

Application Number	10/0096/FUL	Agenda Item	
Date Received	8th February 2010	Officer	Mr Tony Collins
Target Date	5th April 2010		
Ward	Market		
Site	45 Burleigh Street Cambridge Cambridgeshire CB1 1DJ		
Proposal	Demolition of existing building and replacement with seven flats and 158 sq m of retail space at ground floor.		
Applicant	Mr Aldo Marino 19 Rutherford Road Cambridge CB2 2HH		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is an L-shaped plot, fronting the south-west side of Burleigh Street at its junction with Adam and Eve Street, and about 35m from its junction with East Road. The long limb of the plot extends 25m along the south-east side of Adam and Eve Street, narrowing from 10m wide on Burleigh Street to 8m wide at the rear. The short south limb turns at right angles to this at the rear of the site, extending 17m along the northern edge of the Adam and Eve Street car park until it reaches the rear wall of a snooker club fronting on to East Road.
- 1.2 The front of the site is currently occupied by two early-twentieth-century brick buildings, which have been in use as shops for most of their life, sometimes separately and sometimes as a single unit. The site is within the City Centre as defined in the Cambridge Local Plan (2006), and its Burleigh Street edge is identified as a Primary Shopping Frontage in that Plan. Adjacent uses to the north, east and south, on Burleigh Street and East Road are primarily retail at ground floor level, with offices, storage, or in some cases residential above, but there are other city centre uses, such as the snooker club, nearby. To the west, beyond Paradise Street and Adam and Eve Street, the area is residential.

- 1.3 The whole area is within the controlled parking zone (CPZ), and Burleigh Street, and the section of Adam and Eve Street which runs along the edge of the application site are pedestrianised. There are two wall-hung street lights attached to the building, one on each street elevation.
- 1.4 The south-west corner of the site just touches the boundary of the Kite section of the City of Cambridge Conservation Area No.1. (Central), but the site itself, both streets adjoining it, and the Adam and Eve Street car park to the rear lie outside the conservation area. The building on the site is not listed, nor is it a Building of Local Interest. None of the adjacent buildings fall into either of these categories. There are no trees on the site.

2.0 THE PROPOSAL

- 2.1 The application proposes that, following the demolition of the whole of the existing building on the site, a new building, predominantly of three storeys, should be erected, with retail space on the ground floor, and residential accommodation above.
- 2.2 The building, finished predominantly in brick with powder-coated aluminium windows and cladding panels to certain sections, would have an artificial slate roof. The roof would have a pitched face towards Burleigh Street and Adam and Eve Street, with a flat section behind. Dormer windows, mostly paired, with a box section between, would serve the second floor rooms within this roof space. The rear wing, of only two storeys, facing the car park, would have a standard pitched roof. More slender tower sections, 4m wide by 2.5m deep, would be placed close to the north-west and south-west corners. The towers would have higher monopitch roofs, with eaves at 8.6m above ground, close to the height of the main ridges. Adjacent to these towers, the second floor flats in each corner would have small balconies.
- 2.3 The first floor would contain four one-bedroom flats, the second floor two one-bedroom flats and a two-bedroom unit. On the ground floor, retail space, with shop windows on Burleigh Street and Adam and Eve Street, would occupy the front section, with an entrance to the flats, retail storage space, bin and cycle stores at the rear.
- 2.3 The application is accompanied by the following supporting information:

1. Design Statement
2. Planning Statement

3.0 SITE HISTORY

3.1 There is a lengthy planning history from the mid-twentieth century, most of which (29 applications) relates to the erection and retention of rear extensions during the use of the premises as a cooked meat shop. None is relevant to this application. The only application since 1987 is shown below.

