

PLANNING COMMITTEE MEETING – 22nd August 2012

Amendment/De-brief Sheet

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: **11/1348/FUL**

Location: **309 - 313 Mill Road**

Target Date: 07.02.2012

To Note:

Representations

A.1 The following were omitted from the list of addresses from which representations objecting to the proposal have been received:

136 Argyle Street
25 Malta Road
9 Hobart Road
Friesland Farm, Huntingdon Road, Conington

A.2 Representations objecting to the proposal were also sent to the Council before the application was submitted from the following addresses:

25 Suez Road
11 Vinery Road

A.3 The issues raised in these representations are listed and addressed in the Committee report.

A.4 A representation was also received from the following address before the application was submitted, neither objecting nor supporting the proposal, but questioning why affordable housing should not be built on the site.

10 Suez Road

A.5 Following the publication of the Committee report, a representation has been received from the occupier of 17 Guest Road. The letter, which contains four main points, is attached to the amendment sheet as Appendix 1. I address the points raised in Section B below.

- A.6 Following the publication of the Committee report, a second representation has been received from the occupier of 22 St Phillips Road. The representation expresses concerns that previous questions raised about the constraining of future development on sites to the east and north have not been properly addressed. I address this point in Section B below. The letter is attached to the amendment sheet as Appendix 2.
- A.7 Following the publication of the Committee report, a representation has been received from the occupier of 6 Mill Street. The letter, which contains four main points, is attached to the amendment sheet as Appendix 3. The letter primarily focuses on concerns about future use of the Mawson Road mosque. Control over those premises, for which planning permission already exists, cannot be exercised through any permission granted on the present application site. The letter also raises points about car parking, the size of the proposed dome, and the call to prayer, which I have addressed elsewhere.
- A.8 The following were omitted from the list of addresses from which representations supporting the proposal have been received (unless underlined, these used the standard letter):

61 Argyle Street
32 Church Street
516 Coldhams Lane
Murdoch House
53 Ravensworth Gardens
8 Tom Amey Court
Ravensdale, Landbeach

- A.9 The issues raised in these representations are listed and addressed in the Committee report.

Design issues

- B.1 With reference to the issues identified in paragraph 8.12 of the Committee report, the applicants have submitted amended drawings showing widening of the western boundary footpath, and addition of security gates at the east and west sides of the south elevation.
- B.2 In my view, the revised footpath layout is an improvement. A pinch point remains between the corner of the mother and child area of the building and the western boundary, where the footpath is only 1.5m wide. In my view, this can be accepted, because it is only a single point. I am concerned, however, that the footpath remains at only 1.5m wide over a section immediately north of the side gate. This may require a minor amendment to the landscape plan, and I therefore recommend that Condition 26 should remain attached to any permission.
- B.3 In my view, the gates proposed are appropriate, and accordingly, Condition 25 should be amended (see below).

- B4 Representations question whether the proposal would constrain development for residential use on adjacent sites to the north and east. The proposal would permit a limited degree of overlooking from bedroom windows to both north and east. I do not consider that this very limited overlooking would be a significant constraint on development in either direction. The applicant has submitted shadow studies. These indicate that because of the position of the proposed mosque on the site, overshadowing in these two directions would be very limited. The sun is too high in the sky for there to be any significant overshadowing to the north except for late in the afternoon in the winter. Because the proposed mosque lies to the west of the other part of the 7.12 site, overshadowing would only reach this area during the evening in late spring, summer, and early autumn. I do not consider that overshadowing would significantly constrain development for residential use on either adjacent site.
- B5 Recent representations raise the issue of car parking. I have addressed these points in the Committee report. I have checked with the applicants, and they have confirmed that it is the intention to continue to use Kelsey Kerridge and the Queen Anne car park at Eid.
- B6 Recent representations raise concerns about amplified call to prayer. I have checked with the applicants, and they have confirmed that there is no intention to use amplified or non-amplified call to prayer at the site. However, to avoid any possible future noise problems in this respect, I recommend a condition to preclude amplified sound outside the building. (Condition 36 below)
- B7 Recent representations raise concerns about the development of a madrassa on the site. A teaching space within the mosque is proposed. In my view this is ancillary to the use of the mosque as a place of worship. Any future establishment of a specific school or seminary on the site would involve a change to the use sought here, and would therefore require a separate planning application.
- B8 Recent representations raise concerns about possible sources of funding for the proposed building if it is permitted. This is not a planning issue.

Amendments To Text:

Condition 25: Amend to read 'The mosque shall not be brought into use until the gates at each side of the front elevation have been installed. The gates shall be fitted with appropriate security mechanisms to prevent unauthorized entry to the rear of the site when the mosque is not open'. Reasons to remain as given.

Condition 29: Amend to read 'Notwithstanding the approved drawings, the mosque shall not be brought into use until full details of cycle parking arrangements have been submitted to and agreed in writing by the

local planning authority. The cycle parking agreed must be implemented before occupation and maintained in that condition thereafter'. Reasons to remain as given.

Condition 30: amend 'hotel' to 'mosque' in first line

Condition 31: amend 'hotel' to 'mosque' in first line

Add Condition 33: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety (Cambridge Local Plan (2006) policy 8/2).

Add Condition 34: Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety (Cambridge Local Plan (2006) policy 8/2).

