

**PLANNING**

1 July 2015  
10.00 am - 4.40 pm

**Present:**

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

**Officers:**

City Development Manager: Sarah Dyer  
Principal Planner (City): Tony Collins  
Senior Planning Officer: Catherine Linford  
Planning Officer: Michael Hammond  
Planning Officer: Amit Patel  
Planning Officer: Sav Patel  
Planning Officer: Elizabeth Thomas  
Legal Advisor: Penny Jewkes  
Committee Manager: Toni Birkin  
Committee Manager: James Goddard  
Planning Enforcement Officer: Debs Jeakins

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**15/112/plan Apologies**

Apologies were received from Councillor Gawthrope. Councillor Bird was in attendance as the alternate.

**15/113/plan Declarations of Interest**

No interests were declared.

**15/114/plan Minutes**

The minute of the meeting for the 3<sup>rd</sup> June 2015 were approved and signed as a correct record.

**15/115/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.

### **15/116/plan 14/2051/FUL - 156-160 Chesterton Road**

The Committee received an application for full planning permission.

The Committee noted the additional information in the amendment sheet, including the officer delegation regarding the S106 agreement.

The application sought approval for proposed student accommodation (sui generis) comprising 27 x studio and 14 x 1 bed units together with hard and soft landscaping, cycle and refuse stores, 2no. Disabled car parking spaces and visitor cycle parking following the demolition of all existing buildings and structures on site.

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.

### **15/117/plan 15/0363/FUL - Land at 21 - 23 Milton Road**

The Committee received an application for full planning permission.

The Committee noted the additional information detailed in the amendment sheet.

The application sought approval for the erections of 10 dwellings to be arranged within two blocks comprising 5 x 1 bed flats and 1 x 2 bed flat at the front with 4 x 4 bed semi-detached dwellings at the rear along with 5 x car parking spaces, cycle parking and hard and soft landscaping.

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.

**15/118/plan 15/0140/FUL - Former Hilltop Day Centre, Primrose Street**

The Committee received an application for full planning permission.

The application sought approval for the erections of student accommodation comprising 30 studios, a common room, laundry room, bin and bicycle store, following the demolition of the existing building.

This application had been deferred from the 3<sup>rd</sup> June 2015 meeting as the Committee had requested further information. The Planning Officers explained that some information included in the amendment sheet in June had not subsequently incorporated into the later report.

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

The representation covered the following issues:

- i. This would be the wrong building and the wrong place.
- ii. Previous history of student housing had demonstrated that agreements regarding student occupation were not adhered to.
- iii. Developers had a habit of reneging on S106 agreements and no action was taken.
- iv. Speculative development should not be allowed.
- v. Height and mass of the building was out of keeping with the neighbourhood.
- vi. Proposed building would be very close to care home and residents would lose their view.
- vii. Building would be within 4 meters vulnerable residents in the area.
- viii. Development was inappropriate for the neighbourhood.

Paul Belton, the applicant's agent, addressed the Committee in support of the application.

The Committee:

**Resolved (by 6 votes to 1 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 and subject to completion of s106 Agreement and additional condition 18 as below

### **Condition 18**

Prior to the occupation of the building a Management Plan shall be submitted to and approved in writing by the local planning authority. The Management Plan shall then be implemented in accordance with the approved details.

Reason: To protect the amenity of neighbouring occupiers. (Cambridge Local Plan (2006) policies 3/7 and 4/13).

### **15/119/plan 15/0225/FUL - 2 Barrow Road**

The Committee received an application for full planning permission.

The application sought approval for erection of new dwelling following demolition of existing dwelling on the site.

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

- Mr Campbell.
- Ms Wright.

The representations covered the following issues:

- i. Barrow Road included properties that were prime examples of arts and craft style buildings in a city setting. The two buildings at the entrance to Barrow Road were deliberately designed to mirror each other as gateway buildings. They have been recognised as heritage assets by Historic England due to their design.
- ii. To demolish Number 2 Barrow Road would be detrimental to the character of the area.
- iii. Referred to 29 representations in objection.
- iv. Took issue with the plans included in the Officer's report and said the building would be bigger in reality.
- v. Expressed specific concerns regarding:
  - The proposal went against Local Plan Policy 3/12.
  - Overbearing and intrusive design. Out of character with the area.
  - Overdevelopment of site (height and mass).

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

The Committee:

**Resolved (by 5 votes to 3)** 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.

**15/120/plan 15/0665/S73 - Cambridge Water Company, Rustat Road**

The Committee received a Section 73 application.

