

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

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

1.0 SITE DESCRIPTION/AREA CONTEXT

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

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

2.0 THE PROPOSAL

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

3.0 SITE HISTORY

None relevant.

4.0 PUBLICITY

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

5.0 POLICY

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

5.2 Relevant Development Plan policies

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

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

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

Head of Environmental Services

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

Urban Design and Conservation

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

Policy

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

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

Landscape Officer

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

Public Art Officer

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

Cambridgeshire County Council (Archaeology)

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

Cambridgeshire Constabulary Architectural Liaison Officer

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

Ministry of Defence

- 6.9 No safeguarding objection.

Design and Conservation Panel (Meeting of 04 July 2012)

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

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

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

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

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

7.0 REPRESENTATIONS

- 7.1 The owners/occupiers of the following addresses have made representations objecting to the application:

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

- 7.2 The representations can be summarised as follows:

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

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

- 1 Coldhams Business Park, Norman Way

- 7.4 The representations can be summarised as follows:

- In favour of the application being approved

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

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

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

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

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Public Art
4. Renewable energy and sustainability
5. Residential amenity
6. Refuse arrangements
7. Impact on highway safety
8. Car and cycle parking
9. Third party representations
10. Planning Obligation Strategy

Principle of Development

Loss of a Public House

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

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

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

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

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

Residential development

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

Context of site, design and external spaces

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

Design

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

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

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

Layout, function and legibility

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

Public Art

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

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

8.18 In my opinion the proposal is compliant with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and 9/8 and Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010

Renewable energy and sustainability

8.19 Policy 8/16 of the Cambridge Local Plan (2006) states that developers of major proposals will be required to provide at least 10% of the developments total predicated energy requirements on-site from renewable energy sources. The applicant has argued that the Code for Sustainable Homes cannot be assessed until the development has been completed as it cannot be properly assessed at the design stage. Policy 8/16 of the Cambridge Local Plan (2006) relates to renewable energy and not the Code for Sustainable Homes and the City Council's Sustainability Officer has confirmed that details of this should be and can be part of the design process.

8.20 Policy 3/1 of the Cambridge Local Plan (2006) states that where major development is proposed, developers should complete the Council's Sustainable Development Checklist and prepare a Sustainability Statement and submit both with the planning application. Neither of these documents have been submitted and no indication has been made regarding how the developer intends to provide renewable energy. The application is therefore in conflict with policies 3/1 and 8/16 of the Cambridge Local Plan (2006).

Residential Amenity

Impact on amenity of neighbouring occupiers

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

Overlooking and loss of privacy

Impact on Rosemary Lane

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

Impact on Hatherdene Close

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

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

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

Overshadowing and dominance

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

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

Noise and disturbance from construction works

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

Noise and disturbance from the access road

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

Amenity for future occupiers of the site

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

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

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

Refuse Arrangements

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

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

Impact on Highway Safety

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

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

Car and Cycle Parking

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

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

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

Third Party Representations

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

Planning Obligation Strategy

Planning Obligations

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

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

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

Open Space

8.42 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or

improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

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

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

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

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

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

8.44 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and in accordance with the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010).

Community Development

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

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	2	2512
2-bed	1256	4	5024
3-bed	1882	2	3764
4-bed	1882	1 (net additional)	1882
Total			13182

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

Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

- 8.47 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75	8	600
Flat	150	2	300
Total			900

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

Waste Management

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

Education

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

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

- 8.53 In the absence of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, the proposal is in conflict with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010

Public Art

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

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

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

Monitoring

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

Planning Obligations Conclusion

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

9.0 CONCLUSION

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

10.0 RECOMMENDATION

REFUSE for the following reasons:

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

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

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

www.cambridge.gov.uk/planningpublicaccess

or by visiting the Customer Service Centre at Mandela House.

