

Application Number	17/0927/FUL	Agenda Item	
Date Received	9th June 2017	Officer	Michael Hammond
Target Date	4th August 2017		
Ward	Kings Hedges		
Site	The Jenny Wren 80 Campkin Road Cambridge Cambridgeshire CB4 2QA		
Proposal	New building comprising of a Public House at ground floor with nine residential units on the upper floors (two 1xbed units & seven studio units) along with car and cycle parking and associated landscaping following the demolition of the existing buildings.		
Applicant	N/A C/O Agent		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> - The principle of a replacement public house is acceptable and accords with policy. - The proposed development would respect the amenities of neighbouring occupiers. - The proposal would provide an acceptable living environment for future occupants.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is comprised of the former Jenny Wren public house situated on the corner of Campkin Road and St Kilda Avenue. The existing two-storey building is rendered with a flat roof and the upper-floor was last used as managers accommodation in association with the pub. The front of the site

is predominantly hard paved and was previously used as outdoor seating for the pub. There is on-site car parking which is accessed from St Kilda Avenue and a private car parking space on the eastern side which is accessed from Campkin Road.

- 1.2 To the north-west of the site there is a supermarket and take-away unit which form part of the Campkin Road Local Centre, which includes the application site. To the north-east of the site are properties along Beales Way and to the south-east there are terraced properties along Campkin Road. The surrounding area is predominantly residential in character and is formed of terraced and semi-detached two-storey properties with a relatively uniform appearance.
- 1.3 There is an article 4 direction on the application site which prohibits any demolition of the existing building. The site falls within the Campkin Road Local Centre.

2.0 THE PROPOSAL

- 2.1 The proposal, as amended, seeks planning permission for the demolition of the existing public house and replacement with a new building accommodating a public house at ground-floor and nine-residential units on the first and second-floors.
- 2.2 The proposed replacement building would occupy a similar footprint to that of the existing building. The proposed building would be higher than the existing building as it would measure approximately 8.2m to the ridge of the three-storey flat roof, whereas the existing building measures approximately 5.6m to the ridge of the two-storey.
- 2.3 The proposed building would be designed in an art-deco style which is emphasised through the use of long ribbon windows, rendered walls and flat roofs. There would be first-floor and second-floor balconies for some of the upper-floor units and a communal garden of over 140m² for all of the flats in the eastern corner of the site. The arrangement of the external landscape would be similar to that of present, with parking accessed from St Kilda Avenue, a pub garden area to the front along Campkin Road and a delivery/ staff car parking area along the south-eastern boundary.

- 2.4 The proposal has been amended to include a lobby area to the pub and change the cycle parking layout. Additional information has been submitted in relation to the relationship between the pub and flats in respect of noise. It has also been agreed in writing for the largest flat (S4) to be swapped for use as the on-site managers flat.

3.0 SITE HISTORY

Reference	Description	Outcome
12/0081/ADV	Replace existing post sign with new single post sign (internally illuminated).	Permitted.
11/1567/FUL	New pitched entrance canopy to existing main entrance.	Permitted.
07/0304/FUL	Erection of a canopy to front elevation.	Permitted.
05/1326/FUL	Placement of mobile takeaway food van within rear car park area of public house.	Withdrawn.
C/97/0258	Extension to Public House (erection of a single storey entrance extension incorporating a new ramped/stepped entrance; together with replacement hard and soft landscaping and associated works	Permitted.
C/64/0115	Erection of public house and residential accommodation over.	Permitted.

4.0 PUBLICITY

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

5.0 POLICY

- 5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.
- 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/4 3/6 3/7 3/11 3/12 3/15 4/13 4/15 5/1 5/11 6/7 6/10 8/1 8/2 8/4 8/6 8/9 8/10 10/1

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
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) Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (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 development will impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.
- 6.2 Further, the applicant proposes to mitigate such impact upon the fabric of the public highway by providing bollards to protect verges, thus imposing an ongoing maintenance cost upon the local highway authority. The Highway Authority cannot commit to the future maintenance of additional infrastructure such as this. The applicant would, therefore, of their own admission be introducing a longer term problem upon the Highway Authority without a means of resolution.

Environmental Health

Original comments (04/07/2017)

- 6.3 Further information regarding noise from the pub use and the levels of noise experienced in the upper-floor flats is required.

