

EAST AREA COMMITTEE MEETING – 12TH SEPTEMBER

Amendment De-brief Note

PLANNING APPLICATIONS

TO NOTE:

Please refer to the attached Note regarding the National Planning Practice Guidance Consultation.

CIRCULATION: First

ITEM: APPLICATION REF: **13/0759/FUL**

Location: Calcutta Club, 44 Mill Road

Target Date: 25th July 2013

To Note: The occupier of No.5-7 Covent Garden has added to their representation comments in relation to inaccuracies in the Design and Access Statement and concerns about car parking.

Paragraph 8.24 of the officer report acknowledges remarks on the inaccuracies within the Design and Access Statement and states the extent of consultation by the Council as part of this planning application process. It should be noted that the occupier of 5-7 Covent Garden did not support the scheme at the pre-application stage.

Paragraph 8.18 of the officer report refers to the fact that the existing three parking spaces are to be retained as set out within the application. Given the existing situation is not changing in relation to the provision of car parking in this instance additional plans were not needed.

At the request of Members who attend Chairs Brief please find attached a copy of the comments made by the Head of Refuse and Environment.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **13/0804/FUL**

Location: 89A Cherry Hinton Road

Target Date: 5th August 2013

To Note:

Landscape Team have commented that they have no further comments.

Arbouriculture Team have commented that they do not have an objection subject to the submission of a method statement detailing how trees will be protected during all construction phases.

Additional comments have been received from the Head of Refuse and Environment stating that the piling condition is not relevant as there is no piling to occur but the working hours and delivery conditions are appropriate. The waste conditions were not attached but again further information has been accepted. An assessment of the noise from the sub-station condition is still required and needs to be secured via a planning condition.

Third Party Objection from 6 Flamsteed Road still stands.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

Additional Conditions to be introduced orally at Committee.

DECISION:

National Planning Practice Guidance – Consultation

The Government has issued draft new planning practice guidance on a wide range of issues to support the National Planning Policy Framework. All of these draft planning practice guidance items are currently available on a 'Beta' website (still in testing with its end users) available at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/>

The draft planning practice guidance on this site has not yet been finalised. Existing guidance will not be cancelled until the new planning practice guidance is published in its final form.

The status of the draft guidance is discussed below.

The National Planning Policy Framework

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

Its content is finalised and has not been changed as part of the review of planning practice guidance.

Planning Practice Guidance

The Government are completely revising and updating national planning practice guidance to support the National Planning Policy Framework and make it more accessible.

The guidance complements the National Planning Policy Framework and provides advice on how to deliver its policies.

Guidance is provided in relation to the following:

- Advertisements
- Air quality
- Appeals
- Assessment of housing and economic development needs
- Assessment of land availability
- Before submitting an application
- Climate change
- Conserving and enhancing the historic environment
- Consultation and pre-decision matters
- Crown Development
- Design
- Determining a planning application
- Duty to cooperate
- Ensuring effective enforcement
- Ensuring the vitality of town centres

- Environmental Impact Assessment
- Flexible options for planning permissions
- Flood Risk and Coastal Change
- Hazardous Substances
- Land remediation
- Lawful development certificates
- Light pollution
- Local Plans
- Making an application
- Minerals
- Natural Environment
- Neighbourhood Planning
- Noise
- Open space, green space and rights of way
- Planning obligations
- Rural housing
- Strategic environmental assessment and sustainability appraisal
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders
- Use of Planning Conditions
- Viability
- Water supply, wastewater and water quality
- When is permission required?

Status of the Draft Guidance for Decision Taking

The Government considers that where the planning practice guidance published in draft on the web-based resource during the consultation is a material consideration, it is likely to have limited weight. However, it is for the decision taker to determine the weight of this guidance in any individual decisions.

What's changed in the draft planning practice guidance from the existing guidance?

This web-based resource has refreshed, streamlined and brought up-to-date the existing planning practice guidance to make sure that it supports national planning policy in an easily accessible way. For the first time, the draft planning practice guidance is shown together with and alongside the National Planning Policy Framework.

The volume of guidance has been reduced by over 90 per cent, shortening the overall length by removing unnecessary or outdated detail, and consolidating and streamlining guidance material. The planning practice guidance brings together previously published guidance from many different and separate documents.

The draft planning practice guidance on the Beta site has been updated to reflect and support the National Planning Policy Framework, the presumption in favour of sustainable development, the introduction of neighbourhood planning and recent changes in legislation such as the Growth and Infrastructure Act 2013. The draft planning practice guidance is proportionate to each topic.

New planning practice guidance is provided in relation to:

- local green space designation
- environmental quality – noise, air, land, water and water supply, and light pollution
- duty to cooperate
- viability
- neighbourhood planning

Implications for the assessment of current planning applications

As mentioned above, government advice is that whilst the new planning practice guidance is a material consideration it is likely to carry little weight in terms of development control decision making.

The reports on this Agenda have been assessed against the Development Plan and the National Planning Policy Framework. It is not considered the publication of the planning practice guidance affects the recommendations that have been made.

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Consultee Comments for application 13/0759/FUL

Application Summary

Application Number: 13/0759/FUL

Address: Calcutta Club 44 Mill Road Cambridge Cambridgeshire CB1 2AS

Proposal: Erection of three maisonettes and roof garden above the rear of the restaurant at 44 Mill Road.

Case Officer: Natalie Westgate

Consultee Details

Name: Mr Ben Walther

Address: Mandela House, Cambridge CB1 0JH

Email: ben.walther@cambridge.gov.uk

On Behalf Of: Environmental Health

Comments

My Ref: WK/201352355

Your Ref: 13/0759/FUL

Thank you for consulting Refuse and Environment on this application.

Please contact the following officers for further guidance and/or discharge of condition in connection with their relevant field:

Housing Standards (contact: Michael Bailey, Environmental Health Officer - 01223 457798)

COMMENTS

The design and access statement indicates that the restaurant and five rooms to let are currently being refurbished by the applicant of this proposed development.

Construction

Noise from construction has the potential to harm the local amenity if not controlled. I therefore recommend the standard construction/delivery hours conditions.

Restaurant impact on proposed residential

The restaurant has the potential if not controlled to harm the local amenity including potential occupants of the proposed maisonettes and rooms to let.

Odour

From previous experience, I am aware that the kitchen extraction previously serving the Calcutta Club terminated approximately 4ft above the flat 1st floor roof at the rear of the premises. The proposed first floor plans locate the kitchen extract to the side of the entrance to the proposed first floor courtyard. There are no details of the height of the ducting or filtration to be used. A low level discharge as previously seen would not be acceptable if the proposed development is to be granted permission. Odour from the cooking process would harm the amenity of future occupants within the proposed maisonettes and courtyard area. Extraction should be incorporated into the design scheme and discharged a minimum of 1m above eaves level (of the maisonette 2nd floor) with consideration for nearby premises.

Full details are required of the kitchen extraction system including filtration to be installed and ducting height. I therefore recommend the standard C60 fume/filtration condition with informative.

Plant Noise

Noise from plant associated with the restaurant including fans serving the kitchen extraction system and air handling units have the potential to harm the local amenity if not controlled. The acoustic performance of the kitchen extract will have to be carefully considered to ensure the noise generated does not adversely affect future occupants of the proposed residential and the locality.

I recommend the standard C62 plant noise condition and informative.

Housing Standards

I have the following comments to make regarding this application.

The design and layout for the 3 maisonettes detail the second floor bedrooms decanting directly into the first floor kitchen. This may compromise the means of escape for the occupants. The occupants of the bedrooms facing onto the car park to the rear of the proposed development would not have secondary means of escape from the windows as they are at second floor level. The applicant is advised to consider reviewing the proposed layouts to site the kitchens away from the base of the internal stairs.

If the existing rooms to the first floor directly above the restaurant and facing onto Mill Rd were to be used as residential accommodation for the staff of the restaurant or let as a House in Multiple Occupancy (HMO) the applicant is advised to contact Housing Standards to discuss amenity provision and fire safety standards. The plans (sheet/layout number 120027-SP-102) indicate that the kitchen to this unit is open plan. If the rooms were to be let as above, this layout would compromise the means of escape for the occupants and a 30-minute protected route would be

required.

The applicant would also be advised to discuss with the Planning Officer, as this may constitute a further change of use dependent upon the number of occupants.

I would therefore recommend that the HHSRS informative be attached.

RECOMMENDED CONDITIONS

Construction hours (C63)

Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Collection or deliveries during construction

Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

C62 Plant Noise Insulation

Before the development/use hereby permitted is occupied, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

C60 Fume Filtration /Extraction

Before the development/use hereby permitted is occupied, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

INFORMATIVES

Plant noise insulation

To satisfy standard condition C62 (Noise Insulation), the noise level from all plant and equipment, vents etc (collectively) associated with this application should not raise the existing background level (L90) by more than 3 dB(A) (i.e. the rating level of the plant needs to match the existing background level). This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 5 minute period), at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and prevent unreasonable noise disturbance to other premises.

It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 Method for rating industrial noise affecting mixed residential and industrial areas or similar. Noise levels shall be predicted at the boundary having regard to neighbouring premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation.

Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

Fume filtration and extraction

To satisfy standard condition C60 (Fume Filtration/Extraction), details should be provided in accordance with Annex B of the, Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, prepared by Netcen on behalf of Department for Environment, Food and Rural Affairs (DEFRA) dated January 2005 available at

<http://www.defra.gov.uk/publications/2011/03/25/odour-noise-kitchen-exhaust-pb10527/>

Housing Health & Safety Rating System (HHSRS)

The Housing Act 2004 introduces the Housing Health & Safety Rating System as a way to ensure that all residential premises provide a safe and healthy environment to any future occupiers or visitors.

Each of the dwellings must be built to ensure that there are no unacceptable hazards for example

ensuring adequate fire precautions are installed; all habitable rooms have adequate lighting and floor area etc.

The applicant/agent is advised to contact housing standards at Mandela House, 4 Regent Street, Cambridge and Building Control concerning fire precautions, means of escape and the HHSRS

Regards,

Mr Ben Walther
Senior Environmental Protection Officer
Environmental Quality & Growth Team

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