



Appeal Decision

Site visit made on 9 July 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2019

Appeal Ref: APP/Q0505/W/18/3212683 291 Hills Road, Cambridge CB2 8RP

- 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 Gibson Developments Ltd against the decision of Cambridge City Council.
 - The application Ref 17/1372/FUL, dated 3 August 2017, was refused by notice dated 2 May 2018.
 - The development proposed is described as the "Introduction of a residential development containing 15 flats comprising ten 2 bed units and five 1 bed units, along with access, car parking and associated landscaping following the demolition of the existing building on site".
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Decision

1. The appeal is allowed and planning permission is granted for the introduction of a residential development containing 15 flats comprising ten 2 bed units and five 1 bed units, along with access, car parking and associated landscaping following the demolition of the existing building on site at 291 Hills Road, Cambridge CB2 8RP in accordance with the terms of the application, Ref 17/1372/FUL, dated 3 August 2017, subject to the conditions on the attached schedule.

Preliminary Matters

2. Following the decision to refuse planning permission, the Council formally adopted the Cambridge City Council Local Plan on 18 October 2018 (the LP) which replaces the Cambridge Local Plan 2006.
3. The Council's decision notice refers to the failure of the appellant to provide affordable housing as part of the development. However, the Council has since received a development appraisal¹ which has been assessed by an independent valuer and confirms that the development cannot support any affordable housing. Consequently, the Council no longer upholds this reason for refusal.
4. The Council's decision notice also refers to the quality of accommodation for future occupants which is considered to be unacceptable. However, on receipt of amended drawings and additional information, the Council has withdrawn its objection to the development on the grounds of cramped accommodation.

¹ Development Appraisal dated 26 July 2019

Main Issues

5. The main issues are whether the development provides convenient and accessible cycle parking and adequate arrangements for visitor car parking.

Reasons

6. Secure cycle parking areas would be provided within the site at ground level outside the building and within the basement parking area. The Council argue that there could potentially be a conflict between cyclists and drivers as the cycle parking spaces are at the opposite end of the basement with no separate access to them.
7. However, the ramp into the basement has a tight turn, which will naturally cause drivers to use such slow speeds as not to represent a hazard to cyclists that may be in the basement area. Moreover, any vehicle manoeuvring into and out of parking spaces would also be travelling at very slow speeds given the size of the parking area as a whole. Therefore, although the cycle spaces are not entirely compliant with the Council's Cycle Parking Guide for New Residential Developments 2010, given the size of the parking area within the basement and the low speeds of vehicles in this area, I am not persuaded that there would be a conflict between cyclists and cars.
8. Thus, I find that the development would be in compliance with Policies 56, 57 and 82 of the LP which seek, amongst other things, cycle spaces are convenient, accessible and safe for all users.
9. Turning to visitor parking, Policy 82 of the LP seeks to ensure that developments provide adequate parking areas within the site for both residents and visitors. It states that proposals should provide no more than the car parking standards for new residential developments as set out in Appendix L of the LP. In this instance, Appendix L requires no more than 1 space per unit and a further space for visitors at a ratio of one per four units proposed, totalling 4 spaces. Although the development proposes 15 spaces for residents which would comply with Policy 82, the layout only proposes a single space for visitors.
10. However, Appendix L of the LP has a degree of flexibility that takes into account the location of a development and whether it is has convenient walkability and cyclability to the city centre and local/district centres. In this instance, there is a dedicated cycle lane and footpath along the A1307 to the city centre and a bus stop is very close to the site. I am therefore satisfied that the site is within a convenient location with good access to cycle and pedestrian routes as well as access to public transport.
11. Thus, I find the development to be in compliance with Policy 82 of the LP which seeks, amongst other things, to ensure that developments are provided with adequate levels of parking spaces for visitors.

Planning Obligations

12. At the time the appeal was made the appellant had not provided a planning obligation in relation to affordable housing and other contributions required to off-set the impact of the development on local services. However, the appellant has as part of the appeal process submitted a planning obligation

pursuant to Section 106 of the Town and Country Planning Act 1990, which addresses these issues.

13. The planning obligations contained within the agreement does not appear to be in dispute. However, I have considered them against the tests in Regulation 122 of the CIL Regulations 2010 and the National Planning Policy Framework (the Framework) nonetheless. The obligation seeks to secure an affordable housing contribution which would be based upon an affordable housing viability review, to be agreed by the District Valuer or any other independent accountant or valuer. However, the Council confirm that this particular matter has been discharged during the course of the appeal for the reasons as detailed in my preliminary matters².
14. The obligations also seek to address the need to make contributions towards community facilities, open space and recreation provision to address the demand generated from the proposed residential development. Based on evidence before me I consider that provisions contained within the obligation are reasonably related in scale and kind to the needs generated by the proposed development. Furthermore, they are consistent with the requirements of Policy 85 of the LP. I therefore consider that the obligation meets the necessary tests in law and I have taken account of it in reaching my decision.

