

<b>Application Number</b>	15/0555/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	8th April 2015	<b>Officer</b>	Lorraine Casey
<b>Target Date</b>	3rd June 2015		
<b>Ward</b>	Castle		
<b>Site</b>	Castle Court Castle Park Cambridge Cambridgeshire CB3 0AU		
<b>Proposal</b>	Change of use from Office (B1a) to Student Accommodation (Sui Generis).		
<b>Applicant</b>	Mr Kieran Leahy c/o Cerda Planning United Kingdom		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> The principle of the development accords with planning policy</li><li><input type="checkbox"/> The proposed use would not harm the amenities of nearby residents</li><li><input type="checkbox"/> Occupiers of the proposed studios would, subject to details of mitigation works carried out to adjacent commercial uses, have a satisfactory level of amenity</li><li><input type="checkbox"/> The use would result in fewer vehicle movements than the former office use and there is safe pedestrian and cycle access to the site so the proposal would not give rise to adverse highway safety issues</li></ul>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 Castle Court is located on the north side of the City Centre. It is a four storey brick building that consists of four wings (Blocks A, B, C and D) arranged in a quadrangle surrounding a central hard landscaped courtyard. Below the building are two levels of basement parking used to provide parking for the County Council offices. Light wells are located around all four sides of the building and on the north, west and south sides of the courtyard which provide light and ventilation to the basement car park. The site was previously used as offices for Cambridgeshire County Council. The premises have been vacant for in excess of a year. Last year, prior approval was granted to convert the offices to 342 dwellings and works to implement this consent are ongoing.
- 1.2 To the northeast and northwest are offices that are part of the Castle Park estate. To the south is Shire Hall, the Cambridgeshire County Council offices whilst to the southwest are a row of buildings fronting Castle Street that comprise a mix of residential and commercial uses including The Sir Isaac Newton Public House.
- 1.3 The site falls within the Castle and Victoria Road (Central) Conservation Area. The building is not listed or a Building of Local Interest. There are a number of trees close to the building that are protected by tree preservation orders. The site lies within a Controlled Parking Zone.

## **2.1 THE PROPOSAL**

- 2.2 The application proposes to change the use of the building from B1(a) office to student accommodation (sui generis use.) The proposal seeks to sub-divide the offices to create 342 studio apartments, for exclusive use by students. There would be 23 studios on each floor per wing accessed from a central corridor. The scheme also includes an internal courtyard, which is accessed from the first floor of the building.
- 2.3 The application has been submitted by Study Inn. The Design and Access Statement explains that the company provides high quality managed student accommodation, and that the 'Study Inn' brand was created to cater specifically for mature and overseas students, who are generally not well provided for in

bespoke University accommodation. The accommodation consists of self-contained studio units with shared facilities including a games room, gym, showers, tv lounge, laundry and meeting rooms.

- 2.4 Study Inn aims to provide accommodation that is near to Universities and adjacent to local shops and amenities. They also seek to utilise space within derelict or unused buildings in locations where they are unlikely to be used for their original purpose due to changes in market conditions, lack of parking and inadequate access/serviceability. The accommodation provided is self-contained, secure and serviced. There would be a manned 24 hour reception, a warden would be present on site at all times and reception/housekeeping staff would be on site during the daytime to manage and monitor comings and goings. All bedrooms are cleaned and bed linen and towels changed by housekeeping staff once a week, and a janitor is employed to remove refuse from rooms and deposit it in the communal bin store area twice a week.
- 2.5 The application is accompanied by the following supporting information:
1. Design and Access Statement
  2. Transport Assessment (including supporting document)
  3. Landscape Details
  4. Podium Calculations
  5. Sustainability Report
  6. Daylight and Sun light Study
  7. Noise Impact
  8. Student Management Plan

### **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
16/0387/FUL	Erection of conservatory on part of the internal courtyard to form an all-weather amenity space, four jumbrellas and covered entrance way.	Pending
15/1703/B1C3	Change of use from B1(A) to 342 (Class C3) units (part upper	Prior approval given

14/1833/B1C3	basement, ground floor, second and third floors)	Application returned
	<p>Prior approval notification of proposed change of use from B1(a) (offices) to Class C3 (dwelling houses) – change of use of part upper basement, ground, first, second and third floors to provide 342 studios.</p>	

#### 4.0 PUBLICITY

4.1	Advertisement:	Yes
	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	3/1 3/4 3/7 3/11
	4/4 4/9 4/11 4/13
	5/7
	7/3 7/10
	8/2 8/6 8/10 8/16
	10/1

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

Central Government	National Planning Policy Framework March 2012
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Guidance	National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95
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)
Material Considerations	<u>City Wide Guidance</u>  Cycle Parking Guide for New Residential Developments (2010)
	<u>Area Guidelines</u>  Cambridge Historic Core Conservation Area Appraisal (2006)  Castle and Victoria Road 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)**

#### 1<sup>st</sup> comments (1/5/15)

- 6.1 Raised a holding objection, stating that the Transport Statement contains insufficient information to enable the impacts of the development to be assessed or to understand the changes to pedestrian and/or vehicular movements on the adjoining highway network. The TS needs to include: details of the level of existing and proposed trip movements; further information to demonstrate the suitability of the site from a transport perspective; details of car and cycle parking; a student management strategy; details of servicing arrangements; details for the construction phase of the development; and a Framework Travel Plan.

