



## Public Document Pack

### WEST / CENTRAL AREA COMMITTEE

Chair : Councillor Simon Kightley



## AGENDA

**To:** Councillors Kightley (Chair), Bick (Vice-Chair), Cantrill, Dixon, Hipkin, Whitebread, Nethsingha, Brooks-Gordon, Reid, Rosenstiel, Smith and Zmura

**Co-opted non-voting members:**

**County Councillors:** Brooks-Gordon (Castle), Nethsingha (Newnham) and Whitebread (Market)

*Despatched: 16 June 2010*

**Date:** Thursday, 24 June 2010

**Time:** 7.30 pm

**Venue:** Castle End Mission, St Peters Street, Cambridge

**Contact:** Glenn Burgess **Direct Dial:** 01223 457169

## 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, photography and recording** is not permitted at council meetings. Any request to do so must be put to the committee manager at least 24 hours before the start time of the relevant meeting.

## AGENDA

**1 ELECTION OF CHAIR AND VICE CHAIR FOR 2010/11**

**2 APOLOGIES**

**3 MINUTES** (*Pages 1 - 14*)

To confirm the minutes of the meeting held on 8<sup>th</sup> April 2010. (*Pages 1 - 14*)

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

**5 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**.

**6 OPEN FORUM**

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

**7 BRIEFING ON NEW ARRANGEMENTS FOR PLANNING SERVICES**  
(*Pages 15 - 16*)

Contact: Nova Roberts 01223 458601 (*Pages 15 - 16*)

**8 LICENSING ACT 2003 - PUBLIC CONSULTATION ON THE STATEMENT OF LICENSING POLICY (WITH INCLUDED CUMULATIVE IMPACT POLICY)** (*Pages 17 - 60*)

**9 ENVIRONMENTAL IMPROVEMENT PROGRAMME** (*Pages 61 - 70*)

Contact: Dinah Foley-Norman 01223 457134  
(*Pages 61 - 70*)

**10 S30 UPDATE REPORT** (*Pages 71 - 76*)

Contact: Alastair Roberts 01223 457836 (*Pages 71 - 76*)

**10a** The police review of the existing s.30 Order covering the Grafton Centre, Parker's Piece and Christ's Pieces area (*Pages 77 - 90*)

## **11 PLANNING APPLICATIONS**

- 11a 10/0278/FUL - 48A Selwyn Road, Cambridge (*Pages 91 - 112*)
- 11b 10/0096/FUL - 45 Burleigh Street, Cambridge (*Pages 113 - 144*)
- 11c 10/0176/FUL - Hat and Feathers, 35 Barton Road, Cambridge (*Pages 145 - 168*)
- 11d 10/0177/CAC - Hat and Feathers, 35 Barton Road, Cambridge (*Pages 169 - 180*)
- 11e 09/1001/FUL 14 Regent Street, Cambridge (*Pages 181 - 210*)

## **12 AMENDMENT SHEET (*Pages 211 - 214*)**

### **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 and Planning 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/ccm/navigation/about-the-council/councillors/>

## WEST / CENTRAL AREA COMMITTEE

8 April 2010  
7:30pm – 22:20pm

### Council Members Present:

#### City Councillors for:

**Castle** (Simon Kightley and Tania Zmura)

**Market** (Mike Dixon, Colin Rosenstiel, Tim Bick)

**Newnham** (Rod Cantrill, Sian Reid and Julie Smith)

#### Co-opted non-voting members:

**County Councillors:** Brooks-Gordon (Castle) and Whitebread (Market)

### Council Officers Present:

#### Cambridge City Council:

Glenn Burgess – Committee Manager

Alastair Roberts – Safer Communities Manager

Dinah Foley Norman - Principal Landscape Architect

Sarah Dyer – Principal Development Control Manager

Paula Bishop – Children and Young People's Service Manager

#### Cambridge County Council:

John Preston – Head of Network Management

#### Others:

Inspector Steve Kerridge – Cambridgeshire Police

John Fuller – Police Representative

Clinton Hale – Road Safety Partnership Officer

## FOR THE INFORMATION OF THE COUNCIL

### 10/10/WCAC Apologies

Apologies were received from City Councillor Hipkin and County Councillor Nethsingha.

### 10/11/WCAC Declaration of Interests

| <b>Councillor</b> | <b>Agenda item</b>                | <b>Interest</b>   |
|-------------------|-----------------------------------|---|
| Smith             | 10/20<br>Application: 09/1198/FUL | Personal Interest: Pension provided by USS  |
| Smith             | 10/20<br>Application: 09/1128/FUL | <b><u>Personal Interest: As Executive Councillor for Arts and Recreation</u></b>  |
| Smith             | 10/20<br>Application: 09/1171/FUL | Prejudicial Interest: As a Council Member, a Trustee and a Member of the Finance Committee of the Cambridge University Catholic Association |
| Dixon             | 10/20<br>Application: 09/1198/FUL | <b><u>Personal Interest: Pension provided by USS</u></b>  |
| Brooks-Gordon     | 10/20<br>Application: 09/1198/FUL | <b><u>Personal Interest: Pension provided by USS</u></b>  |
| Reid              | 10/20<br>Application: 09/1198/FUL | <b><u>Personal Interest: Pension provided by USS</u></b>  |
| Bick              | 10/19                             | <b><u>Personal Interest: As house backs onto Prospect Row</u></b>   |

### **10/12/WCAC Minutes**

The minutes of the meeting held on 4 February 2010 were approved as a correct record and signed by the Chair.

### **10/13/WCAC Matters and Actions arising from the Minutes**

#### 10/05 Open Forum: Compound near bus station

The Head of Network Management confirmed that the County Council were currently in the process of making the site safe prior to removing the fencing.

#### 10/05 Open Forum: Speeding in Emmanuel Road

The Road Safety Partnership Officer tabled a report on the enforcement of 20mph speed restrictions.

This report is available via:

[http://www.cambridge.gov.uk/democracy/Published/C00000117/M00000132/AI00000957/\\$20mphSpeedEnforcementv2.doc.pdf](http://www.cambridge.gov.uk/democracy/Published/C00000117/M00000132/AI00000957/$20mphSpeedEnforcementv2.doc.pdf)

or by contacting Glenn Burgess on 01223 457169.

It was confirmed that signs would be erecting in Emmanuel Road and camera units would carry out survey work to monitor the speed of motorists. Enforcement measures would then be put in place if the surveys identified a problem.

#### **10/14/WCAC      Open Forum**

**Q) Tim Ward: Strawberry Fair – even though this has now been cancelled, many youngsters will still turn up to the venue on the 5<sup>th</sup> June. How will young people be safe at an uncontrolled public gathering, and what will the cost be to the police of managing any such gathering?**

A) The Police Inspector read out the following statement:

"Supt Mike Brown will be commanding the police response to any events that take place in lieu of Strawberry Fair on June 5. He is aware that unscheduled and unmanaged events may occur.

Peaceful events will be policed in a community spirited manner and whilst there is no reason at present to believe that unlawful activities will occur, they would be policed firmly and fairly as they arise, taking all precautions to ensure public safety.

Mr Ward is particularly concerned about an unlawful rave. Any licensable activity taking place without an appropriate licence will be stopped by police.

Whilst I fully understand Mr Ward's concerns about unknown risks to public safety, any events of the day will replace one which in the view of the police presented its own significant risks to public order and safety and in particular, the welfare of children.

On this day or any other, where a parent has concerns for the safety of their child attending unlawful rave parties, the best advice we can give is to ensure that they don't."

The Inspector agreed to respond outside to Tim Ward on the issue of cost to the police.

**Q) Wendy Andrews: Please can the Committee say what steps can be taken to remove disruptive street drinkers from Midsummer Common? Examples of disruptive anti-social behaviour include shouting, swearing, urinating in public and apparent drug dealing.**

A) The Safer Communities Manager stated that the Police did have dispersal powers under the Section 27 legislation and that the Street Outreach Teams also took an active role in addressing this type of behaviour. He stated that the most important thing for the public to do was to report the incidents. This should be done directly through the Police on 999 if the problem requires an urgent response or 08454564564 non emergency or non emergency to the City Council's ASB Team on: 01223 457950 or [asbsection@cambridge.gov.uk](mailto:asbsection@cambridge.gov.uk)

**Q) Ian Jackson: In relation to the Fitzroy/Burleigh Street refurbishment, I am in favour of cyclists being permitted to use this area.**

A) This comment was noted.

**Q) Martin Lucas-Smith: My question concerns the continuing illegal taxi over-ranking. There has rightly been enforcement against illegal cycling, and defective vehicle lighting. But what action is being taken against taxi over-ranking, which cause safety problems for pedestrians crossing and cyclists using the counter flow?**

A) The Police Inspector agreed that over-ranking was an issue and anti-social use of vehicles had been identified as a priority. A number of taxi drivers had been prosecuted and further action could include the revoking of taxi licences. The details of persistent offenders were actively forwarded onto the City Councils Licensing Committee where further action could be taken.



**Q) Dick Baxter: The organisers have cancelled Strawberry Fair for this year but a large number of followers have threatened to turn up on Midsummer Common and run their own event. What contingency plans do the Council have to prevent unruly behaviour and to protect residents in the vicinity?**

A) The Director of Community Services confirmed that a meeting with the Police had been arranged and these issues would be looked into in detail. It was agreed that all local stakeholders would be involved.

The Chair commented that the Strawberry Fair Committee were acting very responsibly and were encouraging people not to attend this year's event.

**Q) Dick Baxter: The Council withdrew the tree planting plan for Midsummer Common last year, have reneged on their promise to replace recently felled trees, and now intend to fell more trees at Ferry House. The tree seminar planned for last October was cancelled but is now promised for June. Can the revised plan be made publicly available?**

A) The Executive Councillor for Arts and Recreation stated that a revised date for the tree seminar would be confirmed shortly, and that the Principal Arboricultural Officer was now on a staged return to full duties. The plans would be generated as a result of the discussions at the seminar and would therefore be made public after that.

**Q) Mr Mitchell: Magdalene Street has a 20mph limit but there is no enforcement. The shops owners reported this problem over a year ago but nothing has been done. What will be done to protect pedestrians and cyclists?**

A) The Police Representative confirmed that £7000 of new speed survey equipment had been purchased but was not yet in place in Magdalene Street. This monitoring would take place shortly and the problems address if an issue was identified.

**Mr Mitchell: The size of the vehicles using the road is the biggest issue. Two buses cannot pass on some sections and vehicles are forced to veer into the pedestrian and cyclists area due to the inadequate turning cycle.**

The Police Inspector confirmed that his officers did have an active presence in the area, and would be speaking to any drivers causing these types of issues.

He did however note that the Police could have no influence over the size and design of local streets, and Police resources did need to be prioritised across the City.

**Q) Parking on Sundays on City Road, Johns Street and Grafton Street is an issue and emergency vehicles and wheelchair users are unable to get through.**

A) This comment was noted.

**Q) Large buses are causing a problem in the City. How many injuries and accidents will it take for the Police to address this issue?**

A) The Police Representative agreed that this was an issue, but it was also noted that Police resources were already stretched. The Police were currently taking on 'Community Enforcement', which is the first time it has been used in this county.

Councillor Bick also expressed his concern at the size and number of large buses now using Cambridge's medieval streets. He confirmed that Market Ward Councillors were keen to look into this issue in more detail.

Councillor Brooks-Gordon suggested that the moving of some bus stops could help to address this problem. It would also have the benefit of more footfall for the smaller shops outside of the Market Square. She agreed to raise this with the Council Council.

**Q) Martin Lucas-Smith: I would like to congratulate the City Council on its new web pages. Access for the public to agendas, minutes and meeting information is much improved.**

A) This comment was noted.

The new pages can be access via:

<http://www.cambridge.gov.uk/ccm/content/council-and-democracy/committees/committee-meeting-minutes-and-agendas.en>

Members agreed the following 2010/11 meeting dates:

**24 June 2010**  
**26 August 2010**  
**28 October 2010**  
**6 January 2011**  
**24 February 2011**  
**28 April 2011**

### **10/16/WCAC Youth Summit 2009 - Outcome and Actions**

The Children and Young People Service Manager introduced the report to Members.

Councillor Dixon confirmed that during his time as Mayor, he had visited many of the youth projects around the City and was very impressed with the events provided.

#### **Decision: APPROVED by 8 votes to 0 (unanimous)**

- A request to the police to organise, with the City and County Councils, a meeting with young people to discuss their concerns about community safety.
- The allocation of £5,000 to be spent on improving access to leisure opportunities for children and young people from the West / Central area, subject to further discussions with children and young people on a fair and equitable method of distributing the funding and opportunities. The funding, subject to agreement of a carry forward, to be spent by the end of the Easter school holiday, 2010.
  - £3000 to be spent on multi activity days in the Easter holidays. These days will be promoted via schools to all children in the West / Central area.
  - £2000 to be spent on pilot project that will involve the roll out of the Cambridge Card to all children in years 7 & 8.

- To discuss with relevant officers how to provide regular information on planned improvements to facilities on recreation grounds, play areas etc. using methods of communication preferred by children and young people.
- To consider, with relevant officers, improvements to the marketing of social, sports, arts and entertainment activities organised by the City Council to ensure that all children and young people have access to information about and opportunities to participate in good quality leisure provision.

## **10/17/WCAC Safer Neighbourhoods**

The Safer Communities Manager introduced the item.

The Police Inspector presented a report on crime and policing for the three wards and made a recommendation of targeting the following for prioritisation in the forthcoming period:

- Continuation of anti-social congregation in public spaces – Market Ward
- Continuation of anti-social use of vehicles – Market Ward

**Q) Barry Higgs: Bonfires on Midsummer Common is still a problem. The Police should enforce this as it is against byelaws.**

The Police Inspector confirmed that the Police would respond to these calls if received. He highlighted the importance of the public reporting this to both the Police and the City Council.

**Q) Ian Samson: As Chair of ‘Love Cambridge’ and a Petersfield resident I will tell colleagues the most appropriate way of reporting these issues.**

A) This comment was noted.

**Q) John Penton (Cambridge Crepes): We have had 300-400 complaints from our customers regarding the anti-social behaviour issues in and around the City Centre. This is not good for traders or tourism in the City. If the reported incidents increase we need the facility to fast track the introduction of an S30 Dispersal Order.**

A) This comment was noted.

**Q) Councillor Dixon: St Andrew's Street has a big problem with 'rat running'. In your report it states that there were 38 notices issued in Market Ward – how many were for taxis?**

A) The Police Inspector agreed to provide this information to Councillor Dixon.

**Q) Councillor Kightley: Can extra foot patrols be put in place in Magdalene Street?**

A) The Police Representative stated that the Police alone could not solve this problem. It needs a longer-term solution and this should be addressed through the Area Joint Committee.

**Q) Member of Public: Anti-social use of vehicles is a big problem on East Road roundabout. The jumping of red lights is common and visible policing would help.**

A) The Police Inspector confirmed that if issues are reported the Police would look into them. The comments regarding visible policing were noted.

**Q) Councillor Rosenstiel: Vehicles obstructing the pavements is a big issue in the City.**

A) This comment was noted.

**Q) Member of Public: Will the Police ticket motorists for parking on the pavements?**

A) The Police Inspector confirmed that civil enforcement officers and not the Police covered this. The Police would only ticket a vehicle if it was causing an obstruction.

The Executive Councillor for Climate Change and Growth confirmed that a ticket could be issued to a vehicle on the pavement where yellow lines were present.

After some further discussions, Members approved (unanimously) the following slightly amended priorities for the next reporting period:

- Continuation of actions to prevent anti-social congregation in public spaces  
– Market/Newnham Ward.

- Continuation of actions to prevent anti-social use of vehicles – Market Ward.
- Anti-social use of cycles – Market Ward.

### **10/18/WCAC S30 Dispersal Order**

The Safer Communities Manager introduced the report to Members and confirmed that the 'Consideration of a New Section 30 Dispersal Order – Cambridge Historic City Centre' was now available on the Councils website via:

<http://www.cambridge.gov.uk/public/docs/S%2030%20Historic%20City%20Centre%20March%202010%2022-03-10.pdf>

The Chair welcomed the recommendations to increase Police patrols and increase litter picking and street cleansing in the City Centre.

**Q) Councillor Dixon: As the weather warms up more street people may come into the city, and things could change very quickly.**

A) This comment was noted.

**Q) Councillor Bick: After talking to traders it seems that many have been told to report incidents to the CCTV number. It now turns out that these incidents are not included in the Police data.**

A) The Safer Communities Manager confirmed that he had been made aware that traders had been advised to use the CCTV number, as it would result in a speedier response. However, having spoken to the CCTV Manager he confirmed that, although calls were logged, only those requiring a police response were notified to the police and would, therefore, be included in the Police data. In order for the incident to be fully recorded calls needed to be made directly to the police on the 08454564564 number and an incident number requested.

**Q) Mr Lawrence: Many of the street drinkers have moved over to the Grafton Street area and are causing a lot of problems. Reporting an incident is a long and complicated process and needs to be made easier for the public.**

A) This comment was noted.

**Q) Councillor Bick: What is the threshold for an issue to become a 'incident'?**

A) The Police Inspector stated that any behaviour that was viewed as unacceptable and/or had an affect on others using the area should be reported as a incident. If a crime was being committed or someone was in danger the 999 emergency number should always be used.

**Q) Councillor Bick: S30 Dispersal Orders are temporary measures designed to change patterns of behaviours. However the root causes also need to be tackled through longer term Police work.**

**Councillor Bick proposed (and Councillor Cantrill seconded) the additional following recommendation:**

***2.7: That an interagency report is brought to the Area Committee on the strategy, progress and next steps in addressing the root causes behind the congregation of street drinkers in the City Centre which gives rise to complaints about anti-social behaviour.***

The Safer Communities Manager highlighted the interagency work carried out over recent years such as the Jimmy's Night Shelter becoming an Assessment Centre, prescriptions being dispensed at various Pharmacies across the City and support through GP Surgery's, but agreed that as the last report to committee was about 18 months ago it was a good time to revisit this with an up-date.

Councillor Cantrill confirmed that the Street Outreach contract would be shortly up for renewal and a new component covering integrated solutions would be included.

**Decision: AGREED** by 10 votes to 0 (unanimous) the following recommendations:

2.1 To note the content and recommendations being presented to the Leader that support the case for not implementing a Section 30 Order at this time and to comment accordingly (police analytical document already provided to members and available on the Council's website). The report highlights that

the current levels of anti-social behaviour exhibited by the streetlife community will be better addressed at this time by:

2.2 ASB related to streetlife activity remaining as a Neighbourhood Priority as the spring and the better weather approaches.

2.3 The police give the historic City Centre local priority status to ensure the area receives regular patrols and an increased police presence in the area.

2.4 Requesting Streetscene to carry out, on a trial bases, a greater level of litter picking/street cleansing in the areas most affected.

2.5 Requesting residents and members of the retail trade to report all incidents of ASB to the police on 03454564564 and request to be given an incident number.

2.6 That the police and City Council monitor the situation closely in readiness for 'fast tracking' the implementation of a s.30 Dispersal Order if the current situation deteriorates.

2.7: That an interagency report is brought to the Area Committee on the strategy, progress and next steps in addressing the root causes behind the congregation of street drinkers in the City Centre which gives rise to complaints about anti-social behaviour.

## **10/19/WCAC      Environmental Improvement Programme**

The Environmental Projects Manager introduced the report to Members.

### **Environmental Improvement Schemes for 2010/2011**

**Decision: AGREED by 8 votes to 0 (unanimous)** to agree to officers investigating the potential projects and return to committee with further information for formal adoption.

#### Gough Way - Seat

**Decision: Decision: AGREED by 8 votes to 0 (unanimous) to adopt the proposal and agree to the installation of a seat at an estimated cost of £2,500 following a supportive consultation.**

#### Fitzroy/Burleigh Street Refurbishment



**Decision: Decision: AGREED by 8 votes to 0 (unanimous)** to allow City officers to work with Cambridgeshire Highways to work up details of the project and return with costs.

### 10/20/WCAC Planning Applications

**10a** 09/1198/FUL - Cambridge Post Office, 9 - 11 St Andrews Street, Cambridge

|   |
|---|
| <b>Site Address:</b> Cambridge Post Office 9 - 11 St Andrews Street<br>Cambridge Cambridgeshire CB2 3AA |
| <b>Application Number:</b> 09/1198/FUL  |
| <b>Proposal:</b> Change of use from Class A1 (shops) to Class A2 (financial and professional services). |
| <b>Applicant:</b> 1 Church Place London E14 5HP   |
| <b>Officer Recommendation:</b> APPROVE subject to conditions  |
| <b>Public Speakers:</b> Mr Paul Bloomfield (on behalf of Applicant)                                     |
| <b>DECISION: APPROVED</b> by 8 votes to 0 (unanimous)   |

**10b** 09/1128/FUL - Jesus Green Victoria Avenue Cambridge

|   |
|---|
| <b>Site Address:</b> Jesus Green Victoria Avenue Cambridge  |
| <b>Application Number:</b> 09/1128/FUL  |
| <b>Proposal:</b> Permission for existing skateboard facility (following approved application 05/1164/S73).  |
| <b>Applicant:</b> Mr Declan O'Halloran, Recreation Services Active Communities, Hobson House, 44 St Andrews Street Cambridge Cambridgeshire CB2 3AS |
| <b>Officer Recommendation:</b> Approve subject to conditions  |
| <b>Public Speakers:</b> None  |
| <b>DECISION: APPROVED</b> by 8 votes to 0 (unanimous)   |

**10c** 09/1171/FULL - Guildhall Chambers, 7 Guildhall Place, Cambridge

|   |
|---|
| <b>Site Address:</b> Guildhall Chambers 7 Guildhall Place Cambridge<br>Cambridgeshire CB2 3QQ |
| <b>Application Number:</b> 09/1171/FUL  |
| <b>Proposal:</b> Proposed third floor alterations to Guildhall Chambers                       |
| <b>Applicant:</b> Mr J V Gredley, Maple House Old Bury Road Lackford<br>IP28 6HR              |
| <b>Officer Recommendation:</b> Approve subject to conditions                                  |
| <b>Public Speakers:</b> None  |
| <b>DECISION: APPROVED</b> by 7 votes to 0 (unanimous)   |

The meeting ended at 22:20pm

**CHAIR**



## Briefing on New Customer Service Arrangements For Planning Services

### West/Central Area Committee Briefing – 24 June 2010

#### Background

1. From 1 April, the Council's Customer Service Centre (CSC) became the first point of contact for customers to access services provided by Environment & Planning. The 2<sup>nd</sup> floor Reception at The Guildhall closed on 31 March.
2. We have implemented a new tool for customers to access planning application information online to enable customers to engage with the process at a time and place that suits them. This new tool is called Planning Public Access.
3. We have worked closely with representatives from the City's Residents Associations to understand customer key requirements and to consider issues and challenges around the transfer of planning services.
4. We are presenting this briefing paper at the Area Committees during June and July to raise awareness of the changes, to receive feedback and comments and to publicise the new online Planning Public Access tool by way of a short demonstration (venue restrictions may apply).
5. The changes stem from the Council's Customer Access Strategy (CAS), which was agreed by the City Council in July 2006. The strategy is based on:
  - encouraging and facilitating access for all sections of the community;
  - at least 80% of customer transactions being dealt with at first point of contact;
  - all services being offered over the web (with this method of delivery being encouraged);
  - face-to-face contact only being encouraged when a service is complex or best delivered that way;
  - technology being exploited to streamline processes and generate efficiencies

#### What the Customer Service Centre offers

1. Planning services enquiries are handled at the Customer Service Centre via a check-in area separate from the main reception point available from 8am – 6pm Monday to Friday. A duty Planning Officer is based at the CSC between 10.30am - 3.00pm each day. The CSC has 12 PCs available for accessing Council services online, including two computers with large (27 inch) screens for online planning services. There are three meeting rooms available, as well as an informal meeting area and a model/display table. The CSC is also able to accept payments in cash, by cheque or by debit/credit card.
2. Customers are still able to phone their case officer direct about on-going applications, and can also arrange to meet him/her. These scheduled meetings will be held at The Guildhall.

#### Planning Public Access

Plans, drawings and documentation for planning applications can now be viewed online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess). Comments can be made online and customers can create an account and register to receive email alerts about new planning applications in their area. Customers who do not have a computer at home can access our online services by using computers at the Customer Service Centre, local City Homes offices or local libraries.

**Nova Roberts, Head of Customer Service**

**Paul Boucher, Business & Information Services Manager – Environment & Planning**

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## CAMBRIDGE CITY COUNCIL

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REPORT OF: The Licensing Manager

TO: Area Committees

17<sup>th</sup> & 24<sup>th</sup> June, 8<sup>th</sup> & 15<sup>th</sup> July 2010

WARDS: All

### **LICENSING ACT 2003 – PUBLIC CONSULTATION ON THE STATEMENT OF LICENSING POLICY (WITH INCLUDED CUMULATIVE IMPACT POLICY)**

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#### **1 INTRODUCTION**

- 1.1 The Licensing Act 2003 “the Act” requires that, for each three year period, the Council must determine its policy to exercise its licensing functions and publish a statement of that policy before the beginning of the period. The Statement of Licensing Policy must be kept under review and approved by Full Council.
- 1.2 The current policy expires on 6<sup>th</sup> January 2011 and the Council is required to determine the policy for the period 7<sup>th</sup> January 2011 to 6<sup>th</sup> January 2014. The policy must be consulted upon prior to it being adopted. The HM Government Code of Practice on Consultation recommends a 12-week consultation period.
- 1.3 In the past three years, there have been a number of updates to the guidance and new legislation, which has amended the Act.
- 1.4 Attached as Appendix A is a draft for public consultation, taking into account the relevant revisions as they apply to Cambridge City Council’s Statement of Licensing Policy.
- 1.5 The purpose of this report is to inform the Area Committee of the redrafted policy as a part of the public consultation process and to request feedback on its content, prior to the drawing up of a final policy. Following consultation, a final draft will be prepared, taking into account the consultation responses and will be reported to the Licensing Committee and to Council.

#### **2 RECOMMENDATIONS**

- 2.1 The Area Committee is recommended to :
  - (a) Make the public aware of the draft Statement of Licensing Policy, that it is subject to public consultation for a 12-week period between 14<sup>th</sup> June and 15<sup>th</sup> September 2010 and to involve them in the process.
  - (b) Consider the content of the policy, including the cumulative impact policy contained within the Statement of Licensing Policy

- (c) Request that any comments regarding the policy and the Council's approach to cumulative impact should be submitted to the Licensing Manager before the close of the consultation period on 15<sup>th</sup> September 2010.

### **3 BACKGROUND**

- 3.1 The Act requires the Council to produce, adopt and publish a Statement of Licensing Policy, stating how it exercise its licensing functions. The policy must be kept under review and remains in existence for up to three years. The current period expires on 6<sup>th</sup> January 2011. The Council must determine the policy for a three-year period 7<sup>th</sup> January 2011 to 6<sup>th</sup> January 2014. The Council is not able to process any applications unless a statement of licensing policy is in place.
- 3.2 The Council's first Statement of Licensing Policy came into effect on 7<sup>th</sup> January 2005 and ran for a three-year period until 6<sup>th</sup> January 2008.
- 3.3 A second Statement of Licensing Policy, which took effect from 7<sup>th</sup> January 2008 - 6<sup>th</sup> January 2011 contained a number of updating amendments. Following a request by Cambridgeshire Constabulary and public consultation, a special Cumulative Impact Policy was incorporated within the Statement of Licensing Policy for two areas: a prescribed area of the city centre and the Cambridge Leisure site.
- 3.4 During the consultation period for the second policy, a further request was made by Cambridgeshire Constabulary for 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 There is no statutory procedure for reviewing cumulative impact areas, however 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 invites representations about this.
- 3.6 The proposed draft incorporates changes over the past three years in the legislation and guidance. A review section has been added and information within the enforcement section has been updated. The revised draft Statement of Licensing Policy tracks all the changes to the existing policy for ease of reference.
- 3.7 It is imperative that we have a policy in order to meet our statutory duties. If the Council does do not have a licensing policy in place by 7<sup>th</sup> January 2011 it will be unable to process any applications and will be in breach of the statutory duties imposed by the Act. In order to do this we are required to undertake public consultation.

### **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 process and document will appear on Cambridge City Council's website, in libraries and council offices and officers will be attending Area Committees during the consultation period.
- 4.3 By raising the issue at Area Committees, it gives the opportunity for members of the public to be involved in the process of developing the policy and to comment/ provide feedback on its content.
- 4.4 We welcome any feedback on any concerns you may have on the policy, or on any matters you feel may have been omitted. We are mindful that there will be a need for further amendments to the policy arising as a result of feedback from the consultation process, or any additional legislative changes.
- 4.5 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 reconsider its special policy on cumulative impact. We will be publishing the results on our website in November 2010 and the final policy in January 2011.
- 4.6 Early feedback would be appreciated, with all feedback being received by 5<sup>th</sup> September 2010.
- 4.7 The public can access the draft policy and covering letter on 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 the final statement before 7<sup>th</sup> January 2011. If the council fails to do this, then it will be unable to fulfil its duties, with possible additional financial and legal consequences arising.
- 5.2 The Statement of Licensing Policy must contain 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. Once adopted, guidance recommends that 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 runs out on 6<sup>th</sup> January 2011. We are given a statutory

time period to review our policy, which includes consultation, adoption and publishing. Complying with the timeframe will enable the Council to continue to undertake its legal duties beyond January 2011 as required by the Licensing Act 2003. This report provides the opportunity for the public to be involved in the process of determining our policy and input towards the Council's approach to cumulative impact.

## **7. IMPLICATIONS**

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

Provision has been 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 has been made for the review 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.

### **(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.

**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/AC10-24706 SOLP LA2003

Date originated: 11<sup>th</sup> May 2010

Date of last revision: 11<sup>th</sup> May 2010





# **CAMBRIDGE CITY COUNCIL**

## **STATEMENT OF LICENSING POLICY**

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 unique qualities of its streets, spaces and buildings.

Cambridge City Council (the Licensing Authority), 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.

It is recognised that licensed entertainment provides a valuable contribution towards the economy of Cambridge and we seek to balance the needs of local business holders and licensees, whilst protecting those of local residents.

### **1. Introduction**

1.1 This Licensing Policy Statement has been produced in accordance with the requirements of the Licensing Act 2003 ('the Act') and is in line with guidance issued under Section 182 of the Act.

1.2 The policy relates to all those licensing activities identified as falling within the provisions of the Act, namely: -

- Retail sale of alcohol
- Supply of alcohol by or on behalf of a club, or to the order to a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

1.3 The policy relates to all licensed premises.

1.4 The Licensing Authority will take the policy into account where its discretion is engaged.

1.5 There is no provision for a licensing authority itself to make representations, and in the absence of any relevant representations in

respect of an application, the authority is obliged to issue the licence on the terms sought.

- 1.63 -Nothing in this policy prevents each licence application being considered on its own merits nor will undermine any person from applying for a variety of permissions under the Act.
- 1.74 The Licensing Authority may depart from this policy if the individual circumstances of any case merit such a decision in the interest of the promotion of the licensing objectives. Full reasons will be given for departing from the policy.

## **2. Objectives**

2.1 The Licensing Authority has a duty under the Act to carry out its licensing functions by promoting the licensing objectives, which are: -

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm.

Each objective has equal importance.

2.2 In carrying out its licensing functions, the Licensing Authority must also have regard to the licensing objectives, its Policy Statement and any statutory guidance under the Act and is bound by The Human Rights Act 1998. The Council must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge.

2.3 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not be seen as a means for solving all problems within the community. However, the licensing function is an important means of achieving the objectives. The Licensing Authority will continue to work in partnership with its neighbouring authorities, the police, other agencies, local liaison groups, businesses and individuals towards the achievement of the licensing objectives through good practice.

2.4 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. Applicants should include in their operating schedule the steps which they consider necessary to promote the licensing objectives. If the steps are insufficient, or if the information given in the operating schedule does not enable a responsible authority or

interested party to assess whether the steps proposed are satisfactory, it is more likely that relevant representations will be received, usually leading to a contested hearing. Applicants are specifically referred to Annex D of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. This Annex sets out pools of conditions relating to each of the licensing objectives. Applicants are encouraged to consider the conditions and include such of them as are relevant in their operating schedule. The Guidance is at [www.culture.gov.uk](http://www.culture.gov.uk).

### **3. Consultation**

3.1 In preparing this policy statement the Licensing Authority has consulted with the following:

- the Chief Officer of Police for Cambridgeshire
- the Chief Officer of the Cambridgeshire Fire and Rescue Service
- persons/bodies representing local holders of premises licences
- persons/bodies representing local holders of club premises certificates
- persons/bodies representing local holders of personal licences
- persons/bodies representing businesses and residents in the City of Cambridge
- the child protection agency
- other organisations as appear to the Licensing Authority to be affected by licensing matters, including local community, cultural, educational and entertainment organisations.

3.2 We have considered the views of all those consulted prior to determining this policy.

### **4. Fundamental Principles**

4.1 Licensing is about regulating licensable activities on premises, such as qualifying clubs, pubs and temporary events which fall within the terms of the Act. Any conditions imposed will focus on matters that individual licensees and others in possession of relevant authorisations are able to control.

