

<b>Application Number</b>	11/0264/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	1st April 2011	<b>Officer</b>	Mr John Evans
<b>Target Date</b>	27th May 2011		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	Former Five Bells Public House 143 High Street Cherry Hinton Cambridge Cambridgeshire CB1 9LN		
<b>Proposal</b>	Planning permission for the development of six terraced dwellings and associated works.		
<b>Applicant</b>	C/o Mr Don Proctor RPS Planning _ Development Willow Mere House Compass Point Business Park Stocks Bridge Way St Ives Cambs PE27 5JL		

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

- 1.1 The application site is the Five Bells public house and its curtilage. It is situated on the western side of High Street, Cherry Hinton. The existing building is late 19<sup>th</sup> century, is two storeys high and has a number of minor single storey additions. It has a shallow pitch gable, which faces the High Street. The site is relatively flat, though the adjacent pavement slopes to the south. The southern part of the car park is therefore at a higher level than the pavement and the adjacent property 137 High Street. Vehicular access is from the High Street to approximately 18 car parking spaces.
- 1.2 The boundary of the application site is irregular. Where it abuts High Street to the east it is defined by a low-rise red brick wall. The remaining boundaries are varied, partially defined by the existing building and outbuildings and adjacent buildings and outbuildings including timber fencing and brick walling.
- 1.3 The area is predominantly residential in character. To the north of the site are a series of late 1990's 2-storey terraced dwellings and flats which wrap around High Street to Fernlea Close. Vehicular access to these properties is from Fernlea Close

through a covered arch to a parking court to the rear. The rear gardens to these properties face onto this parking court. A brick wall forms the boundary with this site and the application site.

- 1.4 Opposite the site to the east, across High Street, is Cherry Hinton Infants School. There is a pedestrian crossing point in this location.
- 1.5 To the south of the site are nos. 129, 131 and 137 High Street. 137 High Street immediately abuts the site, is set back from the road and is accessed via a driveway lined by a close-boarded fence.
- 1.6 To the west, adjacent to no. 137, are a series of garages that serve the Pamplin Court housing development, accessed off Fernlea Close. To the north west, sandwiched between Pamplin Court and the late 1990's residential development, is Pamplin House, an unlisted villa whose curtilage presumably extended across a larger area but which has been taken-up by the more recent housing development.
- 1.7 The Five Bells Public House is currently vacant, having ceased trading approximately one year ago.
- 1.8 The site is not allocated in the Cambridge Local Plan (2006). It is not within a Conservation Area, nor is the building Listed or a Building of Local Interest. There is little vegetation on the site and hence there are no tree preservation orders affecting this site or those adjacent. The site falls outside the controlled parking zone.

## **2.0 THE PROPOSAL**

- 2.1 The application seeks planning permission for the development of 4 terraced dwellings and 2 semi detached properties, and associated works including the demolition of the existing Five Bells public house.
- 2.2 The houses are orientated east, fronting the High Street, with their rectangular gardens behind. The proposed access is situated between plots 2 and 3. The terrace, plots 3 to 6, has an eaves height of 5.3m, with an overall ridge height of 8.8m. The semi detached properties, plots 1 and 2, have a front eaves

height of 4.8m, a rear eaves height of 2.3m, and an overall ridge level rising to 6.9m.

2.3 The houses are to be constructed in a buff brick, with slate roofs and reconstituted stone cills.

2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Transport Statement
4. Noise Assessment
5. Landscaping Specification
6. Bat Survey

### **Amended Plans**

Since the original submission, amended plans have been received making the following alterations:

- Reduced roof profile to the rear of plots 1 and 2, reducing the eaves to single storey level.
- Windows replaced with velux roof lights to the rear of plots 1 and 2.
- Removal of archway feature over the proposed access.
- Increase in rear garden size.
- Addition of rear dormer windows to plots 4 and 5.
- Proposed ensembles to the upper floor bedrooms of plots 4 and 5.
- Minor alterations to the detailing of the front, High Street elevation.