Other Matters

15. I note that there are a number of representations from local residents objecting to the development. While the building may be considered attractive, it is not a statutorily listed building or located within a conservation area. The design of the proposal is considered acceptable and the development would be the subject of conditions to ensure that suitable materials are employed, trees are protected during construction and that soft and hard landscaping details are provided and the scheme implemented.
16. Turning to traffic generation, highway safety and car and cycle parking provision, Cambridgeshire County Council as local highway authority did not raise any technical objections to the development. From my own observations I have no reason to disagree with that assessment. Moreover, I have no substantive evidence before me to demonstrate that the addition of 15 units would increase any air pollution levels at the site to a significant degree. Furthermore, the site is well placed so that occupiers of the development would have a realistic opportunity to walk, cycle and use public transport to reach services, facilities and employment. Furthermore, I have not been provided with any persuasive evidence that additional flatted accommodation is not required in the area.

Conditions

17. The Council have suggested a number of conditions that I have considered in accordance with the advice within the Planning Practice Guidance and the Framework. In some instances, I have reworded them in the interest of concision. In addition to the standard time condition, it is necessary for certainty to define the plans with which the scheme should accord.

² Email from Cambridge City Council dated 26 July 2019 @14:57hrs refers

18. In the interest of protecting the living conditions of adjoining occupiers, I have attached a condition limiting the time when works, demolition and deliveries/collections can take place at the site. Details of dust suppression and piling during the development would also be required to be agreed with the Council before any development commences. In addition, those windows marked as obscurely glazed shall also have a minimum level of obscurity, the proposed green roof shall only be accessed for maintenance and shall not be used as an amenity area and the roof covering for the proposed access ramp shall be completed.
19. In the interest of highway safety, a traffic management plan would be required to be submitted to and agreed by the Council. The access shall also be constructed to Cambridgeshire County Council specifications and visibility splays, the access and manoeuvring areas shall be provided in accordance with the approved plans. Permitted development rights shall also be removed to ensure that no gates or fences are erected across the proposed access. The access shall also contain no unbound material.
20. To minimise the risk from contamination for future occupiers of the land it is necessary for a contaminated land assessment to be carried out prior to the commencement of the development. This will include details of any remediation necessary and action required should further contamination be found during construction. A noise insulation scheme will also be required to ensure that the future occupants are protected from ambient noise in the area and the development shall meet the requirements of accessible or adaptable dwellings.
21. To ensure that trees are protected during the development a tree protection plan to be implemented throughout the development, to include details of a pre-commencement meeting the Council's Tree Officer which shall be submitted to and agreed in writing with the Council. A written scheme of investigation regarding archaeology that may exist at the site shall be submitted to and agreed by the Council. To ensure that wildlife at the site is protected, an ecological survey is required and to ensure appropriate surface water drainage at the site such details shall also be submitted to the Council for approval.
22. To ensure that the development has an acceptable impact on the character of the area, hard and soft landscaping details and samples of external materials, windows and balustrades shall be submitted to the Council for approval. To ensure that safe and secure cycle parking is made available, details of the covered areas shall be submitted to the Council for its approval. In the interest of sustainable development on site renewable and low carbon energy technologies shall be implemented, along with how the development will be water efficient. All flat roofs within the development shall also be green or brown.

Conclusion

23. For the above reasons, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1980 01 C, P10_B, P11_B, TIP 17 151 AIA, SITE LOCATION PLAN, P02 REV H, P03 REV G, P04 REV G09.03.2017, P06 REV F, P01 REV I, TIP 18 151
3. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.
4. There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.
5. No development shall commence until a programme of measures to minimise the spread of airborne dust 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.
6. No demolition or construction works shall commence on site until a Traffic Management Plan has been submitted to and agreed in writing by the local planning authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases (wherever possible all such parking should be within the curtilage of the site and not on street).
 - iii. Movements and control of all deliveries (wherever possible all loading and unloading should be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Development shall be carried out in accordance with the agreed details thereafter, unless any variation has been agreed in writing by the local planning authority.

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 from 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 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites. Development shall be carried out in

accordance with the approved details. Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

8. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
9. Prior to the commencement of development (including demolition), and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to and approved in writing by the local planning authority, before any equipment, machinery or materials are brought onto the site for the purpose of development. In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.
10. The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out.
11. Prior to the commencement of site clearance, a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and local planning authority's Tree Officer to discuss details of the approved AMS.
12. Prior to the commencement of development (including demolition), a written scheme of archaeological investigation (WSI) shall be submitted to and approved in writing by the local planning authority. This shall include:
 - i. the statement of significance and research objectives;
 - ii. the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 - iii. the programme for post-excavation assessment and subsequent analysis, publication and dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Developers will wish to ensure that in drawing up their development programme, the timetable for investigation is included within the details of the agreed scheme.

13. Prior to commencement of development (including demolition and site clearance), an ecological survey report shall be undertaken and submitted to the local planning authority for approval in writing. This shall include, as appropriate to the findings of the survey:
- i. a construction environmental management plan (CEMP) including a risk assessment of potentially damaging construction activities, practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, and details of responsible persons and lines of communication; and
 - ii. ecological mitigation measures to be provided on site.

Any approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. Any approved ecological mitigation measures shall be implemented prior to first occupation of the development hereby permitted (or in accordance with an alternative timescale that has been agreed in writing by the local planning authority) and retained as such thereafter.

14. Prior to commencement of development (other than demolition), a surface water drainage works scheme in accordance with the submitted Drainage Statement by JPP Consulting, Revision B dated February 2018, shall be submitted to and approved in writing by the local planning authority. The submitted details shall:
- i. include results of infiltration testing in accordance with BRE Digest 365 should be submitted to the local planning authority to identify whether infiltration of the surface water runoff would be feasible;
 - ii. be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding or flooding off site for a 1 in 100 year event + 40% an allowance for climate change;
 - iii. include detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - iv. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - v. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme shall be completed in accordance with the agreed details prior to first occupation of the development, and shall be managed and maintained thereafter in accordance with the agreed details and the management and maintenance plan for the lifetime of the development.

15. No development above ground level, other than demolition, shall commence until full details of both hard and soft landscaping works have been

submitted to and approved by the local planning authority implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The 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 (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); 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.

All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority. 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.

16. No dwelling hereby approved shall be occupied until details of the facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided in accordance with the agreed details prior to first occupation of the development, and shall be retained as such thereafter.
17. Prior to the commencement of construction of external surfaces, samples of the brick and hung tiles, and details of the brick mortar shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details thereafter.
18. Prior to the installation of balustrades, details of their design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details and retained as such thereafter.
19. Prior to the installation of windows, details of the window, glazing type and reveals shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed details and retained as such thereafter.
20. The windows identified as having obscured glass on the approved plans shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to first occupation of those units and shall have restrictors to ensure that the window cannot be opened more than 45 degrees beyond the plane of the adjacent wall, and shall be retained as such thereafter.

21. There shall be no access to the areas shown on the approved plans as 'green roof' other than for maintenance purposes. At no time shall these areas be used for amenity space.
22. Prior to first vehicular use of the vehicle access ramp hereby permitted, the roof covering the ramp shall be completed in accordance with the agreed details, and shall be retained as such thereafter.
23. Prior to the commencement of development (other than demolition and site clearance), a noise insulation scheme detailing the acoustic noise insulation performance/specification of the external building envelope to reduce the level of noise experienced in the residential units (having regard to the building fabric, glazing, ventilation, internal plant related noise and external balconies/terraces) shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented and a completion report submitted to and approved in writing by the local planning authority prior to first occupation of the units. The approved scheme shall be retained as such thereafter.
24. Prior to commencement of use of the vehicular access hereby permitted, the access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification, or in accordance with alternative details that have been submitted to and agreed in writing by the local planning authority. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway. The access shall be retained as such thereafter.
25. Prior to commencement of use of the vehicle access hereby permitted, the visibility splays, access and manoeuvring areas shall be provided as shown on the approved drawings. The areas within the visibility splays shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high thereafter. The access and manoeuvring areas shall be maintained thereafter free of any obstruction that would prevent a domestic vehicle from being able to manoeuvre with ease so it may enter and leave the property in a forward gear.
26. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved vehicular access unless details have first been submitted to and approved in writing by the Local Planning Authority.
27. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
28. The on-site renewable and low carbon energy technologies as shown on the approved plans and as detailed in the '10% reduction in Carbon by LZC Onsite Energy or 10% Improvement in Energy Demand' letter from Green Heat Ltd dated 6 July 2017 shall be fully installed and operational prior to first occupation of the development (or in accordance with an alternative timescale agreed in writing by the local planning authority) and shall

thereafter be maintained in accordance with a maintenance programme, which shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The technologies shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the local planning authority.

No review of this requirement on the basis of grid capacity issues can take place unless written evidence from the District Network Operator confirming the detail of grid capacity and its implications has been submitted to, and accepted in writing by, the local planning authority. Any subsequent amendment to the level of renewable technology provided on the site shall be in accordance with a revised scheme submitted to and approved in writing by, the local planning authority.

29. Prior to first occupation of the development, a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach sets out in Part G of the Building Regulations 2010 (2015 edition) shall be submitted to the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day. Development shall be carried out in accordance with the agreed details thereafter.
30. Notwithstanding the approved plans, all flat roof elements within the development shall be green or brown roofs. No development above ground level, other than demolition, shall commence until full details of the green or brown roof have been submitted to and approved in writing with the local planning authority and these works shall be carried out as approved. The details shall include details of build-ups, make up of substrates, planting plans for biodiverse roofs, methodologies for translocation strategy and drainage details where applicable. The green or brown roof shall be installed in accordance with the approved details and shall be maintained thereafter.
31. Notwithstanding the approved plans, the building hereby permitted shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

END