as a SEV until they have been granted a Sex Establishment licence. To do so would be an offence, which on summary conviction attracts a maximum fine of £20,000.
- 3.10 As a part of the procedure, applicants will need to advertise the application in a local newspaper and copy their application to the police within 7 days. They must display a notice for 21 days. Objections can be received for a period of 28 days on relevant grounds (not moral grounds) and objections will be considered at a hearing of the Licensing Sub-Committee. Appeals will be heard in the Magistrates' Court. Application forms will be made available on the council's website.
- 3.11 **Terms, conditions and restrictions** can be imposed on a licence that are necessary, non-discriminatory and proportionate. We currently have model standard conditions that have been applied to the two existing sex establishment licences and it is proposed that they continue in their current format. The conditions appear in the draft licensing policy as Appendix A. We also have model conditions for exotic dancing and it is proposed that they be adopted for SEV's. The conditions appear in the draft licensing policy as Appendix B.
- 3.12 **Numbers and relevant locality** Schedule 3 of the 1982 Act allows the council to refuse applications on grounds related to the assessment of the "relevant locality". It can also make an assessment as to the 'character' of the relevant locality and how many, if any, sex establishments or sex establishments of a particular kind, it considers are appropriate for that relevant locality. We currently have no limits on numbers for Sex Establishments, with all applications being considered on their individual merits.
- 3.13 **Licensing policy.** Although local authorities are not required to produce a statement of licensing policy relating to sex establishments, they may do so if they wish, so long as it does not prevent any individual application from being considered on its own merits at the time the application is made. Policies can contain matters such as conditions, appropriate locations, limits on numbers etc. The current practice for licensing sex shops within Cambridge city is to follow a

standard operating procedure document, which sets out matters including the application and consultation process to be followed. Both current sex shop licences have the same model standard conditions attached. Any changes to the model conditions are determined by the licensing committee. These current practices will be extended to include SEV's.

- 3.14 Government Guidance considers it to be good practice for Licensing Authorities to have a statement of licensing policy for Sex Establishments. It is recommended that it be reviewed every five years, in line with the Police Reform and Social Responsibility Bill proposed amendment for Licensing Act 2003 policies.

#### **4. CONSULTATIONS**

- 4.1 We are undertaking public consultation on the draft policy in accordance with the Government's Code of Practice, consulting widely with the public, statutory authorities, including the police, businesses likely to be affected and existing and potential premises licence holders.
- 4.2 Consultation is being undertaken for 12 weeks between the 31<sup>st</sup> January 2011 and 26<sup>th</sup> April 2011. The document and process is available to view on the consultation section of the council's website [www.cambridge.gov.uk](http://www.cambridge.gov.uk) and officers will be attending Area Committees during the consultation period.
- 4.3 Raising awareness at Area Committees gives the opportunity for members of the public to be involved in the process of developing the policy. We welcome any feedback or any concerns you may have on the requests. All comments will be considered in drawing up the final policy, although we will not be able to give individual responses to comments received. We will be publishing the results on our website in June 2011.
- 4.4 Early feedback would be appreciated, with all feedback being received by 26<sup>th</sup> April 2011. All comments received will be reported back to the licensing committee for consideration after the close of the consultation period.

#### **5. ISSUES AND OPTIONS**

- 5.1 Having adopted the amendment introduced by section 27 of the 2009 Act, the Council now has the power to regulate sex entertainment venues as sex establishments under Schedule 3 to the 1982 Act. Establishing procedures will enable the council to exercise their statutory function to regulate and licence lap dancing and other sexual entertainment venues in the same way as sex shops, rather than as pubs and clubs.

#### **6. CONCLUSIONS**

- 6.1 Government Guidance recommends the formulation of a Statement of Licensing Policy as good practice and the establishment of such a policy will give greater scope and discretion to the council as to how Sex Establishments are controlled within the area.

#### **7. IMPLICATIONS**

(a) **Financial Implications**

(i) Schedule 3 to the 1982 Act states that the application for grant, renewal, variation or transfer of a sex establishment licence shall pay a reasonable fee, but gives discretion to the council. Any fees charged must be reasonable and proportionate to the costs incurred and must not exceed those costs (excluding enforcement).

(ii) There is a cost to the Council of undertaking public consultation.

(b) **Staffing Implications**

The new procedures will be processed as an additional workload, but within existing staff resources. The additional workload arising from the consultation process will also be absorbed within existing staff resources.

(c) **Equal Opportunities Implications**

Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and to foster good relations between the sexes. The Council will be able to attach conditions to licences as appropriate, for example to protect performers from harassment and any threat to their dignity and to address any suggestion that women may be less welcome in premises than men. The fears of women and vulnerable persons using the vicinity of the premises can be addressed in decisions as to the locations of such facilities and by conditions. An Equalities Impact Assessment (EqIA) has been compiled addressing perceived equality issues and this will be reviewed at the close of the consultation period after consideration of the consultation responses.

(d) **Environmental Implications**

The environmental implications for the relevant locality are one of the matters that the Committee should consider in determining each request.

(e) **Community Safety**

The Government's intention is to give local people a greater say over the number and location of sexual entertainment venues within their area and its introduction followed consultation with local authorities which highlighted concerns that the existing legislation did not give communities sufficient powers to control where lap-dancing clubs were established. The adoption of the amendment and associated procedures will provide checks and balances to ensure greater community involvement. Cambridgeshire Constabulary is a consultee.

(f) **Human Rights**

The following human rights are potentially engaged:

Article 10 – the right to freedom of expression, Article 1 of the First Protocol – the right to the peaceful enjoyment of possessions;

Section 19 of the Human Rights Act 1998 requires a Minister of the Crown in charge of a Bill to make a written statement of compatibility with the rights conferred by the European Convention on Human Rights. While the Local Government (Miscellaneous Provisions) Act preceded the Human Rights Act, the provisions of the Policing and Crime Act 2009 post-dated it. Therefore in considering the application of the provisions relating to sexual entertainment venues the Council can be assured that the wide powers they have been given to control SEV's have themselves been validated in human rights terms.

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

Local Government (Miscellaneous Provisions) Act 1982

To inspect these documents contact Christine Allison on extension 7899

The author and contact officer for queries on the report is Christine Allison on extension 7899

Report file: M/Everyone/Licence/Sex Est/committee reports/AC11-Feb&Mar2011.doc

Date originated: 27<sup>th</sup> January 2011

Date of last revision: 27<sup>th</sup> January 2011



**CAMBRIDGE CITY COUNCIL**

**CONSULTATION DRAFT**

**SEX ESTABLISHMENT LICENSING POLICY**

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## **1. The City of Cambridge**

- 1.1 Cambridge is a unique blend of market town, sub-regional centre, national and international tourist attraction and centre of excellence for education and research. It is a city of great beauty and is renowned for the qualities of its streets, spaces and buildings.
- 1.2 Cambridge City Council, in association with local partnerships wants Cambridge to be vibrant, socially mixed, safe, convenient and enjoyable, where all residents feel integrated into the life of the City and a part of its success.
- 1.3 Cambridge City Council has a clear vision for the future of the City, a vision shared with Cambridge citizens and partner organisations. Our vision includes:
  - A city that is diverse and tolerant, values activities which bring people together and where everyone feels they have a stake in the community
  - A city where people behave with consideration for others and where harm and nuisance are confronted wherever possible without constraining the lives of all
- 1.4 The overarching objectives of Cambridge City Council in licensing Sex Establishments are to:
  - Promote the Authority's visions and values
  - Protect the rights and health and safety of the general public, workers, residents, businesses, minority and vulnerable groups and
  - Ensure the principles of consistency, transparency, accountability and the promotion of good standards in licensing
  - Demonstrate compliance with statutory responsibilities in relation to procedures and enforcement
  - Ensure consistent and transparent decision making

## **2. Introduction**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) does not require the publication of a sex establishment licensing policy, however we recognise the benefits of having such a policy. A sex establishment licensing policy can play a pivotal role in the achievement of the pattern, number and standards of sex establishments within the City.
- 2.2 This document sets out the policy which will guide the Licensing Authority when considering applications and will generally be applied when making decisions on applications.
- 2.3 We will determine each application on its individual merits and this policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.
- 2.4 We may depart from this policy if, in the interests of the promotion of the objectives, the individual circumstances of any case merit such a decision. We will give full reasons for departing from the policy.



- 2.5 The 1982 Act introduced a licensing regime to control Sex Establishments. On 19<sup>th</sup> October 1989, Cambridge City Council resolved to bring into force from 27<sup>th</sup> November 1989 Schedule 3 of the Act, which provided for the control of sex establishments (i.e. sex shops and sex cinemas).
- 2.6 Section 27 of the Policing and Crime Act 2009 (the 2009 Act), which came into force on 6th April 2010, amends Schedule 3 to the 1982 Act, providing for the control of a new category of sex establishment called a Sexual Entertainment Venue. The amendment allows councils to regulate lap dancing clubs and similar venues as sex establishments. On 21<sup>st</sup> October 2010, Cambridge City Council resolved that Schedule 3 to the 1982 Act as amended by section 27 of the 2009 Act should apply to the Cambridge City Council area commencing from 1<sup>st</sup> December 2010.
- 2.7 In carrying out our licensing functions, we will have regard to the following:
- 2.7.1 The Local Government (Miscellaneous Provisions) Act 1982
  - 2.7.2 Any supporting regulations
  - 2.7.3 Guidance issued by Central Government
  - 2.7.4 This statement of licensing policy

We must also fulfil our obligations under s17 of the Crime and Disorder Act 1998, to do all that we reasonably can to prevent crime and disorder in Cambridge.

- 2.8 The Policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, including the Human Rights Act 1998, the Equality Act 2010, the Disability Discrimination Act 1995, the Provision of Services Regulations and the Regulators' Compliance Code (as set out under the Regulatory Reform Act 2006).
- 2.9 The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and victimisation; and to promote equality of opportunity and good relations between persons of different racial groups.
- 2.10 In carrying out our licensing functions we will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate against anyone on the grounds of age, gender, race, sexual orientation, disability, gender reassignment, religion or belief.
- 2.11 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is our role as the licensing authority to administer the licensing regime in accordance with the law.
- 2.12 The 1982 Act and the 2009 Act can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk)

### **3. Consultation**

- 3.1 In preparing this policy statement we have consulted with the following:

- the Chief Officer of Police for Cambridgeshire
  - the Chief Officer of the Cambridgeshire Fire and Rescue Service
  - persons/bodies representative of local holders of premises licences
  - persons/bodies representative of local holders of club premises certificates
  - persons/bodies representative of businesses and residents in the City of Cambridge
  - the child protection agency
  - other organisations as appear to the Licensing Authority to be affected, including councillors, local community, cultural, educational and entertainment organisations.
- 3.2 We consulted on this policy between 31st January 2011 and 26<sup>th</sup> April 2011 and was (*will be considered*) approved by Licensing Committee on (6<sup>th</sup> June 2011 - *to be confirmed*)
- 3.3 We have considered the views of all those consulted prior to determining this policy.