#### Further comments (20/7/15, 1/9/15 and 12/11/15)

Following the submission of a revised Transport Statement and additional information, all outstanding issues have been addressed and the holding objection can therefore be removed. The information that has now been supplied demonstrates the development will result in a reduction in overall trips. The use of the car park will remain under the control and use by the County Council and operate with a slight reduction in parking spaces thereby reducing vehicular trips to and from the site.

With regard to parking, the Student Management Plan should be secured through condition and agreed with the County before occupation. The cycle parking will be in line with minimum standards and is therefore acceptable but it is recommended that provision be monitored as part of the Travel Plan and additional parking provided should it be required. To address concerns previously raised by the County about the cycle access route, it is recommended that the safest route be

promoted as part of the Travel Plan and Student Management Plan.

In conclusion, there are no transport objections subject to the following being secured through planning condition or a S106 Agreement:

- ☐ Student Management Plan
- ☐ Travel Plan
- ☐ Traffic management plan

An informative should also be added to any permission making it clear that residents would not qualify for Residents' Permits of any kind within the existing Residents' Parking Schemes operating on surrounding streets.

## **Environmental Health**

### 1<sup>st</sup> comments

- 6.2 Recommend refusal due to the waste and noise concerns. The site is surrounded by commercial units. An assessment is required to ascertain the impact of commercial noise (including air handling plant, machinery etc) on the proposed student rooms and whether acoustic mitigation is required to protect the amenities of future occupiers. If plant/commercial activities would adversely affect habitable rooms and acoustic mitigation could not be provided, non-openable windows would have to be incorporated into the facades overlooking noisy premises but this is unlikely to be a reasonable request. If windows can be opened, even with the provision of mechanical ventilation, future occupants are entitled to instigate statutory nuisance complaint investigations. It would be unacceptable to permit a development that would allow harm to the future amenity of its occupants and a noise assessment should therefore be carried out prior to determination. Details of how waste and recycling will be dealt with, including inside the building, are also required.

The following conditions should be added to any consent:

- ☐ Standard construction hours
- ☐ Plant noise insulation (and accompanying informative)
- ☐ Details of on-site storage facilities for waste

- ☐ Details of storage facilities for separation of waste for recycling and composting
- ☐ Waste management arrangements

## 2<sup>nd</sup> comments (25/8/15)

### *Commercial noise*

The applicants have now provided a noise impact assessment. This identifies a plant noise issue that is believed to be from the operation of the car park fans and suggests the impact can be controlled to acceptable levels inside the proposed units using double glazing so long as the windows are closed. Two options are put forward:

- ☐ Either provide sufficient ventilation to avoid the need to open the windows for ventilation; or
- ☐ Work with the County Council to attenuate the fans at source.

I disagree with the conclusion that reasonable sleeping and resting conditions can be achieved by means of standard double glazing and trickle ventilators alone, due to the commercial nature of the surrounding environment. The option of working with the County is a possibility but agreements with the County and calculations to prove that acceptable sound levels can be achieved, with mitigation paid for by the applicant, would be required before determination of the application. The following details are needed:

- ☐ A full assessment and identification of all commercial noise sources including plant and their potential impact on the student rooms.
- ☐ Full mitigation proposals and cost/payment agreements from the applicant and county council/relevant noise source, with acoustic predictions to ensure amenity will not be harmed by noise and that the noise can be adequately mitigated.
- ☐ Mitigation works may require further planning applications.

[Note: Since the above comments, 2 further sources of noise have been identified – plant on the County building and a condenser at the nearby pub].



## Urban Design Team

### 1<sup>st</sup> comments (8/5/15)

- 6.3 The submitted scheme cannot presently be supported in design terms. The layout results in the creation of single aspect rooms, a number of which are north facing (Wing B and Wing D at ground-3<sup>rd</sup> floor levels). The proposed corridors have no windows and therefore no natural daylight and the arrangement of studios could therefore form a poor quality living environment for the occupants. The level of daylight to these rooms, especially the north facing rooms in Wing B, is likely to be limited and a daylight and sunlight assessment based on BRE guidelines should be submitted.

The proposed central courtyard is likely to be a poor quality amenity space given its small size and treatment. Access to the courtyard is limited to the corner between Wings B and C, and from the ground floor games room, and is poorly related to the student accommodation. Details of the treatment of the courtyard are limited. It could form a poor quality amenity space given the extent of hard landscaping, its small size, and the number of student rooms. A conservatory is denoted in the centre of the courtyard, and further details of its function and elevations should be provided.

Limited information relating to the proposed cycle parking has been provided. As shown, the cycle parking is poorly related to the individual wings and appears to impact the location of existing light wells. The basement plan indicates the retention of 86 parking spaces but it is not clear who these spaces are intended for.

