

Application Number	14/2027/FUL	Agenda Item	
Date Received	6th January 2015	Officer	Mr Toby Williams
Target Date	3rd March 2015		
Ward	Cherry Hinton		
Site	Royal British Legion Hall 58 Fishers Lane Cambridge Cambridgeshire CB1 9HR		
Proposal	Proposed residential development to erect 8 semi-detached dwellings with 8 car parking spaces and covered cycle storage facilities at Fishers Lane, Cherry Hinton		
Applicant	Mr Paul Harney C/O Agent United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none">-The recent demolition of the Hall on the site is a significant material consideration and there would be no loss of a community facility.-The proposal would adequately respect the residential amenity of adjacent occupants.-The design and layout of the scheme is acceptable.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site is situated on the south side of Fisher's Lane within Cherry Hinton. Opposite and north of the site is the residential development of Wenvoe Close. The site is located due north of the consented Colville Road City Council housing site (application ref: 13/1129/FUL). To the east are the two storey houses of nos. 54-58 Fisher's lane fronting the road with the 1.5 storey nos. 50-52 located behind. To the west is the two-storey

Cherry Hinton Medical Centre and public right of way (footpath) linking Fisher's Lane to Colville Road.

- 1.2 There is vehicular access to the site from Fisher's Lane and the majority of the site is open, formerly used for car parking.
- 1.3 The former Royal British Legion Hall (the Hall) stood on the site until recently. This was a single storey building which was effectively a Nissen hut. It was demolished the week beginning 23 February 2015 following the approval of a prior notification application for its demolition granted on 19 February 2015.
- 1.4 The site is not within a Conservation Area and there are no listed buildings adjacent. It is outside the controlled parking zone.
- 1.5 The Hall was listed as an 'asset of community value' in Nov 2013. The Council's List of Community Assets states that the initial 6-week interim moratorium period expired without a notification of interest from a potential bidder from a qualifying community interest group and that there is now a protected period of 18 months during which time there can be no moratorium on disposal of the Hall. The applicants have confirmed that the Hall was sold to Starfelt Ltd on 11 November 2014, following which the planning application for residential development was lodged.

2.0 THE PROPOSAL

- 2.1 The application seeks permission for the proposed residential development of 8 semi-detached dwellings with 8 car parking spaces and covered cycle storage facilities. The application originally sought planning permission for the demolition of the Hall but this has subsequently been removed from the description of development following its demolition.
- 2.2 The proposal is laid out to provide four dwellings on the frontage of Fisher's Lane and four at the rear. They would be arranged as semi-detached properties with a central access point leading to a landscaped car parking court in the middle of the site. All the properties would have rear gardens of 6m+ length. They would all be 3 bedroom properties. They would be constructed from a gault brick with pitched roofs (accommodating rear dormer windows) consisting of grey roof

tiles. The internal configuration of the site has been amended to address concerns raised by landscaping and urban design colleagues.

2.3 The application is accompanied by the following supporting information:

- Community Facilities Plan
- Planning Statement (including covering letter)
- Heads of Terms
- Transport Statement
- Design and Access Statement
- Report on the Marketing of the Former Royal British Legion Premises
- Contaminative Risk Assessment
- Two legal opinions obtained from Counsel provided for the applicants.

2.4 The first opinion concerns the following issues:

- a) whether the Hall is a community facility
- b) whether the demolition of the Hall would result in a 'nil-use' of the site and in that circumstance whether planning policies applicable to its previous use would continue to apply.

2.5 The second opinion concerns the following issue:

- a) Whether further information from the former caretaker of the Hall alters the previous advice regarding the use status of it as a potential community facility.

2.6 The two opinions of Counsel are attached to the public file viewable on the Council's web-site. In summary, it advises that the Hall was not a community facility and that policy 5/11 (regarding the protection of community facilities) is not applicable. It also advises that even if the Hall was considered a community facility, its recent demolition means it is not safeguarded under current policy.

3.0 SITE HISTORY

Reference	Description	Outcome
06/0495/OUT	Outline application for residential development of 12 two-storey flats.	Refused
15/0139/DEMDT	Prior notification of the demolition of existing dilapidated nissen hut building.	A/C
C/80/0706	Use of existing British Legion Hall for the holding of Saturday Markets	W/d

- 3.1 The 2006 application was refused for two reasons. The first reason is relevant to the consideration of this application. It states:

'The proposed residential development would result in the loss of use of the premises as a public hall (Class D1) and is considered to be the loss of a community facility. The proposal fails to demonstrate that there is no longer a need within the local community for this facility or that it is to be replaced to other appropriate premises with equal accessibility or replaced within the development and is, therefore, contrary to policy P3/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and policy 5/11 of the Cambridge Local Plan (2006).'