Add Condition 35: No demolition works shall commence on site until a traffic management plan has been agreed with the Highway Authority.

Reason: In the interests of highway safety (Cambridge Local Plan (2006) policy 8/2).

Add Condition 36: No use of amplified sound outside the building shall take place on the site.

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

Add the following informatives:

- (i) **INFORMATIVE:** The applicant is urged to consider improving access for disabled users by using asymmetric doors where the combined width of pairs of internal doors is less than 900mm.
- (ii) **INFORMATIVE:** The applicant is urged to consider using recycled water in the fountain in the Islamic garden.
- (iii) **INFORMATIVE:** The applicant is urged to consider adding an additional brick pillar on the east side of the car park ramp to match those supporting the

frontage railings.

- (iv) **INFORMATIVE:** The applicant is reminded that this development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
- (v) **INFORMATIVE:** The applicant is advised that Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- (vi) **INFORMATIVE:** The applicant is advised that Anglian Water has assets close to, or crossing this site, or there are assets subject to an adoption agreement. If the site layout cannot accommodate these within adoptable highways or public open space, the sewers will need to be diverted at the developers' cost under Section 185 of the Water Industry Act 1991. Diversion works should normally be completed before development commences.
- (vii) **INFORMATIVE:** The applicant is advised that Anglian Water recommends that petrol/oil interceptors be fitted in all car parking areas. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse, and could be an offence.
- (viii) **INFORMATIVE:** The applicant is advised that Anglian Water recommends the installation of properly-maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains and sewage flooding, and may constitute an offence under Section 111 of the Water Industry Act 1991.
- (ix) **INFORMATIVE:** The applicant is advised that an application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent is made to the public sewer.
- (x) **INFORMATIVE:** The applicant is advised that as a food business will be operated on the premises, it will need to be registered with the City Council under the Food Safety Act 1990. Contact the Food Safety Team on 10223 457890 for further information.

Pre-Committee Amendments to Recommendation:

Add the following reasons for approval:

1.This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because

subject to those requirements it is considered to conform to the Development Plan in the following specific respects:

It proposes a new community facility for which there is a demonstrated need, in a sustainable location.

It is a building of high-quality design which responds well to the local context.

The level of on-site car parking proposed is appropriate.

The development is also considered to conform with the allocation of the site in the Proposals Schedule of the Cambridge Local Plan (2006), and with the Development Plan as a whole, particularly the following policies:

East of England plan 2008: policies SS1, SS3, C1, T1, T2, T4, T9, T14, ENV6, ENV7, ENG1, WAT4, WM6 and CSR1 ;

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

Cambridge Local Plan (2006): policies 3/1, 3/4, 3/6, 3/7, 3/11, 3/12, 3/13, 4/4, 4/11, 4/13, 4/15, 5/12, 8/1, 8/2, 8/4, 8/6, 8/9, 8/10, 8/16 and 8/18;

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.

DECISION:

CIRCULATION: First

ITEM: **APPLICATION REF:** **12/0705/FUL**

Location: **169 - 173 High Street, East Chesterton**

Target Date: 05.09.2012

To Note:

The appeal decision for the Penny Ferry, application 09/1200/FUL (dated 14 March 2012), is attached for information.

Additional Representations:

12 Grayling Close
120 High Street
157 High Street

The issues raised are summarised within paragraph 7.2 of the report.

Amendments To Text:

Paragraph 8.57 Public Art: This should refer to paragraph 8.44.
Page 99, recommendation 2, change date from 1 June 2012 to 14 November 2012.

Pre-Committee Amendments to Recommendation:

No amendments.

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **12/0724/FUL**

Location: **The Rosemary Branch, 503 Coldham's Lane**

Target Date: 05.09.2012

To Note:

The minutes of Design and Conservation Panel have been omitted from the report in error. They are attached.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

Proposed Mosque, Mill Road.

With regards this application I make four practical points of which, for planning the future, I believe you need take detailed account.

1. Parking.

Parking around the small mosque in Mawson Road (apparently still to remain open making the new mosque an addition rather than replacement) has been crowded, disruptive and difficult for all parties involved. Although occasional 'blitzes' have occurred there has been, for whatever reason, a chronic lack of the level of attention afforded by Parking Wardens to other roads in the area. Late night congregation has also been problematic. One therefore wonders if the alleged 80 parking spaces on the mosque site will be sufficient for a mosque presumably intended as a beacon of Islam for the surrounding region. Are the spaces clearly defined? Will definition be enforced - especially if later there emerges intention to build on them? What will happen to the inevitable overflow at the time of prayers and on festive occasions? Has its size been estimated? Such issues need be fully addressed and laid down in Planning Conditions from the start.

2. Noise Pollution.

As well as being in a residential area the project abuts a hospital and cancer ward for the dying.

On a wider remit the Muslim 'call to prayer' is one of the five fundamental exhortations of the faith. If you have been to Istanbul, Cairo or any other Muslim city you will know how loud and pervasive, at an incessant five times a day in Arabic, this intentionally missionary call is. However, in an English-speaking, non-Muslim society with local secular, Christian, Hindu and other sensibilities to consider, I would hope that planning conditions take this potentially problematic issue into account. Noise is mentioned in the Planner's Report (8.24) but only *inside* the mosque. The call to prayer is, specifically, issued *outside*. Such activity is thus covered neither by the present application nor the Planner's Report. Does Noise Abatement (Environmental Protection Act Part 3 Sections 79-84) or other legislation fully cover the potential problem? Would it not be wise to insert a prophylactic Planning Condition to avoid once-and-for-all possible difficulties? It is, obviously, better to foresee and forestall difficulties than have to deal with chronic tensions that might otherwise arise now or in the future.