Also, the arrangement of studios and internal walls is likely to impact the existing window openings which may affect the design of the external elevations.

### 2<sup>nd</sup> comments (31/8/15)

A Daylight and Sunlight Assessment has been submitted.

The Vertical Sky Component analysis indicate that windows on the ground floor northwest elevation will be partly obstructed by the existing mature trees and receive a VSC level below 27%.

The Average Daylight Factor code of practice for daylighting recommends an ADF of at least 2% for a partly lit space. All of the student rooms, gym, games room, offices, meeting rooms and TV lounge on the ground floor receive less than the 2% minimum, and a number of rooms in Wing A (meeting rooms: 0.43%) and Wing C (6 x studio rooms: 0.4%) fall well below the recommended BRE levels for daylighting. Student rooms 13-24 and meeting rooms 1 and 2 will not meet the required levels of direct sunlight in summer, and rooms 37, 48 and 69 do not received required levels of sunlight in summer or winter.

As rooms on the ground floor are single aspect, all bar the Wing C courtyard elevation fail the test for Annual Probable Sunlight Hours.

The amenity/courtyard space would have sufficient daylight.

In conclusion, the assessment highlights significant failings in terms of ADF and No Skyline assessments. All the ground floor rooms fail to meet the recommended BRE levels for ADF (2%). A number of the studio rooms fall well below the levels achieving only 0.4%. The student rooms would therefore form poor quality living spaces and appear gloomy requiring electric lighting to be used throughout more of the day.

The BRE guidance is not mandatory and should be interpreted flexibly, with the findings used to inform design development. It appears, however, that no modifications to the layout have been carried out as a result of the findings, and a large number of the rooms would therefore form poor living environments.

The arrangement of the proposed rooms and internal walls will impact the existing windows, and the submitted floor plans indicate that, where this occurs, existing windows will be concealed from inside. This would create a number of awkward spaces.

The courtyard would be the main amenity space and would consist of areas of soft planting, street furniture and a conservatory. The trees may not be feasible given the basement car park below and may result in additional overshadowing of rooms. The floor plans show that access to the courtyard is from the ground floor of Wing A between the

games room and gym, and we remain concerned that the courtyard is poorly related to the accommodation. It is not clear of the staircases shown at the corner of the courtyard would connect through to the student accommodation. The methodology used to calculate the useable amenity space needs to be confirmed and should not include the light wells.

### **Conservation Team**

- 6.4 No objections. The proposal raises no material conservation issues.

### **Planning Policy**

- 6.5 It is unclear whether the application is seeking to meet the needs of both universities in Cambridge. Policy 7/10 should be applied as the proposal is clearly speculative with neither ARU nor the University of Cambridge tied into the application. A legal agreement would be required to ensure the scheme is occupied by full-time students of either University and not by students of other institutions. In the absence of such an agreement, the proposal would not comply with Policy 7/10.

The application proposes studio accommodation. The Council has no certainty that this form of accommodation is acceptable to the Universities, and it would be helpful if either or both could confirm in writing their interest in occupying the development.

Policy 5/7 is also of relevance to this application, as referenced in paragraph 7.52 of the supporting text to Policy 7/10. There is a great deal of student accommodation already in this particular area of Cambridge. Regard should be had to the impact that student accommodation development will have on the area and current uses, services and amenities in the area.

### **Senior Sustainability Officer**

- 6.6 No information has been submitted to demonstrate how the proposals meet the requirements of policies 3/1 and 8/16. Information relating to renewable energy could be dealt with by way of planning conditions but, before the application is determined, the sustainability statement and checklist should be completed to demonstrate how the principles of sustainable

design and construction have been integrated into the proposals.

### **Access Officer**

- 6.7 Recommends refusal. The site needs 18 accessible rooms, each with their own parking space. The plans do not seem to facilitate the needs of disabled students, and the application does not therefore comply with the Local Plan and could breach the Equalities Act requirements.

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

- 6.8 Initially objected, stating that the information provided with the application fails to identify the character, scale and quality of the amenity space provision for the development.

The applicant has suggested these concerns could be resolved by condition. However, there are fundamental concerns that require resolution prior to decision. Details of realistic landscape and amenity proposals are required to ensure appropriate provision can be delivered. The 3d model sketch indicates tree planting but, as the courtyard is a roof structure over a car park, the feasibility of trees being able to stabilise needs to be established.

### **Head of Streets and Open Spaces (Sustainable Drainage Officer)**

- 6.9 There are concerns about the proposed change of use due to a possible increase in foul water flood risk. Offices discharge less foul water than living accommodation and the local pipework will have only been designed to take these flows. The proposals do not indicate if an assessment has been undertaken, and there may not be capacity for the additional flows within the public foul sewer. This can be addressed through a condition requiring a foul water disposal scheme.