- 3.2 The officer report at 8.7 states:

'However, in assessing the principle of developing this site there is also a need to consider the current use of the building. Many of the third party representations have recognised the use of the building as providing an essential facility for the local community such as for meetings of the Scouts, Cubs, dances for the Elderly, Committee meetings and events such as birthday parties. Advice has been sought from the Policy Department as to whether this building constitutes a community facility, and the view has been given that it does fall under Class D1 in the form of a meeting place. Therefore the existing building is considered to come under the definition of community facility as set out in the Cambridge Local Plan (2006).'

4.0 PUBLICITY

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

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 Local Plan 2006		3/4 3/7 3/8 3/11 3/12
		5/1 5/11 5/14
		8/2 8/4 8/6 8/10
		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 2015 Circular 11/95 Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007) Cambridgeshire and Peterborough Waste

	Partnership (RECAP): Waste Management Design Guide Supplementary Planning Document (February 2012) Planning Obligation Strategy (March 2010)
	<u>City Wide Guidance</u> Cambridgeshire Design Guide For Streets and Public Realm (2007) Cycle Parking Guide for New Residential Developments (2010)

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 19th 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 which are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No Objection: Whilst the visibility splay to the east is less than the standard set down in Manual for Streets for a 30 MPH speed limit, there is already an existing access to the site which carried a similar level of use.

- 6.2 There would be an improved width of access and layout. It is considered that the proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the conditions and informatives requested below into any permission that the Planning Authority is minded to grant in regard to this application.
- 6.3 Conditions and informatives are proposed to control: no unbound material at the access point, no gates, detailed access plans, drainage measures, visibility splays, manoeuvring areas, cross-overs, the access width and traffic management during construction.

Refuse and Environment

- 6.4 No objection, subject to recommended conditions/informatives relating to: construction/demolition/delivery hours, piling, dust, contaminated land, waste receptacles and access construction for waste vehicles.

Urban Design and Conservation Team

- 6.5 Comments on original submission:

The proposed 2.5 storey scale of units and arrangement of Plots 1-4 fronting Fisher's Lane has the potential to work well with the overall character of the area. However we are concerned that the proposed number of units results in over development of the site. The high density (72dph) has given rise to a number of design issues including site layout, provision and arrangement of amenity space, cycle and refuse storage and car parking. The proposal has not adequately shown how it will relate to the adjacent Colville Road City Council housing site (application ref 13/1129/FUL). The proposed arrangement of units and the boundary treatment along the western site boundary will also result in reducing surveillance of the footpath. The submitted scheme is therefore not supported in design terms. The submitted scheme is not supported in design terms.

- 6.6 Comments on amendments:

The applicants sought to address these issues raised in a further submission of 17 February 2015 and in a subsequent

meeting. The Urban Design and Conservation Team has indicated that the amendments reflect what was discussed and incorporate a number of suggestions put forward. However they are still concerned that the proposed 8 units represents an over-development of the site and that fewer unit numbers would allow the functional design issues to be fully resolved.

Landscape Architect

6.7 Comments on original submission:

The parking court is considered a tight and hard space. The proposed site plan indicates greening of the perimeter of this area with trees/shrubs/plants, however there is very little space for the establishment of any meaningful landscape. A minimum of 1m wide beds (excluding hunching) is required to sustain planting around the car park. As the proposal stands, the proposed development cannot be supported from a landscape perspective.

6.8 Comments on amendments:

The applicants sought to address these issues raised in a further submission of 17 February 2015 and in a subsequent meeting. Landscape colleagues have indicated that the amendments reflect what was discussed but that they still have concerns regarding the number of units on the site.

Drainage Officer

6.9 The development proposed is a significant increase in impermeable surfacing compared to the existing site and the current building does not appear to have any kind of surface water drainage present. This would mean that the development would need to adhere to greenfield runoff rates, which in Cambridge are 2 l/s/ha. This will mean a significant amount of onsite attenuation would be required. It is not clear from the proposals and a lack of surface water drainage strategy if this can be achieved and, therefore without this high level assessment, the application is not supported.

