



<b>Planning Committee Date</b>	14 June 2022
<b>Report to</b>	Cambridge City Council Planning Committee
<b>Lead Officer</b>	Joint Director of Planning and Economic Development
<b>Reference</b>	22/00278/FUL
<b>Site</b>	FORMER The Jenny Wren 80 Campkin Road Cambridge Cambridgeshire
<b>Ward / Parish</b>	Kings Hedges
<b>Proposal</b>	Erection of a 3 storey building with flexible use at ground floor containing Use Class E or a Sui Generis Pub or drinking establishment with nine residential units on the upper floors, along with landscaping, car and cycle parking and associated infrastructure
<b>Applicant</b>	Bloomhall
<b>Presenting Officer</b>	Alice Young
<b>Reason Reported to Committee</b>	Third party representations
<b>Member Site Visit Date</b>	N/A
<b>Key Issues</b>	1. Principle of development 2. Residential amenity
<b>Recommendation</b>	<b>APPROVE</b> subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for the erection of a three-storey building with flexible use at ground floor containing Use Class E or a Sui Generis Pub or drinking establishment with nine residential units on the upper floors, along with landscaping, car and cycle parking and associated infrastructure. The proposed development is almost identical to 17/0927/FUL and 18/1974/S73, with the only changes being the use of the ground floor pub unit to a flexible pub / drinking establishment (sui generis) use or class E use and the parking and refuse arrangements. The former Jenny Wren building has been demolished and thus these previous consents have been implemented. This fallback position carries significant weight within the assessment.
- 1.2 While the building housing the former Jenny Wren has been demolished, the site is still a protected pub site which also falls within a Neighbourhood Centre. Despite the application not proposing the loss of the protected public house, the proposed use of the ground floor unit would be a flexible pub / drinking establishment or class E use so the use could change to an alternative commercial use without planning permission. Officers assessed the proposal against the criterion outlined in policy 76 which seeks to protect pubs and consider that, whilst extensive marketing and public consultation has taken place technically fulfilling the criterion, the marketing was several years ago and was partially carried out at a time when the building was demolished. Therefore, circumstances may have changed and the opportunity to take on the pub would not have been available for local businesses or the local community. To truly safeguard and prioritise the public house use, officers recommend a condition to require the re-marketing of the public house once the unit has been erected and inhabitable by a prospective publican. This is considered to be a reasonable and flexible approach to safeguarding the public house whilst allowing it to return and an alternative commercial use to inhabit the unit if the marketing is not a success.
- 1.3 Whilst the proposed development is not wholly policy compliant in terms of space standards and lift access, the previously approved schemes can be built out and occupied. This provides a precedence where Officers consider that in this instance it would be unreasonable to require these policy requirements to be met.
- 1.4 The proposed development provides additional benefits over and above the extant consents by enhancing the flexibility of the ground floor unit alongside the enhancement of sustainable transport modes, resource management, carbon emissions reductions and biodiversity on site. Several representatives from community organisations have submitted a joint letter of support for the proposed development emphasizing that redevelopment of the site is needed and will provide benefit to the community. It is officers' opinion that cumulatively the benefits of the scheme, which include the redevelopment of a vacant site increasing the vitality and vibrancy of the Neighbourhood Centre and the plethora of

sustainability measures proposed, outweigh the harm arising from the proposed development.

- 1.5 Officers recommend that the Planning Committee approve the development subject to conditions.

## 2.0 Site Description and Context

None-relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre	X	Article 4 Direction	x

- 2.1 The application site formerly comprised a two-storey building containing the former Jenny Wren public house and associated managers flat. This building was demolished in 2019 and the site is now levelled.
- 2.2 The site is located on the eastern corner of Campkin Road and St Kilda Avenue within the Campkin Road Neighbourhood Centre. Within the Neighbourhood Centre, to the north-west are two commercial units currently occupied by a supermarket and a takeaway. Bordering the site to the north-east and south-east are residential properties along Beales Way and Campkin Road. To the south of the site on the opposite side of Campkin Road, there will be 75 dwellings and a community centre which is currently under construction.
- 2.3 There is an article 4 direction on the application site which protects the pub.

## 3.0 The Proposal

- 3.1 The proposal seeks planning permission for the erection of a 3 storey building with flexible use at ground floor containing Use Class E or a Sui Generis Pub or drinking establishment with nine residential units on the upper floors, along with landscaping, car and cycle parking and associated infrastructure.
- 3.2 The proposal is identical to the previously approved application 17/0927/FUL aside from the ground floor unit is now proposed to be sui generis drinking establishment class E use in alternate.

#### 4.0 Relevant Site History

Reference	Description	Outcome
21/00007/FUL	Change of use to the ground floor space approved under planning application 17/0927/FUL from a pub use to a flexible use containing use class E and a SUI Generis pub or drinking establishment	Withdrawn
18/1974/S73	Section 73 application to vary condition 2 of permission 17/0927/FUL (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) as follows:- 1) omission of the basement; relocation of bin and bike store to external structure and relocation of cellar from basement to former bin/bike store and 2) increase in building height by 300mm.	Permitted
17/0927/FUL	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.	Permitted

4.1 Officers draw Member's attention to application 17/0927/FUL which is identical to the proposed development aside from the alternative use at ground floor and minor changes (including an increase in cycle parking, decrease in car parking, separate bin stores). This 2017 scheme was brought to planning committee on 4<sup>th</sup> October 2017 and was permitted subject to conditions. As the former Jenny Wren building has been demolished, this consent has been implemented and can be built out in accordance with the approved plans listed on the decision notice of 17/0927/FUL. Accordingly, there is a fallback position which is a material planning consideration.

