

PLANNING COMMITTEE MEETING –26th APRIL 2016

Amendment/De-brief Sheet

MINOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 16/1591/FUL

Location: 220 Milton Road

Target Date: 02.12.2016

To Note: N/A

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 16/2135/FUL

Location: 3 - 5 Queen Ediths Way

Target Date: 31.01.2017

To Note: N/A

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 16/2041/FUL

Location: 4 Cavendish Avenue

Target Date: 16.01.2017

To Note: N/A

Amendments To Text: N/A

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 16/1895/FUL

Location: Elizabeth House

Target Date: 22.12.2016

To Note: The minutes of the Development Control Forum meeting of 16 February 2017 should have been attached to the report as Appendix A. They are now attached to this amendment sheet.

Amendments To Text: Page 135 final table entry should read:

This has been addressed in the main body of this report. It would not be reasonable to further restrict construction hours on weekends and the standard construction hours condition (which includes Saturday hours) has been recommended.

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 16/0163/FUL

Location: 34 Mill Road

Target Date: 13.04.2016

To Note: N/A

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/0093/FUL

Location: 55 Mill Road

Target Date: 21.03.2017

To Note: Copy of Inspector's appeal decision on previous application 13/1631/FUL missing from report and now attached.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/0132/FUL

Location: 148 Gwydir Street

Target Date: 27.03.2017

To Note: Additional representation received from the owner/occupier of No. 55 Kingston Street who is unable to attend the committee meeting. The representation is summarised as follows:

- Not opposed in principle to extensions which could be done in a beneficial way.
- Concerned about the Council's general approach which is leading to an acceleration of inappropriate 'box-type' dormer permissions that are devaluing the character of the Conservation Area
- Over reliance on visibility from public roads and on a few poor quality precedents
- Note the comments from the Conservation Team which oppose the scheme.
- The Council should have regard to Local Plan policy 3/14.

- Provided photographs of rear box dormers considered to be inappropriate to the Conservation Area.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 16/1407/FUL

Location: 28 Fendon Road

Target Date: 10.03.2017

To Note: None

Amendments To Text: Paragraph 8.33 should be amended to read '9 no. bins' rather than '15 no. bins'.

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/0043/FUL

Location: Southampton Guest House, 7 Elizabeth Way

Target Date: 17.03.2017

To Note: The inclusion of a condition stating that the 1.4m high fence shall be erected prior to the occupation of Bedroom 2, labelled on plan AP007 and thereafter retained.

Amendments To Text: Condition 6:

The 1.4m high fence as identified on drawing number AP007 shall be erected prior to the occupation of Bedroom 2, as shown on drawing AP007, and shall thereafter be retained.

Reason: In the interests of residential amenity to ensure the occupants of Bedroom 2 have an acceptable level of privacy (Cambridge Local Plan 2006 policies 3/4, 3/10 and 3/12)

Pre-Committee Amendments to Recommendation:

The additional condition no. 6 be added to the list of recommended conditions.

DECISION:

ENFORCEMENT

CIRCULATION: First

ITEM: APPLICATION REF: CE/5734

Location: 8 Richard Foster Road

Target Date:

To Note: Members will have received a letter from the Accordia Community and Residents Association (ACRA). The letter states, in part, that the Article 4 Direction removes only permitted development rights that were believed not to be removed already by condition no. 28 and goes on to request that the coverage of the Direction be amended (or action to an equivalent effect) to meet the original purpose of condition no. 28. ACRA ask that the Planning Committee agrees that this action should be pursued urgently.

In response, it is incorrect to state that the Article 4 Direction removed only permitted development rights that were believed not to be removed already by condition no. 28. The Article 4 was considered separately from the condition. The report that Members of the Environment Scrutiny Committee considered made no reference to the condition. The report considered the special character of the Accordia development and the specific forms of permitted development that officers considered should be recommended to be restricted. As a result, some of the forms of permitted development contained within the Article 4 Direction overlap with the condition and some do not.

In relation to Planning Committee considering any revisions to the Article 4, I would advise that this is not relevant to the recommendation within the report and it is not within the remit of the Planning Committee to consider such matters. I have passed the request on to the Urban Design team who will consider it and liaise with relevant Members of the Environment Scrutiny Committee in deciding whether

any review of the Article 4 Direction should be undertaken.

