

Agenda Item 23

PLANNING COMMITTEE MEETING –30TH NOVEMBER 2016

Amendment/De-brief Sheet

MAJOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: **16/0673/FUL**

Location: Cambridge Union Society, 9A Bridge Street

Target Date: 17.06.2016

To Note: None

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/0674/LBC**

Location: Cambridge Union Society, 9A Bridge Street

Target Date: 17.06.2016

To Note: None

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First
ITEM: APPLICATION REF: **15/2372/FUL**
Location: Citylife House, Sturton Street
Target Date: 16.03.2016

To Note:

Additional Representations

Additional representations have been received from the owners/occupiers of 4 Eltisley Avenue and 83, 143 and 158 Sturton Street. These representations do not provide any new issues that have not been already assessed. Responses are provided to the third party representations in appendix 1 of the committee report and as part of the officer assessment.

CSVPA

A statement has been received from Cambridge School of Visual and Performing Arts (CSVPA), the intended occupier of the building. It clarifies the nature of the courses run by CSVPA and their intended use of the premises. It clarifies that:

1. Most students enrolled on CSVPA courses live very close to Sturton Street at Varsity House.
2. CSVPA is not purely a dance school but its performing arts courses include a significant amount of dance (jazz, lyrical, tap, contemporary and commercial).
3. CSVPA will use Sturton Street for dance classes and dance related activities.
4. CSVPA are happy to facilitate use by not-for-profit community groups of the building for dance activities outside of its core operating hours (9am to 5pm), including at weekends, at cost price.
5. CSVPA are already engaged in discussions with a number of community groups (Elevation Dance Company, Theatretrain and Cambridge Theatre Company) to use the building.
6. The building is a high quality facility, fitted out with specialist flooring designed for dance and CSVPA are the only realistic occupier.

CSVPA explain the nature of their existing performing arts educational programme and the extent of dance provided and their intentions to grow their presence within the area of dance education. If planning consent is broadened, their intention is to use the building for all of their performing arts activities, including music and classical acting.

Community Access

A letter has been received from the applicants, Chard Robinson Developments, concerning community access to the building in relation to a draft Community Access

Agreement (CAA). They summarise the CAA will secure the following:

- a) To allow community groups to book space in four of the dance studios:
 - i) between the hours of 18:00 and 22:00 on Mondays to Fridays;
 - ii) between the hours of 09:00 and 17:00 during weekends; and
 - iii) for performances only between the hours of 18:00 and 22:00 during weekends but excluding bank holidays and any period during which the School is closed.
- a) That bookings can be made in advance via an online and telephone booking system.
- b) Community groups will need to pay a price and a deposit. The price will be only to cover the costs of providing community access (at-cost).
- c) The community purposes for which the space can be used must be compatible with the building and its planning use (i.e. not general purpose meeting rooms).
- d) A minimum requirement to make the space available for at least 40 hours per month will be stipulated.
- e) The CAA specifies some activities and behaviour that would be prohibited and unacceptable.
- f) The CAA includes restrictions to ensure the safe use of the premises (safeguarding etc).
- g) Ensures the occupier will keep the space clean, well maintained, heated and lit etc.
- h) Confirms the tenant will take on the responsibility for obtaining insurance cover, written into the CAA.
- i) A Review Committee is required to be convened comprising two representatives of the City Council, one representative of a community group (nominated by the Council and agreed by the tenant), one representative of the landowner and two representatives of the tenant. The Review Committee will be responsible for annually reviewing the price, deposit, hire terms, monitoring and reporting process, marketing process and booking process

The applicants have reduced the suggested deposit for individual bookings from £250 to £100 (reviewed annually, reflective of the likely insurance policy excess and used as a pre-authorisation hold) and clarified that no individual group would be allowed to book the space for more than 20 hours per week to allow for wider access and avoid a monopoly of use of the space.

Members and Residents

The applicants have forwarded to the Council a copy of a letter sent to members and residents providing a summary of the three applications before Committee. It provides a brief analysis of the Travel Plan, Cllr Robertson's concerns and their response; an outline of the draft CAA; and a history of how the intended occupants - CSVPA - have come about in place of Bodywork

County Council Transport

The County Council Transport Officer confirms that it is potentially staff trips, those by students in the PM peak or those attending evening classes which will be longer distance. She considers these trips should be encouraged to be undertaken by sustainable transport either through walking, cycling or public transport and in order to do this the provision of a Real Time Passenger Information (RTPI) display in the reception area or breakout area of the building should be provided.

