

PLANNING

4 March 2015
10.00 am - 6.10 pm

Present:

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

Officers:

Head of Planning Services: Patsy Dell
Head of Legal Services: Simon Pugh
City Development Manager: Sarah Dyer
Principal Planning Officer: Toby Williams
Principal Planner Officer: Tony Collins
Principal Planning Officer: Lisa Lamb
Streets and Open Spaces Asset Manager: Alistair Wilson
Senior Planning Officer: Catherine Linford
Senior Planning Officer: Angela Briggs
Senior Planning Enforcement Officer: Alison Twyford
Arboricultural Officer: Joanna Davies
Planning Officer: Sav Patel
Planning Officer: Elizabeth Thomas
Planning Officer: Michael Hammond
Legal Advisor: Cara DeLa Mare
Committee Manager: Claire Tunnicliffe
Committee Manager: James Goddard

Other Officers:

Highways Agency: Emily Butler
Urban Design & Conservation Manager: Glen Richardson
Consultant: Barry Shaw

FOR THE INFORMATION OF THE COUNCIL

15/28/Plan Order of 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.

15/29/Plan Apologies

No apologies were received.

15/30/Plan Declarations of InterestPart 1

No declarations were made.

Part 2

Name	Item	Interest
Councillor Hipkin	15/49/Plan	Personal: Knows the property owner of 49 Woodlark Road and the neighbour to the right (when viewed from the road)

15/31/Plan 14/1496/FUL - 315-349 Mill Road

The Committee received an application for full planning permission.

The proposal sought refusal for revised plans for student housing development consisting of 270 rooms, reduced from 301 rooms, communal areas, bicycle parking, refuse store, plant room, office, new substation, infrastructure and access.

Jim Tarzey (Agent), Colin Black (Applicant) and Peter Montique (member of the public) addressed the Committee in support of the application.

Colin Wiles addressed the Committee in objection to the application.

The representation covered the following issues:

- i. Not opposed to student housing but there was an issue of control with student accommodation.
- ii. Local surveys undertaken by East Mill Road Action Group indicated strong support for family / affordable housing and open spaces, not student accommodation.
- iii. There was no evidence to suggest that student accommodation in the area would kick start residential builds.

- iv. Stated that student accommodation could be a very lucrative business and this was where tighter control of these schemes were needed.
- v. Referred to the letter sent by Anglia Ruskin University (ARU) attached to the amendment sheet as vague.
- vi. Described the Officer's report as excellent which gave solid reasons for refusal.

Councillor Baigent (Ward Councillor for Romsey) addressed the Committee about the application.

The representation covered the following issues:

- i. Informed the Committee that he had met with the developers to advise of the following;
 - The land had been designated for residential site as referenced in the Local Plan and was not suitable for student accommodation.
 - If the application would be brought forward for consideration it would probably be challenged.
- ii. There was an over whelming support from residents in the Romsey Ward that the City Council should follow the Local Plan.
- iii. Agreed that the letter from ARU was vague and did not indicate if they supported this particular application.
- iv. Had met with ARU who had indicated that the type of accommodation proposed on this application would not be their preferred choice.
- v. 700 flats approved by ARU remained empty in the CB1 Area.
- vi. A recent Change of Use application had been received to change ARU student accommodation to accommodation for language students as the rooms could not be filled.
- vii. Reiterated that the site was marked as a residential site and not suitable for the proposed application as recommended by the Local Plan.

The Committee:

Resolved (7 votes to 1) to refuse the application for full planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions and the amended reason 5 recommended by the officers.

Pre-Committee Amendments to Recommendation:

Amended reason for refusal 5 to read:

'The proposed development does not make appropriate provision for: indoor sports or formal outdoor open space provision to mitigate the need arising from the site; transport mitigation (ECATP); ~~and monitoring contributions~~ in accordance with Cambridge Local Plan 2006 policies 3/8, 8/3 and 10/1, the Planning Obligation Strategy (2010), the Open Space Standards Guidance for Interpretation and Implementation 2010 and the Eastern Corridor Area Transport Plan 2002.'

