

<b>Application Number</b>	14/1111/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th July 2014	<b>Officer</b>	Ms Lorna Gilbert
<b>Target Date</b>	7th October 2014		
<b>Ward</b>	West Chesterton		
<b>Site</b>	Ashley Hotel 74 - 76 Chesterton Road Cambridge Cambridgeshire CB4 1ER		
<b>Proposal</b>	Demolition of existing garages, to be replaced by a two storey building to provide 19 additional hotel bedrooms (4 within roof space) an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.		
<b>Applicant</b>	Mr Robert Norfolk Arundel House Hotel Chesterton Road Cambridge CB4 3AN		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>Planning permission has been granted for the development and changes in the planning policy context do not justify rejection of the current application.</p> <p>The development will not have a harmful effect on residential amenity.</p>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

1.1 The application site is the empty space to the rear of the Ashley Hotel, which is located on the south-eastern corner of Chesterton Road and Hamilton Road. The site is currently occupied by hardstanding that is used for guest parking, and some old garages, which have not been used for car parking for some twenty or more years. The site is bounded to the south

and west by Hamilton Road, which wraps around the south-west corner of the site and to the east by houses that proceed along Hamilton Road. The general site context has a residential character made up of a mix of medium to large terraced and semi-detached, family housing predominantly of two storeys.

- 1.2 The site has no specific allocation in terms of the Cambridge Local Plan (2006). The site is not located within a Conservation Area but lies adjacent to the De Freville Conservation Area. The boundary of the conservation area travels along the southern half of the west shared boundary of the application site with Ferry Path and then along the southern shared boundary with Hamilton Road. The building is not a listed building. There are a number of trees on the eastern and western boundaries, which are not subject to Tree Preservation Orders. The site falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 Planning permission reference 08/0941/FUL was granted by Planning Committee Members at the meeting on 5 November 2008 and extant permission reference 11/0746/EXP was granted by Planning Committee Members at the meeting on 16 November 2011. Both proposals were identical for the demolition of the existing garages and replacement with a two storey building to provide 19 additional hotel bedrooms (4 within roof space), an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.
- 2.2 The purpose of the current planning application is to replicate the above planning permission as the applicant intends to open the hotel extension in April 2018, but the current approval expires in March 2015.
- 2.3 The proposal is for the demolition of some existing garages at the rear, southern part of the site adjacent to the shared boundary with Hamilton Road and the erection of a two and a half storey annexe building to provide additional hotel accommodation comprising 19 bedrooms, incorporating underground car and cycle parking.
- 2.4 The building has an L-shaped plan which wraps around the corner of Hamilton Road and is two-storey in height but has four

of the nineteen bedrooms proposed contained within its roof space. The building has a glazed reception 'tower', containing the main entrance, which is in contrast to the brick-faced traditional treatment of the main building.

2.5 The application is accompanied by the following supporting information:

1. Design and Access Statement

### 3.0 SITE HISTORY

Reference	Description	Outcome
80/0725	Change of use from residential to guesthouse	A/C
80/1073	Change of use from residential to guesthouse	REF
81/0264	Erection of front porch	A/C
81/0284	Change of use from residential to guesthouse	REF
90/1080	Change of use from residential to hotel	A/C
06/0456/FUL	Demolition of existing garages to be replaced by two-storey gatehouse style building to provide 9 additional bedrooms	W/D
07/0016/FUL	Demolition of existing garages to be replaced by three storey building to provide 14 additional bedrooms	W/D
07/0960/FUL	Demolition of existing garages to be replaced by three storey building to provide 14 additional bedrooms	REF
08/0941/FUL	Demolition of existing garages. To be replaced by a two storey building to provide 19 additional hotel bedrooms (4 within roof space), an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.	A/C
11/0746/EXP	Demolition of existing garages.	A/C

