

Application Number	11/0172/FUL	Agenda Item	
Date Received	3rd March 2011	Officer	Miss Sophie Pain
Target Date	28th April 2011		
Ward	Market		
Site	Former Brunswick Site Newmarket Road Cambridge Cambridgeshire CB5 8EG		
Proposal	Application to vary extant consent (ref 09/0181/FUL) for the use of the permitted ground floor unit as sales and marketing suite in relation to Cambridge Riverside Development, former Brunswick Site, Newmarket Road, for a temporary period of 3 years.		
Applicant	Miss Wendy Wong Chang Berkeley House 7 Oakhill Road Sevenoaks Kent TN13 1NQ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The site forms part of the former Cambridge Regional College/ Brunswick site approximately 1.64 hectares. The Brunswick site falls entirely within the Central Conservation Area (Number 1) and within the Air Quality Management Area. Midsummer Common lies to the north and is designated as a City and County Wildlife Site and as protected Open Space. Beyond the Common there is the River Cam and to the north of the river there is a small block of residential development known as Eights Marina and various other small scale development including several Cambridge University College Boathouses. The site is situated beyond the controlled parking zone.
- 1.2 The Brunswick site is broadly rectangular in shape and sits mainly to the rear of existing frontage development to Newmarket Road. Its eastern frontage is towards Elizabeth

Way at Elizabeth Way Bridge, which is elevated adjacent to the site. The northern frontage is with Midsummer Common while the western boundary adjoins the former Brunswick House site, which is being re-developed for mainly residential purposes, concurrently with the site.

2.0 THE PROPOSAL

- 2.1 On 22 July 2009 Planning Committee considered two proposals [C/09/0179/FUL & C/09/0181/FUL to re-develop the site and resolved to grant planning permission for proposals to provide 205 residential units 251 student rooms [in lieu of affordable housing] café, and new vehicular and pedestrian access and associated works, subject to S106 Agreement.
- 2.2 The development as currently approved provides three apartment blocks [Blocks C1 C2 and D2] that face north towards Midsummer Common and the River Cam. A fourth apartment block [Block A] is sited to the rear of the Bird in the Hand Public House and the premises at 77 – 81 Newmarket Road. A terrace of townhouses backs onto Evening Court, immediately east of the vehicular access into Evening Court. Block E occupies the southwest corner of the site, enclosed by Newmarket Road and the access to Evening Court. The student rooms are located adjacent to the east-facing boundary [towards Elizabeth Way].
- 2.3 The applicant seeks planning permission to change the use of the approved D1 community facility/A3 café (as approved by 09/0181/FUL), located at ground floor level of Block E to a marketing suite for a period of three years, from May 2011 to May 2014. The purpose of the marketing suite is to enable Berkeley Homes to commence their marketing programme for the Riverside development.
- 2.4 Once the marketing suite ceases operation, the unit will return to its approved use, as a café with potential to be used for a community use.
- 2.5 The application is accompanied by the following supporting information:
1. Design and Access Statement
 2. Planning Statement

3. Plans

3.0 SITE HISTORY

Reference	Description	Outcome
C/09/0179	Erection of 168 residential units 251 student rooms [in lieu of affordable housing] new vehicular and pedestrian access public open space [including public thoroughfare through the site] and associated works	A/C
C/09/0181	Erection of 37 residential units, cafe, new vehicular and pedestrian access and associated works. [adjoining Brunswick Office site]	A/C

4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

5.0 POLICY

5.1 Central Government Advice

Planning Policy Statement 1: Delivering Sustainable
Development (2005)

Planning Policy Statement 5: Planning for the Historic
Environment (2010)

Planning Policy Guidance 13: Transport (2001)

Circular 11/95 – The Use of Conditions in Planning Permissions

5.2 East of England Plan 2008

SS1: Achieving Sustainable Development

T14: Parking

ENV6: The Historic Environment

ENV7: Quality in the Built Environment

5.3 Cambridge Local Plan 2006

- 3/1 Sustainable development
- 3/4 Responding to context
- 3/7 Creating successful places
- 4/11 Conservation Areas
- 4/13 Pollution and amenity
- 5/11 Protection of community facilities
- 8/2 Transport impact
- 8/6 Cycle parking
- 8/10 Off-street car parking

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No objection is raised to the principle of the development, however, it is noted that the drawings still show doors opening outwards over the private forecourt. This is still likely to provide a risk to passers by and cyclists, and steps should be taken to prevent collisions between pedestrians or cyclists and the doors.

Head of Environmental Services

- 6.2 No objection, however a number of conditions have been recommended. These relate to the hours of opening of the marketing suite and a parking management plan to prevent fly parking occurring in Evening Court.

There are also a number of conditions on the extant planning permission, 09/0181/FUL, which also relate to the proposed change of use. The Environmental Health Officer has recommended that the existing conditions either remain in force or they are repeated.

Historic Environment Manager

- 6.3 No objection to a temporary use as a sales unit for the flats on the site [3 years] subject to not setting any unfortunate precedents, which would affect the permanent use later.