15/32/Plan 14/1697/FUL - ARU, East Road

The Committee received an application for full planning permission.

The proposal sought approval for the planning consent for the demolition of the existing Bryant and Mellish Clark buildings and removal of the external escape stair to the David building. The construction of a Science Centre (Use Class D1) with associated alterations to the east elevation of the Lord Ashcroft Building, landscaping and access alterations.

Mary Croston addressed the Committee in objection to the application.

The representation covered the following issues:

- i. The proposed development would have a negative impact on the surrounding residential area.
- ii. Would bring an increase in noise from refuse lorries and the fume cupboards.
- iii. The maintenance road not referenced in the Officer's drawings would house a number of bins and it was not clear what they would hold.
- iv. Stated that the mass and bulk of the proposed building and skyline was not clearly shown on the Officer's drawings.
- v. Explained that Norfolk Terrace sat in a dip and there would be a loss of light to the properties.
- vi. Stated that the shadow diagram in the Officer's report was not arcuate as it showed the properties in shadow at 6.00pm which is not the case.
- vii. The proposed development would bring an increase in light pollution at night.
- viii. The site sat on conservation area.
- ix. The atrium would also add to the loss of light and queried if this was necessary.

Steve Bennett (Applicant) and addressed the Committee in support of the application.

Councillor Richard Robertson addressed the Committee in objection to the application as a Ward Councillor for Petersfield.

The representation covered the following issues:

- i. Norfolk Terrace sits in a 3 metre dip below ground level.
- ii. The design did not show the view from Norfolk Terrace.
- iii. Concerns raised by the local residents have not been addressed.
- iv. The service entrance at the back of the site had not been recognised in the Officer's report; this would bring an increase in traffic and noise from those vehicles using the service entrance.
- v. Asked if the application was approved restricted access to the service road / yard should be considered to limit noise pollution in the morning from the refuse / delivery trucks.
- vi. The proposed development would bring a loss of light to the properties in Norfolk Terrace.
- vii. Stated the shadow diagrams were not correct, the gardens were in light in the early evening.
- viii. Stated that the proposed building was much bigger than it needed to be and should be scaled down before the application was considered.
- ix. Not in accordance with the 2006 Local Plan 3/4 and 3/7.
- x. Plans did not address the Master Plan.

The Committee:

Councillor Smart proposed an additional informative to include the Considerate Contractors Scheme.

This proposal was **carried nem con**.

The additional informative to read:

Except with the prior agreement of the local planning authority in writing, there shall be no collection or deliveries associated with the use of the building hereby approved 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.

Reason: Due to the proximity of residential properties to this premises and that extensive refurbishment will be required the above conditions are

recommended to protect the amenity of these residential properties throughout the redevelopment in accordance with policy 4/13 of the Cambridge Local Plan (2006).

Resolved (7 votes to 0 with 1 abstention) to approve the application for full planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions, the amended conditions and the additional condition recommended by the officer.

Pre-Committee Amendments to Recommendation:

Condition 4: Prior to the commencement of development (**or within a timescale that shall be submitted to and agreed in writing by the Local Planning Authority**), with the exception of any works of demolition or below ground works, a Public Art Delivery Plan and Public Art Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority.

Condition 10: Prior to the commencement of development, a programme of measures to minimise the spread of airborne dust from the site during the demolition/construction period shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

15/33/Plan 14/1740/FUL - Doubletree by Hilton, Granta Place

The Committee received an application for full planning permission.

The proposal sought approval for a third storey extension to the existing hotel to provide an additional 16 bedrooms. The proposed also included the re-cladding of the existing façade and an extension to the existing plant room on the rooftop.

Caroline Gholer (Cambridge Past Present and Future) addressed the Committee in objection to the application.

