

Application Number	16/0117/FUL	Agenda Item	
Date Received	15th February 2016	Officer	Mairead O'Sullivan
Target Date	11th April 2016		
Ward	West Chesterton		
Site	Beaulands Close Cambridge		
Proposal	Retrospective access control barrier to private road		
Applicant	Beaulands Close Management Co. Limited		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The barrier does not have a significantly harmful visual impact on the character of the area</p> <p>The use of the barrier does not give rise to adverse impacts on residential amenity</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is Beaulands Close; a residential development consisting of 52 apartments. The site is located to the south of De Freville Avenue. It can be accessed by car from De Freville Avenue and there is pedestrian access from Kimberley Road. A number of college boathouses back onto Beaulands Close.
- 1.2 The site does not fall within the Conservation Area but is visible from both the Central Conservation Area and De Freville Conservation Area.
There are a number of trees protected by TPOs within the area but none are affected by the development.

2.0 THE PROPOSAL

- 2.1 Full planning permission is sought for an access control barrier to a private road.

- 2.2 The barrier replaces a gate which previously secured the site.
- 2.3 The barrier has already been erected. The barrier sits at the entrance to Beaulands Close south of an existing speed bump. The barrier is located 6m further south than the gate which it replaces. The barrier spans the full width of the road. The footpath remains unenclosed to allow for pedestrian access. The barrier consists of a control box and rising barrier arm. The arm is 0.95m in height when closed. The control box is grey in colour. At the time of site visit the barrier arm was white and ref with a band of lighting on the top of the arm.
- 2.4 The application is accompanied by the following supporting information:
1. Drawings
 2. Covering letter
 3. Photographs

3.0 SITE HISTORY

- 3.1 The application site has an extensive planning history; none of which are relevant to the current application.

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 Local Plan 2006	3/1 3/4 3/7 3/11 4/11 4/13 8/2

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 Circular 11/95
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
	<u>Area Guidelines</u> De Freville Conservation Area Appraisal (2009) Riverside and Stourbridge Common Conservation Area Appraisal (2012)

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 that should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 The Highway Authority does not consider that the proposal will have any significant adverse impact upon the public highway.

Environmental Health

- 6.2 The Environmental Health Officer draws attention to complaints received by Environmental Health dating back to November 2015. These relate to alleged noise in the street, primarily from cars and people, caused as an indirect impact of the installation of the barrier.
- 6.3 He recommends that a condition should be imposed stating that the barrier is to be raised between 23.00 and 07.00.

Urban Design and Conservation Team (UDC Team)

- 6.4 Lighting on the barrier is intrusive at night. But otherwise there are no material conservation issues.
- 6.5 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:

- 60 De Freville Avenue
- 66 De Freville Avenue
- 67 De Freville Avenue

- 68 De Freville Avenue
- 69 De Freville Avenue
- 71 De Freville Avenue
- 72 De Freville Avenue x 2
- 74 De Freville Avenue
- 75 De Freville Avenue
- 77 De Freville Avenue
- 81 De Freville Avenue
- 82 De Freville Avenue
- 83 De Freville Avenue
- 86 De Freville Avenue
- 87 De Freville Avenue
- 88 De Freville Avenue
- 89 De Freville Avenue
- 91 De Freville Avenue
- 3 Belvoir Road
- 37 Kimberley Road
- 22 Highworth Avenue
- 13 Pretoria Road
- 20 Pretoria Road
- 51 Beaulands Close

In support

- The Deerings, Harpenden (47 Beaulands Close)
- Alan Percival Court
- 27 Beaulands Close
- 1 Belvoir Road
- 15 Beaulands Close
- 81 Hurst Park
- 29 High Street, Harston x2
- 51 Beaulands Close
- 27 Beaulands Close

7.2 The representations can be summarised as follows:

Objections

Design

- The barrier is ugly, unsightly and out of character with the Conservation Area
- The warning lights are intrusive and harm the visual environment at night
- If it were only closed during the day the lights would no longer be required

- Illuminations should be removed
- Barrier is wider than previous gate

Residential amenity

- The barrier causes excessive noise disturbance and pollution from cars/delivery with their engines left running waiting to be left in/out passed the barrier
- Ambient noise is low in the area but the barrier is now causing problem with traffic noise disturbance
- Taxis leave their engines running and headlights on while waiting to collect passengers outside the barrier. This often happens late at night
- Lorries/deliveries get trapped outside/inside causing further noise disturbance.
- Noise disturbance impacts on residents sleep. Cars and trucks often reverse into driveways with their headlights on causing disturbance.
- Children can no longer play on the street due to safety concerns