3. Madrassa: Muslim school or seminary.

Does the application contain any reference to the future construction of a Muslim school or seminary on the site? If not do Councillors want such a faith school set up? Is a Planning Condition to forestall such establishment envisaged or not? Is it intended to even address the matter?

4. Funding.

You will be aware that Islam is composed of numerous sects and sub-sects, tolerant or otherwise of each other; also that these project different 'faces' with regard to the missionary element of Islamic faith. A funder may or may not wish to press such zeal but, in order to prevent conceivable congregation of extremists and at the same time maximise integration into the local community, Councillors have a duty of care to find out. In other, words, it will be sensible to thoroughly and with transparency ascertain the source and attached conditions of money funding and thus likely to direct the aspirations and activities of this proposed new Muslim cultural and religious centre.

These are legitimate points of consideration for Councillors entrusted by their electorate to make decisions involving the future of Cambridge and, in this case especially, Romsey ward. Although a decision to grant permission will impact the character of the area, more or less dramatically and for a long period into the future, it does not appear the points in question have so far been rigorously scrutinised. Please, therefore, could you inform me of your position and intended actions on the points raised?

I am most concerned that the points I raised in my email on 8 March have not been addressed.

It is not enough merely to say that , with regard to the Development Brief and effect the height and mass of the mosque building will have on development of the adjacent site, site 7.12 in the current proposals schedule in the Local Plan, and for which a Development Brief was adopted in 2007, that the "Urban Design Team have not raised this issue."

I raised the issue and I asked for it to be considered over five months ago, but no consideration has been given by the Urban Design Team to this very relevant and important issue.

There is also the question of heavy overshadowing of the adjacent Health Authority/PCT land which I understand it is proposed to develop for housing. It needs repeating that we need more family-size housing in the neighbourhood and the proposed size of the new mosque would have a detrimental effect upon the development for housing of both the major part of site 7.12 (the Co-op land) and the NHS land.

I am a resident of Mill Street, together with my husband and two young children. We live very close to the Mawson Road mosque and in our 10 years of living here have experienced more and more problems caused by the explosion in numbers of Muslims coming to worship at the mosque. The disturbances to our small, narrow streets are well-documented:

- illegal parking
- huge volume of traffic congesting our streets
- late night noise which includes diesel engines left running and car doors sliding and slamming, while mosque worshippers loudly socialise at way past midnight. During Ramadan this occurs EVERY night between 10pm and 2am for two weeks

Sadly our attempts to politely communicate our distress to the perpetrators fall on completely deaf ears. They show total disregard and disrespect to the people living around their place of worship, and the younger males can be particularly rude and arrogant.

When we heard that a new mosque was being built our initial feeling was relief - an end to our problems. Now we learn that the Muslim Society intends to build a new mosque AND retain use of Mawson Road. We do not know what they plan for Mawson Road (could they be asked to specify why they need to retain this premises and what they intend to do with it if they get approval for a much larger one?) and given their history of failing to honour promises made to residents we do not believe that numbers of worshippers will necessarily fall. If anything, the growing numbers of Muslim worshippers in Cambridge implies that Mawson Road mosque will simply fill up above and beyond capacity again.

The people in charge of the Mawson Rd mosque have never been up front with their plans for the premises (including extensions via the backdoor), leaving residents and our associations struggling to seek answers and achieve solutions to ever growing problems. We have not met with much co-operation, if any. In my view this does not bode well for the area around the proposed new mosque. If the Muslim Society and its congregation can mismanage such a small premises and create such local ill-feeling this does not bode well for Romsey.

I feel these are valid points for a planning committee to consider when discussing the proposal for the new mosque. Surely just as with any business planning to expand, planners must look at the management track record at the Mawson Rd mosque and its impact on the community around it. I am afraid in this case it is very poor, and anyone arguing in their favour has simply never experienced the above problems for themselves.

I would also like to add that looking at the plans for the new mosque I feel that the huge golden dome is an overly provocative statement - does it need to be that big? Furthermore I predict that a car park of 80 spaces will be woefully inadequate and worshippers will simply spill out into local streets as they do here. Finally can we request a condition that there is no call to prayers?

Thank you for listening to our concerns. I hope they will be taken into account when a decision is made.



Appeal Decision

Hearing held on 31 January 2012

Site visit made on the same day

by Ian Radcliffe BSC (Hons) MCIEH DMS

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

Decision date: 14 March 2012

Appeal Ref: APP/Q0505/A/11/2161202

Penny Ferry Public House, 110 Water Street, Cambridge, CB4 1PA

- 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 Roger Stephen Covell and Cheryl MacDonald against the decision of Cambridge City Council.
 - The application Ref 09/1200/FUL, dated 24 December 2009, was refused by notice dated 28 March 2011.
 - The development proposed is the erection of 5, 4 bedroom houses following demolition of the former public house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 5, 4 bedroom houses following demolition of the former public house at Penny Ferry Public House, 110 Water Street, Cambridge CB4 1PA in accordance with the terms of the application, Ref 09/1200/FUL, dated 24 December 2009, subject to the conditions in the schedule at the end of this decision.

