

**Additional Item**

At the meeting of Planning Committee on 8 October the Chair will be asked to rule that under 100B(4)(b) of the Local Government Act 1972 the application 08/1063/FUL, relating to change of use of from office and residential to retail at 62-74 Burleigh Street, be considered, despite not being made publicly available five clear days prior to the meeting. (The officers' report on the application has been made publicly available and circulated to members on Monday 6 October.)

The reason why this report has not been available beforehand was because a single objection, received on the last day of the consultation period, while the case officer was on leave, triggered the requirement for the application to come before committee. The report has therefore been completed as soon as possible after the officer's return.

Subject to the Chair's so ruling, the application will be added to the agenda as item 4.2. The case officer's report and recommendation follows.

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<b>Application Number</b>	08/1063/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	23rd July 2008	<b>Officer</b>	Mr Tony Collins
<b>Target Date</b>	22nd October 2008		
<b>Ward</b>	Market		
<b>Site</b>	62-74 Burleigh Street Cambridge Cambridgeshire CB1 1DJ		
<b>Proposal</b>	Change of use of first floor and second floors from office (B1A) to Retail (A1), third floor from Residential (C3) to Retail (A1); change of use of basement from car parking to provide ancillary retail storage; and ancillary servicing arrangements.		
<b>Applicant</b>	Wrayburn Properties Ltd C/O Agent Drivers Jonas 85 King William Street London ECN4 7BL		

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**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 This application relates to the building until recently occupied by Robert Sayle on Burleigh Street.
- 1.2 To the south-west of the site is Paradise Court, a two-storey, pitched-roofed block of residential properties standing on the corner of City Road and

Paradise Street, with an open rear courtyard adjacent to the application site. There is an approximately 1.8 metre high brick wall on the east side of this open courtyard, abutting the site. The rear, northern side of this courtyard comprises a wall of approximately 4 metres in height abutting the site. The blank, eastern gable end of number 47 Paradise Court also abuts the application site.

- 1.3 The boundary of the site with Paradise Street comprises an approximately 1.8 metre high brick wall with a dense shrub hedge immediately in front, adjacent to the highway. There are two accesses to the site from Paradise Street: a ramp leading down to the basement of the building; and the access to the service yard behind the building. There is a medium-sized tree with a split trunk amongst the boundary hedge adjacent to the ramp, and a similar-sized tree in the hedge adjacent to the access to the rear service yard.
- 1.4 The rear service yard of the building is a tarmac area. The area between the retaining wall to the ramp and the wall enclosing the courtyard to Paradise Court was used for the storage of goods trolleys, and the parking of cars and motorbikes. Between the rear wall of the courtyard to Paradise Court and the rear wall of the Robert Sayle building, there are bicycle parking shelters and a timber storage shed.
- 1.5 On the opposite (southern) side of Paradise Street, facing the application site, are two-storey, pitched-roofed modern residential units, and older two-storey houses.
- 1.6 Adjoining the application building on its south-eastern side, is Gibson House, a three-storey building comprising three retail units with offices above.
- 1.7 To the north-west of the application site is number 1 City Road, a two-storey, pitched-roofed building occupied by a recruitment agency, and, at the junction of Burleigh Street and City Road, the Co-op Bank.
- 1.8 The application site is adjacent to the Central Conservation Area, the boundary of which runs down Paradise Street and City Road.
- 1.9 The application site has no specific allocation in the Cambridge Local Plan 2006, but Burleigh Street is allocated as a Primary Shopping Frontage under policy 6/6.
- 1.10 The site is within the Controlled Parking Zone.

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for change of use from the mixed retail, office and residential use authorised under C/99/0957/FP to use of the whole building for retail use within class A1 of the Town and Country Planning (Use Classes) Order 2005.

- 2.2 The proposal also includes some changes to the interior and exterior of the building. These can be summarised as follows.

### **Burleigh Street frontage**

Closure of the eastern and western customer entrances. Removal of the existing stair and lift core at ground floor level to create a larger central entrance with a new canopy.

Addition of air-conditioning condensers on balcony at second floor level

### **Rear elevation and service yard**

Upward extension by one storey from 5m x 15m balcony at second floor level to accommodate escalator atrium at rear

Repositioning of ventilation towers

Enclosure of goods-in bay

Creation of walled escape route through service yard at eastern side

### **Interior**

Use of entire basement area for storage of stock

Removal of lifts at front of building

Installation of new escalators (ground to first and second floors), new customer lifts (ground to first and second floors) and goods lifts (basement to ground, first, second and third floors) at rear of building

- 2.3 The drawings submitted also show new signage at ground floor level and on the top of the building, which will require a separate application.

- 2.4 The application is accompanied by the following supporting information:

1. Design and Access Statement
2. Planning Statement
3. Transport Statement
4. Sustainability Statement
5. Renewable Energy Statement

## **3.0 SITE HISTORY**

- 3.1 Complex history of planning applications, the most relevant of which are as follows:

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
C/99/0957	Demolition of existing retail and office buildings, erection of four-storey new development comprising A1 (retail), B1 (office) and C3 (residential use) together	Approved with conditions

C/02/0232/FP	with associated car park Temporary alternative use of approved development scheme (C/99/0957/FP granted 12/01/01), together with temporary building alterations and additions to the rear	Approved with conditions
06/0791/FUL	Creation of new retail floorspace, change of use from offices to retail and residential	Withdrawn
07/0741	Use for residential, retail, associated car parking, services and landscaping	Approved with conditions

#### 4.0 PUBLICITY

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

#### 5.0 POLICY

##### 5.1 Central Government Advice

5.2 **PPS1 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 (PPS 3) Housing :** Sets out to deliver 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, and the likely profile of household types requiring market housing.

- 5.4 **PPS6 Planning for Town Centres (2005):** States that the key objective for town centres is to promote their vitality and viability by planning for growth and development of existing centres, promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. The statement seeks to enhance consumer choice to meet community needs and ensure new development is well served by a choice of means of transport.
- 5.5 **PPG13 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.
- 5.6 **PPS22 Renewable Energy (2004):** Provides policy advice to promote and encourage the development of renewable energy sources. Local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, location requirements and the potential for exploiting them subject to appropriate environmental safeguards.
- 5.7 **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.
- 5.8 **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.
- 5.9 **East of England Plan 2008**

SS1 Achieving sustainable development

SS6 City and town centres

T1 Regional transport strategy objectives and outcomes

T2 Changing travel behaviour

T3 Managing traffic demand

T4 Urban transport

T9 Walking, cycling and other non-motorised transport

T14 Parking

ENV7 Quality in the built environment

ENG6 CO<sub>2</sub> emissions and energy performance

WM8 Waste management in development

CSR2 Employment-generating development in the Cambridge subregion

## 5.10 Cambridgeshire and Peterborough Structure Plan 2003

Planning Obligation Related Policies

P6/1 Development-related provision

P9/8 Infrastructure Provision

P9/9 Cambridge Sub-Region Transport Strategy

## 5.11 Cambridge Local Plan 2006

3/1 Sustainable development

3/4 Responding to context

5/1 Housing provision

5/3 Housing lost to other uses

5/4 Loss of housing

6/5 Shopping development in the city centre

8/2 Transport impact

8/4 Walking and Cycling accessibility

8/6 Cycle parking

8/10 Off-street car parking

8/16 Renewable energy in major new developments

8/18 Water, sewerage and drainage infrastructure

10/1 Infrastructure improvements

Planning Obligation Related Policies

3/7 Creating successful places

5/5 Meeting housing needs

8/3 Mitigating measures

10/1 Infrastructure improvements

## 5.12 Material Considerations

**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 (2002) - Provision of Public Art as Part of New Development Schemes:** Encourages the provision of art as part of new development proposals, setting applicable thresholds.

**Cambridge City Council (2002)–Eastern Corridor Area Transport Plan:**The purpose of the Plan is to identify new transport infrastructure and service provision that is needed to facilitate large-scale development and to identify a fair and robust means of calculating how individual development sites in the area should contribute towards a fulfilment of that transport infrastructure.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

- 6.1 Lack of clarity on floor areas questioned.

