

PLANNING COMMITTEE MEETING – 29th August 2018

Amendment/De-brief Sheet

MAJOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 18/0806/FUL

Location: 291 Hills Road

Target Date: 17.08.2018

To Note:

Applicant response to Development Control Forum

As per paragraph 7.7 of the committee report, Cllr McGerty (Ward Councillor) requested the applicant responds to the following queries:

- Is the applicant able to provide a Tree Protection Method statement as part of the planning application?
- Is the applicant able to provide a detailed plan of new planting and make this a firm undertaking during the planning process?
- Could the grass verges on Queen Edith's Way be protected with Heras fences during construction?

The applicant's agent provided a response on 10 August 2018:

- A tree protection plan was provided showing the position of protective fencing around trees to be retained, areas of ground protection, and areas of no-dig construction. The agent notes that the Tree Officer is supportive of the information submitted.
- A revised landscape masterplan has been submitted which has introduced four trees along the northern boundary with No.289 Queen Edith's Way. The applicant's agent has responded that all landscaping including boundary treatments would be secured though the recommended landscape condition and noted that this was not a requirement of the previous application and the landscape officer is supportive of the proposal.
- The applicant's agent has responded that it is extremely uncommon for arrangements for contractor parking to be requested prior to determination. These arrangements would not be known until a contractor has been appointed. The applicant's agent expects a construction management plan would be secured through conditions and notes that this issue was not raised during the determination on the previous application and a consistent approach should be adopted. The agent notes that the onus will be on the appointed contractor to ensure that the construction phase of the development will not detriment highway safety within the area.

The applicant's response does not alter the officer recommendation. The Tree Officer has been consulted on the tree protection plan and the response is given below. The officer recommendation is that it is appropriate, reasonable and necessary for these details to be secured through conditions 9, 10 and 12 (trees), condition 15 (landscaping) and condition 6 (traffic management plan).

Floor space

The applicant has submitted revised floor plans in response to issues raised by Councillor Smart at the Development Control Forum in relation to the internal space standards. The revised plans make minor internal alterations and adjusted the position of some lobbies to increase the floor areas to Flats 2,3,4,9 and 10 so that these units meet the national Technical Housing Standards (March 2015) (THS). This has reduced the floor space of Flats 5 and 11, however these units remain above the THS. Updated paragraph 8.14 of the committee report below:

Unit	Beds	Floor space (sqm) internal + external	THS (sqm)	Difference (sqm)
Flat 1	1-bed (2 persons)	53 + 7	50	+3
Flat 2	2-bed (3 persons)	61 + 4	61	0
Flat 3	1-bed (2 persons)	61 + 4	50	+11
Flat 4	2-bed (3 persons)	62 + 4	61	+1
Flat 5	2-bed (3 persons)	70 + 4	61	+9
Flat 6	2-bed (3 persons)	61 + 7	61	0
Flat 7	1-bed (2 persons)	50 + 4	50	0
Flat 8	2-bed (3 persons)	61 + 4	61	0
Flat 9	1-bed (2 persons)	61 + 4	50	+11
Flat 10	2-bed (3 persons)	61 + 4	61	0
Flat 11	1-bed (2 persons)	57 + 4	50	+7
Flat 12	2-bed (3 persons)	79 + 28	61	+18
Flat 13	2-bed (3 persons)	75 + 4	61	+14
Flat 14	1-bed (2 persons)	65 + 4	61	+4

Tree Officer comments

The following comment was received from the Tree Officer on 24 August:

In terms of arboricultural impact, the proposal is similar to that previously submitted and subject to replacement planting I have no objection to the proposed tree removals, which have not changed.

The primary concern on this site is the impact of construction activity and in order to safeguard the healthy retention of trees during demolition and construction it will be necessary for all activity to adhere to a detailed and phased tree protection methodology written in accordance with the recommendations set out in BS 5837: 2012. To this end I request that, should permission be granted, the below conditions are attached.

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 tree works are carried and before 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 tree works, 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 supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding, the use of piling rigs, cranes and other plant 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 LPA 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 the TPP, 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. If any tree shown to be retained is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policies 4/3 and 4/4).

These conditions have been recommended as conditions 9, 10 and 12.

Third party representation

A further representation has been received on behalf of Hills Road Area Residents Association and the Federation of Cambridge Residents Associations dated 22 August 2018. The representation can be summarised as follows:

- Understand that the emerging Local Plan has been adopted.
- The threshold for affordable housing in the new Local Plan aligns with the revised NPPF and has been reduced to 10 units.
- Request that the application is deferred from the August committee to

consider whether it is consistent with both with the revised NPPF and the new Local Plan requirements in regard to delivering affordable housing and the affordable housing threshold for sites.