4.2 In addressing these matters, the Licensing Authority will primarily focus on the direct impact the activities taking place at the licensed premises will have on those living, working or engaged in normal activity in the area concerned.

4.3 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away

from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in Cambridge.

## **5. The cumulative impact of a concentration of licensed premises**

5.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

5.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.

5.3 The Licensing Authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep the situation as to whether an area is nearing this point under review.

5.4 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.

5.5 The Licensing Authority has received ~~a~~ representations from Cambridgeshire Constabulary that within the Cambridge Leisure Park ~~and~~ Cambridge City Centre and Mill Road areas a high concentration of licensed premises has produced a detrimental impact upon the licensing objectives.

5.6 In response to this representation the Licensing Authority has undertaken the following steps in considering whether to adopt a special policy on cumulative effect within this statement of licensing policy:

- Identified concern about crime and disorder or public nuisance
- Considered whether there is good evidence that crime and disorder are happening and are caused by customers of

licensed premises and that the risk of cumulative impact is imminent

- Identified the boundaries of the areas where problems are occurring
- Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a special policy in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation

5.7 Having considered the available evidence and undertaken consultation, the Licensing Authority considers that it is appropriate and necessary to control cumulative impact. The Licensing Authority is adopting a special policy relating to cumulative impact to the areas set out in paragraph 5.8 below.

### **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 site marked on the map at Appendix 2.
  - ~~With effect from 22 May 2008~~ The entire length of Mill Road Cambridge (excluding Brookfields)
- 5.9 The evidence for this special policy is set out in Appendix 3
- 5.10 This special policy creates a rebuttable presumption that applications within the areas set out in paragraph 5.8 for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
- 5.11 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.
- 5.12 Despite the presumption against grant, responsible authorities and interested parties will still need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the operating schedule and any mandatory conditions required by the Licensing Act 2003). Responsible authorities and interested parties can make a written representation referring to information which had been before the Licensing Authority when it developed its statement of licensing policy.

5.13 The Licensing Authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

5.14 This special policy will not be used:

- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises
- to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives
- to include any provisions for a terminal hour in any particular area which might impose a fixed closing time akin to that under the 'permitted hours' provisions of the Licensing Act 1964
- to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives

5.15 This special policy will be reviewed regularly to assess whether it is still needed or should be expanded

#### **Other mechanisms for controlling cumulative impact**

5.16 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- planning controls
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others
- the provision of CCTV and ample taxi ranks

- powers to designate parts of the city as places where alcohol may not be consumed publicly
  - confiscation of alcohol from adults and children in designated areas
  - police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise
  - the power of police, local businesses or residents to seek a review of the licence or certificate
  - enforcement action against those selling alcohol to people who are drunk.
- 5.17 The above can be supplemented by other local initiatives that similarly address these problems, for example, through the Cambridge Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the City.

## **6. Licensing Hours**

- 6.1 Flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the potential for disorder and disturbance. Licensing hours should not inhibit the development of a thriving and safe evening and night-time economy. This is important for investment, local employment, tourism and local services associated with the night-time economy. Providing customers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 6.2 Shops, stores and supermarkets will generally be permitted to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless representations raise good reasons based on the licensing objectives, for restricting those hours, for example, a limitation may be appropriate following police representations in the case of shops known to be a focus of disorder and disturbance.
- 6.3 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However the presumption will be to grant the hours requested unless objections to those hours have been raised by responsible authorities or interested parties on the basis of the licensing objectives. When issuing a licence, stricter conditions on noise control are likely to be imposed in the case of premises which are situated in predominantly residential areas. However, this should not limit opening hours without regard to the individual merits of any application.

## **7. Children and Licensed Premises**

- 7.1 There are a great variety of premises for which licences may be sought including theatres, cinemas, restaurants, pubs, nightclubs, cafes, take aways, community halls and schools. Access by children to any premises will not be limited unless it is considered necessary for the prevention of physical, moral or psychological harm to them.
- 7.2 Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licensee or club or person who has been given a temporary event notice.
- 7.3 When deciding whether to limit access to children, the Licensing Authority will consider each application on its merits. Particular areas that will give rise to concern in respect of children, would include premises –
- where entertainment or services of an adult or sexual nature are commonly provided
  - where there is a strong element of gambling on the premises
  - with a known association with drug taking or dealing
  - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 7.4 The range of alternatives which may be considered for limiting access to children where that is necessary for the prevention of harm to children are:
- limitations on the hours when children may be present
  - age limitations (below 18)
  - limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place
  - requirements for accompanying adults
  - full exclusion of those people under 18 from the premises when any licensable activities are taking place
  - limitations on the parts of premises to which children might be given access.
- 7.5 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.



- 7.6 The Licensing Authority recognises the Office of Children and Young People's Services (Social Care) of Cambridgeshire County Council as being competent to advise on matters relating to the protection of children from harm.
- 7.7 The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

## **8. Licence Conditions**

- 8.1 A key concept of the Act is for conditions to be attached to licences and certificates, which are tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- 8.2 The Licensing Authority cannot attach conditions to premises licences and club premises certificates unless they are considered necessary for the promotion of the licensing objectives. The Licensing Authority may only attach conditions (except for statutory mandatory conditions and conditions drawn from the operating schedule) if relevant representations have been received. ~~The Licensing Authority may only attach conditions (except for conditions drawn from the operating schedule) if relevant representations have been received.~~ Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 8.3 Where appropriate, the Licensing Authority will draw upon pools of conditions issued under the Act and attach necessary and proportionate conditions (see paragraph 2.4). Blanket standard conditions will not be imposed.
- 8.4 The model conditions cover, among other things, issues surrounding –
- crime and disorder,
  - public safety (including fire safety and means of escape)
  - theatres and cinemas (promotion of public safety)
  - public nuisance
  - protection of children from harm.
- 8.5 Crime Prevention: conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies e.g. the provision of closed circuit television cameras in certain premises.

- 8.6 In deciding what conditions should be attached to licences and certificates to promote the licensing objectives, the Licensing Authority will be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. Only necessary, proportionate and reasonable conditions will be imposed on such events. Where there is any indication that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be reversed.
- 8.7 Applicants should consider the measures which they propose to control noise nuisance from the premises or from departing customers. Depending on the individual circumstances, this may include:
- Sound limitation devices
  - Acoustic lobbies
  - Acoustic double glazing
  - Noise insulation
  - Specifying non amplified or acoustic music only
  - Notices requesting customers to leave quietly
  - A dedicated taxi service
  - Use of door supervisors at exit points
  - A winding down period during which music is turned down and lights up, alcohol service ceases and sales of food and hot and cold soft drinks continues and requests are made for customers to leave quietly.

## **9. Integrating Strategies and the avoidance of duplication**

- 9.1 By consultation and liaison, the Licensing Authority will secure the proper integration of this licensing 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. Many of these strategies directly impact upon the four licensing objectives.
- 9.2 Transport: Where any protocols to be agreed with the police identify a particular need to disperse people from the city swiftly and safely to avoid concentrations which could lead to disorder and disturbance, the Licensing Authority will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.
- 9.3 Tourism, employment, planning and building control: The Council's Licensing Committee will receive, when appropriate, reports on -
- the needs of the local tourist economy for the area to ensure that these are reflected in their considerations

- the employment situation in the area and the need for new investment and employment where appropriate.
- 9.4 Planning, building control and the licensing regimes will be separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. When a terminal hour has been set as a condition of planning permission that is different from the licensing hours, the applicant must observe the earlier of the two closing times.
  - 9.5 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.
  - 9.6 Cultural strategies: The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. As part of implementing cultural strategies, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing, circus activity, street art and theatre, including the performance of a wide range of traditional and historic plays for the wider cultural benefit of the community which also balances the evening economy. The Licensing Authority will balance the prevention of disturbance in neighbourhoods with these wider cultural benefits, particularly the cultural benefits for children. Only necessary, proportionate and reasonable conditions will be imposed on such events.
  - 9.7 The absence of cultural provision in any area can lead to young people being diverted into anti-social activities that damage local communities and the young people involved themselves.
  - 9.8 Cambridge City Council has an important role in coordinating events in the City and to ensure that cultural diversity thrives. The Council currently has five licensed open spaces. These are: Parkers Piece; Jesus Green; Midsummer Common; Coldhams Common and the grounds of Cherry Hinton Hall.
  - 9.9 Promotion of Racial Equality: 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 to promote equality of opportunity and good relations between persons of different ethnicity.
  - 9.10 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedule.

9.11 The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race, gender, disability or age, or display discriminatory signs.

## **10. Licence Reviews**

10.1 The process set out in the Licensing Act 2003 for reviewing premises licences represents a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.

10.2 The Licensing Authority cannot itself initiate the review process. Only responsible authorities and interested parties (i.e. local residents, local organisations and councillors) can apply for the review of a licence.

10.3 The Licensing Authority will work in partnership with responsible authorities to achieve the promotion of the licensing objectives and will encourage responsible authorities to give licensees early warning of any concerns identified at a premises.

10.4 When a review has been requested the role of the Licensing Authority will be to administer the process and determine its outcome at a hearing.

10.5 The Licensing Authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In appropriate cases the Authority may issue an informal warning to the licence holder and/or recommend improvement within a particular period of time. Any warnings or recommendations will be issued in writing.

10.6 Where the Licensing Authority considers that action under its statutory powers is necessary it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

10.7 In cases where the crime prevention objective is being undermined the Licensing Authority will give serious consideration to revoking the licence even in the first instance.

## **110. Enforcement**

110.1 The Licensing Authority intends to establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will provide for the targeting of agreed problem and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises which are well run.

110.2 In general, action will only be taken in accordance with the Council's enforcement policy, as adopted at the time, which reflects ~~the~~ the Council's obligations relating to enforcement agreed principles, and is which are consistent with the ~~Enforcement Concordat policy or the Regulators Compliance Code once this replaces the Enforcement Concordat~~. To this end, the key principles of consistency, targeting, transparency openness, and proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained. ~~The Regulators Compliance Code is likely to place new obligations on enforcement agencies that may include supporting economic process, risk assessment, information and advice, inspections, data requirements, compliance and enforcement actions and accountability. Cambridge City Council's enforcement policy is available on our website [www.cambridge.gov.uk](http://www.cambridge.gov.uk)~~

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

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

124.2 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.

## **132. Effective Date and Review**

132.1 This policy statement will ~~take~~ take effect on 7<sup>th</sup> January 2011~~08~~, ~~and was amended with effect from 22<sup>nd</sup> May 2008 to add Mill Road to the special policy on cumulative impact.~~

132.2 The policy statement will be kept under review and will remain in existence for a period of up to 3 years. It will be subject to review and further consultation before 7<sup>th</sup> January 2014~~4~~, or as required by law.

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

143.1 Applicants can obtain further details about the licensing and 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  
office location: Licensing, Environmental Services, Cambridge  
City Council, ~~Mandela House~~ PO Box 700,  
~~4, Regent Street,~~ Cambridge, CB12 0JH-4BY

14.2 The Licensing Authority has also published further documents to accompany this policy containing additional details about each type of application and the review process. These can be viewed at <http://www.cambridge.gov.uk/ccm/navigation/business/business-and-street-trading-licences/entertainment-licences/> (to confirm/update)

14.3 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.

14.4 The Council, Police and Fire Authorities will be willing to give advice and guidance to applicants.

14.5 Informal discussion is encouraged prior to the application process in order to resolve any potential problems and avoid unnecessary hearings and appeals.

**15. Responsible Authorities** are: - (for sending copies of applications)

**The Chief Officer of Police**

The Chief Officer, Cambridgeshire Constabulary, Southern Division,  
Police Station, Parkside, Cambridge, CB1 1JG  
Telephone: 01223 823397 Fax: 01223 823232

**The Fire Authority**

The Chief Fire Officer, Cambridgeshire Fire & Rescue Service,  
Cambridge Fire Station, Parkside, Cambridge, CB1 1JF.  
Attention: Licensing  
Telephone: 01223 376200 Fax: 01223 376229  
e-mail: [alanpi@cambsfire.gov.uk](mailto:alanpi@cambsfire.gov.uk)

**Health & Safety**

The Food & Occupational Safety Team, Environmental Services,  
Cambridge City Council, Mandela House, 4, Regent Street, Cambridge,  
CB2 1BY  
Telephone: 01223 457900 Fax: 01223 457909  
e-mail: [env.health@cambridge.gov.uk](mailto:env.health@cambridge.gov.uk)

### **Planning**

Environment & Planning, Cambridge City Council, The Guildhall,  
Cambridge, CB2 3QJ

Telephone: 01223 457100 Fax: 01223 457109

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

### **Environmental Services**

The Environmental Protection Manager, Environmental Services,  
Cambridge City Council, Mandela House, 4, Regent Street, Cambridge,  
CB2 1BY

Telephone: 01223 457890 Fax: 01223 457909

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

### **Child Protection**

Audit Manager, Child Protection and Review Unit, Licensing  
Applications, Box SS1035, 18-20 Signet Court, Swann's Lane,  
Cambridge, CB5 8LA

Telephone: 01223 718637 Fax: 01223 718153

e-mail: [peter.wilson@cambridgeshire.gov.uk](mailto:peter.wilson@cambridgeshire.gov.uk)

### **Trading Standards**

Cambridgeshire County Council, PO Box 450, Cambridge City, CB3  
6ZR

e-mail: [trading.standards@cambridgeshire.gov.uk](mailto:trading.standards@cambridgeshire.gov.uk)

In addition, for vessels:

### **Environment Agency**

The Team Leader, Great Ouse & Stour Waterways, The Environment  
Agency, Kingfisher House, Goldhay Way, Orton Goldhay,  
Peterborough, PE2 5ZR.

Telephone: 01733 464072

e-mail: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk), quoting Great Ouse &  
Stour Waterways

### **Conservators of the River Cam**

~~Clerks to the Conservators of the River Cam, Archer & Archer Solicitors~~

~~Clerks, Market Place, Ely, Cambridgeshire, CB7 4QN~~

~~Telephone: 01353 662203 Fax: 01353 667714~~

~~e-mail: [info@archerandarcher.co.uk](mailto:info@archerandarcher.co.uk) —~~

### The River Manager

Conservators of the River Cam

Baits Bite Lock, Fen Road, Milton, Cambridge, CB4 6AF

Telephone/Fax 01223 863785

e-mail [river.manager@camconservators.org.uk](mailto:river.manager@camconservators.org.uk)

### **Maritime & Coastguard Agency**

Surveyor in Charge, Harwich Marine Office, Maritime & Coastguard Agency, East Terrace, Walton-on-Naze, Essex, CO14 8PY

~~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.~~

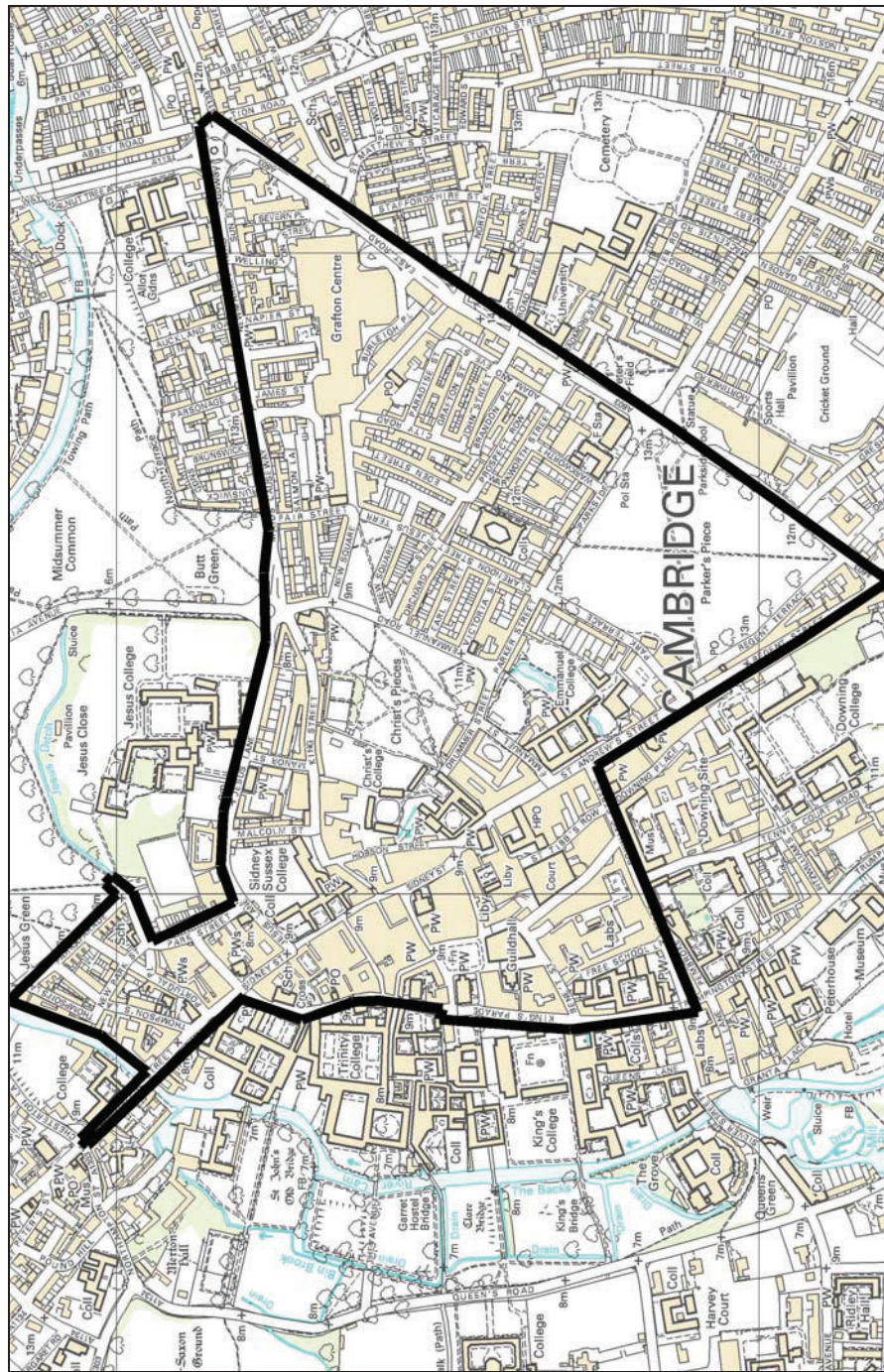
~~The Council, Police and Fire Authorities will be willing to give advice and guidance to applicants.~~

~~The Licensing Authority has published further documents to accompany this policy containing additional details about the licensing application and review processes. These can be viewed at <http://www.cambridge.gov.uk/ccm/navigation/business/business-and-street-trading-licences/entertainment-licences/>~~

~~Informal discussion is encouraged prior to the application process in order to resolve any potential problems and avoid unnecessary hearings and appeals.~~



Appendix 1  
Cumulative Impact Area City Centre



Cumulative Impact Area – Cambridge Leisure Park



## Appendix 3

### **Violent Crime and Anti-Social Behaviour in Cambridge City Sector April 2004 to March 2007**

#### **Summary**

Cambridge City centre is suffering a disproportionate amount of violent crime and ASB for its geographical size. Temporal analysis shows this can be linked to the night time economy. A Cumulative Impact area in the City Centre has been identified which incorporates 90% of ASB and violent crime.

In addition to this, the area around the Old Cattle Market should also be considered for a cumulative impact zone. (see Map 2). This is because the numbers of offences there are increasing and it is suffering a disproportionate amount in comparison with its geographical size.

#### **Link between the night-time economy and violence and ASB**

The night-time economy is a setting in which violent crime commonly occurs. Incidents are often clustered within small, well-defined areas of late night entertainment districts and can sometimes be linked to specific premises. A substantial proportion of this violence involves people who have been drinking<sup>1</sup>. National research shows that:

- In nearly half (44%) of all violent incidents, victims believed offenders to be under the influence of alcohol.
- This figure rose to 54% in cases of 'stranger violence'<sup>2</sup>.

#### **Table to show the number of violent crimes and anti-social behaviour incidents in the 3 requested areas over the period.**

| Location               | Offence       | 2004/2005    | 2005/2006   | 2006/2007    | Total        |
|------------------------|---------------|--------------|-------------|--------------|--------------|
| City Centre            | Violent Crime | 389          | 597         | 762          | 1748         |
|                        | ASB           | 721          | 1490        | 1979         | 4190         |
|                        | <b>Total</b>  | <b>1110</b>  | <b>2087</b> | <b>2741</b>  | <b>5938</b>  |
| Old Cattle Market Area | Violent Crime | 76           | 76          | 70           | 222          |
|                        | ASB           | 153          | 199         | 288          | 640          |
|                        | <b>Total</b>  | <b>229</b>   | <b>275</b>  | <b>358</b>   | <b>862</b>   |
| Cambridge City Sector  | Violent Crime | 3114         | 2254        | 2471         | 7839         |
|                        | ASB           | 7060         | 7191        | 9350         | 23601        |
|                        | <b>Total</b>  | <b>10174</b> | <b>9445</b> | <b>11821</b> | <b>31440</b> |

<sup>1</sup> Findings 214, Violence in the night-time economy: key findings from the research. 2004.

<sup>2</sup> Figures from British Crime Survey 2005/2006, taken from [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

(Please note that figures provided do not include offences of criminal damage).

- Between 2004 – 2007 the number of offences committed within the City Centre increased by 146%.
- 19% of all violent crime and ASB that occur within Cambridge City Sector take place in the City Centre. This is disproportionate, considering that geographically the City Centre comprises only 4% of Cambridge City Sector.<sup>3</sup>
- 3% of violent crime and ASB occurs at the Old Cattle Market Area, again this is disproportionate considering the geographical size of the area.
- The number of offences committed within the City Centre and Old Cattle Market area is increasing year on year at a higher rate than offences across Cambridge City Sector.
- 71% of the incidents reported were given the final call type of rowdy or inconsiderate behaviour<sup>4</sup>.
- After the changes to the pub licensing laws offence levels fell for a couple of months, however they then climbed to a level higher than prior to the changes.

### **Cambridge City Centre**

- 58% of violent crimes and 54% of anti-social behaviour incidents occur over the weekend (Friday, Saturday and Sunday), which can be associated with the night time economy and drinking in the City Centre.
- Violent crimes and ASB peaked between 7pm – 1am which again is associated with the night time economy.
- The most commonly occurring violent crime types were ABH, common assault and harassment causing alarm or distress. It is low level violent offences such as these which are most commonly associated with the night time economy.

### **Area highlighted as a potential cumulative impact zone**

The City Centre is the hotspot for offences within the whole of Cambridge City. This led to the identification of a cumulative impact area outlined on Map 1.

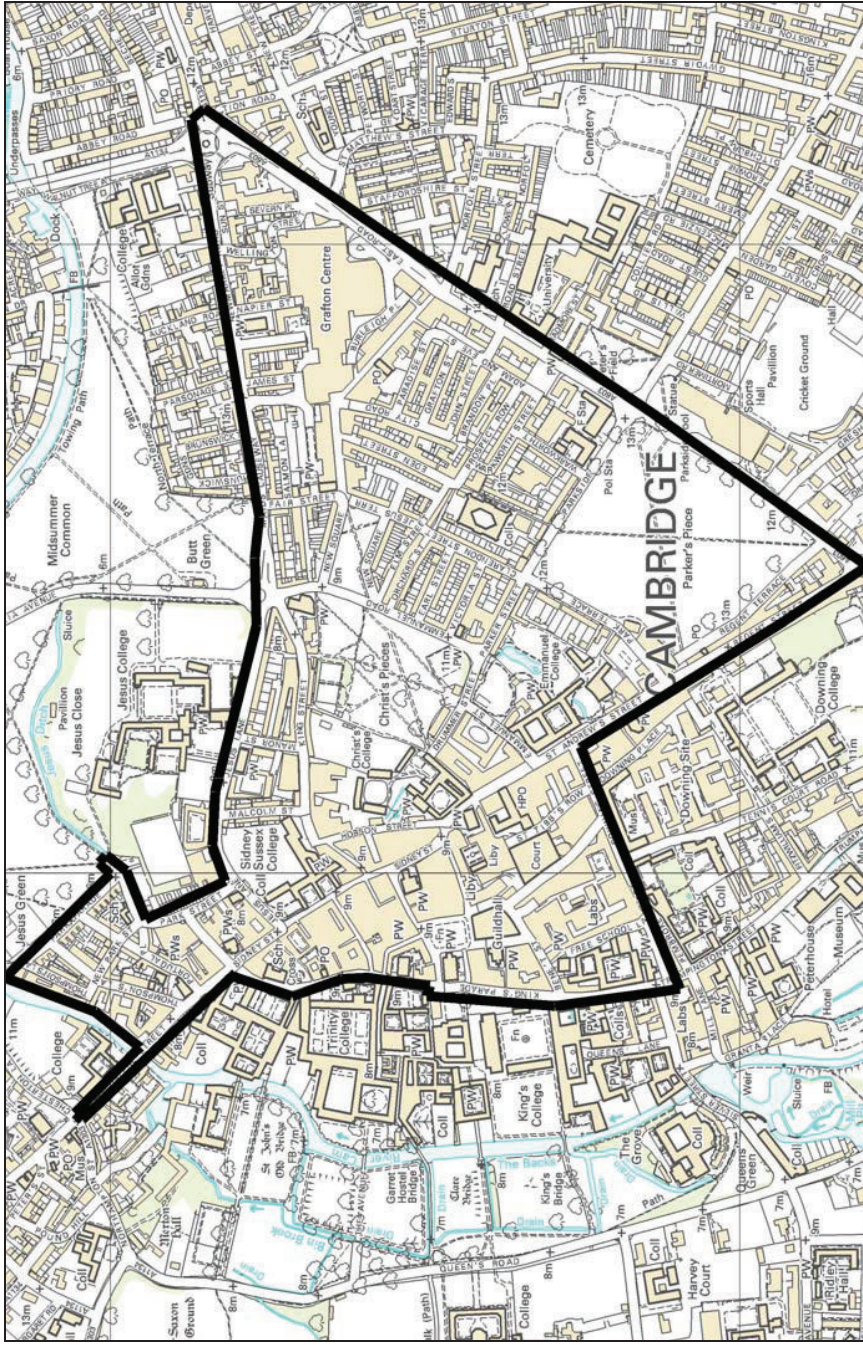
Approximately 90% of all violence and 91 % of ASB within the city centre occurs within the area in Map 1 (this includes both sides of the road boundaries).

- This area contains all of the City Centre Nightclubs, including: Ballare, Twentytwos, the Fez club, the Soul Tree and the Kambar.
- Included within the area are also a number of the bars and pubs in the city centre, including: the Regal, the Bath House, the Cow, the B Bar, Ta Bouche and the Slug and Lettuce.
- The main taxi rank is located on Sidney Street.
- Two night time fast food vendors operate on the Market Square, with the Fez Club, Ta Bouche and the B bar located on Market Passage.

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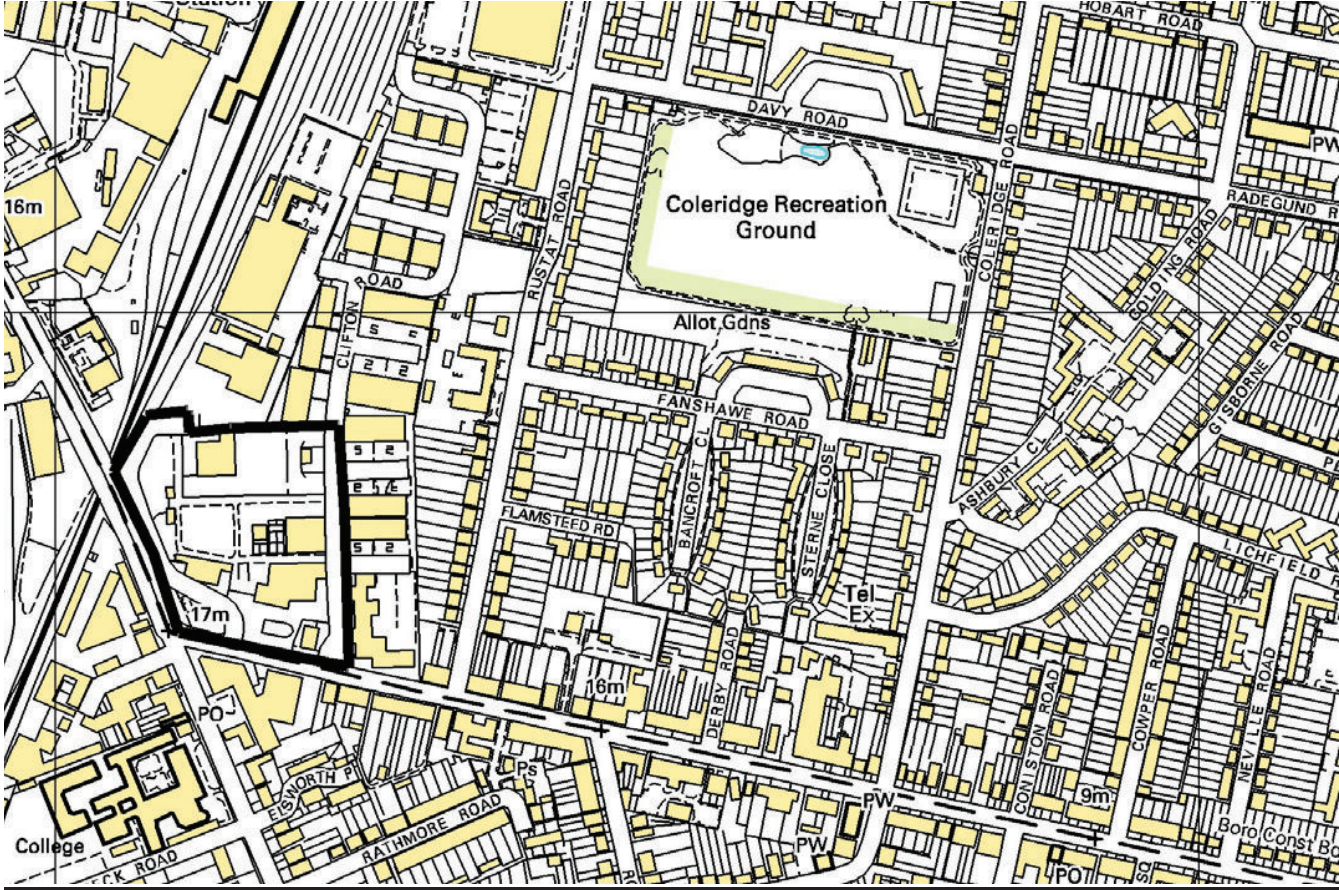
<sup>3</sup> Cambridge City Sector 4070 Hectares; Market Ward 169 Hectares

<sup>4</sup> Reports of rowdy behaviour and general nuisance in a public place or in any place to which the public have access. Not to be used in circumstances that amount to a domestic incident or notifiable crime. The category will include: shouting and swearing; rowdy noisy behaviour; drunken behaviour; climbing on buildings, throwing stones, letting down tyres, playing football or other 'games' in inappropriate areas, urinating in public, impeding access to communal areas. (summary of NSIR category description)



**Cumulative Impact Area City Centre**

Cumulative Impact Area. Old Cattle Market



Mrs Christine Allison  
The Licensing Officer  
Environmental Services  
Mandela House  
4 Regent Street  
Cambridge CB2 1BY



Creating a safer  
**Cambridgeshire**

17<sup>th</sup> September 2007

Dear Mrs Allison

**Licensing Act 2003 - Response to Consultation on the review of the Statement of Licensing Policy and the inclusion of a Cumulative Impact Policy**

I strongly recommend that the Licensing Authority establish a cumulative impact policy covering the areas of the Cambridge Leisure Park and Cambridge city centre. In both these areas a high concentration of licensed premises has produced a negative impact upon the Licensing Objectives, in particular the prevention of crime and disorder, public safety, and the prevention of public nuisance.

**Cambridge City Centre**

The proposed cumulative impact area within Cambridge city centre accounted for 21% of all violent crime, criminal damage, and anti-social behaviour occurring between 2006 and 2007 in Cambridge City. Offences peak between Saturday night and the early hours of Sunday morning, and 53% of offences and incidents recorded occur between Friday and Sunday. This concentration of offences over the weekend period provides a strong link with excessive alcohol consumption; at least 33% of all peak-time offences and incidents within the proposed impact area are alcohol related.

**Cambridge Leisure Park**

The proposed cumulative impact area at the Leisure Park accounted for 1% of all violent crime, criminal damage and anti-social behaviour between 2006 and 2007 in Cambridge City. This small percentage of overall crime represents a significant level given the size of the area; the Leisure Park was subject to 48.7 such offences per hectare, when the

overall level across the city was 3.4 offences per hectare. Again offences peak over the weekend, and a minimum of 20% of peak-time offences and incidents are alcohol related.