## **3.0 SITE HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/64/0265	Demolition of existing Five Bells and Erection of new public house	Approved
C/66/0292	Demolition of cottage and extension to car park	Approved

*145 High Street, Cherry Hinton*

C/96/0068	Erection of a terrace of 7 houses and two flats (C3).	Approved
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## **4.0 PUBLICITY**

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

## **5.0 POLICY**

### **5.1 Central Government Advice**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006):

Planning Policy Statement 3 (PPS3): Housing has been reissued with the following changes: the definition of previously developed land now excludes private residential gardens to prevent developers putting new houses on the brownfield sites and the specified minimum density of 30 dwellings per hectare on new housing developments has been removed. The changes are to reduce overcrowding, retain residential green areas and put planning permission powers back into the hands of local authorities. (June 2010)

PPS4: Planning for Sustainable Economic Growth (2009)

Policy EC13 of PPS4 contains a policy titled: Determining planning applications affecting shops and services in local centres and villages. This sets out that, when assessing planning applications affecting shops, leisure uses including public houses or services in local centres and villages, local planning authorities should:

- a) take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use
- b) refuse planning applications which fail to protect existing facilities which provide for people's day-to-day needs
- c) respond positively to planning applications for the conversion or extension of shops which are designed to improve their viability

d) respond positively to planning applications for farm shops which meet a demand for local produce in a sustainable way and contribute to the rural economy, as long as they do not adversely affect easily accessible convenience shopping

Planning Policy Guidance 13: Transport (2001)

Circular 05/2005 - Planning Obligations:

Community Infrastructure Levy Regulations 2010 – places a statutory requirement on the local authority that where planning permission is dependent upon a planning obligation the obligation must pass the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

## 5.2 **East of England Plan 2008**

ENV7: Quality in the Built Environment

## 5.3 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision

P9/8 Infrastructure Provision

## 5.4 **Cambridge Local Plan 2006**

3/4 Responding to context

3/6 Ensuring coordinated development

3/7 Creating successful places

3/10 Subdividing existing plots

3/11 The design of external spaces

3/12 The design of new buildings

4/7 Species protection

4/13 Pollution and amenity

5/1 Housing provision

5/11 Protection of community facilities

8/2 Transport impact

- 8/4 Walking and Cycling accessibility
- 8/6 Cycle parking
- 8/10 Off-street car parking

#### Planning Obligation Related Policies

- 3/7 Creating successful places
- 3/8 Open space and recreation provision through new development
- 3/12 The Design of New Buildings (*waste and recycling*)
- 10/1 Infrastructure improvements (*public open space, recreational and community facilities, waste recycling*)

### 5.5 **Supplementary Planning Documents**

- Cambridge City Council (March 2010) – Planning Obligation Strategy
- Cambridge City Council (January 2010) - Public Art

### 5.6 **Material Considerations**

#### **Central Government Guidance**

Letter from Secretary of State for Communities and Local Government dated 27 May 2010 that states that the coalition is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

### 6.0 **CONSULTATIONS**

#### **Cambridge City Council (Policy Team)**

- 6.1 No objections in principle. The pub does not fall within the definition of a community facility as provided by adopted local plan policy 5/11. The pub is not within a Local Centre so there is no protection as a service under PPS4. There is no objection to the redevelopment of the site for residential purposes.

## **Cambridgeshire County Council (Transport)**

- 6.2 No objection subject to the provision of clarifying information in relation to the dimensions of the car parking spaces and manoeuvring area. A number of conditions are proposed.

## **Head of Environmental Services**

- 6.3 No objection: Recommends conditions relating to contaminated land, construction hours, collections and deliveries and noise insulation.

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

- 6.4 No objection: The site lies within an area of high archaeological potential. The site should be subject to an archaeological investigation to be secured through the implementation of a condition on any permission.

## **Cambridge City Council Access Officer**

- 6.5 No objection: There should be a flat threshold between pavement to garden and garden to house.

## **Sustrans**

- 6.6 Queries the suitability of the cycle parking provision.

## **CAMRA**

- 6.7 Object to the loss of the public house. Pubs outside the city centre are potentially a valuable community resource. Cherry Hinton has three other pubs, but these are all at the south end of the village. Although the pub has not been managed well in recent times, there is no reason to suggest that it could not be, providing a valuable facility to the local community.
- 6.8 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

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

- 137 High Street
- 9 Willingham Road (on behalf of CAMRA, see above)

7.2 The representations can be summarised as follows:

The below comments are on the latest amendments to the scheme from the occupier of 137:

- There is a marginal over-development of the site and inadequate parking. In general terms, the scheme and its impact on 137 High Street are much improved with the amendments.
- Windows to bathrooms for plots 1 and 2 excessive (gable and rooflight)
- Full width dormers plots 4 and 5 excessive
- Plots 3-6 should be revised to remove opportunities for overlooking
- Plots 1-3, pd rights should be removed
- Poor boundary treatment and danger to damage to brick walls of 137 from parking vehicles (landscaping buffer strip and/or more bollards sought)
- Inadequate parking provision.
- Further information sought regarding the line of the public sewer serving 137 together with access chambers and line of the renewed water main

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

## **8.0 ASSESSMENT**

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

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity



4. Refuse arrangements
5. Highway safety
6. Car and cycle parking
7. Disabled access
8. Third party representations
9. Planning Obligation Strategy

## **Principle of Development**

- 8.2 Policy advice has been sought in relation to the proposed redevelopment for housing, as the loss of public houses has become a well-publicised planning issue over the last few years. This is reflected in recent guidance from the Government in PPS4. The relevant policy from PPS4 is EC13 (which is quoted above) which provides further guidance for the safeguarding of shops and services in local centres and villages.
- 8.3 The pub does not fall within the Cherry Hinton local centre and thus policy EC13 does not apply. The land use class of a public house does not fall within the definition of a community facility, as provided by the supporting text to adopted local plan policy 5/11. As such, there is no in principle policy issue with regard to its loss.
- 8.4 CAMRA has objected to the loss of the public house stating that it could potentially be a valuable community resource. CAMRA state that the public house could be run as a viable business and that it could contribute towards the local community. The applicants state that there has been no interest in its purchase for operation as a public house since it closed in early 2010 and that it is in a very poor state of repair. Neither of these points are material in policy terms given the location of the public house outside the local centre. They are therefore not the test of policy and the principle cannot be resisted under the current framework.
- 8.5 In terms of the alternative use for housing, the development of the site will help the Council meet its housing needs. Further, the loss of the building will not be detrimental to the street scene. It is in a current poor state and detracts from the street scene. There is, therefore, no objection to the redevelopment of the site for residential purposes.

- 8.6 In my opinion, the principle of the development is acceptable. The proposal is compliant with policies 3/10, 5/1, 5/5 and 5/11 of the Cambridge Local Plan.

### **Context of site, design and external spaces**

- 8.7 The key design issue is the design and appearance of the proposed dwellings in their setting on this part of the Cherry Hinton High Street.
- 8.8 New buildings should have a positive impact upon their setting in terms of height, scale, form, materials, detailing and wider townscape views, in accordance with Local Plan policy 3/12. New developments should also demonstrate that they have drawn positive inspiration from their setting in accordance with Local Plan policy 3/4. The layout creates a new street scene along this section of the High Street, which is in my view a logical approach. This results in the car parking being located to the rear, away from the public domain, and reinforces the existing pattern and character of development in the area.
- 8.9 The dwellings proposed are modest two storey buildings, the scale of which is compatible with the surrounding area. The dwellings would tie in with the existing redevelopment to the north, with a slightly lower overall roof height, reflecting the gentle slope of the site north to south. The redevelopment of the pub car park will result in a positive improvement to the character of the street scene, contributing to local distinctiveness, a principle of Local plan policy 3/4 and Government Guidance contained within PPS1.
- 8.10 The scheme is well designed because it positively responds to the constraints of this site. For example, plots 1 and 2 have asymmetrical roofs to reduce the visual impact and sense of enclosure to number 137 High Street to the west. As such they are compatible with number 137 to the rear, while providing a positive built frontage to the High Street.
- 8.11 In terms of detailed design, the proposed buff brick, sash windows and stone cills are positive features of the scheme reflecting the adjacent terraces to the north. Chimneys provide a visual marker between each dwelling and the removal of the previously proposed archway feature, which is not characteristic of Cambridge, in my view improves the scheme. In my opinion

the new street scene will create an attractive built frontage in accordance with policy 3/7.

- 8.12 The proposed dormer windows to the rear of plots 4 and 5 are set into the roof plane and do not dominate the scale of the terrace. In my view they are acceptable.
- 8.13 Externally, the development provides small but useable rear garden areas, which adequately accommodates refuse and cycle provision. The houses are well designed because they would function effectively for future occupiers. In my opinion the site can carry this quantum of development, ensuring adequate amenity and essential ancillary services of refuse and bicycle provision, and the scheme therefore has a positive design response in its context and is an appropriate plot subdivision, compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, 3/10, 3/11 and 3/12 and Cambridge City Council Guidance on Development which Affects Private Gardens (June 2011).

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.14 The proposal will have greatest impact upon number 137 High Street to the west of the site. Plots 1 and 2 are sited in relatively close proximity to the front of this property; a distance of 8m to the common boundary. The revised plans feature an asymmetrical roof slope which in my view is a positive bespoke solution which minimises the visual impact upon number 137. The front of number 137 has a front kitchen window, but the amended proposed roofslope and velux windows would prevent any interlooking. As such, I do not feel the proximity and visual impact of plots 1 and 2 would be so harmful as to justify refusal. Following reconsultation, number 137 no longer has concerns with this aspect of the scheme.
- 8.15 I do not consider the proposed development will adversely affect other nearby residential properties of 131, 145 High Street and Pamplin house, situated some distance beyond to the west.
- 8.16 In my opinion, the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I

consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/10.

#### Amenity for future occupiers of the site

- 8.17 The new dwellings would provide desirable accommodation. The external spaces provide a useable amenity garden area for refuse and bicycles. In my opinion the proposal provides a high-quality living environment and an appropriate standard of residential amenity for future occupiers, and I consider that in this respect it is compliant with Cambridge Local Plan (2006) policies 3/7, 3/10 and 3/12.

#### **Refuse Arrangements**

- 8.18 Refuse would be adequately accommodated within the rear gardens of each house. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 3/12.

#### **Highway Safety**

- 8.19 The County Council have considered this scheme and do not consider there to be any significant adverse risk to highway safety. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

#### **Car and Cycle Parking**

- 8.20 Some concerns have been raised regarding the adequacy of the proposed 6 car parking spaces. In accordance with adopted policy, the development should provide a maximum of 1 space for the 1 and 2 bedroom properties and a maximum of 2 spaces for each of the 3 bedroom properties. While I recognise that there may be limited provision in the vicinity for overspill car parking, given the modest sized dwellings proposed and the location of the site close to good local bus connections, in my view the proposed car parking provision is acceptable. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 8/6 and 8/10.
- 8.21 I note comments from Sustrans regarding the size of the bicycle stores. In my view the bicycle stores are adequate in size for the 1 and 2 bedroom properties. The imposition of a suitable

planning condition can ensure a slighter large outbuilding is provided for the 3 bedroom dwellings.

### **Disabled access**

- 8.22 The development will be compliant with Part M of the Building Regulations. In my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/7 and 3/12.

### **Third Party Representations**

- 8.23 The majority of the issues raised in the representations have been discussed in the above report.

The following issue is also raised:

*There is concern regarding the proposed boundary treatment to the flank wall of number 137 adjacent to car parking space number 1.*

In my view this relationship is not unacceptable, although the imposition of the Council's standard boundary condition can ensure that all boundaries are considered prior to the commencement of development. Officers seek to ensure, through the discharge of this condition, that the final detailed layout and treatment is practical, taking these points into consideration.

### *Bats Survey*

The application was accompanied by a bat survey. The presence of bats was not found in the existing pub. No further mitigation measures are considered necessary.

### *Public Sewer network details*

I note there is a request for the developer to provide this information. In my view sewer network and arrangements is not a material planning consideration for the assessment of the application.

## **Planning Obligation Strategy**

8.24 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

In bringing forward my recommendations in relation to the Planning Obligation for this development I have considered these requirements. The Planning Obligation Strategy (2010) provides a framework for expenditure of financial contributions collected through planning obligations. The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy. The proposed development triggers the requirement for the following community infrastructure:

### Open Space

8.25 The Planning Obligation Strategy requires that all new residential developments contribute to the provision or improvement of public open space, either through provision on site as part of the development or through a financial contribution for use across the city. The proposed development requires a contribution to be made towards open space, comprising outdoor sports facilities, indoor sports facilities, informal open space and provision for children and teenagers. The total contribution sought has been calculated as follows.

8.26 The application proposes the erection of 2 three-bedroom houses, 2 two bedroom houses and 2 one bedroom houses. A house or flat is assumed to accommodate one person for each bedroom, but one-bedroom flats are assumed to accommodate 1.5 people. Contributions towards children's play space are not required from one-bedroom units. The totals required for the new buildings are calculated as follows:

<b>Outdoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	238	238		
1 bed	1.5	238	357	2	714
2-bed	2	238	476	2	952
3-bed	3	238	714	2	1428
4-bed	4	238	952		
<b>Total</b>					<b>3094</b>

<b>Indoor sports facilities</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	269	269		
1 bed	1.5	269	403.50	2	807
2-bed	2	269	538	2	1076
3-bed	3	269	807	2	1614
4-bed	4	269	1076		
<b>Total</b>					<b>3497</b>

<b>Informal open space</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	242	242		
1 bed	1.5	242	363	2	726
2-bed	2	242	484	2	968
3-bed	3	242	726	2	1452
4-bed	4	242	968		
<b>Total</b>					<b>3146</b>

<b>Provision for children and teenagers</b>					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
studio	1	0	0		0
1 bed	1.5	0	0		0

2-bed	2	316	632	2	1264
3-bed	3	316	948	2	1896
4-bed	4	316	1264		
<b>Total</b>					<b>3160</b>

8.27 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/8 and 10/1.

#### Community Development

8.28 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to community development facilities, programmes and projects. This contribution is £1256 for each unit of one or two bedrooms and £1882 for each larger unit. The total contribution sought has been calculated as follows:

<b>Community facilities</b>			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	2	2512
2-bed	1256	2	2512
3-bed	1882	2	3764
4-bed	1882		
<b>Total</b>			<b>8788</b>

8.29 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

#### Waste

8.30 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the provision of household waste and recycling receptacles on a per dwelling



basis. As the type of waste and recycling containers provided by the City Council for houses are different from those for flats, this contribution is £75 for each house and £150 for each flat. The total contribution sought has been calculated as follows:

<b>Waste and recycling containers</b>			
Type of unit	£per unit	Number of such units	Total £
House	75	6	450
Flat	150		
<b>Total</b>			<b>450</b>

8.31 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1.

#### Education

8.32 Upon adoption of the Planning Obligation Strategy (2010) the Council resolved that the Education section in the 2004 Planning Obligations Strategy continues to apply until it is replaced by a revised section that will form part of the Planning Obligations Strategy 2010. It forms an appendix to the Planning Obligations Strategy (2010) and is a formal part of that document. Commuted payments are required towards education facilities where four or more additional residential units are created and where it has been established that there is insufficient capacity to meet demands for educational facilities.

8.33 In this case, 6 additional residential units are created and the County Council have confirmed that there is insufficient capacity to meet demand for pre-school education/primary education/secondary education/lifelong learning. Contributions are not required for pre-school education, primary education and secondary education for one-bedroom units. Contributions are therefore required on the following basis.

<b>Pre-school education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2		810	4	3240
<b>Total</b>					<b>3240</b>

<b>Primary education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2		1350	4	5400
<b>Total</b>					<b>5400</b>

<b>Secondary education</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		0		
2+- beds	2		1520	4	6080
<b>Total</b>					<b>6080</b>

<b>Life-long learning</b>					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160		
2+- beds	2		160	4	640
<b>Total</b>					<b>640</b>

8.34 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003)

policies P6/1 and P9/8 and Cambridge Local Plan (2006) policies 5/14 and 10/1.

### Conclusions

8.35 It is my view that the planning obligation is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010.

## **9.0 CONCLUSION**

9.1 The proposed scheme will make a positive improvement to the character and appearance of this section of the High Street and the development will function effectively for future occupiers. The impact upon number 137 to north is considered acceptable. Approval is recommended.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the completion of the associated S106 Agreement and subject to the following conditions:

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

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

2. No development shall 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. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

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

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

4. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required, the above conditions are recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

5. Prior to occupation full details of both hard and soft landscape works to the public realm to be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

6. No development shall take place until there has been submitted to and approved by the local planning authority in writing a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to occupation of the dwellings hereby approved. Development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate boundary treatment is implemented. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

7. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval.

(a)The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b)The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 policy 4/13.

8. Prior to occupation, a noise insulation scheme detailing the acoustic noise insulation performance specification of the external building envelope of the residential units (having regard to the building fabric, glazing and ventilation) to reduce the level of noise experienced in the residential units as a result of the proximity of the bedrooms/living rooms to the high ambient noise levels in the area (dominated by traffic and vehicle noise), be submitted to and approved in writing by the local planning authority. The scheme shall achieve the internal noise levels recommended in British Standard 8233:1999 Sound Insulation and noise reduction for buildings-Code of Practice. Any mitigation measures shall be carried out in accordance with the approved report.

Reason: In the interests of the amenities of future occupiers, Cambridge Local Plan 2006 policy 4/13.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or with any order revoking and re-enacting that Order with or without modifications) no windows or dormer windows shall be constructed other than with the prior formal permission of the local planning authority.

Reason: To protect the amenity of adjoining properties. (Cambridge Local Plan 2006 policies 3/4 and 3/14)

10. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

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

11. No development shall take place within the site until the applicant, or their agent 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 by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

**INFORMATIVE:** To satisfy the noise insulation condition for the building envelope as recommended, the developer must ensure that these residential units are acoustically protected by a scheme, to ensure the internal noise level within the habitable rooms, and especially bedrooms comply with British Standard 8233:1999 『Sound Insulation and noise reduction for buildings-Code of Practice』 derived from the World Health Organisation Guidelines for Community Noise: 2000. The code recommends that a scheme of sound insulation should provide internal design noise levels of 30 LAeq (Good) and 40 LAeq (Reasonable) for living rooms and 30 LAeq (Good) and 35 LAeq (Reasonable) for bedrooms. Where sound insulation requirements preclude the opening of windows for rapid ventilation and summer cooling acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria. Compliance with Building Regulation AD F: Ventilation will also need consideration.

**INFORMATIVE:** New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

### **Reasons for Approval**

1.This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: EVN7



Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8

Cambridge Local Plan (2006): 3/4, 3/6, 3/7, 3/8, 3/10, 3/11, 3/12, 4/7, 4/13, 5/1, 5/11, 8/2, 8/4, 8/6, 8/10, 10/1

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

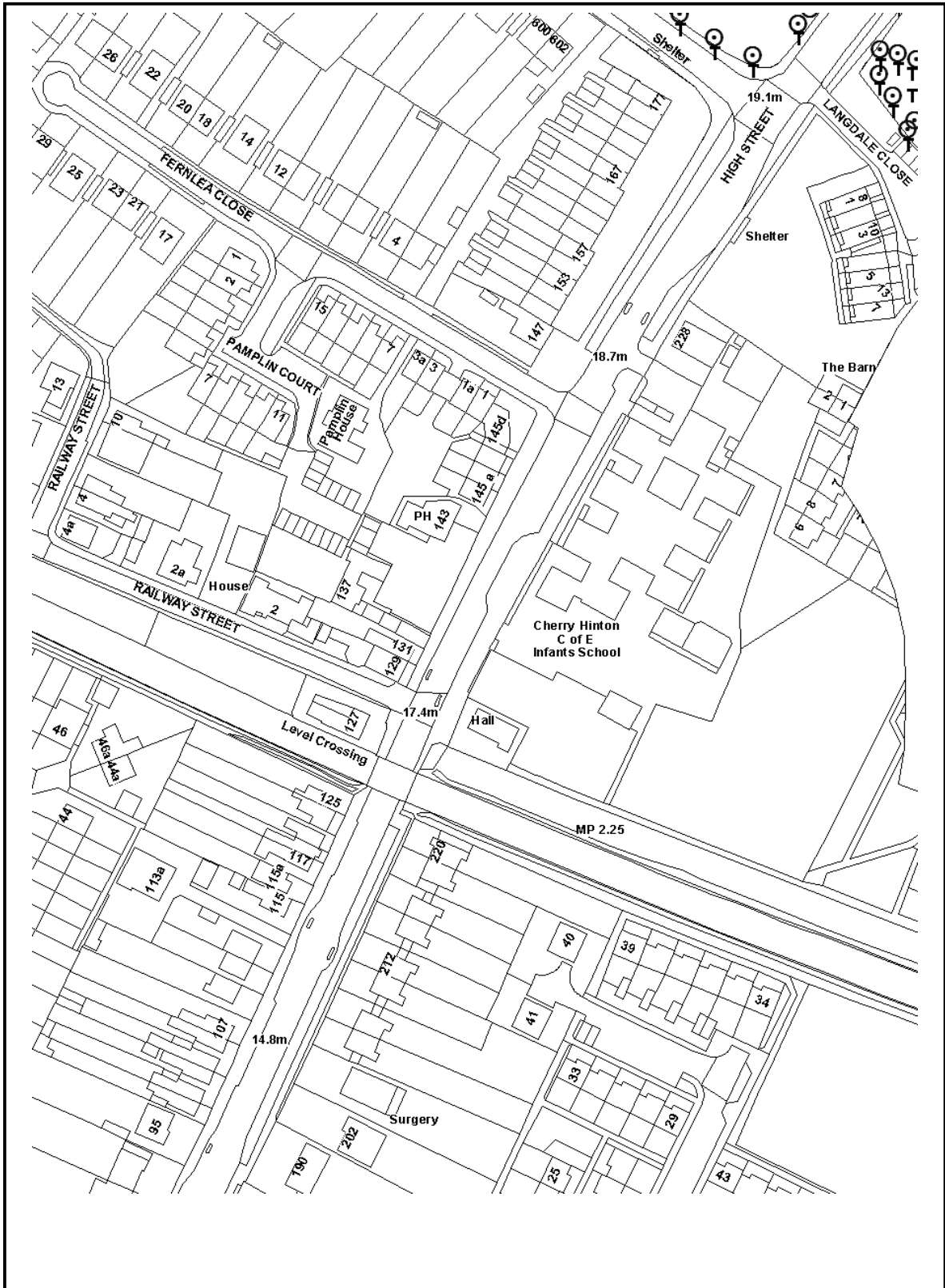
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre,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

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

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

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



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**Cambridge**