	To be replaced by a two storey building to provide 19 additional hotel bedrooms (4 within roof space), an underground car park for 16 cars and 12 bicycles and an extension to the existing semi-basement hotel facilities.	
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#### 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
Cambridge Plan 2006	Local	3/1 3/4 3/7 3/12 4/4 4/11 4/13 8/2 8/3 8/6 8/10 8/16 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014
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	Circular 11/95
Supplementary Planning Guidance	Cambridgeshire and Peterborough Waste Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012)  Planning Obligation Strategy (March 2010)  Public Art (January 2010)
Material Considerations	<u>Area Guidelines</u>  Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:  De Freville Conservation Area Appraisal (2009)

#### 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.

For the application considered in this report, there are no policies in the emerging Local Plan are of relevance/the following policies in the emerging Local Plan are of relevance:

## **6.0 CONSULTATIONS**

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

- 6.1 The proposal replicates previous permitted schemes; the only material change as far as the Highway Authority is concerned since the last permission has been the introduction of a Residents Parking Scheme on the surrounding streets.
- 6.2 This, if anything, would act to reduce the risk of overspill parking (although this may still occur if a specific function were held at the hotel outside the hours of operation of parking restriction).
- 6.3 Any and all requirements of Conditions and Planning agreements applying to the previous permitted schemes must be carried through onto any new permission that the Planning Authority is minded to grant in regard to this application.
- 6.4 The applicant would need to fund any necessary alterations to the Traffic Regulation Order governing the scheme, if there are any necessitated by provision of the access.
- 6.5 Requested the inclusion of Highways conditions and informatives to any permission that the Planning Authority is minded to issue in regard to this application.

### **Head of Refuse and Environment**

- 6.6 No objection to this application in principle, subject to their comments and recommended conditions/informatives. They have requested conditions for construction hours, collection or deliveries during construction, construction/demolition noise, vibration and piling, dust, plant/building noise insulation.

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

- 6.7 The pollarded limes along Ferry Path provide a distinct green edge to the site and whilst potentially of low quality are remnants of a historic line of pollarded limes which carried through to the river edge. Consideration should be given to providing some green elements to the streetscape as part of the proposals. Some form of planting should be introduced within the railed curtilage outside the Ground Floor rooms, etc.

6.8 Landscaping conditions are recommended.

### **Urban Design and Conservation team**

6.9 This application is supported with conditions.

6.10 The plans are the same as those submitted for the 2011 application. Therefore the Conservation comments on the previous application are generally replicated below.

6.11 The 2011 application was for an extension of time to the 08/0941/FUL planning approval. When this approval was given, the conservation area had not been designated therefore there were no previous conservation comments on these proposals. The comments relate to the 2014 application for the proposed new building on the boundary of the property only, which is a resubmission of 11/0746/EXP.

6.12 The existing garages and exterior space for the Ashley Hotel do not contribute positively to the character of the adjacent conservation area. A number of the outbuildings to the Chesterton Road properties have either been converted or demolished for residential or office use. This gives Hamilton Road an eclectic mix of properties of differing styles and proportions. The proposals for this site appear to have taken their references for the site from properties in the area and with the use of appropriate materials it should sit well within the area.

6.13 Issues relating to underground parking, detailed elevations, CCTV and landscaping of threshold space can be addressed by conditions.

### **Planning Policy (Senior Sustainability Officer)**

6.14 The approach being taken by the applicant in relation to renewable energy and sustainable construction is supported. Further detail in relation to the sustainable drainage systems and renewable energy would be helpful, and it is considered that this could be dealt with by way of condition.

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

- 6.15 We would recommend that the same archaeological standard condition is placed on the development as was given for prior application advice (08/0397/FUL,08/0941/FUL & 11/0746/EXP) within the same bounds.

