



**EAST AREA COMMITTEE**  
**CHAIR COUNCILLOR KEVIN BLENCOWE**



**AGENDA**

**To: City Councillors:** Blencowe (Chair), Wright (Vice-Chair), Benstead, Brown, Hart, Herbert, Marchant-Daisley, Moghadas, Owers, Pogonowski, Saunders and Smart

**County Councillors:** Bourke, Harrison, Sadiq and Sedgwick-Jell

*Dispatched: Wednesday, 7 December 2011*

**Date:** Thursday, 15 December 2011

**Time:** 7.00 pm

**Venue:** Meeting Room - Cherry Trees Day Centre

**Contact:** James Goddard **Direct Dial:** 01223 457015

**11 PLANNING APPLICATIONS** *(Pages 1 - 12)*

The applications for planning permission listed below require determination. A report is attached with a plan showing the location of the relevant site. Detailed plans relating to the applications will be displayed at the meeting.  
*(Pages 1 - 12)*

## INFORMATION FOR THE PUBLIC

The East Area Committee agenda is usually in the following order:

- Open Forum for public contributions
- Delegated decisions and issues that are of public concern, including further public contributions
- Planning Applications

This means that planning items will not normally be considered until at least 8.30pm.

**The Open Forum section of the Agenda:** Members of the public are invited to ask any question, or make a statement on any matter related to their local area covered by the City Council Wards for this Area Committee. The Forum will last up to 30 minutes, but may be extended at the Chair's discretion. The Chair may also time limit speakers to ensure as many are accommodated as practicable.

***To ensure that your views are heard, please note that there are Question Slips for Members of the Public to complete.***

### **Public speaking rules relating to planning applications:**

Anyone wishing to speak about one of these applications may do so provided that they have made a representation in writing within the consultation period and have notified the Area Committee Manager shown at the top of the agenda **by 12 Noon on the day before the meeting** of the Area Committee.

**Filming, recording and photography** at council meetings is allowed subject to certain restrictions and prior agreement from the chair of the meeting.

Requests to film, record or photograph, whether from a media organisation or a member of the public, must be made to the democratic services manager at least three working days before the meeting.

## REPRESENTATIONS ON PLANNING APPLICATIONS

**Public representations** on a planning application should be made in writing (by e-mail or letter, in both cases stating your full postal address), within the deadline set for comments on that application. You are therefore strongly urged to submit your representations within this deadline.

**Submission of late information** after the officer's report has been published is to be avoided. A written representation submitted to the Environment Department by a

member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report.

Any public representation received by the Department after 12 noon two business days before the relevant Committee meeting (e.g. by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

The same deadline will also apply to the receipt by the Department of additional information submitted by an applicant or an agent in connection with the relevant item on the Committee agenda (including letters, e-mails, reports, drawings and all other visual material), unless specifically requested by planning officers to help decision-making.

At the meeting public speakers at Committee will not be allowed to circulate any additional written information to their speaking notes or any other drawings or other visual material in support of their case that has not been verified by officers and that is not already on public file.

### **To all members of the Public**

Any comments that you want to make about the way the Council is running Area Committees are very welcome. Please contact the Committee Manager listed at the top of this agenda or complete the forms supplied at the meeting.

If you would like to receive this agenda by e-mail, please contact the Committee Manager.

Additional information for public: City Council officers can also be emailed [firstname.lastname@cambridge.gov.uk](mailto:firstname.lastname@cambridge.gov.uk)

**Information (including contact details) of the Members of the City Council can be found from this page:**

<http://www.cambridge.gov.uk/democracy>

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## EAST AREA COMMITTEE MEETING – 15<sup>th</sup> December 2011

### Amend/De-brief Note

#### PLANNING APPLICATIONS

CIRCULATION: First

ITEM:                    APPLICATION REF:        **11/0664/EXP**

Location:        187 Cherry Hinton Road

Target Date: 15<sup>th</sup> August 2011

To Note:        No further comments.

Amendments To Text:        No amendments.

Pre-Committee Amendments to Recommendation: No amendments.

#### DECISION:

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CIRCULATION: First

ITEM:                    APPLICATION REF:        **11/0535/FUL**

Location:        14 Emery Street

Target Date: 8<sup>th</sup> July 2011

To Note:

**Paragraph 8.9:** As a point of clarification, the proposed third level roof extension is not 'identical' to that approved in 2009. The design of the roof extension for the 09/1031/FUL submission had a slightly different roof treatment. It was designed with a single flat roof extending beyond the roof plane, whereas the roof of the current proposal has the third storey section positioned slightly below the roof of the main box dormer window. This notwithstanding, the design and likely visual impact of both submissions is very similar.

Amendments To Text:        No amendments.

Pre-Committee Amendments to Recommendation: No amendments.

#### DECISION:

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CIRCULATION: First

ITEM: APPLICATION REF: 11/1097/EXP

Location: 71-73 New Street

Target Date: 14<sup>th</sup> November 2011

To Note:

Amendments To Text:

Paragraph 1.2 should read as follows:

The area is one of mixed use, in which residential and business uses are intermingled. A terrace of two-storey houses lies to the east. To the north is a development site, where planning permission was granted in 2009 for the erection of 5 one-bed flats (09/0743/FUL). This site is close to completion. Across Occupation road to the west is a three-storey building providing student residential accommodation. To the south, on the other side of New Street, and partly screened by trees, is the Howard Mallett Centre, part of which is in use as offices. The car park of the Centre lies between the building and New Street.

Paragraph 8.12 should read as follows:

There are no residential premises to the south. The residential development to the north has a blank southern elevation, and no amenity issues arise with respect to the land uses in either of these directions.

Paragraph 8.13 should be omitted.

Pre-Committee Amendments to Recommendation:

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 11/0872/FUL

Location: 292 Mill Road

Target Date: 19<sup>th</sup> September 2011

To Note:

**Further petition signatures**

A second petition containing 85 signatures has been received apposing the

development of the Royal Standard and to preserve and improve the open space surrounding the pub.

**Representation 5 Malta Road**

**Paragraph 7.1:** 5 Malta Road was not included on this list.

The occupant of this property strongly objects to the design of the southern most end of terrace property.

Amendments To Text: No amendments

Pre-Committee Amendments to Recommendation: No amendments

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: **11/0288/FUL**

Location: 15 Swann's Road

Target Date: 11<sup>th</sup> May 2011

To Note: Please see attached letters from Richard Buxton. It should be noted that the letter to Planning Casework relates to an application before the County Council and not the current application. This letter is placed before you for completeness and does not alter the officer recommendation.

Please note attached copy of the relevant minute of the meeting of East Area Committee on 18<sup>th</sup> August 2011.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

**DECISION:**

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Attn: Penny Jewkes

Your ref. 11/0288/FUL

Our ref. PS/THN-3

**Also by e-mail. penny.jewkes@cambridge.gov.uk**

8 December 2011

Dear Sirs

**Application no. 11/0288/FUL, 15 Swann's Road, Cambridge  
Change of use to car hire and erection of associated offices etc.**


Thank you for your letter of 1 December 2011 advising that the above matter is to be reviewed by the Council's planning committee on 15 December 2011.

We would like to make representations to the committee and would be grateful if you could confirm that this is agreed.

We also take this opportunity to enclose a copy letter to the National Planning Casework Unit in relation to a retrospective planning application to erect a fence and barrier at the site.

We look forward to hearing from you.

Yours faithfully



Richard Buxton

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stacked shipping containers (painted green) to provide noise attenuation, storage and visual screening: application no. C/05010/10/CW.

#### **The order sought**

The order sought is that the screening direction of 22 September 2011 is quashed and that the Secretary of State pays the Applicant's costs.

#### **GROUNDS OF CHALLENGE**

The Applicant submits that the Secretary of State has exceeded his discretion in publishing his screening direction of 22 September 2011 and, in particular, in determining the likely significant effects on the environment arising from the proposal.

Any discretion that may be available to the Secretary of State is limited; see e.g. \$50 of *Case C-75/08 Mellor v Secretary of State* [2009]. That is, that the threshold for what action may exceed the legitimate decision-making function is not the conventional *Wednesbury* test. This is clear from the emerging case law: see e.g. the judgment of HHJ Thornton QC in *R (Buglife) v Medway Council* [2011] EWHC 746 (Admin) at \$87.

In the present case, the Secretary of State has concluded that the proposal is not EIA development. The screening direction concludes that, based on the information provided, the Secretary of State does not consider that the development as modified is likely to result in significant effects on the environment necessitating an environmental statement. Yet the evidence provided by the Applicant confirms that the operations cause noise disturbance such that they are 'likely to cause complaints'. In our view, this constitutes significant environmental effects.

In a letter of 29 September 2011, the Applicant reiterated why the proposal and associated projects were, in fact, having significant effects on the environment and invited the Secretary of State to review his decision. The Secretary of State declined to do so.

Unless the Secretary of State was certain that the operations do not cause likely significant effects then, consistent with the EIA Directive, an inclusive and precautionary approach should be taken to EIA screening. That is, if there is uncertainty as to the nature or extent of any likely significant effects that may arise, an EIA should be carried out to clarify the position this is clear from the recitals to EIA Directive 85/337/EEC and the EIA Amending Directive 97/11/EEC and also from the judgments in *Waddenzee v Landbouw* and more recently *R (Birch) v Barnsley MBC*.

#### **Legal advisers**

The proposed claimant's solicitors are ourselves.

#### **Details of any interested parties**

The interested party is Roundwood Restorations Ltd, Unit 9, Martells Quarry, Slough Lane, Ardsleigh, Colchester Essex CO7 7RU

#### **Information requested from the Secretary of State**

The Secretary of State is asked to provide preferably by return and, in any event, within 14 days; i.e. by 19 December 2011.

1. a copy of all the documentation prepared and used by or on behalf of the Secretary of State, in preparing and published the screening direction including, e.g. any screening checklist; and
2. any other contemporaneous documentation relating to the EIA screening direction.

**Action expected from the Secretary of State**

The Secretary of State is asked to:

- a) consent to judgment and pay the Applicant's costs;
- b) provide the documents requested above, and
- c) respond to this letter within 14 days i.e. by 19 December 2011.

We look forward to hearing from you.

Yours faithfully



Richard Buxton

cc Cambridge County Council (Helen Wass)  
Roundwood Restorations Ltd

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11/46/EACa 11/0288/FUL: 15 Swann's Road

The committee received an application for full planning permission.

The application sought approval for change of use to car hire business and erection of associated office and wash down canopy on land off Swann's Road.

The committee received a representation in objection to the application from the following:

- Mr Stookes (Objector's Agent)

The representation covered the following issues:

- (i) Requested a full environmental impact assessment be undertaken.
- (ii) Expressed concern about noise pollution from the site and the impact of this on his client's quality of life. Noise from the site had been an ongoing concern for some time.
- (iii) Suggested that the change of use from car sales to car hire would lead to more vehicular traffic.

Councillor Blencowe asked the committee to vote on whether they wished to proceed with considering the application in light of the Planning Officer receiving correspondence from Mr Stookes after the deadline for it to be a material consideration.

The committee resolved by 6 votes to 5 to consider the application.

The Committee:

Resolved (by 6 votes to 1) to accept the officer recommendation to approve planning permission as per the agenda subject to a condition restricting use of the washdown facility to the car hire operation only. Wording to be agreed by Chair and Spokes.

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