

EAST AREA COMMITTEE MEETING – 06th September 2012

Pre-Committee Amendment Sheet

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 12/0260/FUL

Location: Ryedale House, 40 Cambridge Place

Target Date: 23.04.2012

To Note:

A letter of objection has been received from 21 Glisson Road. This does not include any further additional issues, which have not already been addressed in the report.

Amendments To Text:

Paragraph 6.2 states that Environmental Health do not object to the application. This is an error. The comments of Environmental Health are attached, and have been addressed in the report.

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 12/0837/FUL

Location: 25 Cambridge Place

Target Date: 28.08.2012

To Note:

A letter of objection has been received from 26 Cambridge Place. This does not include any further additional issues, which have not already been addressed in the report. Copy of previous Decision Notice attached.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 12/0883/FUL

Location: 47 Priory Road

Target Date: 11.09.2012

To Note: Copy of previous Decision Notice attached.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 12/0742/FUL

Location: 233 Lichfield Road

Target Date: 02.08.2012

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

GENERAL

Location: 86 Brooks Road – Enforcement Report

To Note:

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

Consultee Comments for application 12/0260/FUL

Application Summary

Application Number: 12/0260/FUL

Address: Ryedale House 40 Cambridge Place Cambridge Cambridgeshire CB2 1NS

Proposal: Conversion of existing buildings to form 4no 1bedroom flats, along with cycle and refuse store, first floor dormer side extension and part demolition of rear.

Case Officer: Miss Catherine Linford

Consultee Details

Name: Mr Daniel Bayles

Address: Mandela House, Cambridge CB1 0JH

Email: daniel.bayles@cambridge.gov.uk

On Behalf Of: Environmental Health

Comments

CAMBRIDGE CITY COUNCIL MEMO

To: Catherine Linford Dept: Planning

Building: The Guildhall Room: 11

From: Daniel Bayles Dept: Refuse and Environment Service

Phone: 01223 457895 Room: Mandela House

Date: 23rd March 2012

Subject: Planning Consultation: 40 Cambridge Place, Cambridge, CB2 1NS Conversion of existing buildings to form 4no 1bedroom flats, along with cycle and refuse store, first floor dormer side extension and part demolition of rear. Ryedale House 40 Cambridge Place Cambridge Cambridgeshire CB2 1NS

My Ref: WK/201117105

Your Ref: 12/0260/FUL

CC: Sophie Pain

Thank you for consulting Refuse and Environment on this application.

I am the lead officer for this response, which also contains comments from:

- Scientific Team (contact Themis Kantara, Scientific Officer)
- Waste Strategy (contact Chloe Hipwood, Waste Development Officer.)

COMMENTS

· Environmental Protection comments:

Construction Hours

To limit the harm to the surrounding amenity the construction house should be restricted to the normal permitted hours.

The standard C63 condition is requested.

Noise from Dance Studio

You will be aware of the change of use opposite, at 20 Cambridge Place, to a college with a refectory. I am currently awaiting details of the air source heat pump for this, but I do not see that use harming the amenity of the residents of this proposed development.

The current warehouse backs directly on to the Body Works Dance Co, dance studio, postal address 25-29 Glisson Road. Both Environmental Health and Planning Enforcement have both received complaints about loud music from the dance studio from existing neighbouring properties. The complaints report bass beat, which is hard to control and insulate against due to its low frequency. Environmental Health has never taken formal action and I am confident neither has Planning Enforcement. However, these proposed houses will be very close to the studio and introduce residents where there were previously none. Thus any noise from the dance studio is likely to have a significant impact on the amenity of any future residents, of this development, and nuisance due to noise from the studio is likely.

It is no defence to claim that a complainant came to a nuisance so the occupiers of this development will have the right to complain and the Council will have a duty, note no discretion, to take action if a noise nuisance is found. It was part of the justification for establishing the planning process to prevent nuisances by managing land use. Body Works Dance Co therefore has the reasonable expectation that any planning decision will consider its right to continue trading.

A development resulting in nuisance is therefore something a good planning decision would wish to avoid.

I note that the drawings show the windows of the dance studio overlooking the courtyard of the development and that the development has the windows of the livingrooms facing the dance studio. Without a noise report I cannot advise if this design will be acceptable.

If you are minded to condition the application we will not have the opportunity to amend the layout of the development to minimise the impact of any noise. I also point out that the courtyards cannot be insulated against any noise from the dance studio. If noise is a problem the livingrooms will require the windows to be sealed shut and mechanical ventilation will therefore be required. This something the Council has tried to avoid on other development due to the resulting poor living conditions and ongoing carbon and financial costs.

Also if you decide to condition you and I will also have to ensure the wording is sufficient and it is correctly discharged and if necessary enforce.

You may consider a section 106 between the developer and Body Works Dance Co, but again this needs an assessment of the noise.

For satisfactory amenity the garden areas and the rooms should achieve the good levels of British Standard, BS8233: 1999, with windows open. Where windows cannot be opened other ventilation will be required.

It is possible that on this side of the building noise from the dance studio is not a problem. However, until it is assessed we will not know this and I lack sufficient information to determine the application. The application should therefore be refused. I will of course review this recommendation if a noise report or other further information is supplied.

I also highlight that if a noise nuisance is established, under the requirements of the Criminal Procedure and Investigations Act 1996, the Council will be legally required to disclose this memo and your planning file and you and I risk being cross examined in the Criminal Courts on the contents.