3.2

Reference	Description	Outcome
09/0130	Demolition of existing building and replacement with eight flats and 158m ² of retail space.	Withdrawn

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

- 5.3 **Planning Policy Statement 3: Housing (2006):** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.
- 5.4 **Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009):** sets out the government's planning policies for economic development, which includes development in the B Use Classes (offices, industry and storage), public and community uses and main town centre uses. The policy guidance sets out plan-making policies and development management policies. The plan-making policies relate to using evidence to plan positively, planning for sustainable economic growth, planning for centres, planning for consumer choice and promoting competitive town centres, site selection and land assembly and car parking. The development management policies address the determination of planning applications, supporting evidence for planning applications, a sequential test and impact assessment for applications for town centre uses that are not in a centre and not in accordance with the Development Plan and their consideration, car parking and planning conditions.
- 5.5 **Planning Policy Guidance 13: Transport (2001):** This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping,

leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

- 5.6 **Planning Policy Guidance 15: Planning and the Historic Environment (1994):** This guidance provides advice on the identification and protection of historic buildings, conservation areas and other elements of the historic environment.
- 5.7 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.8 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
- 5.9 **Community Infrastructure Levy Regulations 2010** – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 5.10 **Letter from Secretary of State for Communities and Local Government dated 27 May 2010** - states that the coalition is committed rapidly to abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

5.11 East of England Plan 2008

SS1 Achieving sustainable development
SS6 City and town centres
T2 Changing travel behaviour
T9 Walking, cycling and other non-motorised transport
T14 Parking
ENV6 The historic environment
ENV7 Quality in the built environment
WM8 Waste management in development

5.12 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

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

5.13 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
3/12 The design of new buildings
4/11 Conservation Areas
5/1 Housing provision
5/10 Dwelling mix
8/2 Transport impact
8/6 Cycle parking
8/10 Off-street car parking

Planning Obligation Related Policies

3/7 Creating successful places
3/8 Open space and recreation provision through new development
5/14 Provision of community facilities through new development
8/3 Mitigating measures
10/1 Infrastructure improvements

5.14 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

Cambridge City Council (January 2008) - Affordable Housing: Gives advice on what is involved in providing affordable housing in Cambridge. Its objectives are to facilitate the delivery of affordable housing to meet housing needs and to assist the creation and maintenance of sustainable, inclusive and mixed communities.

5.15 Material Considerations

Cambridge City Council (2004) – Planning Obligation Strategy: Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

Cambridge City Council (2006) - Open Space and Recreation Strategy: Gives guidance on the provision of open space and recreation facilities through development.

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

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

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No significant impact on the public highway. Conditions requested on definition of service alleyway width, traffic management plan for demolition, and outward opening doors.

Head of Environmental Services

- 6.2 No objection. Conditions requested with respect to waste and recycling, delivery hours in end use, construction and construction delivery hours, dust suppression, domestic and commercial waste storage and restriction of retail space to non-food use. Informative recommended regarding ground contamination.

Design and Conservation Panel (Meeting of 29th July 2009)

- 6.4 The relevant section of the minutes of this panel meeting are attached to this report as Appendix A.
- 6.5 Panel considered this scheme in its previous iteration, when eight units were proposed. Panel raised a number of concerns before awarding that scheme seven ambers and one green. The key reservations were with respect to overdevelopment and overfussy detailing.

Cambridge City Council Access Officer

- 6.6 Arrangement for a disabled future resident to claim a nearby parking space is necessary.
- 6.7 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 Councillor Rosenstiel has commented on this application. The representation is attached to this report as Appendix B.
- 7.2 The owner of 43 Burleigh Street has made representations.

7.3 The representations can be summarised as follows:

- Overshadowing of rear courtyard at 43 Burleigh Street
- Harmful to outlook from rear first-floor windows at 43 Burleigh Street
- Design will unreasonably inhibit future development at 43 Burleigh Street

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

8.0 ASSESSMENT

8.1 From the consultation responses 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. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

8.2 Policy 5/1 of the Cambridge Local Plan (2006) makes provision for 6500 new dwellings within the urban area of the city by 2016. It supports the development of windfall sites for housing subject to the existing land use and compatibility with adjoining uses. There is considerable existing residential use in this area, and I do not consider that any of the other adjoining uses have features which make them incompatible with residential use.