A further piece of analytical work has been completed entitled 'Violent Crime, Criminal Damage, and ASB in Cambridge City 2004 -2007 Evidence for a Cumulative Impact Policy'. The acquisition of new software, and the incorporation of evidence from the East of England Ambulance service has enabled the production of a more in depth analysis of potential areas where the concentration of licensed premises is likely to impact negatively upon the Licensing Objectives. This document is attached and adds further weight to our initial submission that the city centre and Cambridge Leisure Park areas are subject to high levels of alcohol related disorder, violent crime and anti-social behaviour, and that this impact is linked to the concentration of licensed premises.

### **Mill Road**

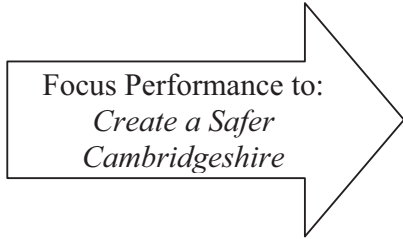
There is also clear evidence presented within the same document that Mill Road suffers a similarly disproportionate level of alcohol related disorder and crime linked to the density of licensed premises in the area; Mill Road contains some 40 licensed premises. This road accounted for 3% of all violent crime, criminal damage and anti-social behaviour between 2006 and 2007 in Cambridge City. Once again the area covered by the road renders such a level of crime disproportionate, being subject to 38.3 offences per hectare. Offences peak over the weekend, and at least 27% of peak-time offences are alcohol related. Mill Road has previously been identified as suffering the highest rate of violence against the person, hate crime, and anti-social behaviour in Cambridge City. It is also the case that this area is subject to alcohol related anti-social behaviour linked to the street life community, and that for several years it has been necessary to impose a Dispersal Order. Based upon this above evidence I further request that, following any further consultation necessary, the committee consider including the entire length of Mill Road within a Cumulative Impact Policy.

I am confident that the adoption of a cumulative impact policy will assist our continued work in partnership to create a safer, pleasanter, environment for those working, living, and visiting our city.

Yours Sincerely

Rob Needle  
Chief Superintendent  
Divisional Commander





Focus Performance to:  
*Create a Safer  
Cambridgeshire*



## **Violent crime, criminal damage and ASB in Cambridge City 2004-2007**

### **Evidence for a Cumulative Impact Policy** V4

### *Background*

The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. They are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In areas where there is a significant concentration of licensed premises and there is sufficient evidence of negative impact on the statutory objectives The Licensing Act gives provision for the adoption of a Cumulative Impact Policy. The effect of adopting such a policy is to create a rebuttable presumption that applications for new premises licenses or major variations will be refused if representations are made about the likely impact of the proposals on the licensing objectives. This effectively requires the applicant to demonstrate that the operation of the premises involved will not add to the cumulative impact already being experienced.

### *Purpose*

The purpose of this report is to provide evidence to Cambridge City Council Licensing Committee of defined areas within Cambridge City Centre where there are significant levels of crime and disorder that can be reasonably attributed to a high concentration of licensed premises within the area.

### *Methodology & Data Sources*

The location of all licensed premises in Cambridge City was sourced from the licensed premises database by PC Pete Sinclair licensing officer. Licensed premises analysed included licensed public houses, restaurants, off-licences, café/take-aways, leisure/cinema/sports, clubs, wine bars, schools/colleges and hotels. It did not include betting shops, amusement arcades, conference centres, village/community halls and 'other' licensed premises. The licensed premises were mapped enabling the concentration of premises and proximity to crime and disorder hotspots to be ascertained.

Violent crime and criminal damage offences and anti-social behaviour incidents that occurred between 01/04/2004 and 31/03/2007 were extracted from the Force data warehouse using i2 workstation.

These records were then mapped using Blue 8 software to show the locations of the highest concentrations of offences and incidents in Cambridge City. The data was subsequently analysed for temporal and other offence/incident patterns.

Ambulance pick-up data was sourced from the East of England Ambulance Service concerning ambulance callouts involving assaults and overdoses<sup>5</sup> between 01/01/2003 and 05/10/2006. This data was mapped and analysed.

The Local Authority Alcohol Profiles for the East of England produced by the Eastern Region Public Health Observatory provided estimates around levels of binge drinking and alcohol-related hospital admissions in Cambridge between 2002 and 2004.

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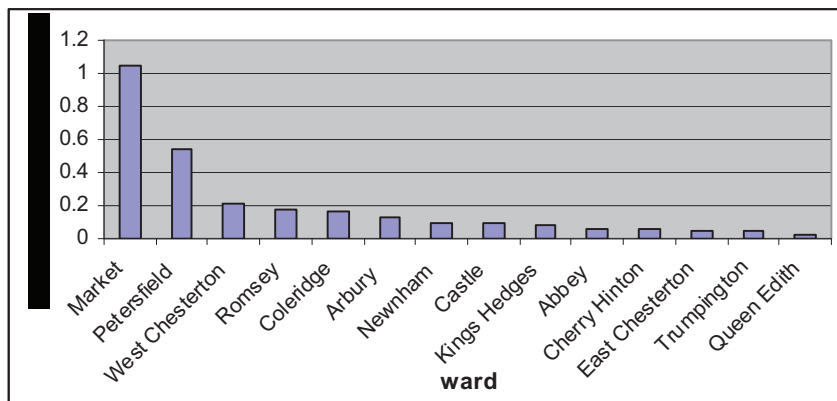
<sup>5</sup> Relating to alcohol and/or drugs

## 1. Licensed Premises in Cambridge City

### 1.1) Market Ward

There are 532 licensed premises<sup>6</sup> within Cambridge City. 176 (33%) of Cambridge City licensed premises are found in Market ward which encompasses the main city centre area of Cambridge. Analysing the number of licensed premises per hectare by ward in Cambridge City shows that Market ward has double the density of licensed premises to any other ward in Cambridge City (1.0 per hectare). The second highest ward for density of licensed premises is Petersfield (0.5). All other wards have a density of less than 0.25 licensed premises per hectare.

Fig.1 Licensed premises per hectare by ward in Cambridge City August 2007



The grid analysis<sup>7</sup> map on the following page (see Fig. 2) illustrates the areas of highest density of licensed premises. This illustrates that the main hotspot area for licensed premises is the central area of Market ward. The boxed area is then magnified in Figure 3 to show a dot map of the licensed premises in that area.

<sup>6</sup> This includes licensed public houses, restaurants, off-licences, café/take-aways, leisure/cinema/sports, clubs, wine bars, and hotels. This does not include betting shops, amusement arcades, conference centres, village/community halls and 'other' licensed premises.

<sup>7</sup> Map divided into squares of 900m for purpose of analysis.

Fig.2 Grid analysis of licensed premises within Cambridge City August 2007.

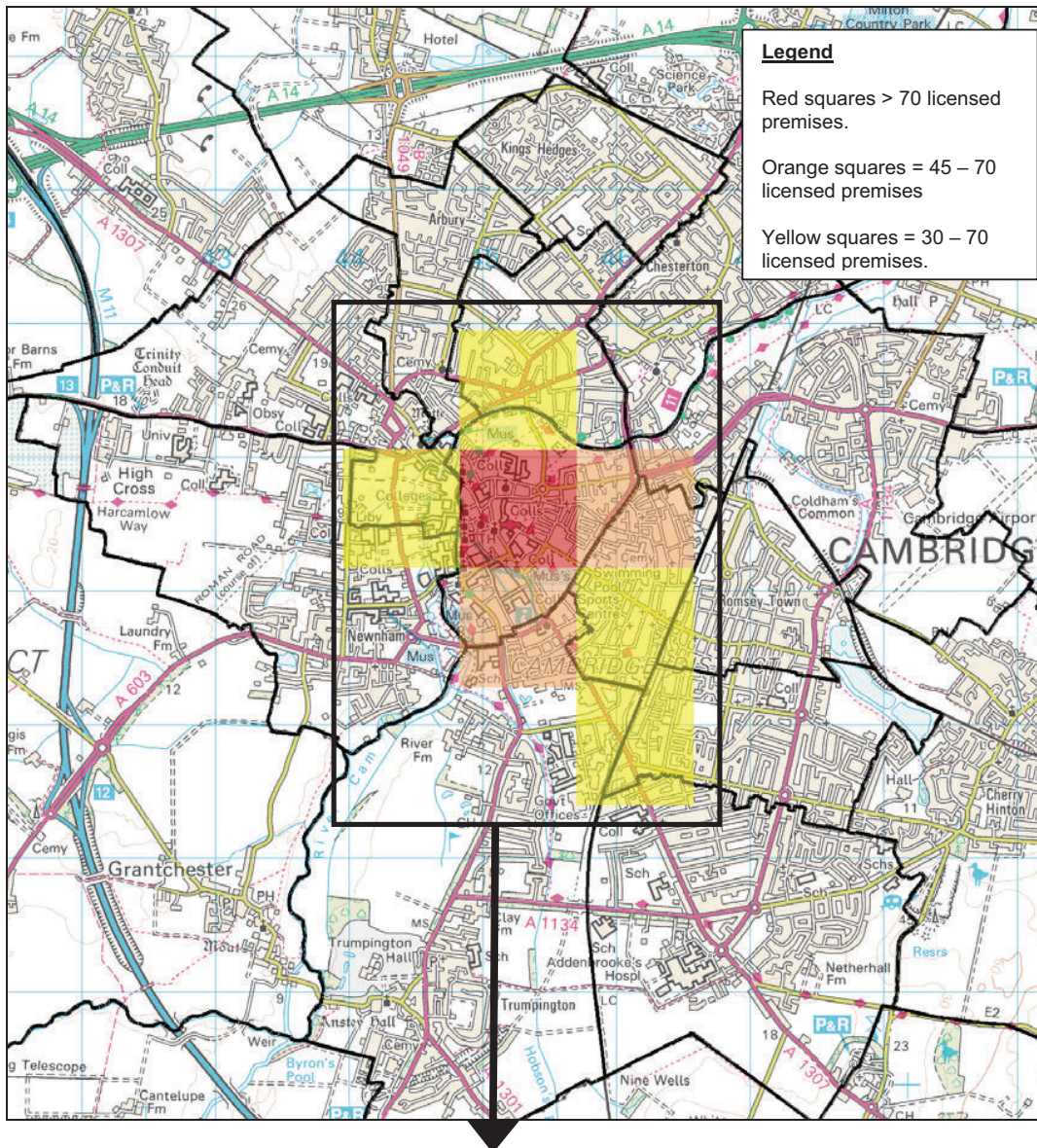


Fig.3 Licensed premises within Market ward and surrounding area August 2007

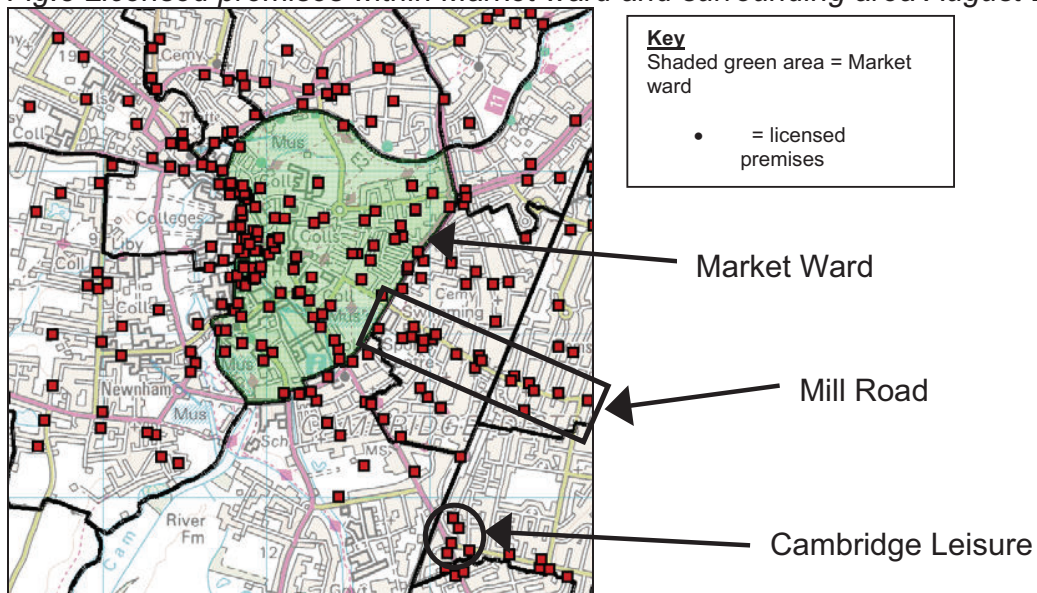
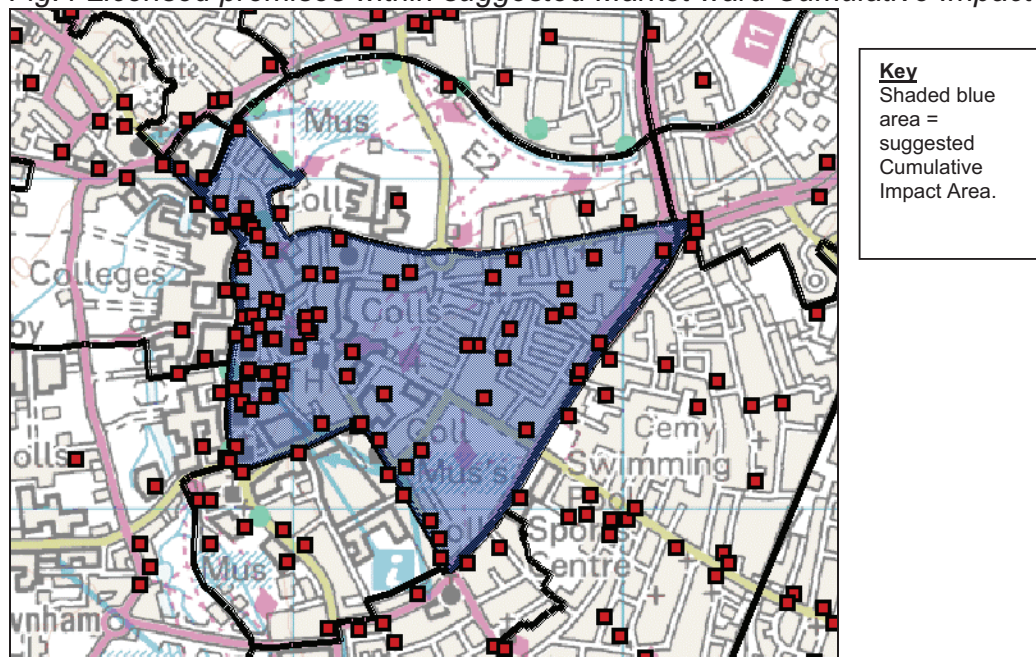


Figure 3 illustrates that the majority of the licensed premises in Market ward are clustered in the area bounded by Sidney Street, Kings Parade and Benet Street. There is also a high density of licensed premises along Regent Street and St Andrews Street.

The area suggested for the Cumulative Impact Policy by Inspector Porter and PC Sinclair is shown below in Figure 4. The area encompasses the main city centre area following the boundary of Gonville Place, East Road, Maids Causeway, Jesus Lane, Park Street, Pak Parade, Quayside, Magdalene Street, Kings Parade, Downing Street, St Andrews Street, and Regent Street. A comprehensive list of streets enclosed by the area can be found in Appendix A.

Fig.4 Licensed premises within suggested Market ward Cumulative Impact Area



Of note the area contains:

- 153 licensed premises in 89 hectares (1.7 premises per hectare) - this equates to 87% of all licensed premises within Market ward in 53% of the area.
- All of the City Centre nightclubs (6) – Ballare, Fez Club, Soul Tree, Club 22, Niche (Pure), Kamar.
- 34 pubs/bars including large chain premises such as The Regal (Wetherspoons) and the Slug and Lettuce and smaller independent venues.
- 56 restaurants/cafes.
- 8 take-aways including two fast food vans located on Market Square.
- 12 Cambridge University college bars.
- 2 main taxi ranks (Sidney Street and Drummer Street).

### **1.2) Mill Road**

49% of all licensed premises in Petersfield are on Mill Road (25). A further 15 licensed premises are located on the Romsey section of Mill Road. This gives Mill Road a total of 40 licensed premises and a density of 4.0 licensed premises per hectare. The majority of these licensed premises are made up of off-licences (15), restaurants (10) and cafés/take-aways (7).

Mill Road has historically been known as an area where street-life individuals congregate and may drink/take drugs and cause disorder. This has resulted in this area being

subject to a Section 30 dispersal order which has subsequently been extended to cover a large area of the City Centre.

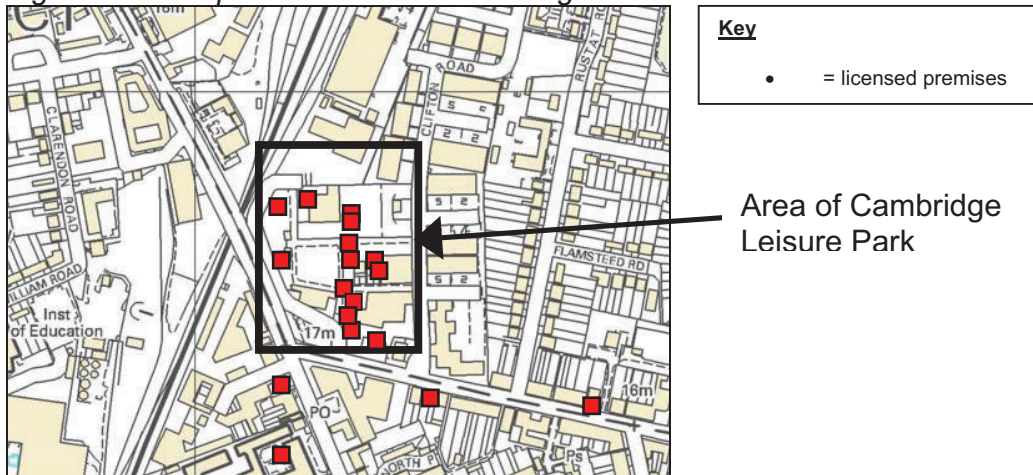
### **1.3) Cambridge Leisure Park**

Another area of Cambridge City with a particularly high density of licensed premises is Cambridge Leisure Park. The leisure park contains 15 licensed premises in an area of 3 hectares giving a density of 5.0 licensed premises per hectare.

The licensed premises break down as follows:

- 1 nightclub - The Junction.
- 4 bars – Nusha, Travel Lodge bar, bowling alley bar, Cineworld bar.
- 8 restaurants/cafes.
- 1 kebab van located in bus lay-by outside Leisure Park on Cherry Hinton Road.
- 1 theatre – The Junction Theatre.

*Fig 5 Licensed premises within Cambridge Leisure Park*



NB: Map taken from Force Blue 8 mapping system which does not have up to date layout of Leisure park.

***The table below indicates that the suggested Cumulative Impact Area (CIA) Mill Road and the Leisure Park all have a significantly higher density of licensed premises per hectare than Cambridge City.***

**Fig 6. Licensed premises per hectare in Cambridge City 2006/07**

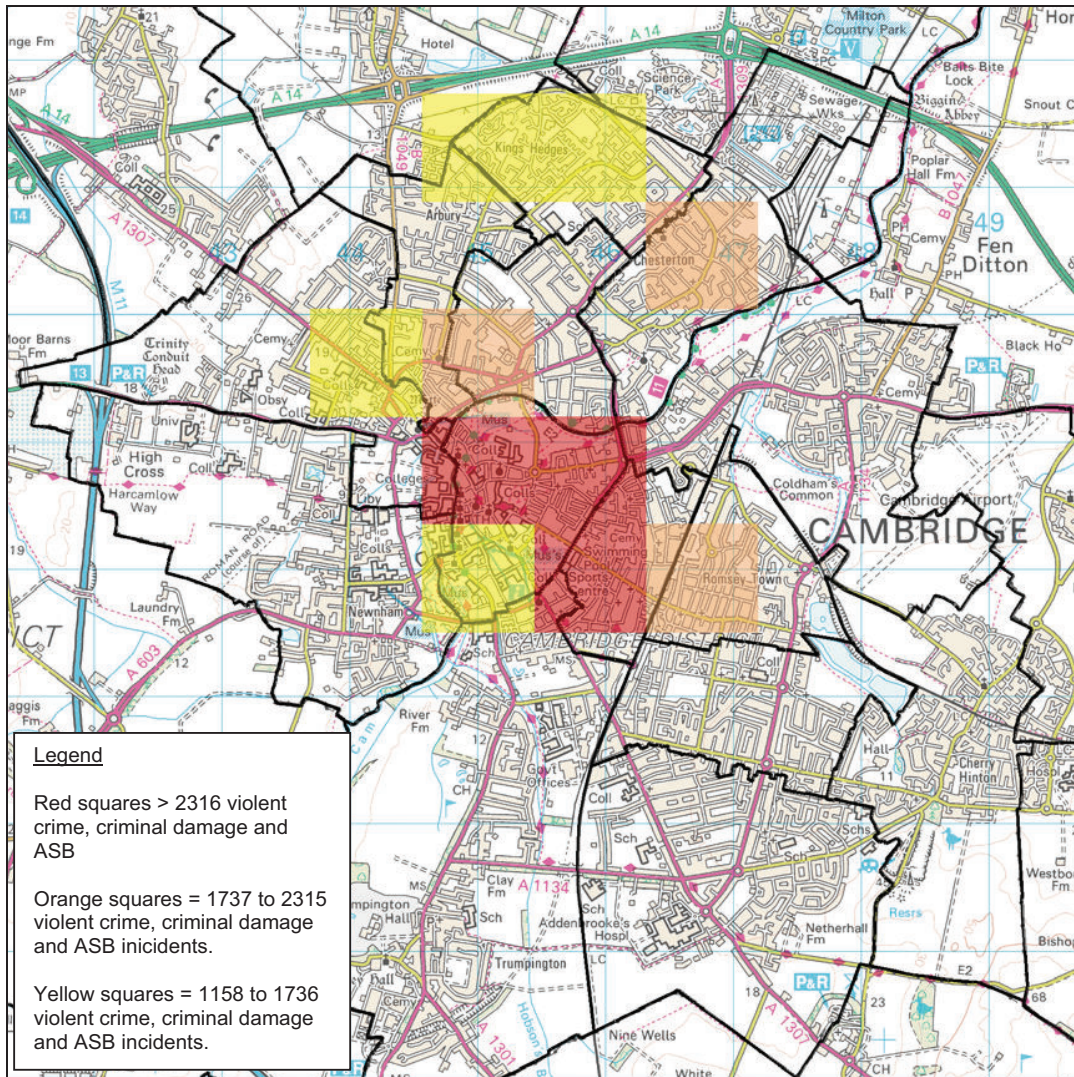
| Area  | Number licensed premises | Size of area (hectares) | Licensed premises per hectare 2006/07 |
|---|--------------------------|-------------------------|---------------------------------------|
| Cambridge City                                    | 532                      | 4070                    | 0.1                                   |
| Market Ward                                       | 176                      | 169                     | 1.0                                   |
| Suggested Cumulative Impact Area (in Market Ward) | 153                      | 89                      | 1.7                                   |
| Mill Road   | 40                       | 10                      | 4.0                                   |
| Cambridge Leisure Park                            | 13                       | 3                       | 5.0                                   |

*2. Violent crime, criminal damage and anti-social behaviour in Cambridge City*

The grid analysis below indicates the main hotspot for violent crime, criminal damage and anti-social behaviour offences over the past three years was in Market beat. There is also hotspot over a section of Petersfield beat. This is due to Mill Road (see below for further explanation).

*Fig 7 Grid analysis of violent crime, criminal damage and anti-social behaviour in Cambridge City 2004/05 to 2006/07*





The table below shows criminal damage, violent crime and ASB data for three years for the identified areas. Key findings from this table are as follows:

- Violent crime and criminal damage offences have generally reduced from 2004/05 to 2005/06 and then slightly increased from 2005/06 to 2006/07 across Cambridge City and areas shown in above table<sup>8</sup>.
- Anti- social behaviour incidents have generally increased year on year since 2004/05.
- The suggested CIA made up 82% of violent crime, criminal damage and anti-social behaviour in 2006/07 in Market ward and 21% of violent crime, criminal damage and anti-social behaviour in 2006/07 in Cambridge City<sup>9</sup>.

<sup>8</sup> With the exception of violent crime in Cambridge Leisure Park which has increased year on year since 2004/05 and criminal damage in Market ward and suggested Cumulative Impact Area which has decreased year on year since 2004/05.

<sup>9</sup> Cumulative impact area makes up just 2% of Cambridge City area.

- Mill Road made up 3% of all violent crime, criminal damage and anti-social behaviour in 2006/07 in Cambridge City. In previous analysis Mill Road was identified as the top street for BCS comparator crime, violence against the person, hate crime and ASB and second for criminal damage in Cambridge City<sup>10</sup>.
- Cambridge Leisure Park made up 1% of all violent crime, criminal damage and anti-social behaviour in 2006/07 in Cambridge City.
- Assault occasioning actual bodily harm (ABH) was the most common offence type making up 38% of offences in the suggested CIA, Mill Road and Cambridge Leisure Park. ABH, public order offences and common assaults made up 80% of the total violent crime in these areas.

*Fig 8 Violent crime, criminal damage and anti-social behaviour in Cambridge City 2004/05 to 2006/07*

| Area   | Offence               | 2004/0<br>5  | 2005/0<br>6  | 2006/0<br>7  |
|--|-----------------------|--------------|--------------|--------------|
| <b>Cambridge City</b>                                    | Violent Crime         | 3114         | 2302         | 2471         |
|  | Criminal damage       | 2205         | 2060         | 2187         |
|  | Anti-social behaviour | 7060         | 7191         | 9350         |
|  |                       | <b>12379</b> | <b>11553</b> | <b>14008</b> |
| <b>Market ward</b>                                       | Violent Crime         | 830          | 616          | 776          |
|  | Criminal damage       | 369          | 261          | 247          |
|  | Anti-social behaviour | 1554         | 1570         | 1939         |
|  |                       | <b>2753</b>  | <b>2447</b>  | <b>2962</b>  |
| <b>Suggested Cumulative Impact Area (in Market Ward)</b> | Violent Crime         | 642          | 456          | 551          |
|  | Criminal damage       | 291          | 192          | 186          |
|  | Anti-social behaviour | 1308         | 1336         | 1706         |
|  |                       | <b>2241</b>  | <b>1984</b>  | <b>2443</b>  |
| <b>Mill Road</b>   | Violent Crime         | 76           | 44           | 87           |
|  | Criminal damage       | 43           | 35           | 35           |
|  | Anti-social behaviour | 235          | 211          | 261          |
|  |                       | <b>354</b>   | <b>290</b>   | <b>383</b>   |
| <b>Cambridge Leisure Park</b>                            | Violent Crime         | 27           | 32           | 34           |
|  | Criminal damage       | 19           | 9            | 13           |
|  | Anti-social behaviour | 41           | 58           | 99           |
|  |                       | <b>87</b>    | <b>99</b>    | <b>146</b>   |

<sup>10</sup> BCS crime, violence against the person and hate crime measured between 01/06/2006 to 31/05/2007. ASB measured between 01/01/2007 and 20/06/2007.

Although the total number of offences and disorder is relatively low in the Mill Road and Leisure Park these figures become more meaningful when the size of the areas is taken into account.

The table below illustrates that although Cambridge Leisure Park may have less offences than the other areas analysed, it has the highest number of offences and disorder per hectare. The table also illustrates the high offences and disorder per hectare for the suggested CIA and Mill Road.

*Fig 9 Violent crime, criminal damage and anti-social behaviour per hectare in Cambridge City 2006/07*

| <b>Area</b>                             | <b>Offences and disorder<sup>11</sup> 2006/07</b> | <b>Size of area (hectares)</b> | <b>Offences and disorder per hectare 2006/07</b> |
|---|---|--------------------------------|--|
| Cambridge City                          | 14008   | 4070                           | 3.4  |
| Market Ward                             | 2962  | 169                            | 17.5   |
| Cumulative Impact Area (in Market Ward) | 2443  | 89                             | 27.4   |
| Mill Road                               | 383   | 10                             | 38.3   |
| Cambridge Leisure Park                  | 146   | 3                              | 48.7   |

Grid analysis of ambulance pick-up data concerning ambulance callouts involving assaults and overdoses<sup>12</sup> between 01/01/2003 and 05/10/2006 for Cambridge City shows the hotspot areas mirror those for the violent crime, criminal damage and anti-social behaviour incidents for the City i.e. hotspots in Market ward, Petersfield and Mill Road area.

Analysing the number of ambulance pick-ups per hectare as shown below once again illustrates that although the Leisure Park has the smallest absolute number of ambulance pick ups it has over 20 times the number per hectare than Cambridge City as a whole. There are also high numbers of ambulance pick ups per hectare in the suggested CIA and Mill Road.

*Fig. 10 Ambulance pick ups per hectare in Cambridge City 01/01/2003 to 05/10/2006*

<sup>11</sup> Violent crime and criminal damage offences and anti-social behaviour incidents.

<sup>12</sup> Alcohol or drug related.

| Area                                    | Number ambulance pick ups | Size of area (hectares) | Number ambulance pick-ups per hectare |
|---|---------------------------|-------------------------|---------------------------------------|
| Cambridge City                          | 4159                      | 4070                    | 1.0                                   |
| Cumulative Impact Area (in Market Ward) | 996                       | 89                      | 11.2                                  |
| Mill Road                               | 77                        | 10                      | 7.7                                   |
| Cambridge Leisure Park                  | 64                        | 3                       | 21.3                                  |

### 3. Alcohol-related offences and disorder

So far in this document it has been shown that those areas with a high density of licensed premises also have a high density of violent crime, criminal damage and anti-social behaviour offences. It is important to establish whether this correlation suggests a causal link between the presence of a high density of licensed premises and high levels of offences and disorder. It is therefore necessary to establish the level of offences and disorder that are alcohol-related.

National research<sup>13</sup> indicates that a substantial proportion of violence involves people who have been drinking:

- In nearly half (44%) of all violent incidents, victims believed offenders to be under the influence of alcohol. This figure rose to 54% in cases of 'stranger violence'.
- This figure is likely to be elevated in late-night entertainment districts.

Research from the Eastern Region Public Health Observatory<sup>14</sup> states that levels of alcohol-related hospital admissions and the percentage of binge drinkers is higher in Cambridge City than the average for England<sup>15</sup>. The research suggests that this is due to Cambridge being a University city with a high population of young adults. This could potentially make Cambridge City more vulnerable to alcohol-related crime and disorder.

Unfortunately there is no accurate marker in Cambridgeshire Constabulary for alcohol-related offences and incidents. The most accurate way we therefore have of establishing a causal link is by looking at the peak times and days of week that offences occurred. It can be inferred that offences and incidents occurring late at night/early hours of the morning are more likely to be alcohol-related - especially those occurring on Friday and Saturday nights.

Another method to establish alcohol-related offences/incidents is to search the notes pages for words that would suggest alcohol use i.e. "drunk", "alcohol", "intoxicated" and "drinking". It must be remembered however that there will be offences/incidents where alcohol was involved but this was not noted in the incident notes and also offences/incidents where the person reporting would not know whether alcohol was involved or not. We would therefore suggest that such measurements of the level of alcohol-related offences would be a minimum and are an under estimate of the true situation.

<sup>13</sup> Figures taken from the British Crime Survey 2005/2006 from [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

<sup>14</sup> Local authority alcohol profiles for the East of England [www.erpho.org.uk](http://www.erpho.org.uk)

<sup>15</sup> Alcohol-related admissions for males standardised rate 826 per 10,000 for England – Cambridge aprox 900 per 10,000 (2002-2004). Binge drinking estimates average for England 18.2%, average for Cambridge aprox. 21%.

The table below shows the peak time, day of week and minimum % offences and incidents alcohol-related for the areas specified. It can be seen that the proposed Cumulative Impact Area (in Market ward), Mill Road and Cambridge Leisure Park have a significantly higher minimum percentage of alcohol-related offences/incidents than the remainder of Cambridge City. The proposed Cumulative Impact Area in Market ward has the highest percentage of alcohol-related offences/incidents. This is not surprising as this area contains the highest number of licensed premises and is the main late night entertainment district in Cambridge City.

The peak times and days of week for offences/incidents to occur are in line with the hypothesis that a significant proportion are alcohol related as i.e. over the weekend period.

*Fig. 11 Peak time and minimum % offences and incidents alcohol-related in Cambridge City 2006/07*

| <b>Area</b>                             | <b>Minimum no. and % offences and incidents alcohol-related<sup>16</sup></b> | <b>Peak time for offences and disorder</b> | <b>Peak day for offences and disorder</b> |
|---|--|--|---|
| Cambridge City                          | 18% (2542)   | 21:00 to 24:00 hrs                         | Saturday night/early hours Sunday morning |
| Market Ward                             | 29% (864)  | 20:00 to 22:00hrs and 00:00 to 03:00hrs    | Saturday night/early hours Sunday morning |
| Cumulative Impact Area (in Market Ward) | 33% (2810)   | 22:00 to 03:00 hrs                         | Saturday night/early hours Sunday morning |
| Mill Road                               | 27% (104)  | 22:00 to 02:00 hrs                         | Saturday night/early hours Sunday morning |
| Cambridge Leisure Park                  | 20% (27)   | 22:00 to 03:00 hrs                         | Saturday night/early hours Sunday morning |

<sup>16</sup> Calculated by searching notes for mention of 'alcohol', 'drinking', 'drunk' or 'intoxicated'.

