
Appeal Decision

Site visit made on 13 June 2016

by Geoff Underwood BA(Hons) PGDip(UrbCons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 August 2016

Appeal Ref: APP/Q0505/W/16/3146035

23-25 Hills Road, Cambridge, Cambridgeshire CB2 1NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JR Properties against the decision of Cambridge City Council.
 - The application Ref 15/1760/FUL, dated 17 September 2015, was refused by notice dated 4 November 2015.
 - The development proposed is mixed use development comprising ground floor retail (use class A1), with a non-speculative student accommodation scheme of 26No. bedrooms on the upper floors to be occupied by Abbey College, along with cycle parking, following demolition of existing buildings on site.
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Decision

1. The appeal is allowed and planning permission is granted for mixed use development comprising ground floor retail (use class A1), with a non-speculative student accommodation scheme of 26No. bedrooms on the upper floors to be occupied by Abbey College, along with cycle parking, following demolition of existing buildings on site at 23-25 Hills Road, Cambridge, Cambridgeshire CB2 1NW in accordance with the terms of the application, Ref 15/1760/FUL, dated 17 September 2015, subject to the conditions in the attached schedule.

Main Issues

2. The main issues raised by this appeal are the effect the proposal would have on highway safety and the successful functioning of Cambridge Place.

Reasons

3. The appeal site is currently occupied by two buildings with shop units at ground floor fronting onto Hills Road with 3-4 storeys above. There is currently an open area to the rear, accessed off Cambridge Place, which provides off street parking. Cambridge Place is a no through road. Its junction with Hills Road, which is immediately adjacent to the appeal site, is the only vehicular route in and out. Both carriageway and footways are particularly narrow at this point.
 4. Cambridge Place has parking restrictions in the form of double yellow lines for most of its length including on both sides of the road in the vicinity of the appeal site. These extend along the east side of Hills Road. Hills Road is a busy thoroughfare leading into the city centre, the west side of which opposite the appeal site also has restricted parking during the day but does permit loading between 1000 and 1600 hours. There is no indication that the existing
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- parking and loading restrictions in the immediate vicinity of the appeal site would be likely to change.
5. The Council's objection is principally that the lack of any off street space for vehicles to park whilst servicing the premises would lead to illegal parking with consequent harm to highway safety and the proper functioning of the area. They consider that this would be likely given that nearby on-street parking is heavily used, spaces may not be available and, even if used, visitors may wish to park in excess of the four hour maximum period. Representations from interested parties consider that the area is under parking stress.
 6. The absence of any off-street parking or servicing in the proposed development would have the effect that any visitors in vehicles would have to park in designated or unrestricted parking areas in surrounding streets and proceed on foot or unload on the opposite side of the road within permitted hours.
 7. Parking in contravention of restrictions at, or close to, the junction of Cambridge Place would block or significantly hamper the entry and exit of any vehicles using it. This could have the effect of causing considerable inconvenience to those wishing to enter or exit the street, including residents and those visiting the area for work or other purposes. It may also lead to vehicles blocking other traffic on Hills Road or possibly even attempting to reverse into Hills Road with consequent harm to highway safety. The narrowness of Cambridge Place could also lead to the safety of cyclists and pedestrians being harmed by vehicles moving erratically or in having to negotiate the narrow spaces left by them.
 8. However, one of the effects of the existing double yellow lines would be to ensure that vehicles do not cause such problems which if they do occur could be appropriately enforced.
 9. Even in the circumstances mentioned by the Council where delivery vehicles may have to wait for some time to enable materials or equipment to be moved within the building, there is limited evidence to suggest that such vehicles would not use the on-street loading arrangements to do so. There is also little evidence to suggest that the design of the building itself is one that would require any more intense maintenance than any other in the area, leading to a greater number of visits or increasing the likelihood of illegal parking.
 10. Whilst the arrival and departure of student residents and their possessions may give rise to more intense periods of servicing activity at certain times of the year, the appellants have produced a Student Accommodation Servicing Management Plan (SMP) and intend that the accommodation would have a resident warden whose role would include the management of such arrangements which allows for staggered student arrivals.
 11. The servicing and management arrangements the appellants propose to put in place should ensure that, on the whole, expected and anticipated visits are appropriately controlled and directed. However, there remains a risk that unscheduled visits to the property by those unfamiliar with its access and servicing arrangements, may, in spite to the extensive parking restrictions, decide to park illegally. However, there is an absence of any substantive evidence that this would be likely to occur to any extent beyond that which may already occur in the area. I also note that Cambridgeshire Highways'

- Engineer did not raise any objections to the proposal once he was satisfied that doors to storage areas would not open over the highway.
12. It would therefore appear that opportunities for loading or parking on surrounding streets, albeit limited by time and location, are not so restricted that it would be essential for the proposed development to provide its own, dedicated servicing or parking area.
 13. I therefore consider that with an appropriate serving plan which can be administered by a resident warden, the likelihood of the harm the Council are concerned about being a direct result of the appeal proposal would not be such that would justify refusing permission. Considered with the benefits of the development in providing accommodation for which the Council agree there is a need, this would outweigh any limited harm which may occur and which in any event would be enforceable under other legislation. The proposal would not, therefore, have an unacceptably harmful effect on highway safety or the successful functioning of Cambridge Place.
 14. As the regularity of loading and servicing is unlikely to justify provision of off-street facilities, the provisions in the SMP would make suitable provision for such access and the proposal would not conflict with saved Policy 8/9 of the Cambridge Local Plan, 2006 (CLP) in that respect. For the same reason, the proposal would also provide for the adequate management and maintenance of development as required by criterion k- of saved CLP Policy 3/7.
 15. The proposal would, on balance, meet the National Planning Policy Framework (the Framework) requirements that development be located to accommodate the efficient delivery of goods and supplies whilst giving priority to pedestrian and cycle movements. Furthermore, the residual cumulative impacts of the development would not be severe, which are the conditions the Framework requires to be met to prevent development on transport grounds.

Other Matters

16. The site lies within the Central Conservation Area (CA) and I note that the Council consider that the site is not identified as having any heritage significance in the Area's character and that the configuration of the proposed building reflects that of other buildings in the CA. I have paid special attention to the desirability of preserving or enhancing the CA's character or appearance. Provided that the proposed materials and details are appropriately handled and the adjoining trees are protected, the proposed demolition of the existing buildings and the design, scale and appearance of their replacement is such that it would preserve character and appearance, and therefore significance, of the CA.
17. Interested parties are concerned about the effects on living conditions of both existing and future occupiers which might arise by the absence of any outdoor space. However, there is little reason to disagree with the Council's conclusion that the combination of such a lack of space being a typical city centre arrangement, occupiers on balance being less likely to congregate outside than they do at present and the distance between the site and the majority of existing residential properties, would make the proposal acceptable in that respect.

18. Notwithstanding concerns over a lack of visitor cycle parking, the Council consider that adequate cycle facilities have been provided.

Conditions

19. I have made amendments, including combining requirements, to the conditions suggested (without prejudice) by the Council. I have also added conditions on tree protection and linking demolition to redevelopment which main parties were given the opportunity to comment upon. Given the importance the SMP and arrangements for refuse storage would have and the concerns of interested parties around these issues it would not be appropriate to enable variations to the agreed requirements to be altered without appropriate consideration. I have therefore omitted such provision from these conditions accordingly.
20. In order to ensure that the demolition and construction process does not lead to unacceptable harm to highways safety or existing residents' living conditions (a concern raised by interested parties) it is necessary to approve schemes to control noise, vibration, dust and construction traffic as well as limiting construction hours. To be effective the relevant details will need to be approved before development commences.
21. Given the site's Conservation Area location, conditions to ensure that demolition is not carried out without certainty about the delivery of the replacement building, that full details of windows, doors, shopfronts and brickwork are approved, that existing trees are protected and that existing architectural and streetscape features are effectively reused or recycled are necessary. It is necessary to attach a condition to in order to ensure that any archaeological significance on the site is correctly assessed, recorded and managed.
22. In order to protect the character and appearance of the area, highway safety and occupiers and neighbours' living conditions it is necessary to approve recycling and refuse arrangements which should also address interested parties' concerns over such facilities. Occupiers' living conditions also need to be protected from noise and odour from existing and potential future sources. In order to minimise flood risk details of surface water drainage, including an assessment of whether a sustainable system is feasible, need to be approved, although I have simplified the condition which would allow details of the specification to be approved in appropriate circumstances.
23. It is necessary to ensure that the student accommodation is effectively managed in accordance with an approved management plan and that accommodation for an on-site warden is provided. To ensure that the building is occupied by students in line with identified needs whilst providing flexibility during summer months, to comply with CLP Policy 7/10 it is necessary to restrict the building's occupancy. I have been presented with no reason why including Cambridge and Anglia Ruskin Universities into the list of acceptable educational institutions, as suggested by the Council, would not be appropriate, even though the application sought permission specifically for accommodation to serve Abbey College.

Conclusion

24. For the above reasons, and having had regard to all other matters raised, the proposal would comply with the development plan and the Framework and the appeal is allowed.

Geoff Underwood

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 499/101 EX01, 499/102 EX01, 499/104 EX01, 499/200: Rev C PL03, 499/201 PL03 and 499/300 PL03.
- 3) Construction and demolition work, including any collection or deliveries to the site and operation of any plant, shall only be carried out between 0800 and 1800 on Monday to Friday, 0800 and 1300 on Saturday and at not at any time on Sundays or on Bank or Public Holidays.
- 4) No demolition shall take place until arrangements have been put in place to secure the implementation of the development approved under this permission and details of these arrangements have been submitted to and approved in writing by the local planning authority. The arrangements shall include details of the timescale for carrying out the redevelopment approved under this permission.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with Tree Survey Drawing No 4373-D.

All tree work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).
- 6) No demolition or construction works shall commence on site until a traffic management plan has been submitted to and approved in writing by the local planning authority. All demolition or construction works shall be carried out in accordance with the approved plan.
- 7) No development shall commence (including any pre-construction, demolition, enabling works or piling) until a report regarding the demolition and construction noise and vibration impact associated with this development has been submitted to and approved in writing by the

- local planning authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration, taking account that due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended. The development shall be carried out in accordance with the approved report.
- 8) No development shall commence until a scheme detailing a programme of measures to minimise the spread of airborne dust from the site during the demolition and 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.
 - 9) No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
 - 10) Prior to the commencement of demolition, the street name plate for Cambridge Place shall be removed from the flank of No.25 Hills Road. It shall be stored safely, in a location to be agreed beforehand with the local planning authority, and re-erected in an equivalent position on the replacement building before its first occupation.
 - 11) After demolition and prior to the commencement of construction, a noise assessment that considers the impact of airborne and impact sound from the Emperor pub upon the residential units of the proposed development shall be submitted to and approved in writing by the local planning authority. No construction shall commence until a noise insulation scheme, informed by the approved noise assessment, detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to a) reduce the level of noise experienced in the residential units as a result of the proximity of the habitable rooms to the high ambient noise levels in the area and b) for protecting the residential units from noise from the neighbouring Emperor pub, has been submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The approved scheme shall be fully implemented before any of the habitable rooms are first occupied and shall not be altered thereafter.
 - 12) Prior to the commencement of construction works, a comprehensive odour impact assessment and odour control scheme for protecting the residential units from odour shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before any of the habitable rooms are first occupied and shall not be altered thereafter.
 - 13) Prior to the first occupation of the A1 use hereby permitted, a scheme for the insulation of any plant in order to minimise the level of noise emanating from the plant shall be submitted to and approved in writing

- by the local planning authority. The approved scheme shall be fully implemented before the use hereby permitted is commenced.
- 14) Prior to occupation of the development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway. The approved facilities shall be provided prior to the commencement of the uses hereby permitted and shall be retained thereafter for their intended use.
 - 15) Prior to occupation of the development, full details of the storage facilities for the separation of waste for recycling and composting within the individual student flats/clusters shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to the student accommodation being first occupied and shall be retained thereafter for their intended use.
 - 16) Prior to their construction a sample panel of the facing materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall show the brick, detail of bonding, coursing and colour and type of jointing to be used in the development. The development shall be constructed in accordance with the approved sample panel, including maintaining the quality and finish in the approved sample panel, which shall not be removed from the site until completion of the development.
 - 17) Prior to their installation, full details (including large-scale drawings and/or samples) of all windows and doors, as identified on the approved drawings, including materials, colours, surface finishes and textures, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless the local planning authority agrees to any subsequent variation in writing.
 - 18) Prior to installation of any shopfront, full details (including large scale drawings) of all joinery and other elements of the shopfront (including doors and windows) shall be submitted to and approved in writing by the local planning authority. These details shall include timber and other mouldings (to cornices, sills, mullions, transoms, pilasters and other joinery features), stallriser finishes, console and other brackets, doors, thresholds and fanlights, and any other appropriate details. The development shall be carried out in accordance with the approved details.
 - 19) The slate tiles, grills and stone heads and window cills are to be carefully removed from the building and set aside in a safe & secure place. These features are either to be reused on the building or appropriately salvaged for re-use elsewhere (which may include disposal to a salvage merchant) in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to their re-use or salvage. The scheme shall include full details of the method of reuse or details of the means of salvage, including in the case of the latter how proof of appropriate transfer will be provided to the local planning authority.

- 20) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) include a timetable for its implementation; and,
 - c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 21) Prior to the occupation of the student accommodation building, a student management plan shall be submitted to and approved in writing by the local planning authority. This shall set out measures as to how the student accommodation will be managed on a day-to-day basis, how servicing and deliveries will be managed to avoid unauthorised parking and loading, how it would be managed when let during holiday periods, and how any issues arising from its operation in terms of impact on adjacent neighbours will be handled. It shall include the contact name and number of a College representative, and provision for this to be made available to local residents and placed as information near to the entrance of the building in a prominent and publicly visible location. The accommodation shall thereafter be managed, and contact information provided, in accordance with the approved student management plan.
- 22) One room of the 26no. bedrooms shall be provided for the on-site warden and retained thereafter for use by the warden.
- 23) The student accommodation shall, during the relevant educational institution's term-time, be for the benefit of full-time students attending either Abbey College, Anglia Ruskin University or the University of Cambridge only save for during the summer vacation period only when the accommodation may be occupied by the following persons:
- a) Students of any of the educational institutions above, and/or;
 - b) Students attending summer educational courses in Cambridge.