

<b>Application Number</b>	14/0308/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	4th March 2014	<b>Officer</b>	Mr Sav Patel
<b>Target Date</b>	29th April 2014		
<b>Ward</b>	Abbey		
<b>Site</b>	The Seven Stars 249 Newmarket Road Cambridge CB5 8JE		
<b>Proposal</b>	Demolition of existing buildings and outbuildings and erection of a new 3 storey building for mixed use, including 7 flats and a restaurant and/or public house, with retention of existing facade.		
<b>Applicant</b>	R Et M c/o Neale Associates		

<b>SUMMARY</b>	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> <li>1) The development will result in the provision of a new public house, which safeguards the community facility for the day to day needs of residents of the local area.</li> <li>2) The design of the new building will have a positive impact on the character and appearance of the street scene.</li> <li>3) The proposal will not adversely affect residential properties.</li> </ol>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

## 1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is the former Seven Star Public House and its rear curtilage, situated on the northern side of Newmarket Road. The site includes the pub building, which has been closed for approximately one and a half years and was recently

guttled by fire, a rear tarmacked car parking area and a small rectangular beer garden.

- 1.2 To the east there is relatively thick vegetation and tree planting and a public square, which formed part of the Tesco's development on Cheddars Lane. To the north beyond the rear car park are the rear gardens of the residential properties in Rowlinson Way. To the west is a mix of residential and some commercial premises fronting onto Newmarket Road, behind which is a substantial tarmacked car parking area.
- 1.3 The site is not within a Conservation Area. The adjoining property 247 Newmarket Road is a Listed Building.
- 1.4 The site falls within the Eastern Gate Study Area Supplementary Planning Document (SPD).

## **2.0 THE PROPOSAL**

- 2.1 Permission is sought for the substantial demolition of the existing public house erection of a new part two storey, part three storey building providing seven apartments and a new public house/restaurant on the ground floor.
- 2.2 The development is comprised of two sections. The central section retains the existing facade of the former Seven Stars PH and proposed a two storey building behind with an eaves level of 5.2m and an overall ridge height of 7m. The adjacent section of the building rises three storeys in height with an eaves level of 7.5m and overall ridge height of 8.5m.
- 2.3 The majority of the new building will be constructed in a fair faced brickwork with powder coated metal windows. The roof will be finished with slate.
- 2.4 The application is accompanied by the following supporting information:
  1. Design and Access Statement
- 2.5 Amended plans have been received which show the following revisions:
  - Revised design of front gable feature.

- Alterations to the fenestration of the front elevation.
- Revised fenestration to the east elevation.
- Alterations to roof form/pitches

### 3.0 SITE HISTORY

Reference	Description	Outcome
13/1561/FUL	Demolition of existing buildings and outbuildings and erection of a new 3 storey building for mixed use, including 7 flats and a restaurant and/or public house, with retention of existing facade.	Withdrawn
12/0233/FUL	Change of use from public house to five flats. Works to include a two storey rear extension, demolition of existing outbuilding and erection of new outbuilding for bin/cycle store.	Withdrawn

### 4.0 PUBLICITY

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

### 5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

## 5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridgeshire and Peterborough Minerals and Waste Plan (Development Plan Documents) July 2011	CS16
Cambridge Local Plan 2006	3/4 3/7 3/11 3/12 3/14 4/13 5/1 5/11 8/2 8/6 10/1

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

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

	<u>Citywide:</u> Open Space and Recreation Strategy
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#### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

### 6.0 CONSULTATIONS

#### **Cambridgeshire County Council (Highways Development Management)**

##### Comments on application as submitted

- 6.1 Recommend refuse unless a manoeuvring diagram is submitted for approval.

The access is considered acceptable.

##### Comments on application as amended

- 6.2 The applicant has provided a manoeuvring diagram that tracks the turning movement for a family car.
- 6.3 Whilst the turning manoeuvre is tight, it demonstrates to my satisfaction that a car could turn within the site to enter and leave in forward gear, which overcomes the previous objection raised by the Highway Authority.

## **Head of Refuse and Environment**

- 6.4 No objections subject to construction related conditions and noise insulation.