Comments on additional information (14/09/2017)

- 6.4 The proposed development is acceptable subject to the following conditions:

- Plant noise insulation
- Construction hours
- Odour and smoke control
- Collection during construction
- Piling
- Dust
- Noise insulation scheme (residential)
- Hours of opening
- Doors and windows serving the public house
- Hours of use of beer garden
- Use of commercial waste receptacles
- Public house noise insulation scheme
- Public house noise insulation scheme post completion assessment
- Balustrade for the 2nd floor balcony
- External operational noise management plan
- Artificial lighting
- Informatives

Urban Design and Conservation Team

Original comments (05/07/2017)

- 6.5 Whilst we do not object to the form and architectural approach taken to the design of the proposal, we are concerned that the number of residential units proposed at upper floors is putting too much pressure on the site. This pressure is creating a building that does not respond adequately to the sites constraints, which is resulting in units that fall below the emerging standards, issues relating to adequate private amenity space and overlooking, as well as functional design issues relating to potential car parking displacement and

useable bike storage. In our view, a reduction in unit numbers on the site is needed to resolve these issues.

- 6.6 The Urban Design and Conservation Team are therefore unable to support the proposal in its current form, which in our view fails to address Cambridge Local Plan 3/4 Responding to Context, 3/7 Creating Successful Places, and 3/12 The Design of New Buildings.

Comments on revised drawings (14/09/2017)

- 6.7 Following the submission of the amended plans, the cycle parking storage is considered to be acceptable. We previously raised concerns that flats S9 and S5 may create overlooking issues of the rear boundaries of existing properties that front onto Beales Way. Having discussed this issue with the Case Officer and reviewed their site visit photos which demonstrates that a degree of overlooking currently exists from the rear of the existing Jenny Wren Pub, we consider that the new relationship to be acceptable.
- 6.8 Whilst it remains a concern that some of the flats do not meet the emerging space standards, we acknowledge the limitations of applying these standards to current applications given that the new Local Plan has yet to be adopted. However, we still remain of the view that the usability of the shared communal space would be improved by a better quality boundary with the car park (i.e lowered height, contemporary slatted arrangement to allow views/light into the space) but this detail can be addressed by way of condition. Our other suggestion that a secure line be introduced (no further forward than No 78) to the side of the pub to reduce the visual impact of back of house surplus that could potentially be stacked up within the delivery area, could also addressed through a landscape condition relating to boundary details.
- 6.9 In conclusion, in light of the existing level of overlooking that currently exists on the site and the status of the emerging Local Plan, the application is now considered acceptable in Urban Design Terms. We have suggested the detailed matters that can be addressed by way of condition. The use of informatives could help to clarify the detail elements to be addressed/resolved.

Access Officer

- 6.10 The wheelchair accessible toilet needs clear signage that it is unisex. The bar needs a dropped section and hearing loop. The double doors if not powered needs one leaf being a minimum of 900mm, making it asymmetrical.

Head of Streets and Open Spaces (Landscape Team)

- 6.11 The carpark may be difficult to manoeuvre in. Bay 6 is narrower than the others and would be very difficult to reverse into. Reversing out of it may prove difficult as well. Tracking may be useful to determine functionality of the car park.
- 6.12 Hard and soft landscaping and boundary treatment conditions are recommended.

Head of Streets and Open Spaces (Sustainable Drainage Officer)

- 6.13 No objection subject to condition.

Planning Policy Team

- 6.14 The retention of the public house (A4 Use Class) on-site is welcomed however its co-location with new residential units must be satisfactorily designed to ensure the public house is both a sustainable and attractive business to operate with adequately sized accommodation for the manager, and/or business owner. The overall design should also ensure the pub can operate normally without having an adverse effect on residential amenity which leads to disputes over noise pollution restricting the public house's long term viability.
- 6.15 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 in objection to the application:
- Campaign for Real Ale (CAMRA)

- 2 Beales Way
- 16 Beales Way
- 93 Campkin Road

7.2 The representations in objection can be summarised as follows:

- The proposed flats are too small and larger family homes should be delivered instead.
- Noise and disturbance from proposed pub use.
- The managers accommodation should be increased in size, similar to that of the Queen Edith pub which has a 54m² flat for the manager.
- Loss of light/ overshadowing
- Loss of privacy/ overlooking
- Lack of parking/ impact on surrounding streets
- The communal garden should be given over for more car parking.