8.3 The use of the space above shops in the primary shopping frontages for residential use is an efficient use of land, and contributes to the vitality and balance of the city centre outside shopping hours. Policy 3/5 of the Cambridge Local Plan (2006) supports the development of residential buildings with retail at

ground floor on streets with a predominantly non-residential character. Policy 6/6 and the supporting text in paragraph 6.20 of the Cambridge Local Plan (2006) encourages the maintenance of a high proportion of Class A1 uses in the primary shopping frontages of the city centre.

- 8.4 In my opinion, the principle of residential development is acceptable and in accordance with policies 3/5 and 5/1 of the Cambridge Local Plan (2006). The retention of retail use at ground floor level is in accordance with policy 6/6 of the Cambridge Local Plan (2006). Notwithstanding the comments of the Environmental Health officer, I see no justification for prohibiting the sale of food from the A1 unit.

Context of site, design and external spaces

- 8.5 In my view, the mass of the proposed building is appropriate. It would not be disproportionately more bulky than the existing building on the opposite corner of Adam and Eve Street. I am of the view that the main eaves heights (6.9m on Adam and Eve Street and 7.2m on Burleigh Street) and ridge heights (8.5m to 9m) are appropriate for this central location. Certain elements of the building, such as the lift overrun, and the highest point of the monopitch roofs on the tower elements at the north-east and south-west corners would reach 9.8m above ground. These elements are small, however, and I consider that the two towers, with a pronounced verticality, and a relatively slender form, are an appropriate way in which to emphasise the building's two corners. The small scale of the buildings immediately to the south-east (42 and 43 Burleigh Street) is somewhat anomalous, and I do not consider that this should constrain the development of a larger building on the application site.
- 8.6 Design and Conservation Panel commented in July 2009 on an earlier iteration of this scheme, which differed from this application only in having an additional storey on the southern return of the building facing the Adam and Eve Street car park. Panel had reservations about the overall intensity of the development, overcomplicated detailing, and the constraints the development would place on future development at 43 Burleigh Street. In my view, the removal, in this scheme, of the eighth unit, and the resulting reduction in height of the rear section addresses Panel's concern about overdevelopment. I address the issue of future development at 43 Burleigh Street below. I do not disagree with

Panel's views about the detailing of the building, but in my view the detail shortcomings are given too much weight in Panel's award. Dormers could be simpler and smaller; canopies and roof planes are overcomplicated; party walls projecting above the roof plane are not characteristic of the city. In a highly heterogeneous locality, however, I do not consider that any of these represents a real failure to respond properly to the context of the site, or a reason to refuse the application

- 8.7 In my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Disabled access

- 8.8 The door and threshold of the retail unit is designed to be fully accessible. Lift access is provided to residential units on all floors. Disabled parking is not provided on site, but it is available nearby in the Adam and Eve Street car park.
- 8.9 In my opinion the proposal represents a considerable improvement in accessibility over the present situation on the site, and is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.10 The only adjacent residential property is that on the upper floors of 46 Burleigh Street, on the opposite side of Adam and Eve Street. Balconies of the front and rear flats at No. 46 would be exposed to overlooking from windows and second-floor balconies in the proposed building. However, these balconies are open to view from the street, and I do not consider that any significant loss of privacy would result.
- 8.11 The owner of the adjacent property at 43 Burleigh Street has objected to the proposal on the grounds that the south wing of the proposed building would overshadow the rear of No. 43 and give rise to an undue sense of enclosure. The ground floor of No. 43 is in retail use as a computer games shop. The rear of the shop is used for storage and the yard is not used, and can only be accessed with extreme difficulty. The yard is already

overshadowed by feral shrubs. I do not consider that the greater overshadowing of this area would cause harm. The first-floor of No. 43, currently vacant, has been in use as offices. Although the proposed building would diminish the outlook from rear first-floor windows to some extent, the south wing of the proposed building has been reduced in height compared to the previous withdrawn application, and in my view, a reasonable amount of sunlight, and an acceptable view of the sky would be retained for these windows. The objector has stated that he may wish to convert this property to residential use, but it is not in such use at present, and I do not consider that the limited reduction in outlook or sunlight to office windows is a justified reason for refusal.