The representation covered the following issues:

- i. Disappointed with the design which did not enhance the setting and the surroundings.
- ii. The proposed extension should be lowered to lessen the impact.

- iii. Would have a negative impact on the conservation green belt and protected area.
- iv. The proposed design had the potential to be highly visible as the roof line was too domineering, particularly along the river corridor.
- v. The use of solar panels had not been referenced in the Officer's report.
- vi. There were no landscaping proposals in the application to address the massing of the bulk of the building.

Mark Savin (Agent) addressed the Committee in support of the application.

Councillor Rod Cantrill (Newham Ward Councillor) addressed the Committee in objection to the application.

The representation covered the following issues:

- i. The surrounding setting of the site sits in the green belt of Sheep's Green and Coe Fen both of which are unique public spaces, acting in harmony with each other, the river, and the built form that sits at the edge of the space.
- ii. The harmonious relationship had been recognised in the Conservation appraisal and the Government Inspector documented the important views from this space and across the space, including the City's sky line.
 - i. The nature and form of the surroundings must be taken into consideration.
 - ii. Acknowledged that some form of development should be accepted but asked the Committee to consider this application separate to previous applications.
- iii. The Inspector viewed the existing building of the site as made up of a number of component schemes. These schemes provided an important break down of the massing of the building when approaching from the west of the river or Coe Fen from the South.
- iv. The current boundary between the Hotel and surroundings does have some balance. The proposed extension would disturb this relationship.
- v. The proposed roofline would create an intensification of the massing of the building which would have a negative impact of the views of the City's skyline.
- vi. Use of materials was confusing.
- vii. Highlighted the comments from English Heritage (6.14 of the Officer's report) who advised that the proposed development would result in some harm to the character and appearance of the conservation area.

- viii. Stated that the proposed development conflicted with 3/14 and 3/11 of the 2006 Local Plan
- ix. Would encourage the Committee to refuse this application.

The Committee:

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

Pre-Committee Amendments to Recommendation:

Condition 3 has been repeated twice (Condition 3 and 4). Therefore condition 4 needs to be deleted.

Conditions 15 (Archaeology) and 16 (Contamination) need to be removed as the proposal does not require ground works and therefore are not necessary.

15/34/Plan 14/2090/S73 - Edinburgh Building, Shaftesbury Road

The Committee received an application for a minor material amendment.

The proposal sought approval for a minor material amendment to the outline permission (14/0492/OUT). The minor material amendments that form the basis of the application relate an increase of the footprint of the tower feature that is proposed in the southern wing of the development and an increase in the area of roof plant. Both changes relate to approved Built Form Parameter Plan.

The Committee:

Resolved (unanimously) to approve the application for a minor material amendment in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officer.

15/35/Plan 14/2093/REM - Edinburgh Building Shaftesbury Road

The Committee received an application for reserved matters.

The application sought approval for reserved matters following the grant of Outline Planning permission in November 2014. When outline planning permission was granted all matters were 'reserved' for determination a later stage. In this case the 'reserved matters' are access, appearance, landscaping, layout and scale. The submission related to all of those matters.

The Committee:

Resolved (7 votes to 0 with 1 abstention) to approve the application for reserved matters in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions, the amended conditions and additional conditions recommended by the officer.

Pre-Committee Amendments to Recommendation:

The recommendation includes two informatives numbered 11 and 12. These should be re-numbered 15 and 16 to account for the additional conditions.

Condition 10

Should be re-numbered 'condition 14' to ensure it is the last condition.

Amended condition 7

Prior to commencement of installation of cycle parking facilities, full details including the layout of spaces and full details of the design of cycle stands shall be submitted to and approved in writing by the local planning authority. This may consist of large scale drawings. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure that satisfactory facilities for cyclists are provided.