The application sought approval to vary condition 13 of Application 07/1223/REM to allow amendments to refuse storage, cycle storage, landscaping and block positions.

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

- Mr Fordham.
- Dr Meredith.
- Dr Vaughan.

The representations covered the following issues:

- i. Referred to the representation made to Planning Committee in 2002. The points raised remain unchanged:
  - Did not object to developing the site per se.
  - Objected to overshadowing of garden.
- ii. Suggested the 3 storey building be moved so it overshadowed the bike shed instead neighbour's back garden.
- iii. Concern over proposed reduction of the amount of affordable housing on site.
- iv. Queried lawfulness of commencing work on site and if any meaningful work has occurred, as trenches that had been dug had now been filled in and covered over.
- v. Took issue with:
  - Details in the Officer's report that said there would only be 3 windows, 23 were listed in the design.
  - On site sub-station being recommended for approval despite resident's opposition.

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

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

The representations covered the following issues:

- i. This site had been on the Planning Committee's radar for over 10 years. It had been derelict since 2005 when the building on it was demolished.
- ii. Expressed concern regarding:
  - Lack of green space in the design.
  - "Rushed" design of replacement buildings, cycle parking and waste arrangements.
  - The enforcement notice issued against Western Homes (Applicants) for undertaking work on site without planning permission (this was against the law). This was reported in the local media. Queried if Western Homes could be trusted to deliver against permitted development conditions.
  - Waste management conditions set out on P195 of the Officer's report were unsafe. Also, locating bin stores away from people's homes could lead to problems in future.
  - Cycle storage racks were unsuitable.
  - Courtyards removed people's green spaces.
  - Took issue with the over ground (as opposed to underground) sub-station design.
- iii. Was awaiting Legal Advisor's comments on Western Homes undertaking work on site without planning permission.

The Principal Planning Officer supplemented his introduction by stating:

- i. Meaningful work had commenced on the Rustat Road site.
- ii. Dr Wittorff's representation had been received after the submission deadline, so was tabled for Councillor's information.
- iii. Dr Meredith's representation had not been published pre-committee as it needed to be redacted pre-publication (this had been delayed as the representation was hand delivered), but was referred to in his report.

Councillor Smart proposed an amendment to the Officer's recommendation that an informative be included to accommodate larger bikes in cycle storage areas.

This amendment was **carried unanimously**.

The Committee:

**Resolved (by 6 votes to 2)** 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 with the following additional informative:

The applicant is advised that information submitted to satisfy Condition 14 should recognize that some residents are likely to use cycles with trailers, 'box-bikes', tricycles and other large cycles, and should make appropriate space available for such machines.

### **15/121/plan 14/2063/CLUED - 15A Derby Street**

The Committee received an application for Application for a Certificate of Lawfulness under Section 191 for use as an independent dwelling (C3).

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

The representation covered the following issues:

- i. The application had been deferred from April 215 to seek evidence of continuous letting for 10 years.
- ii. There was a mismatch in details in the Officers' report between the main body of text and the conclusion.
- iii. Insufficient evidence of continuous letting had been demonstrated.
- iv. Property use was not in line with permission given.

Mr Hirsch (Applicant) addressed the Committee in support of the application.

Councillor Gehring (Newnham Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. The application was in a sensitive area of the city.
- ii. The application had been deferred from April 2015 to seek information. Referred to Councillor Cantrill's comments from the earlier committee meeting.
- iii. The Applicant had not evidenced continuous letting, although he could evidence use for over 10 years.
- iv. The application failed the test of lawfulness as the property had not been used in line with granted planning permission.

The Planning Officer responded to representations to say that evidence was based on probability, not “beyond all reasonable doubt”. The application had been deferred to seek evidence of use and clarify what evidence could be considered.

The Committee:

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

**15/122/plan 15/0065/FUL - 15B Derby Street**

The Committee received an application for retrospective planning permission.

The application sought approval for conversion of the ground floor store to a 1 bedroom studio flat.

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

The representation covered the following issues:

- i. The reasons for refusing the application in 1998 still applied today and were even more relevant:
  - Lack of amenity space.
  - Lack of parking provision (unsuitable allocation).
  - Referred to paragraphs 6.1 and 8.25 in the Officer’s report setting out existing traffic flow and capacity issues.
- ii. The Applicant had infringed planning permission by letting out the property and was seeking retrospective permission to mitigate this.