Application for costs

2. At the Hearing an application for costs was made by Roger Stephen Covell and Cheryl MacDonald against Cambridge City Council. This application is the subject of a separate Decision.

Procedural matters

3. An appeal in relation to a planning application made by a person who has since died needs to be made in the name of the executors of the deceased's estate. Accordingly, I have amended the details of who has made the appeal to reflect this. A unilateral undertaking has also been submitted.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

Principle of development

5. Policy 5/11 of the Cambridge Local Plan seeks to prevent the loss of community facilities, but excludes public houses from the list of such facilities. Planning Policy Statement 4: '*Planning for Sustainable Economic Growth*' (PPS4) requires that local planning authorities protect existing facilities that meet

people's day to day needs in local centres and villages. However, the Penny Ferry Public House is not within a local centre and there is another public house, the Green Dragon, nearby to the east.

6. The appeal site is previously developed land in a sustainable location. Policies 3/1 and 5/1 of the Local Plan support the redevelopment of such sites for housing in order to assist in meeting the housing targets for the city. As a consequence, redevelopment of the site for housing would be acceptable in principle.

Character and appearance

7. The appeal site is located on the northern banks of the River Cam to the east of the city centre. The river acts as a boundary with residential urban development characterising the northern side of the river. On the opposite side the open meadowland of Stourbridge Common and Ditton Meadows reaches into the city from the surrounding countryside.
8. The appeal site is occupied by Penny Ferry Public House, formerly known as the Pike and Eel Public House, which dates from the mid 19th century. It is a 2 storey gable ended building that has been considerably extended at ground floor level and has hardstanding to its western side. The building is not a listed building. The view of the Conservation Officer of the Council is that the building is not of sufficient quality to merit it being identified as a building of local interest and I agree with that position.
9. An early drawing of showing the pub in the distant past suggests that the area was originally rural in character. Since then the northern river bank has been developed with semi-detached and detached dwellings on comparatively narrow plots. As a consequence, the area has a comparatively fine urban grain. In comparison the appeal site is wide and the building in occupying a relatively small proportion of it has a far coarser grain.
10. Planning Policy Statement 3: '*Housing*' (PPS3) requires that efficient and effective use of land is made for housing which is compatible with the character and appearance of the area. The existing public house is set on the back edge of the pavement and has a continuous façade which occupies over half the width of the site. As a consequence, the views of the river and common beyond are limited to the eastern and western ends of the plot. Although the appeal proposal would result in a greater proportion of the site being occupied by 2 storey development, the massing effect of the houses would be reduced by the gaps between the dwellings. These gaps would also introduce glimpsed views of the trees at the rear of the site and the openness of Stourbridge Common beyond into the streetscene.
11. In terms of height the eaves of the houses would be similar in height to the eaves of the main 2 storey part of the public house, but the roof ridges of the dwellings would be 1m taller. This increase in height would not be so significant as to be out of keeping with surrounding development.
12. The architectural style of the dwellings has been influenced by gable fronted boat houses present to the west of the site. Whilst the entrance doors to the properties are on the flank wall of each house the ramped access would help identify their location which would ensure that the houses were legible. The asymmetrical arrangement of fenestration would also provide interest. To the

rear the ground floor patio and balcony would make the most of the riverside setting of the site.

13. Although 4 of the 5 houses would be the same design repetition in itself is not harmful. Subject to the use of materials of suitable appearance and quality, which is a matter that could be controlled by the attachment of a suitably worded condition, the quality and integrity of the scheme would not be compromised. Several of the trees on the site have been protected by a tree preservation order. The retention of all the healthy mature trees on the site would maintain the sylvan character of the plot and the contribution of the trees to the riverscape.
14. Given the grain of nearby development I therefore find that the height, scale and form of the proposed houses would be in keeping with the mixed character and the pattern of development in the area. In making an efficient and effective use of the site the scheme would also comply with the objectives of PPS3.

Central Conservation Area

15. The Riverside and Stourbridge Common part of the Central Conservation Area has been reviewed. The appraisal recommends the extension of the Conservation Area to include, amongst other locations, the appeal site. The appraisal has been subject to public consultation which is broadly supportive of the proposal and a report recommending adoption of the revised Conservation area boundary will go before the Authority in mid March 2012. Whilst it is not yet part of the Conservation Area, on the basis that it appears that the appeal site soon will be, I attach significant weight to this consideration.
16. The appeal site and neighbouring parking area are the only sites which form part of the immediate river scene on the northern banks of the river which would be included within the Conservation Area. The Conservation Area to the west away from the appeal site is characterised by terraced streets of gault brick houses which would give way to open meadow land to the east on the southern side of the river opposite the appeal site. The appraisal identifies that the Penny Ferry Public House is a '*visually prominent building on both side of the River Cam and is a significant site on the river bank*'. It also identifies that it is an important view from the southern bank of the river. However, it does not consider that the public house is worthy of being confirmed as a building of local interest. This confirms my view that much of the value of the site relates to the contribution of the mature trees and open garden between the building and the river bank to the river scene and Stourbridge Common. Given that the houses have been well designed and the trees and openness of land along the river bank would not be materially harmed the proposal, should the Conservation Area be extended to include it, would achieve the objective of preserving the contribution of the appeal site to the character and appearance of the Conservation Area.
17. Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) places a clear emphasis on high standards of design. For the reasons I have given the proposal would achieve this objective. It would also preserve the Conservation Area. I therefore conclude that the proposal would comply with policy ENV/7 of the East of England Plan and policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan. These policies require the protection of the character

and appearance of a locality through high quality design that respects local design features.