## **Cambridge City Council Access Officer**

- 6.16 The reception needs a hearing loop and a vibrating fire alarm for deaf guests.
- 6.17 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:

- Labour County Councillor for West Chesterton
- 1, 3, 13, 17, 23 Kimberley Road
- 82, 193, 197 Chesterton Road
- 4, 5, 10, 22 Ferry Path
- 5 Trafalgar Road
- 2, 5, 6, 10, 13, 18, 20, 21, 22, 23, 41 Pretoria Road
- 18-20 Victoria Road
- 22 Aylestone Road
- 65 De Freville Avenue
- 2 George Street
- 9 Albert Street

- 7.2 The representations can be summarised as follows:

- Traffic, Parking and Safety. Concerned about increase in traffic levels. Lack of attention of the need for taxi ingress drop off and egress.
- Prospect of fewer parking places for hotel guests adds to residents' parking concerns where finding a parking space is difficult, narrow roads makes it difficult for emergency vehicles and rubbish collections. Health and safety considerations should not be exacerbated by more visitor parking on these small streets.



- Impact on nature of the area, particularly the De Freville Conservation Area.
- Places a large development in a residential area and runs counter to the present arrangement whereby the Hotel's main building faces Chesterton Road rather than encroaching into neighbouring residential streets where houses are smaller.
- Height of the proposed development is not consistent with the buildings on the opposite corner of Ferry Path and Chesterton Road, particularly the Old Spring Hotel, nor is consistent with houses on Ferry Path and Hamilton Road.
- Mitcham's Corner has been categorised as a priority area, with increased attention being paid to the importance of this as a village area and community, with a recognition of a need to develop the area as a cosmopolitan and local shopping and café quarter. Proposed development is out of keeping with this.
- Massive scale of the development and it will overshadow the existing buildings.
- Major disruption during construction stage. Excavating and pile driving will be a major noise nuisance.
- No drop off area for taxis and cars.
- Would oppose the provision of Resident Parking permits to the hotel for any overspill vehicles as residents have difficulty finding spaces.
- Safety of road users around the proposed entrance to the underground car park in Hamilton Road, Pretoria Road and on the sharp corner of Hamilton Road and Ferry Path.
- Volume of traffic continues to increase, regardless of the parking control scheme now in operation. Home deliveries, trade vehicles and taxis have increased.
- Height of proposed development will make visibility on the sharp corner a greater problem than it is already and the queue of cars likely to build up for accessing and exiting the underground car park will be a constant hazard.
- Hamilton Road and Ferry Path fall within the De Freville Conservation Area, designated in March 2009. The Conservation Area Appraisal specifies with regard to development that 'further infill should be discouraged; and identifies a weakness that 'narrowness of streets with access at either end together with on street parking can cause traffic problems'.
- Traffic congestion would cause increased noise, fumes and disturbance to the conservation area.

- Over dominant in the area, impacting on the light of all surrounding buildings and dwarfing the houses on Ferry Path and the pub.
- Consultation took place in August and short time available for comment meant many people do not get an opportunity to express their views.
- Proposal's too big and will dwarf the Old Spring and houses adjacent to it. Permission granted pre conservation status should be withdrawn and this should be treated as a new application and not an extension.
- Properties at the north end of Ferry Path and the Spring PH will have an awful view of a two-storey building.
- Underground car park is out of keeping with the "out of city centre" leafy suburb character of the area.

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. Public Art
4. Renewable energy and sustainability
5. Disabled access
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Third party representations
11. Planning Obligation Strategy

### **Principle of Development**

8.2 An adequate supply and range of accommodation is required throughout the city to encourage and cater for visitors and tourists who are visiting the City on a short stay basis. Policy 6/3 of the Cambridge Local Plan 2006 supports development, which maintains, strengthens and diversifies the range of short

stay accommodation in Cambridge. The proposed development would create an additional 14 units of accommodation and therefore in my opinion, the principle of the development is acceptable and in accordance with policy 6/3 of the Cambridge Local Plan 2006.

- 8.3 The proposed development is identical to the previous planning permission reference 08/0941/FUL and extension of time permission reference 11/0746/EXP and therefore the assessment of the application turns on whether there have been any changes in planning policy or guidance and whether the site context has changed.