#### *4. Conclusion*

Areas of high density of licensed premises in Cambridge City are the Cumulative Impact area identified in Market ward, Mill Road and Cambridge Leisure Park. These areas also have a high density of violent crime, criminal damage and anti-social behaviour. It can be shown that a significant proportion of these offences and incidents are likely to be alcohol-related and therefore directly linked to the density of licensed premises.

It is therefore recommended that a Cumulative Impact policy is adopted for the following areas:

- Previously identified area of Market ward
- Mill Road
- Cambridge Leisure Park

## Appendix A

| <b>Streets in suggested Cumulative Impact Area Market Ward</b> |                   |                 |                     |
|--|-------------------|-----------------|---------------------|
| Adam and Eve Street  | Eden Street       | Malcolm Street  | Quayside            |
| All Saints Passage   | Elm Street        | Manor Street    | Regent Street       |
| Beaufort Place   | Emmanuel Street   | Market Hill     | Regent Terrace      |
| Belmont Place  | Fair Street       | Market Passage  | Round Church Street |
| Benet Street   | Fitzroy Lane      | Market Street   | Salmon Lane         |
| Brandon Place  | Fitzroy Street    | Melbourne Place | Severn Place        |
| Burleigh Place   | Free School Lane  | Napier Street   | Short Street        |
| Burleigh Street  | Gonville Place    | New Park Street | Sidney Street       |
| Calrendon Street   | Grafton Street    | New Square      | St Andrews Street   |
| Camden Court   | Green Street      | Newmarket Road  | St Johns Road       |
| Causeway Passage   | Guildhall Place   | Orchard Street  | St Marys Street     |
| Christ Church Street   | Hobson Street     | Paradise Street | St Tibbs Row        |
| Christs Lane   | Hobsons Passage   | Park Parade     | Sun Street          |
| City Road  | James Street      | Park Street     | Sussex Street       |
| Corn Exchange Street   | Jesus Lane        | Park Terrace    | Thompson's Lane     |
| Crispin Place  | John Street       | Parkside        | Trinity Street      |
| Dover Street   | King Street       | Parsons Court   | Warkworth Street    |
| Downing Street   | Kings Parade      | Peas Hill       | Warkworth Terrace   |
| Drummer Street   | Lower Park Street | Petty Cury      | Wellington Street   |
| Earl Street  | Magdalene Street  | Portugal Place  | Willow Place        |
| East Road  | Maids Causeway    | Prospect Row    | Willow Walk         |

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**Report by:** Head of Policy and Projects

**To:** West/Central Area Committee 24 June 2010

**Wards:** Castle, Newnham and Market

## Environmental Improvements Programme

### 1. **DECISIONS TO BE MADE: -**

- **Environmental Improvement Schemes for 2010/2011**

**Decision:** *To select schemes for detailed development and implementation subject to positive consultation.*

- **Gough Way – Seat**

**Decision:** *Determine whether to implement the scheme at a cost of £2,500 based on the results of the consultation.*

### 2. **BUDGET**



### **3 APPROVED SCHEMES – PROGRESS**

#### **3.1 Manor Street / King Street Cycle Parking**

Following initial consultation with property owners, the draft proposals and draft tripartite agreement has been sent to the landowner Jesus College and building owner King Street Housing for consideration.

#### **3.2 Lammas Land pavilion**

This scheme is being led by Active Community Officers who are currently offering the project for an additional funding contribution from Section 106 monies. Officers propose to return to West/Central Area Committee once further funding has been secured.

#### **3.3 Tree Planting on Midsummer Common, Jesus Green and New Square**

A Tree Management and Planting Seminar is being organised. The seminar will include a talk about the management and planting of the trees on open spaces and focus on Midsummer Common and Jesus Green followed by a walk of the two areas and then get invitees involved in the plans for the future.

#### **3.5 Grantchester Road traffic calming features**

The Highway Authority has rejected the current proposals on safety grounds. We are looking at alternative proposals but it is proving difficult to propose any measures that the Highway Authority is happy to support.

#### **3.6 Fitzroy/Burleigh Street Refurbishment**

The detailed design of this scheme is currently being carried out by Cambridgeshire County Council. The Final detailed design and estimated costs will be presented to the next Area Committee for approval to implement the scheme.

## **4 EXISTING SCHEMES REQUIRING DECISIONS**

### **4.1 Gough Way – Seat**

A local resident has requested that a seat be installed on Gough Way for bus passengers to wait. The location of the seat is on highway land, and the Highway Authority has been consulted and agreed to the location, which is shown on the plan in appendix 1 of this report.

A localised public consultation has been carried out and two objections have been received. The first was a general objection expressing the opinion that the proposal was a waste of money.

The second objection was from a resident who owns the property immediately to the rear of the proposed site of the bench and objects to the proximity of the bench to the property boundary.

***Recommendation:*** For the Committee to determine whether the scheme should be implemented based on the objections received.

***Decision:*** Determine whether to implement the scheme at a cost of £2,500 based on the results of the consultation.

## **5 New Environmental Improvement Schemes for 2010/2011**

### **5.1 Whymans Lane TRO and Bollard Replacement**

Introduction of a 'no waiting' restriction for the whole street and installation of fixed bollards at the Caste Street end as detailed in the plan in appendix 2 of this report. Estimated cost £2000.

*Adoption recommended.*

### **5.2 City Centre Mobility Crossings**

Three crossings proposed in the historic core in Malcolm St, Tennis Court Rd and Trumpington St. Estimated Cost £19,500.

*Adoption recommended.*

### **5.3 Prospect Row**

Installation of three speed cushions spaced 50m apart along the street as per the drawing in appendix 3 of this report. Estimated Cost £12,000.

*Adoption recommended subject to Highway Authority approval.*

#### **5.4 Histon Road Shops**

Installation of bollards to prevent parking along the front of the shops. Estimated cost £4000. *Adoption recommended.*

Patching of the rear car park to provide a medium term improvement is estimated to cost £19,000. This figure is not included in the total estimated cost of new schemes highlighted at the end of this section.

#### **5.5 Belmore Close**

Local measures associated with an alley between Belmore Close and Badminton Close. Details to be agreed following a walkabout with Members and interested residents. Allocated funding of £2000.

#### **5.6 Fishers Square**

Introduction of litter bins, cycle parking and self binding gravel within the tree pits. Further work required to confirm types and locations including Highway Authority approval. Allocated funding of £4500.

#### **5.7 Huntingdon Road**

Extension of the 30mph speed limit.

This scheme is not feasible as it requires the narrowing of the carriageway in order to comply with Highway Authority policies for a 30mph speed limit. A County Council scheme existed to deliver these measures, which involved the installation of cycle lanes in either direction, but the need to resurface the carriageway led to difficulties raising the significant level of funding required.

**TOTAL ESTIMATED COST OF NEW SCHEMES - £59,000**

**AVAILABLE BUDGET - £61,285**

West/Central Area Committee are asked to review the list of projects for 2010/2011 listed above and agree which schemes should be formally adopted for implementation subject to positive consultation.

***Recommendation:*** *West/Central Area Committee to select highlighted schemes for adoption and implementation subject to positive consultation at a total estimated cost of*

**Decision:** To agree the highlighted schemes for adoption and implementation subject to positive consultation.

## 5 BACKGROUND PAPERS

Appendix 1 - Gough Way Seat Layout Plan

Appendix 2 - Whyman's Lane TRO Proposal

Appendix 3 - Prospect Row Traffic Calming Layout Plan

Appendix 4 - EIP Eligibility Criteria

## 6 IMPLICATIONS

- a) **Equal Opportunities Implications:** These are taken into account on individual schemes.
- b) **Environmental Implications:** All of the projects seek to bring about an improvement in the local environment.
- c) **Community Safety:** This has been included as one of the assessment criteria agreed by Committee and is considered on each project.

## 7 INSPECTION OF PAPERS

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

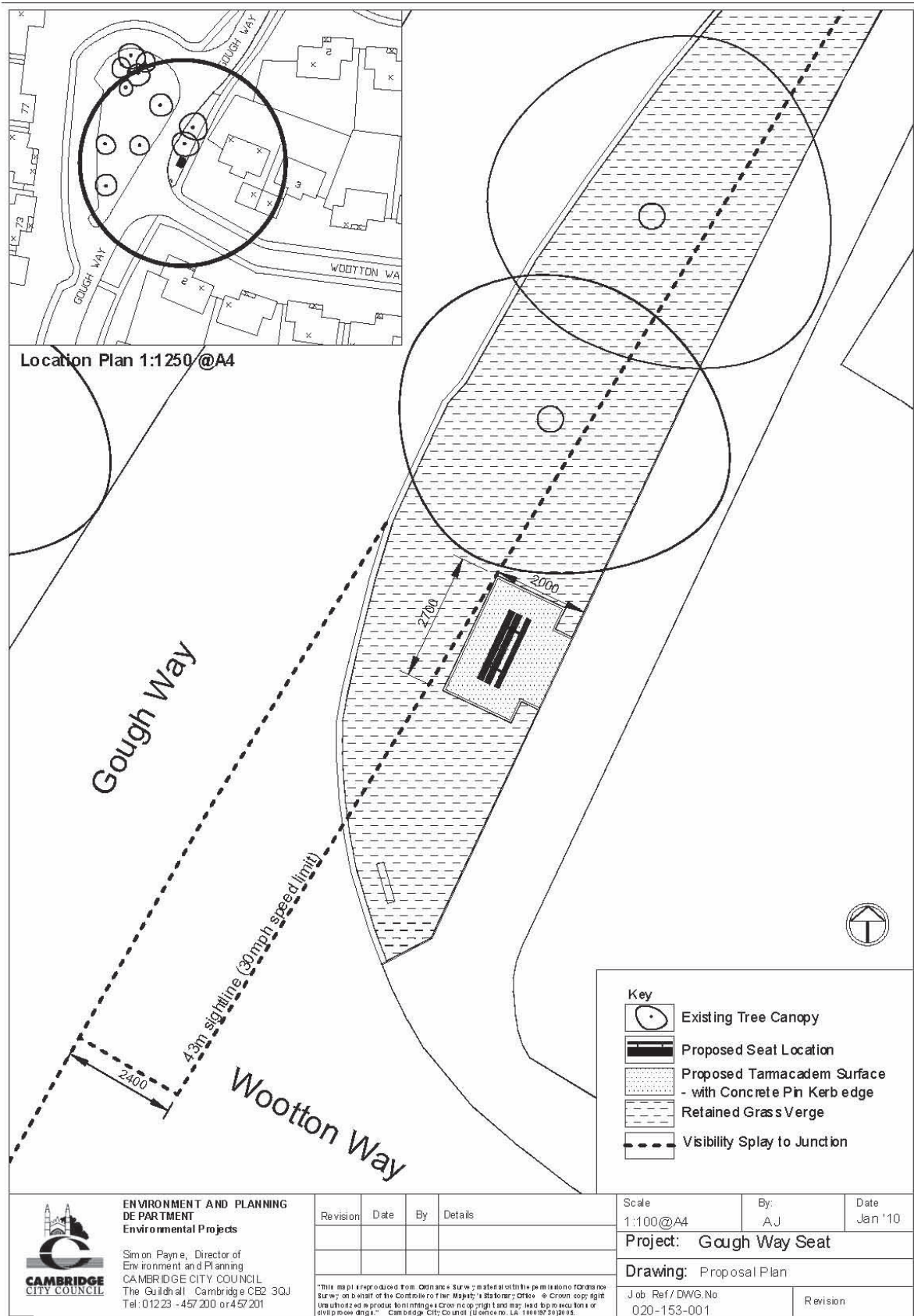
Andrew Preston

Environmental Projects Manager

Telephone: 01223 457271

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

# APPENDIX 1 : Gough Way Seat



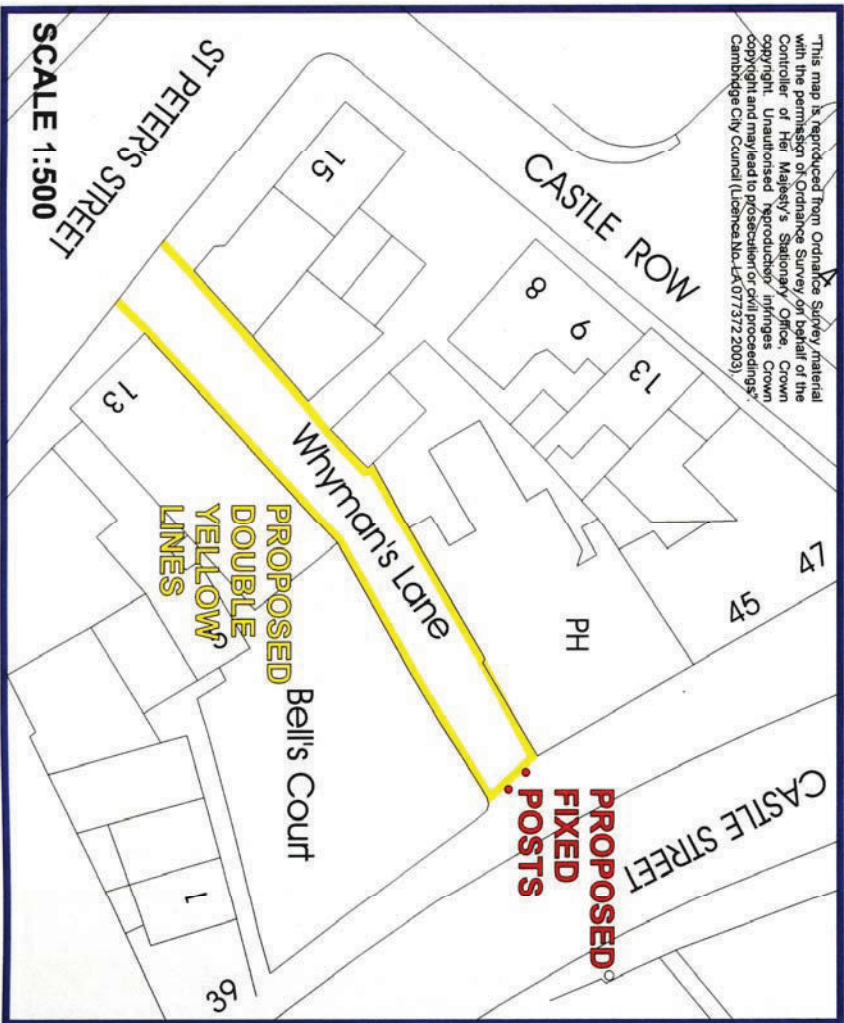
**WHAT IS PROPOSED**

The West / Central Area Committee of the City Council is considering providing making changes to the current waiting and access arrangements at Whyman's Lane.

Some residents have expressed concern that unauthorised vehicles parked in the lane are causing difficulties for authorised users.

A proposed layout is shown below, and overleaf are photos amended to illustrate the proposals. Vehicular access would only be possible from St.Peter's Street as fixed bollards would be installed at the Castle Street end of the lane.

We would like to know the views of residents ; if you wish to comment please contact us not later than 22/2/10. You can telephone **John Isherwood** on **01223-457392**, e-mail him at **John.Isherwood@cambridge.gov.uk**, or write to him at **Cambridge City Council, PO Box 700, Cambridge, CB1 0JH.**



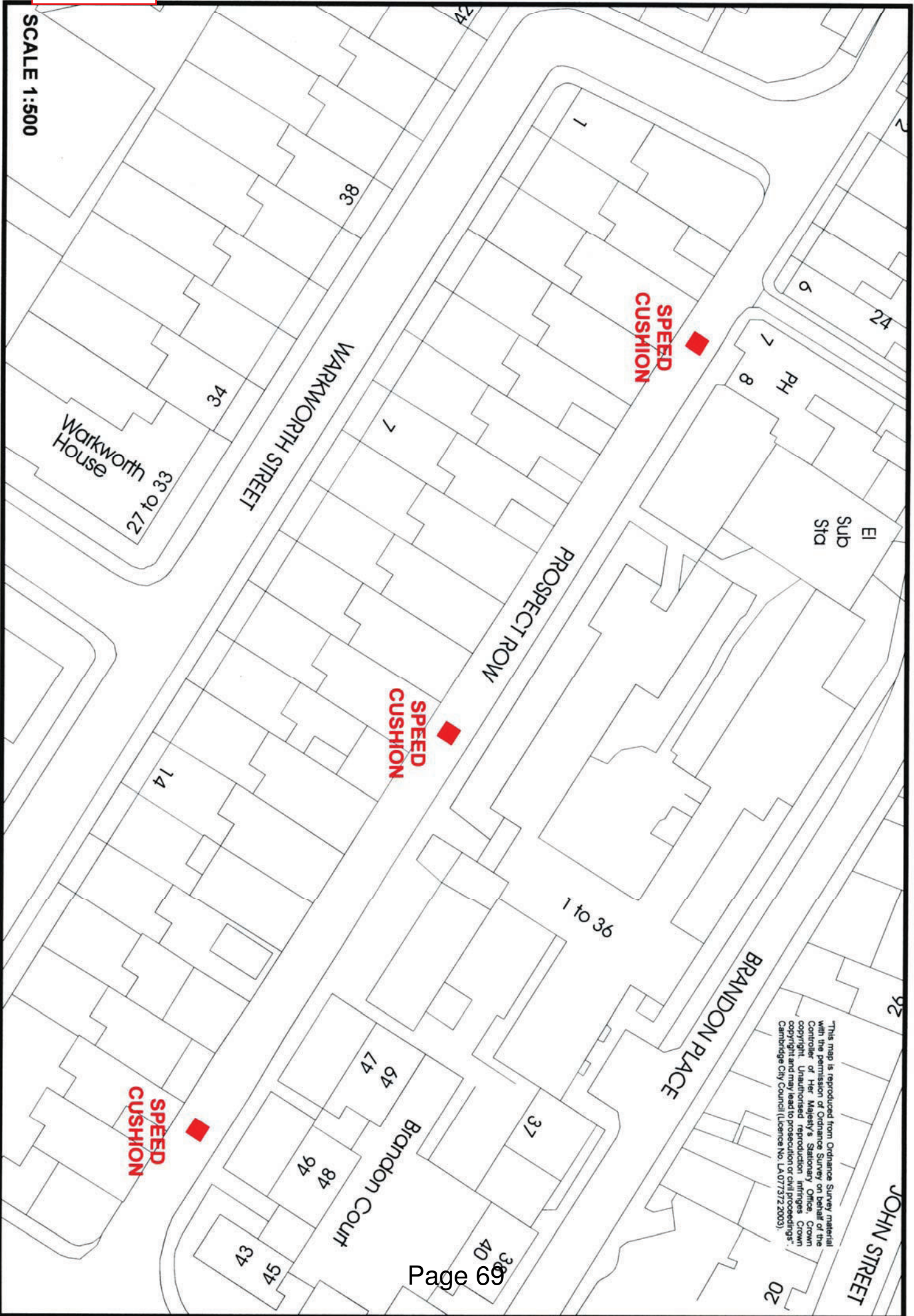
**CAMBRIDGE CITY COUNCIL**  
Environmental  
Projects

**WHYMAN'S LANE  
PROPOSED  
WAITING & ACCESS  
RESTRICTIONS**

**Residents'  
Consultation**



SCALE 1:500



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## APPENDIX 4

### **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.



To: West/Central Area Committee  
24<sup>th</sup> June 2010

Report by: The Director of Community Services

Wards affected: Market ward

Subject: 1. Up-date on agreed actions in the Historic City Centre as an alternative to the use of s.30 powers.  
2. The police review of the existing s.30 Order covering the Grafton Centre, Parker's Piece and Christ's Pieces area.

### 1. Executive summary

- 1.1 This report follows that submitted to the West/Central Area Committee on 8<sup>th</sup> April when issues relating to a Dispersal Order under s. 30 of the Anti-Social Behaviour Act 2003 were discussed. Consideration of a Dispersal Order was in respect of the historic City Centre.
- 1.2 The report contained a summary of the analysis received from Cambridgeshire Constabulary saying that the police did not propose to implement an Order at that time. However, certain recommendations were proposed in the alternative namely that:
- 1.3 **ASB related to streetlife activity would remain as a Neighbourhood Priority as the spring and the better weather approached.**
- 1.4 **The police would give the historic City Centre local priority status to ensure the area received regular patrols and an increased police presence.**
- 1.5 **A request would be made to Streetscene to carry out, on a trial basis, a greater level of litter picking / street cleansing in the areas most affected.**
- 1.6 **Residents and members of the retail trade would be asked to report all incidents of ASB to the police on 03454564564 and request to be given an incident number.**
- 1.7 **The police and the City Council would monitor the situation closely in readiness for 'fast tracking' the implementation of a s.30 Dispersal Order if the situation were to deteriorate.**

### 2. Recommendations

- 2.1 The Committee is requested to note the progress made over the above actions and a situation of marked improvement in the City centre area.

- 2.2 The Committee is asked to comment upon the Police proposal relating to the current s.30 Dispersal Order covering the Grafton Centre, Parker's Piece and Christ's Pieces area, due to come to an end at midnight on 2<sup>nd</sup> July 2010.
- 2.3 With regard to the above, the Committee is asked to note the information given in paragraph 6.

### 3. Background

- 3.1 In April 2010, the Constabulary gave consideration to the implementation of a Dispersal Order under section 30 of the Anti-Social Behaviour Act 2003 in relation to the historic City Centre in Market Ward. This followed complaints of anti-social behaviour associated primarily with the streetlife community and mainly over the summer and into the autumn of 2009
- 3.2 Despite anecdotal reports to the contrary, research and analysis of data showed that streetlife ASB incidents in the Market Ward were significantly lower than baseline findings in areas where s.30 legislation has previously been applied in the City.
- 3.3 As a result it was felt that based on the available evidence, the tests of necessity, proportionality and appropriateness required to accompany a Dispersal Order, could not be met.
- 3.4 The Police and City Council put forward certain alternative proposals that would address the concerns expressed by local retailers and residents. The following section updates Members on the progress made.

### 4. Update Report

- 4.1 **ASB related to streetlife activity would remain as a Neighbourhood Priority as the spring and the better weather approached**
- 4.2 Following on from formal agreement at the West Area Committee in April that anti-social congregation in public spaces in Market Ward would remain a neighbourhood priority, the Neighbourhood Action Group confirmed the Police as owners of the continuing priority action plan. Successful partnership work and community engagement has continued through the subsequent period, the results from which will be presented at the next City West Committee on 26<sup>th</sup> August where a scheduled Safer Neighbourhoods presentation is time-tabled.
- 4.3 **The police to give the historic City Centre local priority status to ensure the area received regular patrols and an increased police presence in the area.**
- 4.4 As part of the policing response forming the agreed partnership action, an increase in visible and effective policing presence has occurred in the target area and adjacent areas in preparation for any displacement. This has involved securing support from a wide range of departments within the local policing Division, whose work has been informed through briefing by City West Neighbourhood Staff and Streetlife specialists. This has ensured a consistent and effective response to all reported incidents.

- 4.5 **A request be made to Streetscene to carry out, on a trial basis, a greater level of litter picking / street cleansing in the areas most affected.**
- 4.6 The City Council's StreetScene resources are deployed seven days a week and utilise shift-working patterns. This results in service provision generally being available from 6 am to 8 pm, every day of the year.
- 4.7 StreetScene operatives inspected and addressed the areas most affected by the street life community, having received details of locations from the Safer Communities Section following the April meeting of the Committee. However, StreetScene already has detailed, empirical knowledge of locations across the city which are associated with streetlife, consequently, there is already a heightened awareness of those areas most affected and of the need for effective cleansing regimes.
- 4.8 The increased cleansing that took place over the period in question included additional street sweeping, litter picking and litterbin emptying. Graffiti removal was also carried out where identified.
- 4.9 In addition to addressing the areas most affected, StreetScene also supported the "Make a Difference Day", organised by Love Cambridge and held on 14<sup>th</sup> May 2010. Businesses were asked to nominate 'hotspots' requiring further attention. The areas identified and addresses were:
- King Street - cleaning the doorways of empty properties
  - Fisher Square - general 'tidy up'
  - Sussex Street - general 'tidy up'
  - All Saints Passage – removal of pigeon droppings
- 4.10 StreetScene viewed the co-operative working and the resulting outcomes of the trial and the Make a Difference Day as a tangible success. This was also the conclusion drawn by Love Cambridge and many of the participants who experienced the Make a Difference Day.
- 4.11 The cost of managing and delivering the trial was absorbed within the current service budget provision. However, should similar initiatives be planned, or a widening of the original scope of activities be required, this position will need to be reviewed.
- 4.12 **Residents and members of the retail trade requested to report all incidents of ASB to the police on 03454564564 and request to be given an incident number.**
- 4.13 Feedback from officers engaging with the community suggests that members of the public are making calls to the Police rather than contacting the CCTV control room or using other methods of reporting. It is therefore hoped that the information presented in forthcoming reports of activity and analysis in the areas will indeed be more inclusive
- 4.14 A trader based near the junction of Market Street and Sidney Street has logged ASB incidents in this location since 9 April 2010. From this date until 15 May he was on site between 10:00 am and 5:00 pm for a total of 28 days. He recorded

22 days in which there were incidents involving street drinkers. Of these incidents one involved a single individual while the remainder involved groups ranging in number between 2 to 14. The average size group per incident was around 6. Types of incident ranged from street drinking to swearing, intimidating begging, fighting, public urination and dog fighting.

- 4.15 This picture of a concentration of incidents around this location is confirmed by random (i.e. undirected or text-message prompted) CCTV evidence gathered between 19 and 30 April.
- 4.16 By contrast, on 17 days on which the trader has maintained a log in the period 16 May and 9 June there have been only four incidents, three of which involved only a single individual. The trader also recorded that the police promptly dealt with each incident.
- 4.16 This impression of a recently improving situation is supported by the count of street drinkers, which is carried out weekly by the Street Outreach Team. In the period August 2009 to February 2010, the team reported an average of 19 individuals a week engaging in street drinking at the time the count took place. By comparison, in the counts conducted during May 2010 this average had fallen to less than eight.
- 4.17 In addition, the CCTV Manager has reported a noticeable reduction in reported streetlife activity for the time of year.

## 5. Conclusion

- 5.1 The Committee is asked to note a situation where there has been a marked improvement. It is reasonable to assume that this has been due to the measures noted above.
- 5.2 It is also noteworthy that this change has taken place over a period of improving weather when it might be expected that the situation would be deteriorating.
- 5.3 The Committee is asked to note that there remains no evidence to justify the consideration of a s.30 Order for the historic city centre at this time.

## 6. Grafton Centre, Parker's Piece and Christ's Pieces

- 6.1 The section 30 Dispersal Order currently covering the Grafton Centre, Parker's Piece and the Christ's Pieces areas is due to come to an end on 2<sup>nd</sup> July. The Committee is asked to note that the police report and recommendation with regard to whether or not to continue with the Order will not be available in time for the publication date of this report.
- 6.2 It is anticipated that when the information is available it will be sent to Ward Councillors, retailers and residents who have expressed a particular interest prior to the West Central meeting to be held on Thursday 24<sup>th</sup> June 2010 when it will be discussed.
- 6.3 **NB.** At the last meeting of the West Central Area Committee members requested that an inter-agency report be brought to the Area Committee on the strategy,

progress and next steps in addressing the root causes behind the congregation of street drinkers in the City Centre which gives rise to complaints about anti-social behaviour. This report will be presented to the Committee at the August meeting.

**Author's Name:** Alastair Roberts. Safer Communities Manager

**Contributors:** Insp. Steve. Kerridge City Sector Commander  
Cambridgeshire Police  
John Fuller Community Engagement Manager  
Cambridgeshire Police.  
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Martin Beaumont City CCTV Manager CCC

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To: Supplementary Report to the West/Central Area Committee  
24<sup>th</sup> June 2010

Report by: The Director of Community Services

Wards affected: Market ward

Subject: The police review of the existing s.30 Order covering the Grafton Centre, Parker's Piece and Christ's Pieces area.

## 1. Executive summary

- 1.1 The section 30 Dispersal Order currently covering the Grafton Centre, Parker's Piece and the Christ's Pieces areas is due to come to an end at 2359 hours on 2<sup>nd</sup> July 2010.
- 1.2 In accordance with the s.30 Operational Guidance published on the City Council and Constabulary websites in March (revised May 2010) which is due for discussion at the meeting of the Community Services Scrutiny Committee on 1<sup>st</sup> July 2010, the police have now submitted their "Review of the section 30 Dispersal Order covering Grafton Centre, Parker's Piece and the Christ's Pieces Areas". A copy is attached.
- 1.3 Data collection and analysis in this report has been broadened to look not just at the ASB relating to the behaviours of the streetlife community but also at the overall levels of all reported anti-social behaviour in Market, Petersfield and Romsey wards between January and May 2010. Petersfield and Romsey wards are included to see whether there has been an increase in reports since the Dispersal Order covering that area ceased in January 2010.
- 1.4 The report then separates and looks in detail at the types of incident that Dispersal Orders were introduced to address making comparisons with similar periods last year. It then further divides those incidents of ASB looking at where and when they occurred and the types of behaviour exhibited.
- 1.5 Whilst it is acknowledged that there have been some increases, for example in begging, the overall picture compared to the preceding five month period, shows a decrease in the total number of ASB incidents in Market, Petersfield and Romsey of 12.5%. i.e. a drop from 1,252 incidents to 1,090 making a total of 162.
- 1.6 The total number of incidents that have occurred in the s. 30 area and the comparison with the remainder of Market is considered significant. The 164 incidents equate to just over one a day, significantly less than in the remainder of Market ward which was nearly 3 a day. Further, when studying the detail of actual reports, the number of incidents where the dispersal order could have been used to address 'street life' type issues falls to 105 for the 3 ward areas.

- 1.7 In order for a s.30 Dispersal Order to be implemented certain tests need to be applied namely, that it is a necessary, proportionate and appropriate response to the problem being experienced. As can be seen from the report the police have taken the view that none of these tests can be satisfied.

### **How does a Dispersal Order come to an End?**

- 1.8 Members should note that legislation dictates that a Dispersal Order may end automatically with the ending of the period of authorisation as it has in this case - this would happen when the police consider that the anti-social behaviour is no longer sufficiently "significant and persistent" to justify its continuation or where the police consider that alternative measures can adequately deal with the problem.
- 1.9 Also, because this is not a withdrawal of the Order, there is no duty for the police to consult the local authority. However, under the local operational guidance the police will always consult with the Council and, wherever possible, with stakeholders in these situations.

## **2. Recommendations**

### **2.1 The Committee is requested to note:**

- 2.2 The police report and very positive progress made resulting in a situation of marked improvement in the City centre area.
- 2.3 That, having taken all the relevant data into consideration and having applied the tests referred to in item 1.7 of this report, the police have decided not to request the City Council to approve a new s.30 Order. The existing Order will, therefore, expire at 2359 hours on 2<sup>nd</sup> July 2010.
- 2.4 That the current levels of anti-social behaviour exhibited in this and other areas of the city will be addressed using other police powers.
- 2.5 That levels of anti-social behaviour will continue to be monitored and reported to Area Committees and other appropriate forums.
- 2.6 That, in the event that problems recur to levels that cannot properly be addressed by using existing powers, urgent consideration will be given to apply for dispersal powers in accordance with the Operational Guidance agreed between the police and the City Council

## **3. Background**

- 3.1 There has been a Section 30 Order in place to tackle street based group anti-social behaviour in the Grafton Centre, Parker's Piece and Christ's Pieces locations since October 2006.
- 3.2 Groups behaving anti-socially and congregating in residential and busy retail locations across the city predominately during daylight hours, have been managed since 2004 with the help of Dispersal Orders. A multi-agency strategy to tackle street based anti-social behaviour has been place since 2003/04 and Dispersal Orders have been seen to be an important intervention to apply control to

unacceptable behaviours whilst other supportive and management measures were introduced.

- 3.3 It was recognised that a strategy would take time bed in and there would be a lag before any outcomes, if successful, would enable control measures of the type s. 30 provides to be relaxed.
- 3.4 In support of this, the police have reported, more recently, consistent and positive improvements in the behaviour of individuals and groups of people usually associated with daytime anti-social behaviour, which s. 30 Orders were introduced to address.
- 3.5 In addition, the Streetlife Police officers and the Street Outreach Team, reporting regularly to the multi-agency problem solving group that seeks to address the behaviour and needs of streetlife individuals, report the establishment of good relationships with the resident group that has been in the city for several years.
- 3.6 Whilst the numbers coming to and leaving the city fluctuate, the officers report that the resident group does apply a positive influence to new arrivals helping to create an understanding about what is and what is not acceptable. The officers report that they rarely need to use their powers and are able to manage situations through effective dialogue built on trust and understanding.
- 3.7 N.B. An inter-agency report will be brought to the West Central Area Committee in August on the strategy, progress and next steps in addressing the root causes behind the congregation of street drinkers.

#### 4. Conclusion

- 4.1 The Committee is asked to note a situation where there has been a marked improvement where it is reasonable to assume that this has, in part, been due to the measures noted above.
- 4.2 It is also noteworthy that this change has taken place over a period of improving weather when it might be expected that the situation would be deteriorating.
- 4.3 In addition, the Committee is asked to note that there remains no evidence to justify the consideration of a s.30 Order for the historic city centre at this time.

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Creating a safer  
**Cambridgeshire**

# **Review of section 30 Dispersal Order covering Grafton Centre, Parker's Piece and the Christ's Pieces Areas**

**June 2010**

## 1. Executive Summary

### 1. Introduction and Background

The aim of this report is:

1. To review the current Section 30 Dispersal Order that applies to an area that includes the Grafton Centre, Parker's Piece and Christ's Pieces.
2. To enable the police to determine whether they will make application to the city council for a new order and if required, the extent of the order.
3. To update city councillors and other stakeholders.

There has been a Section 30 Order in place to tackle street based group anti-social behaviour in the above locations since October, 2006. Groups behaving anti-socially and congregating in residential and busy retail locations across the city, predominately during daylight hours, have been managed since 2004 with the help of dispersal orders. A multi-agency strategy to tackle street based anti-social behaviour has been in place since 2003/04 and dispersal orders have been seen to be an important intervention to apply control to unacceptable behaviours whilst other supportive and management measures were introduced. It was recognised that these would take time to bed in and there would be a lag before their outcomes, if successful, would enable control measures of the type section 30 provide to be relaxed.

### Analysis

Data collection and analysis in this report looks at the overall levels of all reported anti-social behaviour in Market, Petersfield and Romsey wards between January and May 2010. Petersfield and Romsey wards are included to see whether there has been an increase in reports in these areas since the dispersal orders, which ran since 2004, ceased in January.

The report then separates and looks in detail at the types of incident that dispersal orders were introduced to address making comparisons with similar periods last year. It then further divides those incidents of ASB looking at where and when they occurred and the types of behaviour exhibited.

### Conclusion

The report concludes that the levels of anti-social behaviour being exhibited in the dispersal area which could be addressed by section 30 dispersals have fallen and in terms of their density, are less than in some other parts of Market ward.

It is noted that recent consideration to introduce a dispersal order in the historic city centre was felt unnecessary and unacceptable behaviour could be managed effectively using existing police powers.

For these reasons the police have decided not to request the city council to approve a new dispersal order.

## Incident Data and Analysis

### Incident Data – All ASB

This section provides information about all ASB<sup>1</sup> between 1<sup>st</sup> January and 31<sup>st</sup> May 2010 in the three wards where previous Section 30 Dispersal Orders have operated.

|             | Period 1 |           |         |          |          | Period 2 |          |       |       |     | Change compared to preceding 5 months |
|-------------|----------|-----------|---------|----------|----------|----------|----------|-------|-------|-----|---------------------------------------|
|             | August   | September | October | November | December | January  | February | March | April | May |                                       |
| Market      | 154      | 151       | 153     | 166      | 163      | 114      | 117      | 122   | 185   | 143 | -106 (13.5%)                          |
| Petersfield | 48       | 46        | 68      | 40       | 44       | 48       | 40       | 42    | 37    | 33  | -46 (18.7%)                           |
| Romsey      | 48       | 59        | 56      | 25       | 31       | 38       | 27       | 38    | 61    | 45  | -10 (4.6%)                            |
|             | 1,252    |           |         |          |          | 1,090    |          |       |       |     | -162 (12.9%)                          |

- Compared to the preceding five month period, total ASB incidents in Market, Petersfield and Romsey have decreased by 162 incidents (12.9%).
- Market Ward accounted for 62% of all ASB in the tri-ward area between January and May 2010.

## Data Analysis

### Methodology

All ASB incidents<sup>2</sup> that occurred in Market, Petersfield and Romsey wards between 1<sup>st</sup> January and 31<sup>st</sup> May 2010 were extracted.

The following ASB categories were excluded from the dataset:

- Abandoned Vehicles
- Hoax Call to Emergency Service
- Malicious/Nuisance Communication
- Prejudice Incident
- Rowdy/Nuisance - Neighbours
- Rowdy/Nuisance – Fireworks
- Trespass

<sup>1</sup> Data provided by the Constabulary's Corporate Performance Department.

<sup>2</sup> Closure Class 1 starts with AS

○ Vehicle Related Nuisance

The table below shows the ASB incidents (excluding those mentioned in the methodology section) between 1<sup>st</sup> January and 31<sup>st</sup> May 2010 for the three wards and also compares the area inside and outside the current Section 30 area within the Market ward.

| Ward                      | Area (hectares) | ASB incidents | ASB density per hectare |
|---------------------------|-----------------|---------------|-------------------------|
| Market                    | 169             | 607           | 3.6                     |
| Petersfield               | 105             | 161           | 1.5                     |
| Romsey                    | 148             | 137           | 0.9                     |
| Section 30 Area           | 48              | 164           | 3.4                     |
| Market excluding S30 area | 121             | 443           | 3.7                     |

- Out of the three wards, Market has the highest density for ASB incidents.
- Within Market ward the density of ASB incidents is slightly higher outside the Section 30 area compared with inside the area.

This table shows the breakdown of ASB incidents (excluding those mentioned in the methodology section) for the three wards compared to the preceding five months and compared to the same period in the previous year.

|                                       | Jan – May 2009 | Aug – Dec 2009 | Jan – May 2010 | Change compared to preceding 5 months | Change compared to same period in 2009 |
|---------------------------------------|----------------|----------------|----------------|---------------------------------------|--|
| <b>Animal Problems</b>                | 1              | 0              | 1              | +1 (100%)                             | -                                      |
| <b>Begging/Vagrancy</b>               | 37             | 56             | 81             | +25 (44.6%)                           | +44 (118.9%)                           |
| <b>Litter</b>                         | 0              | 0              | 3              | +3 (300%)                             | +3 (300%)                              |
| <b>Noise</b>                          | 38             | 45             | 36             | -9 (20%)                              | -2 (5.3%)                              |
| <b>Rowdy and Inconsiderate Behav.</b> | 967            | 914            | 754            | -160 (17.5%)                          | -213 (22%)                             |
| <b>Street Drinking</b>                | 26             | 51             | 30             | -21 (41.2%)                           | +4 (15.4%)                             |

- Reports of Rowdy and Inconsiderate Behaviour have decreased by 17.5% compared to the preceding five months, and by 22% compared to the same period last year.
- Incidents classified as Begging or Vagrancy have increased by 25 incidents compared to the previous five months, and by 44 incidents compared to this time last year.
- Recorded incidents of Street Drinking have increased slightly since last year, but decreased compared to the August-December time period. This may reflect seasonal variations as monthly levels were highest in August and September but very low during the cold weather of January and February.



### Current ‘Snapshot’ of Incidents

The findings in this section are based upon reading the free-text section of the anti-social behaviour incidents received by the Constabulary between January and May 2010 in the Wards of Market, Petersfield and Romsey. Whilst this involves an element of subjective judgement by the reader, this is the most accurate method to provide a true flavour of anti-social behaviour.

- 435/1090 (40%) of incidents involved two or more people (i.e. groups where a dispersal would potentially be relevant). Incidents involving single individuals were removed from the sample along with those which occurred in ‘private’ locations such as houses. The resultant overview is based upon a remaining sample of 401 incidents of group related ASB.

### Thematic overview of ‘Group’ related ASB incidents

| Theme                              | Proportion                                   | Where  | When  | What   |
|------------------------------------|--|--|---|--|
| Street life/<br>Street<br>Drinkers | 105 incidents <sup>3</sup><br>10% of all ASB | There are two main clusters of incidents: <ul style="list-style-type: none"> <li>• The area between Burleigh St. and Parkers Piece e.g. Paradise St. and Adam and Eve St.</li> <li>• The area and side streets encompassed by Sidney St., Kings Parade and Trinity St.</li> </ul> <p>There are also smaller clusters in the areas of Fair St. and Manor Place.</p> | Incident levels increased during March, April and May. Peak times are during the day, particularly between 11:00 and 17:00. | <ul style="list-style-type: none"> <li>• Incidents include aggressive begging, being verbally abusive to passers by, urinating in public spaces, sleeping rough, causing damage to property, fighting or arguing and generally being rowdy.</li> <li>• Many members of the public stated that they felt intimidated but some also called to express concern.</li> <li>• Alcohol or being drunk was specifically mentioned in half of the incidents.</li> </ul> |

<sup>3</sup> Whilst 218 incidents were found to relate to street life or street drinkers, over half of these referred to lone individuals typically being drunk and intimidating to members of the public, begging or sleeping rough in locations that were causing a nuisance to local residents and shop owners. Only 105 referred to more than one person in the text.

| Theme                                    | Proportion                      | Where   | When   | What  |
|--|---------------------------------|---|--|---|
| <b>Youth</b>                             | 107 incidents<br>10% of all ASB | Incidents are relatively dispersed and there does not appear to be any persistent hotspot areas. Green spaces or parks in the city and the area around the Mill Pond however, do appear to be popular locations to gather in. | Peak days are Friday evenings and Saturday afternoons through to evenings.   | <ul style="list-style-type: none"> <li>Groups gathering, drinking alcohol and becoming rowdy. Alcohol or drinking was mentioned in 19% of incidents.</li> <li>Being verbally abusive to members of the public.</li> <li>People 'free-running' across roof tops and scaling buildings.</li> <li>Groups causing damage to property or throwing things around. This is sometimes the result of footballs hitting nearby houses.</li> </ul>   |
| <b>Violence and aggressive behaviour</b> | 80 incidents<br>7% of all ASB   | Predominantly in the city centre area, particularly around Market Square and in the vicinity of the main pubs and clubs.  | Peak times are the early hours of Saturday and Sunday mornings as well as the early hours of Tuesday.  | <ul style="list-style-type: none"> <li>Two or more people fighting in the street.</li> <li>Few incidents specifically mention the influence of alcohol but the times and locations of most of the incidents tend to infer that this type of violent group ASB is linked to people making their way home from licensed premises.</li> </ul>  |
| <b>Other</b>                             | 109 incidents<br>10% of all ASB | Incidents are largely spread out across the area. There are no really persistent hotspots but it is of note that some of the locations relate to the night-time economy such as licensed premises, taxi ranks and take-aways. | There are no specific peak times although incidents do appear to increase during the afternoon and into the evening. Calls are highest on Saturdays. | <ul style="list-style-type: none"> <li>People arguing in the street or being verbally abusive to passers by.</li> <li>Calls complaining about the noise being caused by groups of people or house parties that have spilled out into the street and disturbed residents.</li> <li>Groups causing damage to nearby properties or vehicles.</li> <li>General drunken nuisance behaviour or drinking in the street. Alcohol is specifically mentioned in just under a third of incidents.</li> <li>People using BBQs or lighting fires in the green spaces.</li> </ul> |

### Current use of Section 30 Dispersal Order

This section draws information from a variety of sources captured by the police. Please note, there may be other occasions when the Section 30 Dispersal Order has been used but it may have only been captured in the officers pocket note book.

#### Section 30 Dispersal Orders implemented between 01/01/10 and 31/05/10

| Source of information                     | Number of Dispersals |
|---|----------------------|
| Street life officer log                   | 35                   |
| Op Viking incident log (CC-28042010-0302) | 3                    |
| ASB action plan                           | 11                   |
| <b>TOTAL</b>                              | <b>49</b>            |

#### Arrests for breach of Section 30 Dispersal Order between 01/01/10 and 31/05/10

| Source of information | Number of Arrests |
|-----------------------|-------------------|
| Custody data          | 3                 |
| <b>TOTAL</b>          | <b>3</b>          |

### Police 'Streetlife' Officers - Operational Assessment

The city's two 'streetlife' officers report consistent and positive improvements in the behaviour of individuals and groups of people usually associated with daytime anti-social behaviour; that which Section 30 Orders were introduced to address.

Working with the Street Outreach Team and reporting to the multi-agency problem solving group that seeks to address the behaviour and needs of individuals that lead a streetlife existence, they report good relationships with the resident group that has been in the city for several years. Whilst the numbers coming to and leaving the city fluctuate, the officers report that the resident group does apply a positive influence to new arrivals helping to create an understanding about what is and what is not acceptable. The officers report that they rarely need to use their powers and are able to manage situations through effective dialogue built on trust and understanding.

### Partner information and Intelligence

The capture of other data that would help to corroborate or otherwise police recorded data is proving to be problematic. The use of CCTV and 'Street drinking Counts' to identify locations, numbers of persons and frequency of incidents is not considered robust enough to draw analytical conclusions.

There is nevertheless a view held by those monitoring the city through the eyes of CCTV that supports the police data analysis that the number of incidents of the type that Section 30 would deal with has reduced since April. The expected rise in daytime anti-social behaviour usually associated with longer daylight hours, warmer weather and increases in transient people coming to the city has not materialised.

The Street Outreach Team also report improvements in levels of anti-social behaviour associated with their client group.

### Community Intelligence and Impact

The view of traders in the area also supports the improvement noted by others.

### Summary

- Between 1<sup>st</sup> January and 31<sup>st</sup> May 2010 the number of all ASB incidents has decreased, compared to the preceding five months.
- Within Market ward, the density of ASB incidents is slightly higher outside the Section 30 area compared with inside the area.
- Reports of rowdy and inconsiderate behaviour have decreased compared to the preceding five months and the same period in the previous year, while begging or vagrancy has increased.
- About half of those incidents involving 'Streetlife' refer to one person only as opposed to groups.
- There is no particular type of group who are disproportionately causing ASB incidents to be reported.
- Alcohol has been highlighted as a common contributing theme.

### Recommendation

Having taken all of the above into consideration it has been decided not to request the city council to approve a new 30 Order. The existing order will therefore expire on 3<sup>rd</sup> July 2010.

Current levels of anti-social behaviour exhibited in this and other areas of the city will be addressed using other police powers.

Levels of anti-social behaviour will continue to be monitored and reported to Area Committees and other forums.

In the event that problems re-occur to levels that cannot properly be addressed by using existing powers, urgent consideration will be given to apply for dispersal powers in accordance with the joint protocol and operational guidance agreed. It then concentrates on those types of incident that dispersal orders have been introduced to address between the police and city council.

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**10/0278/FUL**  
**48A Selwyn Road Cambridge Cambridgeshire CB3 9EB**

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|                           |   |                    |               |
|---------------------------|---|--------------------|---------------|
| <b>Application Number</b> | 10/0278/FUL   | <b>Agenda Item</b> |               |
| <b>Date Received</b>      | 29th March 2010   | <b>Officer</b>     | Mr John Evans |
| <b>Target Date</b>        | 24th May 2010   |                    |               |
| <b>Ward</b>               | Newnham   |                    |               |
| <b>Site</b>               | 48A Selwyn Road Cambridge Cambridgeshire CB3 9EB  |                    |               |
| <b>Proposal Applicant</b> | Erection of a single storey 3-bed dwelling.<br>Mrs Jane Allison<br>48A Selwyn Road Cambridge Cambridgeshire CB3 9EB |                    |               |

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

- 1.1 The application site is a rectangular shaped plot situated on the northern side of Selwyn Road. The site lies to the rear of the existing number 48A Selwyn Road, a 2 storey detached residential property, and is formed from the garden curtilage of that property.
- 1.2 The site is accessed from a narrow metalled accessway off Kings Road to the west of the site and is currently occupied by a single storey workshop outbuilding measuring some 30 sq m in footprint.
- 1.3 The site is not within a Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 This application seeks consent for the erection of a single storey 3 bedroom dwelling.
- 2.2 The proposed bungalow stands at 2.2m to eaves level, with the highest point of the mono pitched roof rising 4m in overall height. The property has an attached garage with a felt flat roof.

- 2.3 The bungalow will be finished with white rendered walls and interlocking tile roof.
- 2.4 The proposed subdivided curtilage has a square shaped rear garden and front gravel turning area.
- 2.5 The application is accompanied by the following supporting information:
  - 1. Design and access Statement
  - 2. Tree Survey, Arboricultural Implication Assessment and Method Statement

### 3.0 SITE HISTORY

| Reference | Description                                       | Outcome  |
|-----------|---|----------|
| C/96/0818 | Erection of domestic garage/store in rear garden. | Approved |

### 4.0 PUBLICITY

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

### 5.0 POLICY

#### 5.1 Central Government Advice

5.2 **Planning Policy Statement 1: 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: Housing (2006):** 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.
- 5.4 **Planning Policy Statement 3 (PPS3): Housing** has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens 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)
- 5.5 **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.

5.6 **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.

5.7 **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.

**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.

5.8 **East of England Plan 2008**

ENV7 Quality in the built environment

5.9 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

5.10 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/10 Sub-division of existing plots

3/11 The design of external spaces

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

#### Planning Obligation Related Policies

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*)

### 5.11 Supplementary Planning Documents

**Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

**Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.

## 5.12 Material Considerations

### City Wide Guidance

**Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)** Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Transport)

- 6.1 No objections. The applicant must however provide a manoeuvring diagram to demonstrate that a family car can turn to enter and leave the site in forward gear.

The applicant must show the dimensions for the proposed car parking spaces, which should be 2.5m x 5m with a 6m reversing space.

### Arboriculture

- 6.2 The site is the end of a rear garden with an existing access point to the proposed site. Within the garden are a number of mature and over mature trees. The surrounding gardens appear to be similarly planted at the same time, as one would expect. The trees within this particular site do not have any special visual amenity value within the local area to warrant retention. New tree planting within the proposed development will add to the age diversity within the local tree population. The existing trees should not constrain the development.

### Head of Environmental Services

- 6.3 No objections subject to conditions.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

7.1 The owners/occupiers of the following addresses have made representations: 25 and 27 Grantchester Road.

7.2 The representations can be summarised as follows:

- The development results in the loss of 15 trees many of which are an important part of the surroundings.
- The Silver Birch is a beautiful specimen.
- Removal of 7 Lawson Cypress trees is unnecessary.
- The 3 trees to the west could all be kept which would still allow for a useable garden.
- Visual impact of the building being dominant from neighbouring gardens.
- Was planning permission needed for the garage?
- Fumes from chimney a concern.
- Impact on wildlife from the removal of trees.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The provision of additional dwellings on previously developed land, and the provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing, and policy H1 of the East of England Plan 2008. Policy 5/1 of the

Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

- 8.3 The recently revised PPS 3 now declassifies gardens from the definition of brownfield land, and the national minimum density for new development has been removed. This notwithstanding, Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots, which recognises the important part of the character and amenity value gardens contribute to the City.
- 8.4 In principle, policy 3/10, allows for proposals for the sub-division of existing plots in the garden area or curtilage of existing dwellings. Development of this nature will not be permitted however if it will have a significant adverse impact on the amenities of neighbouring properties through loss of privacy, light or an overbearing sense of enclosure; provide inadequate amenity space, or detract from the prevailing character and appearance of the area. An analysis of these issues is provided in the design and amenity sub sections below.
- 8.5 There is no objection in broad principle to residential development, but the proposal has to be assessed against the criteria of other relevant development plan policies. In my opinion, the principle of the development is acceptable and in accordance with policy 5/1, Cambridge Local Plan 2006.

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

- 8.6 The acceptability of this scheme in terms of design, turns on the detailed design and appearance of the new building in relation to its surrounding context.
- 8.7 The sub-divided plot benefits from direct access from the accessway off Kings Road, which, in combination with its logical rectangular dimensions, lends itself well to subdivision. The form and proportions of the sub-divided plot would not detract from the character and appearance of the area, which is in accordance with Local Plan policy 3/10.



- 8.8 New buildings should have a positive impact upon their setting in terms of height, scale, form, materials, detailing and wider townscape views, in accordance with Local Plan policy 3/12. The proposed building has been designed as subservient to the size and scale of the main frontage of detached residential properties which address Selwyn Road to the south, and Grantchester Road to the west. In my view this is the correct approach, because the site does not command any significant road frontage. The overall height of the proposed bungalow will be similar to the existing garage and will not be unduly prominent or out of character in its context. The design of the building is appropriate to this more secluded location.
- 8.9 In terms of the detailed design, the rough cast white rendered walls and tiled roof will complement the surroundings, (within which there are a variety of materials), and are appropriate to the form of the building.

#### External spaces and trees

- 8.10 With regard to external spaces, the development will require the loss of numerous trees around the existing workshop outbuilding. The most significant of which is a silver birch (T003) to the south east corner of the sub-divided plot. The Council's arboricultural officer has considered the scheme and does not feel that this tree should constrain development. While it is a mature attractive specimen, it is showing signs of decline, and has a limited safe life expectancy. Its retention is not practicable, and in my view it should not constrain the development of the site.
- 8.11 I recognise that the other trees which are to be removed to facilitate this development currently provide a green vista from the rear outlook of numbers 25 and 27 Grantchester Road. However, the most mature trees on the site (numbered T001 and T002) which have high amenity value will be retained and protected during the works. There is also 1 replacement tree proposed to the south eastern corner of the sub-divided plot to the benefit of the scheme.
- 8.12 The development will provide a useable, attractive garden area which is south facing, in accordance with policy 3/10. The donor property number 48A Selwyn Road will retain a relatively large garden.

- 8.13 As a separate issue the Environmental Health Team identify a potential hazard of contamination from the previous workshop building, and recommend the imposition of the Council's standard contaminated land condition.
- 8.14 In summary, the design of the building in my view responds positively to its setting and is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/12 and 4/4.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.15 The proposed bungalow will have greatest impact upon the occupiers of neighbouring properties 25 and 27 Grantchester Road, which adjoin the site to the west. The bungalow will be more visible than the existing workshop outbuilding because of the loss of tree cover, but this does not in my view equate to significant harm. The gable end of the mono pitch roof rises to a height of 5m, although this tapers down to 2.3m, which is a similar height to a standard close boarded fence. The layout of the dwelling is such that visual impact to the western boundary has been kept to a minimum.
- 8.16 In addition, the rear of the new bungalow measures approximately 20m to the rear windows of number 25. This is a sufficient distance to avoid any overbearing sense of enclosure. The windows in the western elevation of the new bungalow are also at ground floor level, and so would not cause any overlooking.
- 8.17 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10 and 3/12.

### Amenity for future occupiers of the site

- 8.18 The bungalow has been carefully designed, taking into account its orientation. The living room and bedrooms are clustered around the south-western courtyard garden, giving the benefit of maximum daylight. Non-habitable rooms are all located to

the north of the building which again demonstrates that the building is well designed in its context.

- 8.19 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 3/4, 3/7, 3/10 and 3/12).

### **Refuse and bicycle Arrangements**

- 8.20 The attached flat roof garage/car port is of sufficient size to accommodate several bins and bicycles to serve future occupiers. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Car Parking**

- 8.21 The County Highways Authority has considered this scheme and does not object to the application, provided that an adequate turning circle is demonstrated, and that the width of the car parking space accords with adopted standards. I measure the car parking space to be of a sufficient length and width. Access to the bicycles and bins would be restricted when a car is parked, but given that this is a single dwelling house, this is considered acceptable. The turning area also appears to be adequate, however, this notwithstanding, the nature of the site itself would naturally lend itself to the ownership of a relatively small car.
- 8.22 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

- 8.23 The majority of the points raised are covered in the above report. The following issue was also raised:

*Fumes potentially emitted from the chimney*

While it is possible future occupiers may have an open fire in the winter time, this is not a material planning consideration. It is covered by the Building Regulations and should this become a nuisance, it could be pursued through other legislation.

*Did the original garage require planning permission?*

The original garage is likely to have fallen within the scope of 'permitted development' before the October 2009 amendments to the General Permitted Development Order (1995). This is not however a material consideration for the proposed dwelling.

*Loss of wildlife*

I recognise that the building works and loss of tree cover generally will have an impact on local wildlife. However, the new bungalow will be served with a garden and sensitive landscaping, planting and the new tree will mitigate its wildlife impact.

### **Planning Obligation Strategy**

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

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

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

## Open Space

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

| <b>Indoor sports facilities</b> |                  |              |           |                      |            |
|---------------------------------|------------------|--------------|-----------|----------------------|------------|
| Type of unit                    | Persons per unit | £ per person | £per unit | Number of such units | Total £    |
| 2-bed                           | 2                | 269          | 538       | 1                    | 807        |
| <b>Total</b>                    |                  |              |           |                      | <b>807</b> |

| <b>Informal open space</b> |                  |              |           |                      |            |
|----------------------------|------------------|--------------|-----------|----------------------|------------|
| Type of unit               | Persons per unit | £ per person | £per unit | Number of such units | Total £    |
| 2-bed                      | 2                | 242          | 484       |                      | 726        |
| <b>Total</b>               |                  |              |           |                      | <b>726</b> |

| <b>Provision for children and teenagers</b> |                  |              |           |                      |            |
|---|------------------|--------------|-----------|----------------------|------------|
| Type of unit                                | Persons per unit | £ per person | £per unit | Number of such units | Total £    |
| 2-bed                                       | 2                | 316          | 632       |                      | 948        |
| <b>Total</b>                                |                  |              |           |                      | <b>948</b> |

8.27 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

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

| <b>Community facilities</b> |           |                      |             |
|-----------------------------|-----------|----------------------|-------------|
| Type of unit                | £per unit | Number of such units | Total £     |
| 2-bed                       | 1256      |                      | 1882        |
| <b>Total</b>                |           |                      | <b>1882</b> |

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

#### Waste

8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling

basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

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

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

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

## **9.0 CONCLUSION**

9.1 The proposed bungalow has been sensitively designed to respond to the constraints of the sub-divided plot, the dimensions of which can comfortably carry the new dwelling. The trees to be removed are not considered to be of such amenity value as to constrain development. The development will not have a significant visual impact upon neighbouring residential properties and approval is therefore recommended.

## 10.0 RECOMMENDATION

### **Approve subject to the satisfactory completion of the S106 Agreement by 1 August 2010.**

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. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.

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



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

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

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

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

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

Reason: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 policy 4/13.

5. 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)

6. 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)

7. **Reasons for Approval**

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

East of England plan 2008: ENV7

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

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/10, 3/12, 4/4, 4/13, 5/1, 8/2, 8/6, 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.

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

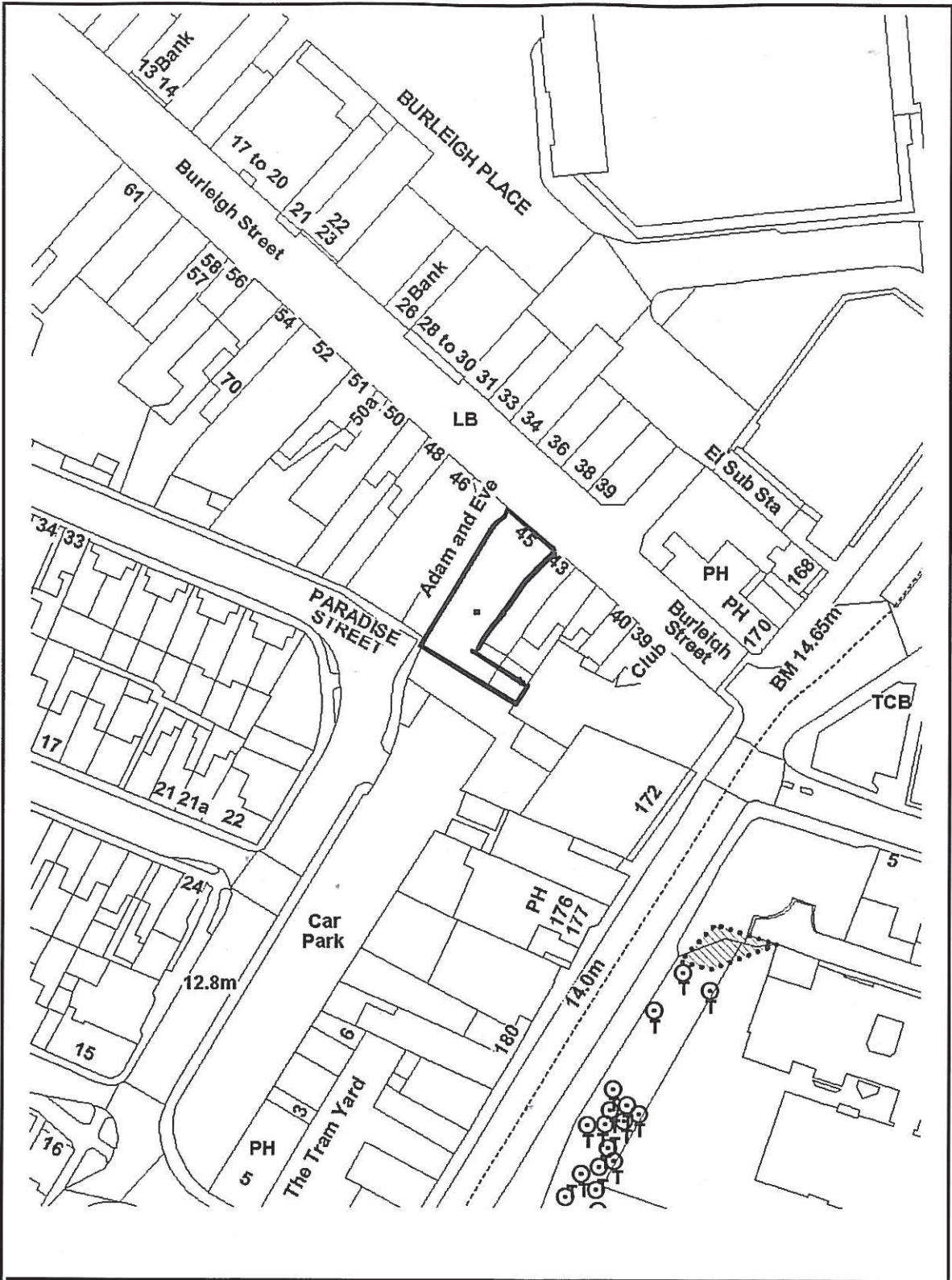
## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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 by contacting John Summers (Ext.7103) in the Planning Department.





**10/0096/FUL**  
**45 Burleigh Street Cambridge Cambridgeshire CB1 1DJ**

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|                           |  |                    |                 |
|---------------------------|--|--------------------|-----------------|
| <b>Application Number</b> | 10/0096/FUL  | <b>Agenda Item</b> |                 |
| <b>Date Received</b>      | 8th February 2010  | <b>Officer</b>     | Mr Tony Collins |
| <b>Target Date</b>        | 5th April 2010   |                    |                 |
| <b>Ward</b>               | Market   |                    |                 |
| <b>Site</b>               | 45 Burleigh Street Cambridge Cambridgeshire CB1 1DJ  |                    |                 |
| <b>Proposal</b>           | Demolition of existing building and replacement with seven flats and 158 sq m of retail space at ground floor. |                    |                 |
| <b>Applicant</b>          | Mr Aldo Marino<br>19 Rutherford Road Cambridge CB2 2HH   |                    |                 |

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## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is an L-shaped plot, fronting the south-west side of Burleigh Street at its junction with Adam and Eve Street, and about 35m from its junction with East Road. The long limb of the plot extends 25m along the south-east side of Adam and Eve Street, narrowing from 10m wide on Burleigh Street to 8m wide at the rear. The short south limb turns at right angles to this at the rear of the site, extending 17m along the northern edge of the Adam and Eve Street car park until it reaches the rear wall of a snooker club fronting on to East Road.
- 1.2 The front of the site is currently occupied by two early-twentieth-century brick buildings, which have been in use as shops for most of their life, sometimes separately and sometimes as a single unit. The site is within the City Centre as defined in the Cambridge Local Plan (2006), and its Burleigh Street edge is identified as a Primary Shopping Frontage in that Plan. Adjacent uses to the north, east and south, on Burleigh Street and East Road are primarily retail at ground floor level, with offices, storage, or in some cases residential above, but there are other city centre uses, such as the snooker club, nearby. To the west, beyond Paradise Street and Adam and Eve Street, the area is residential.

- 1.3 The whole area is within the controlled parking zone (CPZ), and Burleigh Street, and the section of Adam and Eve Street which runs along the edge of the application site are pedestrianised. There are two wall-hung street lights attached to the building, one on each street elevation.
- 1.4 The south-west corner of the site just touches the boundary of the Kite section of the City of Cambridge Conservation Area No.1. (Central), but the site itself, both streets adjoining it, and the Adam and Eve Street car park to the rear lie outside the conservation area. The building on the site is not listed, nor is it a Building of Local Interest. None of the adjacent buildings fall into either of these categories. There are no trees on the site.

## **2.0 THE PROPOSAL**

- 2.1 The application proposes that, following the demolition of the whole of the existing building on the site, a new building, predominantly of three storeys, should be erected, with retail space on the ground floor, and residential accommodation above.
- 2.2 The building, finished predominantly in brick with powder-coated aluminium windows and cladding panels to certain sections, would have an artificial slate roof. The roof would have a pitched face towards Burleigh Street and Adam and Eve Street, with a flat section behind. Dormer windows, mostly paired, with a box section between, would serve the second floor rooms within this roof space. The rear wing, of only two storeys, facing the car park, would have a standard pitched roof. More slender tower sections, 4m wide by 2.5m deep, would be placed close to the north-west and south-west corners. The towers would have higher monopitch roofs, with eaves at 8.6m above ground, close to the height of the main ridges. Adjacent to these towers, the second floor flats in each corner would have small balconies.
- 2.3 The first floor would contain four one-bedroom flats, the second floor two one-bedroom flats and a two-bedroom unit. On the ground floor, retail space, with shop windows on Burleigh Street and Adam and Eve Street, would occupy the front section, with an entrance to the flats, retail storage space, bin and cycle stores at the rear.
- 2.3 The application is accompanied by the following supporting information:



1. Design Statement
2. Planning Statement

### 3.0 SITE HISTORY

3.1 There is a lengthy planning history from the mid-twentieth century, most of which (29 applications) relates to the erection and retention of rear extensions during the use of the premises as a cooked meat shop. None is relevant to this application. The only application since 1987 is shown below.