#### 5.0 Policy

##### 5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

## **5.2 Cambridge Local Plan 2018**

Policy 1: The presumption in favour of sustainable development

Policy 2: Spatial strategy for the location of employment development

Policy 3: Spatial strategy for the location of residential development

Policy 28: Sustainable design and construction, and water use

Policy 29: Renewable and low carbon energy generation

Policy 30: Energy-efficiency improvements in existing dwellings

Policy 31: Integrated water management and the water cycle

Policy 32: Flood risk

Policy 34: Light pollution control

Policy 35: Human health and quality of life

Policy 36: Air quality, odour and dust

Policy 50: Residential space standards

Policy 51: Accessible homes

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 57: Designing new buildings

Policy 59: Designing landscape and the public realm

Policy 72: Development and change of use in district, local and neighbourhood centres

Policy 76: Protection of public houses

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

## **5.3 Neighbourhood Plan**

N/A

#### **5.4 Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022  
Sustainable Design and Construction SPD – Adopted January 2020  
Cambridgeshire Flood and Water SPD – Adopted November 2016  
Health Impact Assessment SPD – Adopted March 2011  
Landscape in New Developments SPD – Adopted March 2010  
Open Space SPD – Adopted January 2009  
Public Art SPD – Adopted January 2009  
Trees and Development Sites SPD – Adopted January 2009

#### **5.5 Other Guidance**

N/A

#### **6.0 Consultations**

##### **6.1 County Highways Development Management – No objection.**

##### 6.2 Conditions:

- Submission of a traffic management plan,
- Highway drainage (paved areas constructed so no private water drains from the site onto the highway),
- Bound materials used in construction of car park

##### **6.3 Sustainable Drainage Officer – No objection.**

##### 6.4 Conditions:

- Surface water drainage

##### **6.5 Urban Design and Conservation Team – No objection.**

6.6 The proposed change of use to the ground floor space does not impact the form of the building, except for minor amendments to the cycle and bin storage.

##### **6.7 Access Officer – Neutral.**

6.8 Lift access is required to comply with the local plan.

##### **6.9 Landscape Officer – No objection.**

6.10 Landscape is concerned about the quantum of tree losses proposed.

- 6.11 Conditions:
- Hard and soft landscaping
  - Boundary treatment
  - Tree pits

## **6.12 Environmental Health – No objection.**

- 6.13 Conditions:
- Construction hours
  - Collection during construction
  - Piling
  - Dust
  - EV charging points
  - Noise insulation compliance
  - Alternative ventilation scheme
  - Noise insulation scheme post completion
  - Plant noise
  - E(d) use – noise insulation scheme
  - Opening hours (GF use class E; GF Pub; GF external amenity space)
  - Operational collection and delivery hours
  - Use of commercial waste receptacles
  - Doors and windows – pub use and class E
  - External operational noise management plan
  - Odour / smoke control
  - Artificial lighting
  - Informatives
  - Odour/ smoke control
  - Dust
  - Plant noise
  - Licensing

## **7.0 Third Party Representations**

- 7.1 1 neutral representation has been received raising the following issues:
- The pub should be brought back given the proximity of other pubs in the area.
  - Due to the development proposed and the development being built across the road, there will be increased demand for a pub use in the area.
  - The Ship, the closest other pub, is closed and no sign of re-opening.
  - Limited people in the community were aware of the survey undertaken.
  - If the pub use goes ahead, happy to support the proposed development.

## **8.0 Member Representations**

8.1 Not applicable

## 9.0 Local Groups / Petition

9.1 Representatives from the Arbury Community Church, Youth and Community Coordinator, Cambs County Council, Grove Community Swimming and North Cambridge Community Partnership have made a representation supporting the application on the following grounds:

- The proposed layout provides for a variety of uses
- Refers to C1 (local and wider context), U3 (socially inclusive) and L3 (sense of ownership) of the National Design Guide
- Very few social and community amenities in Kings Hedges ward with the nearby Arbury Community Centre having little capacity for new or emerging groups to book time and space
- The pandemic, and more recently the sudden rise in the cost of living, have left this population with much less social, health and economic capital. The incidence and prevalence of mental ill-health has risen dramatically, particularly among young people. Demand at food banks and food hubs is greater than ever. Community cohesion has suffered during the lockdown periods. Services that were providing support have only just started to open again.
- New infrastructure for the community will aid recovery.

9.2 CAMRA (Campaign for Real Ale) have made a representation in objection to the application on the following grounds:

- Traditionally the customers of the Jenny Wren were local people alongside workers from the Cambridge Science Park and Cambridge Regional College.
- Nearest alternative pub is The Ship which is currently closed and looking for new licensees.
- Protected pub which is a community asset.
- The previous consent protected the pub use via certain conditions and ensured that the use would not impact upon surrounding occupiers. It was granted on the basis that the pub use would return not could return.
- Since the pub has been demolished (Spring 2019), the site has been derelict and marketed. The applicants have actually marketed a plot of land not a pub that could be opened within weeks. Therefore would only be of interest to those with longer term plans, not those who might take up a short lease to test the market before committing longer term.
- The proposal would not exclude the pub use but wouldn't ensure it and would make it less likely.

