

Application Number	10/0537/FUL	Agenda Item	
Date Received	9th June 2010	Officer	Mr James D'Arcy
Target Date	4th August 2010		
Ward	Arbury		
Site	11 St Lukes Street Cambridge Cambridgeshire CB4 3DA		
Proposal	Change of use of property from 6 bed house of multiple occupancy (Use Class C3) to residential (Class C3) and/or 5 bed student hostel with Warden's room (sui generis) in the alternative.		
Applicant	Montpelier Pension Trustees Ltd C/o 7 Dukes Court 54-62 Newmarket Road Cambridge CB5 8DZ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is 11 St Lukes Street, a two storey residential property which forms part of a terrace on the northern edge of St. Lukes Street. The building has a large box dormer to the front elevation, providing additional residential accommodation. This dormer continues across the roof of number 10 St. Lukes Street, emphasising the pair of properties within the streetscene.
- 1.2 St Lukes Street, and the surrounding streets, are of primarily residential character, featuring small terraced dwellings. Parking upon the streets is heavily controlled, with residents permit spaces, and a small degree of informal parking. The streets to the south and east all feature a similar massing and arrangement of properties, which creates a consistent character in the area.
- 1.3 The streetscene, whilst a terrace of properties, features a wide range of styles and elevational treatments, although it is predominantly small two storey terraced dwellings with slate roofs. There are a number of small, front facing, dormer windows. There is a small garden area to the rear of the site, with a pedestrian access from Clare Street to the west.

- 1.4 The site is not located within a Conservation Area as identified within the Cambridge Local Plan 2006, nor are there any protected trees or listed buildings on or near the site.

2.0 THE PROPOSAL

- 2.1 The application seeks Change of Use Permission from a 6 bedroom House in Multiple Occupation (C3) to a 5 Bedroom Student Hostel with Warden (Sui Generis) with an alternative use of Class C3 Residential. Cycle parking is proposed to the rear under timber framed shelter.
- 2.2 The proposed layout features a Warden's Room at ground floor level, with an en-suite bathroom and a personal access from St. Lukes Street. The ground floor also contains a shared toilet, kitchen, and dining room. At first floor level there is an en-suite bedroom to the front of the property, and two more bedrooms and a shared shower room. At second floor level there is a further en-suite room and another bedroom to the rear, with a shared shower room.
- 2.3 The application is accompanied by the following supporting information:
1. Design Statement
 2. Floor Plans

3.0 SITE HISTORY

Reference	Description	Outcome
C/84/0841	ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE.	REF
C/85/0022	ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE	A/C
C/85/0881	ERECTION OF BALCONY TO REAR OF EXISTING DWELLING.	A/C
C/91/0733	ERECTION OF REAR EXTENSION TO PROVIDE ENTRANCE AND FIRE ESCAPE(AMENDED BY PLANS AND LETTER DATED 9/10/91).	A/C

C/94/0240	INSTALLATION OF DORMER ON FRONT ROOF PLANE (RETROSPECTIVE).	A/C
C/99/1073	Application for Certificate of Lawfulness for both properties as single dwelling houses, being occupied on a shared basis by up to six persons (Class C3 dwelling house). (Covers both 11 & 12 St.Lukes Street)	A/C

4.0 PUBLICITY

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

5.0 POLICY

5.1 Central Government Advice

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Circular 11/95 – The Use of Conditions in Planning Permissions

5.2 East of England Plan 2008

SS1 Sustainable Development
ENV7 Quality in the Built Environment

5.3 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
4/13 Pollution & Amenity
5/7 Houses in Multiple Occupancy

5.4 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction:

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No objections, Informative requested in relation to residents parking permits.

Head of Environmental Services

- 6.2 No objection, conditions requested in relation to the storage and disposal of waste.