In addition to the ACRA letter, third parties have raised concerns in relation to the Building Regulations status of the works. I can confirm that Building Regulations Consent was not obtained for the works, including the erection of the roof structure. It is understood that effectively no enforcement action can be taken due to the passage of time but regardless, this is not a relevant matter for Members' consideration of the expediency of planning enforcement action.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: EN/0087/16

Location: 69 St Thomas Square

Target Date:

To Note: N/A

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:



Appeal Decision

Site visit made on 3 July 2014

by **J D Westbrook BSc(Hons) MSc MRTPI**

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

Decision date: 25 July 2014

Appeal Ref: APP/Q0505/A/14/2217344

55 Mill Road, Cambridge, CB1 2AW

- 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 Patrick Horsley against the decision of Cambridge City Council.
 - The application Ref: 13/1631/FUL, dated 5 November 2013, was refused by notice dated 13 January 2014.
 - The development proposed is the demolition of the existing single-storey garage and the erection of a one and a half-storey sunken apartment.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing single-storey garage and the erection of a one and a half-storey sunken apartment at 55 Mill Road, Cambridge, CB1 2AW, in accordance with the terms of the application, Ref 13/1631/FUL, dated 5 November 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 601-4, 601-B-1, 601-B-2, and 601-B-4 .
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or dormer windows shall be constructed on the eastern elevation or eastern-facing roof slope of the dwelling hereby permitted.
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Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of No 57 Mill Road by way of light and outlook.

Procedural Matters

3. In reaching my decision I have had regard to the recently published and updated National Planning Practice Guidance.

Reasons

4. The appeal site is part of the curtilage of No 55 Mill Road, which is a corner plot at the junction of Mill Road with Emery Street. The site comprises a large garage, with a space to the front currently available for the parking of a vehicle, at the rear of the existing dwelling. The existing dwelling is apparently in use as a House in Multiple Occupation.
5. The existing garage is some 5 metres long by 4 metres wide, and is around 2.5 metres high with a flat roof. There is a footpath to the rear serving adjacent properties on Mill Road and Emery Street. The garage is not quite square in that it is built up to the edge of the footpath which is at a slight angle away from perpendicular with Emery Street. It is built up to the edge of the footpath on Emery Street and up to the boundary with No 57 Mill Road.
6. The proposed development would involve the demolition of the garage and the construction of a residential unit a little over 7 metres long and 4 metres wide. It would have a pitched roof. The internal living space would be sunk some 0.4 metres below street level to enable the limitation of the roof ridge height to around 4.7 metres. It would be rectangular and would project approximately 2.3 metres further to the south than the existing garage, but would be set back about 1 metre from the current boundary with the footpath at its north-eastern corner. It would lie to the north-west of the dwelling at No 57 Mill Road.
7. There was apparently an earlier withdrawn scheme for a dwelling on the same site which would have been a little higher and would have had a shallow monopitch roof. The appellants submitted a daylight assessment report for this earlier proposal based upon the BRE Digest 209. The assessment indicated that the proposal would have some slight impact on the daylight received at the windows in the rear elevation of No 57, but that this would be well within the limits of tolerance recommended by the BRE. A shadow analysis also showed that the proposal would result in some increase in overshadowing of the rear portion of the garden of No 57. The current proposal is smaller than the earlier scheme, with a lower ridge, significantly lower eaves, and a 45 degree pitched roof. Whilst I have no daylight or shadowing analysis for this current scheme, it seems reasonable to suppose that the effects would be less than that of the earlier one.
8. The current scheme would have side elevation walls the same height as those of the existing garage. The eastern elevation, alongside the boundary with No 57 would extend 2.3 metres longer to the south, but would stop around 1 metre short of the existing rear boundary. The net increase in the length of the building over the length of the existing garage along the boundary with No 57 would, therefore, be in the region of around 1.3 metres only.

9. The Council contends that the proposed dwelling would have a significant and adverse effect on the private amenity space at No 57, and would result in an overbearing sense of enclosure. However, the eaves of the dwelling would be no higher than the existing garage. Furthermore, although the dwelling would extend by a small amount further south along the boundary than the garage, the existing boundary treatment at this point, comprising a wall with trellis and shrubs, is around 2 metres high and, in any case, a 2 metre fence or wall could be constructed here under permitted development rights. The limited increase in height over both the existing and the fall-back situation would not, in my opinion, result in any significant worsening of the light received at the bottom end of the garden at No 57.
10. The new dwelling would have a pitched roof, which would increase its overall height to some 4.7 metres. However, the pitched nature of the roof, sloping away from the garden at No 57, would minimise its visual impact and, whilst it would be visible from the eastern side of the garden, it would not result in a significant adverse impact on the outlook from that rear part of the garden.
11. In conclusion, I find that the proposed dwelling would not be harmful to the living conditions of the occupiers of No 57 Mill Road by way of light or outlook, and that it would not conflict with Policies 3/10 and 3/14 of the Cambridge City Local Plan, which require developments to avoid significant adverse impacts on the amenities of neighbouring properties through, amongst other things, loss of light, overbearing sense of enclosure, and overshadowing.