Highway safety

- It causes issues for vehicles who need to turn at the bottom of De Freville Avenue. Many have to mount the pavement to make a U-turn which is a safety hazard.
- Motorcycles and bicycles have to mount the pavement to access Beaulands Close. This is a hazard to both the cyclists and pedestrians using the street.
- Motorcycles and mopeds drive along the pavement at speed
- The barrier has caused an increase in the number of delivery vans parking at the bottom of De Freville Avenue
- The previous gate was manually operated which slowed traffic
- Residents of Beaulands Close speed up as they approach the barrier having opened it from far away using their fob

Access

- The barrier is not necessary and at odds with right of way and freedom of access
- It blocks access and ordinary usage suggesting a privileged status of the road
- There is no dropped kerb to allow bicycle/motorcycle access
- Suggest that the length of the arm be reduced to allow bikes to pass without mounting the kerb.
- Are there any details of unauthorised access to Beaulands Close?
- Lacks intercom for taxis/deliveries/visitors

- Not clear how resident allow access
- Suggest a keypad with a code which could be changed regularly.
- The previous barrier was rarely closed; its default position was open
- Concerned about emergency vehicle access
- Believe there is a historic right of way
- There is no wheelchair access to Beaulands Close

Other

- There are 8 supporter; only two of which live in Beaulands Close. The others are the landlords agents who have less investment in the local community
- Most of the residents at the southern end of De Freville Avenue have objected.
- Suspect that much of the traffic which gets stuck belongs to Beaulands Close
- There is a sense that non-resident owners are trying to create a gated community
- Question the level of disturbance and security worries prior to the erection of the barrier. How were these any different to those faced by residents of De Freville Avenue
- Suggest the use of collapsible lockable barriers on parking spaces to prevent illegal parking
- Suggest hiring a security company to monitor illegal parking
- Suggest that Beaulands Close join the residents parking scheme
- The new barrier was erected without consulting neighbour or planning permission
- Its unfriendly and divisive
- Beaulands Close should accommodate its own traffic and not export it to neighbouring areas.
- Have lived in Beaulands Close for 3 years and have not experienced any disturbance with people parking on the close but have had many issues since it has been erected
- The barrier has caused a decline in the quality of life in the development without any clear benefits

Supporting

Access/parking

- Prior to the erection of the barrier there were issues relating to damage to road surface/bollards/walls/etc. relating to illegal

access to Beaulands Close by lorries. This has to be remedied at the expense of residents

- In the past members of the Beaulands Close have had to stand guard to prevent vehicles entering Beaulands Close e.g. Fireworks on Midsummer Common
- The gate is a much needed deterrent especially with the high usage of the boathouses at weekends
- The fobs are effective from a long distance and can be opened from most blocks
- Access for random couriers has been more problematic. Most of these use smaller vehicles and as a result are likely to be parked within Beaulands Close as the barrier was erected as far back from the public highway as possible
- Lorries/driving schools/construction vehicles can no longer illegally access Beaulands Close
- The gate on Kimberley Road has been locked but the boathouses have been given an access code
- There has been a suggestion that the gate should be left open at night. The closed gate prevents theft and drug dealers accessing the site
- Pedestrian access is a long standing right of way and this is respected.
- Police have been present in the past to control crowds and prevent illegal parking e.g. Bonfire night
- In De Freville Avenue parking is protected by permit
- A dropped kerb will be fitted
- An intercom is not suitable and would cause greater noise and disturbance
- The Beaulands Close end of De Freville Avenue has a turning circle for De Freville Avenue. It is likely those turning here are De Freville traffic as otherwise they would turn within Beaulands Close
- A wider turning circle could be accommodated on De Freville Avenue if 1 or 2 parking spaces were removed
- Delivery drivers and taxi drivers are a normal part of living on a residential street

Design

- Gate is unobtrusive
- The lights are a warning feature
- The lights and colour can be changed