9.3 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

## **10.0 Assessment**

### **10.1 Background**

10.2 As stated in paragraph 4.1 of the planning history section, the proposed development is identical to 18/1974/S73 aside from the proposed flexible sui generis pub, drinking establishment or Class E use at ground floor and minor changes including an increase in cycle parking, decrease in car parking, separate bin stores. The former Jenny Wren pub building has been demolished and therefore work has started on site, the consent has been implemented and can be completed in accordance with 2018 consent. While there have been changes in policy since this 2018 proposal gained consent (the introduction of the Sustainable Design and Construction SPD, Biodiversity SPD and the Environment Bill), this fallback position is a material planning consideration and is given great weight within the assessment process. Compliance with policy changes between the 2017 (17/0927/FUL) and 2018 (18/1974/S73) consents (e.g. residential space standards and inclusive access) were assessed within the 2018 consent which was deemed acceptable and permitted subject to conditions. These consents which can be implemented fully provide a basis for the assessment of the current application.

### **10.3 Principle of Development**

10.4 The principle of development for the erection of a three-storey building with nine flats and a pub use at ground floor has already been established by 17/0927/FUL and 18/1974/S73. The proposal is virtually identical to these proposals aside from the use of the ground floor unit which is now proposed to be a flexible sui generis pub or class E or drinking establishment use and minor changes. Therefore, the principle of this flexible use will be assessed in detail noting the extant consents and that residential use here has already been assessed as acceptable.

Public House use

10.5 Prior to demolishing the former Jenny Wren building, the site was in use as a public house. The previous planning permission accepted the loss of the public house on the basis that it would be replaced. This complied with Interim Planning Policy Guidance on the Protection of Public Houses. The former Jenny Wren was then subsequently identified as a safeguarded public house (Appendix C) in the Cambridge Local Plan (2018).

10.6 Policy 76 protects against the loss of public houses and outlines that only in specific circumstances when a proposal meets the criterion in policy 76 that the loss of a pub is permitted. The proposal seeks flexible use at ground floor which consists of Sui Generis pub or drinking establishment or Class E uses. While the existing public house has been demolished in line with the previous planning permission the replacement public house has not yet been built or implemented. Therefore, officers consider that

assessment against the criterion in policy 76 is required to consider a flexible use.

- 10.7 The loss of a pub is only permitted if it can be demonstrated that: the public house site is no longer needed within the community as a public house or other form of community facility through marketing for 12 months as a public house, free of tie and for alternative local commercial or community facility use at market price; that all reasonable efforts have been made to preserve the facility and the pub is proven to be not economically viable for pub use or any other A or D uses; and that it has been demonstrated that the community no longer need a public house and alternative provision is available in the area. Appendix K of the Local Plan states the specific requirements a marketing strategy should include.
- 10.8 The pub site has been marketed since October 2017, albeit not widely between October 2017 and November 2018. Since November 2018, the site was openly and extensively marketed free of tie. Marketing included signboards, online advertising, targeted marketing using specialist databases, advertisement in the Cambridge News and regularly mail-shot pubs, cafes, restaurants in Cambridge using Everard Cole (the mail-shot was not specifically regarding the site as an opportunity). Predominantly the site was marketed for a pub use at ground floor with the associated managers flat (secured by condition 26) as well as alternative uses such as a café, restaurant or retail uses. From this marketing process, there were 12 direct enquiries, of which 11 did not progress further than a request for further information and the twelfth could not demonstrate their method of funding, experience or any references so this interest did not translate to an offer. No offers were made for the site.
- 10.9 Whilst officers acknowledge marketing was carried out in line with requirements as set out in Appendix K which exceeded a 12 month period as required by policy 76, the pub building was demolished in Spring 2019, so some of the marketing took place while the site was vacant with no sign of construction of the new building taking place. Officers consider that local businesses may have ruled the site out due to the speculative nature of the development and lack of activity in relation to delivery of the new building. A prospective tenant or purchaser would have to have agreed to take on the premises “off plan” rather than being able to physically view it, including the associated manager’s accommodation. Therefore, officers consider it necessary that once built, the ground floor unit is marketed for a pub use for a further period of time. This will give local publicans or local businesses the opportunity to take on the premises once built and increase the likelihood of retaining the pub use on site. This will be secured via condition. The re-marketing of the ground floor post completion ensures a robust strategy is in place and pub use is prioritised. If the marketing strategy is not successful, then the use can then be altered to the alternate class E use. Introducing commercial flexibility to the ground floor unit would remove the provision of a manager’s flat at first floor level which was secured via condition on both previous applications. This is because if the ground floor unit was in commercial

use (Class E), not in use as a pub, the flat could not be occupied independently as it would be in breach of the condition. It is therefore not practicable to retain the manager's flat, given the proposed flexible commercial use at ground floor.

