

PLANNING

5 November 2014
10.00 am - 3.24 pm

Present:

Planning Committee Members: Councillors Dryden (Chair), Blencowe (Vice-Chair), Hipkin, Gawthrope, Hart, Pippas, C. Smart and Tunnacliffe

Officers:

Head of Planning Services: Patsy Dell
City Development Manager: Sarah Dyer
Principal Planner (City): Tony Collins
Principal Planning Officer: Lisa Lamb
Principal Planner (City): Toby Williams
Senior Planning Officer: Catherine Linford
Senior Planning Officer: Angela Briggs
Senior Planning Enforcement Officer: Alison Twyford
Arboricultural Officer: Kenneth McGregor
Arboricultural Officer: Joanna Davies
Legal Advisor: Cara De La Mare
Committee Manager: James Goddard

Other Officers:

County Council Highways Officer: Jon Finney

FOR THE INFORMATION OF THE COUNCIL

14/62/Plan Apologies

No apologies were received.

14/63/Plan Declarations of Interest (Major Planning Items)

No declarations of interest were made.

14/64/Plan Minutes

The minutes of the meeting held on 1 October 2014 were approved as a correct record and signed by the Chair.

14/65/Plan 14/1254/FUL - 149 Histon Road

The Committee received an application for full planning permission.

The application sought approval for the erection of a part three-storey, part two-storey building containing 15 flats (6 x studio apartments and 9 x 1 bed flats) following demolition of all buildings on the site, along with cycle parking, hard and soft landscaping.

Mr McKeown (Applicant's Agent) addressed the Committee in support of the application.

Councillor Todd-Jones (Arbury Ward Councillor – City Council) addressed the Committee about the application.

The representation covered the following issues:

- i. Referred to a typographical error on P42 of the Officer's report and said 102 Richmond Road objected to the applicant, they did not support it.
- ii. Agreed with the Planning Officer's report details ie the recommendation.
- iii. Referred to the Planning Inspector's comments:
 - a. These were pertinent considerations, specifically regarding parking, amenities, roads and lighting.
 - b. Concerns expressed by Cambridgeshire Constabulary.
- iv. The application should be part of a wider master plan for development of the area, rather than done piecemeal.
- v. Local Plan policies 3/4 and 3/7 were not addressed.

The Planning Officer said that the typographical error on P42 of the Officer's report had been corrected on the amendment sheet.

The Committee:

Resolved (by 5 votes to 3) to reject the officer recommendation to refuse the application.

Resolved (by 6 votes to 0 with 2 abstentions) to approve the application contrary to the officer recommendation, subject to conditions relating to:

1. Time limit.
2. Approved plans.
3. Construction/demolition hours.
4. Construction/demolition deliveries.

5. Contaminated land.
6. Demolition/construction noise and vibration.
7. Piling.
8. Dust suppression.
9. Routes for refuse vehicles.
10. Materials.
11. Canopy details.
12. Archaeology.
13. Fire hydrants.
14. Management plan (including CCTV).

Informatives relating to:

1. Considerate contractors.
2. Car club.

Also the completion of a S106 agreement.

14/66/Plan Re-Ordering Agenda

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the agenda.

14/67/Plan Declarations of Interest (Minor / Other Planning Applications & General and Enforcement Items)

Name	Item	Interest
Councillor Dryden	14/68/Plan & 14/69/Plan	Personal: His nephew plays pool for Mickey Flynn's team.

14/68/Plan 14/0964/FUL - Mickey Flynn's American Pool 103 Mill Road

The Committee received an application for change of use.

The application sought approval for change of use to Class A1 (retail). No changes to the building were sought.

The Principal Planner (City) introduced the report and brought it up to date:

- i. Referred to representations on the amendment sheet.
- ii. A copy of Mr Wood's representation was circulated to Committee for information.
- iii. The Cycling Officer commented:
 - a. Delivery bay use could be restricted before 08:00 and after 18:00.
 - b. The application restricted cycle parking, which should be increased.

The Chair decided to hear representations on applications 14/0964/FUL and 14/0966/FUL together. Separate votes would then be taken.

The Committee received representations in objection to the application.

The representation from Ms Carpenter covered the following issues:

- i. Referred to previous representations. It was not possible to assess the change of use without knowing who the unit occupier or their needs were.
- ii. Mickey Flynn's provided important leisure facilities for the community. The pool hall was a popular venue until 2011.
- iii. The application was in a Conservation Area, this restricted potential occupiers to large chain stores.
- iv. If change of use was agreed, this could be changed again without permission.
- v. Expressed concerns regarding delivery lorries in Mill Road.
- vi. Mill Road has special status in the Local Plan.

The representation from Mr Wood covered the following issues:

- i. There would be cumulative traffic impact in a traffic black spot.
- ii. Illegal pavement parking would be exacerbated.
- iii. Took issue with the Applicant's description of the service bay.

The representation from Mr Gosnell covered the following issues:

- i. The premises were located on a route used by people with mobility scooters and sensory impairments. This raised safety concerns.
- ii. It was difficult to walk over the loading bay.
- iii. Using 'WT' as alternative facilities to Mickey Flynn's would cause users transport issues and the location was not accessible to all.

The representation from Mrs Preston covered the following issues:

- i. Mickey Flynn's was located in a Conservation Area. The nature of the area was special in character due to the number of small/independent shops.

- ii. Granting change of use would be detrimental to the character of the area. There were no details regarding the proposed new use.
- iii. The City Council had a statutory duty to preserve/improve the area.
- iv. Took issue with the lack of comment from Conservation Officers and suggested the impact from change of use had not been considered.

The representation from Mr Lucas-Smith covered the following issues:

- i. The application would lead to additional lorry movements in a known accident black spot area.
- ii. Referred to Highways Agency comments that originally expressed safety concerns, then appeared to retract them without explanation.
- iii. Expected permanent loss of the public highway due to the loading bay ie moving trollies from lorries across the pavement to the unit retailer. This goes against Highways Agency guidance.
- iv. Took issue with the loading bay public survey. The Cambridge Cycling Campaign's own survey generated different results.
- v. The pavement was becoming a defacto loading and parking bay.
- vi. Requested a Highways consultation.

The representation from Mr Reed covered the following issues:

- i. The loading bay restricted the size of lorries that could use it.
- ii. This would lead to increased lorry movement as multiple small lorry trips would have to replace limited large lorry ones. This will impact on traffic movement in the area.

The representation from Mr Arain covered the following issues:

- i. There had been an on-going issue in Mill Road since the 1990s due to the shops and communities living there.
- ii. All chain stores focussed on just in time deliveries. This will impact on traffic movement in the area.

Mr Flynn (Applicant's Agent) and Mr Clarke (Applicant's Architect) addressed the Committee in support of the application.

Dr Huppert MP addressed the Committee about the application. The representation covered the following issues:

- i. Referred to Planning Inspector comments, specifically concerns raised in the July letter.
 - a. Transport and loading, particularly the impact on pedestrians.
 - b. The impact of lamp post location on loading bay access.
 - c. Impact on cyclists.

- ii. Highways and planning issues should not be confused as they were separate issues.
- iii. It was not feasible for the loading bay to be shared by delivery lorries and private motorists as the Agent suggested.
- iv. Mill Road was a special area. The character of the street was a material consideration.

Councillor Bourke (Romsey Ward County Councillor) addressed the Committee about the application.

- i. The applications would set a damaging precedent for the area.
- ii. Existing transport and parking issues would be exacerbated.
- iii. The area was an accident black spot already, and more could be expected as the pavement was an important arterial access route. Particularly for events such as the Mill Road Fair.
- iv. Highways Agency Officers confirmed to Councillor Bourke that their views were only advice and not firm recommendations. Councillor Bourke took issue with Officer's 'bland' comments.

Councillor Robertson (Petersfield Ward City Councillor) addressed the Committee about the application.

- i. Took issue with the Planning Inspector's comments regarding loss of facilities.
- ii. The loading facilities were unfit for purpose. This is unfit for purpose.
- iii. Comparisons with the Bridge Street loading bay were not relevant as they were two different sizes.
- iv. The layby could not be used as a pavement, it is likely to be continually (illegally) in use. Queried if lockable barriers could be inserted to mitigate this if the application were approved.
- v. Queried how multiple lorry movements could be controlled.

The Principal Planner (City) responded:

- i. The Planning Inspector's comments were very clear on the leisure facilities issue:
 - a. There was no loss of facilities under paragraph 70 of the Framework.
 - b. The application was not a threat to the viability of the area.
- ii. There was little change expected to the number of deliveries in the area as a result of the change of use.
- iii. The Highways Authority said the delivery bay could be shared, but did not have to be. This may mitigate illegal street parking.
- iv. The paved area around the delivery bay would be acceptable for people with sensory and mobility impairments.

- v. Any change of use would require a planning application.

The County Council Highways Officer said that delivery times were controlled in the area already by a traffic regulation order. This would carry over and could be amended as required. Lockable drop-down bollards could not be implemented in Mill Road due to land ownership issues.

The Committee:

Resolved (by 6 votes to 1 with 1 abstention) to grant the application for change of use in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

14/69/Plan 14/0966/FUL - Mickey Flynn's American Pool 103 Mill Road

The Committee received an application for change of use.

The application sought approval for change of use to Classes A2 (financial and professional services), A3 (cafés and restaurants) or A4 (drinking establishments) in the alternative. No changes to the building are sought. It is important to note that change to Class A1 (retail) use from Class A2, A3, or A4 is a change which has general permission under the Town and Country Planning (General Permitted Development) order 1995 (as amended) and would therefore not require a planning application.

The Chair decided to hear representations on applications 14/0964/FUL and 14/0966/FUL together. Separate votes would then be taken.

The Committee:

Resolved (by 6 votes to 1 with 1 abstention) to grant the application for change of use in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

14/70/Plan 14/1248/FUL - 19 New Square

The Committee received an application for full planning permission.

The application sought approval to erect a new 3-bedroom dwelling to the rear of no.19 New Square, and between nos. 9 Elm Street and 10 Jesus Terrace.

The Principal Planner (City) corrected a typographical error in the Officer's report regarding the boundary wall of no. 10 Jesus Terrace.

The Committee received a representation in objection to the application from Ms Rusconi.

The representation covered the following concerns:

- i. Restricted amenity space.
- ii. Overshadowing.
- iii. The design conflicts with the character of the area.
- iv. The impact on neighbouring property's structural stability.

Mr Senior (Applicant's Agent) addressed the Committee in support of the application.

Councillor Blencowe noted a mismatch in details between conditions 10 and 11 regarding collection and deliveries times. He asked for condition 11 timings to be used.

Councillor Smart proposed an amendment to the Officer's recommendation that a car club informative should be included. She also suggested this be standard practice for car free developments.

This amendments were **carried nem con**.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

Condition 11 being revised to limit collection and deliveries on Saturdays to 1300 hours.

14/71/Plan 14/1245/FUL - 39 Long Road

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing dwelling and construction of a new dwelling.

The Committee received a representation in objection to the application from Dr Merry.

The representation covered the following issues:

- i. Took issue with the demolition proposal.
- ii. This is the 7th planning application for the property in 10 years. This concerned neighbours as the Applicant's intentions were unclear.
- iii. The Applicant has planning permission to modernise and extend the property, demolition was unnecessary.

Mrs Weill (Applicant's Agent) addressed the Committee in support of the application.

The Principal Planner (City) said the Council had no control over demolition on site. The site had a long and detailed history, the number of applications were not a material consideration.

The Committee:

Resolved (by 7 votes to 0 with 1 abstentions) to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

14/72/Plan 14/1301/FUL - 8 and 8A Oak Tree Avenue

The Committee received an application for planning consent.

The application sought approval for planning consent for the demolition of nos. 8 and 8A Oak Tree Avenue, and the erection of two semidetached, 3-bedroom, dwellings, with associated bin and cycle storage to the rear

Mr Reeve (Applicant's Agent) addressed the Committee in support of the application.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

14/73/Plan 13/1706/FUL - 190A Green End Road

The Committee received an application for change of use.

The application sought approval for the change of use of the ground for flat to additional space for the existing estate agents.

The Committee:

Unanimously resolved to grant the application for change of use in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

14/74/Plan 14/1123/FUL - 21-25 Fitzwilliam Road

The Committee received an application for full planning permission.

The application sought approval for a fourth floor extension to the existing building, and a four storey rear extension to create one additional three bedroom flat and four additional one bedroom flats.

Councillor Smart proposed an amendment to the Officer's recommendation that a car club informative should be included. She also suggested this be standard practice for car free developments.

This amendment was **carried nem con**.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers; including the additional informative.

14/75/Plan 14/1228/FUL - 184 Kendal Way

The Committee received an application for full planning permission.

The application sought approval for the erection of a two-storey building which will contain a one-bed unit on the ground floor and a two-bed unit on the first and second floors

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

14/76/Plan 14/1291/FUL - 83 Gough Way

The Committee received an application for full planning permission.

The application sought approval for erection of one new dwelling and alterations to existing dwelling including erection of attached garage following demolition of existing garage

Councillor Blencowe proposed an amendment to the Officer's recommendation regarding collection and deliveries times

This amendments were **carried nem con**.

The Committee:

Unanimously resolved to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

Condition 7 being revised to limit collection and deliveries on Saturdays to 1300 hours.

14/77/Plan Enforcement Report - 44 Mill Road

The Committee received a report requesting authorisation to take formal enforcement action.

The report sought authority to authorise enforcement action in respect of the breach of planning control.

Site: 44 Mill Road, Cambridge CB1 2AS

Breach: The erection of a flue without planning permission.

The Committee:

Unanimously resolved to accept the officer recommendations:

- i. To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) to require the removal of the flue erected at 44 Mill Road which has been erected in breach of planning control and which constitutes unauthorised operational development, specifying the steps to comply with and the period for compliance with the enforcement notice (as set out in paragraphs 5.2 and 5.3, and for the reasons contained in paragraph 5.4 of this report).
- ii. To authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- iii. To delegate authority to the Head of Planning Services (after consultation with the Head of Legal Services) to exercise the City Council's powers to take further action in the event of noncompliance with the enforcement notice.

14/78/Plan Enforcement Report - 7 Morland Terrace

The Committee received a report requesting authorisation to take formal enforcement action.

The report sought enforcement action be authorised in respect of the breach of planning control.

Site: 7 Morland Terrace, Brooklands Avenue,

Breach: Use of a 'studio' / annex as a separate residential unit

The Committee received a representation from the owner Mr Winter.

The representation covered the following issues:

Took issues with details in the Officer's report -

- i. Paragraph 3.5 – The tenant does have access to the main house.
- ii. Paragraph 3.6 – The tenant and Mr Winter both have access to facilities eg washing facilities, which are located in the main house.
- iii. Paragraph 3.7 & 3.9 – The annex was not advertised as having cooking facilities. Having a microwave does not constitute cooking facilities, and this has been removed.
- iv. Paragraph 3.13 – There is no separate building.
- v. Paragraph 3.16 – Mr Winters was unaware of any complaints from neighbours.
- vi. Queried if it was in the public interest for him not to provide affordable accommodation. There was a demand for this.
- vii. A lodger, rather than a tenant was expected to use the accommodation.

- viii. This had been a stressful process for Mr Winter. He took issue with the amount of time taken by officers to pursue enforcement action, and the likely impact on his future income.

The Principal Planning Officer responded:

- i. Legal advise suggested the studio was a separate property.
- ii. A change of use required planning permission.
- iii. The normal length of time for enforcement action had been taken to investigate the situation and seek legal advice.

The Committee:

Unanimously resolved to accept the officer recommendation:

- i. To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) in respect of a breach of planning control, namely the unauthorised material change of use of the studio / annex at the rear of 7 Morland Terrace, specifying the steps to comply and the period for compliance set out in paragraphs 5.2 and 5.3, for the reasons contained in paragraph 5.4.
- ii. To authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- iii. To delegate authority to the Head of Planning Services (after consultation with the Head of Legal Services) to exercise the Council's powers to take further action in the event of noncompliance with the enforcement notice.

14/79/Plan Enforcement Report-Kings Parade Advertisements

The Committee received a report requesting authorisation to take formal enforcement action.

The report sought authority to serve notices as required under Section 225 and 225A to remove the illegally displayed signs and structure used for the unauthorised display of the signs.

Site: Kings Parade

Breach: The illegal display of advertisements (Enforcement reference: EN/0290/14)

The Committee received representations in objection to the enforcement action from the Directors of Cambridge Punting:

- Mr Sudgen

- Mr Arnold

The representation covered the following issues:

- i. Cambridge Punting was only responsible for 2 of the 3 flags shown in the Officer's report.
- ii. The flags did not obstruct the walkway.
- iii. Would like to permanently display the flags, and asked procedure for doing so.
- iv. Queried if enforcement option 1 (to serve notice(s)) would be pursued if Cambridge Punting took action to remove flags within 7 days.
- v. Asked why other flags (eg on quayside) were acceptable but Cambridge Punting's were not.

The Senior Planning Enforcement Officer responded:

- i. The assessment was based on Officer inspections.
- ii. Officers could give informal advice on submitted proposals.
- iii. Enforcement option 1 would be carried out as required if chosen.
- iv. Action had been taken on other flags (eg on quayside) to ensure consistency.

Cllr Smart pointed out that the signs were displayed on Senate House Hill as well as Kings Parade. The Senior Planning Enforcement Officer agreed and advised that this was represented on the map showing the locations of the advertisements.

The Committee:

Unanimously resolved to accept the officer recommendation to serve notice(s) as required under Sections 225 and 225A of the TCPA 1990 (as amended) for the removal of the signs and structures used to support them displayed along Kings Parade and Senate House Hill requiring the signs to be permanently removed from display within the Central Conservation Area.

Councillor Hipkin suggested a press release could be released regarding the decision. The Chair undertook to discuss this during the lunch time adjournment.

14/80/Plan Enforcement Report- 4 Laburnum Close

The Committee received a report requesting authorisation to take formal enforcement action.

The report sought prosecution proceedings be authorised to secure compliance with the Enforcement Notice.

Site: 4 Laburnum Close

Breach: Non-compliance with enforcement notice issued for "Without planning permission, the erection of a residential mobile home on garden land." (Enforcement reference: CE/4812)

The Committee received representations in objection to the application from the following:

- Timothy Frostick
- Mark Williams

The representation covered the following issues:

- i. Expressed concern about the Council's position.
- ii. Correspondence had been sent to the Senior Planning Enforcement Officer stating requirements were being complied with, but delays had occurred with construction work.
- iii. A planning application had been submitted, the Council should have approved it as there was no reason for refusal. Enforcement action should not be taken.
- iv. Mr Timothy Frostick was currently living in the caravan, although he would prefer to live in the house.

The Senior Planning Enforcement Officer responded:

- i. A land registry search had been undertaken, the land at 4 Laburnum Close was legally separated into 2 sites (but 1 planning unit).
- ii. There was permission for 1 outbuilding on-site, and the notice that had not been complied with concerned a static home on the site.
- iii. Planning Officers had not received a valid planning application.

The Committee:

Unanimously resolved to accept the officer recommendation to give delegated authority to the Head of Planning and the Head of legal services jointly, to take action on behalf of the Council in the event of failure to comply with the requirements of the Enforcement Notice. This option requires a detailed examination of how the case might be taken forward and empowers the Heads of Planning and Legal Services to exercise the appropriate enforcement powers on behalf of the Council. This may include prosecution proceedings or direct action in due course.

14/81/Plan TPO 11/2014: Rear of 226-250 Queen Edith's Way

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order 11/2014: Rear of 226-250 Queen Edith's Way.

The Committee:

Unanimously resolved to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application.

14/82/Plan TPO 18/2014: 58 Huntingdon Road

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order 18/2014: 58 Huntingdon Road.

The Committee:

Unanimously resolved to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application.

14/83/Plan TPO 21/2014: 16 Coniston Road

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order 21/2014: 16 Coniston Road.

The Committee:

Unanimously resolved to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application.

14/84/Plan TPO 28/2014: George Pateman Court

The Committee received an application to confirm, not to confirm, or confirm subject to modifications the Tree Preservation Order 28/2014: George Pateman Court.

The Committee:

Resolved (by 5 votes to 0 with 3 abstentions) to accept the officer recommendation and grant permission to confirm Tree Preservation Order 28/2014, but with a modified plan and schedule to protect only the Yew T1.

The meeting ended at 3.24 pm

CHAIR