Site history

- There has been a gate for many years. It has been shut and regularly locked over the past two years
- Neighbours had no objection to the gate
- The main aim is to prevent illegal parking
- When the gate was locked residents felt vulnerable having to get out of their cars to open and close the gate
- The barrier was installed for safety and security reasons
- Each parking space belongs to a particular flat
- The car park is part of the deeds and should be as private as a garage or a drive behind a locked gate
- The land is private like any curtilage around a dwelling
- People ignore the sign which states that Beaulands Close is private property
- The gardener has complained about dog mess from visitors who park in Beaulands Close to access the river
- Bikes have been stolen before the barrier was erected
- Prior to the erection of the barrier there were issues with anti-social behaviour and littering; this is no longer an issue

Residential Amenity

- When the barrier was first installed there were issues with disturbance caused by delivery drivers but the managing agents have worked with delivery drivers to resolve this e.g. Tesco drivers have been instructed to ring ahead to ensure the barrier is open
- The barrier has reduced traffic
- Children now often play ball games in front of the barrier as the road is so quiet
- The barrier will improve security for the residents of De Freville Avenue and Beaulands Close especially during public events
- Disturbance has been reduced
- The barrier is swifter and quieter than the gate that it replaces.

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. Context of site, design and external spaces (and impact on heritage assets)
2. Residential amenity
3. Highway safety
4. Third party representations

Context of site, design and external spaces (and impact on heritage assets)

- 8.2 The proposal is not located within the Conservation Area but is visible from the De Freville Conservation Area. The UDC Team consider that the lighting on the barrier is visually intrusive. In my view although the lights are visible the degree of adverse impact on the Conservation Area does not justify refusal of planning permission.
- 8.3 In any event I understand that the barrier arm` has been damaged; the Management Agency intends to erect a new arm without illumination. I consider that this would be a welcome change.
- 8.4 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/4 and 4/10.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.5 The key concern that has been raised by residents is the noise and disturbance associated with the use of the barrier. In my opinion this is the only impact to be considered.
- 8.6 The closest properties to the barrier outside of Beaulands Close are 89 and 91 De Freville Avenue. There is a distance of approx. 20m between the barrier and each of these properties. The Environmental Health Officer notes that the barrier has no direct noise impact, as its operation is relatively quiet. As noted previously the barrier replaces a gate. If the gate were to be reinstated and lock the operation of this would likely cause a significant increase in noise from manually opening and closing of the gate. I therefore consider the automatic barrier, in terms of noise of its operation, to be a less obtrusive method of providing security and preventing unauthorised access to Beaulands Close.

- 8.7 The Environmental Health Officer notes that there is potential for indirect/secondary noise impact caused by an increase in vehicular activity at the end of De Freville Avenue as a result of the installation of the barrier. When the barrier is closed the end of De Freville Avenue becomes a turning circle as access to Beaulands Close is restricted. Visitor's vehicles may also not gain instant access causing noise disturbance as they wait for the barrier to be lifted.
- 8.8 The Environmental Health Officer has confirmed that the Council does not have any power to take enforcement action under statutory nuisance from noise in the street. He notes that low level noise emissions can cause a loss of amenity. He considers that the fundamental material consideration is whether the barrier would exacerbate noise and disturbance to a level to would have a significant impact on residential amenity and could be considered a statutory nuisance.
- 8.9 Whilst it is possible to refuse planning permission on the grounds of impact of noise which does amount to a statutory nuisance, in my view the comments of the Environmental Health Officer should be taken into account. I accept that the gate which was previously installed was left open much of the time but it could have been closed on a more regular basis and this would have resulted in a similar or greater level of noise disturbance to nearby residents. The presence of the gate is a material consideration. Whilst I understand some residents are disturbed by the consequences of having the barrier in place I do not consider there is sufficient evidence to justify a refusal of planning permission on these grounds.
- 8.10 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.

Highway Safety

- 8.11 The Highway Engineer does not consider that the barrier has any significant adverse impact upon the operation of the highway network. I share this view.