The County Council requires a RTPI contribution (£27k) to be secured for inclusion in a breakout area or similar. The applicant will need to ensure that a power-point needs to be in place to allow for installation of the RTPI. This contribution is to be secured through the S106 agreement.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1272/S73**

Location: Citylife House, Sturton Street

Target Date: 02.09.2016

To Note:

CSVPA

A statement has been received from Cambridge School of Visual and Performing Arts (CSVPA), the intended occupier of the building. It clarifies the nature of the courses run by CSVPA and their intended use of the premises. It clarifies that:

1. Most students enrolled on CSVPA courses live very close to Sturton Street at Varsity House.

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Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1252/COND12A**

Location: Citylife House, Sturton Street

Target Date: 10.11.2016

To Note:

PACT

A representation from Petersfield Area Community Trust (PACT) has been received.

This outlines their objection to the proposal on the following grounds:

- a) Application 14/1252/FUL was originally made for Bodywork and the Travel Plan was required to be for Bodywork.
- b) Bodywork is a dance school.
- c) CSVPA is not a dance school but is the intended occupier.
- d) The indicative CSVPA timetable in the Travel Plan demonstrates they are not a dance school.
- e) Application 15/2372/FUL is a reasonable proposition subject to a S106 to secure community access, but that is unapproved and should not be blurred with 14/1252/FUL which the developer is attempting to by-pass with the Travel Plan.
- f) A dance school occupier, such as Bodywork, would attract community classes that would encourage single-occupier car journeys - by Adult attendees and drop-off by Adults for children's classes - and are by far the most significant concern to local residents. This is an existing issue for residents living near the Bodywork site on Glisson Road.

Officer Response

- a) The applicants have taken leading Counsel advice on this issue from Simon Bird QC which the Council's in-house legal advice has reviewed and accords with. The issue is dealt with in the Committee report at paragraph 8.19 and specifically in paragraphs 12-15 of the QC advice copied below:

Application of the Principles to the Planning Permission

'12. The grant of planning permission here is expressed in terms which incorporate the application documents. However, whilst the supporting documentation was directed at and anticipated use by BCDS, neither the application for planning permission or the terms of the grant are expressed in terms personal to BCDS.

13. Further, there is no condition attached to the planning permission which expressly restricts the permitted use to BCDS. If it had been the intention to do so, I would have expected to see an express condition to that effect particularly as it would have been contrary to the guidance on planning conditions (restricting occupation to a named company is likely to prove ineffective as companies can change control (and operation) through share transfer and name changes) and would have required special justification.

14. Looking at the permission as a whole, the only reference to the potential occupant is in condition 12, however, the condition refers not to the company but to "the Bodywork use". The reason does not refer to any need to restrict occupation to BCDS; it simply refers to general transportation sustainability concerns. Looked at in this context and objectively, a reader of the permission would conclude that the reference to "the Bodywork use" is no more than shorthand for the use as

described in the terms of the grant i.e. “a Class D1 dance school/studio” but in the context that the anticipated (but not required) first user was BCDS.

15. Applying the principles laid down in Trump and Dunnett, the planning permission cannot properly be interpreted as being personal to BCDS nor can a condition be implied that only BCDS can occupy and use the premises under its terms. A reasonable reader would not conclude from the wording of Condition 12 read in the context of the permission as a whole that the overall purpose of this consent was that it should be personal to BCDS and that it must have been intended that it would have that effect. ’

- b) Noted
- c) Noted, dealt with in paragraphs 8.10 and 8.17 of the officer report.
- d) Noted, dealt with in paragraphs 8.10 and 8.17 of the officer report.
- e) Each application has to be treated on its own merits. First occupation under 14/1252/FUL would have to accord with the terms of the permission.
- f) Dealt with a paragraph 8.5 of the officer report. The barrier to the car park would be lifted and the 17 car parking spaces would be made available for community use of the building. The applicant’s agent has confirmed in an e-mail in relation to condition 11 that the barriers to the car park would be raised no later than 15 minutes prior to any group booking of the community spaces on the weekends and evenings to allow for drop off and (where spaces are available) attendees to park in the car park.