#### Changes to Planning Policy and Guidance

- 8.4 The following key changes have been made to Planning Policy and Guidance since the determination of the previous application:
- National Planning Policy Framework March 2012
  - National Planning Policy Framework – Planning Practice Guidance March 2014
- 8.5 The National Planning Policy Framework (2012) states that *'local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century'*.
- 8.6 I have reviewed all of these documents and reached the view that none of them lead me to conclude that the application should be refused. In general the changes that have been made do not alter the policy background against which the proposal needs to be assessed.
- 8.7 The De Freville Conservation Area was designated in 2009 and the site lies next to the conservation area boundary. The previous extension of time application (reference 11/0746/EXP) assessed the impact of the conservation area on the previous identical scheme.

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

- 8.8 The approved building has an L-shaped plan-form, which wraps around the Hamilton Road/Ferry Path frontages. The building is

two-storey in height with additional accommodation contained within the roof space, and in terms of its design has two distinct elements. For the greatest part, the proposed building is designed to echo the C19 architecture of the existing hotel building through its formal fenestration arrangements and traditional proportions, features and detailing. The scale that is expressed by the two-storey height of the building, responds to the domestic scale of the buildings that are found on Ferry Path and Hamilton Road and the streets that run off it to the south.

- 8.9 In contrast, a glazed entrance bay containing the reception area with stair tower feature abuts the main part of the building at its northern end. The ridge steps down at this point to signify a separation and to allow the two distinct elements to be read as such. The tower, as well as providing the lift over-run also forms a feature of visual interest that marks the entrance and echoes the round feature tower that is on the south-west corner. The two styles, although both very different to each other, work successfully together – the glazed element providing a light and welcoming entrance to the hotel and views through to the courtyard garden and human activity, and the more solid form of the main accommodation quarters to provide security and privacy for the hotel guests.

#### Impact on the adjacent De Freville Conservation Area

- 8.10 The extension of time permission (11/0746/EXP) assessed the scheme in terms of its impact on the nearby De Freville Conservation Area. The site is not within a conservation area but lies immediately adjacent to it. Third party comments have been received which are concerned with the impact of the proposal on the nearby conservation area.
- 8.11 The UDC team supports the current application with conditions. I agree with their comments in that the existing garages and exterior space does not contribute positively to the character of the adjacent conservation area. There is an eclectic mix of properties of differing styles and proportions nearby. In my opinion the proposed accommodation will improve the appearance of the site and preserve the character and appearance of the conservation area.
- 8.12 The application form includes details of the materials proposed. This includes buff coloured bricks with glass around the atrium,

clay tiles with zinc on part of the rear elevation, painted wood glass doors at main entrance and white painted wooden sash windows. The boundary treatment would be brick walls with cast iron railings. In my opinion the choice of materials would either match or complement the existing materials used on the hotel. I consider conditions in relation to material samples and joinery details are justifiable for the size of the development and its proximity to a conservation area.

- 8.13 The inclusion of an underground car park has been queried by third parties. In terms of its appearance, I consider details should be provided for the car park door equipment as suggested by the UDC team.
- 8.14 In my opinion the proposal remains compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 4/11.

### **Public Art**

- 8.15 The planning application is classed as a Major application. The Public Art SPD (2010) refers to how all major development will dedicate 1% of the construction cost of capital projects to public art. This can be secured through a Section 106 agreement as was previously sought for the extant permission.
- 8.16 The Design and Access Statement refers to Public Art. It proposes a glass entrance atrium will have a large display wall as guests enter the building and art and sculptures within the building. Comments have not been received from the Public Art Officer.
- 8.17 In my opinion, a Section 106 agreement would ensure the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

### **Renewable energy and sustainability**

- 8.18 Policy 3/1 of the Local Plan (2006) requires major development to include a Sustainability Statement and the Councils Sustainability Checklist as part of the application. This information is incorporated into the Design and Access Statement. The measures include low energy lighting and energy efficient heating systems and a very high level of insulation for instance.