Other matters

Viability and mixed use of the site

18. The public house is vacant and boarded. It had been unable to operate viably before its closure and a significant amount of investment would be required to reopen it once again. I note the desire of some local residents to see it trade once more, or mixed use development on the site. However, this is a consideration to which I attach little weight given the policy support in principle for the development.

Public access to the site

19. When the public house was open patrons had access to the river bank. However, the appeal site was and continues to be private land with no public right of access. As a consequence, the redevelopment of the site for private housing will not have an adverse effect on public access to the river at this point.

Planning obligation and the provision of infrastructure and services

20. Of the development plan policies referred to I consider policy 10/1 of the Local Plan to be the most relevant to this issue. A unilateral undertaking under Section 106 of the Act has been submitted. It has been drawn up having regard to Policy 10/1 of the Local Plan and supplementary planning guidance 'Planning Obligations Strategy 2004' (SPG). The agreement has been assessed having regard to the tests in Circular 5/2005 and the requirements of Regulation 122 of the Community Infrastructure Regulations 2010.

21. Charges for the provision of preschool education, lifelong learning / libraries, open space and community development have been made using the formulae in the SPG. In all but lifelong learning / libraries there is evidence, either in the form of cited studies or local data, that extra provision is necessary if the development was to go ahead because existing provision is failing to meet demand. The contributions have been calculated based upon the additional demand the development is likely to generate and the cost of providing infrastructure. The sums sought are therefore reasonably related in kind and scale to the proposed development. Furthermore, the monies would be spent on an identified programme of local provision. As a consequence, I find that the financial contributions sought, other than in relation to lifelong learning / libraries, satisfies the tests in the Circular and accords with the Regulation. I shall therefore take the provisions of the unilateral undertaking, with the exception of the sum sought in relation to lifelong learning / libraries, into account.

Conditions

22. For the avoidance of doubt, and in the interests of proper planning, I shall list the approved plans in a condition attached to the permission and require that the development is carried out in accordance with these plans. In order to ensure that the development complements its surroundings further details on landscaping, the submission of samples of materials to be used on external surfaces and a sample panel are required. To ensure that any planting

becomes well established it needs to be well maintained. Furthermore, the trees on the site which contribute to the mature landscaping and are to be retained need to be protected.

23. As the County Council's records indicate that the site lies within an area of high archaeological potential it is necessary to require that a programme of archaeological work is undertaken. The houses have been carefully designed to make an efficient use of the site whilst respecting its character. Given that the site is in a prominent position on the river bank permitted development rights need to be removed to protect the architectural integrity of the development and its contribution to the character and appearance of the area.
24. Owing to the proximity of the site to the river measures need to be taken to protect future development and its occupiers from the risks of flooding, and to prevent an increased risk of flooding elsewhere. In the interests of sustainable development cycle parking and recycling facilities need to be provided and retained. Given the potential for nuisance to nearby residents control needs to be exerted on the management of the construction site, noise and the hours of construction. Weekends and bank holidays are particularly valuable and noise on such days would be particularly intrusive. Other than on Saturday mornings I have therefore prevented deliveries and construction on these days.
25. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Circular 11/95 '*The Use of Conditions in Planning Permissions*'.
26. As the area has a mains gas supply oil will not be needed for heating. As a consequence, the condition requiring bunding of oil storage tanks is unnecessary. Other than controlling the hours of work and delivery of materials the only noise condition of those suggested which is necessary is a report detailing how noise and vibration will be controlled during construction.

Conclusion

27. For the reasons that I have given, and having regard to all other matters raised, including the views of interested parties, local residents and councillors, I conclude that the appeal should be allowed.

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P-02 Rev G, P-03 Rev B, P-07 Rev C.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and shall be agreed in writing with the local planning authority. The quality of finish and material incorporated in any approved sample panel(s), which shall not

- be demolished prior to completion of development, shall be maintained throughout the development.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
 - 6) No development shall take place until a schedule of landscape maintenance for a minimum of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.
 - 7) No work shall start on the application site (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, and positioning of site huts) until:
 - a) A tree protection plan has been submitted to and agreed in writing by the local planning authority.
 - b) The developer has appointed a competent arboriculturalist and there has been a site meeting between the site agent, the developer's arboriculturalist and the Council's Arboricultural Officer.
 - c) All development facilitation pruning has been completed in accordance with BS 3998:1989.
 - d) All tree protection barriers and ground protection measures have been installed in accordance with the approved tree protection plan.
 - 8) The tree protection barriers and ground protection measures installed in accordance with condition 7 shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected by the barriers and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
 - 9) No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
 - 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-