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Amendments to Text:

-Application 15/2372/FUL, whilst referenced in the text, is not referenced in the table in the report outlining the planning history:

Reference	Description	Outcome
15/2372/FUL	Change of use from the permitted use as a studio/cafe/bar/multimedia education centre and community facility (<i>sui generis</i>) granted under permission 97/1020 to general education use within use class D1, including alterations to eastern & southern elevations, external landscaping and reconfigured cycle parking.	Pending consideration

Pre-Committee Amendments to Recommendation:

DECISION:

MINOR APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: **16/1633/FUL**

Location: 39 Durnford Way

Target Date: 03.11.2016

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1371/FUL**

Location: 77 and 77A Shelford Road

Target Date: 19.09.2016

To Note: Item 11 was incorrectly listed as 'Lock House, Jesus Green' on the first issue of the committee agenda. The agenda was corrected to give the site address '77 and 77A Shelford Road' and reissued.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1057/FUL**

Location: 37 Grantchester Street

Target Date: 16.08.2016

To Note: A representation on behalf of the applicant has been received.

The representation can be summarised as follows:

- The personal circumstances of the applicant and the need for the accommodation.
- Response to third party comments about the context of the surrounding area; the impact on the cohesiveness of the terraced form; the design of the roof extension; and the impact on residential amenity
- Additional photographs of the site and the surrounding area.

Amendments To Text: None

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1171/FUL**

Location: City of Cambridge Boathouse, Kimberley Road

Target Date: 17.08.2016

To Note: Officers recommend this planning application be DEFERRED to a later Planning Committee for decision. This is because a neighbour has requested a daylight and sunlight study be conducted for the new dwelling approved under planning permission reference 15/1710/FUL on the land behind 89-91 De Freville Avenue. The applicants have agreed to commission this work. A deferral will allow time for the study to be conducted and the relevant neighbours' be consulted, prior to the application being determined. The neighbour has also asked that members of Planning Committee visit the site of the approved dwelling. The deferral will also allow such a visit to be organised to give Planning Committee this opportunity.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1413/FUL**

Location: 207 Green End Road

Target Date: 26.09.2016

To Note: A further representation including a number of photographs has been received from 205 Green End Road

Amendments To Text:

7.4 ~~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.~~

7.4 No. 205 has submitted a number of photographs which were taken before

8am. This is an hour before the shadow study submitted begins.

- 7.5 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.

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1586/FUL**

Location: 5 Hooper Street

Target Date: 03.11.2016

To Note: An additional representation has been received from 14 Hooper Street. They express concerns about the loss of parking to the flats at 5 Hooper Street. This is addressed in paragraphs 8.23-8.26

Amendments To Text:

- 7.1 The owners/occupiers of the following addresses have made representations:

- Ground Floor Flat, 6 Hooper Street
- 30 Lyndewode Road
- 14 Hooper Street

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1543/FUL**

Location: 2 Uphall Road

Target Date: 17.10.2016

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1514/FUL**

Location: Land at 161 Newmarket Road

Target Date: 11.10.2016

To Note: None

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/0851/FUL**

Location: 13 Swann Road

Target Date: 26.07.2016

To Note: None

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/1587/FUL**

Location: 58 Harvey Goodwin Avenue

Target Date: 14.11.2016

To Note: A copy of the appeal decision which is referred to in my assessment was not attached to the Committee report. A copy has been attached to this amendment sheet.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **16/0990/FUL**

Location: 1 Great Eastern Street

Target Date: 26.07.2016

To Note: An additional representation has been received from the occupier of 3 Great Eastern Street. They express concerns about the loss of the whole building which would be harmful impact to the character of Conservation Area, and concerned with the revised location of bin store which would be closer to the bathroom and kitchen of their property. They are also want confirmation that the developer will extend the rear yard as agreed as part of the previous concern.

The concern regarding the loss of the building has been addressed in paragraph 8.3 to 8.6 of the Committee Report.

With regards to the revised location of the bin store, the bin store would be enclosed and accessed via a sliding door within the side passage. I therefore do not consider the revised location of the bin store would have a significant detrimental impact on the residential amenity of the occupiers of no.3.

With regards to the extension to the rear yard, whilst this was referenced in the previous planning permission, it was not secured by a legal agreement. The extension to the rear yard is a private matter between the developer and occupier of no.3 Great Eastern Street. It is my understanding that the developer is willing to provide an additional 2 metre extension to the rear yard.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

GENERAL ITEMS

CIRCULATION: First

ITEM: APPLICATION REF: **14/1905/FUL**

Location: 64 Newmarket Road

Target Date: 11.10.2016

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:



Appeal Decision

Site visit made on 22 July 2016

by **Chris Forrett BSc(Hons) DipTP MRTPI**

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

Decision date: 12 August 2016

Appeal Ref: APP/Q0505/W/16/3148246

58 Harvey Goodwin Avenue, Cambridge, Cambridgeshire CB4 3EU

- 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 Mr Ray Colclough against the decision of Cambridge City Council.
 - The application Ref 15/2242/FUL, dated 1 December 2015, was refused by notice dated 27 January 2016.
 - The development proposed is the erection of a dwelling at the rear of 58 Harvey Goodwin Avenue.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area; and the living conditions of the future occupiers of the development and the occupiers of No 56 Harvey Goodwin Avenue with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is located to the rear of 58 Harvey Goodwin Avenue which is a semi-detached two storey dwelling. The site fronts onto Hale Avenue where there is an existing bungalow adjoining the appeal site.
4. The area is generally characterised by properties set in reasonably sized plots with rear garden areas forming private open space. Properties in the area are also set back from highway. Whilst Hale Avenue does not have strong building lines, the proposal development would be sited immediately to the rear of the pavement which is in stark contrast to the existing development in the vicinity of the site. The plot size is also small in comparison to other developments and it does not share the same open space characteristics of the neighbouring development with only a small garden area to the side adjoining No 6 Hale Avenue. This layout would also be harmful to the overall character of the area.
5. The south side of Hale Avenue does not have a particularly strong active frontage owing to the juxtaposition of buildings and its relatively short length. However it is significant to note that as well as No 6 Hale Avenue, the front

door to No 58 fronts onto Hale Avenue which together with various windows exhibits an active frontage.

6. Whilst the development appears to have been designed to mimic a domestic outbuilding or garage, this has resulted in a building which has a bland inactive frontage directly onto the pavement of Hale Avenue. Given the scale of the building with a front wall of approximately 2.9 metres in height and 9 metres in length this would appear as an incongruous feature in the streetscene.
7. For the above reasons, I conclude that the dwelling would lead to unacceptable harm to the character and appearance of the area contrary to the provisions of Policies 3/4, 3/7, 3/10 and 3/12 of the Cambridge Local Plan 2006 (LP) which amongst other things seeks to protect the character and appearance of the area. This would also be at odds with the National Planning Policy Framework (the Framework) which seeks to secure good design.

Living conditions

8. The proposed dwelling would be located approximately 12.5 metres from the main part of the rear of No 58 and a similar distance to the rear of No 56. It would be approximately 2.9 metres in height along the side boundaries, rising to approximately 5 metres at ridge height, for a distance of 9 metres.
9. Given the height of the proposed dwelling and the separation distance which would be between it and Nos 56 and 58 I consider that it would not be visually dominant to the occupiers of No 56 or 58. Consequently, it would not give rise to a significant harm to the living conditions of the occupiers of either property.
10. Turning to the living conditions of the future occupiers of the development, I note the Council's concern relates to the bedroom and the rooflight being the only means of visual outlook.
11. The rooflight would enable natural light to enter the bedroom and would ensure that the interior would not be oppressive for the future occupants. It would also allow views out towards the sky. To my mind, this would give rise to an acceptable living environment for the future occupiers.
12. For the above reasons, I conclude that the development would not give rise to significant harm to the living conditions of the occupiers of either 56 or 58 Harvey Goodwin Avenue and would provide adequate living conditions for the future occupiers of the development. Therefore the development would accord with Policies 3/4, 3/7, 3/10 and 3/12 of the LP, and the Framework, which amongst other things seek to protect the amenity of the occupiers of residential properties.

Other matters

13. Comment has also been made about the pre-application advice given by the Council and as I understand it the appellant amended the scheme to respond to the Council's advice at that stage. However, in my experience such advice is usually given without prejudice to the final determination. This is also a process that is away from the planning merits of the appeal. As such I give this matter only limited weight.

Conclusion

14. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

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