- 8.19 The Council's Senior Sustainability Officer supports the measures put forward. A condition has been recommended relating to further technical details of the rainwater harvester.
- 8.20 Policy 8/16 of the Local Plan (2006) specifies that major proposals meet at least 10% of their proposed energy requirements through on-site renewable energy provision. Information has been provided within the Design and Access Statement. The Council's Sustainability Officer supports the approach that predicts a 10.3% reduction in carbon emissions. Renewable energy provision has been integral to the design of the scheme and includes a ground source heat pump.
- 8.21 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

### **Disabled access**

- 8.22 The Design and Access Statement includes a Disability Access Statement. The existing hotel is unable to accommodate a lift. Within the proposed extension a ground floor bedroom has been specifically designed to meet disabled access requirements. It also includes a wet room area for showering. It is located adjacent to the reception area and is accessible to the courtyard garden. The new hotel lobby entrance doors are level with the pavement and would include a disability access push panel to open the doors automatically. A lift would also provide access to all floors. A disabled toilet would also be located in the basement bar lounge/breakfast area. A disabled accessible car parking space is provided and the lift serves the car parking area.
- 8.23 The Access Officer is happy with the proposal. He suggests the reception has a hearing loop and there be a vibrating fire alarm for deaf guests. I recommend an informative is included to recommend this be provided.
- 8.24 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.25 Third parties have objected to the proposal on residential amenity grounds. The case officer's report to Planning Committee in conjunction with 08/0941/FUL acknowledged that the residential property that is most likely to be affected by the proposed development is the property adjacent to the existing hotel and fronting Chesterton Road (no.78). However, this relationship was agreed as acceptable because the approved building will be sited at least 13 metres from the shared boundary with 78 Chesterton Road and the part of the approved building that is closest to the boundary, is sited a distance of at least 22 metres from the rear of 78 Chesterton Road. The Planning Committee agreed that this was sufficient distance to ensure that no overlooking or loss of privacy will result from this development. This distance will also ensure that occupants of this property will not experience any sense of enclosure, loss of light or significant overshadowing.
- 8.26 It is recommended that all conditions which were imposed on the previous permission should be attached to this latest permission. These include conditions to control the hours of demolition and construction, vibrations from construction, piling and mitigation measures, contractors arrangements on site, collections and deliveries to and from the site during the demolition and construction phases, dust suppression, wheel washing, and noise insulation of the building and plant. The imposition of these conditions will satisfactorily safeguard the residential amenity of nearby occupiers. Subject to these conditions 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) policies 3/4 and 3/7.

## **Highway Safety**

- 8.27 A number of objectors have highlighted concerns over highway safety including the safety of pedestrians, cyclists and road users. Since permission was granted for the previous application for the site there has been the introduction of a Residents Parking Scheme on surrounding streets. Highways considers this if anything, would act to reduce the risk of

overspill parking, although it may occur if functions are held at the hotel outside the hours of the operation of parking restrictions.

- 8.28 As stated in the previous permission (11/0746/EXP) there has been no material change to the junction or highway layout or legislation. The Highways Authority has no adverse comments to make regarding this application. In my opinion the proposal is compliant with Local Plan (2006) policy 8/2

### **Car and Cycle Parking**

- 8.29 The proposed scheme provides 16 car parking spaces and 12 secure and covered cycle parking spaces in the basement parking area. This provision accords with the City Council's Car and Cycle Parking standards as set out in Appendix C and D of the Cambridge Local Plan (2006). The applicant states that the current provision of 12 car spaces for 16 rooms is more space than it typically required. When planning application (08/0941/FUL) was being considered CCTV footage from between April 2004 and February 2008 was used to demonstrate this. This evidenced that the average number of cars parked per night over this period was 4.08.
- 8.30 Residents Parking Scheme that was introduced on nearby roads should help to reduce the pressure of hotel guests parking along these streets when it is in operation.
- 8.31 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) policies 3/4 and 3/7.

### **Refuse Arrangements**

- 8.32 A new waste and recycling area is proposed in common with the earlier scheme. The Environmental Health officer has no objections
- 8.33 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.