8.12 The owner of No. 43 has also objected on the grounds that the inclusion of glass blocks, smoke vents and downpipes on the eastern wall of the proposed building, and two small windows towards the front of this elevation would restrict the extent to which future development at No.43 could be carried out. None of the proposed glass block areas would serve habitable rooms, and it is my view that none of these features would seriously restrict the possibilities for development at No. 43. The small windows at the front of the elevation facing 43 would not be the principal windows in the rooms which they served. Nonetheless, they would constrain development at the front of that site. In my view, the advantages of a more enlivened elevation on this projecting section would outweigh the harm. Generally, I do not consider that as yet unspecific plans for development at 43 should restrict development on the application site.

8.13 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

8.14 Only the front and rear apartments on the second floor would be provided with external amenity space (in the form of small balconies). However, in my view, in this location, the absence of exterior space is acceptable in small flats. All the flats would have lift access, and all in my view would have reasonable outlook, daylight and privacy, with appropriate and convenient waste and cycle storage.

8.15 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/12 (or 3/14).

Refuse Arrangements

8.16 The applicants assert that the waste storage provision has been checked with the Waste Strategy Officer. On first inspection it appears adequate, but I recommend the attachment of the waste conditions sought by the Environmental Health officer to ensure provision is appropriate.

8.17 In my opinion, subject to condition, the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway Safety

8.18 The highway authority raises concerns about outward-opening doors. In my view these can be addressed by condition, as can Councillor Rosenstiel's concerns about the retention of street lights.

8.19 I note Councillor Rosenstiel's second concern about delivery vehicles blocking Adam and Eve Street, but no increase in deliveries is occasioned by the development, as the retail unit proposed is no larger than the existing unit, and overall commercial space on the site would be reduced.

8.20 The highway authority also raises concerns about the width of the alleyway to be used as cycle access. This alleyway is 1m wide, which in my view is sufficient, since it is enclosed only by a low railing on the car park side, so more space is available at handlebar level.

8.21 In my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

8.22 No on-site car parking space exists at present, and none is

provided in the proposal. In my view, in this very central location, this is appropriate. I do not consider that it would be possible to include car parking space without creating very inefficient use of the site. The Access Officer has raised the issue of disabled car parking. Since disabled spaces are available in the Adam and Eve Street car park, which is immediately adjacent to the site, I do not consider that on-site provision is necessary.

8.23 There are currently no cycle parking spaces on site. The proposal includes twelve spaces in a secure covered store at the rear of the ground floor. City Council Cycle Parking Standards require eight spaces for the seven residential units, and six spaces (one per 25m² gross floor area) for the retail use. The proposal thus falls short of Standards by two spaces. Given the very small size of the two-bedroom flat, the shortfall might more reasonably be considered to be one space. I do not consider this a reason to justify refusal.

8.24 In my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

8.25 I have addressed the issues raised under the heading of residential amenity.

Planning Obligation Strategy

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

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

(b) directly related to the development; and

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

8.27 In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements.

8.28 The Planning Obligation Strategy (2004) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.29 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 formal open space, informal open space and children's play areas. The total contribution sought has been calculated as follows.

8.30 The application proposes the erection of one two-bedroom flat and six one-bedroom flats. No residential units would be removed, so the net total of additional residential units is seven. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

Formal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	360	540	6	3240
2-bed	2	360	720	1	720
3-bed	3	360	1080		
4-bed	4	360	1440		
Total					3960

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	306	459	6	2754
2-bed	2	306	612	1	612
3-bed	3	306	918		
4-bed	4	306	1224		
Total					3366

Children's play space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	0	0	6	0
2-bed	2	399	798	1	798
3-bed	3	399	1197		
4-bed	4	399	1596		
Total					798

8.31 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

Community Development

8.32 The Planning Obligation Strategy (2004) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1085 for each unit of one or two bedrooms and £1625 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	1085	6	6510
2-bed	1085	1	1085
3-bed	1625		
4-bed	1625		
Total			7595

8.33 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Education

8.34 Commuted payments are required towards education facilities where four or more additional residential units are created. In this case, seven additional residential units are created, but contributions are not required for pre-school education for one-bedroom units. Contributions are therefore required on the following basis.

