

PLANNING COMMITTEE MEETING –2016

Amendment/De-brief Sheet

MAJOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 15/2316/FUL

Location: Wests Garage, Newmarket Road

Target Date: 17.03.2016

To Note: The application has been withdrawn.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 15/2321/FUL

Location: Eastfield – Phases 1 and 2

Target Date: 15.03.2016

To Note:

The Trees Officer has no objections providing a condition is added to any permission requiring details of how trees would be protected during construction.

The Nature Conservation Officer has no objections and supports the recommendations in the ecological assessment. The impact on hedgehogs, about which a local resident has raised concerns, is assessed in the ecological report and can be mitigated against within a construction method statement.

The Waste Team advises that the bin storage and access areas are acceptable providing heavy vehicles have clearance to reverse into those areas. A tracking plan should be provided showing this. Bin store doors should be flush against the bins so there is no room for excess to accumulate in front of the bins. It is also noted that brickwork areas are unable to withstand weekly RCV use and that the council needs to be indemnified against damage/wear.

A representation has been received from the Cambridge Cycling Campaign, echoing the concerns raised by 320 Milton Road, which have already been summarised in the report. It is considered to be entirely unacceptable that the views of the Cycling Officer have been disregarded. It is also noted that the comments of the Highway Authority have not been subject to any democratic scrutiny.

Amendments To Text:

Paragraph 8.24 of the report incorrectly states that the footpath at the side of plots 14-16 adjoins a single-storey garage element of No.53 Chesterfield Road. This is incorrect. This part of the adjacent property is used as a children's playroom, bathroom and kitchen.

In response to the Landscape Officer's 2nd comments, the applicant's agent has confirmed that the 'rain gardens' features will be retained and has submitted a further plan showing this. The Landscape Officer has confirmed that this resolves the concerns raised in the comments on the amended plans.

In addition, further amended plans have been submitted that include the following changes:

- Amenity space to plots 43/44 altered to a single shared space for both units – the Urban Design Officer has advised this is now acceptable.
- Plot 14 – revision to internal layout and elevations including replacement of rear dormer with rooflights.
- Plots 14-16 – Relocation of bin stores to rear garden and replacement with bin collection point.

I consider the revision to plots 14-16 resolves the concerns raised by No.7 Shirley Grove.

Pre-Committee Amendments to Recommendation:

The following additional condition is recommended:

Condition 26

Prior to commencement and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). 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.

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 Tree Officer to discuss details of the approved AMS.

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.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4)

DECISION:

MINOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 16/0202/FUL

Location: 96 Cavendish Road

Target Date: 04.04.2016

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 15/1940/FUL

Location: 48 New Square

Target Date: 18.12.2015

To Note:

Daniel Zeichner MP has written in on behalf of several residents in Willow Walk. He states that the residents' concerns are as follows:

- There is a fear that the proposals will be highly damaging to the preservation of the Kite Conservation Area, spoiling the character of the locality.
- The proposed development is seen to lack cohesiveness within the street scene and lacks unity with buildings (including Grade II listed houses) near the site.
- There are concerns the plans impact residential amenity by producing an overbearing sense of enclosure.
- Market Councillors have made representations and a petition was presented to enable a Development Control Forum. Petitioners were disappointed that the developer failed to make appropriate amendments prior to the plans being brought to Committee.
- It is hoped the Committee report will accurately capture the very valid concerns of Willow Walk and New Square area residents, and that these will be properly considered by Members prior to a decision being made.

Further representations have been received from the following addresses:

- 177 Hills Road
- 209 Hills Road
- 12 Maids Causeway
- 30 Millington Road
- 7 Willow Walk

These responses raise the following concerns:

- The scheme is out of keeping with the historic nature of the area.
- The Willow Walk block is too high and overly muddled in appearance and would damage the character of the Kite area of the city.
- LPA's have a statutory duty as set out in the NPPF to preserve the settings of listed buildings and the character and appearance of Conservation Areas. Consent should be refused for development causing substantial harm and that would fail to preserve a listed building's setting or a conservation area's character or appearance. Permission should therefore only be granted if there is a strong justification for overriding the presumption in favour of preservation.
- Suggestions made by local residents regarding the design have not been taken into account.
- A compromise solution that would give the developers a two-storey building without resulting in a loss of light to dwellings in Willow Walk and harming the street scene, would be to imitate the existing semi-basement arrangement. This could then be subdivided into 2 houses and ample south facing light obtained from the garden.
- The Right to Light study is flawed as it is not based on accurate drawings. The neighbour's windows are not shown correctly. No.7 has been shown with 2 first floor windows. Also, it is the semi-basement kitchen diners and ground floor sitting rooms that will lose the most light if the development goes ahead. Also the Daylight Distribution Test purportedly conducted within 5 Willow Walk never took place.
- The height of the Willow Walk block would lead to a sense of enclosure and have an adverse impact on the amenities of neighbouring properties.
- Highways point out that the scheme will not be eligible to join the Residents' Parking Scheme at a time when the city needs to establish a comprehensive parking policy.
- Construction works would harm the amenities of nearby residents.

Amendments To Text:

In paragraph 7.3, 11 Willow Walk and 33 Cow Lane, Fulbourn should be added to the list of people that commented on and objected to the original application.

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 15/1941/LBC

Location: 48 New Square

Target Date: 08.12.2015

To Note:

Daniel Zeichner MP has written in on behalf of several residents in Willow Walk. He states that the residents' concerns are as follows:

- There is a fear that the proposals will be highly damaging to the preservation of the Kite Conservation Area, spoiling the character of the locality.
- The proposed development is seen to lack cohesiveness within the street scene and lacks unity with buildings (including Grade II listed houses) near the site.
- There are concerns the plans impact residential amenity by producing an overbearing sense of enclosure.
- Market Councillors have made representations and a petition was presented to enable a Development Control Forum. Petitioners were disappointed that the developer failed to make appropriate amendments prior to the plans being brought to Committee.
- It is hoped the Committee report will accurately capture the very valid concerns of Willow Walk and New Square area residents, and that these will be properly considered by Members prior to a decision being made.

Further representations have been received from the following addresses:

- 177 Hills Road
- 209 Hills Road
- 30 Millington Road
- 7 Willow Walk

These responses raise the following concerns:

- The scheme is out of keeping with the historic nature of the area.
- It is too high and would damage the character of the Kite area of the city.
- Suggestions made by local residents regarding the design have not been taken into account.
- A compromise solution that would give the developers a two-storey building without resulting in a loss of light to dwellings in Willow Walk and harming the street scene, would be to imitate the existing semi-basement arrangement. This could then be subdivided into 2 houses and ample south facing light obtained from the garden.

- The Right to Light study is flawed as it is not based on accurate drawings. The neighbour's windows are not shown correctly. No.7 has been shown with 2 first floor windows. Also, it is the semi-basement kitchen diners and ground floor sitting rooms that will lose the most light if the development goes ahead. Also the Daylight Distribution Test purportedly conducted within 5 Willow Walk never took place.
- Highways point out that the scheme will not be eligible to join the Residents' Parking Scheme at a time when the city needs to establish a comprehensive parking policy.

Amendments To Text:

In paragraph 7.3, 11 Willow Walk and 33 Cow Lane, Fulbourn should be added to the list of people that commented on and objected to the original application.

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 16/0117/FUL

Location: Beaulands Close

Target Date: 11.04.2016

To Note: I have received further representations from the occupiers of 72 and 89 De Freville Avenue. They raise five main issues regarding the officer report.

1: The first of these relates to paragraph 8.16 stating that I have not sufficiently reviewed the information provided by No.89 in the dossier and noise survey supplied.

2: The second relates to paragraphs 8.8 and 9.1 regarding my assessment of the impact of the barrier on the amenity of the surrounding occupiers and a lack of justification as to why I have not included the condition recommended by the Environmental Health Officer.

3: The third concerns paragraphs 8.2 and 8.3 and requests that a condition should be imposed to ensure the barrier arm is provided without illumination.

4: The fourth issue concerns the reasonableness of the default position taken in my report of the potential for a fall-back position and the impact this would have.

5: The fifth issue suggests that a dropped kerb should be secured via condition.

I address the representations concerning my report below:

1: Noise Information

The objector supplied both written information and videos/photos of incidences of noise disturbance to me as part of their original objection. I have not been able to access the videos or photographs because these were supplied on a memory stick and the Council's internet security does not allow for access. I did, however, review the written information and took this into account as part of my recommendation. This written documentation of noise disturbance to no. 89 De Freville provides details of what is contained within the video/photograph files. I have no reason to doubt the videos and photographs back up the written objection and I do not consider it necessary to have viewed them formally to have reached my conclusion.

The dossier provides evidence of three night time incidents (11pm – 7am) which caused disturbance between 12th November 2015 and 26th February 2016.

The Environmental Health Officer (EHO) has not specifically referenced the third party noise report and neither has he asked for one to be produced by the applicants. The EHO has independently raised issues of potential noise disturbance arising from vehicles stopping within the site being shifted to and concentrated outside the site on De Freville Avenue. The EHO's advice makes reference to the fact that the most significant impacts will occur at night and on this basis proposes a potential solution in the form of a condition to ensure the barrier is raised between the hours of 23:00 and 07:00 hrs.

The associated noise report, undertaken on behalf of the occupant of 89 De Freville Avenue, was carried out over the weekend of 4 – 8 March 2015, from outside the bedroom window of no. 89 (30m away from the barrier itself, 20m from the noise generating activity associated with it). It records 9 separate noise events over the 5 nights, between the hours of 11pm and 7am (night time hours) above a threshold of 60 dB LAMAX (the recognised threshold above which, if windows are left open for ventilation, sleep disturbance may begin to occur), which were noted by the occupant of no. 89 De Freville as having caused disturbance. These incidences relate to vehicles stopping at or turning at the barrier, including a number of taxis. Waiting taxis and taxi customers exiting on De Freville, together with taxi drivers' speaking on their telephones, all appear to be issues for the objectors, as well as more generally cars and at other times during the day home shopping deliveries.

I have no reason to doubt the fact that the incidents recorded in the noise assessment have occurred and have caused disturbance and I acknowledge that it is not possible to expect the objectors to supply a report assessing noise levels prior to the installation of the barrier. However, this does not give me a means by which I can compare before and after scenarios. I note also that the separate dossier produced by the occupant of no. 89 records 3 night time incidents over a 3 month period. This compares to the noise

report itself recording 9 night time incidents over a 5 night period causing disturbance to the occupant of no. 89.

The third party noise report suggests that by leaving the barrier open between 2300 to 0700 hrs would minimise disturbance to residents in the De Freville Avenue. I deal with the reasonableness of imposing this condition under point 2.

2: Paras 8.8-8.9 and Condition

I have amended my assessment provided in paragraphs 8.8 and 8.9 for purposes of clarity. I acknowledge the EHO's comments regarding the impacts of road traffic noise does not fall under statutory nuisance but this does not mean that harm would not arise as a result or should not be a material consideration. However, from the third party submissions, the noise impact associated with the use of the barrier appears to be limited and would be further confined to when bedroom windows were open, which is over a distance of some 20m. The barrier has been erected to prevent illegal parking and as a security measure for residents which is a legitimate concern. In my view, the overall benefits of the provision of the barrier outweigh the limited harm identified by vehicles waiting or turning before it during night time hours. It is possible to impose a condition as recommended by the EHO and the third party noise consultant, however, officers considered this was not reasonable because of the previous and possible fall-back positions available to the applicants as set out under bullet point 4 below.

3: Illumination

I suggest the imposition of a condition to ensure the barrier arm is provided without illumination, as this is now what is proposed.

4: Fall-back position

I acknowledge that the previously installed swing gate was most likely rarely closed. If the previous swing type gate were to be reinstated it would be difficult to manage this in a default locked position given the inconvenience of having to manually open and lock the gate albeit it would be open to the applicants to more actively manage this if it was felt that the need warranted it.