## **Third Party Representations**

8.34 In general the issues raised by objectors have reflected concerns raised in the context of the previous applications and I have addressed them in my Assessment.

## **Planning Obligation Strategy**

### **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.

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

### Transport

8.37 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 North Corridor Area Transport Plan where the contribution sought per trip is £229.

- 8.38 The applicant submitted a transport assessment with the original extant permission from which the assessment of additional trips and contributions was based. Using the County Council standard figures for the number of trips likely to generated by residential units, contributions have been calculated as follows:

Eastern Corridor Area Transport Plan

19 (rooms) x 7.5 trips x £229 = £32,632.50

- 8.39 The County Council Highway Engineer has also requested that the applicant funds any necessary variation of the Traffic Regulation Order to provide the access. This also needs to be secured via the s106 Agreement.

- 8.40 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 8/3 and 10/1 and the Planning Obligation Strategy 2010.

#### Public Art

- 8.41 The development is required to make provision for public art and officers have recommended as set out in paragraphs 8.15 to 8.17 above that in this case provision for public art should be made on site. This needs to be secured by the S106 planning obligation.

- 8.42 Subject to the completion of a S106 planning obligation to secure this infrastructure provision, I am satisfied that the proposal accords with Cambridge Local Plan (2006) policies 3/7 and 10/1 and the Public Art SPD 2010.

#### Monitoring

- 8.43 The Planning Obligation Strategy (2010) requires that all new developments contribute to the costs of monitoring the implementation of planning obligations. It was agreed at Development Plans Scrutiny Sub- Committee on 25 March 2014 that from 1 April 2014 monitoring fees for all financial and

non-financial planning obligations will be 5% of the total value of those financial contributions (up to a maximum of £50,000) with the exception of large scale developments when monitoring costs will be agreed by negotiation. The County Council also requires a monitoring charge to be paid for County obligations in accordance with current County policy

- 8.44 For this application a monitoring fee is required to cover monitoring of City Council obligations plus the County Council monitoring fee.

#### Planning Obligations Conclusion

- 8.45 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 application seeks a planning permission for an identical development to that which has been granted planning permission on two previous occasions. Neither the site context nor the planning policy position has changed significantly and approval is therefore recommended.

### **10.0 RECOMMENDATION**

**1. APPROVE** subject to completion of the s106 Agreement by 31 December 2014 and 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. (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. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the local planning authority for approval in writing.

(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.

(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: To safeguard the amenity and health of future occupants of these residential units (Cambridge Local Plan 2006 policy 4/13).

5. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228 - Noise and Vibration Control On Construction and Open Sites, especially Part 1: 1997 Code Of Practice (COP) for basic information and procedures for noise and vibration control, Part 2: Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance and Part 4: COP for noise and vibration control applicable to piling operations, (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

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

6. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 - Part 4: `OP for noise and vibration control applicable to piling operations`, development shall be carried out in accordance with the approved details.

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

7. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

- i) contractors access arrangements for vehicles, plant and personnel,

- ii) contractors site storage area/compound,

- iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

- iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

8. 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: To protect the residential amenity of nearby residents (Cambridge Local Plan 2006 policy 3/4)

9. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the 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 residential amenity of nearby residents (Cambridge Local Plan 2006 policy 4/13)

10. Before the development hereby permitted is commenced, including any works of demolition, details of proposed wheel washing and other mitigation measures in relation to dust suppression shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.

Reason: In the interest of residential amenity (Cambridge Local Plan 2006 policy 4/13).