The main questions will relate to the shopfront design & materials and to the signage design, materials & illumination.

These will need to be co-ordinated with the rest of the building in terms of materials - the shopfront framing should probably be similar to that for the window frames for the flats and so on. The signage will need to comply with the requirements of the approved Shopfronts Design Guide – there certainly appear to be too many signs shown on the drawing.

Cambridge City Council Access Officer

6.4 The Access Officer would like to see a dropped height section of counter in the café and that the office has a wheelchair accessible toilet and hearing loop provided.

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

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

- One representation received on behalf of all 9 properties in Evening Court.
- Friends of Midsummer Common

7.2 The representations can be summarised as follows:

- Increase in noise and disturbance for the proposed temporary period of 3 years;
- Evening Court being a quiet residential cul-de-sac, cannot cope with any additional traffic; and
- Access to the marketing suite should not have access from Midsummer Common.

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

8.0 ASSESSMENT

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Highway safety
5. Car and cycle parking
6. Third party representations

Principle of Development

- 8.2 Under planning approval 09/0181/FUL, planning permission was granted for the ground floor of Block E, fronting Newmarket Road, to be a D1 community facility. This is first and foremost the applicant's intention in accordance with their S106 agreement. However, if a D1 user cannot be found, then an off-site commuted sum would be paid in lieu of the community facility and the unit would be an A3 Café use instead.
- 8.3 Prior to this though, the applicant, Berkley Homes, would like to use this unit as a Marketing Suite for a period of 3 years, until May 2014. It is envisaged that the building programme for the residential phase will be complete by May 2013, which leaves a remaining year for the sale of properties from the Suite, before the unit has to revert to its permitted use.
- 8.4 The D1 use needs to be delivered prior to a substantial number of properties being occupied, and in order to ensure that this is achieved, Berkley Homes will be looking to market the unit as a Community Use within their final year of occupation as a marketing suite. Once an end user is found, an agreement will be made as to a suitable date of occupation and Berkley Homes will vacate the premises before the agreed date.
- 8.5 In my opinion, the principle of the development is acceptable and as the community use has not been implemented and this permission seeks a temporary period of 3 years, it is considered that the proposal is compliant with Cambridge Local Plan 2006 policy 5/11 as the use does not presently exist and will not be lost.

Context of site, design and external spaces

- 8.6 It is considered that the principle of the proposed temporary change of use is visually acceptable in terms of its appearance and its potential impact upon the Conservation Area.
- 8.7 However, there are concerns relating to the shopfront design and to the signage design. These two elements do not form part of this planning application and will be the subject of a subsequent application if the change of use proceeds. I will attach an informative to advise the applicant.
- 8.8 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/11.

Residential Amenity

Impact on amenity of neighbouring occupiers

- 8.9 Residents within Evening Court, to the west of the site have objected to the proposal due to the increased noise and disturbance from the comings and goings from the marketing suite during the period of 3 years, and that Evening Court will be overwhelmed by additional traffic in connection with the proposed use.
- 8.10 The applicant, Berkley Homes, envisages that there will be approximately 38 visitors a week with a split of 10% of these visitors on weekdays and 25% on the weekends. The suite will be open, 10am until 6 pm each day and would expect between 3-4 visitors per day during the week and a maximum of 9 visitors over the weekend. I do not consider that this is an unacceptable volume of traffic for the number of properties on the site.
- 8.11 Residents consider that this use will create an increase in vehicular traffic due to interested parties visiting the site. I consider that based on the present use of the site, this would be the case. However, the applicant argues that the number of visitors as indicated above, would in fact result in a reduction in the amount of traffic compared to the approved D1/A3 use. I agree with this statement to an extent, but believe that as a D1 or A3 use, while the number of people visiting would be greater, a larger proportion of those visitors would be visiting by foot or

bicycle from the site and nearby area. As a marketing suite, it is reasonably expected that potential buyers will be traveling from further a field and therefore arriving by car or public transport.

- 8.12 Therefore, I believe that given the resident parking arrangements within Evening Court, there is potential for fly parking in the cul-de-sac. This would put unacceptable pressure upon the Court and would lead to a loss of amenity to those neighbours. As a result, I consider that it is reasonable to impose a condition which requires the applicants to submit a parking management plan prior to the use of the marketing suite (condition 3), which details how vehicular traffic will be managed and directed in such a way as to ensure that visitors do not park in Evening Court, as far as is possible. I believe that the successful implementation of a scheme will also ensure that noise and disturbance of people visiting the suite will be kept to a minimum.
- 8.13 Residents also refer to the dividing wall between Evening Court and the construction site being demolished shortly, which will attract visitors to access Evening Court. I can confirm that under the previous application, this has been amended and that there will be no access to the site from Evening Court itself.
- 8.14 The residents are also concerned about the length of time the proposed marketing suite will be in situ. The building programme should be completed by March 2013. As a result, they consider that permission should only be granted for two years and that if all the properties have not been sold within two years, then the marketing suite should be relocated either further into the site or to a local estate agent's premises.
- 8.15 Although the building work will be finished within two years, it is possible that not all the units will be sold within this time. Furthermore, I consider that it is unreasonable to request that the suite moves for its third and final year. To request that they locate within the estate agents opposite is a decision for the company to take and cannot be controlled by way of a planning condition. Additionally, locating it further into the site is still likely to impact upon the residents of Evening Court to some degree and also does not provide a prominent frontage for the suite. Therefore, I believe that to grant permission for 3 years is acceptable.