enacting or modifying that Order), no development within Classes A, B, C, D and E of Schedule 2, Part 1 of this Order shall be undertaken at any time.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.
- 12) The communal area to the south of the application site shall remain as an open garden area with no delineated sections. No buildings, fencing, walls or ground raising shall be permitted in this area.
- 13) No ground raising, heaps or spoil shall be deposited within the 1 in 100 year floodplain as defined by the 5.42m Above Ordnance Datum contour, during or after construction of the development.
- 14) The finished floor level of the residential units hereby approved shall be set at least 5.92m Above Ordnance Datum.
- 15) The carports hereby approved shall remain open in perpetuity and the finished floor level shall be set no higher than 300mm below the 1 in 100 year flood level of 5.42m Above Ordnance Datum.
- 16) No development shall commence until such time as a scheme for the surface water drainage has been submitted and approved in writing by the Local Planning Authority. All surface water disposed to soak away systems as part of the scheme shall be designed and constructed in accordance with BRE365. Development shall be carried out in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted.
- 17) The undercroft to the residential units hereby permitted shall remain open in perpetuity. The undercroft shall be designed in accordance with the Flood Risk Assessment and the lowest underside beam (soffits) of the buildings shall be no lower than 5.80m Above Ordnance Datum.
- 18) The hard invert level of the void beneath the residential dwellings hereby approved shall be set no higher than 4.85m Above Ordnance Datum.
- 19) Prior to first occupation of the units hereby approved warning signs, warning of the dangers of flooding to the garden and undercrofts, shall be erected within car parking and carport areas and the communal garden area. The signage shall be retained in perpetuity. The design and proposed locations of the signage shall be submitted to and agreed in writing by the Local Planning Authority.
- 20) Prior to first occupation of any of the residential dwellings hereby approved a full topographic survey of the site including land levels, finished floor levels, soffit levels and void invert levels, shall be carried out in metres O.D.N. and submitted to and approved in writing by the Local Planning Authority.
- 21) Prior to first occupation of the residential units hereby permitted, the on-site storage facilities for waste, recyclables and cycle parking detailed on the approved plans shall be provided and retained as such thereafter.
- 22) Prior to the commencement of the development hereby approved (including any pre-construction, demolition, enabling works and piling if

required), the applicant shall submit a report in writing regarding the demolition / construction noise and vibration impact associated with the development for approval in writing by the Local Planning Authority. The report shall be in accordance with the provisions of BS 5228:2009 'Noise and Vibration Control on Construction and Open Sites'. The development shall be carried out in accordance with the approved details.

- 23) Demolition or construction works shall not take place outside the hours of 08.00 hours to 18.00 hours Mondays to Fridays, 08.00 hours to 13.00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.
- 24) No collection or deliveries to the site shall occur outside the hours of 07.00 hours to 19.00 hours Monday to Saturday and at no time on Sundays, Bank or Public Holidays.
- 25) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Ian Radcliffe

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Proctor
MRTPI

Planning Consultant

Mr Phillips
Architect

DPA Architects

FOR THE LOCAL PLANNING AUTHORITY:

Mr Williams
Principal Planning Officer

Cambridge City Council

Miss Lack
Planning Officer

Cambridge City Council

INTERESTED PERSONS:

Mrs Göhler

Cambridge Past, Present & Future

Ms Buchholz

Friends of Stourbridge Common

Mr Pope

Old Chesterton Residents' Association

Mr Bond

Old Chesterton Residents' Association

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Letter of notification regarding the time, date and location of the appeal.
- 2 Grant of Probate, will and death certificate in relation to Mr E.J. Anstee.
- 3 Unilateral undertaking in relation to the development of the appeal site.
- 4 Details of what the financial contributions sought in relation to community services would be spent on.
- 5 Riverside and Stourbridge Common Conservation Area Appraisal.
- 6 Summary of responses following public consultation on proposed revisions to the Conservation Area boundary.
- 7 Conservation Area boundary review & appraisal report for Council meeting on 13/03/12.

PLANS SUBMITTED AT THE HEARING

- A Riverside and Stourbridge Common Conservation Area Townscape Analysis 2.
- B Proposed Riverside and Stourbridge Common Conservation Area.

**Cambridge City Council
Design & Conservation Panel**

Notes of the meeting Wednesday 11th April 2012

Present:

Nick Bullock	Chair
Terry Gilbert	RTPI (vice Chair)
Kevin Myers	RIBA
Kieran Perkins	RIBA
Carolyn Gohler	Cambridge PPF
David Grech	English Heritage
Jon Harris	Co-opted member
Jo Morrison	Landscape Institute
Tony Nix	RICS

Officers:

Matthew Paul	City Council
Jonathan Hurst	City Council
Charlotte Witheford	City Council
Susan Smith	City Council

1. Apologies – Russell Davies and Chris Davis

2. Presentation – Rosemary Branch PH, 503 Coldham's Lane

The pre-application proposal for 8 houses and 3 flats following the demolition of the existing public house.

Presentation by Philip Kratz of Birketts.

This follows application 11/1042/FUL that was subsequently withdrawn.

Carolyn Gohler did not participate in the vote.

The Panel's comments are as follows:

- Perspectives. The Panel would have welcomed the inclusion other existing buildings in the drawings. Perspectives from a greater distance would provide better contextual information.
- Front and backs. This is a problematic scheme that neither has successful front spaces or a communal space to the rear. The Panel saw this as a fundamental concern.
- Gull wing roof (corner). The corner building has been poorly handled with a roof design that makes this impossible to resolve.
- Fenestration (Coldham's Lane). The first floor fenestration was seen as ungainly.
- Gates and archway. The Panel would suggest revisiting these elements for a more comfortable result.
- The site plan suggests a terrace that wraps around the corner of Coldham's Lane and Rosemary Lane. There are disparate elements and differentiation however. In the debate between differentiation and continuity, it was felt that differentiation had won, resulting in a scheme that fails to communicate with either street. The Panel could recognise that there was some articulation of the separate units on Rosemary Lane.