The proposed barrier falls outside the remit of permitted development as the barrier arm when raised is above the 1m permitted under Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015. However, the applicants would also be in their rights to install an automatic swing gate 1m or below in height. This would result in the same noise issues from occurring. My view is that this alternative is more of a realistic prospect and is practically possible. It would result in the Council having no control over the operation of the gate, as it is on private land, and the same level of noise disturbance caused by the erection of the existing barrier. The fall-back Permitted Development position is a material planning

consideration. This adds weight to my conclusion that it is unreasonable to seek to control the hours of use of the barrier through the imposition of a condition.

5: Dropped-Kerb

There is not a dropped kerb at present and the proposal does not alter this fact. In my view, I do not consider it necessary or reasonable to ensure one is installed as a consequence of the installation of the barrier.

A representation in support of the application was received from 33 Pretoria Road. This did not contain any new information.

Amendment to text

'8.8 The Environmental Health Officer has confirmed that the Council does not have any power to take enforcement action under statutory nuisance from noise in the street. He notes that low level noise emissions can cause a loss of amenity. He considers that the fundamental material consideration is whether the barrier would exacerbate noise and disturbance to a level which would have a significant impact on residential amenity ~~and could be considered a statutory nuisance.~~

8.9 Whilst it is possible to refuse planning permission on the grounds of impact of noise which does *not* amount to a statutory nuisance, ~~in my view the comments of the Environmental Health Officer should be taken into account~~ *I note the Environmental Health Officers comments relating to low level noise.* I accept that the gate which was previously installed was left open much of the time but it could have been closed on a more regular basis and this would have resulted in a similar or greater level of noise disturbance to nearby residents. ~~The presence of the gate is a material consideration.~~ Whilst I understand some residents are disturbed by the consequences of having the barrier in place I do not consider ~~there is sufficient evidence~~ *that the barrier causes sufficient harm* to justify a refusal of planning permission on these grounds.

Pre-Committee Amendments to Recommendation:

Notwithstanding the approved plans the barrier arm shall be provided without illumination.

Reason: in the interest of visual amenity (in accordance with Cambridge Local Plan policies 3/4 and 4/11

DECISION:

CIRCULATION: First

ITEM: 11 APPLICATION REF: 15/1855/FUL

Location: 1 Fitzwilliam Road

Target Date: 01.12.2015

To Note:

A Shadow Analyses Study was received on 25 April 2016 by Chaplin Farrant limited on behalf of the applicant. It is viewable on the electronic file. Its findings do not impact the overall recommendation of refusal.

This analysis confirms that some morning light will be lost to the rear garden of No. 21 Clarendon Road at 9AM and 10AM March 21st. Light would also lost to the rear garden of No. 3 Fitzwilliam Road at 9AM March 21st.

This analysis also confirms that some morning light will be lost to the rear garden of No. 21 Clarendon Road at 8AM, 9AM and 10AM in June. Light would also lost to the rear garden of No. 3 Fitzwilliam Road at 7AM, 8AM in June.

However, as previously stated in the officer's report, the overshadowing of immediate neighbours is not severe enough to warrant a reason for refusal.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 15/2044/FUL

Location: 29-31 Harding Way

Target Date: 28.12.2015

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 15/2378/FUL

Location: Langham House, Histon Road

Target Date: 04.03.2016

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 15/2171/FUL

Location: Ditchburn Place, Mill Road

Target Date: 06.05.2016

To Note: Concerns have been raised from the Mill Road History Society regarding the potential removal of the Wild Cherry Tree at the front of the site.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 16/0025/FUL

Location: 24 Grantchester Street

Target Date: 04.03.2016

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 15/2276/FUL

Location: 338 Cherry Hinton Road

Target Date: 15.02.2016

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 15/1858/FUL

Location: Land at 3 Victoria Road

Target Date: 14.12.2015

To Note: Nothing

Amendments To Text:

8.35 The garage will retain appropriate space for parking cars on-site, and there is no net-increase in dwellings so the demand for car travel should not increase. It is not considered appropriate to require the garage to be built prior to first occupation for the reasons of storage and security of the site. It should be noted that the occupants of the dwelling will not be eligible for residents parking permits. As with the former consents, a condition will require final cycle store details to be agreed.

Pre-Committee Amendments to Recommendation: None

DECISION:

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