Cambridge City Council Access Officer

- 6.3 If proposed use as a student hostel is accepted, then ground floor room should be suitable for disabled use.
- 6.4 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 Councillors Moss-Eckhart, Todd-Jones, and Ward have commented on this application. Cllr Todd-Jones queried the compliance with policy 5/7 (see below for assessment) and also detailed that in his view the proposed Change of Use would have a detrimental impact upon amenity. Cllr Moss-Eckhart voiced concerns that the development would constitute an over-development of the site, and that it was considered that the dispute over the established use would be a material consideration.
- 7.2 The owners/occupiers of the following addresses have made representations:

3 St. Lukes Street
7 St. Lukes Street
9 St. Lukes Street
10 St. Lukes Street
12 St. Lukes Street
15 St. Lukes Street
17 Hale Street
21 Hale Street

53 Hertford Street
81 Hertford Street
98 Hertford Street
102 Hertford Street

7.2 The representations can be summarised as follows:

Concerns relating to the impact upon the character of St. Lukes Street;
Impact of students upon the character of the area;
Impacts relating to increased noise and disruption;
Contrary nature of proposals to policy;
Impact of ARU students;
Noise impacts
Impact of an illegal student hostel upon Hertford Street in the past;
Concerns relating to inadequate notification;
Concerns about prior occupation, and accuracy of description as HMO;
Concerns relating to the potential impacts upon the security of homes;
Potential over-development of site
Impact of proposal upon parking as a result of students not at Cambridge University;
Visual intrusion of cycle store;

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, Character, and External Spaces
3. Residential Amenity
4. Third party representations
5. Car & Cycle Parking
6. Planning Obligation Strategy
7. Conclusion

Principle of Development

- 8.2 Policy 5/7 of the Cambridge Local Plan 2006 sets out the criteria for the assessment of Supported Housing and Housing in Multiple Occupation. The proposed Hostel use is neither an HMO nor supported housing, and as such this policy does not apply.
- 8.3 Policy 7/10 of the Cambridge Local Plan relates to speculative student hostel accommodation. This policy relates to “newbuild” and therefore is also not applicable here.
- 8.4 Recent legislative changes have resulted in the relaxation of the need for Planning Permission for Change of Use in relation to Houses in Multiple Occupancy. This recent change now enables residential properties (Class C3 Use) to become Houses in Multiple Occupancy, with up to six individual residents, without the need for formal Planning Permission. I note that, were it not for the inclusion of one of the proposed tenants as a ‘warden,’ the works would not require Planning Permission. The inclusion of the warden does, however, mean that the proposed use is that of a hostel, not an HMO. The Sui Generis nature of this use necessitates the need for a Planning Permission. However the use is similar in both numbers of residents and impacts of the proposed change.
- 8.5 I am satisfied that the alternate use (individual residential dwelling) is satisfactory, as that is the established use of the property in its current permitted form. The reference to 6 bed house in multiple occupation derives from the Lawful Development Certificate and does not deter from the fact that the building is currently in use as a single dwelling.

Context of Site, Character, And External Spaces

- 8.6 The application site is a relatively large residential building (in comparison to other residential properties in the immediate vicinity), located within a terrace of residential properties. The proposed use, as still of a residential nature, and not requiring any external alterations to the property, would not significantly alter the streetscene, or be at odds with the existing context of the wider area.

- 8.7 The character of the site, and the wider street, is one of a primarily residential nature, as echoed within the neighbour representations received. The building and its current approved use, that of a dwelling, maintain this character by virtue of their residential use. Whilst it has been noted that the street is one of mainly 'family occupied' dwellings, the existing permission upon the site, and the prior use for a period of over ten years has not had a detrimental or contrary impact upon this. As such I am satisfied that the proposed use could not be considered to be contrary to the character of the neighbourhood, and would not have a detrimental impact upon the established ambience of the street.
- 8.8 There will be no external alterations to the frontage of the property, although there are to be measures introduced in relation to cycle storage in the rear of the property. I am satisfied that these will not result in any significant or detrimental impact upon the character of the external spaces.
- 8.9 In my opinion the proposal is compliant with East of England Plan 2008 policy ENV7 and Cambridge Local Plan (2006) policy 3/1, 3/4, 3/7, & Planning Policy Statement 1.

Residential Amenity

Impact Upon Neighbouring Residents

- 8.10 It was raised within the representations that there was the potential for a detrimental impact upon security for the existing residential properties, by virtue of the increased number of occupants having access to the rear areas. However, as it has been established that there will be no increase in numbers I do not consider that the granting of permission would result in a harmful impact on security which would warrant a refusal of permission.
- 8.11 The access to the rear of the building, via the passageway will be primarily used as the cycle access, leading to the storage area at the rear of the property. I do not consider that the use of the rear access would have an impact upon the security of the neighbouring buildings. I consider that the potential increase in movements would have a positive impact upon security, by virtue of increasing the natural surveillance created by the

movement of residents, which would allow for a more regular use of the access which would deter any loitering or other anti-social behaviour.

8.12 The representations also detail the potential amenity harm as a result of increased traffic movements. Once again, I consider that the potential use would not result in an increase upon the existing situation, and as such no detrimental impact can be demonstrated.

8.13 I consider that the proposal will not result in a harmful impact upon existing residents, and is compliant with the requirements of Cambridge Local Plan 2006 policy 4/13 and Planning Policy Statement 1.

Impact Upon Proposed Residents

8.14 I am satisfied that the proposal will provide an acceptable standard of accommodation. As such the proposal is compliant with requirements of Cambridge Local Plan 2006 policies 3/1, 3/7, 4/13.

Car & Cycle Parking

8.15 The application proposes the retention of the single space to the frontage of the property for vehicular parking. As the application site falls within the Controlled Parking Zone, as identified within the Cambridge Local Plan 2006, the proposal will meet the requirements of the adopted Car Parking Standards, which indicate the maximum provision which is acceptable within this zone. The levels allowed by these standards may not be exceeded, but can be reduced where lower car use can be expected. The proposal provides a single space, which is in accordance with the standards stated figures of a single vehicular space per four bedrooms, with a single space for resident staff.

8.16 The application proposes four Sheffield Stands (providing 8 spaces), located beneath a monopitch, timber-framed cycle shelter structure in the area to the rear of the property, with an access from the passage at the rear of the property, and an entrance door to the main residential building. The provision of spaces will meet the requirements of the Cambridge Local Plan 2006 adopted Cycle Parking Standards, which denotes 2

spaces per three bedspaces, and one visitor space for every 5 bedspaces. As such the proposal is in accordance with the requirements for both vehicular and cycle parking.

Third Party Representations

- 8.17 A number of the representations received related to a proposed use by Anglia Ruskin University, and a number of concerns as a response to this. As the proposal is not for the University, I do not consider that these concerns can be considered relevant to the application. In any event in this case there is no policy requirement to secure occupation by ARU.
- 8.18 There will be no increase in numbers over the occupation previously approved, and therefore no increase in movements which would result in an increased traffic impact, or a potential increase in noise. The introduction of a warden will also allow for a degree of control over the occupants, and a point of contact for neighbouring residents, which is not currently afforded by virtue of the existing permitted use. I also note that, were the application to be refused, the building can revert to a 'fall-back' position of the approved 6 person home which could be occupied by 6 unrelated people, without this additional element of control.
- 8.19 The representations highlighted the potential impact upon the character of the area, the residential ambience, and the blend of occupant ages within the local area. Whilst acknowledging the potential for conflicting movement patterns between students and other occupants, I do not consider that the introduction of five students to the area would result in a harmful impact upon the character, and would not change the established residential character of the local environment.
- 8.20 The application notified residents in accordance with the requirements dictated by the Council's Statement of Community Involvement. The period for neighbour comments was extended to allow for further assessment by neighbours, and for comments to be made by any parties who were not formally notified. This extension allowed for comments over a greatly increased period of time, to help respond to neighbour concerns, and address any issues which arose in terms of providing residents with additional information which they felt was required in relation to the application and proposed use.

8.21 I am satisfied that the other comments raised within the representations have been addressed in the above paragraphs.

Planning Obligation Strategy

8.22 The proposal does not result in an increase in the number of bedrooms within the property, which therefore does not result in an increased demand for Open Space. In accordance with this, no contributions are required and therefore there is no need for a Section 106 Agreement to secure contributions in this respect.

9.0 Conclusion

9.1 The proposed alternate use as an individual residential dwelling, as noted in the paragraphs above, is acceptable and I consider that were this use to be adopted then no harm would be realised.

9.2 I consider that the proposal, by virtue of the retention of the existing number of bedroom spaces, would be unlikely to result in any harm to the neighbouring properties, local residents, or the character of the locality. To utilise the property as a 6-person House in Multiple Occupancy would no longer require formal Planning Permission, so the occupancy numbers proposed are acceptable and I think it would be unreasonable to assume that the proposed use as a student hostel would have any greater impact than a House in Multiple Occupancy which would be Permitted Development.

9.3 I consider that the proposed Hostel Use would result in a lesser degree of disruption, as the inclusion of a warden allows a certain degree of control within the 'shared' residential environment, and one which will reduce the impact of a number of individual residents within a single property. The applicant has detailed that, although it would be possible to operate the property as a 6 bedroom home, his preference is to operate as a Hostel to ensure that no problems are realised within the locality, and that tenants are successfully integrated into the local residential environment with the minimum of disruption.

9.4 The applicant has given a commitment to local residents, that the intention is to provide a safe and responsible living environment for the students, and that the use of the property

as a warden controlled hostel is the most appropriate way of achieving this. I consider that, coupled with the change in legislation which would support a 6 person HMO, the proposed Hostel use would represent a responsible approach to the situation, and one which will allow for the most responsive solution in the prevention of disruption to neighbours, and the preservation of residential amenity. I consider that the proposal is in accordance with relevant Local Plan Policy, and as such recommend the application be approved, subject to conditions.

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. Prior to the commencement of the use hereby permitted, the on-site storage facilities for waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

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

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

4. Prior to the first occupation of the site for the use hereby permitted, facilities for the covered, secured parking of bicycles for use in connection with the development shall be implemented on site. The facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

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: Following implementation of any Permission issued by the Planning Authority in regard to this proposal neither the existing residents of the site, nor future residents, will qualify for Residents' Permits (other than visitor permits) within the existing Residents' Parking Schemes operating on surrounding streets.

The applicant is reminded that by virtue of this planning permission, Class E, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows the use of this property to be changed from a Sui Generis (Hostel) Use to any use within Class C3 (residential) use, without the need for further planning permission, provided such a change of use does not take place more than ten years after the date of this permission.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 4/13, 5/7;

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

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

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are background papers for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses exempt or confidential information
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

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

COUNCILLOR EMAIL CORRESPONDENCE (Addresses Removed)

EMAIL FROM CLLR WARD:

Thanks.

So if I understand correctly:

(a) There is no desire to use the property as an unsupervised hostel.

(b) If the committee were so minded they could impose a condition requiring a management plan describing how the warden will supervise the tenants and manage the property. (This might for example help against objections such as "the students won't bother to take their bins and bikes round the back, they'll just leave them in the inlet at the front of the house", and could include house rules about music curfews.)

Tim Ward

-----Original Message----- From: James D'Arcy

[\[mailto:James.Darcy@cambridge.gov.uk\]](mailto:James.Darcy@cambridge.gov.uk)

Sent: 21 July 2010 09:05

To: Tim Ward

Subject: Re: 10/0537/FUL

Dear Cllr Ward,

The application is for a Change of Use from a multiple occupancy house (classed as an HMO under current legislation) to either a residential (single family occupancy) dwelling, or a student hostel in the alternative. There are a number of different aspects to Class C3 (which is a broad residential use class), and both residential dwellings and the multiple occupancy house fall within this, although are different uses.

Unfortunately, if the documents are unavailable on the website, it is likely because they are either sensitive and hold personal information on the applicant, or are copyrighted, although I shall look into this and confirm when I have a chance.

Whilst the assumption in most of the representations is that this is for use with Anglia Ruskin University (I believe stemming from the assumptions of Mr & Mrs Hamilton who have been coordinating the objections - I have tried on a couple of occasions to move them away from this focus) the applicant is connected to a school for overseas students, the "New School of English," who are well established within the city.

The planning history is as follows:

C/84/0841

ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE.

Refused

C/85/0022

ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING HOUSE.

Approved

C/94/0240

INSTALLATION OF DORMER ON FRONT ROOF PLANE (RETROSPECTIVE).

Approved.

There was also an application, jointly, for numbers 10 & 11:

10-11 St Lukes Street
Cambridge
CB4 3DA

C/99/1073

Application for Certificate of Lawfulness for both properties as single dwelling houses, being occupied on a shared basis by up to six persons (Class C3 dwelling house).

Approved.

Kind Regards

>>> "Tim Ward" < > 20/07/2010 22:02 >>>
James,

Please could I have some more information on this application.

(1) On the web site, the first two documents dated 9 June just say "document unavailable" when I try to view them. Could you send me copies please?

(2) I don't understand what the application actually *is*. It says: "Change of use of property from 6 bed house of multiple occupancy (Use Class C3) to residential (Class C3) and/or 5 bed student hostel with Warden's room (sui generis) in the alternative." but I can't work out what that means. Can you explain please? the first alternative reads like an application for change of use from C3 to C3 which doesn't make any sense to me.

(3) The second alternative is clearly for students with some form of special needs, otherwise a warden wouldn't be required. Please let me know for what sort of people this hostel is proposed.

(4) Please can you let me know, as soon as you have researched it for your committee report, the planning history of this site, including whatever permissions for various uses it currently has.

Thank you

Cllr Tim Ward

EMAIL FROM CLLR TODD-JONES

Dear James,

Thanks for your willingness to extend the comments deadline re: written and emailed comments.

I am in receipt of the Planning Obligations Strategy Supplementary Planning Document from Joanna Gilbert-Wooldridge, and her covering note mentioned a new circular (05/2010) on changes to Planning Regulations for Dwelling Houses and Houses in Multiple Occupation, effective from the 6th April, 2010. I understand that the Use Classes Order has been amended re: residential properties and splits the old C3: Dwellinghouses Class into C3: Dwellinghouses and C4: Houses in Multiple Occupation.

I tried to contact you last week about this with a few queries about how this related to 11, St. Luke's Street but spoke to Joanna. She may have since been in touch with you but perhaps you could clarify whether the St. Luke's Street application should be a Change of Use from C4 (its current status under the new guidance, as I understand it), to C3?

With regard to the application, and having visited the site, I should add that re: 'use in the alternative' - 5 bed student hostel with Warden's room (sui generis) - in my view the proposal does not meet the requirement of the Cambridge Local Plan, 2006, 5/7: Supported Housing/Housing in Multiple Occupation where permission is subject to: a) the potential impact on the residential amenity of the local area; and b) the suitability of the building or site.

St. Luke's Street is characterised by dwelling houses and a student hostel would be detrimental to the residential amenity. The plans propose cycle storage at the rear of the site where the only access/egress is through a narrow passageway from the rear of the site to Clare Street. At least 5 properties share this passageway. In addition, 11, St. Luke's Street was originally a single dwelling house with 10, St Luke's Street. I understand the properties were built in the Victorian period and, as a single dwelling house, what is now effectively the 'Party Wall' between 10 and 11, St. Luke's Street, is very likely to be a single course of brick/without any sound insulation.

On this basis, the site is not an appropriate site or a suitable building for a student hostel.

Regards,

Cllr Mike Todd-Jones,
Arbury Ward,
Cambridge City Council

EMAIL FROM CLLR MOSS-ECCARDT

James,

Thank you for the rapid reply.

I presume it will be the 30th of September now.

Best regards

Rupert

----- Original Message -----

From: James D'Arcy <James.Darcy@cambridge.gov.uk>

To:

Sent: Monday, 2 August, 2010 9:55:24

Subject: Re: 10/0537/FUL - 11 St Lukes Street

Dear Cllr, I can confirm the application will be determined by ctte.

Kind

regards, James D'Arcy

>>> "Rupert Moss-Eccardt" <> 07/31/10 4:29 PM >>>

James,

I only became aware of this application today. It is causing a certain degree of anxiety amongst the residents of the area.

I am not sure if, as a non-voting member, I can request it to come to Committee. If not, I'll speak with my colleagues and see if they are minded to do so.

In the meantime, could you indicate what your thoughts on the application are, please?

I note that there seems to be significant belief that the property has not been used as an HMO for some time. I presume this would be a material consideration.

Also, the work does seem to be trying to cram an awful lot into a small space, a case of overdevelopment perhaps?

Regards

Rupert

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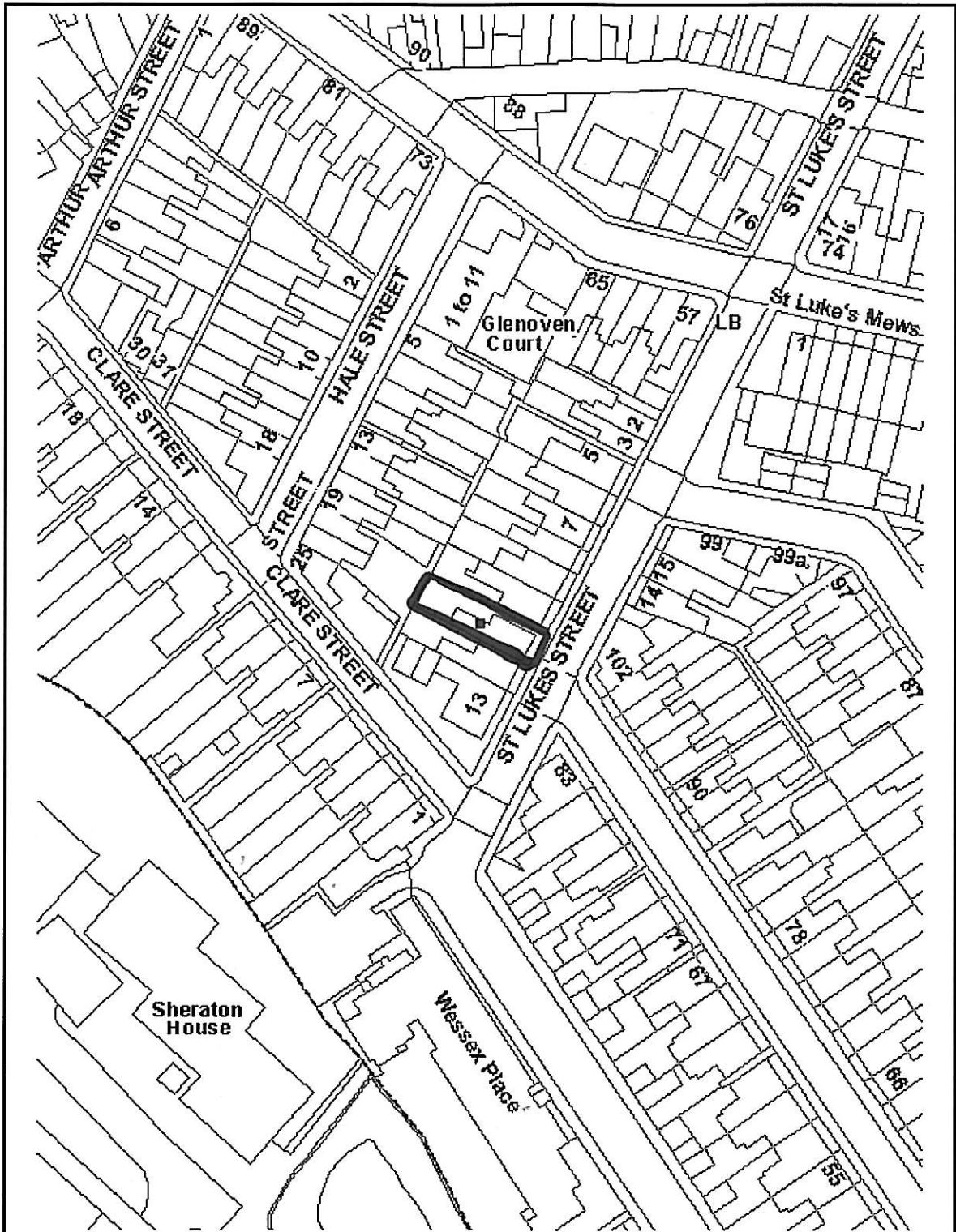
Rupert Moss-Eccardt
County Councillor for Arbury

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5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

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10/0537/FUL

11 St Luke's Street Cambridge Cambridgeshire CB4 3DA