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

- 6.2 No comments received to date. Any comments received will be reported on the amendment sheet or verbally at the meeting.

### **Head of Environmental Services**

- 6.3 No objection. Conditions recommended relating to construction hours, dust suppression, waste storage, noise insulation and store opening hours. Informatives also recommended.

### **Head of Policy and Projects**

- 6.4 Proposal acceptable in terms of policies on residential provision, office space and retail uses. Policy comments are covered in more detail in paragraphs 8.2-8.8.

### **Cambridge City Council Access Officer**

- 6.5 Insufficient detail supplied regarding toilets, dropped counters, hearing loops and disabled changing rooms.
- 6.6 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 in favour of the application:

40 Beche Road  
5 Eden Street

- 7.2 The representations can be summarised as follows:

to be welcomed  
would benefit those on tight budgets  
would draw trade into the area  
loss of office space not a problem  
loss of residential space outweighed by benefits

7.3 Representations commenting on the application have been made by email without a postal address. The representations urge the replacement of the existing lifts in the building.

7.4 The owners/occupiers of the following addresses have made representations objecting to the application:

17 Christchurch Street

7.5 The representations can be summarised as follows:

original approval for demolition of the old Co-op building involved provision of residential units. These should be retained; mixed use will help to ensure vitality of the Kite area

7.6 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: loss of residential units
2. Principle of development: loss of office space
3. Principle of development: creation of additional retail space
4. Residential amenity
5. Disabled access
6. Refuse arrangements
7. Servicing and highway safety
8. Car and cycle parking
9. Renewable energy and sustainability
10. Third party representations
11. Planning Obligation Strategy

### **Principle of Development: loss of residential units**

8.2 The mixed use scheme approved for this site under C/99/0957 but never implemented, would have provided 13 residential units. The revised mixed-use scheme brought forward under 07/0741 (which has the benefit of Planning Committee approval subject to the completion of a Section 106 agreement) would provide 31 units. The present proposal provides no residential accommodation, and could therefore be seen as representing a loss of residential accommodation.

8.3 Advice from the Head of Policy and Projects raises doubts as to whether policy 5/4 applies to this application, because there is no loss of existing dwellings and no residential accommodation on site at the moment, whereas the supporting text to policy 5/4 only refers to existing housing. I concur with this view; I do not consider it reasonable to regard the space originally proposed for residential use in 1999 as 'housing' for the purposes of policies 5/3 and 5/4 of the Cambridge Local Plan (2006). These policies are designed to protect the city's existing housing stock, of which this building has never formed a part, and I do not consider that either policy would provide a justification for the refusal of this application.

8.4 Even if the policy were applicable to the loss of permitted residential floorspace, however, the Head of Policy and Projects considers that it would be acceptable as an exception to policy for the following reasons:

the site has previously been in use for a 100% retail scheme

it is in a retail area

there is evidence of a need for additional comparison floorspace in the future

it would strengthen the retail offer in the City generally and in the Grafton area in particular

there is no actual loss of residential

8.5 In my opinion, the principle of change of use to a wholly non-residential use is acceptable and in accordance with policies 5/3 and 5/4 of the Cambridge Local Plan (2006).

#### **Principle of Development: loss of office space**

8.6. In November 2007 the Council adopted an Employment Land Review as part of the evidence base for the Local Development Framework. The ELR points towards a potential shortfall in Class B1(a) office space. The ELR is not a policy document, however, and there are no policies in the local plan about loss of office space. There would be no sound policy basis for refusal of the application on these grounds.

#### **Principle of Development: creation of additional retail space**

8.7 The Council has commissioned a sub-regional retail study. This is not complete, but the draft report suggests that there is capacity for further comparison goods shopping in the subregion. The draft study also recommends that in the short term, the focus should be on infill retail development and the improvement of existing floorspace.

8.8 The Head of Policy considers that the proposed development, using existing space within the City Centre, would be in line with policy and the draft findings of the study; I concur with this view; in my opinion the retail use

proposed is compliant with East of England Plan (2008) policy E5, and Cambridge Local Plan (2006) policy 6/5.

### **Residential Amenity**

- 8.9 I do not consider that the proposal raises any issues of residential amenity different from those of the previous use. The Head of Environmental Services recommends conditions to control shop opening hours, noise insulation, and the depositing of waste outdoors, in order to prevent adverse noise impacts on surrounding residential occupiers. I support these recommendations.
- 8.10 In my opinion, subject to such conditions the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with East of England Plan (2008) policy ENV7, East of England Plan (2008) policy ENV7, Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Disabled access**

- 8.11 The removal of the existing lifts, whose shortcomings have been emphasized in representations made on the proposal, and their replacement by new customer lifts, will represent an improvement in access for disabled customers. The building has level access from the street.
- 8.12 The council's access officer has raised concerns about toilets, dropped-height counters, hearing loops, and the layout of changing rooms. These are matters of internal design of the building, and are not subject to planning control. I recommend an informative alerting the applicant to the council's concerns. 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.

### **Refuse Arrangements**

- 8.13 The applicants propose to handle waste in accordance with their corporate waste strategy, which incorporates baling of the extensive quantities of cardboard and plastic waste generated by the use in an internal baler, and its collection by commercial contractors. I am satisfied that this approach is acceptable, but I recommend three conditions related to waste storage in order that the council can ensure there is no detrimental impact to surrounding occupiers or users of the street.
- 8.14 In my opinion the proposal is compliant with East of England Plan (2008) policy WM8 and Cambridge Local Plan (2006) policy 3/12.

### **Servicing and Highway Safety**

- 8.15 The applicants expect to require up to nine deliveries per day by rigid lorries up to 10m long. The previous temporary retail use by Robert Sayles

expected 14 lorry deliveries and up to 27 van deliveries per day. Articulated lorries will not be used. In my view, the impact of servicing is not likely to be any greater than the previous retail use. I do not consider that this level will be unacceptable in terms of residential amenity. The highway authority has not raised any issues of highway safety.

- 8.16 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**

- 8.17 The City Council's cycle parking standards require 1 cycle parking space per 60m<sup>2</sup> of floor area up to 1500m<sup>2</sup> (60 spaces) and 1 cycle parking space for each 75m<sup>2</sup> above this level (5868m<sup>2</sup>: 78 spaces). This gives a total requirement of 138 spaces.
- 8.18 The applicants predict on the basis of the TRICS database that 40 of those spaces would be required by staff, and propose to include 40 cycle parking spaces to the rear of the building in the service area. The location shown on the application drawings is in my view satisfactory. The applicants propose to provide 98 further spaces, for customers, in the form of on-street cycle hoops in Eden Street, Fitzroy Street, City Road and Burleigh Street. Potential locations, which have previously been discussed with city and county council officers, are shown in the application, and the applicants have indicated their willingness to enter into a Section 106 agreement to provide these hoops or the same number in alternative locations.
- 8.19 The application does not propose car parking space either for staff or customers. This is in accordance with the City Council's standards.
- 8.20 In my opinion, subject to a condition requiring details of the cycle parking provision, and the completion of a Section 106 agreement to provide customer cycle hoops in the highway, 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.

### **Renewable energy and sustainability**

- 8.21 The applicants have carried out an assessment of renewable technologies, and concluded that air source heat pumps are capable of providing 10% of the energy requirements of the building. The advice of the sustainable construction coordinator is that the use of this technology does not constitute a renewable source as required by policy 8/16 of the local plan. The applicants' renewable energy assessment suggests that the 10% requirement could be met through use of a vertical loop ground source heat pump, or by a combination of that technology and solar hot water. In my view, the imposition requiring submission of an alternative scheme for renewable energy generation (not dependent on air source heat pump

technology) is necessary in order to meet the requirements of policy 8/16. Subject to such a condition, I am satisfied that the proposal would be in accordance with policy 8/16 of the Cambridge Local Plan (2006).

- 8.22 In my opinion the application addresses the principle of sustainability by siting retail development in a location likely to reduce the need to travel by private car, which is in accordance with paragraph 3.6 and policy 3/1 of the Cambridge Local Plan (2006).

### **Third Party Representations**

- 8.23 Adverse representations concerning the existing lifts are fully answered by the proposal, which involves removal and replacement of the existing lifts by new larger lifts in a different position.
- 8.24 The only objection received is on the grounds of loss of the residential element in the building. I have addressed this issue in paragraphs 8.3-8.5 above.

### **Planning Obligation Strategy**

- 8.25 The Planning Obligation Strategy (2004) provides a framework for expenditure of financial contributions collected through planning obligations. The proposed development triggers the requirement for the following community infrastructure:

#### Transport

- 8.26 The site lies within the Eastern Corridor Area Transport Plan where 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. The contribution per trip equates to £229.
- 8.27 The applicants have submitted a transport assessment that concludes that 404 fewer trips per day will be generated by the proposed use than would have been generated by the mixed use authorised under 02/0232 (707 daily trips compared to 1111).
- 8.28 The New Communities department at Cambridgeshire County Council have assessed the proposal and their view differs from that of the applicants. While he accepts the applicant's suggested figure for trips from the proposed development, the Senior Transport Officer at New Communities considers that the comparison with the expected trip figures from 02/0232 is inappropriate since that permission has never been implemented, and that the proposal should properly be compared with the trip figures from the temporary use of the building by Robert Sayles.

- 8.29 On the basis of the figures used in the applicants' transport assessment (2 daily employee trips per 50m<sup>2</sup> of retail floorspace, and 5.6 daily trips per 100m<sup>2</sup> of retail floorspace) the 5772m<sup>2</sup> of retail floorspace under the temporary Robert Sayles use can be assumed to have generated 231 daily employee trips and 323 daily shopper trips, giving a total of 554 daily trips. I consider it reasonable to assume that in addition to this total, there would have been 16 daily trips by vans to or from the collection facility at Trumpington (figure based on current John Lewis working from the Grand Arcade store), and that 32 trips per day would have been made by staff working in the basement of the building, which is not included in the retail floorspace allocation of the Robert Sayles use in the applicants' transport assessment.
- 8.30 On this basis, the total daily trips deemed to be generated by the Robert Sayles use is 602 (231+323+16+32). The net increase generated by the proposed development would therefore be 707-602=105. I concur with the view of the County Council officer on this issue. Hence, a contribution of £24045 is required towards the Area Transport Plan. Subject to the completion of a S106 planning obligation to secure these requirements of the Planning Obligation Strategy (2004), I am satisfied that the proposal accords with East of England Plan policies T1 and T4, Cambridgeshire and Peterborough Structure Plan (2003) policies P6/1, P9/8 and P9/9 and Cambridge Local Plan (2006) policies 8/3 and 10/1.
- 8.31 In the absence of a S106 planning obligation to secure this infrastructure provision, the proposal would be contrary to the above policies

#### Public Realm

- 8.32 The site lies within the city centre, where contributions for the public realm are sought for developments or redevelopments where 50 or more (all mode) trips on a daily basis are likely to be generated. The contribution per trip equates to £310.
- 8.33 On the basis of the assessment by the New Communities department of the County Council discussed above, I consider that the proposed development would generate 105 additional daily trips, and that therefore a contribution of £32550 (£310 x 105) is required. Subject to the completion of a S106 planning obligation to secure these 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 3/7 and 10/1.
- 8.34 In the absence of a S106 planning obligation to secure this infrastructure provision, the proposal would be contrary to those policies.

#### Public Art

8.35 The proposed development requires a contribution to be made towards the provision of public art. A contribution is sought for a value equal to 1% of the construction costs of the project, either to be provided as on-site provision, or preferably as a commuted sum. Subject to the completion of a S106 planning obligation to secure the public art 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 9/8 and Cambridge Local Plan (2006) policies 3/7 and 10/1.