- Scientific Team comments:

I have reviewed historic maps and application documents. The site is currently occupied by a warehouse and is adjacent to a former depot. Please put the full contaminated land conditions (and mention the contaminated land developers guide).

- Waste Strategy comments:

The provisions show are acceptable and they can also have less green waste provision, 1 x 240L should be fine.

RECOMMENDATION

REFUSE insufficient information concerning noise from the neighbouring dance studio, noise

report is required.

CONDITIONS

The following conditions are suggested in the event that the recommendation cannot be followed. They are suggested to limit the harm to neighbouring amenity and may not necessarily avoid unacceptable harm to the amenity. They are not suggested as an alternative to the recommendation.

1. Construction Hours C63

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

2. Noise Assessments and Mitigation (Planner to agree wording)

Part A

Prior to the commencement of refurbishment/ development works a noise report prepared that considers the impact of noise from the neighbouring Dance Studio on upon the proposed development shall be submitted in writing for consideration by the local planning authority

Part B

Following the submission of a noise report and prior to the occupation of refurbishment/ development works, a noise insulation scheme having regard to acoustic ventilation, protecting the residential units from noise as a result of the proximity of the bedrooms/living rooms to the high noise levels from the neighbouring dance studio shall be submitted to and approved in writing by the local planning authority.

The scheme shall achieve:

- The good noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice, with
- Ventilation meeting both the background and purge / summer cooling requirements of Approved Document F.

Details shall include:

- Glazing Specifications
- Details of Ventilation

The scheme as approved shall be fully implemented before the use hereby permitted is commenced and prior to occupation of the residential units and shall not be altered without prior approval.

3. Contaminated Land

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

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

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

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

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

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

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

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

have been removed from site.

INFORMATIVE

Contaminated Land Guide Informative

The Councils document Developers Guide to Contaminated Land in Cambridge provides further details on the responsibilities of the developers and the information required to assess potentially contaminated sites. It can be found at the City Councils website on <http://www.cambridge.gov.uk/ccm/content/environment-and-recycling/pollution-noise-and-nuisance/land-pollution.en>.

Hard copies can also be provided upon request.

Please refer to the indicated contact officer regarding their comments and for subsequent discharge of proposed conditions.

Regards,

Mr Daniel Bayles
Environmental Health Officer



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Ref:12/0490/FUL

Mr Chris Senior
DPA Architects Ltd.
The Gallery
96 King Street
Cambridge
CB1 1LN

The Council hereby refuse permission for

Change of use from offices (Class use B1) to form 3No. studios and 2No. 1Bed. flats with associated access arrangements and external alterations.

at

25 Cambridge Place Cambridge CB2 1NS

in accordance with your application received 23rd April 2012 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The proposal provides no car parking space for visitors, contrary to policy 8/10 of the Cambridge Local Plan (2006).
2. Cycle parking and waste storage are not successfully integrated into the design. This is likely to lead to waste bins and cycles being left outside the building, detracting from the street scene and causing inconvenience to future residents of the development and nearby occupiers. The proposal is therefore contrary to policy 3/12 of the Cambridge Local Plan (2006) and to government guidance on good design in section 7 of the National Planning Policy Framework.

3. The proposed development does not make appropriate provision for public open space, community development facilities, life-long learning facilities, waste storage, waste management facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/8, 3/12 5/14 and 10/1, and Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the RECAP Waste Management Design Guide SPD 2012 and the Open Space Standards Guidance for Interpretation and Implementation 2010.

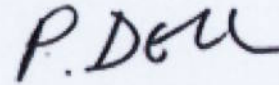
This decision notice relates to the following drawing: **PL(21)02**.

A copy of the refused plan is kept in the planning application file.

For further information please go to www.cambridge.gov.uk/planning.

Dated: 21 June 2012

Guildhall, Cambridge, CB2 3QJ



Head of Planning Services

SEE NOTES ATTACHED

PLANNING PERMISSION

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development' or to grant permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder planning application that was valid on or after 6th April 2009, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from www.planningportal.gov.uk/pes

The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONSENT TO DISPLAY AN ADVERTISEMENT

7. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Ref:11/0641/FUL

Mr. Stephen Friday
16 Willow Way
Hauxton
Cambridge
CB22 5JB

The Council hereby refuse permission for

Single storey rear extension. Increase in roof height with front and rear dormers and detached garden studio.

at

47 Priory Road Cambridge Cambridgeshire CB5 8HT

in accordance with your application received 6th June 2011 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The proposed raising of the ridge height and the proposed rear dormer would both result in unacceptable levels of visual dominance, sense of enclosure, and overshadowing to the rear garden areas of nos. 22, 23, and 24 Riverside. The proposal would thus be poor design which fails to respect the constraints of the site and would have a harmful impact on the residential amenity of neighbouring occupiers, contrary to policies 3/4 and 3/14 of the Cambridge Local Plan 2006 and to Government guidance in PPS1 (2005).

This decision notice relates to the following drawings: **SF10 065. 1AB, SF10 065.2**

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

Simon Payne, Director of Environment
Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Telephone 01223 457200



INVESTOR IN PEOPLE

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

Dated: 25 July 2011

P. Dew

Guildhall, Cambridge, CB2 3QJ

Head of Planning
with

SEE NOTES ATTACHED

PLANNING PERMISSION

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development' or to grant permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder planning application that was valid on or after 6th April 2009, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from www.planningportal.gov.uk/pcc

The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONSENT TO DISPLAY AN ADVERTISEMENT

7. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)