#### **4. Sexual Entertainment Venues**

Sex establishment licences are required for

- 4.1 *'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.'*
- 4.2 'Relevant entertainment' is *"any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 4.3 In deciding whether entertainment is "relevant entertainment" We will judge each case on its' individual merits, however we would expect that the following forms of entertainment as they are commonly understood will be "relevant entertainment":
- Lap dancing
  - Pole dancing
  - Table dancing
  - Strip shows
  - Peep shows
  - Live sex shows
  - Topless Bars
  - Premises where private entertainment booths are present

This list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, should be treated as indicative only. Ultimately, decisions as to whether entertainment is "relevant entertainment" will depend on the content of the entertainment and not the name it is given.

- 4.4 The following premises are not sexual entertainment venues:
- Sex shops and sex cinemas

- Premises which provide relevant entertainment on an infrequent basis. These are premises where-
    - a) relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
    - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
    - c) no such occasion has lasted longer than 24 hours.
  - other premises or types of performances or displays exempted by an order of the Secretary of State.
- 4.5 Premises providing relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003 (the Licensing Act).
- 4.6 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether express or implied.

## **5. Sex shops and sex cinemas**

- 5.1 Sex Establishment Licences are required for “sex cinemas” and “sex shops”. “Sex shop” means any premises, vehicle, vessel or stall that is used for a business which consists to a “significant degree” of selling, hiring, exchanging, lending, displaying or demonstrating with “sex articles”.
- 5.2 The phrase “sex articles” is defined in the 1982 Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:
- the ratio of sex articles to other aspects of the business
  - the absolute quantity of sales
  - the character of the remainder of the business
  - the nature of the displays in the business
  - turnover
  - other factors which appear to be materially relevant

## **6. Requirement for a Licence**

- 6.1 Any person wishing to operate a sex establishment as defined by Schedule 3 to the 1982 Act requires a sex establishment licence, unless we have waived the requirement for a licence.
- 6.2 We will normally grant a licence for a period of one year, but we may exercise our discretion to issue a licence for a shorter period if we consider this to be appropriate.

## **7. Waiver**

7.1 We may, upon application, waive the requirement for a licence in any case where we consider that to require a licence would be unreasonable or inappropriate.

7.2 Waivers may be granted to;

- Book shops, including shops where sale of DVD's and CD's are present
- Sexual Health Clinics
- Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
- Educational Establishments as part of a recognised educational curriculum

7.3 We will consider each application for a waiver on its individual merits, however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.

7.4 In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information that we may reasonably require in order to make our decision.

7.5 A waiver may be for such period as the Licensing Authority thinks fit. Where we grant an application for a waiver, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

## **8. The Licensing Act 2003**

8.1 Premises holding a sexual entertainment venue licence will not require a premises licence under the Licensing Act 2003 unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment.

8.2 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act.

8.3 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment licence, but will instead need an appropriate authorisation under the Licensing Act, for example to cover the performance of dance. An exemption for live music or the playing of recorded music, which is integral to the entertainment, does not apply to such venues.

## **9. Location of Licensed Premises**

9.1 We have not imposed a limit on the number of premises that may be licensed in any area of the City, however, whilst deciding each application upon its

own merits we will not normally licence premises that are in close proximity to:

- 9.1.1 a residential area
  - 9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;
  - 9.1.3 a park or other recreational areas used by or for children under 16 years of age;
  - 9.1.4 a church or other place of religious worship;
- 9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.
- 9.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.
- 9.4 We would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

## **10. Commenting on licence applications**

- 10.1 A wide range of people can raise objections about sex establishment licences. The Police are a statutory consultee for all applications.
- 10.2 We can only consider objections that are relevant to the statutory grounds for refusal set out in the 1982 Act and are received within the 28-day period for making objections.
- 10.3 We will notify applicants of any observations made by the Chief Officer of Police and provide details in general terms of objections that we have received within the 28-day period. We will not without the consent of the person making the objection reveal his/her name or address to the applicant.
- 10.4 Where no relevant objections are made, or objections are withdrawn, officers will grant the licence under the scheme of delegated powers.
- 10.5 Licensing Sub-Committee will consider all applications where there are relevant objections. We will give both applicants and objectors an equal opportunity to state their case in accordance with our hearings procedure.
- 10.6 We will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Our officers will make decisions on whether objections are frivolous or vexatious. Where objections are rejected the objector will be given a written reason.

## **11. Determining Applications**

- 11.1 In considering any application for the grant, renewal or transfer of a licence we will have regard to any observations submitted by the Chief Officer of Police and any relevant objections that we have received within the 28-day period.
- 11.2 Where we refuse to grant, renew or transfer a licence, we will send notice of the reasons for our decision to the applicant within seven days.
- 11.3 An applicant must be a suitable person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, we will consider all relevant information including the following:
- Previous relevant knowledge and experience of the applicant;
  - The operation of any existing or previous licence(s) held by the applicant, including any licence held in any other area.
  - Any report about the applicant and management of the premises received from statutory objectors.

## **12. Terms, conditions and restrictions**

- 12.1 We may impose terms, conditions and restrictions on the grant of a licence. Where imposed, these will be necessary, non-discriminatory and proportionate.
- 12.2 We have model conditions relating to sex establishments and sexual entertainment venues. The conditions which may be attached to a licence are set out in Appendices A and B to this policy.
- 12.3 We will consider all applications on an individual basis and may impose additional or alternative conditions tailored to individual premises.

## **13. Grounds for refusal**

### **The 1982 Act sets out mandatory and discretionary grounds for refusal of a licence.**

- 13.1 We will not grant a licence;
- a) to a person under the age of 18; or
  - b) to a person who is for the time being disqualified under paragraph 17 (3) of Schedule 3 to the 1982 Act; or
  - c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - d) to a body corporate which is not incorporated in an EEA state; or
  - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 13.2 We may refuse:

- i) an application for the grant or renewal of a licence on one or more of the grounds listed in a) – d) below:
- ii) an application for the transfer of a licence on either or both of the grounds specified in paragraphs a) and b) below:

The grounds are:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application determined is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality. Nil may be the appropriate number.
- d) that the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality, or to the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

13.3 The 'relevant locality' means: in relation to premises, the locality where they are situated; and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

13.4 We have not made a decision to determine the number of sex establishment premises appropriate for the City of Cambridge however this may be subject to review.

13.5 We may refuse applications for a sex establishment licence where we are not satisfied that the application has been advertised in accordance with the requirements of the 1982 Act.

13.6 We may refuse to accept an application where we consider that relevant information has been omitted or an application is incomplete.

#### **14. Hearing**

14.1 Where relevant objections have been made we will give applicants the opportunity of appearing before the Licensing Sub-Committee.

14.2 We will advise the applicant and objectors of the date, time and venue of the hearing.

14.3 A copy of the committee report will be published on our website at least 5 days prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.

14.4 The hearing will be conducted in accordance with our hearings procedure.

14.5 The Licensing Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within seven days.

14.6 Whilst the Act does not stipulate a timescale for hearing applications, where objections have been submitted and accepted, we aim to determine an application within 20 working days from the close of the 28-day period for receiving objections.

14.7 Applicants have a right of appeal to a Magistrates Court.

## **15. Enforcement**

15.1 We will establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will target agreed problems and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises that are well run.

15.2 In general, action will only be undertaken in accordance with the Council's enforcement policy, as adopted at the time, which reflects the Council's obligations relating to enforcement and is consistent with the Regulators Compliance Code. To this end, the key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained.

15.3 Cambridge City Council's enforcement policy is available on our website: <http://www.cambridge.gov.uk/ccm/content/council-and-democracy/how-the-council-works/council-policies-and-plans/enforcement-policy.en>

## **16. Amendments to Policy**

16.1 Any significant future amendment to this policy will only be implemented after further consultation.

For the purpose of this section, any significant amendment is defined as one that:

(a) is likely to have a significant financial effect on the licence holders, or

(b) is likely to have a significant procedural effect on the licence holders, or

(c) is likely to have a significant effect on the community.

16.2 Any minor amendments to this Policy may be authorised by the Licensing Committee.

16.3 We retain the right to review the policy as deemed necessary, or as required due to legislative changes and Government guidance.

## **17. Integration with Council Strategies and the avoidance of duplication**

17.1 By consultation and liaison, we will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the City and the night-time economy.



17.2 So far as is possible, the policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.

17.3 It is likely that certain aspects of the activities of a sex establishment will be licensed under the Licensing Act 2003 e.g. a bar in a lap-dancing club. We will not normally attach conditions to a sex establishment licence, which can just as well be attached to a premises licence under the 2003 Act.

## **18. Exchange of information**

18.1 We may from time to time exercise our powers under section 115 of the Crime & Disorder Act 1998 to exchange data and information with the police and other partners to fulfil our statutory objective of reducing crime in the area.

18.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

## **19. Administration, exercise and delegation of functions**

19.1 The functions of the Licensing Authority under the 1982 Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

19.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers.

## **20. Fees**

20.1 Fees are set each year. Details are available from the licensing team and on our website <http://www.cambridge.gov.uk/ccm/content/ehws/licensing/fees.en> We charge a separate fee for applying/ varying/ transferring a licence and renewing a licence.

## **21. Effective Date and Review**

21.1 This policy statement will take effect on xxxxx 2011.

21.2 The policy statement will be kept under review and will be subject to further review and consultation before xxxxx 2016.

## **22. Contact details, advice and guidance**

22.1 Applicants can obtain further details about sex establishment licensing application processes, including application forms and fees from:

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

e-mail: [licensing@cambridge.gov.uk](mailto:licensing@cambridge.gov.uk)

telephone: 01223 457879

fax: 01223 457909

post: Licensing, Refuse and Environment Service,  
Cambridge City Council, PO Box 700,  
Cambridge, CB1 0JH

in person: Customer Service Centre, Mandela House, 4, Regent  
Street, Cambridge, CB2 1BY (Monday to Friday 08:00-  
18:00)

Electronic applications can also be made on line via the government's  
businesslink website [www.businesslink.gov](http://www.businesslink.gov)

- 22.2 This policy can be made available in large print on request and similarly  
translations can be made available in a variety of languages. Please contact  
us for further help or assistance.
- 22.3 Informal discussion is encouraged prior to the application process in order to  
resolve any potential problems and avoid unnecessary hearings and appeals.

## Appendix A

**Cambridge City Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.**

### **CAMBRIDGE CITY COUNCIL**



### *SEX ESTABLISHMENT LICENCE CONDITIONS*

These conditions may be applied to the licensed sex establishment at (the licensed premises) as granted under the 3<sup>rd</sup> Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

#### **1. Hours of Opening**

- 1.1 The licensed premises shall not be open to the public before 9.30 am and shall not be kept open after 6.00 pm from Monday through to Saturday (inclusive) except that the premises may open to the public until 8pm on Fridays.
- 1.2 The licensed premises shall not be open to the public on Sundays, Christmas Day or Good Friday.

#### **2. Management and Staffing of the Licensed Premises**

- 2.1 Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.

- 2.2 The name of the person responsible for the management of the licensed premises, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.
- 2.3 The Licensee shall notify the Licensing Authority and the Police of the name and address, and date of birth of any manager or employee involved at the premises within 7 days of them commencing employment. In the case of existing staff at the time the Sex Establishment licence comes into operation for the first time, this information shall be supplied to the Licensing Authority within 14 days of the licence coming into operation. The Licensing Authority shall reserve the right to object to persons being involved with the premises where they are unsuitable e.g. by way of previous relevant criminal convictions.
- 2.4 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management. An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of details and a satisfactory photograph by the Licensee. A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.
- 2.5 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 2.6 The Licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 2.7 Neither the Licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

2.8 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

2.9 No amusement or gaming machines of any kind, whether for prizes or other wise, shall be kept or used upon the licensed premises at any time.