## **Urban Design and Conservation Team**

### Comments on application as submitted

- 6.5 The scale and bulk of the projecting three storey element would adversely affect the setting of the listed building (No. 247 Newmarket Road) and will appear prominent looking west along Newmarket Road. The proposed stepping forward of the 2<sup>nd</sup> floor levels appears bulky and dominant.
- 6.6 The submitted SketchUp perspective view indicates the awkward relationship between the projecting three storey element and the two storey elements located behind the retained PH façade. Further SketchUp views are needed looking east and west along Newmarket Road. As proposed further amendments are needed to reduce the bulk of the three storey element. The 2<sup>nd</sup> floor level projections on the eastern element appear bulky and should be setback.
- 6.7 As proposed we do not support the submitted application, the scale and bulk of the three storey element would adversely affect the setting of the listed building No. 247 Newmarket Road and will appear prominent from views looking east and west along Newmarket Road, as a result the scheme fails to meet Cambridge Local Plan Policy 3/12 *The Design of New Buildings* and 4/10 *Listed Buildings*.

### Comments on first amendments

- 6.8 Whilst we support the proposed amendments to the roof area of the projecting 3 storey element, we are concerned that the size of unit 5 (33sqm) will result in a poor living environment for the occupants. Units 5 and 7 should be combined to create a single, larger unit. The east elevation should be amended as set out herein.
- 6.9 The depth of the proposed cycle store does not meet the minimum dimensions contained within the Cambridge City Council *Cycle Parking Guide for New Residential Developments*

(Feb 2010). Consultation with the City Council Cycle and Walking officer is needed regarding the acceptability of the cycle store.

- 6.10 The amendments to the Newmarket Road fenestration, roof pitches and vehicle entrance are acceptable in design terms. Subject to these further amendments, the application would be acceptable in Urban Design and Conservation Terms.

#### Comments on second amendments

- 6.11 The proposed amendments to the dormer windows on the east elevation and the size of the cycle parking area are acceptable. The application is now supported in urban design and conservation terms.

#### **Access Officer**

- 6.12 Application supported. No further comments.

#### **Head of Streets and Open Spaces (Tree Team)**

- 6.13 Awaiting comments.

#### **Head of Streets and Open Spaces (Landscape Team)**

- 6.14 We are concerned that the massing of the building proposals is not in keeping with the existing street scene which contravenes Policy 3/4 Responding to Context of the Local Plan (2006). The area is primarily made up of 2-storey buildings. Directly adjacent to the west is a listed building attaining 3 stories but is limited in impact because of its compact size and setback. There is also a concern about potential overlooking from upper story balconies into the rear gardens of properties in Rowlinson Way.
- 6.15 The elevation drawings do not clearly show the relationship between the existing and proposed structures with the adjacent properties. The perspective view shows only the aspect from the south. We recommend that the applicant supply further details and additional 3D or perspective drawings/computer models of the eastern approach along Newmarket Road.

- 6.16 The first floor windows of flats overlooking the public open space to the east of the site may incur damage or general interference from existing trees and shrubs within the open space. Likewise this vegetation may be vulnerable to being damaged during construction. We advise that the Arboricultural Officer is consulted on this issue.

#### Bicycle Provision

- 6.17 We have concerns about the usability of the bicycle store and how it is accessed. The applicant should provide further details illustrating how the users will access/exit the store.

#### **Cambridgeshire County Council (Education)**

- 6.18 Life Long Learning and waste contributions required.

#### **Cambridgeshire County Council (Archaeology)**

- 6.19 Site investigations required. Recommend standard condition.
- 6.20 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

### **7.0 REPRESENTATIONS**

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

241 Newmarket Road

- 7.2 The representations can be summarised as follows:

- The tiny house of 241 Newmarket Road would be dwarfed by the proposal.
- Object to a three storey building being constructed.
- A two storey building would be more in keeping.
- There should be a pub only area where people can drink without having to buy food.
- Increase in car bicycle and foot traffic will increase noise and light for existing residents.
- Increase in volume and regularity of cars driven near 241 Newmarket Road.



- More green space required.