Amended condition 8

Prior to the commencement of installation of cycle parking facilities, full details of the allocation of cycle parking between staff and visitors and the means by which cycle parking for staff will be covered and secured shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure that satisfactory facilities for cyclists are provided. (Cambridge Local Plan 2006 policy 8/6)

Amended condition 9

Prior to first occupation of the development, all cycle parking shown on the plans and as detailed in the submission for discharge of conditions 7 and 8 shall be provided and thereafter retained.

Reason: To ensure that satisfactory facilities for cyclists are provided. (Cambridge Local Plan 2006 policy 8/6)

New condition 10

Hard and soft landscaping: No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details (including sectional details) shall include proposed finished levels or contours; swales and rain gardens, attenuation tanks, other water storage, roof gardens, boundary treatments; bicycle parking layouts, other vehicle and pedestrian access; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage). Soft Landscape works shall include planting plans; written specifications (including topsoil importation, depths and specification, soil handling, cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

New condition 11

Hard and Soft landscaping implementation: All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in

accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

New condition 12

Landscape management and maintenance plan: A landscape management and maintenance plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

Additional condition 13

Prior to the commencement of installation of solar panels, full details of the location and appearance of solar panels shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

15/36/Plan 14/1970/FUL - Land at Former Rosemary Branch, 503 Coldhams Lane

The Committee received an application for full planning permission.

The report sought approval for the erection of 8 dwellings and 2 flats, car and cycle parking and landscaping, together with associated infrastructure.

Paul Treadaway addressed the Committee in objection to the application.

The representation covered the following issues:

- i. Did not agree with paragraph 8.4 of the Officer's report which stated that it would be unreasonable to argue that paragraph 70 of the National Planning Policy Framework (NPPF) applies.
- ii. The NPPF should apply to the site on which the Public House sits and not just the specific building.
- iii. It is the amenity value of the site that matters and not just the building.
- iv. The Public House was listed an important community facility in the Interim Planning Policy Guidance (IIPG) on the protection of public houses and as such does not conform to the policy and the Public House should be replaced.
- v. The Queen Edith development was an example of a site of how a Public House could be fitted into a residential development and would like to something similar on this site.

Justin Bainton (Applicant's Agent) addressed the Committee in support of the application.

The Officer recommended the additional informative:

- i. The noise insulation scheme should address the noise generated by Cambridge Airport and the works associated with this use, i.e. maintenance repairs and testing of engines.

The Committee:

Resolved (6 votes to 0, with 2 abstention) to approve the application for full planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions and additional informative recommended by the officer

15/37/Plan 14/2021/FUL - 51A Hartington Grove

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing two bedroom house and single garage, and construction of a four bedroom 1 and 3/4 storey house and basements along with one storey wing, car lodge, bin and cycle store.

The Committee:

Resolved (unanimously) to approve the application for full 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 officer.

15/38/Plan 14/1653/FUL - Land to Rear of 551-555 Newmarket Road

The Committee received an application for full planning permission.

The proposal sought approval for the erection of three dwellings to the rear of nos.551 and 555 Newmarket Road. As part of the proposal, a new private access would be constructed between nos.553 and 555. The 4-5m access road would lead to an informal shared-surface private drive to serve the three new dwellings. The access road would be widened to 5m adjacent to the Newmarket Road junction, in accordance with County Highways specifications. The proposal also includes car parking, cycle and bin storage to serve the new dwellings, and hard and soft landscaping.

The Principal Planning Officer updated details in the Officer's report as follows:

- i. Paragraph 8.12 (p315) should refer to the north elevation, not the south.
- ii. Condition 17 should be amended to refer to windows.
- iii. The amendment sheet listed Officer responses to the points raised by neighbours.
- iv. Since the amendment sheet was published, the owner of 30a Ditton Walk made a representation that reiterated the following concerns:
 - Overlooking.
 - Overshadowing.
 - Impact on wildlife.
- v. The Principal Planning Officer's response to the owner of 30a Ditton Walk is:
 - There was insufficient overshadowing/overlooking of 30a Ditton Walk to merit refusal of the application.
 - There should be no significant impact on wildlife.

- vi. Since publication of the report pack the owner of 547 Newmarket Road stated that measurements in the drawings were wrong and that the shadow diagram is inaccurate.
The Principal Planning Officer has checked the drawing measurements and found no issues. The Applicant had checked and confirmed the shadow diagram was accurate.
- vii. The Applicant would have to resolve any queries regarding the accuracy of the boundary.

Mr Barker, Ms Turner, Mr Adams and Mr Howe addressed the Committee in objection to the application.

The representations covered the following issues:

- i. Planning policies were designed to protect residents and avoid a loss of character in the area.
- ii. Raised the following specific concerns regarding the application:
 - Loss of light.
 - Loss of privacy.
 - Loss of view.
 - Sense of enclosure.
 - Overbearing design.
- iii. Suggested the design did not meet criteria for Planning Policies 3/9 and 3/10.

The Committee:

Resolved (unanimously) to approve the application for full 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 officer. With the addition of the following words after the list of drawing numbers in Condition 17: 'and the south-facing panes of the bathroom at the south end of the first floor of Plot 1.'

15/39/Plan 14/1252/FUL - Citylife House, Sturton Street

The Committee received an application for a change of use.

The proposal sought approval from the permitted use as a studio/cafe bar/multimedia education centre and community facility (sui generis) granted under planning permission 97/1020 to a Class D1 dance school/studio including limited alterations to the external envelope of the building.

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

The representation covered the following issues:

- i. Welcomed the proposal in principle due to historic problems associated with other sites:
 - Traffic movements.
 - Students travel to other sites by car (contrary to paragraph 8.17 of the Officer's report).
- ii. The proposal was for one large building on a single site. The impact of this on car parking spaces was unclear ie would 17 or all of the 39 spaces be allocated to the Bodyworks dance studio.
- iii. Asked for a condition that all 39 car parking spaces be allocated to the Bodyworks dance studio.

Councillor Blencowe proposed an amendment to the Officer's recommendation that condition 11 included a traffic management plan to ensure Bodyworks was serviced by sufficient car parking spaces.

This amendment was **agreed nem con**.

The Committee:

Resolved (unanimously) to approve 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 amended conditions recommended by the officer.

15/40/Plan 14/1450/FUL - Land to the rear of 241 Milton Road

The Committee received an application for full planning permission.

The application sought approval for erection of new detached dwelling and associated garage.

The Committee:

Resolved (by 7 votes to 0 with 1 abstention) to approve the application for full 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 officer.

15/41/Plan 14/1549/FUL - 15 Swann's Road

The Committee received an application for retrospective full planning permission.

The application sought approval for the retention of the use of the site as a self-storage yard with the erection of eleven containers plus associated entrance gates from Swann's Road.

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

The Committee:

Resolved (unanimously) to approve the application for retrospective 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 officer.

15/42/Plan 14/1510/FUL - Jesus College, Jesus Lane

The Committee received an application for full planning permission.

The proposal sought approval for the internal refurbishment and external remodelling of the Rank Building; addition of a new entrance building between Marshall Court and the Rank Building; internal refurbishment of the Webb Building; alterations to the west elevation and addition of a new cafe pavilion to the north elevation of the Webb Building (formerly Wesley House). Proposals provide facilities for lectures and conferences, social space, administrative spaces and residential accommodation.

Mr Pratt (Applicant) spoke in support of the application.

The Committee:

Resolved (unanimously) to approve the application for full 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 officer.

15/43/Plan 14/1511/LBC - Jesus College, Jesus Lane

The Committee received an application for listed building consent.

The proposal sought approval for the Internal refurbishment and external remodelling of the Rank Building; addition of a new entrance building between Marshall Court and the Rank Building; internal refurbishment of the Webb Building; alterations to the west elevation and addition of a new cafe pavilion to the north elevation of the Webb Building (formerly Wesley House). Proposals provide facilities for lectures and conferences, social space, administrative spaces and residential accommodation.