- **Materials.** The Panel note the use of render, cedar boarding and metal. Further detail would be welcomed.
- **Parking (gated area).** This is a challenging site with front entrances opening out onto busy roads. Greater consideration needs to be given to the quality of life of the residents therefore. It was felt the communal space to the rear should be used for something other than parking.
- **Landscaping (rear).** The scheme fails to provide any communal green space, and with little need for such active frontages, the Panel felt a more inward-looking design could be explored, creating a shared green space to the rear.
- **Bin store.** This area could be recessed in order to maximise the potential for a landscaped, communal area to the rear.
- **Landscaping (front elevation).** While this is an undistinguished site, a well designed landscaped frontage could minimise the clutter at ground level. The Panel felt the building line could be pulled as far as possible to meet Rosemary lane, providing all parking at the rear. A low wall to the front could be added to enhance the sweep of the building. Trees could also help set the scene for Coldham's Lane.
- **Cycle parking.** The Panel note the absence of any provision for visitor cycle parking.

Conclusion

With plans illustrating little appreciation of the site and its context, the Panel felt this was not a plausible starting point. Although currently an isolated site, this is nevertheless the first view of Cherry Hinton from Coldham's Lane and it was felt any development here could potentially set the tone for future residential redevelopment of the area.

Although not opposed to a contemporary solution, the Panel would recommend that the design team look again at some of the terms of town planning when building a development of this nature. The importance of including a usable, communal green space cannot be underestimated in this case.

VERDICT – RED (8) with 1 abstention

3. Presentation - 55-57 Regent Street (12/0224/FUL)

Demolition of existing apart from facade to Regent Street, erection of restaurant on the ground floor, 14 residential units on the upper floors, excavation of extended basement and increase in height of existing basement to provide cycle parking, plant and restaurant facilities and bin store to rear. Presentation by Sally Fletcher of January's with Sarah Dani of Freeland Rees Roberts Architects.

The building is not listed but could be viewed as making a positive contribution to the character and appearance of the Conservation Area.

The Panel's comments are as follows:

- **Public Art (artist Sarah Sabin).** The quality of the proposed artwork is to be applauded and the Panel welcome its inclusion at this early stage. The entrance panel could be made to be more emphatic.
- **Materials (front elevation).** With stone render at roof level and lime render on the lower floors, the Panel would welcome the exploration of alternative materials that would recognise the quality of the brickwork.
- **Roofline.** The Panel would strongly encourage greater consideration of the wider Conservation Area when examining the roofline. Whether the curved

roof form is visible from Regent Street and beyond should be thoroughly explored. The materials will need very careful consideration if this proves to be the case.

- Atrium space (2nd floor). This will need careful handling for it to succeed.
- Light wells. Some scepticism was expressed as to whether these could provide the bedrooms with sufficient lighting.
- Regent Terrace (balconies). The orthogonal geometry of the balconies is questioned. Whether the smaller, shaded balconies on the lower levels could be enjoyed was also a concern. Instead of the elevation stepping forward at the more generous upper balcony level, these balconies could be tucked back to provide greater privacy. The building would also relate more successfully with its neighbours.
- Cycle parking. It was felt a more generous arrangement would be more successful. Basement access to the parking and servicing are yet to be resolved.

Conclusion

The Panel are broadly sympathetic with the proposal but expressed concerns regarding the detailing. Although not listed, it was felt the existing building has a particular geometry and identity that deserve more active analysis. Given the extent of surrounding change however, the Panel appreciate that intervention may be difficult to resist. Reducing the number of units and retaining the original frontage intervention - particularly at the upper level – would address the building's identity more effectively. Creating more generous spaces would eliminate the need for the uncomfortable atrium/light well arrangement.

VERDICT - RED (4), AMBER (5)

4. Minutes of the last meeting – Wednesday 14th March 2012

Agreed.

5. Any Other Business

- Trinity College, New Court – minutes of the site visit 21st March 2012. Panel members are invited to send any comments through via email, once the correct draft has been circulated.

6. Date of next meeting – Wednesday 9th May 2012

Reminder

CABE 'traffic light' definitions:

GREEN: a good scheme, or one that is acceptable subject to minor improvements

AMBER: in need of *significant* improvements to make it acceptable, but not a matter of starting from scratch

RED: the scheme is fundamentally flawed and a fresh start is needed

**Cambridge City Council
Design & Conservation Panel**

Notes of the meeting Wednesday 4th July 2012

Present:

Terry Gilbert	RTPI (acting Chair)
Kevin Myers	RIBA
Kieran Perkins	RIBA
Tony Nix	RICS
Carolin Gohler	Cambridge PPF
Russell Davies	RTPI
Ian Steen	Co-opted member
Jon Harris	Co-opted member

Officers:

Catherine Linford	City Council (item 2)
Matthew Paul	City Council (items 2 &3)
Sophie Pain	City Council (item 3)

Observers:

Cllr Saunders	City Council
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1. Apologies – Nick Bullock, David Grech and Jo Morrison.