- If the application is not deferred, what options does the Committee have to either decide to defer it themselves to ensure it is heard under the new approved Local Plan, or insist that the weight to be given to the new Local Plan and the revised NPPF in regard to policies on affordable housing must now be so significant as to outweigh the existing Local Plan for this application?

A response will be provided in the officer presentation.

Letter from the applicant

A letter has been received from the applicant's solicitor on 23 August which can be summarised as follows:

- The applicant objected to the Development Control Forum (DCF) taking place as the petition was clear that the objections raised were on principle. The guidance makes it clear that petitions objecting on principle will not be considered at a DCF.
- The DCF gave an opportunity for objectors to forcefully express their views in opposition to the application to committee members and did not offer any scope for building consensus and resolving concerns.
- The decision on the previous application 17/1372/FUL is a material consideration and the local planning authority is required to have regard to the importance of consistency in decision making.
- The previous application was subject to a DCF at which the majority of the members of the planning committee were present. The application was considered by the committee with the benefit of a full report and members had a full opportunity to debate and take account of the objections raised.
- The applicant has addressed the four reasons for refusal on the previous application. In all other aspects the current application is the same as the previous application. There would be no reason for the Council to refuse the application on grounds that were not given in relation to 17/1372/FUL.
- Case law identifies that if a different decision is to be made, reasons for that departure have to be given, unless it is obvious why an earlier decisions had to be reversed. There is no reason to reach a different decision in respects of the application which has not materially changed since the previous decision.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/1815/FUL

Location: 143 - 147 Newmarket Road And 149 Newmarket Road

Target Date: 07.02.2018

To Note:

The applicant has brought to my attention the closure of the post office on site.

I have expanded on paragraph 8.23 to explicitly reference the assessment of enclosure of the Beche Road gardens.

There is an error in the internal space table whereby a number of units are measured against the space standards as being 2 bedroom 3 person flats. All of these units are 1 bedroom units on 2 floors which reduces the space requirement from 61sqm to 58sqm.

Further comments have been received from the Biodiversity Officer.

I have corrected a response to a third party representation to recognise that verified views were provided from a Beche Road garden.

A typo citing the uplift in residential units as three has been corrected to recognise there is an uplift of 10 units.

Amendments To Text:

8.3 The site does not fall within the city centre or within a district or local centre so there is no policy restriction to the loss of the retail unit. The planning policy officer has confirmed that the proposal complies with the local plan. The policy officer notes paragraph 70 of the NPPF; this is now paragraph 92 of NPPF 2018, which states that policies and decisions should guard against the unnecessary loss of valued facilities and services which help the community meet its day-to-day needs. The applicant has confirmed *at the DCF* that the tenant's lease ~~is~~ was due to expire so the post office would be vacating the unit irrespective of the result of the application. *I understand that the Post Office vacated the premises at the beginning of 2018.* The unit is in A1 use outside of a centre and not afforded any protections and so could be occupied by any other user within this use class such as a hair dresser or dry cleaners. ~~Once~~ *Now that the post office has vacated* moves the nearest post office for residents ~~will be~~ *is* in Cobble Yard at the Grafton Centre (approx. 7 minutes' walk away). As a result the loss of the post office is not considered to be a material consideration in the assessment of the application, however it is recognised that the loss of the post office ~~will~~ *does* impact on the local community.

8.23 The pan handle provides a degree of separation (approx. 7m) between the gardens and the proposed Block B. The bulk and massing on the north elevation facing these gardens has been reduced. The roof form has been broken up and the height of the flat roof to flat F3 has been reduced in height and a unit has been removed to the eastern element of block B reducing the bulk significantly at this end. *Given the difference in levels, there will be some enclosure to the Beche Road gardens but this will mainly be to the ends of the gardens. Given the breaking down of the massing, low height adjacent to the boundary and the separation distance between the building and these gardens, I consider the proposal would not result in a level of enclosure to the Beche Road gardens which would be significantly harmful to warrant refusal.* One terrace remains on the north elevation but this is now shown with a screen to prevent overlooking. This arrangement is considered acceptable in principle but details of the screen are required by condition to ensure that it will adequately protect the privacy of the neighbouring gardens. A screen will also be required to the balcony of Flat F2 to prevent overlooking. Details of this are also required by condition. There are two slit windows on this elevation which also look towards these gardens. These are narrow windows which serve a hall and bedroom. Given their dimensions and use the rooms serve and the distance between the windows and the gardens, these are not considered to cause any significant overlooking. A condition is recommended preventing the construction of any further windows at first floor or above including dormers to prevent any future overlooking issues.