Mr Pratt (Applicant) spoke in support of the application.

The Committee:

Resolved (unanimously) to approve the application for listed building consent in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officer.

15/44/Plan 14/1618/FUL - 265 Queen Ediths Way

The application sought approval for proposed HMO change of use from 6 person to 7 person via garage conversion including conservatory

The Committee:

Resolved (unanimously) to approve the application for a 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 officer.

15/45/Plan Alexandra Gardens

The Committee were invited to comment on proposed tree works to London plane trees growing on Alexandra Gardens because objections and representations have been received to the works. The Council's Tree Works Protocol requires these objections and representations to be referred to Planning Committee to make a recommendation on the proposed tree works

At the request of Mr Buxton (acting as solicitor to Objectors), and with the Committee's permission, the Head of Legal Services tabled copies of Mr Buxton's correspondence with the City Council. The Committee adjourned for

10 minutes to read them. Members expressed concern at the late the late presentation of information, as it restricted the time they had to consider details.

Councillor Blencowe sought specific reassurance from the Head of Legal Services that there was nothing in Mr Buxton's letters to make the Head of Legal Services change his advice, as Councillors were relying on this to make their decision. The Head of Legal Services stated there was nothing in Mr Buxton's letters, or the Head of Legal Services' response that changed his advice to Councillors.

Members asked for clarification regarding the tree works protocol. The Asset Manager said this was a voluntary code adopted by the Council to mirror the tree works process so the Council manages trees in a transparent way. It is the responsibility for tree owners to undertake recommended work, not the Council in general.

The Committee received representations from the following:

- Mr Davey.
- Mr Sparks.
- Ms Gordon-Clark.

The representations covered the following issues:

- i. Referred to correspondence between Mr Buxton and the Head of Legal services. Specifically the point referring to the Supreme Court decision.
- ii. Suggested that independent third party legal advice should be sought before further action was taken regarding the trees.
- iii. Suggested it was illegal to undertake any tree work between March and June.
- iv. Took issue with:
 - The details in the Officer's report.
 - The consultation process.
 - The lack of response from the City Council Legal Department to Objectors.
 - The trees being blamed for any structural damage to buildings.
 - The removal of the trees and the Executive Councillor's reasons for doing so. This would lead to loss of amenity.
- v. Asked for the trees to be retained.

Councillor Cantrill (Ward Councillor for Newnham) addressed the Committee about the application.

The representation covered the following issues:

- i. Spoke as a former Executive Councillor with experience of the planning process.
- ii. The park and trees form an essential part of the character of the area.
- iii. Chapter 4 of the Local Plan referred to amenity value, which should be taken into account by the Committee. The public benefits of tree works did not meet Local Plan Policy 4/4. There was more amenity value in keeping the trees than not.
- iv. Asked for a deferral until future consultation could be undertaken. A Tree Preservation Order may facilitate this.

Councillor Todd-Jones (Ward Councillor for Arbury) addressed the Committee about the application.

The representation covered the following issues:

- i. Supported Councillor Cantrill's comments.
- ii. Asked why the consultation process was different now compared to five years ago.
- iii. Ward Councillors had received a lot of concerns from residents regarding the proposed tree loss.
- iv. Referred to paragraphs 3.1-3.5 of the Officer's report setting out the benefit/value of the trees. Details in the Officer's report and introductory presentation to this agenda item also set out the financial value of the trees.
- v. Took issue with the Council not contesting the legal case that the trees were responsible for structural damage, and so tree work was required. Also took issue with non-disclosure of the evidence base for reasons why the legal case was not being contested.
- vi. Stated it was hard to respond to the late presentation of Mr Buxton's papers.