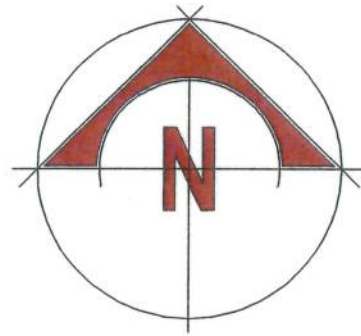
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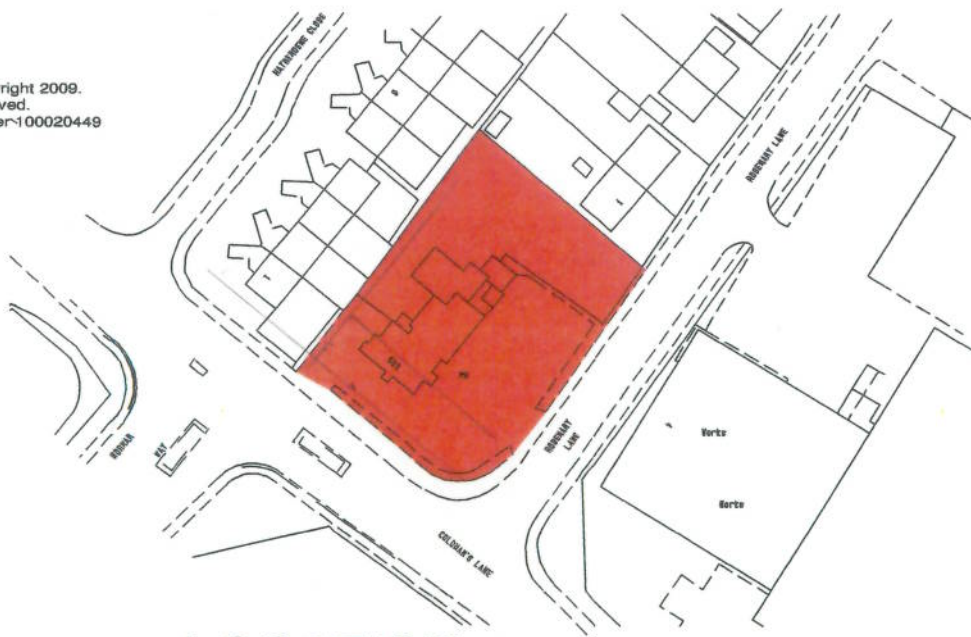
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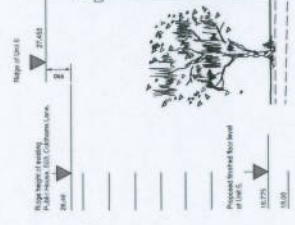


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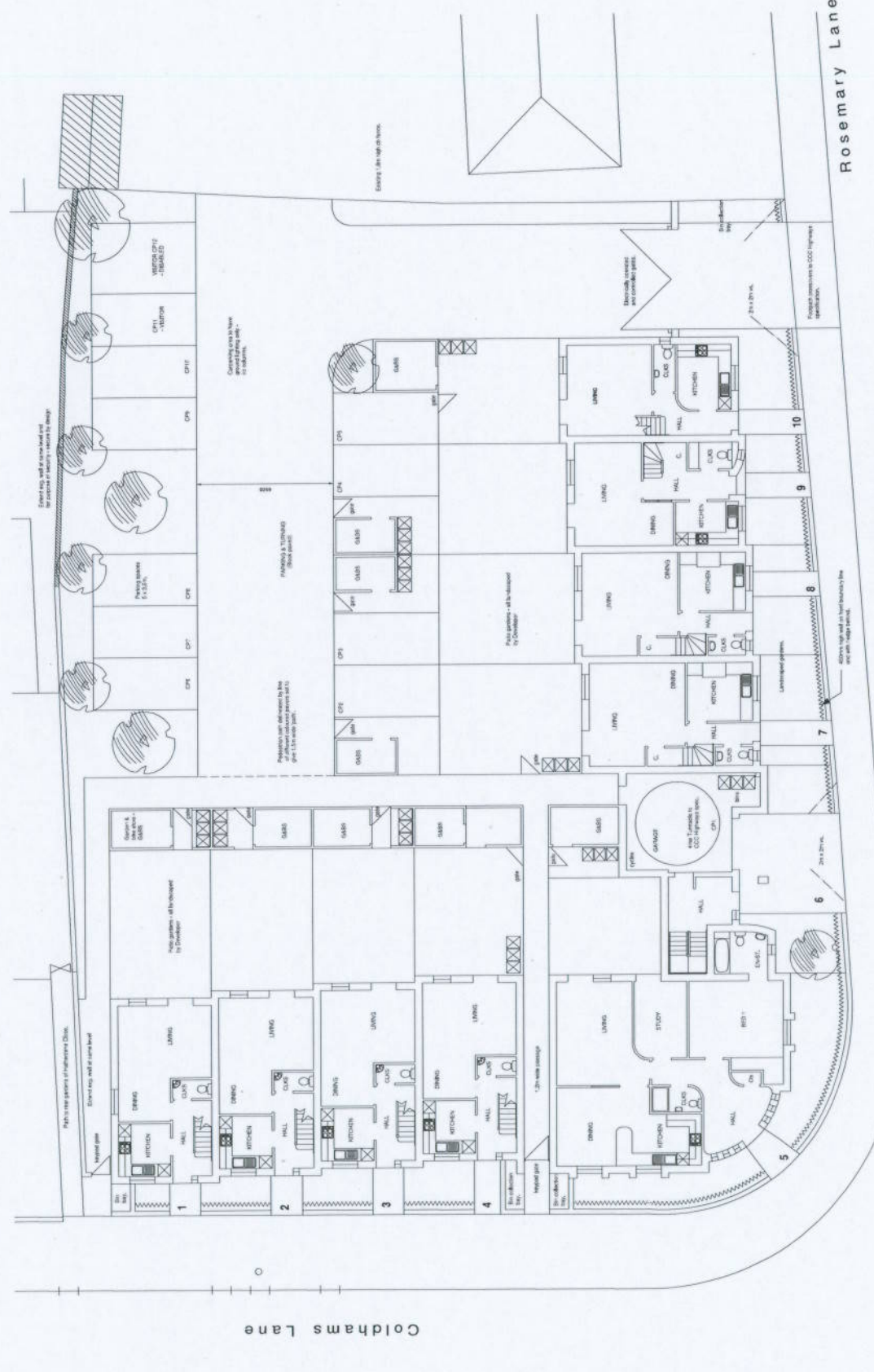
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LOCATION



ELEVATION FACING ROSEMARY LANE



GENERAL SITE LAYOUT + GROUND FLOOR PLANS

THE DESIGN CONSULTANTS WILL BE RESPONSIBLE FOR THE DESIGN OF THE BUILDING AND THE LAYOUT OF THE SITE. THE CLIENT IS RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES. THE CLIENT IS RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES. THE CLIENT IS RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.

CODE DATE REVISION

GENERAL NOTES

- 1. Verify dimensions. All related design to all buildings.
- 2. Floor finishes indicated by floor slab levels - construction pack. Slabs are to have a 100mm concrete pad.
- 3. Floor finishes to comply with M. of the Building Regulations - party wall 1.2m thick.
- 4. See separate schedule for materials and finishes etc.
- 5. Vertical Centre line only, internal doors.
- 6. Ground floor plans refer to '0' level.
- 7. Vertical Centre line only, external doors.



FINISHED FLOOR LEVELS
 10000.00
 10000.00
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CODE DATE REVISION

- A. 2012.11.01 General revision reflecting changes to the design.
- B. 2012.11.01 General revision reflecting changes to the design.
- C. 2012.11.01 General revision reflecting changes to the design.
- D. 2012.11.01 General revision reflecting changes to the design.
- E. 2012.11.01 General revision reflecting changes to the design.
- F. 2012.11.01 General revision reflecting changes to the design.
- G. 2012.11.01 General revision reflecting changes to the design.
- H. 2012.11.01 General revision reflecting changes to the design.
- I. 2012.11.01 General revision reflecting changes to the design.
- J. 2012.11.01 General revision reflecting changes to the design.
- K. 2012.11.01 General revision reflecting changes to the design.
- L. 2012.11.01 General revision reflecting changes to the design.
- M. 2012.11.01 General revision reflecting changes to the design.
- N. 2012.11.01 General revision reflecting changes to the design.
- O. 2012.11.01 General revision reflecting changes to the design.
- P. 2012.11.01 General revision reflecting changes to the design.
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- S. 2012.11.01 General revision reflecting changes to the design.
- T. 2012.11.01 General revision reflecting changes to the design.
- U. 2012.11.01 General revision reflecting changes to the design.
- V. 2012.11.01 General revision reflecting changes to the design.
- W. 2012.11.01 General revision reflecting changes to the design.
- X. 2012.11.01 General revision reflecting changes to the design.
- Y. 2012.11.01 General revision reflecting changes to the design.
- Z. 2012.11.01 General revision reflecting changes to the design.

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Project: ROSEMARY LANE
 Location: ELY, CAMBRIDGESHIRE
 Drawing Title: GENERAL SITE LAYOUT + GROUND FLOOR PLANS

Drawn: J.S.
 Date: July 2012
 EDO: 10/10/107/AD
 Rev: C
 Drawn by: J.S.