### **3 External Appearance**

3.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the Licensing Authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Licensing Authority. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 3.2 and 3.3.

3.2 The Licensing Authority shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters.

*(As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the Licensing Authority's approval)*

3.3 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order. On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

**WARNING**

***“Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age”***

#### **4 Maintenance and Repair**

- 4.1 The Licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times. This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and discarded sex articles/waste stock emanating from the premises pending prompt removal from site.
- 4.2 The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

#### **5 General**

- 5.1 The licence shall be revocable in the event of the Licensing Authority being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
- 5.2 IN ADDITION TO THE ABOVE CONDITIONS, IT IS THE DUTY OF THE LICENCE HOLDER TO COMPLY WITH ALL THE REQUIREMENTS OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.

**Cambridge City Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.**



**CAMBRIDGE CITY COUNCIL  
SEXUAL ENTERTAINMENT VENUE LICENCE CONDITIONS**

These conditions may be applied to the licensed sexual entertainment venues as granted under the 3<sup>rd</sup> Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

Conditions to be attached to Sexual Entertainment Venues, including Lap dancing, pole dancing, table dancing, strip shows, peep shows, live sex shows, topless bars and premises where private entertainment booths are present.

**The Licensee**

1. The Licensee shall at all times conduct the premises in a decent, sober and orderly manner. In particular the Licensee shall take whatever steps are necessary to ensure that none of the following takes place:
  - (a) Indecent behaviour including sexual intercourse;
  - (b) The offer of any sexual or other indecent service for reward;
  - (c) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
  - (d) Any acts of violence against persons or property and/or the attempt or threat of such act likely to cause a breach of the peace.

**The Premises**

2. CCTV shall be installed, maintained and operated to the satisfaction of the Council, to cover all areas where dancing takes place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping.

3. Tape recordings shall be kept secure and shall be made available to an Authorised Officer of the Council or a Police Officer, on request.
4. No person shall take any video recordings or photographs of the authorised entertainment. Notices to this effect shall be clearly displayed within the venue.
5. There must be no display outside the premises of photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises.
6. Entertainment, including dancing, which involves nudity or sexual performances of any kind, must not be visible from outside the premises.
7. Performers shall be provided with separate dressing/changing rooms, which shall be located so as to be separate and apart from the public facilities.
8. No person other than performers and authorised staff shall be permitted in the dressing/changing rooms.
9. Safe and controlled access to the dressing rooms for performers must be maintained at all times. A nominated person should monitor and supervise the performers' dressing/changing rooms.
10. Dressing/changing rooms are to include make-up lighting, mirrors and seating.
11. A curtain or similar such screen shall be provided so as to maintain privacy at all times when the dressing/changing room door is opened.
12. There shall be adequate licensed door supervisors in attendance on the premises when such entertainment is taking place. Of these door supervisors, at least one shall be female. Door supervisors shall be positioned at all entrances to the premises throughout the performance and shall be present in the room in which the performance takes place.
13. All persons working as door supervisors must be approved and licensed by the Security Industry Authority (SIA). The Council will not normally consider the Licensee or the designated Premises Supervisor to be a door supervisor.

## **Performers**



14. Performers shall be aged not less than 18 years.
15. No performer shall be allowed to work if, in the judgement of the Management, they appear to be intoxicated, or under the influence of illegal substances.
16. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
17. Performers shall not use any props or clothing in the Act, which portrays them as a minor.
18. When making their way from the dressing/changing room to the dance area each performer will be robed. They will also be accompanied into the dance area by a licensed door supervisor. On the journey from the dance area to the dressing/changing room they will be robed and accompanied by a licensed door supervisor.
19. There shall be no physical contact between customers and the dancers except for the placing of gratuities into the hands or garter of the dancer at the beginning or conclusion of a performance. Whilst the dancers are performing there shall be a minimum distance of 80cm between the dancer and the seated customers.
20. Garters worn for the collection of gratuities shall be situated no higher than mid thigh.
21. Performers providing either table or lap dancing performances are to remain standing throughout the performance of the dance.
22. There shall be no table or lap dance performances given to customers seated or standing at a bar.
23. Dancers shall re-dress at the conclusion of the performance and are to remain fully clothed (minimum bikini top and bottom) at all times except when giving a performance.
24. The Licensee, Designated Premises Supervisor or a licensed door supervisor will immediately deal with any report of contact, misconduct or provocation by a customer or a dancer.

## **General**

25. Whilst the agreed activities are taking place, no person under the age of 18 shall be allowed onto that part of the premises. Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The licensee must provide and display clear notices to this effect at each entrance to the premises and in a prominent position so that it can be easily read by persons entering the premises.
26. No customer shall be admitted to the premises or allowed to remain in the dance area if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.
27. Customers shall remain seated at all times whilst in the dance area, other than when they arrive, depart, visit the toilet or go to the bar.
28. Dance entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose and have been provided with a copy of the Performance Code of Conduct by the Licensee. Audience participation shall not be permitted.
29. No persons other than dancers shall be in the dance area in a state of undress.
30. Dance entertainment shall only be performed in the area of the club as marked on the plans deposited with the Licensing Authority.
31. Customers shall not proposition performers or behave in a disorderly manner. Offenders must be removed from the premises. Appropriate notices stating these 'house rules' shall be displayed in prominent positions throughout the premises.
32. No telephone number, address or information leading to any further meeting may be passed from customer to performer or vice versa.
33. If performers are invited to have a drink with a customer the performer shall remain fully clothed during this period. Performers shall not be paid commission on the sale of beverages.
34. On leaving the premises performers shall be escorted to their transport by a registered door supervisor.
35. A clear copy of these conditions shall be exhibited at all times in or near the performers' dressing/changing rooms. These conditions shall be protected against theft, vandalism or defacement.

36. The Licensee is to ensure that prior to engagement, all performers provide documents proving that they are over 18 years of age and documents proving that they are legally entitled to work in the UK. Such documents are to be copied and retained on the performer's file.
37. All performer files are to be retained for a period of six months after engagement, and made available to the statutory authorities upon request if required for investigative purposes.
38. Where the Licensee employs performers from an agency, the performers must still provide the relevant documentation as required in the condition above. Details of agencies providing performers are to be made available to the statutory authorities upon request.

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**Report** Environmental Projects Manager

**by:**

**To:** South Area Committee

3 March 2011

**Wards:** Trumpington, Queen Edith's, Cherry Hinton

## Environmental Improvement Programme Report

### 1.0 DECISION TO BE MADE: -

- ***Cherry Hinton High St Hanging Baskets***

*To determine whether to fund the provision of 28 hanging baskets on 14 lamp columns along Cherry Hinton High St at a cost of £8000.*

### 2.0 Budget (See over)



## **3.0 PROGRESS ON EXISTING SCHEMES**

### **3.1 Fishers Lane Verge Parking**

The scheme to provide a lay-by for parking on Fishers Lane and improvements to the crossing of Shepherd's Close is now complete.

### **3.2 Wulfstan Way**

This scheme has experienced significant delays with procurement of construction services. A new Contractor had to be procured towards the end of last year and a contract value has only recently been submitted for this scheme. This value has exceeded the budget available and we are currently working closely with the Contractor to bring the scheme back within budget. Initial discussions have proved positive and we are looking to begin construction of the scheme as approved in early April.

### **3.3 Clarendon Road/Shaftsbury Rd**

A second speed survey was completed for these streets during peak periods at the request of the Committee and residents. This produced a lower average speed of 24mph, which accords with the maximum allowable average speed under the County Council policy for the introduction of a 20mph speed limit.

The 20mph traffic regulation orders are currently being prepared and will follow the statutory process for their introduction. Any objections during the formal advertisement phase will be presented to the Area Joint Committee for determination. This process is managed by the County Council and will be included within their TRO advertisement programme. This order is expected to be introduced during the Summer, subject to the determination of any objections.

The speed reactive signs proposed for Clarendon Road however, do not accord with County Council policy, which only permits signs to be installed where the 85<sup>th</sup> percentile speed is greater than 20% above the stated speed limit. All costs must also be borne by the third party, including initial manufacture and installation costs, energy costs, routine maintenance, accident/vandalism repairs etc, covered by a commuted sum. The provision of such signs cannot therefore proceed, as was suggested by Officers in the EIP report to South Area Committee on 11<sup>th</sup> November 2010. The removal of these signs from the scope of this scheme will therefore reduce the budget required from £22,000 to £12,000.

## 4.0 SCHEMES REQUIRING DECISIONS

### 4.1 Cherry Hinton High St Hanging Baskets

Since 2009, South Area Committee has funded the hanging baskets attached to the lighting columns along Cherry Hinton High Street each year.

There are 14 lighting columns with 28 hanging baskets in total, two on each column.

The £8000 cost includes for the supply and maintenance of the baskets.

**Recommendation:** *That the Committee agree to fund the provision of hanging baskets along Cherry Hinton High St at a cost of £8000.*

**Decision:** *To determine whether to fund the provision of 28 hanging baskets on 14 lamp columns along Cherry Hinton High St at a cost of £8000.*

## 5.0 IMPLICATIONS

### (a) Financial Implications

The Environmental Improvements Programme is a rolling budget and is divided between the four Area Committees by percentage population.

A degree of flexibility can be implemented within the programme. It will be possible for Area Committees to 'save' some, or all, of their annual budget in order to accrue funds for larger projects.

### (b) Equal Opportunities Implications

Covered as one of the assessment criteria

### (c) Environmental Implications

The whole purpose of this programme is to bring about improvements in the environment

### (d) Community Safety Implications

Covered as one of the assessment criteria



## 6.0 BACKGROUND PAPERS

### APPENDIX A - EIP Eligibility Criteria

#### INSPECTION OF PAPERS

To inspect or query the background paperwork or report, please contact .:

Andrew Preston, Environmental Projects Manager

**Telephone:** 01223 457271

**Email:** [andrew.preston@cambridge.gov.uk](mailto:andrew.preston@cambridge.gov.uk)

## APPENDIX A

### ELIGIBILITY CRITERIA - as agreed by Executive Councillor (Environment) on 18 March 2003 with amendments agreed 22 March 2005

The essential criteria for consideration of funding of Environmental Improvement works are:

- Schemes should have a direct, lasting and noticeable improvement to the appearance of a street or area.
- Schemes should be publicly visible and accessible.
- Schemes must have the owners consent if on private land – unless there are exceptional circumstances by which Area Committee may wish to act unilaterally and with full knowledge and responsibility for the implication of such action.
- Schemes must account for future maintenance costs.

Desirable criteria – potential schemes should be able to demonstrate some level of:

- Active involvement of local people.
- Benefit for a large number of people.
- 'Partnership' funding.
- Potential for inclusion of employment training opportunities.
- Ease and simplicity of implementation.
- Potential for meeting key policy objectives (e.g. improving community safety or contributing to equal opportunities).