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

- 6.10 No objections

## **Disability Consultative Panel**

- 6.11 The Panel felt that for over 300 units this was an overdeveloped proposal with a complicated layout making the identification of any accessible units difficult. The layout of the accessible WC (ground floor) should be redesigned for greater legibility and improved access. The lifts need to be of an appropriate size to accommodate wheelchairs and fitted with the standard recommended features. The lift should also extend to the basement car parking. The parking does not appear to include any accessible bays. The existing corridor widths and partitions are unsuitable for residential use and there do not appear to be any accessible rooms.

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 owner/occupier of the following address has made a representation:

☐ 66 Castle Street (Flat 5)

- 7.2 The representation can be summarised as follows:

- ☐ The ethos of the area will change with such a large number of student flats.
- ☐ The influx of students from this development, as well as from the flats on the junction of Histon Road and Huntingdon Road will result in increased noise, litter and traffic. The nearby pub will also be busier and increase noise disturbance to adjacent residents.

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Residential amenity
4. Highway safety
5. Car parking
6. Cycle parking
7. Refuse and servicing arrangements
8. Renewable energy and sustainability
9. Disabled access
10. Third party representations
11. Planning Obligations (s106 Agreement)

### **Principle of Development**

8.2 Castle Court was previously used as offices although, at the time the application was submitted, these were vacant. Last year, prior approval was granted to convert the premises to C3 residential use (342 studio flats) and, following approval of the attached conditions, works to implement the approved scheme have commenced. The current application proposes to convert the premises to 342 student accommodation apartments (sui generis use). The layout of the rooms is identical to that in the prior approval consent. The key difference is that the accommodation in the current proposal is managed and includes the cleaning of rooms and changing of bedding once a week, the removal of refuse twice a week, and the presence of a warden on site at all times.

8.3 Policy 7/3 of the Local Plan resists the loss of employment floorspace. However, this specifically relates to industrial and storage uses within the B1c, B2 and B8 use classes and does not extend to B1(a) office use. There is therefore no, in principle, objection to the loss of the former office use.

8.4 The response from the Planning Policy Manager advises that the application should be assessed against Policy 7/10 of the Local Plan which relates to the provision of speculative student

hostel accommodation and stipulates that any approval should be subject to a legal agreement restricting the use to students at Anglia Ruskin University and Cambridge University only. As the application proposes studio accommodation, which is generally less appealing to students than cluster flats, she has suggested that written confirmation of the suitability of the units be obtained from the universities in question.

- 8.5 Although the Policy Manager has advised that Policy 7/10 is relevant, I would argue that this is not the case. This policy clearly states that it applies to the 'development of speculative purpose-built student hostels'. The Council has previously taken the stance that this policy only applies to new purpose-built buildings and not to the conversion of existing buildings (eg – 09/0141/FUL for the change of use of a C1 hotel to C1 hotel/student accommodation at 139 Huntingdon Road). On this basis, and ensuring consistency with other decisions made by the Council, I would argue that the requirements of this policy are not relevant and that the application should instead be considered against Policy 5/7 which relates to the provision of supported housing/housing in multiple occupation.
- 8.6 The Planning Policy Manager suggests that occupancy of the building should be limited by condition to students of ARU or Cambridge University, and the applicant's agent has confirmed acceptance of such a condition if deemed necessary to ensure compliance with the policy. Whilst indicating reluctant acceptance of an occupancy condition, the applicant's agent has argued that such a restriction would be unreasonable, stating that Policy 7/10 is not consistent with the sustainable development aims within the NPPF, namely to provide the right type of housing in the right place and to encourage the residential re-use of redundant commercial buildings.
- 8.7 In addition to the above, there is consent on the site (through the prior approval process) to convert the building to residential use. Given that the range of criteria that can be considered in the prior approval procedure is limited (to highway, flooding and contamination issues), there are no occupancy restrictions on the consent scheme. As such, the building could be converted to residential use and occupied by anybody (including students of any college/university). Works to implement this permission are well under way, and the fall-back position should therefore

be given significant weight in the determination of this application.

- 8.8 In view of the arguments set out in paragraphs 8.6 and 8.7 above, my opinion is that restricting the occupancy to students at ARU or Cambridge University could not reasonably be required. I note that this stance is consistent with the approach taken for the application referenced in paragraph 8.5.
- 8.9 As set out in the information supporting this application, the applicants are seeking to provide accommodation for students which, in their view, are not presently well provided for through purpose-built university accommodation and predominantly tend to be housed in HMO's across the city. One benefit of this application is that could result in more accommodation within HMO's becoming available and/or the reversion of HMO's back to family dwellings, thereby boosting housing supply within the City.
- 8.10 The Planning Policy Manager states that, as an application for student hostel accommodation, it would also need to be considered against the criteria set out in Policy 5/7 of the Local Plan. This policy states that the development of supported housing and properties for multiple occupation will be permitted subject to:
- a) The potential impact on the residential amenity of the local area;
  - b) The suitability of the building or site (including whether appropriate bin storage, cycle and car parking and drying areas can be provided); and
  - c) The proximity of bus stops and pedestrian and cycle routes, shops and other local services.
- 8.11 These issues are considered in further detail in the following sections of this report.
- 8.12 In my opinion, the principle of the development is acceptable and in accordance with policies 5/7, 7/3 and 7/10 of the Cambridge Local Plan (2006)