8.31

Unit	Size (sqm)	Space standard minimum (sqm)	Private external space (sqm)
Flat G1	42	37	25
Flat G2	37	37	5
Flat G3	45	37	7
Flat G4	54	61 58	8
Flat G5	46	50	7
Flat F1	53	61 58	5
Flat F2	75	61 58	8
Flat F3	37	37	None
Flat F4	34	37	7
Flat F6	38	37	None
Flat S1	37	37	None

8.47

Representation	Response
No verified views from Beche Road gardens have been provided	These were not required to assess the application. Verified views were provided but were not updated with the most recent set of revised plans.

8.496 The guidance states that contributions should not be sought from developments of 10-units or fewer, and which have a maximum combined gross floorspace of

no more than 1000sqm. The proposal represents a small scale development, with an uplift of three ten units, and as such no tariff style planning obligation is considered necessary.

Pre-Committee Amendments to Recommendation: Following comments from the Biodiversity Officer a further condition is recommended requiring details of bat boxes.

44. No development shall commence until a plan has been submitted to and approved in writing by the Local Planning Authority detailing the proposed specification, number and locations of internal and / or external bat boxes on the new buildings. The bat boxes shall be installed prior to the occupation of the flats and subsequently maintained in accordance with the approved plans.

Reason: to provide ecological enhancements for protected species on the site (Cambridge Local Plan (2006) policy 4/3).

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 17/2163/FUL

Location: Abbey Church, St Andrews the Less

Target Date: 07.02.2018

To Note: Further comments have been received from the Biodiversity Officer and Environmental Health Officer.

Amendments To Text:

Environmental Health

First comment

- 6.2 No objection: Three conditions are recommended regarding construction hours, piling and unexpected ground contamination.

Second comment

- 6.3 Further information is needed to assess the proposal: Occupants who are not associated with the church may now reside within the proposed units, if permission is granted. This increases the potential for harm to amenity and quality of life of future occupants who may not be associated with the church or intend to use its facilities. Noise from potential future events at the church which may include the use of amplified music / voice and / or large gatherings of worshippers and community uses has the potential to adversely impact upon the proposed residential units. Prior to determination of this application, a noise impact assessment is required to determine the potential impact of activities

within the church on the residential units.

Nature Conservation Officer

- 6.6 ~~No comments received. Any comments will be recorded on the amendment sheet.~~ Objection: There has been no ecology survey submitted with this application and I would dispute the claim in paragraph 11.5. of the Design and Access Statement that 'There is no bio-diversity merit within the site due to its current state'. Indeed, the adjacent site (17/1815/FUL) has had a recent bat survey which suggests a bat roost is present within the church building. As the location and roost type has not been determined I would request a Phase 1 habitat and Protected Species Scoping Survey be provided prior to determination
- 8.21 Conversely, if the church is repaired and brought into use, the residential occupiers may suffer unacceptable noise due to the community use of the building. I have discussed the potential noise impact with the Environmental Health Officer and he feels that should the units not be occupied by church staff there is the potential for noise disturbance and further information, in the form of a noise impact assessment, would be needed to assess this potential impact. The church has suggested that they would not accept a condition requiring the units to be occupied by church staff as they may wish to sell the units in the future. ~~I have asked that the Environmental Health Officer updates his comments and these will be provided on the amendment sheet.~~

Pre-Committee Amendments to Recommendation:

Following comments from the Environmental Health Officer an additional reason for refusal is proposed in reference to the insufficient assessment of noise disturbance from the potential future use of the church on the residents of the proposed units.

- 10.3 Should the church be brought back into community use, insufficient information has been provided with the application to demonstrate that future occupiers of the dwellings would not suffer an unacceptable level of noise and disturbance from the use of the building. The proposal would therefore be contrary to policies 3/7, 3/12 and 4/13 of the Cambridge Local Plan (2006

Following comments from the biodiversity officer an additional reason for refusal is recommended.

- 10.4 No information has been provided regarding the impact of the proposed development on biodiversity on site. A recent bat survey on the adjacent site at Logic House suggests that there is a bat roost in the church. Without information to demonstrate the impact of the development on biodiversity the applicant has not proven that the development would not harm local biodiversity and as a result the proposal is considered contrary to policy 4/3 of the Cambridge Local Plan (2006).

DECISION:

MINOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 18/0765/FUL

Location: Garage Block, Markham Close

Target Date: 13.07.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 18/0758/FUL

Location: 57 Hartington Grove

Target Date: 13.07.2018

To Note: Proposed side elevation 1 was amended to correspond with side elevation 2. The proposed ground floor plan was amended to correspond with the proposed site plan.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 18/0827/FUL

Location: 108 Grantchester Meadows

Target Date: 17.07.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION: