

**EAST AREA COMMITTEE**25 June 2012  
7.00 - 8.25 pm

**Present:** Councillors Blencowe (Chair), Owers (Vice-Chair), Benstead, Brown, Herbert, Johnson, Marchant-Daisley, Moghadas and Saunders

Councillor Benstead joined the Committee after the vote on item 12/35/EACb

**Other Councillors in Attendance:** Councilor Sadiq

**Officers:** Sarah Dyer (City Development Manager) and James Goddard (Committee Manager)

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**12/33/EAC Apologies For Absence**

Apologies were received from Councillors Pogonowski, Hart & Smart.

The Committee held a 1 minute silence in memory of Councillor Wright (former Committee Member) who passed away recently.

**12/34/EAC Declarations Of Interest**

NAME	ITEM	INTEREST
Councillor Owers	12/35/EACb	Personal: Postal contact with one of the Objectors, but did not fetter discretion

**12/35/EAC Planning Applications****12/35/EACa 12/0260/FUL: Ryedale House, 40 Cambridge Place**

Officers recommended deferring this application to a future committee.

The Committee:

**Resolved (by 7 votes to 1)** to defer application to next meeting to allow issues raised by late objection from Bodyworks Dance Studio to be fully investigated and results reported to Committee. The application should be first planning item on the agenda at the next meeting.

### **12/35/EACb 12/0058/FUL: Coleridge Community College, Radekund Road**

The Committee received an application for retrospective planning permission.

The application sought approval for retrospective application for replacement of floodlights around the multi-use games area.

The Committee received a representation in objection to the application from Mr Gilbert-Wooldridge on behalf of himself and Mrs Gilbert-Wooldridge.

The representation covered the following issues:

- (i) Mrs Gilbert-Wooldridge is a senior Planning Officer at Cambridge City Council. She had followed the Royal Town Planning Institute and City Council's Code of Conduct when submitting this objection.
- (ii) The following concerns were expressed:
  - a. Flood lighting has been in place for 2 years, but the number of columns has changed from 4 to 8 without permission.
  - b. Flood lighting has been used outside of permitted hours. This has led to an environmental health investigation.
  - c. Welcomed conditions to regulate flood light usage, but queried if these needed to be strengthened eg on lux levels.

Councillor Brown proposed an amendment to condition 3 lux level testing.

This amendment was carried **by 7 votes to 0**.

#### The Committee:

**Resolved (unanimously)** to accept the officer recommendation to approve planning permission as per the agenda and alteration to Condition 3 to read as follows.

- 3 Within 56 days of the first use of the approved lights after 2000hrs, an assessment of lux levels created at the first floor window level on the nearest wall of the nearest residential building to the games court by the

floodlights hereby permitted shall be submitted to the local planning authority. In the event that this assessment shows lux levels at this point higher than those recommended in the guidance notes of the Institute of Lighting Engineers, the floodlight bulbs shall be replaced with bulbs of a sufficiently low wattage to bring the lux level at first floor height at this point within the recommended limits.

Reason: To protect the amenities of nearby residents (Cambridge Local Plan 2006 Policy 4/13 and East of England Plan 2008 policy ENV7)

### Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: ENV6 and ENV7

Cambridge Local Plan (2006): 3/1, 3/4, 3/11, 4/2, 4/13, 4/15, 6/2 and 8/13.

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

### **12/36/EAC General Items**

#### **12/36/EACa 102 Mill Road**

The Committee received an application for planning enforcement action to be taken.

The application sought authority to take enforcement proceedings for unauthorised use.

Site: Sweet and Spicy, 102 Mill Road, Cambridge.

Breach: Unauthorised change of planning use from A1 (shop) to A3 (café/restaurant).

Tariq Sadiq (Coleridge Ward County Councillor) addressed the Committee in support of the application.

The representation covered the following issues:

- (i) Suggested it was a matter of contention if planning permission had been breached.
- (ii) Queried if recommended enforcement action was appropriate.
- (iii) A1/A3 use permission had been given for the site. The decision notice setting this out had been delayed by six months, which led to inconvenience to the Applicant's business and ones it had dealings with.
- (iv) Suggested it was unfair that the Council required building work to be undertaken now, when permission to do so existed for 3 years. The Applicant felt Officers had allowed him too little time to implement the permission. Condition 5 had been discharged, so Councillor Sadiq asked why Officers were following their own timetable instead of the applicant's.
- (v) Expressed concern that Mill Road businesses were not equally scrutinised, as some were perceived to be breaking planning permission conditions without enforcement action being taken.
- (vi) The survival of the Applicant's business was being threatened by enforcement action.

Councillor Blencowe proposed an amendment that enforcement proceedings would not be pursued on the premises until September 2013 if application 11/0225/FUL had not been implemented.

This amendment was lost **(4 votes to 4 – so amendment fell without Chair's casting vote)**.

Councillor Herbert proposed an amendment that a period of 12 months should be set for compliance.

This amendment was carried **(7 votes to 0)**.

The Committee:

**Resolved (7 votes to 0)** to accept the officer recommendation that an Enforcement Notice is served on the owner and tenant of 102 Mill Road, Cambridge] to address the breach of planning control namely the unauthorised change of use of 102 Mill Road Cambridge from A1 to A3 and that the Head of Legal Services is authorised by this Committee to issue such a notice under the provisions of S172 of the Town and Country Planning 1990 (as amended).

A period of 12 months for compliance with the Enforcement Notice was set from when the notice comes into effect.

### **12/36/EACb 36a Mill Road**

The Committee received an application for planning enforcement action to be taken.

The application sought authority to undertake the next course of enforcement action following failure to comply with the Enforcement Notice set out in Appendix A of the Officer's report.

Officers only recommend prosecution when all other attempts at resolving the breach of planning control have failed. As the owner has not taken the necessary steps to comply with the Enforcement Notice, officers are of the opinion that prosecuting the owner for the offence of failing to comply with the Enforcement Notice is in the public interest in order to protect the character and appearance of the Conservation Area.

Site: Zi's Piri Piri, 36a Mill Road, Cambridge.

Breach: Failure to comply with the requirements of an Enforcement Notice served following development undertaken without the benefit of planning permission.

#### The Committee:

**Resolved (unanimously)** to accept the officer recommendation to authorise the Head of Planning to instruct the Head of Legal to commence legal proceedings against the owner, Mr Hussein, because the end of the period for compliance with the Enforcement Notice has expired and the steps required to be taken by the Notice have not been taken which is an offence contrary to section 179 (2) Town and Country Planning Act 1990.

The meeting ended at 8.25 pm

**CHAIR**