2. Presentation - Rosemary Branch PH, 503 Coldham's Lane (12/0724/FUL)

The proposal for a residential development of eight houses and two flats following demolition of the existing Public House.

This was last seen by the Panel at pre-application stage in April (verdict RED).

Presentation by Philip Kratz of Birketts.

Carolin Gohler declared an interest and did not participate in the vote.

The Panel's comments are as follows:

- The Panel note the improved rhythm of the elevations as well as the relocation of the car park access and removal of the archway.
- Gateway to Cherry Hinton (context). Following the comments made last time, the Panel were disappointed not to be presented with the contextual information as requested. The Panel however note that photomontages are currently being prepared in time for the application's determination at Committee.
- Gull-wing roofs (PV). The Panel were sceptical as to the effectiveness of solar panels on roofs that were north, not south facing.
- Gull-wing roofs (maintenance). The Panel suggested that some kind of (invisible) feature would need to be added to ensure effective channelling of rainwater. It was also felt the design would cause the additional aesthetic problem of accumulated leaves and debris at the junction between the gull wing and the adjoining buildings. The Panel will reserve judgement on the materials for the roof, as the palette has not yet been fixed.
- Communal space (landscaped area). The opportunity to re-appraise the rear of the development has not been taken. As the Panel were informed that the density target was the inhibiting factor, the recommendation would therefore be to reduce the number of units allowing for this much-needed flexibility with the landscaping.

- Trees. The Panel felt the garden spaces to the front were too small to accommodate the size of tree proposed.
- The village edge (landscaping). As the units on Coldham's Lane will be prominent, and the proposed landscaping only features an assortment of medium height shrubs, the Panel would welcome any exploration into the continuation of the avenue of trees along Rosemary Lane for a less domestic treatment.
- Plot 5 (corner unit). The Panel expressed concern that the garden space for this bulky three storey dwelling would likely receive only minimal exposure to sunlight. A re-visiting of the footprint and its relationship with the adjoining buildings would be welcomed.
- Materials (elevations). The Panel note the change from render to brick but would have welcomed further detail on the choice of 'Gault' brick, as this is vague description.

Conclusion.

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.

VERDICT – RED (6), AMBER (1) with 1 abstention.

3. Presentation - EF Language School, 221 Hills Road (12/0616/FUL)

Demolition of the existing non-residential language school (Use Class D1 - Non-residential Education and Training Centres) and replacement with a new purpose built language school with on site accommodation for students (Use Class C2 - Residential Schools and Colleges).

Presentation by Richard Owers of NRAP Architects with Jamie Buchanan.

Carolin Gohler declared an interest and did not participate in the vote.

The Panel's comments are as follows:

- Hill Road elevation. This area has a greener, more suburban character than depicted in the presentation material. The Panel therefore expressed some initial reservations regarding the unprecedented stepping forward of this four storey building, visible from a considerable distance.
- Existing building. The Panel would request further analysis of what could be described as the best preserved Victorian villa on Hills Road. Although not mentioned in detail in the City Council's Suburbs & Approaches Study, the Panel understands it is likely to have been built by Richard Reynolds Rowe, and appears to have remained largely unaltered since the late 1800s. If not worthy of national or local Listing status, the Panel would urge that it at least be thoroughly recorded.
- Trees. The delivery of this scheme without any adverse impact on the existing tree belt needs to be demonstrated, as a clear consensus could not be reached. Some doubt was raised as to the merits of the root protection plan, as the foundation work would likely affect drainage and root structure.

- Cycle parking. With 360 students and only 114 cycle spaces, the Panel would support additional cycle parking provision. This would reduce the number of bikes being locked to railings.
- Servicing arrangements. Some doubt was expressed as to whether these arrangements were up to standard. The access from Cavendish Avenue appears tight and could have an impact on the trees.
- Hills Road (west elevation). At four storeys and largely obscured by trees, the Panel felt this elevation would be exposed to only minimal evening sunlight.
- St John's The Evangelist. The Panel note that the objections from the church had been based on issues of neighbourliness as opposed to the built form.

Conclusion

The architects are praised for the quality of the presentation and the accompanying material.

The character of this side of Hills Road is predominantly residential with the church and the existing building as the only exceptions. To have a building of this scale and massing is therefore unprecedented. It was nevertheless felt this move towards the more urban design was logical, and could be successful if built to a high standard and providing thorough consideration is shown towards the tree belt.

It could be argued the residential element of this scheme tips the balance towards overdevelopment, and a reduction in the number of units would no doubt provide some flexibility. This was still regarded in general terms however as a well considered scheme with good quality elevations and materials.

The little information currently gained on the existing school building invites the City Council and the design team to explore its historical merit in more detail. Subject to further findings, the possibility of developing the existing site may be an option worth exploring.

**VERDICT – RED (1), AMBER (1) and GREEN (3) with 1 abstention.
(Two Panel members left prior to the vote casting but both expressed GREEN)**

This is subject to further exploration of the strength of tree belt and any further details regarding the history of the existing building.

4. Minutes of the last meeting – Wednesday 6th June 2012

Agreed

5. Date of next meeting – Wednesday 1st August 2012

Reminder

CABE 'traffic light' definitions:

GREEN: a good scheme, or one that is acceptable subject to minor improvements

AMBER: in need of *significant* improvements to make it acceptable, but not a matter of starting from scratch

RED: the scheme is fundamentally flawed and a fresh start is needed