Mr Hirsch (Applicant) addressed the Committee in support of the application.

Councillor Gehring (Newnham Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Several residents had contacted him about the application.
- ii. Traffic flow and parking issues had not changed/improved since 1998. The application would exacerbate these. The parking space allocated was unfit for purpose as it was too small.

- iii. Emergency vehicles had difficulties accessing streets in the local area.
- iv. The sub-division of 15 Derby Street will worsen the amenity of occupants.

Councillor Hart proposed an amendment to the Officer's recommendation that a bollard be placed in front of refuse bins.

This amendment was **carried (by 5 votes to 0)**.

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 with the following additional condition:

**PARKING CONTROL MEASURE CONDITION:** "The development hereby permitted shall not be occupied until an approved system of parking control measures (e.g. permanent bollards or low rise walling or such other means of physical barrier) which are positioned alongside the Derby Street pavement edge in front of the area proposed for bin storage and access to both 15a and 15b Derby Street, which forms a physical barrier to prevent any person(s) from parking a vehicle in that space (not including the area shown as 'parking under cover' on plan reference 14643-02 Rev B) has been submitted to and approved in writing by the local planning authority. The parking control measures shall be implemented prior to the occupation of the living space area residential unit 15b Derby Street and shall remain in place in perpetuity.

Reason: In order to prevent parked vehicles overhanging the footpath and causing an obstruction to pedestrians and to ensure adequate space is provided for access to 15a and 15b Derby Street for occupiers of those properties including for storage of bikes and bins. (Cambridge Local Plan 2006, policies 3/7, 3/10, 5/2 and 8/2).

### **15/123/plan 15/0430/FUL - Garage Block 1, 34 Fulbourn Road**

The Committee received an application for full planning permission.

The application sought approval for the demolition of existing 34 garages and erection of 8 affordable residential units (2 two-bed houses, 2 three-bed

houses and 4 one-bed flats) with associated car parking and private and shared amenity space.

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.

### **15/124/plan 15/0634/FUL - 6 Hooper Street**

The Committee received an application for a minor material amendment to application 13/1465/FUL.

The application sought approval for re-configuration of the bike store; new door arrangement from the utility to the strip of land at the rear of 7 and 8 Hooper Street; move the window serving the bedroom at ground floor flat at 6 Hooper Street to accommodate the change to the bike store; and addition of a canopy to stairs serving the first-floor flat at 6 Hooper Street.

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

The representation covered the following specific objections:

- i. Blocking his view.
- ii. Proximity to existing dwellings.
- iii. Loss of amenity.
- iv. Sense of enclosure.
- v. The (new) application would overlook existing properties.

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

The Committee:

**Resolved (by 4 votes to 0 with 4 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.

### **15/125/plan 15/0268/FUL - Rear of 175-177 Cherry Hinton Road**

The Committee received an application for full planning permission.

The application sought approval for erection of two 3 x bed detached dwellings, along with car parking, cycle parking and associated landscaping.

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

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

The representation covered the following issues:

- i. Conditions were required to mitigate the impact of the application on neighbours. The character of Cherry Hinton Road should be considered.
- ii. Asked that condition 4 be amended to have a 2m high fence on the eastern boundary of the development.
- iii. People should be mindful of the tree to the rear of no.175 which overhangs the application.

Councillor Smart proposed an amendment to the Officer's recommendation that condition 4 be amended so that appropriate boundary treatment would be chosen due to the amenity of 175-177 Cherry Hinton Road occupants and neighbours.

This amendment was **carried unanimously**.

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 revised conditions recommended by the officers (changing the reason for condition 4 to the following):

Reason: To ensure an appropriate boundary treatment is implemented so as to protect the residential amenity of adjoining residents. (Cambridge Local Plan 2006 policies 3/4, 3/7, 3/11 and 3/12).

### **15/126/plan 15/0557/FUL - Langham House, Histon Road**

The Committee received an application for full planning permission.

The application sought approval for demolition of 6 garages and erection of 4 apartments with associated parking, bin storage and Landscaping.

Mr Morris (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.

### **15/127/plan 15/0380/FUL - 2 Tenison Road**

The Committee received an application for temporary planning permission.

The application sought approval for continuation of use for additional assembly area for worship on Fridays (12.30pm to 2.30pm) and during Ramadan (midday to 2pm and 5pm to sunset).

Councillor Smart proposed an amendment to the Officer's recommendation that a travel plan be included in the management plan for 2 Tenison Road.

This amendment was **carried unanimously**.