- 10.10 The criterion in Policy 76 also states that it should be demonstrated that the pub is no longer in need within the community. Public consultation was carried out in late 2020 to ascertain community views on the local need for a pub. Flyer questionnaires were given out to 1,500 properties in the immediate vicinity spanning a 400m radius of the site. 64 comments were received representing 4% of those who received the survey. Out of the 64 comments received, while approximately a third of respondents would like to see the retention of the pub, almost 60% of respondents would be interested in an alternative use for the ground floor, confirming support for Class E uses in this location. Therefore, Officers are satisfied that the proposed uses here align with community desires which seek for a commercial use here. A third party has raised concerns regarding the limited scope of the survey. However, officers consider that this is sufficient, whilst noting that the proposal may not result in the loss of the public house.
- 10.11 There are alternative pubs in the area which include The Ship on Northfield Avenue (0.5miles away, 10 min walk, 3 min cycle) and the Golden Hind on Milton Road (0.5miles 11 min walk, 3min cycle) and the Milton Arms on Milton Road (0.6miles away 13 min walk, 6min cycle). Whilst The Ship is currently closed, there have been recent proposals for enhancement which have been approved and indicates that this pub may reopen. Officers therefore consider that there is relatively good provision for pubs in the area.
- 10.12 While the existing public house has been removed in line with the planning permission a replacement building, including an approved public house and associated manager's flat, is yet to be provided. It is noted that the site has been marketed for a period of at least 12 months however, this was not on the basis of an existing building and public house premises being immediately available at the site. Therefore, officers are of the opinion to truly safeguard the pub, the ground floor unit once built, should be marketed for a further period of time.

#### Class E use

- 10.13 The application site falls within the Campkin Road Neighbourhood Centre. Policy 72 details the uses suitable and unsuitable in Neighbourhood Centres, listing former B1 (office), B2 (light industrial), B8 (storage and distribution), C2 (residential institutions), C3 (dwellinghouses), C4 (houses of multiple occupation) and other 'sui generis' uses as inappropriate at ground floor. The proposal seeks planning permission to have a flexible Class E use or Sui Generis pub or drinking establishment at ground floor. In 2020 the Use Class Order 2020, amalgamated the former class A1

(shop), A2 (financial and professional services), A3 (café or restaurant), B1 (office, research and development), part of D1 (clinics, health centres, nurseries) and part of D2 (gyms and indoor recreation) into one use class known as Class E. Consequently, no planning permission is required to change the use within this new Class E use class. However, as per policy 72, former B1 uses (office) which now falls within Class E are not considered appropriate within Neighbourhood Centres. Within the subtext of policy 72, paragraph 8.6 states that a change of use to other uses such as residential or other commercial uses such as offices will not be permitted unless there are exceptional circumstances.

10.14 Neighbourhood centres are considered particularly valuable in providing for everyday needs for the surrounding population where facilities are accessible via foot or cycle, rather than relying on cars. Greater flexibility is afforded to change of use in neighbourhood centres to reflect that a mix of uses is important. However, officers consider that a Class E(g) use here (former B1 use) would fail to create an active frontage within a neighbourhood centre or provide the much-needed local services to the local population and contribute less to the vitality and vibrancy of this Neighbourhood Centre. Therefore, Officers find it reasonable and necessary to condition the use to restrict the ground floor unit being occupied by a Class E(g) use. Similarly, a condition would prevent the ground floor once built being converted to C3 use under the permitted development prior approval process (class MA), as this use is unsuitable at ground floor in this location, noting policy 72. All other uses within Class E are considered acceptable in principle.

10.15 In conclusion, officers consider that the proposed flexible use is a reasonable and market responsive approach to ensuring the development of the site for the public benefit subject to further marketing regarding use of the ground floor premises as a public house. While the pub use could be initially lost if marketing upon completion is unsuccessful, the flexible use allows the pub use to return to the site if market conditions allow.

10.16 Taking the above into account, the principle of the development is acceptable subject to appropriate conditions and in accordance with policies 3, 72 and 76 of the Cambridge Local Plan (2018).

#### **10.17 Design, Layout, Scale and Landscaping**

10.18 Policies 55, 56, 57, 58 and 59 seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

10.19 The proposed development would adopt the same architectural design, scale, massing and siting as the previously approved and extant consent (18/1974/S73) which was deemed acceptable. The only diversion from this consent is the change of use of the ground floor unit and minor adaptations to the layout through the reduction of car parking and

introduction of further cycle parking and bin storage which would not alter the appearance, layout or visual character of the development and movement patterns (which would be similar to consented scheme) significantly. Rather, it would further promote sustainable transport modes to and from the site. No consultees have objected to proposal on design, layout, scale or landscaping grounds.

10.20 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Cambridge Local Plan (2018) policies 55, 56, 57 and 59 and the NPPF.

### **10.21 Carbon Reduction and Sustainable Design**

10.22 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.

10.23 Policy 28 states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon emissions and for non-residential buildings to achieve full credits for Wat 01 of the BREEAM standard for water efficiency and the minimum requirement associated with BREEAM excellent for carbon emissions.

10.24 Policy 29 supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.

10.25 While the proposal does not demonstrate compliance to these sustainability measures through the submission of a Sustainability Statement, Officers note that the previous consent which the applicant can fall back on does not include any of these measures. However, after negotiations, the applicant has agreed to securing a 19% carbon emissions reduction compared to Part L of the Building Regulations 2013 and the water efficiency minimum of 110 litres pp per day via condition. This poses a sustainability benefit over and above the extant consent. Officers consider, given the SPD reinforces the aims policy 28 which was adopted after the 2018 consent was granted, that this is condition would be reasonable and necessary and would lead to a more sustainable and efficient low carbon development.