7.3 The owner/occupier of the following address has made a representation in support of the application:

- Milton Brewery, Pegasus House, Waterbeach

7.4 The representation can be summarised as follows:

- The design of the development is viable with regards to both the pub and the management flat.
- It would be a shame to lose this community asset.

7.5 Councillor Price has commented on the application:

- Concerned that no lessee or brewery has been identified to run the pub. In the event of approval, a condition should be attached that stipulates no residential units may be rented out or sold until such time as the pub is fully operational.
- The overall design of the building is welcomed but there may be higher degrees of overlooking and visual enclosure than the existing building.
- The comments of the Environmental Health Team are agreed in terms of noise and living environments for the upper floor flats.
- The sizes of the flats are too small and should be larger.
- Agree with the comments of CAMRA in terms of the managers accommodation.
- Insufficient private amenity space for future occupants.

- Noise and disturbance from use of the communal garden.
- Insufficient car parking for use. The proposal is contrary to policies 8/2, 8/9 and 8/10.
- This application should be rejected on the grounds of overdevelopment of the site and the provision of low quality living environments for future occupiers.

7.6 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligations (s106 Agreement)

Principle of Development

8.2 The provision of extra housing within the city is supported in the Cambridge Local Plan (2006). As policy 5/1 points out, proposals for housing development on windfall sites will be permitted, subject to the existing land use and compatibility with adjoining uses. The principle of developing the site for residential purposes is considered acceptable and conforms to the provisions set out in the development plan.

8.3 The Jenny Wren public house is identified as a protected public house in the Interim Planning Policy Guidance on The Protection of Public Houses in the City of Cambridge (2012). The proposal seeks to retain the public house use on the site and I see no policy implications for this element of the proposed development. The application site is within an established Local

Centre and the principle of a retained pub use complies with policies 6/7 and 6/10 of the Cambridge Local Plan (2006).

- 8.4 Policy 5/11 of the Cambridge Local Plan (2006) states that development leading to the loss of community facilities will only be permitted if it can be demonstrated that the facility can be replaced to at least its existing level and quality within the new development. Paragraph 70 of the National Planning Policy Framework (2012) states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decision should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. In my opinion, as the public house function is being retained within an identical footprint to the existing building, I am of the opinion that the proposal accords with these national and local policies.
- 8.5 It is acknowledged that the Campaign for Real Ale (CAMRA) and Planning Policy Team have questioned the long term viability of the pub due to the limited size of the managers flat. In response to this, the agent has agreed for the manager to occupy the largest proposed flat which measures 52m².
- 8.6 CAMRA has suggested that a larger two-bedroom flat would be more appropriate to attract an on-site manager rather than a one-bedroom flat. However, I do not consider it reasonable or necessary for the proposal to be amended to accommodate a two-bedroom manager's flat. The proposed managers flat would be very similar to that of the manager's flat at the recently developed Queen Edith Pub (54m²) which was also a protected pub site. In addition, there is no planning policy before me that specifies the type or number of accommodation needed for on-site pub managers. In my opinion, the principle of regenerating a vacant pub site and bringing it back into its protected use is compliant with policy. I have included a condition to ensure that the manager's flat is retained on-site.
- 8.7 Concerns were raised by the Environmental Health Team regarding the noise conflict between the pub and the users of the flats above. However, this has since been addressed and the Environmental Health Team are satisfied that future occupants would experience an acceptable living environment

without compromising the day-to-day running of the pub, and thus threatening its viability, subject to conditions.

- 8.8 In my opinion, subject to conditions, the principle of the development is acceptable and in accordance with policies 3/6, 5/1, 5/11, 6/7 and 6/10, as well as paragraph 70 of the NPPF (2012).

Context of site, design and external spaces

- 8.9 The existing building is alien in with the surrounding context of Campkin Road and St Kilda Avenue. The appearance of the building is tired and has little architectural merit. It has little value in the street scene in my view and I do not consider the principle of demolishing the building to be harmful to the character and appearance of the area, subject to a suitable replacement development being brought forward. The Urban Design and Conservation Team have raised no objection to the loss of the building.
- 8.10 The proposed building would occupy a similar footprint to that of the existing building, providing a comfortable set back from the road and keeping the corner of Campkin Road and St Kilda Avenue open which is a positive characteristic in the area.
- 8.11 The proposal seeks to incorporate an innovative and contrasting design to the surrounding area in the form of an art-deco style building. In my opinion, the principle of a contrasting architectural approach is suitable in this location and it would appear awkward if the development tried to conform to the uniform post-war style housing present in the local area. The art-deco approach, notably the use of render and flat roofs, helps pay homage to the history of the former building whilst also introducing a fresh and alternative design that would help rejuvenate the street scene in this prominent corner location. In addition, the expansion of balconies and windows along the St Kilda Avenue side of the building would help improve the level of active frontage and surveillance in the street. I have recommended conditions regarding materials, non-masonry walling systems, signage and window details, in accordance with the advice of the Urban Design and Conservation Team.
- 8.12 The proposed three-storey scale would not, in my view, appear overly prominent or out of character with the area. There would

remain a comfortable separation distance from boundaries and there are other examples of three-storey flat developments along St Kilda Avenue in close proximity. Furthermore, the overall ridge height of the three-storey element is only approximately 0.8m proud of the nearby two-storey properties and this element would also be set back from the two-storey building line, reducing its visual prominence.

8.13 The proposal retains the general layout of the existing pub from a landscape perspective in terms of the key functions of the pub element. A row of low hedging and soft landscaping would be introduced along the street frontages which would enhance the appearance of the area as the current site is harsh and bare in terms of the level of hard landscaping. The retention of the pub garden would help to animate the Local Centre. Cycle parking and bin storage for the flats would be integrated internally within the building which helps leaves the car parking area, pub garden and communal garden relatively open. The Landscape Team has requested clarification on a few issues but these mainly relate to refuse and car parking management, as well as highway maneuverability which is covered in the relevant sections of this report. I have recommended conditions for boundary treatment and landscaping.

8.14 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11, 3/12 and 3/15.

Disabled access

8.15 The Access Officer has been consulted on the proposals and has raised no objection subject to the detailed design of the internal arrangement of the pub. I have recommended an informative outlining the requirements of the internal pub design.

8.16 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

Impact on amenity of neighbouring occupiers

8.17 The main considerations are the impacts on neighbours on Beales Way and No.78 Campkin Road. Considerations of the noise and parking impacts on the wider area also need to be assessed.

Impact on Nos. 2 – 8 Beales Way

8.18 Nos. 2 – 8 Beales Way is a row of terraced properties with back gardens that adjoin onto the application site from the north-east. No.2 Beales Way has objected on the grounds of loss of light and loss of privacy.

8.19 The proposed building would be over 22m away from the rear windows of these neighbouring properties and over 10m away from the gardens, which is identical to that of the existing building. The proposed two-storey mass would be approximately 0.3m higher than the existing building and I do not consider this increase in mass would be substantial enough to have any harmful impact on neighbours in terms of loss of light or visual enclosure.

8.20 The proposed three-storey element would be set in from the edge of the building by approximately 2m. In my opinion, the additional 2.3m of additional built form above the two-storey element would not be so significant as to adversely overshadow or dominate these neighbours' garden or outlooks. The proposal would inevitably be visible from adjacent gardens and windows but given the comfortable separation distance and flat roof form of the proposed development, I do not consider this would be harmful. Any overshadowing would be limited to the latter part of these neighbours' gardens and would be limited to specific periods of the day.

8.21 It is acknowledged that there would be upper-floor windows that face towards these neighbours. There is already a first-floor window in the existing managers flat that has a view out in this direction. There would be a window-to-window separation distance of over 22m and I do not consider this would lead to a significant loss of privacy in these neighbouring properties. There would be views over the gardens of these neighbours, but, in my opinion, this relationship already exists and I do not consider it would be significantly more harmful than that of present.

Impact on No.78 Campkin Road

8.22 No.78 Campkin Road is a semi-detached property situated to the south-east of the site. The physical bulk of the proposed building would be set over 8m to the side of this neighbour, similar to that of present. There are no habitable windows on the side elevation that would be affected by the proposed development. The main outlooks of this neighbour on the front and rear elevations would retain 45° lines of sight and would not be visually dominated by the proposed works. The proposed development would not be visually prominent from the main garden of this neighbour by virtue of its position away from this outdoor space. Any overshadowing would be limited to the late afternoon hours and, in my view, would not be significant enough to lead to an adverse loss of light being experienced at this neighbouring property.

8.23 The proposal includes first-floor bedroom windows that would have views towards the side elevation and part of the garden of this neighbour. However, these views already exist from the managers flat and I am therefore of the view that the proposal would not deteriorate this neighbour's privacy any worse than present.