3.2

| Reference | Description   | Outcome   |
|-----------|---|-----------|
| 09/0130   | Demolition of existing building and replacement with eight flats and 158m <sup>2</sup> of retail space. | Withdrawn |

### 4.0 PUBLICITY

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

### 5.0 POLICY

#### 5.1 Central Government Advice

5.2 **Planning Policy Statement 1: 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: Housing (2006):** 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.
- 5.4 **Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009):** sets out the government's planning policies for economic development, which includes development in the B Use Classes (offices, industry and storage), public and community uses and main town centre uses. The policy guidance sets out plan-making policies and development management policies. The plan-making policies relate to using evidence to plan positively, planning for sustainable economic growth, planning for centres, planning for consumer choice and promoting competitive town centres, site selection and land assembly and car parking. The development management policies address the determination of planning applications, supporting evidence for planning applications, a sequential test and impact assessment for applications for town centre uses that are not in a centre and not in accordance with the Development Plan and their consideration, car parking and planning conditions.
- 5.5 **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.

- 5.6 **Planning Policy Guidance 15: Planning and the Historic Environment (1994):** This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.
- 5.7 **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.
- 5.8 **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.
- 5.9 **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.
- 5.10 **Letter from Secretary of State for Communities and Local Government dated 27 May 2010** - states that the coalition is committed rapidly to abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

## 5.11 East of England Plan 2008

SS1 Achieving sustainable development  
SS6 City and town centres  
T2 Changing travel behaviour  
T9 Walking, cycling and other non-motorised transport  
T14 Parking  
ENV6 The historic environment  
ENV7 Quality in the built environment  
WM8 Waste management in development

## 5.12 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

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

## 5.13 Cambridge Local Plan 2006

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/12 The design of new buildings  
4/11 Conservation Areas  
5/1 Housing provision  
5/10 Dwelling mix  
8/2 Transport impact  
8/6 Cycle parking  
8/10 Off-street car parking

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  
8/3 Mitigating measures  
10/1 Infrastructure improvements

## 5.14 Supplementary Planning Documents

**Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

**Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.

## 5.15 Material Considerations

**Cambridge City Council (2004) – Planning Obligation Strategy:** Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

**Cambridge City Council (2006) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development.

**Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:**

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

## **6.0 CONSULTATIONS**

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

- 6.1 No significant impact on the public highway. Conditions requested on definition of service alleyway width, traffic management plan for demolition, and outward opening doors.

### **Head of Environmental Services**

- 6.2 No objection. Conditions requested with respect to waste and recycling, delivery hours in end use, construction and construction delivery hours, dust suppression, domestic and commercial waste storage and restriction of retail space to non-food use. Informative recommended regarding ground contamination.

### **Design and Conservation Panel (Meeting of 29<sup>th</sup> July 2009)**

- 6.4 The relevant section of the minutes of this panel meeting are attached to this report as Appendix A.
- 6.5 Panel considered this scheme in its previous iteration, when eight units were proposed. Panel raised a number of concerns before awarding that scheme seven ambers and one green. The key reservations were with respect to overdevelopment and overfussy detailing.

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

- 6.6 Arrangement for a disabled future resident to claim a nearby parking space is necessary.
- 6.7 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 Councillor Rosenstiel has commented on this application. The representation is attached to this report as Appendix B.
- 7.2 The owner of 43 Burleigh Street has made representations.

7.3 The representations can be summarised as follows:

Overshadowing of rear courtyard at 43 Burleigh Street  
Harmful to outlook from rear first-floor windows at 43 Burleigh Street  
Design will unreasonably inhibit future development at 43 Burleigh Street

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Policy 5/1 of the Cambridge Local Plan (2006) makes provision for 6500 new dwellings within the urban area of the city by 2016. It supports the development of windfall sites for housing subject to the existing land use and compatibility with adjoining uses. There is considerable existing residential use in this area, and I do not consider that any of the other adjoining uses have features which make them incompatible with residential use.

8.3 The use of the space above shops in the primary shopping frontages for residential use is an efficient use of land, and contributes to the vitality and balance of the city centre outside shopping hours. Policy 3/5 of the Cambridge Local Plan (2006) supports the development of residential buildings with retail at

ground floor on streets with a predominantly non-residential character. Policy 6/6 and the supporting text in paragraph 6.20 of the Cambridge Local Plan (2006) encourages the maintenance of a high proportion of Class A1 uses in the primary shopping frontages of the city centre.

- 8.4 In my opinion, the principle of residential development is acceptable and in accordance with policies 3/5 and 5/1 of the Cambridge Local Plan (2006). The retention of retail use at ground floor level is in accordance with policy 6/6 of the Cambridge Local Plan (2006). Notwithstanding the comments of the Environmental Health officer, I see no justification for prohibiting the sale of food from the A1 unit.

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

- 8.5 In my view, the mass of the proposed building is appropriate. It would not be disproportionately more bulky than the existing building on the opposite corner of Adam and Eve Street. I am of the view that the main eaves heights (6.9m on Adam and Eve Street and 7.2m on Burleigh Street) and ridge heights (8.5m to 9m) are appropriate for this central location. Certain elements of the building, such as the lift overrun, and the highest point of the monopitch roofs on the tower elements at the north-east and south-west corners would reach 9.8m above ground. These elements are small, however, and I consider that the two towers, with a pronounced verticality, and a relatively slender form, are an appropriate way in which to emphasise the building's two corners. The small scale of the buildings immediately to the south-east (42 and 43 Burleigh Street) is somewhat anomalous, and I do not consider that this should constrain the development of a larger building on the application site.
- 8.6 Design and Conservation Panel commented in July 2009 on an earlier iteration of this scheme, which differed from this application only in having an additional storey on the southern return of the building facing the Adam and Eve Street car park. Panel had reservations about the overall intensity of the development, overcomplicated detailing, and the constraints the development would place on future development at 43 Burleigh Street. In my view, the removal, in this scheme, of the eighth unit, and the resulting reduction in height of the rear section addresses Panel's concern about overdevelopment. I address the issue of future development at 43 Burleigh Street below. I do not disagree with



Panel's views about the detailing of the building, but in my view the detail shortcomings are given too much weight in Panel's award. Dormers could be simpler and smaller; canopies and roof planes are overcomplicated; party walls projecting above the roof plane are not characteristic of the city. In a highly heterogeneous locality, however, I do not consider that any of these represents a real failure to respond properly to the context of the site, or a reason to refuse the application

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

### **Disabled access**

- 8.8 The door and threshold of the retail unit is designed to be fully accessible. Lift access is provided to residential units on all floors. Disabled parking is not provided on site, but it is available nearby in the Adam and Eve Street car park.
- 8.9 In my opinion the proposal represents a considerable improvement in accessibility over the present situation on the site, and is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.10 The only adjacent residential property is that on the upper floors of 46 Burleigh Street, on the opposite side of Adam and Eve Street. Balconies of the front and rear flats at No. 46 would be exposed to overlooking from windows and second-floor balconies in the proposed building. However, these balconies are open to view from the street, and I do not consider that any significant loss of privacy would result.
- 8.11 The owner of the adjacent property at 43 Burleigh Street has objected to the proposal on the grounds that the south wing of the proposed building would overshadow the rear of No. 43 and give rise to an undue sense of enclosure. The ground floor of No. 43 is in retail use as a computer games shop. The rear of the shop is used for storage and the yard is not used, and can only be accessed with extreme difficulty. The yard is already

overshadowed by feral shrubs. I do not consider that the greater overshadowing of this area would cause harm. The first-floor of No. 43, currently vacant, has been in use as offices. Although the proposed building would diminish the outlook from rear first-floor windows to some extent, the south wing of the proposed building has been reduced in height compared to the previous withdrawn application, and in my view, a reasonable amount of sunlight, and an acceptable view of the sky would be retained for these windows. The objector has stated that he may wish to convert this property to residential use, but it is not in such use at present, and I do not consider that the limited reduction in outlook or sunlight to office windows is a justified reason for refusal.

8.12 The owner of No. 43 has also objected on the grounds that the inclusion of glass blocks, smoke vents and downpipes on the eastern wall of the proposed building, and two small windows towards the front of this elevation would restrict the extent to which future development at No.43 could be carried out. None of the proposed glass block areas would serve habitable rooms, and it is my view that none of these features would seriously restrict the possibilities for development at No. 43. The small windows at the front of the elevation facing 43 would not be the principal windows in the rooms which they served. Nonetheless, they would constrain development at the front of that site. In my view, the advantages of a more enlivened elevation on this projecting section would outweigh the harm. Generally, I do not consider that as yet unspecified plans for development at 43 should restrict development on the application site.

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 East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.14 Only the front and rear apartments on the second floor would be provided with external amenity space (in the form of small balconies). However, in my view, in this location, the absence of exterior space is acceptable in small flats. All the flats would have lift access, and all in my view would have reasonable outlook, daylight and privacy, with appropriate and convenient waste and cycle storage.

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 East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/12 (or 3/14).

### **Refuse Arrangements**

8.16 The applicants assert that the waste storage provision has been checked with the Waste Strategy Officer. On first inspection it appears adequate, but I recommend the attachment of the waste conditions sought by the Environmental Health officer to ensure provision is appropriate.

8.17 In my opinion, subject to condition, the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

8.18 The highway authority raises concerns about outward-opening doors. In my view these can be addressed by condition, as can Councillor Rosenstiel's concerns about the retention of street lights.

8.19 I note Councillor Rosenstiel's second concern about delivery vehicles blocking Adam and Eve Street, but no increase in deliveries is occasioned by the development, as the retail unit proposed is no larger than the existing unit, and overall commercial space on the site would be reduced.

8.20 The highway authority also raises concerns about the width of the alleyway to be used as cycle access. This alleyway is 1m wide, which in my view is sufficient, since it is enclosed only by a low railing on the car park side, so more space is available at handlebar level.

8.21 In my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

8.22 No on-site car parking space exists at present, and none is

provided in the proposal. In my view, in this very central location, this is appropriate. I do not consider that it would be possible to include car parking space without creating very inefficient use of the site. The Access Officer has raised the issue of disabled car parking. Since disabled spaces are available in the Adam and Eve Street car park, which is immediately adjacent to the site, I do not consider that on-site provision is necessary.

8.23 There are currently no cycle parking spaces on site. The proposal includes twelve spaces in a secure covered store at the rear of the ground floor. City Council Cycle Parking Standards require eight spaces for the seven residential units, and six spaces (one per 25m<sup>2</sup> gross floor area) for the retail use. The proposal thus falls short of Standards by two spaces. Given the very small size of the two-bedroom flat, the shortfall might more reasonably be considered to be one space. I do not consider this a reason to justify refusal.

8.24 In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

8.25 I have addressed the issues raised under the heading of residential amenity.

### **Planning Obligation Strategy**

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

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

8.27 In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements.

8.28 The Planning Obligation Strategy (2004) 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

8.29 The Planning Obligation strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising formal open space, informal open space and children’s play areas. The total contribution sought has been calculated as follows.

8.30 The application proposes the erection of one two-bedroom flat and six one-bedroom flats. No residential units would be removed, so the net total of additional residential units is seven. 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>Formal open space</b> |                  |              |           |                      |             |
|--------------------------|------------------|--------------|-----------|----------------------|-------------|
| Type of unit             | Persons per unit | £ per person | £per unit | Number of such units | Total £     |
| 1 bed                    | 1.5              | 360          | 540       | 6                    | 3240        |
| 2-bed                    | 2                | 360          | 720       | 1                    | 720         |
| 3-bed                    | 3                | 360          | 1080      |                      |             |
| 4-bed                    | 4                | 360          | 1440      |                      |             |
| <b>Total</b>             |                  |              |           |                      | <b>3960</b> |

| <b>Informal open space</b> |                  |              |           |                      |             |
|----------------------------|------------------|--------------|-----------|----------------------|-------------|
| Type of unit               | Persons per unit | £ per person | £per unit | Number of such units | Total £     |
| 1 bed                      | 1.5              | 306          | 459       | 6                    | 2754        |
| 2-bed                      | 2                | 306          | 612       | 1                    | 612         |
| 3-bed                      | 3                | 306          | 918       |                      |             |
| 4-bed                      | 4                | 306          | 1224      |                      |             |
| <b>Total</b>               |                  |              |           |                      | <b>3366</b> |

| <b>Children's play space</b> |                  |              |           |                      |            |
|------------------------------|------------------|--------------|-----------|----------------------|------------|
| Type of unit                 | Persons per unit | £ per person | £per unit | Number of such units | Total £    |
| 1 bed                        | 1.5              | 0            | 0         | 6                    | 0          |
| 2-bed                        | 2                | 399          | 798       | 1                    | 798        |
| 3-bed                        | 3                | 399          | 1197      |                      |            |
| 4-bed                        | 4                | 399          | 1596      |                      |            |
| <b>Total</b>                 |                  |              |           |                      | <b>798</b> |

8.31 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 3/8 and 10/1.

#### Community Development

8.32 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1085 for each unit of one or two bedrooms and £1625 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                       | 1085      | 6                    | 6510        |
| 2-bed                       | 1085      | 1                    | 1085        |
| 3-bed                       | 1625      |                      |             |
| 4-bed                       | 1625      |                      |             |
| <b>Total</b>                |           |                      | <b>7595</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.

### Education

8.34 Commuted payments are required towards education facilities where four or more additional residential units are created. In this case, seven additional residential units are created, but contributions are not required for pre-school education for one-bedroom units. Contributions are therefore required on the following basis.

| <b>Pre-school education</b> |                  |  |           |                      |            |
|-----------------------------|------------------|--|-----------|----------------------|------------|
| Type of unit                | Persons per unit |  | £per unit | Number of such units | Total £    |
| 1 bed                       | 1.5              |  | 0         | 6                    | 0          |
| 2-bed                       | 2                |  | 810       | 1                    | 810        |
| <b>Total</b>                |                  |  |           |                      | <b>810</b> |

| <b>Life-long learning</b> |                  |  |           |                      |             |
|---------------------------|------------------|--|-----------|----------------------|-------------|
| Type of unit              | Persons per unit |  | £per unit | Number of such units | Total £     |
| 1 bed                     | 1.5              |  | 160       | 6                    | 960         |
| 2-bed                     | 2                |  | 160       | 1                    | 160         |
| <b>Total</b>              |                  |  |           |                      | <b>1120</b> |

8.35 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.

## Transport

- 8.36 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. The site lies within the Eastern Corridor Area Transport Plan.
- 8.37 The present building contains 116m<sup>2</sup> of office space. This would be expected to generate 24 daily trips per 100m<sup>2</sup>, giving a total of 28 trips. At the standard rate of 8.5 trips per unit per day, the proposed residential units would generate 59.5 daily trips. The difference between these two totals is 31.5 trips. There are no standard trip figures for retail uses, but the proposed retail floorspace would be 158m<sup>2</sup>, compared to 260m<sup>2</sup> in the existing retail use. This indicates a fall in trips generated. The aggregate net additional trips figure would therefore be less than 31.5, and no contributions are triggered.
- 8.38 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 RECOMMENDATION**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 15<sup>th</sup> August 2010 and 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. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: to ensure appropriate facilities for the storage of waste and recycling. (Cambridge Local Plan 20065 policy 3/12)

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

Reason: to ensure appropriate facilities for the storage of waste and recycling. (Cambridge Local Plan 20065 policy 3/12)

5. 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)

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

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

7. Except with the prior written agreement of the local planning authority in writing no delivery or collections to the retail unit shall be carried out other than between the following hours: 0800 hours to 2100 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

8. No demolition or construction shall take place until a traffic management plan for the demolition and construction phases has been submitted to and agreed in writing by the local highway authority. Work shall proceed only according to the agreed plan.

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

9. The residential and retail units hereby permitted shall not be occupied until two street lights fixed to the building, of a pattern and location previously agreed by the local highway authority, have been installed and brought into operation.

Reason: To protect highway safety, to ensure a safe and attractive living and working environment, and to deter crime. (Cambridge Local Plan 2006 policies 3/7 and 8/2)

10. No doors opening from the building on to Burleigh Street, Adam and Eve Street, or the rear alleyway, or the corners between them, shall open outwards.

Reason: To protect highway safety. (Cambridge Local Plan 2006 policy 8/2)

**INFORMATIVE:** The applicant is advised that the site was previously occupied by a bakers, workshop, coal storage and various commercial premises. If during the works contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. The applicant or agent needs to satisfy themselves as to the condition of the land / area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future.

**INFORMATIVE:** The applicant is advised that any granting of Planning Permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.

**INFORMATIVE:** Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer. The developer will not be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connection. No window or door will be allowed to open over a highway and no foundation or footing for the structure will be allowed to encroach under the public highway.

**INFORMATIVE:** The applicant is advised that no current or future occupiers of the proposed development will be entitled to residents' parking permits in the scheme operating in the area.

**INFORMATIVE:** The applicant is advised that where a proposal involves works on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building, the provisions of the Party Wall Act 1996 shall apply. The granting of planning permission does not override any obligation arising from this or other legislation.

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

**INFORMATIVE:** This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

### **Reasons for Approval**

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

East of England plan 2008: policies SS1, SS6, T2, T9, T14, ENV7, WM8

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

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

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

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

**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 15th August 2010 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, or education and life-long learning facilities, in accordance with policies 3/8, 5/14, and 10/1 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, and Guidance for Interpretation and Implementation of Open Space Standards 2006.

## **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 by contacting John Summers (Ext.7103) in the Planning Department.

**CAMBRIDGE CITY COUNCIL  
Design & Conservation Panel**

**Extract from the notes of the meeting Wednesday 29<sup>th</sup> July  
2009**

**Present: -**

|                |                                |
|----------------|--------------------------------|
| Patrick Ward   | (Acting Chair)                 |
| David Grech    | English Heritage               |
| Tony Nix       | RICS                           |
| Jo Morrison    | Landscape Institute            |
| Carolin Gohler | Cambridge Preservation Society |
| Jon Harris     | Co –opted member               |
| Ian Steen      | Co –opted member               |
| Mac Dowdy      | Co –opted member               |

**Officers: -**

|                   |              |
|-------------------|--------------|
| John Preston      | City Council |
| Susan Smith       | City Council |
| Lindsey Templeton | City Council |
| Catherine Linford | City Council |
| John Evans        | City Council |
| Tony Collins      | City Council |
| Angela Briggs     | City Council |
| Jonathan Brookes  | City Council |

**Councillors: -**

|                 |               |
|-----------------|---------------|
| Cllr Alan Baker | City Council. |
|-----------------|---------------|

**Item 3.**

**Presentation – Redevelopment for ground floor retail with 8 flats at 44-45 Burleigh Street.** Presentation by Jenny Page of Beacon Planning.

The Chair declared an interest as he occasionally acts for WT Snooker & Sporting Club at 39b Burleigh Street. The club currently have permission to extend.

Panel's comments are summarised as follows:

Insufficient drawn information has been submitted to enable the proposals to be properly examined particularly in relation to the adjacent properties to the rear. The second floor plan was thought to be inaccurately represented with areas of restricted headroom not represented. Panel queried the absence of any external amenity space, which could have been provided with balconies or 'Juliet' balconies. The Panel questioned the density of the proposal, particularly on the Adam & Eve Street (south side). The accommodation here seems prejudicial to the re-development of adjoining properties.

Elevations. Panel observed that efforts had been made to produce interesting elevations echoing elements of the former John Lewis building further up Burleigh St. However, it was felt that the elevations were generally unnecessarily lively and that some simplification could improve the proposals. Panel thought that the two small windows on the east elevation should be eliminated as they would unreasonably restrict the neighbours right to re-develop in the future.

Panel were not in favour of the 'box-dormer' features and would prefer to see true 'dormers' which could be achieved by raising the eaves line.

The need to project party walls above the roof line was questioned as it tends to make the roofscape look fussy. Narrow access to cycle store, disabled access and bin store were all queried.

Sustainable drainage? With no sustainability statement seen, the Panel felt further key information was missing.

## **Conclusion.**

**The Panel does not object in principle to the scheme, however, there are two key issues: 1) overdevelopment; and 2) overcomplicated detailing . The former can only be assessed with more complete drawings and possibly addressed with the loss of one or two units. The latter could be tackled by some simplification and rationalization of the elevations.**



**VERDICT – AMBER (7), GREEN (1) based upon the general appearance and quality of materials, not the density or massing.**

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IBX

**From:** "Colin Rosenstiel" <colin.rosenstiel@cambridge.gov.uk>  
**To:** <Tony.Collins@cambridge.gov.uk>  
**CC:** <colin.rosenstiel@cambridge.gov.uk>  
**Date:** 15/02/2010 13:48  
**Subject:** Re: Weekly List 10/0096/FUL

I now see we have 10/0096/FUL for this site, reduced by one flat it would appear. Another point that remains unconfirmed from the past is that this includes the whole site, include both existing ground floor shops. If so this site is larger than that of 46 Burleigh St. A shop and 7 flats should then fit in with less bulk than on that site.

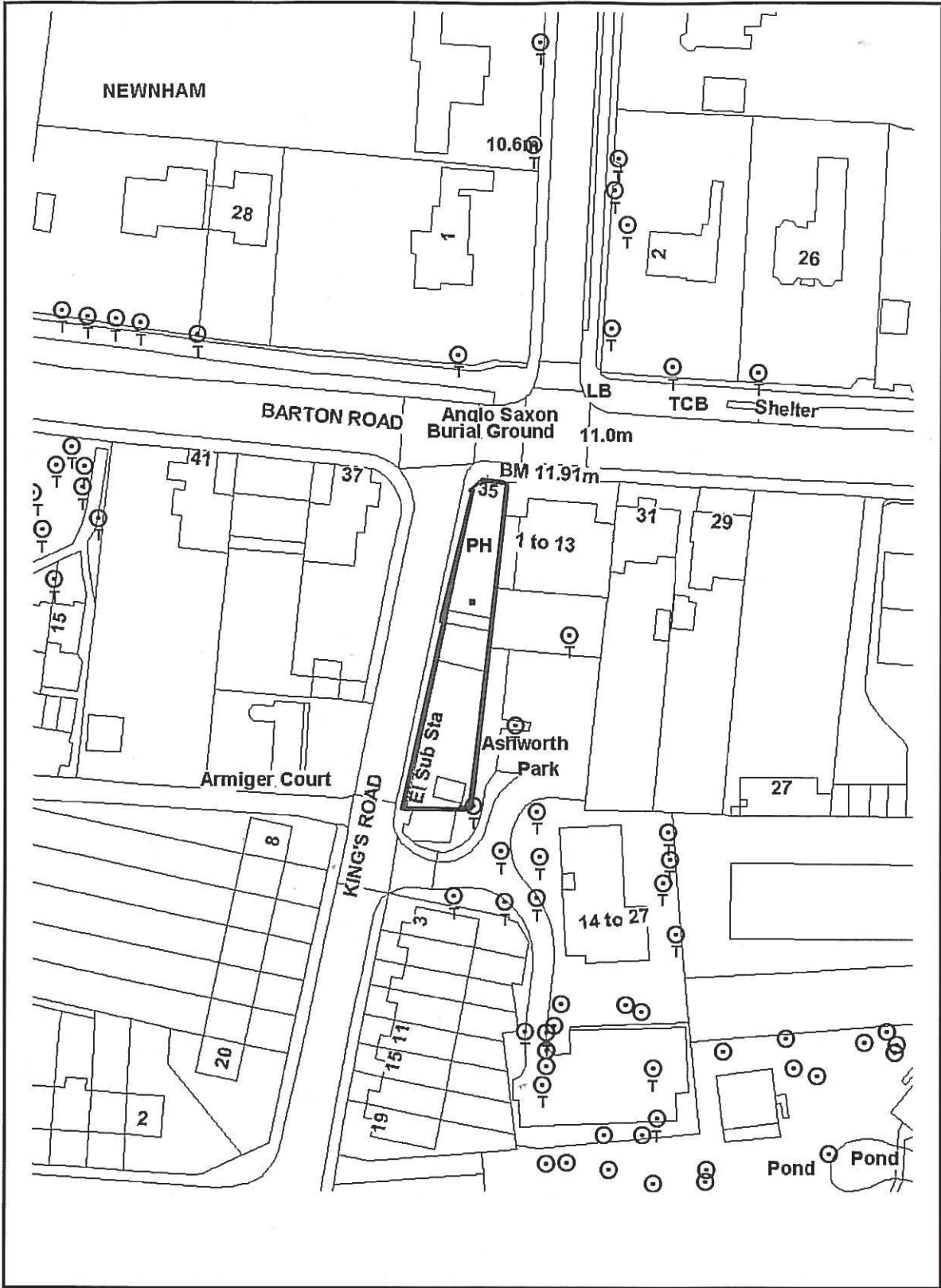
My concerns expressed earlier still appear to apply:

- > The adjacent development at 46 Burleigh Street, the other side of Adam
- > and Eve Street, only has 6 flats in conjunction with ground floor
- > retail and is not a small development. Anything larger than that would
- > be out of scale for this end of Burleigh Street. Arguably even at that
- > size it would be overdevelopment as all the nearby buildings are less
- > tall. 46 Burleigh Street also has direct access for delivery from
- > Paradise Street that this site does not have. Deliveries by other than
- > a very small van will block Adam and Eve Street.
- >
- > If redevelopment proceeds, can we please ensure that a planning
- > condition is applied to ensure that the existing or new street
- > lights are affixed to the new building to replace those attached to
- > the existing structure? The County Council seem to be utterly useless
- > at asking for this condition where development is proposed to
- > buildings to which street lights are attached.

I will be particularly miffed if we fail to ensure the continuation of the two existing street lights attached to the existing building (or replacements to match the style of the current Burleigh St design - there is a wall-mounted example by the side of the Next store).

Colin Rosenstiel

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**10/0176/FUL**  
**Hat And Feathers 35 Barton Road Cambridge Cambridgeshire**

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|                           |   |                    |                  |
|---------------------------|---|--------------------|------------------|
| <b>Application Number</b> | 10/0176/FUL   | <b>Agenda Item</b> |                  |
| <b>Date Received</b>      | 12th March 2010   | <b>Officer</b>     | Miss Sophie Pain |
| <b>Target Date</b>        | 7th May 2010  |                    |                  |
| <b>Ward</b>               | Newnham   |                    |                  |
| <b>Site</b>               | Hat And Feathers 35 Barton Road Cambridge Cambridgeshire CB3 9LB  |                    |                  |
| <b>Proposal</b>           | Conversion and extension of former Public House to provide residential accommodation (4 x studio/1bed flats and 2 x 2bed flats). Works to include the demolition and rebuild of the single storey extension, along with landscaping, car parking and access arrangements. |                    |                  |
| <b>Applicant</b>          | Mr Steve Hurst<br>The Black Barn Meridian Court Comberton Road Toft Cambs CB23 3RY  |                    |                  |

---

## **INTRODUCTION**

- A1 This application is the subject of an appeal against the non-determination of the application by the City Council, within the prescribed period. The application is deemed to have been refused by the City Council and the appeal will be determined by an Inspector appointed by the Planning Inspectorate.
- A2 Despite that, it is still necessary that the Area Committee consider what decision it would have made on this proposal, had it not been deemed refused as a result of non-determination within the prescribed period of time. The reason for the Council needing to reach its own conclusions about the proposal is because that will dictate whether or not the Council contests the appeal. In the event that Committee decides it would have refused the application, it must give clear and precise reasons why it would have done so and those reasons will form the basis of the case upon which the Council would contest the appeal. Should Committee decide that it would have approved the application, it must also give clear and

precise reasons why it would have done so, but would not then contest the appeal.

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

- 1.1 The Hat and Feathers Public House is located on the south side of Barton Road, on the corner with Kings Road. The application site is 442 sq metres with the footprint of the existing building being 225 sq metres. The existing pub garden is to the south of the building. The building has frontages onto both roads with the frontage on Kings Road extending southwards for approximately 20 metres.
- 1.2 The existing building is located on a prominent corner and provides much character to the area in its design and appearance. The surrounding area is predominately residential properties which are made up of large detached houses and developments of flats such as Ashworth Park to the east of the site.
- 1.3 The building is currently vacant, but was until recently a Public House with 2 flats above that were used in conjunction with the public house. Along the eastern boundary with Ashworth Park, there are four lime trees, which are within the ownership of Ashworth Park but overhang the site. These trees are by virtue of being within the Conservation Area protected. The property is located within the West Cambridge Conservation Area and there are no parking restrictions on Kings Road.

## **2.0 THE PROPOSAL**

- 2.1 The applicant seeks planning permission for the change of use of the former Hat and Feathers Public House (Use Class A4) to a residential use, comprising of four one bed flats (Use Class C3). In addition, it is proposed to demolish the existing single storey rear extension (subject of application 10/0177/CAC) and replace it with a two-storey extension, which will accommodate 2 two bed flats.
- 2.2 The former public house will be renovated and sub-divided to form the four one bedroom flats and the proposed extension will be built on the south elevation of the property fronting onto Kings Road. This proposed extension will be built on the same footprint of the existing extension and will not increase the



footprint of the building. Associated car parking, cycle parking and waste storage will be provided.

2.3 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Plans and elevations
3. Tree Survey

### 3.0 SITE HISTORY

| Reference   | Description                                     | Outcome                                  |
|-------------|---|--|
| 10/0177/CAC | Demolition of existing single storey extension. | Pending with a recommendation of refusal |

### 4.0 PUBLICITY

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

### 5.0 POLICY

#### 5.1 Central Government Advice

5.2 **Planning Policy Statement 1: 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: Housing (2006):** 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.

- 5.4 **Planning Policy Statement 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation

of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

**5.5 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.

**5.6 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.

**5.7 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.

#### **5.8 East of England Plan 2008**

SS1 Achieving sustainable development

T4 Urban transport

T9 Walking, cycling and other non-motorised transport

T14 Parking

ENV6 The historic environment

ENV7 Quality in the built environment

WM8 Waste management in development

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

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

## 5.10 Cambridge Local Plan 2006

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/14 Extending buildings  
4/4 Trees  
4/11 Conservation Areas  
4/12 Buildings of Local Interest  
4/13 Pollution and amenity  
5/1 Housing provision  
8/2 Transport impact  
8/6 Cycle parking  
8/10 Off-street car parking  
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*)

## 5.11 Supplementary Planning Documents

**Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

## 5.12 Material Considerations

**Cambridge City Council (2004) – Planning Obligation Strategy:** Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

**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.

**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.

## 6.0 CONSULTATIONS

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

- 6.1 The parking provision is provided a significantly less than one space per dwelling. The likely shortfall in provision compared against demand will result in increase demand for parking on the public highway and increase competition between residential units in the area.

### **Head of Environmental Services**

- 6.2 No objection: a noise assessment and insulation condition will be required as flat 1 faces onto Barton Road which is heavily trafficked and the flat will be subject to high levels of noise. Additionally, due to previous historic uses as a mechanical engineers and a blacksmiths, a contaminated land condition has also been recommended.

## **Historic Environment Manager**

- 6.3 Objection: the proposed extension which will replace the existing single storey with a first floor extension is not supported as it is not of a design which is typical with this part of the West Cambridge Conservation Area. The additional storey creates a larger mass, which would be a very dominant feature in the Conservation Area. The proposals will be detrimental to the character and appearance of the conservation area and therefore refusal is recommended.

### **Trees**

- 6.4 There are significant trees within the adjacent property, close to the building which apart from minor crown lifting to clear the new roofline should not be affected as there are no proposed works below ground. The proposed parking to the rear of the property will be in an area that is already in the main hard standing, but again there are significant visually important trees close by. Provided that the proposed construction is no deeper than that already there I do not feel that we can raise any strong objections. The centre of the site is already gravelled garden and it is proposed to remain as garden. This part of the site is probably where materials etc will be stored. The soil should be protected from compaction and spillages during the construction phase.  
Our normal relevant conditions should apply.

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

## **7.0 REPRESENTATIONS**

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

39 Barton Road  
37 Barton Road  
20 Millington Road

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

CAMRA  
Cambridge Past, Present and Future  
Ashworth Park Management Company

7.3 The representations in support can be summarised as follows:

The proposed development will not substantially alter the outward appearance of the Hat and Feathers, which sits well on its site;

By converting the public house, there will be a reduction in noise during the night and feel that as the footprint will be the same, the design is sympathetic to the character of the neighbourhood;

The re-building of the single storey extension should ensure that it matches the colour of the original building;

The introduction of further residential properties will increase the competition for on-street parking, in order to avoid inconsiderate parking, could yellow lines be painted in front of existing garages to ensure that parking does not inconvenience existing residents?;

Reduction in the amount of litter in the surrounding area;

7.4 The representations against the application can be summarised as follows:

The destruction of a potentially viable public house;

There is only one other pub (The Red Bull) in Newnham, so the loss of the Hat and Feathers would significantly reduce the choice of amenity in the locality;

Loss of privacy to neighbouring gardens;

The design of the communal gardens is poor, with poor planting provision and an outlook onto uncovered cycle racks;

The proposed second storey element will cast a considerable shadow on the flats adjacent to the property and that in addition to denying natural light it will also prevent the afternoon sun to shine upon this block; and

Concern that the proposal will damage trees on the property of Ashworth Park, especially the lime trees which may be affected when building work commences.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Impact upon the character and appearance of the Conservation Area
3. Residential amenity
4. Trees
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

### **Principle of Development**

8.2 The proposal consists of two parts, a change of use from the current Class A4 use to a Class C3 use, and an extension to provide a total of 6 flats, four more than is currently on site.

8.3 The proposed change of use is not covered by policies in the Cambridge Local Plan (2006). This is because the site is located outside of the city centre and despite some opinion that considers a public house a community facility, it is not classified as such a facility in the Cambridge Local Plan (2006) and therefore policy 5/11 is not applicable.

8.4 As a result, I can confirm that there is no policy objections to the principle of change of use.

8.5 Policy 5/1 of the Cambridge Local Plan (2006) explains that provision is to be made for an increase of 12,500 dwellings over the period 1999-2016, and while it is recognised that most of these will be from larger sites within the urban area and urban extensions, development of additional residential units on sites such as this will be permitted subject to the existing land use and compatibility with adjoining uses, which is assessed in the sections below within the main body of the report.



- 8.6 Given the above I am therefore of the view that the development is acceptable and in accordance with policies 3/1 and 5/1 of the Cambridge Local Plan (2006) in principle, subject to the proposed development being assessed against these other issues and policies within the Development Plan.

### **Impact upon the character and appearance of the Conservation Area**

- 8.7 The site is on a prominent corner which is highly visible within the West Cambridge Conservation Area. The frontage with Barton Road will not change and the fascia signs will be retained to provide a connection with its previous use. The frontage along Kings Road will be visible to neighbouring residents and there is some opportunity for views of this elevation when traveling eastwards along Barton Road, towards the city centre. It is the Kings Road frontage which will undergo significant change as part of the development.
- 8.8 There is an existing single storey rear extension which abuts the pavement with Kings Road. This existing extension is a modern addition to the building and does not provide any architectural or historic value to either the building or the surrounding Conservation Area. This application proposes to replace it with a two-storey extension. This proposed extension will cover no more than the existing footprint but will ensure that the ground floor will be structurally sound to carry the weight of an additional storey.
- 8.9 The proposal seeks to convert the existing two-storey public house to accommodate 4 one bed flats and the proposed two storey extension to the rear of the site will accommodate 2 two bed flats over two floors, with under croft parking.
- 8.10 From Kings Road, the design of the proposal looks to extend the form of the existing building at the same height and roof pitch as the existing building. However in order to achieve sufficient height for the flats in the roof a mansard roof has been proposed to replace the existing gable roof form which increases the bulk of the roof from the east and south elevations.
- 8.11 The introduction of a second storey on the edge of the pavement will create a larger mass and will result in a dominant

feature in this part of the Conservation Area. The architectural detailing has not been carefully considered and in order for this extension to work more successfully this detailing needs to be provided to demonstrate that the additional built form would not become a discordant and alien feature in Kings Road and the adjacent properties in Barton Road, but instead works harmoniously within the context of the surrounding Conservation Area.

- 8.12 The undercroft parking or 'cart shed', is not a feature which is synonymous with the immediate locality and this part of the West Cambridge Conservation Area. I am of the opinion that this feature does not contribute to an active frontage with the street and has the potential to become a 'dead space' which does not either preserve or enhance the character or the appearance of the Conservation Area.
- 8.13 The proposal to demolish the existing single detached garage at the most southerly point of the site is supported as it is modern and does not contribute positively to the Conservation Area.
- 8.14 In my opinion the proposal does not comply with East of England Plan (2008) policy ENV7 and the Cambridge Local Plan (2006) 3/4, 3/7 and 4/11 and advice provided by Planning Policy Statement 5: Planning for the Historic Environment (2010).

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.15 I believe that the residents who have the potential to be most affected by the proposed development are the residents to the east in Block A of Ashworth Park. At present, the flat roof single storey extension abuts the common boundary with the Ashworth Park development at a height of 3 metres including the parapet wall. The two-storey element of the existing building sits off the boundary and projects beyond the rear wall of Ashworth House by 2.2 metres which has little impact upon the windows of the flats due to the presence of a walkway against this boundary.
- 8.16 The proposal seeks to build the second storey up against this boundary to a height of 7 metres with a blank façade. Due to

the orientation of the Hat and Feathers to Block A, there will be a loss of afternoon light to the living rooms and bedrooms on the south elevation of the block. I believe that the loss of light to these properties will be of an unacceptable level and that the occupants of the neighbouring flats will experience a sense of enclosure which will be emphasised by the loss of light. As a result, I am of the opinion that the proposal will have a detrimental impact upon the residential amenity of those occupants on the south west corner of Ashworth House.

- 8.17 In my opinion there are no other neighbours who may be adversely affected by the proposal.
- 8.18 In my opinion the proposal does not adequately respect the residential amenity of its neighbours in Ashworth House and the proposal will lead to a sense of enclosure and loss of light to these occupants. I consider that this proposal is not in compliance with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

- 8.19 The floor area of the flats will vary depending on if they are 1 or 2 bed flats. The two 2 bed flats, which will be accommodated within the proposed second floor extension, will span over two floors so that they also occupy the mansard roof. I believe that the size of the proposed flats is acceptable. Subject to the imposition of a noise insulation condition being fulfilled to protect the occupants in flat 1 and flat 3 I am of the opinion that this development provides an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/14.

#### **Trees**

- 8.20 There are four lime trees which are located on the adjacent property, Ashworth Park. These trees are visually significant within the Conservation Area and provide some mature screening between the two properties.
- 8.21 The comments that have been provided by the Tree Officer state that there are no proposed works below ground. I believe that the Officer has not realised that the existing ground floor

extension is to be demolished and rebuilt which will require substantial ground works that I believe could potentially impact upon the four lime trees.

- 8.22 Therefore, in the meantime, I propose to re-consult the Officer with this information and report any alternative comments and the outcome of these on the amendment sheet in due course.

### **Refuse Arrangements**

- 8.23 The proposal provides a communal waste and recycling facility in the south east corner of the site, within a 2 metre high ventilated enclosure. Two 1100 litre waste bins and separate areas for the three types of recycling bins can be accommodated within this enclosure. I believe that this enclosure is somewhat inconveniently placed as its location is not on the route that occupants would take in order to leave the building. However, I am unsure that such a large facility could be successfully integrated elsewhere on the site and therefore I am of the opinion that the proposed facility is appropriate. It will ensure that there are fewer bins on Kings Road as a result of the development and it is in an appropriate location for collection vehicles.

- 8.24 In my opinion the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.25 The application does not pose a danger to highway safety.
- 8.26 In my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.27 The application proposes one car parking space for each of the units, a total of six. This is in accordance with the Car Parking Standards (2006) which requires no more than 1 space up to a dwelling size of 2 bedrooms. I appreciate the comments made by the Highways Authority that such a development may result in additional demand for on-street car parking along Kings

Road. There are few houses along Kings Road which have the capacity for off street car parking. The development of flats opposite the site and those within Ashworth Park have allocated parking within their sites, but due to the central location and the un-restricted nature of the road, I believe that it is utilized by commuters who park and walk into the city centre.

8.28 I do not believe that the proposed development will subject the road to an unacceptable number of additional vehicles which will be competing for on-street parking and as a result I do not feel that such a proposal will harm the amenity of neighbouring residents. The Car Parking Standards are maximums and due to the sustainable location, close to public transport routes and cycle routes into the city centre, I am of the opinion that there is no need to require any additional spaces. Four spaces are located within the undercroft, with a further two at the south of the site, adjacent to the communal garden area. One of these parking spaces to the south is a disabled parking bay and has been correctly marked out and sized.

8.29 I do have some concerns with regard to the size of the car parking spaces within the undercroft due to the location and need for supports within the parking space. These are within the width of the proposed spaces and it would be difficult to manoeuvre in and out of the spaces. However I believe that this arrangement could be addressed by way of condition if the proposed design of the 'cart shed' were acceptable in principle. Therefore in my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Third Party Representations**

8.30 I believe that my report has addressed most of the concerns raised by objectors. The points that remain will be responded to below.

8.31 If the application were to be approved, there is a strong feeling that the colour and materials of the proposed extension should faithfully match the existing. A condition would therefore be imposed to ensure that all materials and colours would be submitted prior to the commencement of development. Additionally, the point raised about the introduction of yellow lines in front of existing garages is a highways matter and would

need to be raised with the Highways Authority directly. It is not a matter which can be addressed through this planning application.

### **Planning Obligation Strategy**

8.32 The Planning Obligation Strategy (2004) 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:

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

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

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

8.34 In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements.

### Open Space

8.35 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.

8.36 The application proposes the erection of two two-bedroom flats and four one-bedroom flats. Two residential units would be removed, so the net total of additional residential units is four. 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>Formal open space</b> |                  |              |           |                      |             |
|--------------------------|------------------|--------------|-----------|----------------------|-------------|
| Type of unit             | Persons per unit | £ per person | £per unit | Number of such units | Total £     |
| 1 bed                    | 1.5              | 360          | 540       | 2                    | 1080        |
| 2-bed                    | 2                | 360          | 720       | 2                    | 1440        |
| 3-bed                    | 3                | 360          | 1080      |                      |             |
| 4-bed                    | 4                | 360          | 1440      |                      |             |
| <b>Total</b>             |                  |              |           |                      | <b>2520</b> |

| <b>Informal open space</b> |                  |              |           |                      |             |
|----------------------------|------------------|--------------|-----------|----------------------|-------------|
| Type of unit               | Persons per unit | £ per person | £per unit | Number of such units | Total £     |
| 1 bed                      | 1.5              | 306          | 459       | 2                    | 918         |
| 2-bed                      | 2                | 306          | 612       | 2                    | 1224        |
| 3-bed                      | 3                | 306          | 918       |                      |             |
| 4-bed                      | 4                | 306          | 1224      |                      |             |
| <b>Total</b>               |                  |              |           |                      | <b>2142</b> |

| <b>Children's play space</b> |                  |              |           |                      |             |
|------------------------------|------------------|--------------|-----------|----------------------|-------------|
| Type of unit                 | Persons per unit | £ per person | £per unit | Number of such units | Total £     |
| 1 bed                        | 1.5              | 0            | 0         | 2                    | 0           |
| 2-bed                        | 2                | 399          | 798       | 1596                 | 1596        |
| 3-bed                        | 3                | 399          | 1197      |                      |             |
| 4-bed                        | 4                | 399          | 1596      |                      |             |
| <b>Total</b>                 |                  |              |           |                      | <b>1596</b> |

8.37 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004) and in

a accordance with the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2004), the proposal is in conflict 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

- 8.38 The Planning Obligation Strategy (2004) 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                       | 1085      | 2170                 | 2170        |
| 2-bed                       | 1085      | 2170                 | 2170        |
| 3-bed                       | 1625      |                      |             |
| 4-bed                       | 1625      |                      |             |
| <b>Total</b>                |           |                      | <b>4340</b> |

- 8.39 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

### Education

- 8.40 In this case, four additional residential units are created and since the Unilateral Undertaking was drawn up. the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education, primary education, secondary education and lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

| <b>Pre-school education</b> |         |  |      |        |         |
|-----------------------------|---------|--|------|--------|---------|
| Type                        | Persons |  | £per | Number | Total £ |
|                             |         |  |      |        |         |



| of unit      | per unit |  | unit | of such units |             |
|--------------|----------|--|------|---------------|-------------|
| 1 bed        | 1.5      |  | 0    |               |             |
| 2+- beds     | 2        |  | 810  | 2             | 1620        |
| <b>Total</b> |          |  |      |               | <b>1620</b> |

| <b>Primary education</b> |                  |  |           |                      |             |
|--------------------------|------------------|--|-----------|----------------------|-------------|
| Type of unit             | Persons per unit |  | £per unit | Number of such units | Total £     |
| 1 bed                    | 1.5              |  | 0         |                      |             |
| 2+- beds                 | 2                |  | 1350      | 2                    | 2700        |
| <b>Total</b>             |                  |  |           |                      | <b>2700</b> |

| <b>Secondary education</b> |                  |  |           |                      |             |
|----------------------------|------------------|--|-----------|----------------------|-------------|
| Type of unit               | Persons per unit |  | £per unit | Number of such units | Total £     |
| 1 bed                      | 1.5              |  | 0         |                      |             |
| 2+- beds                   | 2                |  | 1520      | 2                    | 3040        |
| <b>Total</b>               |                  |  |           |                      | <b>3040</b> |

| <b>Life-long learning</b> |                  |  |           |                      |            |
|---------------------------|------------------|--|-----------|----------------------|------------|
| Type of unit              | Persons per unit |  | £per unit | Number of such units | Total £    |
| 1 bed                     | 1.5              |  | 160       | 4                    | 640        |
| 2+- beds                  | 2                |  | 160       |                      |            |
| <b>Total</b>              |                  |  |           |                      | <b>640</b> |

8.41 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

8.42 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale

and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 RECOMMENDATION**

### **FOR RECOMMENDATIONS OF REFUSAL**

**Having considered all the aspects of the proposal, the recommendation is:**

**That, had the application not been deemed refused as a result of non-determination of the application within the prescribed period of time, the City Council, would have refused this planning application for the following reasons and, therefore, resolves to contest the appeal on the basis of the reasons set out below:**

1. The proposed development, by virtue of the scale, mass and architectural detailing of the first floor extension and the inclusion of undercroft parking, would result in a dominant and alien feature in the streetscene which forms part of the West Cambridge Conservation Area. In so doing, the development fails to respond positively to its context or to draw inspiration from the key characteristics of the surrounding area and will not preserve or enhance the Conservation Area by faithfully reflecting its context or providing a successful contrast with it. The development will not create an attractive built frontage to positively enhance the townscape. The development is therefore contrary to East of England Plan 2008 policies ENV6 and ENV7, Cambridge Local Plan (2006) policies 3/4, 3/7, 3/14 and 4/11 and advice as provided in Planning Policy Statement 1 (2005) and Planning Policy Statement 5 (2010).

2. The proposed first floor extension would, by reason of its overall siting within the site and orientation in close proximity to the boundary with Ashworth Park, cause an unacceptable loss of afternoon light to the flats in the south west corner of the neighbouring property and create an unreasonable sense of enclosure to the living rooms and bedrooms of those properties, detracting unduly from the level of amenity the occupiers could reasonably expect to enjoy. This is contrary to policy ENV7 of the East of England Plan 2008, policies 3/4, 3/7 and 3/14 of the Cambridge Local Plan 2006 and guidance provided in PPS1: Delivering Sustainable Development (2005) and PPS 5: Planning in the Historic Environment (2010).
3. The proposed development does not make appropriate provision for public open space, community development facilities and life-long learning in accordance with the following policies, 3/8, 5/14 and 10/1 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004 and Guidance for Interpretation and Implementation of Open Space Standards 2006.

**DELEGATED AUTHORITY is given to Officers to complete a section 106 agreement on behalf of the Local Planning Authority, in accordance with the requirements of the Planning Obligation Strategy, prior to a decision being made on the Planning Appeal.**

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

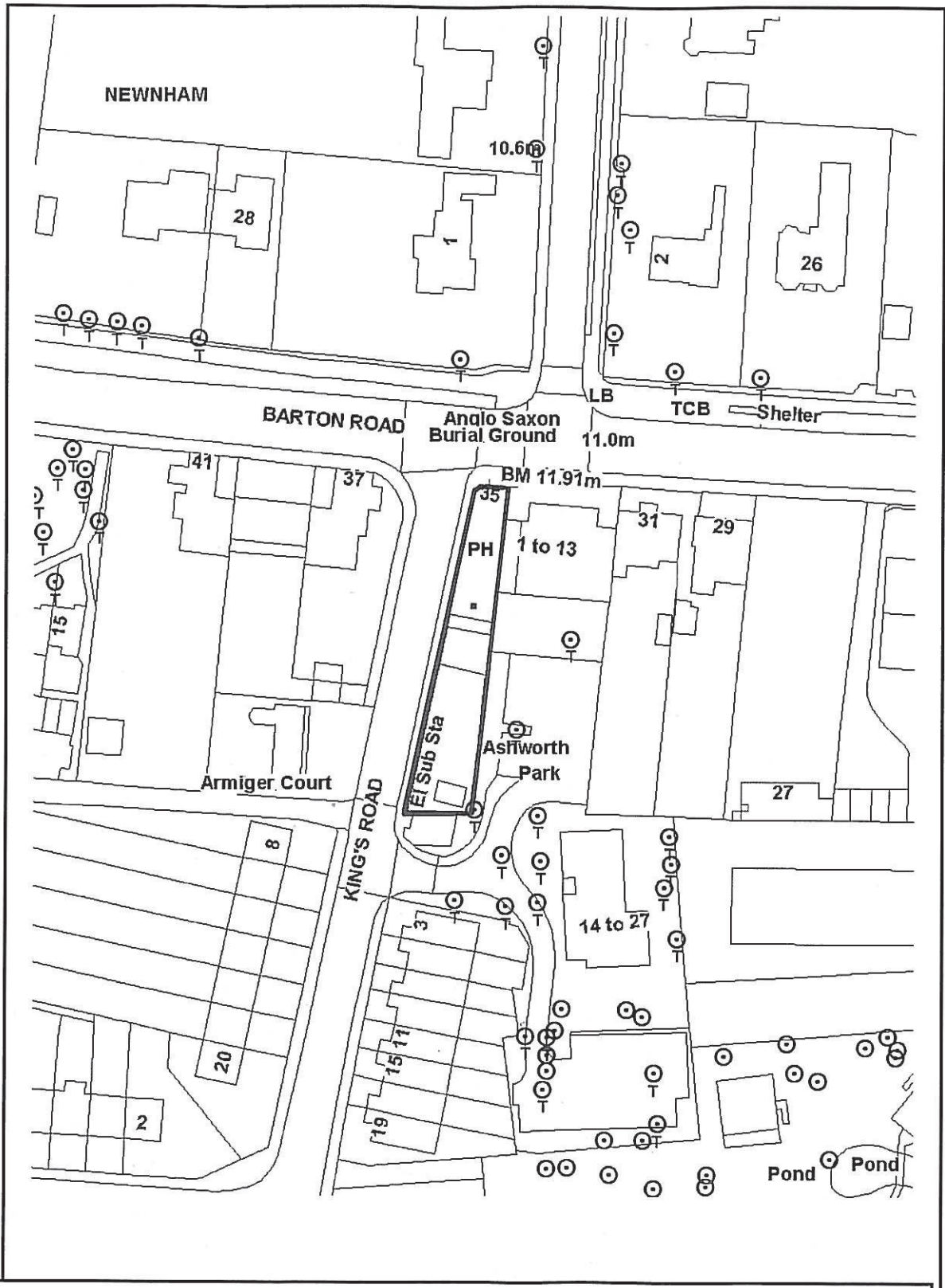
Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

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 by contacting John Summers (Ext.7103) in the Planning Department.



10/0177/CAC  
Hat And Feathers 35 Barton Road Cambridge Cambridgeshire

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|                           |  |                    |                  |
|---------------------------|--|--------------------|------------------|
| <b>Application Number</b> | 10/0177/CAC  | <b>Agenda Item</b> |                  |
| <b>Date Received</b>      | 3rd March 2010   | <b>Officer</b>     | Miss Sophie Pain |
| <b>Target Date</b>        | 7th May 2010   |                    |                  |
| <b>Ward</b>               | Newnham  |                    |                  |
| <b>Site</b>               | Hat And Feathers 35 Barton Road Cambridge<br>Cambridgeshire CB3 9LB  |                    |                  |
| <b>Proposal Applicant</b> | Demolition of existing single storey extension.<br>Mr Steve Hurst<br>The Black Barn Meridian Court Comberton Road<br>Toft Cambs CB23 3RY |                    |                  |

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## **INTRODUCTION**

- A1 The associated application 10/0176/FUL, which provides the full proposal for the site, is now the subject of an appeal against the non-determination of the application by the City Council, within the prescribed period. The application is deemed refused by the City Council as local planning authority, but the appeal will be determined at appeal by an Inspector appointed by the Planning Inspectorate.
- A2 Committee can still determine this application today, as it is not the subject of the appeal. However, members should be minded that consideration needs to be given to whether the full planning application proposes a suitable replacement when determining this application.

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

- 1.1 The Hat and Feathers Public House is located on the south side of Barton Road, on the corner with Kings Road. The application site is 442 sq metres with the footprint of the existing building being 225 sq metres. The existing pub garden is to the south of the building. The building has frontages onto both roads with the frontage on Kings Road extending southwards for approximately 20 metres.

- 1.2 The existing building is located on a prominent corner and contributes much to the character of the area in terms of its design and appearance. The surrounding area is predominately residential properties which are made up of large detached properties and developments of flats such as Ashworth Park to the east of the site.
- 1.3 The building is currently vacant, but was until recently a public house with 2 flats above. Along the eastern boundary with Ashworth Park, there are four lime trees, which are within the ownership of Ashworth Park but overhang the site. These trees are by virtue of being within the Conservation Area protected. The property is located within the West Cambridge Conservation Area and there are no parking restrictions on Kings Road.

## 2.0 THE PROPOSAL

- 2.1 This application seeks conservation area consent to demolish an existing single storey extension which is to the rear of the site and fronts onto Kings Road. The application is linked to application ref 10/0176/FUL for the conversion and extension of former Public House to provide residential accommodation (4 x studio/1bed flats and 2 x 2bed flats).
- 2.2 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Plans

## 3.0 SITE HISTORY

| Reference   | Description  | Outcome                                  |
|-------------|--|--|
| 10/0176/FUL | Conversion and extension of former Public House to provide residential accommodation (4 x studio/1bed flats and 2 x 2bed flats). Works to include the demolition and rebuild of the single storey extension, along with landscaping, car | Pending with a recommendation of refusal |



parking and access  
arrangements.

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

##### 5.1 Central Government Advice

5.2 **Planning Policy Statement 1: 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 5: Planning for the Historic Environment (2010):** sets out the government's planning policies on the conservation of the historic environment. Those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are called heritage assets. The statement covers heritage assets that are designated including Site, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas and those that are not designated but which are of heritage interest and are thus a material planning consideration. The policy guidance includes an overarching policy relating to heritage assets and climate change and also sets out plan-making policies and development management policies. The plan-making policies relate to maintaining an evidence base for plan making, setting out a positive, proactive strategy for the conservation and enjoyment of the historic environment, Article 4 directions to restrict permitted development and monitoring. The development management

policies address information requirements for applications for consent affecting heritage assets, policy principles guiding determination of applications, including that previously unidentified heritage assets should be identified at the pre-application stage, the presumption in favour of the conservation of designated heritage assets, affect on the setting of a heritage asset, enabling development and recording of information.

5.4 **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.

5.5 **East of England Plan 2008**

ENV6 The historic environment

ENV7 Quality in the built environment

5.6 **Cambridge Local Plan 2006**

3/1 Sustainable development

4/11 Conservation Areas

6.0 **CONSULTATIONS**

**Cambridgeshire County Council (Engineering)**

6.1 No Objection

**Historic Environment Manager**

6.2 The application is not supported as although the single storey extension does not have any architectural or historic value, the proposed replacement is not a design that is typical of this part of the West Cambridge Conservation Area. Indeed a cart shed is not a typical design found in Cambridge at all.

7.0 **REPRESENTATIONS**

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

20 Millington Road  
CAMRA

37 Barton Road  
39 Barton Road  
Cambridge Past, Present and Future  
Ashworth Park Management Company

7.2 The representations can be summarised as follows:

The proposed development will not substantially alter the outward appearance of the Hat and Feathers, which sits well on its site;

The destruction of a potentially viable public house;

There is only one other pub (The Red Bull) in Newnham, so the loss of the Hat and Feathers would significantly reduce the choice of amenity in the locality;

By converting the public house, there will be a reduction in noise during the night and feel that as the footprint will be the same, the design is sympathetic to the character of the neighbourhood;

The re-building of the single storey extension should ensure that it matches the colour of the original building;

The introduction of further residential properties will increase the competition for on-street parking, in order to avoid inconsiderate parking, could yellow lines be painted in front of existing garages to ensure that parking does not inconvenience existing residents?;

Reduction in the amount of litter in the surrounding area;

Loss of privacy to neighbouring gardens;

The design of the communal gardens is poor, with poor planting provision and an outlook onto uncovered cycle racks;

The proposed second storey element will cast a considerable shadow on the flats adjacent to the property and that in addition to denying natural light it will also prevent the afternoon sun to shine upon this block; and

Concern that the proposal will damage trees on the property of Ashworth Park, especially the lime trees which may be affected when building work commences.

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.

7.4 In general these comments relate to the associated application for planning permission. I have addressed the issues raised in my report which appears elsewhere on the agenda.

## **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. The loss of the single storey extension
2. The merits of the replacement proposal
3. Third party representations

### **The loss of the single storey extension**

8.2 Policy HE9.2 of PPS5 Planning for the Historic Environment (2010) states that where an application will lead to substantial harm to, or total loss of significance, consent should be refused, except where it is demonstrated that the nature of the heritage asset (i.e. the Conservation Area designation) prevents all reasonable uses of the site and there is no viable use that can be found in the medium term to enable its conservation. In this instance I do not consider that the demolition of the existing single storey extension constitutes a loss of significance and that the principle of an alternative use or residential accommodation is acceptable.

8.3 Policy 4/11 of the Cambridge Local Plan (2006) states that in Conservation Areas, ‘...when considering the demolition of buildings...the same tests that would apply to the demolition of a Listed Building will be applied’, making reference to policy 4/10 of the Local Plan. Policy 4/10 states that ‘works for the demolition of Listed Buildings will not be permitted unless:

- a) The building is structurally unsound, for reasons other than deliberate damage or neglect;
- b) It cannot continue in its current use and there are no viable alternatives for; and
- c) Wider public benefits will accrue from development’.

8.4 Taking each of these criterion in turn, I believe that the proposal does not make reference to or provide evidence that the extension is structurally unsound, no marketing evidence has

been provided to demonstrate that the building to which the extension is attached can continue or be let to another publican, and that by removing this extension, I do not believe that there will be any wider public benefits.

- 8.5 No justification has been provided within the application to demonstrate that the demolition of this extension is acceptable. It is considered that the existing single storey extension does not have any architectural or historic value, but my opinion is that the proposed two storey replacement, is not of a design which is typical in this part of the West Cambridge Conservation Area.

### **The merits of the replacement proposal**

- 8.6 The proposals for the redevelopment of this single storey extension are not acceptable in my view (assessed in detail under application 10/0176/FUL). The design of the two storey replacement is not in keeping with the character of the area, or indeed with Cambridge buildings with regard to the proposed 'cart shed' approach.
- 8.7 If Conservation Area Consent was granted now without a scheme of an acceptable standard being approved, the single storey extension would be removed and the vacant site would be detrimental to the street scene. PPS5 does not stipulate that an acceptable replacement building should be agreed prior to the demolition of the existing. However, in this context, the consequences of allowing the demolition of this extension without a suitable replacement would cause this vacant site to detrimentally impact on the character and appearance of the heritage asset (ie. Conservation Area). In my view, in order to preserve the Conservation Area, consent should not be granted until planning permission has been granted for a suitable alternative.

### **Third Party Representations**

- 8.8 The comments which were received with regards to the poor nature of the design have been assessed in the above report. All other concerns that have been raised are matters which will be addressed in the planning application report 10/0176/FUL.

## **9.0 Conclusion**

- 9.1 The proposed replacement building is not considered to be acceptable and the proposal does not comply with policies 4/10 and 4/11 of the Cambridge Local Plan 2006. In order to prevent the creation of a cleared vacant site, it is my view that Conservation Area Consent should also not be granted at this time.

## **10.0 RECOMMENDATION**

### **REFUSE for the reason below:**

1. In the absence of an acceptable replacement building, the loss of the existing extension to the building would neither enhance nor preserve the character and appearance of the Conservation Area. The demolition of the extension is therefore contrary to policy ENV6 of the East of England Plan (2008), policy 4/11 of the Cambridge Local Plan (2006) and to advice provided by Planning Policy Statement 5: Planning for the Historic Environment (2010).

## **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:

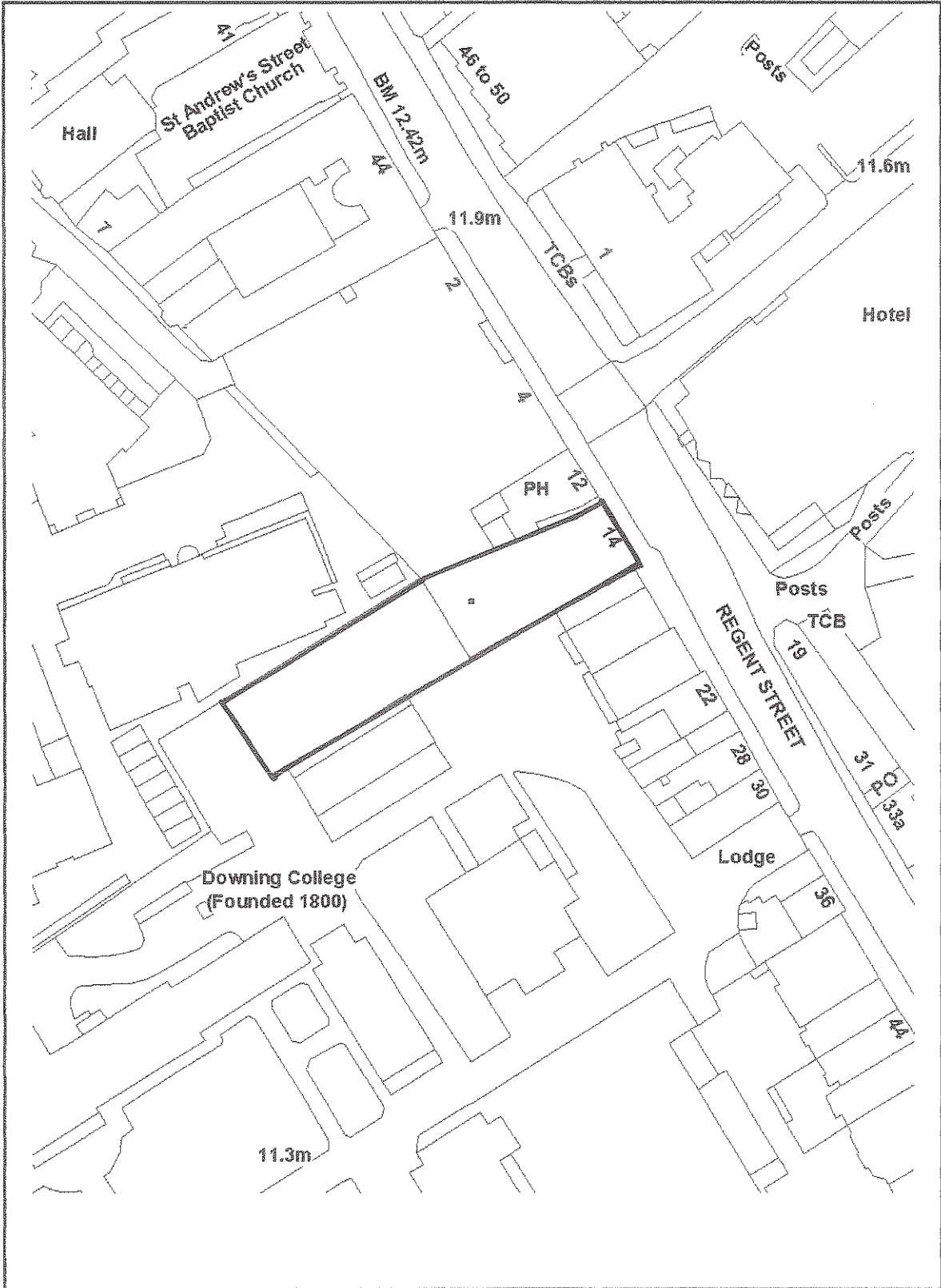
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received 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 by contacting John Summers (Ext.7103) in the Planning Department.