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 with the following additional condition and amendment to condition 3:

“Within three months of this decision, a management, travel and community liaison plan for the use of the application premises shall be submitted to the local planning authority for approval.

Activities within 2 Tenison Road shall take place thereafter only in accordance with the approved plan.

Reason: To ensure that the use hereby permitted does not have an unacceptable impact on the residential amenity of neighbours or on the highway network. (Cambridge Local Plan (2006) policies 3/4 and 8/2)

CONDITION 3 was amended to read:

“Windows, rooflights and external doors on the ground floor of the building shall be kept closed on Fridays between 12.00 hours and 15.00 hours and during additional hours approved for Ramadan periods under condition 4.

Reason: To protect neighbour amenity and limit noise pollution (Cambridge Local Plan 2006, policies 3/4 and 4/13)”.

### **15/128/plan 15/0663/FUL - 70 Paradise Street**

The Committee received an application for full planning permission.

The application sought approval for erection of a three storey building to accommodate 5 studio flats, together with minor alterations to the rear of existing building.

The Planning Officer referred to the amended recommendation set out on the amendment sheet:

Pre-Committee Amendments to Recommendation: Additional Construction Method Statement to read as:

“Prior to the commencement of development of any reserved matters approval, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The CMS shall demonstrate how the construction of the reserved matters approval accords with the details of construction criteria A-U (except criteria E) of the Construction Environmental Management Plan (CEMP). In addition to criteria A-V, the CMS shall also provide a specific construction programme and a plan identifying: the contractor site storage area/compound; screening and hoarding locations; access arrangements for vehicles, plant and personnel; building material, plant and equipment storage areas; the parking of vehicles of site operatives and visitors; and the location of contractor offices. Thereafter the development shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers (Cambridge Local Plan 2006 policy 4/13).”

The Committee:

**Unanimously resolved** to grant the application for planning permission in accordance with the amended officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers (including additional condition set out above).

**15/129/plan 15/0687/FUL - 109 Perse Way**

The Committee received an application for full planning permission.

The application sought approval for a two storey side extension (following demolition of existing garage/utility) and change of use to a house in multiple occupation.

Mr Stone (Applicant) 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.

**15/130/plan 15/0600/FUL - 1 Belvoir Road**

The Committee received an application for full planning permission.

The application sought approval for a rear box dormer, including a Juliette balcony.

The Officer referred to the amendment sheet and said the pre-committee recommendation had been revised from “refusal” to “Committee is asked to agree that the application can be determined under delegated powers” as issues had been addressed.

The Committee:

**Unanimously resolved** to reject the officer recommendation to agree that the application could be determined under delegated powers.

**Resolved (by 7 votes to 1)** to approve the application contrary to the officer recommendations subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

### **15/131/plan 15/0299/FUL - 8 College Fields**

The Committee received an application for full planning permission.

The application sought approval for change of use from house in multiple occupation (C4) to form large house in multiple occupation (sui generis) including extension, internal alteration and erection of bin store.

Mr Hare (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.

### **15/132/plan CE/5622 - 27 Babraham Road**

The Committee received a report from the Planning Enforcement Officer requesting that members instruct officers not to serve the enforcement notice for Breach of condition 2 of C/97/0695 that was authorised in June 2014.

The Committee:

**Unanimously resolved** to instruct officers not to serve the enforcement notice for Breach of condition 2 of C/97/0695 that was authorised in June 2014.

**15/133/plan EN/337/14 - 213 Huntingdon Road**

The Committee received an application for planning enforcement action to be taken due to a breach of condition relating to separate use of an annex.

Mr Salam (Occupier) made the following points:

- i. The annex had originally been intended for use by his Mother so she could live near the family home.
- ii. Although the annex had been built, it was not used as his Mother passed away. The annex remained empty until circa 2014.
- iii. As the annex was unused living space, it was rented out to a mutual friend.
- iv. The current use does not impact on neighbours' amenity. There are no negative issues eg noise or lack of light. There is no difference in renting out the annex to a family friend compared to it being used by Mr Salam's Mother.
- v. Due to the wording of conditions, it is difficult to comply with them in their current form.

The Committee:

**Unanimously resolved** to accept the officer recommendation 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 breach of condition 4 of planning permission reference number 10/0691/FUL specifying the steps to comply and the period for compliance set out in paragraphs 9.2 and 9.3, for the reasons contained in paragraph 9.4.
- 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.

The meeting ended at 4.40 pm

**CHAIR**