Categories of scheme ineligible for funding:

- Where a readily available alternative source of funding is available.
- Revenue projects.
- Schemes that have already received Council funding (unless it can be clearly demonstrated that this would not be 'top up' funding).
- Works that the City or County Council are under an immediate obligation to carry out (e.g. repair of dangerous footways)
- Play areas (as there are other more appropriate sources of funding including S106 monies)

The following categories of work were agreed as being eligible for funding by the Area Committees:

- Works in areas of predominately council owned housing
- Works to construct lay-bys where a comprehensive scheme can be carried out which not only relieves parking problems but achieves environmental improvements.

**Report by:** Cambridgeshire Community Foundation

**To:** Area Committee – South, 3<sup>rd</sup> March 2011

**Wards:** Trumpington, Queen Edith's, Cherry Hinton

<b>Community Development Grants 2010-11</b>
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## **Introduction**

This report reminds members of the process for the allocation of Community Development and Leisure grants by Area Committees, confirms the funds available, seeks approval for applications which have been assessed and lists further applications which are still under review.

The application process has been managed by Cambridgeshire Community Foundation (CCF) from April 09. CCF advertise available funds; support potential applicants; assess applications; present recommendations to Area Committees; advise applicants of Area Committee decisions; make grant payments and seek feedback and monitoring from the funded projects. CCF does not therefore make decisions on the grants awarded from the Area Committee funds.

**This report is divided into 2 sections -**

- 1. Details of all 2010-11 Area Committee grants awarded to groups in the South Area and the status of other applications from groups in South area received by CCF since 1 April 2010.  
Please note - There are no further requests for 2010-11 funding for consideration at this meeting.**
  
- 2. Details of two requests for 2011-12 funding.**

## 1. Area Committee 2010-11 funding

### 1.1 Background

The Executive Councillor has approved the following allocation of 10% of the total Community Development grants budget and 5% of the total Leisure grants budget for area committee grants. It has been calculated using population levels and is also weighted to give additional funds to areas of economic disadvantage as defined by the City Council's *Mapping poverty* research report.

2010-11						
Area	Population	Mapping Poverty score	Combined score	Community Development £	Leisure £	Total £
North	29%	40%	36.5%	17,200	4,570	21,770
East	29%	35%	32.8%	14,930	3,970	18,900
<b>South</b>	<b>21%</b>	<b>20%</b>	<b>20.4%</b>	<b>9,250</b>	<b>2,460</b>	<b>11,710</b>
West Central	21%	5%	10.3%	4,720	1,250	5,970
<b>Total</b>				<b>46,100</b>	<b>12,250</b>	<b>58,350</b>

### 1.2 South Area Committee 2010-11 Community Development applications

Community Development 2010-11 spend to date: £6,095

ID	Group	Project	AC Grant
2296	Menelik Education	to fund pre-festival world music and culture activities across three events in three areas in Cambridge	450 (Chair's Action)
WEB9511	Trumpington Residents' Association	to erect a double sided community notice board for the high street	600
WEB5733a	Little Bunnies Mothers / Carers Playgroup	towards running a trip and purchasing a new world map rug	350
2315a	Trumpington Elderly Action Group	for running costs, holiday celebrations and auditor's fee.	335
WEB11512a	Hanover & Princess Court Residents Association	to fund the Community Christmas Event.	450
2401a	Denis Wilson Court Social Club	for a coach trip and lunch in St Ives	405

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WEB10147b	2nd Cherry Hinton Guides	to buy camping equipment and to fund a Centenary guiding camp week in the summer	1,510
WEB114491	Cherry Hinton Residents	to run a community Christmas event including Christmas tree and lights erected on the green in the centre of the village	630
2692	Denis Wilson Court Social Club	to fund the group's Christmas lunch	250
2676	Denis Wilson Court Social Club	to pay for a broadband connection which will allow the group to continue their computer class	315
WEB18034	Trumpington Residents Association	To purchase a marquee	800
<b>Total</b>			<b>£6,095</b>
<b>Remaining</b>			<b>£3,155</b>

**1.3 South Area Committee 2010-11 Leisure applications: none**

**1.4 Leisure 2010-11 spend to date: £0**

**1.5 Summary of 2010-11 Community Development and Leisure spend.**

<b>2010-2011</b>	<b>Budget £</b>	<b>Allocated £</b>	<b>Remaining £</b>
Community Development	9,250	6,095	2,555
Leisure	2,460	0	2,460
<b>Total</b>	<b>11,710</b>	<b>6,095</b>	<b>5,015</b>

**1.6 Status of other applications from groups in South area received by CCF since 1 April 2010.**

<b>CCF ID</b>	<b>Group</b>	<b>Project</b>	<b>Status</b>
2293	Denis Wilson Court Social Club	To cover the costs of a 'Celebration of Age' party.	Awarded £575
WEB10147a	2nd Cherry Hinton Guides	to buy camping equipment and to fund a Centenary guiding camp week in the summer	Awarded £2,000
WEB10207	Cambs County Council: South City Locality Youth Team	to purchase several resusci-dolls in varying ages (adult, child, baby) and bandages for First	Awarded £500

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		Aid training	
WEB5733b	Little Bunnies Mothers / Carers Playgroup	towards running a trip and purchasing a new world map rug	Awarded £250
WEB11512b	Hanover & Princess Court Residents Association	to fund the Community Christmas Event	Awarded £450
2315b	Trumpington Elderly Action Group	for running costs, some holiday celebrations and auditor's fee	Awarded £300
2401b	Denis Wilson Court Social Club	for a coach trip and lunch in St Ives	Awarded £300
WEB16970	Normanhurst	to fund a Christmas Party for the residents and plants for the spring.	Awarded £160 from Community Initiatives Programme
WEB11098	Mission Impossible 7	to purchase new kit	Awarded £1,800
2780	Denis Wilson Court Social Club	to fund an outing to the Pantomime including coach costs.	Rejected
2692b	Denis Wilson Court Social Club	to fund the group's Christmas lunch	Awarded £250

**2. Recommendations to be considered at this meeting for funding from the 2011-12 budget.**

To consider the grant applications and agree recommendations detailed below.

<b>Community Development current applications.</b>			<b>Available: £tba</b>		
<b>CCF ID</b>	<b>Group</b>	<b>Project</b>	<b>Requested £</b>	<b>Recommended from Area Committee Grants £</b>	<b>Offer from other CCF funds £</b>
2941	Denis Wilson Court Social Club	for a coach trip and summer show in Cromer.	800	800	0

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2877	Tumpington Residents Association	a day trip to Hunstanton in summer 2011, to support the participation of disadvantaged residents of Trumpington.	600	600	0
<b>Total</b>			<b>1,400</b>	<b>1,400</b>	<b>0</b>
<b>Remaining</b>				<b>tbc</b>	

**2.1 Grant application background information**

<b>South Area Committee 2011-12 grants</b>	<b>CCF ref 2941</b>
<b>Applicant:</b> Denis Wilson Court Social Club	<b>Ward(s) :</b> Trumpington
<b>Purpose of group:</b> To organise social events such as Bingo, lunches, teas and outings to places of interest by coach, including lunch, visits to Garden Centres etc. Easter and Christmas and New Year are also celebrated with seasonal food and entertainment.	
<b>Project: for a coach trip and summer show in Cromer</b>	
<b>Breakdown of costs:</b> Coach (Richmonds) £575; Show (£18 per head) £684	
<b>Total cost: £1,259</b>	<b>Requested: £800</b>
<b>Expected benefits or outcomes as a result of funding as described by the applicant:</b> We hope that 38 residents will take advantage of the outing, but any spare seats would be offered to our elderly neighbours.	
<b>Number of beneficiaries: 38</b>	
<b>Background information:</b> A very active group providing outings and other social events. They have also been running a computer club for 9 years. Members will be invited to pay £5 as a non-refundable contribution to secure their place. The social club has enough in reserves to pay £269. The applicant has been to the Show in Cromer before so believes that it will suit the social club well as an outing.	
<b>CCF Comments:</b> The group has a formal constitution, equal opportunities and vulnerable adults policy.	
<b>Previous funding from this Area Committee:</b> £757 in 04/05 for computer equipment and software; £200 in 06/07 party to celebrate international day of older people; £328 in 06/07 broadband connection for residents association; £216 in 08/09 for broadband costs; £185 in 09/10 for broadband costs, £315 in 10/11 to pay for broadband costs, £250 in 10/11 to pay for a Christmas lunch, £405 in 10/11 to pay for a coach trip and lunch in St Ives	
<b>CCF recommendation:</b> Award £800	

<b>South Area Committee 2011-12 grants</b>		<b>CCF ref WEB18034</b>
<b>Applicant:</b> Trumpington Residents' Association		<b>Ward(s) :</b> Trumpington
<p><b>Purpose of group:</b> The objectives of the Association are to benefit the residents of Trumpington by associating together the residents, local authorities, voluntary and other organisations to improve the quality of life in Trumpington and to engender a sense of community through the provision of community activities and facilities. The Association holds monthly meetings; makes representations to councils and planning agencies; informs members and the public through direct contacts and information on its web site and has built up its membership to over 120 in recent years.</p>		
<p><b>Project: to purchase a marquee for community use</b>  <b>Breakdown of costs</b> coach hire (c. £1000 for 2 coaches) and goody-bag for participants (c. £200, plus in-kind contributions from local shops and residents). Lunch and entry to an attraction £500.</p>		
<b>Total cost: £1,700</b>		<b>Requested: £600</b>
<p><b>Expected benefits or outcomes as a result of funding as described by the applicant:</b> "Primary beneficiaries will be up to 100 local residents who will take part in the one-off event; secondary beneficiaries will be members of the local Residents' Association and other local people who will be involved in organising and contributing to the day. We hope that the participants will benefit from the social interplay and companionship that a coach trip and a change of scene can offer (particularly to the seaside) and the sense of community engendered by their participation in an event organised and supported by local residents and supported by the Council; we hope this will be a highlight of their summer."</p> <p><b>Number of beneficiaries: 100</b></p>		
<p><b>Background information:</b> The Association has identified a number of low income families in the area and feels that a day trip to the seaside in July will be a good opportunity for these families and will promote community spirit. Hunstanton was chosen as the most easily accessed coastal town. They will issue an open invitation to residents, targeting the invitations initially to those less well-off members of the community by offering 'batch' tickets to the local community development officer and the local vicar who are best placed to identify those people who will most benefit. It is expected that of the 100 attending, 75-80% will be from low income families. The cost for attending is likely to be £1-2 at most, per family or individual (not yet decided). The Association has already secured £600 and has recently been offered an additional £500 from a private donor to allow for additional activities on the trip e.g. allowing children to go to a fun fair, providing a free lunch.</p> <p><b>CCF Comments:</b> The group has a formal constitution and equal opportunities policy.</p>		
<p><b>Previous funding from this Area Committee:</b> £400 in 04/05 for a planning presentation; £1,450 in 09/10 to replace the Trumpington Village Sign, £600 in 10/11 to erect a double sided community notice board for the high street, £800 in 10/11 to purchase a marquee.</p>		
<b>CCF recommendation:</b> Award £600		



**BACKGROUND PAPERS** and research used in the preparation of this report:  
Grant applications.  
Monitoring from previous grant awards  
Telephone interview.