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**09/1001/FUL**  
**14 Regent Street Cambridge Cambridgeshire CB2 1DB**

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|                           |   |                    |               |
|---------------------------|---|--------------------|---------------|
| <b>Application Number</b> | 09/1001/FUL   | <b>Agenda Item</b> |               |
| <b>Date Received</b>      | 5th November 2009   | <b>Officer</b>     | Miss Amy Lack |
| <b>Target Date</b>        | 4th February 2010   |                    |               |
| <b>Ward</b>               | Market  |                    |               |
| <b>Site</b>               | 14 Regent Street Cambridge Cambridgeshire CB2 1DB   |                    |               |
| <b>Proposal</b>           | Conversion and extension of 14 Regent Street, Cambridge, providing a new 3rd floor, a new 4 storey rear extension, and converting part 1st floor and 2nd floor from B1 use to provide conference and student accommodation for Downing College. |                    |               |
| <b>Applicant</b>          | Regent Street Cambridge Cambridgeshire CB2 1DQ  |                    |               |

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

- 1.1 14 Regent Street is situated on the western side of Regent Street and comprises a 1930's red brick three-storey, flat roof, mid-terrace building owned by Downing College. Immediately adjacent to the north of the building is a three-storey, timber framed building occupied by 'The Fountain' public house and Mandela House occupied by offices of Cambridge City Council. To the south, 16-18 Regent Street, is a three and a half storey office block. Between this and the boundary of 14 Regent Street there is an access road which serves a car parking area to the rear of no.14. An external metal staircase on the southern elevation of no.14 alights into this car parking area to provide emergency access from the first and second floor offices. To the west (rear) is a car parking area which serves Downing College.
- 1.2 The ground floor of the building is sub-divided into two independent units, occupied by Chinese restaurant 'Charlie Chan's' (to the north) and off-licence 'Oddbins' (to the south), both units occupying their respective basement area. Charlie Chan's occupies some of the first floor accommodation but the

remainder of this level and all of the second floor is currently vacant and last in use as office space (Use Class B1).

- 1.3 To the east, on the opposite side of Regent Street, is the University Arms Hotel and a shared pedestrian and cycle crossing providing access over to Parker's Piece.
- 1.4 The site falls within the City of Cambridge Conservation Area No.1 (Central). The building is not listed and there are no Tree Preservation Orders within the boundaries of the site. The site falls within the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for change of use of the existing B1 office use on the first and second floor to provide conference and student accommodation for Downing College and for extensions to the building. These include a four storey rear extension to the west of the building (referred to in the application as the 'west tower'), an additional level over part of the existing flat roof to create a new fourth storey and a single storey boiler house to the rear. This increase in the footprint of the building and additional floor space will be used to accommodate a total of 22 ensuite study/bedrooms. Five are proposed to the first floor, ten to the second floor and seven to the third floor.
- 2.2 These will be used to accommodate students of the Downing College within term time with a view to provide ensuite accommodation for conference candidates when not occupied by students.
- 2.3 When originally submitted the application proposed 23 study rooms. The floor space which was subject to the proposed change of use and the additional floor space created by extending the building, equated to more than 1000sqm. This application was therefore classified a major application and due to go to Planning Committee in February 2010 with a recommendation for approval. However, issues of noise and disturbance from neighbouring commercial developments for the prospective occupiers and the consideration of the various solutions to mitigate against these outside disturbances remained unresolved. Lengthy discussions between the agent,

the applicant's acoustic engineer, the City Council's Environmental Health Officer and Lawyer have negotiated mitigation measures on site which has meant the loss of one of the proposed student rooms. This decrease in floorspace means the application is now considered a minor application and is before Area Committee for determination.

2.4 This revised application has been amended as follows:

- The total number of rooms has been reduced by 1 from 23 to 22;
- The floorspace is reduced to 990 metres<sup>2</sup>;
- By omitting a room at second floor level an external courtyard has been created providing a light well, all windows on this north facing elevation have been removed;
- The reconfiguration of the rooms on the third floor above reflect the layout around the courtyard below, also with no windows on this north elevation;
- An extract flue from the Restaurant below will run internally up the rear of the building and terminate at the new roof level;
- Reduction in height of the two storey space over the second floor dining room to a single storey height with glazed roof lantern above;
- Blocking up of all opening on northern elevation, removal of redundant cills at first floor level adjacent with restaurant use and removal of all redundant plant;
- Increase in thickness of north elevation boundary wall at second and third floor level to improve sound insulation; and
- Additional windows to second and third floor facing the courtyard area and omission of rooflights to third floor corridor.

2.5 The issues of noise and disturbance will be discussed below under the heading residential amenity within the main body of the report.

2.6 The application is accompanied by the following supporting information:

1. Design Statement
2. Mechanical and Electrical Services Infrastructure Appraisal
3. Noise Assessment

### 3.0 SITE HISTORY

| Reference         | Description  | Outcome        |
|-------------------|--|----------------|
| C/63/0566<br>A &b | Alterations and additions to existing building to provide new restaurant.            | A/C            |
| C/63/0040         | Shopping and ancillary storage with dry cleaning plant.                              | A/C            |
| C/64/0149         | Alterations and additions to form new restaurant.                                    | REF            |
| C/73/1160         | Change of use of 1st and 2nd floors to offices                                       | Appeal allowed |
| C/88/0170         | Change of use from office to professional office (class a2) (part first floor only). | A/C            |
| C/91/1002         | Erection of external spiral staircase.   | A/C            |

### 4.0 PUBLICITY

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

### 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 **PPG15 Planning and the Historic Environment (1994):** This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.

5.4 **PPS22 Renewable Energy (2004):** Provides policy advice to promote and encourage the development of renewable energy sources. Local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, location requirements and the potential for exploiting them subject to appropriate environmental safeguards.

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 **East of England Plan 2008**

SS1 Achieving sustainable development  
T1 Regional transport strategy objectives and outcomes  
T2 Changing travel behaviour  
T9 Walking, cycling and other non-motorised transport  
T14 Parking  
ENG6 CO<sub>2</sub> emissions and energy performance  
ENV6 The historic environment  
ENV7 Quality in the built environment  
WM8 Waste management in development

#### 5.7 **Cambridge Local Plan 2006**

3/1 Sustainable development  
3/4 Responding to context  
3/7 Creating successful places  
3/11 The design of external spaces  
3/14 Extending buildings  
4/11 Conservation Areas  
4/13 Pollution and amenity  
4/15 Lighting  
8/2 Transport impact  
8/6 Cycle parking  
8/10 Off-street car parking  
8/16 Renewable energy in major new developments

10/1 Infrastructure improvements

## 5.8 Supplementary Planning Documents

**Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

## 5.9 Material Considerations

**Cambridge City Council (2006) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development.

**Cambridge Historic Core – Conservation Area Appraisal (2005):** Provides an appraisal of the Historic Core of Cambridge.

## 6.0 CONSULTATIONS

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

13<sup>th</sup> November 2009

- 6.1 No assessment has been made of the transport implications for the site. The increase in residential use and use for conferences raises the possibility of SCAPT payments being required, further information on this is required for the highway authority to comment on this.



6.2 Should permission be granted none of the prospective occupiers will qualify for residents parking permits which should be drawn to the applicant's attention. Standard informatives with regard to works which impinge upon the public highway should be attached.

9<sup>th</sup> June 2010

6.3 Based on the submitted SCATP no payments are triggered by the proposal.

### **Head of Environmental Services**

6.4 Road traffic noise along Regent Street is within Noise Exposure Category (NEC) C where planning permission would normally be recommended for refusal. Therefore habitable rooms must be protected against noise. The applicant's recent noise report is considered acceptable to determine the noise level at this site and it is. Appropriate conditions will adequately protect the prospective occupiers against the noise and disturbance.

6.5 Mandela House has a large number of air handling units, and there is an extraction system which serves the restaurant at ground floor beneath the proposed development. Both plant create noise and the restaurant extraction system odours which must be mitigated against. The amendments to the application since it was originally submitted and the imposition of conditions will satisfactorily address these nuisances.

6.6 The neighbouring pub (site owned by the City Council) is due to its historic nature poorly acoustically insulated to the front and occasionally neighbouring properties have complained about noise. Prospective occupiers will have the right to complain and nuisance action could see to the closure or significant alteration to the operation of the pub. As such mitigation measures against noise should be undertaken.

6.7 The amended design with the light well in the north façade allows natural light into the central corridor and bedrooms, which will improve the living environment and provide some protection from nuisance noise. However, to ensure the protection of the amenity of these residents and prevent noise nuisance complaints this noise needs to be fully assessed and if necessary mitigated a condition is required

- 6.8 Given recent problems with flooding of the basement to this building it should not be assumed that the current foul drainage system is adequate. Historic records suggest that this site has been used for motor engineering and as a laundry, the contaminated land condition should therefore be attached. Similarly details of refuse storage must be secured by condition and it is advised the applicant be advised to contact Housing Standards and that the building should be vermin free before construction works start in light of problems with a cockroach infestation in the same building.

### **Historic Environment Manager**

- 6.8 There are no major conservation issues with this application. Pre-application discussions were held and there is considered to be relatively few conservation issues. The proposal will have little impact upon the surrounding conservation area. The rear is of little conservation interest but the proposal is likely to improve this. More detail should be given concerning the windows but this could be conditioned.

### **Design and Conservation Panel (Meeting of 23<sup>rd</sup> December 2009)**

- 6.9 The relevant section of the minutes of this panel meeting are attached to this report as Appendix 1.
- 6.10 The Panel was critical of the form, aesthetics, detailing and materials of the proposal. It was felt the cluttered and unresolved design of the entrance area should be addressed and the overall scheme improved.

Verdict: Amber (9) Red (2)

### **English Heritage**

- 6.11 This site is in a sensitive location close to the Grade I listed Downing College, fronts onto Regent Street and is visible in long views from Parker's Piece. It is considered that the additional floor will not impact upon views from the central court at Downing College, nor views from Regent Street. It will be visible in longer views from Parker's Piece but will not be harmful to these. Therefore English Heritage raises no

objection in principle but has comments about the following more detailed aspects of the application:

- The side and rear elevations will be improved but the architectural treatment of the rear extension appears heavy, an alternative treatment, maybe following the precedent set on the new upper floor may have worked better:
- The boiler house in a prominent position must not erode the quality of the space over time, so no new plant should be permitted outside of the envelope of the new boiler room (including on the flat roof). No flue has been included on the plans from this boiler house and a flue should not be allowed to rise externally from this house in the future; and
- The landscaping alongside the new entrance is fussy and poorly considered. The tree is token and dwarfed by the surrounding buildings and might be better omitted. The lamppost is out of keeping and would be better changed to something contemporary. The cycle shelter has an awkward relationship to the new extension and a bespoke design would integrate better.

6.12 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 Cambridge Past, Present and Future of the following address have objected to the proposal:

- Wandlebury Ring, Gog Magog Hills, Cambridge CB22 3AE

7.2 The representation can be summarised as follows:

- The design of the extension must be improved so the building better harmonises with its environs;
- With reference to policies 3/4 and 3/14 the quality of the design is inadequate because the building has a predominantly blank brick face towards the Downing college campus and directly abutting Richmond House, the southern elevation therefore needs improvement and the southwest tower that is more in harmony with the stone buildings of the college (clad in a paler material).

7.3 The above representation is a summary of the comments that have been received. Full details of the 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, external spaces and impact upon the Conservation Area
3. Renewable energy and sustainability
4. Disabled access
5. Residential amenity
6. Refuse arrangements
7. Highway safety
8. Car and cycle parking
9. Third party representations
10. Planning Obligation Strategy

### **Principle of Development**

8.2 The principle of change of use of this building must be considered against the provisions of policies 7/7 and 7/10 of the Cambridge Local Plan (2006).

8.3 Policy 7/7 relates to the development of additional student residential accommodation within existing college sites (which are taken to mean sites already accommodating 20 or more students or sites that have planning permission for such). The policy supports such development, subject to (a) amenity considerations; (b) their proximity to the institutions they serve; (c) supervision, if necessary, as appropriate to their size, location and the nature of the occupants; and (d) they do not result in a loss of family accommodation. I consider this site being immediately adjacent to the main campus of Downing College appropriately situated and would not result in the loss of any family residential accommodation. The principle of development, in my view, is therefore acceptable.

8.4 Policy 7/10 permits the development of student hostels only if they are restricted to use by students of the city's two

universities. However, the policy applies specifically to purpose-built student accommodation. The building on this site is not purpose-built and policy 7/10 cannot be applied to this development. Furthermore, the use of this site for student accommodation which is very well located to Downing College for which it is to serve, is likely to reduce the demand made by students from the college elsewhere in the housing stock.

- 8.5 In addition to the above considerations, it is my view that permitting a viable use for the building, is likely to contribute towards the preservation of the character and appearance of the surrounding conservation area by improving the rear elevations of this building, fostering the maintenance of the building's fabric and the upkeep of the site.
- 8.6 In my opinion, the principle of the development is acceptable and in accordance with policies 4/11, 7/7 and 7/10 of the Cambridge Local Plan (2006), and government guidance in PPG15.

#### **Context of site, design, external spaces and impact upon the Conservation Area**

- 8.7 The site is situated within the City's Conservation Area No.1 (Central), fronts Regent Street, is visible in longer views from across Parker's Piece though the gap between the University Arms Hotel and No.19 Regent Street (currently occupied by restaurant 'Pizza Hut'), and is in close proximity to the Grade I Listed Downing College.
- 8.8 No alterations to the front, east facing elevation (onto Regent Street) are proposed. The proposed roof extension is set back from the face of the building by approximately 7 metres and since originally submitted the roof to the 'eastern tower' has been made a roof lantern which has given it a lighter-weight appearance and a reduction in its height by 1 metre. As such the development at roof level will not be read from Regent Street and will be subservient to the existing roof level. This additional level would not in my view be disproportionately high in relation to other surrounding buildings in the locality. The Historic Areas Adviser who commented on behalf of English Heritage is also satisfied that the additional floor will not impact in views from the central court at Downing College or from street level when standing in Regent Street. It is likely that it will

be visible in the longer views available across Parker's Piece but the view of English Heritage is that the additional storey will not be harmful to this view and this is demonstrated sufficiently well by the photomontages submitted by the applicant (drawing number 1600-20). As such, the main impact of the building on the character and appearance of the Conservation Area will not be affected to any great degree.

- 8.9 The existing rear elevation is of relatively little conservation interest in terms of its design and style, and is noticeably the rear of a building, though in an accessible and visible location. As such, the City Council's Conservation Officer considers the proposal will bring this elevation of the building into a better state of repair and add some design/architectural interest. This view is also shared by the Historic Areas Adviser considering these elevations of no particular interest or significance and as such the proposal represents an enhancement and improvement of these elevations, helped by the removal of an existing external spiral staircase to the southern elevation.
- 8.10 Despite the representation in objection to the proposal which was received from Cambridge Past Present and Future, believing the extension would be better clad in a paler material and similar views voiced by the Design and Conservation Panel, I am of a mind to agree with the view of the Conservation Officer who believes that there are good linkages between the proposed extension and the existing building through the proposed decorative red brickwork, lintels and sills, as well as the symmetry of the design. The entrance is easily visible through the design and the corner windows allow the extension to flow through from the existing building.
- 8.11 However, I do agree with the views raised by the Design and Conservation Panel with regard to the new ground floor entrance area which will be created to the rear (west) elevation. Panel members considered the landscaping 'heavy handed', believing this area requires a more delicate consideration, particularly the furniture and choice of tree, the proposed cycle store is ill-considered and the proposed boiler house does not provide any information of a flue. These concerns are also echoed by the response received from English Heritage. The Historic Areas Advisor considers the landscaping over fussy and poorly thought-out, the tree 'token' and dwarfed by the surrounding buildings, the lamppost out of keeping and better

changed to something contemporary. He goes on to also pick up on the cycle shelter, considering this to have an awkward relationship with the new extension, and a cycle shelter of bespoke design would help a more integrated design approach.

- 8.12 Notwithstanding the above concerns I believe these are not ‘in principle’ issues, but only minor details that can be satisfactorily addressed by condition and. The landscaping can be satisfactorily controlled by the standard hard and soft landscaping condition (condition 9). I shall address the concern with the style of cycle store proposed below under the heading ‘Car and Cycle Parking’. I suggest the conditions as recommended by the Conservation Officer are imposed in order to control the brickwork details (condition 2); roofing materials (condition 3); details of rooflights (conditions 4); details of lintels and sills (condition 5); and details of any new joinery (condition 6) to protect the visual amenity of the surrounding conservation area. Subject to these I consider the proposal compliant with East of England Plan (2008) policies ENV6 and ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/14 and 4/11.

### **Renewable energy and sustainability**

- 8.13 The application no longer relates to a ‘major development’. The floor area subject of the proposed change of use and additional floor space created by the extension of the building equates to a development site falling below the 1,000 square metres threshold, therefore there is no longer a requirement to provide at least 10 percent of the development’s total predicted energy requirements on-site from renewable energy sources. However, the applicant has committed the design to incorporate Solar Thermal technology for the generation of hot water in order to meet this previous requirement. An energy statement has been submitted (attached as Appendix A to the accompanying Design and Access Statement). The design of the building is considered to readily lend itself to the harnessing of Solar Thermal energy, with the flat roof allowing the solar collectors to be placed in a southerly direction to maximise their energy gain.
- 8.14 It was initially projected that 20 collectors will be required in order to meet the minimum target of 10 percent on-site renewable energy generation. These are positioned away from

the roof edge so that the overall height at 0.83metres will not be visible from the street.

- 8.15 Whilst it cannot be considered reasonable to impose a condition to secure the renewal technologies proposed as part of this minor development, it is still encouraged and I am satisfied that the issue of sustainability and renewable energy has been suitably addressed and the proposal is in accordance with East of England Plan (2008) policy ENG6, Cambridge Local Plan (2006) policy 8/16 and 'Cambridge Sustainable Development Guidelines' (2003).

### **Disabled access**

- 8.16 The proposal will provide level flush threshold access into the entrance lobby. A lift from this area accesses all floors of the building and the lobby and all circulation areas allow for adequate wheelchair movement. The proposal does not make any provision for a room specifically designed for disabled use and it is argued in the accompanying Design and Access Statement that the college have a policy to provide a minimum number of rooms for ambient disabled or wheelchair users which is monitored according to demand. Whilst it is regrettable that a purpose built room for disabled use is not incorporated into this proposal, the extended building and its change of use will be required to meet Part M of the current building regulations and as such the proposal is considered compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

- 8.17 Uses adjacent to the application site are almost wholly commercial and predominantly in office use. As such, I consider the main issue with regard to residential amenity is that for the future occupiers of the site.
- 8.18 The applicant accepts the constraints of the site with regards to noise and that it will be necessary to carry out a full noise survey in accordance with PPG 24 and that this be conditioned (condition 13). The City Council's Environmental Health Officer who considered the proposal believes Regent Street to be in noise Exposure Category (NEC) C, a category of exposure where it is advised that additional residential accommodation



would normally be refused. As such it is extremely important that the habitable rooms proposed are adequately protected against this noise. In addition to the nuisance of noise from traffic movement along Regent Street is the consideration of noise from the air handling units/extraction systems which serve Mandela House, the Chinese restaurant at ground floor and noise from patrons and entertainment at the Fountain Inn; the public house which adjoins the proposal site to the north, 12 Regent Street. Due this building's historical nature the front of the premises is particularly poorly acoustically insulated and Environmental Health has reported that at times neighbouring premises have complained about noise.

8.19 The Environmental Health Officer has suggested that in order to best mitigate against these external nuisances improvements could be made to adjacent buildings or their associated plant by addressing the nuisance at its source. However, pursuing this approach opens up problematic issues of ownership and access to land to undertake works outside of the development site. As such, mitigation against the noise and disturbance by implementation of appropriate noise insulation and attenuation measures to the building on the application site is more easily managed and undertaken and can be controlled by the imposition of conditions (conditions 13,14,15 and16). The revised proposal introduces a 0.6 metre wall width between the rear courtyard to adjacent 12 Regent Street and the residential proposed at 14 Regent Street which will provide a very high sound insulation capacity. In addition to this the reduction in proposed rooms, which has allowed for the creation of an external courtyard will have a significantly positive impact upon sound pressure levels upon the openings to the residential units.

8.20 External lighting is proposed within the hard landscaped area on the approach to the new entrance at the rear of the building (west elevation). Appropriate lighting of this area which meets the requirements of part (h) of Policy 3/7 of the Local Plan will improve surveillance of the area and will serve to reduce the threat, or perceived threat of crime. However, to ensure that this lighting does not adversely impact upon the residential amenity of accommodation on the upper floors I suggest the imposition of a condition requiring the approval of a lighting scheme (Condition 11)

- 8.21 Further to the advice of the Environmental Health Officer I think it is also important to advise the applicant that the legal situation regarding licensing of the Universities' Houses in Multiple Occupation (HMO) has recently changed and as such this development may therefore require licensing by the Council as a HMO, so the applicant should consult with the Housing Standards Team for further clarification. Also, by way of an informative the applicant should be advised to fully consider the adequacy of foul drainage system given that the basement of the off-licence has been flooded with sewage due to the drain serving it and the Chinese restaurant blocking.
- 8.22 The Environmental Officer is satisfied that suitably low internal noise levels can be achieved by this proposal without the need to undertake attenuation works off site. The design is considered to successfully respond to the constraints of the site presented by the surrounding commercial uses and movements along Regent Street. As such, I am of the opinion that the proposal is capable of providing a high-quality living environment and an appropriate standard of residential amenity for future occupiers but this is only subject to the imposition of conditions to mitigate against nuisances outside of the application site as suggested above and attachment of informatives. Subject to these I consider the proposal compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7, 3/14 and 4/13.

### **Refuse Arrangements**

- 8.23 No details are illustrated on the submitted plans to locate the necessary on site refuse and recycling storage to serve the student accommodation, and how this will work with the existing commercial uses operating from the same building. The Design and Access Statement states that because the development is part of the college domus, daily cleaning and collection of waste by college staff will take place which means the waste regime for the building will be brought into the College system for collection and recycling, as with other domus accommodation, which complies with the City Council's waste strategy. However, no details as to how this strategy works or how it is in accordance with the City Council's waste strategy is provided. I consider it important that the proposed residential use and provisions for this, such as refuse/recycling storage does not impact upon the residential amenity of the prospective

occupiers, and that the refuse/recycling arrangements for the existing commercial units will continue to be satisfactorily accommodated on site and that these will not negatively impact upon the residential amenity of the student accommodation.

- 8.24 Whilst I am satisfied that refuse and recycling provision for the existing commercial units and the proposed use of residential accommodation can be successfully accommodated on site without adversely impacting upon residential amenity or the character of the surrounding Conservation Area I suggest the imposition of a condition requiring the submission of full details of the refuse arrangements for all uses on site and for these to be agreed in writing (condition 7). Subject to this I consider the proposal compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.25 The highway authority has not raised objections, and I do not consider that the application has any implications for highway safety. In my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

- 8.26 No on-site car parking is proposed. Given the central city location of the site, its affiliation with the college (proctorial control), the ample cycle parking proposed and the City Councils Car Parking Standards, which are maximum standards, to discourage car ownership and use, I am satisfied that the proposal be a car free development.
- 8.27 On site cycle parking is proposed to the rear of the building, adjacent to the new ground floor entrance. This makes provision for the secure parking of 24 cycles which is in excess of the minimum requirement as set out in the City Council's Cycle Parking Standards of 17 spaces (1 space/2 bedrooms and 1 visitor space/5 bedrooms).
- 8.28 Concern has been raised with the design of the cycle store proposed and how this fails to successfully integrate with the design approach of the scheme as a whole. The Design and Conservation Panel comment; 'the off-the-peg bike stores looks

as is it has just been dumped' a concern reaffirmed by the response received from English Heritage considering this to have an awkward relationship with the new extension, and a cycle shelter of bespoke design would help a more integrated design approach. As such, I consider it appropriate to attach a condition (condition 8) not only to ensure provision is in accordance with the minimum provision required by the City Council's Cycle Parking Standards as proposed but also to agree a design of cycle store which is sympathetic to the character of the surrounding conservation area and responds successfully to the design approach of the scheme in order to comply with Cambridge Local Plan 2006 policies 3/4 and 4/11.

- 8.29 Subject to the imposition of a condition (condition 8) to control the details of the onsite cycle parking for the reasons given above, in my opinion the proposal is compliant with East of England Plan (2008) policy T9 and Cambridge Local Plan (2006) policy 8/6.

### **Third Party Representations**

- 8.30 As requested by Cambridge Past, Present and Future, the proposal was presented to the Design and Conservation Panel on 23<sup>rd</sup> December 2009 and then further to this English Heritage have been consulted as requested by a panel member. I consider this full consideration from a design prospective within the context of a Conservation Area more than satisfactory and that the issues which have been raised with regard to design and materials have been satisfactorily addressed and considered in the main body of the report above.

### **Planning Obligation Strategy**

- 8.31 The Planning Obligation Strategy (2004) provides a framework for expenditure of financial contributions collected through planning obligations. The proposed development does not trigger the requirement for any community infrastructure contributions. This is because: The development, which proposes non-family student housing is not required to make contributions for formal open space for the accommodation is directly linked to Downing College and adequate provision of formal open space is made by this institution. Similarly provision is not sought for informal open space because the development is part of the Downing College campus and can

demonstrate that adequate appropriate open space is provided by the college to the City Council's standards. No contributions are required for this form of accommodation towards Children's play areas for this is not considered family housing.

- 8.32 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. The site lies within the South Corridor Area Transport Plan. A Transport Assessment from which an assessment of additional trips and contributions can be made has been submitted and this has been considered by the Highway Authority. They confirm that the trip generation of the proposal would be lower than the existing and below the 50 trip threshold. As such no contributions towards catering for additional trips generated by the proposed development are required. In turn no contribution for the public realm are sought either.

## **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. All brickwork is to match exactly, the historic work nearby in terms of bond, mortar mix design, joint thickness, pointing technique, brick dimension, colour and texture, unless agreed otherwise with the express written consent of the local planning authority. Thereafter the development must be in accordance with these agreed details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the surrounding Conservation Area. (East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11).

3. The roofing materials shall match the existing nearby historic work in every respect unless agreed otherwise with the express written consent of the local planning authority. Thereafter the development must be in accordance with these agreed details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the surrounding Conservation Area. (East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11).

4. No development shall commence until such time as full details of proprietary rooflights have been submitted to, and approved in writing, by the local planning authority. Thereafter the development must be in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the surrounding Conservation Area. (East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11).

5. No development shall commence until such time as full details of all lintels and sills to new/altered openings (for doors or windows, etc.) have been submitted to and approved in writing by the local planning authority. Thereafter the development must be in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the surrounding Conservation Area. (East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11).

6. All new joinery (window frames, etc.) shall be recessed at least 50 / 75mm back from the face of the wall / façade, unless agreed otherwise with the express written consent of the local planning authority. Thereafter the development must be in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the surrounding Conservation Area. (East of England Plan 2008 policy ENV6 and Cambridge Local Plan 2006 policy 4/11).

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

Reason : To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/7 and 3/12)

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

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

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

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

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

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

11. No development shall commence until a lighting scheme has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposal avoids the threat or perceived threat of crime and in the interests of residential and visual amenity, to protect the surrounding area. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/7, 3/15 and 4/15)

12. 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)



13. No development shall commence until such time as a noise report prepared in accordance with the provisions of PPG 24 'Planning and Noise', that considers the impact of noise on the Regent Street facades upon the proposed development has been submitted to, and approved in writing by the local planning authority.

Following the submission of a PPG 24 noise report and prior to the commencement of refurbishment/ development works, a noise insulation scheme having regard to acoustic ventilation, comply with the requirements of Approved Document F, detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) for protecting the residential units from noise as a result of the proximity of the bedrooms/living rooms to the high ambient noise levels from the Regent Street facades (dominated by traffic and vehicle noise), shall be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice' and these levels shall be achieved with ventilation meeting both the background and purge / summer cooling requirements of Approved Document F. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without the prior written approval of the local planning authority.

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

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

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

15. No development/Use shall commence until such time as a scheme for the insulation of the building(s) in order to minimise the level of noise emanating from the neighbouring entrainment venue(s) shall be submitted to and approved in writing by the local planning authority. Thereafter the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice' and these levels shall be achieved with ventilation meeting both the background and purge / summer cooling requirements of Approved Document F. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without written prior approval from the local planning authority.

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

16. No development/Use shall commence until such time as a scheme for the insulation of the building(s) in order to minimise the level of noise emanating from the plant on the neighbouring building(s) has been submitted to and approved in writing by the local planning authority. Thereafter the scheme, as approved, shall be fully implemented before the use hereby permitted is commenced.

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

17. No development shall commence until such time as a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to, and approved in writing by the local planning authority.

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

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

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

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

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

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

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

18. The development hereby permitted shall be used only for the provision of residential accommodation for students of Downing College attending full time courses of education at the University of Cambridge or by delegates attending conferences organised by Downing College.

Reason: To secure the occupation of the accommodation in the interests of ensuring that future occupants have access to formal and informal open space and to meet the need for student accommodation within the City of Cambridge. (Cambridge Local Plan 2006 policies 3/8 and 7/7).

**INFORMATIVE:** The applicant is advised that should an application be submitted in the future proposing a flue/extract system rising externally from the boiler house hereby approved the local planning authority is unlikely to consider this acceptable.

**INFORMATIVE:** When submitting details for the discharge of condition 4 (regarding proprietary rooflights) the applicant is advised that types which stand proud of the plane of the roof (such as 'velux' rooflights) are unlikely to be approved, 'conservation' types may be considered appropriate.

**INFORMATIVE:** The development may be a licensable House in Multiple Occupation (HMO). In order to avoid additional cost and ensure legal compliance the applicant/agent is advised to contact housing standards at Mandela House, 4 Regent Street, Cambridge CB2 1BY, telephone (01223) 457890 to discuss this further before commencing works.

**INFORMATIVE:** Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer. The developer will not be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connection. No window or door will be allowed to open over a highway and no foundation or footing for the structure will be allowed to encroach under the public highway.

**INFORMATIVE:** Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer.

**INFORMATIVE:** The applicant is advised that any granting of Planning Permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.

### **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: Policies SS1, T1, T9, ENG6, ENV6, ENV7 and WM8

Cambridge Local Plan (2006): Policies 3/4, 3/7, 3/11, 3/14, 4/11, 4/13, 4/15, 8/6 and 8/16

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

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

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

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

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

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.

## WEST/CENTRAL AREA COMMITTEE MEETING – 24<sup>TH</sup> JUNE 2010

### Pre-Committee Amendment Sheet

#### PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 10/0278/FUL

Location: 48A Selwyn Road, Cambridge

Target Date: 24<sup>th</sup> May 2010

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

#### DECISION:

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CIRCULATION: First

ITEM: APPLICATION REF: 10/0096/FUL

Location: 45 Burleigh Street, Cambridge

Target Date:

To Note:

The following email has been received from the owner of 43 Burleigh Street:

'I note from the Planning portal public access that the above matter will be decided at the committee meeting on 24 June 2010.

Again I would reiterate that the floor plans do not take into account the ground floor extension of 43 Burleigh St., - the sun ray path drawings seem to be out of proportion! Also, the grills and glazing mentioned in my letters, on the flank wall will stop me from building to same level as the proposed building.'

A letter has also been received from the applicant's agents in response to the Committee report. This letter is attached to the amendment sheet.

Please note also, with reference to paragraphs 8.10 to 8.13 of the Committee report that the proposed elevations and site plan shown on drawings 131-05 A and 137-07

A do not show the full extent of the ground floor extension at No. 43, which is considerably deeper than these drawings suggest. The true extent of the extension, based on my visit to the site, including the rear yard of No. 43, has been fully taken into account in my assessment, however, and the shortcomings in these drawings do not alter my recommendation in any way.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM:                      APPLICATION REF:              10/0176/FUL

Location:              Hat and Feathers, 35 Barton Road, Cambridge

Target Date: 7<sup>th</sup> May 2010

To Note:

The Section 106 Agreement was sent to DPA architects on 15<sup>th</sup> March 2010 and no further correspondence was received to indicate that the applicant was willing to enter into the agreement. I have since had confirmation that this was because the local authority were recommending refusal of the application.

A subsequent planning application was submitted on 4<sup>th</sup> June 2010 which proposes the same number of units, but has changed the design of the proposed first floor extension to reduce to the scale and impact upon Ashworth Park.

Further comments from the Arboricultural Officer are that, as the proposed extension does not increase the footprint of the existing single storey extension then the proposal will not be detrimental to the four lime trees situated on the boundary and that their previous comments are still applicable.

Amendments To Text:

A briefing note was circulated on 17<sup>th</sup> June 2010 regarding policy protection for public houses following recent correspondence with Cambridge Past, Present and Future. The site of the Hat and Feathers is located outside of a designated Local Centre and therefore policy EC13 in Planning Policy Statement 4: Planning for Sustainable Economic Growth (2010) is not applicable to this application.



The relevance of local plan policies is discussed within the main report.

Therefore, given the advice within this briefing note, my recommendation does not change.

Pre-Committee Amendments to Recommendation:

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 10/0177/CAC

Location: Hat and Feathers, 35 Barton Road, Cambridge

Target Date: 7<sup>th</sup> May 2010

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 09/1001/FUL

Location: 14 Regent Street, Cambridge

Target Date: 4<sup>th</sup> February 2010

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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**GENERAL ITEM:**

APPLICATION REF: 09/0853/FUL

Location: Pinehurst South, Grange Road

To Note: A letter was received on 1<sup>st</sup> June 2010 by the chair of the Pinehurst South Residents Association. The letter raised concern that the introduction of a live fireplace in a confined space would pollute the immediate area, especially on a still day, and should not be viewed with equanimity.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

**DECISION:**