Cambridgeshire County Council (Archaeology)

- 6.10 Records indicate that the site lies in an area of high archaeological potential. The site should be subject to a programme of archaeological investigation secured by condition.

Planning Policy Officer

- 6.11 Although consulted, no formal comment has been provided from colleagues in the planning policy team. Policy colleagues have however been involved in discussions with the applicants regarding the community facility issues raised by the application. They have verbally accepted that the site should be regarded as having a 'nil-use'.

Cambridgeshire Constabulary (Architectural Liaison Officer)

- 6.12 There have been crime issues in the area and there is a public right of way footpath adjacent. The scheme generally provides good natural surveillance of all external public and semi-public areas in particular areas of car parking. The design/location of the cycle stores could be improved to improve surveillance.
- 6.13 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 No representations objecting to or supporting the scheme have been received from third parties.
- 7.2 The former caretaker of the Hall has written to the Council setting out his recollection of the use of the Hall over the last 10 years.

8.0 ASSESSMENT

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

1. Marketing
2. Previous Use Status
3. Current Use Status
4. Principle of Development
5. Context of site, design and external spaces
6. Residential amenity
7. Refuse arrangements
8. Highway safety
9. Car and cycle parking
10. Planning Obligation Strategy

Marketing

- 8.2 When the application was first submitted the Hall was still standing on site and the proposal also sought permission for its demolition. The application includes a marketing report for the premises as per the requirements of policy 5/11. The marketing report seeks to demonstrate that there is no longer a need within the local community for the facility and that the need can be adequately met at an alternative facility(s) of similar accessibility for its users. The report sets out the details of the marketing campaign, including a proposed freehold price of £300,000. It resulted in enquires from a mixture of community groups/organisations and residential developers resulting in 8 bids. Of the 8 bids, 2 wished to use the building as a place of worship, 1 as a religious college, 1 as a nursery and 4 bids were from residential house-builders. Officers have asked for information regarding the bid amounts but this has not been provided.
- 8.3 It is difficult to judge whether the 4 community use bids amounted to realistic offers because the applicants have not provided the financial details of them. It does, however, suggest that there was a legitimate interest in purchasing the site from less transient community institutions/business than those who previously rented the Hall. I recognise that former community users of the Hall may now be using other facilities nearby, but that does not negate the interest expressed in the purchase of the site by the community bidders as opposed to its previous rental from the Royal British Legion. Were it not for the fact that the Hall has now been demolished, I would have been of the view that the provisions of 5/11 and paragraph 70 of the NPPF 2012 would not have been satisfied regarding the unnecessary loss of the community facility.

Previous Use Status of the Hall

- 8.4 The applicants contend that the Hall was primarily a private members club for ex-servicemen and women and that under the provisions of 5/11 it would not have constituted a community facility. The applicants have sought Counsel's opinion on this matter, which considers the range of uses the Hall was put to and previous examples of how other Royal British Legion premises have been treated on appeal. It concludes that the starting point is that the Hall is/was a *sui generis* use and 5/11 is not applicable.
- 8.5 All of the appeal decisions apart from one are prior to 2012 when the NPPF was introduced and relate to differing circumstances and patterns of use to the associated RBL premises. I do not think they are necessarily directly comparable either in terms of the establishment of use or the application of current policy, particularly in light of paragraph 70 of the NPPF 2012 which provides a wide scope for the protection of community facilities including local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 8.6 I am not persuaded that even if it was concluded that the primary use of the Hall was *sui generis* with ancillary community use that it would therefore exclude it from being considered as a community facility under the provisions of paragraph 70 of the NPPF. In fact, it is precisely the type of use of this facility that I consider the NPPF seeks to protect.
- 8.7 From the evidence of the previous use of the Hall set out by the applicants and from the recollection of the former caretaker, it appears as though it was used to a greater extent and more regularly by community groups as a place for meeting or leisure/religious/educational activities than by the Royal British Legion (RBL) members themselves for RBL branch and committee meetings. Over the last 10 years, the community use of the Hall included: dance groups; music lessons; craft lessons; scouts/cubs groups; craft groups; clairvoyants; blood transfusion; wedding parties; church services; first learning classes; keep fit; boys and girls youth clubs; bingo; charity nights; City Council, Resident Association, Union, Allotment

Society and healthcare meetings; darts events; and other ad hoc groups.