The Chair asked the Asset Manager if he wanted to respond to any of the public speaker and Ward Councillor's points. He said:

- i. Advice from loss adjusters was that the Council was liable for claims.
- ii. Tree works could be undertaken between March and June if nesting birds were not disturbed.
- iii. Tree work was being undertaken to avoid future claims. The public benefit of this was to avoid the Council being liable for future costs, which would have to be funded by the public purse.
- iv. The evidence base for not contesting the legal case was set out in the Appendix to the consultation document.

The Committee:

Resolved (5 votes to 3) to accept the officer recommendation to advise the Executive Councillor for City Centre and Public Places that the Planning Committee supports the proposal to:

- i. Reduce by ~30-40% by branch length (which equates to approximately ~70% by volume) trees T17, T21, T22, T23, & T24 , and maintain bi-annually at their reduced volume; and that cyclical pruning work is carried out to trees T18, T19, T20 and T27 to retain these trees at their current dimension; and
- ii. Instruct Officers' to consider the adoption of the Joint Mitigation Protocol as policy in the forthcoming Tree Strategy.

15/46/Plan The Marque Scheme Review

The Leader of the Council asked the Head of Planning Services to commission an independent review of the Marque development at the junction of Hills Road and Cherry Hinton Road.

On 3rd September 2014, the Planning Committee resolved to approve the draft brief for the independent review presented to them at that meeting, and to ask officers to procure the services of an appropriate consultant to undertake this work as soon as practicable.

Officers appointed Barry Shaw MBE, an independent advisor on town planning and urban design, to carry out the review, which had now been completed.

The Committee received the report of the independent review of the Marque development carried out by Mr Shaw. They were asked to note its conclusions, and consider its recommendations.

The Urban Design & Conservation Manager tabled a diagram of the development.

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

- Mr Crabtree
- Mr Brigham

The representations covered the following issues:

- i. The Marque does not contribute to the character of the area.

- ii. Took issue with the:
 - Unattractive design. It is also different from the original proposal due to a series of cumulative amendments. Referred to Design & Conservation panel comments noting this.
 - Materials.
 - Lower than expected amount of public art on site.
- iii. Cambridge needs a good landmark, trees would be a better feature than the proposal.
- iv. Referred to Mr Shaw's report and agreed with his conclusions.
- v. Suggested the Council invested in a 'get it right first time approach' to avoid changes to future planning proposals through a series of cumulative amendments; by better managing the post-approval process.

Councillor Herbert (Ward Councillor for Coleridge) addressed the Committee about the application.

The representation covered the following issues:

- i. The Marque was an issue that has been considered by Planning Committee over time.
- ii. The new Local Plan proposes that planning briefs can be held on applications. Requested that Planning Committee implement these in future for all tall or landmark buildings.
- iii. Referred to Mr Shaw's report and agreed with his conclusions. The design has changed over time from the original concept due to a series of amendments.

Councillors Smart and Dryden proposed to ask the Executive Councillor for Planning Policy and Transport to consider Planning Briefs for all tall and unusual buildings in future. The exact wording for this proposal would be agreed by Committee Chair and Spokesperson with Officers. This proposal was unanimously agreed.

The Committee:

Resolved (unanimously) to note and accept the conclusions in Mr Shaw's independent review of the Marque development, and its recommendations.

15/47/Plan EN/0382/14 - 26 Bishops Road

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

The report sought that enforcement action is authorised in respect of the breaches of planning control to serve two enforcement notices to remedy (a) the unlawful material change of use of the outbuilding and (b) the breach of condition 3.

Site: 26 Bishops Road

Breach: Non-compliance with condition requiring outbuilding to remain ancillary to main property

The Committee:

Resolved (unanimously) to accept the officer recommendation to:

- i. Authorise the service of enforcement notices under S172 of the Town and Country Planning Act 1990 (as amended) in respect of the breaches of planning control, namely the failure to comply with planning condition 3 of planning permission reference 13/1654/FUL, and the material change of use of the ancillary studio to a separate unit, at 26 Bishops Road, Cambridge, specifying the steps to comply and the period for compliance set out in paragraphs 5.2 and 5.3 of the Officer's report, for the reasons contained in paragraph 5.4.
- ii. Authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notices.
- iii. 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 notices.