Impact on on-street car parking

8.24 One of the main concerns that has been raised by third parties is the lack of car parking for the proposed public house and the subsequent impact this would have on on-street parking in the surrounding streets.

8.25 At present, the pub has eleven car parking spaces for use by staff and customers. The existing car park would be reconfigured to provide a total of eight car parking spaces, two for the public house and six for the residential flats. There would also be two additional staff car parking spaces accessed from Campkin Road.

8.26 The application is accompanied by a transport statement which includes a survey of car parking of the former public house use. This survey found that the busiest period of the week for car parking was after 18:00hrs on Friday evening and at the peak time, five of the eleven spaces were in use. Outside these

hours, cars typically stayed for shorter periods of time and the turnover of spaces was frequent.

- 8.27 The transport statement also includes a survey of off-site car parking within 250m of the public house. This survey found that there were 126 unrestricted car parking spaces that could be found within a 3 minute walk of the site. On Friday evenings after 18:00hrs, it was found that around 75% of these 126 car parking spaces were occupied. At 22:00hrs the occupancy level reached its peak on this day of 76%. On Saturday, when the pub was more likely to be visited and daytime parking occupancy levels are higher, the parking levels reached their most critical state around 87% at 20:00hrs. By the end of the survey at 22:00hrs though the parking levels had eased down to 81%
- 8.28 The site and surroundings are not situated within the controlled parking zone. The proposed level of car parking accords with the maximum parking levels of the Cambridge Local Plan (2006). The pub is also situated in the heart of a dense residential area where it is likely to serve a catchment within walking and cycling distance rather than relying on frequent car trips from the wider area. The proposal includes adequate cycle parking provision and is well served by public transport links along Campkin Road.
- 8.29 In my opinion, I do not consider any increase in on-street car parking to be significant enough as to harm the amenity of surrounding occupiers. The site is in a sustainable location and the public house function would serve a local catchment area. There would be six residential car parking spaces and the proposed nine dwellings are all one-bedroom in size. As such, I do not consider the proposal would be dependent on private car parking and consider the on-site provision to be sufficient to meet the needs of the proposal without harming the surrounding area.

Noise and disturbance

- 8.30 There is already an established public house use on the site which includes car parking, a pub garden and servicing area. The proposal seeks to retain the external elements of the scheme to their existing locations. After extensive consultation, the Environmental Health Team has raised no objection to the

likely noise levels that would be experienced at neighbouring properties. This response is given on the basis that the likely noise levels associated with the proposed pub use can be controlled by way of conditions. These include detailed conditions regarding; the management of the premises, restrictions on when the pub garden can be used, hours of opening, plant noise and the insulation of noise during operating hours. In my opinion, in respect of the fact that there is an established public house use on the site, and the Environmental Health Team is satisfied with the information provided, subject to conditions, I am of the view that the proposal would respect the amenities of neighbours.

8.31 It is acknowledged that a concern has been raised regarding noise and disturbance from future occupants of the upper floor flats using the communal garden area. However, given the size of this space at over 140m² and the one-bedroom occupancy of the proposed units, I do not anticipate the use of this space would cause harm to neighbour's in terms of noise and disturbance. The proposed communal garden backs onto the gardens of neighbours and the noise associated with this would be similar to the surrounding context.

8.32 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, 3/7, 3/12, 4/13 and 6/10.

Amenity for future occupiers of the site

8.33 The Environmental Health Team has raised concerns with the proposal on the grounds that the future occupants of the proposed upper floor flats would have an unsatisfactory living environment due to the noise from the public house below. In response, additional information has been submitted to assess the likely noise impacts, both internally and externally, and propose mitigation measures to overcome potential noise issues. This document confirms that the communal garden will experience noise levels below the 55Db upper limit and that the balconies should experience this to, subject to the balcony screens being of sufficient acoustic quality. High quality glazing and appropriate alternative ventilation measures are also proposed and the Environmental Health Team is satisfied that

the proposal would provide a satisfactory living environment based on this additional information, subject to conditions.

- 8.34 The proposed development would provide nine one-bedroom units. Three of the units would have private external balconies on the second-floor and all of the units would have access to a large communal garden of over 140m². The proposal includes 10 cycle parking spaces and six car parking spaces. The site is situated in a Local Centre with local shops and facilities within walking distance, and good public transport links to the City Centre.
- 8.35 It is acknowledged that third party concerns have been raised regarding the type and size of proposed flats and that it would be more appropriate to have larger flats or family sized houses instead. However, the Council does not have any adopted internal space standards for proposed dwellings and I do not consider there to be a policy conflict in this respect. The proposed units would all provide habitable rooms with acceptable outlooks and sufficient levels of outdoor amenity space. There are other examples of flats in the surrounding area and the National Planning Policy Framework (2012) encourages the development of a range of available accommodation and I do not consider there any policy basis on which to require different housing typologies to be accommodated into this development.
- 8.36 In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

Refuse Arrangements

- 8.37 The proposed development would include 2200 litres of waste capacity for the proposed nine residential units. This accords with the minimum capacity needed for one-bedroom units without communal gardens. However, as there is a communal garden, the proposal falls short of the total waste capacity that would be required for a scheme of this size with a communal garden. This shortfall is due to the absence of any compost waste provision. Notwithstanding this, there would be room in the corner of the communal garden to include a small enclosure

for compost recycling. In addition, the agent has explained that the maintenance of the garden and soft landscaping would likely be controlled by a management company who would collect all of the green waste independently. I consider that either of these scenarios could be dealt with by way of a waste management condition.

8.38 There is not a set standard for public house refuse requirements in the RECAP Waste Management Design Guide (2012). The nearest comparable use is that of restaurants/ fast food outlets which require 1500 litres per 20 dining spaces. The indicative layout shows 20 tabled areas (including the bar) and seven outdoor benches in the pub garden. The proposal includes 2200 litres of waste storage capacity which would exceed the minimum requirements. It is anticipated that a public house use would require higher than average provision of glass recycling capacity given the nature of the use. To ensure this provision is balanced correctly I have recommended a condition to control this. Refuse collections would take place from St Kilda Avenue and the waste storage areas would be within 10m of the public highway for collection.

8.39 In my opinion, subject to conditions, the proposal is compliant with Cambridge Local Plan (2006) policies 3/9 and 3/12.

Highway Safety

8.40 The proposal retains the existing two vehicle entrances onto the site and these entrances both have sufficient visibility splays. The Highway Authority has raised no objection to the proposal on the grounds of highway safety. The Highway Authority has pointed out that the provision of bollards on the grass verge would be on land controlled by the highway authority and that they would not be liable to maintain these. The concept of bollards on these verges falls outside the red-line boundary of the site and does not form part of the approved drawings. I have therefore recommended the standard highways informative to make the applicant aware of the need for a separate licence to undertake this work.

8.41 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.42 Car parking has been addressed in paragraphs 8.23 - 8.28 of this report.
- 8.43 The proposal includes 10 cycle parking spaces in an enclosed store for use by the nine proposed residential units which accords with the minimum standards of the Local Plan (2006). There would be 12 cycle parking spaces in the form of six Sheffield stands for the public house which is above the 11 spaces that would be required for this level of development. I have recommended a compliance condition for these facilities to be implemented and retained thereafter.
- 8.44 In my opinion, subject to condition, the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.45 The majority of the third party representations have been addressed in the main body of this report. The remaining representations have been addressed below:

The communal garden should be given over for more car parking.	The level of car parking proposed is considered to be acceptable for the reasons stated in this report. The loss of the communal garden and landscaping would have a detrimental impact on the character of the area and the amenity for future occupiers.
Concerned that no lessee or brewery has been identified to run the pub. In the event of approval, a condition should be attached that stipulates no residential units may be rented out or sold until such time as the pub is fully operational.	I do not consider it reasonable to prevent the residential units from being occupied until the pub is fully operational. The tenancy/ ownership of the pub and its operation is a legal/ civil matter and I do not consider it would be reasonable to require available homes to be left vacant until the pub is fully operational.

Planning Obligations (s106 Agreement)

- 8.46 National Planning Practice Guidance Paragraph 031 ID: 23b-031-20160519 sets out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.
- 8.47 The guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal represents a small scale development and as such no tariff style planning obligation is considered necessary.

9.0 CONCLUSION

- 9.1 The retention of the public house and proposed development of nine residential flats is acceptable in principle. The proposed use of the pub would not give rise to unacceptable levels of noise and disturbance being experienced at neighbouring properties or at the proposed upper-floor flats. The proposed development would not harmfully impact on the amenities of neighbours in terms of loss of light, visual enclosure or overlooking. The proposal would revitalise the site and make a positive contribution to the character and appearance of the area.

10.0 RECOMMENDATION

APPROVE subject 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. 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)

4. There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on 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)

5. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in accordance with the approved details.

