



# Public Document Pack

## Cambridge City Council

### Planning Committee

**Committee Members:** Councillors Stuart (Chair), Blencowe (Vice-Chair), Brown, Dryden, Hipkin, Marchant-Daisley, Saunders and Tunnacliffe

**Alternates:** Councillors Herbert and Tucker

*Published & Despatched: Tuesday, 14 August 2012*

**Date:** Wednesday, 22 August 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 25 July 2012. *(Pages 1 - 10)*  
**Development Plan Policy, Planning Guidance And Material Considerations**

#### 4 Planning Applications

4a 11/1348/FUL: 309 - 313 Mill Road *(Pages 23 - 64)*

4b 12/0705/FUL: 169 - 173 High Street *(Pages 65 - 118)*

4c 12/0724/FUL: The Rosemary Branch, 503 Coldhams Lane *(Pages 119 - 148)*

# Meeting Information

**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.

**Local  
Government  
(Access to  
Information)  
Act 1985**

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

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.

**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).

Further information is available at

<http://www.cambridge.gov.uk/public/docs/Having%20your%20say%20at%20meetings.pdf>

The Chair will adopt the principles of the public speaking scheme regarding planning applications for general items, enforcement items and tree items.

Cambridge City Council would value your assistance in improving the public speaking process of committee meetings. If you have any feedback 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&sch=doc&cat=13203&path=13020%2c13203](http://www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=33371389&sch=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**

Level access to the Guildhall via the Peas Hill entrance.

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

Accessible 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**25 July 2012  
9.30 am - 1.40 pm**Present:** Councillors Stuart (Chair), Blencowe (Vice-Chair), Brown, Dryden, Hipkin, Marchant-Daisley, Saunders and Tunnacliffe

Councillor Dryden left after the vote on item 12/42/PLANb

Councillor Brown left after the vote on item 12/43/PLANa

**Officers:**

City Development Manager: Sarah Dyer

New Neighbourhoods Development Manager: Sharon Brown

Urban Design and Conservation Manager: Glen Richardson

Principal Planning Officer: Mark Parsons

Principal Planning Officer: Toby Williams

Streets and Open Spaces Asset Manager: Alistair Wilson

Legal Advisor: Cara de la Mare

Committee Manager: James Goddard

**FOR THE INFORMATION OF THE COUNCIL****12/38/PLAN Apologies**

No apologies were received.

**12/39/PLAN Declarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Saunders	12/41/PLANa & b	Personal: Member of Cambridge Past, Present & Future
Councillor Saunders	12/41/PLANa & b	Personal: Member of Cambridge Cycling Campaign

Councillor Brown stated that because her house was located near to applications 12/41/PLANa & b, she had sought advise from the Head of Legal; and been informed that she had no prejudicial or disclosable pecuniary interests.

**12/40/PLAN Minutes**

The minutes of the 27 June 2012 meeting were approved and signed as a correct record.

**12/41/PLAN Planning Applications****12/41/PLANa 12/0502/FUL - 32 - 38 Station Road**

The Committee received an application for full planning permission.

The application sought approval for the demolition of 32-38 Station Road and the construction of two new office buildings comprising 7806 sq.m. office floorspace (class B1) for 50 Station Road and 8621 sq.m. office floorspace (class B1) and 271 sq.m. of retail/cafe and restaurant floorspace (class A1/A3) for 60 Station Road as a phased development, including ancillary accommodation/facilities with an additional single level basement to both buildings and up to 61 car parking spaces, with associated plant; along with the re-alignment of the northern section of the southern access road; 432 external cycle parking spaces; and hard and soft landscape (including additional public realm and landscaping over the cycle storage area and basement entrance).

Public speaker representations for all four of the CB1-related items were taken at once, in order to ensure smooth flow from one item to another. The four items were 12/0502/FUL 32 - 38 Station Road, 12/0496/CAC 32 - 38 Station Road, Non Material Amendment for Southern Access Road (CB1) and Discharge of Condition 48 of Outline Planning Consent ref. 08/0266/OUT (CB1 Masterplan).

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

- Mr Clifton (representing Brooklands Avenue Area Residents Association, Glisson Road and Tenison Road Area Residents Association, plus the Residents Associations in Highsett and Rustat Road)
- Mr Campbell-Bannerman (Member of the European Parliament)

The representations covered the following issues:



- (i) The full planning application being considered by Committee today was not bound by the recommendation in outline planning permission to demolish Wilton Terrace. The demolition proposal was not part of the wider CB1 Master Plan. Suggested the developer was selective about which old buildings were retained (eg Old Mill) or demolished.
- (ii) Expressed concern regarding the demolition of Wilton Terrace as these were buildings of local interest. Suggested this breached City Environment Policies 6 and 7, plus Heritage Policy 131.
- (iii) Station Road was the gateway to the historic City of Cambridge. The Terrace were Victorian in style, whereas (more modern) surrounding buildings were unattractive.
- (iv) Expressed concern regarding traffic flow and parking. Parking provision in the planning application was less than what was originally proposed, but the building would be bigger.
- (v) Brookgate were requested to investigate a pedestrian/cycle link from the application site to the adjoining leisure centre multistory car park.

Mr Derbyshire (Applicant's Agent) and Mr Sidor (Architect) addressed the Committee in support of the application.

Councillor Brown proposed an amendment to the Officer's recommendation that 10% onsite renewable energy generation should be required under Planning Policy 8/16.

This amendment was **carried by 7 votes to 0**.

The Committee:

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

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

**Resolved (by 4 votes to 2)** to refuse the application contrary to the officer recommendations for the following reason:

- 1 The proposed building by virtue of its overall scale and massing would have an overly dominant impact on the Station Road frontage to the detriment of the streetscene and the Conservation Area contrary to policies 3/4, 3/7, 3/12 and 4/11 of the Cambridge Local Plan 2006.

**Resolved (by 5 votes to 1)** to refuse the application contrary to the officer recommendations for the following reason:

- 2 The development fails to make adequate provision for car parking which would be likely to result in overspill parking into nearby residential areas, which would have a detrimental impact on the amenity of residents of those areas. The development is therefore contrary to policy 8/10 of the Cambridge Local Plan 2006.

**Resolved (by 4 votes to 2)** to refuse the application contrary to the officer recommendations for the following reason:

- 3 The public benefit arising from the development fails to provide sufficient justification for the demolition of Buildings of Local Interest, which are recognised as heritage assets. The development is therefore contrary to policy 4/12 of the Cambridge Local Plan 2006 and to guidance provided by the National Planning Policy Framework.

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

- 4 The proposed development does not make appropriate provision for transport mitigation measures/infrastructure provision, mitigation of potential for overspill parking, the funding and agreement of the a Travel Plan Co-Ordinator, public art, relocation of a community facility, restriction on occupation of offices and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 5/11, 7/2, 8/2, 8/3, 9/9 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, the Public Art Supplementary Planning Document 2010 and the Southern Corridor Area Transport Plan 2002.

The Committee also **unanimously agreed** that in the event that an Appeal is lodged against the decision to refuse this application, delegated authority is given to allow officers to negotiate and complete the Planning Obligation required in connection with this development.

The Committee voted on, but rejected the following reasons for refusal contrary to the officer recommendations.

- 1 The application did not meet requirements for Planning Policy 8/16

## Renewable Energy for Major New Developments.

This reason was **lost by 2 votes to 1**.

2 Loss of community facility (Planning Policy 5/11 Protection of Existing Facilities).

This reason was **lost by 4 votes to 2**.

### **12/41/PLANb 12/0496/CAC - 32 - 38 Station Road**

The Committee received an application for Conservation Area Consent.

The application sought approval for demolition of 32-38 Station Road.

Public speaker representations are listed under minute item 12/41/PLANa.

#### The Committee:

**Resolved (by 5 votes to 0)** to reject the officer recommendation to approve the application.

**Resolved (by 7 votes to 0)** to refuse the application contrary to the officer recommendations for the following reasons:

- 1 The proposed demolition is contrary to policies 4/11 and 4/12 of the Cambridge Local Plan (2006) and paragraph 136 of the National Planning Policy Framework 2012, in that in the absence of an approved redevelopment scheme that has a contract for redevelopment and which preserves or enhances the character or appearance of the Conservation Area by faithfully reflecting its context or providing a contrast with it, the demolition of the buildings would result in the loss of a heritage asset in the form of Buildings of Local Interest which contribute positively to the character and appearance of the Conservation Area.
- 2 The public benefit arising from the development fails to provide sufficient justification for the demolition of Buildings of Local Interest, which are recognised as heritage assets. The development is therefore contrary to policy 4/12 of the Cambridge Local Plan 2006 and to guidance provided by the National Planning Policy Framework.

**12/42/PLAN      General Items****12/42/PLANa Non Material Amendment for Southern Access Road (SAR)**

The Committee received an application for non-material amendments to CB1 Station Area Southern Access Road.

The application sought approval that the changes to parameter plans 3 to 9 and drawing no. 217382/EAD/SK1020 Rev P10 (approved access plan) be approved as non-material amendments to the approved parameter plans.

Public speaker representations are listed under minute item 12/41/PLANa.

The Committee:

**Resolved (6 votes to 0)** to accept the officer recommendation to approve the changes to parameter plans 3 to 9 and drawing no. 217382/EAD/SK1020 Rev P10 (approved access plan) as non-material amendments to the approved parameter plans.

**12/42/PLANb Discharge of Condition 48 of Outline Planning Consent ref. 08/0266/OUT (CB1 Masterplan)**

The Committee received a request to discharge strategic planning condition 48 – detailed scheme for alterations to the Station Road/Southern Access Road junction.

The application sought approval:

- (i) To discharge condition 48 of outline planning permission 08/0266/OUT.
- (ii) That delegated authority be given to officers to agree an alternative timetable for delivery of the works should such a request is made.

Public speaker representations are listed under minute item 12/41/PLANa.

The Committee:

**Resolved (unanimously)** to accept the officer recommendation to discharge condition 48 of outline planning permission 08/0266/OUT and delegate

authority to officers to agree an alternative timetable for delivery of the works should such a request is made.

## **12/43/PLAN      Planning Applications**

### **12/43/PLANa 12/0591/FUL - Elizabeth House,1 High Street, East Chesterton**

The Committee received an application for full planning permission.

The application sought approval for Change of the use from offices (Class B1) to managed hall of residence for 261 students (use class C2).

Dr Savage (Principal at CATS College) and Mr Bond (Old Chesterton Resident's Association) addressed the Committee in support of the application.

#### The Committee:

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

#### 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: CSR1, SS1, SS2, T9, T14, ENV3, ENV7, WM6

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

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/8, 3/11, 4/4, 4/13, 5/7, 7/10, 8/2, 8/3, 8/5, 8/6, 8/16, 10/1

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

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

Unless prior agreement has been obtained from the Head of 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 17 October 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:

The proposed development does not make appropriate provision for public open space, public art, travel plan, occupation and temporary use restrictions and monitoring in accordance with Cambridge Local Plan 2006 policies 3/4, 3/7, 3/8, 3/12, 5/5, 5/7, 7/10, 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, the Open Space Standards Guidance for Interpretation and Implementation 2010.

## **12/44/PLAN      General Items**

### **12/44/PLANa West Cambridge Sports Centre - Variation of the Section 106 Wording to Secure Wider Public Access**

The Committee received a request for variation of the Section 106 wording to secure wider public access.

The application sought approval to vary the original Section 106 (S106) agreement (C/97/0961/OP), between the applicant and the local authority, in respect of public access to the sports centre on the site.

The Committee:

**Resolved (by 4 votes to 0)** to accept the officer recommendation to approve variation of the section 106 wording to secure wider public access:

- (i) As set out in paragraph 2.3 of the Officer's report, variation to the S106 for this wording shown in bold: "Prior to use of any sports facilities to agree with the Council times at which **the public** may have access to sports facilities."
- (ii) Any associated variations required to definitions etc. within the agreement to be consistent.
- (iii) Subject to the granting of approval by the Joint Development Control Committee of planning applications C/11/1114/OUT and S/1886/11.

## **12/45/PLAN      11/1534/FUL - St Colette's Preparatory School**

### **Exclusion of the Press and Public**

The Planning Committee resolved to exclude members of the public from the meeting on the grounds that, if they were present, there would be disclosure to them of information defined as exempt from publication by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

The Committee received a report concerning proposed erection of 7 x 5 bed houses, internal access road, car and cycle parking and hard and soft landscaping at St Colette's Preparatory School planning application refused at Planning Committee on 4 April 2012. An appeal has been lodged against this decision.

### The Committee:

**Resolved (by 6 votes to 0 - unanimously)** to accept the officer recommendation to amend the Council's case at appeal in line with the Officer's recommendations.

## **12/46/PLAN      Tree Items**

### **12/46/PLANa 12/204/TTPO - Denmore Lodge**

The Committee received an application to fell a Horse Chestnut in the garden of Denmore Lodge, Brunswick Gardens, protected by its location within a Conservation Area.

Councillor Tunnacliffe proposed an amendment to the Officer's recommendation that the Horse Chestnut tree could be replaced with a Himalayan Birch or another native British tree.

This amendment was **carried by 6 votes to 0 - unanimously**.

Councillor Blencowe proposed an amendment to the Officer's recommendation that the Horse Chestnut tree could be replaced with a suitable replacement to be agreed by the Arboricultural Officer.

This amendment was **carried by 6 votes to 0 - unanimously**.

The Committee:

**Resolved (by 6 votes to 0 - unanimously)** to accept the officer recommendation and offer no objection to the removal of the Horse Chestnut tree and its replacement with the Himalayan Birch or another tree as recommended by the Arboricultural Officer.

The meeting ended at 1.40 pm

**CHAIR**



## DEVELOPMENT PLAN POLICY, PLANNING GUIDANCE AND MATERIAL CONSIDERATIONS

### 1.0 Central Government Advice

1.1 **National Planning Policy Framework (March 2012)** – sets out the Government’s economic, environmental and social planning policies for England. These policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

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

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

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

(b) directly related to the development; and

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

### 2.0 East of England Plan 2008

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

SS3: Key Centres for Development and Change

SS6: City and Town Centres

E1: Job Growth

E2: Provision of Land for Employment

E3: Strategic Employment Locations

E4: Clusters

E5: Regional Structure of Town Centres

E6: Tourism

H1: Regional Housing Provision 2001to 2021

H2: Affordable Housing

C1: Cultural Development

T1: Regional Transport Strategy Objectives and Outcomes

T2: Changing Travel Behaviour

T3 Managing Traffic Demand

T4 Urban Transport

T5 Inter Urban Public Transport  
T8: Local Roads  
T9: Walking, Cycling and other Non-Motorised Transport  
T13 Public Transport Accessibility  
T14 Parking  
T15 Transport Investment Priorities

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

ENG1: Carbon Dioxide Emissions and Energy Performance

WAT 2: Water Infrastructure  
WAT 4: Flood Risk Management

WM6: Waste Management in Development

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

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

Planning Obligation Related Policies

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

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

*3/1 Sustainable development*  
*3/3 Setting of the City*  
*3/4 Responding to context*  
*3/6 Ensuring coordinated development*  
3/7 Creating successful places  
3/9 Watercourses and other bodies of water  
3/10 Subdivision of existing plots  
3/11 The design of external spaces  
3/12 The design of new buildings  
3/13 Tall buildings and the skyline  
3/14 Extending buildings  
3/15 Shopfronts and signage

4/1 Green Belt  
4/2 Protection of open space  
4/3 Safeguarding features of amenity or nature conservation value

- 4/4 Trees
- 4/6 Protection of sites of local nature conservation importance
- 4/8 Local Biodiversity Action Plans
- 4/9 Scheduled Ancient Monuments/Archaeological Areas
- 4/10 Listed Buildings
- 4/11 Conservation Areas
- 4/12 Buildings of Local Interest
- 4/13 Pollution and amenity
- 4/14 Air Quality Management Areas
- 4/15 Lighting
  
- 5/1 Housing provision
- 5/2 Conversion of large properties
- 5/3 Housing lost to other uses
- 5/4 Loss of housing
- 5/5 Meeting housing needs
- 5/7 Supported housing/Housing in multiple occupation
- 5/8 Travellers
- 5/9 Housing for people with disabilities
- 5/10 Dwelling mix
- 5/11 Protection of community facilities
- 5/12 New community facilities
- 5/15 Addenbrookes
  
- 6/1 Protection of leisure facilities
- 6/2 New leisure facilities
- 6/3 Tourist accommodation
- 6/4 Visitor attractions
- 6/6 Change of use in the City Centre
- 6/7 Shopping development and change of use in the District and Local Centres
- 6/8 Convenience shopping
- 6/9 Retail warehouses
- 6/10 Food and drink outlets.
  
- 7/1 Employment provision
- 7/2 Selective management of the Economy
- 7/3 Protection of Industrial and Storage Space
- 7/4 Promotion of cluster development
- 7/5 Faculty development in the Central Area, University of Cambridge
- 7/6 West Cambridge, South of Madingley Road
- 7/7 College and University of Cambridge Staff and Student Housing
- 7/8 Anglia Ruskin University East Road Campus
- 7/9 Student hostels for Anglia Ruskin University
- 7/10 Speculative Student Hostel Accommodation
- 7/11 Language Schools
  
- 8/1 Spatial location of development
- 8/2 Transport impact
- 8/4 Walking and Cycling accessibility

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

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

10/1 Infrastructure improvements

#### Planning Obligation Related Policies

3/7 Creating successful places  
3/8 Open space and recreation provision through new development  
3/12 The Design of New Buildings (*waste and recycling*)  
4/2 Protection of open space  
5/13 Community facilities in Areas of Major Change  
5/14 Provision of community facilities through new development  
6/2 New leisure facilities  
8/3 Mitigating measures (*transport*)  
8/5 Pedestrian and cycle network  
8/7 Public transport accessibility  
9/2 Phasing of Areas of Major Change  
9/3 Development in Urban Extensions  
9/5 Southern Fringe  
9/6 Northern Fringe  
9/8 Land between Huntingdon Road and Histon Road  
9/9 Station Area  
10/1 Infrastructure improvements (transport, public open space, recreational and community facilities, waste recycling, public realm, public art, environmental aspects)

## 5.0 Supplementary Planning Documents

### 5.1 Cambridge City Council (May 2007) – Sustainable Design and

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

- 5.2 **Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012):** The Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. It provides advice on assessing planning applications and developer contributions.
- 5.3 **Cambridge City Council (January 2008) - Affordable Housing:** Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.
- 5.4 **Cambridge City Council (March 2010) – Planning Obligation Strategy:** provides a framework for securing the provision of new and/or improvements to existing infrastructure generated by the demands of new development. It also seeks to mitigate the adverse impacts of development and addresses the needs identified to accommodate the projected growth of Cambridge. The SPD addresses issues including transport, open space and recreation, education and life-long learning, community facilities, waste and other potential development-specific requirements.
- 5.5 **Cambridge City Council (January 2010) - Public Art:** This SPD aims to guide the City Council in creating and providing public art in Cambridge by setting out clear objectives on public art, a clarification of policies, and the means of implementation. It covers public art delivered through the planning process, principally Section 106 Agreements (S106), the commissioning of public art using the S106 Public Art Initiative, and outlines public art policy guidance.
- 5.6 **Old Press/Mill Lane Supplementary Planning Document (January 2010)** Guidance on the redevelopment of the Old Press/Mill Lane site.

**Eastern Gate Supplementary Planning Document (October 2011)** Guidance on the redevelopment of the Eastern Gate site. The purpose

of this development framework (SPD) is threefold:

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

## **6.0 Material Considerations**

### **Central Government Guidance**

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

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

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

Includes the following statement:

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

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

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

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

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

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

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

### 6.3 City Wide Guidance

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

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

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

**Cambridge City Nature Conservation Strategy (2006)** – Guidance on habitats should be conserved and enhanced, how this should be carried out and how this relates to Biodiversity Action Plans.

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

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

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

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

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

**Cambridge City Council (2011) - Open Space and Recreation Strategy:** Gives guidance on the provision of open space and recreation facilities through development. It sets out to ensure that open space in Cambridge meets the needs of all who live, work, study

in or visit the city and provides a satisfactory environment for nature and enhances the local townscape, complementing the built environment.

The strategy:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

#### 6.4 **Area Guidelines**

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

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

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

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

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

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

**Brooklands Avenue Conservation Area Appraisal (2002)**  
**Cambridge Historic Core Conservation Area Appraisal (2006)**  
**Storeys Way Conservation Area Appraisal (2008)**  
**Chesterton and Ferry Lane Conservation Area Appraisal (2009)**  
**Conduit Head Road Conservation Area Appraisal (2009)**  
**De Freville Conservation Area Appraisal (2009)**  
**Kite Area Conservation Area Appraisal (1996)**  
**Newnham Croft Conservation Area Appraisal (1999)**  
**Southacre Conservation Area Appraisal (2000)**  
**Trumpington Conservation Area Appraisal (2010)**  
**Mill Road Area Conservation Area Appraisal (2011)**  
**West Cambridge Conservation Area Appraisal (2011)**

a Guidance relating to development and the Conservation Area including  
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)

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# Agenda Item 4a

PLANNING COMMITTEE

22<sup>nd</sup> August 2012

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<b>Application Number</b>	11/1348/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th November 2011	<b>Officer</b>	Mr Tony Collins
<b>Target Date</b>	7th February 2012		
<b>Ward</b>	Romsey		
<b>Site Proposal</b>	309 - 313 Mill Road Cambridge Cambridgeshire CB1 3DF Demolition of disused storage building, relocation of electricity sub-station and erection of building for place of worship (mosque) and community facilities (all D1 Use Class), cafe (A3 Use Class), 2 social rented dwellings and associated development.		
<b>Applicant</b>	C/o Bidwells Bidwell House Trumpington Road Cambridge CB2 9LD		

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SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The application proposes a new community facility for which there is a demonstrated need, in a sustainable location</p> <p>The proposal accords with the allocation of the site in the Local Plan</p> <p>The proposed building is of high-quality design, which integrates traditional Islamic elements in an innovative design which also responds well to the local context in scale and materials</p> <p>The level of on-site car parking proposed is appropriate for the level of activity proposed, and is not likely to cause unacceptable pressure on street parking in the local area</p>
RECOMMENDATION	APPROVAL

## 1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site, which lies on the north side of Mill Road, just east of its junction with Vinery Road, is the western half of the area listed as 7.12 in the Proposals Schedule of the Cambridge Local Plan (2006). This site is allocated for 'mixed use housing development and community facilities'. A rider to the allocation suggests that development could include a student hostel for Anglia Ruskin University on part of the site in lieu of affordable housing. A design brief for the whole of the 7.12 site was adopted in 2007. The site falls outside the Mill Road sector of the City of Cambridge

Conservation Area No.1 (Central), but the boundary of the conservation area runs along the street frontage at the southern edge of the site, and also along part of the western boundary of the site.

- 1.2 There are no buildings on the site. It was formerly occupied by the storage and collection warehouse for Robert Sayles department store, using a former bowling alley and other buildings, but these buildings, which had been disused since the new John Lewis warehouse at Trumpington was brought into use, were demolished following a fire in 2009. There is a tree preservation order on the site protecting three Kashmiri birches, which stand alongside two unprotected trees, a silver birch, and a goat willow, in the community garden on the street frontage
- 1.3 The site is bordered by Brookfields Hospital and other NHS buildings to the north. Houses on Vinery Road border the site to the west. There is a small group of commercial/retail buildings adjacent to the south-west corner. Opposite the site, on the south side of Mill Road, are terraced houses from the end of the nineteenth century. To the east of the site is a vacant plot of land, of similar dimensions to the application site, formerly used for motor vehicle sales. This plot forms the other half of the 7.12 allocation in the Cambridge Local Plan (2006). The application site falls within outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The application proposes a new mosque. The building would be set back from the Mill Road frontage by 20m, behind an open 'community garden' (7.5m in depth) and a gated mosque garden (12.5m in depth). The mosque complex would fill the majority of the rest of the site, apart from a landscaped area around the boundary, which would vary in width from 1m to 6m. The footprint of the building would measure 79m from front to back, and 41m across the site.
- 2.2 The major part of the ground floor would be occupied by the 32m x 32m prayer hall, which would be towards the rear of the site. At the front of the building, behind a deep open portico, would be the main atrium, a teaching area, a café and kitchen. In the centre of the building, between these rooms and the prayer hall, would be an office and separate ablution areas and WCs. Those for men would be on the east side of the central vestibule, those for women on the west. On the west side of the prayer hall would be an area for mothers and children, and in the north-east corner, the mortuary. The prayer hall would open on to a second deep portico at the rear of the building.
- 2.3 In the complex would be two three-bedroom residential units, each occupying two floors. One would be attached to the north-west corner of the prayer hall, and the second on the east side of the building, to the rear of the kitchens.
- 2.4 From an access point on Mill Road, on the east side of the site, a ramp would lead down to a basement. The basement would accommodate 80

car parking spaces, seven of them suitable for use by disabled persons, and a bay for hearses, located directly below the mortuary, and linked to it by lift. Pedestrian access to the basement would be via three staircases, two at the front of the building, and one at the rear.

2.5 The forward section of the building would rise to a flat roof at 6.5m above ground level behind a sawtooth parapet reaching 7m at the points. The spaces in this part of the complex would be served by large circular skylights reaching 7.2m above ground. The prayer hall section would be similar in form, but on a larger scale, with the roof at 8.5m, the parapet points at 9m and the upper edge of the rooflights at 10m. Depending on the renewable energy solution eventually selected, the roof might also accommodate up to 36 photovoltaic and 8 solar hot water panels, and would be surmounted by a dome, 7.5m in diameter. The dome (centred at a point 70m back from the Mill Road frontage, and 53m from the rear elevation of the closest neighbouring house in Vinery Road) would rise to 16.5m above ground, and would be topped by a traditional crescent 1.5m in height.

2.6 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Statement of Community Involvement
4. Public Art Delivery Plan
5. Landscape Design Proposal Sketchbook
6. Transport Assessment
7. Travel Plan
8. Flood Risk Assessment
9. Environmental Planning Report
10. Air Quality Assessment
11. Ground Investigation Report
12. Preliminary Site Investigation Report
13. Phase 1 Contamination Assessment
14. Drainage Strategy
15. Tree Survey

### 3.0 SITE HISTORY

Reference	Description	Outcome
07/0644/FUL	Erection of 100-bed care home	Refused

### 4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes
	Public Exhibition (7 <sup>th</sup> September 2011):	Yes

## 5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
East of England Plan 2008	SS1 SS3 C1 T1 T2 T4 T9 T14 ENV6 ENV7 ENG1 WAT 4 WM6 CSR1
Cambridge Local Plan 2006	3/1 3/4 3/6 3/7 3/11 3/12 3/13 4/4 4/11 4/13 4/15 5/12 8/1 8/2 8/4 8/6 8/9 8/10 8/16 8/18

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

Central Government Guidance	National Planning Policy Framework March 2012 (referred to as 'the Framework') Circular 11/95
Supplementary Planning Documents	Sustainable Design and Construction Waste Management Design Guide Planning Obligation Strategy Public Art
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011)



	<p><u>Citywide:</u></p> <p>Arboricultural Strategy</p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan</p> <p>Cambridge Sub-Region Culture and Arts Strategy</p> <p>Cambridgeshire Quality Charter for Growth</p> <p>Cambridge City Council - Guidance for the application of Policy 3/13 (Tall Buildings and the Skyline) of the Cambridge Local Plan (2006) (2012)</p> <p>Cambridge Walking and Cycling Strategy</p> <p>Cambridgeshire Design Guide For Streets and Public Realm</p>
	<p><u>Area Guidelines:</u></p> <p>Eastern Corridor Area Transport Plan</p> <p>Mill Road Area Conservation Area Appraisal 2011:</p> <p>Mill Road Development Brief (Robert Sayle Warehouse and Co-Op site) 2007</p>

## 6.0 CONSULTATIONS

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

- 6.1 Clarification of car park space dimensions, car park aisle widths, ramp width and entry radii, and footway fall on Mill Road sought. Conditions sought on unbound material on the access, gates, the vehicle crossing of the footway, overhanging, surface water runoff, manoeuvring areas, and a traffic management plan. Informatives requested regarding highway works and public utility apparatus .

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

- 6.2 Car parking provision is in line with City Council standards. Site is in sustainable location. Final Travel Plan requires agreement with Council Shuttle bus from existing mosque site required. Application exempt from SCATP contributions. No objections subject to Travel Plan and shuttle bus.

## **Head of Environmental Services**

### Environmental Protection

- 6.3 Conditions recommended with respect to construction noise and construction hours. Conditions also sought with respect to plant and other potential noise from the end use.

### Scientific Team

- 6.4 Review of historic maps noted multiple former potentially contaminative uses including Cement and Lime Works, a Foundry, a redundant Petrol Station and the possibility of infilled ground. Site walkover also noted potential sources of contamination, including an electricity sub-station and metal covers indicating presence of underground tanks. Two reports formerly undertaken for the application site and the adjoining former petrol station were reviewed, which concluded that further investigation
- 6.5 Based on the above information a site-specific conceptual model (CSM) was constructed and presented by the applicant. The CSM is acceptable.
- 6.6 Further intrusive site investigations are proposed including:
- sample boreholes and installation of gas and groundwater standpipes.
  - soil samples, to tested for a full suite of contaminants including metals, petroleum hydrocarbons and aromatic hydrocarbons.
  - photoionisation detector (PID) to screen soil samples for the presence of volatiles.
- 6.7 After this a more detailed investigation will be undertaken including:
- trial pits and boreholes, to assess the presence and extent of Made Ground
  - minimum of two rounds of groundwater monitoring
  - possible testing of soil samples for dioxins and furans.
- 6.8 Proposed scope of further works for the site is acceptable in principle.
- 6.9 Environmental Health would be able to provide further advice on recycling material from the site. Ground source heating and cooling is proposed. Recommend advice is sought from the Environment Agency in order to ensure the system is suitable for use on site.
- 6.10 All issues raised above can be covered by the full contaminated land condition which should be attached to any consent.

### Waste Strategy

- 6.11 Concerns regarding the location of the bins, as they appear to be some distance from the road with the requirement to pull them through the garden area. Waste condition therefore sought.

### **Planning Policy Manager**

- 6.12 Proposal in accordance with the allocation of the site in the Local Plan, and with policy 5.12 of the Plan. No objection.

### **Urban Design and Conservation Team (Urban Design advice)**

#### Background

- 6.13 Site forms part of Proposal Site 7.12 for 'mixed use housing development and community facilities'. Robert Sayle Warehouse and Co-Op Site Development Brief 2007 assumes residential development, but much of the open space and scale and massing guidance are still applicable. Principle of the proposed uses on this site is acceptable given the range of community uses proposed.

#### Scale and Massing

- 6.14 Development is of a similar height to the existing residential developments surrounding the site and is therefore in accordance with the suggested heights contained within the Development Brief. Dome will create an interesting addition to city skyline. Setback from the rear boundaries of 2-16 Vinery Road and stepping of the building from 2 to 3 storeys along the western and southern façades reduces amenity impacts on neighbours. Scale and massing creates successful scale transition from the 2 story residential properties surrounding the site to 3-storey element of the prayer hall. Acceptable in scale and massing terms.

#### Access

- 6.15 Proposed pedestrian and cycle link in NW corner may be undeliverable and raises security issues. This should be removed. Footpaths are too narrow. All footpaths need to be a minimum of 1.2m to allow sufficient space to push a bicycle.
- 6.16 Southern elevation includes a series of brick pillars and metal railings located between the community and Islamic gardens. Suggest an additional brick pillar is located to the east of the car park access ramp to continue the 'rhythm' along the frontage.

#### Refuse storage

- 6.17 Position of the waste and recycling storage needs to be clarified.

### Cycle Parking

- 6.18 Given the access concerns raised above, recommend that more cycle storage is located within the basement.

### Materials

- 6.19 Recommend condition requiring sample panel.

### Conclusion

- 6.20 Proposal will create an interesting and high quality addition to Mill Road and addresses the principles of the Robert Sayles Warehouse Development Brief 2007. Proposal supported, but the following concerns need to be addressed:

- Removal of pedestrian and cycle access from NHS car park
- All footpaths on west side to be minimum of 1.2m wide
- One car parking space for each flat within the basement
- Grassed areas to the northwest and east to be private amenity space for flats
- Additional brick pillar to the east of the car park access ramp.

### **Urban Design and Conservation Team (Conservation advice)**

- 6.21 Development of this site welcomed, as it will eliminate the negative impact of site on character and appearance of the Conservation Area. Scale and massing of the proposal appropriate for the context, and of positive value to the character and appearance of the Conservation Area. No objections to the dome, which will have only a limited impact on the Conservation Area. Design of building as a whole, while differing from style of the existing street scene, ties into the character of the area through materials. Conservation area designation does not prohibit development of a modern design, but aims to ensure that where modern developments are proposed they are designed to suit their immediate context, and preserve or enhance the character and appearance of the Conservation Area.
- 6.22 The mosque proposed here has clearly been designed for its location and context, and also respects the scale of the previous building on the site. Proposal supported.

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

- 6.23 Proposals have been designed with longevity of use in mind. Sustainability and future proofing are paramount in achieving this. There are many innovative elements to the proposals that are fully supported, and the importance placed on social as well as environmental sustainability is welcomed.

6.24 Particularly welcomed:

- The approach taken to utilising passive solar heating in the winter months while at the same time ensuring that overheating in the summer is minimised;
- The emphasis on evaporative cooling both inside and outside of the building;
- The use of grey water recycling to reduce water consumption by around 30%;
- The utilisation of natural ventilation strategies where possible;
- The use of the sedum roof to condition the air local to the Prayer Hall mechanical intake;
- The proposals to enhance biodiversity as part of the proposals.
- The sourcing of local and A rated materials, the minimisation of construction waste and the use of recycled aggregate.
- The social sustainability elements of the scheme, such as the involvement of the local community in the care and maintenance of the Community Garden and the inclusive nature of the proposal.

6.25 Encouraging that climate change adaptation measures are part of the proposals. Approaches to future proofing the building and avoiding overheating in both the internal and external environments are fully supported. Landscaping proposals include drought tolerant planting, which is also supported.

6.26 Fully support the hierarchical approach being taken to reduce energy related emissions, important to highlight that it is estimated that the scheme will exceed current Building Regulations (Part L 2010) by 26% (16% by good passive design and energy efficient systems and 10% through the use of renewable technology). Such an approach is fully supported.

6.27 Preferred approach to renewable energy is ground source heat pump, which it is estimated will reduce emissions by around 16%. An alternative approach is put forward in case the implementation of ground source heat pumps is not feasible. This involves the use of air source heat pumps, a solar thermal array and photovoltaic array. This should still meet the Council's policy requiring 10% renewable energy. Both approaches are supported. If it is decided not to implement the solar arrays at this stage, applicant encouraged to give consideration to installing sufficient electrical infrastructure from the outset in order that solar panels can easily be integrated into the scheme in the future.

6.28 Conclusion: proposed development has clearly made sustainability a priority Commitment to exceed policy requirements in relation to renewable energy and changing climate welcomed. Development fully supported.

### **Access Officer**

- 6.29 Generally good. Lack of clarity about lift. Asymmetric doors are desirable where each panel of double doors is less than 900mm wide.

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

- 6.30 Landscape design concept supported.
- 6.31 Suggest a more substantial tree species along the Mill Road boundary of the site. Strongly advise the use of solid durable benches in Community and Islamic gardens in order to withstand any potential vandalism. Require full construction and maintenance details of the fountain. Planting palette in Islamic Garden generally supported, but maintenance needs noted.
- 6.32 Western edge footpath too narrow.
- 6.33 Proposed perimeter planting of fastigate Cypress/Yew trees may mature to form a very dense green edge to the perimeter of the site. This will screen the building too heavily. Suggest that the planting design around the perimeter of the site is reviewed. Yews are poisonous, so should be kept away from children's play area. Landscape management and maintenance plan required.
- 6.34 Proposal considered an exciting and positive addition to Mill Road. Scheme recommended subject to above comments. Conditions advised

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

- 6.35 Strategic Flood Risk Assessment seeks 20% reduction in peak discharge from redevelopment of a brownfield site Current proposal maintains status quo.
- 6.36 Drainage strategy only provides indicative solution. Green roof is welcomed but should be extended to whole roof. It would also be a missed opportunity if the water features in the Islamic garden are not connected to water being discharged from the roof either directly or through a rainwater harvesting system.

### **Environment Agency**

- 6.37 The site is identified as being within a Groundwater Vulnerability Zone and therefore care must be taken to ensure that the demolition and construction works do not result in contamination of the water environment. In line with the recommendations of the site investigation study, further intrusive works will be required to be approved prior to the commencement of development. Conditions on ground contamination, infiltration, piling, pollution control and foul and surface water drainage are required.

### **Anglian Water**

- 6.38 Surface water strategy / flood risk assessment is acceptable. Foul drainage strategy must be agreed with Anglian Water. Conditions required on both foul and surface water drainage. Informatives requested.

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

- 6.39 Little to suggest that the building will be vulnerable to burglary or damage.
- 6.40 Location and available car parking could not cope with the numbers attending at Eid festival. Prayer sessions will need to be managed to enable the Mosque to empty before the next prayer session commences.
- 6.41 Avoiding climbing aids to the perimeter would reduce or eliminate risk of access to roof and threat of metal thefts. Eastern fence will need to be of sufficient height to prevent not only access to the site but also to the vehicle ramp. Recommend a fence not less than 1.8m high and preferably 2.1m. Mill Road frontage fencing should be difficult to climb. Fence to the front of the proposal needs to be extended along the top of the wall leading to the basement car park to join the wall along the eastern boundary. This will provide site security. NW cycle and pedestrian entrance is undeliverable, and should be discounted.
- 6.42 Location of cycle racks within the garden will help to minimise the risk of cycle theft.
- 6.43 Access to the residential units out of hours should be controlled by gating across at both sides of the front elevation. How the gate is used and managed can be decided once the building is in use. Exterior of residential unit to the rear should be lit - PIR lights or low energy dusk to dawn lighting. Recommend security standard for external doors and laminated glazing. CCTV with appropriate signage and lighting should be considered. Underground car park will need to be managed. Gating and lighting should conform to Secured by Design 2010. Gate to underground car park is shown at the bottom of the ramp. Preferable that a shutter be positioned to close off all underground space out of hours to avoid use as a refuge by rough sleepers.
- 6.44 Fountain wall structure should be of a height of not less than 600mm and of a substantial nature – this will avoid the need for a PAS 68 standard bollard to protect the entrance against deliberate ramming by a vehicle.
- 6.45 Conclusion: no specific problems with the application in terms of crime risk.

### **Design and Conservation Panel (Meeting of 6<sup>th</sup> July 2011)**

- 6.46 The conclusions of the Panel meeting(s) were as follows:

This is an exciting contemporary architectural proposal. The design team are to be complimented for their thoughtful and scholarly approach in the development of the scheme. Design features such as the gradual transition through a garden, a vestibule, and an atrium, into the main prayer hall; the overall building geometry, certain structural elements e.g. the laminated wood 'tree' columns, and the embedded artwork are noteworthy. It is hoped that sufficient resources will be available to deliver a build of the quality proposed. The Panel would also urge that dialogue be maintained with the owners of the neighbouring vacant plot in the interests of securing its redevelopment.

### **VERDICT – GREEN**

**(Unanimous, but subject to the caveats as described above.)**

- 6.47 The relevant section of the minutes of the panel meeting are attached to this report as Appendix A

### **Disability Consultative Panel (Meeting of 7<sup>th</sup> December 2011)**

- 6.48 Panel's comments at pre-application stage have been positively responded to. Parking will no doubt continue to be a key issue in the success of this proposal, but Panel would like to encourage its progress.

### **Public Art Co-ordinator**

First Comment – January 2012

- 6.49 Welcome the public art proposal. Require additional information relating to the commissioning and location of the artworks. Public Art Delivery Plan needs to be clear in the commissioning process. Public art budget is not there to pay for standard design elements and the value must be demonstrated. All public art proposals must demonstrate that they are publicly accessible and have a public benefit.
- 6.50 Suggest a revised Public Art Delivery Plan is submitted for approval prior to the commencement of development. This should form the basis of the S106 Agreement. Revised document should go to Public Art Panel for comment.
- 6.51 The budgets will need confirming as the project moves.
- 6.52 (Further oral advice from the Public Art Co-ordinator indicates that she welcomes the additional information provided on elements to be included in the public art contribution, and especially the exemplary details about base costs and art costs set out, but continues to have some reservations on clarity of the precise components which are to be undertaken by the commissioned artist(s) and the issue of whether all the elements included can properly be assessed as public. She is of the view that these matters need to be addressed in a revised public art delivery plan which can be secured through a Section 106 agreement.)



6.53 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 objecting to the proposal:

107	Argyle Street	13	Malta Rd	34	Suez Road
99	Beaumont Rd	17	Malta Rd	41	Suez Road
11	Belgrave Rd	29	Malta Rd	66	Suez Road
22	Belgrave Rd	297	Mill Rd	2	Vinery Rd
7	Brookfields	316	Mill Rd	10	Vinery Rd
7	Cavendish Place	342	Mill Rd	14	Vinery Rd
29	Cavendish Road	299	Mill Rd	16	Vinery Rd
22	Charles Street	307	Mill Rd	66	Vinery Rd
33	Chiefs St ELY	34	Redfern Close	108	Vinery Rd
43	Devonshire Rd	14	Romsey Road	35	Vinery Rd
75	Hemingford Rd	33	Romsey Road	6	Vinery Rd
51	Hobart Rd	36	Ross Street	12	Vinery Rd
16	Hooper Street	27	Seymour Street	21	William Smith Close
25	Madras Rd	65	St Philip's Rd		
24	Madras Rd	51a	St Philip's Rd		
6	Malta Rd	22	St Philip's Rd		

7.2 The representations can be summarised as follows:

### Principle of development

- site should be used for housing
- step towards Muslim-controlled nation
- out of step with multicultural nature of the area
- will foster right-wing extremism
- should be several small mosques
- will not cope with future demand

### Context and design

- too high
- too massive
- not in character
- dome needlessly provocative
- materials important
- not in accordance with Development Brief
- will constrain development on the adjacent site
- position of gardens will discourage community use

### **Residential amenity**

- overshadowing
- loss of privacy
- food outlet not needed
- noise
- disruption from NW exit
- noise impact of call to prayer
- intimidation
- construction disruption

### **Environmental health issues**

- air pollution

### **Traffic and car parking**

- number of vehicles
- transport survey inadequate
- car parking
- shuttle bus should link with station
- should be outside ring road

### **Other issues**

- NW entrance feasibility unclear
- maintenance of common boundary
- harm to welfare of animals

7.3 Representations from the occupiers of 55 Vinery Road and 95A St Phillips Road, whilst stating that they neither support nor oppose the application, also raise the issue of car parking space.

7.4 Representations have been submitted on behalf of Cambridgeshire and Peterborough NHS Foundation Trust (CPFT), who own the office building to the north of the site, and the surrounding land onto which a pedestrian and cycle gate is shown opening in the application drawings.

7.5 The first representation states that the proposed northern gate to the site could not be used without the consent of CPFT to access across its land, and that such consent would not be granted. The representation therefore questions the adequacy of proposed pedestrian and cycle access to the site and the appropriateness of siting a large proportion of cycle parking space at the rear of the building.

7.6 A subsequent representation, following contacts between the agents of the CPFT and the applicants' agents emphasises the following points.

- there is no right of way from the application site to Vinery Road
- CPFT has no intention of permitting right of way across their land

- this access point should be removed from the application
- lack of an emergency point of access calls to question the adequacy of the access arrangements
- footways to the side of the building are too narrow
- number and size of cycle parking spaces are insufficient
- unless these issues are resolved, the application should be refused.

7.7 The owners/occupiers of the following addresses have made representations in support of the proposal. Addresses are in Cambridge unless otherwise indicated. Except where shown in bold, the representations take the form of a standard letter.