10.26 The applicants have suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance is compliant with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

## **10.27 Biodiversity**

- 10.28 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and policy 70. Policy 70 states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 10.29 The application is not accompanied by an Ecological Appraisal. However, the site was cleared when works started on site. The former Jenny Wren building has been demolished and currently, the application site is vacant. The extant consent did not include any biodiversity measures. The requirements set out in the Environment Act 2021 and the Council's Biodiversity SPD are similar to those outlined in policy 70. However, despite the fallback position, the applicant has agreed to meet biodiversity net gain on site which will go above and beyond the extant consent to provide biodiversity enhancements. This will be secured via condition.
- 10.30 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and achieve a biodiversity net gain. Taking the above into account, the proposal is compliant with 57, 69 and 70 of the Cambridge Local Plan (2018).

## **10.31 Water Management and Flood Risk**

- 10.32 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 10.33 The site falls outside the Flood Zone and is therefore not designated as at risk of flooding.
- 10.34 The applicants have submitted a Flood Risk Assessment and Drainage Strategy.
- 10.35 The Council's Sustainable Drainage Engineer has advised that the site can drain adequately and a suitable surface water drainage strategy for the site can be delivered in accordance with policy. Therefore, the Sustainable Drainage Engineer states that subject to a surface water drainage condition, the proposed development is acceptable. This surface water drainage condition is considered reasonable and necessary to ensure the development proceeds on a basis which does not result in additional surface water flooding.

- 10.36 Policy 31 requires all flat roofs to be green or brown providing it is acceptable in the historic environment. While this is a policy requirement, the extant scheme does not include a green roof in the design and therefore officers consider that it is unreasonable to require this. Officers consider that a green roof condition would not pass all six tests of a planning condition as detailed in paragraph 55 of the NPPF.
- 10.37 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

### **10.38 Highway Safety and Transport Impacts**

- 10.39 Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.
- 10.40 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.41 The application is supported by a Transport Assessment.
- 10.42 Two vehicular accesses are proposed with the existing access via St Kilda Avenue utilised for car parking and a new delivery access proposed from Campkin Road.
- 10.43 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal subject to conditions. These conditions relate to the submission of a traffic management plan, paved areas constructed so no private water drains from the site onto the highway and that the car park is constructed in a bound material. These conditions are considered reasonable and necessary to impose.
- 10.44 Subject to conditions as applicable, the proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

### **10.45 Cycle and Car Parking Provision**

- 10.46 Cycle Parking
- 10.47 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with the cycle parking standards as

set out within appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.

- 10.48 The proposed development provides 22 cycle parking spaces for the residential units and 12 for the flexible sui generis pub / class E use. This provision exceeds the requirements of 1 space per dwelling for dwellings up to 3 bedrooms. Appendix L of the Local Plan does not state specific standards for Class E use given the Use Class Order was updated in 2020 after the adoption of the 2018 Local Plan. While this is the case, officers do not consider that an alternative use within Class E would lead to an increase demand for cycle parking over and above the provision already deemed acceptable under 17/0927/FUL. Cumulatively, officers consider that the proposed cycle provision represents an improvement on the extant consent and therefore promotes sustainable travel to and from the site. To ensure that the provision is covered, safe and secure and that the elevational treatment is acceptable, a condition is considered reasonable and necessary to secure these details.
- 10.49 Car parking
- 10.50 Policy 82 of the Cambridge Local Plan (2018) requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. There is no set standard for a commercial unit with a flexible use such as the proposed. However, for a restaurant/ pub/ drinking establishment the maximum standard is 1 per 20m<sup>2</sup> outside the Controlled Parking Zone. Taking an approximate average of all of the differing uses the standard would be 1 per 40m<sup>2</sup>.
- 10.51 A total of eight car parking spaces are provided on site, two designated for staff of the ground floor commercial unit with the remaining six for shared use between the residential units and the customers of the commercial unit, one of which is designated as a disabled space. This provision does not exceed the maximum standards detailed in Appendix L of the Local Plan.
- 10.52 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking, one slow charge point for every two dwellings with communal parking (at least half of all non-allocated parking spaces) and passive provision for all the remaining car parking spaces to provide capability for increasing provision in the future. The standards for commercial space are 1 per 1,000m<sup>2</sup> of floor space for fast charging

points; 1 per 2 spaces for slow charging points and passive provision for the remaining spaces to provide capability for increasing provision in the future.

10.53 EV charging points were not sought as part of the previous application. However, Officers have negotiated with the applicant who is amenable to provide a minimum of one EV charging point on site, which represents an improvement over and above the extant consents. This will be secured via a condition.

10.54 Subject to conditions, the proposal is considered to accord with policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

**10.55 Amenity**

10.56 Policy 35, 50, 52, 53 and 58 seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance, overshadowing, overlooking or overbearing and through providing high quality internal and external spaces.

10.57 Neighbouring Properties

10.58 The scale, massing and proximity of the proposal to neighbours was assessed and considered acceptable within 18/1974/S73. No changes to the external appearance or scale of the building over and above this application have been proposed. Therefore, by virtue of the scale, massing and siting in relation to neighbours remains acceptable.

10.59 Future Occupants

10.60 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government’s Technical Housing Standards – Nationally Described Space Standards (2015).