11. 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)

12. No work shall commence (including soil stripping, pre-construction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until such time as:
  - a) A Tree Protection Plan, as defined in BS 5837:2005 `Trees in Relation to Construction - Recommendations`, containing the following Arboricultural Method Statements/specifications has first been submitted and agreed to, in writing, by the Council's Principal Arboricultural Officer:

- Arboricultural method statements for the precise location and erection of tree protection barriers and ground protection for all trees retained adjacent to the site, in order to establish Root Protection Areas and construction exclusion zones;
- Arboricultural method statements for any special engineering operations within Root Protection Areas;
- Arboricultural method statement for any development facilitation pruning.

and,

b) that there has been:

- A pre-construction site meeting between the site agent, the developers chosen arboriculturalist, and the Council's delegated Arboricultural Officer.
- All development facilitation pruning, where required, has been completed in accordance with BS 3998:1989.
- All tree protection barriers and ground protection measures have been installed to the satisfaction of the Council's delegated Arboricultural Officer.

All tree protection barriers and ground protection must be in accord with BS 5837:2005 clause 9 - "The construction exclusion zone: barriers and ground protection"

Reason: To ensure that the existing trees are adequately protected during construction (Cambridge Local Plan 2006 policy 4/4)

13. Full details of all powered car park door equipment, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).



14. No external materials shall be implemented until such time as full details of all external joinery, including finishes and colours, have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

15. No brickwork shall be erected until the choice of brick, bond, mortar mix design and pointing technique has been submitted to and approved in writing by the local planning authority by means of sample panels prepared on site. The approved panels shall be retained on site for the duration of the works for comparative purposes. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

16. No roofs shall be constructed until full details of the type and source of roof covering materials and the ridge, eaves and hip details, if appropriate, have been submitted to the local planning authority as samples and approved in writing. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

17. No CCTV cameras shall be installed until such time as their type, size and location have been agreed, in writing, with the local planning authority.

Reason: To ensure that the details of the development are acceptable as to protect the visual amenity of the Conservation Area. (Cambridge Local Plan 2006 policy 4/11).

18. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

**INFORMATIVE:** It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial areas' or similar. Noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L90) and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked. Any ventilation system with associated ducting should have anti vibration mountings.

**INFORMATIVE:** The applicant is advised, when submitting details for the discharge of condition 4 with regard to possible land contamination the following documents should be referred to:

- Planning Policy Guidance Statement 23: Planning and Pollution Control: Office of the Deputy Prime Minister (ODPM) 2004.
- Cambridge City Council's planning guidance document Contaminated Land In Cambridge: A Developers Guide.
- The various Contaminated Land Research (CLR) reports 1 to 11 published by the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency.

- The Interdepartmental Committee Report on Contaminated Land (ICRCL) guidelines were replaced in December 2002 with the Contaminated Land Exposure Assessment (CLEA) guidelines. Only reports considering CLEA will be accepted as valid. Where pollutants are found that are not covered by CLEA guidelines then a qualitative risk assessment must be undertaken.

If any intrusive investigation is required, particular reference should be made to:

- CLR10 (2002): Contaminated Land Exposure Assessment Model (CLEA): Technical Basis and Algorithms, which describes the conceptual exposure models for each standard land use for which Soil Guideline Values are derived.

- CLR 11 (2004): Model procedures for the management of land contamination

By deriving site-specific Contaminated Land Exposure Assessment (CLEA) guideline values, it is possible to establish whether a site poses actual or potential risks to human health, in the context of the existing or intended usage of the site. Where contaminants exist that are not covered by CLEA guidelines the current policy is that the applicant/agent/developer has to submit a site-specific human risk assessment, and for the site investigator to justify that approach and methodology.

- British Standards Institute (2001) BS10175 Code of Practice for Investigation of Potentially Contaminated Sites BSI, London 1999

- British Standards Institute BS 5930:1999, Code of practice for site investigation.

**INFORMATIVE:** The applicant is advised to contact the following with regard to Occupational/Operational Issues:

i. Building Control at Cambridge City Council, Tel No: 01223 457114 for advice regarding building control requirements. Sanitary provision will need to be sufficient. All the w.c. closets / bathrooms will require natural or mechanical ventilation. Adequate noise insulation will be required between different room floor uses and will need to be in accordance with building regulation Approved Document E: Resistance To The Passage of Sound. Fire precautions and means of escape will need to be complied with.

ii. The Food and Occupational Safety Section, Environmental Services, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge for advice concerning the proposed premises design/layout, Food and Occupational Safety/Welfare, Regulations/requirements and Food Premises Registration, Tel No: 01223 457900.

iii. The Head of Waste and Fleet, City Services, Cambridge City Council on 01223 458281 for further advice/information regarding general refuse collection provision.

iv. The Fire Officer, Cambridgeshire Fire and Rescue Service, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF, Tel No: 01223 376224 for advice / clarification regarding fire certification requirements associated with hotel alterations.

v. The Principal Scientific Officer, Environmental Health & Waste Strategy, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge, Tel No: 01223 457926 for advice regarding contaminated land.

**INFORMATIVE:** The applicant is advised when submitted details for the discharge of condition 11 that they contact the organisations listed below and are also aware of the guidance listed.

i. The Health & Safety Executive, 14 Cardiff Road, Luton, LU1 1PP: -Tel No: 01582 444200 concerning health and safety regulation requirements associated with the construction and operational phases. Considering the age of these buildings asbestos may be present and will need to be removed in accordance with appropriate regulations.

ii. The Environment Agency, Brampton Environment District, Bromholme Lane, Brampton, Huntingdon, Cambs, PE28 4NE, Tel no: 01480414581 for advice regarding, the removal and disposal of waste and adherence with Agency pollution prevention guidelines. The waste produced on the site during demolition / construction will be subject to the general Duty Of Care under the Environmental Protection Act 1990 and is likely to be subject to control under the Waste Management Licensing Regulations 1994 and the Special Waste Regulations 1996 (hazardous waste). With regard to construction noise / vibration the following documents should be referred to:

iii. BS 5228: Parts 1, 2, 3 and 5: 1997; BS 5228-4: 1992: `Noise and vibration control on construction and open sites`. Provides a method for predicting construction site noise and several parts are Codes of Practice under the Control of Pollution Act, 1974.

iv. BS 7385-1:1990: Evaluation and measurement for vibration in buildings. Guide for measurement of vibrations and evaluation of their effects on buildings

v. BS 7385-2:1993: Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration

vi. Department of the Environment (DoE) Advisory Leaflet (AL) 72: Control of noise on building sites, Advisory Leaflet 72 (1976) Noise control on building sites, DoE.

vii. BRE document `Control of Dust from Construction and Demolition Activities` February 2003, ISBN 1 86081 6126.

viii. London Best Practice Guidance: The control of dust and emissions from construction and demolition (November 2006)

[http://www.london.gov.uk/mayor/environment/air\\_quality/docs/construction-dust-bpg.pdf](http://www.london.gov.uk/mayor/environment/air_quality/docs/construction-dust-bpg.pdf)

ix. To satisfy the recommended condition requiring the submission of a demolition / construction noise and vibration impact reports, the following should be included in any report: details regarding the phasing of the demolition, the demolition activities of each phase, the timetable for that phasing, associated predicted noise and vibration levels at the nearest noise sensitive locations, details of any noise/vibration mitigation measures and noise/vibration monitoring. The report should also detail liaison, consultation and public relation arrangements. This report could detail phase schemes as they progress. In relation to environmental construction noise impact we recommend the developer uses the standard the City Council requires in relation to noise levels when letting contracts, known as clause 109 Noise Control and Department of the Environment (DoE): Control of noise on building sites Advisory Leaflet 72 (1976).

**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:** For the avoidance of doubt, when submitting details for the discharge of condition 14, Joinery is taken to mean all windows, doors, etc. whether made of timber or not.

**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). The applicant is reminded that under the terms of the s106 Agreement you are required to notify the City Council of the date of commencement of development.

**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 31 December 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 transport mitigation measures, public art and monitoring (ADD/DELETE AS APPROPRIATE) in accordance with Cambridge Local Plan 2006 policies 3/7, 8/3 and 10/1 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010 and the Northern Corridor Area Transport Plan 2003

**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**