- 8.8 It is difficult to establish the precise ebb and flow of the various users of the Hall over the last 10 years because the booking logs for it have been disposed of. I am also mindful that the RBL Cherry Hinton Membership was in decline. Whilst it is not the purpose of this application to determine precisely the use class of the former Hall, I consider, based on the wide variety and types of usage, that the Hall was probably a *sui-generis* use class as opposed to being a straight D1 use. However, for the reasons as set out in paragraph 8.6 above, I do not consider this of itself would exclude it from being considered as a community facility under policy 5/11. The policy specifies a range of protected uses of which many of the users of the Hall would fit. It also allows for *sui-generis* uses to be protected. Policy 5/11 is not, nor could it be, definitive regarding the range of *sui-generis* uses that are protected. The NPPF provides a wide scope to the idea of what a community facility could encapsulate. The former use of the Hall fits into this scope.
- 8.9 In my view, were it not for the fact that the Hall was demolished, policy 5/11 and paragraph 70 of the NPPF would be applicable. It is too narrow a view to conclude that the Hall was not a community facility, irrespective of its use class as either *sui generis* or D1.

Current Use Status of the Hall

- 8.10 The Hall was demolished in February of this year following the approval of a prior notification application for its demolition granted on 19 February 2015. These types of notification applications do not give the Council the ability to question whether the demolition is justified in wider planning terms; they only allow for the means of demolition to be considered, not the principle.
- 8.11 As there is no community facility to protect because the Hall is demolished and the site has a 'nil-use', policies for the protection of the former Hall are no longer relevant and cannot be applied. Current Council policy seeks to protect the facility (i.e. the building) not the site or a former use. In effect, the demolition has ended a chapter in the land's planning history.

- 8.12 This is my view, the view of the Council's Solicitor and the view of the applicant's Barrister. It is reinforced in various appeal decisions, including the recent appeal at the St Colette's site.

Principle of Development

- 8.13 The application site could be considered a windfall site under policy 5/1. It would provide housing on what is in effect a brownfield site. I see no reason why residential development would not be acceptable.

Context of site, design and external spaces

- 8.14 The proposed development has been amended from the original proposal to take into account the concerns of the urban design and conservation team and landscape team comments.

- 8.15 Amendments to the scheme have resulted in the provision of the following revisions:

- ☐ a brick boundary wall or alternatively a low brick wall topped by hit and miss panel fence to the rear of plots 1 to 4.
- ☐ a low brick wall topped by railings between the rear and front boundaries of plots 8 and 4 respectively to open up views on the western site boundary and increase visibility/surveillance of the footpath.
- ☐ dual aspect to plots 2 and 3 on both the ground and first floor levels.
- ☐ bin store enclosures for each dwelling.
- ☐ sedum roofs to each cycle store.
- ☐ plaques for each parking space rather than painted numbers.
- ☐ motion sensor lighting for the bike sheds.
- ☐ increased planting bed sizes
- ☐ alternative bicycle shelter provision

- 8.16 In light of these changes, I recognise that the concerns of the urban design and landscape officers are not fully resolved but the applicants have addressed a number of functional issues with the scheme. Better surveillance of the pathway and of the parking court is also provided which has addressed the issues raised by the architectural liaison officer. It is difficult justify this is an overdevelopment (7dph) of the site given that surrounding development has been approved at a similar scale and density. My view is that the site would function properly and that

sufficient space is given over to landscaping, parking (one space per plot), bins and bikes.

- 8.17 This is a relatively modest housing scheme that would sit comfortably on the site and work well for its occupants. All of the properties have ample, south facing gardens of at least 6m in depth. The scale, being 2.5 storeys, is entirely in keeping with its surroundings. A gault brick material would be an acceptable facing material.
- 8.18 The proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Residential Amenity

- 8.19 I do not consider that any of the front four plots would give rise to amenity impacts for adjacent residents. Nearby houses are sufficiently far enough away and the proposed houses are so modest in scale as to not give rise to unacceptable impacts in terms of loss of light, enclosure or overlooking.
- 8.20 The rear four plots are set in from the eastern and western edges of the site by 2.5 and 1.5m - 2m respectively. No. 50 Fisher's Lane to the east was already enclosed by the footprint and form of the former Hall. The footprint of plot 8 adjacent to no. 50 is further away from the boundary than the Hall was and does not extend as deeply. I consider the relationship acceptable even though the new house would be taller. Plot 5 to the west would partly enclose outlook from the medical centre, but this itself is set back from the intervening footway and the new house would only partly enclose this space. I consider the relationship of built form to be acceptable.
- 8.21 In my view, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/12.

Refuse Arrangements

- 8.22 Space is provided within the individual plots for three bins for the each house. Space is also laid out for a pick-up point for bins closer to Fisher's Lane. I agree with the recommendations of the Environmental Health officer that the surface access

should be made suitable for refuse vehicles. I have recommended conditions accordingly.

- 8.23 The proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.24 There are no highway safety issues raised by the highway authority who refer to an 'improved width of access and layout'. The advice is made on the basis that the amount of parking from existing to proposed is reduced. I accept this advice and recommend conditions accordingly.

- 8.25 The proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.26 The scheme provides one car parking space per dwelling and 24 cycle parking spaces. The provision accords with the adopted standards. The proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Drainage

- 8.27 The Council's Drainage officer is not supportive of the proposal due to the increase in proposed impermeable surfacing and the lack of detail regarding how surface water is to be attenuated. I agree that the proposal fails to provide sufficient detail but I do not consider this a reason for refusal. Attenuation could be provided underneath the parking/access areas or individually within gardens. Permeable paving could be used for the surfacing of the access road but this would have to be subject to infiltration tests. In this case, I consider it reasonable to impose a condition to seek these details prior to the commencement of development.

Planning Obligations

- 8.28 As a result of the Ministerial Statement (1 December 2014) by Brandon Lewis Minister of State for Housing and Planning (Department of Communities and Local Government) developer contributions on small-scale developers, for sites of 10-units or

less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This also applies to all residential annexes and extensions. The proposed development falls below this threshold therefore it is not possible to seek planning obligations to secure community infrastructure in this case.

9.0 CONCLUSION

- 9.1 Policies for the protection of community facilities cannot be applied to the site as the former Royal British Legion Hall has been demolished. The development would provide additional family housing on a brownfield site in a sustainable location. The scale and design of the units is acceptable. The impact on adjacent neighbours is acceptable. Highway safety would not be compromised. Drainage issues can be overcome through the imposition of a surface water condition.

10.0 RECOMMENDATION

APPROVE subject to 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. 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.

3. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

6. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

Reason: To prevent surface water discharging to the highway.

7. Two 2.0 x 2.0 metres visibility splays shall be provided as shown on the drawings. The splays are to be included within the curtilage of the new dwelling. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety.

8. The manoeuvring area shall be provided as shown on the drawings and retained free of obstruction.

Reason: In the interests of highway safety.

9. The redundant vehicle crossover of the footway shall be returned to normal footway and kerb prior to the occupation of the houses.

Reason: for the safe and efficient operation of the public highway

10. The access shall be provided as shown on the approved drawings and a width of access of 5 metres provided for a minimum distance of ten metres from the highway boundary and retained free of obstruction.

Reason: In the interests of highway safety.

11. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Reason: in the interests of highway safety

12. Prior to the commencement of development details of surface water drainage and what measures will be implemented must be submitted and agreed in writing by the local planning. The development shall be carried out in accordance with the approved details

Reason: due to the significant increase in impermeable surfacing and lack of information submitted with the application.

13. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To secure the preservation of the archaeological interest of the area either by record or in situ as appropriate.

14. 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)

15. 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 from 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 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

Reason: Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

16. 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: In the interest of health and safety

17. 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 interest of public safety

18. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: in the interest of health and safety

19. Dust condition informative
To satisfy the condition requiring the submission of a program of measures to control airborne dust above, the applicant should have regard to:

Councils Supplementary Planning Document - Sustainable Design and Construction 2007:

<http://www.cambridge.gov.uk/public/docs/sustainable-design-and-construction-spd.pdf>

Guidance on the assessment of dust from demolition and construction

http://iaqm.co.uk/wp-content/uploads/guidance/iaqm_guidance_report_draft1.4.pdf

Control of dust and emissions during construction and demolition - supplementary planning guidance

https://www.london.gov.uk/sites/default/files/Dust%20and%20Emissions%20SPG%208%20July%202014_0.pdf

20. Secured by Design
Paragraph 5.6 of the Design and Access Statement outlines, it is anticipated that Secured by Design Accreditation (SBD) could be achieved. The new developments of Colville Road and Augers Way are hoping to achieve Secured by Design accreditation. The Architectural Liaison Officer is willing to work with the applicants towards this scheme achieving SBD.