- 8.12 A number of the notifications relate to concerns regarding highway safety. A number of people have raised concern regarding motorcycles/bicycles/mopeds mounting the pavement to avoid the barrier and access Beaulands Close. The Highway Officer has noted, within a correspondence with a neighbour of the application site, that this is an enforcement issue and not a valid reason for objection on the part of the Highway Authority.
- 8.13 The other highway safety concerns expressed relate to the small space left for turning at the bottom of De Freville Avenue and an increase in the number of cars and vans parking at the bottom of De Freville Avenue. The barrier replaces a gate which could be reinstated at any time. These issues would remain if that were the case.
- 8.14 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Third Party Representations

- 8.15 I have addressed a number of the representations within the main body of my report. I will address any outstanding issues in the below tables.
- 8.16 The occupiers of No. 89 De Freville Avenue have submitted a noise survey which was undertaken over the 4th to 8th March 2016. The main findings being that De Freville Avenue is a quiet cul-de-sac location where short high level events are enhanced by the low background noise. I can only give this limited weight because no evidence is provided regarding noise levels prior to the installation of the barrier. The residents of No. 89 have also provided a survey with video and photographic evidence of disturbances. It is unclear whether these reports were selective to only monitor disturbances involving residents/visitors to Beaulands Close or whether this was an unbiased report of noise incidents.

Objection	Response
Concerns are raised about the design of the barrier and its impact on the Character of the conservation area.	Paragraph 8.2 to 8.4

Neighbouring residents have expressed concerns regarding noise and disturbance from cars/taxis/deliveries awaiting access to and from Beaulands Close	Paragraph 8.5-8.10
Residents have raised concerns regarding highway safety	Paragraph 8.11-8.14
The barrier is not necessary and at odds with right of way and freedom of access	The barrier is located on private property and pedestrian access is maintained
It blocks access and ordinary usage suggesting a privileged status of the road	
Believe there is a historic right of way	Any grant of planning permission would not effect this right
There is no dropped kerb to allow bicycle/motorcycle access	The applicant has stated that it is their intention to install a dropped kerb but there are no grounds to secure this as part of the planning permission
Suggest that the length of the arm be reduced to allow bikes to pass without mounting the kerb.	The application needs to be considered on the basis of the application submitted
Are there any details of unauthorised access to Beaulands Close?	The representations in support of the barrier note that there were issues relating to unauthorised access but no information has been provided as part of the application
Lacks intercom for taxis/deliveries/visitors	An intercom is not present. Visitor/deliveries/taxis must contact the resident by phone to gain access. There are no grounds to require that an intercom is provided.
Not clear how resident allow access.	The residents open the barrier using a fob
Suggest a keypad with a code which could be changed regularly.	The application needs to be considered on the basis of the application submitted

<p>The previous barrier was rarely closed; its default position was open</p>	<p>I have noted this in my report.</p>
<p>Concerned about emergency vehicle access</p>	<p>The applicant has stated that an emergency vehicle would break through the barrier if they needed to gain access. The Highway Officer has not raised any concerns regarding emergency access.</p>
<p>There is no wheelchair access to Beaulands Close</p>	<p>The applicant has stated that it is their intention to install a dropped kerb.</p>
<p>There are 8 supporters; only two of which live in Beaulands Close. The others are the landlords agents who have less investment in the local community</p>	<p>The representations have been summarised and where the objections have been received is noted.</p>
<p>Most of the residents at the southern end of De Freville Avenue have objected.</p>	
<p>Suspect that much of the traffic which gets struck belongs to Beaulands Close</p>	<p>The representation submitted by 89 De Freville Avenue states that a number of disturbances caused e.g. supermarket deliveries, were caused by visitors/residents of Beaulands Close. However it is unclear whether these reports exclusively took note of issues involving residents of Beaulands Close or whether all noise and disturbances were recorded. As a result I can only give this limited weight.</p>

There is a sense that non-resident owners are trying to create a gated community	These are not material planning considerations
Question the level of disturbance and security worries prior to the erection of the barrier. How were these any different to those faced by residents of De Freville Avenue	
Suggest the use of collapsible lockable barriers on parking spaces to prevent illegal parking	The application needs to be considered on the basis of the application submitted
Suggest hiring a security company to monitor illegal parking	
Suggest that Beaulands Close join the residents parking scheme	
The new barrier was erected without consulting neighbour or planning permission	This is not a material planning consideration
Its unfriendly and divisive	
Beaulands Close should accommodate its own traffic and not export it to neighbouring areas.	
Have lived in Beaulands Close for 3 years and have not experienced any disturbance with people parking on the close but have had many issues since it has been erected	
The barrier has caused a decline in the quality of life in the development without any clear benefits	Paragraph 8.5 - 810

9.0 CONCLUSION

9.1 I have assessed the visual impact of the barrier and carefully considered the comments made by residents. I understand that the use of the barrier does have some noise and disturbance

impacts but in my view it is difficult to quantify the level of impact. In my view it is difficult to justify refusal of planning permission.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. 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.