10.61 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m <sup>2</sup> )	Proposed size of unit	Difference in size
1	1	1	1	37	40	+3
2	1	2	1	50	52	+2
3	1	1	1	37	46	+9
4	1	2	1	50	52	+2
5	1	1	1	37	40	+3
6	1	1	1	37	30	-7

7	1	1	1	37	34	-3
8	1	1	1	37	34	-3
9	1	1	1	37	30	-7

10.62 All of the first-floor flats (units 1-5) comply with the space standards within Policy 50. The four second floor flats (units 6-9) range in size from 30m<sup>2</sup> to 34 m<sup>2</sup> falling below the minimum space standard of 37 m<sup>2</sup> for a 1 bedroom 1 person studio. However, given that the sizes of these units have not altered from the approved scheme and this scheme can be implemented, other material planning considerations (extant consent) indicate that the Council cannot reasonably withhold permission on this basis.

#### 10.63 Garden Sizes

10.64 Policy 50 of Cambridge Local Plan (2018) states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. Three of the proposed nine units (units 6, 7 and 8 on the 2nd floor) have direct access to private external amenity space in the form of a balcony with the proposal also providing a generous shared amenity space located in the north-eastern corner of the site. While the proposed development does not comply with policy 50 external space standards, officers consider that given the planning history is given great weight and as stated above, it is unreasonable to refuse the application on this basis. Officers consider that the cumulative impact of the under provision of internal space and lack of amenity space for 6 of the units would not result in substandard accommodation being provided given the good outlooks and light levels to all habitable rooms and large external shared amenity space sited to the north-east of the block.

10.65 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met with 5% of affordable housing in developments of 20 or more self-contained affordable homes meeting Building Regulations requirement part M4(3) wheelchair user dwellings. While policy 51 requires all units to be Building Regulations Part M4(2) compliant, the extant consent is a material consideration and is given great weight as this consent can be implemented without complying with policy 51. Therefore, officers consider that the Council cannot require the scheme to comply with the requirements of Policy 51 and the proposal would be acceptable in terms of access.

#### 10.66 Construction and Environmental Impacts

10.67 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.

10.68 The Council's Environmental Health team have assessed the application and consider the application acceptable subject to various conditions. A Noise Assessment Report has been submitted in support of the application which builds on a previous assessment carried out in support of 17/0927/FUL and details the assessment of commercial and associated noise impacts on the residential units proposed. The findings demonstrate that the internal noise levels in certain habitable rooms with windows open will be above the standards that we expect to be achieved (as per this stipulated in BS8233:2014). However, the Environmental Health team are satisfied that through the submission of an alternative ventilation scheme, noise and disturbance can be adequately mitigated against and a good quality living environment can be created.

10.69 All of the conditions recommended by the Environmental Health team as stated in paragraph 6.13 are considered reasonable and necessary to impose to ensure amenity for existing and proposed occupiers is acceptable. This includes submission of further information regarding odour, noise management, hours of use and noise insulation for certain uses (namely class E(d) and pub use).

10.70 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, and 57. Whilst the proposed development does not comply with policy 50 (space standards) and 51 (accessible homes), other material planning considerations indicate that the proposal is acceptable in planning terms.

#### **10.71 Third Party Representations**

10.72 All third-party representations have been addressed in the preceding paragraphs.

#### **10.73 Other Matters**

10.74 Bins

10.75 Policy 57 requires refuse and recycling to be successfully integrated into proposals.

10.76 The bin storage for both the proposed flats and the commercial units would be located in convenient locations to enable functional use of the site and would be an appropriate capacity. Therefore officers consider that the proposal complies with policy 57.

#### **10.77 Planning Balance**

10.78 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise

(section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

- 10.79 While the proposed development when considered in isolation gives rise to policy conflict in terms of space standards and lift provision, the planning history cannot be ignored. The former Jenny Wren building has been demolished meaning the previous schemes have been implemented and can be fully built out. This fallback position of the 2018 or 2017 schemes is given significant weight.
- 10.80 The proposed development provides additional benefits over and above the previous schemes by enhancing the flexibility of the ground floor unit and by creating a more sustainable development through decreasing car parking, increasing cycle parking, providing EV charging, reducing carbon emissions, enhancing water efficiency and securing biodiversity net gain. This will enhance the resource management, biodiversity and the prioritisation of sustainable transport modes leading to an overall increase in the sustainability of the site. Despite the public consultation and marketing, the public house will be safeguarded through an additional condition requiring further marketing once substantially completed. Several community organisations have submitted a joint letter of support for the proposed development emphasizing that redevelopment of the site is needed and will provide benefit to the community. It is officers' opinion that cumulatively the benefits of the scheme, which include the redevelopment of a vacant site increasing the vitality and vibrancy of the Neighbourhood Centre, outweigh the harm arising from the proposed development.
- 10.81 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

## **10.82 Recommendation**

- 10.83 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

## **11.0 Planning 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 91 of the Town and Country Planning Act 1990 (as amended by 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 2018 policy 35)

- 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 2018 policy 35)

- 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 2018 policy 35)

- 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 2018 policy 36)

- 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.