- 8.16 In order to protect the amenity of the neighbouring residential properties further, I have recommended a condition restricting the office opening hours shall be imposed (condition 4).
- 8.17 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider subject to the imposition of a condition, that it is compliant with and Cambridge Local Plan (2006) policies 3/4, 3/7 and 4/13.

Environmental Health Issues

- 8.18 The Environmental Health Officer has recommended that a number of conditions are imposed upon any planning consent. These conditions relate to contaminated land, external lighting, odour, noise insulation plant, noise insulation, air quality and waste storage. Each of these conditions have been attached to the previous planning application 09/0181/FUL, and will be discharge under this planning reference. Therefore, I do not consider it appropriate to attach them to this permission.

Highway Safety

- 8.19 No objection has been raised to the principle of development. However, the Highway Engineer does state that the doors opening outwards over the private forecourt fronting Newmarket Road are in close proximity to the public highway. It is considered likely that this will create a risk to passers by and cyclists and that a revision should be undertaken to prevent any potential collisions between pedestrians or cyclists and the doors.
- 8.20 I do not share this view and consider that as the proposed doors do not open over Highway land, it is unreasonable to request that the applicant amends this design. There is still the width of the public highway and there are clear views along this stretch of road, which will assist in the prevention of any potential collisions.
- 8.21 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.22 The Car Parking standards as detailed in the Cambridge Local Plan 2006 require 1 space for every 100 m² of gross floor area which is to include customer parking and disabled car parking. Applying this standard to the application means that 1 car parking space is required. Given Berkley Homes predicted number of visitors per day, this provision would not be enough.
- 8.23 As no car parking provision can be delivered on site and given the existing pressures upon Evening Court related to car parking, I have already considered it appropriate for the applicants to provide a car parking management plan. This should direct visitors to either the public car park opposite the site or the Grafton Centre car park, which is also in close proximity.
- 8.24 The Cycle Parking standards as detailed in the Cambridge Local Plan 2006 require 1 space for every 30 m² of gross floor area, therefore 3-4 cycle parking spaces would be required. On drawing 2010BC0010/100, there are 10 cycle parking spaces indicated to the east of the marketing suite. These spaces are located within the ownership of the applicant, and in order to ensure that these spaces are installed in compliance with the Cycle Parking Standards, I consider it reasonable to impose a condition, which requires details of these stands prior to occupation (condition 6).
- 8.25 In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.26 At present there is no signage at the entrance of Evening Court to inform drivers that it is a cul-de-sac. Therefore, residents are concerned that visitors may get confused and drive into Evening Court, believing that they are entering the new development. As a result, they have suggested that signage needs to be erected at the entrance of Evening Court to inform users that it is a cul-de-sac. I appreciate the positive suggestion, but the erection of highway signage is a County Council matter and therefore, it is not a consideration for this planning application.

- 8.27 Additionally, another suggestion by residents of Evening Court has been that Berkley Homes should provide lockable bollards for the duration of the scheme to ensure that visitors to the marketing suite do not use the two designated visitor parking spaces in Evening Court. I do not consider that it is acceptable as Evening Court is public highway and that by producing a car parking management plan, this should remove the need for such bollards to be provided.
- 8.28 There will be no access to the marketing suite from Midsummer Common due to the presence of the construction site.

9.0 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 use hereby permitted shall cease by 31st May 2014 and the unit shall revert back to its approved use under planning reference 09/0181/FUL.

Reason: The use as a marketing suite is considered inappropriate for more than a temporary period of three years. (Cambridge Local Plan 2006 policies 3/1 and 3/4)

3. The use hereby permitted shall not be commenced until a parking management strategy has been submitted to and approved in writing by the local planning authority. Written notice shall be given to the local planning authority of the date that the approved strategy is to be introduced. Thereafter, any proposal to replace the approved strategy of parking shall be submitted to and approved by the local planning authority in writing.

Reason: To minimise the impact of vehicles upon residents of Evening Court. (Cambridge Local Plan 2006 policy 4/13).

4. Unless otherwise agreed in writing by the local planning authority, the use hereby permitted shall only open between the hours of 08:00 hrs and 18:00 hrs daily.

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

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

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

6. The use hereby permitted shall not commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

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

INFORMATIVE: The applicant is advised that a subsequent planning application and advertisement consent application will need to be submitted in relation to the shopfront and signage details.

Reasons for Approval

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

East of England plan 2008: SS1, T14, ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 4/11, 4/13, 5/11, 8/2, 8/6 and 8/10

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

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

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

These papers may be inspected on the City Council website at: www.cambridge.gov.uk/planningpublicaccess or by visiting the Customer Service Centre at Mandela House.