
Appeal Decision

Site visit made on 6 September 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 28 September 2016

Appeal Ref: APP/Q0505/W/16/3147118
23-25 Hills Road, Cambridge CB2 1NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JR Properties against the decision of Cambridge City Council.
 - The application Ref 15/2380/FUL, dated 18 December 2015, was refused by notice dated 8 March 2016.
 - The development proposed is a mixed use development comprising ground floor retail (use Class A1), with non-speculative student accommodation scheme of 26 N^o bedrooms on the upper floors to be occupied by Abbey College, along with car and cycle parking, following demolition of existing buildings on site.
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Decision

1. The appeal is allowed and planning permission is granted for a mixed use development comprising ground floor retail (use Class A1), with non-speculative student accommodation scheme of 26 N^o bedrooms on the upper floors to be occupied by Abbey College, along with car and cycle parking, following demolition of existing buildings on site at 23-25 Hills Road, Cambridge CB2 1NW in accordance with the terms of the application, Ref 15/2380/FUL, dated 18 December 2015, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by JR Properties against Cambridge City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in the appeal are the effect of the proposed development on:
 - i) highway safety;
 - ii) the character and appearance of the area with specific reference to the design of the entrance to the proposed student accommodation; and
 - iii) the safety and security implications of the proposed access arrangement.

Reasons

Highway Safety

4. The appeal property is on the corner of Hills Road and Cambridge Place and comprises two shops at ground floor level with accommodation on up to three floors above which I understand has been used for educational purposes.
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There is a small car parking area to the rear with access from Cambridge Place which appeared on my visit to provide space for parking about four cars.

5. The proposal is to demolish the existing building and to build over the whole site, providing a single vehicle parking space and a number of bicycle parking spaces at ground floor level with access via a door. The pedestrian access to the student accommodation would be adjacent to the vehicle entrance.
6. The existing building attracts numbers of students who are said to congregate on Cambridge Place outside the entrance at times. Cambridge Place is a narrow road which provides access to dwellings and businesses.
7. Any vehicle visiting the proposed parking space would need to manoeuvre within the road to either reverse into or out of the space but such manoeuvres will occur at the present time and are not necessarily prejudicial to highway safety. The narrowness of the road may increase the necessity for manoeuvring but it has been demonstrated that a 4.6 tonne light van could manoeuvre into the space in one movement. Vehicle speeds are likely to be low given the width of the road and the close proximity to the junction with Hills Road.
8. The visibility from the vehicle entrance towards the junction would be reduced as a result of the building extending further to the rear than the existing building. The Council advises that the available visibility would be 6.75 metres measured from a point 2 metres back which would be significantly less than the 11 metres recommended in Manual for Streets for vehicles travelling at 10 mph. However visibility towards the east would be improved and given the low traffic speeds it is unlikely that the reduced visibility towards Hills Road would cause unacceptable vehicular conflict.
9. The double yellow lines in the area prevent parking on Hills Road and Cambridge Place. There is also a loading restriction in force on Hills Road. An on-site warden would manage the use of the parking space to ensure that it remains available for necessary deliveries and that it is efficiently used. On this basis I see no reason why the proposed parking arrangement would cause congestion on the road.
10. The pedestrian entrance to the accommodation would be separate from the vehicle entrance and although the parking space would adjoin the pedestrian route into the building it would not obstruct it or otherwise hinder movement by pedestrians or cyclists. The footways along Cambridge Place provide segregation between vehicular and pedestrian movement along the road and the footway adjoining the site would be widened. The proposed shop front would include a splayed corner which would improve forward visibility around the junction to the benefit of drivers and pedestrians. For these reasons I am satisfied that the proposal would not be harmful to pedestrian safety.
11. The on-site warden would be able to advise delivery companies of the 2.7 metre height restriction on the vehicle entrance. The warden would also be able to ensure that students arrange deliveries through him or her. In this way, deliveries by larger vehicles or on an *ad hoc* basis could be avoided.
12. I have taken into account all other concerns expressed regarding congestion caused by on-street parking and the detailed access arrangements proposed. The cycle storage provision would be in accordance with the requirements of

the Cambridge Local Plan (LP) (2006). The National Planning Policy Framework (the Framework)¹ states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. The Highway Authority has no objection to the proposal. For the above reasons I conclude that the proposal would not adversely affect highway safety and that it would accord with policy 8/9 of the LP which requires suitable provision for access and parking by service and delivery vehicles.

Character and Appearance

13. The site is located within the New Town and Glisson Road area of the Central Conservation Area. There is a high proportion of 19th century development of predominantly two and three storeys along Hills Road and there are modern two storey terraced houses along Cambridge Place. There is also 20th century development along Hills Road which is of greater height and bulk than most of the 19th century buildings. At ground floor level the buildings on both sides of the road are occupied by retail and food and drink uses.
14. I noted on my visit that 25 Hills Road appears to date from the 19th century but has a modern front extension of two storeys with a flat roof. Nº 23 appears to date from the late 20th century and is of four storeys including a mansard style roof. The frontages of the buildings differ in their detailed treatment from the predominantly Victorian architecture in the immediate area. The proposed building would be of similar scale to the existing buildings and its frontage would be vertically divided similarly to those buildings. The recessed mansard roof would limit its overall massing. The detailed treatment of the elevations would relate more sympathetically to the character of the area than the existing buildings. The Council has no objection to the overall design of the proposed building and I see no reason to disagree. For these reasons I find that the proposal would preserve and enhance the character and appearance of the Conservation Area.
15. The pedestrian and vehicle accesses to the building would be on Cambridge Place and recessed from the frontage beneath overhanging upper storeys. The recessed design combined with the rendered surround would emphasise the entrances and also complement the design of the shop front at the front of the building in contrast with the central part of the Cambridge Place elevation. The vertical divisions would sub-divide that elevation into readily appreciable components which would also aid the legibility of the pedestrian entrance.
16. For these reasons the design of the Cambridge Place elevation would be of a suitably high quality and the pedestrian entrance would be clearly legible. I conclude that the proposal would respond well to its context and would enhance the character and appearance of the area. The proposal would accord with policies 3/4, 3/7 and 3/12 of the LP which have these requirements.

Safety and Security

17. The residential entrance door would be recessed by about 1.5 metres from Cambridge Place. The upper floor bedroom accommodation would provide surveillance of Cambridge Place which is a well-used route. The entrance would also be close to the junction with Hills Road which is a busy shopping

¹ NPPF paragraph 32

street. For these reasons there would be a generally good level of natural surveillance of the entrance to the building.

18. Because the use of the parking space would be managed by the warden a good level of security could be ensured. A suitable sliding or roller shutter door could be used which could be closed if necessary when a vehicle is parked in the space. A condition can be imposed to require details of such a door to be approved.
19. Refuse bins would be stored in a separate room and would not hinder the use of the pedestrian access. The appellant states that there would be no need to store bins on the footway as refuse collectors would transport the bins from the bin store. For these reasons the proposal would provide adequate safety and security for its residents. The proposal would accord with the requirements of policies 3/7 and 3/12 of the LP to provide safe and accessible buildings which avoid the threat or perceived threat of crime and to avoid insecurity.

Other Matters

20. Interested parties have referred to the lack of amenity space for the occupants but given the type of accommodation proposed and the availability of public open space in the city this would not be detrimental.

Conditions

21. I have had regard to the tests set out in paragraph 206 of the Framework in imposing conditions. I have imposed the conditions suggested by the Council with some exceptions and some revisions to wording to better accord with those tests. I have combined suggested conditions where appropriate to avoid unnecessary duplication. A condition requiring the development to be carried out in accordance with the approved plans is necessary to provide certainty.
22. I have imposed conditions limiting the hours of construction and demolition work and requiring measures to limit noise, vibration and dust during construction and demolition and to require a traffic management plan in order to safeguard the living conditions of nearby residents and ensure highway safety. The Council's suggested informative clarifies that the traffic management plan is only required for the demolition and construction phases. During operation of the development the on-site warden would manage the use of the parking space.
23. It is necessary to approve the detailed design of the vehicle entrance door in order to ensure that it is visually acceptable and that it can be operated whilst a vehicle is in the parking space and without obstructing the footway.
24. A noise assessment has been provided which is dated October 2014 and relates to a previous proposed development. There is a need for an updated assessment and requisite noise insulation measures to ensure acceptable living conditions for the future occupants taking into account the adjacent public house and the proposed ground floor shop unit. Similarly an odour assessment and necessary mitigation measures are required having regard to the close proximity of food and drink uses to the accommodation.
25. The on-site warden would be required to ensure the effective management of the use of the building and the parking space. Overall management would be

provided by Abbey College. A student management plan is necessary to ensure that the living conditions of nearby residents are not disturbed.

26. Details of facing brickwork, windows and doors are required in order to ensure the appearance of the development is acceptable. A condition requiring the re-use of the historic street name sign is necessary in the interest of the historic character of the area. The Council suggested a condition which would require details of joinery and other features in respect of the shop fronts but these are shown on the plans to be powder coated aluminium and on this basis a condition requiring those details would be unnecessary.
27. A condition requiring the submission of details of surface water drainage measures is necessary to ensure that there is no pollution and that flood risk is not adversely affected. A condition requiring an archaeological investigation is necessary because the site is within an area identified as having archaeological potential.
28. I have not imposed the suggested conditions requiring the submission of details of waste storage facilities because bin stores and the siting of waste receptacles including for recycling have been shown on the plans.
29. Policy 7/7 of the LP allows for windfall student housing subject to a number of considerations including the provision of supervision. Policy 7/10 of the LP allows for speculative purpose-built student hostels subject to occupancy restrictions. The proposal is non-speculative and is for occupation by students of Abbey College. However a restriction on occupancy would be necessary to ensure that the units are occupied as proposed and that they can be managed accordingly.

Conclusion

30. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 499/200 Rev B, 499/201 Rev B, 499/300 Rev C and 499/SK-PK Rev B.
- 3) During the demolition and construction phases no demolition or construction work shall be carried out, no deliveries or collections shall take place and no plant shall be operated between 08:00 and 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays or at any time on Sundays and Bank or Public Holidays.
- 4) No development shall take place until a demolition/construction noise and vibration impact assessment report, including assessment of any piling works and any necessary mitigation measures, which shall be in accordance with BS5228:2009 'Code of Practice for noise and vibration control on construction and open sites' has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.
- 5) No development shall take place until details of measures to minimise the spread of airborne dust during the demolition and construction process have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.
- 6) No development shall take place until a Traffic Management Plan for the demolition and construction phases of the development has been submitted to and approved in writing by the local planning authority. The Traffic Management Plan shall be carried out as approved.
- 7) The student accommodation shall be managed by a resident warden at all times.
- 8) No development shall take place until a noise assessment that considers the impact of airborne and impact sound from the adjacent public house on the residential accommodation and a scheme of noise insulation which shall be designed to achieve internal noise levels recommended in BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' have been submitted to and approved in writing by the local planning authority. The approved noise insulation measures shall be provided before the building is brought into use and shall be retained thereafter.
- 9) Any plant installed on or in the building shall be insulated in accordance with details which shall be submitted to and approved in writing by the local planning authority.
- 10) No development shall take place until an assessment of odour impact on the residential accommodation and any necessary measures for the control of odour have been submitted to and approved in writing by the local planning authority. The approved measures shall be provided before the building is brought into use and thereafter maintained.
- 11) Before the student accommodation is occupied a Student Management Plan shall be submitted to and approved in writing by the local planning

authority. The Plan shall include details of how the accommodation is to be managed on a day-to-day basis including during holiday periods and how any issues arising from its operation in terms of impact on neighbours will be managed. It shall include the name and contact details of a College representative which shall be made available to local residents and placed as information near to the entrance to the building in a prominent and publicly visible location. The student accommodation shall be managed in accordance with the approved Plan.

- 12) No development shall take place until sample panels of all new facing brickwork showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The approved sample panels shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panels.
- 13) No development shall take place until full details of all windows, doors and shop fronts including materials, colours and surface finishes/textures have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) The street name plate for Cambridge Place shall be removed from the existing building before demolition, stored in a location to be agreed with the local planning authority and re-erected in an equivalent position on the building hereby approved.
- 15) No development shall take place until full details of the vehicular access door including details of the opening and closing mechanism have been submitted to and approved in writing by the local planning authority. The door shall be provided in accordance with the approved details.
- 16) No development shall take place until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system. The system shall be designed to ensure that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event plus 30% allowance for climate change. The submitted scheme shall include details of the design storm period and intensity, the method used to control surface water discharge to achieve a 20% reduction in peak flows and measures to prevent pollution of ground and surface waters; and shall provide a management and maintenance plan. The approved system shall be provided before the development is occupied and shall thereafter be managed and maintained in accordance with the approved details.
- 17) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation which shall have been submitted to and approved in writing by the local planning authority.
- 18) With the exception of any room occupied by the warden, the student accommodation shall only be occupied by full-time students attending Abbey College, Anglia Ruskin University or the University of Cambridge or during summer vacation periods only by students attending summer educational courses in Cambridge.