



NORTH AREA COMMITTEE



AGENDA

To: City Councillors: Todd-Jones (Chair), Price (Vice-Chair), Abbott, Boyce, Bird, Brierley, Gawthrope, Kerr, O'Reilly, Pitt, Tunnacliffe and Ward

County Councillors: Manning, Pellew, Sales and Wilkins

Dispatched: Wednesday, 23 January 2013

Date: Thursday, 31 January 2013

Time: 6.30 pm

Venue: Meadows Community Centre, 1 St Catharines Road, Cambridge

Contact: Glenn Burgess

Direct Dial: 01223 457013

PLANNING ITEMS

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST (PLANNING)

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

3 MINUTES OF THE LAST MEETING *(Pages 1 - 8)*

4 PLANNING ITEMS

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

Planning Items

- 5** **12/1428/FUL - 16-18 ARBURY COURT** *(Pages 19 - 30)*

- 6** **12/1342/FUL - 73 GILBERT ROAD** *(Pages 31 - 56)*

- 7** **12/1431/CLUED - 70 GREEN END ROAD** *(Pages 57 - 72)*

Meeting Information

Public Speaking on Planning Items

Area Committees consider planning applications and related matters. On very occasions 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 working 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.

Further information is also available online 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 planning items and planning enforcement 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.

Representations on Planning Applications

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

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

Any public representation received by the Department after 12 noon two working 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.

Fire Alarm

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A loop system is available on request.

Meeting papers are available in large print and other formats on request prior to the meeting.

For further assistance please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Queries reports

on 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.

General Information

Information regarding committees, councilors and the democratic process is available at www.cambridge.gov.uk/democracy.

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NORTH AREA COMMITTEE

22 November 2012

6.00 - 7.30 pm

Present: Councillors Todd-Jones, Price (Vice-Chair, in the Chair), Abbott, Boyce, Bird, Brierley, Gawthrop, Kerr, O'Reilly, Pitt and Tunnacliffe

Officers:

Head of Planning Services: Patsy Dell

Principal Planning Officer: Tony Collins

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

12/57/NAC Apologies for Absence

Apologies were received from City Councillor Ward and County Councillor Wilkins.

12/58/NAC Declarations of Interest (Planning)

No declarations of interest were made.

12/59/NAC Minutes of the last meeting

The minutes of the 12 September 2012 meeting were approved and signed as a correct record.

12/60/NAC Planning Items

12/60/NACa 12/0856/FUL - 29-31 Harding Way

The Committee received an application for full planning permission.

The application sought approval for erection of a terrace of four town houses following demolition of existing semi-detached bungalows and garages.

The Committee received a representation in objection to the application from Dr Wilson.

The representation covered the following issues:

- (i) The representation was on behalf of various residents.
- (ii) Suggested there were errors in the Officer's report:
 - The description of the application was inaccurate.
 - Representations from the Access Officer and Councillor Todd-Jones were not addressed.
 - Various representations were missing from the report, or reported erroneously.
- (iii) Expressed concerns regarding:
 - Access.
 - Parking (paving over verges would detract from the character of the area).
 - Overlooking of existing properties.
 - Overdevelopment of site.

Councillor Todd-Jones (Ward Councillor for Arbury) addressed the Committee about the application.

The representation covered the following issues:

- (i) The application design would dominate neighbours and was out of character with the street.
- (ii) Referred to the Design and Access Statement included in the Officer's report, plus Access Officer's comments.
- (iii) Suggested there was an error in the Officer's report listing four car parking spaces being available, trees and verges would have to be removed to enable this. Cllr Todd-Jones questioned whether Council car parking standards were met.
- (iv) Referred to the Head of Environmental Services comments included in the Officer's report and questioned if access and refuse arrangements were appropriate.
- (v) Suggested the application did not meet Cambridge Local Plan standards.

The Committee:

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

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

The scale, mass, and terraced form of the proposed houses would detract from the character of the street scene, contrary to policies 3/4 and 3/12 of the Cambridge Local Plan (2006).

12/60/NACb 12/1096/FUL - 21 Belvoir Road

The Committee received an application for retrospective planning permission.

The application sought approval for a side and rear roof extension.

The Principal Planning Officer referred to images of the extension tabled at Committee.

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

- Mrs Brundish
- Mrs Atkins

The representations covered the following issues:

- (i) Questioned why the application was recommended for approval when the extension was subject to an enforcement order.
- (ii) Neighbours were concerned regarding Council enforcement/planning costs.
- (iii) Referred to a letter submitted to the Planning Officer setting out historic and current concerns regarding:
 - Overlooking.
 - Design and materials in the application did not match the character of the area.
 - Harassment and anti-social behaviour by 21 Belvoir Road occupants.
- (iv) Requested the application be rejected and the building be returned to its original format.

Councillor Price read out a statement on behalf of Ms Rolt, reiterating the concerns of Mrs Brundish (her Mother).

Councillor Boyce (Ward Councillor for West Chesterton) addressed the Committee about the application.

The representation covered the following issues:

- (i) Asked the Committee to reject the application, to be consistent with other decisions regarding the site.
- (ii) Referred to p57 of the report pack and said the Juliet balcony would exacerbate existing overlooking issues.
- (iii) Referred to Planning Inspector's concluding comments on p70 of the report pack regarding overlooking, and suggested this was a possible reason for refusal.
- (iv) Referred to anti-social behaviour by 21 Belvoir Road occupants, but suggested this was not a material planning consideration.

The Committee:

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

Resolved (by 8 votes to 0) to refuse the application contrary to the officer recommendations for the following reasons:

The proposed extension, by reason of its very angular nature, and box-shaped mass, fails to reflect, or successfully contrast with, the form, materials and detailing of the existing building, contrary to policies 3/4 and 3/14 of the Cambridge Local Plan (2006).

12/60/NACc 12/1041/FUL - 3 Victoria Road

The Committee received an application for full planning permission.

The application sought approval for erection of a dwelling (following demolition of existing dwelling).

The Committee received a representation in objection to the application from Professor Bowie.

The representation covered the following issues:

- (i) Felt the application would change the character of the neighbourhood and lead to difficult neighbour relations. Neighbours were already finding the situation stressful.
- (ii) Suggested demolition work for the application would adversely affect Professor Bowie's house. Construction noise would negatively impact on his working hours at home, planning conditions would not help to mitigate issues.
- (iii) Suggested the rear access was too small for building work to occur.
- (iv) Suggested removal of the rear wall would impact on the structural integrity of Professor Bowie's house.

Dr Wishard (Applicant's wife) addressed the Committee in support of the application.

The Committee:

Resolved (by 9 votes to 0) to accept the officer recommendation to approve planning permission as per the agenda.

Reasons for Approval

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

East of England plan 2008: SS1, H1, T2, T9, T14, ENV6, ENV7, WM6

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 3/12, 4/10, 4/11, 4/13, 4/14, 5/1, 8/2, 8/6, 8/10

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

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

12/61/NAC General Item

12/61/NACa Planning Enforcement Control: Unauthorised Change of use at 70 Green End Road, Cambridge

The Committee received a report requesting authorisation to take formal enforcement action.

The report sought authority to serve an Enforcement Notice in the event that a Certificate of Lawfulness is refused. The enforcement notice would be to address a breach of planning control, namely the unauthorised change of use of 70 Green End Road from its lawful planning use as part residential and part bed and breakfast accommodation.

Site: 70 Green End Road, Cambridge.
Breach: Unauthorised change of use

The Committee received a representation in relation to the report from Mrs Blair.

The representation covered the following issues:

- (i) Neighbours supported the Officer's recommendation to take enforcement action.
- (ii) The number of rooms authorised under the original site application were restricted due to the anticipated impact on neighbours. These issues had been realised through anti-social behaviour, noise/disturbance, frequent Police visits and a general negative impact on neighbours' amenities.
- (iii) Neighbours had been distressed by the unauthorised change of use.

Councillor Kerr proposed an amendment to the Officer's recommendation that the application for the Certificate of Lawfulness be brought back to North Area Committee for determination at a future date.

This amendment was carried unanimously.

The Committee:

Resolved (9 votes to 0) to accept the officer recommendation that delegated authority be given to the Head of Legal Services to issue an enforcement notice under the provisions of S172 of the Town and Country Planning Act

1990 (as amended), for a material change of use from a part C3 dwellinghouse and part C1 bed and breakfast accommodation guest house to use in its entirety as a guesthouse within class C1 or as a House in Multiple Occupation (sui generis). The enforcement notice would contain the wording set out in paragraphs 5.2 to 5.4 of the Officer's report (with such amendments as may later be requested by the Head of Legal Services).

The Certificate of Lawfulness would be brought back to North Area Committee at a future date.

The meeting ended at 7.30 pm

CHAIR

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APPENDIX 1 – 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 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

3.0 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*)

4.0 **Supplementary Planning Documents**

- 4.1 **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.
- 4.2 **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.
- 4.3 **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.
- 4.4 **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.
- 4.5 **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.

- 4.6 **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.

5.0 **Material Considerations**

Central Government Guidance

- 5.1 **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.

- 5.2 **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.

5.3 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.

5.6 Area Guidelines

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

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

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

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

The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual

development sites in the area should contribute towards a fulfilment of that transport infrastructure.

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

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

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

Jesus Green Conservation Plan (1998)
Parkers Piece Conservation Plan (2001)
Sheeps Green/Coe Fen Conservation Plan (2001)
Christs Pieces/New Square Conservation Plan (2001)

Historic open space guidance.

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

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

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

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

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

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

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

Application Number	12/1428/FUL	Agenda Item	
Date Received	9th November 2012	Officer	Mr John Evans
Target Date	4th January 2013		
Ward	Kings Hedges		
Site	16-18 Arbury Court Cambridge CB4 2JQ		
Proposal	Change of use from A1 to D2		
Applicant	Mr Richard Patman 10 Tavistock road Cambridgeshire cb43nb		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. Arbury Court is well served by A1 retail units, which are the main function of the Local Centre. 2. The D2 use would not be harmful to the vitality and viability of the Local Centre. 3. The proposal would not conflict with the objectives of Local Plan policy 6/7.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site relates to a ground floor A1 retail unit situated on the eastern side of Arbury Court. The unit is currently occupied by a second hand toy shop.

1.2 The site falls within Arbury Court Local Centre.

2.0 THE PROPOSAL

2.1 Permission is sought for the change of use of the building from use class A1 retail to a gym, falling within use class D2 (assembly and leisure).

2.2 There are no physical alterations to the building.

3.0 SITE HISTORY

3.1 No relevant history.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 4/13 6/7

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport)

- 6.1 No significant adverse effect upon the Public Highway should result from this proposal if it gains benefit of Planning Permission.

Cambridge City Council Estates Team

- 6.2 Support change of use. D2 use would compliment the existing traders at Arbury Court and increase footfall.

Head of Environmental Services

Noise from the operating of a gym has the potential to affect the local amenity if not controlled including the use of equipment and the playing of music. I recommend a noise insulation scheme be submitted to explain how this will be controlled.

It is also recommended that all windows and doors are kept closed during the hours of use to prevent noise breakout. This should be conditioned.

All plant associated with the development should also be assessed for noise.

I therefore recommend the building/plant noise condition.

7.0 REPRESENTATIONS

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

62 Nuns Way
9 Cadwin Field
Arbury Community Centre
107A York Street
17 Jolley Way
4 Apthorpe Way
9 Ellesmere Road
64a Rustat Road
161 Minerva Way
25 Amwell Road
26 Bishops Road
4 Wiles Close
21 Mill Road
2 Ellison Close
10 Tavistock Road
50 Chieftain Way
174 Gilbert Road
St Catharines College
10 Belland Hill

7.2 The representations can be summarised as follows:

Comments in support

- There is a significant unmet demand for gyms in Cambridge.
- The gym will be a vibrant and splendid improvement to the Arbury Area.
- The idea that a toy shop will benefit the community more than a gym is ludicrous.
- The gym will support the health and fitness of the community.
- The gym will create a supportive and friendly atmosphere.
- It will add value to Arbury Court.
- Independent gyms are a rarity.

Comments objecting to the proposal

- Profits from the toy shop go back to the community, whereas gym profits do not.
- There is no need for a gym.
- There are too many sports facilities in Cambridge.
- Many parents use the current toy shop.
- The toy shop has long term potential.
- It is not right to evict the toy shop.
- The gym will waste peoples money in a deprived area.
- A gym would encourage drug use.
- Can the community make a bid to buy the premises to continue the existing use?

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

8.0 ASSESSMENT

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

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

Principle of Development

8.2 Local Plan policy 6/7 states that changes of use from A1 uses to A2, A3, A4 or A5 in District and Local Centres will only be permitted provided the percentage of A1 uses does not fall below 60% (measured by the total number of units). Changes of use from A1 to other uses will not be permitted. In broad principle therefore, the proposed change of use is contrary to policy 6/7.

8.3 Notwithstanding the above, there are significant material circumstances which justify that the proposal will not result in any harm to the vitality and viability of the local centre. Policy

6/7 aims to retain retail, the key function of local centres. Arbury Court is currently very well served with retail units, the most recent shopping survey indicating 88% in A1 use. There is adequate scope therefore within the Local Centre for units to change to different uses within the A class which is allowed by Local Plan policy 6/7.

- 8.4 The supporting text of Local Plan policy 6/7 seeks to resist changes of use to other uses such as residential and commercial, unless there are exceptional circumstances. In this case, the proposed use falls within D2 Assembly and Leisure. D2 uses, include gyms, museums, indoor sports facilities and bingo halls, and while not specifically mentioned within policy 6/7, may provide activities which support the role and function of local centres. In my opinion the proposed D2 use would support the vitality and viability of the local centre and is consistent with the spirit of what local plan policy 6/7 seeks to achieve.
- 8.5 I recognise that there are differing opinions within the community as to the relative merits of the existing toy shop business and the future gym use of the unit. The manner in which particular businesses are run, and the services they might offer to the community, is not material to the assessment of this planning application. The scope of the assessment is whether the proposed D2 use, which could in the future be occupied by a range of activities and businesses, detracts from the retail function and vitality of Arbury Court. In my opinion no such harm would result.
- 8.6 The Council's Estate Management Team have confirmed that they have in the past experienced problems letting the unit, which contributes to my overall view that the change of use would support Arbury Court. In my opinion, the development will not detract from the vitality and viability of Arbury Court which is the key objective of local plan policy 6/7.

Context of site, design and external spaces

- 8.7 There are no physical alterations proposed. Any future change in signage would be dealt with under the Advertisement Regulations.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.8 The proposed gym use and other uses falling with use class D2 would be compatible with the adjacent retail uses and upper floor flats. There is some potential for noise disturbance through amplified music and associated plant. This can be adequately controlled through the imposition of suitable planning conditions. In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Car and Cycle Parking

- 8.9 The proposed D2 use would not require any additional car or cycle parking over and above the existing A1 retail use. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.10 The comments received have been covered in the above report.

9.0 CONCLUSION

- 9.1 The proposed change of use would not harm the vitality and viability of Arbury Court; and would support its function as a Local Centre. APPROVAL is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

2. 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)

Reasons for Approval

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

Cambridge Local Plan (2006): 3/4, 6/7.

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.

3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

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 or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

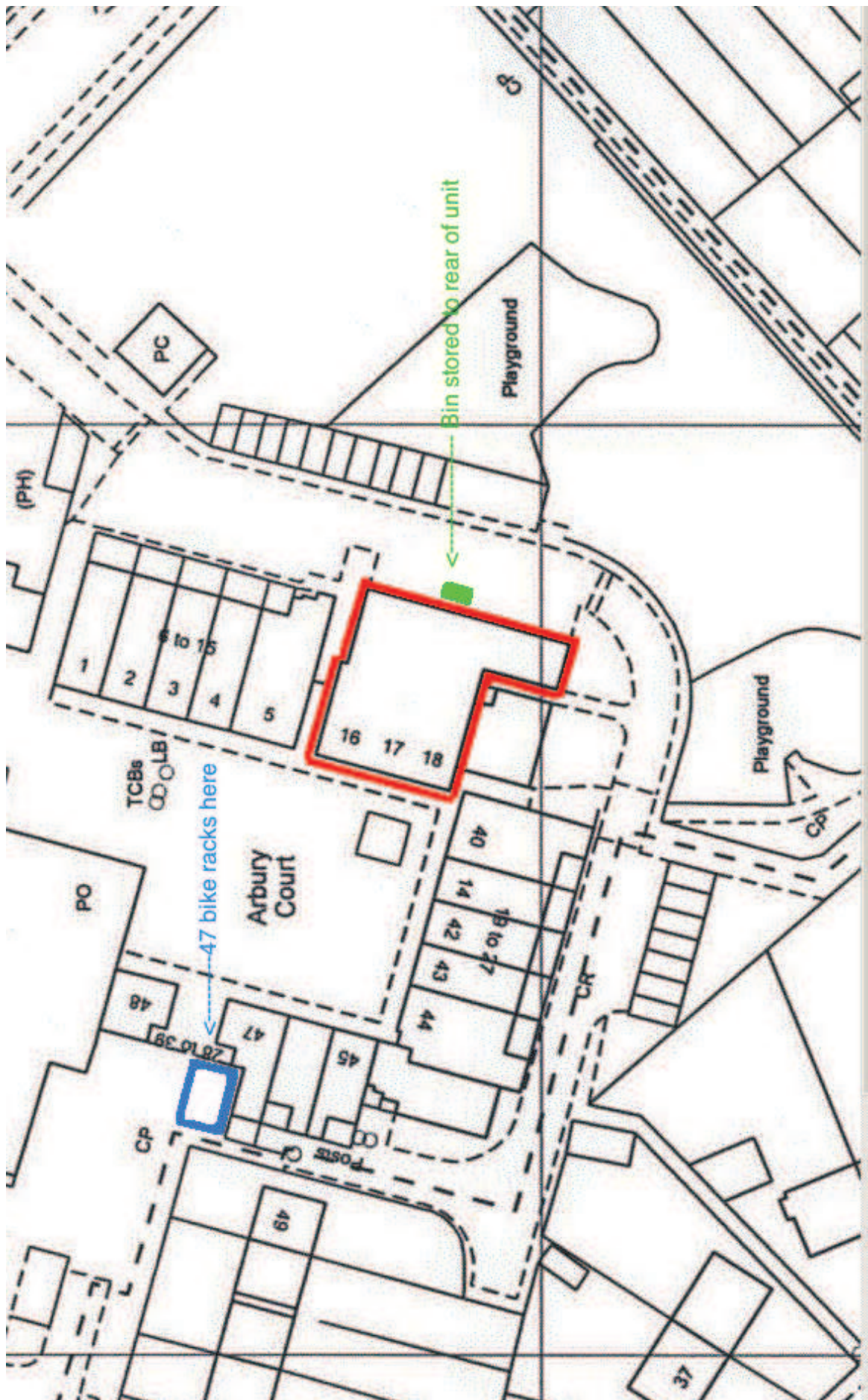
Under Section 100D of the Local Government Act 1972, the following are background papers for each report on a planning application:

1. The planning application and plans;

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

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

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Agenda Item 6

NORTH AREA COMMITTEE

31st January 2013

Application Number	12/1342/FUL	Agenda Item	
Date Received	24th October 2012	Officer	Ms Nanayaa Ampoma
Target Date	19th December 2012		
Ward	West Chesterton		
Site	73 Gilbert Road Cambridge CB4 3NZ		
Proposal	Single storey extension to side and rear of property replacing existing single storey side extension. First floor extension to side to enlarge bathroom. First floor extension to rear to enlarge bedroom.		
Applicant	Mr Richard Bailey 73 Gilbert Road Cambridge CB4 3NZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none">1. The design of the development is acceptable.2. The impact of the development on the amenity space of its neighbours is reasonable.3. The key objections raised in relation to No. 71 Gilbert Road are not enough to warrant an automatic refusal as the negative effects of the development are no more than would be expected for a development of this kind.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site sits within a long row of residential semi-detached properties to the west of Gilbert Road, closer to the junction that meets Courtney Way and near the Chesterton Sports Centre. The property is a semi-detached two storey house that has been extended previously to allow for a side

extension, a loft conversion and rear dormer extension. It shares a party wall with no.71 Gilbert Road, which has also been the subject of an extension.

- 1.2 The property is not within a Conservation Area and there are no protected trees on site.

2.0 THE PROPOSAL

- 2.1 Permission is sought for the demolition of the side extension and the constructing of a single storey side and rear extension and a first floor extension to the side and rear of the property.
- 2.2 The extension to the side and rear of the property would replace the current bike store, pantry and utility area with a large kitchen, a cloak room and a smaller utility store room. This extension would abut the boundary line between no.73 Gilbert Road and no.75 Gilbert Road. The extension will extend from the main house by 2.4 metres to the side, at a height of 3.3 at its ridge, and extend from the rear of the main house by 4.4 metres at a height of 3.3 metres to the ridge.
- 2.3 At first floor, the property will be extended from the current bathroom to the side of the property by 1.2 metres and the 3rd bedroom to the rear will be extended further to the rear by 1.3 metres. This forms part of the two storey extension to the rear which also provides further space on the second floor.
- 2.4 The application is accompanied by the following supporting information:
 1. Plans
 2. Permitted Development Diagram in relation to what is being proposed
- 2.5 The application is brought before Committee at the request of Councillor Max Boyce for the following reason:
 - Although the current application is substantially better than the previous, it does not address the main issue for refusing the previous application as it still has a two storey element.

2.6 Councillor Max Boyce has also declared a personal interest as he is acquainted with one of the architects responsible for drawing the plans for the application.

3.0 SITE HISTORY

Reference	Description	Outcome
C/03/0407	Loft conversion incorporating side and rear facing dormer windows.	Approved, conditions
10/0339/FUL	Single and two storey rear extension.	Refused
10/0795/FUL	Two storey and single storey rear extensions.	Refused
11/0401/CL2PD	Application for a certificate of lawfulness under Section 192 for a single storey side extension replacing existing structure and a two storey rear extension	Not determined

A full history of the site can be view on file.

3.1 The decisions for the previous refused applications, 10/0339/FUL and 10/0795/FUL, is attached to this report for ease under Appendix I.

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, 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
Cambridge Local Plan 2006	3/4, 3/7, 3/11 and 3/14

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

Central Government Guidance	National Planning Policy Framework 2012
Material Planning Considerations	<u>Citywide:</u> Roof Extensions Design Guide

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways)

6.1 No comment.

7.0 REPRESENTATIONS

7.1 Councillor Max Boyce has objected on the grounds that the development still proposes a two storey element.

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

69 Gilbert Road
71 Gilbert Road

7.3 The representations can be summarised as follows:

- Out of keeping with area
- Too large
- Would create negative precedent in area
- The present side extension has already reduced parking facilities

- Proximity to boundary wall would hinder access to fire services
- Similar developments by others in the area would change the character of the area.
- It would lead to over shadowing
- Would lead to building noise

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

8.0 ASSESSMENT

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

1. Context of site, Design and External Spaces
2. Residential amenity
3. Third party representations

Context of site, Design and External Spaces

8.2 The property benefits from a large garden and already has a side extension which has deemed consent under Permitted Development (PD). There is currently an undetermined Certificate of Lawfulness application under the reference of 11/0401/CLUPD for the side extension.

8.3 The side extension will be visual in the street scene. However, the site is not within a Conservation Area and the additional aspects of the new extension that would appear at street level (the front elevation of the proposed first floor section on the side, and a limited increase in ground floor roof height) would have a limited impact and are considered acceptable. At first floor, the windows to the new extension have been designed so that their position would mirror the current window positions. The materials to be used are also in keeping with the current property and would match what currently exists on site.

8.4 As part of the application, a drawing has been submitted that highlights the elements of the proposal that would benefit from general permission under the General Permitted Development Order (please see Appendix II). This diagram shows that most

of the proposal could be carried out without needing specific planning permission, including part of the two storey element that has been the subject of some objections. In my view, the diagram in Appendix II correctly represents the aspects of the scheme, which have general permission. It would not be reasonable to refuse permission for the application as a whole on this basis of features which have general permission.

- 8.5 Overall, the design of the new extension reflects that of the original house and given its proximity to the neighbour at no.75 and no.71 Gilbert Road it is acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.6 The main issues regarding amenity space relate to overbearing, over looking and over shadowing. All these aspects have been the subject of the objections received.
- 8.7 Overbearing: The proposed extension would have a visual impact on both neighbours at either side of the property. It will have a greater visual impact on no.75 Gilbert Road because the first floor extension will close the distance between the properties. Given the distance of the extension from both neighbours however, it will not create an unacceptable sense of enclosure at either property. Although the development would create many additions to the original house, I do not consider that it is over bearing or unduly dominant.
- 8.8 Overlooking: I have received an objection from the owner/occupier at No.71 Gilbert Road on the grounds that the first floor rear extension in bedroom 3 would allow for views directly into their bedroom and overlook their conservatory. However, the extension to bedroom 3 would see the window in a similar position facing the garden. So I cannot agree that it will lead to a loss of privacy for No.71 Gilbert Road.
- 8.9 On the side of No. 75, although the first floor bathroom extension would extend by a further 1.2m, there would remain a distance of over a metre from the first floor extension to the common boundary with no.75 Gilbert Road and a further gap of

almost 3m from the boundary line to the main house at No.75 Gilbert Road. There has been no objection from No.75 Gilbert Road and I do not consider that the proposed extension would have any overseeing or overlooking impact here.

8.10 Overshadowing: I have also received an objection from the owner/occupier of No.71 Gilbert Road on the grounds that the first floor extension would create overshadowing and enclose their house and conservatory. While I do not agree that given its distance it will create a greater sense of enclosure, the introduction of the first floor rear extension will probably cause some overshadowing of the conservatory at no.71 Gilbert Road. However, as the proposal lies northwest of No.71, such overshadowing could only take place in the later part of the day during the summer months and would be of a limited duration. The level of this over shadowing is considered acceptable, especially in light of the fact that the two-storey rear element, as discussed earlier, can be built without needing specific planning permission. It would not be reasonable to refuse permission on the basis of the impact of this section, and were the permission to be refused, the applicant could still erect this section without a further application.

8.11 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.

Third Party Representations

8.12 In addition to what has been discussed above I have also received a number of other objections on the grounds that it is:

- Out of keeping with area
- Would create negative precedent in area
- Similar developments by others in the area would change the character of the area.
- The present side extension has already reduced parking facilities
- Proximity to boundary wall would hinder access to fire services
- Would lead to building noise

8.13 Whilst this property may have experienced more development than some in the area, it does not follow that a further extension is unacceptable. The development is in keeping with other extensions along this road of which there are many. I emphasise again that a large part of proposal (as shown in Appendix II), enjoys general permission under the General Permission Development Order and could be erected without needing a planning application.

8.14 In terms of parking the property currently has off street parking and will not be making any changes to current parking arrangements. The area is not within a controlled parking zone.

8.15 Fire service access is controlled by the building regulations. The requirements do not preclude building extensions up to the common boundary, which is a very common pattern of development in the city. I do not consider that this raises issues which merit refusal of the application. Lastly, the building of the extension will undoubtedly lead to noise. Therefore, construction time limits will be placed on the application by condition so that building works are not carried out during unsociable hours.

9.0 CONCLUSION

The development has been assessed and deemed acceptable. Approval is recommended.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

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

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

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

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, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

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

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.

3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

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 or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

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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.

APPENDIX I:

Previous permissions



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Ref: 10/0795/FUL

Mr Richard Bailey
73 Gilbert Road
Cambridge
Cambridgeshire
CB4 3NZ

DECISION	SIG
NOTED IN	+ DATE
STATUTORY REGISTER	
COUNTY	
RENEWAL DATE ON COMPUTER	

The Council hereby refuse permission for

Two storey and single storey rear extensions.

at
73 Gilbert Road Cambridge Cambridgeshire CB4 3NZ

in accordance with your application received 3rd August 2010 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The proposed ground and first floor rear extension, because of their scale, their length, their height and their overall massing, positioned close to the common boundary with 71 Gilbert Road, would unreasonably dominate that neighbouring property. The additions would cause the occupiers of the neighbouring property to feel overwhelmed by the proposal and to suffer an unacceptable sense of enclosure, detrimental to the level of amenity that they should properly expect to enjoy. Additionally, the development would result in the loss of both sunlight and natural light to and outlook from No 71. The development is therefore contrary to policy 3/14 of the Cambridge Local Plan 2006 and in failing to respond to its context and to relate satisfactorily to its surroundings is also contrary to policy 3/4 of the Cambridge Local Plan 2006 and to advice provided by PPS1 Delivering Sustainable Development.

This decision notice relates to the following drawings: **0310/8/B, 0310/9/B, 0310/7/A**

A copy of the refused plan(s) is/are kept in the planning application file.

For further information please go to www.cambridge.gov.uk/planning to view the 'Your Decision Notice' leaflet. If you require a hard copy please contact the Application Support Team on (01223) 457200.

Dated: 5 October 2010



Guildhall, Cambridge, CB2 3QJ

Director of Environment 

SEE NOTES ATTACHED

CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION



**CAMBRIDGE
CITY COUNCIL**
Development
Control

Ref:10/03339/FUL

Mr Richard Bailey
73 Gilbert Road
Cambridge
Cambridgeshire
CB4 3NZ

DECISION	SIG + DATE
NOTED IN	
STATUTORY REGISTER	
COUNTY	
RENEWAL DATE ON COMPUTER	

The Council hereby refuse permission for

Single and two storey rear extension.
at
73 Gilbert Road Cambridge Cambridgeshire CB4 3NZ

in accordance with your application received 15th April 2010 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The proposed ground and first floor rear extension, because of their scale, their length, their height and their overall massing, positioned close to the common boundary with 71 Gilbert Road, would unreasonably dominate that neighbouring property. The additions would cause the occupiers of the neighbouring property to feel overwhelmed by the proposal and to suffer an unacceptable sense of enclosure, detrimental to the level of amenity that they should properly expect to enjoy. Additionally, the development would result in the loss of both sunlight and natural light to and outlook from No 71. The development is therefore contrary to policy 3/14 of the Cambridge Local Plan 2006 and in failing to respond to its context and to relate satisfactorily to its surroundings is also contrary to policy ENV7 of the East of England Plan (2008), to policy 3/4 of the Cambridge Local Plan 2006 and to advice provided by PPS1 Delivering Sustainable Development.

This decision notice relates to the following drawings: **0310/7, 0310/9, 0310/8**

Simon Payne
Director of Environment & Planning
Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Telephone 01223 457000 Minicom (non-speaking phone) 01223 457050



INVESTOR IN PEOPLE

A copy of the refused plan(s) is/are kept in the planning application file.

For further information please go to www.cambridge.gov.uk/planning to view the 'Your Decision Notice' leaflet. If you require a hard copy please contact the Application Support Team on (01223) 457200.

Dated: 9 June 2010



Guildhall, Cambridge, CB2 3QJ

Director of Environment & Planning 

SEE NOTES ATTACHED

**APPENDIX II:
PD Diagram submitted by
agent.**

Diagram showing volume for 73 Gilbert Road, planning application reference 12/1342/FUL



AC ARCHITECTS CAMBRIDGE LTD

33-35 VICTORIA ROAD, CAMBRIDGE, CB4 3BW Tel: 01223 576315 Fax: 01223 576321 e-mail: info@acarchitects.com

Planning Reference: 12/1342/FUL

Address: 73 Gilbert Road, Cambridge

Proposal: Single storey extension to side and rear of property replacing existing single storey side extension. First floor extension to side to enlarge bathroom. First floor extension to rear to enlarge bedroom.

PREVIOUS APPLICATION:

This application follows the refusal of planning application (reference 10/0795/FUL) which was recommended for approval by the planning officers but was refused at North Area Committee on the grounds of the size of the two-storey rear extension and the impact this would have on the adjacent property, no. 71 Gilbert Road.

PERMITTED DEVELOPMENT RIGHTS:

We have checked the permitted development rights and have confirmation from the Planning Officers that our clients can build a two-storey extension to the rear of the existing property up to 3m out from the back wall of the property without needing planning permission (figure 1).

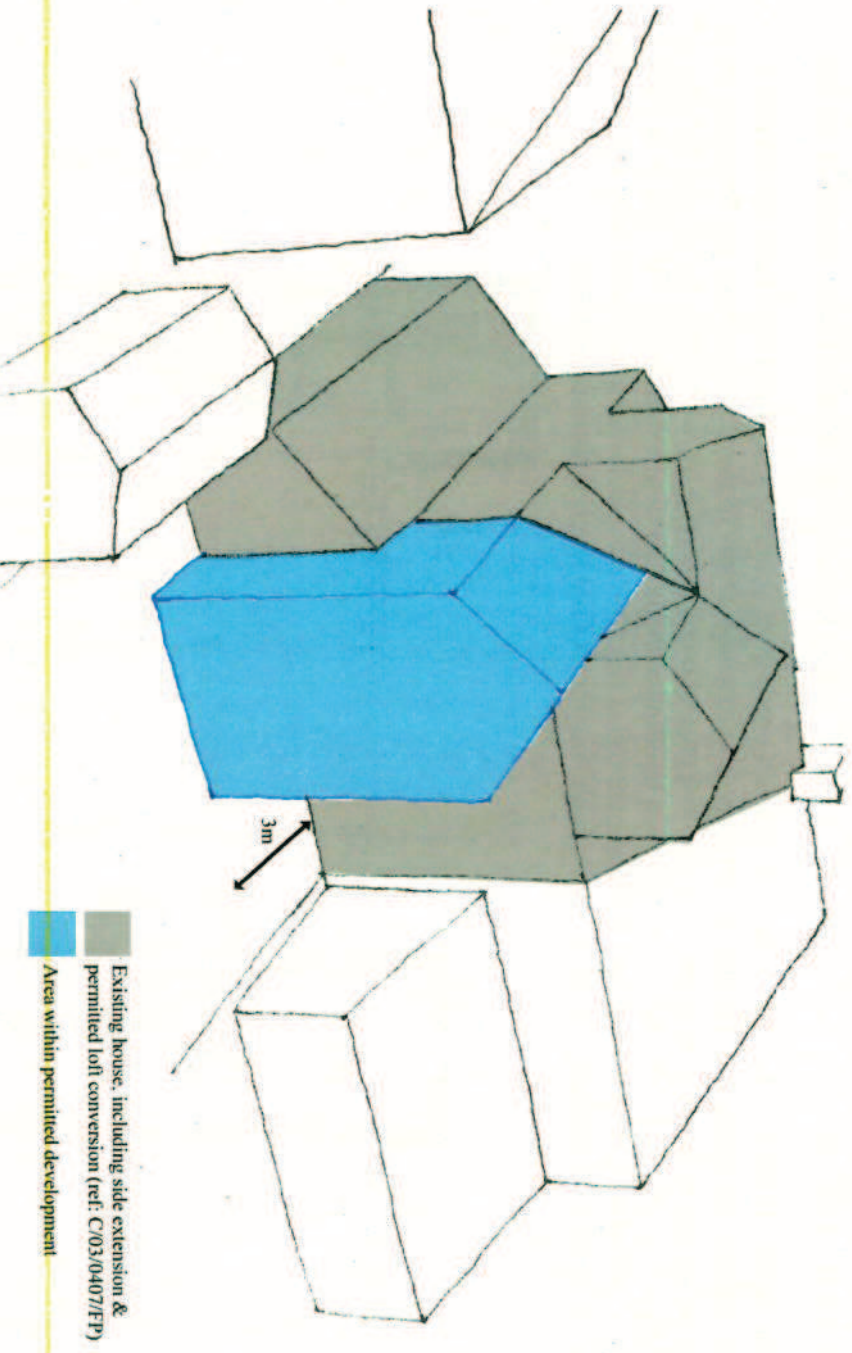


Fig. 1: Diagram showing what can be built under permitted development rights

RESPONSE TO PREVIOUS REFUSAL: Our clients have taken on board the Committees comments and feedback following the refusal of application 10/0795/FUL, have commissioned us to design a scheme which meets their brief whilst minimising any two-storey element to the rear.

CLIENTS BRIEF: No. 73 Gilbert Road still has the original area of kitchen, bathroom and first floor bedrooms from when it was built in the 1930's (figs. 2 & 3). The client's brief is to enlarge the kitchen area, increase the bathroom size so that it is large enough for a full size bath and create a reasonable size 3rd bedroom on the first floor to accommodate a family of 4. The house was built as a family home in the 1930's and these improvements will bring it up to modern standards.

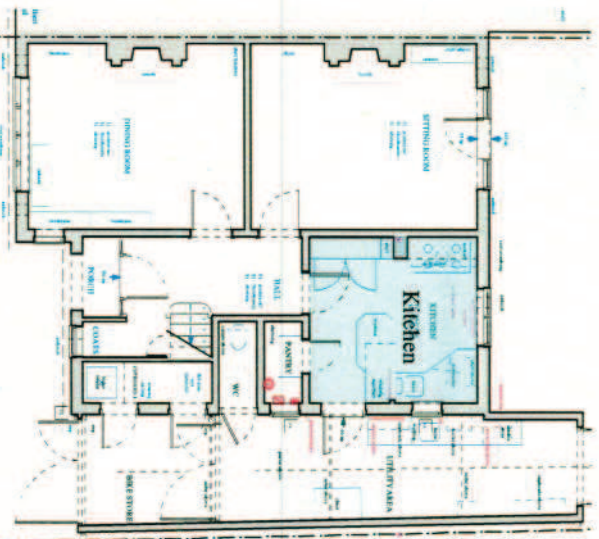


Fig. 2: Existing ground floor plan showing small original kitchen size

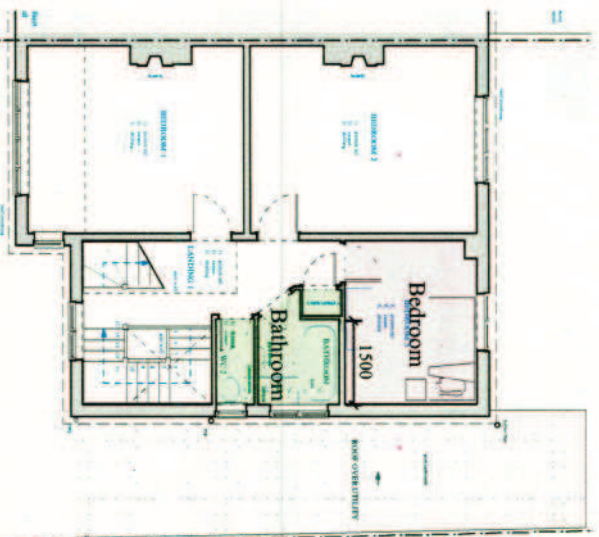


Fig. 3: Existing small first floor bathroom (not able to fit a full size bath) & small 3rd bedroom at 1st floor

PROPOSAL-FIRST FLOOR: In order to take on board the Committees concerns regarding the impact of a two-storey extension the proposal at first floor is to extend partially to the side to enlarge the bathroom thus reducing the bedroom extension to the rear to a projection of 1.3m (fig.4), well within permitted development rights. This is a more expensive solution than building a single first floor extension of 3.0m depth to fulfil the brief and remain within permitted development rights (fig.5) and is put forward by our client to try and take on board the Committees concerns whilst achieving the desired level of accommodation.

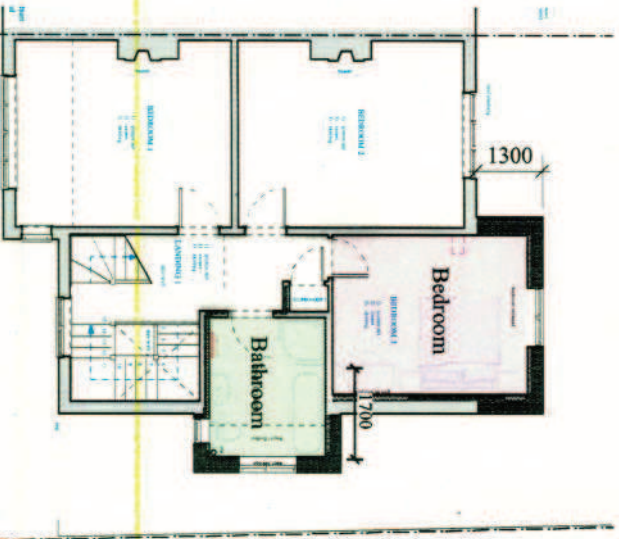


Fig. 4: Proposed first floor plan showing how a combination of side and rear extension reduces overall size of the two-storey rear extension. The side extension requires planning permission, the rear extension is within permitted development rights

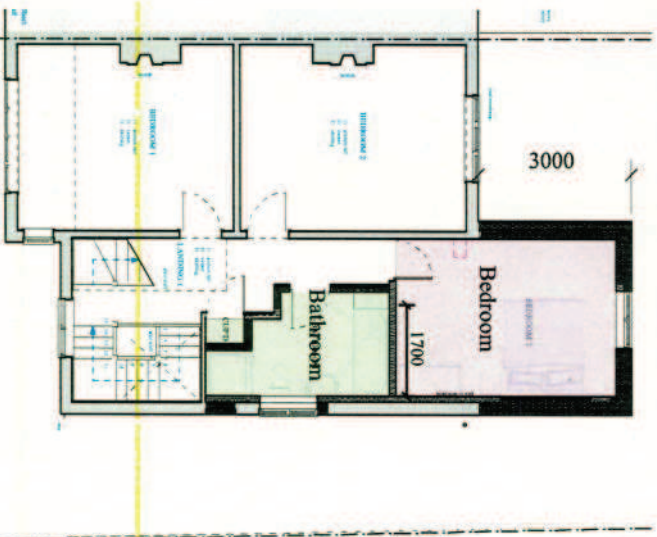


Fig. 5: Alternative first floor plan with a larger two-storey extension showing how the first floor could be extended within permitted development rights

PROPOSAL-GROUND FLOOR: At ground floor the proposal is to partially replace an existing structure and partially extend to create a single storey wrap around extension to provide an enlarged kitchen, separate utility and bike storage area. Much of this is replacing an existing side extension built some years ago to poor standards. We would further note that the orientation of the properties means that the proposed extensions are to the north west of No.71.

SCOPE OF THE APPLICATION: Figure 7 illustrates the elements of the application which require planning permission and those which could be built under permitted development rights.

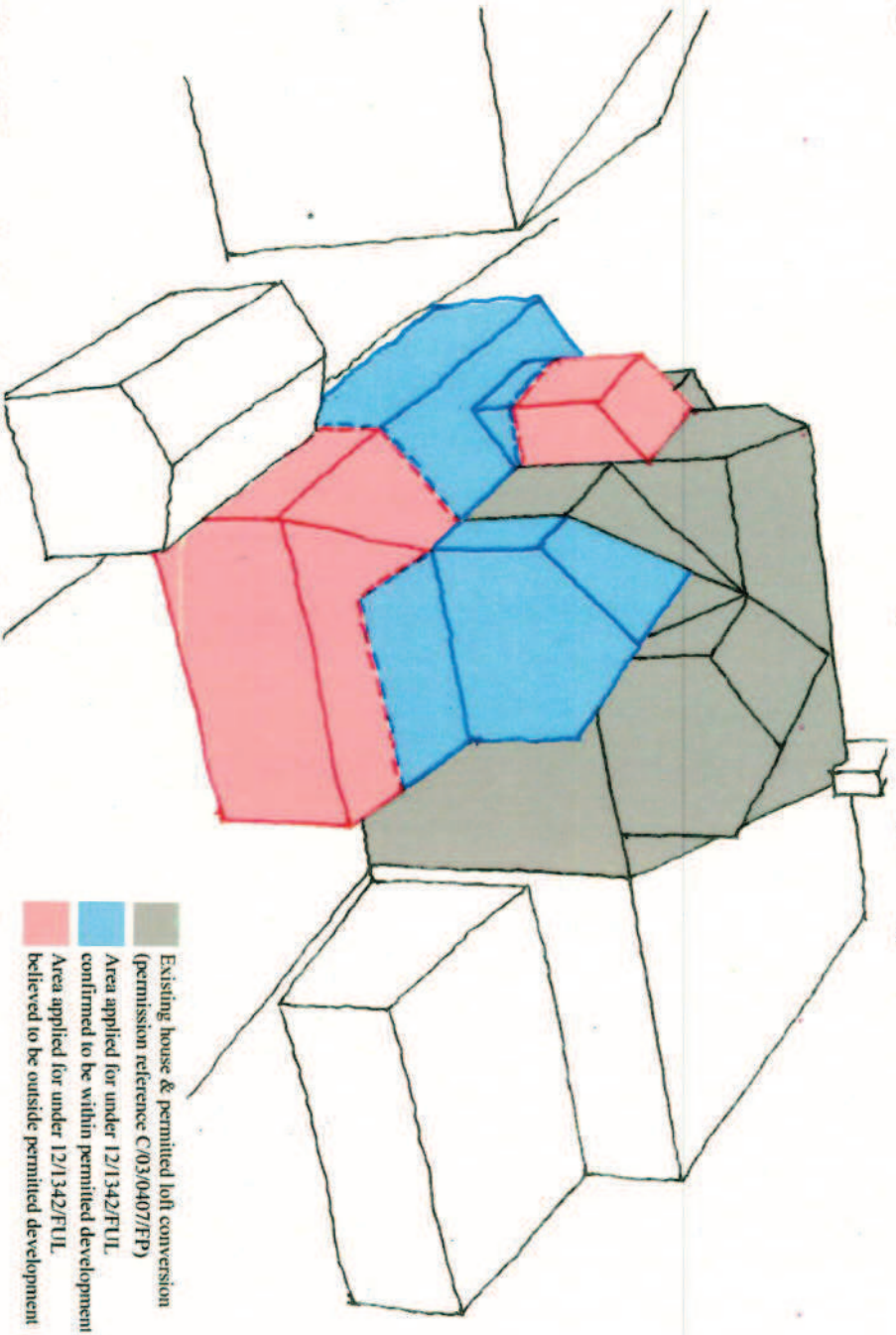


Fig. 6: Diagram showing what extent of permitted development rights and extent of work requiring planning permission

CONCLUSION: We feel that the proposal is a good solution taking on board the planning committees previous concerns whilst meeting the clients brief. The application significantly reduces the two-storey extension to the rear, both from the refused application and from what is permissible under permitted development (see fig. 7) thereby minimising the impact on the neighbours at no. 71 Gilbert Road. The proposal will provide a comfortable family home, to modern standards.

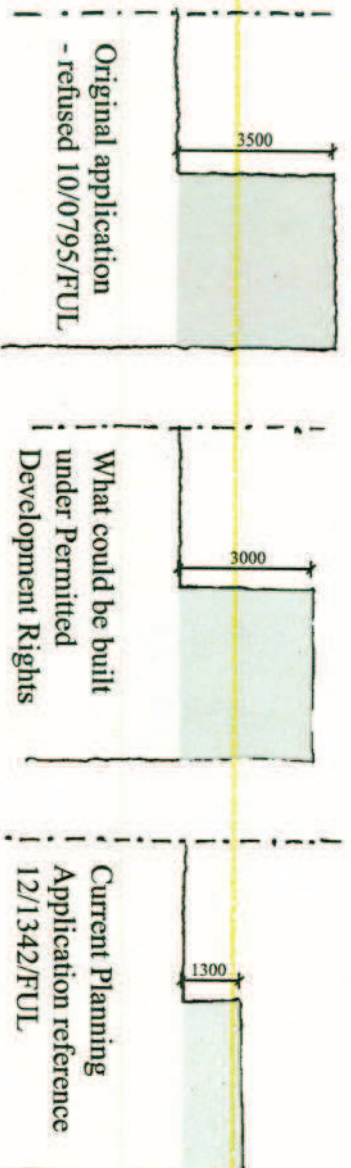


Fig. 7: Diagram showing first floor size of previous refused application, what could be built within permitted development rights and what is applied for under this application

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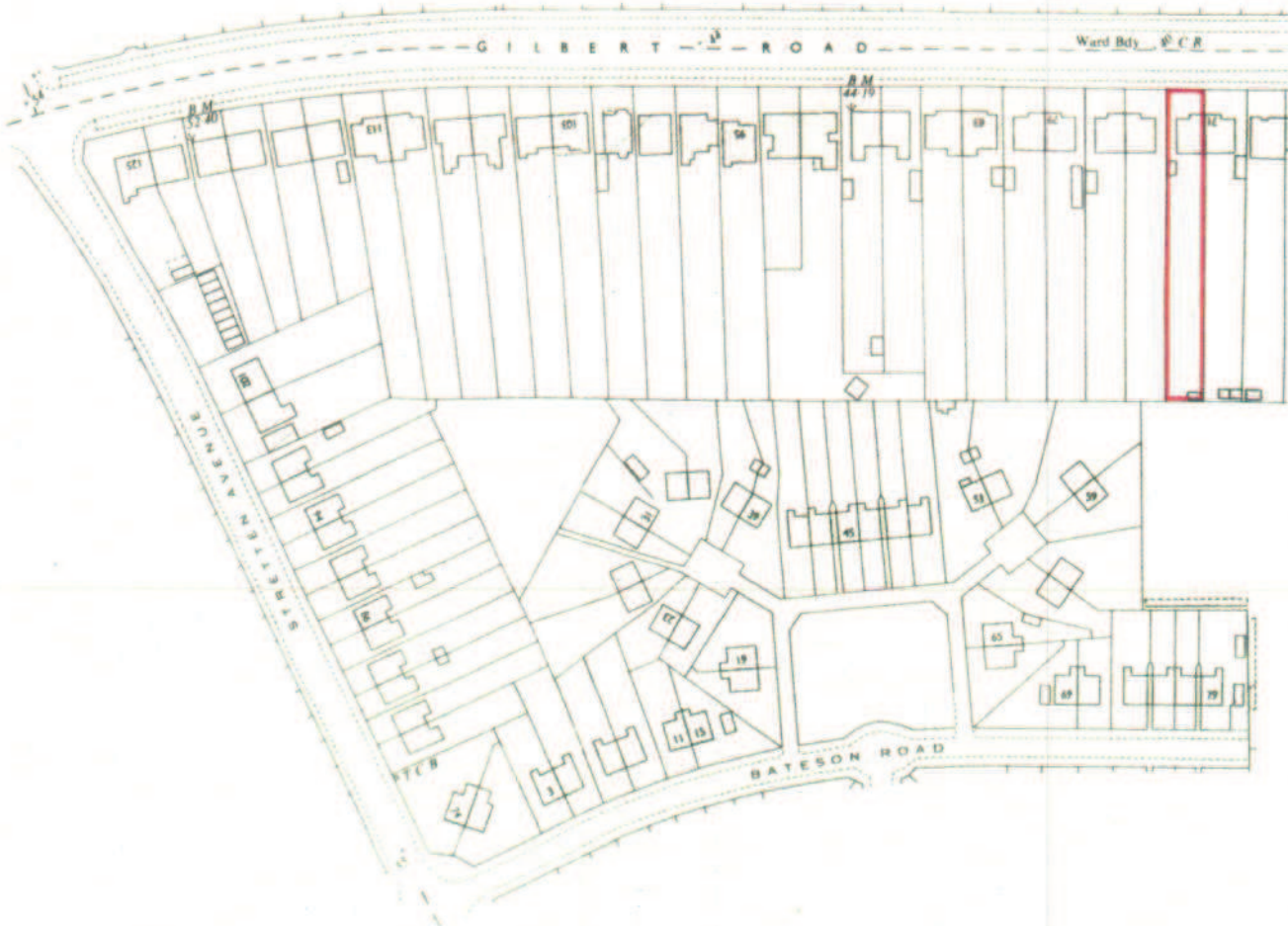
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LOCATION PLAN

ALTERATIONS AND EXTENSION TO 73 GILBERT ROAD, CAMBRIDGE

38-35 VICTORIA ROAD, CAMBRIDGE CB4 3HW

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Application Number	12/1431/CLUED	Agenda Item	
Date Received	16th November 2012	Officer	Mr Amit Patel
Target Date	11th January 2013		
Ward	East Chesterton		
Site	70 Green End Road Cambridge Cambridgeshire CB4 1RY		
Proposal	Application for a certificate of lawfulness under Section 191 for use in multiple occupation (sui generis).		
Applicant	Mr Luigi De Simone 11 St Barnabas Road Cambridge CB1 2BU		

Delegated Report

Site Description and Area Context

The property is located on the eastern side of Green End Road close to the junction with Nuffield Road. The property has land to the front, which is used for car parking and land to the rear used for garden. The building is detached and finished in brick with a tiled roof.

Description of Application

This is an application for a Certificate of Lawfulness for the use of 70 Green End Road as a HMO with 9 bedrooms. This application seeks the certificate to be granted on the basis that the use has been carried out for ten years continuously without conforming to condition 3 attached to the approval under planning reference C/87/1104, which required that only 4 guest bedrooms could be used as guest accommodation and rest of the property as residential.

The application is supported by the following evidence:

1. Personal Affidavit
2. Previous Employee Statement

The application is made under Section 191 of the Town and Country Planning Act 1990.

Site History

Reference	Description	Outcome
C/86/0643	Erection of two storey and single storey extension to existing dwelling house. (amended by drawings dated 14/8/86, 12/12/86, 20/07/87 and 05/10/90).	Approved with conditions
C/87/1104	Change of use from single dwelling house to part residential/part bed and breakfast accommodation.	Approved with conditions
C/01/0105	Two storey and single storey rear extension to Guest House providing 3 additional guestrooms.	Refused
C/01/1025	Single storey rear extension to Guest House to provide residential accommodation for the owner/manager; conversion of existing building from four guest bedrooms to 7 guest bedrooms.	Refused
C/01/1021	Section 73 application to allow use of 70 Green End Road without compliance with condition 03 of the Planning Permission C/1104/87, namely as a guest house with 7 guest bedrooms rather than 4	Refused

Assessment

This is an application made under S191 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for:

Use of the property as a large HMO without complying with condition no.3 of planning permission C/87/1104. The condition stated:

*'The maximum number of guest rooms shall at no time exceed 4.
Reason: To protect the amenities of adjoining properties.'*

It is the applicant's case that the property has been used throughout the ten years preceding this application as a large HMO with 9 bedrooms, and that condition 3 of C/87/1104 has not been complied with at any point during this period.

The applicant has submitted personal statements, and copies of letters from various Council departments:

- Personal statement from Luigi De Simone
- Personal statement from Antonio Luigi De Simone
- Letter from Jane Slater (worked as Manager at 70 Green End Road) dated 6th November 2012
- Letter from Michelle Jordan (Environmental Health) dated 7th March 2005
- Letter from Yvonne O'Donnell (Housing Standards) dated 7th July 2005
- Certification of HMO dated 7th July 2005 expiring 7th July 2010
- Letter from WB Viles (Planning Investigation) dated 14th July 2005

From the above submitted documentation the applicant seeks to demonstrate that a ten year continuous use has been established for the property in breach of condition 3 of C/87/1104.

It is for the applicant to demonstrate on a balance of probabilities that the use has continued for the preceeding ten years, and the burden of proving this is (in the words of Circular 10/1997) 'firmly on the applicant'.

I have read the information provided to me by the applicant very carefully and mindful of the above test and having sought legal advice I have reached the view that the applicant has failed to discharge the burden of proof upon him.

I have arrived at this conclusion for the following reasons:

1. Most of the correspondence from the council which the applicant relies on is dated between March and July 2005. This does not address the burden of proof of ten years continuous use, as there is no independent evidence of the use prior to this date.
2. The statement of Luigi De Simone in paragraph 4 states that Mr Viles (of the Council's Planning Investigation Team) had conceded that the property benefits from the established use. However the letter from Mr Viles dated 17th July 2005 states the opposite: i.e. that the property needs to be restored to the approved scheme of 4 bedrooms as guest accommodation with the rest of the house as residential, as approved under planning reference C/87/1104. Also in paragraph 4, Mr Luigi De Simone states that the property has been used on a HMO basis since 1999. However my independent investigation has discovered a letter from John Holt (Housing Standards

Technical Officer) to Mr L De Simone dated 24th April 2001. This letter states that Green End Road Guest House will not be assessed as a HMO 'as you have decided not to take people from Cambridge City Council', which conflicts with paragraph 4 of Mr L. De Simone's statement. I do not consider that Mr Luigi De Simone's statement is sufficient to demonstrate that, on the balance of probability, ten years continuous use of the property as a large HMO, in breach of condition 3 of permission C/1104/87, has taken place.

3. Antonio Luigi De Simone states in paragraph 4 that in late 2000 or early 2001 they received referrals from City Council. However, the letter from Mr Holt which I have quoted above, appears to contradict this paragraph of Mr A. L. De Simone's statement. The Inspector's decision notice on the appeal on C/01/1021/VC, dated 13th June 2002 also seems, in paragraph 11, to contradict Mr A. L. De Simone's statement. I do not consider that Mr Antonio De Simone's statement is sufficient to demonstrate that, on the balance of probability, ten years continuous use of the property as a large HMO, in breach of condition 3 of permission C/1104/87, has taken place.
4. The letter from Jane Slater of 06.11.2012 is insufficient evidence because, inter alia, there are discrepancies concerning the use. There is no clear statement as to the number of rooms used, and the letter appears to contradict the Inspector's decision notice of 13.06.2002, in which he states that part of the house was used and occupied as manager's accommodation and associated offices. I do not consider that Ms Slater's letter is sufficient to demonstrate that, on the balance of probability, ten years continuous use of the property as a large HMO, in breach of condition 3 of permission C/1104/87, has taken place.
5. Neighbours have stated that the use with 9 bed rooms has not been continuous and their submission seems to correlate more closely with the Planning Inspector's comments in his appeal decision than the applicant's statement does.

Although the information seeks to demonstrate that there has been a 10 year continuous use of the property as a large HMO in breach of condition 03 of permission C/1104/87, having looked at all the relevant information, I conclude that the information, is not sufficient, on balance of probability, to prove that there has been a 10 year

continuous use. Furthermore, there is no independent documentation, such as individual receipts of rooms let or accounts, to verify such continuous use, which might swing the balance of probability into the favour of the applicant.

Conclusions

Having taken into account the information supplied by the Applicant and having made independent investigations the application for a Certificate of Lawful Development should not be granted.

Recommendation

That a Certificate of Lawfulness not be granted under Section 191 of the Town and Country Planning Act 1990 (as amended) for use as a large HMO with 9 bedrooms in breach of condition 03 of C/1104/87 at 70 Green End Road, Cambridge for the following reasons:

1. It appears to the Local Planning Authority that insufficient evidence has been submitted to demonstrate that the property has been used continuously as a large house in multiple occupation with 9 bedrooms in breach of planning condition 03 of permission C/1104/87, for a period of ten years.

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

or by visiting the Customer Service Centre at Mandela House.

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Appeal Decisions

Site visit made on 20 May 2002

The Planning Inspectorate
Room 409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 8927



by **MA Champion** BSc CEng FICE FInstruct FIHT FHKIE

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

Date 13 JUN 2002

Appeal A: APP/Q0505/A/02/1082990 70 Green End Road, Cambridge.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under Section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr L Desimone against the decision of Cambridge City Council.
- The application ref: C/01/1021/VC, dated 15 September 2001, was refused by notice dated 15 November 2001.
- The application sought the removal of a condition attached to planning permission ref: C/1104/87, dated 6 January 1988, for the change of use from a single dwelling house to part residential part bed and breakfast accommodation.
- The condition in dispute is No 03 which states that:
03 The maximum number of guest bedrooms shall at no time exceed four.
- The reasons given for the condition were:
To protect the amenities of adjoining properties.

Summary of Decision: The appeal is dismissed.

Appeal B: APP/Q0505/A/02/1082991

70 Green End Road, Cambridge.

- 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 L Desimone against the decision of Cambridge City Council.
- The application ref: C/01/1025/FP, dated 15 September 2001, was refused by notice dated 15 November 2001.
- The development proposed is an additional three guest rooms and a ground floor extension to form the manager's flat.

Summary of Decision: The appeal is dismissed.

Procedural Matters

Appeal A

1. The application form described the proposed development as a guest house to provide three extra guest rooms making a total of seven, and indicated that the type of application was one for full planning permission. However in view of the previous planning permission (ref: C/1104/87) the Council have treated the application as being for the variation of a condition on this planning permission, which the appellant accepts, and I shall consider the appeal on this basis.

Appeal B

2. The description given above is taken from the application form. The Council's refusal notice describes the proposed development more completely as a single storey rear extension to a guest house to provide residential accommodation for the owner/manager, and conversion of the existing building from four guest bedrooms to seven guest bedrooms, and I shall deal with the appeal on this basis.

Main Issues

Appeal A

3. I consider that there are three main issues in this case. The first is whether the removal of Condition 03 would result in the unacceptable loss of residential accommodation. The second and third main issues are the effect of the removal of Condition 03 on the character and appearance of the area, and on the living conditions of local residents with particular regard to noise and disturbance, respectively.

Appeal B

4. I consider that there are two main issues in this case. These are the effect of the proposed development on: firstly, the character and appearance of the surrounding area; and secondly, the living conditions of neighbouring residents with particular regard to visual impact, noise and disturbance.

Development Plan and other Planning Policies

Appeals A and B

5. The development plan for the area includes the Cambridgeshire Structure Plan, adopted in December 1995, and the Cambridge Local Plan, which was adopted in November 1996. Structure Plan Policy SP12/10 requires all new developments to incorporate high standards of layout and design and to relate well to their surroundings. Local Plan Policy BE2 requires proposals for new development to be designed to respect the character, opportunities and constraints of the site and its surroundings. Policy BE8 sets out requirements for extensions to existing buildings, including their effects on neighbouring properties. Policy E01 states that planning permission will not be granted for new development near to existing residential areas where that development would cause noise or air pollution affecting the residential environment.

6. Policy H05 seeks to retain and consolidate the character of primarily residential areas, and sets out criteria to be satisfied by non-residential uses. These include compatibility with the surrounding residential uses without causing detriment to the amenity of the area by reason of noise; the accommodation of the use in a building whose design, size, scale, massing and materials are appropriate for the character of the area; the scale and intensity of use being appropriate to a residential area; there being no loss of off-street residential parking spaces, the provision of adequate access arrangements, and no material rise in the amount of traffic generated. Policy H06 states that the loss of residential accommodation will not be permitted except in certain specified circumstances.

7. Policy T03 states that changes of use to guest houses which lead to the loss of

residential units will not be permitted, except that large houses unsuited to single family occupation will be considered suitable. Policy T04 requires the retention of a unit of private residential accommodation, comprising not less than four habitable rooms for the use of persons employed on the property, in dwellings that are changed to guest houses. Policy T05 indicates that proposals to extend guest houses will be considered carefully in relation to the impact on the amenity of other properties, the scale of the proposed extension, compliance with car parking standards, and the ability of the neighbourhood to absorb the additional commercial activity.

8. Planning Policy Guidance Note 1: General Policy and Principles (PPG1) advises that good neighbourliness and fairness are among the yardsticks against which development proposals can be measured.

9. Government policy on the use of conditions is given in Circular 11/95. This sets out six tests for conditions, all of which must be satisfied. Conditions should only be imposed where they are necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Reasons

10. The appeal site lies in a predominantly residential area on the north-east side of Green End Road near its junction with Nuffield Road. Green End Road is an important local distributor and Nuffield Road is a cul-de-sac serving an industrial area, a primary school and a medical practice as well as housing. The appeal building is a detached two-storey dwelling located close to its north-western boundary with No 68, a detached house. On the south-eastern boundary it abuts No 72, a semi-detached house, and towards the rear further residential properties at 1 and 1A Nuffield Road. There are three parking spaces in front of the building, with a further space and a double garage in the rear garden. A tall hedge extends the length of the south-eastern boundary behind the houses.

Appeal 4

11. The proposal would convert three first floor rooms to guest rooms, thus increasing the number of guest rooms to seven. The rooms in question are currently used as a linen store, the manager's lounge/dining room and the manager's study. The ground floor would remain unaltered and no external alterations are proposed.

12. Condition 03 was imposed in 1988, prior to the issue of Circular 11/95. Nevertheless, having regard to the location of the premises in a predominantly residential area, I consider that Condition 03 is not only necessary but relevant to planning and the permitted development. It is also enforceable, in that a breach would be easily detected, precise in the accommodation allowed, and reasonable in terms of residential amenity. I therefore consider that Condition 03 satisfies the tests of Circular 11/95, and, whatever the policy background applicable in 1988, has been correctly imposed in terms of current Government advice.

Loss of residential accommodation

13. The proposal would reduce the manager's accommodation to a single bedroom with an en-suite shower and WC, and an office on the ground floor. It would thus not provide a separate unit of residential accommodation, of at least four habitable rooms, for the use

of persons employed on the property. Neither has any evidence been presented that the rooms to be converted are unfit for human habitation, too small to provide satisfactory living accommodation, or fall into any other of the relevant exceptions permitted by Local Plan Policies TO3 and HO6. I conclude on this issue therefore that the loss of residential accommodation would be unacceptable and contrary to Local Plan Policies TO3, TO4 and HO6.

Effect on character and appearance

14. The proposal would almost double the number of guest rooms, which would lead, in my opinion, to a significant increase in the level of activity associated with the appeal site. As the neighbouring houses are residential, I consider it likely that the level of activity on the appeal site would be significantly greater than in any of the surrounding houses. This would be exacerbated by the frequency of turnover of the residents who could be moving in or out daily. I consider that this would amount to an intensification of the use of the site which would be out of keeping with the residential character of the area and the constraints of the site, and contrary to Local Plan Policies BE2, HO5 and TO5.

Effect on living conditions

15. In my opinion the increased activity associated with the proposed development would be likely to lead to an increased level of noise and disturbance to neighbouring residents. This would arise mainly from the movements of the guests, particularly when arriving or departing by car or other motor vehicle. Although the proposal would provide an adequate number of off-street parking spaces, the location of three spaces in the rear garden, well behind the general building line of the houses, would give rise, in my view, to a significantly increased level of noise and disturbance that would unacceptably harm the living conditions of nearby residents, and would be contrary to Local Plan Policies EO1, HO5 and TO5.

16. For the above reasons on all three main issues in Appeal A I consider that Condition 03 should remain.

Appeal B

Effect on character and appearance

17. The proposal would construct a single storey rear extension under a pitched roof to provide accommodation for the manager, and convert the existing accommodation to have seven guest bedrooms. The proposed extension would be large in relation to the existing building. It would occupy the same width as, and have a similar footprint to, the existing building, to which it would be connected by a short single storey link. By reason of its size and scale it would not, in my opinion, be in harmony with the original building, nor would it relate well to its surroundings. It would thus be contrary in these respects to Structure Plan Policy SP12/10 and Local Plan Policies BE8 and HO5.

18. For the same reasons as in Appeal A, I consider that this proposal would also amount to an intensification of the use of the site which would be out of keeping with the residential character of the area and the constraints of the site, and contrary to Local Plan Policies BE2, HO5 and TO5.

Effect on living conditions

19. The proposed extension would be about 2 metres from the south-eastern boundary and set well back behind No 72. Having regard to its single storey height and separation

distance, as well as the hedge screen, I do not consider that the proposal would have an adverse visual impact on No 72, or on Nos 1 and 1A Nuffield Road. However it would be located directly adjacent to No 68 which extends back behind the rear wall of the appeal building, and close to the existing garage. In view of its size and proximity the proposed extension would, I consider, intrude on the outlook from No 68. Whether considered alone or cumulatively with the garage it would, in my opinion, have a significant and unneighbourly visual impact thereon, contrary to Local Plan Policy BE8 as well as the advice of PPG1.

20. For the same reasons as in Appeal A I consider that the proposal would be likely to cause a significant increase in the level of noise and disturbance that would unacceptably harm the living conditions of nearby residents, and would be contrary to Local Plan Policies EO1, HO5 and TO5.

21. I conclude therefore that the proposal in Appeal B would, by reason of its size and the intensification of activity, adversely affect the character and appearance of the area. It would also unacceptably harm the living conditions of neighbouring residents by way of visual impact, noise and disturbance. It would be contrary to Structure Plan Policy SP12/10 and Local Plan Policies BE2, BE8, EO1, HO5 and TO5 as well as the advice of PPG1.

Other Matters

Appeals A and B

22. Interested third parties have expressed their concern at the provision of car parking and the use of the guesthouse for commercial rather than tourist trade. The Council does not object on these grounds. While the car parking spaces accord with the Council's requirements, I have considered the effect of their disposition in the main issues above. The Council confirm that the Local Plan does not distinguish between commercial and tourist guest houses, and I therefore consider that the type of guest is not a material planning matter.

Conclusion

23. For the reasons given above and having regard to all other matters raised, I conclude that both proposals would be unacceptable and that the appeals should not succeed.

Formal Decision

24. In exercise of the powers transferred to me I dismiss the appeals.

Information

25. A separate note is attached setting out the circumstances in which the validity of these decisions may be challenged by making an application to the High Court within 6 weeks from the date of these decisions.



INSPECTOR

H.M. LAND REGISTRY

TITLE NUMBER

CB 51478

ORDNANCE SURVEY
PLAN REFERENCE

COUNTY
CAMBRIDGESHIRE

SHEET

NATIONAL GRID

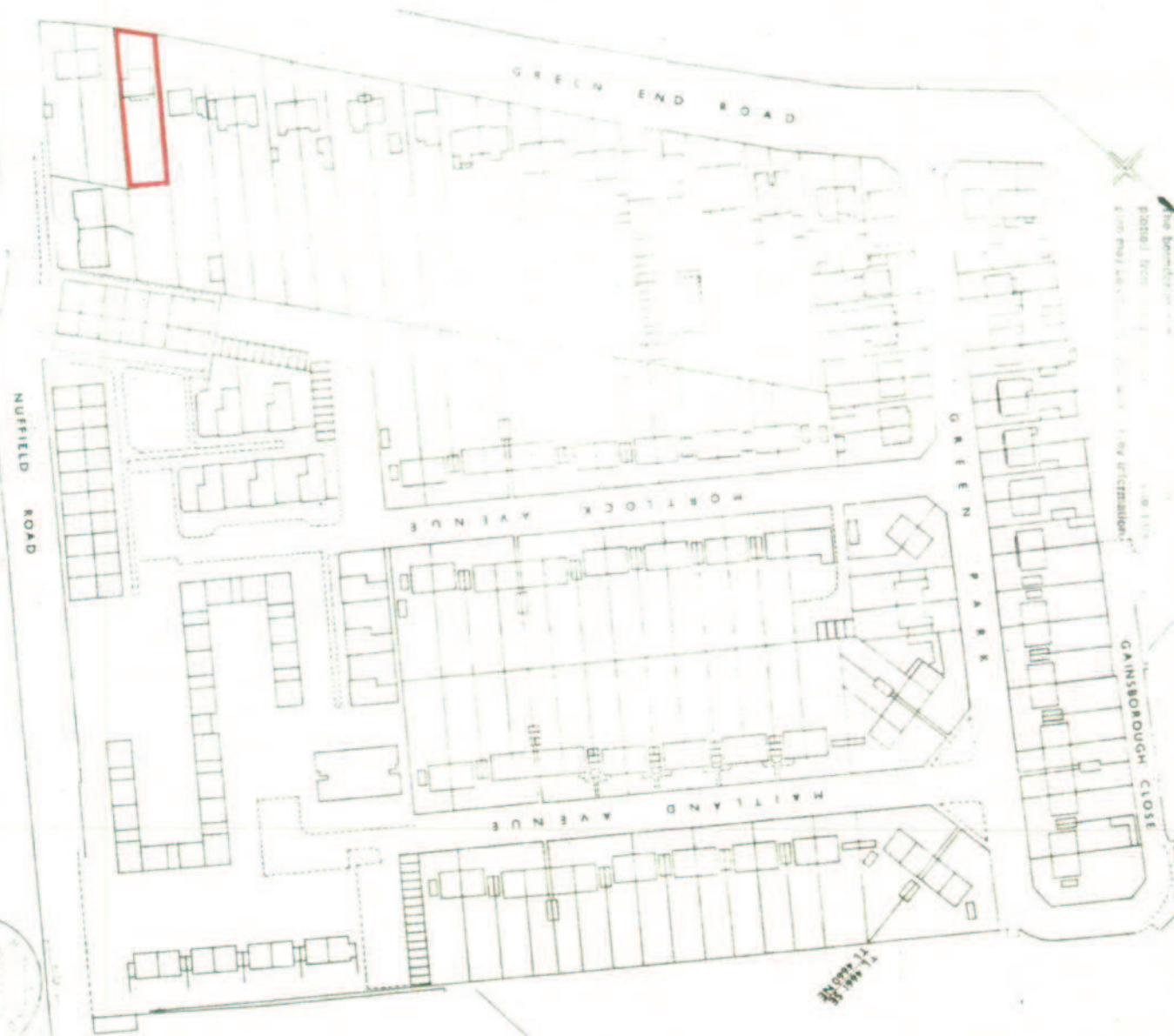
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CAMBRIDGE DISTRICT

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H.M. LAND REGISTRY

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CB 51478

ORDNANCE SURVEY
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SHEET

NATIONAL GRID

TL 4660

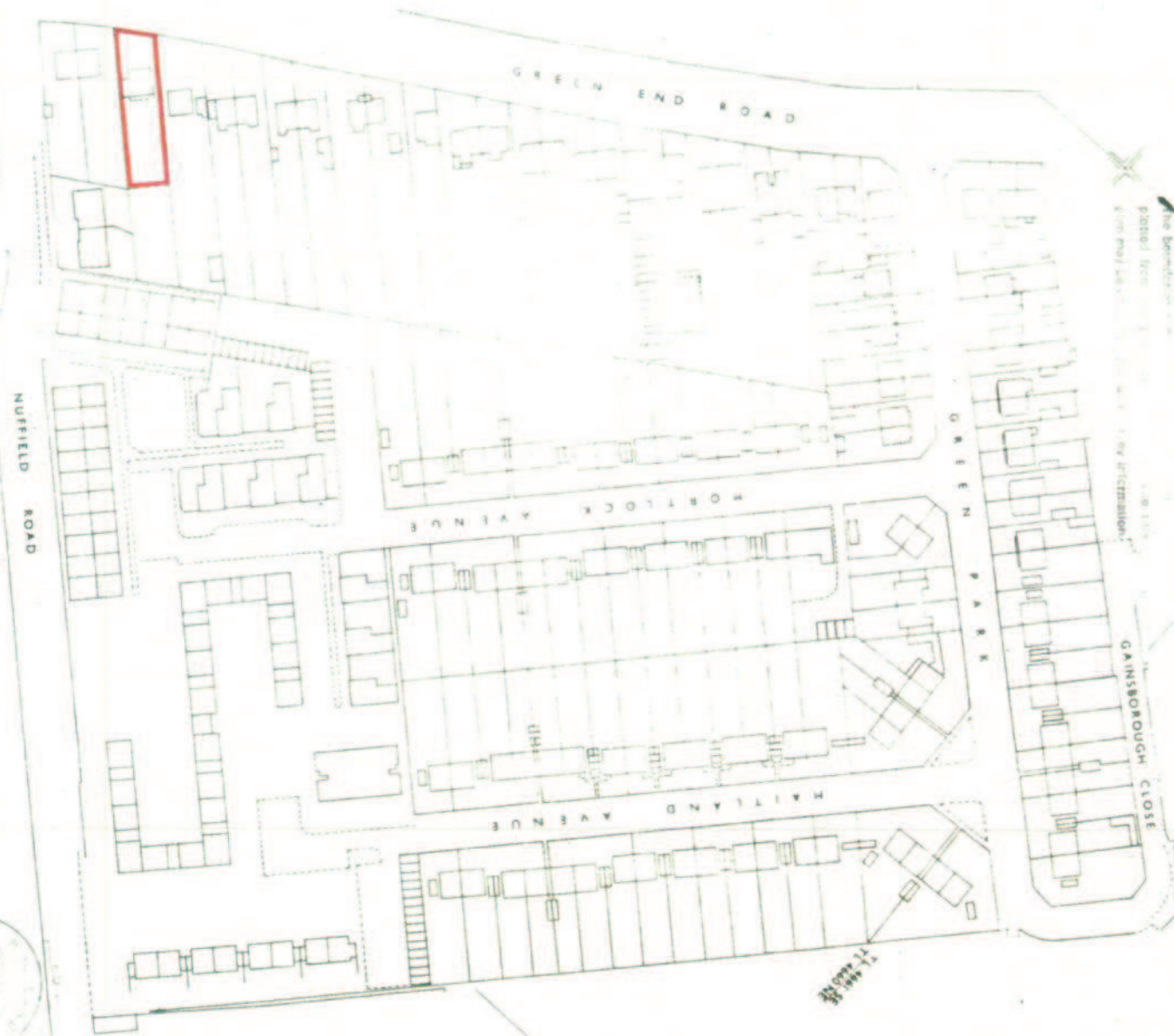
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CAMBRIDGE DISTRICT

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Five boundaries shown
 plotted from 1888
 (some may have been altered by subsequent legislation)



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