To inspect these documents contact Marion Branch on 01223 410535 or  
[marion@cambscf.org.uk](mailto:marion@cambscf.org.uk)

## Appendix 1

### Area Committee grant conditions

Community development grants enable projects which provide services or activities to benefit people living in one of the four areas of Cambridge City. Priority will be given to projects that are aimed at those people whose opportunities are restricted by disability, low income or discrimination.

1. Funds may also be used to meet any needs specific to its area as determined by the area committee.
2. Each area committee may decide to reserve part of its budget for one or more of these purposes. Grants may be awarded for capital or revenue expenditure.
3. Applications will be invited from:
  - constituted voluntary and not-for-profit organisations.
  - groupings of local residents able to meet basic accountability requirements.
  - partnerships of constituted group(s) and local residents.

Statutory agencies (such as Parish Councils and Schools) and commercial ventures are not eligible to apply.

4. There is no upper limit on application or grant award levels.
5. Members will generally be asked to consider and decide on applications twice a year.
6. Grants may be made between meetings if the applicants can demonstrate that they are unable to wait for the next scheduled grants meeting. CCF will consult with the Chair and, where relevant, ward members. The full committee will be notified at the next appropriate meeting.
7. Grants from Area Committee will not generally be made retrospectively.
8. Grants will be publicised, administered and monitored by CCF.

Funds directly managed by CCF

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<b>Application Number</b>	10/1278/REM	<b>Agenda Item</b>	
<b>Date Received</b>	21st December 2010	<b>Officer</b>	Miss Sophie Pain
<b>Target Date</b>	15th February 2011		
<b>Ward</b>	Trumpington		
<b>Site</b>	Land Adjacent To The Cottage Gazeley Road Cambridge Cambridgeshire CB2 9HB		
<b>Proposal</b>	Reserved matters application following outline application 09/1049/OUT to sub-divide existing residential site to form a separate 1000 sq m site suitable for a single 5-bedroom residence.		
<b>Applicant</b>	Mr. Timothy Kenworthy Treherne Westland Green Little Hadham Herts. SG11 2AG		

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### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Gazeley Road is a private road, which is located on the eastern side of Trumpington Road, approximately 90 metres south of the junction with Long Road. The site is accessed from Gazeley Road.
- 1.2 The site is 0.1 hectares and accommodates the 'Cottage' which is a two storey gault brick and pantile dwelling, set on the western boundary with Gilmerton Court. The grounds of the existing property are an old orchard, which still retains a number of trees, especially along the north and eastern boundaries, providing mature screening.
- 1.3 To the north of the site are 106 and 108 Long Road whose boundaries are approximately 12 metres away from the location of the proposed property. The surrounding area is characterised by large properties on spacious plots, which are green in appearance.

1.4 The site does not fall within a Conservation Area. There is a tree preservation order on the boundary with Gazeley Lodge, which protects a mature Lime Tree. This is to the east of the site.

## **2.0 THE PROPOSAL**

2.1 This application seeks reserved matters approval for the erection of one five-bed property.

2.2 Under planning permission reference 09/1049/OUT, outline planning permission was granted for a 5-bed residential property on land adjacent to The Cottage, Gazeley Road. The permission was subject to conditions, including one requiring the junction of Gazeley Road and Trumpington Road to be widened to 5 metres for a distance of 10 metres from the adopted highway, a condition that was challenged and allowed at appeal. Therefore the issue of access into the site has been approved by the outline application in addition to the number of dwellings. The present application seeks approval of reserved matters for the layout; the scale; the appearance; and the landscaping.

2.3 An amendment has been made to the application. This is a change to the proposed garage, located at the rear of the site, adjacent to the boundaries of 106 Long Road and Gazeley Lodge. The height of this garage has been lowered from 6 metres to 5.2 metres in order to address concerns about the overbearing presence of the garage upon neighbouring properties.

2.4 The application is accompanied by the following supporting information:

1. Tree survey and report
2. Plans

### 3.0 SITE HISTORY

Reference	Description	Outcome
09/1049/OUT	Outline application to sub-divide existing residential site to form a separate 1000 sq m site suitable for a single 5-bedroom residence.	APC
C/90/1037	Outline application for erection of detached dwelling (renewal of unexpired consent)	APC
C/87/1023	Outline application for the erection of a detached dwelling house.	APC

### 4.0 PUBLICITY

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

### 5.0 POLICY

#### 5.1 Central Government Advice

5.2 **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 3 (PPS 3) Housing:** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice;

sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

- 5.4 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.
- 5.5 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.6 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

5.7 **East of England Plan 2008**

SS1: Achieving Sustainable Development

H1: Regional Housing Provision 2001 to 2021

T9: Walking, Cycling and other Non-Motorised Transport

T14 Parking

ENV7: Quality in the Built Environment

WM6: Waste Management in Development

5.8 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/10 Subdivision of existing plots

3/12 The design of new buildings

4/4 Trees

4/13 Pollution and amenity

5/1 Housing provision

8/2 Transport impact

8/6 Cycle parking

8/10 Off-street car parking

5.9 **Supplementary Planning Documents**

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

5.10 **Material Considerations**

**Central Government Guidance**

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision

of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

### **City Wide Guidance**

**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.

## **6.0 CONSULTATIONS**

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

- 6.1 The outcome of the appeal following the Highway Authority's recommendation of refusal has determined that the proposal is acceptable, although the Highway Authority's concerns about the access via the junction with Trumpington Road remain.

### **Tree Officer**

- 6.2 The lime on the eastern boundary and some of the trees along the southern frontage which have been identified are the only trees which constrain the site. Conditions have been recommended which require details of the no dig driveway, tree protection during construction, foundation details, that the chimney on the eastern elevation will not emit smoke or gas and that details which facilitate the pruning of the trees are submitted prior to the commencement of development.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

106 Long Road



7.2 The representations can be summarised as follows:

Loss of privacy from both the main property and the two storey garage; and  
Concerns regarding the potential felling of trees and this would have an effect upon the level of privacy afforded.

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. Trees
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations

### **Principle of Development**

8.2 The principle of residential development on the site has been established by the original outline planning permission, reference 09/1049//OUT, which granted approval for development of a five-bed detached house on land adjacent to The Cottage, Gazeley Road.

8.3 The principle having been established, the present application now seeks approval of the 'reserved matters.' These matters comprise the following details: the layout; the scale; the appearance; and the landscaping. All these issues are assessed below.

8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1 of the Cambridge Local Plan (2006).

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

- 8.5 The proposed site has been sub-divided from the parent property, The Cottage, to form a new residential plot. In terms of its size, this plot is in character with the surrounding area and it is proposed to construct a large family dwelling on the site. The dwelling has been located towards the rear of the site so that it respects the building line of properties along the northern side of Gazeley Lane and proposes to have a large sweeping front garden with the driveway located close to the eastern boundary.
- 8.6 The site is presently overgrown with trees and shrubs and the important trees along the frontage (along with a lime along the eastern boundary) have been identified as trees which contribute to the visual amenity of this suburban lane. Through the tree survey submitted with the application a number of trees along the frontage have been identified for retention so that the property will be well screened from the Lane.
- 8.7 The design of dwellings along Gazeley Lane varies and does not provide a clear vernacular style, which can be followed. The proposed design has taken a lead from properties such as the neighbouring Gazeley Lodge in terms of proportions and materials such as local buff stock brick. In order to create bedrooms in the roof, a number of dormer windows have been proposed, which are set into the roof slopes and are of a design that is traditional in appearance and do not overwhelm the roof.
- 8.8 Subject to a condition relating to materials (condition 2) I consider that the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

## **Residential Amenity**

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

- 8.9 The proposed dwelling is located within a residential area, which has properties to the north, west and eastern boundaries. I consider that each of these properties will be affected by the proposal to a degree and I will assess each of these in turn.
- 8.10 The dwelling is located on land, which has been sub-divided from the parent property, The Cottage, and sold to another

owner. The proposed dwelling has been sited 0.4 metres from the adjoining boundary with The Cottage, but 16 metres from the house at an oblique angle. This western elevation adjoining The Cottage, rises to 8.7 metres to the ridge. However, the dwelling has been designed so that it has a low eaves height of 4.1 metres, which then steeply rises to the ridge, but in a hipped arrangement in order to reduce the impact upon the neighbouring property. There is also a dormer window set into the roof on this elevation, which serves bedroom 4 and will to a degree overlook the garden of The Cottage. However, this will be focused in the latter half of the garden and I do not consider that the degree of overlooking from this window will be so harmful to the occupants of The Cottage as to justify refusal.

8.11 The occupants of the property to the north, 106 Long Road, have objected to the application on the grounds of loss of privacy due to the orientation of the windows on the rear elevation and the removal of trees along the boundary. I appreciate the concerns of the occupiers of 106 Long Road, but having assessed the floor plans of the proposed property, there are few windows serving principal rooms. At first floor level on the north-west corner there is a window to a dressing room, followed by two bathroom windows. I consider that each of these three windows can be conditioned (condition 8) to ensure that they are obscured to protect the amenity of 106 Long Road. The final window at this level serves bedroom 3 and is the principal window. There is approximately 12 metres between the rear elevation of the proposed property and the common boundary and 37.5 metres to the rear elevation of 106. I consider that this distance is sufficient to mitigate any potential overlooking of the property or its garden. There is also an additional dormer window at roof level, which also serves a bathroom and as a result can be obscure glazed in order to protect the amenity of neighbouring properties.

8.12 Finally, to the east is Gazeley Lodge. The proposed dwelling has been set 5 metres from the boundary with this property due to the presence of the protected lime tree on the neighbouring boundary. Therefore, I do not consider that the dwelling will create an adverse presence upon the property. There is a dormer window on the eastern elevation at roof level, which looks across this property, but due to the presence of the mature lime tree, which will screen any potential overlooking, I

do not consider that the occupants will be adversely affected by the proposal and that it is not necessary to obscure this window.

8.13 There is a proposed garage on the boundary with 106 Long Road and Gazeley Lodge. At ground floor level this provides car parking, cycle parking and bin storage. At first floor level it is a games room, which is ancillary to the main dwelling house. The amended proposal sees the ridge height reduced from 6 metres to 5.25 metres with an eaves level of 2.4 metres. The roof is hipped away from the boundary with 106 Long Road and I consider that given the length of the garden and the low eaves height, the impact of this garage building will not be unreasonable. Furthermore, there are four rooflights proposed, two on the south facing roof and two on the north. These rooflights are located 1.3 metres above finished floor level and in order to safeguard the amenity of 106 I consider that the north facing windows should be obscure glazed (condition 9). Those in the south facing roof are so positioned that there is no issue for the neighbour because of the angle between the two. On the boundary with Gazeley Lodge, is the eastern elevation, which is a gable end and therefore, the full extent of the height of the building will be felt. However, I consider that given the location of Gazeley Lodge on its plot, where there is a larger front garden south of the house, that appears to be used more than the rear garden. The garage/playroom at its reduced height will not detrimentally harm the amenity of the rear garden of Gazeley Lodge.

8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12 (or 3/14).

## **Trees**

- 8.16 The site is presently overgrown with a mixture of trees and shrubs. Many of these trees are not considered to be of visual importance and can be removed in accordance with the details of the submitted tree survey as supported by the Principal Arboricultural Officer. There are a number of trees along the frontage with Gazeley Lane, which are to be retained and a lime tree on the boundary with Gazeley Lodge, which places a constraint on the developable area.
- 8.17 The proposed location of the dwelling is located within the root protection area of this protected Lime tree. The tree officer has been on site and discussed construction methods with the applicant's tree surgeon. It is considered that in order to protect the tree, the foundations must be pile and beam and that the piles should be hand dug to a depth of 650 mm and that if any roots are encountered the pile must be relocated. As part of condition 5, this has been recommended to ensure that this occurs. Additionally, the driveway will encroach on the root protection area and therefore condition 5 also addresses the need for information prior to development to ensure that the construction of this will also be hand dug.
- 8.18 In order to accommodate the proposed dwelling the Lime tree will need to be pruned and crown lifted. Details of such works will be required by condition 5. Additionally, the design of the dwelling incorporates a chimney directly underneath the canopy of the tree. In terms of architectural design, the applicant would like to keep the chimney, but a condition is required to ensure that the chimney on the eastern elevation will not emit any smoke, gas or other emission, which will have an adverse impact upon the canopy of the tree (condition 8).
- 8.19 Subject to the imposition of conditions, I consider that the proposal will not have an adverse impact upon the trees located on the site and is in accordance with Cambridge Local Plan 2006 policy 4/4.

## **Refuse Arrangements**

- 8.20 The application proposes to locate the bin storage within the garage at the rear of the site. There is adequate space provided within this allocated area for 3 bins.

8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

8.22 The outcome of the appeal following the Highway Authority's recommendation of refusal has determined that the proposal is acceptable, although the Highway Authority's concerns about the access via the junction with Trumpington Road remain.

8.23 Given the Inspector's decision, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

8.24 The application proposes a separate storage area within the garage building for the storage of 4 cycles. This will be secured and covered and therefore I consider that the proposal is acceptable and in accordance with the cycle parking guide for new residential developments (2010).

8.25 Given the large plot on which the proposed dwelling is located, there is ample space to provide off-street car parking for at least two cars. This is in accordance with the maximum car parking standards within the Cambridge Local Plan 2006.

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

### **Third Party Representations**

8.27 I consider that I have addressed the concerns raised within the residential amenity section of the above report.

## **9.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

5. No work shall start on the application site (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until:

a) A Tree Protection Plan, as defined in BS 5837:2005 "Trees in Relation to Construction - Recommendations", containing the following Arboricultural Method Statements/specifications has first been submitted and agreed to, in writing, by the Council's Principal Arboricultural Officer:

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

and, that there has been:

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

Reason: To protect the health and welfare of the protected trees on the site. (Cambridge Local Plan 2006 policy 4/4)

- 6. All Arboricultural works shall be carried out by a competent tree contractor, proficient in both root-zone and aerial arboricultural work and shall follow strictly the agreed method statements and specifications.

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

The developer's arboriculturalist shall monitor, record and confirm the implementation and maintenance of tree protection measures as set out in the conditions of the planning permission.

Reason: To protect the health and welfare of the protected trees on the site. (Cambridge Local Plan 2006 policy 4/4)



7. Prior to commencement of development, full details of the proposed emissions from the chimney, an assessment of their impact on the existing lime tree and any necessary mitigation measures to ensure the long term health of the tree shall be submitted to and approved in writing. Development shall be carried out in accordance with the approved details.

Reason: To protect the health and welfare of the protected trees on the site. (Cambridge Local Plan 2006 policy 4/4)

8. Prior to the first occupation of the development hereby permitted, the windows on the northern elevation, which serve the first floor dressing room, ensuite bathroom and family bathroom and the second floor bathroom as approved on drawing 23380 P 101, shall be fixed opening and obscure glazed. These windows shall be retained unless otherwise agreed in writing with the local planning authority.

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

9. Prior to the first occupation of the development hereby permitted, the rooflights on the northern elevation of the approved garage, which serve the first floor games room as approved on drawing 23380 P 300 Rev.A, shall be fixed shut and obscure glazed. These windows shall be retained unless otherwise agreed in writing with the local planning authority.

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

10. Prior to occupation of the approved development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the building(s) is/are occupied and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

## **Reasons for Approval**

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

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

Cambridge Local Plan (2006):

3/1,3/4,3/7,3/10,3/12,4/4,4/13,5/1,8/2,8/6 and 8/10

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

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

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

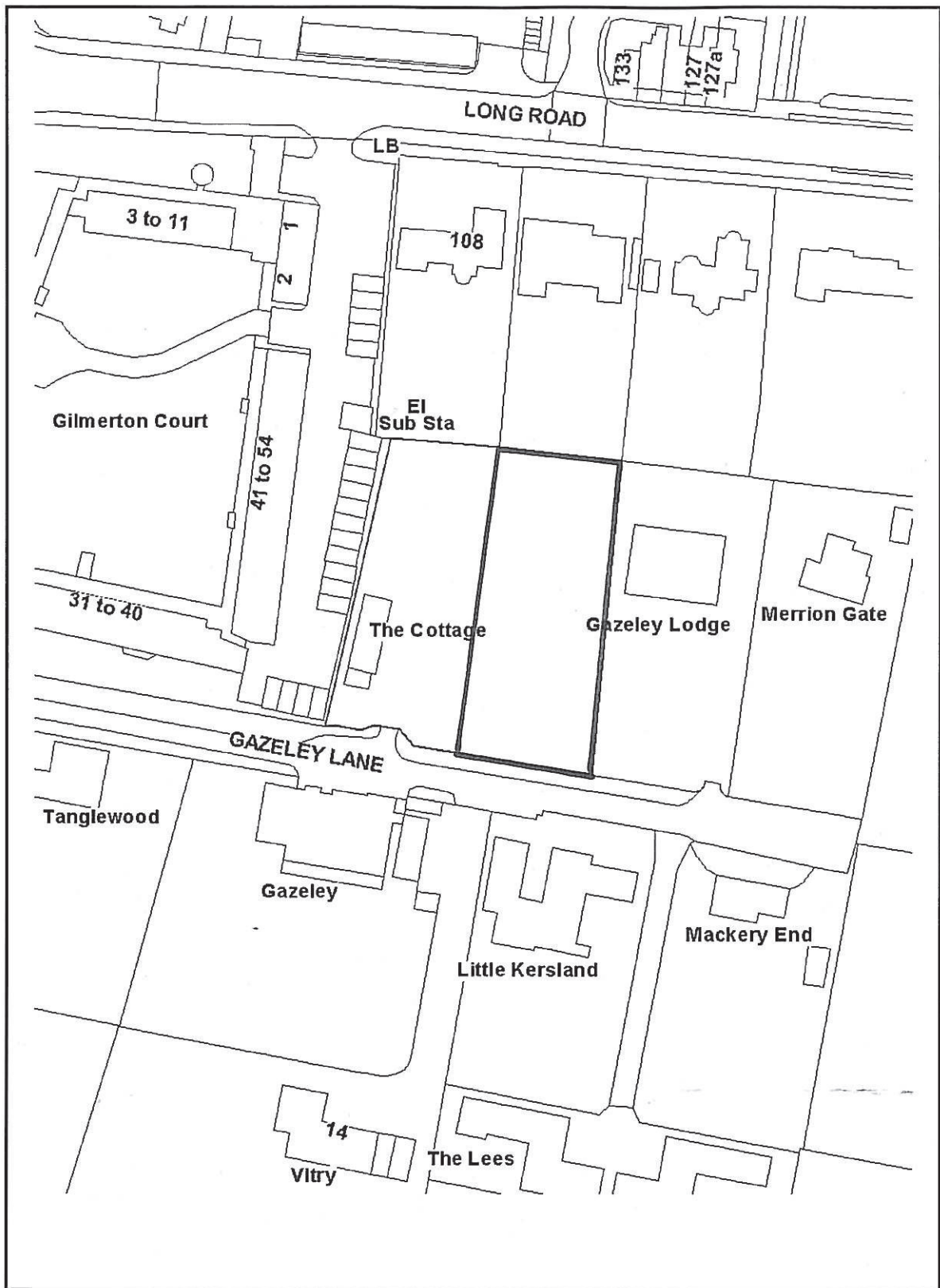
Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

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

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**10/1278/REM**  
**The Cottage Gazeley Road Cambridge Cambridgeshire**

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<b>Application Number</b>	10/0996/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	25th October 2010	<b>Officer</b>	Mr Marcus Shingler
<b>Target Date</b>	20th December 2010		
<b>Ward</b>	Queen Ediths		
<b>Site</b>	255 Hills Road Cambridge Cambridgeshire CB2 8RP		
<b>Proposal</b>	Single storey rear extension.		
<b>Applicant</b>	Ms Michelle Pearl 5 Fendon Road Cambridge		

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

- 1.1 255 Hills Road site is situated on the east side of Hills Road, immediately north of its junction with Glebe Road. It is a two-storey, semi-detached Edwardian dwelling, with some further space in the roof, which has several gables and is a strong presence on the corner. The forecourt of 255 is used for parking, which is screened from the road by a 2 metre dark brown stained timber fence, which runs along the west and south boundaries which abut, respectively, Hills Road and Glebe Road.
  
- 1.2 The majority of the buildings in the immediate locality are big two storey semi-detached or detached houses, but they vary widely in architectural style and benefit from good sized gardens. That said, behind the Hills Road frontage, on either side of Glebe Road, there are single storey dwellings
  
- 1.3 The property is not identified as a Building of Local Interest (BLI) and is not listed.
  
- 1.4 The site is located outside the Controlled Parking Zone (CPZ) and is not within a Conservation Area.

## 2.0 THE PROPOSAL

- 2.1 The application follows an earlier refusal of planning permission for a single storey extension (10/0714/FUL) and again seeks planning permission for the erection of a single storey rear extension to the dwelling, as it is to be extended under the permitted development limitations recognised by the issuing of a Certificate of Lawfulness under the reference 10/0997/CL2PD. The extension will form an addition to the kitchen/sun lounge.
- 2.2 The proposed extension has been reduced in size since it was first submitted. It is now 3.75 metres wide, 2.5 metres deep and 3.1 metres high to the top of the flat roof. In order to accommodate concerns of the neighbour it has been 2.4 metres off the common boundary with 253 Hills Road, rather than the 1.5 metres shown when the application was submitted. All three walls of the extension are glazed.

## 3.0 SITE HISTORY

Reference	Description	Outcome
08/1462	Erection of outbuilding and garden store.	A/C
08/1571	Front porch and front and rear dormers.	A/C
08/1717	Demolition of outbuildings and construction of 2no. annexes.	REF
09/0599	Demolition of outbuildings and construction of 2no. annexes.	A/C
10/0714	Single Storey Rear extension	REF and appeal dismissed
10/0997	Certificate of Lawful Development for a single storey extension to the dwelling house	Issued

## 4.0 PUBLICITY

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

## **5.0 POLICY**

### **5.1 Central Government Advice**

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Circular 11/95 – The Use of Conditions in Planning Permissions

### **5.2 Cambridge Local Plan 2006**

3/4 Responding to context  
3/14 Extending buildings

### **5.3 Supplementary Planning Documents**

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

## **6.0 CONSULTATIONS**

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

No Objection

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 An objection has been received from the neighbour at 253 Hills Road. The issues can be summarised as  
*In combination with other extensions to be built under permitted development rights and earlier granted permissions, this would lead to a loss of light, overshadowing and loss of amenity and an undue sense of enclosure to 253 Hills Road;*  
*The extension would break the building line at the rear that has been respected by other properties in the locality.*

Reference is also made to other earlier applications and to the potential number of occupiers of the property, but these are not pertinent to the current proposal and cannot be considered here.

7.2 No written comment has yet been received about the amended plan, which takes the proposed extension off the common boundary by a further 900mm. Any comment received will be reported to Committee.

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

## **8.0 ASSESSMENT**

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

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

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

8.2 The proposed single storey flat roof extension will be visible from Glebe Road but will not be prominent or intrusive and I do not consider that there will be any harm to the character and appearance of the street scene of the locality as a result of the development. The extension will project beyond the line of the rear exterior wall of the existing dining room, which projects deepest into the garden, but only by 2.5 metres. The permitted development extension to which it will be added is under construction. Given the scale of the house and its garden I do not consider the proposal to be out of proportion with the house or the design inappropriate and I do not consider that the rear garden environment would be adversely harmed by the proposal. The development is thus considered to be acceptable from the visual perspective.

8.3 In my opinion, from the visual perspective alone, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/14.

### **Residential Amenity**

8.4 Of greater concern on this occasion as in previous instances with this site is the potential impact on neighbouring amenity.



The extension will be distant from all neighbouring dwellings other than the attached property to the north, 253 Hills Road. The patio area to the rear of that house is very slightly set down from the floor level of 255.

- 8.5 In coming to a conclusion on this matter, I have had regard to the Council's earlier consideration that a 4m deep extension on the boundary was unneighbourly and would have undue impact on 253 Hills Road. The permitted development extension is 3m deep on that boundary as is allowed. In coming to a conclusion on this matter, I have had regard to the Council's earlier consideration that a 4m deep extension on the boundary was unneighbourly and would have undue impact on 253 Hills Road and to the decision to refuse planning permission for a single storey rear extension under reference 10/0714/FUL. In that case the extension was 4.2 m deep on the boundary and then stepped in 800mm off the boundary before projecting another 1.2 m down the garden. In the appeal decision against the refusal of that application, the Inspector comments: -

*The overall arrangement is one which would materially erode the amount of sunlight able to reach the rear part of No 253 and its immediate garden as well as having a significant overshadowing effect upon this part of the property.*

*In addition I am certain that the proposed extension would be considerably overbearing and create a strong and unpleasant feeling of enclosure, which would substantially reduce the outside amenity value of the neighbouring patio.*

*Taken together I am satisfied that all of these effects of the proposal would have a seriously harmful impact upon the living conditions of those at No 253. I note what the appellant says about certain aspects of the scheme being within permitted development limits, however I have determined this appeal on the basis of the proposal before me and for the reasons which I have given find it unacceptable. It is a proposal, which would have an unreasonable impact upon the quality of the residential environment at No 253 and is therefore contrary to policy 3/14 of the Cambridge Local Plan 2006. It also follows that in this respect it fails to have proper regard to its surroundings at odds with the provisions of policy 3/4 of the local plan.*

8.6 This proposal is for the rear bay only and had it been only 1.5 m off the boundary as first envisaged I would have considered it too imposing. Set another 900mm off the boundary, 2.4m in all, I consider that the proposal does overcome the concerns of the Inspector and that the height and depth and positioning due south of 253 would no longer cause such a loss of light and outlook, nor overpower that property and lead to the creation of such a sense of enclosure as to warrant refusal of the application. For these reasons I consider that the development is in accord with Cambridge Local Plan (2006) policies 3/4 and 3/14.

8.7 In coming to that view I have also been concerned about the potential infringement on the privacy of 253 as a result of the full glazing of the northern wall. To protect the privacy of that neighbour a condition is suggested to require that the glazing in the northern wall of the extension is obscure glazed.

## **9.0 CONCLUSION**

9.1 The proposals are now considered to be acceptable and therefore approval is thus recommended.

## **10.0 RECOMMENDATION**

### **FOR RECOMMENDATIONS OF APPROVAL**

#### **1. 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 glass in the north facing wall (that facing 253) of the extension hereby approved shall be obscure glazed when first introduced and shall remain so thereafter to the satisfaction of the local planning authority

Reason: In the interests of the amenity of the neighbouring dwelling (Cambridge Local Plan policies 3/4 and 3/14)

## **Reasons for Approval**

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

East of England Plan (2008) Policy ENV7

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

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

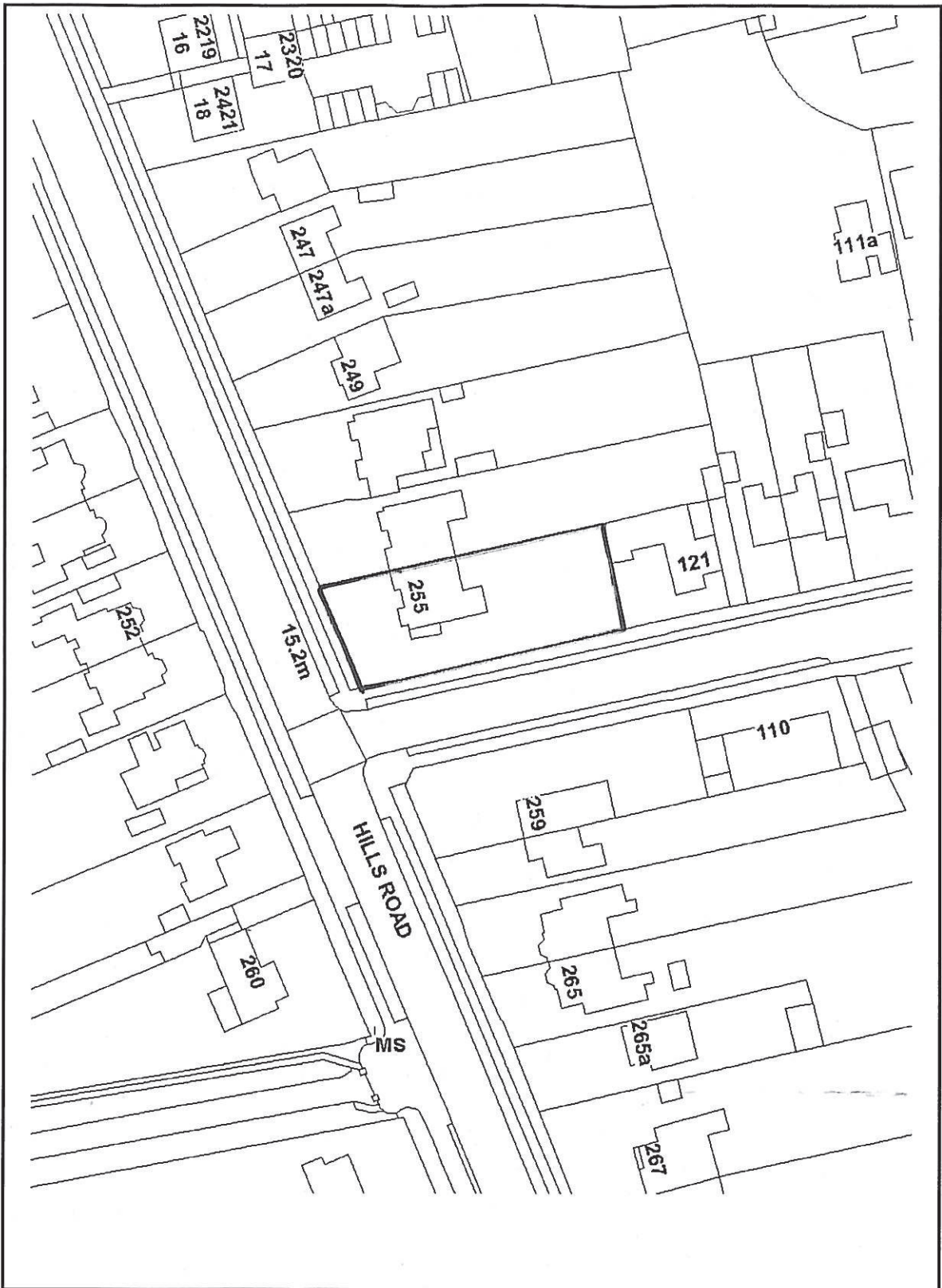
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10/0996/FUL

255 Hills Road Cambridge Cambridgeshire CB2 8RP

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<b>Application Number</b>	11/0003/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st December 2010	<b>Officer</b>	Hamish Laird
<b>Target Date</b>	25th February 2011		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	1A Orchard Estate Cambridge Cambridgeshire CB1 3JW		
<b>Proposal</b>	Change of use from dwelling and annexe to two dwellings.		
<b>Applicant</b>	Mr. M. Stepney 1A Orchard Estate Cambridge Cambridgeshire CB1 3JW		

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### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 1A Orchard Estate is a single storey dwelling of red brick construction under a hipped/pitched roof. A detached single garage with a single vehicle standing space to the front lies to the north of the property with access directly onto Orchard Estate. In addition, a single on-site, vehicle parking space lies immediately to the south of the property, again with access directly onto Orchard Estate.
- 1.2 The property features an open front garden of shallow depth, and very limited depth side and rear amenity areas. These areas are screened from adjoining dwellings by 1.8m high close-boarded fencing. Bin storage is provided to the side of the dwelling.
- 1.3 The surroundings are residential with 2-storey, semi-detached dwellings lying adjacent to the south in Orchard Estate and, to the north in Coldham's Lane.

- 1.4 The site is un-allocated in the Cambridge Local Plan (2006). However, it is an established residential site, and in principle, further residential development is acceptable.
- 1.5 The site does not lie within any Conservation Area and the building is not listed nor is it a Building of Local Interest. There are no tree preservation orders affecting the site which falls outside the controlled parking zone, and Air Quality Management Area. There are no other constraints affecting the site.

## **2.0 THE PROPOSAL**

- 2.1 Planning application Ref: 07/1220/FUL allowed the addition of a single storey front and side extension which has been constructed. The property was subsequently subdivided to form a dwelling with dependent annexe. These works did not require planning permission. The annexe subsequently became functionally detached from the bungalow. This change of use required planning permission.
- 2.2 Application Ref: 10/1102/FUL sought the retrospective change of use to a self-contained annexe of the above approved extension to a self-contained annexe. This was withdrawn because the use of the dwelling with independent annexe accommodation effectively constituted the use of the property as two dwellings. The annexe is currently occupied independently.
- 2.3 The application is for the change of use of the present property from a dwelling and annexe to two dwellings. It is accompanied by the following supporting information:
  1. Design Statement
  2. Drawings comprising approved and proposed floor plans; and, elevations – these would remain unchanged as part of the proposals.