### **Campaign for Real Ale (CAMRA)**

- Paragraph 70 of the NPPF requires Local Planning Authorities to plan positively for public houses.
- Seven Stars is listed as a providing a local community facility in a suburban area.
- Its loss should be opposed.
- The proposed public house would satisfy our desire to see the Seven Stars reopen.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Disabled access
8. Third party representations
9. Planning Obligation Strategy

### **Principle of Development**

8.2 The key issue is whether the proposal makes adequate provision for the retention of the former public house, which is a community facility.

8.3 Paragraph 70 of the National Planning Policy Framework (NPPF) states that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The application would secure a new public house

use on the site which would be compliant with paragraph 70 of The Framework.

- 8.4 The Council's Interim Policy Guidance on the Protection of Public Houses (IPPG) states that Local Plan policy 3/10 subdividing plots will be applied to any proposals for the subdivision of the curtilage of a public house. This site is the car park of the former Seven Stars, so it should not in my view be considered as 'garden land'. The proposal nevertheless involves the subdivision of an existing plot for residential purposes, whereby the criteria of policy 3/10 is relevant.
- 8.5 Local Plan policy 3/10 sets out the relevant criteria for assessing proposals involving the subdivision of existing plots. Such proposals will not be permitted where: a) there is a significant adverse impact on the amenities of neighbouring properties, through loss of privacy, loss of light, an overbearing sense of enclosure and the generation of unreasonable levels of traffic or noise nuisance; b) they provide inadequate amenity space, vehicular access arrangements and car parking spaces for the proposed and existing properties; c) where they detract from the prevailing character and appearance of the area; d) where they adversely affect the setting of Listed Buildings; e) where there is an adverse impact upon trees, wildlife or architectural features within or close to the site; f) where development prejudices the comprehensive development of the wider area, of which the site forms part. The scheme represents a 'windfall' development and could not form part of a wider development in accordance with 3/10 (f). The character and amenity sections of policy 3/10 are considered in the relevant subsections below.
- 8.6 The proposal would secure a new public house through enabling development, which can be ensured to be retained in A4 use through the imposition of a suitable planning condition. The size of the proposed pub is similar to the previous Seven Stars and provides a relatively large bar area, kitchen, rear beer garden and car parking. In my opinion, the proposal would safeguard the community facility to meet the day to day needs of the local area in accordance with paragraph 70 of the Framework and the principles of the Council's IPPG.

- 8.7 This revised application states the ground floor of the building will be for a public house rather than a restaurant. Development should be conditional on the A4 public house use returning, which is consistent with previous decisions for the redevelopment of the former Royal Standard PH, Mill Road and the Queen Edith, Wulfstan Way.
- 8.8 The provision of higher density housing in sustainable locations is generally supported by central government advice contained in Planning Policy Statement (PPS) 3: Housing. Policy 5/1 of the Cambridge Local Plan 2006 allows for residential development from windfall sites, subject to the existing land use and compatibility with adjoining uses, which is discussed in more detail in the amenity section below. The proposal is therefore in compliance with these policy objectives.
- 8.9 In my opinion, the principle of the development is acceptable and in accordance with policy 5/1, the IPPG and paragraph 70 of the NPPF.

### **Context of site, design and external spaces**

- 8.10 The key design issue is the design and appearance of the new building in its setting and its impact on the character and appearance of the adjacent Listed Building.

### Site Layout

- 8.11 The layout of the redevelopment makes effective use of the plot and provides a logical orientation and positive frontage onto Newmarket Road. The footprint of the proposed building extends along the full width of the frontage, with a stepped front building line, with legible entrances to the public house and flats. It is an appropriate design response to the site context, in accordance with Local Plan policy 3/4.

### Scale and Massing

- 8.12 The proposed new building will have a positive impact on its setting because the existing attractive facade will be retained, and the new three storey element will provide a strong juxtaposition against the listed 247 Newmarket Road. The withdrawn scheme was considered unacceptable because of the proportions of the two storey element and its relationship

with the adjoining listed building. This element has been reduced within this revised scheme which in my view will create a balanced roofscape in this section of the Newmarket Road street scene.

- 8.13 The application as originally submitted included a projecting three storey element, with a prominent, oversailing third level. This was considered overly assertive and visually intrusive. The amended plans reduce the mass of this element, which now rises only 0.6m above the main two storey facade. The amended scheme has the support of the Urban Design and Conservation Team and will in my view make a positive contribution to the street scene.
- 8.14 I consider the three storey height, bulk and articulation of the proposed building acceptable in this context. The eastern end of the site is the final plot before the public square provides a break in the street scene. In my view the plot can carry a relatively high building which forms a 'bookend' to the terrace and a strong juxtaposition to the listed 247 Newmarket Road.

#### Materials and detailing

- 8.15 The materials of construction will in my view make a positive contribution to the character and appearance of the area. The imposition of a suitable planning condition can ensure a high quality brick and appropriate materials for cills and lintels is used for the elevations.

#### External Spaces and trees

- 8.16 The proposed redevelopment retains a beer garden and car parking for the pub. Final details for these external spaces can be considered through the discharge of appropriate landscape conditions.
- 8.17 I note concerns regarding the protection of trees on the north east boundary during the construction period. I have consulted the Council's arboriculture officer on this matter and will report on the amendment sheet or orally at the Committee.

8.18 In my opinion the proposal will not adversely affect the character and appearance of the adjacent listed building or wider street scene, and is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

8.19 The proposed new building will have some visual impact on the adjoining 247 Newmarket Road. The kitchen to the proposed public house is single storey level only, which will minimise the sense of enclosure to the west boundary with 247 Newmarket Road. The small rear garden of 247 Newmarket is already significantly enclosed by the existing public house building and I do not consider the proposal to create significant adverse harm as compared with the current situation.

8.20 I do not consider the scale and mass of the building to create a harmful visual impact on 241 Newmarket Road, which is located approximately 14m to the south west.

8.21 To the north of the site, the residential gardens of Rowlinson Way are positioned approximately 25m from the rear balconies of the proposed building. Given the distances involved, I do not consider the balconies likely to create significant harm from overlooking.

8.22 The likely comings and goings to the site are unlikely to significantly increase over and above the existing use of the site. Opening hours for the public house are controlled under the Licensing Act 2003.

8.23 Amenity issues relating to the use of the proposed kitchen can be adequately mitigated through the imposition of an appropriate condition.

8.24 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policy 3/4.

### Amenity for future occupiers of the site

- 8.25 The proposed redevelopment provides desirable accommodation which benefit from a range of outlooks and four of the rear apartments have balconies which are generous in size.
- 8.26 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 Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Refuse Arrangements**

- 8.27 The proposed redevelopment provides an adequate refuse and store area for both the residential flats and new Seven Stars public house. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12 and

### **Highway Safety**

- 8.28 The Highways Authority is satisfied that adequate turning can be achieved within the site layout. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Car and Cycle Parking**

#### Car Parking

- 8.29 The redevelopment of the site retains 6 car parking spaces. There are no specific standards for public houses with the Adopted Car Parking Standards. I consider the proposed car parking provision appropriate in the interests of maximising the viability for the new public house.
- 8.30 The residential apartments will not have any car parking. Given the size of the units and the sustainable location of the site with good access to transport and services, a car free development is appropriate in this location.

## Cycle Parking

- 8.31 The application proposes eight cycle parking spaces for the public house, which accords with the Adopted Cycle Parking Standards for community buildings.
- 8.32 The development provides ten cycle parking spaces for the apartments which exceeds the Adopted Cycle Parking Standards. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

### **Disabled access**

- 8.33 The development will accord with Part M of the Building Regulations and will provide level access into each flat. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Third Party Representations**

- 8.34 The issues raised in the representation received has been considered in the above report and is summarised below:

<b>Issue</b>	<b>Report section</b>
Scale of three storey building	8.14
Ground floor should be used as a pub	8.6, 8.7
Increase in noise	8.22
Outdoor space should be incorporated	8.16

### **Planning Obligations**

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

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

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

The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide provides advice on the requirements for internal and external waste storage, collection and recycling in new residential and commercial developments. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.36 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.

8.37 The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	6 net	2142
2-bed	2	238	476		
3-bed	3	238	714		
4-bed	4	238	952		
<b>Total</b>					<b>2142</b>



<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	6 net	2421
2-bed	2	269	538		
3-bed	3	269	807		
4-bed	4	269	1076		
<b>Total</b>					<b>2421</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	6 net	2178
2-bed	2	242	484		
3-bed	3	242	726		
4-bed	4	242	968		
<b>Total</b>					<b>2178</b>

8.38 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

#### Community Development

8.39 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger

unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	6 net	7536
2-bed	1256		
3-bed	1882		
4-bed	1882		
<b>Total</b>			<b>7536</b>

8.40 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

#### Waste

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

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	7	1050
<b>Total</b>			<b>1050</b>

8.42 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

## Household Recycling Centres

- 8.43 A network of Household Recycling Centres is operational across the Cambridgeshire and Peterborough area. Continued development will put pressure on the existing facilities and require expansion of the network. Financial contributions are required in accordance with the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012). These contributions vary according to the nature and scale of the proposed development and are based on any additional costs for the relevant local authority arising out of the need for additional or improved infrastructure, which is related to the proposed development.
- 8.44 The adoption of the Waste Management Design Guide SPD requires a contribution to be made in relation to all new development where four or more new residential units are created. Policy CS16 of the adopted Minerals and Waste Core Strategy requires new development to contribute towards Household Recycling Centres (HRCs) consistent with the RECAP Waste Management Design Guide SPD.
- 8.45 For new development in Cambridge the relevant HRC is located at Milton. The following table sets out how the contribution per new dwelling has been calculated for the Milton HRC.

Notes for Milton	Infrastructure/households	Source
4 sites at £5.5 million	£22 million	Cost per site sourced from Mouchel Parkman indicative costs 2009
Total catchment (households)	115,793	WMT Recycling Centre catchment tables CCC mid 2009 dwelling figures
New households	24,273	CCC housing trajectory to 2025 as of

		December 2010
<u>Infrastructure costs</u>		
Total number of households in catchment	x New households in catchment	
<u>£22 million</u> 115,793	x 24,273	= £4,611,730
Total Developer Contribution per household = £190		

The net gain is 6 therefore the necessary contribution towards HRC is £1140.

- 8.46 Subject to the completion of a S106 planning obligation to secure the requirements of the Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012), I am satisfied that the proposal accords with the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16.

### Education

- 8.47 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an annex to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.
- 8.48 Contributions are therefore required on the following basis.

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such	Total £

				units	
1 bed	1.5		160	6 net	960
2+- beds	2		160		
<b>Total</b>					<b>960</b>

8.49 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy 2010, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

#### Monitoring

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

#### Planning Obligations Conclusion

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

### **9.0 CONCLUSION**

9.1 The proposed redevelopment of this former public house site will secure the return of the Seven Stars to the benefit of the day to day needs of local residents. The proposed building will make a positive contribution to the character and appearance of the street scene and will not detract from the character and appearance of the adjoining Listed Building or the amenities of neighbours. APPROVAL is recommended.

## 10.0 RECOMMENDATION

**APPROVE subject to the satisfactory completion of the s106 agreement by 1 September 2014 and subject to the following conditions and reasons for approval:**

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. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Except with the prior written agreement of the local planning authority 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)

4. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

5. No development shall take place within the site until the applicant, or their agent 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.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

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: In the interests of neighbouring amenity, Cambridge Local Plan 2006 policy 4/13.

7. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

8. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area (Newmarket Road façade dominated by traffic/vehicle noise), be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 'Sound Insulation and noise reduction for buildings-Code of Practice'. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall not be altered without prior approval.

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

9. Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

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

10. 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.

Reason: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 4/13.

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) the ground floor of the premises designated for public house use (use class A4) within the approved plans shall be permanently retained.

Reason: To safeguard the community facility as set out within paragraph 70 of the National Planning Policy Framework 2012.

12. 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 (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); 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 and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

**2. Unless prior agreement has been obtained from the Head of Planning, in consultation with 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 1 September 2014, or if Committee determine that the application be refused against officer recommendation of approval, 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, education and life-long learning facilities, transport mitigation measures, waste facilities, waste management and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12 and 10 and the Cambridgeshire and Peterborough Minerals and Waste Development Plan (Core Strategy Development Plan Document July 2011) policy CS16 and as detailed in the Planning Obligation Strategy 2010, the Open Space Standards Guidance for Interpretation and Implementation 2010, Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document 2012.

**3. In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development**