The combined rating level of sound emitted from all fixed plant and/or machinery associated with the development at the use hereby approved shall not exceed the rating level limits specified within Section 9 of the 'Noise Assessment Report; Jenny Wren St Kilda Avenue, Cambridge', Revision C01, Ref 65204655-SWE-ZZ-ZZ-RP-YA-0001 (Sweco, 22nd December 2021)

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2018 policy 35)

- 8 Pub / drinking establishment use and / or Class E(b) development use (as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any Order revoking and re-enacting that order with or without modification) shall not commence until a scheme detailing plant, equipment, or machinery for the purposes of extraction, filtration and abatement of odours relating to the preparation and cooking of hot food has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the use is commenced and shall be retained as such.

(Reason: To protect the amenity of nearby properties from odour and smoke / fumes or noise impacts. (National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 - policy 36).

- 9 The noise mitigation / attenuation scheme for the development as approved shall be implemented in accordance with the principles, operational noise levels and recommendations detailed in the submitted document Noise Assessment Report; Jenny Wren St Kilda Avenue, Cambridge, Revision C01, Ref 65204655-SWE-ZZ-ZZ-RP-YA-0001 (Sweco, 22nd December 2021).

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

Reason: To protect the amenity of future occupants of this property from the high ambient noise levels in the area (Cambridge Local Plan 2018 policies 35, 55 and 56)

- 11 Prior to the commencement of development/construction, details of an alternative ventilation scheme for the residential accommodation units to negate / replace the need to open windows, in order to protect future occupiers from external noise shall be submitted to and approved in writing by the local planning authority. The ventilation scheme shall achieve at least 2 air changes per hour within the noise impacted rooms. Full details are also required of the operating noise level of the alternative ventilation system.

The scheme shall be installed before the use hereby permitted is commenced and shall be fully retained thereafter

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 12 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 noise insulation scheme approved under condition 10 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 / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 13 Proposed uses falling within Class E(d) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking and re-enacting that order with or without modification) shall not commence until a noise insulation / mitigation scheme in order to minimise the airborne / impact noise emanating from the premises is submitted in writing for approval by the Local Planning Authority. The scheme as approved shall be fully implemented before the use is commenced and shall be retained as such.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 14 Any use of the ground floor that falls within Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 shall not be open to customers outside the hours of 07:00 and 23.00hrs daily.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 15 Use of the ground floor premises as "sui generis pub or drinking establishment" shall not be open to customers outside the hours of 08:00 and 23.00hrs Sunday-Thursdays (including Bank and Public Holidays) and 08:00 and 01:00hrs on Fridays and Saturdays.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 16 If the external amenity space provided for the Use Class E / sui generis pub / drinking establishment as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or amended/revoked by such Order on the ground floor is used by patrons of those ground floor uses, it shall be vacated by 23:00hrs daily. Amplified music shall not be played in or "piped" to external areas of that ground floor external amenity space at any time.

Reason: To protect the amenity of adjoining / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 Cambridge Local Plan 2018 policy 35.

- 17 Collections from and deliveries to the ground floor uses 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 the adjoining properties. (Cambridge Local Plan 2018 policy 35).

- 18 For ground floor uses comprising pub / drinking establishment and / or Class E(d) as set out in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020(or any Order revoking and re-enacting that order with or without modification), all external windows and doors serving the ground floor shall be kept closed between 2100hrs and 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 / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 18 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 the adjoining properties. (Cambridge Local Plan 2018 policy 35).

- 19 Any ground floor use as a pub / drinking establishment shall not commence until an Operational External Noise Management Plan for external areas 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 / nearby properties from noise in accordance with the National Planning Policy Framework 2021 paragraphs 174, 185, 187 and Cambridge Local Plan 2018 policy 35.

- 20 Prior to the commencement of any 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: To protect the amenity of nearby properties in accordance with National Planning Policy Framework 2021 - paragraph 185 c) and Cambridge Local Plan 2018 - policies 34 and 59.

- 22 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 2018; Policies 35 and 72)

- 23 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 2018 policies 55 and 57).

- 23 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 2018 policy 57).

- 24 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 ensure that the materials selected are of a high quality and appropriate to the context of the building (Cambridge Local Plan 2018 policy 57).

- 25 No development should take place until details of the signage of the ground floor flexible use commercial unit 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 is acceptable. (Cambridge Local Plan 2018 policies 55, 57 and 64).

- 26 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 2018 policies 55, 57 and 59)

- 27 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 2018 policies 55, 57 and 59).

- 28 No development above ground level, other than demolition, shall commence until a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

Reason: To ensure appropriate surface water drainage and to prevent the increased risk of flooding. (Cambridge Local Plan 2018 policies 31 and 32).

- 29 The development, hereby permitted, shall not be occupied or the use commenced, until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2018 policy 82).

- 30 Prior to first 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 2018 policies 35 and 57)

- 31 Within one month of practical completion of the ground floor unit of the development hereby permitted, the ground floor unit shall be marketed as a public house (sui generis use) for a period of 6 months and subsequently the marketing report shall be submitted to and approved in writing by the Local Planning Authority. The marketing report shall demonstrate the following has been included:
- a. details of the appropriately qualified person who carried out the marketing exercise;
  - b. the facility/site should be marketed only for the public house (sui generis) use and for no other use;
  - c. unless previously agreed in writing with the local planning authority, the strategy shall engage in advertising through diverse forms of media including as a minimum the following: 1. 'for sale/for rent' signboard at the premises; 2. advertisements in the local press; 3. advertisements in appropriate commercial magazines/journals targeted at the pub trade; 4. advertisements on appropriate commercial websites at the pub trade; 5. advertisements through national and local estate agents (including their websites); and 6. a targeted mail shot or email to an agreed list of potential purchasers. Evidence of all sales literature (and in the case of a signboard, dated photographs) will be required.
  - d. copies of all details of approaches and offers should be provided together with full reasons as to why any offer has not been accepted;
  - e. any attempts to sell the business at a price which reflects its current use should relate to the business in its entirety, and not to parts of it, for example the buildings without the associated garden or car park.