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

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

6. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the demolition / construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To protect the amenity of nearby properties Cambridge Local Plan 2006 policy4/13

7. Before the development/use hereby permitted is occupied, a scheme for the insulation of the plant in order to minimise the level of noise emanating from the said plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

8. Prior to the occupation/use of the development, details of equipment for the purpose of extraction and filtration of odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced and shall thereafter be retained as such..

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

9. Prior to the commencement of development/construction, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings. The scheme as approved shall be fully implemented before the first occupation of the building and thereafter be retained as such.

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area (Cambridge Local Plan 2006 policies 3/4, 3/7 and 4/13)

10. The public house hereby permitted shall not be open to customers outside the hours of 08:00 and 23.00hrs Sunday-Thursday (including Bank and Public Holidays) and 08:00 and 01:00hrs on Fridays and Saturdays.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

11. All external windows and doors to the ground floor public house shall be kept closed between 2100hrs to 0900hrs or at any time during entertainment or the playing of music except for general ingress and egress via the main entrance door lobby or in the case of an emergency.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

12. External areas serving the public house shall be vacated by 23:00hrs daily. Amplified music shall be not be played in or "piped" to external areas of the public house.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

13. Collections from and deliveries to the public house shall not be made outside the hours 0700-2100 Monday-Saturday and 0900-1700 on Sundays and Bank/Public Holidays.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

14. No bottles or other commercial refuse / waste or recycling material shall be emptied into external receptacles, taken out or moved around the external area of the site, between 2100-0700hrs.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

15. Before the development hereby permitted is commenced, a noise insulation scheme for the public house giving consideration to the potential uses of the pub and the impacts of airborne, structural and flanking sound, in order to minimise the level of noise emanating from the this use within residential units immediately above and neighbouring residential premises, (having regard to internal noise generation and acoustic performance of building fabric, glazing, openings and ventilation system requirements) shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

The noise insulation scheme shall ensure that any noise originating from the operation of the public house shall not exceed a Noise Rating (NR) curve level of 15 (NR 15) when measured or calculated within any noise-sensitive residential premises above the public house, with windows open for ventilation purposes and shall be in accordance with the noise insulation / mitigation scheme principles and recommendations detailed in the MLM "Technical report" (document reference 101798-MLM-ZZ-XX-RP-Y-0001), dated 17/08/2017.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

16. Prior to the occupation of the residential units hereby approved, a post completion noise and vibration assessment shall be carried out from within the approved residential units to confirm compliance with the Public House noise insulation scheme approved under condition (insert condition number for the Public House Noise Insulation Scheme detailed above) above. The post completion noise and vibration assessment shall be submitted in writing for approval by the LPA and if any additional noise insulation scheme measures are required to mitigate noise these shall be submitted for approval by the LPA and shall be implemented prior to occupation of the residential units and thereafter be permanently retained.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

17. Prior to the commencement of development, full details and specifications for the balustrade serving the proposed 2nd floor balcony shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details and shall thereafter be maintained in perpetuity.

Reason: To protect future occupiers of the flat from excessive noise and disturbance (Cambridge Local Plan; Policies 4/13 and 6/10)

18. The use of the public house shall not commence until an Operational External Noise Management Plan for the beer garden or any external area has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail the management systems that will be implemented to control and reduce noise from the uses of external areas of the public house.

The management plan shall be reviewed by the operators of the public house:

- o Prior to launching / introducing any new entertainment
- o When alterations to the building are proposed
- o Following a complaint

o When monitoring procedures identify that controls are inadequate

The approved management plan (and/or any subsequent revisions) shall be fully implemented and maintained thereafter.

Reason: To protect the amenity of adjoining and adjacent residential premises (Cambridge Local Plan 2006 Policies 4/13 and 6/10)

19. Prior to the commencement of use (or prior to the installation of any artificial lighting) an external artificial lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of any artificial lighting of the site and an artificial lighting impact assessment with predicted lighting levels at proposed and existing residential properties shall be undertaken (horizontal / vertical isolux contour light levels and calculated glare levels) . Artificial lighting on and off site must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals - Guidance Notes for the Reduction of Obtrusive Light - GN01:2011 (or as superseded).

The artificial lighting scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall be retained thereafter.

