

Application Number	11/1097/EXP	Agenda Item	
Date Received	19th September 2011	Officer	Miss Catherine Linford
Target Date	14th November 2011		
Ward	Abbey		
Site	71 - 73 New Street Cambridge CB1 2QT		
Proposal	Extension of time for the implementation of planning permission reference 09/0063/FUL for change of use of existing vehicle workshop and storage site to residential to create six flats with five car parking spaces, refuse and cycle storage.		
Applicant	20 Water Lane Histon Cambridge CB24 9LR		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site forms an irregular quadrilateral on the north-eastern corner of the junction of New Street and Occupation Road. It is currently used as a vehicle repair workshop. The vehicle access is off New Street, and the single-storey building occupies the western third of the site, with the remainder of the site area being open and in use for parking and storing vehicles.
- 1.2 The area is one of mixed use, in which residential and business uses are intermingled. A terrace of two-storey houses lies to the east. To the north is a workshop building, which does not appear to be in use at present. Across Occupation Road to the west is a three-storey building providing student residential accommodation. To the south, on the other side of New Street, and partly screened by trees, is the Howard Mallett Centre, part of which is in use as offices. The car park of the Centre lies between the building and New Street.

- 1.3 At the south-west corner of the site is a large advertising hoarding, 4.5m high and 13m long. The hoarding is aligned diagonally, at about 30° to New Street, further from the carriageway at the western end. This advertising hoarding, and the narrow triangle of land on which it stands, do not form part of the application site, and are not in the same ownership.
- 1.4 The site lies within the boundary of site 7.01 of the Proposals Schedule in the Cambridge Local Plan (2006), which is allocated for employment B1 use, housing and student accommodation. The site lies outside, but immediately adjacent to, the City of Cambridge Conservation Area No.1 (Central), the boundary of which runs along the median line of New Street. The site also lies within the Controlled Parking Zone (CPZ).

2.0 THE PROPOSAL

- 2.1 This application seeks the replacement of an existing permission, reference 09/0063/FUL, with a new permission to allow longer for implementation. The permission was considered by East Area Committee on 12 March 2009 and was approved following the completion of a section 106 Agreement on 20 March 2009. The consent expires on 20 March 2012. The details of the application are unchanged and the development is described as change of use of existing vehicle workshop and storage site to residential to create six flats with five car parking spaces, refuse and cycle storage.
- 2.2 The development was described in the previous report as follows: -
- 2.3 The application proposes a building 21m by 17m. It would have four storeys, the plan area of each being smaller than that below. The main pedestrian entrance to the development would face New Street, slightly towards the eastern end of the site. The entrance lobby would be served by narrow windows to each side of the door, and a further window to the rear court. Two blank window spaces to the New Street elevation could be opened up in the event that the hoarding was removed. The main stairs and lift would lead off the entrance lobby. To the west on the ground floor would be a single one-bedroom flat (Unit 2) measuring 8.5m x 8m, with a 'front' door and kitchen/living room and bedroom windows facing Occupation Road, and a small kitchen window looking on to the rear of the

advertising hoarding. Beyond this unit along the Occupation Road frontage would be the gated access drive, and, within the same void beneath the first floor, 13 cycle parking spaces served by a pedestrian gate. To the east of the entrance lobby would be the two bedrooms of Unit 1, whose living space would be reached by a private staircase to the first floor. The remainder of the site, to the rear of the building, would be occupied by car parking for four cars, including one space suitable for disabled users, and a waste and recycling store.

- 2.4 Part of the western section of the first floor would be occupied by a single-bedroom flat (Unit 3), with bedroom and living room windows overlooking Occupation Road. There would also be a two-bedroom flat with the windows of one bedroom on the Occupation Road side, and the living/kitchen and second bedroom served by windows leading onto a 5m x 2.5m deck above the car parking court. The south-eastern part of the first floor would be occupied by the living rooms of Unit 1. They would be reached by a private staircase, and would look out onto a small deck between two bays of the building. The living/kitchen would also overlook New Street and the Howard Mallett Centre.
- 2.5 The second floor would have a more limited 14m x 13m floor plan, and would form two two-bedroom flats. The living room of the northern flat (Unit 5) would look out on to a small deck area above Unit 4; the bedrooms would be served by windows overlooking Occupation Road. The southern flat (Unit 6) would also have bedroom windows overlooking Occupation Road, and internal stairs leading to a 6m x 6.5m kitchen/living area which would take up the whole of the third floor of the building, with a balcony overlooking Occupation Road.
- 2.6 A 2m x 14m landscaped strip would separate the building from Occupation Road, and a similar 2m x 6.5m strip would separate the main entrance from the path to the bin store, on the New Street frontage.
- 2.7 From Occupation Road the building would appear as a main block with a hipped roof, 7.7m above ground level at the eaves, and 9.3m at the ridge. To the south side, the elevation, projected slightly forward, would extend up to the fourth storey, surmounted by its own hipped roof (eaves 10.5m above ground, ridge 12m). From New Street, the building would step up from

east to west, with the 6.5m high ridge of Unit 1 on the east side of the main entrance, and the 9.2m high central section, and 12m high fourth storey further west, appearing above the advertising hoarding.

3.0 SITE HISTORY

Reference	Description	Outcome
91/0491	Outline application for business use, 34 dwellings and car parking	Withdrawn
91/0790	38 Flats	Withdrawn
07/0626	Five flats	Refused, appeal dismissed
09/0063/FUL	Change of use of existing vehicle workshop and storage site to residential to create six flats with five car parking spaces, refuse and cycle storage	A/C

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No
	Public Meeting/Exhibition	No
	DC Forum	No

5.0 POLICY

5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 Planning Policy Statement 3: Housing (2006): Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The statement promotes housing policies that are based on Strategic Housing Market Assessments that should inform the affordable housing % target, including the size and type of affordable housing required, and the likely profile of household types requiring market housing, including families with children, single persons and couples. The guidance states that LPA's may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Applicants are encouraged to demonstrate a positive approach to renewable energy and sustainable development.

Planning Policy Statement 3: 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)

5.4 Planning Policy Guidance 13: Transport (2001): This guidance seeks three main objectives: to promote more sustainable transport choices, to promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a

sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

- 5.5 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 5.6 **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

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.

5.7 **East of England Plan 2008**

SS1: Achieving Sustainable Development
E2: Provision of Land for Employment
T1: Regional Transport Strategy Objectives and Outcomes
T2: Changing Travel Behaviour
T4 Urban Transport
T9: Walking, Cycling and other Non-Motorised Transport
ENV6: The Historic Environment
ENV7: Quality in the Built Environment
WM6: Waste Management in Development

5.8 **Cambridgeshire and Peterborough Structure Plan 2003**

Planning Obligation Related Policies

P6/1 Development-related Provision
P9/8 Infrastructure Provision

5.9 Cambridge Local Plan 2006

- 3/1 Sustainable development
- 3/4 Responding to context
- 3/6 Ensuring co-ordinated development
- 3/7 Creating successful places
- 3/11 The design of external spaces
- 3/12 The design of new buildings
- 4/11 Conservation Areas
- 4/13 Pollution and amenity
- 5/1 Housing provision
- 7/3 Protection of industrial and storage space
- 8/2 Transport impact
- 8/4 Walking and Cycling accessibility
- 8/6 Cycle parking
- 8/10 Off-street car parking

Planning Obligation Related Policies

- 3/8 Open space and recreation provision through new development
- 5/14 Provision of community facilities through new development
- 8/3 Mitigating measures
- 10/1 Infrastructure improvements

5.10 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change

adaptation, water, materials and construction waste and historic environment.

5.11 Material Considerations

Central Government Guidance

Draft National Planning Policy Framework (July 2011)

The National Planning Policy Framework (Draft NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

The Draft NPPF includes a set of core land use planning principles that should underpin both plan making and development management (precised form):

1. planning should be genuinely plan-led
2. planning should proactively drive and support the development and the default answer to development proposals should be "yes", except where this would compromise the key sustainable development principles set out in the Draft NPPF
3. planning decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community
4. planning decisions for future use of land should take account of its environmental quality or potential quality regardless of its previous or existing use
5. planning decisions should seek to protect and enhance environmental and heritage assets and allocations of land for development should prefer land of lesser environmental value
6. mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land should be promoted

7. the reuse of existing resources, such as through the conversion of existing buildings, and the use of renewable resources should be encouraged
8. planning decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
9. planning decisions should take account of and support local strategies to improve health and wellbeing for all
10. planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

The Draft NPPF states that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.

Letter from Secretary of State for Communities and Local Government (27 May 2010)

The coalition government 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.

Written Ministerial Statement: Planning for Growth (23 March 2011)

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

Cambridge City Council (2004) – Planning Obligation Strategy: Sets out the Council's requirements in respect of issues such as public open space, transport, public art, community facility provision, affordable housing, public realm improvements and educational needs for new developments.

Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010) Sets out how all residential developments should make provision for public open space, if not on site then by commuted payments. It incorporates elements from the Planning Obligations Strategy Supplementary Planning Document (2010) and the Open Space and Recreation Strategy (2006).

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No objection.

Highways Agency

6.2 No objection.

Head of Environmental Services

6.3 No objection.

6.4 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:

- Petersfield Area Community Trust

7.2 The representations can be summarised as follows:

- The existence of the hoardings impedes good design

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. Disabled access
4. Residential amenity
5. Refuse arrangements

6. Highway safety
7. Car and cycle parking
8. Third party representations
9. Planning Obligation Strategy

Principle of Development

- 8.2 This application should be assessed against current Development Plan policy, taking into account any changes in policy or circumstance since the approval of planning reference 09/0063. The Development Plan has not changed but the Planning Obligations Strategy 2010, the CIL Regulations 2010 and the draft NPPF and other government guidance have been produced. I do not consider that this guidance affects the principle of development, which remains acceptable.
- 8.3 Policy 7/3 of the Cambridge Local Plan (2006) states that loss of industrial and storage floorspace will not be permitted except in certain circumstances. However the application premises are part of allocated site 7.01 in the Cambridge Local Plan (2006). The site is allocated for mixed use comprising B1 employment, housing and student accommodation. The application premises only form a small part of the allocated site, and there is no requirement that any particular mix of the allocation uses be provided on any particular part of the overall site. In his decision on 07/0626/FUL, the inspector made it clear that he considered use of the site for residential development to be appropriate.
- 8.4 In my opinion, the principle of the development is acceptable and in accordance with policies 5/1 and 7/3 of the Cambridge Local Plan (2006) and the allocation of site 7.01 in the proposals schedule at Appendix F of that plan.

Context of site, design and external spaces

- 8.5 The continued presence of the advertisement hoarding on this corner is an impediment to the creation of a well-designed building. However, the building approved under reference 09/0063 is in my view successful in meeting the requirement for a design that not only responds as positively as possible to the severe constraint created by the hoarding, but also offers the possibility of an enhancement of the townscape if the later removal of the hoarding can be secured.

- 8.6 The proposal creates an active street frontage on New Street through the siting of the principal entrance on that street, but also retains some vitality on the Occupation Road frontage by the insertion of a separate 'front' door for Unit 2 and the creation of a separate pedestrian and cycle gate. The possibility for natural surveillance of the street is exploited to the maximum by siting the windows of habitable rooms along the whole of the frontage not obscured by the hoarding, and the possibility is retained of the insertion of additional windows to living rooms, bedrooms and the entrance lobby if the hoarding is removed.
- 8.7 The height, massing and roof forms of the building proposed are in most respects similar to the earlier residential scheme that was dismissed at Appeal. At the appeal on that application (07/0626/FUL), the inspector indicated that these aspects of the building were acceptable and dealt well with the change in scale from the terrace of houses on the east of the site to the student accommodation on the opposite side of Occupation Road. In my view, the same view must be taken of the building proposed here.
- 8.8 Although the arrangements for providing sunlight to rooms currently obscured by the hoarding are unorthodox, I do not consider that they would result in unacceptable living conditions for future occupiers. Similarly, although the decks and terraces to provide outdoor amenity spaces are very limited in scale, and in some cases awkwardly configured, I accept the applicants' contention that these spaces are carefully designed to allow privacy, and that the provision of outdoor amenity space, even if very limited, is desirable.
- 8.9 The context of the site has remained unchanged. In my opinion the design is appropriate and compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/4, 3/7, 3/11 and 3/12.

Disabled access

- 8.10 The application proposes flush thresholds to all entrances, a lift providing access to the doors of all the flats proposed, and a disabled parking space. The City Council's access officer suggests that the car park layout does not conform to Part M of the Building Regulations, and also recommends that the vehicle

entrance gates be automatic. These matters can in my view be addressed by informatives.

- 8.11 The arrangements for disabled access are unchanged and in my opinion the proposal is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policies 3/7 and 3/12.

Residential Amenity

- 8.12 There are no residential premises to the south, and no amenity issues arise with respect to the land uses in these directions.
- 8.13 There are currently no residential premises to the north. The owner of the land immediately to the north has previously indicated that the site might be redeveloped in the near future and that all windows in the north elevation should be omitted. The application drawings are unclear as to whether these windows are blanked out, or actual windows. In my view, the existence of windows in this elevation would not seriously prejudice appropriate development on the land to the north, but since all the rooms concerned have alternative sources of daylight, I suggest that a condition to ensure that these windows are at high level or have outward visibility otherwise limited could avoid any possibility of hindering co-ordinated development.
- 8.14 The proposed building would lie between 12m and 14m from the student accommodation on the opposite side of Occupation Road. As it would be significantly taller than the existing building, this might result in some reduction of morning sunlight to the existing building, but I do not consider that this is likely to be significant. With respect to privacy, the separation across Occupation Road, window-to-window, is relatively small. However, such proximity is characteristic of residential streets in the Petersfield area of the city, and I do not consider this to represent an unacceptable loss of privacy for occupants of the student accommodation opposite.
- 8.15 N^o: 77 New Street has a second-floor dormer window in the hipped roof facing the application site. This window would only be 6.5m from the kitchen window of the proposed Unit 4. Although this distance is quite small, the dormer is on the floor above the small kitchen window, and any views would be at an

upward angle, I do not consider that an unacceptable loss of privacy would result. The dormer window at No.77 would be 9.5m from the edge of the second-floor deck of the proposed Unit 5, and 13.5m from the hall window of that unit. Given that the deck would be screened up to about 1.7m above floor level by the roof of the kitchen of Unit 4, I do not consider the potential for overlooking to be significant; the issue could be resolved by a condition to ensure that the balustrade of this deck is high enough to limit overlooking.

8.16 The application drawings are not clear with regard to the eastern edge of the second-floor deck to Unit 6. The floor plans appear to show glazing at this point, whereas the elevation does not. Glazing at this point might give an opportunity for overlooking the neighbouring window. However, a condition would be sufficient to resolve this issue. I do not consider these are any other issues of privacy, overshadowing or visual domination in this direction.

8.17 The relationship between the new development and existing residential development is unchanged and in my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours and I consider that in this respect it is compliant with East of England Plan (2008) policy ENV7, and Cambridge Local Plan (2006) policy 3/4.

Refuse Arrangements

8.18 The application proposes space for two wheeliebins for each unit, with space above for recycling boxes. Space is also available for additional bins to accommodate the city's move away from boxes for recycling. I do not consider that the space allocated for waste storage is ideally placed, but it is reasonably convenient for users and collection teams, and will not impinge on the street scene. This provision remains unchanged in comparison with the extant application.

8.19 In my opinion the proposal is compliant with East of England Plan (2008) policy WM6 and Cambridge Local Plan (2006) policy 3/12.

Highway Safety

- 8.20 Although the Highway Authority has reservations about the access drive and gates, I do not consider that these constitute a reason for refusal. Occupation Road is a cul-de-sac, and it is my view that vehicle movements associated with the development would be conducted at low speed. I do not consider there is a serious danger to cyclists from sudden reversing. The highway authority does not recommend refusal on these grounds.
- 8.21 I concur with the view of the highway authority that manoeuvring in the parking court would be difficult. In my view this would encourage low speeds. I do not consider that this shortcoming of the application is sufficiently serious as to warrant refusal.
- 8.22 Access arrangements remain unchanged and in my opinion the proposal is compliant with East of England Plan (2008) policy T1 and Cambridge Local Plan (2006) policy 8/2.

Car and Cycle Parking

- 8.23 The proposal provides four car parking spaces for six units. This is within the maximum permitted under the City Council's car parking standards. I note the view of the highway authority that car parking provision at a level less than one per unit could lead to additional pressure on on-street car parking, but I also consider it likely that future occupants, given the proximity of the site to bus routes and the city centre, might choose not to keep a car.
- 8.24 The City Council cycle parking standards in Appendix D of the Cambridge Local Plan (2006) require 10 cycle parking spaces for a development of four two-bedroom units and two one-bedroom units. The application proposes thirteen secure spaces under cover for residents and two further spaces outside the front entrance for visitors.
- 8.25 The arrangements for car and cycle parking remain unchanged and in my opinion the proposal is compliant with East of England Plan (2008) policies T9 and T14, and Cambridge Local Plan (2006) policies 8/6 and 8/10.

Third Party Representations

- 8.26 I have addressed the issue of constraining development on the site to the north under the heading of residential amenity. Although I share the view of the local Community Trust that the hoarding represents an impediment to good design, the Inspector's decision on 07/0626/FUL does not provide any support for the view that residential development on the site is unacceptable unless the hoarding is removed. This situation remains unchanged in the context of this application to allow for an extended time period.

Planning Obligation Strategy

Planning Obligations

- 8.27 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 Affordable Housing Supplementary Planning Document 2008 provides guidance in terms of the provision of affordable housing and the Public Art Supplementary Planning Document 2010 addresses requirements in relation to public art (amend/delete as applicable). The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. The proposed development triggers the requirement for the following community infrastructure:

Open Space

8.28 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 formal open space, informal open space and children's play areas. The total contribution sought has been calculated as follows.

8.29 The application proposes the erection of four two-bedroom flats and two one-bedroom flats. No residential units would be removed, so the net total of additional residential units is six. 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:

Outdoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	238	357	2	714
2-bed	2	238	476	4	1904
3-bed	3	238	714		
4-bed	4	238	952		
Total					2618

Indoor sports facilities					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	269	403.50	2	807
2-bed	2	269	538	4	2152
3-bed	3	269	807		
4-bed	4	269	1076		
Total					2959

Informal open space					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	242	363	2	726
2-bed	2	242	484	4	1936
3-bed	3	242	726		
4-bed	4	242	968		
Total					2662

Provision for children and teenagers					
Type of unit	Persons per unit	£ per person	£per unit	Number of such units	Total £
1 bed	1.5	0	0	2	0
2-bed	2	316	632	4	2528
3-bed	3	316	948		
4-bed	4	316	1264		
Total					2528

8.30 Subject to the completion of a S106 planning obligation to secure the requirements of the Planning Obligation Strategy (2010) and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010), I am satisfied that the proposal accords with Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1 and P9/8, Cambridge Local Plan (2006) policies 3/8 and 10/1 and the Planning Obligation Strategy 2010 and the Cambridge City Council Open Space Standards Guidance for Interpretation and Implementation (2010)

Community Development

8.31 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:

Community facilities			
Type of unit	£per unit	Number of such units	Total £
1 bed	1256	2	2512
2-bed	1256	4	5024
3-bed	1882		
4-bed	1882		
Total			7536

8.32 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, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Waste

8.33 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:

Waste and recycling containers			
Type of unit	£per unit	Number of such units	Total £
House	75		
Flat	150	6	900
Total			900

8.34 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, Cambridge Local Plan (2006) policies 3/7, 3/12 and 10/1 and the Planning Obligation Strategy 2010.

Education

- 8.35 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 annex 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.
- 8.36 In this case, six 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 (*delete as applicable*). 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.

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

Life-long learning					
Type of unit	Persons per unit		£per unit	Number of such units	Total £
1 bed	1.5		160	2	320
2+-beds	2		160	4	640
Total					960

8.37 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, Cambridge Local Plan (2006) policies 5/14 and 10/1 and the Planning Obligation Strategy 2010.

Transport

8.38 Contributions towards catering for additional trips generated by proposed development are sought where 50 or more (all mode) trips on a daily basis are likely to be generated. On the basis that each residential unit can be expected to generate 8.5 trips per day by all modes, the total daily trip generation of the proposed building would be 51. Since the existing use of the building clearly generates more than one trip daily, the proposal would not result in a net growth in trips large enough to require contributions to ECATP.

Monitoring

8.39 The Planning Obligation Strategy (2010) requires that all new residential developments contribute to the costs of monitoring the implementation of planning obligations. The costs are calculated according to the heads of terms in the agreement. The contribution sought will be calculated as £150 per financial head of term, £300 per non-financial head of term. Contributions are therefore required on that basis.

Planning Obligations Conclusion

8.40 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. I have adjusted the commuted sums that are necessary to reflect the guidance contained in the Planning Obligations Strategy 2010.

9.0 CONCLUSION

- 9.1 In my view, by creating a satisfactory elevation on the New Street frontage, incorporating a main entrance, and enabling the possibility of a much greater enhancement of the street scene if the hoarding is removed, this application overcomes the sole reason given by the Inspector for the dismissal of the appeal on 07/0626/FUL. This application to allow a further period of time for the commencement does not raise any additional issues and therefore I conclude that it should be approved.

10.0 RECOMMENDATION

1. APPROVE subject to the satisfactory completion of the s106 agreement by 15th March 2012 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. The eastern balustrade of the second-floor deck to Unit 5 shall be at a level at least 1.7m above the floor level of the deck, and shall be so maintained unless agreement to any variation is first given in writing by the local planning authority.

Reason: To protect the privacy of neighbouring occupiers. (Cambridge Local Plan (2006) policy 3/4)

4. The side panel on the east side of the second-floor deck to Unit 6 shall be constructed of either an opaque material or obscure glazing, and shall be so maintained unless agreement to any variation is first given in writing by the local planning authority.

Reason: To protect the privacy of neighbouring occupiers. (Cambridge Local Plan (2006) policy 3/4)

5. Notwithstanding the approved drawings, if windows are to be inserted in the positions shown on the north wall of Units 4 and 6, their design, including sill height and glazing, shall be submitted to, and approved in writing by, the local planning authority, before occupation of those units. Windows shall only be inserted in these positions subject to the approved details.

Reason: To avoid prejudicing co-ordinated development over the wider area. (Cambridge Local Plan (2006) policy 3/6)

6. 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 LPA for approval.

(a)The contaminated land assessment shall include a desk study to be submitted to the LPA 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 LPA. The LPA 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: To avoid pollution (Cambridge Local Plan 2006, policy 4/13)

7. 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 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 Part 4: COP for noise and vibration control applicable to piling operations.

Reason: To avoid noise pollution (Cambridge Local Plan 2006, policy 4/13)

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

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

9. 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)

10. No development shall commence until a programme of measures to minimise the spread of airborne dust and mud 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.

To avoid harm to residential amenity. (Cambridge Local Plan 2006 policy 3/4)

11. No units shall be occupied until full details of the proposed landscaping, including a planting plan and a 5-year management plan, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before occupation takes place, and shall be maintained in accordance with the approved plan.

Reason: To ensure satisfactory external spaces (Cambridge Local Plan 2006 policy 3/11)

12. No development shall take place until details at 1:50 or larger of the pedestrian/cycle gate have been submitted to and approved in writing by the local planning authority. The gate shall be installed only in accordance with the approved details, and shall be so maintained unless agreement to any variation is first given in writing by the local planning authority.

Reason: To ensure that access for cycles is adequate. (Cambridge Local Plan 2006 policy 8/6)

INFORMATIVE: The applicant / agent should make the following contacts:

Building Control at The Guildhall, 01223 457200 with regard to noise insulation

Jen Robertson, Waste Strategy Officer, Mandela House, 4 Regent Street, 01223 457658 with regard to waste provision.

The Housing Standards Team, Mandela House, 4 Regent Street, 01223 457880.

INFORMATIVE: The applicant is advised that to provide for the needs of disabled occupiers or visitors, all toilet and bathroom doors should either open outwards or slide. The applicant is also advised that the parking layout should conform with Part M of the Building Regulations, and that the needs of disabled drivers would be best served by automatic gates to the access drive.

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: policies ENV7 and WM6

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

Cambridge Local Plan (2006): policies 3/1, 3/4, 3/6, 3/7, 3/11,
3/12, 5/1 and 7/3

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

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

2. Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 15th March 2012 it is recommended that the application be refused for the following reason.

The proposed development does not make appropriate provision for open space/sports facilities, community development facilities, education and life-long learning facilities, waste facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/14 and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010 and the Open Space Standards Guidance for Interpretation and Implementation 2010.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

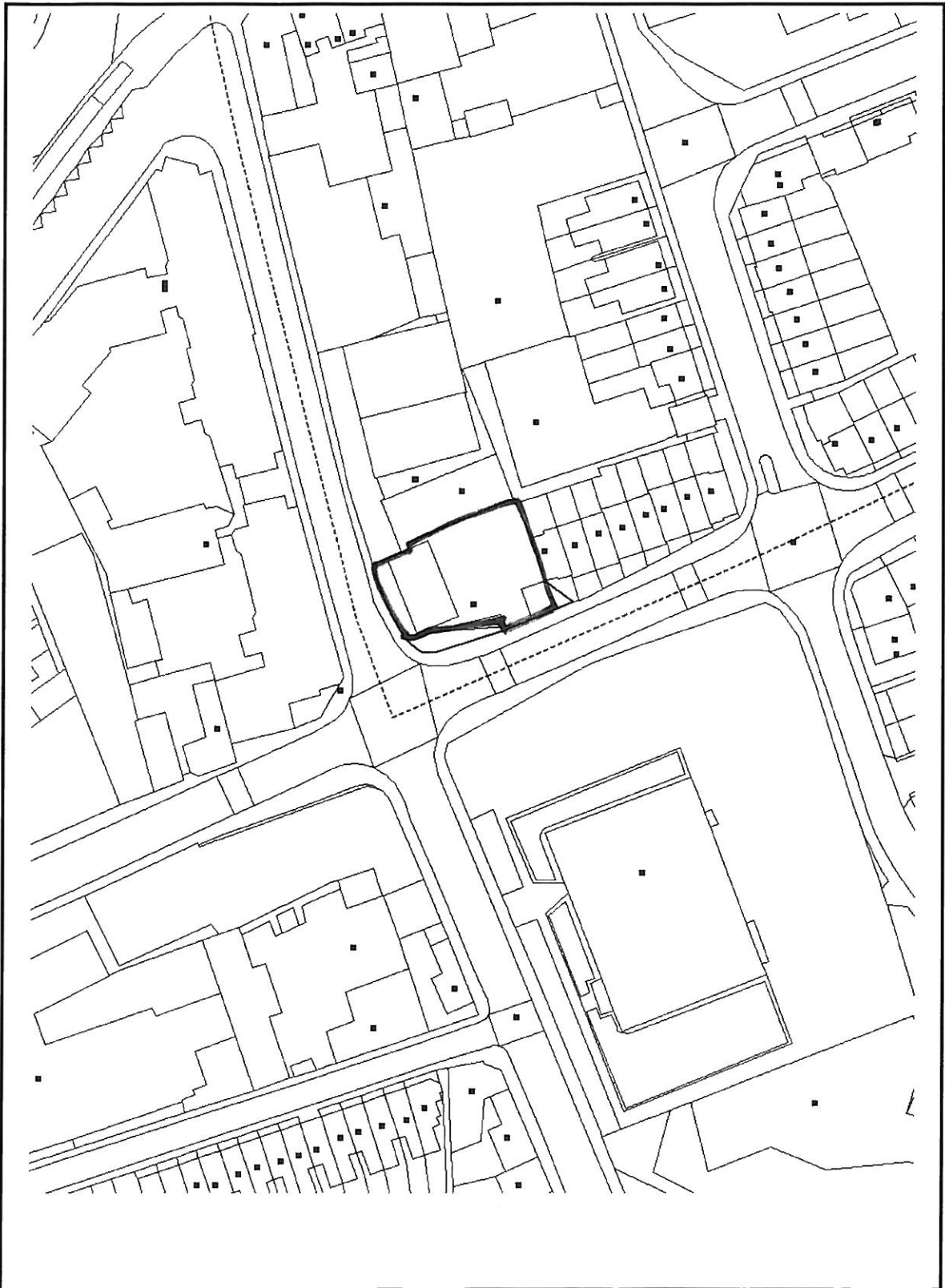
Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

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

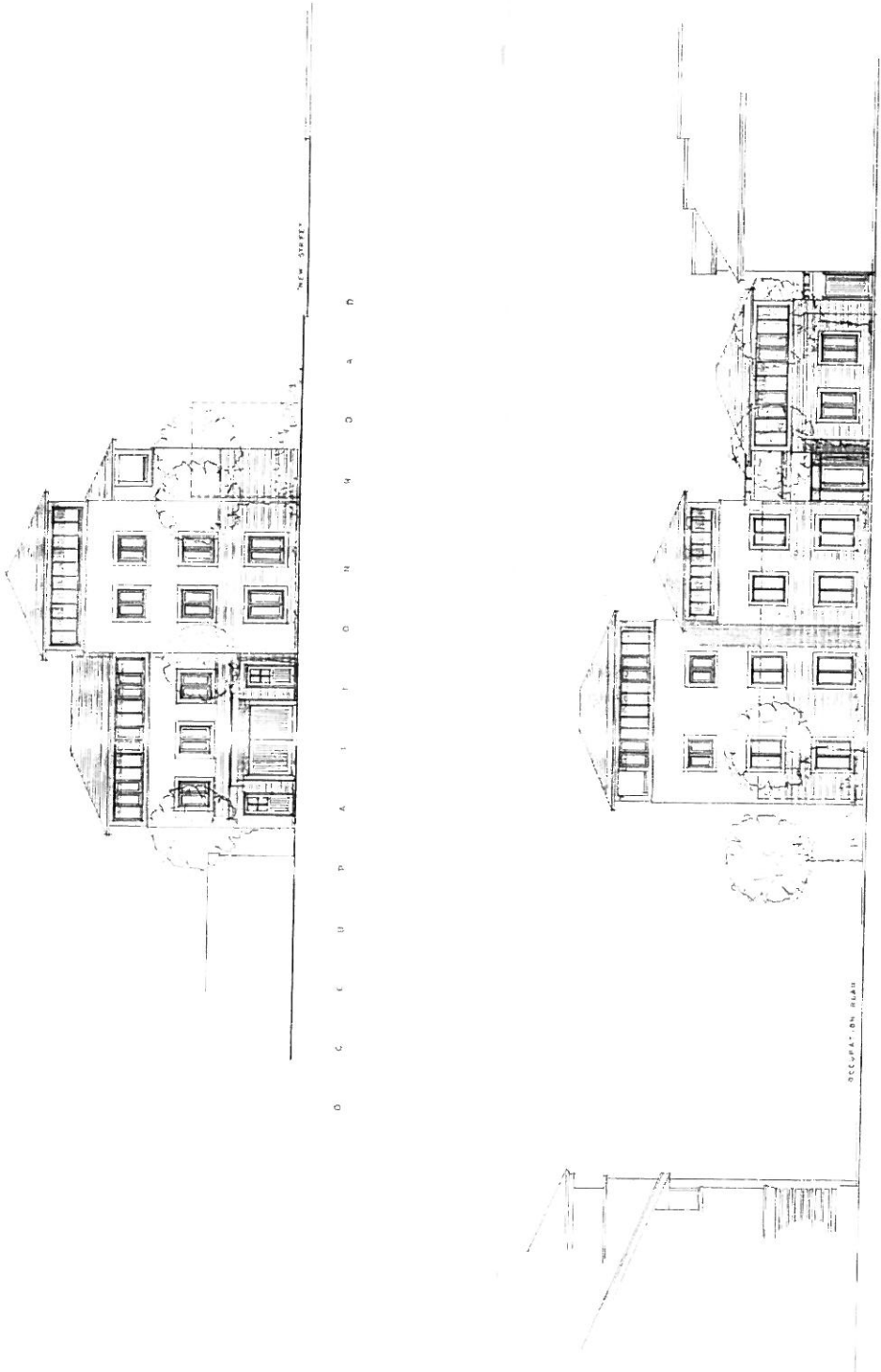
These papers may be inspected on the City Council website at:

www.cambridge.gov.uk/planningpublicaccess

or by visiting the Customer Service Centre at Mandela House.



11/1097/EXP
71 - 73 New Street Cambridge CB1 2QT



DELEGATED
 APPROVED

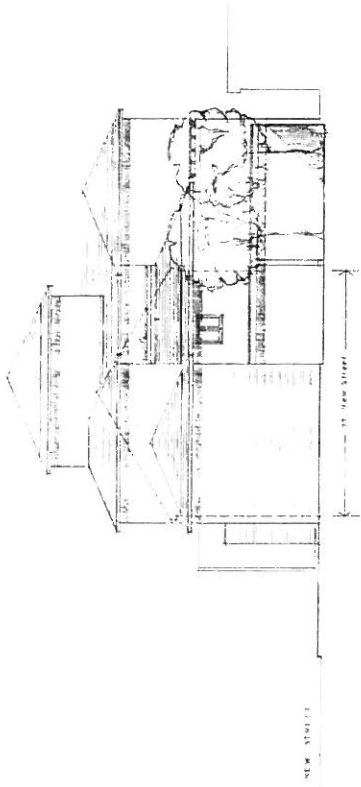
09 / 0063 / FUL



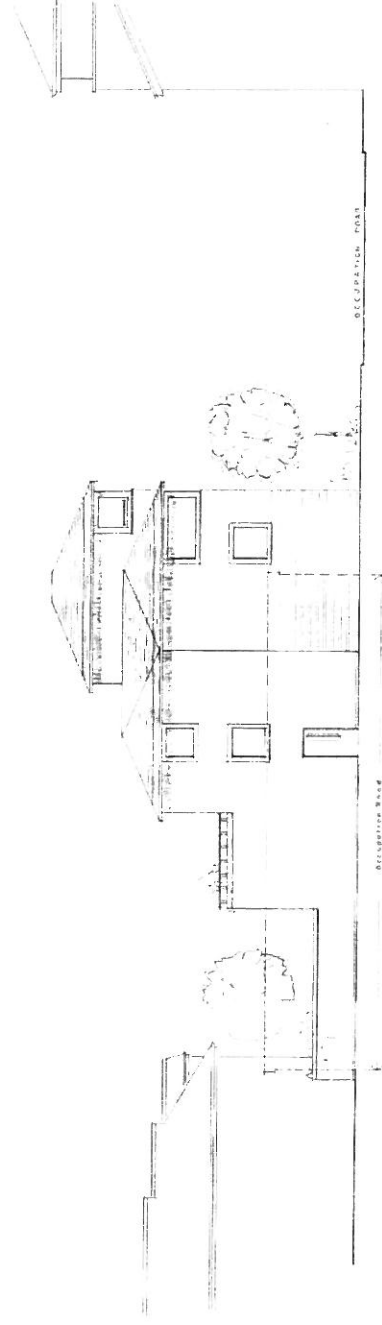
THE TEAM SHED, East Road, Cambridge CB1 1LR. TEL: 01223 317474 FAX: 01223 317475

Client: E P J CLARK Date: 01/04/09
 Project: OCCUPATION ROAD NEW SHEET Scale: 1:100
 Drawing: ELEVATIONS SHEET 1 Dwg No. 09/0063_001

This drawing is copyright. No part shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the architect.



25' NEW STREET



25' NEW STREET



09 / 0063 / FUL



THE TRAM SHED, East Road, Cambridge, ON (180)

Client	E P & C CLASH	Date	07/09/09	2009
Project	OCCUPATION ROAD	NEW STREET	Scale	1/8" = 1'-0"
Drawing	ELEVATIONS	SHEET 7	Dwg No	09/0063-022

This drawing is copyright © and shall be the property of the architect. The contractor is responsible for securing any permissions to use this drawing.