36	Aden Rd	101B	Cavendish Rd	A18	Foster Court,
21	Ainsworth Street	15	Chaucer Road		Charles Babbage
100	Ainsworth Street	22	Chequers Close		Rd
19	Alpha Grove, LONDON	124	Chieftain Way	8	Foxgloves Way
5	Anchester Way	29	Christchurch Street	46	Foxhollow BAR HILL
7	Apthorpe Way	4	Circus Drive	4A	Frank Bridges Close
189	Arbury Rd (2)	170	Cokerill Rd	34	Froment Way
<b>94</b>	<b>Argyle St (2)</b>	7	Coldhams Grove	4	Garden Court
30	Armitage Way	6	Coleridge Rd		HISTON (2)
8	Arthur Street	29	Collier Rd	9	Glenacre Close
16	Ashbury Close	5	Coniston Rd	6	Golding Rd
13	Brackley Close	21b	Cornwallis Rd LONDON	30	Golding Rd
<b>80</b>	<b>Brackyn Rd</b>	7	Crathern Way	65	Granchester Meadows
5	Britten Place	2A	Cyprus Rd	8	Green Park
11	Broadmeadows, Manhattan Drive	32	Cyprus Rd (2)	<b>119</b>	<b>Gunhild Way (3)</b>
53	Broadway	84	Darwin Drive	12	Gurney Way
73	Brompton Rd	108	Darwin Drive (2)	71	Hampden Gardens
61	Brompton Rd (2)	64	Darwin Drive (3)	73	Hampden Gardens
10	Brook Close	<b>4</b>	<b>David Street</b>	5	Hampten Garden Terrace
5	Brookfields	80	Dennis Rd	29	Hanson Court
61	Brookfields	1b	Devonshire Rd	72	Harbury Rd BIRMINGHAM
99	Brooks Rd	<b>26</b>	<b>Devonshire Rd</b>	52	Harding Way
1a	Broom Road IPSWICH	63	Discovery Way	57	Hartington Grove
9	Broomwalk, SHEFFIELD	14	Ditton Field	8	Hawthorn Way
11	Burleigh Place	55	Ditton Fields	19	Hemingford Rd
12	Burleigh Place	116	Ditton Fields (2)	73	Hemingford Rd
4	Byron Square	315	Ditton Fields	78	Hemingford Rd
9	Calvin Close	56	Ditton Lane	7	Hertford Street
36	Cam Causeway	1	Dundee Close	18	Hertford Street
59	Cam Causeway	8	East Street, SAFFRON WALDEN	11a	High Street
71	Cam Causeway	28	Eccles Close (2)	171	High Street
80	Cam Causeway	53	Edgecombe	43	High Street CHERRY HINTON (8)
48	Cambridge Rd SAWSTON (2)	17	Elizabeth Way	36-38	Hills Rd
11	Campbell Lane	4	Ellesmere Rd	70	Hobart Rd
58	Camping Way	34	Emery Street (2)	<b>81</b>	<b>Hobart Rd</b>
155	Campkin Rd	30	Erin Rd	163	Hobart Rd (2)
155	Campkin Rd	144	Ermine Street	16	Hogsdenley ST NEOTS
251	Campkin Rd	26a	Fallowfield	18	Horsecroft Rd
20	Carisbrooke Rd	24	Fanshawe Road	40	Howard Close
69	Catherine Street	6	Farran		
<b>7</b>	<b>Cavendish Court</b>	75	Fen Rd		
<b>109</b>	<b>Cavendish Rd</b>	103	Fishers Lane		

25	Howard Rd	79	Perne Road	22	Tamarin Gardens (2)
114	Huntingdon Rd	54	Petersfield	23	Teasel Way
114	Huntingdon Road		Mansions, Mill Rd	54	Tennison Rd
1	Iceni Way (4)	114	Peverel Rd	33	The Paddocks, Coldhams Lane
3	Iceni Way	27	Pretoria Rd	31	Thomas Rd
10	Iceni Way	63	Queen Ediths Way	23	Thornton Way
70	Kendal Way (2)	52	Radegund Rd	9	Tiverton Way
80	Kings Hedges Rd (3)	12	Ransom Close	30	Trafalgar Rd (2)
198	Kings Hedges Rd	94	Ravensworth Gardens	27	Turpins Ride
49	Kingston Street	<b>34</b>	<b>Redbourne Ave, Finchley LONDON</b>		ROYSTON
40	Kitchen Rd			27	Turpyn Court
	LONDON			14	Victoria Avenue
54	Lancaster Gate	5	Redwood Lodge	62	Vinery Rd
	UPPER	16	Riverside	18	Vinery Way
	CAMBOURNE (2)	10	Riverside Place	23	Wenvoe Close
10	Lander Close	24	Romsey Rd (2)	6	Wetherhall Rd
11	Lanthorn Stile	89	Roseford Rd (3)	22	Whitelocks
16	Lavender Rd (2)	31	Ross St	2	Windsor Terrace
23	Laxton Way (3)	59	Ross St	4	Wood House way
30	Laxton Way	11	Ross Street	50	Wren Wood
54	Lensfield Rd	7	Rothleigh Rd		WELWYN
<b>18</b>	<b>Lichfield Rd</b>	36	Rutland Close	11	York Terrace
2	Lilac Court (2)	31	Sackville Close		
126	Limes Rd	38	Sackville Close		
<b>32</b>	<b>London Rd, Harston</b>	179	Sharpley Rd		
23	Maitland Avenue		LOUGH-		
24	Mallets Road		BOROUGH		
11	Maltings Close	3	Shepherds Close		
4	Manor Close	<b>12</b>	<b>Shirley Grove</b>		
2a	Mawson Road	8	Sidney Gardens		
64	Mawson Road	2	Sidney Gardens (2)		
317	Mayflower	9	Somerset Close (2)		
56	Middlewatch	<b>123</b>	<b>Speedwell Close</b>		
	SWAVESEY	56	St Andrews Rd		
14	Mill Rd (2)	<b>90</b>	<b>St Bartholomews Court</b>		
74	Mill Rd	145	St Bedes Crescent		
94	Mill Rd	14A	St Johns Cres		
102	Mill Rd		LONDON		
204	Mill Rd	<b>2</b>	<b>St Johns Rd</b>		
218	Mill Rd	37	St Matthews Gardens		
232	Mill Rd	14	St Pauls Rd		
294	Mill Rd (2)	<b>15</b>	<b>St Pauls Road</b>		
27	Mill Street	<b>18</b>	<b>St Ursula Grove HA5 1LN</b>		
158	Milton Rd	36	Stanley Court (2)		
11	Montgomery Rd	9	Stevenson House, Edinburgh Rd		
7	Morrbray Rd	4	Stourbridge Grove		
37	Natal Road	3	Strawberry Fields, Haverhill		
2	Neptune Close	82	Stretten Avenue (3)		
654	Newmarket Rd	13	Suez Rd (2)		
49	Norfolk Terrace	29	Suez Rd (2)		
34	Nottingham Hse, Clarendon Rd	<b>6</b>	<b>Sydenham Terrace, Halifax Rd</b>		
25	Nuns Way				
31	Nuns Way				
132	Nuns Way				
44	Old Station Rd				
28	Orchard Av				
81	Orchard Park				
<b>14</b>	<b>Pepys Court</b>				
145	Perne Rd				

7.8 Representations in support of the application have also been received from: occupiers of Entrance House, Owlstone Road; Swinhoe House, ARU; Woodfen House, Oak Lane, Littleport; The New Barn, High Ditch Rd, Fen Ditton, residents of Clare, Christ's, Darwin, Homerton, Hughes Hall, Newnham, Queens and Trinity Hall colleges, and from an employee at Marshalls Aerospace. Five representations in support did not give any clear address.

7.9 The representations can be summarised as follows:

- provides much-needed community facility
- foster community cohesion
- high-quality sustainable design
- sufficient car parking
- robust travel plan
- creates green space
- improve vitality of the area

7.10 Cambridge Past Present and Future have made representations in support of the application

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

## **8.0 ASSESSMENT**

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. Impact on Heritage Assets
4. Public Art
5. Renewable energy and sustainability
6. Disabled access
7. Residential amenity
8. Refuse arrangements
9. Highway safety
10. Car and cycle parking
11. Third party representations
12. Planning Obligation Strategy

### **Principle of Development**

8.2 The site is allocated in the Local Plan for housing and community facilities. I concur with the opinion of the Planning Policy Manager that the proposal is in accordance with this allocation.

- 8.3 It is a widely shared view that the location of the present mosque in Mawson Road is unsatisfactory and causes considerable difficulties both for users and for nearby residents and traders. The Mawson Road site would continue to be used if this proposal were to be approved and implemented, but the intensity of use at that site would be radically reduced. The application site is in my view a very appropriate one for a new, purpose-built mosque, close to the existing location, relatively near to the city centre and universities, and well served by public transport and cycle routes. It would introduce additional vitality to the area, make effective use of a brownfield site which is currently an eyesore, and establish an attractive and usable green space alongside Mill Road, which has long been an aspiration of the local community and the Council, and which would enhance the character of the area. In these ways the proposal would make the most of an opportunity to improve the character of an area and the way it functions, and is therefore in accordance with government advice on good design in Paragraph 64 of the Framework, and on the provision of the social and cultural facilities which the community needs in Paragraph 70 of the Framework.
- 8.4 I do not accept the view expressed in representations that the location of a large place of worship in a residential area is inappropriate and that any new mosque should be located at an edge-of-town or out-of town site. Religious buildings have traditionally been located within the communities they serve; there are strong arguments for supporting such locations, because they will minimise the need for people to travel by private car. To locate a new mosque away from the area and on the edge of the city would be contrary to the government advice above, and to the principles of sustainability set out in policies 3/1, 5/12 and 8/1 of the local plan, and to government advice on sustainable transport in Paragraphs 34, 35 and 37 of the Framework.
- 8.5 In my opinion, the principle of the development is acceptable and in accordance with the development plan policies and government guidance referred to in this section.

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

- 8.6 The Design and Access Statement demonstrates the manner in which the constraints of the site and the location have been reconciled with the needs of the future users and the traditions of Islamic architecture in a coherent, practical and visually striking design. The Design and Conservation Panel, gave the design a unanimous 'green' verdict, identifying a number of architectural elements as worthy of particular praise.
- 8.7 I concur with Panel's judgement on the design and with the positive comments on the proposal given by the urban design and conservation and landscape teams. I agree that the dome, considered inappropriate in some representations, is of relatively modest proportions, and, set back from Mill Road, will add interest to the skyline without being unduly dominant. I also agree with Panel and the Urban Design team that the

overall proportions of the building are appropriate, and respect the character of the area. I do not consider that the building is too high, or too massive.

8.8 Paragraph 58 of the Framework, which deals with the issue of good design, states that planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- are visually attractive as a result of good architecture and appropriate landscaping.

8.9 In my view, the proposal fulfils all six of these criteria. The layout, positioning on the site and striking but well-adapted design, taken with the close attention to sustainability, make a particularly thorough response to the first, second and sixth items above. Representations have suggested that the proposal may not cope with future demand. I do not consider it reasonable to expect the proposal to do that; it would clearly cope with the present demand far more effectively than the existing mosque in Mawson Road is able to do.

8.10 Concerns or objections about the pedestrian and cycle exit at the north-west corner of the site have been raised by urban design and landscape officers, the police, and the NHS Trust which owns the land immediately to the north of the site, as well as some other objectors. The applicants have now accepted that this gate could not be implemented, because the NHS Trust would not allow access across its land. A plan has therefore been submitted which deletes this gate. I do not consider that this access point is essential to the proper functioning of the site, and I do not consider that its absence is a reason for refusal. I do accept, as I indicate below, that the constrictions in the width of the footpath along the western edge of the site need to be eliminated, even if this is at the expense of some aspects of the landscaping, in order to allow cycle access to the rear parking spaces.

- 8.11 Were the applicants at some future point to come to and agreement with the NHS trust for access at this point, and then submit a new application to introduce a gate here, the merits of that proposal would be fully assessed. My view is that while it would result in brief periods of heavy pedestrian and cycle traffic in this section of Vinery Road, it would not have any unacceptable impact. It does not, however, form part of this application.
- 8.12 A number of other specific design criticisms have been made. My assessment of those I do not address under other headings is indicated below.

Additional brick pillar required to frontage	I agree that this is desirable, but I do not consider it a reason for refusal. I recommend an informative to encourage this addition
Additional fencing required to eastern boundary	This can be addressed by condition
Footpaths on west side too narrow	I agree that this is a shortcoming of the proposal. In my view it could be resolved by very minor adjustments to the landscaping. It can be addressed by a suitable condition
Tree species inappropriate	This can be addressed by the standard landscaping conditions
Gates required to sides of front elevation	This can be addressed by a condition
Water feature should use recycled water	I agree with this view, but it is not a reason for refusal. It can be addressed by an informative
Will constrain development on the adjacent site	Urban Design Team have not raised this issue. I do not consider that there is any conflict with policy 3/6 of the Cambridge Local Plan (2006)
Inappropriate siting relative to bus stop	Applicants agree with this view, and are willing to negotiate resiting of bus stop, but this is a matter in the control of the highway authority. It is not a reason for refusal

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

#### **Impact on Heritage Assets**

- 8.14 The proposal is for a building which would contrast markedly with the terraced houses which form the majority of the surrounding buildings. In my view, this contrast would be a beneficial one, not a negative one. The



proposed mosque would allude to the surroundings through its choice of materials. Section 12 of the Framework advises that local planning authorities should look for opportunities for new development in conservation areas. I share the view of the Urban Design and Conservation Manager that the striking and well-proportioned design of the building, and the quality of the two garden spaces created on the Mill Road frontage would significantly enhance the character of this part of the conservation area.

- 8.15 In my view, the proposal would add to the special quality of the Mill Road section of City of Cambridge Conservation Area No.1 (Central), and complies with policy ENV6 of the East of England Plan 2008, policy 4/11 of the Cambridge Local Plan (2006), and government guidance in paragraph 137 of the Framework.

### **Renewable energy and sustainability**

- 8.16 The proposal has given prominence to sustainability in the design process, and the Senior Sustainability Officer has praised its response on carbon emissions, water consumption, water management and biodiversity. If the ground source heat pump technology proposed is achievable to the degree planned, then the carbon emission reduction requirements of local plan policy (10%) would be significantly exceeded (16%). Even if it proves necessary to employ the second-choice renewable energy strategy, using air-source heat pumps and solar panels, the requirements of policy would be met. Conditions are necessary to cover these eventualities and to secure implementation.
- 8.17 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.

### **Disabled access**

- 8.18 Both the Access Officer and Disability Panel are positive about the application. Level thresholds, adequate disabled car parking, and lift access from basement level to the mosque are provided.
- 8.19 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Residential Amenity**

- 8.20 There are no adjacent residential properties to the north or east. 330-354 Mill Road face the site on the opposite (south) side of the street. 6-16 Vinery Road lie to the west.

### Overshadowing

- 8.21 The applicants have submitted a shadow study. The only residential properties where there can be any overshadowing impact are those in Vinery Road. The shadow study shows the proposed mosque creating shadow in the rear gardens and on the ground floor of the rear of the houses at 0900 in midwinter, and in the rearmost part of the gardens at 0900 at the equinoxes. The accompanying table states that the shadow would clear the rear of the houses by 10.15 am on 1<sup>st</sup> January, by 10.00am on 1<sup>st</sup> February, by 09.15am on 1<sup>st</sup> March, and by 08.00am on 1<sup>st</sup> April. These rear gardens would also have been overshadowed by the warehouse buildings which formerly stood on this site. I cannot accurately assess the likely difference between the impact of the former buildings and that of the proposal, but from aerial photographs of the site before the destruction of the warehouse buildings, it seems likely that in the case of Nos. 6-12, it would have been similar, while Nos. 14 and 16 might suffer overshadowing for slightly longer than they did when the warehouse was in place. The additional overshadowing created, however, would last for a relatively short period on any day, would only occur in the early morning, and would occur only in the winter, early spring and late autumn. I do not consider it a significant enough change from the former situation to refuse the application.

### Privacy

- 8.22 The only location on the proposed development where there could be any issue of overlooking is the extreme north-west corner, where there are two bedroom windows and a bathroom window in one of the two dwellings proposed. These windows would face towards the rear of No. 16 Vinery Road. However, the nearest window would be 29m from the rear elevation of No. 16, the windows would be at an angle, and would be within 700mm deep recesses. There is considerable mutual overlooking of rear gardens in this row of houses already. I recognize that the limited screening impact of the proposed evergreen trees would take time to be established, but, even if the trees were to be ignored completely, I do not consider that the very restricted opportunity for overlooking from this point would provide a reason to refuse the application.

### Visual impact

- 8.23 The NW house section of the proposed building would reach 7m above ground level at 20m from the rear of the nearest house in Vinery Road (no.6). The prayer hall would reach 9m above ground at 23m from the nearest house (No. 12), and the dome would reach 16m above ground at 53m from the rear of No.12. The building would have a very significant presence from a viewpoint at the rear of these houses, but I do not consider that it would be unreasonably dominant or lead to an unacceptable sense of enclosure. The previous buildings on the site, which were, I believe, of a similar order of height (apart from the dome) presented totally blank and unarticulated elevations towards Vinery Road, were closer to the site boundary, and were not softened in any way by

landscaping. In terms of outlook, it is my view that the proposal represents a very significant improvement from the viewpoint of neighbouring occupiers when compared to the former warehouse buildings.

### Noise

- 8.24 Representations express concerns about noise from activities at the proposed mosque. I agree with the recommendation of the environmental health department that a condition is necessary to ensure that the building includes a sufficient level of noise insulation to prevent unacceptable impacts on neighbours from activities inside.
- 8.25 I accept that at prayer times, the volume of people arriving and leaving the mosque would create noise, particularly from conversation. I am of the view, however, that the period of this noise would be relatively short-lived, and that the size of the proposed portico, Islamic garden and community garden are such that this level of activity can be absorbed without an unacceptable noise impact for occupiers on the south side of Mill Road.
- 8.26 In my opinion the proposal adequately respects the residential amenity of its neighbours and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Refuse Arrangements**

- 8.27 Space is provided for six large waste bins in the area between the kitchen and the car park ramp. This is an appropriate location visually, but it is a significant distance from the street. I concur with the Waste Strategy Manager's view that a condition is necessary, to ensure that an appropriate regime is put in place for taking bins to the collection point, and, even more importantly, retrieving them in a timely manner.
- 8.28 In my opinion, subject to such a condition, the proposal is compliant in respect of waste storage with Cambridge Local Plan (2006) policy 3/12.

### **Highway Safety**

- 8.29 I acknowledge that Mill Road carries a heavy volume of motor vehicle and cycle traffic. However, the access point proposed here is identical to that used for the former warehouse, which created a considerable volume of vehicle movements in and out across six days of the week. I do not consider that the proposal poses a significant threat to highway safety, and the highway authority has not raised concerns in this respect.
- 8.30 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

## Car and Cycle Parking

### Car Parking

- 8.31 The Council's car parking standards for places of worship outside the Controlled Parking Zone are expressed in relationship to seats. A mosque does not have seats, but if the stated ratio of car parking spaces to seats were applied to the 700-800 people expected normally to attend prayers, the maximum level of car parking spaces permitted under the standards would be 87-100. The application proposes a total of 80 car parking spaces, all within the basement. The applicants' own surveys suggest that only 10% of those currently attending prayers at the Mawson Road mosque travel to the site as car drivers. The application asserts that this proportion is likely to be maintained and that the 80 spaces would therefore cater for an attendance of 800 people, which is at the upper end of the range expected normally for prayers.
- 8.32 This 10% figure is questioned in representations received, where the impact of the proposal on on-street car parking spaces is overwhelmingly the major, and in some cases the only, objection to the development. Many respondents are of the view that a much higher proportion of users will travel by car, and that the pressure on on-street car parking spaces will be severely problematic.
- 8.33 I recognize the widespread nature of this concern, and its genuine basis. The future pattern of travel to the mosque can only be approximately estimated. However, in my view, the level of car parking proposed is acceptable, and despite the views expressed in representations, I do not consider this a reason to refuse the application. My reasons for this are as follows.
- 8.34 The City Council's Standards are expressed as maximum levels. The proposed level of car parking is close to, although below, the maximum level permitted by the standards. The Standards are expressed as maximum levels on the basis that the provision of higher levels of car parking, especially in non-domestic buildings, does not lead to satiation of demand, but rather encourages more users of the building to travel by car, increasing both congestion and carbon emissions.
- 8.35 I do not accept the view that a higher percentage of users would inevitably drive to a mosque on this site. Even though this site is further from the city centre, it remains a sustainable location, and, given the volume of traffic on Mill Road and the existing pressure on car parking space which are referred to in many representations, cycling or walking would remain very attractive options for most users of the mosque coming from the east or the centre of the city. I consider it reasonable to suppose that this proportion would be maintained, and could be reduced. The submitted Framework Travel Plan aims to reduce the proportion of car driver travel to 6% mainly by increasing the proportion of car passenger travel and bus travel. In my view this is realistic, but a condition is necessary to ensure agreement on a final Travel Plan, which should include the proposed

shuttle bus scheme and measures to promote car sharing. At 6% of travel by car drivers, the 80 car parking spaces would cater for an attendance of 1330 people.

- 8.36 Representations suggest that much higher levels of car use for the mosque would be experienced because it is intended to serve a regional or national role. I do not consider that there is any evidence for this, and while it might be convenient for some users if the proposed shuttle bus linked with the station, I do not think there is a justification to require this.
- 8.37 The major point of demand by mosque users for parking space off-site, if such demand is created, would be in the middle of the day. This does not coincide with the peak periods of demand from residents, which are in the evenings and at weekends.
- 8.38 Requiring additional car parking space on-site for this development, would ultimately have no significant impact on the overall pressure on car parking space in this part of the ward, which arises from the dense grain of residential development, levels of car ownership, and pressure from commuter travel into Cambridge. Residents-only car parking schemes can have some impact on this conflict, but requiring additional car parking space on-site in new non-residential developments is not likely to.
- 8.39 I acknowledge, as does the application itself, that on a handful of occasions in the period of Ramadan and Eid, levels of car use for travel to the mosque are likely to be significantly in excess of what can be accommodated by the on-site car parking proposed. I accept that on these occasions, some inconvenience is likely to be caused to residents and businesses in the area. Given the infrequent nature of such events, I do not consider that refusal of the application would be justified on this basis.
- 8.40 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/10.

#### Cycle Parking

- 8.41 The public areas of the proposed mosque have the following approximate floorspace areas:

prayer hall	1024m <sup>2</sup>
atrium	120m <sup>2</sup>
café	225m <sup>2</sup>
portico	279m <sup>2</sup>
teaching area	112m <sup>2</sup>
central lobby	45m <sup>2</sup>

- 8.42 The combined floor area of these spaces is 1805m<sup>2</sup>. The City Council's Cycle Parking Standards require one cycle parking space for each 15m<sup>2</sup> of public floorspace in a place of worship. The requirement for this proposal would therefore be 120 spaces.

- 8.43 The application states that the proposal includes 151 cycle parking spaces, 116 above ground, at the front, side and rear of the building, and 35 in the basement. The application drawings, however are confusing in this respect, in that with the exception of the spaces shown at the front of the building, the cycle parking spaces appear to be too close together to meet the standards, and the stands or hoops do not appear to comply with the requirements. A more satisfactory detailed layout of the cycle parking spaces is required in order to ensure satisfactory provision is made. However, I am confident that there is space on the application site to provide an adequate number of compliant spaces, and in my view this issue can be addressed by condition.
- 8.44 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policy 8/6.

### **Public Art**

- 8.45 The proposal includes a considerable number of components which have an artistic or similar aspect to their design. The applicants have specified eight elements involving input of an artist or artists which they propose as a public art contribution. These elements are the entrance gates and railings, the two fountains, timber screens in the prayer hall, the interior of the dome, stained-glass windows, the mihrab and the minbar. The cost of the artistic component of these elements, above and beyond their base construction costs, is equal to 1.2% of total construction costs.
- 8.46 In common with the Public Art Co-ordinator, I welcome the detailed budgetary information provided in this submission, and I support the principle of the public art proposal. The Co-ordinator remains anxious however that not all of these elements have been demonstrated to be truly public, and that the precise extent and nature of the artist(s) involvement in all these elements has not yet been made clear. I accept this advice, and I also accept her advice that these matters can be resolved through a revised Public Art Delivery Plan which can be secured through 106 agreement.
- 8.47 In my opinion the 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**

- 8.48 I have addressed the majority of the issues raised in representations in the paragraphs above. A number of points remain, which I cover here.
- 8.49 A number of representations pose objections to a mosque in principle on cultural or political grounds. I do not accept the validity of these arguments, and in my view they do not form planning grounds for refusal of the application.

- 8.50 It is suggested that a number of smaller mosques would be a preferable solution. No such proposal has been made, however, and there is no requirement in development plan policy or national guidance to test this application against such an alternative.
- 8.51 It is also suggested that the café is a food outlet which is not needed. The café is in my view ancillary to the main use, and in my opinion, it does not fall to be considered under policy 6/10 of the local plan which covers food and drink outlets.
- 8.52 A number of representations express anxiety that the respondents may feel intimidated by the volume of users entering and particularly leaving the mosque at busy times. I acknowledge that some members of the public may feel this, but in my view this is a potential difficulty with any activity which draws a large number of people to a site, be it commercial, educational, or sporting. I do not consider it to be a reason for refusal.
- 8.53 The environmental health team have not raised air quality as an issue on this site. Disruption from construction is a matter which can be ameliorated by appropriate conditions. Boundary maintenance is a civil matter between the adjoining landowners.

### **Planning Obligations**

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

### **Public Art**

- 8.56 The development is required to make provision for public art. The applicants have submitted a Public Art Delivery Plan and have supplemented this with information on public art elements and budgets. Officers have recommended as set out in paragraphs 8.49 to 8.52 above that the proposals are broadly welcomed, but that further work is necessary to clarify the details.

- 8.57 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

- 8.58 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

- 8.59 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 I recognize the widespread and genuine concern about the impact of this development in the immediate area, which focuses especially on the issue of car parking. I am of the view that the impact will be less than many of the respondents fear, and that a robust Travel Plan would help to minimise the potential problems. I am also of the view that the pressure on on-street car parking cannot be eliminated or reduced by preventing development of this sort. I am of the view that any congestion and disruption which does occur will be short-lived, and at a level which is acceptable.
- 9.2 In my view this proposal is a high-quality design, which will enhance the character of the area, and provide a new community facility for which there is an evident and pressing need.

### **10.0 RECOMMENDATION**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 30<sup>th</sup> October 2012 and subject to the following conditions and reasons for approval:**

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

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



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

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

3. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

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. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

- i) contractors access arrangements for vehicles, plant and personnel,
- ii) contractors site storage area/compound,
- iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

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

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

6. No work shall start on site (including clearance, excavation or delivery of plant or materials) until a traffic management plan for the period of construction has been submitted to and approved in writing by the local planning authority. Construction shall take place only in accordance with the approved details.

Reason: To ensure highway safety and to minimise inconvenience to other highway users. (Cambridge Local Plan 2006 policies 3/4 and 8/2)

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 neighbours. (Cambridge Local Plan (2006) policies 4/13 and 6/10)

8. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), the applicant shall submit a report in writing, regarding the demolition / 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 'Noise and Vibration Control On Construction and Open Sites', especially Part 1: 1997 'Code Of Practice (COP) for basic information and procedures for noise and vibration control', Part 2: 'Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance' and Part 4: 'COP for noise and vibration control applicable to piling operations', (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

9. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 : Part 4: 'COP for noise and vibration control applicable to piling operations', 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. Consent for piling will only be granted where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

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

Reason: To protect the amenity of neighbours and highway users, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4, 4/13 and 8/2)

11. Confirmation or not that an on site concrete crusher will be used during the demolition stage will be required. If not, confirmation of an appropriate alternative procedure that will be used will be required.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

12. No development shall take place until details of site lighting during the construction period have been submitted to and approved in writing by the local planning authority. Lighting shall be installed only according to the agreed details.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

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

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

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

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

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

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

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

Reason: To avoid adverse effects of pollution. (Cambridge Local Plan (2006) policy 4/13)

14. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

15. No development shall take place until a scheme for the provision and implementation of pollution control to the water environment has been submitted to, and approved in writing by, the local planning authority. The scheme shall be constructed and completed according to the approved plans.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

16. No development shall take place until a scheme for the provision and implementation of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be constructed and completed according to the approved plans.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

17. No development shall take place until a scheme for the provision and implementation of surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be constructed and completed according to the approved plans.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

18. Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

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

19. 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)

20. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. The submission shall provide full details of the arrangements to allow for extensive root growth of trees within the public highway.

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

21. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

22. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

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

23. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

24. Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11 and 4/15)

25. Notwithstanding the approved drawings, the mosque shall not be brought into use until gates at the east and west sides of the building have been installed, in accordance with details previously approved by the local planning authority, to ensure security for the rear of the site.

Reason: To ensure a safe living and working environment and avoid the threat of crime. (Cambridge Local Plan 2006 policy 3/7)

26. Notwithstanding the approved drawings, the mosque shall not be brought into use until an amended layout for the footpath on the west side of the building, allowing space for two people wheeling cycles to pass each other has been implemented in accordance with details previously submitted to and approved in writing by the local planning authority. The revised footpath layout shall be maintained in that form thereafter.

Reason: To ensure safe and convenient circulation around the site. (Cambridge Local Plan 2006 policies 3/7, 3/11 and 3/12)

27. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

28. The basement car park shall not be brought into use until the location and design of the means of controlling entry has been submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented before use of the mosque, and shall be maintained thereafter.

Reason: To ensure a safe living and working environment and to avoid the threat of crime. (Cambridge Local Plan 2006 policy 3/7)

29. The approved facilities for the storage of bicycles shall be provided in accordance with the approved details before use of the development commences and shall not be altered without the written agreement of the local planning authority.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

30. No occupation of the hotel shall take place until full details of the arrangements for the storage and collection of waste and recycling from the mosque have been submitted to, and approved in writing by the local planning authority. The arrangements shall be implemented prior to occupation, and shall not be changed except with the written approval of the local planning authority.

Reason: To ensure satisfactory waste storage. (Cambridge Local Plan (2006) policy 3/12)

31. No development shall take place until a Travel Plan for the hotel has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented and monitored according to the provisions approved by the local planning authority.

Reason: To avoid an unacceptable transport impact, and to increase sustainability, limit pollution, and mitigate any air quality impact of the development. (Cambridge Local Plan (2006) policies 3/1, 4/13, 4/14 and 8/2)

32. No development shall take place until full details (including ongoing maintenance schedules) of the selected renewable energy strategy have been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented prior to occupation, and shall be maintained in place thereafter.

Reason: To reduce carbon emissions (Cambridge Local Plan 2006 policy 8/16)

**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 30<sup>th</sup> October 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 art and monitoring, in accordance with Cambridge Local Plan 2006 policy 3/7, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Public Art Supplementary Planning Document 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.



## APPENDIX A

### Cambridge City Council Design & Conservation Panel

#### Notes of the relevant item at the meeting of Wednesday 6<sup>th</sup> July 2011

##### Present:

Terry Gilbert	RTPI (Acting Chair)
Russell Davies	RTPI
Slavica Mirovic	RIBA
Carolyn Gohler	Cambridge PPF
Jon Harris	Co-opted member

##### Officers:

Jonathan Hurst	City Council
Susan Smith	City Council
Matthew Paul	City Council
Charlotte Jackson	City Council
Guy Belcher	City Council

##### Observing:

Cllr John Hipkin	City Council
Cllr Lewis Herbert	City Council
Cllr Damien Tunnacliffe	City Council

#### Presentation – Mill Road Mosque

The pre-application proposal for a new mosque on the former Robert Sayles warehouse site, 309-313 Mill Road. The intention is to design a mosque, which is a spiritual and cultural asset for Cambridge and incorporates local references. The design provides for a prayer hall, foyer, refectory and kitchen, teaching area, office, library and bookshop, toilets, residential accommodation, mortuary, undercroft car parking for 86 cars (including 5 disabled spaces), and landscaped gardens. A public meeting is to be held on September 8<sup>th</sup> in Romsey as part of the pre-submission consultation process. Presentation by David Marks and Heena Mistry of Marks Barfield Architects, with Rob Hopwood of Bidwells.

The Panel's comments on the scheme proposals at this formative stage in the planning process are as follows:

- Cycle parking. The Panel would urge that more secure cycle parking spaces be provided on site.
- Boundary treatments – the boundary gate and ramp to the undercroft parking. It is proposed that the mosque garden will share a common boundary with the Romsey Community Garden. Whilst the Panel would have liked to have seen detailed proposals for this interface, it is recognised that treated sensitively, there is an opportunity to visually assimilate such landscaped spaces, and in so doing, contribute to the

design aim for visitors to experience a gradual transition from public to more private space. Also, it is suggested that the appearance of the ramp to the undercroft parking could be enhanced by the incorporation of soft landscaping.

- Materials. The Panel were comfortable with the choice of Cambridge Gault brick but would stress that the detailing (particularly of the roof) needs further development.
- Cypress trees. It was noted that such trees will need to be protected against wind damage and carefully maintained so as to sustain their contribution to the integrity of the entrance garden. The landscape architecture as a whole is in need of development.
- Sustainability. The Panel hopes that the design intent for this scheme to set a new benchmark of sustainability for mosques will be deliverable.
- Green roofs. The Panel welcome the inclusion of green roofs.

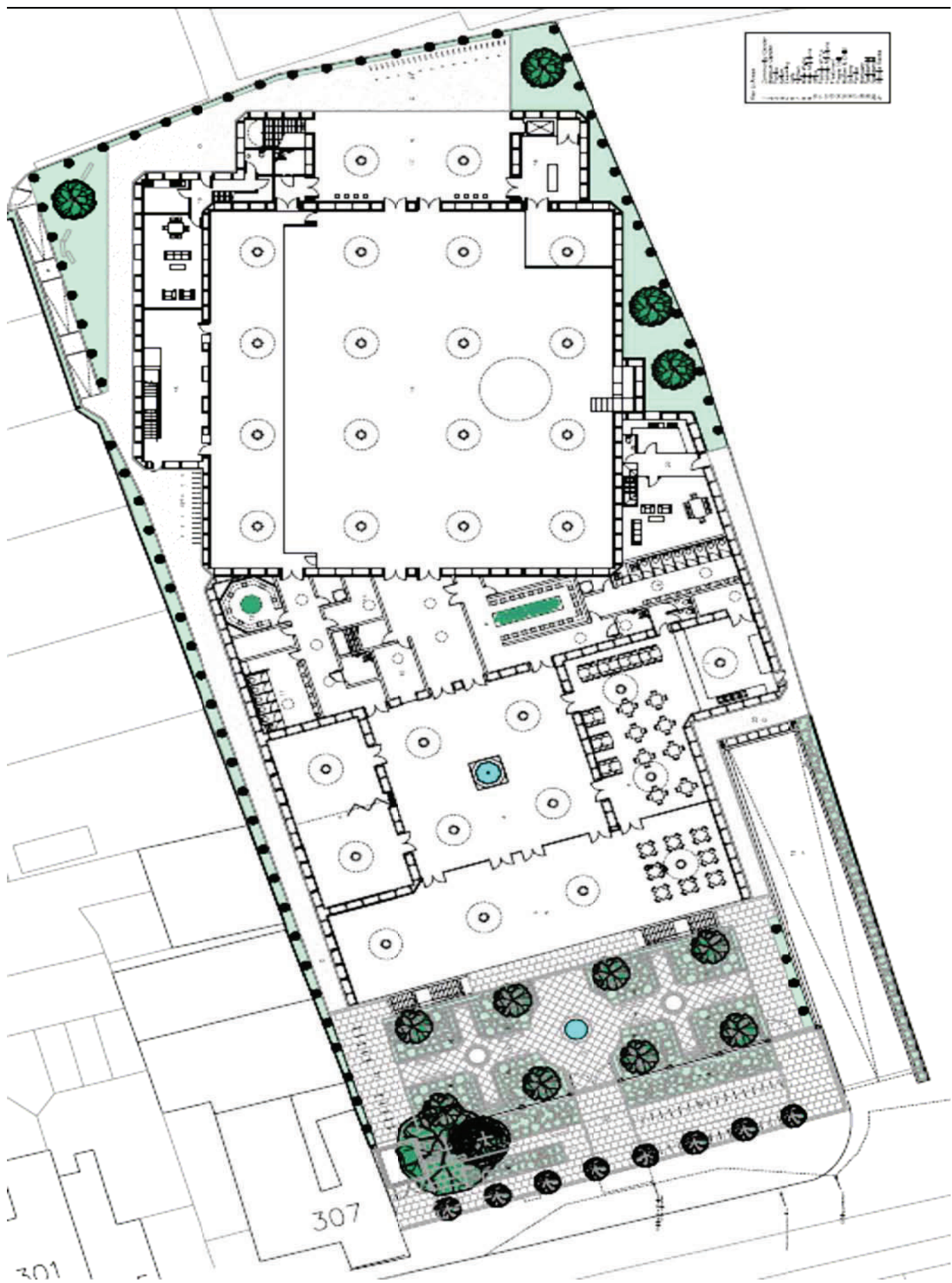
### **Conclusion**

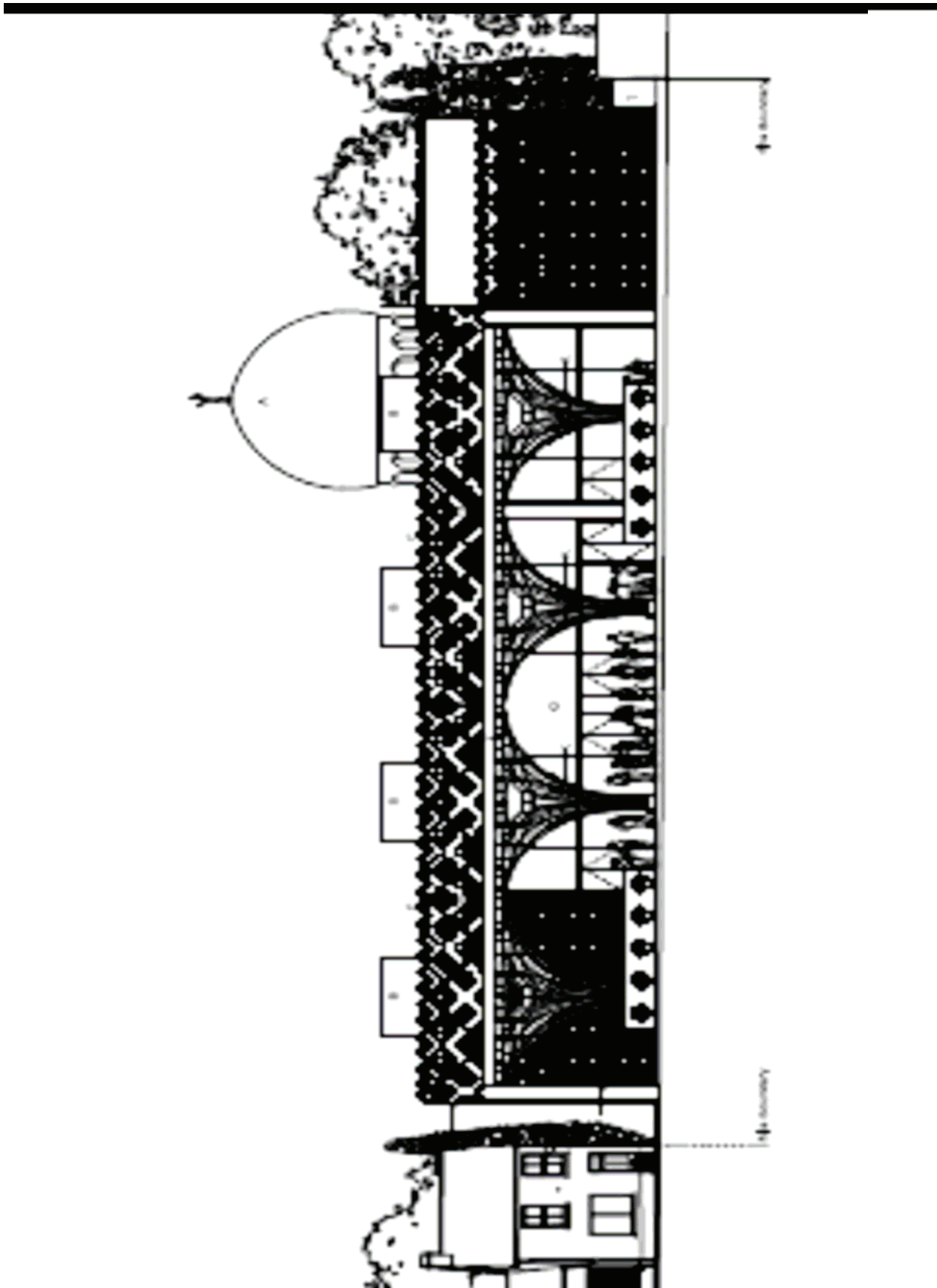
This is an exciting contemporary architectural proposal. The design team are to be complimented for their thoughtful and scholarly approach in the development of the scheme. Design features such as the gradual transition through a garden, a vestibule, and an atrium, into the main prayer hall; the overall building geometry, certain structural elements e.g. the laminated wood 'tree' columns, and the embedded artwork are noteworthy.

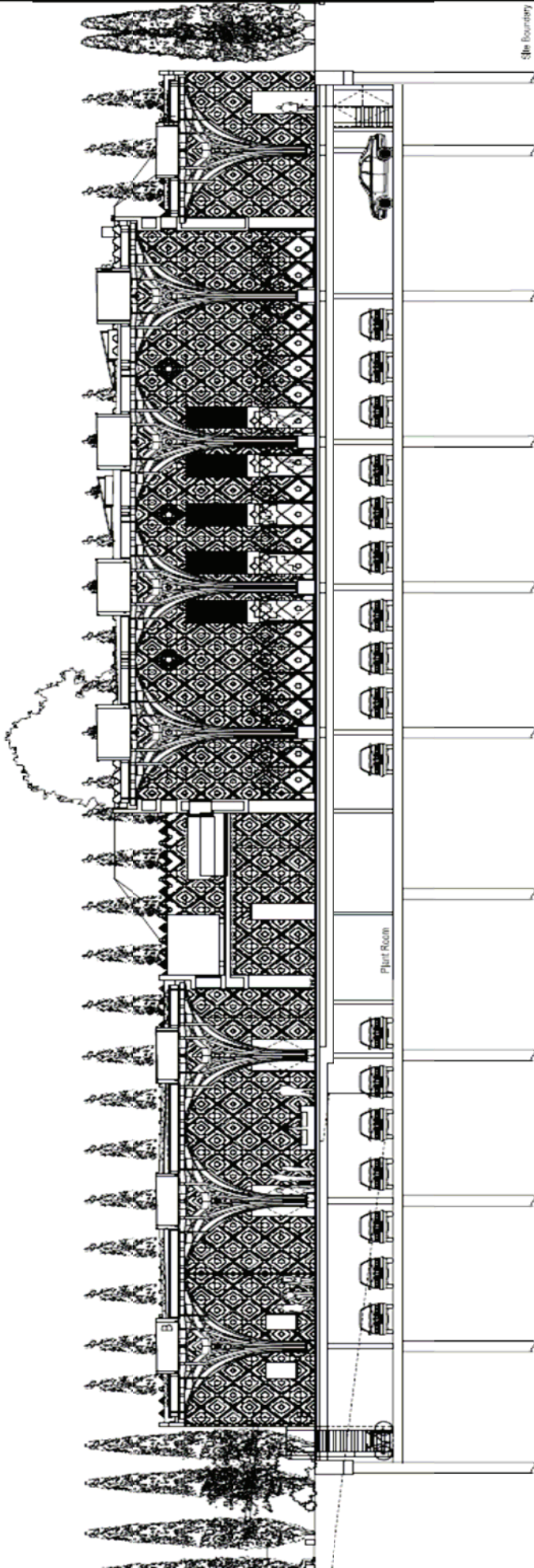
It is hoped that sufficient resources will be available to deliver a build of the quality proposed. The Panel would also urge that dialogue be maintained with the owners of the neighbouring vacant plot in the interests of securing its redevelopment.,

### **VERDICT – GREEN**

**(Unanimous, but subject to the caveats as described above.)**







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<b>Application Number</b>	12/0705/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	6th June 2012	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	5th September 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 eleven dwellings) and a retail unit (with 2 bedroom flat above) following demolition of Numbers 169 and 171 High Street, Chesterton.		
<b>Applicant</b>	Mr N Cook And Mr D Brown		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The development would result in the loss of a restaurant which is not a community facility protected by Local Plan policy, or paragraph 70 of the NPPF.</li> <li>2. This amended 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>3. The impact upon neighbouring residential gardens is not considered to result in significant harm; either overshadowing or a harmful sense of enclosure.</li> </ol>
RECOMMENDATION	APPROVAL

## **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 to address the previous primary reason for refusal relating to the principle of the development through an additional written submission. In terms of design and layout, the scheme is very similar to 12/0086/FUL, with the exception of minor changes. Committee did not refuse the previous application on design grounds.
- 2.2 This amended 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.



- 2.3 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.
- 2.4 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.
- 2.5 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.

### **Minor Changes to Design and layout**

The window openings have privacy hood screens to units 6, 7, 8, and 10.

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

Minor alteration to the refuse and cycle store serving the flat 1A.

- 2.6 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

### 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
12/0086/FUL	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.	Refused

Application **12/0086/FUL** was refused for the following reasons:

1. The proposal would lead to the loss of a mixed-use restaurant/public house within a prominent location in Chesterton High Street local centre. In the absence of any compelling argument that the premises could no longer cater for peoples day to day needs as a community facility for the foreseeable future, the application is contrary to paragraph 70 of the National Planning Policy Framework (2012).
2. The proposed development does not make appropriate provision for public open space, community development facilities, pre school 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.

I have attached 3 appeal decisions as **APPENDIX A** which I have referred to in the body of the report.

**Table 1: Analysis of Recent public house decisions**

<b>Public House</b>	<b>Decision</b>	<b>To note</b>
The Grove	Approved	Loss of Public House allowed by members of North Area Committee. Community use to occupy building.
The Unicorn	Delegated Refusal, appeal dismissed	Lawful A4 public house use, attractive building, Council should safe guard loss through marketing.
The Carpenters Arms	Committee refusal, appeal dismissed	Lawful A4 public house use, modest size of the building lends itself to serve local community. It would not reduce the community's ability to meet its day to day needs but would result in the loss of a facility of value to it.
The Royal Standard	Committee Refusal, current appeal	Former public house last used as a restaurant. Not in restaurant use as long as Saigon City.
Rosemary Branch	Officer recommendation refusal	Lawful A4 public house use. Council seeking to safeguard against its loss.

#### 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 2003	P6/1 P9/8 P9/9
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 Circular 3/2005 Change of Use of Buildings and Land 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 information relating to trip generation is sufficient to confirm that the level of development would not trigger ECATP payments.

In its current form the access and internal street is not acceptable to the Highway Authority for adoption and so would remain a private street. Please confirm that the applicant accepts this.

For adoption by the Highway Authority as highways maintainable at the public expense carriageways would need to be 6 metres wide and also need to provide a half metre wide maintenance strip on each side (a total of 7.0 metres). The access would require radii at the junction of at least 6 metres, together with 1.8 metre wide footways which should enter the site so that pedestrians are not mixed with vehicular traffic in the junction. The entrance should be kerbed for the level of use proposed. Car parking bays must not overhang the highway and must provide adequate space clear of the highway. The site would need a Traffic Regulation Order to manage the Highway, and the Developer would need to fund the process of implementing the order. If the layout is suitably amended and offered for adoption this should be brought to the attention of the applicant and arrangements put in place to inform future residents that such a restriction would affect their future enjoyment of the site.

## **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 No objections.

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

- 6.8 It is important to point out that the neighbouring trees will cast considerable shade on the gardens of units 5-8 and space to plant new trees on site is minimal. One new small species tree is proposed on the western boundary (out of sight of much of the development) and another small specie tree is proposed along the access road. There is also very little space for any other planting in publicly viewed areas.

Should permission be granted for this application, we would require details of the wall and fence foundations within the RPA's to avoid root damage in line with the AIA. The AIA urges that there should be advice from a structural engineer regarding the proposed foundations for the dwellings adjacent to the neighbouring trees should the ground conditions prove that the development is on shrinkable clays. We would support this approach.

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:

119 High Street  
123 High Street  
125 High Street  
161 High Street

163 High Street  
177 High Street  
10 Grayling Close  
7A Thrifts Walk

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.
- The loss of public houses should not be allowed by the back door when their restaurant activity becomes significant.
- The building is in a commanding position and serves as an anchor for the community.
- The site could be used for varied retail premises.
- The second application is the same, so the objection should stand.
- The bar area comprised approximately half of the public space.
- Outside seating was provided for drinking rather than eating.
- The overall setup was similar to in nature to other local pubs that have a separate seating area with table service.
- The takeaway service was an additional service to the village.
- The takeaway service made up in part for the loss of the Chinese restaurant at number 180 High Street Chesterton.
- The rent was set by COEL who may not necessarily be interested in allowing a profitable business.
- The application states that the ultimate reason for finishing the business was the fact that family members were moving away, which is specific to the tenants, not the premises itself.
- It is the owners responsibility to maintain the building not the tenants.

*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*

- Strong objection from number 163 High Street regarding overlooking.
- The development will overlook the rear windows and gardens 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 and cycle parking*

- Car parking in Grayling Close and elsewhere is already at saturation point.
- Cycle parking is inadequate.
- Some of the bus service information supplied is out of date.

### **7.3 Old Chesterton Residents Association**

The representation is summarised as follows:

- Strongly object to the loss of another pub in Chesterton.
- The applicant claims that the lawful use of the premises is A3 which is incorrect in fact and law and an error made by the planning officer.
- The pub has a public bar which has operated continuously during the period during which the Dog and Pheasant was known as the Golden Pheasant and later the Saigon City.
- The application does not meet the criteria of the Council's Draft Interim Planning Policy Guidance.
- If the Penny Ferry, the Haymakers and the Saigon City reopen Chesterton will still be short of one establishment per 750 residents as recommended in the IPPG.
- The premises was only unviable on the previous business model.
- Development within the Local Centre should retain the same number of retail outlets.

- The demolition of number 169 High Street would result in the loss of an attractive landmark building.
- Car parking inadequate.
- The orientation of the semi's will create overlooking.
- Restricted garden space is totally out of keeping.
- Solar panels likely to be ramshackle and unattractive.

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

- Object. Contrary to NPPF paragraph 70.
- Several other pubs in the area have been lost. In the right hands the pub could be a successful business.
- Proposal contravenes local plan policy 5/11.

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

- Object.
- The number of pubs in this area of Cambridge has declined sharply.
- Local population is rising.
- The traditional design and location on the High Street has potential for it to return as a public house.
- The pub was reorganised primarily as a restaurant with a small, little used bar area.
- The Dog and Pheasant should never have ceased to be primarily a pub.
- This scheme would prevent East Chesterton from regaining its community pub.

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 previous application was refused solely on the basis of the loss of a mixed-use restaurant/public house, within the Chesterton Local Centre. I discuss below the reasons why the principle of redevelopment acceptable is still considered acceptable by officers.
- 8.3 Paragraph 70 of the National Planning Policy Framework (NPPF) states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The use of the premises is a restaurant, which is not specifically mentioned as a social or cultural facility within the NPPF. While public houses are specifically mentioned in the list of potential community facilities, restaurants are absent. Restaurants were also absent from previous guidance in PPS4 which was superseded by the NPPF. Local Plan policy 6/7 protects A1 retail, but uses falling within A3 restaurants and cafes or indeed A5 uses (hot food takeaway), are not afforded protection. In other areas of the City, for example Mill Road, the proliferation of A3 and A5 uses undermines the primary objective of maintaining the shopping offer of centres. In my view the protection of restaurant uses cannot reasonably be justified under the framework of the NPPF paragraph 70.
- 8.4 The City Council has commissioned a Public House Study to review market trends in the pub industry, including a comparison of Cambridge with a number of other historic university towns and cities. The study audited the existing pub provision in Cambridge to assess the characteristics of each pub and the type of market it focussed on, followed by an assessment of the local pub market. The study included a review of national and local planning policy and decisions in relation to proposals for the change of use or redevelopment of pubs followed by recommendations for draft interim and long

term planning policy guidance. The Interim Planning Policy Guidance (IPPG) on the Protection of Public Houses in the City of Cambridge has been out to consultation and Policy Officers are currently addressing the responses received. The IPPG is due to be considered by the Development Plan Scrutiny Sub-Committee on 11 September 2012 and then by the Environment Scrutiny Committee on 9 October 2012. The IPPG should not be afforded overriding weight until it has been adopted by the Environment Scrutiny Committee, but it should be given some weight in the decision making process.

- 8.5 The premises is listed as the 'Golden Pheasant' within the draft IPPG and is categorised as a pub site providing an important local community facility in 'suburban areas'. In my view the premises should not be contained on this list because it is a restaurant, which is explained in more detail below.

Primary A3 restaurant use of the premises

- 8.6 The acceptability of this revised application turns on the lawful use of the premises.
- 8.7 The Council determined within its reason for refusal of 12/0086/FUL that the premises was previously a 'mixed use restaurant/public house'. The applicant is firmly of the view that the premises has a lawful A3 use (restaurants and cafes), with a secondary, ancillary A4 public bar function. The addendum statement submitted in support of the application argues that there is no question that the premises is not in A3 use. Comments received from residents suggest that the premises devoted approximately half of its floorspace to public house use, with outside seating for visitors using the premises as a pub.
- 8.8 Planning Circular 3/2005 sets out that the primary use of the land must be first considered in determining whether there has been a material change of use of land. In the case of restaurant uses regard should be had not just to floorspace given over to that use, but whether customers come primarily to eat, drink or both. In addition, in the case of A4 public house premises, consideration of whether there is any obligation or expectation for customers to consume a meal and whether the premises has a public house license.

- 8.9 The applicant has submitted a statutory declaration from the previous tenants that the majority of customers visited the Saigon City to eat. While customers came to the premises to drink, this was in small numbers. The overall footprint of the bar area totaled 15 sq m compared with 39 sq m in restaurant use. The licensing of the premises included permission to serve alcohol until 00:30 and 01:30 at the weekends. The premises also had a license for live and recorded music. The outside seating was included in the license for late night refreshment as well as alcohol. This arrangement is consistent with the licensing requirements for all restaurants and does not in itself indicate a significant A4 element.
- 8.10 The A4 public house element of the business was clearly an ancillary use. The Saigon City also offered hot food takeaway (use class A5), but this was still an ancillary part of the main A3 use. In my view it cannot reasonably be argued that the primary use of the premises was anything other than a restaurant. The evidence that this is a mixed use rather than a primary A3 use with ancillary activities is inconclusive.
- 8.11 I do not consider it reasonable to retrospectively protect the use of premises which ceased over 10 years ago. I do appreciate that in some cases the differences between pub and restaurant uses may be unclear. Clearly the food offer of a public house may be an important part of its overall business. But this is not the case here where the use of the Saigon City has clearly shifted to an A3 restaurant use for such a long period of time, over 10 years.

#### Recent public house decisions

- 8.12 Since the previous refusal the Council has received two relevant appeal decisions relating to the loss of public houses. The Carpenters Arms, Victoria Road and The Unicorn, Cherry Hinton. In addition, an application for change of use of The Plough in Shepreth in South Cambridge District Council, is also relevant to this application. I have listed the recent status of applications involving the loss of public houses in **table 1**, in the history section.
- 8.13 I recognise that the Plough in Shepreth decision has some common characteristics with the application site. In this case the Inspector determined that notwithstanding the premises was

currently in restaurant use, regard should be had to the potential contribution to the social amenity of the village. Notwithstanding the decision to dismiss the appeal, the conclusions overall do not offer compelling support which can be directly applied to the Saigon City in Chesterton. This is because of the size and location of Shepreth, and its limited range of facilities, as discussed further below.

- 8.14 The decision was a ‘finely balanced’ case. The deliberations of the Inspector set out in paragraph 41 cannot reasonably be applied to the application site. The key difference is the fact that the Plough is situated in a rural village location whereby ‘the loss of even a potential facility takes on a particular significance’. Chesterton is relatively well served with shops and services (24 units in total) as set out in the Council’s 2008 retail study (Cambridge Sub Regional Retail Study 2008). It is also close to the City centre and other local centres. Furthermore, there are three potential public houses in the neighbourhood which can serve current and future need, the Green Dragon, The Haymakers (currently vacant) and potentially the Penny Ferry (recently refused permission for demolition). The village of Shepreth in contrast would have been left with no public house in the village (Green Man is peripheral on a busy trunk road) and with minimal shops and services.
- 8.15 The 2 other appeal decisions received in Cambridge City at the Carpenters Arms and the Unicorn, Cherry Hinton, directly relate to premises last trading as public houses. The Carpenters Arms decision gives some weight to Local Plan policy 5/11, Protection of Community Facilities but principally reaffirms the significant weight which should be placed on the NPPF. The Carpenters Arms and the Unicorn in terms of their character and site context would be more suitable for community use. In contrast, the site at 169 to 173 High Street is mainly an extensive rear gravel area, and its redevelopment would make a significant local contribution of homes suitable for family occupation. The NPPF must be considered overall, whereby the provision of housing in sustainable locations is a core principle, which is also reflected in policy 5/1 of the Cambridge Local Plan 2006.
- 8.16 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.

8.17 This site is formed from the restaurant 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.

8.18 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.

8.19 In summary, notwithstanding the representations received, it is considered that there is no overriding policy basis for resisting the loss of the restaurant in principle. The presence and frontage of the existing restaurant is not considered to significantly contribute to the character and appearance of the High Street, such that a replacement scheme could not make an equal contribution. Given the long established 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. 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**

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

### Frontage to the High Street

- 8.21 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.
- 8.22 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

- 8.23 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.
- 8.24 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.

- 8.25 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

- 8.26 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.
- 8.27 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.

8.28 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.

8.29 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.

8.30 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

8.31 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.

8.32 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.

- 8.33 The amended plans received give an improved outlook and general standard of amenity to plots 6, 7, 8 and 10.
- 8.34 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**

- 8.35 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.
- 8.36 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**

- 8.37 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**

- 8.38 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

- 8.39 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.
- 8.40 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

- 8.41 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.
- 8.42 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**

- 8.43 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**

- 8.44 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**

- 8.45 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**

- 8.46 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

8.47 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.

8.48 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:

Outdoor sports facilities					
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
Total					5950

Indoor sports facilities					
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
Total					9933

Informal open space					
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
Total					8954

Provision for children and teenagers					
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
Total					11692

8.49 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

- 8.50 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:

Community facilities			
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
Total			21332

- 8.51 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

- 8.52 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:



Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	11	825
Flat	150	1	150
Total			975

8.53 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

8.54 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.

8.55 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.

Pre-school education					
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
Total					9720

<u>Life-long learning</u>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+- beds	2		160	12	1920
Total					1920

8.56 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

8.57 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.

8.58 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

8.59 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

8.60 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.  
recommended.

APPROVAL is

## 10.0 RECOMMENDATION

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 1 October 2012 and subject to the following conditions and reasons for approval:**

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

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

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

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

3. 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.



1A	2 Bedroom Flat (Flat Plus)
2	4 Bedroom House (3 Storey)
3	4 Bedroom House (3 Storey)
4	4 Bedroom House (3 Storey)

5	3 Bedroom Town House (3 Storey)
6	3 Bedroom Town House (3 Storey)
7	3 Bedroom Town House (3 Storey)
8	2 Bedroom Town House (2 Storey)
9	3 Bedroom Town House (3 Storey)
10	3 Bedroom Town House (3 Storey)
11	3 Bedroom Town House (3 Storey)
12	3 Bedroom Town House (3 Storey)



Planning	
11	Use for not more than 1000 sqm
12	Use for not more than 1000 sqm
13	Use for not more than 1000 sqm
14	Use for not more than 1000 sqm
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50	Use for not more than 1000 sqm



Planning	
1. Review/Revisions:	(1/20/12) 00
2. Update and Review/Revisions:	(1/20/12) 00
3. Review/Revisions:	(1/20/12) 00



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# Appeal Decision

Hearing held on 18 April 2012  
Site visit made on the same day

**by Isobel McCretton BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 June 2012**

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**Appeal Ref: APP/Q0505/A/11/2167572**

**The Unicorn, 15 High Street, Cherry Hinton, Cambridge CB1 9HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Greene King Retailing Ltd against the decision of Cambridge City Council.
  - The application Ref. 11/1105/FUL, dated 14 September 2011, was refused by notice dated 14 December 2011.
  - The development proposed is change of use from public house to single dwellinghouse with access onto High Street.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the loss of the public house on the provision of local community facilities in the area.

## Reasons

3. The appeal site is located on the western side of High Street on an 'island' between High Street and Mill End Road. The appeal site comprises a 2-storey public house with an open plan main bar and central bar counter, and a single storey, flat-roofed extension containing a dining area, toilets, kitchen and store. The first floor is given over to ancillary residential accommodation which provides a 3-bedroom flat for the licensee. Outside there is a trade garden area surrounded by a brick wall, much of which is dominated by a mature ash tree located on the boundary with Mill End Road. To the north of the building is tarmacked area used for parking.
4. It is proposed to convert the property into a 4 bedroom dwelling. Part of the single storey extension would be demolished and the outside space would provide a garden/terrace, parking and turning area (accessed via a new crossover), cycle and bin store. The existing parking area would be enclosed by railings and planted. The Council takes no issue with the details of the design and layout and I have no reason to disagree.
5. Before its closure The Unicorn was operated as a tenanted public house under the support of the appellants. The appellants have made a considerable investment in recent years in both capital sums to refurbish the premises and in supporting licensees (e.g. with reduced/no rent), but successive tenants

- have failed to be able to make the business work. The pub ceased trading on 30 June 2011. The appellants cite factors such as changing drinking habits, heavily discounted alcohol in supermarkets, competing pressures on the leisure pound, increases in duty, increased costs of providing satellite TV and live sports, the smoking ban, and competition from other pub businesses as combining to undermine the viability of this and similar pubs.
6. The appellants own the other two pubs in the village: The Red Lion adjacent to the appeal site and The Robin Hood within walking distance on the edge of the village. They are both larger and offer much bigger dining, parking and garden/play space. The Robin Hood trades successfully under the 'Eating Inn' brand. The Robin Hood had experienced a significant decline in trade up to 2011 but saw better trade after the closure of the appeal premises. It has recently reopened after capital investment.
  7. The Council's reason for refusal was based on the advice in PPS4<sup>1</sup>. However this document was superseded in March 2012, shortly before the Hearing, by the National Planning Policy Framework (The Framework). Among other things, The Framework sets out that planning policies and decisions should plan positively for the provision and use of community facilities (including public houses) to enhance the sustainability of communities and residential environments; 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; and ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.
  8. The premises have not been marketed. The appellants argue that there is no policy requirement, either in the Local Plan or The Framework to do so, and that their efforts in recent years to support a succession of licensees have shown that the business is not a viable proposition. At the Hearing the Council acknowledged that, in response to concerns about number of pub closures in the area, it is carrying out background work to produce the evidence base for supplementary planning guidance as a basis for decision making on this issue, as was required by PPS4. As yet though, there is no such adopted policy.
  9. It is evident that a number of pubs in the District have suffered from the changes in the business which led to the closure of The Unicorn. However there has been no opportunity for this concern to be run by another company or as a non-tied operation. For instance, at the Hearing the representative from the local CAMRA branch suggested that these were the type of premises sought by microbreweries which are becoming increasingly popular. It is also a different type of establishment from the more dining/family oriented Red Lion and Robin Hood and, under different ownership, has the potential to offer local residents a wider choice of drinking establishment. Alternatively, I note that an assessment of the local centre<sup>2</sup> highlighted the fact that the village could benefit from some restaurant or café provision.
  10. The appellants argue that the fact that there were few objections to the proposed change of use indicates that the pub is not a valued facility or one which meets local residents' day to day needs. Nevertheless, the pub had been closed for several months before the application was made. The Framework is

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<sup>1</sup> Planning Policy Statement 4: Planning For Sustainable Economic Growth (2009) (PPS4).

<sup>2</sup> Cambridge Sub-Region Retail Study

concerned to 'deliver the social, recreational and cultural facilities and services the community needs' and 'to enhance the sustainability of communities and residential environments'. This is a settlement with a growing population and I consider that there needs to be clear evidence that the site is no longer suitable for social/community use before a change of use such as that proposed is considered.

11. The appeal property is in a prominent location on the High Street and, unlike The Robin Hood, is within the defined local centre. The lack of firm evidence that the premises are of no interest to any other operator is such that I consider that this would fail to guard against the unnecessary loss of the pub. Moreover there is nothing against which to judge whether it could be developed and modernised in a way which is sustainable and retained for the benefit of the community. In the absence of such information I consider that the requirements of The Framework are not met.
12. I conclude that the proposed development would result in the loss of a community facility for which there is no clearly substantiated evidence that there is no longer a need, contrary to the objectives of The Framework.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be dismissed.

*Isobel McCretton*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Aaron Smith BA(Hons) DipTP, MRTPI      Caldecotte Consultants

Richard Crewe-Read      Corporate Estate Manager, Greene King plc

### FOR THE LOCAL PLANNING AUTHORITY:

John Evans      Senior Planning Officer

Bruce Waller      Senior Planning Officer (Planning Policy)

### INTERESTED PERSONS:

Carolin Göhler      CEO Cambridge Past, Present and Future

Paul Ainsworth      CAMRA Cambridge and District Branch

Cllr Mark Ashton      City Councillor, Cherry Hinton

### DOCUMENTS SUBMITTED AT THE HEARING:

Document 1      Copies of Licences for The Unicorn and The Red Lion submitted by the appellant

Document 2      Suggested tree protection condition submitted by the Council

### DRAWINGS:

A1-8      Drawings submitted with the planning application (5442/00, 5442/03, 5442/04, 5442/05A, 5442/06A, 10265ea-01, 10265ea-02, 10265ea-03A)





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# Appeal Decision

Hearing held on 10 May 2012

Site visit made on 10 May 2012

**by Ian Radcliffe BSC (Hons) MCIEH DMS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 July 2012**

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**Appeal Ref: APP/Q0505/A/12/2168512**

**The Carpenters Arms Public House, 182-186 Victoria Road, Cambridge CB4 3DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Carr against the decision of Cambridge City Council.
  - The application Ref 11/1066/FUL, dated 9 September 2011, was refused by notice dated 25 November 2011.
  - The development proposed is the conversion of the Public House and letting rooms to residential apartments.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this appeal are
  - whether the proposal would result in the loss of a local facility important in sustaining the social life of the community; and, if it would, whether such a facility would be viable to operate; and,
  - the effect of the proposal on on-street parking provision.

## Reasons

### *Principle of development*

3. The Cambridge Local Plan (LP) was adopted in 2006. Policies 3/1 and 5/2 support the conversion of non residential buildings into self contained dwellings in order to make efficient use of land and assist in meeting the housing targets for the city.
4. The National Planning Policy Framework (the Framework) has recently come into force. The Framework at paragraph 70 advises that planning decisions should enhance the sustainability of communities by planning positively for community facilities, such as public houses, and guard against their unnecessary loss. However, LP policy 5/11, which seeks to prevent the loss of community facilities, fails to identify public houses as such a facility. The LP is therefore in conflict with the Framework. However, as the Framework is an important material consideration and a more recent publication than the LP, I attach significant weight to it. I shall therefore treat public houses as a community facility.

### *Value of the public house to the local community*

5. The Carpenters Arms is a 19<sup>th</sup> Century public house in a residential urban area of a similar era to the north of the city centre. Development is characterised

by terraced housing, some of which is in multiple occupation. This has resulted in a high density of development and comparatively high number of people living in a small area. The corner position of the public house means that it is in a prominent position within this close knit residential part of the city.

6. For a public house to provide a service to a local urban area it should be within a reasonable walking distance for the range of customers who are likely to use it. In my estimation, and based upon the guidance contained within the Urban Design Compendium, a public house could reasonably serve an area within a 5 to 10 minute walk (400m to 800m). On this basis there are 2 public houses to the west of the appeal site on Histon Road and 4 public houses to the east around the junction of Victoria, Chesterton and Milton Roads within a reasonable walking distance. Nevertheless, by virtue of their larger size or location close to the city centre and its tourist attractions these establishments do not have the same character as the Carpenters Arms, which by virtue of its location, minimal off road parking and modest size is aimed at serving the local community. Whilst the loss of this public house would therefore not reduce the local community's ability to meet its day to day needs it would result in the loss of a facility of value to it.

#### *Viability*

7. The Carpenters Arms has been a local facility of service to the community for well over 100 years until it closed relatively recently. When the public house was trading it was tenanted. The appellant stated that the last 3 landlords of the public house over the last decade or so were unable to operate the business at a profit. This supports the view that whilst it has been a valued local facility it has struggled in recent years.
8. I saw evidence in terms of a new bar that some investment in the building had been made by the former owners Punch Taverns. Nevertheless, landlords of tenanted public houses, unlike freehold landlords, are restricted in terms of the range of beers that can be sold and have less incentive to invest in a building they do not own. This may well have affected the attractiveness and thus the popularity of this community facility.
9. The public house was placed on the open market in 2011 when the appellant purchased it. However, as there was no evidence that it was priced and marketed as a public house for a reasonable length of time, with an agent who specialised in the licensed trade, it has not been demonstrated that a different approach to operating the public house would not be viable.
10. In my assessment, based upon the policies of the Framework, in order to discover whether a change of use of the building, which has been a valued community facility, is necessary it should first be marketed as a public house. This approach would also be consistent with how applications for changes of use in relation to other local community facilities are dealt with under policy 5/11 of the Local Plan. The proposal would therefore be contrary to the objectives of the Framework and the general thrust of policy 5/11 of the Local Plan.

#### *Parking*

11. The building is located just to the north of the Residential Parking Zone. On road parking restrictions prevent any parking on Victoria Road, or French's Road in the vicinity of the building. Given this consideration, as well as the small car park associated with the public house and its local character, relatively few customers would have driven to the public house. As a

- consequence, the proposed change of use would free up little, if any, on-road parking.
12. The proposed conversion into 7 flats with only 1 car parking space reserved for a disabled resident would increase the pressure for on-road parking. The boundary treatment to the front garden on Victoria Road would also prevent the continued use of the space to the front of No 180 for the off-road parking of a car. Understandably the owner of No 180 is aggrieved at this but, as a matter of civil law, this is not a material planning consideration. Subject to the enforcement of on-street parking controls in the area however the additional demand for on-road parking would not harm highway safety.
  13. The appeal site is also in a sustainable location where many day-to-day facilities can be accessed on foot, by bicycle or using public transport. As a consequence, many future residents may choose not to own a car. The increased pressure on on-road parking resulting from future occupants who decide to have a car would be inconvenient to local residents, but would serve to make alternative, more sustainable, modes of transport more attractive than a car.
  14. Taking all these matters into account, the level of on-site parking to be provided would result in acceptable levels of on-road parking which would not harm highway safety. The proposal would therefore comply with the objectives of policies 5/2 and 3/10 of the Local Plan which seek adequate parking provision.

#### **Other matters**

15. The conversion would result in the creation of 6 units of accommodation with one bedroom and one unit with 2 bedrooms. Given the size of the one bedroom units it is quite possible that they would be occupied by couples. The two bedroom unit would have sufficient sleeping space for a couple and a child. A total of up to 15 people in 7 households could therefore reasonably be expected to live in the converted building. The private amenity space provision for the development would be a communal terrace of 22 sqm and an area between the parking space and refuse bins / cycle storage. In my assessment, this would be an inadequate level of provision and would result in unpleasant living conditions for future occupiers. This finding adds weight to my concerns regarding the adverse effects of the proposal.

#### **Conclusion**

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Ian Radcliffe*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Kratz  
BA(Hons) Solicitor LMRTPI

Birketts LLP

Mr Carr

Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Miss Linford MRTPI  
Senior Planning Officer

Cambridge City Council

Mr Waller  
Senior Policy Officer

Cambridge City Council

Councillor Mike Todd-Jones

Cambridge City Council

### INTERESTED PERSONS:

Mr Cook

Cambridge & District Campaign for Real Ale

Dr Hunter

Freehold owner of 180 Victoria Road

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Notification letter detailing the time, date and location of the hearing, together with a list of persons notified.
- 2 Policy 5/11 'Protection of Existing Facilities' of the Cambridge Local Plan 2006.
- 3 Newspaper cutting 'Arbury pub could be turned into flats' Cambridge News, 22 September 2011.

## **PLANS SUBMITTED AT THE HEARING**

- A Schematic map of public houses in Cambridge ([www.cambridge-pubs.co.uk](http://www.cambridge-pubs.co.uk)).
- B Copy of Cycle / Bin Store drawing ref C/2332/11/PL-03 Rev A considered by the Council when it determined the application, but missing from the appeal file.



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# Appeal Decision

Hearing held on 11 April 2012

Site visit made on 11 April 2012

**by L Rodgers BEng (Hons) CEng MICE MBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 May 2012**

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**Appeal Ref: APP/W0530/A/11/2167619**

**The Plough, High Street, Shepreth, Royston SG8 6PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by MPM Properties (Royston) Ltd against the decision of South Cambridgeshire District Council.
  - The application Ref S/0828/11, dated 15 April 2011, was refused by notice dated 6 September 2011.
  - The development proposed is described as a change of use from a restaurant (Use Class A3) to a residential dwelling (Use Class C3) together with landscape works to the site frontage.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The effect of the proposed development on the provision of community services and facilities in the area.

## Procedural matters

3. At the hearing the Appellant submitted a true copy of a Planning Obligation made pursuant to s106 of the Town and Country Planning Act 1990. This is a material consideration that I shall take into account in my determination.
4. The National Planning Policy Framework (NPPF) was published on the 27 March 2012. This was after submission of the appeal but before the hearing - at which the parties were given the opportunity to comment as to its effect on their cases. In determining the appeal I have had regard to the comments made at the hearing as well as to the NPPF itself.

## Reasons

### *Background*

5. The Plough is a detached, brick building with a large garden and extensive parking. It is centrally situated within the village of Shepreth and the building itself lies within the Shepreth Conservation Area. The Plough has historically been used as a public house (Use Class A4) and more recently as a bar/restaurant (use Class A3). However, the property is currently not in use as a restaurant and the proposal seeks to convert the premises into a single residential dwelling.

6. Policy SF/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 (DPD) aims to protect village services and facilities where their loss would cause an unacceptable reduction in the level of community or service provision in the locality. Village services are said to include shops, post offices, community meeting places and village pubs - although the list is clearly not exhaustive.
7. The policy requires a number of matters to be considered in determining the significance of any loss including the established use, its existing and potential contribution to the social amenity of the local population, the presence of other village services and facilities and the future economic viability of the use including, where appropriate, financial and marketing information.

*The established use of the premises*

8. Although The Plough had been used as a public house it was converted into a restaurant and bar immediately following its purchase by October Restaurants in 2004; photographs submitted by the Appellant show that substantial changes were made to both the internal layout and decor.
9. The Council accepts that the established use is that of a restaurant in Use Class A3 and confirmed at the hearing that planning permission would be required to revert to an A4 pub use. Whilst local residents state that they were able to use the bar without dining in the restaurant, a matter not disputed by the Appellant, the physical changes shown in the photographs and my observations on site strongly suggest that the bar use was ancillary to that of the restaurant.
10. The bar/restaurant use ceased on the 25 December 2010 and, according to the Appellant, The Plough went into liquidation on the 10 February 2011. Since that time the liquidators have removed the restaurant's fixtures and fittings - including the kitchen equipment. It is therefore abundantly clear that the premises have not been used as a restaurant for more than a year and, notwithstanding that the bar could be used independently of the restaurant, the premises have not functioned in the manner normally expected of a public house for something in excess of seven years.
11. The Appellant points out that the lawful use of the premises is as a restaurant (Use Class A3) and moreover that, when in business, The Plough was regarded as a 'high end' restaurant. The Appellant further argues that such premises have a large catchment area and are unlikely to survive solely on custom from the local populace. As such, The Plough should not be regarded as a village service or facility to be considered under Policy SF/1. Indeed, the Appellant suggests that The Plough should be regarded as a facility within a village rather than a village facility.
12. I have some sympathy with the Appellant's view and it is highly unlikely that The Plough, as a 'high end' restaurant (local residents confirming that prices reflected this description), functioned as a social hub for the village in the way that might normally be expected of a traditional pub.
13. Nevertheless, looking solely at the last use of the premises seems to me to be taking a view which is rather too narrow and simplistic. Indeed, as a number of residents pointed out, if the last use was taken as the sole determinative criterion, changing a pub to Use Class to A3 through permitted development would be a way of circumventing policy restrictions seeking to prevent the loss

of pubs as community facilities. Policy SF/1 itself notes that in addition to considering the established use of the premises, regard must also be had to its potential contribution to the social amenity of the local population.

14. Given that The Plough was once a pub, and notwithstanding the need for planning permission and the appropriate investment, there must at least be the potential for The Plough to be returned to that use. I shall therefore move on to consider the other matters identified in Policy SF/1.

#### *Village services and facilities*

15. Policy SF/1 notes that consideration will be given to the presence of other village services which provide an alternative with convenient access by good local public transport services, or by cycling or walking. Although Shepreth does have a number of other services and facilities these are clearly limited. The recently opened coffee shop and the local community hall provide some sort of community focus, but the only facility which can be regarded as providing a realistic alternative to the potential use of The Plough as a public house is the 'Green Man' pub.
16. The Green Man is described as being in the Parish of Shepreth. However, I saw on my visit that it is a considerable distance from the village centre (around 1.6km). It also lies on the opposite side of the A10 from the village centre, the A10 being described by the Council as a 'busy and fast trunk road' - a description with which I concur. Having regard to its location and its public transport links, I am of the view that the Green Man is unlikely to appeal to villagers, other than perhaps those prepared to travel by car. As such its location would act against it becoming a social hub for the village and in my view it would not provide a comparable alternative to a pub sited in the village centre.
17. Shepreth is described in the South Cambridgeshire Local Development Framework Core Strategy (CS) as an 'Infill Village' and the Council notes that "Infill villages are amongst the smallest in South Cambridgeshire, have a poor range of services and facilities and it is often necessary for local residents to travel outside of the village for their daily needs". As such it seems to me that the loss of a potential facility would be acutely felt.

#### *Viability*

18. The Appellant has submitted information to show that the former restaurant business operating from The Plough did not prove to be viable, a matter underlined by the fact that the business closed and went into liquidation. The Appellant has also put forward a letter sent to the liquidator of October Restaurants Ltd by the Royal Bank of Scotland Plc's debt recovery department in which it is stated that re-opening of the pub in the current economic climate would not be supported as it is not seen as being financially viable.
19. In contrast, the Council has made submissions suggesting that the site is viable in its current land use. In the Council's view The Plough is capable not only of sustaining a level of net profit adequate to provide an owner operator with appropriate remuneration, but also to fund loan interest and capital repayments for site purchase and essential investment.
20. The Council's assessment is based on a number of assumptions and as such must be subject to some risk. Although some of the factors underlying the

Council's assessment are reasonably easy to account for, such as the condition of the building, matters such as the historic trading record as a pub/restaurant are less reliable as predictors of future performance – particularly taking into account the fact that the premises have not traded as a pub for some time and the changes that have since occurred to the economic climate.

21. Nevertheless, the Appellant accepted at the hearing that despite the failure of the former business it ought to be possible to run some sort of viable pub/restaurant business from the premises. The Plough is reasonably well located and with its garden and car park has appropriate facilities. Despite the need to re-equip the kitchens I see no reason to demur from the view that a viable business could be created.

### *Marketing*

22. The premises were first put onto the market as a restaurant and bar in May 2007 by Christie & Co. The initial asking price was for 'offers in excess of' £675k freehold and during the course of 2007 the premises were marketed through listing on the agent's web site as well as through the circulation of sales particulars and a campaign in the trade press. In November 2008 the asking price was reduced to £590k.
23. A letter from the agents in February 2011 stated that since 2007 the property had been fully exposed to the open market by inclusion on their website and in regular e-mail and mail shots to their database of potential buyers. They also confirmed that the ".....quoted asking price remains £590k freehold".
24. During 4 years of marketing, only three formal offers were received. The first, accepted in October 2007, was for the then asking price of £675k - although the prospective purchaser subsequently pulled out. Following the price reduction in 2008, two further offers were received. One, at £500k, was rejected as being too low as it was insufficient to clear the mortgage on the property but in May 2009 an offer of £570k was accepted – although, again, the prospective purchaser later pulled out.
25. Local residents representing the 'Shepreth Ploughshare' state that it appears as though The Plough was removed from sale in February 2011. The Council also points out that the property was no longer being advertised on Christie & Co's website at the time of its determination and the Appellant confirmed at the hearing that there had been no marketing by Christie & Co in the last year. I understand that this was because the property had been sold to the Appellant 'subject to contract' – the arrangements including an obligation on the Appellant to pursue residential development on the site.
26. Policy SF/1 requires that consideration be given to the results of any efforts to market the premises for a minimum of 12 months at a realistic price. In the Council's view the initial asking price was somewhat ambitious and is likely to have discouraged serious applicants. Whilst the subsequent reduction to £590k was considered a reasonable course of action at the time, the Council nevertheless still considered the asking price to be ambitious – although not so ambitious that it would necessarily discourage interested parties. However, the Council also considers it surprising that no further reductions were made in light of the subsequent economic decline, suggesting that a reasonable expectation of price in 2010 would have been closer to £400k.



27. The Appellant's stance is that the prices sought were realistic given that several formal offers were received. It is also suggested that the basis on which the Council had assessed what it considered a reasonable price expectation was highly dependent on a national average multiple of Fair Maintainable Trade – the Appellant suggesting that regional differences were highly significant and that using the figure for East Anglia would produce a price which would not be far out of line with that being sought.
28. Given that some offers were received for The Plough, it seems that at certain stages of its marketing the asking price was seen by some potential purchasers as being reasonable. However, none of the three offers received proceeded to sale and one was considerably below the then asking price. In my view, the fact that some 4 years of marketing only resulted in two offers close to the asking price must at least raise questions as to whether the property and its asking price were appropriately matched.
29. Indeed, despite a number of viewings since July 2009 no further formal offers were received. Whilst I accept the Appellant's point that the asking price should be reflective of local conditions and that the Council's suggested price of £400k may be too low, bearing in mind the economic climate and the lack of any offers, a further reduction in price between November 2008 and February 2011 might have been expected. The fact that a lower price might not be sufficient to clear the vendor's mortgage commitments may mean that he is unwilling to offer the property for sale at that price - but it does not mean that such lower price is unrealistic in the context of the market.
30. Whilst I am therefore content that the property has been offered to the market for a period well in excess of the minimum 12 months sought by Policy SF/1, I am less convinced that the offer price was realistic throughout that period. In my view the marketing of the property cannot be without some criticism and there is at least limited conflict with Policy SF/1.

#### *Conservation Area*

31. The Plough lies within the Shepreth Conservation Area and the statutory test requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
32. In physical terms the effect of the proposed development would, through landscaping of the existing frontage, enhance the appearance of the area. In respect of its character, the Council notes that "Arguably however, the loss of a village facility would affect the social character of this part of the Conservation Area and this would be to the detriment of the area".
33. However, as noted earlier it is debateable as to whether a restaurant provides a village facility. The surrounding development is described by the Council as being predominantly residential of a mix of age and form and in these circumstances it is my view that a change of use from a restaurant to a residential dwelling would, in overall terms, have a neutral effect on the character of the area. I therefore find no conflict with the statutory test.

#### **Other matters**

34. In addition to the letters from local residents objecting to the application and the appeal, as well as the accompanying petition, it was made clear at the hearing that there is considerable local opposition to the proposal. Indeed, I

- note that a number of local residents have formed a group known as 'Shepreth Ploughshare' with the intention of returning The Plough to community use - specifically as a community-owned public house.
35. However, the 'Shepreth Ploughshare' does not appear to have passed much beyond its formative stages nor does it appear to have sufficient funds in place with which to achieve its objective of purchasing The Plough and turning it into a community-owned public house. In these circumstances I can give little weight to its intentions. Nevertheless, the formation of 'Shepreth Ploughshare' is indicative of a strong local desire for The Plough to once again become a community facility.
36. The NPPF is clear that part of promoting a strong rural economy is the retention and development of local services and community facilities in villages, including public houses. It also states that the planning system can play an important role in facilitating social interaction and creating healthy and inclusive communities.
37. To support this approach the NPPF seeks for planning authorities to involve all sections of the community in planning decisions and amongst other matters, those decisions should aim to achieve places which promote opportunities for meetings between members of the community. It also notes that policies and decisions should plan positively for the provision of community facilities, including public houses. Although, as the Appellant points out, the NPPF is clear that applications for alternative uses of land or buildings should be treated on their merits having regard to market signals, it goes on to state that regard should also be had to the relative need for different land uses to support sustainable local communities.
38. Given its recent publication and extensive consultation I consider the NPPF to be a weighty material consideration.

### **Planning obligation**

39. The Appellant has submitted a planning obligation pursuant to s106 of the Town and Country Planning Act 1990 that is intended to provide contributions towards such matters as community facilities, recycling receptacles and open space. However, the absence of such an obligation did not form part of the Council's reasoning in refusing the application nor has the Council provided the policy basis for seeking any such contributions. In reaching my determination I have therefore found no need for the obligation - but neither have I accorded it any weight.

### **Conclusions**

40. There are a number of matters that I consider weigh in favour of the proposed development. These include firstly that The Plough has not been a pub for some considerable time and that, notwithstanding its more recent use as a bar/restaurant, its conversion would not deprive the village of something that can currently be justly regarded as a community facility. Secondly, despite marketing the premises as a bar/restaurant for a period of some 4 years, the vendor has failed to secure a buyer. Thirdly, the former restaurant business proved unviable and had to be liquidated. The conversion would also result in a small supplement to the housing stock.

41. However, there are also matters weighing against the conversion. Firstly, the physical attributes of The Plough clearly make it suitable for a pub use and the proposed development would therefore result in the loss of a potential community facility – which it is accepted could be viable. Secondly, there are few other services and facilities in the village and the loss of even a potential facility takes on a particular significance. Thirdly, despite the lengthy period of marketing, I have reservations as to whether the asking price was realistic throughout that period and I do not regard the marketing so far carried out as carrying conclusive weight.
42. Based on the factors above I see the determination as being finely balanced. However, it is obvious that a substantial part of the community sees The Plough as a potentially valuable community facility and I am very much aware that approving the proposal is likely to result in the loss of that potential facility forever. I am also conscious of the weighty support offered by the NPPF to the retention and development of community facilities (including public houses) and its support for the involvement of all sections of the community in planning decisions. Taking these further considerations into account leads me to the conclusion that the loss of The Plough as a potential contributor to the social amenity of the village would be unacceptable.
43. Having had regard to all other matters before me I find nothing to add to or alter my finding above. The appeal must therefore fail.

*Lloyd Rodgers*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Mr P Belton	Januarys
Mr R Muttu	MPM Properties (Royston) Ltd
Mr C Day	October Restaurants
Mr T Nichols	Everard Cole

### FOR THE LOCAL PLANNING AUTHORITY:

Mr M Hare	Development Control Officer, South Cambridgeshire District Council
Mr T Wheeler	Fleurets

### INTERESTED PERSONS:

Mr D Kendrick	Councillor, Shepreth Parish Council
Mr C Cook	Parish Clerk
Mr D Elliott	'Shepreth Ploughshare' and local resident
Mr C Porter	Melbourn resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Planning Obligation dated 10 April 2012. Submitted by Mr Belton
- 2 South Cambridgeshire District Council Recreation Study (June 2005)  
Submitted by Mr Hare
- 3 South Cambridgeshire District Council Community Facilities Assessment  
(September 2009) Submitted by Mr Hare

<b>Application Number</b>	12/0724/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	6th June 2012	<b>Officer</b>	Miss Catherine Linford
<b>Target Date</b>	5th September 2012		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	The Rosemary Branch 503 Coldhams Lane Cambridge Cambridgeshire CB1 3JH		
<b>Proposal</b>	Residential redevelopment of eight houses and two flats following demolition of existing Public House.		
<b>Applicant</b>	Campbell Properties Ltd C/o Fairlea House 58 High Street Bottisham Cambridge CB5 9DA		

<b>SUMMARY</b>	<p>The development does not accord with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1. There is no clear substantiated evidence to demonstrate that there is no longer a need for the public house.</li> <li>2. The proposed development is poorly designed and would not have a positive visual impact on the area.</li> <li>3. The proposed development would have a significant detrimental impact on neighbouring properties in terms of overshadowing, dominance, and noise and disturbance.</li> </ol>
<b>RECOMMENDATION</b>	REFUSAL

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

1.1 The Rosemary Branch Public House is a two-storey, detached building situated on the junction of Coldhams Lane and Rosemary Lane. To the southeast and southwest of the site (on the opposite side of Coldhams Lane and Rosemary Lane)

there are industrial/commercial buildings. To the northwest of the site there are residential properties (Hathedene Close), backing on to the site, which are mainly terraced houses. To the northeast, there is a mixture of residential properties, with a pair of semi-detached single storey dwellings directly adjacent to the site and two storey dwellings further along Rosemary Lane. The site is not within a Conservation Area or the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 Full planning permission is sought for residential development of eight houses and two flats following demolition of the existing public house.
- 2.2 Along the Coldhams Lane frontage, there would be four two-storey houses, with 'gull-wing' roofs, which would be slightly staggered. The built form would then curve round the corner, with a three-storey element providing two flats, stepping down to two storeys on Rosemary Lane. The built form would then continue along Rosemary Lane providing two three storey houses and would then step down to provide two two storey houses all with 'gull wing' roofs.
- 2.3 Between the final house and the common boundary with 1 Rosemary Lane there would be an electronically controlled gate providing access to a courtyard car parking area at the rear of the building, which would contain 7 car parking spaces positioned along the rear common boundary with Hathedene Close. Four further car parking spaces would be located on the opposite side of the car parking courtyard. Individual cycle and bin stores would be provided in each of the rear gardens of the houses, within the garden of the 1-bed flat, and within the garage of the 3-bed flat.
- 2.4 The application is accompanied by the following supporting information:
  1. Design and Access Statement
  2. Planning Supporting Statement
  3. Local List Statement
  4. Transport Statement
  5. Ecology Assessment

### 3.0 SITE HISTORY

None relevant.

### 4.0 PUBLICITY

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

### 5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

<p>Central Government Guidance</p>	<p>National Planning Policy Framework March 2012</p> <p>Circular 11/95</p> <p>Community Infrastructure Levy Regulations 2010</p>
<p>Supplementary Planning Documents</p>	<p>Sustainable Design and Construction</p> <p>Waste Management Design Guide</p> <p>Planning Obligation Strategy</p> <p>Public Art</p>
<p>Material Considerations</p>	<p><u>Central Government:</u></p> <p>Letter from Secretary of State for Communities and Local Government (27 May 2010)</p> <p>Written Ministerial Statement: Planning for Growth (23 March 2011)</p>
	<p><u>Citywide:</u></p> <p>Cambridge and South Cambridgeshire Strategic Flood Risk Assessment</p> <p>Strategic Flood Risk Assessment (2005)</p> <p>Cambridge and Milton Surface Water Management Plan</p> <p>Cycle Parking Guide for New Residential Developments</p> <p>Air Quality in Cambridge – Developers Guide</p>



## **6.0 CONSULTATIONS**

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

- 6.1 Currently all vehicles accessing the site are able to enter and leave in a forward gear. Following development that will no longer be the case. The Highway Authority recommends that the application is refused planning permission unless and until all vehicles accessing and egressing the site can do so in a forward gear. The development may result in a reduction in vehicular traffic to/from the site.

### **Head of Environmental Services**

- 6.2 No objection, subject to conditions relating to construction noise, construction hours, collections and deliveries, noise insulation, dust, waste, and contaminated land.

### **Urban Design and Conservation**

- 6.3 Objects. Overall this is a poorly designed scheme, which fails to demonstrate how it relates to local context. Whilst the site is relatively isolated, it is a prominent one, which marks the entry to Cherry Hinton. In addition the layout results in an excessively large courtyard parking area, which is now excessively permeable and could result in security issues. A new approach to parking is required that includes more on plot spaces. Unit numbers may need to be reduced to provide better amenity for residents and allow the parking court to be broken up by planting. The corner flat needs to be revised and a more robust threshold needs to be provided to Coldhams Lane.

### **Policy**

- 6.4 The site has significant investment potential. There may not be sufficient people to support a traditional pub but it still has considerable potential given its size and location. There is substantial on-site parking and it could support some form of pub diversification. It could support a micro-brewery given the sites size or some form of eating area to complement the pub use. Therefore, the marketing of the site as the pub with potential for diversification uses such a micro-brewery will

provide the necessary evidence to indicate if there is a need for the site as a pub.

### **Landscape Officer**

- 6.5 Objects. Concerns relate to the setback of the proposed units along Coldhams Lane.

### **Public Art Officer**

- 6.6 No Public Art Delivery Plan has been provided. If this development is given planning permission, a contribution for public art would be appropriate given the limited public access.

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

- 6.7 No objection, subject to a condition requiring a programme of archaeological work.

### **Cambridgeshire Constabulary Architectural Liaison Officer**

- 6.8 No objection. It is recommended that the proposed gates are secure and that the wall along the common boundary with Hatherdene Close is 1.8m in height with a 300mm trellis above it to make it more difficult to climb over.

### **Ministry of Defence**

- 6.9 No safeguarding objection.

### **Design and Conservation Panel (Meeting of 04 July 2012)**

- 6.10 The verdict of Design and Conservation Panel was Red (6 votes), Amber (1), Abstention (1). The conclusion was follows:

*The Panel felt there had been no meaningful attempt to address the comments made last time. Aside from the relocation of the access to the car park and the removal of the archway, the layout remains substantially unchanged and the Panel remain unconvinced by the massing, particularly in relation to the broader context. This is still overdevelopment. A reduction of one or two units would provide the flexibility for some communal space, and only with a re-orientation of the remaining units can*

*there be the potential for the financially viable and efficient use of solar panels.*

A copy of the minutes of the meeting are attached as Appendix 1 along with a copy of the minutes of the previous meeting as Appendix 2.

- 6.11 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 objecting to the application:

3 Hatherdene Close  
6 Hatherdene Close  
1 Rosemary Lane  
3 Rosemary Lane  
175 High Street, Cherry Hinton  
9 Willingham Road, Over (CAMRA)

- 7.2 The representations can be summarised as follows:  
Loss of a valued community facility – the Rosemary Branch is the only pub left in the northern part of Cherry Hinton.  
Overlooking  
Damage to the boundary fences, which is owned by the neighbour  
Noise from the electric gate  
Noise and disturbance from building work  
Inadequate boundary treatment between the application site and Hatherdene Close

- 7.3 The owners/occupiers of the following addresses have made representations supporting the application:

1 Coldhams Business Park, Norman Way

- 7.4 The representations can be summarised as follows:  
In favour of the application being approved

- 7.5 Councillor Dryden has commented on this application, and has requested that the application is brought to Committee. His/her comments are as follows:

With all the concerns that local residents have had with previous pubs closing down in Cherry Hinton I wish this application to be brought to committee.

7.6 Cambridge Past Present and Future have made representations as follows:

There is no clear substantiated evidence that there is no longer a need for the pub  
In the right hands this pub could be a successful business and a community asset  
Loss of a community facility

7.7 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. Public Art
4. Renewable energy and sustainability
5. Residential amenity
6. Refuse arrangements
7. Impact on highway safety
8. Car and cycle parking
9. Third party representations
10. Planning Obligation Strategy

### **Principle of Development**

#### Loss of a Public House

8.2 Paragraph 70 of the National Planning Policy Framework (NPPF) states that 'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public

houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.'

- 8.3 This gives Local Planning Authorities scope to refuse applications involving the loss of a Public House, when the Public House meets a local need. In a recent Appeal Decision regarding the Unicorn Public House in Cherry Hinton, the Inspector stated that *the framework is concerned to 'deliver the social, recreational and cultural facilities and services the community needs' and 'to enhance the sustainability of communities and residential environments'. This [Cherry Hinton] is a settlement with a growing population and I consider that there needs to be clear evidence that the site is no longer suitable for social/community use before a change of use such as that proposed is considered.* The Inspector concluded that *the proposed development would result in the loss of a community facility for which there is no clearly substantiated evidence that there is no longer a need, contrary to the objectives of the Framework.* The Council should therefore seek to guard against the unnecessary loss of the Rosemary Branch.
- 8.4 The City Council has commissioned a Public House Study to review market trends in the pub industry, including a comparison of Cambridge with a number of other historic university towns and cities. The study audited the existing pub provision in Cambridge to assess the characteristics of each pub and the type of market it focussed on, followed by an assessment of the local pub market. The study included a review of national and local planning policy and decisions in relation to proposals for the change of use or redevelopment of pubs followed by recommendations for draft interim and long term planning policy guidance. The Interim Planning Policy Guidance (IPPG) on the Protection of Public Houses in the City of Cambridge has been out to consultation and Policy Officers are currently addressing the responses received. The IPPG is due to be considered by the Development Plan Scrutiny Sub-Committee on 11 September 2012 and then by the Environment Scrutiny Committee on 9 October 2012. The IPPG is not a material consideration until it has been adopted by the

Environment Scrutiny Committee, but it should be accorded weight in the decision making process.

- 8.5 The IPPG identifies the Rosemary Branch as a Public House with no catchment area. It is accepted that there may not be sufficient people to support a traditional pub currently, but it still has considerable potential given its size and location. There is substantial onsite parking, and the site could therefore support some form of pub diversification, such as a micro-brewery, or an eating area to complement the pub use, which would serve a larger catchment area. It is the view of Policy Officers that a marketing exercise should have been carried out to indicate whether or not there is a need to retain this site as a pub or a similar related use. The applicant has carried out a marketing exercise to discover the level of interest in relation to the convenience stores, fast food operators and other general roadside uses, which has not been successful. No marketing has been carried out to determine whether or not a brewery, a micro-brewery or a pub freeholder would be interested in the site, and therefore there is no evidence to demonstrate that there is not longer a need for the public house. The proposal is therefore in conflict with guidance given by the NPPF.
- 8.6 I am aware that there is an application on this Committee agenda for the demolition of 169-173 High Street, Chesterton, and the redevelopment of the site for housing. This application differs from the application for the Rosemary Branch as the premises operates as a restaurant and no longer as a public house, and has done for a number of years. This means that it can no longer be considered to be a public house, and cannot be protected in the same way as the Rosemary Branch can be.

#### Residential development

- 8.7 Notwithstanding the concern about the loss of the public house, policy 5/1 of the Cambridge Local Plan (2006) states that proposals for housing development on windfall sites will be permitted subject to the existing land use and compatibility with adjoining land uses. There are residential properties situated to the northwest and northeast of the site, and in my opinion this site is appropriate for residential development, subject to compliance with other policies of the Cambridge Local Plan (2006) and the NPPF.

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

- 8.8 It is my view that the proposed scheme is poorly designed, poorly laid out and would appear out of character with its surroundings. This view is shared by the Urban Design and Conservation Team and the Design and Conservation Panel.

### Design

- 8.9 On the Rosemary Lane frontage the buildings would sit 5m further forward than the neighbouring house, 1 Rosemary Lane. There is no uniform building line along Rosemary Lane, but the houses are all in similar positions along the street. The proposed building would sit much further forward than any other property on this side of Rosemary Lane and would therefore have a very strong presence in the street, especially as it would occupy a corner. Planning policies require that new buildings must be of high quality design, and that they reflect some of the characteristics of their surroundings.
- 8.10 In my opinion, the proposal does not achieve this. I appreciate that the immediate context of this site is industrial buildings of a standard design and residential properties of no uniform scale or design, and therefore a 'stand alone' development of a contemporary design could work here. I am of the strong opinion that the proposed development is not appropriate.
- 8.11 The design of the proposed development is overly complicated and includes the use of 'gull wing' roofs on both the Coldhams Lane and Rosemary Lane Frontages. This form of design is not seen elsewhere in the local area and there is no justification for this design decision. The roofs would appear as a discordant and alien feature in the street scene. The eaves line of the building is not consistent and there are variations in height, resulting in an overcomplicated roofline, which would have a negative impact on the locality.
- 8.12 On Coldhams Lane, the four houses are the same width and height, and then the building steps up by 2.2m to the corner block, which contains the flats. This relationship between the houses and the corner block is not well resolved as the two elements of the building are of a very different character and do not complement each other. On Rosemary Lane, the frontage has a form of rhythm, with six blocks (two being part of the

corner block and four being houses) of similar widths, with the first two of a similar height, the second two stepping up to a similar height, and the second two stepping down to a similar height. However, the relationship of these blocks with the corner block is again not well resolved.

- 8.13 In my opinion the proposal is of a poor design, is overcomplicated and would not have a positive impact on the area, and therefore does not comply with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, or 3/12.

#### Layout, function and legibility

- 8.14 The proposed development would consist of perimeter buildings, taking the corner between Coldhams Lane and Rosemary Lane. Behind the building there would be a car parking area serving the development.
- 8.15 The proposed courtyard car park to the rear of the proposed dwellings would be a large, anonymous semi-private space, which has not been designed to be safe and enjoyable to use. The vehicle and pedestrian accesses will be gated to make the site secure, but the car park will be poorly overlooked, will not be well lit (as anything more than low level lighting would have a detrimental impact on neighbouring properties), and includes narrow alleyways to access the rear gardens of the dwellings and would, in my opinion, feel isolated and unsafe. The distribution of semi-private and private space is not well balanced and does not represent a high quality open space. It is my view that the design of the site layout does not avoid the perceived threat of crime and is therefore in conflict with policy 3/7 of the Cambridge Local Plan.

#### **Public Art**

- 8.16 A Public Art Delivery Plan has not been submitted as part of this application, which is stipulated as a requirement in paragraph 7.12 of the City Council's Public Art Supplementary Planning Document (SPD). The Public Art SPD states that 'where public art proposals are not submitted with planning applications, the City Council may refuse the application. At this late stage in the design process it will not be possible to include public art that mitigates against the development and has any quality'.



- 8.17 The SPD sets out that it is the City Council's preference that public art is delivered on site but it is recognised that there may be cases with smaller major developments where it would be inappropriate or physically impossible to include public art on site, and this includes proposals that are submitted late in the design process. In my opinion, this proposal fits this criteria and therefore if permission is granted I recommend that a commuted sum is paid towards the delivery of off-site art works due to the developments limited public access and it being too late in the design process to integrate public art and provide a demonstrable public benefit.
- 8.18 In my opinion the 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

### **Renewable energy and sustainability**

- 8.19 Policy 8/16 of the Cambridge Local Plan (2006) states that developers of major proposals will be required to provide at least 10% of the developments total predicated energy requirements on-site from renewable energy sources. The applicant has argued that the Code for Sustainable Homes cannot be assessed until the development has been completed as it cannot be properly assessed at the design stage. Policy 8/16 of the Cambridge Local Plan (2006) relates to renewable energy and not the Code for Sustainable Homes and the City Council's Sustainability Officer has confirmed that details of this should be and can be part of the design process.
- 8.20 Policy 3/1 of the Cambridge Local Plan (2006) states that where major development is proposed, developers should complete the Council's Sustainable Development Checklist and prepare a Sustainability Statement and submit both with the planning application. Neither of these documents have been submitted and no indication has been made regarding how the developer intends to provide renewable energy. The application is therefore in conflict with policies 3/1 and 8/16 of the Cambridge Local Plan (2006).

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.21 The neighbouring properties that may potentially be affected by this proposal are the neighbouring residential properties to the northwest on Hatherdene Close and the neighbouring residential properties to the northeast on Rosemary Lane.

### Overlooking and loss of privacy

#### *Impact on Rosemary Lane*

- 8.22 On Rosemary Lane, the proposed dwellings would be staggered, and would sit at least 5m further forward than the neighbouring dwelling, 1 Rosemary Lane. This positioning in the street would mean that the rear windows of the proposed houses would look out over their own and each others rear gardens and the courtyard carpark beyond, and towards the rear gardens of Hatherdene Close beyond this. Any oblique views towards the rear garden of the neighbouring house on Rosemary Lane would be blocked by the house itself. There are windows proposed on the side elevation of this house, but these would serve bathrooms and therefore if permission were to be granted a condition could be added requiring that these windows are obscure glazed and fixed shut.

#### *Impact on Hatherdene Close*

- 8.23 On Coldhams Lane, the proposed dwellings would be staggered. The end house, closest to the common boundary with Hatherdene Close would stand 1.5m back from the back of the footway, 2m further forward than the side elevation of 1 Hatherdene Close. This end house would have a window serving a dining room at ground floor level and a window serving a bathroom at first floor level. If permission were to be granted a condition could be added requiring that this first floor window is obscure glazed and fixed shut. Direct views from the ground floor level would be blocked by the proposed boundary wall and therefore it is my view that there would be no direct overlooking of the houses on Hatherdene Close. There will, however, be potential for oblique views across to the Hatherdene Close houses from the bedroom windows at first floor level. These windows include Juliet balconies. In my

opinion, as the proposed row of dwellings and the existing houses on Hatherdene Close would stand at a right angle to one another, close oblique views would not be possible. Longer, oblique views would be possible but due to the distances involved it is my view that the overlooking experienced would not be significant, and would not warrant refusal.

- 8.24 The houses on Hatherdene Close have relatively short rear gardens, which means that the rear wall of these houses is 10m from the common boundary with the site. The rear wall of the proposed houses standing on Rosemary Lane would be (at its closest point) 23.5m from the common boundary with the Hatherdene Close houses, and due to this separation distance it is my opinion that any overlooking would not be significant and would not warrant refusal.

#### Overshadowing and dominance

- 8.25 The proposed development would stand to the southwest of the neighbouring houses on Rosemary Lane, and therefore there is potential for them to overshadow the neighbouring house on Rosemary Lane in the late afternoon. Currently the area of the site directly adjacent to this site is open land used as the pub garden when the pub was open, and therefore there is a significant difference between the existing and proposed situations. However, due to the position of the proposed houses further forward than those on Rosemary Lane, it is my opinion that they will not overshadow or dominate the neighbouring houses or gardens.
- 8.26 The existing pub building has had a number of extensions over time, and the original, two-storey element of the building is approximately 7m from the common boundary with 1 Hatherdene Close. The proposed development would stand to the southeast of the neighbouring houses on Hatherdene Close, 1.4m from the common boundary and therefore there is potential for the proposed dwellings to have a greater impact on 1 Hatherdene Close, in terms of overshadowing and dominance, than is currently experienced. In my opinion, a two-storey form close to the common boundary, at the end of what is a relatively short rear garden, would feel oppressive and dominant to the occupiers of this neighbouring house, and would have a detrimental impact on their enjoyment of their

garden. Due to the orientation of the buildings, with the proposed development standing to the southeast of 1 Hatherdene Close, there is the potential for the development to overshadow this neighbour in the early morning, especially in the winter when the sun is low.

#### Noise and disturbance from construction works

- 8.27 Building works always cause some level of noise and disturbance and this is unavoidable. However, if permission were to be granted, in order to reduce the impact on the neighbours, construction hours and delivery hours could be controlled by condition.

#### Noise and disturbance from the access road

- 8.28 The access to the car park at the rear of the site would be situated adjacent to the common boundary with 1 Rosemary Lane. As this access would serve a sizeable car park, I am concerned that the neighbour, 1 Rosemary Lane, would experience a significant level of noise and disturbance from comings and goings. I appreciate that when the pub was operating this area of the site was used as the pub garden and there would therefore have been some noise relating to this use. However, noise associated with the pub is a management issue whereas noise associated with a car park and access is much more difficult to control.
- 8.29 In my opinion the proposal does not respect the residential amenity of its neighbours and the constraints of the site and I consider that it is in conflict with Cambridge Local Plan (2006) policies 3/4 and 3/7. This is because the development will, in my opinion, be overly dominant and overshadow the houses on Hatherdene Close, and the occupiers of 1 Rosemary Lane will experience an unacceptable level of noise and disturbance from the access road.

#### Amenity for future occupiers of the site

- 8.30 All of the proposed houses would have private gardens, as would the ground floor, one-bedroom flat. The three-bedroom flat occupying the upper floors would not have any private amenity space, and no communal amenity space is proposed. There are no policies in the Cambridge Local Plan (2006),

which give specific guidance on private amenity space, and in my opinion the amount of private amenity space is adequate.

- 8.31 The applicant has amended the application to include a balcony on the Coldhams Lane frontage for the use of the three-bedroom, upper floor flat. Environmental Health Officers have concerns about this balcony due to noise from Coldhams Lane. BS8233 states that 'in gardens and balconies, it is desirable that the steady noise level does not exceed 50 LAeq, t dB and 55 LAeq,t dB should be regarded as the upper limit'. Environmental Health have explained that they would require a noise assessment to enable them to determine whether or not the level of noise experienced would be acceptable, and it is possible that an acceptable noise level would not be achievable. The applicant has explained that this balcony area could instead be a 'garden room', and would be a space that could be enclosed. This may be more acceptable. Due to road noise, Environmental Health have requested that a noise assessment and mitigation strategy is required by condition, and the 'garden room' would be included in this assessment.
- 8.32 In my opinion, because of the layout of the site and the provision of a large courtyard car park to the rear, the proposal does not provide a high-quality living environment or an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it does not comply with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.33 It is proposed that each dwelling would have an individual refuse store within their garden. The three-bedroom flat, which does not have a garden, would have a refuse store in the garage. Two bin collection points will be provided, one on Rosemary Lane and one on Coldhams Lane. Environmental Health Officers have explained that the pull distance from some of the bins stores to the collection point is greater than is recommended (ie greater than 25m). The applicant has relocated some of the bin stores within the gardens to improve the pull distances, but as this has only very recently been amended there has not been time to reconsult Environmental Health on this change, and their comments on this amendment will therefore be reported on the Amendment Sheet.

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

### **Impact on Highway Safety**

8.35 Given the existing use of the site, and proposed levels of usage of the vehicular accesses compared to usage currently, the proposal would generally be seen as a potential improvement upon the existing use, in highway terms. However, currently all vehicles accessing the site are able to enter and leave in a forward gear. Following development that will no longer be the case as the vehicle using the garage allocated to Unit 6, situated on Rosemary Lane will not be able to enter and leave the garage in a forward gear. The Highway Authority therefore objects to the application unless and until all vehicles using the site can do so in a forward gear.

8.36 The applicant has suggested that a turntable is used in the garage. The Highway Authority do not consider this to be an acceptable solution and their objection to the scheme remains due to impact on highway safety. The proposal is therefore in conflict with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

8.37 Appendix C (Car Parking Standards) states that, at a maximum, dwellings with less than 3 bedrooms can have one parking space and dwellings with more than 3 bedrooms can have two parking spaces. This would equate to 14 spaces on this site. 11 spaces are provided. This is below the maximum standards but, in my opinion, this is acceptable as the site is relatively close to amenities in the centre of Cherry Hinton. The site is not within the Controlled Parking Zone and residents could park on Rosemary Lane, with minimal impact on the occupiers of neighbouring properties.

8.38 It is proposed that an individual cycle store is provided for each dwelling. These stores are of an adequate size, and this approach is satisfactory and acceptable. Cyclists would need to cross the car park to leave the site, but as they can access and leave the site via pedestrian pathways and are not forced to use the vehicle access it is my opinion that this situation does not warrant refusal of the application.

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

### **Third Party Representations**

- 8.40 The issues raised in the representation received have been addressed under the headings above.

### **Planning Obligation Strategy**

#### **Planning Obligations**

- 8.41 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

- 8.42 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.

- 8.43 The application proposes the erection of two four-bedroom houses, one three-bedroom house, four two-bedroom houses, one one bedroom house, one three-bedroom flat and one one-bedroom flat. one residential unit would be removed, so the net total of additional residential units is nine. The totals required for the new buildings are calculated as follows. Where a residential unit is replaced, the contributions are calculated in relation to the number of additional bedrooms.

<b>Outdoor sports facilities</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	<b>Total £</b>
4	24	20	20	238	<b>4760</b>

<b>Indoor sports facilities</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	<b>Total £</b>
4	24	20	20	269	<b>5380</b>

<b>Informal open space</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms	Assumed net additional persons	£ per person	<b>Total £</b>
4	24	20	20	242	<b>4840</b>



<b>Provision for children and teenagers</b>					
Existing total bedrooms	New total bedrooms	Net additional bedrooms not in 1-bed units	Assumed net additional persons not in 1-bed units	£ per person	<b>Total £</b>
4	24	18	18	316	<b>5688</b>

8.44 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and in accordance with the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), the proposal is in conflict 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

8.45 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	2512
2-bed	1256	4	5024
3-bed	1882	2	3764
4-bed	1882	1 (net additional)	1882
<b>Total</b>			<b>13182</b>

8.46 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict 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

- 8.47 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	8	600
Flat	150	2	300
<b>Total</b>			<b>900</b>

- 8.48 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

### Waste Management

- 8.49 A contribution is sought from all dwellings towards up grading existing/providing new Household Recycling Centres to mitigate the impact of new development on these facilities. This development lies within the catchment site for Milton. Contributions are sought on the basis of £190 per house for four new sites giving increased capacity as permanent replacements for the existing temporary site at Milton. A total contribution of £1710 is necessary
- 8.50 In the absence of a S106 planning obligation to secure the requirements of the RECAP Waste Management Design Guide SPD 2012, the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policy 10/1 and the RECAP Waste Management Design Guide SPD 2012.

## Education

- 8.51 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.52 In this case, nine additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		6
2+- beds	2		160		3 (net additional)
<b>Total</b>					<b>1440</b>

- 8.53 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, the proposal is in conflict 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

- 8.54 The development is required to make provision for public art and officers have recommended as set out in paragraphs 8.16 to 8.18 above that in this case a commuted public art payment

to the S106 Public Art Initiative is appropriate. This commuted sum needs to be secured by the S106 planning obligation.

- 8.55 In the absence of a S106 planning obligation to secure this infrastructure provision, the proposal is contrary to Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and 9/8 , Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

#### Monitoring

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

#### Planning Obligations Conclusion

- 8.57 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 This application is considered to be unacceptable for a number of reasons. There is no clear evidence to justify the loss of the public house; the development has implications for highway safety as not all vehicles will be able to enter and leave in a forward gear; the design of the proposed development is not of a high quality and it will not have a positive visual impact on the area; the development will have a detrimental impact on the residential amenity of neighbouring occupiers; the development will not provide a high quality living environment; and the development will not provide 10% of its energy from renewable sources. The application is therefore recommended for refusal.

## 10.0 RECOMMENDATION

**REFUSE** for the following reasons:

1. Paragraph 70 of the National Planning Policy Framework states that Local Planning Authorities must 'guard against' the unnecessary loss of valued facilities and services. The site has not been adequately marketed and therefore there is no clearly substantiated evidence to demonstrate that there is no longer a need for the public house. The proposal is therefore contrary to the guidance provided by paragraph 70 of the National Planning Policy Framework (2012).
2. The site layout fails to make provision for vehicles to turn within the site to enable access/egress to the site in a forward gear. In so doing, the use of the site would be likely to generate conditions that would be detrimental to highway safety and residential amenity contrary to policies 3/7 and 8/2 of the Cambridge Local Plan (2006).
3. The proposed design by virtue of the use of the gull wing roof design, the inconsistent eaves line, the poor visual relationship between the terraced houses and the corner block and the variation in heights of the units would appear as a discordant and alien feature in the streetscene. In so doing, the development fails to identify and respond positively to the local character of the surrounding area and does not have a positive impact on its setting, and is therefore in conflict with policies 3/4 and 3/12 of the Cambridge Local Plan (2006).
4. Because of the layout of the site and the provision of a large courtyard car park to the rear, the proposed development has not been designed to provide an attractive or high quality living environment, which is enjoyable to use. The car parking area would be a large, uninviting and anonymous space, which would be poorly lit, and surrounded by buildings which have not been designed to overlook it to provide natural surveillance. The proposal does not provide usable or attractive open space, or a high quality living environment and is therefore in conflict with policy 3/7 of the Cambridge Local Plan (2006).

5. The proposed development by virtue of the scale of the buildings and the proximity to the boundary would be likely to lead to the overshadowing, enclosure and dominance of houses on Hatherdene Close. For this reason the proposal are unacceptable and in conflict with Cambridge Local Plan 2006, policy 3/7.
6. Due to the positioning of the access road, adjacent to the boundary with 1 Rosemary Lane, the occupiers of this property would suffer from an unreasonable level of noise and disturbance associated with comings and goings to and from the development. For this reason the proposal are unacceptable and in conflict with Cambridge Local Plan 2006, policy 3/7.
7. The proposal fails to make provision for the use of renewable energy sources to meet at least 10% of the energy requirements of the development and is therefore in conflict with policy 8/16 of the Cambridge Local Plan (2006).
8. The proposed development does not make appropriate provision for public open space, community development facilities, life-long learning facilities, public art, waste storage, waste management facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/12, 5/14, and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010, the RECAP Waste Management Design Guide SPD 2012, and the Open Space Standards Guidance for Interpretation and Implementation 2010

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

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

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

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

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

or by visiting the Customer Service Centre at Mandela House.

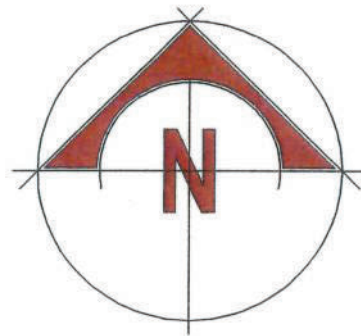
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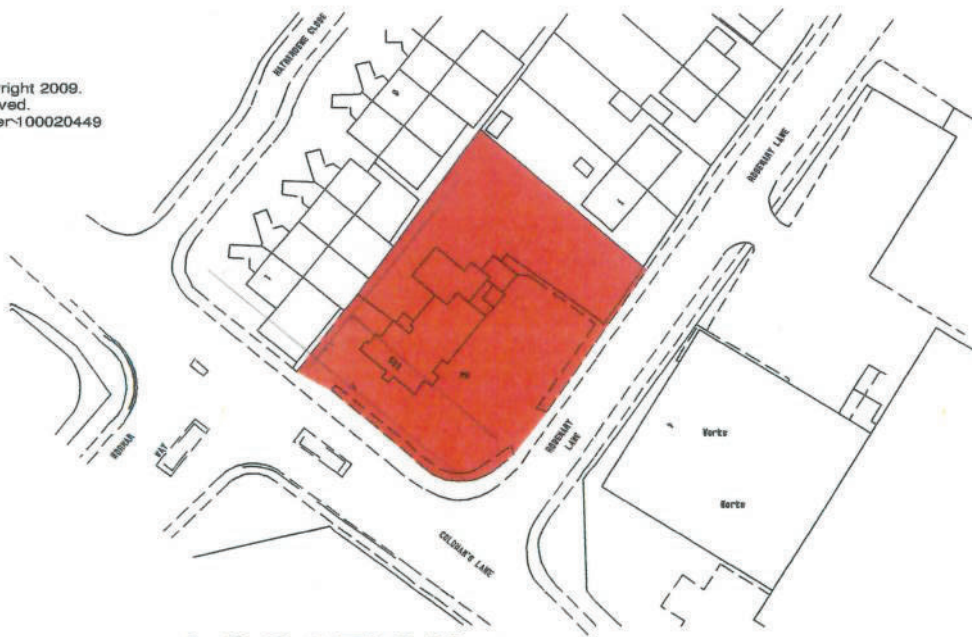
DO NOT SCALE FROM THIS DRAWING

CODE DATE REVISION



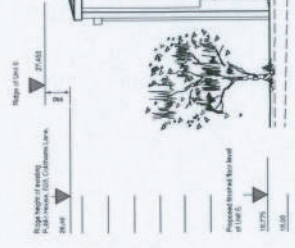
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**LOCATION**





ELEVATION FACING ROSEMARY LANE

FOR ALL DETAILS, REFER TO THE ARCHITECTURAL DRAWINGS AND SPECIFICATIONS. ALL DIMENSIONS ARE IN METERS. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

CODE DATE REVISION

GENERAL NOTES

- 1. Verify dimensions. All details design to all manufacturers.
- 2. Floor finishes indicated by floor slab drawings - reference plans.
- 3. Elevation not to be used for construction.
- 4. Elevation not to be used for construction.
- 5. Elevation not to be used for construction.
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- 20. Elevation not to be used for construction.



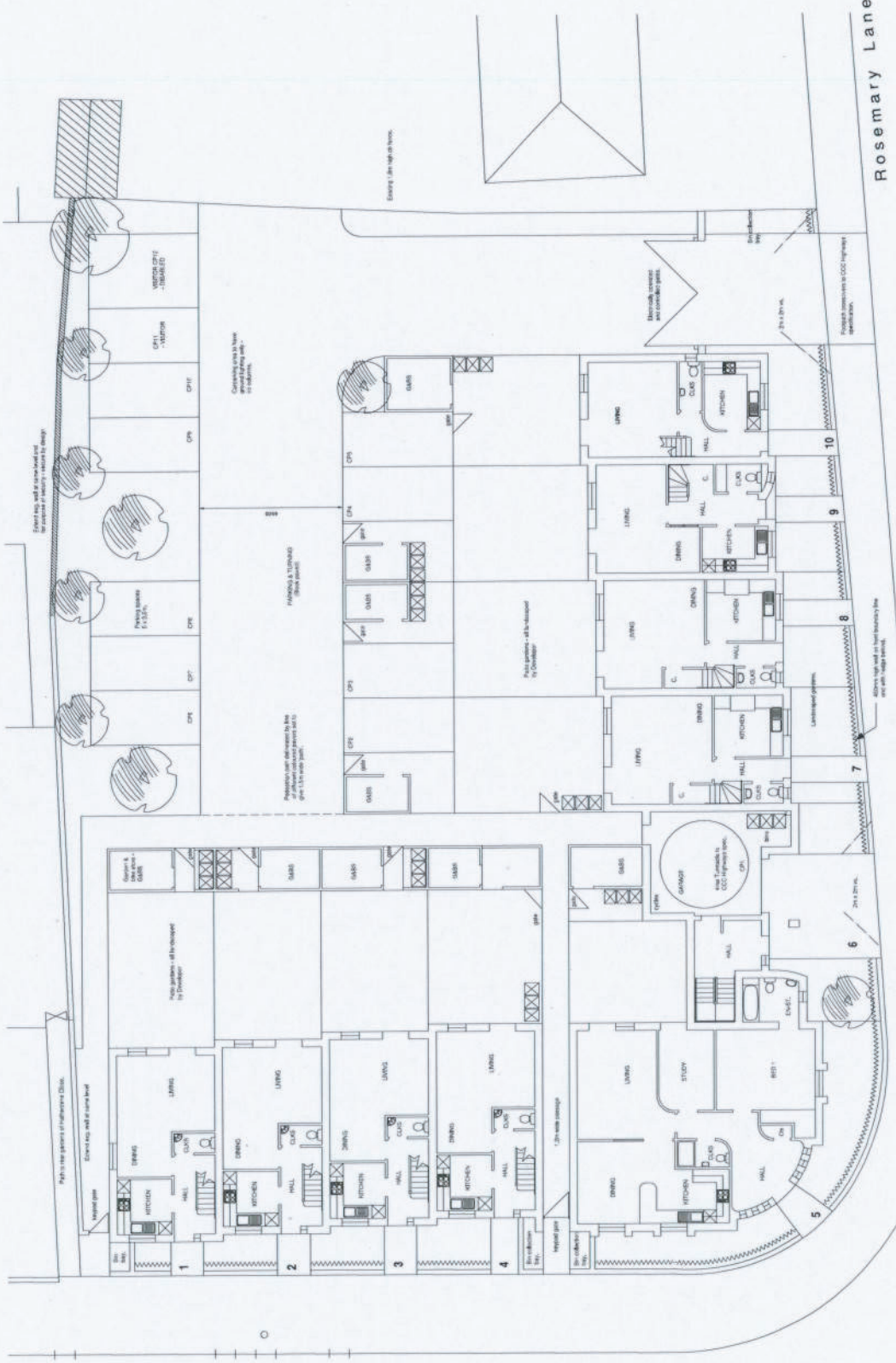
CODE DATE REVISION

- 1. Verify dimensions. All details design to all manufacturers.
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- 20. Elevation not to be used for construction.

ELY DESIGN GROUP  
3, Stone Road, STEPHENAGE, Herts.  
Cambs. CB8 2JH. Tel: 01355 444444

CAMPBELL PROPERTIES LTD.  
Project: SACCOLHAM LANE  
CAMBRIDGE  
RESIDENTIAL TO ROSEMARY LANE

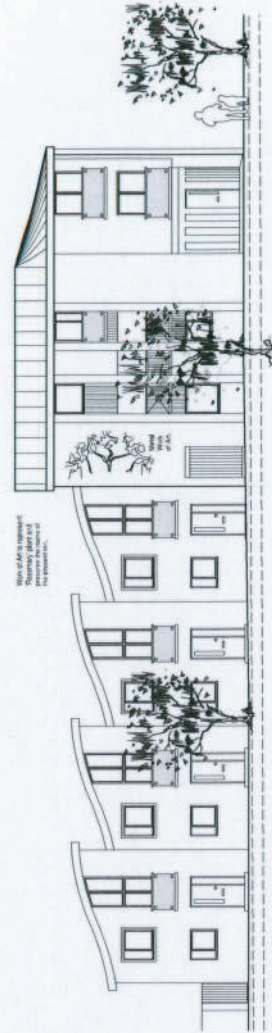
Drawn: JLS  
Date: July 2011  
Drawn by: JLS  
Checked by: JLS



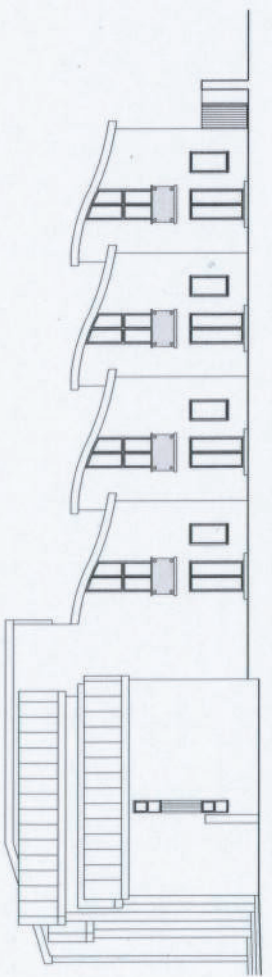
GENERAL SITE LAYOUT + GROUND FLOOR PLANS

Rosemary Lane

Coldhams Lane



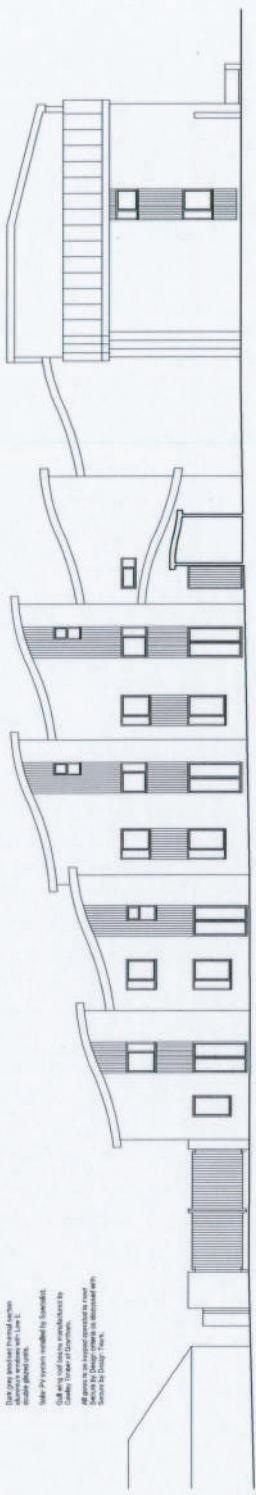
ELEVATION TO COLDHAMS LANE



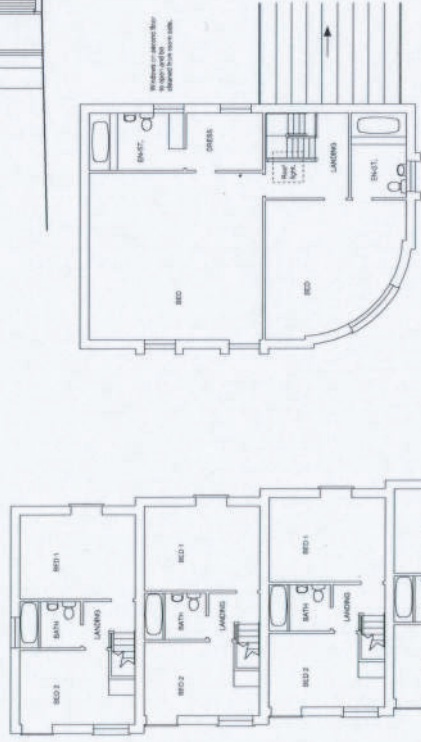
SIDE ELEVATION TO UNIT 10 & REAR ELEVATION TO UNITS 1 - 4

View of Arts Institute  
Restroom, plant and  
Fence/Screening.

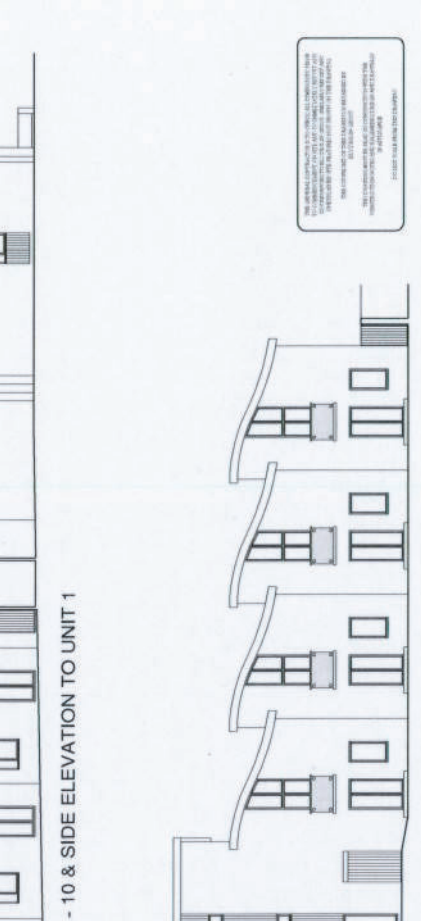
View from garden towards  
unit 10. The view is obscured  
by the fence and the  
planting in the garden.  
The view is obscured by the  
planting in the garden.  
The view is obscured by the  
planting in the garden.  
The view is obscured by the  
planting in the garden.



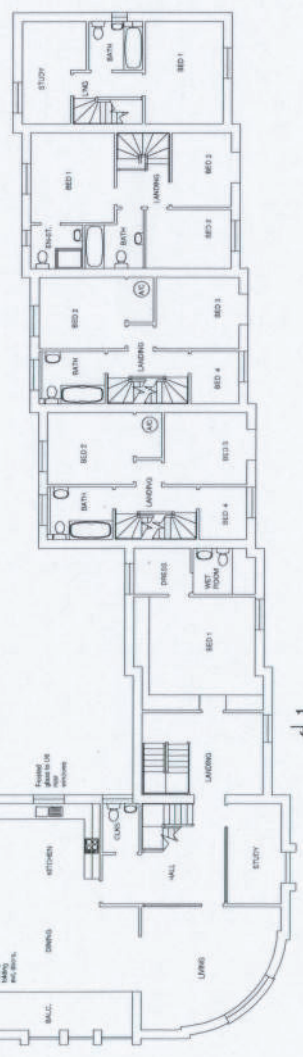
REAR ELEVATION UNITS 6 - 10 & SIDE ELEVATION TO UNIT 1



SECOND FLOOR PLAN UNIT 6



SECTION 1 - 1 THRO' UNIT 6 & REAR ELEVATION UNITS 1 - 5



FIRST FLOOR PLAN

THE ABOVE INFORMATION IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CONTRACT IS THE DRAWING SET. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

COORD. DATE: REVISION  
A: 2011.11.01 - General project briefing  
B: 2011.11.01 - General project briefing  
C: 2011.11.01 - General project briefing  
D: 2011.11.01 - General project briefing  
E: 2011.11.01 - General project briefing  
F: 2011.11.01 - General project briefing  
G: 2011.11.01 - General project briefing  
H: 2011.11.01 - General project briefing  
I: 2011.11.01 - General project briefing  
J: 2011.11.01 - General project briefing

**ELY DESIGN GROUP**  
Architects & Planning Services  
100 Coldhams Lane  
Coldhams Lane  
Cambridge CB2 3JF, UK  
Tel: 01223 414649  
Fax: 01223 414650

Client: CAMPBELL PROPERTIES LTD

Project: 100 COLDHAMS LANE  
COLDHAMS LANE  
COLDHAMS LANE

Drawing Title: SECOND FLOOR FLOOR PLAN  
100 COLDHAMS LANE

Scale: 1:100  
Date: July 2011  
Drawing No: EDC/10/100/10/F2/P2  
Rev #