Reason: In the interests of neighbour amenity (Cambridge Local Plan 2006 policies 4/15 and 6/10)

20. No development should take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4 and 3/12).

21. Prior to the commencement of the development, full details of all non-masonry walling systems, cladding panels or other external screens including structural members, infill panels, edge, junction and coping details, colours, surface finishes/textures and relationships to glazing and roofing are to be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details.

Reason: To ensure that the materials selected are of a high quality and appropriate to the context of the building (Cambridge Local Plan 2006 policy 3/12).

22. Full details of all windows (including dormer windows) and doors, as identified on the approved drawings, including materials, colours, surface finishes/textures are to be submitted to and approved in writing by the LPA. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the agreed details unless the LPA agrees to any variation in writing.

(Reason: To accord with Policy 3/4 and 3/12 of the 2006 Cambridge Local Plan.)

23. No development should take place until details of the signage of the public house to be used on the building of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the signage. (Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/15).

24. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

25. No development shall take place 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. 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, 3/11 and 3/12)

26. The flat identified at first-floor as 'S4', as shown on drawing number PL-2-01 Rev C, shall be used and retained solely for use by the on-site manager of the public house hereby permitted. The flat shall not be occupied or let to any person other than the on-site manager of the public house.

Reason: To ensure the public house can function viably (Cambridge Local Plan (2006) policy 5/11 and National Planning Policy Framework (2012) paragraph 70)

27. No development hereby permitted shall be commenced until surface water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To minimise flood risk (National Planning Policy Framework paragraph 103).

28. The cycle parking for the development hereby permitted shall be provided as shown on drawing numbers PL-2-01 Rev B and PL-1-01 Rev A prior to occupation and retained thereafter.

Reason: To provide acceptable cycle parking arrangements (Cambridge Local Plan 2006 policies 3/12 and 8/6).

29. Prior to occupation of development, full details of the on-site storage facilities for waste including waste for recycling and composting shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained for their intended use thereafter.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (Cambridge Local Plan 2006 policies 3/12 and 4/13)

30. Prior to the commencement of development, full details of the on-site storage facilities for commercial waste, including waste for 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 and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point and the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (Cambridge Local Plan 2006 policies 3/12 and 4/13)

INFORMATIVE: This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

INFORMATIVE: The wheelchair accessible toilet needs clear signage that it is unisex. The bar needs a dropped section and hearing loop. The double doors if not powered needs one leaf being a minimum of 900mm, making it asymmetrical.

INFORMATIVE: To partly satisfy the boundary treatment condition an alternative to a 1.8m high close boarded timber fence will be required on the boundary of the communal garden that adjoins onto the car park.

INFORMATIVE: To satisfy the odour/fume filtration/extraction condition, details should be provided in accordance with Annex B and C of the "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems," prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf

INFORMATIVE: Dust condition informative

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

-Council's Supplementary Planning Document - "Sustainable Design and Construction 2007":

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

-Guidance on the assessment of dust from demolition and construction

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

- Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

http://www.iaqm.co.uk/wp-content/uploads/guidance/monitoring_construction_sites_2012.pdf

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

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

INFORMATIVE: To satisfy the plant sound insulation condition, the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Tonal/impulsive sound frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with BS4142:2014. This is to prevent unreasonable disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period).

It is recommended that the agent/applicant submits an acoustic prediction survey/report in accordance with the principles of BS4142:2014 "Methods for rating and assessing industrial and commercial sound" or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the boundary having regard to neighbouring premises.

It is important to note that a full BS4142:2014 assessment is not required, only certain aspects to be incorporated into an acoustic assessment as described within this informative.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; sound sources and measurement / prediction points marked on plan; a list of sound sources; details of proposed sound sources / type of plant such as: number, location, sound power levels, sound frequency spectrums, sound directionality of plant, sound levels from duct intake or discharge points; details of sound mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full sound calculation procedures; sound levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

INFORMATIVE: A premises licence may be required for this development in addition to any planning permission. A premises licence under the Licensing Act 2003 may be required to authorise:

- The supply of alcohol
- Regulated entertainment e.g.
- Music (Including bands, DJ's and juke boxes)
- Dancing
- The performing of plays
- Boxing or wrestling
- The showing of films
- Late Night Refreshment (The supply of hot food or drink between 23:00-05:00)

A separate licence may be required for activities involving gambling including poker and gaming machines.

The applicant is advised to contact The Licensing Team of Environmental Health at Cambridge City Council on telephone number (01223) 457899 or email Licensing@cambridge.gov.uk for further information.