Pre-school education					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0	6	0
2-bed	2		810	1	810
Total					810

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	6	960
2-bed	2		160	1	160
Total					1120

8.35 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

Transport

- 8.36 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. The site lies within the Eastern Corridor Area Transport Plan.
- 8.37 The present building contains 116m² of office space. This would be expected to generate 24 daily trips per 100m², giving a total of 28 trips. At the standard rate of 8.5 trips per unit per day, the proposed residential units would generate 59.5 daily trips. The difference between these two totals is 31.5 trips. There are no standard trip figures for retail uses, but the proposed retail floorspace would be 158m², compared to 260m² in the existing retail use. This indicates a fall in trips generated. The aggregate net additional trips figure would therefore be less than 31.5, and no contributions are triggered.
- 8.38 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 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 15th August 2010 and subject to the following conditions:

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

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

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

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

3. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: to ensure appropriate facilities for the storage of waste and recycling. (Cambridge Local Plan 20065 policy 3/12)

4. Prior to the commencement of development, full details of the on-site storage facilities for trade waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, paladins or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: to ensure appropriate facilities for the storage of waste and recycling. (Cambridge Local Plan 20065 policy 3/12)

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

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

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

Reason: to protect the amenity of neighbouring occupiers.
(Cambridge Local Plan 2006 policies 3/4 and 4/13)

7. Except with the prior written agreement of the local planning authority in writing no delivery or collections to the retail unit shall be carried out other than between the following hours: 0800 hours to 2100 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

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

8. No demolition or construction shall take place until a traffic management plan for the demolition and construction phases has been submitted to and agreed in writing by the local highway authority. Work shall proceed only according to the agreed plan.

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

9. The residential and retail units hereby permitted shall not be occupied until two street lights fixed to the building, of a pattern and location previously agreed by the local highway authority, have been installed and brought into operation.

Reason: To protect highway safety, to ensure a safe and attractive living and working environment, and to deter crime. (Cambridge Local Plan 2006 policies 3/7 and 8/2)

10. No doors opening from the building on to Burleigh Street, Adam and Eve Street, or the rear alleyway, or the corners between them, shall open outwards.

Reason: To protect highway safety. (Cambridge Local Plan 2006 policy 8/2)

INFORMATIVE: The applicant is advised that the site was previously occupied by a bakers, workshop, coal storage and various commercial premises. If during the works contamination is encountered, the LPA should be informed, additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. The applicant or agent needs to satisfy themselves as to the condition of the land / area and its proposed use, to ensure a premises prejudicial to health situation does not arise in the future.

INFORMATIVE: The applicant is advised that any granting of Planning Permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.

INFORMATIVE: Notwithstanding any consent granted under the relevant planning act/s, the applicant is advised that before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway the express consent of Cambridgeshire County Council as the Local Highway Authority will be required. All costs associated with any construction works will be borne by the developer. The developer will not be permitted to drain roof water over the public highway, nor across it in a surface channel, but must make arrangements to install a piped drainage connection. No window or door will be allowed to open over a highway and no foundation or footing for the structure will be allowed to encroach under the public highway.

INFORMATIVE: The applicant is advised that no current or future occupiers of the proposed development will be entitled to residents' parking permits in the scheme operating in the area.

INFORMATIVE: The applicant is advised that where a proposal involves works on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building, the provisions of the Party Wall Act 1996 shall apply. The granting of planning permission does not override any obligation arising from this or other legislation.

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

INFORMATIVE: This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).

Reasons for Approval

1. This development has been approved subject to conditions and following the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

East of England plan 2008: policies SS1, SS6, T2, T9, T14, ENV7, WM8

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

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

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

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

Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 15th August 2010 it is recommended that the application be refused for the following reason(s).

The proposed development does not make appropriate provision for public open space, community development facilities, or education and life-long learning facilities, in accordance with policies 3/8, 5/14, and 10/1 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, and Guidance for Interpretation and Implementation of Open Space Standards 2006.

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 \s exempt or confidential information \s
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.