15/48/Plan Decision to Continue

Standing orders require the Committee to vote to continue or not when they come to 18:00.

The Committee unanimously agreed to continue discussing planning items post-18:00, instead of reconvening on another day.

15/49/Plan EN/0047/14 - 49 Woodlark Road

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

The report sought authority that prosecution proceedings be authorised to for failure to comply with the notice served.

Site: 49 Woodlark Road

Breach: Non-compliance with Section 215 notice issued for condition of land (Enforcement reference: EN/0047/14)

The Committee received representations from the following:

- Mr Moore
- Mrs Nichollas

The representations covered the following issues:

- i. Requested action be taken. 49 Woodlark Road had been neglected for many years.
- ii. Property neglect led to the following concerns:
 - Structural problems at 49 Woodlark Road directly affected neighbours.
 - Pests/vermin.
 - Cars in the driveway were a fire risk.
- iii. The property owner was a nice guy and a hoarder. Problems had arisen due to his reclusive nature, which made it difficult to engage with him. Suggested the Council take action if the property owner were unable/unwilling to.

The Committee:

Resolved (7 votes to 0 with 1 abstention) to accept the officer recommendation to give delegated authority to the Head of Planning and the Head of Legal Services jointly, to take prosecution action on behalf of the Council for failure to comply with the requirements of the Section 215 Notice.

15/50/Plan EN/0378/14 - 45 Elfleda Road

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

The report sought authority to serve an enforcement notice.

Site: 45 Elfleda Road

Breach: Unauthorised operational development relating to the erection of a roof dormer

The Committee received a representation in objection to enforcement action from Mr Davis.

The representation covered the following issues:

- i. A complaint had been made against the Officers undertaking enforcement action.
- ii. Took issue with details in the Officer's report.
- iii. Human Rights and Equality Act issues needed due consideration.
- iv. The occupier of 45 Elfleda Road did not speak English as her first language, so had difficulty understanding the planning process and its requirements.
- v. Suggested it was inappropriate to require the full removal of the dormer window.
- vi. Suggested the Council had not assisted the occupier of 45 Elfleda Road or followed due process.

Councillor Smart proposed an amendment to the Officer's recommendation that the period for compliance be extended from 6 months to 8.

This amendment was **carried unanimously**.

The Committee:

Resolved (unanimously) to accept the officer recommendation (as amended) to:

- i. 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 operational development consisting of the erection of a roof dormer at 45 Elfleda Road specifying the steps to comply and the period for compliance set out in paragraphs 5.2 and 5.3 of the Officer's report, for the reasons contained in paragraph 5.4.
- ii. Authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- iii. 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.

15/51/Plan 14/571/TTPO - 19 Champneys Walk

The Committee received an application to crown reduce the Beech in the rear garden of 19 Champneys Walk by 3 to 4 metres and raise the crown to 4m.

The Committee:

Unanimously resolved to accept the officer recommendation and grant consent subject to condition.

15/52/Plan 14/605/TTCA - Capstan Close

A 211 Notice was received to carry out works to willow trees on the eastern side of the Island, to the rear of 5, 6 and 7 Capstan Close.

The Committee were asked to:

- (1) Confirm the TPO or
- (2) Allow the TPO to lapse
and
- (3) Allow tree works, subject to condition or
- (4) Refuse tree works.

The Committee received a representation in objection to the application from Mr Spiegelhalter.

The representation covered the following issues:

- i. There was no evidence the trees were a current danger.
- ii. There was a need for some tree work. Took issue with the work proposed in the Officer's report and suggested this was too much as it would expose the unattractive boathouse. A management plan was in place already.

The Committee:

Unanimously resolved to accept the officer recommendation and grant permission to confirm the TPO that was the subject of the application; and tree works are allowed subject to condition limiting extent.

The meeting ended at 6.10 pm

CHAIR