## **Context of site, design and external spaces (including impact on the Conservation Area)**

- 8.13 The site is located within the Central (Castle and Victoria Road) Conservation Area. Castle Court is identified within the relevant Conservation Area Appraisal as a building that detracts from the character of the area. The proposal would result in a viable use for the building which, in turn, should secure the maintenance of the building and give a more lively character to the site. The proposed works are predominantly internal, with the only external works consisting of an increase in the size of ground floor north facing windows, and landscaping to the internal courtyard which is entirely concealed from public view.
- 8.14 The Conservation Officer has advised that the scheme raises no material conservation issues. The Landscape Officer has raised concerns regarding the function and proposed treatment to the internal courtyard area, requesting details of the conservatory indicated within the floor plans and confirmation as to whether it is feasible to plant trees given that they are proposed to be planted on top of a basement car park. In response to this, the applicants have amended the drawing to show artificial trees and plants. Whilst some plans have been provided of the conservatory, this element of the scheme has not formally been included in the application description and is now the subject of a separate application. In responding to the conservatory application, the Landscape Officer has expressed concern regarding the artificial nature of the landscape and suggested that an imaginative hard landscaped treatment to this area may be preferable. Given that the landscaping and treatment of the amenity areas are confined to the internal courtyard, which is not visible from outside the building's footprint, my opinion is that this issue can be satisfactorily resolved by planning condition.
- 8.15 In my opinion, the alterations required to convert the building from offices to student accommodation use would not materially alter the appearance of the building or have a harmful impact on the character and appearance of the Conservation Area. The proposal is therefore compliant with Policies 3/4, 3/7, 3/11 and 4/11 of the Cambridge Local Plan (2006).

## **Residential Amenity**

### **Impact on amenity of neighbouring occupiers**

- 8.16 A local resident has objected to the application on the grounds that the proposal (together with the recently built student accommodation at the junction of Histon Road and Huntingdon Road) would give rise to an unacceptable increase in noise, litter and traffic, with consequent disturbance to nearby residents.
- 8.17 Policy 5/7 requires the impact of supported housing on the residential amenity of the local area to be taken into consideration. Paragraph 5.14 of the supporting text to this policy states: “The location of such provision requires careful consideration to ensure that the proposals respect the character and residential amenity of the local area. An over-concentration of uses, which can affect amenity and character can have a detrimental impact on a locality.”
- 8.18 The site lies within a mixed-use area surrounded predominantly by offices, with a mixture of residential and commercial uses (including a public house) to the west. The submitted transport information has demonstrated that, as Study Inn operates a no car-ownership policy, the proposed student accommodation would result in fewer vehicle movements than the previous office use. I would also add that movements would be lower than would be expected for the unrestricted residential use for which prior approval has been granted. The supporting information has indicated that adequate refuse provision can be accommodated within the site, and that the amenity space for the students would be contained within the internal courtyard and communal areas within the building. In my opinion, and taking into consideration the very busy and heavily trafficked nature of the immediate area, the proposed use would not give rise to a significant adverse impact upon the amenities of nearby residents.
- 8.19 The combined impact of this development, together with the nearby Histon Road/Huntingdon Road development, will result in a large number of student flats being provided in close proximity to each other, and represent a change to the previous situation. However, this is not a quiet residential area where the combined impact of the two developments could be argued to

be significant. Given the wide-range of uses and the already busy commercial nature of the immediate area, I consider the combined impacts of both developments can comfortably be accommodated without changing the character of the surrounding area.

Amenity for future occupiers of the site

### *Daylight and Sunlight*

- 8.20 The Urban Design and Conservation Team has raised strong concerns about the application on the basis that a number of the ground floor rooms are single aspect and north-facing and would not benefit from adequate daylight and sunlight when assessed against the Building Research Establishment (BRE) guidance.
- 8.21 As the proposal relates to the conversion of an existing building, rather than new-build, there is very little that can be done to improve sunlight to the rooms in question due to restrictions to windows of the existing building. The applicants have proposed to increase daylight to these rooms by increasing the size of the windows to form floor-to-ceiling height openings and, whilst this would represent an improvement, the daylight standards would still not comply with the standards.
- 8.22 I would stress that the BRE standards are intended as guidance rather than being mandatory. In addition, it should be stressed that the building benefits from a lawful residential use, with the proposed studio rooms having consent to be used as independent dwellings, and this fall-back position should be afforded significant weight in the consideration of the current application. Compared to the use of the building as permanent dwellings, where the flats have the potential to be the main residence for the occupiers, the occupancy of the proposed student accommodation would be transient in nature. The studios would be occupied by students during term-time, and they occupants are unlikely to spend a significant amount of time in their rooms during the day, as they are likely to be studying at University or using the communal areas within the building. The student accommodation use would not therefore be expected to achieve the same level of amenity standards as a C3 residential use. On this basis, I do not consider a refusal of the proposal could be substantiated on such grounds.

## *Noise*

- 8.23 The Environmental Health Officer has also raised concerns that future occupiers could suffer an unacceptable level of amenity due to noise from nearby commercial uses, and that these noise impacts should be mitigated at source rather than relying on mechanical extraction and non-opening windows for the new units which would affect the amenity of new occupiers.
- 8.24 The applicants could, quite reasonably, argue that the site benefits from a lawful residential use that does not require any mitigation of surrounding noise sources, and that none should therefore be required as part of this application. However, they have sought to address the issues and to improve the living conditions of residents compared to the fall-back position, and have been liaising with the County Council and owners of the pub to try to come to a satisfactory resolution.
- 8.25 Acoustic surveys and an investigation of noise sources surrounding the site have been undertaken on behalf of the applicants. This has identified the following areas of concern:
- ☐ Plant noise from the lower ground floor and basement car park ventilation – the plant currently runs on a time clock irrespective of whether mechanical ventilation is required. It is proposed to fit CO2 sensors so that the plant only runs when needed and to attenuate the plant so that when it does run the noise is within acceptable levels. Consent from the County Council has been obtained to carry out these works.
  - ☐ Plant noise from the cellar chiller of The Sir Isaac Newton Public House – there is a small condenser unit which is running at unacceptable noise levels. The proposal is to replace the fan unit with a quieter motor. This has been discussed and agreed with the tenant of the pub and the owner (Greene King).
  - ☐ Plant noise from the roof of Cambridgeshire County Council's adjacent office building – there are air conditioning units that give rise to unacceptable background noise. It is proposed to reconfigure the plant to avoid running at night time (11pm-7am) where possible and to attenuate any remaining plant to mitigate against night time noise. Discussions are ongoing and details of the mitigation are

required. To address daytime noise, it is proposed to fit 4 rooms on the 3<sup>rd</sup> and 4<sup>th</sup> floors with fixed windows and mechanical ventilation, and to fit the windows on the north, east and south elevations with restrictors and hinged to deflect background noise.

Note: Since the above information was received, I have been advised by the applicant's agent that mitigation works to all the commercial plant referred to has been carried out. I have sought clarification of these works, in order to establish whether there is any requirement for planning permission, and have also requested that new acoustic surveys be carried out to establish if the mitigation reduces noise to an acceptable level for a residential environment. I will update Committee on the Amendment Sheet or orally at the Committee meeting.

- 8.26 In order to mitigate the impacts at source, any required works would have to be carried out before the development is occupied. There are two potential ways to achieve this, both of which would require a report to be produced and for the mitigation to be agreed by the Council:
- ☐ To enter into a S106 Agreement with the County Council and owners of the pub to undertake the works required prior to occupation of the development (subject to securing any required planning permission for the works) or
  - ☐ To apply for planning permission for the works (if required) and to implement this prior to occupation of the development.
- 8.27 In my opinion, either of the above options would satisfactorily mitigate the impacts of the existing commercial uses and adequately treat the noise at source to ensure that the living conditions of future occupiers would be acceptable.
- 8.28 The applicant's agent has suggested that a condition could be added to any consent requiring the building to achieve specified internal noise levels. However, given that such a condition would be likely to require works to buildings that fall outside the applicant's control, this would not be enforceable, and the solutions set out in paragraph 8.24 represent the only means by which appropriate mitigation of adjacent commercial plant can be secured.

### *Amenity space*

- 8.29 With regard to the amenity space that would be enjoyed by future occupiers, the development would comprise communal meeting and lounge areas within the building whilst the enclosed courtyard would provide external amenity space. An application to erect a conservatory within this courtyard space is due to be approved under delegated powers shortly. The agent has also provided a comparison of usable amenity space in consented student accommodation schemes in the City. For this proposal, the usable amenity space per student amounts to 3.29m<sup>2</sup> per student. This is far greater than the space approved at the nearby former Texaco site (0.46m<sup>2</sup> per student) and is also in excess of the levels for the sites at 91-93 East Road (2.3m<sup>2</sup> per student) and Thompsons Lane (2.1m<sup>2</sup> per student).
- 8.30 In my opinion, subject to the satisfactory resolution of the adjacent plant noise issue, and taking into consideration the lawful use of the site, the proposal provides an appropriate standard of residential amenity for future occupiers and, in this respect, is compliant with policies 3/7 and 5/7 of the Cambridge Local Plan (2006).

### **Highway Safety**

- 8.31 The Highways Authority originally objected to the application as insufficient information had been submitted on existing and proposed transport movements to enable the impacts of the development to be properly assessed. Following this objection, the applicant's agent has provided a revised Transport Statement and supplementary information. This explains that Study Inn operates a 'no car ownership' policy for students so the only parking needs are for 5 visitor spaces that would be accommodated within the existing basement car park (with the remainder of the spaces being used by the County Council in connection with the adjacent office uses). As the proposed use would result in fewer vehicle movements than the former office use, the proposal would not give rise to any significant adverse highway safety issues.
- 8.32 The students occupying the development would either walk or cycle to and from the site so, in addition to the above, the Highways Authority has also needed to be satisfied that walking and cycling routes are sufficiently safe and avoid conflict with

vehicular traffic. Their main concern relates to the exit from Castle Court. Although this is protected by 'no entry' signage, there is a potential for cyclists to regard this as the most convenient route to the cycle parking, accessed via the ramp close to the main pedestrian entrance to Castle Court. The information provided by the applicant shows an alternative, safer route that is not excessively longer and, as it is freer of conflict with vehicles, is potentially a more attractive route. On this basis, the Highways Authority has advised that it would be difficult to sustain an objection but has requested that the safer cycle route be promoted through a Travel Plan. The Travel Plan has already been agreed in discharging the conditions of the prior approval application and I would suggest a condition be added to require compliance with this previously approved scheme.

### **Car Parking**

- 8.33 The proposed accommodation is situated above two levels of basement car parking that is owned by the County Council, and would be retained by the County for their own use (albeit with a reduction in the number of spaces to accommodate some storage areas). Study Inn will have use of 5 no. parking spaces in the upper basement for visitor/disabled use. There would be no parking for students and staff. Policy 8/10 of the Local Plan and accompanying parking standards, states that for sites where parking controls will be in place, there is a maximum requirement for 1 parking space per 10 bed spaces and 1 space for every resident warden/staff. This results in a requirement for a maximum of 34 spaces for students. As noted above, Study Inn operates a 'no car' policy and students would not therefore be expected to have any requirement for on-site car parking. This can be controlled through a Travel Plan and Student Management Plan. Whilst students cannot be prevented from owning cars, the absence of on-site parking for students together with the lack of unrestricted parking provision in the locality would make car ownership an unattractive proposition. It should also be noted that the site lies in a highly sustainable location, within easy walking and cycling distance of local services and facilities, and the city centre and colleges, and with excellent public transport/bus links. Given the availability of alternative modes of transport, this is not a location where I consider a car would be necessary and I therefore consider the level of parking proposed would be acceptable. A further point

to note is that the site has a lawful unrestricted residential use and that the demand for car ownership in such a scheme is likely to be far higher than for a student accommodation scheme, as proposed here. The proposal would therefore be expected to generate a lesser parking demand than the fall-back position and, on this basis, it would be difficult to substantiate an objection on the grounds that the site provides a low level of parking.

### **Cycle Parking**

- 8.34 The application proposes the provision of 293 cycle spaces. These would be located at the front of the southern wing (Wing A) in a location that has a good level of natural surveillance. Policy 8/6 of the Local Plan requires a minimum of 2 cycle spaces per 3 bedspaces and 1 visitor space per 5 bedspaces. This results in a requirement for 228 spaces for students and 57 visitor spaces (285 spaces in total). The level of cycle parking proposed is therefore in accordance with the policy requirements.
- 8.35 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/2, 8/6 and 8/10.

### **Refuse and Servicing Arrangements**

- 8.36 A Student Management Plan has been submitted with the application. This explains that Study Inn is manned 24 hours/day 7 days a week. Rooms are let direct to students on a 50-week License agreement. The services provided include:
- ☐ 24 hour management
  - ☐ Daily cleaning of communal areas
  - ☐ Window cleaning
  - ☐ Post delivery
  - ☐ Weekly cleaning of studios
  - ☐ Bed line and towels changed weekly
- 8.37 As there would be no on-site parking, students will be advised not to bring cars to Cambridge and will be provided with public transport details, and details of procedures for drop off and pick up at check-in and check-out. Cycle stands will be provided, and the proposed route for cyclists clearly site out within the



Travel Plan (which will be made available to all students) and subsequently managed by onsite staff.

- 8.38 Entrance to the building, staircases, corridors and bedrooms would be by electronic key card, and the premises would be fitted with CCTV.
- 8.39 The residents would be provided with bins in their studios for normal waste, recycled waste and sanitary waste. The janitor will collect this waste from rooms twice per week and deposit it in the designated bins in the bin store. The existing bin storage area for the building (in the basement) would be extended, so the vehicular route to and from the store and operation of emptying the bins will be as existing. I consider these arrangements to be acceptable in principle and that precise details of the volume of refuse storage and the collection arrangements can be secured by planning condition.
- 8.40 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 5/7.

### **Renewable energy and sustainability**

- 8.41 The Senior Sustainability Officer has commented on the understanding that the application is a major development proposal, and has advised that a condition requiring 10% of the total predicted energy requirements to be from on-site renewable energy sources be added to any consent. This is not a major application and it would not therefore be appropriate or reasonable to impose such a condition. Nevertheless, the applicants have submitted a Sustainability Statement denoting the use of solar tubes to provide hot water and have shown a willingness to provide some renewable technology which is to be welcomed.
- 8.42 The Sustainable Drainage Officer has commented that the proposal is acceptable subject to a condition requiring foul water drainage, and I concur with this advice.
- 8.43 In my opinion the applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Cambridge Local Plan (2006) policy 8/16 and the Sustainable Design and Construction SPD 2007.