Other Matter

12. I have had regard to the fact that the appeal site lies within the Cambridge Central Conservation Area and the requirements under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. In this specific case, the Council has indicated that it does not consider that the proposed development would have an adverse effect on the Conservation Area. I concur with that view and, on that basis, it could be said to preserve its character and appearance.

Conditions

13. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area. Finally I have attached conditions relating to the timing of construction works and restrictions on the insertion of windows in the interests of protecting the residential amenities of the occupiers of nearby dwellings.

J D Westbrook

INSPECTOR

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Present

Planning Committee Members: Councillors Blencowe, Gawthrope, Hipkin, Pippas and Tunnacliffe

Other members: Councillors Holt and Sargent

Ward Councillors

Councillors Abbott and Sarris

Officers:

Principal Planning Officer: Nigel Blazeby (Chair)

Planning Officer: Michael Hammond

Democratic Services Officer: Ruth Yule

For Applicant:

David Robinson

Craig Wilson

Claire Mills, Savills (Agent)

For Petitioners:

Ben Blaukopf

Martin Twiss

Graham Allen

FOR THE INFORMATION OF THE COUNCIL**17/01/DCF Introduction by Chair to the Forum**

The Chair outlined the role and purpose of the Development Control Forum. He stated no decisions would be taken at the meeting.

17/02/DCF Apologies

No apologies were noted.

17/03/DCF Declarations of Interest

No declarations were made.

17/04/DCF Application and Petition Details (16/1895/FUL / 1 High Street Chesterton)

Description: Extend the social area of Elizabeth House
Applicant: CATS College, Cambridge
Agent: Savills
Address: Unex House, 132 -134 Hills Road, Cambridge
Lead Petitioner: Resident of 291 Chesterton Road, Cambridge CB4 1BH
Case Officer: Michael Hammond

Text of Petition:

Since CATS college commenced operations, the canteen has been frequently used for social activities, particularly discos. These operations have had a serious impact on the lives of local residents, most especially during the summer. In July and August 2016 there were twice weekly discos on Monday and Friday, including during school-term, running until 10.30pm which disturbed the sleep of both adult residents and their children. The canteen is particularly ill-suited to such events, as it is constructed largely of glass, which does little to contain the noise.

The local residents are therefore deeply concerned at the proposal to extend the canteen.

There is additional concern that this will result in the construction of a new area of outdoor seating, necessarily closer to our residences.

There is further concern at the impact caused by the construction work. The previous building operations on site did not adhere to their planning restrictions on times of construction, nor was there any consideration demonstrated with the use of extremely noisy activities.

Finally, there is concern at the attitude of CATS College towards noise made outside by their students. They have stated that they consider it perfectly reasonable to have their students shouting outside until 10pm at night, and until 11pm at weekends.

We propose that the following conditions be imposed to mitigate the impact of this development

- * That amplified sound, if audible outside the premises, may only be used for social purposes on either Friday or Saturday nights, and only until 10pm.
- * That after 8pm students shall use the outside social spaces quietly and that this behaviour is to be proactively monitored and enforced by an agreed upon policy.
- * That construction work or associated activities such as deliveries shall not take place at weekends.

Case by Applicant

Mr Wilson, Principal of CATS College, made the following points:

- 1) CATS was an international boarding school taking pupils from 14 years of age to early 20s
- 2) 24-hour pastoral support was provided by house parents, supplemented by a waking night supervisor overnight
- 3) The extension on the dining space was intended to meet pressure on dining facilities at peak times; no growth in pupil numbers was planned
- 4) Statutory consultees had not raised any objections to the application
- 5) CATS sought to be a good neighbour
- 6) Discos were held twice weekly in summer, and infrequently in the rest of the year; they finished at bedtime, 10pm
- 7) The proposal on outdoor seating was to relocate to current hardstanding west and south of porch, but suggestions for alternative locations were welcome
- 8) The use of outdoor seating was seasonal
- 9) CATS would manage the construction process themselves, and would sign up to the Considerate Constructors Scheme, and observe the usual daytime hours for loading and unloading
- 10) Noise from discos was not a matter for this planning application
- 11) CATS would display the contact information sign more prominently on the front fence.

Case by Petitioners

Mr Twiss, Chair, Hall Court Owners Association spoke on behalf of local residents. He made the following points:

- 12) Residents' issues with the application fell into three main categories, regular and significant noise issues throughout the week; displacement of indoor and outdoor activities; and the lack of an effective complaints procedure
- 13) All these issues related to breaches of the existing Section 106 agreements
- 14) Summer short courses for EFL (English as a Foreign Language) students had been particularly problematic because of noise from discos and outdoor activities
- 15) Most of the applicant's remarks had related to year-round students
- 16) The Section 106 agreement included undertakings to not organise EFL-only courses, yet these were still being advertised for summer 2017
- 17) The dining room and extension were made largely of glass, so offered little sound protection
- 18) The outdoor seating area was already a major cause of issues; the application would move it closer to residents
- 19) The indoor social area would be expanded and move closer to residents

- 20) There was no effective mechanism through which to complain to the college
- 21) The undertaking in the Section 106 agreement to display a number for the manager outside the college had never been observed; the number CATS had supplied was answered from a different site
- 22) In mitigation, residents would expect suitable noise mitigation measures to be taken, including appropriate construction materials and acoustic fencing; strict compliance with a curfew suitable for a residential area; responsive on-site management to deal with residents' concerns; and conditions on the hours of construction.

Case Officer's Comments:

- 23) Quoted the wording of the Section 106 agreement on the definition of a student as 'a person enrolled in and attending a full-time academic course or programme... not solely for the purpose of learning English as a foreign language'
- 24) The requirement to display a name and 24-hour contact details in a prominent location would be dealt with separately as a planning enforcement matter.

Case by Ward Councillors

Councillor Sarris spoke as a Ward Councillor on behalf of local residents. He made the following points:

- 25) He welcomed CATS in East Chesterton, and the great contribution it could make to the area going forward
- 26) The application raised major issues of residential amenity
- 27) Irrespective of differences on points of detail, the conditions requested by the petitioners were very reasonable; CATS said discos already finished at 10pm, as the petitioners wanted, and it was reasonable to ask that students be supervised.

Members' Questions and Comments:

The following responses were made to Members' questions and comments.

- 28) The Forum was looking only at the concerns raised by the petitioners; the question of displacement of activities would be raised with the Environmental Health team to see if it would justify the imposing of specific conditions to address the issue
- 29) Any condition on amplified sound could only relate to the extension, and evidence from the Environmental Health team would be needed that the extension would cause additional sound

- 30) A student management plan would be needed, but could probably not be introduced retrospectively on the rest of the site; it would be difficult to enforce that plan just in the canteen area
- 31) Unless there was specific evidence from the Environmental Health team there would be no reason to restrict deliveries and collections from the construction site on a Saturday
- 32) The existing consent had conditions on construction materials, and it would be reasonable to apply the same conditions to the new extension
- 33) There were 261 accommodation units on site, of which 234 were for students, and the remainder for house parents
- 34) Students did not make full use of the available outside space, so loss of the extension area was unlikely to make a significant difference to them
- 35) CATS social activities were open to Elizabeth House residents and to Varsity House residents (older students) in term time; in summer, they were limited to students being taught at Elizabeth House (some of whom might be living in Varsity House)
- 36) There would be no increase in student numbers, and no increase in level of activities, resulting from the current application; the application was intended to provide updated facilities rather than accommodate more students.

Summing up by the Applicant's Agent

- 37) Separate discussions were being conducted in relation to the Section 106 agreement for the previous application
- 38) It would be possible to put noise conditions on the current application
- 39) There would be no increase in student numbers or rooms, and the new area would not have the same intensity of use as the present dining area
- 40) CATS was happy to work with residents in addressing complaints, as it had already shown.

Summing up by the Petitioners

- 41) The residents' group did not feel its concerns were addressed because of the difficulty experienced in contacting an on-site manager
- 42) The present application was making an existing problem larger and bringing it closer to residents
- 43) The conditions on the insulation of the existing building were believed to have been made in the interests of protecting students from external traffic noise, not to limit the noise emitted

- 44) CATS was still advertising mainly EFL courses, in breach of the Section 106 agreement

Final Comments of the Chair

The Chair observed the following:

- 45) The comments and responses had been heard
- 46) Officers would look into the allegations of breaches of the Section 106 agreement
- 47) In liaison with Environmental Health, officers would consider what conditions could be imposed on the current application, including the use of amplified music.

The meeting ended at 2.45 pm

CHAIR

CHAIR