Reason: To ensure local businesses and the community have adequate opportunity to take on the ground floor unit as a public house and to safeguard the designated public house (Policy 76 of the Cambridge Local Plan 2018 and Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (October 2012)).

- 32 The ground floor commercial unit of development hereby permitted shall not be used for any purpose falling with Class E(g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking and re-enacting that order with or without modification).

Reason: To protect the vitality and vibrancy of the Neighbourhood Centre (Cambridge Local Plan 2018 policies 72).

- 33 Notwithstanding the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the change of use of the ground floor commercial unit to a dwellinghouse (C3 use) shall not be allowed without the granting of specific planning permission.

Reason: To protect the vitality and vibrancy of the Neighbourhood Centre (Cambridge Local Plan 2018 policies 72).

- 34 Prior to the installation of any electrical services, an electric vehicle charge point scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall make provision for a minimum of one active charge point. The active charge point(s) should have a minimum power rating output of 3.5kW. All other communal flat spaces should have passive provision of the necessary infrastructure including capacity in the connection to the local electricity distribution network and electricity distribution board, as well as the provision of cabling to parking spaces for all remaining car parking spaces to facilitate and enable the future installation and activation of additional active electric vehicle charge points as required, and this should be demonstrated in the submitted detail.

The approved electric vehicle charge points shall be installed prior to first occupation of the relevant dwelling and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF 2021) paragraphs 107, 112, 174 and 186, Policies 36 and 82 of the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

- 35 The development, hereby permitted, shall not be used or occupied until, carbon reduction measures have been implemented in accordance with a Carbon Reduction Statement which shall be submitted to and approved in writing by the local planning authority prior to implementation. This shall demonstrate that all new residential units shall achieve reductions in CO2 emissions of 19% below the Target Emission Rate of the 2013

edition of Part L of the Building Regulations, and shall include the following details:

- a) Levels of carbon reduction achieved at each stage of the energy hierarchy;
- b) A summary table showing the percentage improvement in Dwelling Emission Rate over the Target Emission Rate for each proposed unit;

Where on-site renewable or low carbon technologies are proposed, the statement shall also include:

- c) A schedule of proposed on-site renewable energy technologies, their location, design, and a maintenance programme; and
- d) Details of any mitigation measures required to maintain amenity and prevent nuisance.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The approved revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (Cambridge Local Plan 2018, Policies 28, 35 and 36).

- 36 No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

- 37 Prior to the commencement of development above slab level, a scheme of biodiversity enhancement shall be submitted to the local planning authority for its written approval. The scheme must include details as to how a measurable net gain in biodiversity has been accomplished. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.

Reason: To ensure the development sustains and enhances biodiversity

within the site, in accordance with Policy 70 of the Cambridge Local Plan 2018 and the Biodiversity SPD 2022.

## **INFORMATIVES**

### **1. Dust**

Where demolition / construction dust assessments and management plans are required, they shall have regard to the various national and industry best practical technical guidance such as:

Cambridge Sustainable Design and Construction Supplementary Planning Document, (Adopted January 2020)

<https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-and-construction-spd>

Guidance on the assessment of dust from demolition and construction, version 1.1 (IAQM, 2016)

Guidance on Monitoring in the Vicinity of Demolition and Construction Sites, version 1.1 (IAQM, 2018)

Control of dust and emissions during construction and demolition - supplementary planning guidance, (Greater London Authority, July 2014).

### **2. Plant**

To satisfy the plant noise insulation condition, the operational noise rating level (in accordance with BS4142:2014+A1:2019) from all internal and external machinery plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing representative background sound level (LA90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

If noise sensitive premises are located within the application site boundary, then the glazing of the premises and/or amenity areas will also be a location for the rating level of all plant not to exceed the existing background sound level (LA90).

Tonal/impulsive sounds and other sound characteristics should be eliminated or at least considered in any assessment and should carry an additional correction (rating penalty) in accordance with BS4142:2014+A1:2019. 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+A1:2019 "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 **application site boundary** having regard to neighbouring premises.

Whilst our requirements are for the rating level not to exceed the background sound level at the application site boundary, if the plant is roof mounted and nearby noise sensitive receivers are in closer proximity than the site boundary and / or the site boundary is afforded shielding from the application building parapet, the nearest noise sensitive receiver would be the required assessment location.

It is important to note that a full BS4142:2014+A1:2019 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 noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, frequency spectrums, directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full acoustic calculation procedures; noise 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.

### 3. **Odour**

To satisfy the odour/fume filtration/extraction condition, details shall be provided in accordance with Appendix 2 and 3 of EMAQ's "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (update to the 2004 report prepared by NETCEN for DEFRA)" dated September 2018.

### 4. **Licensing**

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](mailto:Licensing@cambridge.gov.uk) for further information.

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#### Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs