



# Public Document Pack

## Cambridge City Council

### Planning Committee

To: Councillors Stuart (Chair), Tunnacliffe (Vice-Chair), Blencowe, Brown, Dryden, Hipkin, Marchant-Daisley, Saunders and Znajek

Alternate Councillors: Herbert and Tucker

*Published & Despatched: Tuesday, 24 April 2012*

**Date:** Wednesday, 2 May 2012  
**Time:** 9.30 am  
**Venue:** Committee Room 1 & 2 - Guildhall  
**Contact:** James Goddard

### AGENDA

#### 1 Apologies

#### 2 Declarations of Interest

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

#### 3 Minutes

To confirm the minutes of the meeting held on 4 April 2012. *(Pages 1 - 14)*

#### 4 Planning Applications

4a 12/0086/FUL: 169 - 173 High Street, East Chesterton *(Pages 15 - 52)*

4b 12/0345/LBC: 33 Parkside *(Pages 53 - 60)*

#### 5 General Items

5a Request for Variation of Section 106 Agreement Pertaining to the Student Accommodation Site (McLaren) at the Former Brunswick Site, Newmarket Road

Item to follow

5b Planning Enforcement Item – Former Howard Mallett (*Pages 61 - 66*)

## **6 Tree Items**

6a Tree Works Application No. 12/019/TTPO Bishops Court (*Pages 67 - 70*)

6b Tree Works Application No. 12/082/TTPO Pinehurst South (*Pages 71 - 74*)

## **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 2001 to 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**

**QR Codes**  
(for use with Smart  
Phones)

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

## 1985

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

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

### **Location**

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

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

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

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



### **Development Control Forum**

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

### **Public Participation**

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

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

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

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

**Representations  
on  
Planning  
Applications**

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

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

A written representation submitted to the Environment Department by

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

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

**Filming,  
recording and  
photography**

The Council is committed to being open and transparent in the way it conducts its decision making. 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&RPID=33371389&search=doc&cat=13203&path=13020%2c13203](http://www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=33371389&search=doc&cat=13203&path=13020%2c13203).

### **Fire Alarm**

In the event of the fire alarm sounding please follow the instructions of Cambridge City Council staff.

### **Facilities for disabled people**

Access for people with mobility difficulties is via the Peas Hill entrance.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Adapted toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request.

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

### **Queries on reports**

If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).





## General Information

Information regarding committees, councilors and the democratic process is available at [www.cambridge.gov.uk/democracy](http://www.cambridge.gov.uk/democracy).

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**PLANNING COMMITTEE**4 April 2012  
9.30 am - 3.45 pm

**Present:** Councillors Stuart (Chair), Tunnacliffe (Vice-Chair), Blencowe, Brown, Hipkin, Marchant-Daisley, Saunders and Tucker

Councillor Marchant-Daisley left after the vote on item 12/20/PLANc

**Officers:** Tony Collins (Principal Planning Officer), Cara de la Mare (Legal Advisor), Patsy Dell (Head of Planning Services), Sarah Dyer (City Development Manager), James Goddard (Committee Manager), Amy Lack (Planning Officer) and Catherine Linford (Planning Officer)

**FOR THE INFORMATION OF THE COUNCIL**

### Re-Ordering Agenda

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used her discretion to alter the order of the agenda items to take item 12/20/PLANd (11/1534/FUL: St Colettes Preparatory School) first. However, for ease of the reader, these minutes will follow the order of the agenda.

### **12/16/PLAN Apologies**

Apologies were received from Councillors Dryden and Znajek.

### **12/17/PLAN Declarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Saunders	12/20/PLANa, 12/20/PLANb & 12/20/PLANE	Personal: Member of Cambridge Cycling Campaign.
Councillor Blencowe	12/20/PLANc,	Personal: Chairman of Cambridge Football Club, an organisation affiliated with the Applicant.

Councillor Boyce (speaking as Ward Councillor)	12/20/PLANc,	Personal: Director of Cambridge Sports Hall Trust.
Councillor Brown	12/20/PLANc, 12/20/PLANd, 12/20/PLANE & 12/20/PLANf	Personal: Application located close to Councillor Brown's house.
Councillor Reiner (speaking as Ward Councillor)	12/20/PLANE	Personal: Travels through Coe Fen to drop off children at nursery.

### **12/18/PLAN Minutes**

The minutes of the 7 March 2012 meeting were approved and signed as a correct record.

### **12/19/PLAN 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.

## **12/20/PLAN      Planning Applications**

### **12/20/PLANa 11/1538/S73: Station Area Redevelopment Land Between Cambridge Station And Hills Road - Blocks M3 And M4 Of The CB1 Station Area Masterplan**

The committee received an application for minor material amendments to the outline permission (08/0266/OUT) (the cb1 masterplan outline application).

The application sought approval for an alteration to conditions 4 and 5 to enable adjustments to be made to the footprints of Blocks M3 and M4 only and to enable the construction of a basement in both blocks M3 and M4.

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

The Committee:

**Resolved (unanimously)** to accept the officer recommendation to approve the changes as minor material amendments to the approved parameter plans subject to the following amendment to Condition 5:

The development should be carried out in accordance with the approved Development Proposal Parameter Plans refs RSHP\_100\_X\_P\_PP10, REV C, RSHP\_0003\_P\_PMP, REVD, RSHP\_0004\_P\_PMP, REVD, RSHP\_0005\_P\_PMP, REVD, RSHP\_0006\_P\_PMP, REVD, RSHP\_0007\_P\_PMP, REVD, RSHP\_0008\_P\_PMP, REVD, RSHP\_0009\_P\_PMP, REVD, 217382/EAD/SK1020 REV P10, A10231 D1001 P2 Site Plan, A10231 D1099 P5 Proposed Basement Plan, A10231 D1100 P5 Proposed Ground Floor Plan in respect of Blocks M3 and M4 only.

**12/20/PLANb 11/1537/REM: Station Area Redevelopment Land Between Cambridge Station And Hills Road - Blocks M3 And M4 Of The CB1 Station Area Masterplan**

The committee received a reserved matters submission for phase 1B of the CB1 masterplan, comprising blocks M3 and M4.

The application sought approval for 232 student units along with associated facilities, part of an access road (including the installation of the bollards), a substation and landscaping.

The Committee:

**Resolved (unanimously)** to accept the officer recommendation to approve reserved matters subject to the following amendment:

Additional condition 19 - Notwithstanding the details shown on the approved plans, the location of the bollards hereby approved shall be submitted to and approved by the local planning authority, prior to commencement of either block hereby approved, with the exception of below ground works. The development shall be carried out in accordance with the approved plans.

Reason: In the interests of highway safety. (Cambridge Local Plan policy 8/2).

**12/20/PLANc 11/0008/FUL: Cambridge City Football Ground, Milton Road**

The committee received an application for full planning permission.

The application sought approval for a proposed residential development of 148 dwellings incorporating affordable housing, open space and landscaping, car and cycle parking and access work.

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

- Mr Baugh
- Ms Blair

The representations covered the following issues:

- (i) Residents had signed a number of petitions regarding the development.
- (ii) Residents felt there should be no change of use for the football ground without prior public consultation.
- (iii) The application would lead to a loss of sport and recreational facilities. This will exacerbate the existing issue of little provision in the area because sports/recreation areas had been redeveloped as housing areas and not replaced.
- (iv) The alternative (off site) facilities proposed to receive commuted sums in lieu of open space provision on site were located too far away to be acceptable alternatives. Improving/changing these would not benefit residents close to the football ground site.
- (v) Raised the following concerns regarding the application:
  - a. The nature of the development (scale and massing).
  - b. Inadequate provision of open space onsite.
  - c. The enclosed nature of the site would preclude integration with the existing community.

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

Max Boyce (West Chesterton Ward Councillor – City Council) addressed the committee about the application. The representation covered the following issues:

- (i) Queried if section 106 funding could be used to address (replace) a lack of sports/open space provision on-site. Suggested Chesterton Community College was better suited to off-site open space provision

than Chesterton Recreation Ground and Logan's Meadow as suggested in the Officer's report.

- (ii) Took issue with the traffic flow impact assessment predicting that football club and residential traffic flow figures were comparable.
- (iii) Asked for condition 25 concerning road adoption to be strengthened.
- (iv) The permeability constraints of the site would lead the development to become a gated community (without a gate) in practice. Queried if this contravened the Council's policy to encourage successful communities.

Kevin Wilkins (West Chesterton Ward Councillor – County Council) addressed the committee about the application. The representation covered the following issues:

- (i) Supported and re-iterated concerns that the site would become isolated, therefore it would be challenging for it to become a successful community.
- (ii) The proposal for commuted sums did not help the viability of a community created in this location.

Gerri Bird (East Chesterton Ward Councillor – City Council) addressed the committee about the application. The representation covered the following issues:

- (i) East Chesterton residents were concerned over the loss of community facilities and lack of consultation regarding the application.
- (ii) St Andrew's Recreation Ground, Chesterton Recreation Ground and Logan's Meadow would be affected by the development. Any proposed change of use should not go ahead without public consultation to ascertain resident's needs.
- (iii) The application would lead to a loss of sports facilities if it went ahead.

#### The Committee:

**Resolved (by 5 votes to 3)** to reject the officer recommendation to approve the application.

**Resolved (by 5 votes to 0)** to refuse the application contrary to the officer recommendations for the following reasons:



1. The proposal fails to provide appropriate open space on site, contrary to policies 3/7 and 3/8 of the Cambridge Local Plan (2006) and paragraph 58 of the National Planning Policy Framework 2012.
2. The proposal involves the loss of open space of recreational importance, which would not be satisfactorily replaced elsewhere, contrary to policy 4/2 of the Cambridge Local Plan (2006) and paragraph 74 of the National Planning Policy Framework 2012.
3. 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, 3/12, 5/5, 5/14, 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 Affordable Housing Supplementary Planning Document 2008, the Public Art Supplementary Planning Document 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, and the Northern Corridor Area Transport Plan 2003.

### **12/20/PLAND 11/1534/FUL: St Colettes Preparatory School**

The committee received an application for full planning permission.

The application sought approval for proposed erection of 6 x 5 bed houses, 1 x 4 bed house and 1 x 3 bed house, internal access road, car and cycle parking and hard and soft landscaping.

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

- Dr Harter

The representation covered the following issues:

- (i) Concerns expressed at the 15 February 2012 Development Control Forum remained unaddressed.
- (ii) It had not been demonstrated there was a lack of interest in the site for educational use.
- (iii) The proposal would cause a loss of amenities for local properties.

- (iv) The application would overlook and overshadow neighbours.
- (v) The accuracy of application shadow projections was queried. It was suggested these were too conservative in their estimate of impact on neighbours, particularly in mid-winter.
- (vi) Concern over loss of trees.

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

Nichola Harrison (Petersfield Ward County Councillor) addressed the committee about the application.

The representation covered the following issues:

- (i) The current design was an improvement over previous iterations, but still raised concerns regarding overlooking, overshadowing and over development of site.
- (ii) Sought confirmation of accuracy regarding references to distances between the common boundary, access road and other features.
- (iii) Sought protection of boundary trees through conditions if the application went ahead.
- (iv) Referred to Local Plan Policy 5/11 and queried if this had been satisfied, specifically regarding marketing material. Expressions of interests to buy the site from the Applicant had been made by several organisations. Policy 5/11 precluded the Applicant from holding onto the land for residential use when other buyers wished to purchase it for community/educational purposes. It was suggested the City Council should have proactively overseen this process to ensure it was robustly and transparently carried out. Councillor Harrison was not satisfied this had occurred.
- (v) It was suggested the educational use of the land had been suspended rather than abandoned.

#### The Committee:

**Resolved (unanimously)** to reject the officer recommendation to approve the application.

**Resolved (unanimously)** to refuse the application contrary to the officer recommendations for the following reasons:

1. Because of the overbearing sense of enclosure that will be created by

the development and experienced by the occupiers of 9-31 Tenison Avenue and 68 and 85 Highsett, and because of the overshadowing of the rear gardens, balconies, roof terraces and ground floor rooms of 9-31 Tenison Avenue during Winter months, the application would result in unacceptable harm to the residential amenity of the occupiers of those houses and would be in conflict with policy ENV7 of the East of England Plan (2008), and policies 3/4 and 3/7 of the Cambridge Local Plan (2006), and government guidance in the National Planning Policy Framework (2012).

2. Insufficient information has been provided to demonstrate that the community use to be lost on the site is either to be replaced within the development, relocated to another premises of equal accessibility for its users, or no longer required. As the marketing strategy was inadequate, there is insufficient information to demonstrate that the site is not required for educational use or community use in the longer term. For both these reasons the proposal is in conflict with policy 5/11 of the Cambridge Local Plan (2006), and government guidance in the National Planning Policy Framework (2012).
3. The layout of the proposed development and the scale and design of the proposed development is not compatible with the character of the surrounding area. The development does not result in creation of an attractive built frontage which positively enhances the townscape or the Conservation Area of which it forms part. The development does not provide an appropriate balance between public and private space to achieve a good relationship between buildings, routes and spaces. In so doing, the development fails to provide a positive sense of place and represents overdevelopment of the site, contrary to policies 3/4, 3/7, 3/12, 4/11 and 5/1 of the Cambridge Local Plan (2006) and government guidance in the National Planning Policy Framework (2012).
4. The development fails to make adequate provision for on site informal open space contrary to policy 3/8 of the Cambridge Local Plan (2006) and government guidance in the National Planning Policy Framework (2012).
5. The proposed development does not make appropriate provision for public open space, community development facilities, education and life-long learning facilities, or public art, in accordance with policies 3/7, 3/8, 5/14, and 10/1 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and

as detailed in the Planning Obligation Strategy 2010, and the Open Space and Recreation Strategy (2011).

### **12/20/PLANE 11/0988/FUL: Doubletree By Hilton, Granta Place, Mill Lane**

The committee received an application for full planning permission.

The application sought approval for demolition of existing single storey leisure centre, and erection of a three storey extension to provide 31 additional bedrooms and a new leisure centre.

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

- Professor Harris (representing Residents' Association of Old Newnham)
- Mr Bell (representing Cambridge Past, Present & Future)

The representations covered the following issues:

- (i) The application would have a negative impact on green spaces.
- (ii) Suggested the application contravened Local Plan policies 3/2, 3/9 and 4/2.
- (iii) Raised the following concerns:
  - a. Site access and general traffic safety. This would exacerbate current issues.
  - b. Objected to the proposed design, particularly the scale, height and massing.
  - c. The application would have a negative impact on the Conservation Area, plus historic and natural environment. The design would not fit into the character of the area.

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

Rod Cantrill (Newnham Ward Councillor – City Council) addressed the committee about the application. The representation covered the following issues:

- (i) The open space comprising of Coe Fen and Sheep's Green should be protected as they provide a unique contrast between urban and rural areas.
- (ii) The current Pavilion structure suits its context.

- (iii) The proposed application would not fit into the character of the area, but would dominate the skyline. The proposed (tree) screen would not mask bulky buildings planned in the application.

Andrea Reiner (Market Ward Councillor – City Council) addressed the committee about the application. The representation covered the following issues:

- (i) Coe Fen and Sheep's Green were well used green spaces.
- (ii) Suggested the development was inappropriate for the area under Local Plan policies 3/2, 4/2 and 4/11 due to its scale, height and bulk.
- (iii) Suggested policy 6/3 supported the development, but this had to be balanced against the need to protect green space. It was hoped the protection of a large area of green space was prioritised over an application for 31 hotel rooms.

Sian Reid (Newnham Ward Councillor – City Council) addressed the committee about the application. The representation covered the following issues:

- (i) Invited the Committee to reject a building that required screening, and detracted from the openness and visual permeability of Coe Fen and Sheep's Green.
- (ii) Suggested the principle of protecting open space was more important than providing 31 hotel rooms.
- (iii) Noted paragraph 6.16 of the Officer's report stated "The proposal is not considered to maintain or enhance the character of these green spaces and is therefore considered contrary to policy 3/2 and 4/2 of the Cambridge Local Plan".
- (iv) Felt the decision would have city wide significance.

#### The Committee:

**Resolved (by 6 votes to 0)** to reject the officer recommendation to approve the application.

**Resolved (by 6 votes to 0)** to refuse the application contrary to the officer recommendations for the following reasons:

1. The proposed extension to the hotel is unacceptable by virtue of its height, scale, mass and bulk, the material of its construction and its position on the site. The overall design of the extension is fussy and

lacks coherence and it does not relate well to the existing building or the site context. The development would also have an adverse impact upon the City of Cambridge Conservation Area no.1 of which the site forms part and the Cambridge Green Belt, which lies adjacent to the site. The development is therefore contrary to policies ENV6 and ENV7 of the East of England Plan (2008) policies 3/4, 3/7, 3/14, 4/1 and 4/11 of the Cambridge Local Plan (2006) and to guidance provided by the National Planning Policy Framework (2012).

2. The proposed development does not make appropriate provision for transport mitigation measures, public art, or monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 8/3 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1, P9/8 and P9/9 and as detailed in the Planning Obligation Strategy 2010 and Public Art Supplementary Planning Document 2010.

### **12/20/PLANf 11/0975/CAC: Doubletree By Hilton, Granta Place, Mill Lane**

The committee received an application for full planning permission.

The application sought approval for demolition of existing single storey leisure centre.

#### The Committee:

**Resolved (by 4 votes to 1)** to reject the officer recommendation to approve the application.

**Resolved (by 4 votes to 0)** to refuse the application contrary to the officer recommendations for the following reasons:

By reason of its location and scale the building makes a modest, but positive contribution to the character and appearance of the City of Cambridge Conservation Area No.1 (Central). Since the proposed replacement development is considered to be in conflict with development plan policy and would not bring substantial benefits to the community, demolition of the building is not justified. The proposal is therefore contrary to policy 4/11 of the Cambridge Local Plan (2006), and guidance provided by the National Planning Policy Framework (2012).

The meeting ended at 3.45 pm

**CHAIR**

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<b>Application Number</b>	12/0086/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	24th January 2012	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	24th April 2012		
<b>Ward</b>	East Chesterton		
<b>Site</b>	169 - 173 High Street East Chesterton Cambridge Cambridgeshire CB4 1NL		
<b>Proposal</b>	Proposed residential development (erection of 11 dwellings) and a retail unit (with 2 bedroom flat above) following demolition of Nos 169 and 171 High Street.		
<b>Applicant</b>	Mr N Cook And Mr D Brown		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The application makes effective use of a backland, commercial site, providing an attractive, distinctive residential scheme, and an improved frontage along the High Street.</li> <li>2. The impact upon neighbouring residential gardens is not considered to result in significant harm; either overshadowing or a harmful sense of enclosure.</li> <li>3. The development is served with an appropriate level of car and bicycle parking, which is well integrated into the layout of the scheme.</li> </ol>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

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

- 1.1 The application site is a rectangular shaped plot situated on the north east side of High Street, Chesterton.
- 1.2 The site is currently occupied by number 169 High Street which was last used as a Chinese restaurant, the Saigon City. This is a prominent two storey building with three levels of accommodation and front dormer windows in the roof slope. Attached to the north east is number 171, an L shaped flat roof building currently used by a hairdressers. Adjoining to the north east is number 173 High Street, which is a part of the main High Street terrace, and is occupied by Cambridge Office Environments Limited (COEL). Number 173 has a relatively deep single storey rear extension projecting some 14m to the north.
- 1.3 The majority of the site is used for car parking, with a gravel surface. There are various trees near the site boundaries, the three most significant being within the garden of number 163 High Street. None of the trees are subject to a Tree Protection Order. The northern boundary to number 125 High Street is defined by a thick conifer hedge some 3m in height.
- 1.4 The site is not within a Conservation Area. The site falls within the Chesterton High Street Local Centre.

## **2.0 THE PROPOSAL**

- 2.1 This application seeks consent for the erection of 12 dwelling houses, consisting of seven, 3 bedroom houses, three 4 bedroom houses, one 2 bedroom house and one 2 bedroom flat. The ground floor of plot one will be used for retail and has a reconfigured shopfront and a proposed new single storey rear extension projecting 4.5m. The existing 14m deep rear extension to number 173 High Street will be demolished.
- 2.2 Plots one to four front onto the High Street and are two storeys in height, containing three levels of accommodation. They have an eaves height of 5.6m and an overall roof ridge of 9.2m. The buildings have a traditional design and appearance with a proposed buff brick and slate roof.

- 2.3 Plots 5 to 12 form a new inner mews style street and are contemporary in design and appearance. They stand 6m to the first floor parapet level, rising to an overall height of 8.3m.
- 2.4 Externally, the development provides a mixture of private and communal cycle stores and a total of 13 car parking spaces, one of which is larger, suitable for disabled users. The new inner courtyard will be surfaced with block paving.
- 2.5 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Planning Statement
  3. Transport Statement
  4. Flood risk and Drainage Assessment
  5. Phase 1 Environmental Study
  6. Habitat Report
  7. Tree Survey and Arboriculture Report
  8. Archaeological desk study
  9. Utilities Statement
  10. Site Waste Management Plan
  11. Sustainability Assessment

### **Amended Plans**

- 2.6 Amended plans have been received detailing new window openings, with privacy hood screens to units 6, 7, 8 and 10. These are intended to improve the amenity of future occupiers of the new houses.

The proposed solar thermal panels have now been included on the elevations.

I have reconsulted with neighbouring residential properties because the changes are materially different from the application as submitted.

### **Additional Plans**

- 2.7 Following the Development Control Forum, the applicant has submitted additional plans and visuals clarifying the relationships between the buildings through a 'mews study

analysis' and a further plan analysing possible areas of overlooking.

Additional accessway tracking diagrams

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/96/0756	Erection of single storey extension to form entrance lobby, and removal of asbestos roof and replacement with flat roof	Approved

### 4.0 PUBLICITY

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes
DC Forum (meeting of 14 March 2012):	Yes

The minutes of the DC Forum are attached to the agenda as appendix A.

### 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
Cambridgeshire and Peterborough Structure Plan	P6/1 P9/8 P9/9

2003	
Cambridge Local Plan 2006	3/1 3/4 3/7 3/9 3/10 3/11 3/12 3/14 3/15 4/4 4/13 5/1 5/11 6/7 8/2 8/6 8/16 8/17 10/1

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

Central Government Guidance	National Planning Policy Framework 2012 Circular 11/95 05/2005 Community Infrastructure Levy Regulations 2010
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy Public Art
Material Considerations	Central Government: Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)
	Citywide: Cambridge Shopfront Design Guide

## 6.0 CONSULTATIONS

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

- 6.1 The generation from the existing uses of the site is such that the proposal would not trigger ECATP payments.

The visibility splays provided are acceptable.

### **Cambridgeshire County Council (Sustainable Communities)**

- 6.2 This application would generate the following requirements:

Lifelong Learning Contribution = £1,760 (sought in line with Cambridgeshire County Council guidance, £160 x 11 dwellings x £160)

Pre-School Contribution = £8,910 (sought in line with Cambridge City Council 'Planning Obligations Strategy' SPD, £810 x 11 dwellings)

Waste Contribution = £2,090 (sought in line with Cambridgeshire County Council guidance, £190 x 11 dwellings, for developments in Cambridge/Milton catchment).

### **Head of Environmental Services**

- 6.3 No objections, subject to noise and contamination related conditions.

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

Support.

- 6.4 Generally happy with the use of either solar thermal or photovoltaic panels, but not the proposed use of a wind turbine. There are insufficient wind speeds in Cambridge to make the use of this technology feasible, and as a result its carbon reduction contribution would be very limited. Given that this is infill development, air turbulence from surrounding buildings would also have a negative impact on the performance of the turbine.

- 6.5 We will need to see drawings to show the location of the solar panels so that we can ensure they have been located in the optimum position (the figures quoted in the report are based on them being located at the optimum orientation, south, and tilt of between 30 and 40 degrees) and integrated into the overall design of the development. The preference would be for the use of solar thermal, as this way each of the properties would benefit from some renewable energy provision, and it is a relatively simple technology in terms of upkeep and maintenance.

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

- 6.6 High archaeological potential. Further ground investigations recommended.

### **Access Officer**

- 6.7 Awaiting comments. I will update on the Amendment Sheet.

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

- 6.8 The trees proposed to be removed are not significant and that trees shown to be retained can be protected with the aid of condition.

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: 123, 125, 155, 157, 161, 163, 177 High Street, 10, 12, 13 Grayling Close, 5 Rexbury court,

- 7.2 The representations can be summarised as follows:

### *Comments on the principle of development*

- Regret the permanent loss of the public house.
- The number of pubs in this area of Cambridge has declined sharply.

- The Dog and Pheasant should be allowed to return as a community pub.

#### *Design comments*

- The density is too high.
- Change of building line to the High Street.
- It is close to various mature trees.
- The design is ugly.
- Three storey buildings are out of keeping with the street scene.
- The proposed dwelling does not follow the line of the road.
- The use of render is obtrusive.
- The proposed boundary treatment does not appear suitable.
- There are no energy conservation characteristics.
- Very little movement internally for car parking

#### *Amenity concerns*

- The development will overlook the rear windows and garden of numbers 123, 157, 161, 163 and 177.
- There will be an increase in noise and traffic.
- Invasion of privacy, overshadowing and blocking of light to number 163.
- The development will overshadow number 125.
- Excessive noise pollution.

#### *Car parking*

- Car parking in Grayling Close and elsewhere is already at saturation point.

7.3 **Old Chesterton Residents Association** have made representations and submitted a petition (31 signatures) calling for a Development Control Forum. The representation is summarised as follows:

- Loss of retail space within the High Street.
- Loss of a restaurant.
- Gross overdevelopment of the site.
- The provision of car parking is inadequate.
- Overlooking and loss of privacy.
- Restricted garden space is totally out of keeping with its surroundings.



7.4 **Cambridge Past Present and Future** have made representations as follows:

- Loss of a public house within a Local Centre. Its loss would downgrade the facilities in the Local Centre and therefore the economic base.
- Several other pubs in the area have been lost. In the right hands the pub could be a successful business.

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

### **Principle of Development**

8.2 The provision of higher density housing in sustainable locations is generally supported by Central Government advice within the NPPF. 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 formed from a former public house car park area and the rear curtilage of the COEL office use, rather than a domestic dwelling, so it should not be considered as 'garden

land'. The proposal nevertheless involves the subdivision of an existing plot(s) for residential purposes, whereby the criteria of policy 3/10 are 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), and is not located near any Listed Buildings. The character and amenity sections of policy 3/10 are considered in the relevant subsections below.
- 8.5 Concerns have been raised regarding the potential loss of the building as a public house, which is an A4 Use, (drinking establishments). The premises is however used as a restaurant falling within Use Class A3. Local Plan policy 5/11 does not offer protection to either A3 or A4 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.
- 8.6 Paragraph 69 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.

- 8.7 The development will provide an A1 retail use within the ground floor of number 173 High Street. As such the development will not result in any loss of retail within the Local Centre, in accordance with local plan policy 6/7.
- 8.8 There is no policy basis for resisting the loss of the restaurant in principle. I do not consider that the presence and frontage of the existing restaurant significantly contributes to the character and appearance of the High Street. In my opinion, the principle of the development is acceptable and in accordance with policies 3/10 and 5/1.

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

- 8.9 The key design issue is the detailed design and layout of the new dwellings in their setting.

#### Frontage to the High Street

- 8.10 To the front street scene, the proposed four units address the High Street in a pleasing fashion, as a logical continuation of the existing terraces. Units three and four are positioned closer to the road which reflects the staggered building line either side of the site. The reconfigured shopfront to number 173 is well designed and appropriate for its intended retail use as a hairdressers. In my opinion this is a logical design approach which will contribute to the character and appearance of the street scene.
- 8.11 The overall ridge height of the proposed units one to four is higher than the buildings immediately adjacent, but I do not consider this to be harmful. This is because they maintain a common eaves level with the adjacent properties and are broadly similar in scale and massing. The single storey side projection to plot 3 provides visual interest to the eastern side elevation facing the accessway, which, combined with the low front railings will contribute to an attractive new frontage.

#### New Mews Development

- 8.12 Four pairs of semi-detached dwellings with a mews, courtyard style character form the proposed inner street scene. I do not consider that the relative density of this arrangement to be

unacceptable in this location, directly behind the High Street. There are other examples of a similarly dense building grain to the rear of the High Street frontage, such as Peterhouse Mews to the northeast. The proposed layout makes effective use of this commercial site. It is unlikely to be replicated in the vicinity unless there is comprehensive development of the adjacent deep rectangular garden plots to the east.

- 8.13 The detailed design of the inner new dwellings, plots 5 to 12, is contemporary, with a mixture of render, timber boarding and buff brickwork. Government Guidance contained within PPS1 does not prevent contemporary design, the guiding principle as rehearsed within Local Plan policy 3/4 is that buildings sit comfortably and harmoniously within their setting. The contrasting detailed design of the proposed buildings is acceptable because of their secluded location behind the main High Street frontage. This location means that the scheme can create its own distinctive character without detracting from the surrounding context.
- 8.14 In terms of external spaces, the trees identified within the submitted survey within the rear garden of number 163 will be protected during construction. The existing and proposed new trees and proposed wall and trellis boundary treatment will contribute to screening the development when viewed from neighbouring gardens. The proposed hard landscaping of block paving will contribute to the distinctive courtyard character of the development. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.15 The development is likely to have greatest impact upon 125 High Street to the north west, because of the potential for overshadowing. The rear garden of number 125 already suffers overshadowing from the substantial existing conifer, which is likely to be more acute than the impact from the proposed siting of plots 9 and 10. The applicant has agreed with the occupant of number 125 the conifers will be removed and replaced with a 2m wall with trellis above. Given the 7m distance of plots 9 and 10 from the common boundary the position of plots 9 and 10

does not in my view result in an unneighbourly relationship. Plot 8 has also been designed without a third level roof, which will reduce overshadowing upon number 125. I do not consider any harmful visual impact to result upon number 125, which will benefit from a general improved outlook, because of the removal of the conifers.

- 8.16 The development is in close proximity to neighbouring number 163 High Street to the west. The proposed plot 4 is sited closer to number 163. I do not consider this to be harmful because it is the flank elevation of number 163, which has a secondary outlook over land which is in separate ownership. The rear of number 163 High Street projects beyond the proposed plot 4, so there will be no overshadowing or sense of enclosure created.
- 8.17 Plots 5, 6, 7 and 8 will have some visual impact, sense of enclosure and overlooking upon the neighbouring gardens of number 161 and 163. The nearest dwelling plot 5 is sited approximately 15m to the north, and so the visual impact will largely affect the end section of the garden, which in my view is less harmful. There will be some overlooking because of the proposed rear bedroom windows included with the amended plans. However, given the narrow 0.5m width of the windows and the proposed timber clad privacy hoods, I do not consider the overlooking to be so significantly harmful as to justify refusal. In addition, the windows will mainly overlook the rear section of the deep rear gardens of numbers 161 and 163, which in my view is less sensitive.
- 8.18 The proposed single storey extension to number 173 High Street has a much reduced depth compared with the existing rear extension. There will be no adverse impact upon the adjoining number 175 High Street. There are no windows to the rear of plots 11 and 12 which might otherwise create overlooking upon the garden of number 175 High Street.
- 8.19 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

- 8.20 The development will provide desirable houses suitable for family accommodation. Gardens are limited in size, but useable, and may be the preference of many future occupiers.
- 8.21 Plots 7 and 8 are sited relatively close to plots 9 and 10, which, to some extent, restricts their front outlook. I do not however consider this relationship unacceptable, given the overall size of the houses and the range of outlooks and windows openings from which they would benefit. The applicant has submitted a 'mews study' plan illustrating that the proposed distance between buildings is consistent with other mews, and terraced streets in the City.
- 8.22 The amended plans received give an improved outlook and general standard of amenity to plots 6, 7, 8 and 10.
- 8.23 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

### **Renewable energy and sustainability**

- 8.24 The applicants have submitted a renewable energy statement which quantifies the likely overall Co2 emissions of the development, in accordance with Local Plan policy 8/16. The use of solar thermal or photovoltaic panels is likely to be the preferable technology in order to meet the 10% on site carbon reduction required by Local Plan policy 8/16. Amended plans have been received showing the solar panels on the rooftops of the contemporary dwellings. I consider their appearance acceptable.
- 8.25 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

## **Refuse Arrangements**

- 8.26 The development accommodates refuse storage within the rear gardens of each house. The access will be suitable for a refuse lorry to safely manoeuvre. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety**

- 8.27 The County Highways Authority are satisfied with the additional tracking plans which have been submitted and do not consider there to be undue harm to highway safety. The access has purposely been designed as a shared surface and is similar to the access of Peterhouse Mews, which does not have any designated footway.

## **Car and Cycle Parking**

### Car Parking

- 8.28 The development provides 11 car parking spaces, with two visitor spaces which accords with the Council's adopted maximum standards. Given the proximity of shops and services and transport links, the provision of further car parking would result in an overprovision.
- 8.29 The applicant has demonstrated within their transport assessment that the residential use would result in a decrease of traffic movements as compared with the existing restaurant, hairdressers and office use.

### Cycle Parking

- 8.30 The development provides ample covered secure provision for bicycles in four communal shelters and two private shelters, which serve plots 3 and 4. The communal store provide 17 spaces which accords with adopted standards. The rear gardens are adequate in size to accommodate a small outbuilding, should that be the preference of future occupiers.
- 8.31 Two visitor cycle parking spaces are provided in front of the proposed new hairdressers which is acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.



## **Disabled access**

- 8.32 There is a commitment to meet part M of the Building Regulations and a disabled car parking space is provided. I will update further on the pre committee amendment sheet.

## **Public Art**

- 8.33 Given the secluded nature of most of the site, and the overall size of the development, a commuted payment towards other projects in the locality is consider appropriate, rather than public art on site. In my opinion, subject to the S106 proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and 9/8 and Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

## **Third Party Representations**

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

*Restricted garden space is totally out of keeping with its surroundings.*

As rehearsed in paragraph 8.12, I do not consider the proposed grain of development out of context. There are a variety of plot sizes within different developments along the High Street, which all contribute to the building stock and character of the area. The development, being located back from the High Street, would create its own character.

The proposed gardens while limited in size, are adequate for the type of dwellings proposed, as illustrated within the 'garden use drawing' (11/P/11 Rev A).

## **Planning Obligations**

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



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

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

- 8.36 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.
- 8.37 The application proposes the erection of 3 four-bedroom houses, 7 three-bedroom houses, 1 two-bedroom house and 1 one-bedroom flat. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357		
2-bed	2	238	476	2	952
3-bed	3	238	714	7	2142
4-bed	4	238	952	3	2856
<b>Total</b>					<b>5950</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	2	1076
3-bed	3	269	807	7	5649
4-bed	4	269	1076	3	3228
<b>Total</b>					<b>9933</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	2	968
3-bed	3	242	726	7	5082
4-bed	4	242	968	3	2904
<b>Total</b>					<b>8954</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	2	1264
3-bed	3	316	948	7	6636
4-bed	4	316	1264	3	3792
<b>Total</b>					<b>11692</b>

8.38 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

8.39 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	2	2512
3-bed	1882	7	13174
4-bed	1882	3	5646
<b>Total</b>			<b>21332</b>

8.40 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

8.41 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	11	825
Flat	150	1	150
<b>Total</b>			<b>975</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 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

#### Education

8.43 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.

8.44 In this case, 12 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education and lifelong. 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	12	810	12	9720
<b>Total</b>					<b>9720</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	12	1920
<b>Total</b>					<b>1920</b>

8.45 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.

#### Public Art

8.46 The development is required to make provision for public art and officers have recommended as set out in paragraph 8.31 above that in this case a commuted sum.

8.47 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and 9/8, Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

#### Monitoring

8.48 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

8.49 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 proposal will create a distinctive residential development which will not significantly adversely affect the amenities of neighbours. Essential ancillary refuse and cycle parking provision is adequately provided. APPROVAL is recommended.

## **10.0 RECOMMENDATION**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 1 June 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. 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. 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)

4. 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)

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

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

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

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

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

Reason: To protect the amenity of nearby properties, Cambridge Local Plan 2006 policy 3/4.

8. Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works or piling), the applicant shall submit a report in writing, regarding the demolition and construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of nearby properties, Cambridge Local Plan 2006 policy 4/13.

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

10. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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



11. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted as a replacement for it, is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/11)

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

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

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

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

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

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

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

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

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

13. Prior to occupation of the development, the final choice of renewable technologies, associated calculations and maintenance programme, shall be submitted to and approved in writing by the Local Planning Authority. The proposed on-site renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings. The renewable energy technologies shall remain fully operational in accordance with the approved maintenance programme.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16).

14. Details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

**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: ENV7

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8, P9/9

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/9, 3/11, 3/12, 3/14, 3/15, 4/4, 4/13, 5/1, 5/11, 6/7, 8/2, 8/6, 8/16, 8/17, 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 1 June 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, in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 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 Public Art Supplementary Planning Document 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:

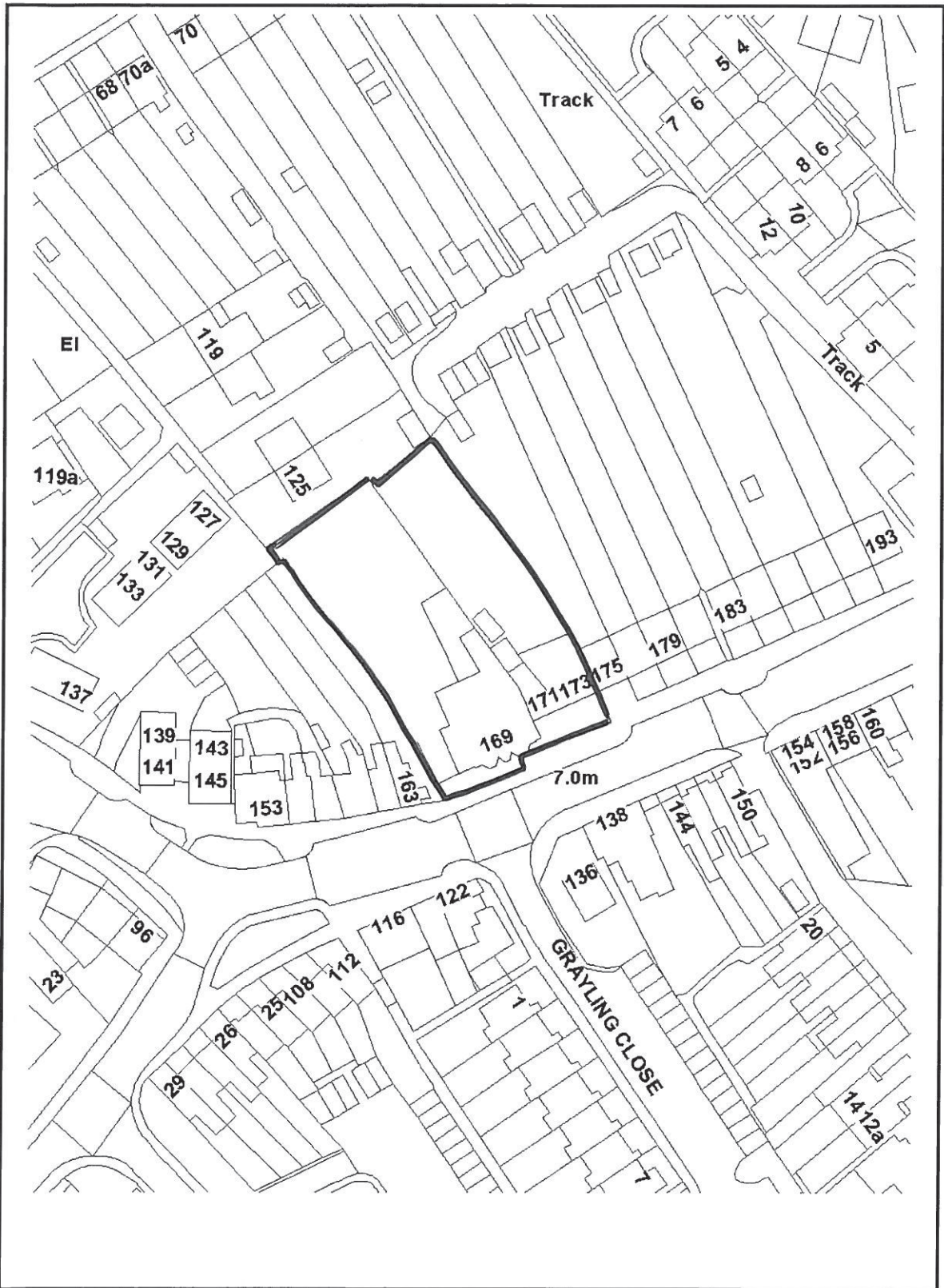
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received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





**12/0086/FUL**  
**169 - 173 High Street East Chesterton Cambridge**  
**Cambridgeshire**





- 1. The proposed building is shown in a context of existing buildings.
- 2. The proposed building is shown in a context of existing buildings.
- 3. The proposed building is shown in a context of existing buildings.
- 4. The proposed building is shown in a context of existing buildings.
- 5. The proposed building is shown in a context of existing buildings.
- 6. The proposed building is shown in a context of existing buildings.
- 7. The proposed building is shown in a context of existing buildings.
- 8. The proposed building is shown in a context of existing buildings.
- 9. The proposed building is shown in a context of existing buildings.
- 10. The proposed building is shown in a context of existing buildings.



High Street, Cambridge



West Street, Epsom



East Street, Epsom

Planning	
1. Proposed Building	2. Existing Buildings
3. Proposed Building	4. Existing Buildings
5. Proposed Building	6. Existing Buildings
7. Proposed Building	8. Existing Buildings
9. Proposed Building	10. Existing Buildings

**Saunders Boston**  
 199 - 173 High Street, Chesterton  
 Mr N Cook & Mr D Brown  
 Street Elevations  
 11th Floor, 11th Floor  
 11th Floor, 11th Floor





## **Minutes**

**Committee:** Planning Committee

**Date:** 14 March 2012

**Application No:** 12/0086/FUL

**Site Address:** 169 - 173 High Street, East Chesterton, Cambridge, Cambridgeshire, CB4 1NL

**Description:** Proposed residential development (erection of 11 dwellings) and a retail unit (with 2 bedroom flat above) following demolition of numbers 169 and 171 High Street.

**Applicant:** Mr N Cook and Mr D Brown

**Agent:** Mr Colin Brown

**Lead Petitioner:** Mr Michael Bond (on behalf of Old Chesterton Resident's Association)

**Case Officer:** Mr John Evans

Text of Petition: Raised concerns regarding:

- Loss of retail space and amenities in the local centre
- The proposed development was an overdevelopment that would have adverse impacts on neighbouring properties
- The design was out of keeping with its surroundings
- Adverse impact on local parking from limited parking on a restricted site
- Overlooking and loss of privacy

### **Opening Remarks by Chair**

The Chair outlined the role and purpose of the Development Control Forum. She stated no decisions would be taken at the meeting.

### **Case by Applicant**

Mr Colin Brown made the following points:

- 1) Summarised site contextual information.
- 2) January's (as Agents) undertook a competition in 2010 to identify an architect to produce a design for the site. January's wanted an appropriate design that reflected the character/context of the area as they were aware of local sensitivities regarding the site. January's believe the current design achieves this, and the principle of development was acceptable as there was no infringement of planning policy through proposing housing on-site. The design would not lead to a net loss of retail space, or negatively impact on local amenities.
- 3) The purpose of the application was to enable COEL (Applicants) to move to other premises in the city as they had outgrown their current one.

Mr Lindas made the following points:

- 4) Saunders Boston Architects undertook a contextual analysis to develop the application design. This was to ensure that the design fitted into the character of the neighbourhood and was of a similar density on site to existing neighbours.
- 5) Buildings near the High Street would be similar in design, height and appearance to neighbours. This was to reflect the local style.
- 6) Buildings towards the rear of the site have a more contemporary design style.
- 7) Saunders Boston undertook consultation in March 2011 with council officers and residents, the application design was amended to reflect their comments. The amendments addressed concerns regarding:
  - Overshadowing/overlooking.
  - Amenity space (gardens, trees, boundaries and ownership).
  - Car parking and general site access.

### **Case by Petitioners**

Mr Bond spoke on behalf of local residents. He made the following points:

- 8) Welcomed development of the site in principle, but the current application design and scale was inappropriate. The High Street frontage was acceptable, but blocks at the rear were out of keeping with neighbouring styles and massing.
- 9) Re-iterated concerns of local residents as set out in the petition.
- 10) Concerns over the development as a whole:
  - The blocks at the rear of the development (particularly 3 storey ones) give an impression of bulkiness.
  - The northern block was too close to the existing property at 125 High Street.

Mr Clive Brown spoke on behalf of local residents. He made the following points:

- 11) Set out the following concerns of local residents:
  - Loss of public houses in the area.
  - Loss of amenities in the local area, specifically shops and services.

- Specific concern over the impact of the development on 'Saigon City' (former restaurant). This property was viewed as a historic 18<sup>th</sup> century building and a local landmark that should be protected so a viable business could move into the premises.
- Existing High Street properties 117 – 119 were houses in multiple occupation, hence residents concern that large houses proposed as part of the application would not remain family housing.
- The proposed application buildings were too small, unattractive and did not include renewable energy features (retrofitting these would impact on building aesthetics).

Ms Purkis spoke on behalf of local residents. She made the following points:

12) The site would not fall within the catchment area of Milton Road School, so that it was likely the development may become houses of multiple occupation instead of family homes.

13) Queried if parking allocations were adequate.

14) Residents did not wish to be disturbed by increased traffic levels, particularly at night.

15) Re-iterated resident's concerns regarding loss of amenity space and its replacement with housing. This was viewed as an on-going trend in Chesterton, where amenity space could not be replaced once it had gone. Suggested this went against the sustainable city principle.

**Case Officer's Comments:**

16) This application was received on 24<sup>th</sup> January 2012.

17) Details concerning the application were sent to neighbouring properties.

18) Subsequent to this, 10 letters of objection and representations requesting a Development Control Forum were received from local residents, Old Chesterton Residents Association and Cambridge Past, Present & Future. The main grounds given for objecting were as follows:

- Principle of development.
- Character, design and appearance.
- Residential amenity.
- Highway issues.
- Car parking.

19) Policy consultations have been undertaken with statutory consultees:

- The Highway Authority stated that the proposed layout did not conform to the HA's requirements for adoption. The HA also sought clarification on the dimensions of various aspects of the layout, and a number of conditions.

- The Environmental Health Department had no objection, but recommended conditions regarding noise insulation, construction hours, construction deliveries, construction noise and vibration, dust and mud control, plus noise from plant in the operational phase.
- Cambridgeshire County Council Archaeology Department stated that the site was in an area in which medieval remains have been discovered, and recommends a condition to secure archaeological investigation before any development.

20) Mr Collins undertook to ensure the Planning Officer report would include a reference to the acceptability of a wall being established 6m from a property. However, this was a matter of interpretation on an individual case basis as there was no specific guidance in local plan policy.

#### **Members' Questions and Comments:**

Mr Lindas answered as follows in response to Member's questions and comments:

21) The gap between properties 2, 3 & 7 – 10 was 6 – 7 metres. The site model gave a visual representation of the application (not to scale), whereas architectural plans were accurate.

22) Moving buildings away from the boundaries had not caused an internal spacing issue (ie bunch them together). Properties would overlook parking and garden areas.

23) Residents in plots 7 & 8 could access cycle parks through a pathway. Access would not be blocked by parked cars or waste bins.

24) Residents in plots 9 & 10 could access gardens using a pathway.

25) Solar hot water heating panels would be provided on rear block properties, but not High Street buildings.

Mr Bond and Mr Colin Brown answered as follows in response to Member's questions regarding the loss of 'Saigon City':

26) Resident's concerns over the loss could be overcome if a satisfactory replacement could be put in. The loss of an amenity facility was a grave concern.

27) January's felt the design responds to Local Plan policies, including parking space provision. If COEL were able to move off site, this should reduce traffic flow and parking pressures.

28) There was no Planning Policy justification for the retention of the Saigon City building, so it had not been considered as part of the design.

#### **Summing up by the Applicant's Agent**

29) Re-iterated:

- The design meets Planning Policy requirements.
- Amendments to the application design post March 2011 consultation should address resident's concerns.
- The application was in-keeping with neighbourhood style, scale and massing for the area.

- The development aimed to provide family housing.
- Saigon City had not been a viable business for over 3 years. Hence its proposed inclusion in the development. This was not precluded under PPS4.
- If the application went forward, and COEL were able to move to other premises, this should reduce traffic flow and parking issues in the area.

### **Summing up by the Petitioners**

30) Reiterated concerns previously raised with regards to:

- Proposed application buildings would be too close to existing neighbours at numbers 125 – 129.
- Space around proposed houses was too small for families.
- Loss of amenity facility.
- The development style was not in-keeping with 'Chesterton Village' as it focussed on the High Street style.

### **Final Comments of the Chair**

31) The Chair observed the following:

- Notes of the Development Control Forum would be made available to relevant parties.
- Application to be considered at a future Planning Committee.

<b>Application Number</b>	12/0345/LBC	<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>	Market		
<b>Site</b>	33 Parkside Cambridge CB1 1JE		
<b>Proposal</b>	Installation of signage to the property, together with lighting to the lower front elevation and garden area.		
<b>Applicant</b>	Ms Gail Marchant Daisley 20 Cambridge Place Cambridge Cambridgeshire CB2 1NS UK		

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

- 1.1 The application site is an end terrace building in a terrace of four. The building has a basement and three floors above ground. The property lies on the northern side of Parkside and overlooks Parkers Piece. The building is finished in grey gault brickwork under a slate roof. It is thought the building was constructed in the early 19<sup>th</sup> Century.
- 1.2 The site falls within the Kite area of the City of Cambridge Conservation Area No.1 (Central). It lies directly opposite Parkers Piece, which is within the Historic Core area of the City of Cambridge Conservation Area No.1 (Central). The building is listed Grade II. Surrounding buildings are in a variety of residential, commercial and public uses.

### **2.0 THE PROPOSAL**

- 2.1 The applicant seeks listed building consent for the installation of signage to the front elevation of the property, on the inner wall towards the car park and in the car park to the rear of the



property. Exterior lighting is also proposed through the installation of two floor fittings, which will be mounted in the small front garden area.

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>
12/0069/FUL	Installation of railings to dwarf wall at front of building.	PERM
12/0070/LBC	Repair and refurbishment of the existing building. Works include dampness and timber treatment, replacement of floor coverings - Grade II Listed Building.	PERM
C/66/0409	Erection of external staircase	PERM

### 4.0 PUBLICITY

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

### 5.0 POLICY

#### 5.1 Central Government Advice

##### **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.

#### 5.2 East of England Plan 2008

ENV6: The Historic Environment  
ENV7: Quality in the Built Environment



### **5.3 Cambridge Local Plan 2006**

- 3/4 Responding to context
- 3/7 Creating successful places
- 3/15 Shopfronts and signage
- 4/10 Listed Buildings
- 4/11 Conservation Areas

### **5.4 Material Considerations**

#### **Central Government Guidance**

- Planning Policy Statement 5: Planning for the Historic Environment (2010)
- Circular 11/95 – The Use of Conditions in Planning Permissions

#### **City Wide Guidance**

- The Cambridge Shopfront Design Guide (1997)

#### **Area Guidelines**

- Kite Area Conservation Area Appraisal (1996)

## **6.0 CONSULTATIONS**

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

- 6.1 No comment.

#### **Historic Environment Manager**

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

## **7.0 REPRESENTATIONS**

- 7.1 No representations have been received but the applicant is Councillor Gail Marchant-Daisley who represents Petersfield Ward and is a member of Planning Committee.

## **8.0 ASSESSMENT**

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

1. Impact on the listed building
2. Impact on the Conservation Area

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

8.2 It is considered that the proposed scheme is modest and balances the need for clients to identify their business and the sensitive nature of the building on which the proposed signage is located. The proposed signage will be applied so that it is easily reversible and will not harm the fabric of the listed building.

8.3 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV6 and Cambridge Local Plan (2006) policy 4/10.

### **Impact on the Conservation Area**

8.4 The proposal has been designed to respond sensitively to the surrounding area. The proposed external lighting is modest and is acceptable providing that its levels and the duration of illumination are controlled by way of an appropriate condition.

8.5 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policy 4/11.

## **9.0 CONCLUSION**

9.1 It is considered that the proposed signage and lighting is acceptable and will not be harmful to either the listed building or the conservation area and is recommended for approval, subject to conditions.

## **10.0 RECOMMENDATION**

**APPROVE subject to the following conditions;**

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

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

2. The advertisement hereby approved shall only be illuminated whilst the premises upon which it is displayed are open for business.

Reason: In the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 3/15)

### **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): 3/4,3/7,3/15,4/10,4/11

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**

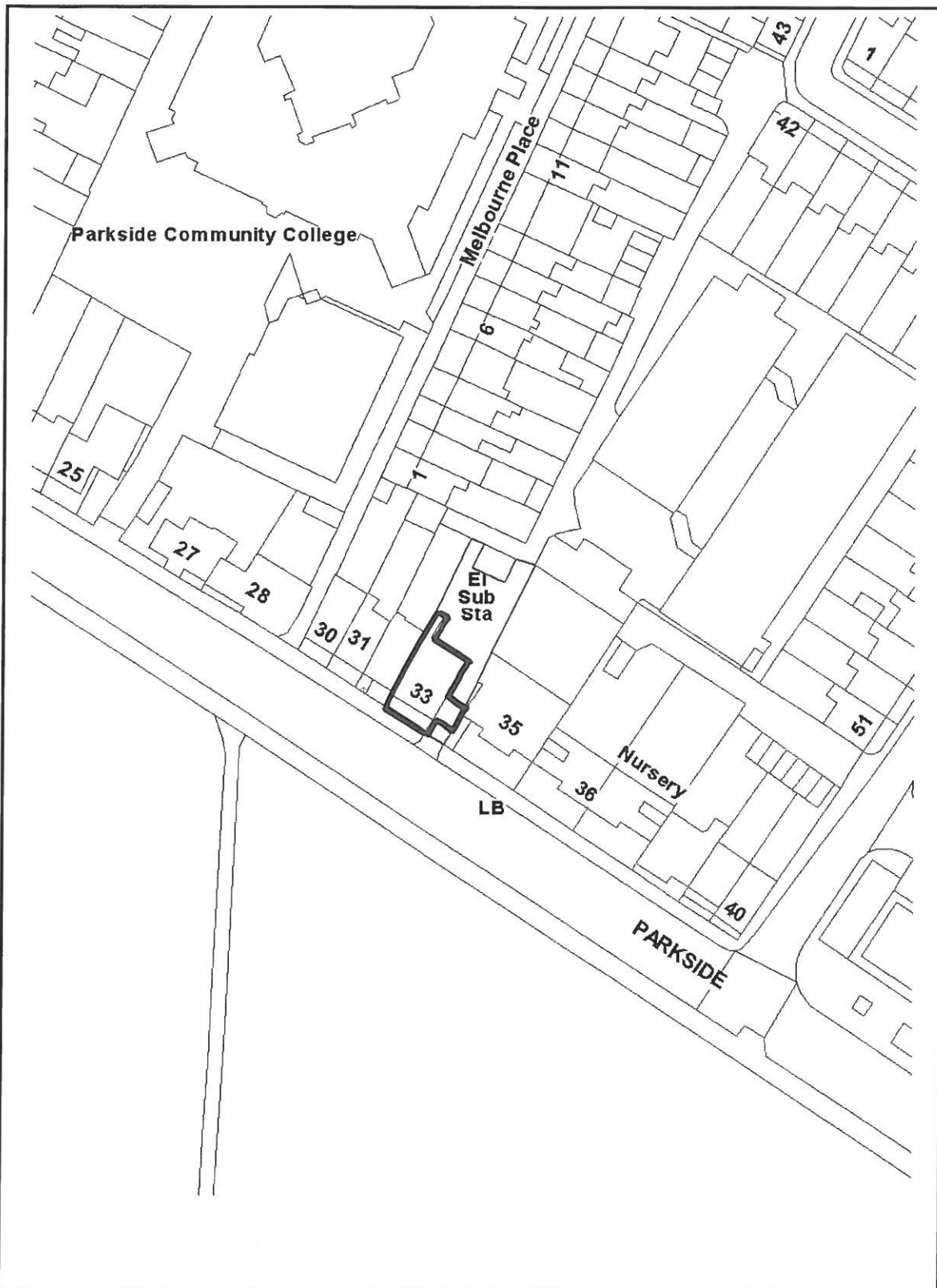
Under Section 100D of the Local Government Act 1972, the following are background papers for each report on a planning application:

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.



**12/0345/LBC**  
**33 Parkside Cambridge CB1 1JE**

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DRAFT

Agenda Item \_\_\_\_\_

CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Planning Services

TO: Main Planning Committee      DATE: 02/05/12

WARDS: All

## **PLANNING ENFORCEMENT CONTROL – PLANNING CONTRAVENTION REPORT**

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**The Former Howard Mallett Centre/Citylife House, Sturton Street,  
Cambridge.**

**Without planning permission, material change of use from use as  
broadcasting studio, cafe-bar and multi media education centre,  
and community facility (sui generis) to a gymnasium D2 Assembly  
and Leisure.**

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### **1. INTRODUCTION:**

Site: Howard Mallett Centre, Sturton Street,  
Cambridge

Alleged Breach: Without planning permission, material change of  
use from a sui generis use as broadcasting  
studio, cafe-bar and multi media education  
centre, and community facility to a D2 Assembly  
and Leisure use as a gymnasium.

Owner/Occupier: The Allia Group

Purpose of Report: To consider whether it is expedient to initiate  
formal enforcement action in respect of the  
alleged breach of planning control.

## 2. PLANNING HISTORY:

Reference	Description	Outcome
65/0056	Erection of youth club	Approved
67/0446	Three temporary buildings	Approved
68/0471	Retention of three temporary buildings	Approved
90/0073	Retention of six temporary buildings	Approved
90/0678	Use for car parking	Refused
92/0056	Erection of ramp and replacement wall	Deemed consent
93/0056	Retention of temporary buildings	Deemed consent
95/0367	Retention of temporary buildings	Approved with conditions
96/0221	Erection of ramp	No objection
96/0519	Alterations to front	Withdrawn
97/1020	Change of use from youth club to studio / café-bar / multi-media education centre and community facility (sui generis)	Approved with conditions
99/0223	Telecoms aerials	Withdrawn
99/0454	Illuminated signage	Approved with conditions
99/0956	Temporary change of use to winter nightshelter	Withdrawn
03/1226	Installation of 1no non-illuminated marketing board.	Refused
05/1171	Change of use from studio / café-bar / multi-media education centre and community facility (sui generis) to public open space	Approved with conditions
05/1180	Demolition of Howard Mallett Centre	Approved with conditions
06/0631/CAC	Conservation Area Consent application	Withdrawn
06/0567/FUL	Erection of a community innovation centre.	Refused and dismissed at appeal

## 3.0 BACKGROUND



- 3.1 The site lies adjacent to St Matthew's Piece in Petersfield Ward. It is bounded on the east side by York Street, on the north side by New Street, on the west side by Sturton Street, and to the south by open space (St Matthew's Piece). The areas to the east, south and west of the site are primarily residential. The area to the north is a mixed use area, which includes light industrial and retail uses as well as houses, flats and student accommodation.
- 3.2 The Howard Mallett Centre is a low, flat-roofed building measuring 38m x 29.5m. It rises 5.7m above the street level on Sturton Street, and is predominantly single storey. The north and west facades are of darkened glass, the east and south facades of brick. It was opened in 1968 as a youth club. This use had ceased by 1996. Parts of the building were later used by Parkside Community College. From 1998 to 2005 it was leased to Dawe Media for use as a multi-media centre during which time community use has been limited. The permitted use of the building is as a broadcasting studio, cafe-bar and multi media education centre, and community facility (sui generis).
- 3.3 The site lies wholly within the City of Cambridge Conservation Area No.1 (Central), as extended in June 1993. The northern and eastern boundaries of the site also form the boundary of the conservation area.
- 3.4 The planning enforcement section received a complaint in April 2011, in which it was alleged that several breaches of planning control were taking place, which included the material change of use of part of the building to a gymnasium.
- 3.5 During a site visit made on 13 April 2011 it was confirmed that a large area of the building was in use as a gymnasium. In addition, a number of other breaches of planning control were identified which included illegal advertisements, the stationing of a mobile food van in contravention of condition 5 of reference C/97/1020/FP and a further breach of condition 5 of reference C/97/1020/FP relating to the commercial use of the car park.
- 3.6 Negotiations were undertaken to remedy the breaches of planning control, and compliance was undertaken in relation to all points, with the exception of the gymnasium use.

- 3.6 In January 2012 representatives of Allia requested a meeting with the Head of Planning and the Enforcement Team. During the meeting Allia explained that the gymnasium use provided an important source of income for the charity owned premises, and that they hoped to submit a planning application to develop the entire site in the near future. Officers outlined the options available to the owners, which included the submission of a retrospective planning application for change of use of part of the premises for consideration. The owners advised that this was not a suitable option for them as they considered it could raise issues in relation to their intentions to develop the site in the near future.
- 3.7 During the same meeting officers advised that a report was intended to be taken to committee seeking authority to pursue formal enforcement action to remedy the outstanding breach of planning control. The agent working on behalf of the owners requested that a representation be added to the report from the owners. This was agreed to, but at the time of writing the report no submissions had been received.

#### **4.0 POLICY AND OTHER MATERIAL CONSIDERATIONS:**

- 4.1 Planning Policy Guidance 18: Enforcing Planning Control states that a local planning authority may issue an enforcement notice where it appears to them that there has been a breach of planning control and it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- 4.2 In order to issue an enforcement notice there must be sound planning reasons to justify taking such action.
- 4.3 The unauthorised development in question would be contrary to development plan policy, in respect of Local Plan Policy 5/11, which seeks to protect existing community facilities. The tests set by this policy are:
- “a - the facility can be replaced to at least its existing level and quality within the new development; or
  - b - the facility is to be relocated to another appropriate premises or site of similar accessibility for its users; or
  - c - that there is no longer a need within the local community for the

facility or that the need can be adequately met at an alternative facility of similar accessibility for its users.”

The developer has failed to demonstrate that the existing community facility has been replaced elsewhere in the City and that there is no longer a community need within the locality. The development is therefore contrary to Policy 5/11 of The Cambridge Local Plan 2006.

## **5.0 RECOMMENDATIONS:**

5.1 It is recommended that the Head of Legal Services be authorised to issue an enforcement notice under the provisions of S172 of the Town and Country Planning Act 1990 (as amended), for Without planning permission, material change of use from a sui generic use as broadcasting studio, cafe-bar and multi media education centre, and community facility to a D2 Assembly and Leisure use as a gymnasium.

## **6.0 STEPS TO COMPLY:**

6.1 To cease the use of the planning unit as a D2 gymnasium use.

## **7.0 PERIOD FOR COMPLIANCE:**

7.1 6 months.

## **8.0 STATEMENT OF REASONS:**

It appears to the Council that the breach of planning control has occurred within the last ten years.

Mindful of the advice contained in DoE Circular 10/97 and Planning Policy Guidance Note 18 and to the development plan policies mentioned above and to all other material considerations, the Council consider it expedient to serve enforcement notices in order to remedy the clear breach of planning control.

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 an enforcement notice would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding local planning policies, which seek to protect community facilities. The time for compliance will be set as to allow a reasonable period for compliance.

## 9.0 IMPLICATIONS

- (a) **Financial Implications - None**
- (b) **Staffing Implications** (if not covered in Consultations Section)-  
**None**
- (c) **Equal Opportunities Implications-None**
- (d) **Environmental Implications- None**
- (e) **Community Safety-None**

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

P700/C –5231- The Howard Mallett Centre

To inspect these documents contact Alison Twyford on extension (45)7163

The author and contact officer for queries on the report is Alison Twyford on extension (45)7163.

Report file:

Date originated: 23 April 2012

Date of last revision: 23 April 2012

CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee  
WARD: Trumpington

**TREE WORKS APPLICATION 12/019/TTPO  
APPLICATION TO FELL WILLOW AT BISHOPS COURT**

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## **1.0 INTRODUCTION**

- 1.1 An application has been received to fell a Willow in the communal gardens of Bishops Court, Trumpington, protected by Tree Preservation Order number 07/2008.
- 1.2 The item is brought before Members because objections have been received to the removal of the tree.
- 1.3 The Local Planning Authority can deal with this application in one of three ways:
  - (1) Grant consent for the works without condition,
  - (2) Grant consent to works with condition or,
  - (3) Refuse permission for the works.

## **2.0 RECOMMENDATION**

- 2.1 The Council refuse consent for the removal of the tree.

## **3.0 BACKGROUND**

- On 16th October 2011, the Bishops Court Estate applied for permission to carry out various tree works on the estate including the removal of low branches and deadwood in the subject Willow. These works were approved on 1st December 2011. Following instruction to a local tree surgeon, the estate was advised that the scope of the work on the Willow was too narrow and he recommended that the tree be felled because it is a Crack Willow, which has brittle branches that could snap off at any time and was therefore extremely dangerous, especially given that children play near it.

## **4.0 CONSULTATIONS**

- 4.1 Ward councillors and residents were consulted and a Site Notice was issued for display.

4.2 Objection to the removal of the Willow has been received from a resident of Bishops Court.

## 5.0 CONSIDERATIONS

5.1. Is the TPO still appropriate

### Amenity

Does the tree still make a significant contribution to the character and appearance of the area

### Condition

Has the tree's condition deteriorated sufficiently to make it exempt from the TPO

### Justification for Removal

Are there sound practical or arboricultural reasons to remove trees or carry out tree works.

- What is the justification
- Is there a financial consideration
- Is there a health and safety consideration
- Does the nuisance out way the benefit of retention

5.2 The Arboricultural Officer's assessment of the trees

Is the TPO still appropriate

### Amenity

The tree is located adjacent to the west of Bishops Court and is clearly visible from Hauxton Road. It helps screen the hard line lines of Bishops Courts from the road and screens the road from the Court.

### Condition

The tree is still in a good state of health with no indication of poor vitality or significant defect. The potential for limbs to fail as a result of its brittle nature can be managed with remedial works as opposed to removal.

### Justification for Removal

- What is the justification  
The tree officer does not consider the tree species and its brittle nature to be sufficient justification for its removal, without the presence of clear structural defect.
- Is there a financial consideration. – No
- Is there a health and safety consideration – Yes, the tree is in a communal garden and loss of limb could result in harm to users. However more considered remedial work would reduce the potential for significant structural failure, while maintaining the tree's amenity contribution.

5.3 Applicants reasons for wishing to fell the trees

- The tree is a Crack Willow, which has brittle branches that could snap off at any time and is therefore extremely dangerous, especially given that children play near it.

#### 5.4 Objections

- The tree shelters several flats from the view of the M11, Park and Ride and traffic on Hauxton Road.
- The tree provides a home for many birds and adds a great deal to the beautiful external scenery at Bishops court.

### 6.0. OPTIONS

#### 6.1 Members may

- Grant consent for the works without condition,
- Grant consent to works with condition or,
- Refuse permission for the works.

### 7.0 CONCLUSIONS

7.1 The Council refuse consent for the removal of the tree.

### 8.0 IMPLICATIONS

(a) <b>Financial Implications</b>	None
(b) <b>Staffing Implications</b>	None
(c) <b>Equal Opportunities Implications</b>	None
(d) <b>Environmental Implications</b>	None
(e) <b>Community Safety</b>	None

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

TWA 12/019/TTPO – Fell Willow

Tree Preservation Orders: a guide to the law and good practice

Objection from bishops Court resident

To inspect these documents contact Joanna Davies on extension 8522

The author and contact officer for queries on the report is Joanna Davies on extension 8522

Report file: May PC Bishops Court

Date originated: 23 April 2012

Date of last revision: 23 April 2012

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CAMBRIDGE CITY COUNCIL

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REPORT OF: Arboricultural Officer  
TO: Planning Committee  
WARD: Newnham

**TREE WORKS APPLICATION 12/082/TTPO  
APPLICATION TO FELL 3 YEW AT PINEHURST SOUTH, GRANGE  
ROAD**

---

## **1.0 INTRODUCTION**

- 1.1 An application has been received to carry out various tree works including the removal of 3 from 4 Yews located within the grounds of Pinehurst South, Grange Road protected by Tree Preservation Order number 23/2007.
- 1.2 The item is brought before Members because objections have been received to the removal of the three Yews only.
- 1.3 The Local Planning Authority can deal with this application in one of three ways:
  - (1) Grant consent for all the works with condition,
  - (2) Grant consent for some of works and refuse some of the works or,
  - (3) Refuse permission for all the works.

## **2.0 RECOMMENDATION**

- 2.1 The Council grant consent for all works subject to condition.

## **3.0 BACKGROUND**

- 3.1 The tree work application was made to crown reduce two significant and mature trees, Maple and Beech, in order to allow their safe retention. Both trees have potentially significant defects and works proposed will reduce the stresses within the crowns and therefore the potential for damage or harm to occur from structural failure. In addition the application requests permission for the removal and replacement of a middle-aged and suppressed Cypress that is leaning heavily in the canopy of an adjacent and more prominent tree. Finally permission is also sought for the removal of three from four Yew trees currently forming a hedge adjacent to the new residence in the southwest corner of the property.

## **4.0 CONSULTATIONS**

- 4.1 Ward councillors and residents were consulted and a Site Notice was issued for display.
- 4.2 Objection to the removal of the Yews has been received from the residents association on behalf of its members.

## 5.0 CONSIDERATIONS

- 5.1. Is the TPO still appropriate

### Amenity

Does the tree still make a significant contribution to the character and appearance of the area

### Condition

Has the tree's condition deteriorated sufficiently to make it exempt from the TPO

### Justification for Removal

Are there sound practical or arboricultural reasons to remove trees or carry out tree works.

- What is the justification
- Is there a financial consideration
- Is there a health and safety consideration
- Does the nuisance out way the benefit of retention

- 5.2 The Arboricultural Officer's assessment of the trees

Is the TPO still appropriate

### Amenity

Pinehurst South is a secluded, private residential development obscured from public view by a woodland area on Grange Road to the east and other residential property to the north, west and south. While the subject trees offer no individual contribution to the visual amenity of the area other than to local and neighbouring residents and their visitors, the Maple and Beech trees do contribute to the overall character of the conservation area.

Because of its lean and poor condition, the Cypress offers no real aesthetic contribution to the property or the overall character of the conservation area.

The subject Yews appear to have been the subject of different forms of management over the years. They have been reduced significantly in order to allow the construction of the adjacent apartment and will require regular reduction/clipping to keep them within the confines of their location. Given their past management and future maintenance requirements, those Yews proposed to be

removed offer no real contribution to visual amenity or the character of the conservation area.

### Condition

The Maple and Beech are mature to over-mature specimens that contain clear structural defects. While these defects are not sufficient to render the trees exempt from the TPO they are sufficient to justify the works proposed.

The Cypress is a poor specimen with low vitality. Its lean is pronounced and the tree no longer contributes to the aesthetics of its surrounding. It could be argued that its condition does render this tree exempt from the TPO.

### Justification for Works/Removals

- What is the justification
  - Overall condition of/and clear structural defects within the Maple and Beech.
  - Overall condition of the Cypress and its lean into the adjacent tree.
  - The visual insignificance of the Yews, their shading impact on their immediate surroundings and the potential for enhancing the appearance of the area, following proposed removals.
  
- Is there a financial consideration  
No.
- Is there a health and safety consideration  
Yes, with the Maple and Beech.

### 5.3 Applicants reasons proposing works

- Tree condition and the potential for structural failure resulting in harm or damage. (Beech and Maple)
- Tree condition and detrimental visual impact. (Cypress)
- Opportunity to enhance the appearance of the area outside the gardener's workshops and new apartment.

### 5.4 Objections

Objections have been received to the loss of the Yews only.

- The Yews are the subject of Tree Preservation Order 23/2007, why would they not be worthy of this protection now.
- There are only three trees in the line not four.
- Form of Topiary for the retained tree is not stated.

- Proposed planting too formal and would look at odds with informality of much of the gardens.

## 6.0. OPTIONS

### 6.1 Members may

- Grant consent for all the works with condition,
- Grant consent for some of works and refuse some of the works or,
- Refuse permission for all the works.

## 7.0 CONCLUSIONS

### 7.1 The Council grant consent for the works subject to the following conditions:

- The Cypress is replaced as described in the application
- Two trees from the line of Yew and three are to be removed.
- The remaining Yew will be maintained at current size or taller with regular clipping.

## 8.0 IMPLICATIONS

(a) <b>Financial Implications</b>	None
(b) <b>Staffing Implications</b>	None
(c) <b>Equal Opportunities Implications</b>	None
(d) <b>Environmental Implications</b>	None
(e) <b>Community Safety</b>	None

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

TWA 12/089/TTPO with included submissions  
 Tree Preservation Orders: a guide to the law and good practice  
 Objections from the Pinehurst South Residents' Association.

To inspect these documents contact Joanna Davies on extension 8522

The author and contact officer for queries on the report is Joanna Davies on extension 8522

Report file: May PC Pinehurst South  
 Date originated: 23 April 2012  
 Date of last revision: 23 April 2012