

# Public Document Pack



## **EAST AREA COMMITTEE** **CHAIR COUNCILLOR KEVIN BLENCOWE**



### **AGENDA**

**To: City Councillors:** Blencowe (Chair), Benstead, Brown, Hart, Herbert, Johnson, Marchant-Daisley, Moghadas, Owers, Pogonowski, Saunders and Smart

**County Councillors:** Bourke, Harrison, Sadiq and Sedgwick-Jell

*Dispatched: Wednesday, 13 June 2012*

**Date:** Thursday, 21 June 2012

**Time:** 7.00 pm

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

**Contact:** James Goddard

**Direct Dial:** 01223 457015

- 1 ELECTION OF CHAIR AND VICE CHAIR 7:00 PM**
- 2 APOLOGIES FOR ABSENCE**
- 3 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.**
- 4 APPOINTMENT TO OUTSIDE BODIES**
  - Cambridge Airport Consultative Committee
  - East Barnwell Community Centre

<b>Minutes And Matters Arising</b>
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**5 MINUTES** (*Pages 1 - 18*)

To confirm the minutes of the meeting held on 12 April 2012. (*Pages 1 - 18*)

**6 MATTERS & ACTIONS ARISING FROM THE MINUTES**

Reference will be made to the Committee Action Sheet available under the 'Matters & Actions Arising From The Minutes' section of the previous meeting agenda.

General agenda information can be accessed using the following hyperlink:

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

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

**7 OPEN FORUM**

**7:20 PM**

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

**Planning Items**

**Information for the Public**

In the event that the Committee cannot complete the business on the agenda, it will stand adjourned and be considered at the next scheduled East Area Committee on Monday 25 June 2012, 7pm in Committee Rooms 1 & 2, Guildhall, Cambridge

**8 PLANNING APPLICATIONS**

**7:50 PM**

The applications for planning permission listed below require determination. A report is attached with a plan showing the location of the relevant site. Detailed plans relating to the applications will be displayed at the meeting.

8a 12/0248/FUL: The Royal Standard, 292 Mill Road (*Pages 19 - 54*)

8b 12/0490/FUL: 25 Cambridge Place Senior Planning Officer (*Pages 55 - 72*)

8c 12/0255/FUL: Former Greyhound Public House, 93 Coldhams Lane Planning Officer (*Pages 73 - 92*)

8d 12/0398/FUL: 50 Mill Road (*Pages 93 - 102*)

## **Intermission**

8e 12/0377/FUL: 23 Hooper Street (*Pages 103 - 116*)

8f 12/0342/FUL: 34 Clifton Road (*Pages 117 - 132*)

Committee are minded not to consider application 12/0342/FUL 34 Clifton Road at the request of the Applicant who has withdrawn it

8g 12/0169/FUL: Site Adjacent 19 Sleaford Street (*Pages 133 - 154*)

8h 12/0028/FUL: 1 Ferndale Rise (*Pages 155 - 184*)

8i 12/0260/FUL: Ryedale House, 40 Cambridge Place (*Pages 185 - 210*)

8j 12/0058/FUL: Coleridge Community College, Radegund Road (*Pages 211 - 226*)

## **9 GENERAL ITEMS**

9a 102 Mill Road (*Pages 227 - 240*)

9b 36a Mill Road (*Pages 241 - 256*)

# DEVELOPMENT PLAN POLICY, PLANNING GUIDANCE AND MATERIAL CONSIDERATIONS

## 1.0 Central Government Advice

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

## 2.0 East of England Plan 2008

SS1: Achieving Sustainable Development  
SS2: Overall Spatial Strategy  
SS3: Key Centres for Development and Change  
SS6: City and Town Centres

E1: Job Growth  
E2: Provision of Land for Employment  
E3: Strategic Employment Locations  
E4: Clusters  
E5: Regional Structure of Town Centres  
E6: Tourism

H1: Regional Housing Provision 2001to 2021  
H2: Affordable Housing

C1: Cultural Development

T1: Regional Transport Strategy Objectives and Outcomes  
T2: Changing Travel Behaviour  
T3 Managing Traffic Demand  
T4 Urban Transport  
T5 Inter Urban Public Transport  
T8: Local Roads  
T9: Walking, Cycling and other Non-Motorised Transport  
T13 Public Transport Accessibility  
T14 Parking  
T15 Transport Investment Priorities

ENV1: Green Infrastructure  
ENV3: Biodiversity and Earth Heritage  
ENV6: The Historic Environment  
ENV7: Quality in the Built Environment

ENG1: Carbon Dioxide Emissions and Energy Performance

WAT 2: Water Infrastructure  
WAT 4: Flood Risk Management

WM6: Waste Management in Development

CSR1: Strategy for the Sub-Region  
CSR2: Employment Generating Development  
CSR4: Transport Infrastructure

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

Planning Obligation Related Policies

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

### **4.0 Cambridge Local Plan 2006**

*3/1 Sustainable development*  
*3/3 Setting of the City*  
*3/4 Responding to context*  
*3/6 Ensuring coordinated development*  
*3/7 Creating successful places*  
*3/9 Watercourses and other bodies of water*

3/10 Subdivision of existing plots  
3/11 The design of external spaces  
3/12 The design of new buildings  
3/13 Tall buildings and the skyline  
3/14 Extending buildings  
3/15 Shopfronts and signage

4/1 Green Belt  
4/2 Protection of open space  
4/3 Safeguarding features of amenity or nature conservation value  
4/4 Trees  
4/6 Protection of sites of local nature conservation importance  
4/8 Local Biodiversity Action Plans  
4/9 Scheduled Ancient Monuments/Archaeological Areas  
4/10 Listed Buildings  
4/11 Conservation Areas  
4/12 Buildings of Local Interest  
4/13 Pollution and amenity  
4/14 Air Quality Management Areas  
4/15 Lighting

5/1 Housing provision  
5/2 Conversion of large properties  
5/3 Housing lost to other uses  
5/4 Loss of housing  
5/5 Meeting housing needs  
5/7 Supported housing/Housing in multiple occupation  
5/8 Travellers  
5/9 Housing for people with disabilities  
5/10 Dwelling mix  
5/11 Protection of community facilities  
5/12 New community facilities  
5/15 Addenbrookes

6/1 Protection of leisure facilities  
6/2 New leisure facilities  
6/3 Tourist accommodation  
6/4 Visitor attractions  
6/6 Change of use in the City Centre  
6/7 Shopping development and change of use in the District and Local Centres  
6/8 Convenience shopping  
6/9 Retail warehouses  
6/10 Food and drink outlets.

7/1 Employment provision

7/2 Selective management of the Economy  
7/3 Protection of Industrial and Storage Space  
7/4 Promotion of cluster development  
7/5 Faculty development in the Central Area, University of Cambridge  
7/6 West Cambridge, South of Madingley Road  
7/7 College and University of Cambridge Staff and Student Housing  
7/8 Anglia Ruskin University East Road Campus  
7/9 Student hostels for Anglia Ruskin University  
7/10 Speculative Student Hostel Accommodation  
7/11 Language Schools

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

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

10/1 Infrastructure improvements

#### Planning Obligation Related Policies

3/7 Creating successful places  
3/8 Open space and recreation provision through new development  
3/12 The Design of New Buildings (*waste and recycling*)  
4/2 Protection of open space  
5/13 Community facilities in Areas of Major Change

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

## 5.0 **Supplementary Planning Documents**

- 5.1 **Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.
- 5.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 5.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 5.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:**



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

**5.5 Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.

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

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

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

## **6.0 Material Considerations**

### **Central Government Guidance**

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

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

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

Includes the following statement:

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

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;
- (v) ensure that they do not impose unnecessary burdens on development.

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

### 6.3 City Wide Guidance

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

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

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

**Cambridge City Nature Conservation Strategy (2006)** – Guidance on

habitats should be conserved and enhanced, how this should be carried out and how this relates to Biodiversity Action Plans.

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

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

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

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

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

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

The strategy:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sustainable Design and Construction Supplementary Planning Document.

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

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

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

#### 6.4 *Area Guidelines*

**Cambridge City Council (2003)–Northern Corridor Area Transport Plan:**

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

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

**Cambridge City Council (2003)–Western Corridor Area Transport Plan:**

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

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

**Brooklands Avenue Conservation Area Appraisal (2002)**

**Cambridge Historic Core Conservation Area Appraisal (2006)**

**Storeys Way Conservation Area Appraisal (2008)**

**Chesterton and Ferry Lane Conservation Area Appraisal (2009)**

**Conduit Head Road Conservation Area Appraisal (2009)**

**De Freville Conservation Area Appraisal (2009)**

**Kite Area Conservation Area Appraisal (1996)**

**Newnham Croft Conservation Area Appraisal (1999)**

**Southacre Conservation Area Appraisal (2000)**

**Trumpington Conservation Area Appraisal (2010)**

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

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

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

**Jesus Green Conservation Plan (1998)**

**Parkers Piece Conservation Plan (2001)**

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

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

Historic open space guidance.

**Hills Road Suburbs and Approaches Study (March 2012)**  
**Long Road Suburbs and Approaches Study (March 2012)**  
**Barton Road Suburbs and Approaches Study (March 2009)**  
**Huntingdon Road Suburbs and Approaches Study (March 2009)**  
**Madingley Road Suburbs and Approaches Study (March 2009)**  
**Newmarket Road Suburbs and Approaches Study (October 2011)**

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

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

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

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

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

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

## INFORMATION FOR THE PUBLIC

The East Area Committee agenda is usually in the following order:

- Open Forum for public contributions
- Delegated decisions and issues that are of public concern, including further public contributions
- Planning Applications

This means that planning items will not normally be considered until at least 7.50 pm - see also estimated times on the agenda.

**The Open Forum section of the Agenda:** Members of the public are invited to ask any question, or make a statement on any matter related to their local area covered by the City Council Wards for this Area Committee. The Forum will last up to 30

minutes, but may be extended at the Chair's discretion. The Chair may also time limit speakers to ensure as many are accommodated as practicable.

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

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

Anyone wishing to speak about one of these applications may do so provided that they have made a representation in writing within the consultation period and have notified the Area Committee Manager shown at the top of the agenda **by 12 Noon on the day before the meeting** of the Area Committee.

**Filming, recording and photography at council meetings** is allowed.

The Council is committed to being open and transparent in the way it conducts its decision making. Recording is permitted at council meetings which are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chair of the meeting will facilitate by ensuring that any such request not to be recorded is respected by those doing the recording.

Full details of the City Council's protocol on audio/visual recording and photography at meetings can be accessed via:

[www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&R PID=33371389&sch=doc&cat=13203&path=13020%2c13203](http://www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&R PID=33371389&sch=doc&cat=13203&path=13020%2c13203)

## **REPRESENTATIONS ON PLANNING APPLICATIONS**

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

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

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

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

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

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

Any comments that you want to make about the way the Council is running Area Committees are very welcome. Please contact the Committee Manager listed at the top of this agenda or complete the forms supplied at the meeting.

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

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

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

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



**EAST AREA COMMITTEE**12 April 2012  
7.00 - 11.05 pm

**Present:** Councillors Blencowe (Chair), Benstead, Brown, Herbert, Marchant-Daisley, Moghadas, Owers, Pogonowski, Saunders and Smart

County Councillors Bourke and Sadiq

Councillors Bourke, Pogonowski and Sadiq left after the vote on item 12/20/EAC

**Officers:** Sarah Dyer (City Development Manager), James Goddard (Committee Manager), Lynda Kilkelly (Safer Communities Section Manager) and Andy Preston (Project Delivery & Environment Manager)

**Other Officers in Attendance:**

Jane Darlington (Chief Executive of Cambridgeshire Community Foundation), Colin Norden (Police Sergeant), Steve Poppitt (Inspector), Jamie Stenton (Police Sergeant) and John Varah (Same Sky)

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**Re-Ordering Agenda**

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes would follow the order of the agenda.

**12/13/EAC Apologies For Absence**

Apologies were received from Councillors Hart and Wright.

The East Area Committee (EAC) wished to pass on their thoughts to Councillor Wright to thank her for her service and pass on their best wishes for her recovery.

**Action Point: Councillor Blencowe to pass on East Area Committee's thanks to Councillor Wright for her service.**

**12/14/EAC Declarations Of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Brown	12/17/EAC	Personal: Member of the Cleaner Cambridge Campaign.
Councillor Herbert	12/23/EACc	Personal: Friend of objector, but has not fettered discretion.
Councillor Benstead	12/23/EACc	Personal and Prejudicial: Friend of objector.  Withdrew from discussion and did not vote
Councillor Owers	12/23/EACc & 12/23/EACe	Personal: General discussion of application with Objectors, but did not fetter discretion.
Councillor Saunders	12/23/EACd	Personal: Friend lives close to application in statutory consultation area, but Councillor Saunders has not fettered his discretion.

**12/15/EAC Minutes**

The minutes of the 9 February 2012 meeting were approved and signed as a correct record.

**12/16/EAC Matters & Actions Arising From The Minutes**

- (i) **12/4/EAC Open Forum “Action Point: Head of New Communities Service (County) to bring future reports to EAC for review of potential projects that could be supported by East and South Corridor Funding.”**

Committee Manger invited Dearbhla Lawson (Head of Strategic Planning) to 12 April 2012 EAC in lieu of Joseph Whelan (former Head of New Communities Service - County) changing responsibilities.

County representative to bring future reports to EAC for review of potential projects that could be supported by East and South Corridor funding.

Head of Strategic Planning has advised September 2012 would be the preferred date for the next report.

- (ii) **12/5/EAC Open Forum “Action Point: Councillor Blencowe to respond to Dr Eva’s Cherry Trees cycle parking query raised in ‘open forum’ section. Councillor Blencowe to liaise with Building Manager concerning possibility of cycle rack provision.”**

Councillor Blencowe has discussed the provision of cycle racks with the Cherry Trees Building Manager. Councillor Blencowe was in discussions with Clare Rankin (Cycling & Walking Officer) concerning funding for the provision of cycle racks.

- (iii) **12/5/EAC Open Forum “Action Point: Councillor Sedgwick-Jell to respond to Dr Eva’s Riverside Place gritting concerns raised in ‘open forum’ section. Councillor Sedgwick-Jell to clarify position with Graham Hughes (Service Director, Growth & Infrastructure – County) to ascertain gritting schedule.”**

**Action Point: Councillor Sedgwick-Jell to advise East Area Committee on progress at June meeting.**

- (iv) **12/5/EAC Open Forum “Action Point: Councillor Hart to respond to Mrs Peachey’s query regarding no verge parking signs in Whitehall Close raised in ‘open forum’ section. Councillor Hart to liaise with Ward Councillors and officers on how to avoid council vehicles parking on verges in future.”**

Councillor Hart has taken the issue forward with City Officers, which appears to have resolved the situation.

- (v) **12/7/EAC Tree Planting on Parks and Open Space - East Area “Action Point: Alistair Wilson (Streets and Open Spaces Asset Manager) to respond to Mr Woodburn’s tree planting query raised in ‘Tree Planting on Parks and Open Space - East Area’ section. Alistair Wilson to liaise with Matthew Magrath (Arboricultural Officer) and Ward Councillors concerning practicability of replacing poplar trees in Clifton Road.”**

The Streets and Open Spaces Asset Manager has attempted to contact Mr Woodburn.

The Streets and Open Spaces Asset Manager has surveyed the area and identified replacement sites.

The Streets and Open Spaces Asset Manager is happy to meet Mr Woodburn to discuss the issue.

**Action Point: Councillor Blencowe to liaise with the Streets and Open Spaces Asset Manager plus Mr Woodburn to ensure the tree planting query has been resolved.**

**(vi) 12/8/EAC Environmental Improvement Programme “Action Point: Andy Preston (Project Delivery & Environment Manager) to report back to East Area Committee on results of bid for County Council Minor Works Fund.”**

Project Delivery & Environment Manager to report back to East Area Committee post 12 April 2012 on results of bid for County Council Minor Works Fund. Project Delivery & Environment Manager to confirm a date to do this in future as the Fund is subject to the County Council process of reviewing bids.

### **12/17/EAC Open Forum**

**1. Mr Green raised a concern that people were turning their front gardens into parking lots by removing their boundary walls. This could be detrimental to the character of the Petersfield Conservation Area. Councillors were asked if planning policy could prevent this.**

Councillors Smart, Blencowe and Saunders referred to the Local Plan Review. A consultation process would be undertaken Summer 2012 post publication of an issues and options paper. Residents Associations would be actively consulted for views on permitted actions in conservation areas etc as part of the review. The consultation process would enable participants to put forward their views on how to shape future planning policy.

**2. Mr Dixon spoke as Chair of Petersfield Mansion Resident’s Association to express concern regarding the width of the Palmer’s Walk path. Specific points raised:**

- **The path was busy and well used.**
- **The path was too narrow to enable a contraflow of cyclists and pedestrians.**

- **Damage was caused to flowerbeds and grass land when pedestrians/cyclists stepped off the path.**
- **EAC were asked to support an assessment of the path with a view to its widening.**

EAC supported the path assessment and suggested this could be achieved through an environmental improvement project.

**Action Point: Councillor Blencowe to liaise with Andy Preston (Project Delivery & Environment Manager) regarding adding the assessment of the Palmer's Walk path to the environmental improvement projects scheme.**

3. **Mrs Peachey (Whitehall Neighbourhood Watch) queried future actions regarding flowerbeds in Whitehall Close now the project had been added to the list of possible environmental improvement projects.**

The Project Delivery & Environment Manager would report back to East Area Committee in future on the results of a bid for County Council Minor Works Fund to undertake environmental improvement work. The report would include a feasibility study of the Whitehall Close flowerbed project.

4. **Mr Johnson raised concerns regarding dog fouling in Abbey ward. Specific points raised:**
  - **It was his opinion, and many residents agreed, that the Abbey area needed to be cleansed on a far more regular basis. Specifically alleyways, play areas and public spaces.**
  - **City Ranger had been called on multiple occasions to clear up fly-tipped litter or to cleanse a particular area.**
  - **It was discovered through a Freedom of Information request to the City Council that the Council has not issued any fixed penalty notice to a dog owner suspected of letting their dog foul in public spaces for the last five years.**
  - **Councillors were asked to consider the view that there needed to be a re-evaluation of the current street cleaning and dog enforcement services provided by the City Council. Dog fouling was a serious issue that affected open spaces.**
  - **Queried if the £30,000 spent on a pilot scheme of 'Street Champions' by the City Council was the most effective usage of money.**

EAC and members of the public felt that dog fouling was a continuing citywide issue

Councillor Pogonowski said that he had been unsuccessful in 2011 when seeking agreement from the Executive Councillor for Environmental and Waste Services to increase the frequency of enforcement patrols to prevent dog fouling. He invited members of the public to lobby the City Council directly or through him to amend the budget in order to increase enforcement patrols.

Councillor Smart said the aim of the Street Champions scheme was to address issues through preventative action ie the focus was on prevention rather than cure.

5. **Mr Johnson raised concerns regarding the impact of high travel costs on visitors to Addenbrooke's Hospital. Specific points raised:**
- **Abbey residents, patients and key NHS workers faced many difficulties in reaching Addenbrooke's hospital. Going from Barnwell Road to the hospital by public transport currently involved two bus rides, into, and then out of the city centre. The journey commonly takes at least 50 minutes.**
  - **Alternative transport to Addenbrooke's via taxi is prohibitively expensive for many people.**
  - **Motorists to Addenbrooke's faced limited and expensive parking facilities.**
  - **Due to the above issues, residents in Abbey had organised a campaign and petition to prove to Stagecoach, and other bus operators, the need for a direct bus service from Abbey Ward to Addenbrooke's.**
  - **The Petition was presented to the last full meeting of the County Council and would seek, in due course, the support of the City Council.**
  - **East Area Committee were asked for their informal support for the campaign.**

EAC Councillors were happy to support the direct bus service from Abbey Ward to Addenbrooke's.

Councillors Sadiq and Bourke observed that the 114 service was due to be reviewed in 2013. It was hoped that discussions between councillors and officers would lead to a continuation of service. It would be a

valuable addition to the service if the 114 could cover the current route and Mr Johnson's proposal.

6. **Mrs Owles said that Petersfield was short of community open space. Specific points raised:**
- **Referred to comments made at 9 February 2012 EAC.**
  - **Felt there was a history of s106 money raised in Petersfield being allocated to a central pot**
  - **Queried if the City Council had reconsidered its decision not to purchase the east strip of land next to the Howard Mallett Centre.**

EAC Councillors acknowledged there was a lack of open space in Petersfield Ward. It was not possible to address this retrospectively, so EAC Councillors would champion greater open space provision in future developments. Planning Officers would be encouraged to more rigorously enforce Local Planning Policy 3/8 in future to require greater open space provision.

There was no inclination for the Council to purchase the strip of land near the Howard Mallett Centre at present due to the anticipated cost.

7. **Mr Gawthrop suggested that EAC should bid to use some of the expected circa £1m section 106 developer contribution from the CB1 development for open space provision.**

## **12/18/EAC Policing and Safer Neighbourhoods**

The committee received a report from Sergeant Stenton regarding the policing and safer neighbourhoods trends.

The report outlined actions taken since the Committee on 15 December 2011. The current emerging issues/neighbourhood trends for each ward were also highlighted (see report for full details). Previous priorities and engagement activity noted in the report were alcohol-related anti-social behaviour (ASB) in Norfolk Street, East Road and Newmarket Road, anti-social use of mopeds, plus excess speed in Mill Road and Coleridge Road.

The committee discussed the following policing issues:

- (i) Anti-social behaviour (ASB) linked to street drinking.
- (ii) ASB affecting open spaces in general.

- (iii) ASB affecting Norfolk Street area when music events were held at the Man on the Moon pub.

Sergeant Stenton undertook to liaise with Councillor Brown regarding the policing of Norfolk Street area when music events are held at the Man on the Moon pub.

- (iv) Street life ASB in east of city. Specifically relating to alcohol, drugs and threatening behaviour. Areas of particular concern were identified as Mill Road, Mill Road Cemetary, Broadway, Norfolk Street and Newmarket Road.
- (v) Greater emphasis on licensing agreement terms to prevent the sale of alcohol to people who were already intoxicated. Licence holders should feel supported that they can refuse to sell alcohol when it would be inappropriate to do so, and that they have a responsibility not to do so under licensing law eg when someone is intoxicated.
- (vi) Rising levels of ASB in Petersfield and Romsey.
- (vii) The need to address ASB through joined up multi-agency action. For example, provision of support and facilities for the street life community, as well as the option for Police and Licensing Officers to take enforcement action. Greater focus on education, encouragement and support.
- (viii) Speeding in Mill Road and Coleridge Road. Also the need to tackle this through long term measures rather than just periodic police enforcement action.

Sergeant Stenton undertook to liaise with Councillor Owers regarding the policing of Mill Road to reduce speeding.

- (ix) ASB relating to the riding of mopeds in Birdwood Road area.
- (x) Vehicle crime such as theft and vandalism in the Rustat Road area.
- (xi) People should report crimes in order to help the Police collect evidence and trend information.

Members of the public raised a number of points, as set out below.

1. **Mrs Deards raised concern about drug dealing and ASB of moped riders in Budleigh Close and Burnside.**

Sergeant Stenton noted these concerns.



## 2. **Unannounced fire service premises inspections had led to joined up multi-agency action to tackle ASB and arson incidents.**

EAC and the Police representatives welcomed this information. Sergeant Stenton added that street life ASB and drinking required a multi-agency response to avoid displacing problems from one area to another. This was why an East Area wide alcohol and drug related priority had been suggested.

Councillor Owers requested changes to the recommendations. Councillor Owers formally proposed to amend the recommended priorities as follows:

- ~~(i) Class A drug dealing and street life ASB in East of city.~~
- ~~(ii) ASB mopeds in Coleridge.~~
- ~~(iii) Abbey/East sector damage to motor vehicles.~~

- (i) Alcohol and drug related street anti-social behaviour in the east, targeting known hotspots and focussing on education and enforcement to address licensed premises selling alcohol to the intoxicated.
- (ii) ASB mopeds in Coleridge.
- (iii) Vehicle crime such as theft and vandalism in east of City.

The amendments were **unanimously agreed**.

The following priorities were **agreed unanimously**:

- (i) Alcohol and drug related street anti-social behaviour in the east, targeting known hotspots and focussing on education and enforcement to address licensed premises selling alcohol to the intoxicated.
- (ii) ASB mopeds in Coleridge.
- (iii) Vehicle crime such as theft and vandalism in east of City.

### **12/19/EAC Community Development and Leisure Grants**

The committee received a report from the Chief Executive of Cambridgeshire Community Foundation (CCF) regarding Community Development and Leisure Grants.

Members considered applications for grants as set out in the Officer's report, and amended below. The Chief Executive of Cambridgeshire Community

Foundation responded to member's questions about individual projects and what funding aimed to achieve.

Current Applications. Available: £27,048				
CCF ref	Group		Offer (Officer Report)	Offer (EAC Amended)
WEB9405	Petersfield Community (PACT)	Area Trust	Max of £3,858 (minus £858 if not required for the road closure)	Max of £5,000 (minus £374 if not required for the road closure)
3408	East Barnwell Friendship Club		£300	£300
3416	Priory Townswomens Guild		£250	£250
WEB45548	28th Cambridge Scout Group		£500	£500
WEB45670	SIN Cru		£1,000	£2,000
3430	Cambridge Music Festival		£2,000	£2,000
<b>Total</b>			£7,908	£10,050
<b>Remaining</b>			£19,140	£16,998

The Chief Executive of CCF advised EAC that subsequent to publishing of the Officer's report, it was now recommended to allocate £2,000 to SIN Cru.

Councillor Marchant-Daisley requested a change to the recommendations. Councillor Marchant-Daisley formally proposed to amend the recommended PACT (ref WEB9405) funding as follows:

- (i) ~~Max of £3,858 (minus £858 if not required for the road closure)~~
- (i) Max of £5,000 (£4,626 plus a maximum of £374 if required for the road closure).
- (ii) Max of £4,626 (if the road closure was not required).

The amendments were **agreed (by 6 votes to 3)**.

Councillor Pogonowski requested a change to the recommendations. Councillor Pogonowski formally proposed to amend the recommended SIN Cru (ref WEB45670) funding as follows:

- (i) ~~£2,000~~

- (i) £5,000

The amendment was **lost (6 votes to 5 – with Chair’s casting vote)**.

The Chair decided that the recommendations highlighted in the Officer’s report should be voted on and recorded separately:

- (i) **Resolved (by 6 votes to 3)** to approve the grant allocation as amended for £4,626 up to a maximum of £5,000 for PACT.
- (ii) **Resolved (unanimously)** to approve the grant allocation as listed above for £300 for East Barnwell Friendship Club.
- (iii) **Resolved (unanimously)** to approve the grant allocation as listed above for £250 for Priory Townswomens Guild.
- (iv) **Resolved (by 9 votes to 1)** to approve the grant allocation as listed above for £500 for Queen's Jubilee Street Party.
- (v) **Resolved (unanimously)** to approve the grant allocation as listed above for £2,000 for SIN Cru.
- (vi) **Resolved (unanimously)** to approve the grant allocation as listed above for £2,000 for Cambridge Music Festival, dependent on 2 schools being identified in the East Area.

The Chief Executive of CCF undertook to provide Councillor Blencowe with further information regarding the two east area primary schools (when identified) that would participate in the Cambridge Music Festival (ref 3430).

### **12/20/EAC Community Olympics Public Art Project**

The committee received a presentation from the Director of Same Sky (project artist company) and (City) Project Delivery & Environment Manager regarding the Community Olympics Public Art Project.

The presentation outlined:

- (i) Same Sky wished to work with local artists, schools and community groups as part of the event.
- (ii) Same Sky proposed to undertake public art and carnival projects to promote community cohesion.
- (iii) Same Sky wished to showcase the event through a free show (serving as a rehearsal for the Olympics event) at an earlier local event. Nominations for such an event were requested.

Volunteers, suggestions for events that Same Sky can engage with, comments or queries should be addressed to:

Dan Lake  
Project & Production Manager  
Same Sky  
[www.samesky.co.uk](http://www.samesky.co.uk)

## **12/21/EAC Meeting Dates 2012/13**

Meeting dates for 2012/13 were agreed as follows:

~~14 June 2012~~, 21 June 2012, 2 August 2012, 6 September 2012, 18 October 2012, 29 November 2012, 10 January 2013, 14 February 2013, 21 March 2013 and 25 April 2013.

## **12/22/EAC National Planning Policy Framework**

The committee received an oral report from the City Development Manager regarding the National Planning Policy Framework (NPPF).

The City Development Manager advised:

- (i) The NPPF was published 27 March 2012.
- (ii) Members were provided with a note from the City Council Policy Team entitled Key Headlines from the publication of the National Planning Policy Framework.
- (iii) The Committee needed to be aware of the NPPF and take the guidance that it provides into account.
- (iv) The effect of the NPPF is to replace existing government guidance in the form of the Planning Policy Guidance, Planning Policy Statements, Circular 05/2005, which relates to Planning Obligations and other government guidance documents. This guidance is replaced by the NPPF, which sets out the Governments planning policies for England and how these are expected to be applied.
- (v) The NPPF does not replace the Development Plan which comprises the Cambridge Local Plan, the Cambridgeshire and Peterborough Structure Plan and the East of England Plan.
- (vi) At the heart of the NPPF is the presumption in favour of sustainable development. For decision making this means approving

development proposals that accord with the development plan without delay.

- (vii) Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or where specific policies in the NPPF indicate that development should be restricted.
- (viii) It is the opinion of officers that the development plan is neither absent nor silent in relation to the policies against which the applications on this Agenda need to be assessed. The development plan is also not out-of-date in this regard. For this reason officers are confident that the development plan can be relied on for decision making purposes and it is not necessary to rely on the NPPF alone.
- (ix) Officers have reviewed their recommendations in the light of the guidance provided by the NPPF. In each case a table was produced on the Amendment Sheet that demonstrates the relationship between previous government guidance and the NPPF guidance.

## **12/23/EAC Planning Applications**

### **12/23/EACa 12/0164/DEMDT: 14 Mercers Row**

The committee received an application for prior approval to demolition.

The application sought approval for demolition of single storey industrial buildings (2no) of brick construction under felt flat roof with fibre cement pitched roofs.

#### The Committee:

**Resolved (by 9 votes to 0 - unanimously)** to accept the officer recommendation to grant prior approval as per the agenda.

Reason prior approval granted:

1. 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).

### **12/23/EACb 12/0020/FUL - 19A Lyndewode Road**

The committee received an application to widen the existing vehicular access.

The application sought approval to widen vehicular access onto applicant's property and for enclosure of the area in front of the garage to prevent the accumulation of litter from passers-by.

The committee received representations in objection to the application from the following:

- Mr Gawthrop
- Mr Turner

The representations covered the following issues:

- (i) Concern that the proposed work would damage tree roots on-site, specifically the walnut tree's.
- (ii) Suggested the root assessment report requested by the Arboriculture Officer was missing from the Planning Officer's report.
- (iii) Concern over Planning Department procedures notifying residents of the application.
- (iv) Concern over loss of a Victorian wall due to the insertion of a gate. This would affect the streetscape and character of the area.
- (v) Concern over pedestrian and vehicular safety as a result of the proposed new access. This would exacerbate current issues.
- (vi) Suggested the application would exacerbate current parking issues. There was currently restricted turning space in the street.

Mr Joy (Applicant's Agent) addressed the committee in support of the application.

#### The Committee:

**Resolved (by 5 votes to 2)** to accept the officer recommendation to approve planning permission as per the agenda.

Reasons for Approval

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

East of England plan 2008: SS1, ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/11, 4/3, 4/4, 4/11 and 8/2

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.

### **12/23/EACc 12/0018/FUL: 109 Burnside**

Councillor Benstead withdrew from the meeting for this item and did not participate in the discussion or decision making.

The committee received an application for full planning permission.

The application sought approval for a single storey rear extension.

The committee received a representation in objection to the application from the following:

- Mrs Deards

The representation covered the following issues:

- (i) Concerns over size of extension and its proximity to the boundary fence.
- (ii) Concerns regarding overlooking, overshadowing and the effect of a taller neighbouring building on skyline views.

The Committee:

**Resolved (by 7 votes to 0)** to accept the officer recommendation to approve planning permission as per the agenda.

#### Reasons for Approval

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

East of England plan 2008: ENV6 and ENV7

Cambridge Local Plan (2006): 3/4, 3/14 and 4/11

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.

#### Continuation of Business

The Committee **resolved (by 4 votes to 0)** to extend the committee post 10:30 pm to conclude its business.

#### **12/23/EACd 12/0269/FUL: 17 Ainsworth St**

The committee received an application for full planning permission.

The application sought approval for a loft conversion and rear roof extension.

Mr Hunter (Applicant) addressed the committee in support of the application.

#### The Committee:

**Resolved (by 9 votes to 0 - unanimously)** to reject the officer recommendation to refuse the application.



**Resolved (by 9 votes to 0 - unanimously)** to approve the application contrary to the officer recommendations subject to the following conditions and reasons for approval:

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

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

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

Reason: To ensure that the appearance of the external surfaces is appropriate (East of England policies ENV6 and ENV7 and Cambridge Local Plan polices 3/4, 3/14 and 4/11).

Reasons for Approval:

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

East of England Plan polices ENV 6 and ENV7

Cambridge Local Plan policies 3/4, 3/14 and 4/11

2. The decision has been made having 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.
3. In reaching their decision the East Area Committee were of the view that the revisions that had been made to the plans in response to the refusal of planning permission for an earlier application were sufficient to overcome their concerns about that earlier scheme. The Committee took account of the site context, the degree to which the development would be visible in the streetscene and the changes that had been made to the proposal in comparison with the earlier scheme. The Committee were of

the view that the development would not harm the amenity of the Conservation Area of which the site forms part.

**12/23/EACe 12/0058/FUL - Coleridge Community College, Radegund Road**

The committee received an application for retrospective planning permission.

The application sought retrospective approval for replacement of floodlights around the multi-use games area.

The Committee:

**Resolved (by 5 votes to 4)** to defer the application to the next meeting of the East Area Committee to allow confirmation of the following to be brought forward:

1. The hours of operation of the floodlights that the applicant wished to be available to them.
2. Clarification of the timing of the visit by the Environmental Health officer to the site and a definitive view of whether or not the operation of the lights would be likely to have an adverse effect on amenity. Clarification was also sought regarding the reference to a statutory light nuisance.

The meeting ended at 11.05 pm

**CHAIR**

<b>Application Number</b>	12/0248/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd February 2012	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	19th April 2012		
<b>Ward</b>	Romsey		
<b>Site</b>	The Royal Standard 292 Mill Road Cambridge Cambridgeshire CB1 3NL		
<b>Proposal</b>	Erection of 5 houses and conversion/extension to provide student accommodation (13 units).		
<b>Applicant</b>	C/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The removal of the 2 storey flank wing retains the open character of the street scene at the junction of Mill Road and Malta Road.</li> <li>2. The amended rear extension has a harmonious relationship with the Locally Listed Building.</li> <li>3. The amenities of neighbours are not considered to be significantly adversely affected, and did not form a previous reason for refusal (11/0872/FUL).</li> </ol>
RECOMMENDATION	APPROVAL

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

- 1.1 The application site is a broadly rectangular shaped plot situated at the junction of Mill Road and Malta Road, occupied by the former Royal Standard Public House.
- 1.2 The existing building was previously occupied by an Indo-Thai restaurant but is currently vacant. To the rear is the former car park for the restaurant which is accessed from Malta Road and forms part of the application site.
- 1.3 The area is predominantly residential in character, with terraced houses along the length of Malta Road and Cyprus Road. There are some other uses such as retail and a community centre on Mill Road, close to the site.
- 1.4 The site falls within the Central Conservation Area. There is 1 significant tree on the site, a Malus tree in the north west corner, which is protected from felling by reason of being within a Conservation Area. The site is not within a Local or District Centre.

## **2.0 THE PROPOSAL**

- 2.1 This revised application seeks consent for the erection of a terrace of 5 houses, and the conversion and extension of the existing restaurant to provide 13 student units.
- 2.2 The key amendment to this revised application is the removal of the 2 storey westerly projecting flank wing, at the junction of Mill Road and Malta Road. In addition, the 2 storey rear extension is now linked to the former Royal Standard at the ground floor only, and will read as a separate building. The detailed design of the west facing wing of the proposed extension has also been amended with a pitched roof. The scheme includes amendments to the external spaces, with further planting and replacement trees in the north west corner of the site.
- 2.3 The proposed 2 storey rear extension to the former Royal Standard has a width of 9m and an overall height of 8.6m, containing 3 levels of accommodation. The new extension will read as a separate building, but it is linked on the ground floor. The extension has 2 projecting wings to the east and west, and a roof dormer, which all have a traditional pitched roof design.

- 2.4 The proposed 5 terraced dwellings have an eaves height of 5.2m and an overall ridge height of 9m. They contain 5 pitched roof front dormer windows within each roof plane.
- 2.5 The materials of construction for the extensions to the former Royal Standard are to match the existing building. The terraces are to be constructed in buff brick with a slate roof.
- 2.6 The application is accompanied by the following supporting information:

- 1. Design and Access Statement

### 3.0 SITE HISTORY

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

The previous application was refused for the following reasons:

- 1. The proposal, because of the loss of the space on the street corner, and the impact of the proposed extensions on the existing Building of Local Interest, would have a harmful effect on the building, the street scene, and the character of the conservation area, contrary to policies ENV6 and ENV7 of the East of England Plan (2008), policies 3/10, 3/12, 4/11 and 4/12 of the Cambridge Local Plan (2006), and to government advice in PPS5 'Planning for the Historic Environment'(2010).
- 2. The proposed development does not make appropriate provision for open space/sports facilities, community development facilities, education and life-long learning facilities,

transport mitigation measures, waste facilities, restriction of occupation of the student units to those studying at Anglia Ruskin University or the University of Cambridge or monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14, 7/10, 8/3 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, and the Eastern Corridor Area Transport Plan 2002

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	ENV6 ENV7
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8
Cambridge Local Plan 2006	3/4 3/7 3/10 3/11 3/12 4/4 4/11 4/12 4/13 5/1 5/2 5/3 5/7

	8/2 8/6 10/1
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### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

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

## 6.0 CONSULTATIONS

### English Heritage

- 6.1 The application should be determined in line with local and National guidance. Several detailed design points noted

regarding the depth of the reveals, materials of construction and boundary treatment.

### **Historic Environment Manager**

- 6.2 The removal of the previously proposed side extension, also keeps the views to the side of the building open so that the chimney stacks, a good feature of the BLI, will still be clearly seen in the streetscene.

The reduction in the number of the extensions is an improvement on the previously submitted scheme. The BLI is able to be clearly read, as the extension is only joined to the main building at ground floor level. It will also ensure that the massing of the building is not excessive for this site.

The proposed extension to the BLI and the erection of the 5 town houses will not be detrimental to the character of the BLI and appearance of the conservation area. This application is therefore supported.

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

- 6.3 Whilst the car parking spaces on Malta Road are close to the junction, they are outside the 10 metres minimum that the Highway Authority would normally require, and so no objection is raised to the proposal on these grounds.

Similarly the frontage access has removed the bollard obstruction and has thus addressed the Highway Authority's concern.

The proposal provides parking spaces at less than one space per dwelling, which has potential to increase parking demand on the surrounding residential streets in direct competition with existing residential uses.

The area suffers intense competition for on-street parking and this proposal would exacerbate the situation.

### **Head of Environmental Services**

- 6.4 No objections regarding noise and contaminated land, subject to appropriate conditions.



Waste: Drawing P-1084-02, shows a proposed bin store, but as the number of bins needed is not known it cannot be determined if this will be adequate.

There is insufficient information in the application to show that the waste and recycling provision will be adequate. Inadequate waste and recycling provision will harm the amenity, through litter, vermin and odours.

### **Arboriculture**

- 6.5 The tree on the north boundary is a Pear. It is only protected by its Conservation Area location as there is no TPO on the tree. I would not describe it as being in poor health but do not consider it to be of sufficient value to be a significant constraint to, an other acceptable, development.

Providing adequate provision is made, therefore, for the tree's replacement, I have no formal objection to the proposal.

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

- 6.6 All toilet/bathroom doors to open outwards.

Good colour contrast required.

### **Cambridgeshire County Council Archaeology**

- 6.7 Our records indicate that the site lies in an area of high archaeological potential. The plot is situated within an area of known Roman occupation, with contemporary findspots to the south and north (such as Historic Environment No.s MCB5886 & MCB5582), a possible Roman military camp to the west (HER No. MCB6256), and the Roman road Via Devana to the sites south-west (HER No. MCB9602). It is suspected that remains from this period onwards will be found within the bounds of the new application area.

We therefore consider that the site should be subject to a programme of archaeological investigation and recommend that this work should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a negative condition such as

the model condition 'number 55' contained in DoE Planning Circular 11/95.

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 Smart has called in the application to East Committee on grounds that the BLI status of the building could be compromised by overdevelopment.

7.2 The owners/occupiers of the following addresses have made representations: 17, 18, 24 Romsey Road, 5, 6a, 11, 13, 17a, 20 Malta Road, 13 Sedgwick Street, 5 Rexbury Court, 26 Greville Road, 75 Gough Way, 2B Cyprus Road, 4, 6 Cyprus Road, 94 Argyle Street, 132 Thoday Street,

7.3 The representations can be summarised as follows:

### Objections in Principle

- Object in the strongest possible terms.
- Overdevelopment of the site.
- Demand for student accommodation is decreasing in the area.
- The loss of the pub is detrimental to the area. There is no reason why the pub should not be viable.
- There should be an opportunity to revert to its original status as a public house.
- The beer garden around the pub is an important green space and part of the setting of the Royal Standard. As an amenity and a visual highlight it should be preserved.
- There is nowhere in Malta Road for young children to play.
- The loss of the open space around the pub is of great concern.
- The site should be used as a community area.
- Numerous beautiful old trees have been removed from the site.
- The building and land should be put to community use.
- The Localism Bill is to give people greater say in what is wanted in an area.

- Extending the building, removing its garden area will have a negative impact on the character and appearance of the Conservation Area.
- Paying the Council to provide open space and facilities elsewhere is not a solution. These amenities are needed exactly where they are.
- The application is the same as the previous one.
- Given the CB1 development and increase in tuition fees there will be no need for further student accommodation.
- No objections in principle (1 letter).

### Design comments

- The poor quality additions will detract from the character of the Royal Standard.
- The proposal would change the standalone character of the former Royal Standard.

### Amenity Concerns

- Students have no consideration for other residents.
- Student residents will generate music and noise at night.
- The overturn of student accommodation is short term which is ruining the community.
- Noise pollution for number 10 Cyprus Road.
- Further student housing will bring more management and rubbish problems.
- The houses are too high and will overlook and block light to number 6 Cyprus Road.
- There is little landscaping and open space for the students.
- Concerns regarding rear lighting of the student accommodation.
- Concerns regarding noise and safety during the works.
- Buildings will dominate neighbouring residential properties.
- The rear lighting should not be overly intrusive.
- There needs to be a curfew to keep noise down after 10pm.

### Parking concerns

- All of the proposed new occupants will bring cars which will make car parking more difficult.
- The development will displace cars onto other streets which is unsatisfactory.

## Other

- Victorian sewers will not take any more development

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

- Although the premises is a restaurant, it was used as a pub for many years.
- There is no obvious reason why it could not be restored as a pub.
- Bringing the Royal Standard back into a pub would give local people an increased choice of places to meet and socialise.

## **SUSTRANS**

- Cycle parking for 4 of the houses is very inconvenient.
- Cycle parking should be improved on the scheme.
- The student block should be served with more cycle parking.

## **Cambridge Past Present and Future**

- Strongly object.
- Object to the loss of green space.
- CPPF believe that in the right hands the pub could be a successful business.
- The application is premature while a report on the City's Public Houses is being compiled.
- The NPPF paragraph 70 states that public houses are classed as 'social, recreational and cultural facilities'.
- The building should be retained for community use.
- The extensions are an overdevelopment of the site.
- The garden for the new flats is too small.

## **The Empire Roads Action Group Committee**

- Object.
- The application has barely changed from the previous submission.
- The application proposes a payment to the Council so that the current amenity will be moved elsewhere.
- The building is essential to the history and character of the area.
- The area should be kept as a children's play area.

- As densely developed housing, these assets will be lost forever.
- There is nowhere else in Romsey that could replace this combination of historical building/grounds/car parking.
- The flats and houses are proposed close to the boundaries of the site, and are of sufficient height and extent that they would hem in neighbouring properties.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.

8.3 This site is a former pub beer garden, rather than a domestic dwelling, so the site should not in my view be considered as 'garden land'. The proposal nevertheless involves the

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

- 8.4 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where: a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance; b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms part. The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f). The character and amenity sections of policy 3/10 are considered in the relevant subsections below.
- 8.5 The criteria of Local Plan policy 5/2, Conversion of large properties, is also a material consideration, many of the principles of which closely relate to policy 3/10. Local Plan policy 5/7 permits the development of supported housing and houses of multiple occupation subject to; the potential impact upon residential amenity; the suitability of the building or site; and the proximity of bus stop cycle routes and other services. The site is in relatively close proximity to ARU East Road campus and bus connections and is therefore in a suitable location. An analysis of the design and amenity issues associated with this form of housing is considered in the relevant subsections below.
- 8.6 Concerns have been raised regarding the potential loss of the building as an A4 Use, (drinking establishments). The premises was however last used as an Indo-Thai restaurant falling within Use Class A3. Local Plan policy 5/11 does not offer protection to A3 uses because they are not defined as 'community facilities'. I also do not consider the existing restaurant to fall within the scope of a 'leisure facility' which are protected under Local Plan policy 6/1.

- 8.7 Paragraph 70 of the National Planning Policy Framework (NPPF) states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The established lawful use of the premises is a restaurant, which is not specifically mentioned as a social or cultural facility within the NPPF. Given the lawful A3 restaurant use of the premises and the benefits of redeveloping the site through a contribution to the housing stock, I do not consider the loss of the premises unacceptable in principle.
- 8.8 The Council is in the process of producing draft Interim Planning Policy Guidance (IPPG) relating to public houses. The former Royal Standard, a restaurant which was previously a public house, is listed as a pub site which may provide an important community facility in suburban areas. The draft guidance also states that proposals to develop former pub sites will be assessed against the proposed development management principles based on a marketing approach. This notwithstanding, given that the previous application was not refused on the basis of the loss of the former public house and given the limited weight the Council can give to the IPPG, I do not consider the applicant is required to demonstrate the premises no longer caters for peoples day to day needs.
- 8.9 Local Plan policy 7/10 states that the development of speculative purpose-built student hostels will only be permitted if there are occupancy conditions restricting the facility to The University of Cambridge or Anglia Ruskin students. In addition, that there are suitable management arrangements in place to ensure students do not keep cars in Cambridge. The management of the proposed student accommodation can be controlled through the imposition of a suitable planning condition.
- 8.10 There is no policy justification for preserving this previous pub beer garden for community use. The principle of the proposed use for student accommodation did not form a reason for refusal of the previous application. In my opinion, the principle of the development is acceptable and in accordance with policies 5/1, 5/2, 5/7 and 7/10.

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

8.11 The key design issue relates to the detailed design and appearance of the proposed extensions to the former Royal Standard, a Building of Local interest, and the design of the new terraces within their setting. I discuss how the amendments address the reason for refusal.

### Extensions to the former Royal Standard

8.12 The reason for refusal of the previous application 11/0872/FUL specifically identifies the 'loss of the space on the street corner, and the impact of the proposed extensions on the existing Building of Local Interest, to have a harmful effect on the building, the street scene, and the character of the conservation area'. This amended application now removes the 2 storey side extension. In so doing the original symmetry of the building will be retained with space for a garden area on the corner of Mill Road and Malta Road. The development retains an open character, with more space for landscaping and planting. The Committee were specifically concerned with loss of open space on the street corner, which has in my view been satisfactorily been addressed.

8.13 The gap in the street scene between the existing former Royal Standard and the existing terraces of Malta Road was not considered so important as to justify refusal of the previous scheme 11/0872/FUL. The 2 storey extension is set back from Malta Road by 9m and would not therefore be unduly intrusive in the street scene. The recent Conservation Area Appraisal did not comment on the rear car park as an important area to be retained.

8.14 English Heritage and the Council's Conservation Officers support the revised proposals, which are considered a 'significant improvement' on the previous application. The removal of the 2 storey side wing extension now leaves the prominent west gable of the existing building unaltered. In addition to retaining a more open character in the street scene, the prominent chimneys will remain clearly visible in the street scene which are considered a positive detailed design feature.

8.15 The proposed 2 storey rear extension has also been amended. It will be joined to the main building at the ground floor only.



This allows the main Locally Listed Building to be clearly read as the original building. The linked extension has been carefully detailed and is subservient in form and scale, and will not in my opinion detract from the open character and appearance of the street scene. The mansard style west flank wing previously proposed, now has a traditional pitched roof design. This reduces the overall bulk when viewed from Malta Road and reflects the detailing of the main Locally Listed Building more successfully.

- 8.16 Internally, the scheme is subdivided in a logical fashion. The extended Royal Standard would have two separate entrances, one of which is accessed from Malta Road. This arrangement results in no more than 3 flats being accessed off each landing, avoiding an overly institutional layout, to the benefit of the living accommodation of future occupiers in accordance with Local Plan policy 5/2.
- 8.17 In terms of detailed design, materials are intended to match the existing building which can be ensured through the imposition of a suitable planning condition. The amended plans retain the lettering and lamps on the main elevation of the former Royal Standard, as requested by the Council's Conservation Officer.
- 8.18 The development will involve the loss of the Malus tree to the north west corner of the site. The tree contributes to the amenity of the street scene but it should not constrain development of the site. I consider its replacement acceptable, which can be ensured through the imposition of a suitable planning condition. This revised application includes a landscaped area at the junction of Mill Road and Malta Road with a public art sculpture. Public art is not a formal requirement of 'minor' applications; the proposal would nevertheless make a positive contribution to the development.

#### The proposed terrace

- 8.19 The proposed new terrace is a logical extension of the existing residential terraces along Malta Road. Their siting and layout abutting the pavement edge is in my opinion the correct approach, as compared with the adjacent terraces on the west side of Malta Road, which provide off street car parking. The design and layout of the 5 terraced dwellings was not

considered unacceptable in the assessment of the previously refused application 11/0872/FUL.

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

### **Residential Amenity**

#### Impact on amenity of neighbouring occupiers

#### Extensions to the former Royal Standard

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

### The proposed new Terrace

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

### Amenity for future occupiers of the site

- 8.28 The proposed student accommodation offers a satisfactory level of amenity for further occupiers. The development provides 2 communal garden areas of adequate size.
- 8.29 The proposed new terraced houses are served with useable rear garden areas. In my opinion the proposal provides appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.30 The proposed student accommodation provides refuse storage in 2 separate outbuildings to the east and west of the site. While I note concerns from the Council's Waste Officer that the application does not contain waste capacity calculations, this can be adequately controlled through the imposition of a

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

### **Highway Safety**

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

### **Car and Cycle Parking**

- 8.32 The development provides 1 off street disabled car parking space to serve the student accommodation, and 3 off street car parking spaces for the new terraced houses. Two of the new terraced properties will not therefore have any off street car parking. On street car parking on Malta Road is in high demand, so this proposal would exacerbate competition with existing residents. However, the site is located in close proximity to public transport links and local shops and services. As such, I consider a scheme with a reduced car parking provision acceptable in this location.
- 8.33 The proposed student accommodation provides 2 separate bicycle stores, providing parking for 20 cycles. This is in accordance with the Council's adopted standards.
- 8.34 The proposed terraced houses have adequate space within their rear garden to accommodate a shed outbuilding for bicycles. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Disabled access**

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

## Third Party Representations

- 8.36 The issues raised in the representations received have been discussed in the above report. The following issues have also been raised:

*All applications to redevelop Public Houses should be considered to be premature while a report on the City's Public Houses, and recommendations on changes to planning policy, is being compiled by consultants*

Applications must be determined when they are received, and it is not possible for Local Planning Authorities to refuse to determine an application.

The draft Interim Planning Policy Guidance (IPPG), relating to Public Houses, is expected to be out to public consultation until 27 July 2012, and the IPPG could be subject to change depending on the comments received. Therefore, at the time of the East Area Committee, there is little weight that can be given to the IPPG with respect to this application.

*The former beer garden should be preserved as public open space*

The site is in private ownership and is not an area of Protected Open Space. It is not within the Council's control to demand the landowner make the site publicly accessible.

*Paying the Council to provide open space and facilities elsewhere is not a solution.*

Contributions are triggered for this development in line with the Council's Adopted Planning Obligation Strategy. The SPD makes it very clear that in most cases provision of formal and informal open space is unlikely to be possible on smaller sites.

*The rear lighting should not be overly intrusive.*

The development does not propose any intrusive exterior lighting. This can nevertheless be secured through the imposition of a suitable planning condition.

## **Planning Obligation Strategy**

### **Planning Obligations**

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

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

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

#### Student accommodation

#### Open Space

8.38 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.

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238	4	952
1 bed	1.5	238	357	9	3213
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>4165</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269	4	1076
1 bed	1.5	269	403.50	9	3631.50
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>4704.50</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242	4	968
1 bed	1.5	242	363	9	3267
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>4235</b>

Five Terraced Dwellings

Open Space

8.39 The total contribution sought has been calculated as follows.

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

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

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363		
2-bed	2	242	484		
3-bed	3	242	726	5	3,630
4-bed	4	242	968		
<b>Total</b>					<b>3,630</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0
2-bed	2	316	632		
3-bed	3	316	948	5	4,740
4-bed	4	316	1264		
<b>Total</b>					<b>4,740</b>



8.40 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

#### Community Development

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

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256		
2-bed	1256		
3-bed	1882	5	9,410
4-bed	1882		
<b>Total</b>			<b>9,410</b>

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

#### Waste

8.43 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats,

this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	5	375
Flat	150		150
<b>Total</b>			<b>525</b>

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

#### Waste Management

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

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

#### Education

- 8.46 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that

document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.

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

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

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

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

- 8.48 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003)

policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

- 8.49 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term and £300 per non-financial head of term. Contributions are therefore required on that basis.

### Planning Obligations Conclusion

- 8.50 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 development would not in my view be harmful to either the character and appearance of the former Royal Standard or the wider Conservation Area. I do not consider there to be significant adverse harm to the amenities of neighbouring residential properties. **APPROVAL** is recommended.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

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

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

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

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

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

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

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

Reason: To ensure the satisfactory implementation of tree planting in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

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

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

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

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

8. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
  - i) contractors access arrangements for vehicles, plant and personnel,
  - ii) contractors site storage area/compound,
  - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

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

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

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

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

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

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

- 11. The change of use and extended former Royal Standard hereby permitted shall be used only as a hostel for the provision of residential accommodation for students attending full-time courses of education at Anglia Ruskin University.

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

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

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

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

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)



**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).

### **Reasons for Approval**

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

East of England plan 2008: ENV6, ENV7

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

Cambridge Local Plan (2006): 3/4, 3/7, 3/10, 3/11, 3/12, 4/4, 4/11, 4/12, 5/1, 5/2, 5/7, 8/2, 8/6

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

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

**2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 1 August 2012, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):**

**The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, waste storage, waste management facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14 and 10/1 Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the RECAP Waste Management Design Guide SPD 2012 and the Open Space Standards Guidance for Interpretation and Implementation 2010.**

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

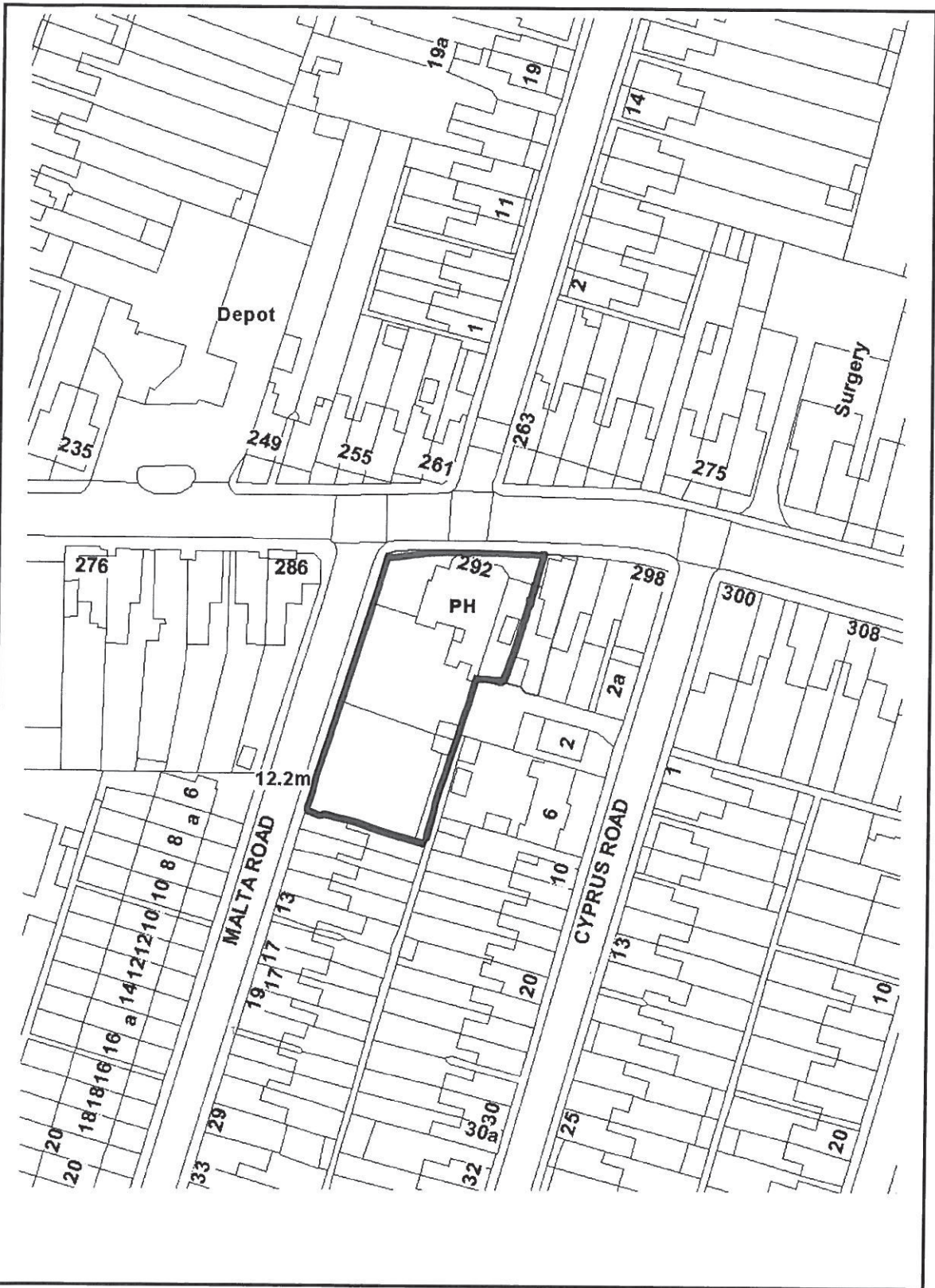
Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

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.

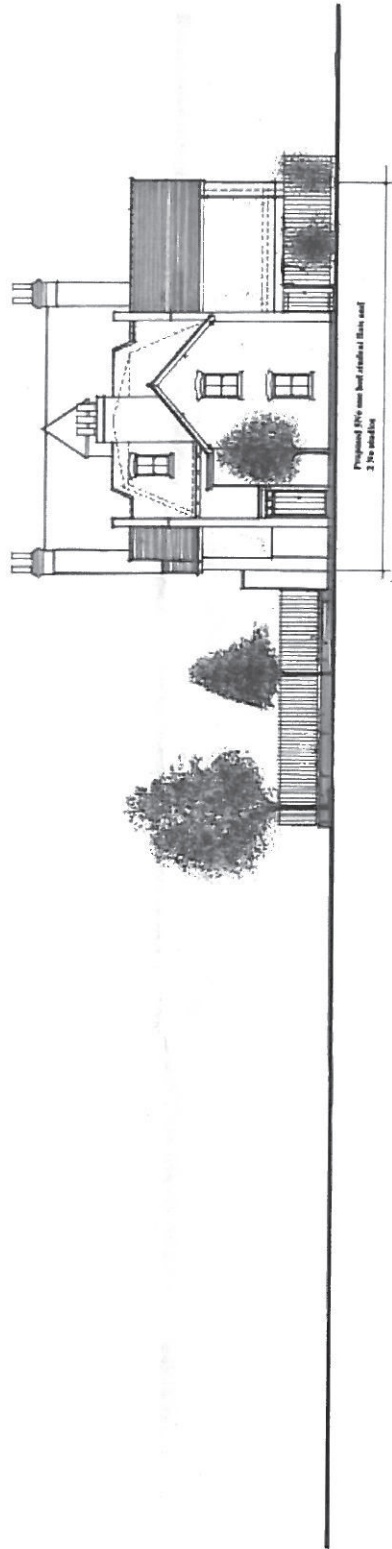
These papers may be inspected on the City Council website at:

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

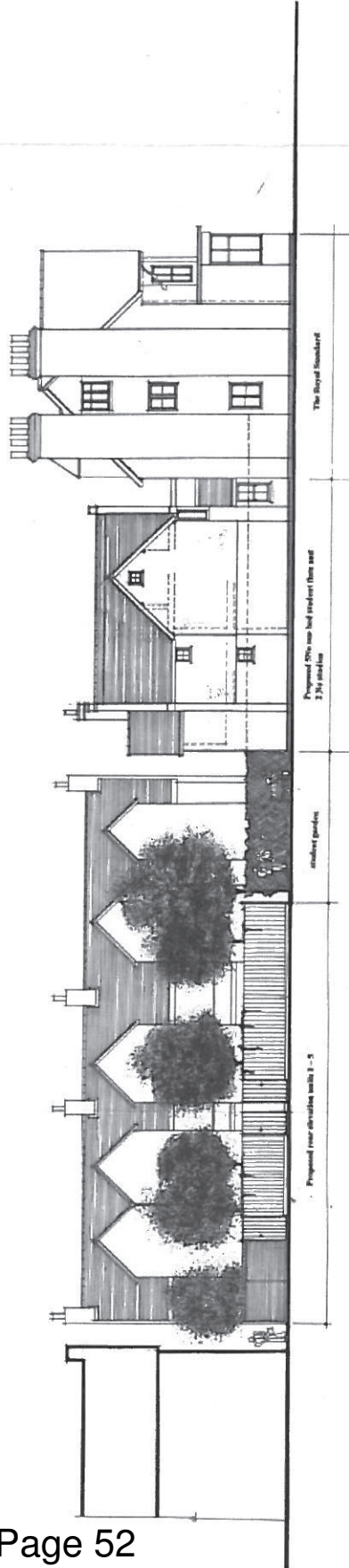
or by visiting the Customer Service Centre at Mandela House.



**12/0248/FUL**  
**The Royal Standard 292 Mill Road Cambridge Cambridgeshire**



Proposed Southern Elevation



Proposed Western Elevation

REVISED: January 2012 - 2nd stage - No. 5011 - LOCAL AUTHORITY: Planning, Urban Design, Historic Conservation

Revision	
Project	Proposed 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th
Client	The Royal Standard
Proposed Elevation	1/100
Client	Architectural Planning Consultants
Date	11/10/11
Scale	1:100
Client	Architectural Planning Consultants
Date	11/10/11
Scale	1:100
Client	Architectural Planning Consultants
Date	11/10/11
Scale	1:100

PROPOSED VARIANCE ELEVATION UNIT 1

Proposed Northern Elevation - Facing Mill Road



Side elevation of unit 1 and rear garden

Rear elevation of 2No three bed room terrace houses units 1 - 4

Proposed 2No one bed student flats and 2 No studios

Proposed Southern Elevation Unit 5

Proposed Eastern Elevation



Side - front elevation of the -  
The Royal Standard and 2No one bed student flats and 2No studios

Proposed front elevation of 2No three bedrooms terrace houses units 1 - 5

U.S. B. 2002 2002 2002 2002 2002 2002  
 P. JONES & ASSOCIATES (ARCHITECTS)

revision A Sept 2011 -  
 revised to suit conservation officers requirements

Revisions	
Project:	Proposed redevelopment of The Royal Standard Mill Road - Malta Road Cambridge
Discipline:	Proposed Elevations
Client:	Westwood Estates and Development Ltd
Date:	Scale March 2011 1:100
<b>The Clarke Smith Partnership</b> Architectural Planning consultants Lincolnhurst Arts Centre, Haverhill Road, Haverhill, Cambridgeshire, CB21 4RG Tel / Fax 01480 - 733665 Drawing P. 2084 - 06 - Rev. A II	

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<b>Application Number</b>	12/0490/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd April 2012	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	18th June 2012		
<b>Ward</b>	Petersfield		
<b>Site</b>	25 Cambridge Place Cambridge CB2 1NS		
<b>Proposal</b>	Change of use from offices (Class use B1) to form 3No. studios and 2No. 1Bed. flats with associated access arrangements and external alterations.		
<b>Applicant</b>	Mr Richard Mutty c/o The Coach House 13 Woodlands Road Great Shelford Cambridge CB22 5LW		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Office uses falling within use class B1a are not protected within the Cambridge 2006 Local Plan. The principle of development is therefore acceptable and the building lends itself to residential conversion.</li> <li>2. The use of the premises for residential purposes will not adversely harm the amenities of neighbouring properties.</li> <li>3. The scheme provides adequate refuse and bicycle parking provision.</li> </ol>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site relates to a 2 storey terraced office building situated on the north west side of Cambridge Place. The premises consist of a garage on the ground floor and office space on the first and second floors.
- 1.2 The site does not have any external curtilage area.
- 1.3 The site falls within the Central Conservation Area. There are double yellow line car parking restrictions along Cambridge Place.

## 2.0 THE PROPOSAL

- 2.1 This application seeks consent for the change of use of the existing offices (use class B1) to form three studio apartments and two 1 bedroom flats.
- 2.2 There are minor changes to the ground, first and second floor fenestration and 2 velux windows will be inserted into the front roof slope.
- 2.3 Refuse and bicycle storage is provided within a communal ground floor store area.
- 2.4 The application is accompanied by the following supporting information:
  1. Design and Access Statement

## 3.0 SITE HISTORY

No history.

A similar proposal is currently under determination at Rydale house, 40 Cambridge Place, 12/0260/FUL.

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
12/0260/FUL	Conversion of existing buildings to form 4no 1 bedroom flats, along with cycle and refuse store, first floor dormer side	Currently under consideration



extension and part demolition of rear.

#### 4.0 PUBLICITY

Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	ENV6 ENV7
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8
Cambridge Local Plan 2006	3/4 3/7 4/11 4/13 5/1 5/2 8/2 8/6 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012  Circular 11/95  Community Infrastructure Levy Regulations 2010
Material Considerations	<u>Central Government:</u>  Letter from Secretary of State for Communities and Local Government (27 May 2010)  Written Ministerial Statement: Planning for Growth (23 March 2011)

## 6.0 CONSULTATIONS

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

6.1 No objections.

#### **Head of Environmental Services**

6.2 No objections. Further clarification of refuse storage required.

#### **Historic Environment Manager**

6.3 Application supported. Very little change to the external appearance of the building.

#### **Sustrans**

6.4 Insufficient space for bins and bikes.

### **Cambridgeshire County Council Education**

6.5 Contributions to life long learning and waste triggered.

## **Cambridge City Council Access Officer**

6.6 Given the type and scale of development the proposal probably meets the minimum Part M regulations of provision for a disabled visitor.

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 The owners/occupiers of the following addresses have made representations: 14,15, (owner of 116 Cambridge Place), 26, 26A, 37, 47 Cambridge Place,

7.2 The representations can be summarised as follows:

#### *Objections in Principle*

- The proposal will alter the mix of uses in Cambridge Place.
- Cambridge Place is a quiet street unsuited to student rentals.
- There are other proposals for residential accommodation at Rydale House. The current balance should not be disrupted yet again.
- This is against the City Council's wish for more city centre family units.
- Loss of employment space.
- The proposal will negatively impact on the value of number 26 Cambridge Place.
- The street will become occupied by single, young people, with all the attendant issues that accompany that.
- Future residents of this type of accommodation are likely to add to problems of vandalism, rough sleeping, drunkenness and drug/sale.

#### *Design comments*

- Little thought has gone into the internal storage space within the units.
- No realistic provision for the elderly or disabled.
- The ground floor studio will be too dark to live in without artificial light.

## Amenity Objections

- The proposed use will cause disturbance to the occupant of number 26 Cambridge Place, a home based business consultant.
- The building works will disrupt the home working of number 26 and also the street.
- The works will result in heavy vehicles using the access, which may cause damage to the street and to the structure of number 26.

### *Refuse issues*

- There is no space for bins on the street.
- The internal waste facility is inadequate.
- Who is going to monitor the placing and recovery of the bins within the premises?

### *Car parking*

- No car parking is provided.
- There is no evidence that people will not own cars.

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

## **8.0 ASSESSMENT**

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

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

## **Principle of Development**

- 8.2 Office use falls within use class B1a of the Use Classes Order 1987. Local Plan policy 7/3 seeks to protect industrial (B2 and B1c) and storage uses, but offices are not included within the scope of the policy. There is no in principle policy objection to the proposed change of use.
- 8.3 The conversion of large properties is permitted by Local Plan policy 5/2 except where; the likely impact upon on-street car parking would be unacceptable; the living accommodation would be unsatisfactory; the proposal would fail to provide for satisfactory refuse storage or cycle provision or the location of the property or the nature of nearby land uses would not offer a satisfactory level of residential amenity. An analysis of these issues is provided in the relevant subsections below.
- 8.4 In my opinion, while I recognise that the proposal will represent a change in the character of what is currently a mixed of residential and office uses, the broad principle of the development is acceptable and in accordance with policy 5/2. The Local Plan does not promote large dwelling sizes over smaller units for this size of development. The proposal is however subject to the consideration of matters of detail.

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

- 8.5 The key design issue is the impact of the external alterations on the character and appearance of the street scene.
- 8.6 The development will require only minor alterations of the fenestration of the property. Solid infill panels will be added to the ground floor, with minor alterations to the mullions of the first and second floors. I do not consider any harm to result on the character of the street scene. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 5/2.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.7 Concerns have been raised regarding the type of accommodation giving rise to increased noise, disturbance and

anti social behaviour. While the proposed use may give rise to an increase in general comings and goings as compared with the existing office use, this is unlikely to create significant disturbance for the adjoining numbers 24 (in office use) or number 26.

- 8.8 I do not consider the future occupants of this type of accommodation any more likely to be a source of anti social behaviour, as compared with any other premises. Anti social behaviour could in any case be tackled by other legislation.
- 8.9 Temporary noise and disturbance created during the conversion work can be eased through the imposition appropriate planning conditions and promotion of the considerate contractors scheme.
- 8.10 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

#### Amenity for future occupiers of the site

- 8.11 Local Plan policy 5/2 states that conversions of non-residential buildings will be permitted except where the living accommodation provided will be unsatisfactory. I recognise that the proposed dwellings are relatively small in size, but I feel that they provide a satisfactory level of amenity for future occupiers.
- 8.12 Studio 1 is generous in footprint for accommodation of this type and provides a useable living space. Sunpipes will also be provided for additional light above the kitchen.
- 8.13 Studios 2 and 3 are limited in overall size, but benefit from full height south east first floor windows. Given the quiet nature of Cambridge Place which is a cul de sac, this type and size of accommodation will no doubt be the preference of many prospective occupiers. The second floor flats 1 and 2 are appropriate in size and gain further light in the roof space from the 2 new velux roof lights.
- 8.14 In my opinion the proposal provides an appropriate standard of residential amenity for future occupiers, and I consider that in

this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 5/2.

### **Refuse Arrangements**

- 8.15 Following concerns regarding the provision for refuse storage, the applicant has demonstrated a communal arrangement of bins, which would function effectively for further occupants. A management company would be responsible for presenting and returning the bins on collection day. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Car and Cycle Parking**

- 8.16 The proposed development does not provide any car parking provision. Given the sustainable central location of the site, close to transport links and services, and given the overall type of accommodation proposed, a car free development is acceptable. There would be no increase in competition for on-street car parking because of the double yellow line parking restrictions. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Disabled access**

- 8.17 The conversion has been designed to be compliant with Part M of the Building Regulations. WC accommodation is suitable for disabled users. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

### **Third Party Representations**

- 8.18 The issues raised in the representations received have been discussed in the above report.

### **Planning Obligation Strategy**

#### **Planning Obligations**

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

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

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.20 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.

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238	3	714
1 bed	1.5	238	357	2	714
<b>Total</b>					<b>1428</b>



<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269	3	807
1 bed	1.5	269	403.50	2	807
<b>Total</b>					<b>1614</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242	3	726
1 bed	1.5	242	363	2	726
<b>Total</b>					<b>1452</b>

### Community Development

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

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	5	6280
<b>Total</b>			<b>6280</b>

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

### Waste

8.23 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of

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

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	5	750
<b>Total</b>			<b>750</b>

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

#### Education

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

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

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

#### Waste Management

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

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

#### Monitoring

- 8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as 150 per financial head of term, 300 per non-financial head of term. Contributions are therefore required on that basis.

#### Planning Obligations Conclusion

- 8.29 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 conversion of the office premises is acceptable in principle and will not detract from the character and appearance of the street scene or the amenities of neighbours. Adequate refuse and bicycle parking space is provided. APPROVAL is recommended.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

2. 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)

**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).

## **Reasons for Approval**

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

East of England plan 2008: ENV6, ENV7

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

Cambridge Local Plan (2006): 3/4, 3/7, 4/11, 4/13, 5/1, 5/2, 8/2, 8/6, 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.

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

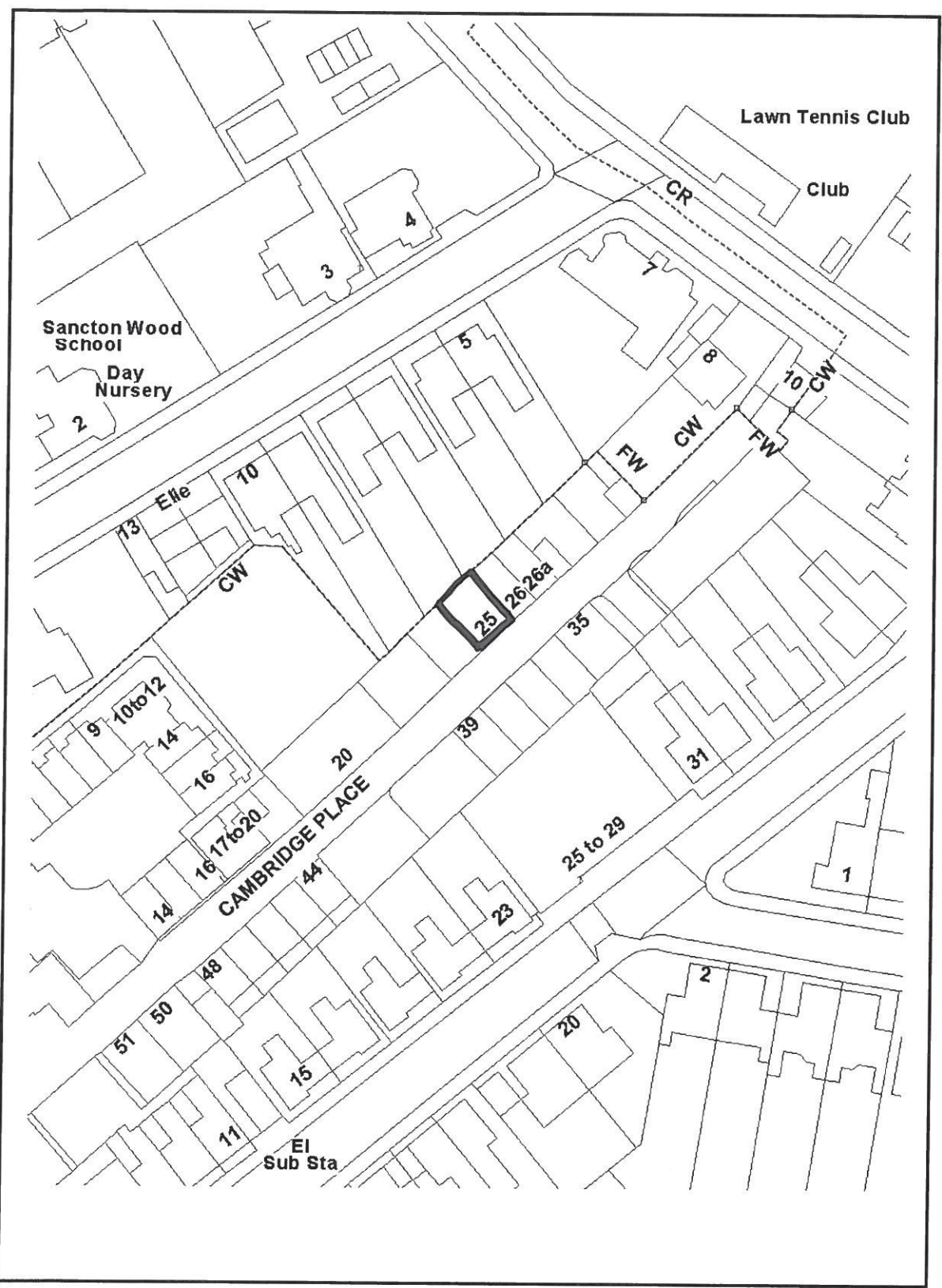
Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

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

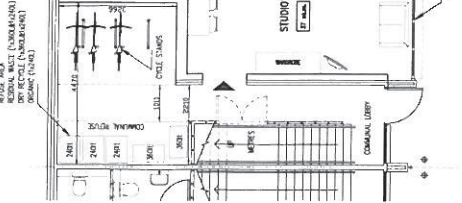
These papers may be inspected on the City Council website at:

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

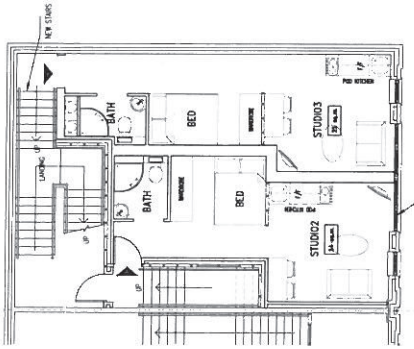
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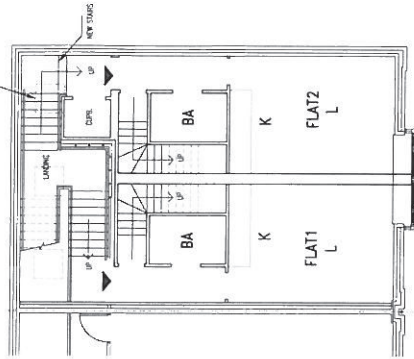
**12/0490/FUL**  
**25 Cambridge Place Cambridge CB2 1NS**



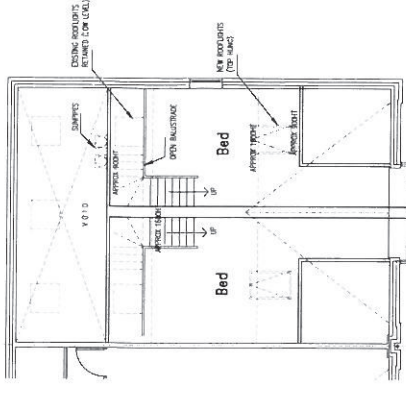
Proposed ground floor



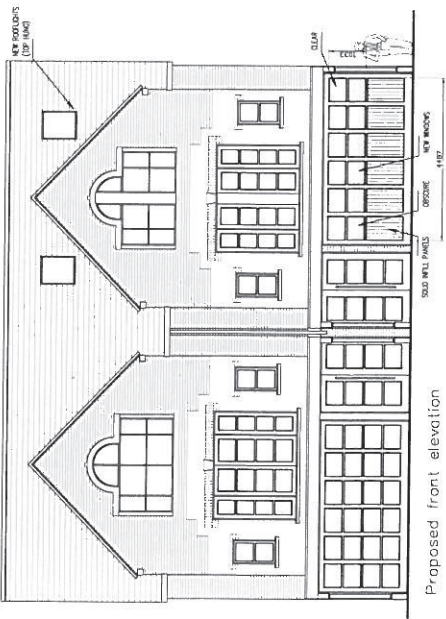
Proposed first floor



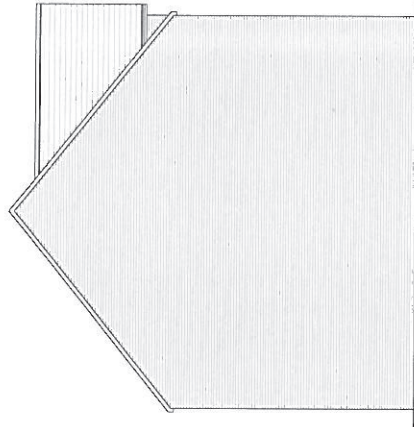
Proposed second floor



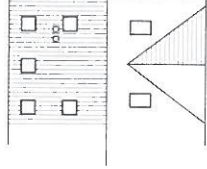
Proposed third floor



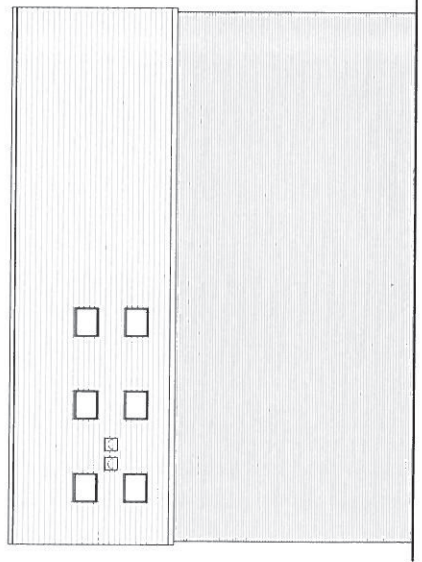
Proposed front elevation



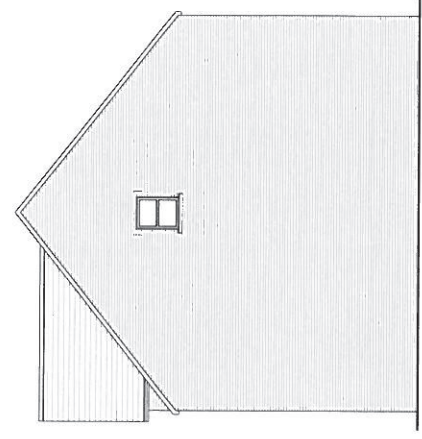
Proposed side elevation



Proposed roof plan



Proposed rear elevation



Proposed side elevation

REV A 22.05.12  
 Refuse facilities amended. Studio 2, 4, 3  
 layout revised. Window fenestration detail  
 to Studio 1 and sunpipes added

No. 1 Date  
 CLIENT  
 Mutty Property Investments

PROJECT  
 Conversion to residential  
 of No.25 Cambridge Place  
 Cambridge

TITLE  
 PROPOSED  
 Plans & elevations

DRAWING STATUS  
 PLANNING

DRAWN LC CHECKED CS

SCALE 1:100 @ A2

DATE May '12

THE GALLERY  
 88 GIVE ST  
 CAMBRIDGE  
 CB1 1LH

TEL 01223 347000  
 FAX 01223 347001  
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DPA  
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JOB NO	DRAWING NUMBER	REV
293	PL(21)02	A



<b>Application Number</b>	12/0255/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th February 2012	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	20th April 2012		
<b>Ward</b>	Romsey		
<b>Site</b>	Former Greyhound Public House 93 Coldhams Lane Cambridge CB1 3EN		
<b>Proposal</b>	Demolition of existing buildings and erection of premises for B1/B2/B8 use including trade counters with associated access, parking and landscaping.		
<b>Applicant</b>	c/o Agent		

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### 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The Greyhound Public House is situated on the northern side of Coldhams Lane, and essentially stands at the boundary between an industrial area and a residential area. Directly adjacent to the site to the west is Coldhams Road Industrial Estate, with the Coral Park Trading Estate to the west of this on the opposite side of the railway line. Directly adjacent to the site to the east is Coldhams Common. On the opposite side of Coldhams Lane to the south are industrial buildings, with the Beehive Centre is on the opposite side of the railway line. To the southeast of the site there are residential properties.
- 1.2 The site is not within a Conservation Area and there are no tree protection orders on the site. The site is not within the controlled parking zone.

### 2.0 THE PROPOSAL

- 2.1 Full planning permission is sought to demolish the building and replace with a building, which will provide two commercial units in B1/B2/B8 Use, including trade counters.

- 2.2 The common boundary between the site and the Coldhams Lane Industrial Estate is angled away from the site, and the proposed building will abut the common boundary with the Industrial Estate at the front but would stand 1m from the boundary at the rear. The building would stand 5m further forward than the neighbouring building on the Industrial Estate (unit 7) and would be 8m in height to the eaves rising to 9.3m in height to the ridge. The building would be of a standard industrial design, clad in rendered panels, with a pitched roof.
- 2.3 A car parking area for customers would be situated at the front of the site, with staff parking to the rear. A delivery bay would be located on the eastern side of the building. Cycle parking would be provided at the front of the site.
- 2.4 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Planning Statement
  3. Transport Statement

### 3.0 SITE HISTORY

Reference	Description	Outcome
11/1051/CLUED	Application for a Certificate of Lawfulness under section 191 for use of building for either A1, A2, A3 or A4 use.	Granted

### 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

### 5.0 POLICY

#### 5.1 Central Government Advice

**National Planning Policy Framework (July 2011)**

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. **planning should be genuinely plan-led**
2. **planning should proactively drive and support the development and the default answer to development proposals should be “yes” , except where this would compromise the key sustainable development principles set out in the Draft NPPF**
3. **planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community**
4. **planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use**
5. **planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value**
6. **mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted**
7. **the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged**
8. **planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable**
9. **planning decisions should take account of and support local strategies to improve health and wellbeing for all**

**10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.**

The NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

**5.2 Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

**5.3 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.

**5.4 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

3/12 The design of new buildings

4/1 Green belt

4/3 Safeguarding features of amenity or nature conservation value

4/6 Protection of sites of local nature conservation importance

4/13 Pollution and amenity

7/1 Employment provision

7/2 Selective management of the economy

- 8/2 Transport impact
- 8/6 Cycle parking
- 8/9 Commercial vehicles and servicing
- 8/10 Off-street car parking

## 5.5 **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.

- 5.6 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document February 2012:** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.

## 5.7 **Material Considerations**

### **Central Government Guidance**

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

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with

Local Planning Authorities without the framework of regional numbers and plans.

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

Includes the following statement:

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

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

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

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

## **City Wide Guidance**

**Cambridge and South Cambridgeshire Strategic Flood Risk Assessment** - in November 2010 the Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (SFRA) was adopted by the City Council as a material consideration in planning decisions. The SFRA is primarily a tool for planning authorities to identify and evaluate the extent and nature of flood risk in their area and its implications for land use planning.

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

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

## **6.0 CONSULTATIONS**

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

- 6.1 No Objection: The level of vehicle traffic generated during peak hours would have minimal impact on the junction of Coldhams Road/Coldhams Lane/Cromwell Road. The internal layout though cramped in terms of service vehicle manoeuvring is adequate.

### **Head of Environmental Services**

- 6.2 No objection: Conditions recommended relating to demolition/construction hours, dust suppression, noise insulation, and deliveries during demolition/construction. An informative is recommended relating to contaminated land.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

101 Coldhams Lane  
17 Romsey Road  
Whitlocks, High Street, Trumpington  
Cambridge Past Present and Future

7.2 The representations can be summarised as follows:

All applications to redevelop Public Houses should be considered as premature while a report on the City's Public Houses, and recommendations on changes to planning policy, is being compiled by consultants.

In the right hands, the pub could be a successful business and a community asset if it was sold on the open market.

NPFF – paragraph 70 states that Public Houses are classed as 'social, recreational and cultural facilities' and the planning authorities should 'guard against' their unnecessary loss.

This is extended the industrial area into a residential area.

The site is a major focal point as the design of the proposed building is not good enough.

If the application is granted, there should be significant landscaping at the front of the site.

If the application is granted, provision should be made to improve the Cromwell Road/Coldhams Lane junction by making it pedestrian and cycle friendly.

The vehicle access to the site could be better if the proposed building was relocated.

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. Refuse arrangements



4. Car and cycle parking
5. Third party representations

## **Principle of Development**

### Loss of a Public House

- 8.2 The Cambridge Local Plan (2006) defines community facilities as uses falling within Class D1 (non-residential institutions) of the Use Classes Order, with the exception of university teaching accommodation. This Use Class includes health centres, museums and libraries, and other similar uses. In addition, the following subcategories of Class C2 (residential institutions) of the Use Classes Order are considered to be community facilities: hospitals, residential schools, colleges or training centres.
- 8.3 A Public House falls within Class A4 of the Use Classes Order, and is not therefore considered to be a community facility. Therefore, policy 5/11 (which protects community facilities) is not applicable and could not be used to justify refusal. There are no policies in the Cambridge Local Plan (2006), which protect Public Houses outside Local Centres.
- 8.4 Paragraph 70 of the National Planning Policy Framework (NPPF) states that ‘to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.
- 8.5 This gives Local Planning Authorities scope to refuse applications involving the loss of a Public House, when the Public House meets a local need. The Greyhound Public House has been closed from some time, and is situated on the edge of an industrial area and a residential area, with Coldhams Lane separating the two. The Public House sits on the industrial side of Coldhams Lane, with the busy road segregating the Public House from the residential area. Due to

its positioning, it is my opinion that the Public House is not part of the community, and can not be considered to be a valued facility, which meets the community's day-to-day needs.

### Industrial development

- 8.6 Policy 7/1 of the Cambridge Local Plan (2006) states that proposals for employment development on windfall sites will be permitted subject to the future land supply guidelines, existing land use and compatibility with adjoining uses. The site is on the edge of an industrial area, with industrial buildings directly adjacent to it to the north and west, and on the opposite side of Coldhams Lane to the south. In my opinion, the redevelopment of the site for industrial use would be compatible with adjoining land uses, in principle.
- 8.7 Policy 7/2 of the Cambridge Local Plan (2006) states that employment development proposals will only be permitted if it can be demonstrated that they fall into one or more of the following categories:
- a) The provision of office of office or other development within Use Classes B1(a) providing an essential service for Cambridge as a local or sub-regional centre or exceptionally where there is a proven need for a regional function; or
  - b) High technology and related industries and services within Use Class B1(b) concerned primarily with commercial research and development, which can show a special need to be located close to the Universities or other established research facilities or associated services in the Cambridge Area;
  - c) Other industries within Use Classes B1(c), B2 and B8 on a limited scale, which would contribute to a greater range of local employment opportunities, especially where this takes advantage of, or contributes to, the development of, particular locally based skills and expertise; or
  - d) D1 educational uses and associated sui generis research establishments and academic research institutes that would accord with the provisions of Policy 7/4 where it is the national interest or there is clear supporting evidence of the need for a Cambridge location.

- 8.8 The industrial building proposed would, in my opinion, comply with part c) of policy 7/2 of the Local Plan, as the application proposes industrial use at a limited scale.
- 8.9 In my opinion, the principle of the development is acceptable and in accordance with policies 7/1 and 7/2 of the Cambridge Local Plan (2006).

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

- 8.10 The proposed building would be of a standard industrial design, clad in rendered panels with a pitched roof. The building would be similar in appearance to the neighbouring buildings on the Coldhams Road Industrial Estate, and as the site is within an industrial area, it is my opinion that the proposed building would be in keeping with the surrounding area and appropriate.
- 8.11 The site lies adjacent to Coldhams Common, which is to the east. Coldhams Common is within the Green Belt and is designated as a Site of Local Nature Conservation Importance. The proposed development will not have any detrimental impact on the openness of the Green Belt and will not have any direct detrimental impact on the Site of Local Nature Conservation Importance. However, the development could, potential have an impact on the setting of the Common. Landscaping is proposed at the front of the site, to soften the appearance of the building, and the common boundary between the site and the Common is heavily planted. A 1.8m high close boarded fence is proposed on the boundary. The building will, however, be visible from the Common, and additional planting (such as climbing plants on the building) may be beneficial. I recommend that a landscaping scheme is required by condition (condition 2).
- 8.12 The visual impact of the building could also be lessened depending on how it is managed and how it operates. To avoid the storage of goods or materials outside at a height, which would make them visible from Coldhams Common, I recommend a condition restricting the maximum storage height of goods or materials to 1.5m, ie below the height of the close boarded fence (condition 3). The storage bay will be on the eastern side of the building, adjacent to the common boundary with Coldhams Common, and for visual reasons, and to prevent noise disturbance, I recommend a condition requiring the

loading bay doors to be closed when a delivery is not taking place (condition 4).

- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12, 4/6 and 4/13.

### **Refuse Arrangements**

- 8.14 No refuse storage is shown on the submitted plans, but I am confident that there is sufficient space for it in the yard area at the rear of the site. I recommend that details of waste storage are required by condition (condition 5).

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

### **Car and Cycle Parking**

- 8.16 Twelve car parking spaces will be provided for customers at the front of the site, and seven car parking spaces will be provided for staff at the rear of the site. Appendix C (Car Parking Standards) of the Cambridge Local Plan (2006) states that for general industrial uses, no more than 1 car parking space should be provided for every 40m<sup>2</sup> of ground floor area. In this case, this equates to 20 car parking spaces. In total, nineteen car parking spaces are proposed, which is below the standards and is acceptable.

- 8.17 Twenty cycle parking spaces are proposed at the front of the site. Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) states that for general industrial uses, at least 20 cycle parking space must be provided for every 40m<sup>2</sup> of ground floor area. In this case this equates to 20 cycle parking spaces. This is the number proposed, which is acceptable. No details of have been submitted of the proposed cycle parking, and I therefore recommend that this is required by condition (condition 6)

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

## **Third Party Representations**

All applications to redevelop Public Houses should be considered to be premature while a report on the City's Public Houses, and recommendations on changes to planning policy, is being compiled by consultants

8.19 Applications must be determined when they are received, and it is not possible for Local Planning Authorities to refuse to determine an application.

8.20 The draft Interim Planning Policy Guidance (IPPG), relating to Public Houses, is expected to be out to public consultation until 27 July 2012, and the IPPG could be subject to change depending on the comments received. Therefore, at the time of the East Area Committee, there is little weight that can be given to the IPPG with respect to this application.

If the application is granted provision should be made to improve the Cromwell Road/Coldhams Lane junction by making it more pedestrian friendly

8.21 The Local Highway Authority is of the opinion that the level of vehicle traffic generated during peak hours would have minimal impact upon the junction of Coldhams Road/Coldhams Lane/Cromwell Road. It would, therefore not be reasonable to require the applicant to fund improvements to the junction.

The vehicle access to the site could be better if the proposed building was relocated

8.22 The application submitted must be assessed on its own merits. Potential alternatives cannot be considered unless they are formal planning applications.

## **9.0 CONCLUSION**

9.1 There is no policy basis to refuse the application due to the loss of a Public House, as in my opinion this Public House cannot be considered to be a 'valued facility'. In my opinion, the proposed industrial building is acceptable in principle and is satisfactory in terms of its design, impact on the highway, and impact on Coldhams Common. The application is therefore recommended for approval subject to conditions.

## 10.0 RECOMMENDATION

### FOR RECOMMENDATIONS OF APPROVAL

#### **1. APPROVE subject to the following conditions and reasons for approval:**

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

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

2. No development shall commence until details of soft landscape works have been submitted to and approved in writing by the local planning authority. 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)

3. Goods and materials shall not be stored outside at more than 1.5m in height.

Reason: To protect the setting of Coldhams Common. (Cambridge Local Plan 2006, policy 4/6)

4. The loading bay doors shall remain closed, unless a delivery is taking place.

Reason: To protect the setting of Coldhams Common and to prevent noise disturbance. (Cambridge Local Plan 2006, policies 4/6 and 4/13)

5. Prior to the commencement of the use hereby permitted, the on-site storage facilities for trade waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006))

6. 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)

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

Reason: In the interests of amenity and highway safety. (Cambridge Local Plan 2006, policies 3/7 and 8/2)

### **Reasons for Approval**

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

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/11, 3/12, 4/1, 4/3, 4/6, 4/13, 7/1, 7/2, 8/2, 8/6, 8/9, 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.

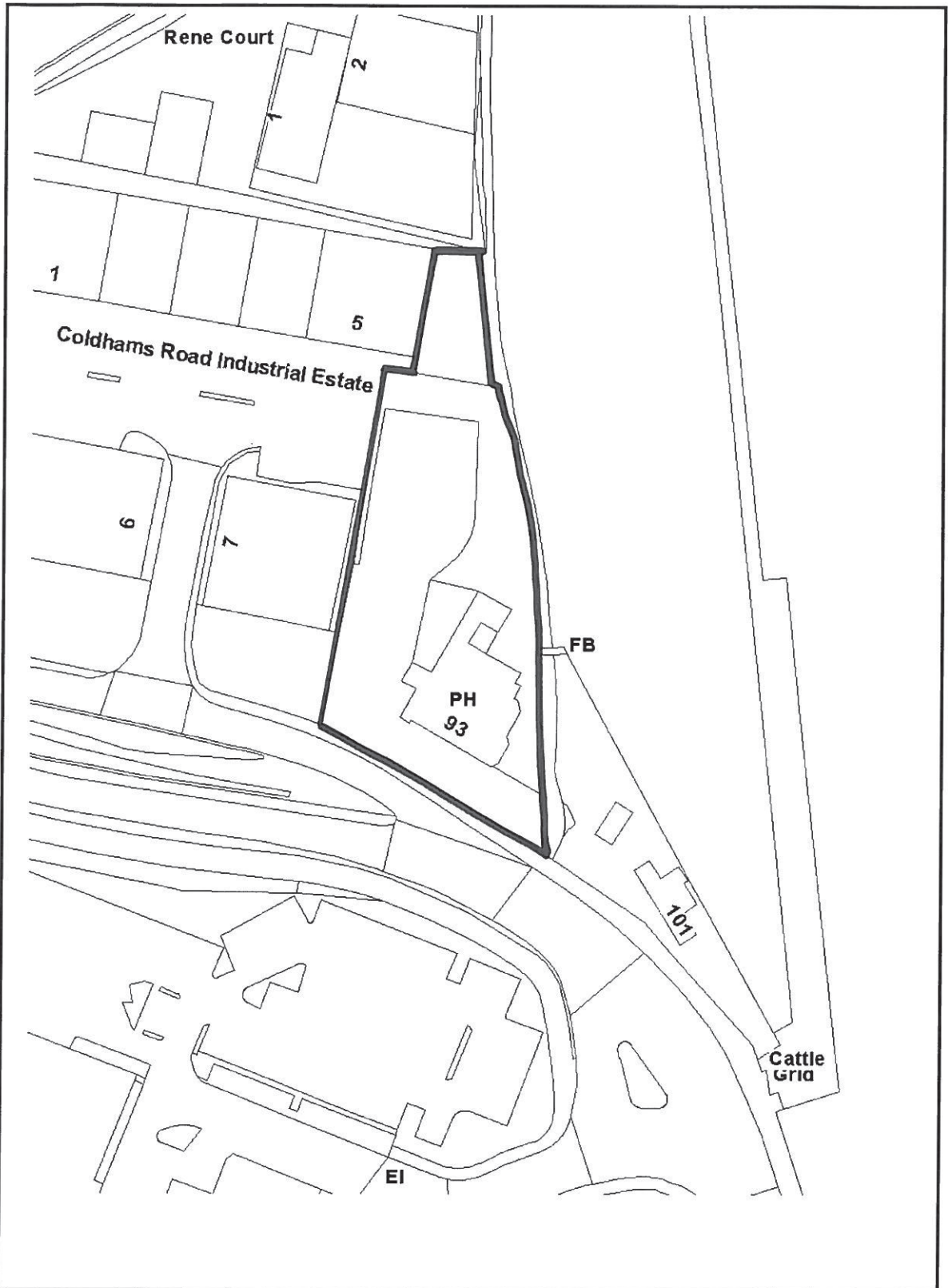
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**12/0255/FUL**  
**Former Greyhound Public House 93 Coldhams Lane Cambridge**  
**CB1 3EN**



- NEW CLOSE BOARDED TIMBER FENCE ALONG BOUNDARY WITH COLDHAM'S COMMON TO MATCH HEIGHT OF EXISTING FENCE
- 7 STAFF PARKING SPACES 18 IN TOTAL INCLUDING CUSTOMER PARKING
- ARVC0 BARRIER IN FRONT OF CLOSE BOARDED FENCE TO PROTECT BOUNDARY FROM VEHICLES
- NEW GALVANISED STEEL ACCESS GATE, SIDE FACING CAR PARK TO BE CLAD WITH CLOSE BOARDED TIMBER
- 16 5M X 3.5M DELIVERY BAY
- DASHED LINE INDICATES POSITION OF EXISTING BUILDING
- 12 CUSTOMER PARKING SPACES INCLUDING ONE DISABLED
- 10 CUSTOMER CYCLE STANDS PROVIDING SPACE FOR 20 BICYCLES
- NEW AREAS OF LANDSCAPING

REV	DATE	DESCRIPTION
A	02/02/12	LANDSCAPING ADDED
	24/01/12	PRELIMINARY ISSUE



**PROPOSED SITE PLAN**

SCALE 1:500

NOTE

PREPARED FROM ORDNANCE SURVEY MAP LICENCE NUMBER 100029449 - ORDNANCE SURVEY PARTNERSHIP LAND SURVEYORS DIG. No. 9/76 OF NOV 2010.

KEY

----- BOUNDARY LINE

SCALE 1:500



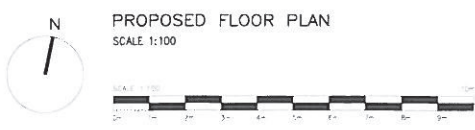
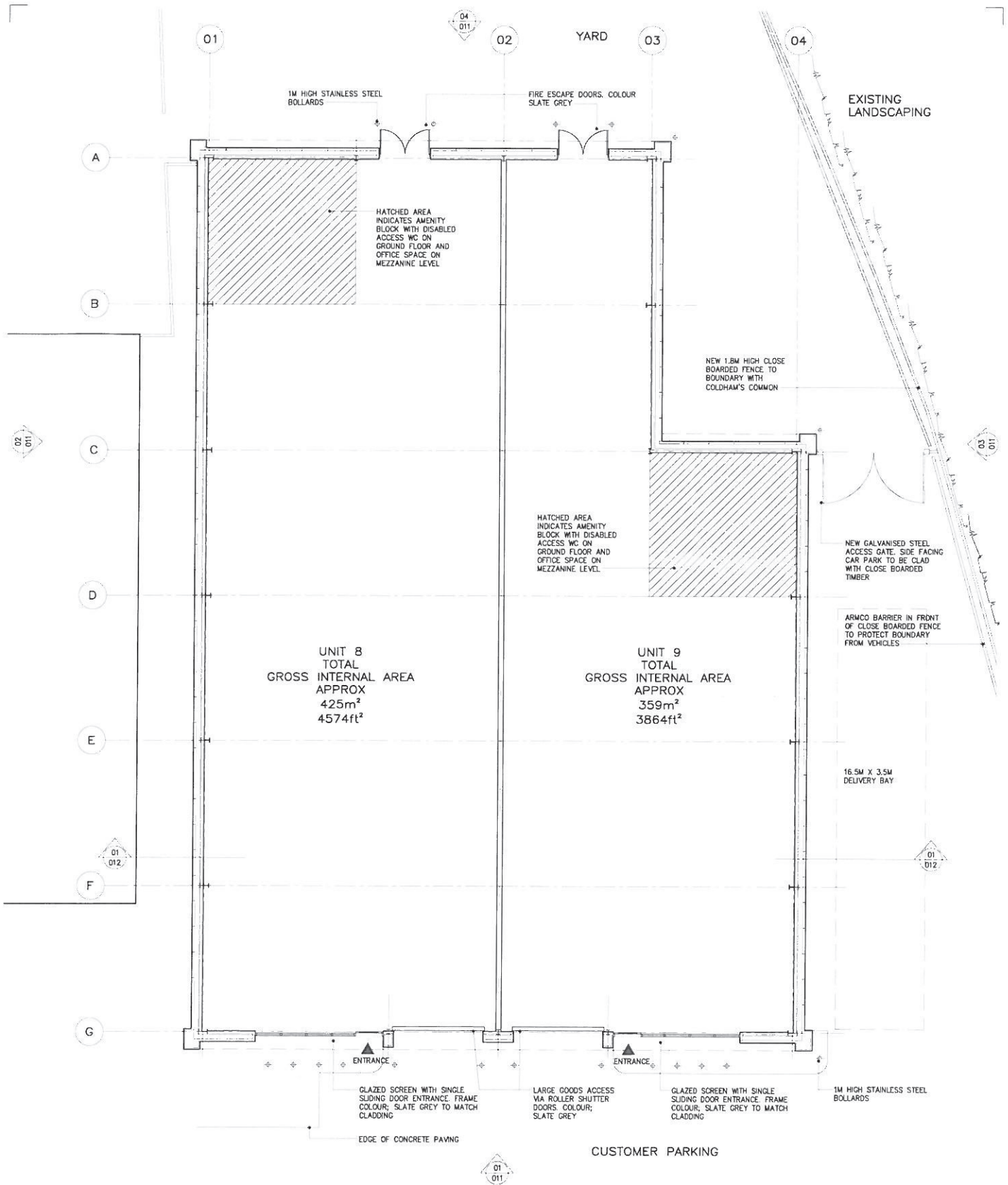
COLDHAM'S ROAD INDUSTRIAL ESTATE  
GREYHOUND PUB SITE  
CAMBRIDGE

**PROPOSED SITE PLAN**

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REV	DATE	DESCRIPTION	SCALE	NO.
DF	JAN 2012		1:500@A3	
SV		1130-008		A



PROPOSED FLOOR PLAN  
SCALE 1:100

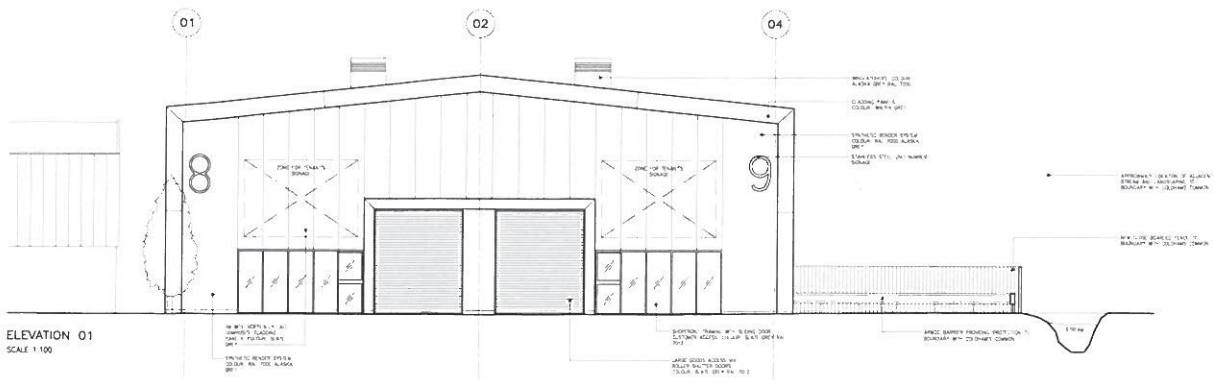
REV	DATE	DESCRIPTION
A	02.02.12	INNER LEAF REVISED, AREAS UPDATED
	24.01.12	PRELIMINARY ISSUE

COLDHAMS ROAD INDUSTRIAL ESTATE  
GREYHOUND PUB SITE  
CAMBRIDGE

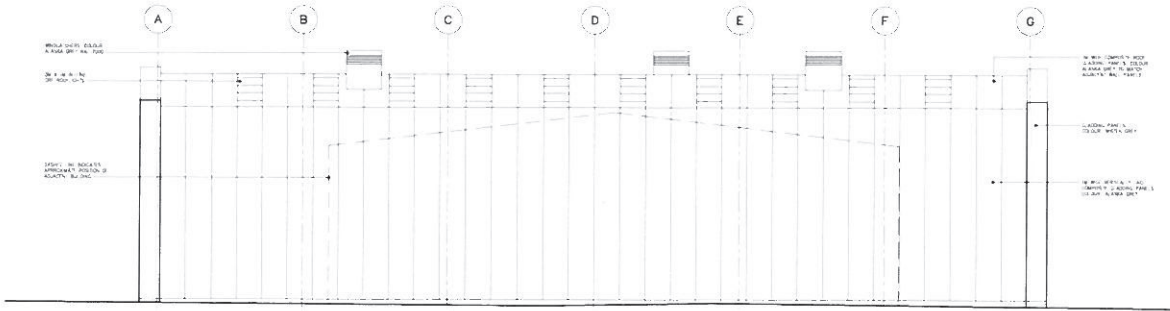
PROPOSED FLOOR PLAN

mcdonaldarchitects.co.uk  
Spectrum Studios | 2 Manor Gardens | London | N7 6ER | t +44 (0)20 7281 2200

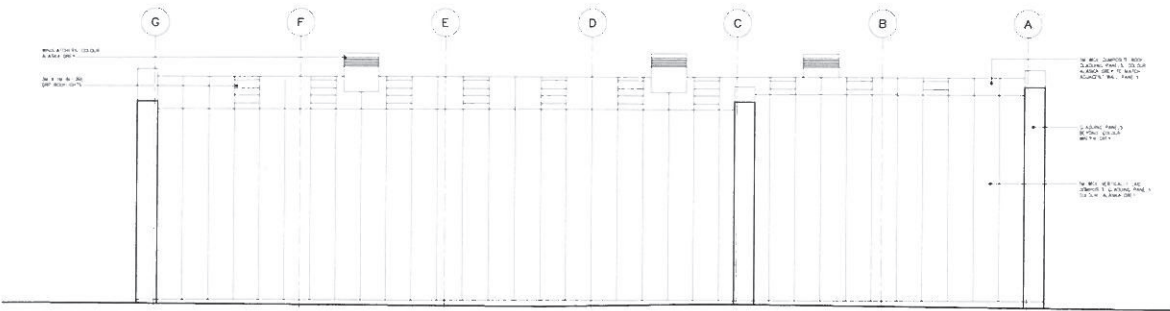
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SM	1130-009		A



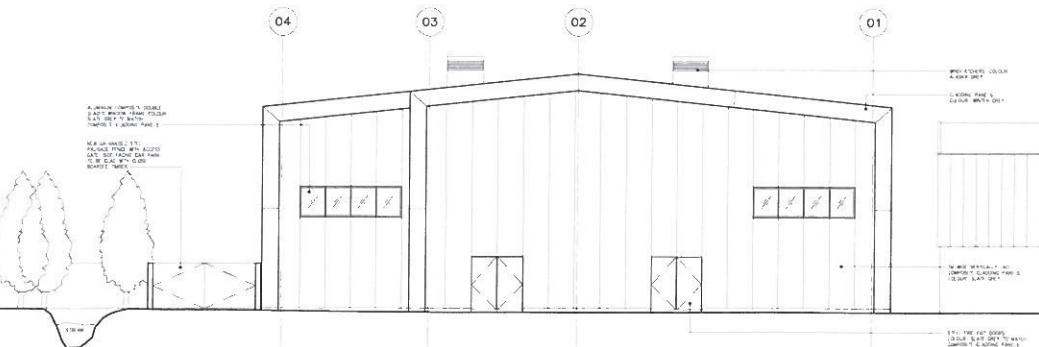
ELEVATION 01  
SCALE 1:100



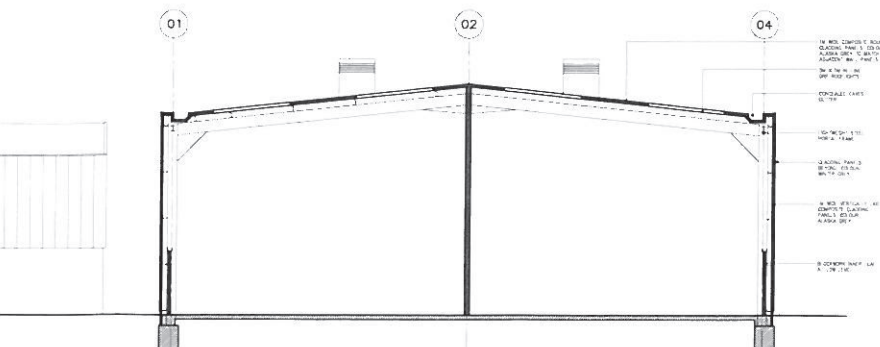
ELEVATION 02  
SCALE 1:100



ELEVATION 03  
SCALE 1:100



ELEVATION 04  
SCALE 1:100



SECTION A-A  
SCALE 1:100



REV	DATE	DESCRIPTION
A	02.02.12	SECTION UPDATED
	24.01.12	PRELIMINARY ISSUE

COLDHAMS ROAD INDUSTRIAL ESTATE  
GREYHOUND PUB SITE  
CAMBRIDGE

PROPOSED ELEVATIONS AND SECTION

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Spectrum Studios 2 Manor Gardens London | AZ 020 1 444 8100 7281 2200

DF	JAN 2012	1:100	A1
SM		1130-011	A

<b>Application Number</b>	12/0398/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	27th March 2012	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	22nd May 2012		
<b>Ward</b>	Petersfield		
<b>Site</b>	50 Mill Road Cambridge CB1 2AS		
<b>Proposal</b>	Use of existing structure for use as a "shisha" pipe smoking shelter.		
<b>Applicant</b>	Mr Mohammed Al Aoor c/o Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Ancillary to the existing A1 unit</p> <p>Conditions to control hours not to be used past 9pm</p> <p>Structure previously approved (11/0053/FUL)</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application relates to the ground floor of a property on the southern side of Mill Road in the parade of shops located between Covent Garden and Mawson Road. The ground floor of No.50 is presently used as an internet café at the front and a shisha area to the rear, beneath the polycarbonate structure which was approved under planning reference 11/0053/FUL. There is a first floor flat located above the shop which is accessed from the passage, which runs to the east of the site and has a right of way through the rear yard in order to access a metal staircase.

- 1.2 There is an area of parking to the rear of the property, although this is not directly linked to the property which is the subject of this application. The building is located in Cambridge City Council Conservation Area 1 (Central). The development will not impact upon any Listed Buildings, nor any protected trees, but is in the controlled parking zone.
- 1.3 There is no on-street parking on the frontage, with Mill Road being controlled via double yellow lines, although a number of vehicles regularly park on the road in the surrounding areas for deliveries to neighbouring premises. The area is subject to a high footfall, and a large amount of vehicular traffic.

## 2.0 THE PROPOSAL

- 2.1 This application seeks approval for the rear existing structure to be used as a “shisha” pipe smoking shelter. A previous application where, a change of use was sought for the existing A1 use to A3 and the rear covered yard area as sui generis (11/1373/FUL) was refused under delegated powers on 20<sup>th</sup> January 2012.
- 2.2 The application is accompanied by the following supporting information:
1. Design Statement
  2. Plans

## 3.0 SITE HISTORY

Reference	Description	Outcome
11/1373/FUL	Retrospective application for the change of use from A1 shop to A3 cafe, rear covered yard area only (sui generis).	REF
11/0053/FUL	Retrospective application for the covered rear yard as built.	A/C
C/02/0608	Change of use from shop (Class A1) to takeaway (Class A3) at ground floor.	REF
C/97/0995	Change of use of retail unit (Class A1) to restaurant (Class A3).	REF

C/97/0318      Change of use of retail unit      REF  
 (Class A1) to  
 takeaway/restaurant (Class A3).

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 ENV6 ENV7
Cambridge Local Plan 2006	3/1 3/4 4/11 4/13 4/15 6/7 6/10

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

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction
Material	<u>Central Government:</u>

Considerations	<p>Letter from Secretary of State for Communities and Local Government (27 May 2010)</p> <p>Written Ministerial Statement: Planning for Growth (23 March 2011)</p>
	<p><u>Area Guidelines:</u></p> <p>Conservation Area Appraisal: Mill Road Area</p>

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

6.1 No comment to make on this application.

#### Head of Environmental Services

6.2 There have been no record of noise complaints from the site since 2008 but the site is surrounded by residential properties and therefore the use should be restricted to 21:00 hours as per the previous application.

#### Historic Environment Manager

6.3 The structure has already been established and therefore the impact of the proposal on the Conservation Area has already been assessed and therefore the proposal is acceptable.

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 Glisson Road/Tenison Road Area Residents Association has commented that the proposal is used as a cafe rather than the internet cafe as stated and has stated noise and disturbance to neighbouring properties is caused.



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

1 Mill Street  
5 Mill Street

7.3 The representations can be summarised as follows:

Noise and disturbance associated with the use;  
As long as the people are not outside after 11pm then there are no objections

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 The shop is within a local centre and therefore policy 6/7 is relevant. The policy seeks to protect A1 uses to a level above 60% shop fronts within the local centre. Having discussed the proposal with policy colleagues, I note that the existing shop will still remain as an internet cafe and the use of the structure in the rear yard will be similar to a smoking shelter at pubs and therefore ancillary. The shisha smoking will be carried out in this area and the shop will continue to supply hot and cold drinks to the patrons. I do not consider that the application would cause the loss of a Class A1 use, and consequently, I do not consider that there is any conflict with policy 6/7.

8.3 The proposal is a retrospective application for the use of the rear covered area as a shisha smoking place. The current use of the whole unit is an internet cafe, (Use Class A1).

Representations have implied that the use is not an internet cafe. I note from my site visit however that the shop does have computer terminals and I witnessed some use. In my view, there is no substantial evidence to suggest the site is not used as a Class A1 shop.

- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policy 6/7.

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

- 8.5 The structure has already gained approval and the design and location of the structure is not changing.
- 8.6 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV6 and ENV7 and Cambridge Local Plan (2006) policies 3/4 and 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.7 The proposal is located in the rear yard. The site is surrounded by residential properties on all boundaries and therefore the impact of the use on these properties is material. Comments have been received that the proposal already creates a noise nuisance to the neighbouring occupiers but colleagues in Environmental Health have commented that there have been no complaints since 2008. Environmental Health Officers agree that this is a very sensitive area and therefore agree that the area should not be used past 9pm I agree. I am also of the view that there shall be no amplified music/tv in the area and therefore I impose conditions to control this.
- 8.8 Subject to conditions, 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 4/13.

## **Third Party Representations**

- 8.9 The third party objections have been addressed in the main report above in the Principal and Residential Amenity section of the report.

## **9.0 CONCLUSION**

The proposal seeks retrospective approval for the use of the rear covered area to be used as a shisha smoking area. Having assessed the proposal I consider that subject to conditions the proposal is acceptable and recommend APPROVAL.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. No amplified or unamplified music shall be played in or transmitted to the external covered area which is the subject of this application, nor shall any television, radio, video or other equipment producing sound, be used in the area.

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

2. The rear courtyard shall not be used after 21:00 hours during any part of the week.

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

### **Reasons for Approval**

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

East of England plan 2008: SS1, ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 4/11, 4/13, 4/15, 6/7 and 6/10

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

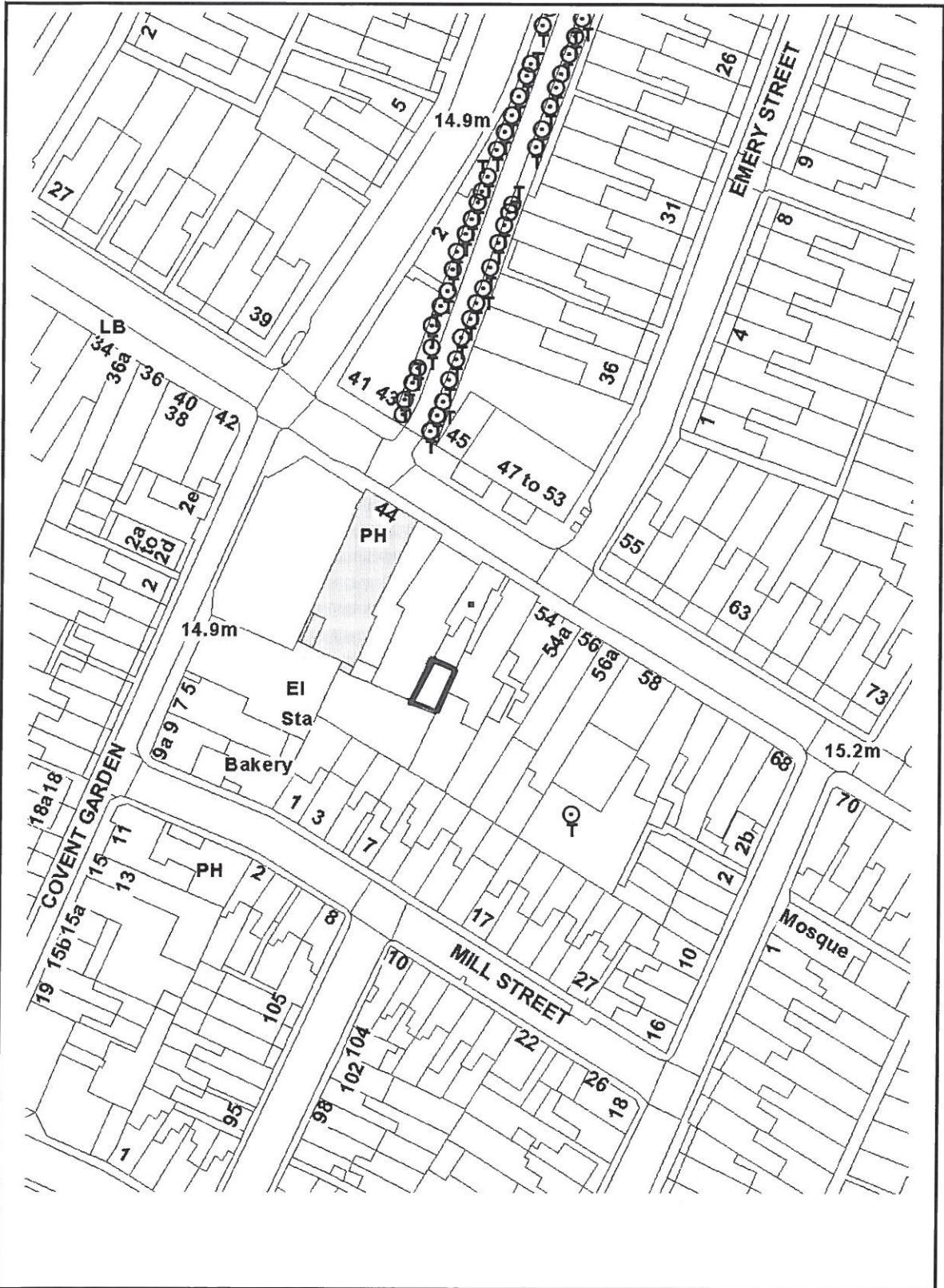
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre,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

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

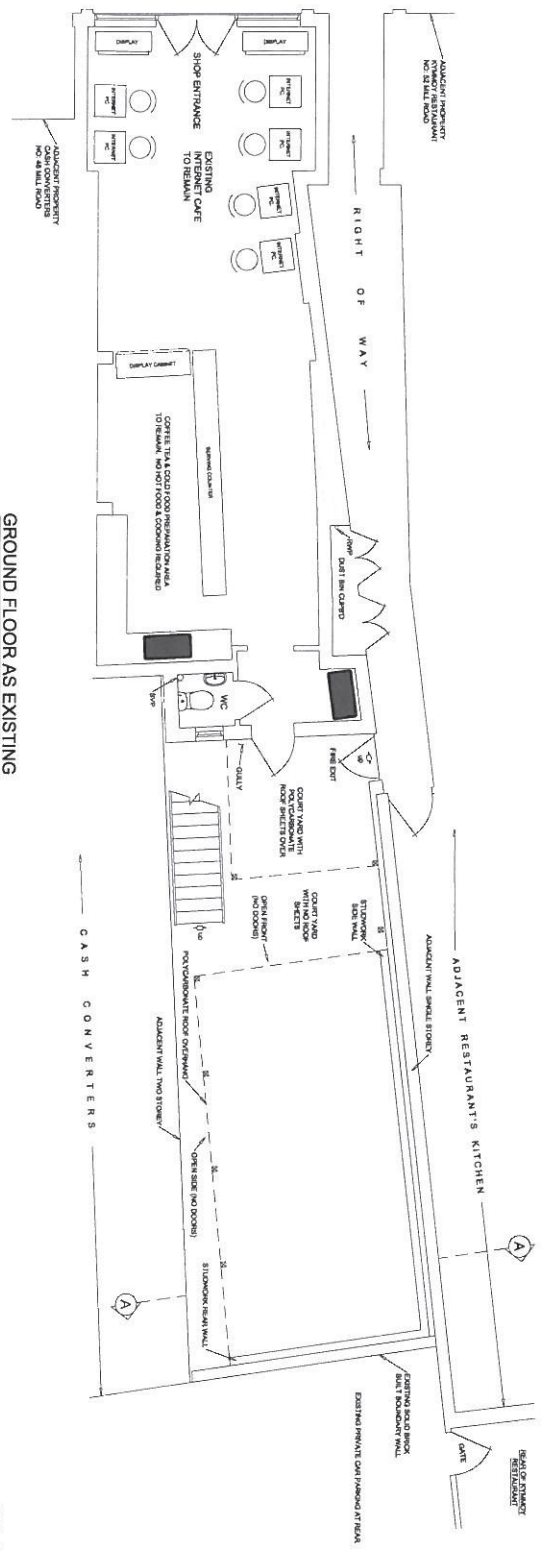
Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

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

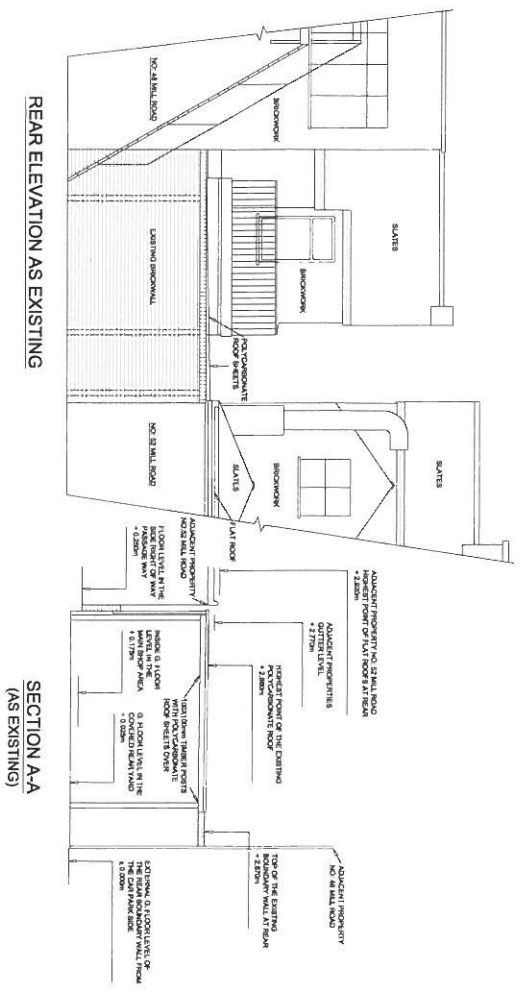
These papers may be inspected on the City Council website at: [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or by visiting the Customer Service Centre at Mandela House.



12/0398/FUL  
50 Mill Road Cambridge

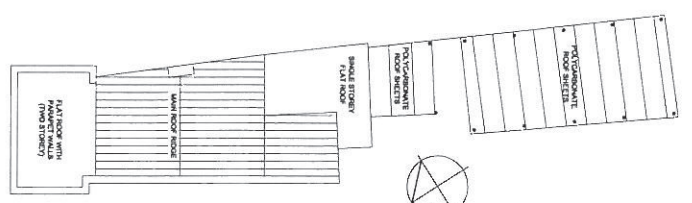


GROUND FLOOR AS EXISTING

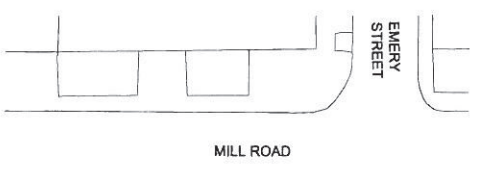


REAR ELEVATION AS EXISTING

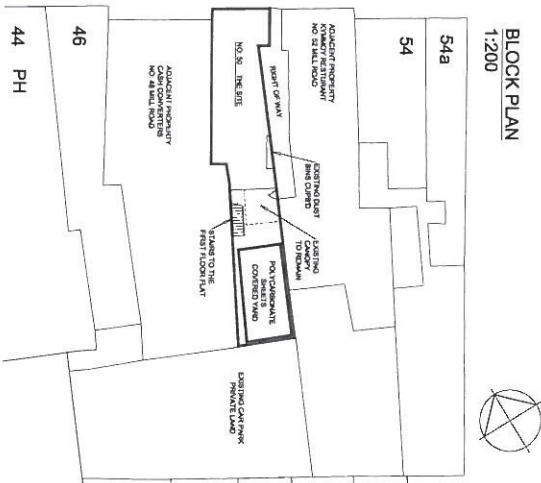
SECTION A-A (AS EXISTING)



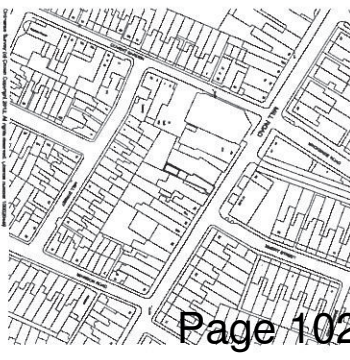
EXISTING ROOF PLAN 1:100



LOCATION PLAN 1:1250



BLOCK PLAN 1:200



<b>Application Number</b>	12/0377/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	22nd March 2012	<b>Officer</b>	Mr Amit Patel
<b>Target Date</b>	17th May 2012		
<b>Ward</b>	Petersfield		
<b>Site</b>	23 Hooper Street Cambridge Cambridgeshire CB1 2NZ		
<b>Proposal Applicant</b>	Rear extension at ground and first floor levels. Ms Marta Diaz Hurtado 23 Hooper Street Cambridge Cambridgeshire CB1 2NZ		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p>Extensions to ground floor, first floor and alteration to roof of existing dwelling house</p> <p>The proposal will not have a harmful impact on the Conservation Area as the design is similar to the neighbouring properties</p> <p>The proposal will not have a significant impact upon the neighbouring occupiers as the height and depth is not significantly different to the neighbouring properties</p>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 23 Hooper Street is a end of terrace, two-storey dwelling and its rear garden, situated on the northern side of Hooper Street, close to the junction with Ainsworth Street. The area is largely residential in character containing predominantly terraced, two-

storey dwellings. The subject dwelling has been previously extended to the rear.

- 1.2 The site lies within the Mill Road section of the City of Cambridge Conservation Area No.1 (Central), and within the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal seeks approval for a rear ground floor and first floor extension as well as a change to the roof over the existing flat roof element to a pitched roof.

- 2.2 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
04/1220/FUL	Erection of replacement garage with 1st floor study and conservatory room above.	A/C
04/1143/CAC	Demolition of garage.	WDN
C/02/0361	Two storey side extension and conversion of roof space.	A/C
C/99/0790	Single storey rear extension to existing dwellinghouse.	A/C

## **4.0 PUBLICITY**

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

## **5.0 POLICY**

- 5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge



Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

## 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 ENV6 ENV7
Cambridge Local Plan 2006	3/1 3/4 3/14 4/11

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

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Area Guidelines:</u> Conservation Area Appraisal: Mill Road Area

## **6.0 CONSULTATIONS**

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

6.1 No Comment to make on this application.

### **Historic Environment Manager**

6.2 This is an unlisted building in the Conservation area. The proposal is acceptable as this will have little impact upon the character and appearance of the Conservation Area.

### **Additional Comments**

6.3 The proposal will have limited views outside the site and subject to the use of materials the proposal will not detract from the character of the area. This is not a listed building and therefore there is no statutory protection and positive management of change is thought to be acceptable in this instance. There are other proposals within the immediate area that are similar to the ones being proposed here and therefore it is acceptable.

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**

### **Objectors**

7.1 Councillor Brown has commented with regards to the application having concerns relating to overlooking, residential amenity and the development in a Conservation Area and would like the application to be called in to Committee.

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

108 Ainsworth Street  
106 Ainsworth Street

7.2 The representations can be summarised as follows:

Raising of the main roof and first floor extension diminishes the day light and sunlight to garden of 106;  
The proposal will allow overlooking into the garden of 106;  
The amount of development erodes the character of the Conservation Area;  
Serial development of the site is not in keeping with the Conservation Area;  
The annexe and the development in total would be over development of the site and would give rise to overshadowing, sense of enclosure, loss of light, visual domination and loss of sky;  
Roof design does not follow the roof extension guide;  
The application drawings are inaccurate as it does not show the annexe;  
Lack of consultation with the neighbours by the applicant in line with the NPPF;  
Urban Design and Conservation comments are inaccurate as the two storey annexe has not been considered and the proposal will be seen from the Conservation Area and therefore will have an impact.

### **Applicants Comments**

- 7.3 The applicant has made comments regarding the objections received. The applicant states that the objections received are on two grounds; harm to the Conservation Area and impact on residential amenity.

The proposed would match the existing design in the area and therefore is more in keeping with the context of the area and Conservation design;

Both 106 and 108 have added large extension to ground floor and dormers that alter the historic design of the Victorian dwellings;

The outbuilding is not shown as there are no works being proposed to the building;

Rebalancing the loss of amenity to 23 by adding an extension to ground floor which does not project forward than the existing extension to 108;

The proposal is subservient to the existing built form and therefore will have minimal impact in terms of over shadowing;

Ample light enters the ground floor extension at 108 as it has large Veluxes and full glass frontage;

Due to ground level differences the proposal is slightly taller than the one next door and

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

## **8.0 ASSESSMENT**

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

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

### **Context of site, design and external spaces and Impact on the Conservation Area**

- 8.2 The proposal is for a ground and first floor extension to the rear and changing the flat roof at first floor to a pitched roof. There have been comments from third parties about the acceptability of the proposal in a Conservation Area. Having been on site, I note that number 106 and 108 Ainsworth Street have similar ground and first floor extensions and there are other examples in the area.
- 8.3 It has also been commented that the proposal is an over development of the site. I consider that this is a slightly different plot to the ones on Ainsworth Street. Although the depth may be the same as the ones on Ainsworth Street this plot is wider. I do not consider that the site to be overdeveloped as there is still room left for a reasonable garden and storage of bins and bikes which is similar to others in the area.
- 8.4 The proposed first and ground floor extension will be visible from oblique angles in Hooper Street. The Conservation Officer has commented that the proposal subject to the use of matching materials the proposal will not have a harmful impact upon the Conservation Area. The materials can be addressed by a condition.

- 8.5 Subject to condition, in my opinion the proposal is compliant with East of England Plan (2008) policies ENV6 and ENV7 and Cambridge Local Plan (2006) policies 3/4, 3/14 and 4/11.

### **Residential Amenity**

Impact on amenity of neighbouring occupiers

#### **Ground Floor Extension**

- 8.6 The ground floor element will be adjacent to the common boundary with number 108 and will replicate the depth the adjoining two extensions at 106 and 108 but not be full width. The proposed extension will be 30cm taller at the eaves than that at 108, with a pitched roof. I do not consider that this element will cause any over bearing or sense of enclosure as it will abut the neighbouring extension which is of a similar scale.
- 8.7 In relation to over shadowing and loss of light, I note that the ground floor element sits south of 108 and there will be some degree of loss of light and over shadowing but this impact will be from the existing built form of the building and I do not consider that this element will have an impact significant enough to warrant a refusal. There have been comments relating to windows allowing over looking into the garden of the adjoining property but there are no windows proposed in the side elevation and due to the existing boundary treatment and the single storey element there will be limited over looking views from this.
- 8.8 The proposed ground floor element would sit south of number 108, but its scale and position are such that it would create little, if any, additional overshadowing. I do not consider that any overlooking would be possible from the ground floor element.

#### **First Floor Extension**

- 8.9 The proposal is to extend the existing first floor in line with the first floor element to 108 Ainsworth Street and others along Ainsworth Street. The proposed extension will mirror the others and will have a pitched roof. Neighbour representations suggest that loss of outlook, loss of light, overbearing, loss of privacy and loss of light will result.

- 8.10 The proposal will sit south of the neighbours and I agree that there maybe some degree of loss of light late on in the day. Given the scale and position of the proposal relative to number 108, I do not consider the level of additional overshadowing would be unacceptable.
- 8.11 In relation to privacy the new window at first floor serves a bathroom and the window will be obscured glazed which will restrict direct over looking into the neighbouring gardens. I impose a condition to control this and that any opening shall be 1.7m above floor level and subject to this condition the proposal is acceptable.
- 8.12 In terms of outlook and over bearing and loss of light, I do not consider that the proposal will have an impact, as it does not project forward of the existing building line. The height is similar to the extension at 108. The existing dwelling at number 23 Hooper Street is significantly taller than the proposed extension. By comparison, the impact of the extension is likely to be of little significance.
- 8.13 Comments have also been received from number 106 Ainsworth Street but again I do not consider that the proposal will have a significant impact on the neighbour due to the distance and the constraints of the site mentioned above.

**Change in roof from flat to pitched over bedroom 4 and bathroom**

- 8.14 The proposed change to the roof will no project forward of the existing eaves line at 108 Ainsworth Street and will be lower than the existing ridge line. Comments have been received that this element is likely to have an impact upon the amenity of the neighbouring occupiers but in my view, due to the position and the scale of the change this will not have a significant impact.
- 8.15 Subject to condition, 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 3/14.

## **Third Party Representations**

- 8.16 The objections raised in relation to the context, Conservation Area and residential amenity have been addressed in the report above.
- 8.17 The failure of the applicant to consult neighbours directly is not a reason to refuse permission.

## **9.0 CONCLUSION**

The proposal will be of a similar scale and massing as other extensions in the area. I do not consider the proposal will have a detrimental impact upon the character and appearance of the Conservation Area or residential amenity and therefore I recommend APPROVAL.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

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

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

2. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. (The window identified as having obscured glass on drawing number 06 or (on the rear elevation at first floor level) shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of use (of the extension) and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

### **Reasons for Approval**

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

East of England plan 2008: SS1, ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/14 and 4/11

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**

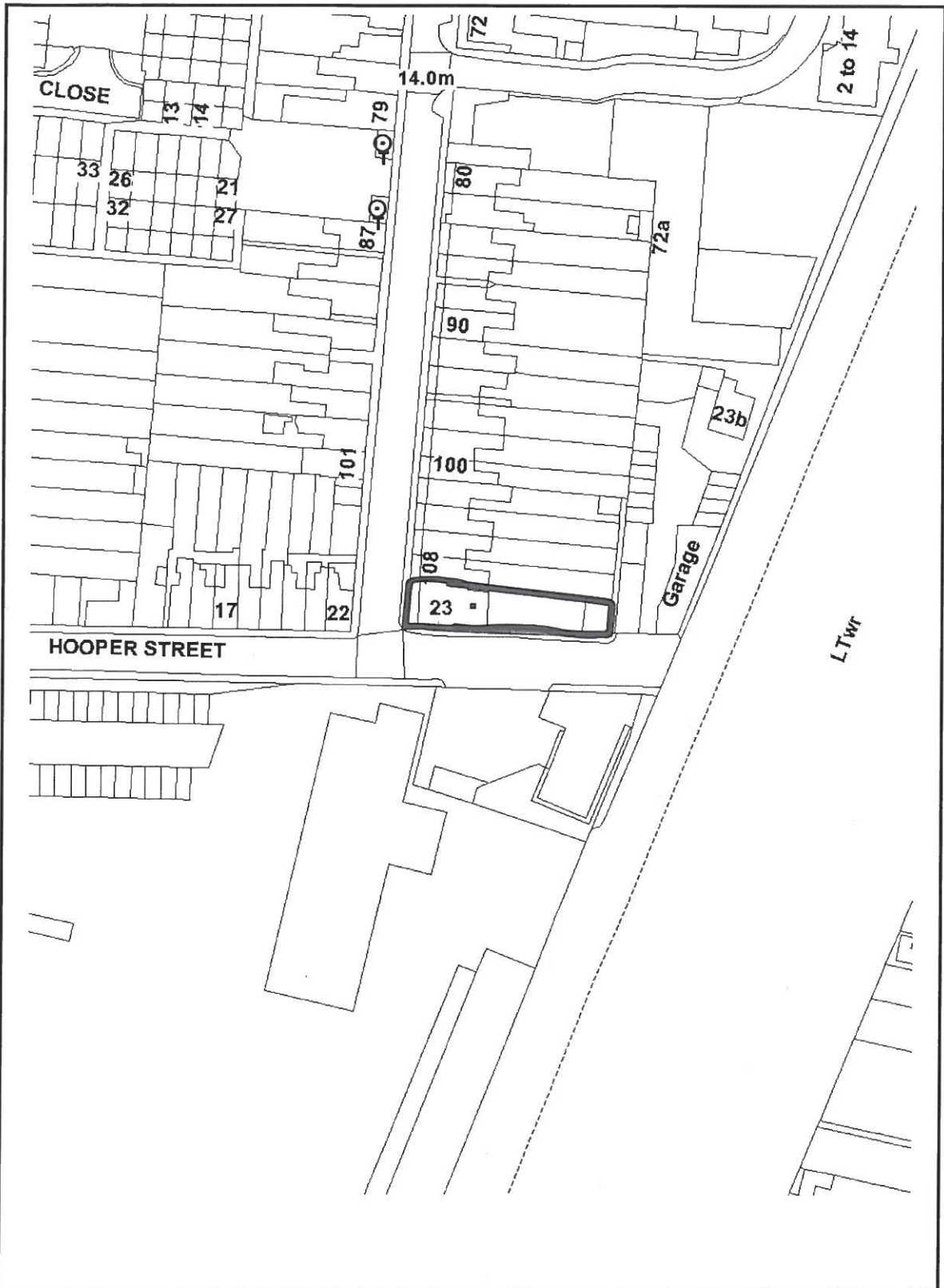
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1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to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

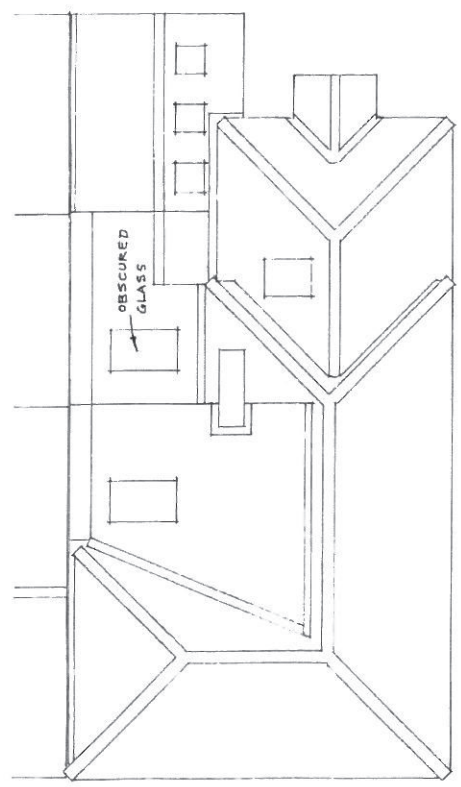
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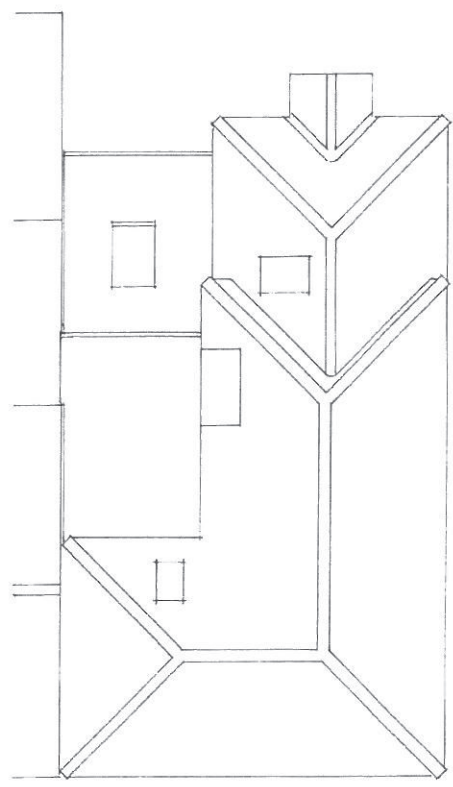
or by visiting the Customer Service Centre at Mandela House.



**12/0377/FUL**  
**23 Hooper Street Cambridge**

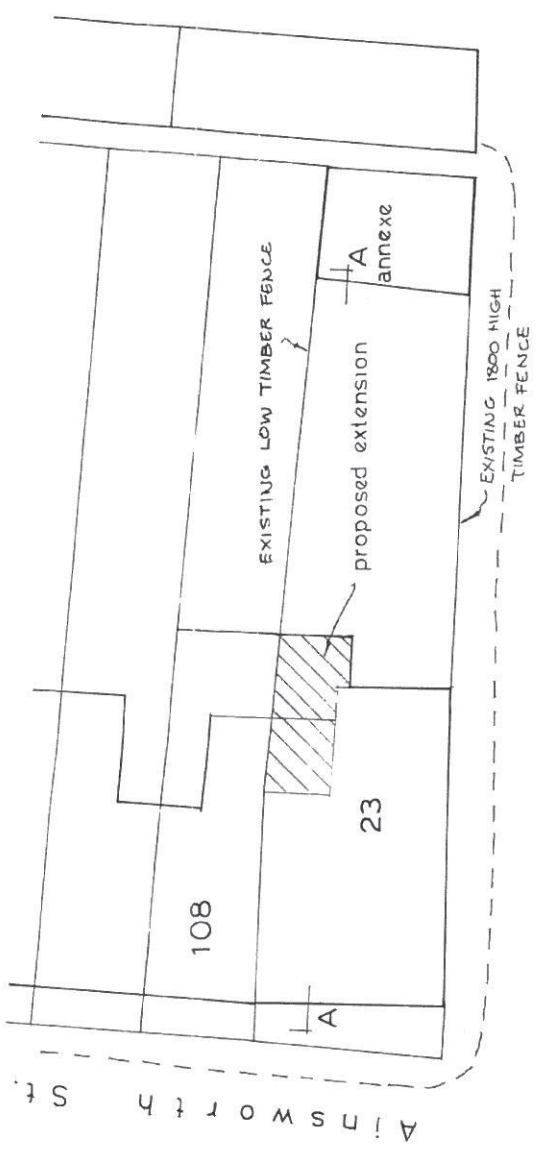


PROPOSED



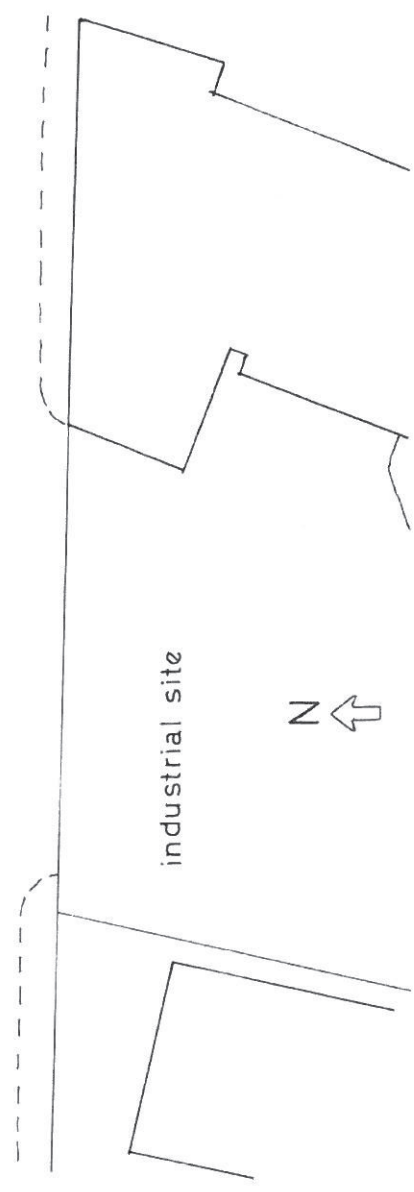
EXISTING

ROOF PLANS 1:100

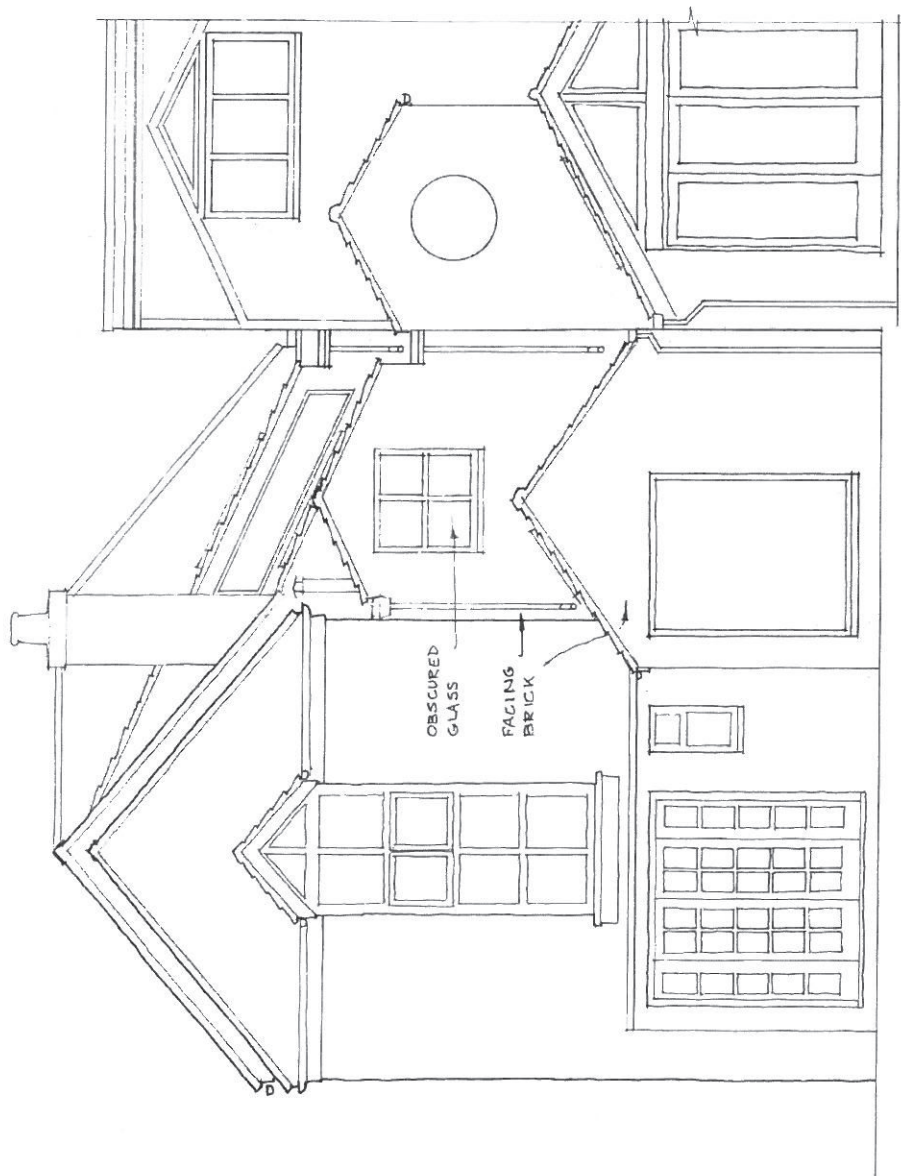


A i n s w o r t h S t .

H o o p e r S t r e e t



SITE PLAN 1:200



No 23 Hooper Street Cambridge Job 11.456  
**Rear Elevation - proposed 06**  
Scale: 1:50 Date 03/12 Graham Waterhouse ARCHITECT  
Tel 01638 743095 122 Silver Street Burwell Cambridge CB25 0EF  
Any query arising from this drawing should be referred to the Architect

# Agenda Item 8f

**EAST AREA COMMITTEE**

**Date: 21<sup>st</sup> June 2012**

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<b>Application Number</b>	12/0342/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th March 2012	<b>Officer</b>	Miss Sophie Pain
<b>Target Date</b>	11th May 2012		
<b>Ward</b>	Coleridge		
<b>Site</b>	34 Clifton Road Cambridge CB1 7EB		
<b>Proposal</b>	Temporary permission for a change of use from B1 (business), B2 (general industry) and B8 (storage and distribution) to a D2 Use (assembly and leisure).		
<b>Applicant</b>	Mr Edward Baring 12A Thrifts Walk Cambridge Cambridgeshire CB4 1NR United Kingdom		

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<b>SUMMARY</b>	<p>The development does not accord with the Development Plan for the following reason:</p> <p>The proposed temporary change of use from B1 (c), B2 or B8 to a D2 use would result in the loss of floorspace of B1 (c), B2 or B8 within a protected industrial/storage site as designated in the Cambridge Local Plan 2006, and does not seek to re-provide this floorspace elsewhere on the site. This proposal is contrary to policy 7/3 of the Cambridge Local Plan 2006.</p> <p>The proposed temporary use will result in a conflict between the existing industrial vehicular traffic of the estate and future child pedestrians and cyclists, who are using the Little Gym. While these children will be accompanied by an adult, there is a lack of sufficient evidence or information within the Transport Statement for the Highway</p>
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	<p>Authority to be certain that children using the proposed facility will not be at risk from harm while walking or cycling to or from the application site.</p> <p>In the absence of a S106 planning obligation to secure the provision of transport infrastructure provision, the proposal is contrary to Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1, P9/8 and P9/9, Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.</p>
RECOMMENDATION	REFUSAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Clifton Road Industrial Estate lies to the east of Hills Road and the London to Kings Lynn railway line. The estate is north of Cherry Hinton Road and west of Rustat Road, taking its access from Cherry Hinton Road. It comprises a spine road with some units facing the road itself and some in small courtyards served by spurs off the main road. The site is classified in the Cambridge Local Plan 2006 as a Protected Industrial Site for B1(c), B2, B8 uses only. Land to the east of the site is residential.
- 1.2 Unit 34 is on the north-east bend of Clifton Road, facing Clifton Road itself. In this row of units there are three blocks, which are effectively semi-detached industrial units. They are orientated so that three of them face southwards and six units, face northwards. The unit is currently vacant, but was previously occupied by a light industrial and office use.
- 1.3 The site is not within a designated Conservation Area.

## 2.0 THE PROPOSAL

- 2.1 The applicant seeks planning permission from B1(c), B2 and B8 uses to a D2 use for a temporary period of 3 years.
- 2.2 The D2 use is known as The Little Gym and offers activities focused on music, movement and learning to children aged

between 4 months and 12 year. From one year upwards, the focus is more towards non-competitive gymnastics. This business would be a franchise of a larger company that has approximately 300 Little Gyms worldwide, 7 located in the UK, 4 within London boroughs and the remaining three in Harpenden, Harrogate and Bishop's Stortford.

2.3 The aspiration for the owner is to operate 7 days a week, once demand grows with classes during the week operating between 9:30 am and 6 pm and 9 am to 4 pm on Saturdays and 2 pm to 4:30 pm on Sundays. Class capacity for most classes is 12 children with some increasing to 18 children for younger ages. Classes would be scheduled with a 15 minute break between classes in order to reduce possible car parking pressures.

2.4 The application is accompanied by the following supporting information:

1. Planning Statement

2.5 The application is brought before East Area Committee because in the opinion of Officers there are special planning policy reasons that should be considered by Members of the Committee.

**3.0 SITE HISTORY**

3.1 No site history.

**4.0 PUBLICITY**

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

**5.0 POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

## 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	E1 E2 T9 T14 ENV7 WM6
Cambridge Local Plan 2006	3/1 3/4 6/2 6/3 6/4 6/6 6/7 6/8 6/9 6/10 7/3 8/2 8/6 8/10

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

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Cycle Parking Guide for New Residential Developments
	<u>Area Guidelines:</u> Northern Corridor Area Transport Plan Southern Corridor Area Transport Plan



	Eastern Corridor Area Transport Plan Western Corridor Area Transport Plan
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## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 The transport statement makes no reference to the accident history on Clifton Road. The environment of Clifton Road and the traffic makeup would be a less than ideal environment for child pedestrians and cyclists and therefore support of the application is not forthcoming.

2<sup>nd</sup> Comments (28<sup>th</sup> May 2012).

Following the submission of further data for a 24hr all trip mode and evidence that children would not be walking or cycling alone, the Highway Authority remain concerned about the conflict of users with the proposed temporary use and that Southern Corridor Area Transport contributions would be required.

### Head of Planning Policy

- 6.2 A temporary change of use would still be contrary to policy 7/3 of the Local Plan.

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:

Unit 36, Clifton Road

- 7.2 The representations can be summarised as follows:

Unit 36 backs onto the application site and there is concern that any adverse amount of noise for the

proposed use would have an adverse effect on their ability to work and trade.

Subsequent comment on 16<sup>th</sup> April 2012 that a noise test had been run and that subject to the volume being no louder than the level used in the demonstration, the occupier of unit 36 is willing to withdraw their objection to the application.

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. Disabled access
3. Amenity of neighbouring business
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Third party representations
8. Planning Obligations Strategy

### **Principle of Development**

8.2 Policy 7/3 states that development, including changes of use that result in loss of floor space within Use Classes B1(c), B2 or B8 will not be permitted where the site is identified on the Proposals Map as a protected industrial/storage site. Clifton Road Industrial Site is a protected site and the proposed change of use does not seek to re-provide the same level of floorspace as that lost from the protected use classes.

8.3 These sites are protected because they provide a location where such uses can cluster together. As such, there is an established character of Clifton Road, which is industrial, with associated functions such as the movement of lorries, which are not attractive to other uses. Paragraph 7.20 of the Local Plan emphasizes that there is a danger that the range of job opportunities and services in the area could become limited. In

order to guard against this, the best industrial and storage sites in the City need to be protected.

- 8.4 A number of arguments in favour of allowing the change of use must be considered:

Benefits of the proposed use

- 8.5 Given the space requirements of Little Gym, the use of Unit 34 provides an ideal space. As part of the Planning Statement, there is a list of 31 premises that the applicant has considered. These properties are within a 20-mile radius of the City Centre and different types of units have been considered, but the reasons for rejection are mainly that the units are too small or that the proposed use would disturb offices below. I consider that these are all valid reasons and that the applicant has been broad in their consideration of alternative properties.
- 8.6 Supporting the application are enquiries for local parents about the Little Gym, which does support the argument that there is a local need for this facility. Furthermore, the business would employ 4 full time employees with the intention for this to increase to 7 or 8.
- 8.7 I acknowledge that there is a genuine demand for this facility, and that it would provide employment.
- 8.8 Policy 6/2 of the Local Plan is also of relevance as it refers to new leisure facilities, which a D2 use falls under. This policy states that development will be permitted if it improves the range, quality and accessibility of facilities; it is of an appropriate scale for the locality; and it would not have a negative impact upon the vitality and viability of the City Centre, including the evening economy. In my view, the proposal is in accordance with this policy.

Absence of demand for the site for industrial use

- 8.9 The Clifton Road Industrial Estate Report produced by Bidwells for this application states that upon coming to market in February 2011, the details for Unit 34 were sent to local commercial agents, selected occupiers in the area and applicants on Bidwell's database who were looking for between 2 – 5,000 sq ft within a 5 mile radius of Cambridge. Selected

applicants were then e-mailed in October 2011 and a follow up mail drop to 50 industrial occupiers undertaken in November 2011. The joint agent for the site, Jones LaSalle sent a trade mailer in November 2011 to the top 400 trade counter operations in the UK.

- 8.10 Despite these marketing attempts, there has been no interest in Unit 34. The report attributes this to the fact that the Industrial Estate is made up of two halves. The front half appeals to national trade occupiers who pay a premium for the prominent location; the back half, which are small units with lower rents, are more favourable to local occupiers. Unit 34 falls between the two halves and does not benefit from the prominent location, but is too large for local occupiers. The popular units on the estate are the smaller ones, up to 2,500 sq ft, one of which was on the market for only 1 month. Larger units such as 50 & 51 are still on the market (since Dec 2009) and are failing to attract interest despite offerings such as half rent for two years. This provides a rounded picture of the estate.
- 8.11 This unit is one of the newer ones that has come onto the market in February 2011. The commercial report for Clifton Road produced by Bidwells, clearly demonstrates that the demand for smaller units is present within the City and that if this is the case, there is no justification for why the larger units could not be sub-divided to meet this demand. This would mean that the units would be more likely to let, thereby retaining the demand for the units on the site and ensuring that the industrial uses are retained on these protected sites.

#### Desirability of bringing the unit into use

- 8.12 The use of unit 34 on a temporary period of 3 years has been put forward in this application. Given the difficulty in letting these larger units it would ensure that the unit would be let in the short term. To limit the permission to 3 years would mean that if the applicant sought a subsequent permission to extend this temporary period then it is likely to be under different policy circumstances with the adoption of a new local plan. The renewal of temporary permissions is not favourable, but if a new permission were forthcoming then it would be considered against the standing policy at the time.

- 8.13 Although a temporary permission would bring a vacant unit back into use, this is not without its downsides. If permission were forthcoming on a temporary basis then there is a real possibility that it could lead to an increased number of temporary changes on these protected sites. If there were units in a temporary use, then it would mean that the market would be less able to respond to the demand for such uses as it rises.
- 8.14 The introduction of non-industrial uses would change the nature of the industrial estate and has the potential to make them less attractive for industrial uses. A knock on effect would be that incompatible uses would be situated next to one another with the possibility that industrial uses have to relocate because of noise complaints by new occupants. Part of the reason that these uses were congregated together was so that they wouldn't disrupt other uses and the nature of their work and hours of service mean that there is no friction. The introduction of non-industrial uses, even on a temporary basis, could easily alter this balance.

Guidance in the National Planning Policy Framework (NPPF)

- 8.15 Paragraph 22 of the National Planning Policy Framework 2012 states that;

*Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

- 8.16 I appreciate that the long-term protection of sites is not supported by the NPPF, but the Council has undertaken regular reviews of these allocated sites through the evidence provided in the Employment Land Review 2008 and the Cambridge Cluster Study 2011. Both of these studies identify that there is a short-term need for the protection of these uses.

8.17 Paragraph 14 of the NPPF states that:

Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole:  
or  
Specific policies in this Framework indicate development should be restricted.

8.18 However, with regard to this issue, the development plan is not silent, not only is policy 7/3 of the Cambridge Local Plan 2006 specifically relevant to the consideration of this application, but, as I have indicated above, the Council has up-to-date evidence to support this policy.

#### Conclusion on the principle of development

8.19 Taking into consideration all arguments, I am not persuaded that this proposal demonstrates exceptional circumstances that allow a deviation from Local Plan policy, even on a temporary basis. In my view the harm caused by the loss of part of one of the few remaining areas of industrial space in the City (with its associated long-term loss of employment opportunities) would outweigh the benefits to users and the advantage of bringing the unit into use immediately.

#### **Disabled access**

8.20 The building is publicly accessible and should therefore give consideration to the needs of those with disabilities to ensure that the building is easily and safely accessible. The proposed use would need a wheelchair accessible toilet and the main doors would need to be asymmetrical with one having a clear opening to a minimum of 900 mm. If a recommendation of approval were forthcoming, then I would suggest a condition to ensure that this is provided prior to commencement of the use.

8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/7.

## **Amenity of neighbouring businesses**

- 8.22 A neighbouring unit has been concerned about the noise of music associated with the proposed use. A sound trial has been undertaken with the neighbouring unit and they have withdrawn their objections if the level of music does not exceed that in the trial. This trial concluded that the volume would not be turned up beyond a certain point on the volume control. This is unsatisfactory in terms of enforcing a potential condition. Noise levels should be referred to in terms of decibels for the wording of a potential condition.
- 8.23 However, I do not consider it reasonable to ask for such a noise test and to subsequently condition such permission if it were forthcoming. The nature of this estate is that it is industrial and if a panel beater were to move into the unit, planning permission would not be required and as such, the noise it produces could not be controlled. I believe that the noise from the proposed use of the unit would be minimal and given that the applicant has been considerate in their previous rejections of other units on this basis, I do not consider that the amenity of the neighbouring industrial unit would be compromised.
- 8.24 In my opinion the proposal adequately respects the workplace amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

## **Highway Safety**

- 8.25 The Highway Authority are concerned that the transport statement makes no reference to the accident history on Clifton Road. Given that the estate has a large number of commercial vehicles that use the roads it makes a less than ideal environment for child pedestrians and cyclists. For this reason, their support is not forthcoming.
- 8.26 The applicants have argued that the all children who use the proposed facility would be accompanied by an adult whether they are cycling or their parents park within the multi – storey car park. The target age for the use is under 12 years old and therefore parents will accompany them to the door. There is a continuous footpath within the Industrial Estate and a cut through from Rustat Road to Clifton Road for cyclists and

pedestrians, which would mean that those traveling from the east could use this route. Despite this, the Highway Authority remain by their original objection to the application and consider that there is insufficient information within the Transport Statement to be certain that children using the proposed facility will not be at risk from harm while walking or cycling to or from the application site.

- 8.27 The NPPF 2012 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The applicant considers that the proposed temporary use will not cause severe impact on the Highway, but there is no evidence to support this and the highway authority disagrees. Therefore the application does not comply with policy 8/2 of the Cambridge Local Plan 2006.

### **Car and Cycle Parking**

#### Car Parking

- 8.28 The Car Parking Standards within the Cambridge Local Plan (2006) stipulate that outside of a Controlled Parking Zone, there should be 2 car parking spaces for every 3 members of staff and 1 space for every 4 seats, including disabled parking. This is a difficult standard to apply as there is minimal seating associated with this use. The unit has 9 allocated car parking spaces, there is also on street parking to the south and east in addition to a multi-storey car park no more than 3 minutes walk away. For this reason, I consider that there is an acceptable level of car parking, in close proximity to the application site.

#### Cycle Parking

- 8.29 The Cycle Parking Standards within the Cambridge Local Plan (2006) requires 1 space for every 25m<sup>2</sup> net floor area. The total net floor area of the unit is 235 m<sup>2</sup> which equates to 9 cycle parking spaces. The applicant proposes 12 cycle parking spaces through the use of wall mounted cycle racks that will be located to the left of the roller shutter entrance. I do have concerns about this proposed arrangement as wall mounted racks are not the easiest to use, especially if a child seat is fitted to the bike, which is highly likely. I believe that if the application were approved then a condition should be imposed



to provide alternative cycle parking arrangements prior to the commencement of use.

- 8.30 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**

- 8.31 I consider that I have addressed the concerns of the third party representative.

### **Planning Obligations Strategy**

#### Transport

- 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 Southern Corridor Area Transport Plan where the contribution sought per trip is £369.
- 8.33 The applicants have submitted a transport assessment on which the following assessment of additional trips is based and the County Council agree.
- 8.34 Using the County Council standard figures for the number of trips likely to generated by the proposed community facility use, contributions have been calculated as follows.

<b>Southern Corridor Area Transport Plan</b>				
Existing daily trips (all modes)	Predicted future daily trips (all modes)	Total net additional trips	Contribution per trip	<b>Total £</b>
28	170	142	369	52,398

- 8.35 The applicant has argued that the proposed contribution for this scale of development, which is only on a temporary basis, is neither fair nor reasonable and fails the tests within Circular 1/97 (Planning Obligations) and PPG13. They further argue that Circular 1/97 states that 'acceptable development should never be refused because an applicant is unwilling or unable to offer benefits.' The proposed contribution would make the use

unviable according to the applicant. I appreciate that the sum is considerable, but there does not appear to be any reason why this proposed use should be exempt from the requirements of the Planning Obligation Strategy 2012 and the Southern Corridor Area Transport Plan.

8.36 Circular 1/97 and PPG13 have been superseded by the NPPF. The NPPF states in paragraph 173 'that sites should not be subject to such a scale of planning obligations that their ability to be developed viably is threatened'. I do not consider that the application of the requirements of SCATP to this site threaten its ability to be used viably. The industrial uses for which the site and buildings were designated would not generate this high level of daily movements and would consequently not trigger significant obligations towards SCATP.

8.37 In the absence of a S106 planning obligation to secure this infrastructure provision, the proposal is contrary to Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1, P9/8 and P9/9, Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

## **9.0 RECOMMENDATION**

### **1. REFUSE for the following reason/s:**

1. The proposed temporary change of use from B1 (c), B2 or B8 to a D2 use would result in the loss of floorspace of B1 (c), B2 or B8 within a protected industrial/storage site as designated in the Cambridge Local Plan 2006, and does not seek to re-provide this floorspace elsewhere on the site. This proposal is contrary to policy 7/3 of the Cambridge Local Plan 2006.

2. The proposed temporary use will result in a conflict between the existing industrial vehicular traffic of the estate and future child pedestrians and cyclists, who are using the Little Gym. While these children will be accompanied by an adult, there is a lack of sufficient evidence or information within the Transport Statement for the Highway Authority to be certain that children using the proposed facility will not be at risk from harm while walking or cycling to or from the application site. The proposal is therefore in conflict with policy 8/2 of the Cambridge Local Plan.
3. The proposed development does not make appropriate provision to secure the transport infrastructure provision related to this proposal. The proposal is contrary to Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 8/3 and 10/1, the Southern Corridor Area Transport Plan 2002 and the Planning Obligation Strategy 2010.

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

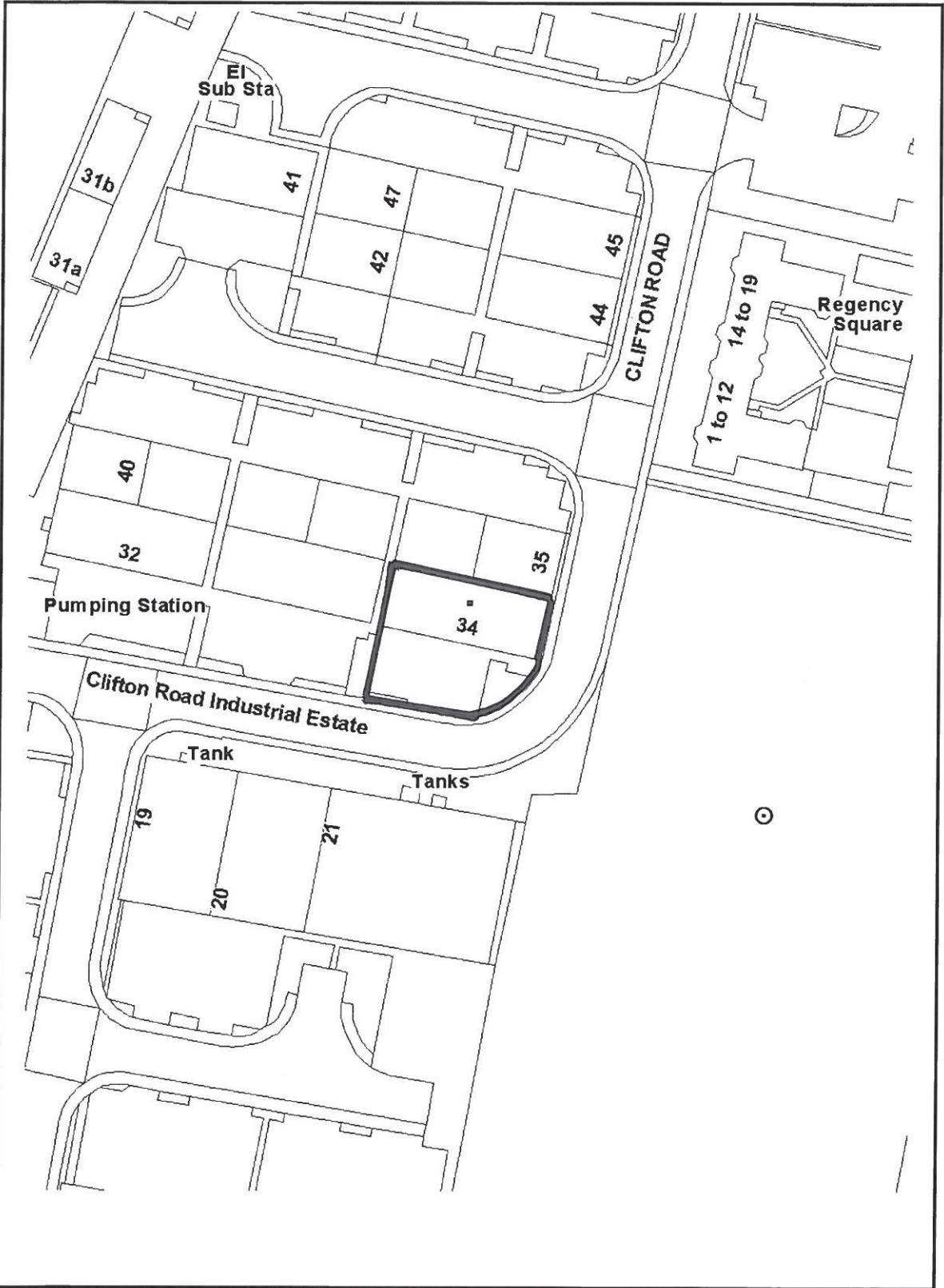
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[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)

or by visiting the Customer Service Centre at Mandela House.



**12/0342/FUL**  
**34 Clifton Road Cambridge**

<b>Application Number</b>	12/0169/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th February 2012	<b>Officer</b>	Mrs Sarah Dyer
<b>Target Date</b>	5th April 2012		
<b>Ward</b>	Petersfield		
<b>Site</b>	Site Adjacent 19 Sleaford Street Cambridge Cambridgeshire CB1 2PZ		
<b>Proposal Applicant</b>	Erection of new 3 bedroom house Ms A + Mr T Malik 35 Colier Road CAMBRIDGE CB1 2AH		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <p>The development provides a new house which helps to meet the need for new housing in the City.</p> <p>The house is in an accessible location and its design is appropriate for the Conservation Area.</p> <p>Revisions have been made to the design that overcome previous reasons for refusal in relation to impact on residential amenity.</p>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

1.1 The application site is on the north side of the road, immediately to the east of 19 Sleaford Street and to the west, the rear of, 1, 3 and 5 York Street to which properties it once served as garden land. The site, which appears to have been recently cleared - it was overgrown with a dilapidated garage to the rear - has an 8.8m wide frontage to Sleaford Street (marked

by a roughly 1.5m high brick wall with a roughly central gap to allow access) and is about 12.5 metres deep.

- 1.2 The site is surrounded on all sides by residential development that is characterised by terraced housing. Immediately to the west is the blank, gable end wall of 19 Sleaford Street, to the east the gardens serving 1, 3 and 5 York Street and to the north the garden of 7 York Street.
- 1.3 The site is within the City of Cambridge Conservation Area No. 1 (Central). The site is not within the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

2.1 Full planning permission is sought for a two storey dwelling with accommodation in the roof space. The house will extend the terrace fronting Sleaford Street. It will be 5.7 metres wide on the street frontage and the same height as the adjacent terrace at eaves and ridge level.

2.2 The application is accompanied by the following supporting information:

1. Design Statement

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

The three storey rear projection has been reduced in height to two storeys with a cat slide roof.

A dormer has been added to serve the accommodation in the roof space.

Obscured glazing has been introduced to the east elevation.

Incorporation of a bay window to the rear elevation with recessed windows.

2.4 The application is brought before East Area Committee because previous applications on the site generated objections and there is a history of refusals of planning permission.

### 3.0 SITE HISTORY

Reference	Description	Outcome
10/0825/FUL	Erection of one 3-bed house.	REF
05/0153/FUL	Erection of 1 No. four bed house.	REF
C/03/0107	Erection of 1 no 2 bedroom house.	REF
C/96/0186	Erection of 6 self contained flats with associated car parking following the demolition of the existing houses.	REF

3.1 Planning application 05/0153/FUL incorporated an additional floor at basement level and a dormer window to the front south facing roof slope. The application was refused for the four following reasons;

1. The front dormer window and ground floor basement extension would appear out of character and detract from the appearance of the street scene. The chimney stack is inappropriately proportioned and the window positioning fails to reflect the rhythm of openings along Sleaford terrace. The proposal is therefore considered to be of a poor design that would harm the appearance of the street scene and detract from the character and appearance of the Conservation Area.
2. The inclusion of the basement would result in an overly cramped residential layout and poor level of amenity for future occupants. The bedroom would receive little light and the sunken garden would result in a dark and gloomy rear aspect with little opportunity for future occupants to enjoy the external space
3. The scale and proximity of the dwelling to its boundaries would result in an overbearing and unduly dominate built form that would overshadow the rear gardens of York Street properties. Located only 4.1 metres away from the boundary, occupants would be able to look directly into the rear garden area of No. 7 York Street and adjacent gardens and this would result in an unacceptable loss of privacy. The proposal therefore fails to respect the constraints of the site.

4. The proposed development does not make appropriate provision for public open space and community development facilities.

3.2 The most recently refused planning application reference 10/0825/FUL did not incorporate a front dormer window or basement and included a revised design for the front fenestration and chimney stack. As such, the proposal was considered to have successfully addressed the first two reasons of refusal of application reference 05/0153/FUL but was still considered unacceptable for the following two reasons:

1. The scale and proximity of the dwelling to its shared boundaries with residential properties on York Street to the east would result in an overbearing and unduly dominant built form that would overshadow and unreasonably enclose the rear gardens of these neighbouring dwellings. Located close to the boundary with No. 7 York Street, prospective occupiers would be able to look directly into the rear garden area of this neighbour at a distance of less than 5 metres and also into adjacent gardens, causing a loss of privacy and a diminution in the amenity that the occupiers should properly expect to enjoy.
2. The proposed development does not make appropriate provision for public open space, community development facilities, waste storage or monitoring.

#### **4.0 PUBLICITY**

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition:	No
DC Forum:	No

#### **5.0 POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.



## 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 T1 T9 T14 ENV6 ENV7 WM6
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8
Cambridge Local Plan 2006	3/1 3/4 3/7 3/8 3/10 3/11 3/12 3/14 4/11 4/13 5/1 5/10 5/14 8/2 8/6 8/10 9/1 9/2 9/3 9/5 9/6 9/7 9/8 9/9 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Planning Obligation Strategy
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27

	May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u> Open Space and Recreation Strategy Cycle Parking Guide for New Residential Developments
	Conservation Area Appraisal: Mill Road Area

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

- 6.1 The area suffers intense competition for parking on street and this proposal would exacerbate that situation, competing against existing residential units. Conditions/informatives are recommended in relation to works to the highway and encroachment.

### Head of Environmental Services

- 6.2 No objections conditions recommended relating to contaminated land and construction hours and informatives regarding contaminated land and HMOs.

### Urban Design and Conservation Team

- 6.3 Comment on application as submitted – The application is supported. Conditions are recommended in relation to brickwork, roofing materials and joinery.
- 6.4 The Urban Design and Conservation team were re-consulted on the amended scheme. No additional comments were made

## 7.0 REPRESENTATIONS

- 7.1 No representations have been received in relation to the application as submitted. Further neighbourhood consultation

was carried out in relation to the amended scheme but no comments were received.

## **8.0 ASSESSMENT**

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

1. Context of site, design and external spaces
2. Impact on Heritage Assets
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Planning Obligation Strategy

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

8.2 The context of the site is characterised by traditional two storey terraced housing. The design of the proposed house reflects this character. The building is slightly wider at 5.7 m than other houses in the terrace, which are approximately 4.7 m wide. However the end of terrace location will help to mollify this difference. The amended plans present a front elevation that mimics the rest of the terrace. To the rear is a pitched roof dormer window. This will be the first such window in the terrace and the wider area but it is modest in size and of a traditional pitched roof design. In my view it is acceptable. The amendment of the design to omit the three storey projection and replace it with a two storey cat slide projection is more sympathetic to the style of projections in the area.

8.3 The application site is overgrown and may have historically served as garden land for adjacent houses. It does not make a positive contribution to the streetscene and it would be difficult to argue that the development would result in the loss of garden land.

8.4 In my opinion the proposal is compliant with East of England Plan policy ENV7 and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

## **Impact on Heritage Assets**

- 8.5 The heritage asset in this case is the Conservation Area. The Senior Conservation Officer has considered the Mill Road Conservation Area Appraisal in her assessment of the application and reached the view that the development will not harm the Conservation Area. I concur with her view.
- 8.6 In my opinion the proposal is compliant with East of England Plan policy ENV6, Cambridge Local Plan (2006) policy 4/11 and guidance provided by the NPPF.

## **Residential Amenity**

Impact on amenity of neighbouring occupiers

- 8.7 The impact on the residential amenity of the occupiers of 1, 3, 5 and 7 York Street was the key reason for refusal of the previous scheme. The application as amended has sought to address these impacts. The principal impacts are in terms of overshadowing/enclosure and overlooking.

### *Overshadowing/Enclosure*

- 8.9 A reduction in the width of the proposed house has increased the separation distance between the new house and the houses facing York Street by 600 m. The separation distance that is shown at first floor level on the plans is in excess of 9 metres. A ground floor projection, which accommodates a hall and utility room, is set off the boundary by 1 m but projects above the boundary. The two storey side wall and rear outshot present a very similar outlook to the previous scheme. Although the enclosure and overshadowing impact is improved the new dwelling will continue to dominate the garden areas serving 1, 3 and 5 York Street.
- 8.10 The relationship between the rear of the proposed dwelling and the garden serving 7 York Street has not changed significantly. However the applicant's agent argues that the impact of the house on this garden is reduced by the fact that there is a large cherry tree and a shed close to the boundary. These features reduce the impact of the development on the garden. I have some sympathy with this view. The occupiers of 19 Sleaford Street would not be affected by enclosure or dominance.

## *Overlooking*

- 8.11 The amended plans include a variety of treatments to windows to minimise or prevent overlooking. Windows in the side elevation facing 1, 3 and 5 York Street can be obscure glazed. These windows serve the landing and bedroom in the roofspace. At first floor level a bay window provides light and ventilation to the rear facing bedroom. The bay incorporates slit windows that face towards each other and a high level window. One of the slit windows provides some potential to overlook 7 York Street but in my view the degree of overlooking would not be such as to have a significant impact on amenity. The dormer window serves the bedroom in the roofspace and provides light and ventilation via a high level window and glazing which faces the roof of 19 Sleaford Street. Again I do not consider that this arrangement will result in overlooking.
- 8.12 The development will have some impact on the amenity enjoyed by neighbours and this is a finely balanced issue. However it is my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

## *Amenity for future occupiers of the site*

- 8.13 The development provides a reasonable level of amenity for new occupiers but I do have some concerns about the extent of outdoor space. A small back yard is provided between the rear of the house and the boundary with 7 York Street. Whilst this amenity is very limited it does provide some outdoor space. In addition there is a cycle parking and refuse storage area, which is of appropriate size and some additional space alongside the house. The amount of amenity space is not significantly different from the earlier schemes and this has not been raised as an objection before. On this basis I think it would be difficult to justify a reason for refusal based on lack of amenity space.
- 8.14 The windows serving the rear facing bedrooms do include high level and obscured glass. Whilst not ideal I do not consider the impact on the residential amenity of the occupants to be so harmful as to justify refusal of planning permission.

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

### **Refuse Arrangements**

- 8.16 Space for bin storage is provided in a covered space. It is of an appropriate size and access to it is convenient. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.17 The Highway Authority office has not raised any concerns regarding highway safety. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

#### Car Parking

- 8.18 No provision is made for car parking within the site in common with previous proposals for the site. The site is not within the Controlled Parking Zone and there is a high degree of competition for on street spaces. The occupation of the site would be likely to generate further demand for on street parking. However this was the case in relation to previous proposals and was not identified as a problem. I think it would be very difficult to justify a reason for refusal on these grounds.

#### Cycle Parking

- 8.19 Space for cycle parking is provided in a covered space. It is of an appropriate size and access to it is convenient. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Planning Obligations**

- 8.20 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests.

If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

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

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

- 8.21 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.
- 8.22 The application proposes the erection of one three-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. 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 £
3-bed	3	238	714	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 £
3-bed	3	269	807	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 £
3-bed	3	242	726	1	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 £
3-bed	3	316	948	1	948
<b>Total</b>					<b>948</b>

8.23 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)



## Community Development

8.24 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 £
3-bed	1882	1	1882
<b>Total</b>			<b>1882</b>

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

## Waste

8.26 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
<b>Total</b>			<b>75</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, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Monitoring

- 8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term and £300 per non-financial head of term. Contributions are therefore required on that basis.

### Planning Obligations Conclusion

- 8.29 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 Amendments have been made to the plans both following the previous refusal of planning permission and during the course of the application. In my view the changes that have been made, principally the reduction in the width of the house and the incorporation of high level and obscure glazed windows are sufficient to overcome the previous reasons for refusal.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the satisfactory completion of the s106 agreement by 31 July 2012 and subject to the following conditions and reasons for approval:

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

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

2. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.
- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
- (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.
- No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).
- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- (e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

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

Reason: In order to ensure that any contamination of the site is identified and remediation measures are appropriately undertaken to secure full mitigation in the interests of environmental and public safety. (Cambridge Local Plan 2006 policy 4/13).

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. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

5. All new joinery [window frames, etc.] shall be recessed at least 50 / 75mm back from the face of the wall / façade. The means of finishing of the 'reveal' shall be submitted to and approved in writing by the local planning authority prior to installation of new joinery. The development shall be carried out in accordance with the approved details.

Reason: To avoid harm to the special interest of the Conservation Area. (Cambridge Local Plan 2006, policy 4/11)

6. Prior to the commencement of development, with the exception of below ground works, full details of roofing materials including samples shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 4/11)

7. The windows identified as having obscured glass on drawing number 1118/07a and on the east elevation shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to commencement of occupation and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall and shall be retained as such thereafter.

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

8. Contaminated Land Guide Informative

The Council's document 'Developers Guide to Contaminated Land in Cambridge' provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Council's website on

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

Hard copies can also be provided upon request.

## 9. House in Multiple Occupation (HMO)

If this dwelling is to be let as a House in Multiple Occupation (HMO), the responsible person must consult with the Housing Standards Section, of the Refuse and Environmental Service at Cambridge City Council on telephone number (01223) 457890, to ensure that it meets the required standard for fire safety and amenities for the tenants, and complies with the Management of Houses in Multiple Occupation (England) Regulations 2006.

If an HMO comprises three or more storeys, including any habitable basement or attic, and is occupied by five or more persons in at least two households, it must be licensed in accordance with Part 2 of the Housing Act 2004.

**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). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

### **Reasons for Approval**

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

East of England plan 2008: SS1 T1 T9 T14 ENV6 ENV7 WM6

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

Cambridge Local Plan (2006): 3/1 3/4 3/7 3/8 3/10 3/11 3/12  
3/144/11 4/135/1 5/10 5/148/2 8/6 8/109/1 9/2 9/3 9/5 9/6 9/7  
9/8 9/9 10/1

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

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

**2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 31 July 2012, or if Committee determine that the application be refused against officer recommendation of approval, it is recommended that the application be refused for the following reason(s):**

The proposed development does not make appropriate provision for public open space, community development facilities, waste facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010 and the Open Space Standards Guidance for Interpretation and Implementation 2010.

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

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

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

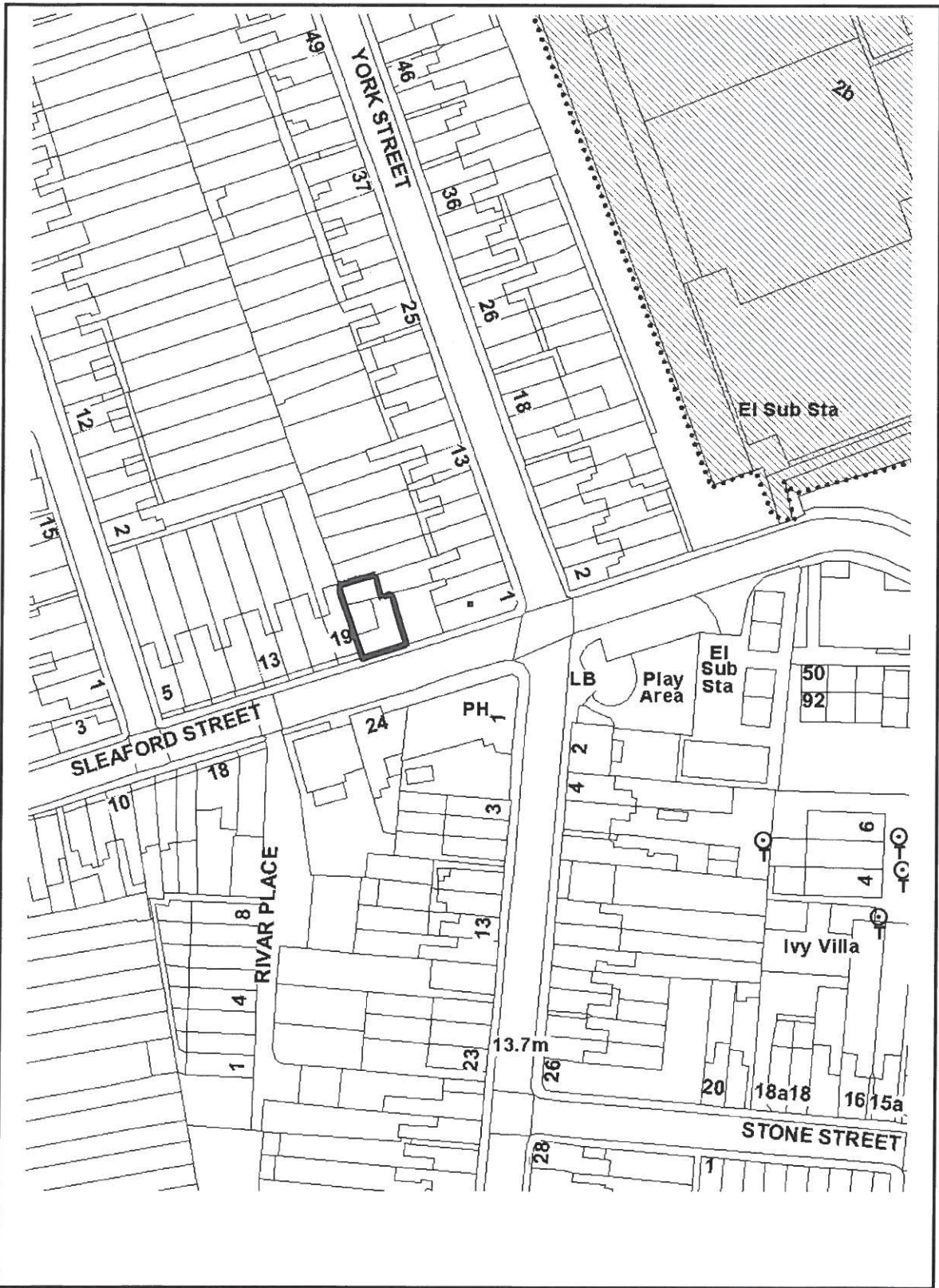
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received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

These papers may be inspected on the City Council website at:

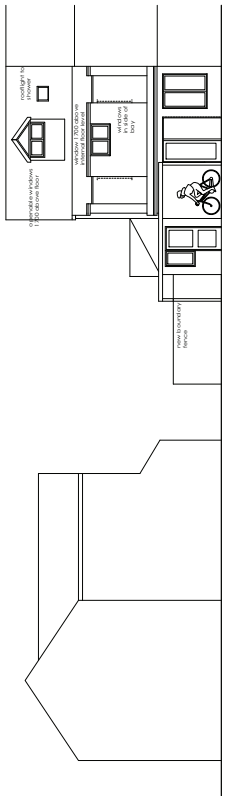
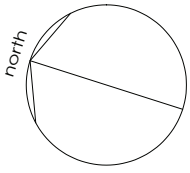
[www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess)

or by visiting the Customer Service Centre at Mandela House.

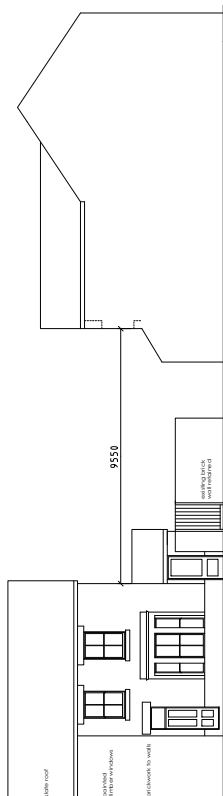




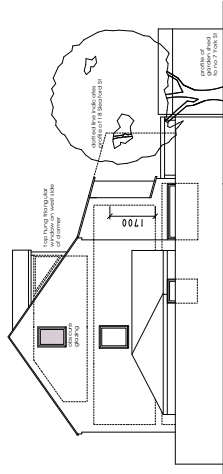
**12/0169/FUL**  
**Site Adjacent 19 Sleaford Street Cambridge**



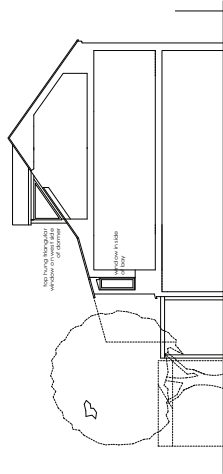
North Elevation



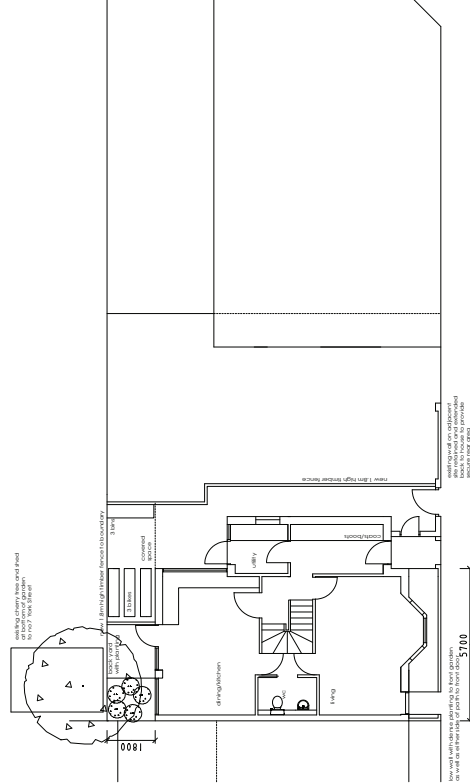
South Elevation



East Elevation



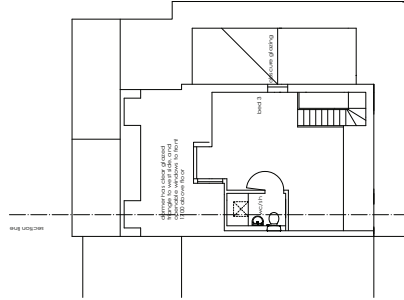
Section / West Elevation



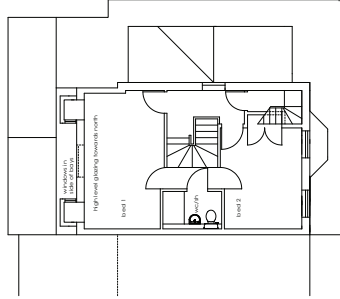
GROUND FLOOR PLAN

YORK STREET

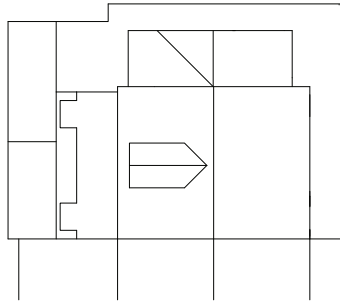
SLEAFORD STREET



ATTIC PLAN



FIRST FLOOR PLAN



ROOF PLAN

planning notes:

- two issues identified as key to the development by the planners:
  1. Remove any windows which are more than 5.5m above ground level
  2. Remove any windows which may overlook amenity spaces within gardens of houses in York Street by shielding views from upper floors using obscured glazing

moderee architects

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 client: A + T Malik  
 project: Plot adj. to 19 Sleaford Street, CAMBRIDGE  
 Proposed New House  
 scale: 1:100  
 date: 07.05.12  
 no: 1118  
 rev: 07  
 a

**EAST AREA COMMITTEE**

**21<sup>st</sup> June 2012**

<b>Application Number</b>	12/0028/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	9th February 2012	<b>Officer</b>	Mr Tony Collins
<b>Target Date</b>	5th April 2012		
<b>Ward</b>	Abbey		
<b>Site</b>	1 Ferndale Rise Cambridge CB5 8QG		
<b>Proposal</b>	Demolition of existing garage and single storey extension and erection of 2 bedroom dwelling.		
<b>Applicant</b>	Mr Matt Beeke 146 Gwydir Street Cambridge Cambs CB1 2LW UK		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The principle of an additional dwelling hard up against the Ditton Walk footway has been established as acceptable by an earlier appeal.</p> <p>The inclusion of a dormer window fronting Ditton Walk has been established as acceptable by an earlier appeal.</p> <p>An earlier appeal has established that planning obligation contributions are required only for open space and waste storage in connection with this scheme.</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION AND AREA CONTEXT

1.1 The site is a corner plot on the north-east side of the junction between Ditton Walk and Ferndale Rise. 1 Ferndale Rise is one

of a pair of semi-detached dwellings dating from the mid-twentieth century. It has a hipped tiled roof and is faced at the front with red brick. The house has had a substantial two-storey rear extension, and it has a large single-storey lean-to garage on the north-west side.

- 1.2 The surrounding area is largely residential, but there are extensive industrial premises nearby on the far (west) side of Ditton Walk. Building types are very mixed. The remainder of the north-east side of Ferndale Rise consists of pairs of semi-detached houses of similar design, most of which have been extended. On the south-west side of Ferndale Rise is a terrace of houses from the turn of the twentieth century. This terrace faces Ditton Walk, and the gable end of the last house, No. 96, faces the application site, with its blank gable close to the street, a consequence of the creation of Ferndale Rise. A similar short terrace faces this row on the north-west side of Ditton Walk. All these houses, like those in Ferndale Rise, have small front gardens.
- 1.3 To the rear of the site is Century Close. A bungalow (98 Ditton Walk) formerly stood on this site, but a development of seven dwellings has now replaced it. Two of these (1 and 2 Century Close) are small two-storey houses in a flat-roofed building slightly drawn back from the Ditton Walk frontage of the site, which stand to the rear of the existing house at 1 Ferndale Rise. The stretch of Ditton Walk immediately opposite No. 98, to the north of the application site, is also characterised by bungalows, although some detached houses are interspersed with them. This row of dwellings have rather larger front gardens, with front elevations set back about 12m from the footway.
- 1.4 The site is not within any conservation area, and is not within the Controlled Parking Zone. There are trees at the rear end of the garden of 1 Ferndale Rise, but they are not subject to a Tree Preservation Order.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks permission for a new dwelling to be attached to the existing house at this address. The new house would adjoin the north-west side of the existing house, occupying the site of the existing garage, which would be demolished.

- 2.2 The new house would measure 11.6m x 3.6m, and would span the whole width of its new curtilage, from the wall of 1 Ferndale Rise to the rear of the footway on Ditton Walk. It would be the same height as the existing house, the hipped roof of No. 1 being extended to terminate, still in a hipped form, at the north-west side of the site. The new house would contain a living room and kitchen / dining room on the ground floor, with two bedrooms and two shower rooms on the first floor, and a study within the roof space. The front elevation to Ferndale Rise would have a single first floor window, with a smaller ground floor window below, and a front door on the north-west side. A side door at ground floor level and two small first-floor windows would face Ditton Walk. The second-floor study would be served by a dormer window within the hipped roof, also facing Ditton Walk.
- 2.3 Cycle and waste bin storage for the new house and the existing house would be in sheds accessed via two separate gates on the Ditton Walk footway.

### 3.0 SITE HISTORY

#### 3.1

Reference	Description		Outcome
85/1088	Two-storey extension	rear	Approved with conditions
08/0787	Two-bedroom dwelling		Refused
09/0293	Two-bedroom dwelling		Refused; appeal dismissed
10/0551	Two-bedroom dwelling		Refused; appeal dismissed
10/1113	Two-bedroom dwelling		Approved

- 3.2 The decision of the Planning Inspector in the appeals on the earlier applications 09/0293/FUL and 10/0551/FUL are attached to this report as Appendices A and B.

### 4.0 PUBLICITY

Advertisement:	No
Site notice:	No
Adjoining occupiers:	Yes

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 ENV7 WM6
Cambridgeshire and Peterborough Structure Plan 2003	P6/1 P9/8
Cambridge Local Plan 2006	3/1 3/4 3/7 3/8 3/10 3/12 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy

Material Considerations	<p><u>Central Government:</u></p> <p>Letter from Secretary of State for Communities and Local Government (27 May 2010)</p> <p>Written Ministerial Statement: Planning for Growth (23 March 2011)</p>
	<p><u>Citywide:</u></p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan</p> <p>Open Space and Recreation Strategy</p> <p>Cycle Parking Guide for New Residential Developments</p>

## 6.0 CONSULTATIONS

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

- 6.1 Front garden space shown is inadequate to park cars; development must be regarded as being without on-site car parking space. The absence of on-site car parking would put additional pressure on on-street spaces in the locality.

### **Head of Environmental Services**

- 6.2 No objection. Conditions sought on construction hours.
- 6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## 7.0 REPRESENTATIONS

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

2 Ferndale Rise

14 Sutton Park, Sutton-in-the-Isle, Ely (Developer of adjacent Century Close)

7.2 The representations reiterate concerns raised by the parties at the time of earlier applications. They can be summarised as follows:

Insufficient car parking  
Creation of terraced form is inappropriate  
Cumulative impact of recent developments oppressive to neighbours  
Design responds poorly to context  
Loss of amenity space for 1 Ferndale Rise  
Diminished residential amenity for occupiers of 1 Ferndale Rise.  
Insufficient residential amenity for future occupiers  
Inappropriately-placed cycle and bin storage  
Access to Ditton Walk from side door will obstruct footway.

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

## **8.0 ASSESSMENT**

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

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

### **Principle of development**

8.2 This is a windfall site, and the principle of residential use, divorced from the practical constraints of site and building design, does not present a conflict with policy 5/1 of the Cambridge Local Plan (2006).



- 8.3 The changes to the definition of ‘previously developed land’ made by central government mean that although a large part of the footprint of the proposed house is within the present garage this site cannot be wholly regarded as previously developed land. However, the proposal does not represent any significant loss of what is currently open garden space, nor does it, in my view, change the character of the area. Any loss of presently ‘undeveloped’ land is technical rather than real, and I do not consider this a reason for refusal.

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

- 8.4 The Inspector’s decision on the appeal on 09/0923/FUL has made it clear that both the extension of this semi-detached pair to form a third house, and the taking of two-storey development hard up against the Ditton Walk footway, are acceptable in design terms.
- 8.5 A second Inspector’s decision, on the appeal on 10/0551/FUL, has made it clear that the proposal for a dormer window facing Ditton Walk should not be seen as significantly detracting from the roofscape of Ferndale rise or harming the character of the area. In the light of these decisions, it is clear that the mass and detailing of the building proposed are acceptable, and in accordance with East of England Plan (2008) policy ENV7, Cambridge Local Plan (2006) policies 3/4, and 3/12, and government guidance in the NPPF.

### **Residential amenity**

#### Amenity for neighbours

- 8.6 The proposed building would be screened from other houses in Ferndale Rise by the existing house. It would face the largely blank gable of 96 Ditton Walk, and would lie some 11m to the west of the new dwellings in Century Close (which have been designed largely without outlook in this direction). In my view, these spatial relationships, taken with the building’s height and configuration, mean that its impact on neighbouring occupiers in terms of sunlight, privacy and outlook would be minimal. The proposed bin and cycle stores are positioned relatively close to 1 and 2 Century Close, but, notwithstanding the views expressed in representations, I do not think the level of rubbish

accumulation or the number of cycles being parked is likely to lead to significant harm to neighbour amenity. Similarly, I do not consider that entrance and exit through the side gate by residents of 1 Ferndale Rise or the proposed new house would cause undue noise or disruption to neighbours in Century Close.

#### Amenity for future occupiers

- 8.7 Although representations suggest that the erection of the proposed new dwelling would provide inadequate private amenity space for future residents, previous appeal decisions have already established that this is not the case.
- 8.8 In my opinion the proposal both adequately respects the residential amenity of its neighbours and also provides an acceptable level of residential amenity for future occupiers. In these respects, I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/14.

#### **Refuse arrangements**

- 8.9 In my opinion the proposal includes appropriate waste storage space for the proposed new dwelling, but I share the view of the environmental health officer that the storage provided for the existing dwelling may not be adequate. A condition is necessary to ensure that in this respect the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Car and cycle parking**

- 8.10 The application proposes three cycle parking spaces in the rear shed. This is in accordance with the City Council's Cycle Parking Standards. The application proposes a single car parking space in the front garden. This corresponds with the maximum permitted by the City Council's Car Parking Standards, which permit one space for a two-bedroom house in a location outside the Controlled Parking Zone, and is in accordance with the aim of both local plan policy and government guidance to reduce dependence on travel by private car. I note the view of the highway authority that the space is insufficient to park a car without overhanging the footway, and I am aware of local concern about pressure on on-

street car parking. However, even if no car parking space is available, the Standards permit levels lower than the maximum where alternative means of transport are available. This site is particularly well situated for cycle travel to the city centre and is within reasonable distance of bus routes on Newmarket Road. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Highways issues**

- 8.11 I do not consider that the additional movements arising from the proposed small house would have any detrimental impact on the highway network. The highway authority has raised no concerns about this, nor about the impact of the proposed side door and rear gates on the use of the footway. It is not proposed that any doors or windows open outwards over the highway, and in my view, a condition to control this is not necessary, because it is controlled by highway legislation. Construction traffic could also be controlled by conditions, but in my view, the impact of such a modest development does not justify this. In my view, the proposal would not have any negative highway impact, and is in accordance with policy 8/2 of the Cambridge Local Plan (2006).

### **Third party representations**

- 8.12 I have addressed the issues raised regarding neighbour amenity in paragraph 8.5, those regarding car parking in paragraph 8.7, and those regarding highway impact in paragraph 8.8. Two issues remain: amenity space for residents of the existing house, and the creation of a terraced form.
- 8.13 The outdoor amenity space proposed for both the new house and the existing house at 1 Ferndale Rise would be limited. I do not consider it to be so small as to warrant refusal of the application.
- 8.14 The Inspector's decision on the earlier application 09/0293/FUL confirms that the principle of an additional dwelling is acceptable on this site, notwithstanding that it would create a terraced form and might be intensively occupied. Any future subdivision into two or more flats, or occupancy by more than six individuals as a house-in-multiple-occupation, would require

a new planning application, at which stage any further issues raised could be considered.

### **Planning Obligation Strategy**

- 8.15 The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to complete 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

- 8.16 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, because all new residential developments, no matter how small, will result in a larger number of people needing to use public open space within the city.
- 8.17 The Recreation Services Manager (RSM) has identified projects in the Abbey area of the city, including work on Coldham's Common, the Peverel Road play area, Jack Warren Green, the Ditton Fields play area, and behind Abbey Pool as being either in the large-scale procurement project currently being undertaken which is dependent on pooled planning obligation contributions from the surrounding area, or identified priorities for development based on such funding in the immediate future.
- 8.18 Future residents of the house here proposed will expect to be able to make use of facilities such as these in the area near to their home, and it is therefore necessary to seek contributions from the proposed development to support such recreational developments. For the purposes of this assessment, a house is assumed to accommodate one person for each bedroom. The contributions required for the new building are calculated as follows:

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

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

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

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

8.19 An S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004) has been submitted, but it contained a technical error, and therefore a correct version has been requested. Provided that the correct version is submitted, the proposal is in accordance 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

8.20 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to community development facilities, programmes and projects, because all new residential developments, no matter how small, will result in a larger number of people needing to use community facilities within the city.

8.21 However, in connection with the appeal against refusal of permission for 10/0551/FUL, the Council submitted evidence about the community development projects towards which contributions from this site would be used. The Inspector's subsequent decision makes it clear that these details do not constitute adequate evidence to support a requirement for contributions under this head, and hence none are sought with respect to this application.

#### Waste storage

8.22 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>

8.23 In the appeal decision on 10/0551/FUL, the Inspector appeared to suggest that contributions for waste storage were not necessary. In my view, however, the Inspector's comments in that decision were based on a misunderstanding of the Council's reasons for seeking such contributions, and I consider that the above contribution is required. An S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) has been submitted, but it contained a technical error, and therefore a correct version has been requested. Provided that the correct version is submitted, the proposal is in accordance with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1.

#### Monitoring

8.24 The Planning Obligation Strategy (2010) requires that all new developments carrying planning obligations contribute to the costs of monitoring the implementation of the obligation. The contribution for a single dwelling of this scale is £150. This will be covered provided the correct Section 106 agreement is completed.

#### Conclusion

8.25 It is my view that the planning obligation is necessary; the Planning Obligation Strategy 2010 and the report considered by East Area Committee on 19<sup>th</sup> August 2010 both make clear that existing open space facilities are not adequate to cope with the additional demand from new residents, that new waste storage receptacles are necessary for new dwellings, and that the Council bears a cost in monitoring the implementation of planning obligations.

8.26 In my view, the obligation is also directly related to the development; in creating a new house, probably to be occupied by two people, the proposal would directly contribute to the additional demand referred to in the previous paragraph.

8.27 Furthermore, I also consider that the obligation is fairly and reasonably related in scale to the development; the cost basis of the contribution calculations in the Planning Obligation Strategy 2010, the details of necessary projects shown in the

19<sup>th</sup> August 2010 report to East Area Committee, and an examination of the number of such obligations required in this ward in 2010 all indicate that the scale of contributions required here is reasonable. It is my view, therefore, that the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 RECOMMENDATION**

**APPROVE, subject to the completion of a Section 106 agreement by 31<sup>st</sup> August 2012 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. The new dwelling hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. The unit hereby permitted shall not be occupied until details of waste storage for the existing house at 1 Ferndale Rise have been submitted to and approved in writing by the local planning authority, and the agreed provision has been implemented on site.

Reason: To ensure adequate waste storage facilities. (Cambridge Local Plan 2006 policy 3/10)

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



## **Reasons for Approval**

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

East of England plan 2008: policies SS1, ENV7 and WM6

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

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

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

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

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

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

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

These papers may be inspected on the City Council website at:

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

or by visiting the Customer Service Centre at Mandela House.



# Appeal Decision

Site visit made on 25 January 2010

by **Peter J Golder** Dip TP MRTPI

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

The Planning Inspectorate  
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Decision date:  
17 February 2010

**Appeal Ref: APP/Q0505/A/09/2113264**

**1 Ferndale Rise, Cambridge CB5 8QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Matt Beeke against the decision of Cambridge City Council.
- The application Ref 09/0293/FUL, dated 30 March 2009, was refused by notice dated 3 June 2009.
- The development proposed is demolition of existing garage and single-storey extension and erection of a two bedroom dwelling.

## Decision

1. I dismiss the appeal.

## Main issue

2. The main issue in this case is the effect of the proposal upon the character and appearance of the locality.

## Preliminary matter

3. I note the confusion regarding plans and drawing numbers. I have determined this appeal on the basis of the scheme shown on drawing (size A1) 07.491.006. This shows a front dormer window and from the officer's report which refers to a "front dormer" appears to be the scheme determined by the Council.

## Reasons

4. The locality is largely residential with the continuing redevelopment of land for housing purposes both in the area generally and in close proximity of the appeal premises a notable feature. This ongoing activity adds to the eclectic mix of house types, styles, sizes and ages in the vicinity of the site. While there is little if any overall continuity in character or appearance, small pockets of housing retain some of their broad distinctive features. Examples of this are the terraced properties on the southern part of Ditton Walk, the mansard-roofed properties to the north and, as the Council notes, the two-storey semi-detached properties on the north eastern side of Ferndale Rise, of which the appeal property forms the end one.
5. The Council's concerns about the overall design of the appeal proposal relate both to its location and appearance and I take these matters in turn. Dealing firstly with location I do not agree that as a matter of principle building up to

the back edge of the footpath in this instance would be harmful to the quality of the area. To my mind Ferndale Rise marks a point of physical and visual transition in Ditton Walk. To the north the street scene is more spacious with properties set back in longer front gardens, road side parking bays, a generous grass verge and a wide cycle way/footpath. This contrasts with the much closer juxtaposition of buildings and the highway to the south. In my judgement, within this context, replacing the poor quality single storey structures which are hard upon the site boundary with a full height extension would not materially reduce the overall spaciousness or create an oppressive or dominant feature on the main road in the area. From the north the extension would be seen against the flank elevation of No 96, which projects well forward of No 1, while from the south views are restricted by the close proximity of the terraced properties to the road. The gradual stepping back of building form from Ferndale Rise in a northerly direction would be retained and the more open nature of this part of the street maintained.

6. I acknowledge what the Council says about there being no other examples of gable walls close to the footway along Ditton Walk, the "main" route in the locality. However that in itself is a reflection of the particular circumstances at the appeal site and it is these circumstances, rather than the cited examples on the flank elevations at junctions, which persuade me that this aspect of the proposal would not cause harm to the street scene along Ditton Walk or be likely to result in similar schemes which might have a cumulative impact.
7. Turning to the matter of the appearance of the proposed structure I agree with the Council that Ferndale Rise should be the main reference point for the design of a building on this site, especially one which seeks the horizontal extension of a semi-detached pair displaying similar characteristics to the other pairs in the road. While I do not consider that increasing the width of the pair, as has been carried out elsewhere in Ferndale Rise, would be inappropriate even allowing for the result being three as opposed to two dwellings, to do this without regard to other of the remaining consistent design features in the road would be unacceptable, especially as the extension would increase the prominence of the building in the street scene both in the Rise and Ditton Walk. Simply formed and unadorned hipped roofs are a principal and prominent feature of the houses fronting Ferndale Rise. The full height gable together with the long rear roof slope proposed takes no reference from this context and the proposed addition of substantial dormers only serves to emphasise the incongruity of the design in this respect. It seems to me that the design has evolved with a greater focus upon maximising the amount of accommodation which could be achieved rather than upon having full and careful regard to its context.
8. For this reason I consider the scheme, which I regard acceptable in part, has failed to take the opportunity to improve the character and quality of the area. In my view that failure is of sufficient weight to place the proposal at odds with national and regional policy which seek high quality development and in conflict with policies 3/4 and 3/12 of the Cambridge City Council Local Plan 2006 which require new buildings to respond to their context and have a positive impact through design and detailing. It is for this reason that I have decided that appeal should be dismissed.

**Other matters**

9. The Council's third reason for refusal relates to the lack of appropriate provision, by way of a financial contribution, for public open space or community development facilities. The appellant questions the need for such a contribution arising from the development. While the Council's broad approach to seeking contributions is supported by saved policies in the Local Plan and through its adopted Planning Obligation Strategy 2004, as well as being in line with the guidance in Circular 05/2005 about the adoption of formulae, standard charges and straightforward undertakings, I have some sympathy with the appellant's view in this instance.
10. The evidence before me provides little by way of explanation as to the nature and extent of any inadequacies in the existing provision in meeting the needs of prospective occupiers, and how and when the Council would use any contributions to remedy any inadequacies or make new provision to meet needs arising from additional development. In the absence of any specific appraisal demonstrating the requirements of policies 3/8 and 5/14 in this case I do not believe it possible to conclude that the five tests for planning obligations set out in Circular 5/2005 have been properly satisfied. Without such a demonstration I believe little weight could have been attached to the absence of an obligation or undertaking had my determination of this appeal turned on this point.

*Peter J Golder*

INSPECTOR



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## Appeal Decision

Site visit made on 25 October 2011

**by J.P. Watson BSc MICE FCIHT MCMI**

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

Decision date: 11 November 2011

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**Appeal Ref: APP/Q0505/A/11/2155394**

**1 Ferndale Rise, Cambridge CB5 8QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Matt Beeke against the decision of Cambridge City Council ("the Council").
  - The application Ref 10/0551/FUL, dated 8 June 2010, was refused by notice dated 20 December 2010.
  - The development proposed is demolition of an existing garage and single-storey extension and the erection of a 2-bedroom dwelling.
- 

### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are:
  - a) The effect of the appeal proposal on the character and appearance of the area; and,
  - b) Whether appropriate provision would be made for public open space, community development facilities, waste storage or monitoring.

### Reasons

#### *Character and appearance of the area*

4. The point at issue here is whether the appeal dormer would be harmful so as to render the appeal scheme contrary to the policies cited by the Council in its first reason for refusal.
5. The appeal house would be one of a group on the north-eastern side of Ferndale Rise, all of which have rectangular hipped roofs without dormers. Other roof forms are to be seen in the area, both in Ferndale Rise and Ditton Walk. The East of England Plan 2008 through its policy ENV7 requires development to be of high quality, complementing the best qualities of the local area. PPS1 emphasises the importance of good design. The saved

policies from the Cambridge Local Plan 2006 ("the LP") to which my attention has been drawn require among other things that:

- a) development should respond to its context and draw inspiration from the key characteristics of its surroundings to create distinctive places (Policy 3/4); and,
  - b) new buildings should have a positive impact on their setting in the terms set out in Policy 3/12 item (a); and,
  - c) Policy 3/14 says that extensions should reflect or successfully contrast with the form, use of materials and architectural detailing of the host building.
6. I therefore consider the extent to which the proposed dormer meets these criteria. Materials can be the subject of a condition. The dormer responds to its context in that it would provide a punctuation mark at the end of a row of otherwise similar but undistinguished roofs, and in that it would look out over Ditton Walk (from which many more people would see it). It would provide a modest landmark feature at the corner, and that effect would be positive. It would be formed from the same palette of building elements as found elsewhere in the building and in Ferndale Rise. It would change the current roofscape in Ferndale Rise in that it would add a dormer; but it would do so in a way that is literate in design terms, consistent with the policies cited, and therefore acceptable in its effect on the character and appearance of the area. There would be no harm.

*Whether appropriate provision would be made for public open space, community development facilities, waste storage or monitoring*

7. Open space is the subject of LP Policy 3/8, which requires all residential development to provide public open space in accordance with the Open Space and Recreation Standards. The appeal proposal would make no such provision. It is argued that Cambridge is already well-endowed with public open spaces but I do not accept that a general observation such as that is enough to outweigh the application of the policy to a specific site. The appeal proposal would not comply with the development plan in this respect, and so the appeal should be dismissed.
8. LP Policy 5/14 refers to the provision of appropriate community facilities including education and child care to meet the needs of residents, employees and visitors. The Council officers' report describes a specific shortcoming in a nearby scout hut but nothing before me shows that the refurbishment of that hut is necessary to make the appeal development acceptable in planning terms or would be directly related to the development.
9. Waste storage is required by LP Policy 3/12 to be successfully integrated into the design of new buildings. The appeal drawings show an arrangement for waste storage at the site, which the officers' report says is compliant with Policy 3/12. I see no reason to differ.
10. The *Planning Obligations Strategy Supplementary Planning Document March 2010* describes arrangements for the monitoring and administration of planning obligations. No Planning Obligation is before me. The absence of an arrangement such as the Council suggests make no difference to my decision in these circumstances.

11. At paragraph 3.17 of the Grounds of Appeal, the appellant expresses a preparedness to enter into a Planning Obligation. No Obligation is before me and so that preparedness can have very little bearing on my decision.

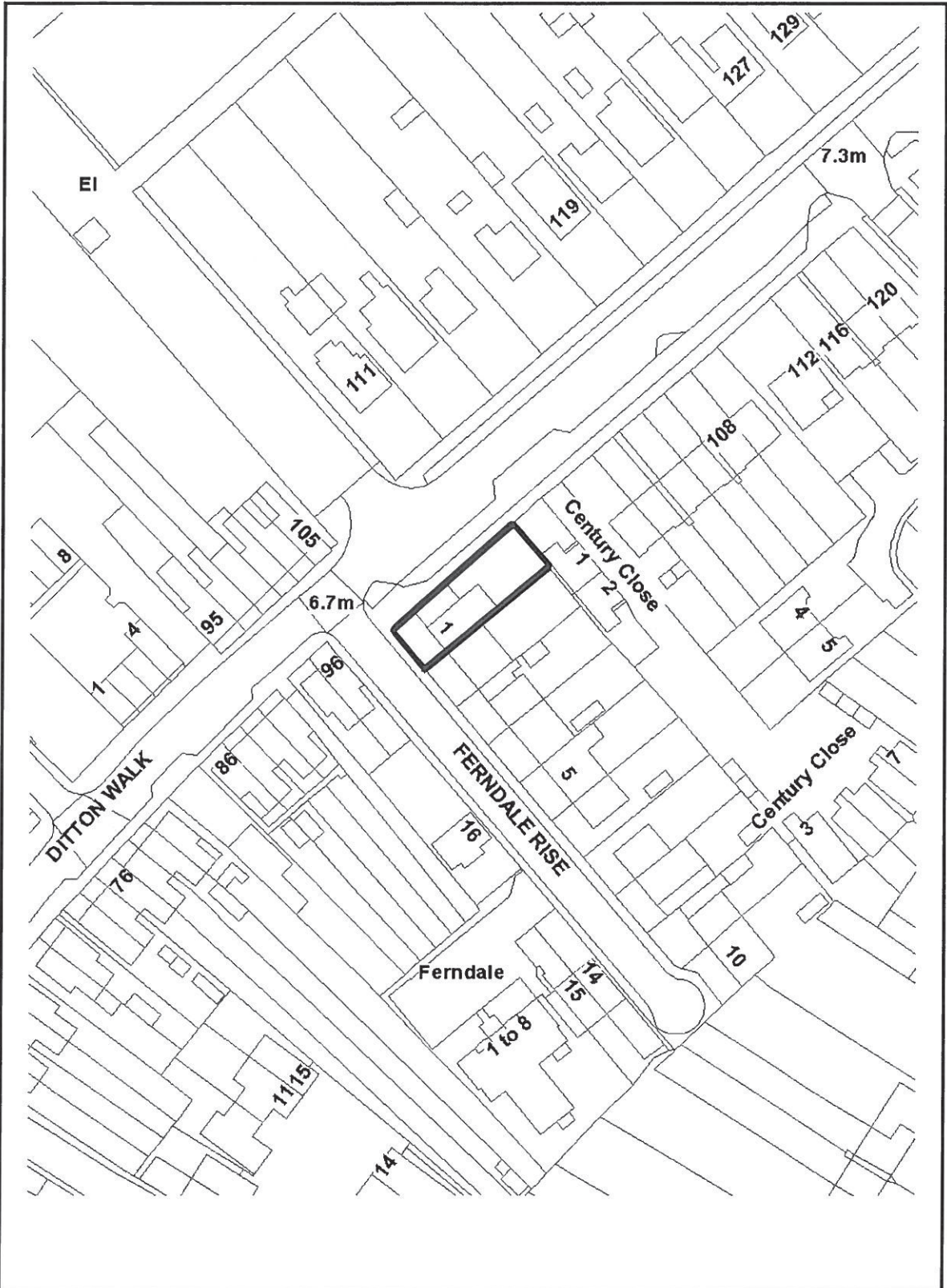
*Other Matters*

12. I have considered all other matters raised, but find nothing to alter my decision.

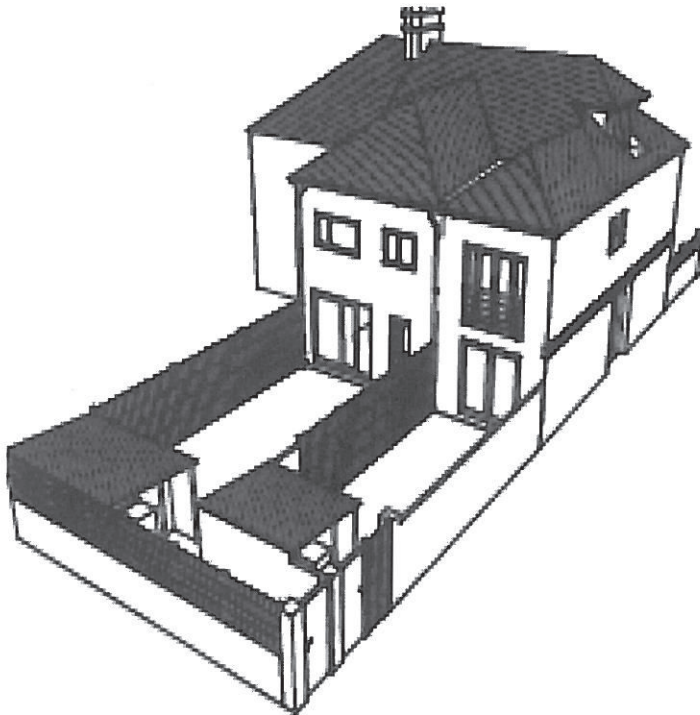
*J.P. Watson*

INSPECTOR

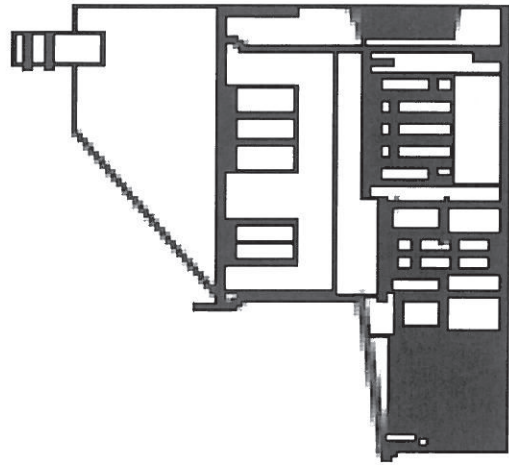




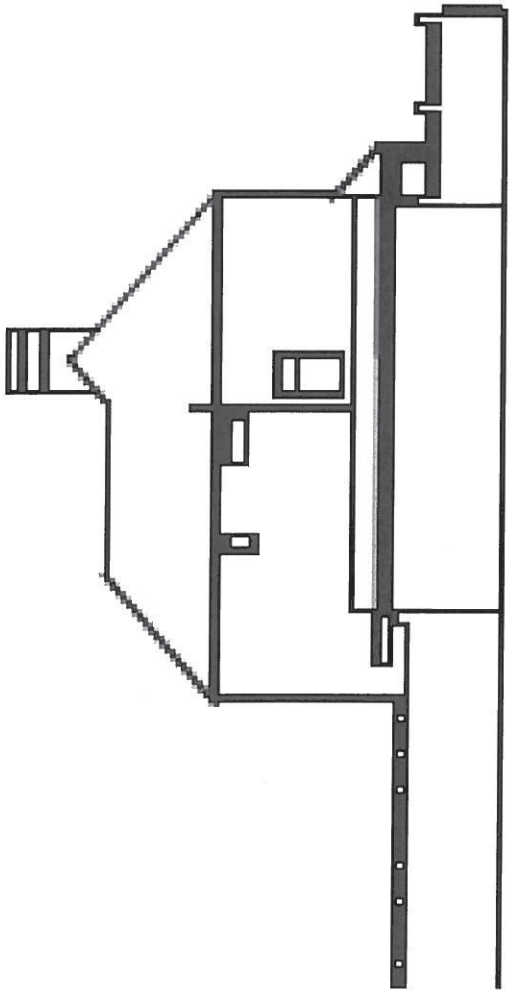
**12/0028/FUL**  
**1 Ferndale Rise Cambridge CB5 8QG**



# Proposed perspectives

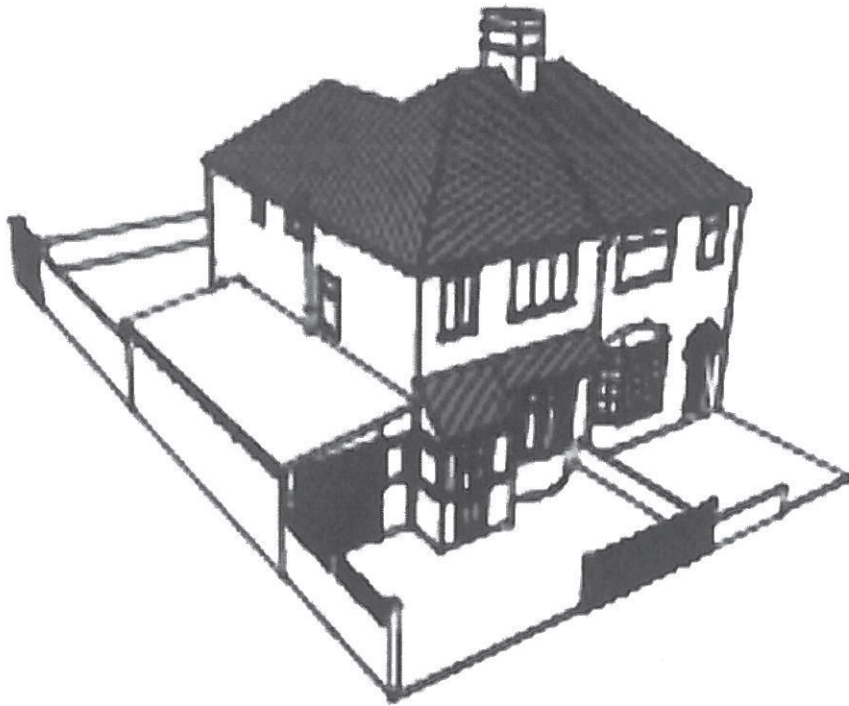


SW ELEVATION - 1:100

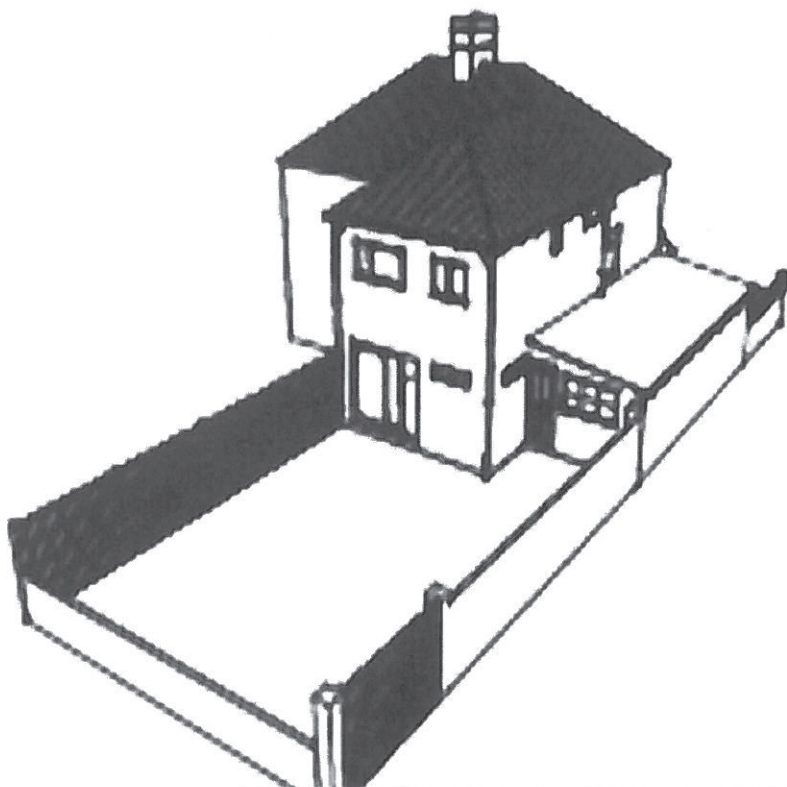


1-1:100

**Existing elevations  
front and side**

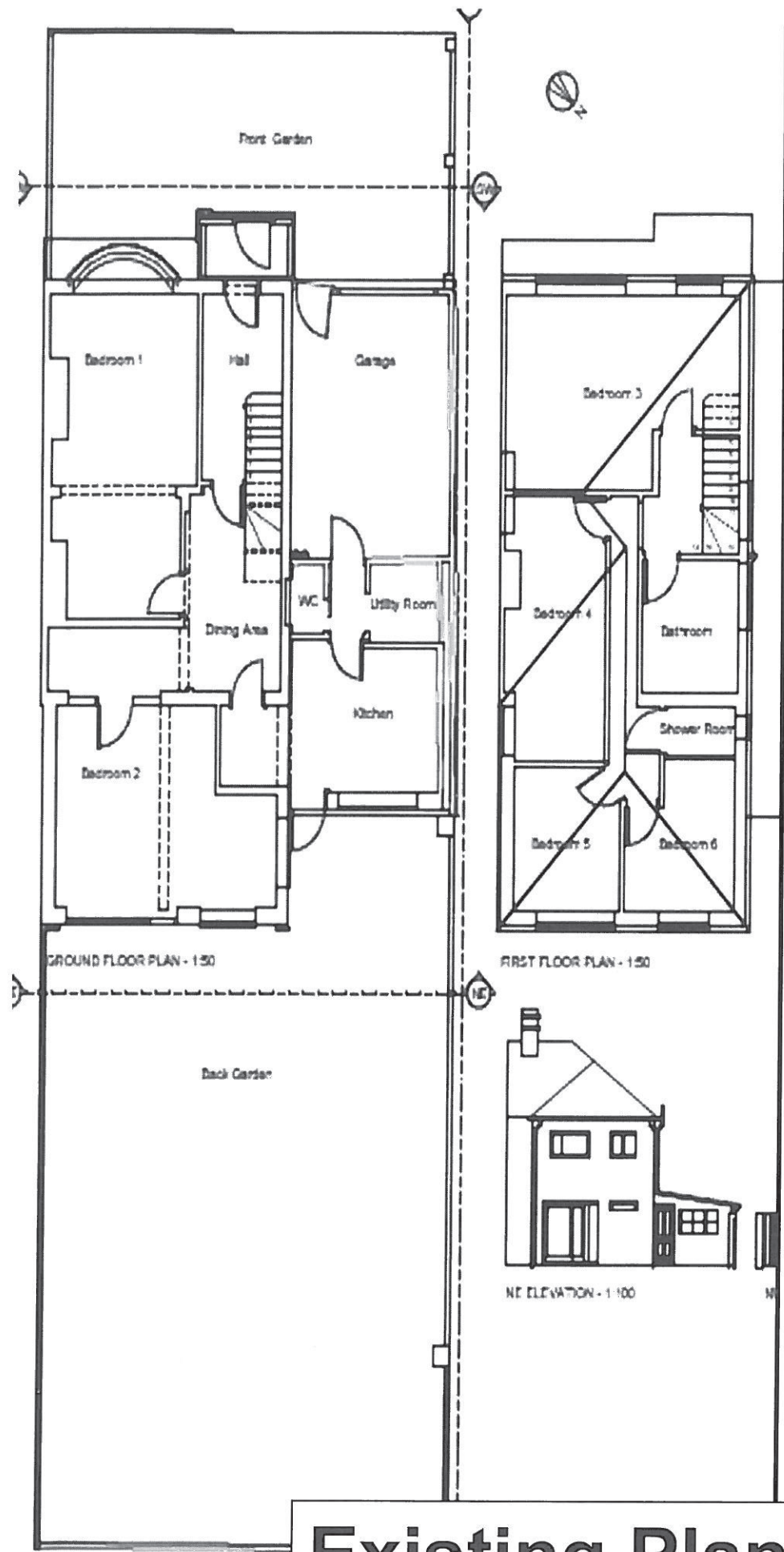


3D VIEW FROM WEST

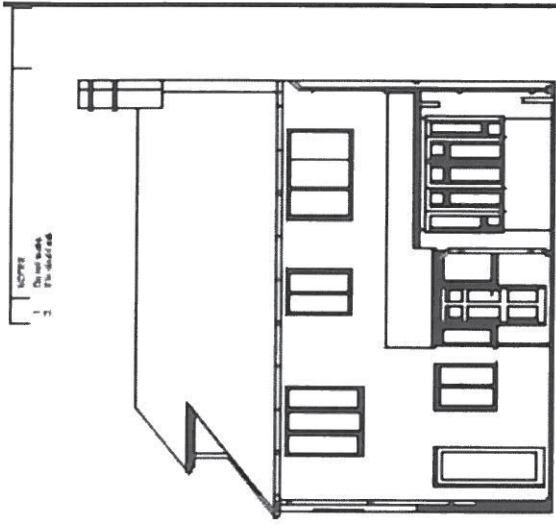


3D VIEW FROM NORTH

# Existing perspectives



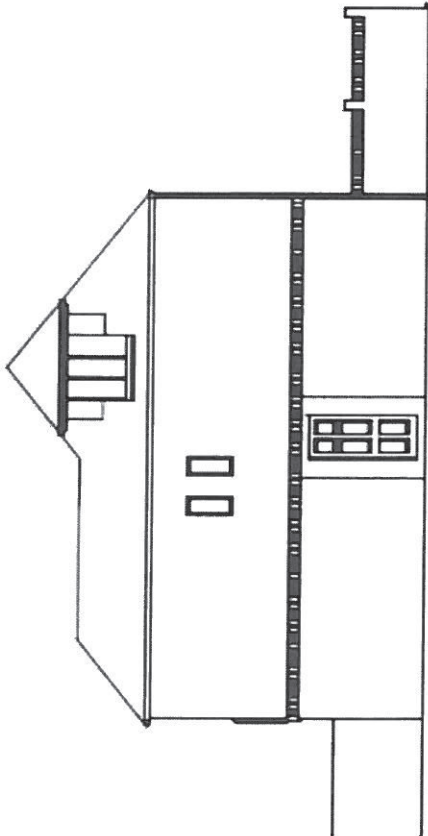
# Existing Plans



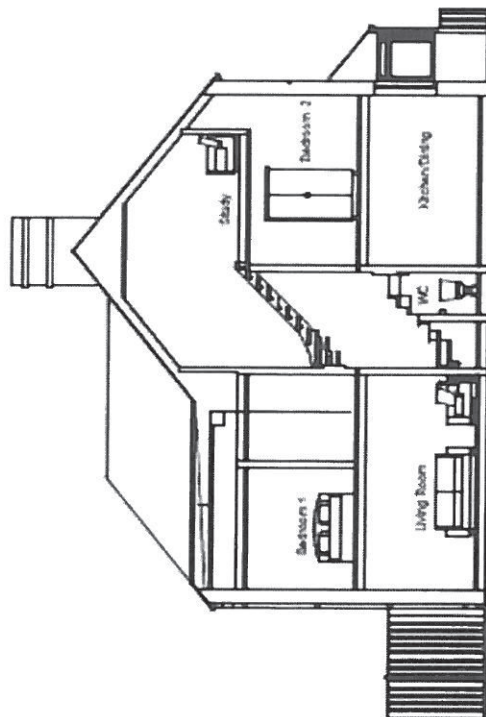
SW Elevation



NE Elevation

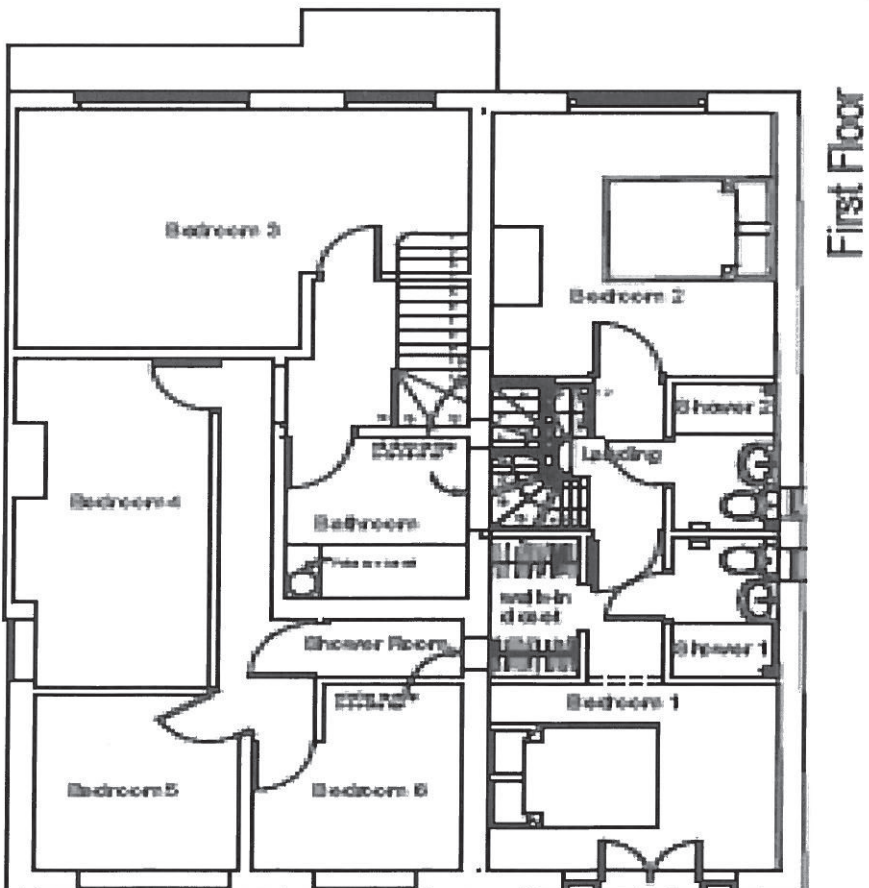
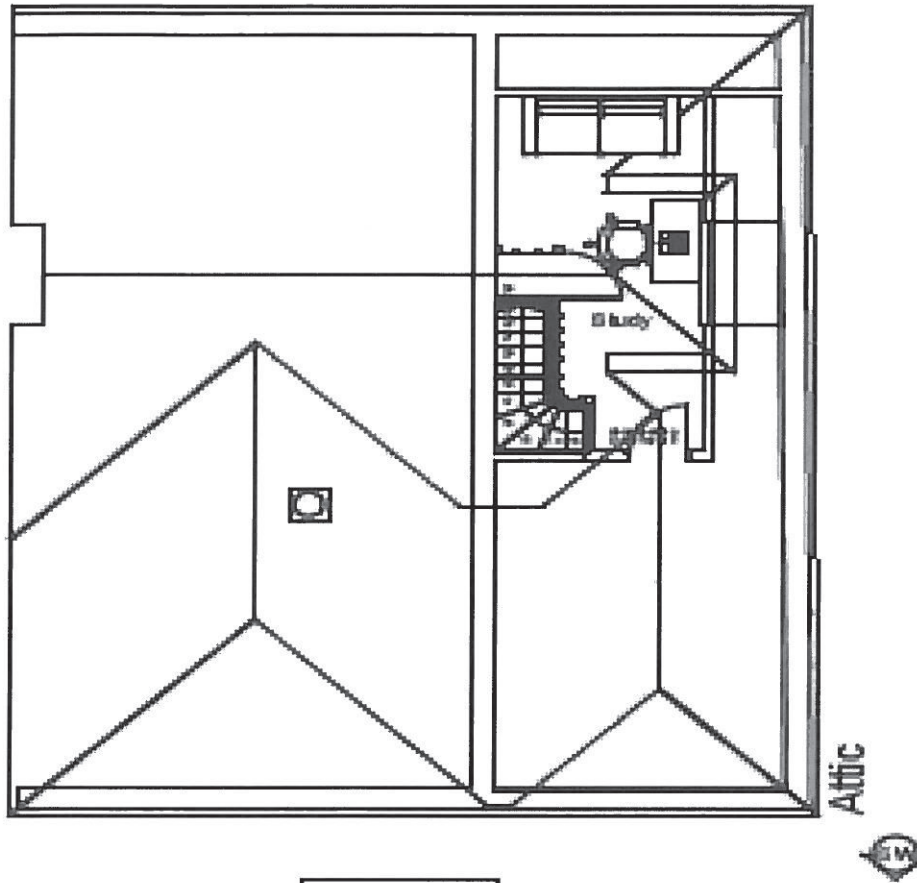


NW Elevation

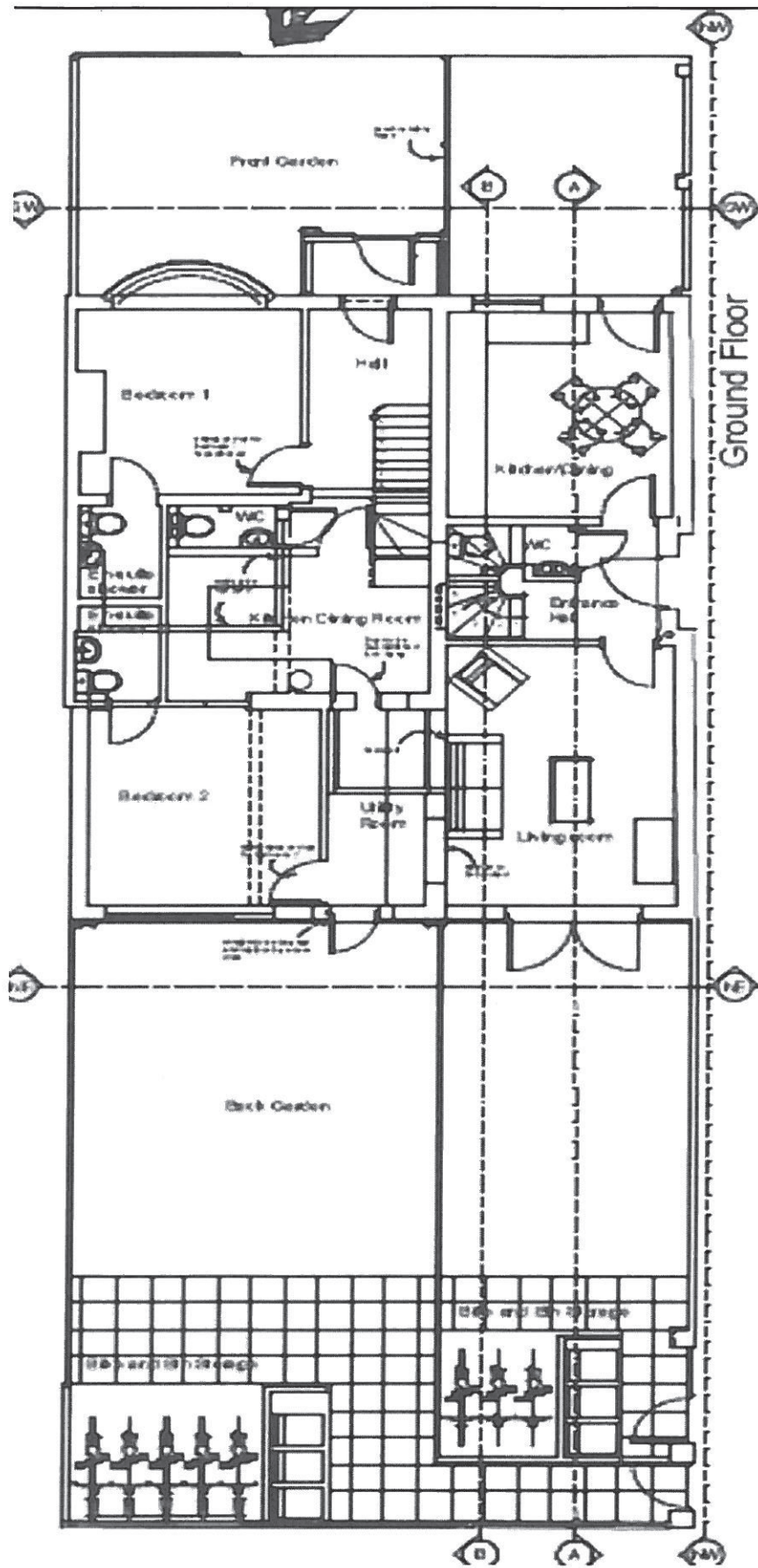


Section B-B

# Proposed elevations



# Proposed upper floors



**Proposed ground floor plan**



<b>Application Number</b>	12/0260/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	27th February 2012	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	23rd April 2012		
<b>Ward</b>	Petersfield		
<b>Site</b>	Ryedale House 40 Cambridge Place Cambridge Cambridgeshire CB2 1NS		
<b>Proposal</b>	Conversion of existing buildings to form 4no 1 bedroom flats, along with cycle and refuse store, first floor dormer side extension and part demolition of rear.		
<b>Applicant</b>	H Drake Ryedale House 40 Cambridge Place Cambridge Cambridgeshire CB2 1NS		

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

- 1.1 40 Cambridge Place is a building which was most recently in commercial use, which is attached to another commercial building. The building is two storeys in height, where it abuts the neighbouring building, dropping down to a single storey in height. The building has an asymmetrical roof, with a dormer on the southwestern side. Cambridge Place is mixed in character, with commercial and residential uses. The site lies within City of Cambridge Conservation Area 1 (Central).
- 1.2 The ground floor of the building was used as for one business, with a store at ground floor level, with workshop and office at the rear. The building has a mezzanine floor and this was used as a store.

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought to change the use of the building to residential to provide four one-bedroom flats. The dormer window to the side would be extended and part of the

building, at the rear, would be demolished. Refuse and cycle storage would be provided at the rear of the building.

2.2 The application is accompanied by the following supporting information:

1. Design and Access Statement

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/00/0391	Demolition of garage and storage buildings	A/C
C/00/0392	Replacement of existing store, garage and parking with new part two storey storage building with associated parking.	A/C

### **4.0 PUBLICITY**

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No
Public Meeting/Exhibition (meeting of):	No
DC Forum (meeting of):	No

### **5.0 POLICY**

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

#### **5.2 National Planning Policy Framework (March 2012)**

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. **planning should be genuinely plan-led**

2. **planning should proactively drive and support the development and the default answer to development proposals should be “yes” , except where this would compromise the key sustainable development principles set out in the Draft NPPF**
3. **planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community**
4. **planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use**
5. **planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value**
6. **mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted**
7. **the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged**
8. **planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable**
9. **planning decisions should take account of and support local strategies to improve health and wellbeing for all**
10. **planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.**

The NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

### **5.3 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.

- 5.4 **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.

5.5 **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

5.6 **Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/6 Ensuring co-ordinated development

3/7 Creating successful places

3/14 Extending buildings

5/1 Housing provision

5/2 Conversion of large buildings

7/3 Protection of industrial and storage space

8/6 Cycle parking

8/10 Off-street car parking

## 5.7 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.

## 5.8 Material Considerations

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

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

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

Includes the following statement:

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

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the

need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

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

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

## **City Wide Guidance**

**Cambridge and South Cambridgeshire Strategic Flood Risk Assessment** - in November 2010 the Cambridge and South Cambridgeshire Level 1 Strategic Flood Risk Assessment (SFRA) was adopted by the City Council as a material consideration in planning decisions. The SFRA is primarily a tool for planning authorities to identify and evaluate the extent and nature of flood risk in their area and its implications for land use planning.

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

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

## **6.0 CONSULTATIONS**

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

6.1 No Objection:

#### **Head of Environmental Services**

6.2 No Objection:

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

## **7.0 REPRESENTATIONS**

7.1 Councillor Marchant-Daisley has called this application to Committee if it is to be recommended for approval as it raises significant planning issues.

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

15 Cambridge Place

37 Cambridge Place

47 Cambridge Place

Glisson and Tenison Area Residents Association

7.3 The representations can be summarised as follows:

The proposal will not provide family housing, which Cambridge needs

They discriminate against the elderly and/or disabled – too dark, too noisy, no lift, no parking

The site is not suitable for residential given its proximity to the dance studio whose music is a constant problem for neighbours

Ryedale House is oriented towards the car park not the street, and the application should be viewed in the context of the car parking area. The car park is not part of the application and another building could be built there

No provision for car parking – Cambridge Place has double yellow lines along its whole length. Residents will not be able to apply for visitors permits so they will park illegally

Poor living conditions - The flats would be dark because of the much higher dance studio building behind. They will have to have lights on all the time, which must be against Government policy to conserve energy

The S106 agreement should include a contribution towards road repairs

Loss of employment space

Overlooking to the rear

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

## **8.0 ASSESSMENT**

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

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

### **Principle of Development**

8.2 Policy 7/3 of the Cambridge Local Plan (2006) states that development, including changes of use, that results in loss of floorspace within Use Classes B1 (c), B2 and B8 will not be permitted where the site is identified on the Proposals Map as a protected industrial/storage space. Development, including changes of use, that results in a loss of floorspace within Use Classes B1 (c), B2 and B8 elsewhere in the City will only be permitted if:



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

8.3 In my opinion, Cambridge Place is not a suitable street for an industrial or storage business. Cambridge Place is a narrow road making the servicing of an industrial business very difficult, as it is not possible to easily manoeuvre a large vehicle. Also, there are a number of residential properties on Cambridge Place, which would be disturbed by an industrial use. In my opinion, residential use is far more appropriate than industrial use here.

8.4 Policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing developments on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. Although there are commercial premises on Cambridge Place, there are residential properties, and it is my opinion that residential use would be compatible with adjoining land uses.

8.5 Policy 5/2 of the Cambridge Local Plan (2006) states that the conversion of non-residential buildings into self-contained dwellings will be permitted except where:

- a) The residential property has a floorspace of less than 110m<sup>2</sup>;
- b) The likely impact upon on-street parking would be unacceptable;
- c) The living accommodation provided would be unsatisfactory;
- d) The proposal would fail to provide for satisfactory refuse bin storage or cycle parking; and

- e) The location of the property of the nature of nearby land uses would not offer a satisfactory level of residential amenity.
- 8.6 Part a) of policy 5/2 of the Local Plan does not relate to this application as the building is not currently in residential use. The other sections of this policy will be discussed later on in this report.
- 8.7 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 7/3 of the Cambridge Local Plan (2006).

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

- 8.8 Currently at the front of the building, on Cambridge Place, there are a number of full length windows and an entrance door. The fenestration on this front elevation will be altered. At ground floor level, one of the full height windows would be replaced with a door, to provide access to one of the ground floor flats, with the other ground floor flat accessed from the existing entrance door. Windows would be added at first floor level, to serve the first floor flats.
- 8.9 At side of the building there is a dormer window, which will be extended. Currently, the dormer window appears as two 'stacked' dormers – one that runs along the length of the roof consisting of seven panes of glass; and another below this, directly below the south-easternmost two panes of glass, consisting of two panes of glass. The dormer would be enlarged so that it would be appear as two rows of glass running along the length of the roof, with a larger 'box-like' dormer on the southern-western side.
- 8.10 At the rear, the single storey workshop and two storey lift shaft and office would be demolished, with the two storey office space replaced with a part single-storey part two storey element providing a cycle store at ground floor level, and a store for one of the first floor flats at first floor level. The remaining space would become private courtyards for the use of the ground floor flats.

- 8.11 In my opinion, these alterations are in keeping with the building and would be visually acceptable.
- 8.12 Adjacent to the building there is a car park, which does not fall within the application site but is in the applicant's control. Concern has been raised that in the future this land could be developed, and therefore the proposal should take this into consideration. In my opinion, the proposed change of use, extension to the dormer and alterations to the building would not prejudice the development of the adjacent land. The neighbouring site would be more overlooked than it currently is, but it is my view that this would not necessarily prevent the site from being developed in the future.
- 8.13 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Residential amenity**

#### Impact on amenity of neighbouring occupiers

##### *Noise and disturbance*

- 8.14 The occupiers of the residential properties on Cambridge Place (and the wider area to a lesser extent) will be affected by noise and disturbance in the construction period. Construction works are always disturbing, but in order to reduce the impact on these neighbours I recommend that the hours of construction are restricted (condition 2). As Cambridge Place is narrow, I also recommend a condition restricting delivery hours so that they avoid rush hour (condition 3), and I also recommend a condition requiring details of the contractors working arrangements (condition 4).
- 8.15 The first floor flats would be accessed from the rear of the building, and the cycle and bin stores would also be at the rear of the building. There may be noise associated with the comings and goings from this entrance, but in my opinion this would be minimal.

##### *Car parking*

- 8.16 Concern has been raised that as no car parking spaces are proposed, and the future residents will not be able to apply for

parking permits, the residents will park illegally on neighbouring roads. I understand the concern raised regarding residents blocking the road with their cars or parking on neighbouring streets without permits. However, paragraph 39 of the National Planning Policy Framework (NPPF) states, in relation to parking standards, that Local Planning Authorities should take into account the accessibility of the development, and the availability of and opportunities for public transport. Cambridge Place is close to the City Centre, the railway station and bus routes, and as it is in such a sustainable location, I see no reason to insist that off-street parking spaces are provided.

#### *Overlooking of 21 and 23 Glisson Road*

- 8.17 The existing dormer window allows oblique views towards the rear of 21 and 23 Glisson Road, but at a distance as there is a void in front of the windows. The extension of the dormer, and the replacement of the mezzanine floor with a complete floor, will mean that oblique views towards the rear of 21 and 23 Glisson Road will be more likely. However, in my opinion, as the views would be oblique, they would not be significant or harmful enough to justify refusal of the application.
- 8.18 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7 and part b) of policy 5/2.

#### Impact on amenity of future occupiers

##### *Living accommodation*

- 8.19 Concern has been raised that the proposed flats will be dark due to the taller dance studio building behind it on Glisson Road. All four of the proposed flats have a lot of glazing, which will make them as light as possible, and the enlarged dormer window will increase the light at first floor level. In my opinion, the flats will not be so dark as to warrant refusal of the application, and the living accommodation proposed is satisfactory. Environmental Health have not raised concerns about light or living conditions.

## *Noise*

- 8.20 A dance studio is situated directly to the rear of the application site (25-29 Glisson Road). Both Environmental Health and Planning Enforcement have both received complaints about loud music from the dance studio from neighbouring properties. Any noise from the dance studio is therefore likely to have an impact on the future occupiers of the proposed flats. To mitigate against this impact I recommend a condition requiring a noise survey and mitigation strategy (condition 5).
- 8.21 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) policy 3/7 and part c) of policy 5/2.

## **Refuse Arrangements**

- 8.22 A bin store is proposed at the rear of the building and this is considered to be acceptable.
- 8.23 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and part d) of policy 5/2.

## **Car and Cycle Parking**

- 8.24 Car parking is assessed under the heading 'Residential Amenity' above.
- 8.25 Appendix D (Cycle Parking Standards) of the Cambridge Local Plan (2006) states that one secure, covered cycle parking space must be provided for each one-bedroom flat, which in this case would equate to four spaces in total. Four cycle parking spaces are proposed within a cycle store at the rear of the building. This meets the standards and is therefore acceptable.
- 8.26 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10 part d) of policy 5/2

## **Third Party Representations**

The proposal will not provide family housing, which Cambridge needs

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

The S106 should include a contribution towards road repairs

- 8.28 The repair of any damage to the road in the construction period would be a civil matter between the developer and the Local Highway Authority.

## **Planning Obligations**

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

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

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary

Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.30 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.31 The application proposes the provision of four one-bedroom flats. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards provision for children and teenagers are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	4	1428
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>1428</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	4	1614
2-bed	2	269	538		
3-bed	3	269	807		

4-bed	4	269	1076		
<b>Total</b>					<b>1614</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	4	1452
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>1452</b>

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

8.32 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

#### Community Development

8.33 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256



for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

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

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

#### Waste

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

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	4	600
<b>Total</b>			<b>600</b>

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

## Education

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

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

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

## Monitoring

- 8.40 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring

the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term and £300 per non-financial head of term. Contributions are therefore required on that basis.

### Planning Obligations Conclusion

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

## **9.0 CONCLUSION**

- 9.1 In my opinion, the proposed change of use is appropriate and the proposed alterations to the building would have no detrimental impact on the appearance of the building or the street. It is my view that, subject to conditions, the proposal would provide satisfactory living accommodation and would not have a significant impact on neighbouring occupiers. I therefore recommend that the application is approved, subject to conditions and the completion of the S106 agreement.

## **10.0 RECOMMENDATION**

### **FOR RECOMMENDATIONS OF APPROVAL**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 21 September and subject to the following conditions and reasons for approval:**

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

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

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

3. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages between 0700 hours and 0900 Mondays-Fridays and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of the neighbouring residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

4. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

i) contractors access arrangements for vehicles, plant and personnel,

ii) contractors site storage area/compound,

iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

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

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

5. Part A

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

## Part B

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

The scheme shall achieve:

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

Details shall include:

- Glazing Specifications
- Details of Ventilation

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

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

## **Reasons for Approval**

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

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

Cambridge Local Plan (2006): 3/1, 3/4, 3/6, 3/7, 3/14, 5/1, 5/2, 7/3, 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.

**2. Unless prior agreement has been obtained from the Head of Planning, in consultation with the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 21 September, or if Committee determine that the application be refused, it is recommended that the application be refused for the following reason(s):**

The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, transport mitigation measures, affordable housing, public realm improvements, public art, waste facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 5/14 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development

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

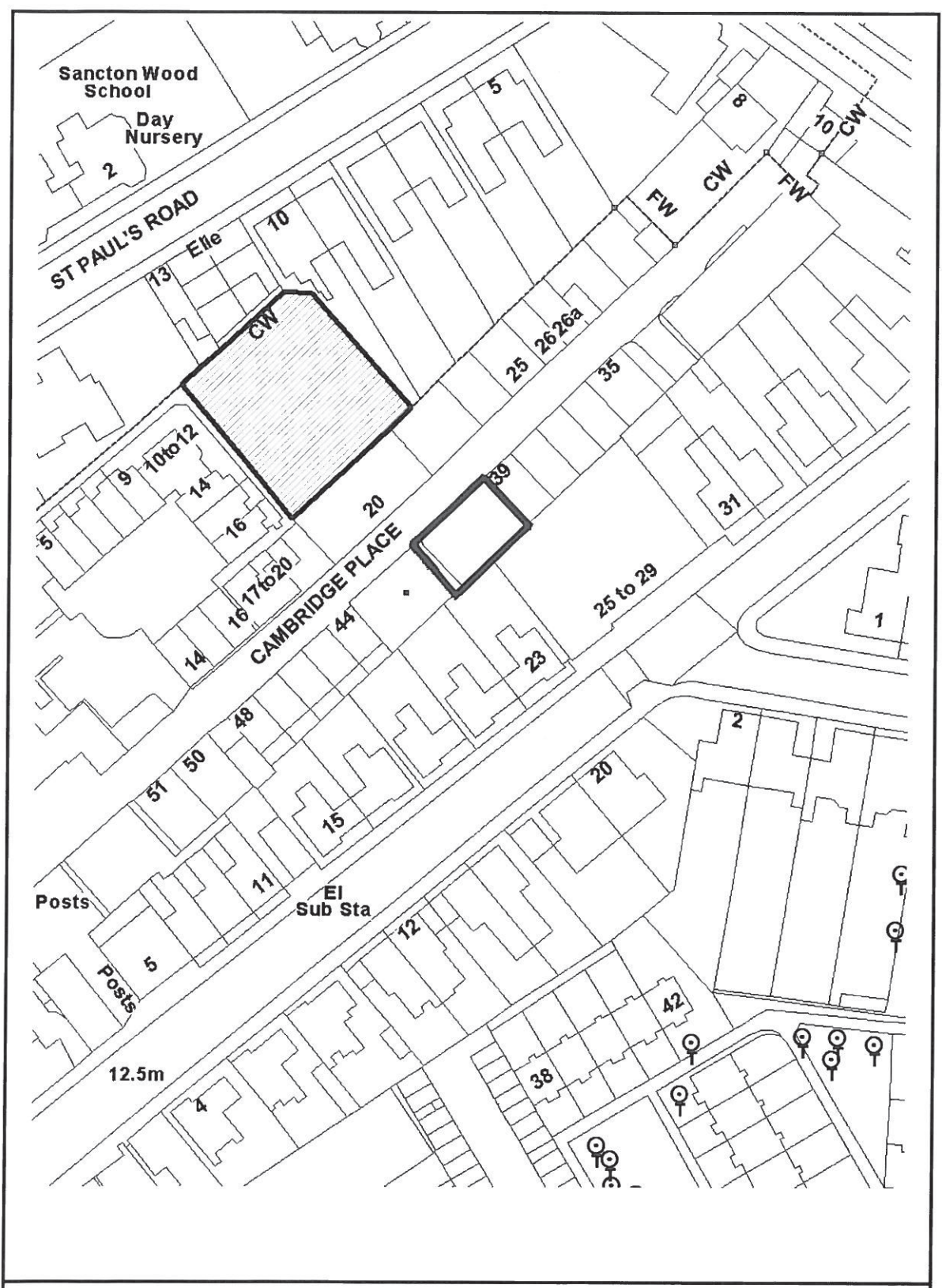
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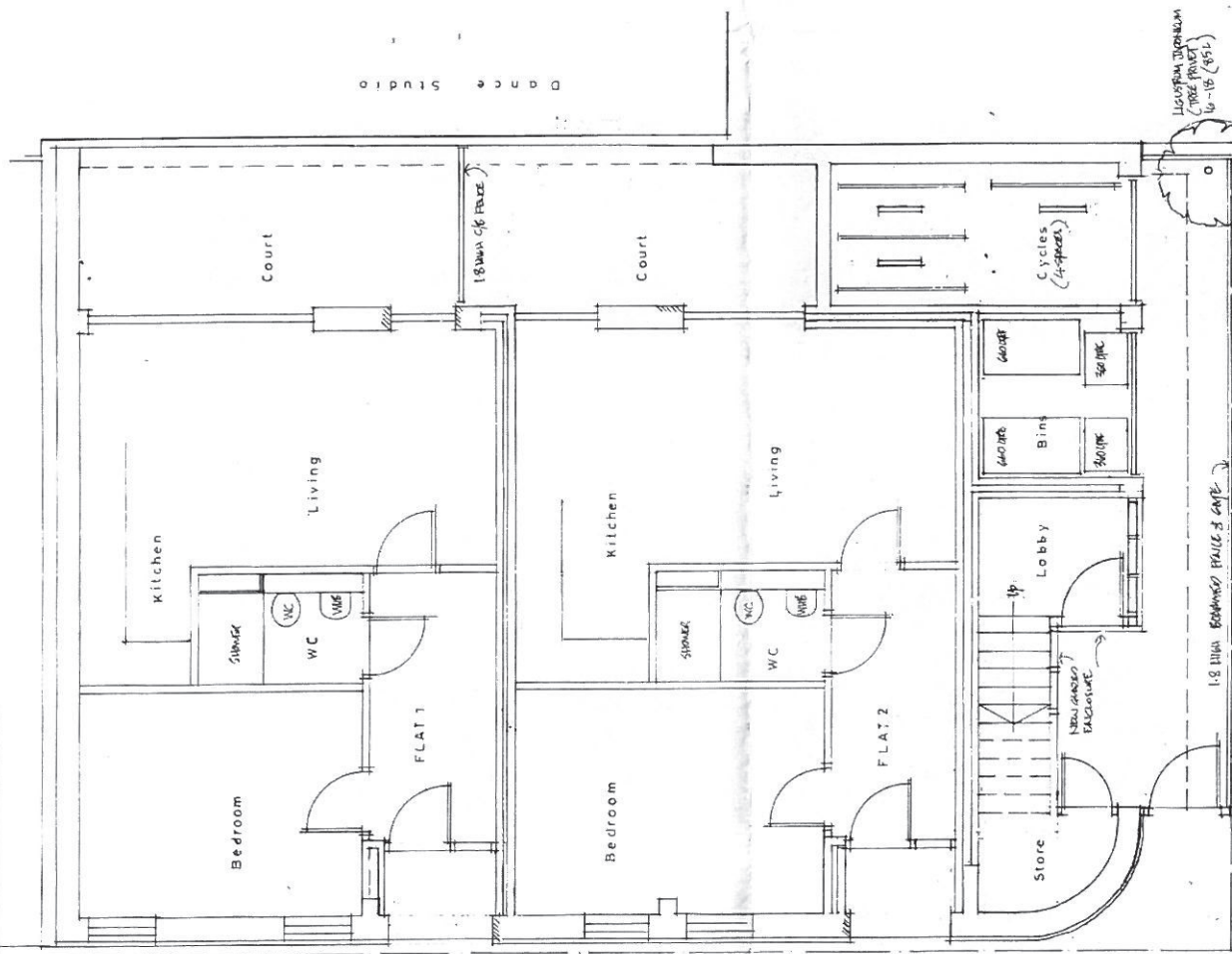
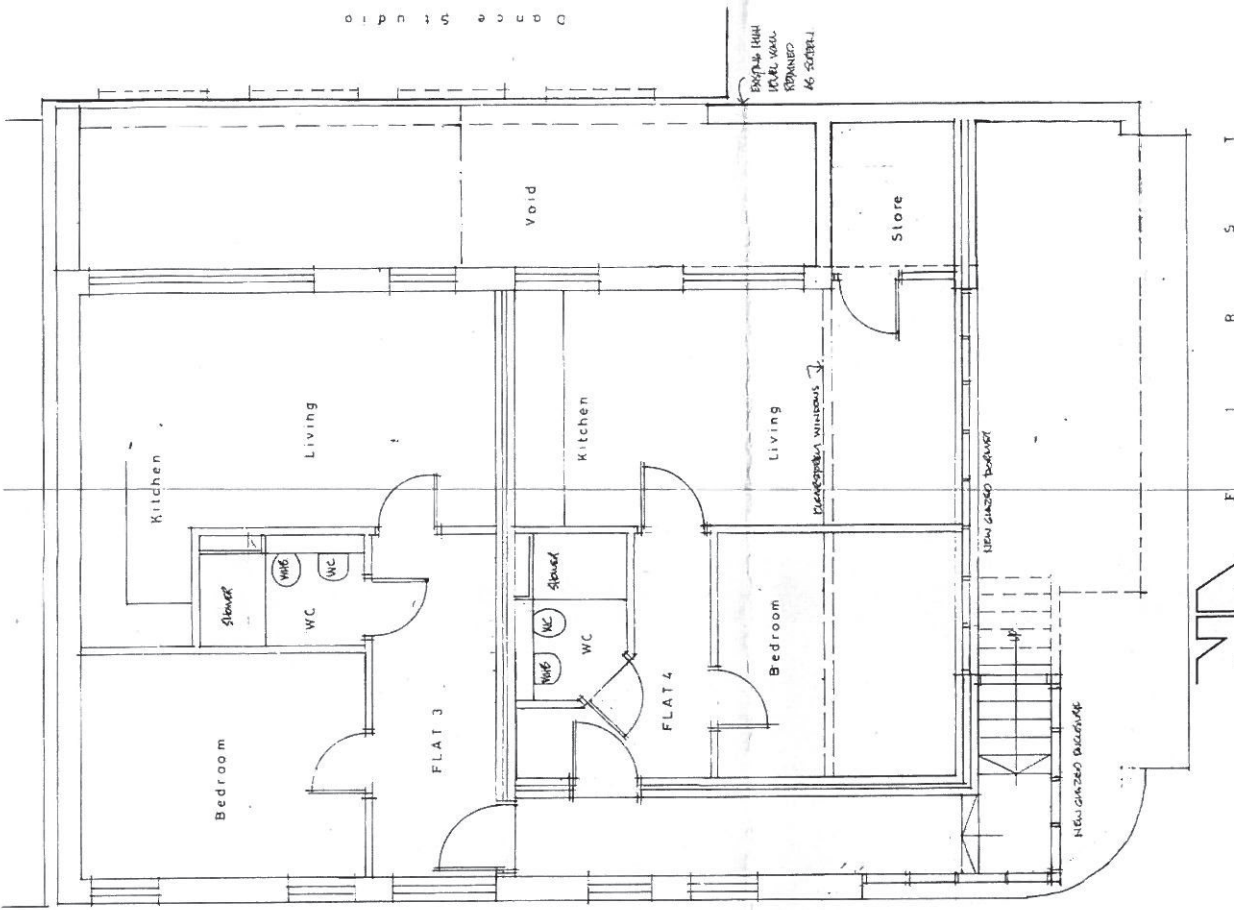
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or by visiting the Customer Service Centre at Mandela House.



**12/0260/FUL**  
**Ryedale House 40 Cambridge Place Cambridge**

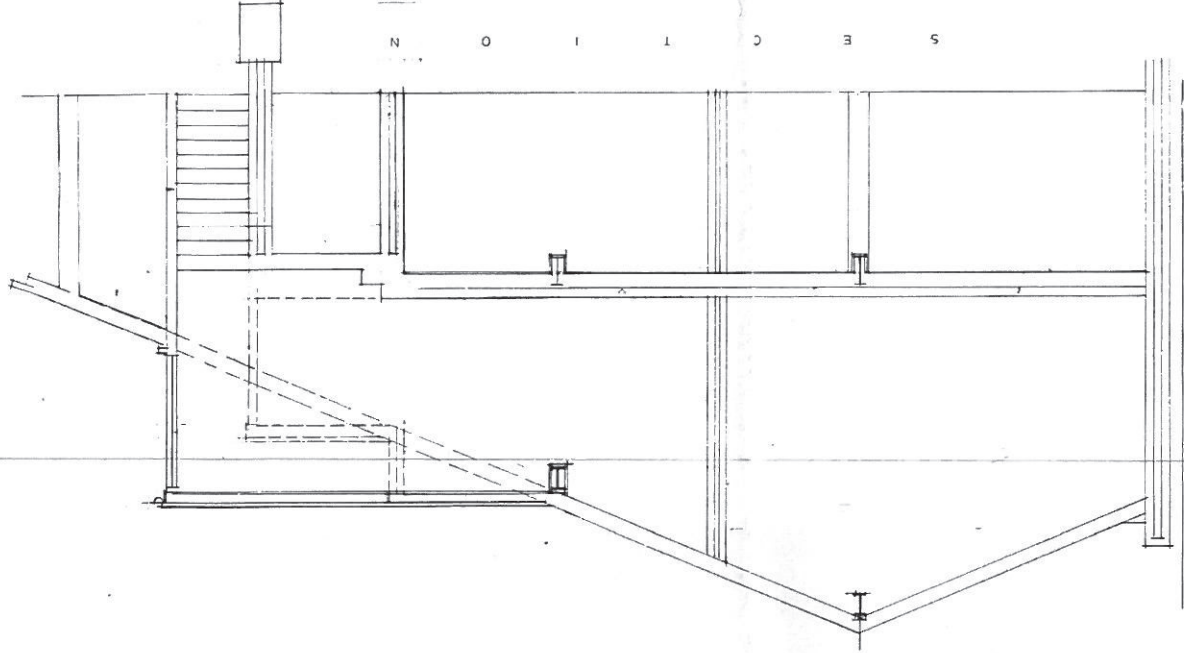




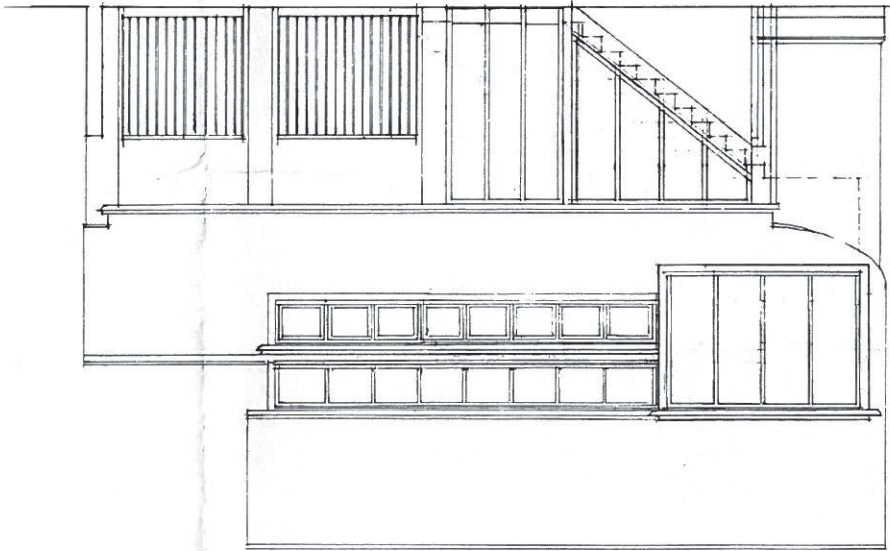
THE TRAM SHED, East Road, Cambridge, CB1 1BG  
 Tel: 01223 354477 Fax: 01223 576077  
 Email: neale@naarchitects.co.uk

Client H DRAKE Date October 2011  
 Project 40 42 CAMBRIDGE PLACE CAMBRIDGE Scale 1:50  
 Drawing FLOOR PLANS Dwg. No. 11/1012 : 02

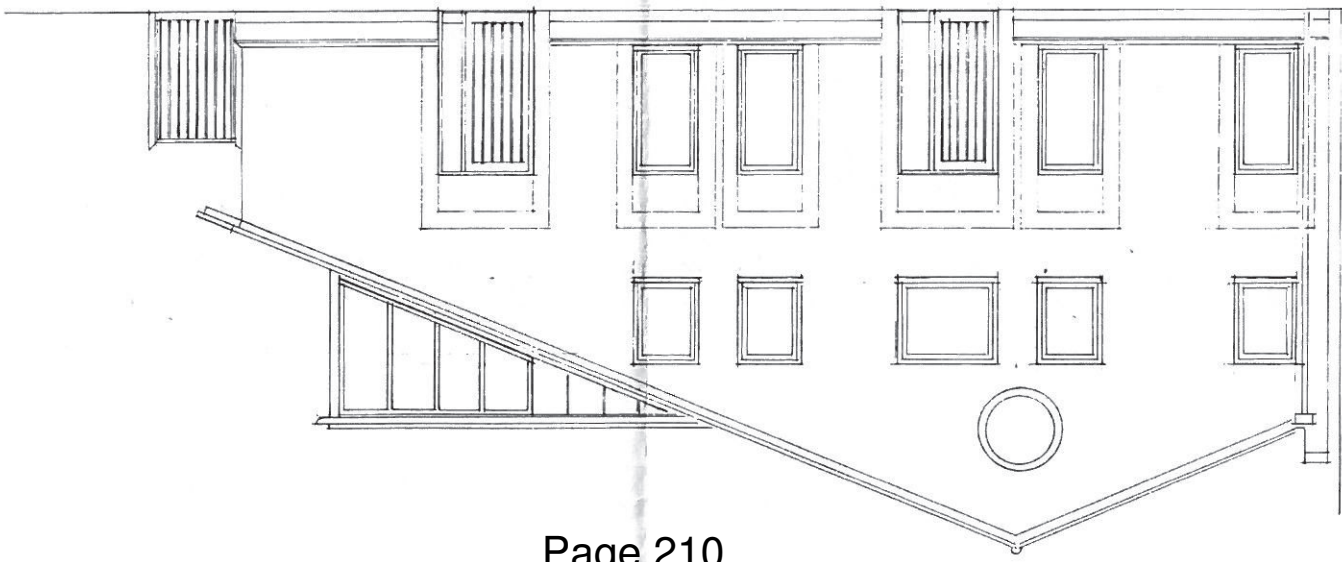
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SOUTH WEST



EAST



NORTH

THE TRAM SHED, East Road, Cambridge, CB1 1BG  
 Tel: 01223 344777 Fax: 01223 396077  
 Email: neale@nealearchitects.co.uk



Client H DRAKE  
 Project 40 42 CAMBRIDGE PLACE CAMBRIDGE  
 Drawing ELEVATIONS V SECTION  
 Date October 2011  
 Scale 1 : 50  
 Dwg. No. 11/1312 : 03

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# Agenda Item 8j

**EAST AREA COMMITTEE**

**Date: 21<sup>st</sup> June 2012**

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<b>Application Number</b>	12/0058/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	31st January 2012	<b>Officer</b>	Tony Collins
<b>Target Date</b>	27th March 2012		
<b>Ward</b>	Coleridge		
<b>Site</b>	Coleridge Community College Radegund Road Cambridge Cambridgeshire CB1 3RJ		
<b>Proposal</b>	Retrospective application for replacement of floodlights around the Multi-use games area.		
<b>Applicant</b>	Mr D Grant Coleridge Community College Radegund Road Cambridge Cambridgeshire CB1 3RJ		

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SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The principle of floodlighting at this site is already established.</p> <p>The hours of operation of the lights and their secure control, can be addressed by condition.</p> <p>Compliance with acceptable levels of luminance to avoid harm to residential amenity can also be secured by condition.</p>
RECOMMENDATION	APPROVAL

## **A.0 INTRODUCTION**

A.1 This application was previously brought before East Area Committee on 12<sup>th</sup> April 2012. Committee deferred a decision on the application pending the provision of additional information.

- A.2 Since the last Committee meeting, the applicants have clarified exactly the hours of use of the lights which they seek. The applicants have also submitted a plot showing lux levels of expected light spillage, on which the Environmental Health team have commented.

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

- 1.1 Coleridge Community College is located on the northern side of Radekund Road in the south east of the city. The games court is sited north of the main college buildings and west of Ridgefield Primary School and is surrounded by high fencing to stop balls escaping.
- 1.2 The site has extensive playing fields to the north of the College buildings which adjoin a residential area of either terraced or semi-detached houses with long and narrow rear gardens.
- 1.3 The site is located within the Cambridge Airport Public Safety Zone and a Controlled Parking Area. It is not located within a Conservation Area.

## **2.0 THE PROPOSAL**

- 2.1 This application is retrospective and proposes the replacement of previous flood lighting to a multi-use games area with those currently on site. Plans have been submitted showing the location of trees between the games court and the nearest houses. The plans show that the houses are a minimum of 41 metres away from the games court, and that the 8 floodlights involved are 8.7 metres high to the underside of the lights.
- 2.2 The College now seeks permission for the floodlights to be switched on:
- Weekdays: 8am –10pm  
Saturdays and Sundays: 9am to 6pm
- 2.3 In an Email, the applicant states that in the past students broke into switch cupboard and left the lights on after using games court. It is understood that a second door to the cupboard has now been installed for security, and that it is intended to fit an automatic timer to avoid misuse. The games court is available

for booking to outside groups and individuals outside the hours pupils are in the college.

2.4 The application is accompanied by the following supporting information:

1. Design Statement
2. Plans
3. Specifications

2.5 The application was submitted to the Local Planning Authority following a complaint from residents to the Enforcement Team. It is understood that the present floodlights were erected about 3 years ago. A previous similar application made last year was withdrawn for insufficient information.

2.6 The application is on the agenda at the request of Councillor Owers so that the application can be examined in relation to policies 8/13, 4/13, and 4/15 of the Cambridge Local Plan.

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/85/1021	Installation of 4 no. x 10 metre high floodlighting columns to existing hard surface sports area.	Approved.
11/0807	Replacement of floodlights around multi use games area.	Withdrawn

### **4.0 PUBLICITY**

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

### **5.0 POLICY**

5.1 See Appendix 1 for full details of Central Government Guidance, East of England Plan 2008 policies, Cambridgeshire and Peterborough Structure Plan 2003 policies, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

## 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	ENV7
Cambridge Local Plan 2006	3/1 3/4 4/13 4/15 6/2

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

Central Government Guidance	National Planning Policy Framework March 2012  Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction
Material Considerations	<u>Central Government:</u>  Letter from Secretary of State for Communities and Local Government (27 May 2010)  Written Ministerial Statement: Planning for Growth (23 March 2011)
	<u>Citywide:</u>  Open Space and Recreation Strategy

## 6.0 CONSULTATIONS

### Cambridgeshire County Council (Engineering)

6.1 No objection.

## Head of Environmental Services

### Original comments

- 6.2 Evening site visit carried out. Lights noted as very bright at the boundary of the site, but difficult to ascertain if they would be considered a statutory light nuisance or affect the amenity. Applicant suggested 21.30 finish time from next season was possible. Tamper-proof switch now fitted.

### Additional comments following submission of lighting assessment

- 6.3 According to plans submitted, from the edge of the sports pitch on the western side to the common boundary with residential properties is approximately 9m, and to the wall of the nearest residential property is 42m. The predicted light spillages provided show lux levels on the ground at 9 m to be 50 lux and levels from 9m-42m diminishing from 50 lux to zero.
- 6.4 The Institute of Lighting Engineers have produced guidance notes for the Reduction of Obtrusive Light, dated 2005, which gives obtrusive light limitations for exterior lighting installations depending on the Environmental Zone the location is in. Coleridge Road/Radegund Road can be described as an urban area and therefore according to this guidance is within zone E3. Therefore the guidance recommends lux levels pre 2300 hours to be no more than 10 lux. However these recommendations are for lux levels that hit the central surface of a window, not the ground, and do not take into account any vegetation / outbuildings which could provide shielding to the lights.
- 6.5 Based on the graph provided it could be concluded the amount of obtrusive light at the boundary of the site at ground level is high, whereas at ground level adjacent to the nearest residential property they will be low. It is unclear what the lux levels will be on the surface of windows at 1st floor level (vertical illuminance). In light of this, the applicant may wish to consider mitigation for the lights such as reducing the wattage of the bulbs.

## 7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses made representations on the original application:

- 89, Hobart Road
- 80, Hobart Road

7.2 The representations can be summarised as follows:

- The site is subject to restrictions relating to airport safety
- Noise late in the evening
- No lighting and acoustic assessments
- Accusation that residents dump rubbish in the alleyways is refuted.
- Wider consultation with residents is required
- Insufficient information to determine whether the proposed lighting is the minimum necessary
- Under Policy 4/15b) the amount of light spillage should be assessed. The impact on nearby houses varies depending on whether the intervening trees are in leaf, and whether the lights are left on after use.
- Under Policy 4/15c) Impact on residents not considered
- Conditions proposed requiring compliance with a code of conduct, and more restricted hours of operation.

7.3 The owners/occupiers of the following addresses have made representations on the additional details supplied:

- 89, Hobart Road

7.4 The representations can be summarised as follows:

- light spillage plot submitted does not constitute a proper lighting assessment
- hours should be limited as in the conditions originally proposed
- approved hours of use should not extend beyond 9.30pm (to be consistent with approvals elsewhere in the city).

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

### **Principle of Development**

8.2 The principle of floodlighting and the appropriateness of such development on this site have already been generally accepted by the granting of the permission C/85/1021 by the County Council without any planning conditions.

8.3 The application site is located within an area of Protected Open Space identified in the Local Plan under policy 4/2, and so there is general support for recreation within this area.

8.4 Cambridge Local Plan 2006 policy 6/2 states that development involving the improvement of a leisure facility will be permitted if it improves accessibility to facilities but is subject to various constraints, such as avoiding undue intrusion to the immediate locality. Hence this policy provides conditional support for the proposal.

8.5 Regarding policy 8/13 of the Cambridge Local Plan which concerns the Airport Public Safety Zone, it is considered that the proposed development would not lead to any intensification of the use of the existing games court having regard to the proposed conditions limiting the operation of the floodlights, and therefore there is no conflict with the policy.

8.6 In my opinion, the principle of the development is acceptable and in accordance with Local Plan policies 4/2, 6/2 and 8/13.

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

8.7 The games court is surrounded by high fencing and it is understood that it has been illuminated by floodlights for over 20 years. It is located adjacent to the Ridgefield Primary School

and Coleridge Community College, which substantially screen the houses to the east and south from the floodlights. The playing field to the north is allocated in the Cambridge Local Plan as an area of Protected Open Space. The nearest house on Hobart Road is 41 metres away to the west, although there are deciduous trees in between. Houses to the east are at least 115m distant, and shielded to some extent by the school. I do not consider that notification in this direction was necessary. The 8No. proposed floodlights are 8.7 metres high.

- 8.8 It is considered that the appearance of the floodlights is satisfactory given this context, and thus complies with policies 3/4 and 3/11 of the Local Plan.

### **Residential Amenity**

- 8.9 The 4 original floodlights were 10 metres high, and the planning permission granted by the County Council in 1986 did not restrict their hours of operation. This compares with the 8No. floodlights currently under consideration, which are 8.7 metres high. If permission is granted for these floodlights conditions could be attached restricting their hours of operation.
- 8.10 A predicted light spillage plot has now been submitted, and has been assessed by the Environmental Health Officer (EHO). The EHO suggests that the plot indicates expected lux levels at ground level at the nearest wall of the nearest house would be low, but she cannot judge from the plot submitted how high the lux level at first-floor window height would be, and she suggests that the applicants might wish to reduce the wattage of the bulbs fitted in order to safeguard residential amenity.
- 8.11 This advice does not appear to me to give sound grounds for refusing the application, since it seems that the potential lux level at first-floor height would at worst be only slightly above what is acceptable, and the issue could be resolved by a reduction in light wattage. In my view, the issue is best addressed by a condition requiring the submission of a predicted lux level at first floor height, and, if that level is shown to be unacceptable, a reduction in the wattage of the floodlight bulbs.
- 8.12 The application is only for the retention of the floodlights and not for the use of the games court, which operates without

floodlighting during the summer. It is considered therefore that an Acoustic assessment is not required and that any code of conduct would only be advisory and not enforceable. Regulation of the hours of operation of the floodlights would however reduce the amount of noise generated in the evening during the winter. The impact of noise in the summer months is beyond the scope of conditions which can be attached if this application is permitted, because it relates only to the lights, and not to the hours of activity at the college.

- 8.13 I note the urging in representations that the later limit of illumination in the evening should be no later than 9.30pm, in order to maintain consistency with approvals elsewhere. Planning application approvals for floodlighting in the city have specified a number of different approved hours of illumination, which is unsurprising, because the circumstances of each site are different. However, it appears to me that the best comparable case is the permission for the artificial, turf pitch at Chesterton Community College (08/1623/FUL) where the relationship with neighbouring houses and the pattern of activity under the floodlights are both reasonably similar. In that case, illumination is limited by condition to 9.30pm on Mondays to Thursdays and 10.30pm on Fridays.
- 8.14 The present application does not seek illumination beyond 10pm, so it seems reasonable to me that conditions should limit it to that time on Friday, and 9.30pm on Mon-Thurs, in order to be consistent with the situation at Chesterton. Use at weekends should be limited to the earlier times sought by the applicant.
- 8.15 I do not consider that the allegations regarding the deposit of rubbish in alleyways are relevant to this application.
- 8.16 Accordingly, it is considered that the application complies with Local Plan policies 4/13 and 4/15.

### **Third Party Representations**

- 8.17 I have addressed the issues mentioned, both originally, and subsequent to the submission of revised hours and light spillage plot, in Paragraphs 8.7 and 8.9 to 8.14 above.

## **9.0 CONCLUSION**

- 9.1 In principle, the installation of replacement floodlighting at the site is acceptable given the previous planning permission and the existence of floodlighting on site for sometime.
- 9.2 The submission of a light spillage plot has enabled a better assessment to be made of likely light impact. It is my view that the remaining uncertainty can be addressed by condition.
- 9.3 Planning permission should be granted, subject to conditions, including the installation of a secure automatic timer switch, an assessment, and if necessary, subsequent mitigation of, lux levels at first-floor window height in nearby houses and the restriction of the illumination of the floodlights to 9.30pm on Mondays to Thursdays and 10pm on Fridays.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. The floodlights hereby approved shall be switched off when the games court is not in use. The floodlights shall not be illuminated except between the hours of 0800-2130 on Mondays to Thursdays, 0800-2200 on Fridays, and 0900-1800 on Saturdays and Sundays .

Reason: To protect the amenities of nearby residents (Cambridge Local Plan 2006 Policy 4/13 and East of England Plan 2008 policy ENV7)

2. Full details of a secure automatic timing switch shall be submitted to and approved in writing by the local planning authority within 1 month of the date of this permission and a scheme of use employing the approved secure switch shall be implemented within 3 months of the date of this permission to the satisfaction of the local planning authority.

Reason: To protect the amenities of nearby residents (Cambridge Local Plan 2006 Policy 4/13 and East of England Plan 2008 policy ENV7)

3. Within 56 days of the date of this permission, an assessment of lux levels created at first-floor window level on the nearest wall of the nearest residential building to the games court by the floodlights hereby permitted shall be submitted to the local planning authority. In the event that this assessment shows lux levels at this point higher than those recommended in the guidance notes of the Institute of Lighting Engineers, the floodlight bulbs shall be replaced with bulbs of a sufficiently low wattage to bring the lux level at first floor height at this point within the recommended limits.

Reason: To protect the amenities of nearby residents (Cambridge Local Plan 2006 Policy 4/13 and East of England Plan 2008 policy ENV7)

### **Reasons for Approval**

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

East of England plan 2008: ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/11, 4/2, 4/13, 4/15, 6/2 and 8/13.

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.

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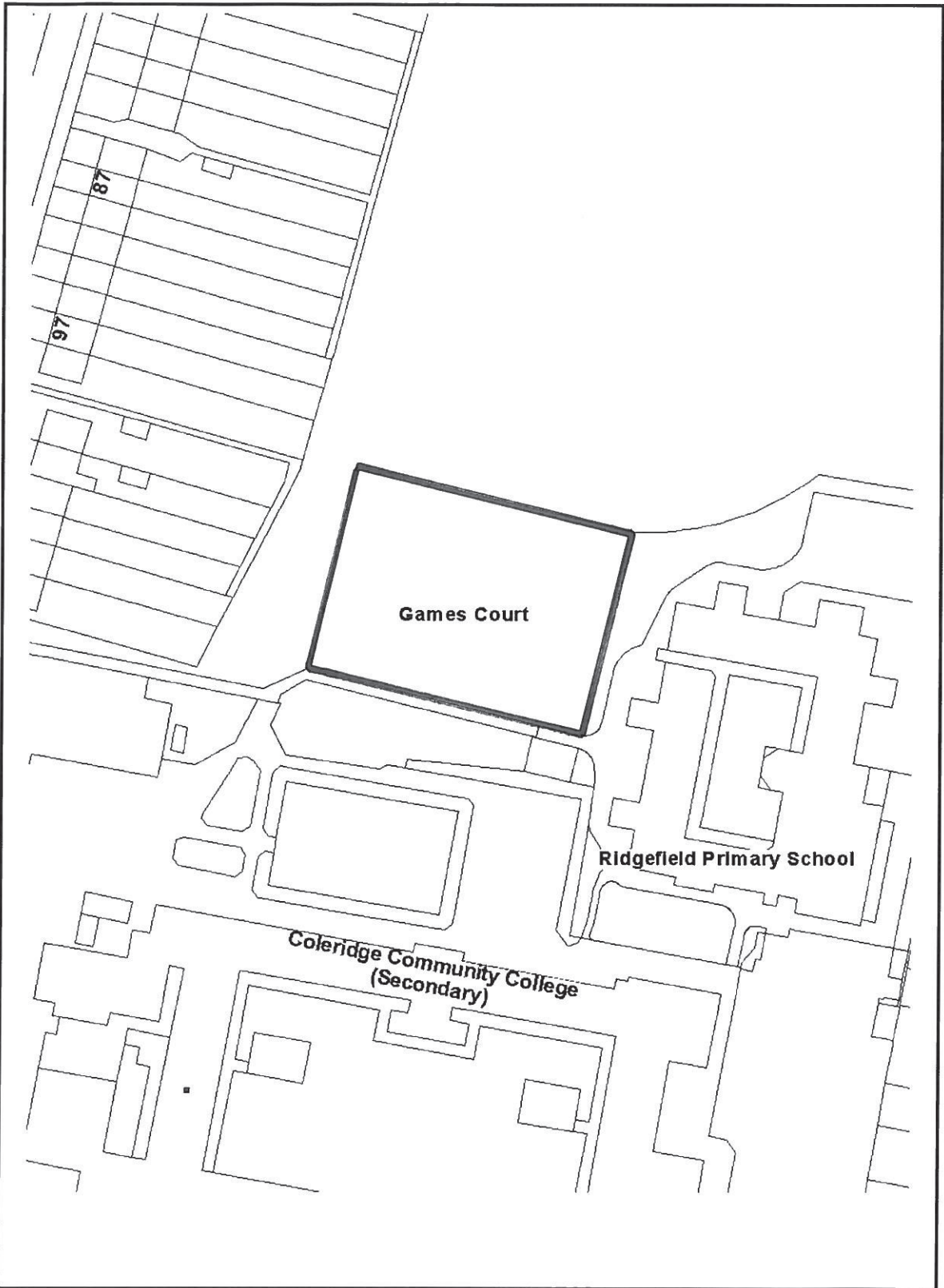
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**12/0058/FUL**  
**Coleridge Community College Rade Gund Road Cambridge**

## SPECIFICATIONS

### HOUSING

Extruded Aluminium - Mitred, Welded and Silicone Sealed.

### DOORFRAME

Extruded Aluminium - Gasketed - Positive Lock-Aluminium Piano Hinge.

### LENS

Tempered Clear Glass - Rear Aluminium Light Baffle - Gasketed.

### REFLECTOR

Specular aluminium multi-sided, with minimum 0.55 m of reflecting surface - swing down and latch design.

### BALLAST

Regulated Auto Transformer - High Power Factor.

### LAMP TYPE

1000 Watt Metal Halide. Average rated lamp life 12000 hours (10 hours per start).

### SIZE

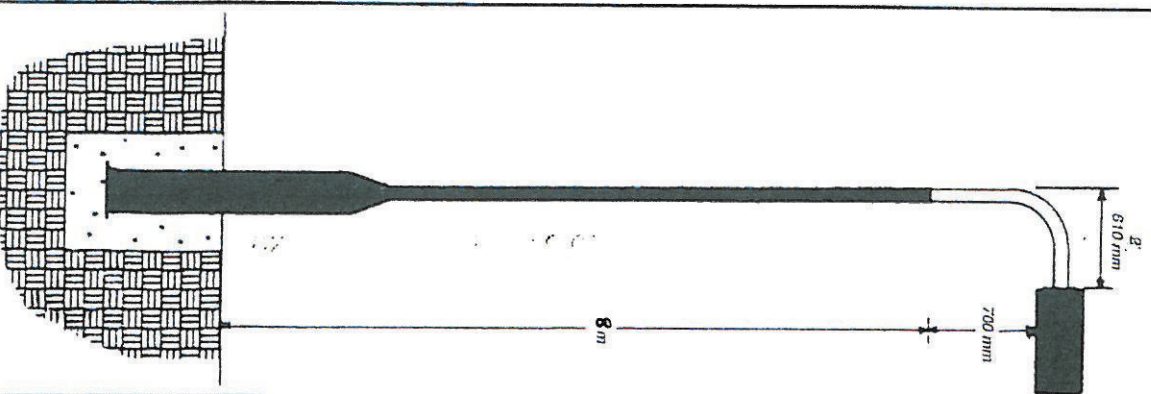
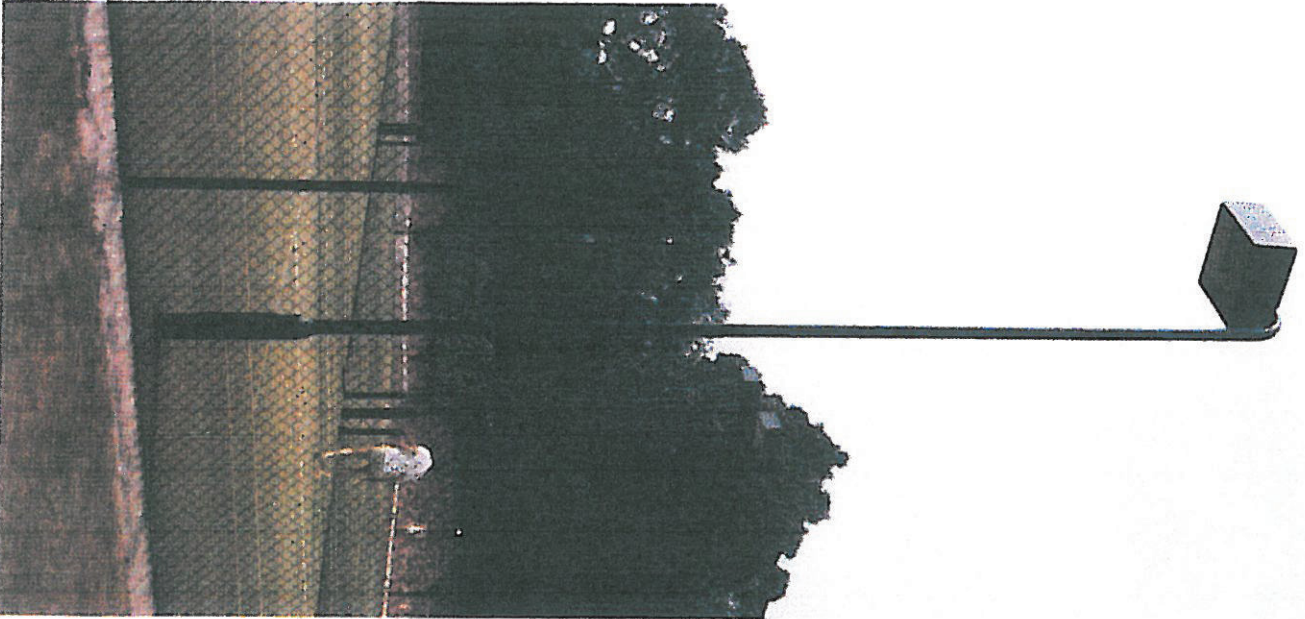
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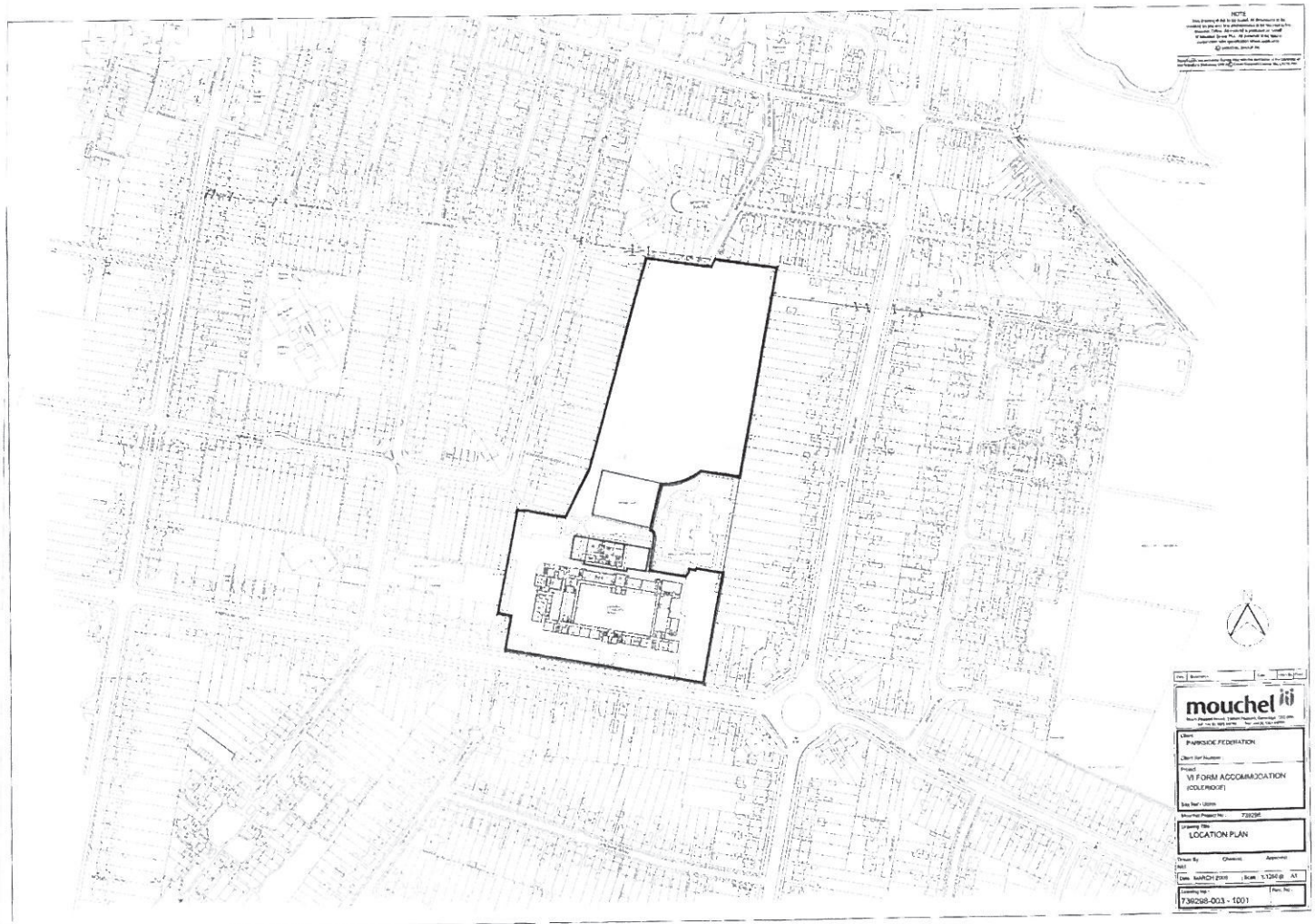
28kg.

### FINISH

Chemically cleaned, primed, painted and baked enamel: Hollybush Green.







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## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: East Area Committee

DATE: 21/06/12

WARD: Petersfield

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

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**Sweet and Spicy, 102 Mill Road, Cambridge**

#### **Unauthorised change of use**

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## **1 INTRODUCTION**

1.1 Members are asked to consider whether to authorise enforcement proceedings for unauthorised use.

Site: Sweet and Spicy, 102 Mill Road, Cambridge.  
See Appendix A for site plan.

Breach: Unauthorised change of planning use from A1(shop) to A3 (café/restaurant).

1.2 On 18<sup>th</sup> August 2011 this Committee resolved to grant planning permission reference 11/0255/FUL for 'Change of use from A1 to mixed Use Class A1/A3 and single storey rear extension at 102 Mill Road'.

1.3 The 11/0255/FUL decision notice (see Appendix B) was dated 12<sup>th</sup> September 2011 and issued 17<sup>th</sup> February 2012, the delay enabled officers to facilitate discussions regarding conditions attached to the permission.

1.4 There is an ongoing breach of planning control at 102 Mill Road in that there is an unauthorised A3 use of the premises. Officers have previously investigated the same unauthorised use in 2003 and 2005. The current investigation was opened in November 2010.

- 1.5 Condition 1 of 11/0255/FUL provides: 'The development hereby permitted shall be begun before the expiration of three years from the date of the permission.' The permission has yet to be implemented, were permission 11/0255/FUL implemented the breach of planning control would be discontinued.
- 1.6 On 23<sup>rd</sup> April 2012 the Council was forwarded a copy of a letter dated 23 March 2012 addressed to the occupier of 102 Mill Road from his planning agent. (see Appendix C) The letter sets out a programme which the occupier would need to follow in order to comply with the conditions attached to permission 11/0255/FUL. The agent concludes that the earliest the building work could start on site is 'tentatively' 1<sup>st</sup> May 2013.

## 2 PLANNING HISTORY

<b>Reference</b>	<b>Description and outcome</b>
C/97/0466	Change of use from shop with ancillary residential flat over (A1/C3) to hotfood takeaway use (A3) and self-contained flat (C3). REFUSED
C/98/0524	Change of use from class A1 to class A3 (takeaway) and change of use from class A1 to residential (part ground floor). REFUSED Appeal dismissed
C/01/1382	Continuation of existing mixed Class A1 (shops) and Class A3 (food and drink) use without compliance with condition 8 of planning permission C/01/1382/FP. APPROVED SUBJECT TO CONDITIONS
C/04/0351	Change of use from Class A1 shop to a mixed Class A1 shop and Class A3 food and drink use. REFUSED
11/0255/FUL	Change of use from A1 to mixed Use Class A1/A3 and single storey rear extension. APPROVED SUBJECT TO CONDITIONS

### 3 BACKGROUND

3.1 On 17th November 2010 officers received a complaint alleging that the planning use of Sweet and Spicy at 102 Mill Road, Cambridge had changed from Class A1 (shop) to Class A3 (restaurant and café). Observations undertaken by officers confirmed that the premises had increased the seating for customers from 8 to 28 and the menu and website confirmed that 102 Mill Road was operating as a restaurant.

3.2 Application C/01/1382/FUL which granted permission for 'Change of Use of ground floor from (Class A1) to mixed shop (Class A1) and hot food takeaway use (Class A3). (Upper floors to be retained as self contained flat Class C3 use)' was subject to conditions including conditions 2 and 8 which stipulated:

Condition 2: 'The use hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of works submitted to and approved in writing by the local planning authority, on or before 19 June 2003'.

Reason: to enable the local planning authority to assess the impact on the amenity of the surrounding area.

Condition 8: 'At no time shall the sale of hot food for consumption either on or off the premises become the predominant use.'

Reason: to protect the retail vitality of this part of the Mill Road shopping centre in line with Policy SH18 of the Cambridge Local Plan 1996 and guidance set out in PPG6 Town Centres and Retail Development 1996.

This permission has expired.

3.3 In 2003 a complaint was made regarding the intensification of hot food consumption on the premises, and on 23rd June 2003 an application (reference C/03/0688) for 'Continuation of existing mixed Class A1 (shops) and Class A3 (food and drink) without compliance with condition 8' was submitted. This application was later withdrawn.

3.4 Officers continued to monitor the use of the premises and in 2004 a application C/04/0351/FP was submitted for 'Change of use from Class A1 shop to a mixed Class A1 shop and Class A3 food and drink use' which was refused on 17th August 2004.

3.5 Throughout 2005 officers undertook monitoring of the premises which established that the premises was being used for A1 use only and so the investigation was discontinued.

- 3.6 In November 2010 a further complaint alleging unauthorised use of the premises was received. On 23rd December 2010 a letter was sent to the occupier of the premises inviting him to contact officers to arrange a site visit to enable an assessment of the current use.
- 3.7 The occupier sought pre application advice from the Local Planning Authority and was informed by letter dated 21<sup>st</sup> January 2011 that the current permitted use of the premises was Class A1. Advice was given that an application for change of use was likely to be refused because the property was situated within the Mill Road West District Centre to which policy 6/7 (Shopping Development and Change of Use in District and Local Centres) of the Cambridge Local Plan (2006) applied. The advice stated: 'This policy provides that change of use from Class A1 to Classes A2, A3, A4 and A5 in District and Local Centres will only be permitted provided the percentage of Class A1 uses does not fall below 60% (measured by number of units). The Mill Road West District Centre currently has only 58% of units in Class A1 use, and, therefore, the threshold set out in the Local Plan has already been exceeded and the change of any further unit, including 102, from Class A1, would not be acceptable'.
- 3.8 On 2<sup>nd</sup> February 2011 a Planning Contravention Notice was served on the occupier of 102 Mill Road which was returned completed on 18<sup>th</sup> February 2011.
- 3.9 Planning permission 11/0255/FUL for 'Change of use from A1 to mixed Use Class A1/A3 and single storey rear extension' was not retrospective because the A3 restaurant use at the premises prevails, not the proposed mixed A1 (shop)/A3 (restaurant) use. It is essential that the A1 (shop) element at 102 Mill Road is not lost for the reasons set out in paragraph 3.7 above.
- 3.10 The letter of 23<sup>rd</sup> March 2012 outlines a proposed schedule for actions needed to implement planning permission 11/0255/FUL. The timetable suggests that the first step towards implementation would be an application to discharge condition 5 of 11/0255/FUL (a pre commencement condition) which would be received by the end of April 2012. To date, no application to discharge condition 5 of 11/0255/FUL has been received.

## **4 POLICY AND OTHER MATERIAL CONSIDERATIONS:**

### **4.1 National Planning Policy Framework states:**

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

### **4.2 In order to issue an Enforcement Notice there must be sound planning reasons to justify taking such action.**

### **4.3. Until such time as permission 11/0255/FUL is implemented the unlawful use continues. Although the planning agent estimates that at best and "tentatively" the works could not start until 1<sup>st</sup> May 2013 the first stage of the programme has passed its target date and no indication has been provided as to how long the building works will last. The decision to approve the application was made at Committee on 12<sup>th</sup> September 2011, the owner was aware of the grant of permission on that date however to date he has not taken any steps to implement the permission.**

### **4.4 The view of officers is that the work necessary to implement the permission does not require the 13 months suggested in the proposed timetable and that such works could be undertaken in 3 to 4 months.**

## **5 RECOMMENDATIONS**

### **5.1 It is recommended that:**

An Enforcement Notice is served on the owner and tenant of 102 Mill Road, Cambridge] to address the breach of planning control namely the unauthorised change of use of 102 Mill Road Cambridge from A1 to A3 and that the Head of Legal Services is authorised by this Committee to issue such a notice under the provisions of S172 of the Town and Country Planning 1990 (as amended).

5.2 If the Committee authorises enforcement proceedings the Enforcement Notice would include the following details:

5.2.1 Steps to Comply:

Cease the unauthorised A3 use of the premises

5.2.2 Period for Compliance:

1 month from the date the notice comes into effect.

5.2.3 Statement of Reasons:

It appears to the Council that the breach of planning control has occurred within the last ten years and the Council consider it expedient to serve enforcement notices in order to remedy the clear breach of planning control.

5.2.4 Right of appeal

There is a right of appeal against an Enforcement Notices to the Planning Inspectorate.

## 6 IMPLICATIONS

(a) **Financial Implications** - None

(b) **Staffing Implications** - None

(c) **Equal Opportunities Implications** - None

(d) **Environmental Implications** - None

(e) **Community Safety** - None

(f) **Human Rights Considerations** - Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that enforcement notices in this case would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development. The time for compliance will be set as to allow a reasonable period for compliance.



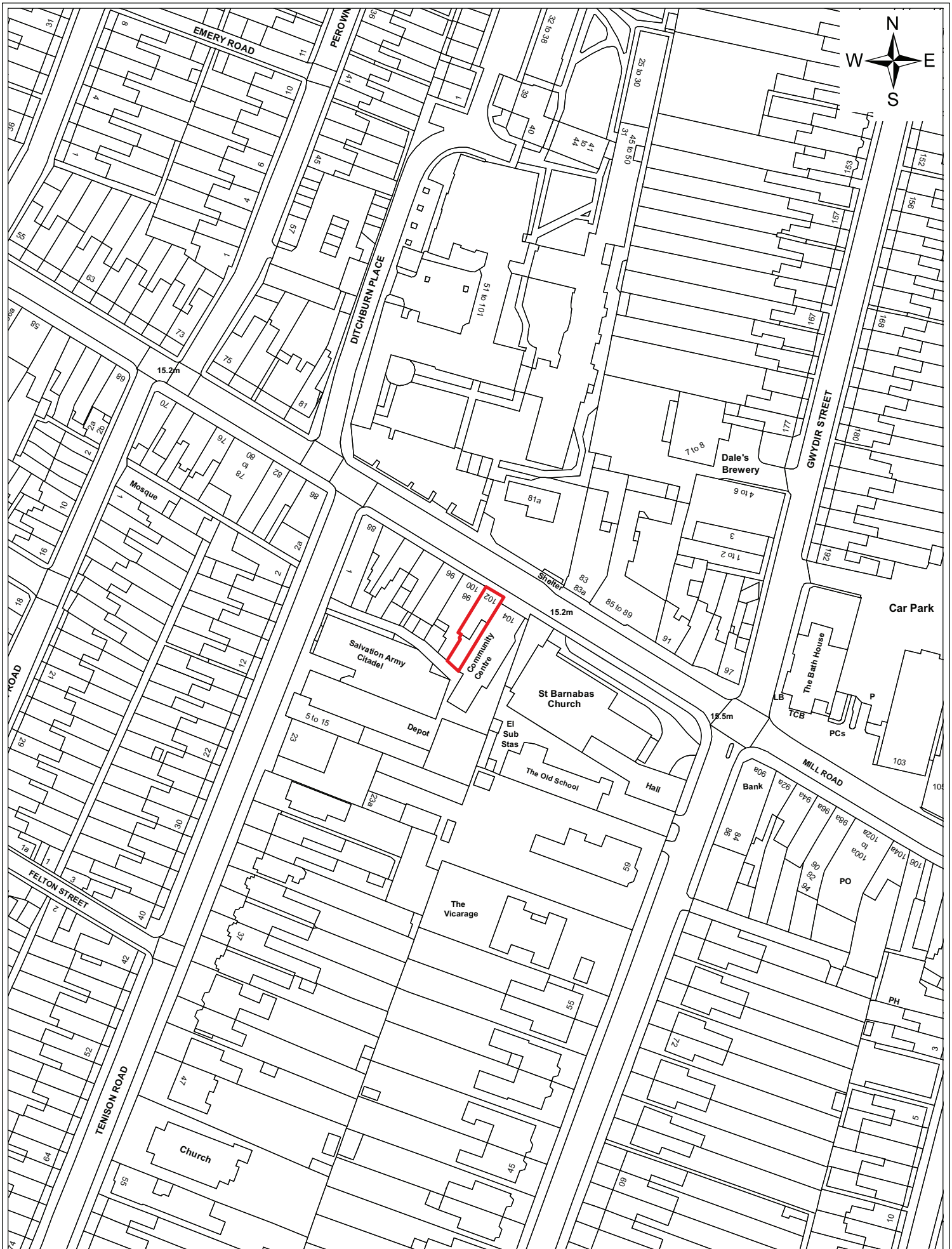
## **APPENDICES**

- Appendix A      Site plan
- Appendix B      Decision notice for application reference 11/0255/FUL
- Appendix C      Letter outlining proposed works

The author and contact officer for queries on the report is Deborah Jeakins on extension 7163.

Report file: N:\Development Control\Planning\Enforcement\Committee reports\102 Mill Road 2012.doc

Date originated: 30 April 2012      Date of last revision:



102 Mill Road, Cambridge  
Page 234

Date: 01 June 2012  
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 Scale: 1:1,250 @ A4





## CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACTS 1990

### FULL PLANNING PERMISSION

SUBJECT TO CONDITIONS

Ref: 11/0255/FUL

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Mr Z Durrani  
Studio 11 Development Ltd  
1 Ethelbert Gardens  
Ilford  
Essex  
IG2 6UL

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The Council hereby grant full planning permission for

**Change of use from A1 to mixed Use Class A1/A3 and single storey rear extension.**

at

**102 Mill Road Cambridge Cambridgeshire CB1 2BD**

in accordance with your application received 8th March 2011 and the plans, drawings and documents which form part of the application, subject to the conditions set out below:

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

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

2. The extension hereby permitted shall be constructed in external materials to match the existing building in type, colour and texture.

Reason: To ensure that the extension is in keeping with the existing building. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. The applicant is advised that the site has been used as a dry cleaners and there is a potential for solvents to be present in the ground. The applicant must contact the Local Planning Authority should any potential contamination be discovered as a result of this development.

4. The predominant use of the premises must be A1.

Reason: To ensure that the proposal does not impact upon the number of A1 units in the local centre (Cambridge Local Plan 2006 Policy 6/7).

5. 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 residential amenity of the occupiers of the first floor flats (Cambridge Local Plan 2006 Policy 3/7).

### **Reasons for Approval**

Having heard petitions both in support of, and objecting to the application, and comments from a Member representing the ward, East Area Committee questioned the principal planning officer and then discussed the proposal and its implication for the area (particularly those concerning its impact on the viability and vitality of the local centre). East Area Committee resolved to approve the application because, while acknowledging that the current percentage of Class A1 uses within the local centre was below 60%, it considered that the introduction of a subsidiary Class A3 use within this Class A1 unit would not cause significant harm to the vitality and viability of the local centre, and would be in accordance with the stated objective of Chapter 6 of the local plan, namely 'To ensure that Cambridge is vibrant and thriving with a range of leisure, tourism and shopping facilities in accessible locations to meet the needs of residents of the City and Sub-region.' In addition, East Area Committee considered that the guidance in the written ministerial statement 'Planning for Growth' (23 March 2011) that local planning authorities should support enterprise and economic development, consider the range of likely economic and social benefits of proposals (including increased consumer choice and more robust local economies) and give appropriate weight to the need to support economic recovery, lent significant weight to the case for approval of the change of use.

This decision notice relates to the following drawings: **LOCATION PLAN, 102/(01)01 and 102/(02)02.**

It is important the development is carried out fully in accordance with these plans. If you are an agent, please ensure that your client has a copy of them and that they are also passed to the contractor carrying out the development. A copy of the approved plans are kept on the planning application file.

It is important that all conditions particularly pre-commencement conditions are fully complied with, and where appropriate, discharged prior to the implementation of the development. Failure to discharge such conditions may invalidate the planning permission granted. The development must be carried out fully in accordance with the requirements of any details approved by condition.

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Your attention is specifically drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970, the Disabled Persons Act 1981, to the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS 5810 1979), to Part M of the Building Regulations 1991, and to BS 5588 Part 8 1988 (Code of Practice for means of escape for disabled persons). The development should comply with these requirements.

Please note: On-street parking controls, including residents' parking schemes, are in operation in several parts of the City of Cambridge. There are restrictions on eligibility for residents' parking permits, even for residents within the areas covered by schemes. Implementing a planning consent can remove eligibility for a permit. The County Council can advise whether or not properties qualify for a Residents' Parking Permit. If in doubt, please contact Cambridgeshire County Council, Cambridgeshire Parking Services by telephoning (01223) 727920 or by e-mailing [parkingpermits@cambridgeshire.gov.uk](mailto:parkingpermits@cambridgeshire.gov.uk), mentioning this planning consent. Please also be aware that the criteria for granting parking permits may change from time to time.

For further information please go to [www.cambridge.gov.uk/planning](http://www.cambridge.gov.uk/planning).

Dated: 12 September 2011



Guildhall, Cambridge, CB2 3QJ

Head of Planning  
*aw*

SEE NOTES ATTACHED

## PLANNING PERMISSION

### 1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development' or to grant permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder planning application that was valid on or after 6<sup>th</sup> April 2009, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from [www.planningportal.gov.uk/pccs](http://www.planningportal.gov.uk/pccs)

The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### 2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

## LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

### 3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

### 4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

### 5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

### 6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

## CONSENT TO DISPLAY AN ADVERTISEMENT

### 7. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)

# Studio11Development

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1 Ethelbert Gardens Ilford Essex IG2 6UL  
Tel 0794 0593742 Fax: 0871 266 4177  
Email. Studio11Development@yahoo.co.uk

Zarar Arshad  
Sweet n Spicy  
102 Mill Road  
Cambridge  
CB1 2BD

23<sup>rd</sup> March 2012

Dear Mr Arshad,

**Re: Proposed works at 102 Mill Road Cambridge**

We have now received full planning permission of 'Rear extension, internal alterations and change of use for A1 to A3' for above premises.

Here is a programme for your consideration.

- 1. Planning:** Condition 5 of Planning approval ref: 11/0255/FUL is a pre-commencement condition and therefore it needs to be released prior to works starting on site. We are preparing documentation with details of extraction etc. for submission of Release of Condition application by end of April 2012. Decision Due by early July 2012.
- 2. Building Control:** A full plans application for Building Regulation application will be prepared and submitted following release of condition by end of July 2012. Building Regulation approval due by early October 2012.
- 3. Landlord's Consent:** Since you are the leaseholder of the property and the works involve structural alterations and rear extension, you will required Freeholder's consent for the alterations. We will prepare necessary documents and send it to the freeholder together with planning and Building control approval by end of October 2012. The Freeholder may appoint his own surveyor to assess the impact on the property and may take between 2-3 months for issuing consent. We will be aiming to obtain Landlord's Consent by end of Jan 2013.
- 4. Tendering:** We will prepare Schedule of Work and Working Drawings for the Tender package and obtain prices from three contractors. The negotiations and selection of contractor may take 2-3 months. We should have a contractor appointed by end of April 2013.

Therefore the earliest the building work can start on site is tentatively 1<sup>st</sup> of May 2013.

Please do not hesitate to contact me if you wish to discuss any of the above.

Yours sincerely,



**Zaheer Durrani** BArch MSc

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## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: East Area Committee 21/06/12

WARDS: Petersfield

### **PLANNING ENFORCEMENT CONTROL Failure to comply with an Enforcement Notice**

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**Zi's Piri Piri, 36a Mill Road, Cambridge.**

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#### **1 INTRODUCTION**

1.1 This report concerns the failure to comply with the requirements of an Enforcement Notice served following development undertaken without the benefit of planning permission at Zi's Piri Piri, 36a Mill Road, Cambridge. The report asks members to approve the next course of action following failure to comply with the Enforcement Notice.

A copy of the Enforcement Notice can be found in Appendix A.

1.2 Summary of investigation:

15 Sept 10	Complaint received regarding change to shop front
25 Jan 11	Retrospective planning application 10/1215/FUL refused
20 Oct 11	Enforcement Notice served
21 Nov 11	Enforcement Notice came into effect
1 Feb 12	Retrospective planning application 11/1337/FUL refused
21 April 12	Deadline for compliance with Enforcement Notice
31 May 12	Planning application 12/0707/FUL for shop front received

## 2 PLANNING HISTORY

- 2.1 C/63/0170 New Shop Front  
APPROVED SUBJECT TO CONDITIONS
- C/91/4085 Erection of illuminated fascia sign (retrospective)  
REFUSED
- C/91/4086 Erection of illuminated projecting sign (retrospective)  
REFUSED
- C/92/4139 Illuminated fascia sign (retrospective)  
REFUSED
- C/92/4140 Projecting illuminated box sign (retrospective)  
REFUSED
- C/94/4288 Externally illuminated fascia sign (4.2m wide x 0.8m  
high) reading 'Sinbads'  
REFUSED
- C/94/4289 Internally illuminates fascia sign (4.2m wide x 0.8m  
high) reading 'Sinbads'  
REFUSED
- 08/1451/ADV Installation of one fascia sign (internally illuminated)  
PERMITTED
- 10/1215/FUL Retrospective application for shopfront  
REFUSED
- 11/1337/FUL New shopfront (Retrospective)  
REFUSED
- 11/1446/ADV New internally illuminated fascia sign and projecting  
sign. New flag/banner.  
PART APPROVED. PART REFUSED
- 12/0707/FUL New shopfront.  
PENDING CONSIDERATION by 26.07.12

## 2.2 ENFORCEMENT NOTICE

Under Cambridge City Council's scheme of delegations (part 4A), the Planning Enforcement Service has delegated authority to serve an Enforcement Notice in relation to development which has failed to gain approval by means of a retrospective application for Planning Permission.

On 20<sup>th</sup> October 2011 an Enforcement Notice was served for the alleged breach of:

'Unauthorised alteration to a shop front' at 36a Mill Road, Cambridge.

The steps required to remedy the breach were to:

- i. Remove the recess which has been created at the shop front and restore the frontage to that shown in the attached photograph reference DJ1
- ii. Remove the 'steps' which have been created in the shop front area
- iii. Remove the unauthorised shutters and any associated fixings in their entirety from the shop front
- iv. Reinstate the stall riser shown in the photograph dated 10/10/11 (attached) to the previous design as shown in the attached photograph reference DJ1
- v. Reduce the fascia to the size shown in the attached photograph reference DJ1.

The Notice gave a period of 28 days for an appeal to be lodged with the Planning Inspectorate. No appeal was made within the necessary period and the Notice came into effect on 21<sup>st</sup> November 2011.

The period for compliance given on the Notice was six months.

## 3 BACKGROUND

- 3.1 36a Mill Road, Cambridge is located in a Conservation Area. The 2011 Mill Road Conservation Area Appraisal lists the premises as a 'positive unlisted building'.
- 3.2 In September 2010 the Planning Enforcement Service received an allegation that there had been an unauthorised change to the shop front design and that shutters had also been installed.
- 3.2 A site visit confirmed that unauthorised development had taken place. Officers requested that an application for planning permission for the

development was submitted.. On 30<sup>th</sup> November 2010 planning application reference 10/1215/FUL for 'Retrospective application for shop front' was received. On 20<sup>th</sup> January 2011 the application 10/1215/FUL was refused for the following reason:

The shop front and shutters by virtue of their design, materials, relationship with the street frontage and lack of justification for the shutters have an adverse impact on the visual amenity of the building and the streetscene which forms part of a Conservation Area. In so doing the development fails to respond positively to the site context and constraints or to preserve or enhance the Conservation Area. The development is contrary to East of England Plan 2008 polices ENV6 and ENV7, Cambridge Local Plan 2006 policies 3/4, 3/15 and 4/11 and advice provided by PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

- 3.3 A number of attempts were made to negotiate and secure the reinstatement of the original shop front design or a design more appropriate to the Conservation Area. On 20<sup>th</sup> October 2011 when the Notice was served (and to date) the unauthorised works to the shop front and shutters remain in place. This is considered to have a negative impact on the character and appearance of the conservation area.
- 3.4 On 9<sup>th</sup> December 2011 a revised retrospective planning application for a new shop front (reference 11/1337/FUL) was submitted. On 27<sup>th</sup> January 2012 the application was refused for the following reason:

The glazing, shutters and recess from the footpath, proposed in this application would have an adverse impact on the visual amenity of the building and the streetscene which forms part of a Conservation Area. In so doing the development fails to respond positively to the to the site context and constraints or to preserve or enhance the Conservation Area. The development is contrary to East of England Plan 2008 polices ENV6 and ENV7, Cambridge Local Plan 2006 policies 3/4, 3/15 and 4/11 and advice provided by PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

- 3.5 A site visit on 22<sup>nd</sup> March 2012 (one month before compliance with the Enforcement Notice was required) established that no work to alter the shop front and comply with the Enforcement Notice had begun. The Planning Enforcement Officer contacted the owner of the property, Mr Hussein to remind him of the timescale for compliance with the

Enforcement Notice and to advise him that failure to comply with an Enforcement Notice is an offence. Appendix B contains a copy of the letter sent to Mr Hussein on 3<sup>rd</sup> April 2012 and photographs of the unauthorised shop front dated 23<sup>rd</sup> April 2012.

- 3.5 On 4<sup>th</sup> April 2012 Mr Hussein called the Planning Enforcement Officer to advise that he intended to submit a new planning application and this was confirmed by email from his agent on 11<sup>th</sup> April 2012 . On 24<sup>th</sup> April 2012 the Senior Conservation Officer met with Mr Hussein to provide advice on what shop front designs would be likely to gain approval.
- 3.6 On 31<sup>st</sup> May 2012 a planning application reference 12/0707/FUL was received for 'New Shopfront', the application is due to be determined by 26<sup>th</sup> July 2012.
- 3.7 If application reference 12/0707/FUL is granted approval, it is the developer's decision whether to implement the permission.
- 3.8 The unauthorised shop front design at 36a Mill Road remains in place.

## **4 LEGAL, POLICY AND OTHER MATERIAL CONSIDERATIONS**

### **4.1 National Planning Policy Framework states:**

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

- 4.2 It is considered that the owner of the property has been given adequate time to restore the shop front to its original design. Although an application for an alternative, more appropriate design has been submitted, the application is pending determination and if it is granted approval there is no guarantee that the new design will be implemented.

- 4.3 The local planning authority consider that the development is contrary to East of England Plan 2008 policies ENV6 and ENV7, Cambridge Local Plan 2006 policies 3/4, 3/15 and 4/11.
- 4.4 Failure to comply with an Enforcement Notice which has been served under Section 172 of the Town and Country Planning Act 1990 (as amended) is an offence contrary to Section 179 of the Town and Country Planning Act 1990 (as amended).

## **5 OPTIONS AND RECOMMENDATION**

- 5.1 Enforcement is a discretionary power. The Committee should take into account the planning history, the location of the site within a Conservation Area and the other relevant facts set out in this report. Officers only recommend the service of an Enforcement Notice when all attempts at negotiating a resolution to remedy the breach of planning control have failed.
- 5.2 If the Committee is minded to authorise enforcement action there are four options available to the Council:
- 5.2.1 Prosecution  
This option would require members to give delegated authority to the Head of Planning and the Head of Legal Services take action on behalf of the Council.
- 5.2.2 Caution  
This option would require the owner of 36a Mill Road to admit to the offence of failing to comply with the Enforcement Notice and to agree to accept a caution but it would not remedy the breach of planning control.
- 5.2.3 Injunction  
Section 222 of the Local Government Act 1992 provides that the Local Authority can institute proceedings in the High Court to secure an injunction to restore the original shop front. Procedurally this is a very costly option and is not recommended in these circumstances.
- 5.2.4 Direct action  
This option would require the Council to carry out the required works and seek to recover the costs from the owner.

### 5.3 RECOMMENDATION

Officers only recommend prosecution when all other attempts at resolving the breach of planning control have failed. As the owner has not taken the necessary steps to comply with the Enforcement Notice, officers are of the opinion that prosecuting the owner for the offence of failing to comply with the Enforcement Notice is in the public interest in order to protect the character and appearance of the Conservation Area.

The Committee is therefore asked to authorise the Head of Planning to instruct the Head of Legal to commence legal proceedings against the owner, Mr Hussein, because the end of the period for compliance with the Enforcement Notice has expired and the steps required to be taken by the Notice have not been taken which is an offence contrary to section 179 (2) Town and Country Planning Act 1990.

## 6 IMPLICATIONS

- (a) **Financial Implications** - None
- (b) **Staffing Implications** - None
- (c) **Equal Opportunities Implications** - None
- (d) **Environmental Implications**- None
- (e) **Community Safety** - None
- (f) **Human Rights Considerations:** Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that taking necessary and appropriate action would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding local planning policies.

**BACKGROUND PAPERS:** No background papers were used in the preparation of this report.

**APPENDICES:**

Appendix A Copy of Enforcement Notice served on 20<sup>th</sup> October 2011

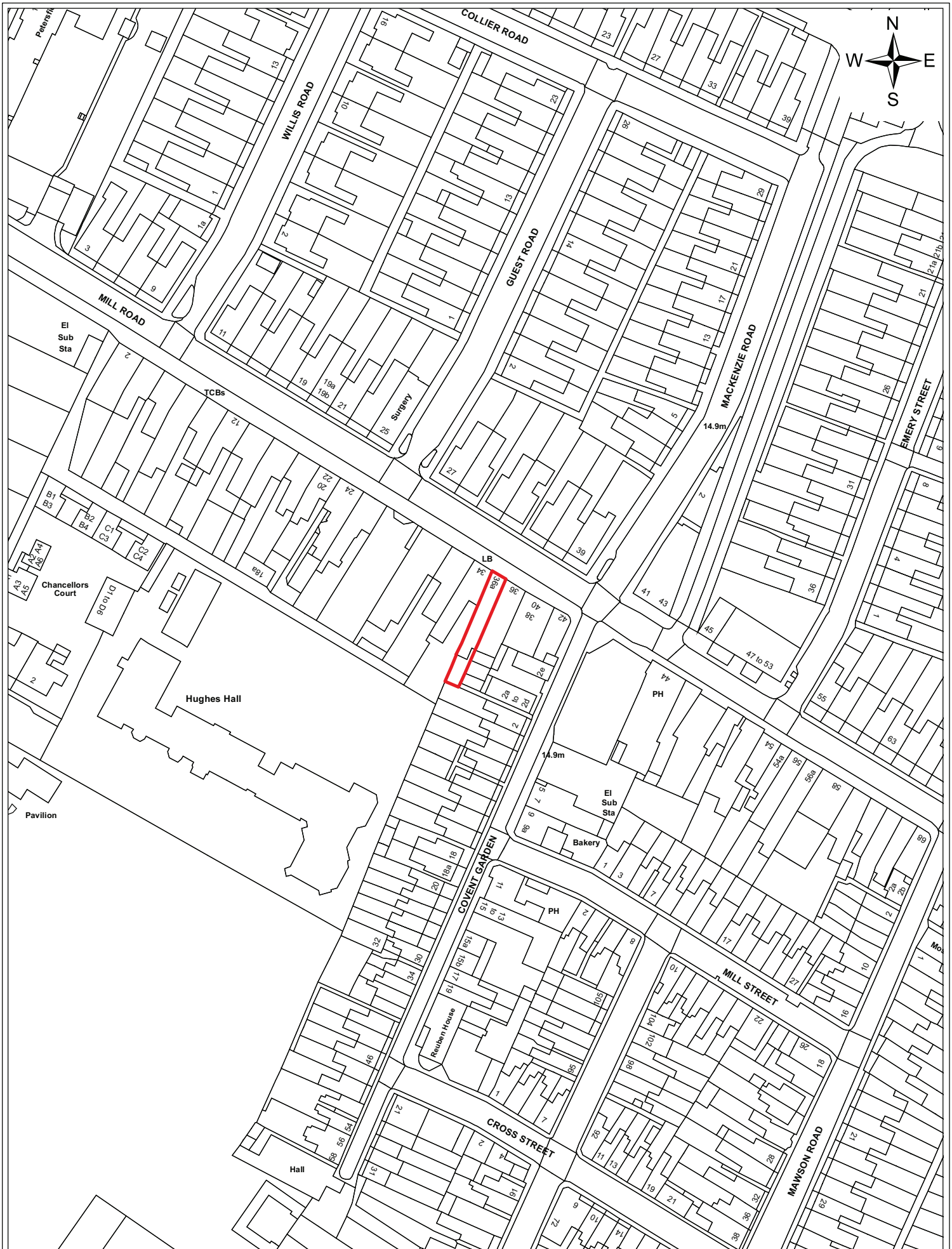
Appendix B Copy of letter to Mr Hussein dated 3<sup>rd</sup> April 2012 and photographs of existing unauthorised shop front

The contact officer for this report is Deborah Jeakins on 01223 457163.

Report file: N:\Development Control\Planning\Enforcement\Committee reports\36a Mill Road Report 2012.doc

Date originated: 30 April 2012 Date of last revision: 12 June 2012





# 36A Mill Road, Cambridge

## Page 249

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Date:	01 June 2012
Produced by:	Timothy Cliff
Section/Department:	Information Systems, Environment Dept
Scale:	1:1,250 @ A4

**ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT**

(Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991)

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THIS NOTICE RELATES

**36a Mill Road, Cambridge CB1 1AP**

(shown edged red on the attached plan)

3. THE BREACH OF PLANNING CONTROL ALLEGED

**Unauthorised alteration to a shop front in a conservation area**

4. REASONS FOR ISSUING THIS NOTICE

To preserve the character of the Conservation Area. The shopfront and shutters by virtue of their design, materials, relationship with the street frontage and lack of justification for the shutters have an adverse impact on the visual amenity of the building and the streetscene which forms part of a Conservation Area. In so doing the development fails to respond positively to the site context and constraints or to preserve or enhance the Conservation Area. The development is contrary to East of England Plan 2008 polices ENV6 and ENV7, Cambridge Local Plan 2006 policies 3/4, 3/15 and 4/11 and advice provided by PPS1 (Delivering Sustainable Development) and PPS5 (Planning for the Historic Environment).

5. WHAT YOU ARE REQUIRED TO DO

- i.Remove the recess which has been created at the shop front and restore the frontage to that shown in the attached photograph reference DJ1
- ii.Remove the 'steps' which have been created in the shop front area
- iii.Remove the unauthorised shutters and any associated fixings in their entirety from the shop front
- iv.Reinstate the stall riser shown in the photograph dated 10/10/11 (attached) to the previous design as shown in the attached photograph reference DJ1
- v.Reduce the fascia to the size shown in the attached photograph refernce DJ1

6. PERIOD FOR COMPLIANCE

**6 Months** after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the **21 November 2011** unless an appeal is made against it beforehand.

Signed .....  
*Council's Authorised Officer*

Dated: **20 October 2011**

Cambridge City Council  
The Guildhall  
Cambridge  
CB2 3QJ

**Annex**

**YOUR RIGHT OF APPEAL**

There is a right of appeal to the Secretary of State (at the Planning Inspectorate) against this notice. Please see the enclosed information sheet from the Planning Inspectorate which tells you how to make an appeal. If you decide to make an appeal, you must ensure you send your appeal so that it will be received or posted/emailed in time to be received by the Secretary of State (at the Planning Inspectorate) before the effective date specified in paragraph 7 of this notice.

**WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 above. You must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 above. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

In case of enquiry contact:	Debs Jeakins
Direct Dial:	01223 457163
Fax:	01223 457109
E Mail:	Debs.Jeakins@cambridge.gov.uk

Mr M Hussein  
8 Guernsey Road  
Leytonstone  
London  
E11 4 BJ



03 April 2012  
Our Ref P700/C/ 5039  
Your Ref

Dear Mr Hussein

**Change to shop front design and Electric shutters installed in a Conservation Area**

**36a Mill Road  
Cambridge**

On 21st November 2011 an Enforcement Notice concerning the unauthorised alteration of the shopfront at 36a Mill Road, Cambridge came into effect.

The Notice listed the steps you were required to take to address the breach of planning control at the property and gave you six months to comply.

I visited the property on 22nd March 2012 and could not see any evidence of work being undertaken to comply with the Enforcement Notice by the 21st April deadline.

I sent you an email on 23rd March 2012 to remind you that failure to comply with an Enforcement Notice is an offence for which you may be prosecuted and requested that if you have a timetable of works which you intend to undertake prior to the 21st April deadline that you forward it for my attention.

I have not received any response to my email and so now write to advise that I will be visiting the property on 23rd April 2012 to see if the Enforcement Notice has been complied with and if no works to restore the shopfront to the previous design have been undertaken I will prepare seek authorisation to pursue a prosecution.

Please advise me of your intentions within 14 days.

Yours sincerely,

Debs Jeakins  
Planning Investigation Officer









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WHEN POSSIBLE

**DRY CLEANERS**

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