### 3.0 SITE HISTORY

Reference	Description	Outcome
07/1220/FUL	Single storey front and side extension.	Approved 06.12.2007
10/1102/FUL	Change of use to self contained annexe (retrospective).	Withdrawn

### 4.0 PUBLICITY

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

### 5.0 POLICY

#### 5.1 Central Government Advice

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006):

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

Circular 11/95 – The Use of Conditions in Planning Permissions  
Circular 05/2005 - Planning Obligations:

Community Infrastructure Levy Regulations 2010 – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

## 5.2 **East of England Plan 2008**

ENV7: Quality in the Built Environment

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

Planning Obligation Related Policies

P6/1 Development-related Provision

## 5.4 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

5/2 Conversion of large properties

8/6 Cycle parking

8/10 Off-street car parking

8/11 New roads

Planning Obligation Related Policies

3/7 Creating successful places

3/8 Open space and recreation provision through new development

5/14 Provision of community facilities through new development

10/1 Infrastructure improvements (*transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects*)

## 5.5 **Supplementary Planning Documents**

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

(For applications received on or after 16 March 2010)

Cambridge City Council (March 2010) – Planning Obligation Strategy

## 5.6 Material Considerations

### Central Government Guidance

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

### City Wide Guidance

(For applications received on or after 16 March 2010)  
Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Cycle Parking Guide for New Residential Developments (2010)

### Area Guidelines

None of relevance

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 The Local Highway Authority replies that it has no comments to make regarding this application.
- 6.2 The above response is a summary of the comments that have been received. Full details of this consultation response can be inspected on the application file.

## 7.0 REPRESENTATIONS

- 7.1 One letter of objection has been received from the occupier of 566 Coldhams Lane.
- 7.2 The representations can be summarised as follows:

The application is for a Change of Use from a dwelling and annexe to two dwellings – why is worded like this when this

property has not yet received approval to be a dwelling and annex. How then can such a change of use occur?

The annexe (new dwelling) is an overdevelopment of the site and is out of keeping with the other buildings of 3 and 4-bed family homes in the area.

The rear passageway to the 'garden' at the right of the property has been fenced off, therefore, the annexe (new property) has only the narrow passage as outdoor space resulting in disturbances from occupants of the annexe against my side fence as smokers have used this narrow area to congregate which reduces the privacy afforded to my property.

The addition of a second driveway to serve the existing dwelling – the annexe is now served by the original driveway – by removing the front wall and then erecting a fence within the old garden to the right of the property has halved this space. This potentially pushes occupants of the garden towards the fence with No. 566 reducing privacy and possibly causing a future disturbance depending on who occupies the property.

If the application is approved, what constraints on permitted development will be put in place? Concerns are raised regarding further additions to these properties that would normally constitute permitted development due to the restricted size of the plots.

- 7.3 The above representation is a summary of the comments that have been received. Full details of this representation can be inspected on the application file.

## **8.0 ASSESSMENT**

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

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

## **Principle of Development**

- 8.2 The site is in residential use, and surrounding development is predominantly residential. The application property is a single storey dwelling that has previously been extended following the approval of planning application Ref: 07/1220/FUL for the addition of a single storey front and side extension. This extension was subsequently used as dependent annexed accommodation to the existing dwelling and then (unlawfully) was used as an independent annexe.
- 8.3 The overall floorspace of the building on site measures 110.25 sq. metres. This meets the requirement of Cambridge Local Plan policy 5/2a Conversion of Large Properties which requires that the conversion of single residential properties will not be permitted where the floorspace is less than 110 sq. metres. Other requirements of Policy 5/2 are:
- b) Whether the likely impact upon on-street parking would be acceptable;
  - c) Whether the living accommodation provided would be satisfactory;
  - d) Whether the proposal would fail to provide satisfactory refuse bin storage and cycle parking; and,
  - e) Whether the location of the property or nature of nearby land uses would not offer a satisfactory level of residential amenity.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 3/1 and 5/2a of the Cambridge Local Plan 2006. The other issues raised by Policy 5/2 b – e, are considered in the following section.

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

- 8.5 The application property is a single storey dwelling, previously extended with the benefit of planning permission Ref: 07/1220/FUL. This application seeks no further additions to the structure of the building, and in this respect its built form is in context with adjoining external spaces and its surroundings. There is sufficient parking provision on site for both dwellings. The original element of the property is provided with an on-site vehicle standing space and access onto Orchard Estate. This is sited closest to the neighbouring dwelling at No. 1 Orchard

estate. The annexe element of the proposal benefits from the adjoining single garage with vehicle standing space to the front – again this is accessed directly from Orchard Estate. I consider these on-site parking arrangements to be acceptable and there would be no adverse impact on existing on-street parking arrangements, and meet the requirements of Local Plan Policy 5/2 b.

- 8.6 The application proposes the change of use of the existing annexe to a separate dwelling. It offers one bedroom a kitchen/living room; and a shower-room with W/C and wash-hand basin. The total floor area of the unit measures approximately 45 sq. metres. A garage and standing space also forms part of the proposed development. The rear garden amenity area measures 1.9m deep. I consider that in terms of its layout and floorspace the living accommodation is acceptable. A garage and driveway forms part of the proposal too. Whilst the rear garden depth is limited, this is no more so than for the existing bungalow on the site, and I consider that overall in the context of Local Plan Policy 5/2c, the development is acceptable.
- 8.7 The proposal indicates the provision of a single garage for the new dwelling (annexe), and a secure wooden shed in the rear garden area of the original dwelling. The rear garden area of the original dwelling is fenced off with a secure gated access. I consider that both the existing and new dwellings have sufficient accommodation and space for secure cycle storage and refuse bin storage facilities. I consider that overall in the context of Local Plan Policy 5/2d, the development is acceptable.
- 8.8 Local Plan Policy 5/2d considers whether the location of the property or nature of nearby land uses would offer a satisfactory level of residential amenity. The application property is located in a residential area, surrounded by residential properties. The original bungalow has been previously extended with the benefit of planning permission. The application is to change the use of the bungalow as extended to form two dwellings. No new building is proposed. I consider that whilst there will be an increase in activity around the plot resulting from the subdivision of the bungalow and annexe extension from one to two dwellings, this is not likely to prove harmful to the amenities of occupants of adjoining dwellings owing to the small size of the

resultant dwellings and the limited scope for high occupancy that this affords. I consider that the development is acceptable in the context of Local Plan Policy 5/2e.

- 8.9 In my opinion the proposal is compliant with Cambridge Local Plan 2006 policy 3/4, and all the elements of Policy 5/2.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.10 The proposal is for a change of use of the present dwelling and extension (that is presently unlawfully used as separate living accommodation), to two dwellings. In respect of any overlooking or loss of privacy and amenity to occupants of neighbouring dwellings, such issues will have been examined at the Ref: 07/1220/FUL application stage. At that stage it was considered by the City Council that the resultant built form of the dwelling and extension was acceptable in this context. The questions that now arise are whether the subdivision of the original dwelling as extended, and the occupancy of this planning unit by two separate households would have an unacceptably adverse impact on the amenities enjoyed by occupiers of adjoining dwellings; and, between occupants of the two resultant dwellings on the site themselves.
- 8.11 I have noted the neighbour at No. 566 Coldham's Lane's concerns in respect of the intensification of the use; additional traffic movements; possible noise and disturbance; and the potential for extensions using 'Permitted Development' rights, and the consequences for neighbours amenities that may arise from, for example, the introduction of a dormer window or a loft conversion and the installation of rooflights, that may arise.
- 8.12 I consider that there would be an intensification of the use of the site as it would now be occupied by two households rather than one. This could double the present level of traffic movements, and there is likely to be more movement around the outside of the property within its boundaries. I do not consider that such changes will materially alter the character of the area or harm the amenities of occupants of adjoining residential properties. No changes to the external appearance of the building are proposed, and if permission for the change of use is granted, permitted development rights can be removed to allow the City

Council to retain control over any extensions or alterations that could potentially cause harm to neighbours amenities.

- 8.13 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

- 8.14 The subdivision of the dwelling into two will leave the separate curtilages with little in the way of amenity space, particularly to the sides and rear of the properties. However, this is similar to other developments where a new dwelling has been erected within the curtilage of a larger dwelling and garden. The application site was once land contained within the rear garden of No. 566 Coldhams Lane. The front garden area is relatively deep and provides a reasonable setting for the property in the street-scene. Each dwelling will have off-street parking and the new dwelling will be served by a single garage. This would allow for secure bin and cycle storage. The former original dwelling has a secure rear garden area with a lockable shed in it.
- 8.15 The sub-division of the dwelling and extension into two dwellings would be subject to the Building regulations and these will address fire separation and sound insulation between buildings.
- 8.16 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12 (or 3/14).

#### **Highway Safety**

- 8.17 There are no issues regarding this proposal relating to highway safety. The Local Highway Authority has made no comment on the application.
- 8.18 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.



## **Car and Cycle Parking**

- 8.19 There is sufficient secure cycle parking available on site to serve both properties.
- 8.20 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

## **Third Party Representations**

- 8.21 The objections raised by the occupant of No. 566 Coldham's Lane are noted. The description of the development - Change of Use from dwelling and annex to two dwellings – is acceptable as it accurately describes the existing and proposed elements of the development. The bungalow was lawfully extended and the extension was subsequently, lawfully occupied as an annexe. The occupation of the annexe as a separate unit of accommodation is unlawful, and the application seeks to remedy this breach of planning control. However, this does not alter the description of the development, which I consider is accurately described and there is no need to change the wording.
- 8.22 All other issues raised have been covered in the Residential Amenity section of this report in paragraphs 8.14 to 8.17. I consider that the proposal would not result in any additional harm to the amenities of the occupier of No. 566 Coldhams Lane.

## **Planning Obligation Strategy**

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

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

### Open Space

- 8.24 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.
- 8.25 The application proposes the change of use of a three-bedroom single storey dwelling, to a two-bedroom single storey dwelling, and one-bedroom single storey dwelling. No residential units would be removed, so the net total of additional residential units is one. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	1	357.00
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>357.00</b>

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

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	1	363.00
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>363.00</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0	1	0
2-bed	2	316	632		
3-bed	3	316	948		
4-bed	4	316	1264		
<b>Total</b>					<b>0.00</b>

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

## Community Development

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

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256	1	1,256.00
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>1,256.00</b>

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

## Waste

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

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	1	75.00
Flat	150		
<b>Total</b>			<b>75.00</b>

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

### Education

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

8.32 In this case, one additional residential unit is created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education/primary education/secondary education/lifelong learning (*delete as applicable*). Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	1	160.00
2+- beds	2		160		
<b>Total</b>					<b>160.00</b>

8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with

Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

### Conclusion

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

### **9.0 CONCLUSION**

I consider that the proposed development to change the use of the present dwelling and annexe to two dwellings is acceptable

### **10.0 RECOMMENDATION**

1. **APPROVE** subject to the following conditions:

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

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

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

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

## Reasons for Approval

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

East of England plan 2008: ENV7

Cambridgeshire and Peterborough Structure Plan 2003: P6/1

Cambridge Local Plan (2006):

3/1,3/4,3/7,3/8,5/2,5/14,8/6,8/10,8/11 and 10/1

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

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

- 2. Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 31st March 2011 it is recommended that the application be refused for the following reason(s).**

The proposed development does not make appropriate provision for public open space, community development facilities and life-long learning facilities in accordance with the following policies, standards and proposals 3/7, 3/8, 5/14 and 10/1 of the Cambridge Local Plan 2006; and policy P6/1 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004.

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

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

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

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





**11/0003/FUL**

**1A Orchard Estate Cambridge Cambridgeshire CB1 3JW**

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