8.36 In the absence of a S106 planning obligation to secure this public art provision, the proposal would be contrary to the above policies

## **9.0 CONCLUSION**

9.1 In my view, this proposal cannot be considered to involve the loss of residential accommodation, because the residential element originally authorized on this site has never been constructed in that form. The proposal is in my view of an appropriate nature and scale, and would enhance the vitality and viability of the city centre, particularly that of the Burleigh Street and Fitzroy Street area.

## **10.0 RECOMMENDATION**

**1. APPROVE subject to the satisfactory completion of the s106 agreement by 22<sup>nd</sup> October 2008 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 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)

4. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.
  - i) contractors access arrangements for vehicles, plant and personnel,
  - ii) contractors site storage area/compound,
  - iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,
  - iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

5. 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)

6. No development shall take place until a programme of measures to minimise the spread of airborne dust and mud from the site during demolition and construction (including wheel washing), has been submitted to and approved in writing by the local planning authority. Implementation shall be in accordance with the approved scheme.

Reason: to protect the amenity of neighbouring occupiers and users of nearby streets. (Cambridge Local Plan 2006 policies 3/4 and 4/13).

7. Prior to the commencement of development, a revised renewable energy statement, which does not rely on the use of air source heat pump technology, shall be submitted to and approved in writing by the local planning authority. The statement shall include the total predicted energy requirements of the development and shall set out a schedule of proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme. The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2006 policy 8/16).

8. The opening hours of the retail use hereby permitted shall be limited to 0800-2300 on any day.

Reason: to protect the residential amenity of neighbouring occupiers. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

9. Collections from, and deliveries to the retail premises in the operational phase (including the collection of waste) shall take place only between 0800 and 2300 on any day.

Reason: to protect the residential amenity of neighbouring occupiers. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

10. The placing of waste (including bottles) into waste receptacles outside the premises shall take place only between 0800 and 2300 on any day.

Reason: to protect the residential amenity of neighbouring occupiers. (Cambridge Local Plan 2006 policies 3/4 and 4/13)

11. Prior to the commencement of the use hereby permitted, the on-site storage facilities for trade waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans shall be provided. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and in accordance with policies 4/13 and 6/10 of the Cambridge Local Plan (2006)

12. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced and retained thereafter unless any variation is agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (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)

14. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

15. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

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

16. 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)

17. **INFORMATIVE:** This planning permission should be read in conjunction with the associated deed of planning obligation prepared under s.106 of the Town and Country Planning Act 1990 (as amended).
18. **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).

19. **INFORMATIVE:** To satisfy standard conditions relating to Noise Insulation, the noise level from all plant and equipment, vents etc (collectively) associated with this application should not raise the existing background level (L90) by more than 3 dB(A) both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to this application and having regard to noise sensitive premises. Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises.

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial areas' or similar. Noise levels shall be predicted at the boundary having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

20. **INFORMATIVE:** The applicants are advised that if, during the works hereby permitted, any ground contamination is encountered, the local planning authority should be informed, additional contamination shall be fully assessed, and an appropriate remediation scheme agreed with the local planning authority. The applicants are reminded of the need to satisfy themselves as to the condition of the basement and its proposed use to ensure no situation prejudicial to health arises.
21. **INFORMATIVE:** The applicants are advised to consult with the Environmental Health Food and Occupational Safety team on 01223 457901 to ensure that the proposed canteen complies with food safety legislation. The premises will also be required to register with the Food and Occupational Safety team as a food business.

22. **INFORMATIVE:** The applicants are urged to ensure the provision of dropped-height counters, hearing loops and well-adapted changing rooms in order to meet the needs of disabled customers.
23. **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 22nd October 2008 it is recommended that the application be refused for the following reason(s).**

The proposed development does not make appropriate provision for transport mitigation measures, public art, or public realm improvements in accordance with policies 3/7 and 8/3 of the Cambridge Local Plan 2006; and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, Eastern Corridor Area Transport Plan 2002, and Provision of Public Art as Part of New Development Schemes 2002.

24. **Reasons for Approval**

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

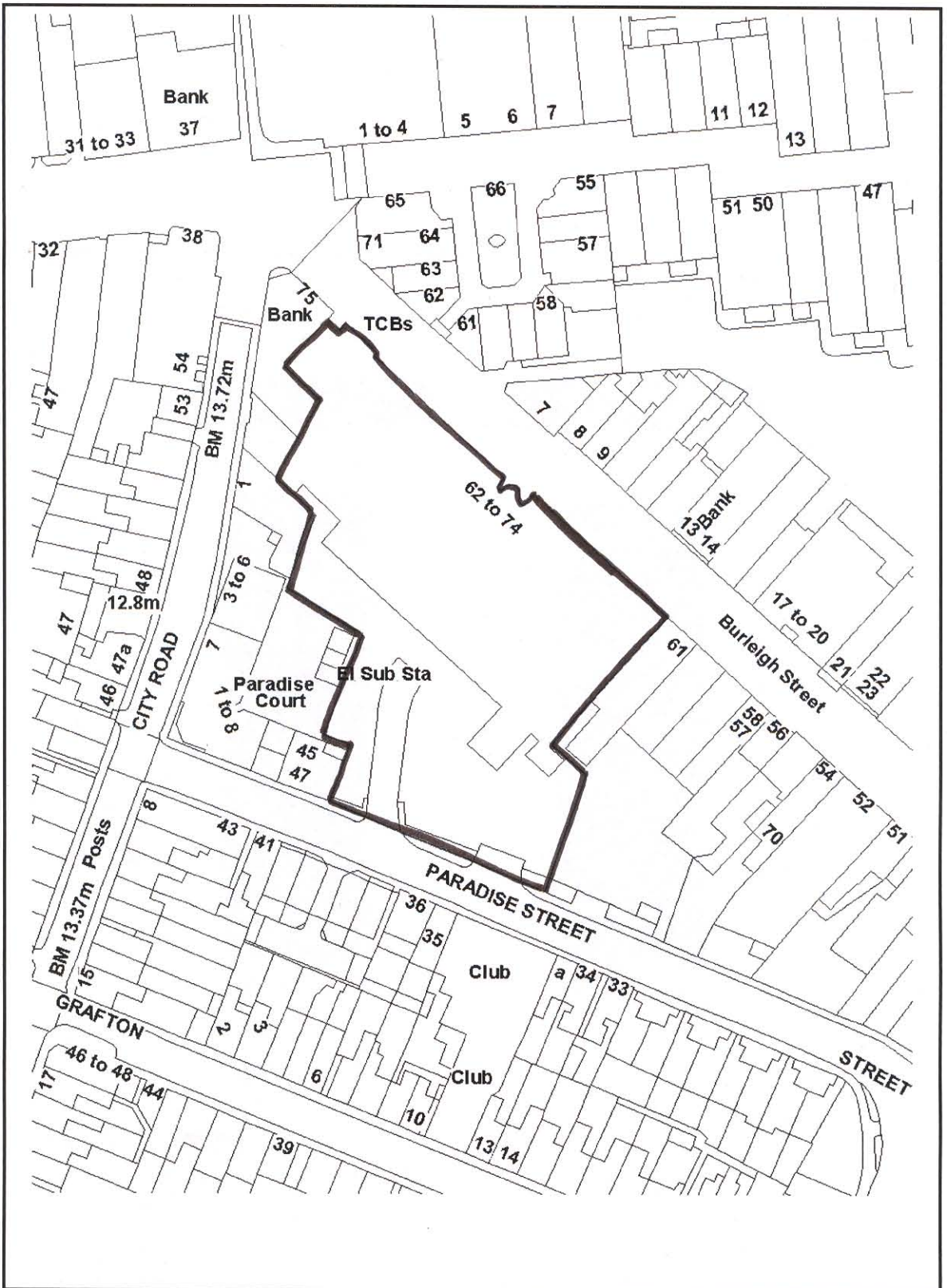
East of England plan 2008: SS1, SS6, T1, T9, ENG6, WM8, CSR2;

Cambridgeshire and Peterborough Structure Plan 2003: P6/1, P9/8, P9/9;

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 5/4, 6/5, 8/2, 8/6, 8/16;

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 detail on the decision please see the officer report by visiting the Council Planning Department.



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