## **Disabled access**

- 8.44 The Access Officer and Disability Consultative Panel have raised concern on the grounds that the accommodation does not appear to cater for the needs of disabled students, including the provision of dedicated parking spaces, and that this conflicts with the requirements of planning policy (and potentially breach the Equalities Act).
- 8.45 As set out previously within this report, I do not consider Policy 7/10, and hence its associated requirement for accommodation to meet the needs of disabled students, is relevant to the consideration of this application. Internal layout issues would be controlled through Building Regulations whilst the Equalities Act represents a separate layer of control to any planning requirements (which should be brought to the applicant's attention by way of informative). As a result, and although it is regrettable that suitable provision does not appear to have been incorporated into the scheme, I do not consider a refusal on such grounds could be substantiated.
- 8.46 In my opinion the proposal is therefore compliant with Cambridge Local Plan (2006) policy 3/7.

## **Third Party Representations**

- 8.47 I have addressed the issues raised within the third party representation in the main body of this report.

## **Planning Obligations**

- 8.48 As noted in paragraph 8.26, a S106 Agreement is one option available to the applicants to resolve concerns regarding the living conditions of future occupiers. Given that mitigation works to all 3 identified nearby noise sources have been carried out, it is possible (subject to the outcome of acoustic surveys and clarification of the planning permission requirements) that a S106 may not be necessary in this instance. I will update Members on this in the Amendment Sheet or orally at Committee.

## 9.0 RECOMMENDATION

**APPROVE** subject to resolution of the noise issues referenced within this report (either by way of a S106 Agreement or preferably to appropriate mitigation being carried out to adjacent commercial uses prior to occupation of the development) and to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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. The use, hereby permitted, shall not commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/7 and 3/11)

4. The use shall operate in accordance with the details set out within the Travel Plan approved under application reference 15/1703/COND1 unless alternative details have otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of encouraging sustainable transport and reducing highway impact. (Cambridge Local Plan (2006) policy 8/2).

5. During the course of construction, works shall be carried out in accordance with the traffic management plan approved under application reference 15/1703/COND2 unless alternative details have been submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of highway safety. (Cambridge Local Plan (2006) policy 8/2).

6. The site shall be operated in accordance with the details set out in the Management Plan unless alternative details have otherwise been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the occupation of the buildings is appropriately managed and controlled (Cambridge Local Plan 3/4, 3/7, 5/7)

7. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 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)

8. Before the bringing into use of the development, hereby permitted, details of noise from any plant and equipment associated with the application, together with any required insulation/mitigation, shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

9. Prior to the bringing into use of the gym, a scheme for sound insulation of the room shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented and maintained thereafter in accordance with the approved details.

Reason: To ensure noise/vibration from the gym does not adversely affect the student rooms within the block (Cambridge Local Plan Policy 4/13)

10. Prior to the occupation of the studio rooms, hereby permitted, windows shall be altered in accordance with the details shown within the approved drawings in order to increase light to the ground floor rooms and achieve sound attenuation to 3rd and 4th floor rooms facing Shire Hall.

Reason: To ensure an appropriate level of amenity for future occupiers of the development (Cambridge Local Plan Policy 4/13).

11. Prior to the commencement of occupation, full details of the storage facilities for the separation of waste for recycling and composting within the individual student flats/clusters 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. (Cambridge Local Plan 2006 policies 5/7 and 4/13)

12. Prior to the bringing into use of the development, full details and plans for the on-site storage facilities for waste and recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. Details should include the on-site storage facilities for waste, including waste for recycling and the arrangements for the disposal of waste detailed; these arrangements shall subsequently be provided and shall include provision for a minimum of 50% recycling/organic capacity. 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 (Cambridge Local Plan 2006 policies 3/7 and 4/13)

13. Prior to the occupation of the development, a scheme for the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority. This should include an assessment of the capacity of the existing public and private sewers and flow rates from the new foul system. The works shall be implemented in accordance with the approved details.

Reason: To ensure adequate sewerage provision for the development (Cambridge Local Plan Policy 8/18)

**INFORMATIVE:** The Travel Plan required by condition 4 must include details of routing for cyclists.

**INFORMATIVE:** The principal areas of concern that should be addressed within condition 5 are:

- i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).

- iii. Movements and control of all deliveries (wherever possible 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.

**INFORMATIVE:** The scheme will not qualify for Residents' Permits within the existing Residents' Parking Schemes operating on surrounding streets.

**INFORMATIVE:** If any plant and equipment such as air conditioning units are proposed, it is required that the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc should be less than or equal to the existing background level (L90) at the boundary of the premises.

**INFORMATIVE:** The Council's Access Officer has raised concerns that the plans do not seem to facilitate the needs of disabled students and that the use could therefore breach the requirements of the Equalities Act 2010. The applicant is advised to ensure that the development is fully in accordance with any obligations under this legislation and Building Regulations.