

PLANNING

7 October 2015

1.00 - 4.10 pm

Present:

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

Officers:

City Development Manager: Sarah Dyer

New Neighbourhoods Development Manager: Sharon Brown

Principal Planner: Lisa Lamb

Senior Planner: Catherine Linford

Planning Enforcement Officer: Debs Jeakins

Planner: Amit Patel

Planner: Sav Patel

Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL**15/188/Plan Apologies**

Apologies were received from Councillors Dryden and Gawthrope.

Councillor Bird was present as the alternate.

15/189/Plan Declarations of Interest

No interests were declared.

15/190/Plan Minutes

The minutes of the meeting of the 5 August 2015 were approved and signed as a correct record subject to Councillors Roberts and Whitehead being listed as Abbey Ward Councillors, not Petersfield and Romsey (15/138/Plan 15/0398/FUL - 8, 10, 10A Cheddars Lane and 351-355 Newmarket Road).

The minutes of the meeting of the 2 September 2015 were approved and signed as a correct record.

15/191/Plan 15/1163/FUL - 104 Wulstan Way

This item was deferred to November at the Applicant's request.

15/192/Plan 15/1308/FUL - 94 Milton Road

This item was deferred to November so further information could be sought to address concerns raised by the Environmental Health Officer. Additionally, the Applicant's Agent was unavailable to attend the October meeting.

15/193/Plan15/0585/FUL - 84 Cavendish Road

The Committee received an application for full planning permission.

The application sought approval for single storey rear extension and first floor side extension.

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

The representation covered the following issues:

- i. Was happy to support reasonable development of the site in principle. Had no objection to the ground floor extension, but objected to the first floor extension.
- ii. Raised the following specific concerns:
 - Impact on amenity.
 - Loss of light.
 - Overshadowing.
 - Loss of view from his bedroom.
 - Sense of enclosure.

Ms Morgan (Applicant) addressed the Committee in support of the application.

The Committee:

Resolved (by 4 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.

15/194/Plan 15/0908/FUL - 14 Worts Causeway

The Committee received an application for full planning permission.

The application sought approval for demolition of existing dwelling and erection of 2 no. detached dwellings with new access via Alwyne Road.

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

The representation covered the following concerns:

- i. Queried if landscape images were accurate as trees appeared not to be shown.
- ii. The design of the application did not match the character of Worts Causeway.
- iii. Onsite density was three times higher than other properties on the road.
- iv. Loss of amenity.
- v. Overlooking and dominance over southern neighbour of the site.
- vi. Neighbours in general objected to the application.

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

The Committee:

Resolved (by 6 votes to 1) 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.

15/195/Plan 15/0796/FUL - Ice Rink, Parkers Piece

The Committee received an application for full planning permission.

The application sought approval for installation of a temporary real-ice ice rink with associated skate hire marquee, viewing platform and back-of-house/plant area; a family entertainment area with children's rides & food concessions; and a Christmas market with stalls & concessions, to one quadrangle of Parkers Piece.

Members were advised there was a pre-committee amendment to the recommendation. Condition 5 was amended to read:

When measured at any boundary of Parkers Piece, the Noise from plant (including generators, chillers and motors) and amplified music and

voices from the amusements, shall be less than or equal to the existing background level (L90), in accordance with BS4142: 2014.

Reason: To protect the amenity of any adjoining or nearby residential / sensitive properties. (Cambridge Local Plan policy 4/13)

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

The representation covered the following issues:

- i. Historically noise levels had not been an issue for the ice rink until last year (2014).
- ii. Raised concern regarding the noise of beat music from children's rides.
- iii. There was no planting between the ice rink and some neighbours to mitigate noise.
- iv. Asked for noise mitigation measures rather than rejection of the application. The committee were asked to consider the size/noise impact of the fairground on neighbours.

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

Councillor Hipkin proposed an amendment to the Officer's recommendation regarding an informative about public art and treatment of the boundary fence.

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 subject to an additional informative relating to the hoardings:

Informative: The applicants are advised that the hoarding to the ice rink should be sympathetic to the area and that viewing windows through the hoarding and public art on the hoarding itself, would be welcomed.

15/196/Plan 15/0596/FUL - Land R/O 268 Queen Ediths Way

The Committee received an application for full planning permission.

The application sought approval for erection of 3No. five bed houses, internal access road, car and cycle parking and hard and soft landscaping.

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

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

The representation covered the following issues:

- i. Referred to objections made by residents as listed in the Planning Officer's report.
- ii. Referred to comments made by the Urban Design Team and Conservation Officer as listed in the Planning Officer's report. For example, overlooking of Queen Edith's Way residents' gardens.
- iii. Took issue with details in the Applicant's drawings.
- iv. Suggested the development was unsuitable.

Councillor Ashton (Cherry Hinton Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Referred to the previous committee discussion of the last application.
- ii. Agreed with the Officer's recommendation for approval.
- iii. The design was out of character with the area.
- iv. Trees had been cleared from the site to make way for proposed housing.

Councillor Smart proposed an amendment to the Officer's recommendation that the reasons for refusal be split and voted upon separately.

Original recommendation:

1. The proposed development would, by virtue of its unsympathetic scale, bulky design and loss of trees, have a significantly detrimental impact on the character and setting of this edge of city site and surrounding rural context. The proposed development would result in an alien form of development that would appear incongruous from the rear gardens of the properties in Queen Edith's Way and unduly diminish the rural character of this green edge from Lime Kiln Road. The proposal fails to sympathetically respond to the site context. For these reasons the proposed development conflicts with policies 3/2, 3/4, 3/12 and 4/4 of the

Cambridge Local Plan (2006) and government guidance contained in the National Planning Policy Framework 2012.

2. The proposed development would, due to its angled layout, three storey scale and proximity to the western boundary, introduce a form of development that would cause overlooking, the perception of being overlooked and introduce an dominant and bulky form of development close to the rear gardens of the existing dwellings in Queen Edith's Way. As such, the proposal would have a significantly detrimental impact on the residential amenity of adjacent residents in terms of loss of privacy and enclosure. The proposal would also, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).

The Committee **resolved (by 4 votes to 3)** to discount reason 1.

The Committee **resolved (by 6 votes to 0)** to split reason 2 as follows:

1. The proposed development would, due to its angled layout, three storey scale and proximity to the western boundary, introduce a form of development that would cause overlooking, the perception of being overlooked and introduce an dominant and bulky form of development close to the rear gardens of the existing dwellings in Queen Edith's Way. As such, the proposal would have a significantly detrimental impact on the residential amenity of adjacent residents in terms of loss of privacy and enclosure.
2. The proposal would also, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/4, 3/7 and 3/12 of the Cambridge Local Plan (2006).

The Committee **resolved (by 4 votes to 3)** to discount (new) reason 1.

The Committee **resolved (by 5 votes to 1)** to accept the following amended reason for refusal (reference to policy 3/4 removed as (new) reason 1 had been discounted):

The proposal would, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/7 and 3/12 of the Cambridge Local Plan (2006).

The Committee:

Resolved (by 5 votes to 1) to refuse the application for planning permission in accordance with the officer recommendation, for the reason set out below:

The proposal would, by virtue of the louvered screens on plots 1 and 2, angle views over the rear gardens of plots 2 and 3 which would result in inter-overlooking. In conjunction with the proposed modest rear gardens, this would also result in a poor quality living environment for future residents. For these reasons, the proposed development conflicts with policies 3/7 and 3/12 of the Cambridge Local Plan (2006).

15/197/Plan 15/1111/FUL - Land at 58 Fishers Lane

The Committee received an application for full planning permission.

The application sought approval for a proposed erection of eight new dwellings with eight parking spaces and cycle storage (resubmission of application 14/2027/FUL).

The City Development Manager proposed two amendments to the Officer's recommendation:

- i. A new condition to control contractor hours.
- ii. To amend condition 21.

Councillor Ashton (Cherry Hinton Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Referred to the committee discussion and representations in objection to the last iteration of the application.
- ii. Traffic concerns still existed. Queried mitigation measures to be implemented to improve traffic flow on-site.
- iii. This application was an overdevelopment of the site.

Councillor Blencowe proposed an amendment to the Officer's recommendation that allocated car parking be included as a condition.

This amendment was **carried unanimously**.

Councillor Smart proposed an amendment to the Officer's recommendation to include a car club informative.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 5 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 completion of a section 106 Agreement, plus conditions recommended by the officers, including the following additional/amended conditions:

25. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

26. Prior to commencement of occupation of the development, details shall be submitted of the allocation of car parking spaces to individual dwellings within the development. Such arrangements shall ensure that the car parking spaces adjacent to plots 5 to 8 are allocated so that the space in front of each dwelling is allocated for the sole use of the occupants of that dwelling. Thereafter car parking shall be carried out in accordance with the approved details.

Reason: In the interest of the residential amenity of residents of the development (Cambridge Local Plan policy 3/12)

Replacement for condition 21:

Prior to the commencement of the development hereby approved (including any pre-construction, enabling works or piling), the applicant shall submit a report in writing, regarding the construction noise and vibration impact associated with this development, for approval by the

local authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)

Considerate Contractors informative:

New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor Project Officer in the Planning Department (Tel: 01223 457121).

Car Club informative:

The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

15/198/Plan Enforcement - Scheme of Delegation Report

Cambridge City Council Constitution sets out the delegations to the Director of Environment in respect of planning and development control.

Section A4 of the Constitution confers delegated authority to the Head of Legal Services to serve planning enforcement notices to remedy breaches of planning control following the refusal of retrospective planning permission.

The current Constitution incorrectly refers to the service of notices under Section 171 of the Town and Country Planning Act 1990, the section of the act that refers to the service of notices is 172.

Members were recommended to authorise a change in the wording of section A4 of the Constitution so that it reads:

To serve enforcement notices under S172 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission (subject to prior consultation with the Head of Legal Services).

The Committee:

Unanimously resolved to accept the officer recommendation to authorise a change in the wording of section A4.

15/199/Plan Enforcement - CE/5892 - 136 Perne Road

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

Address: 136 Perne Road, Cambridge.

Details of breach of planning control: Material change of use of the land for stationing of mobile home.

On 11 September 2014 East Area Committee authorised the service of an enforcement notice for the creation of a separate residential planning unit and the stationing of a mobile home for permanent residential use at 136 Perne Road.

On appeal the Inspector found the enforcement notice to be flawed and invited the City Council to withdraw the notice and reissue it under s. 171B (4)(b) TCPA 1990.

Mr Sanderson made a written representation pre-committee that was included in the Planning Amendment Sheet.

The Committee:

Unanimously resolved to accept the officer recommendation that the planning committee:

- i. Note the use of urgency powers to withdraw the old enforcement notice.

- ii. Confirm the authorisation to draft and serve an enforcement notice in respect of the breach of planning control described in this report and as more fully set out in the East Area Committee Report of the 11 September 2014 adopting the following wording suggested by the Inspector: 'Without planning permission, the material change of use of the land to a mixed use comprising a single dwellinghouse and land used for purposes incidental thereto and use for the stationing of a mobile home occupied as a separate unit of residential accommodation'.
- iii. Confirm the reference to the ten year limitation period for taking enforcement action in the statement of reasons.

15/200/Plan General Item - 14/1252/FUL - Citylife House, Sturton Street

On 4 March 2015 Planning Committee considered an application (14/1252/FUL) for the change of the existing building to a Class D1 dance school/studio including limited alterations to the external envelope of the building. The Committee resolved to approve the application subject to conditions and completion of a S106 agreement for ECATP contribution (£31,831).

As no highway project was identified at the stage of the application, the Officer's report sought Committee's approval to secure the contribution to an identified project.

On the basis the Council can no longer pool contributions from developments without having identified a local project to secure it against, the (March) Officer's report sought approval for the following:

The County Highways Authority (CHA) has identified the "Project 3 'Remodelling St Matthew's Street Junction'" as the project to secure the ECATP contribution (£31,831) through a S106 agreement.

The October Committee were recommended to agree:

- i. The project that the County Highway Authority has identified above for the ECATP contribution to be spend on and for the contribution to be paid prior to occupation.
- ii. To insert a clause in the agreement to require the applicant or title in successor to confirm in writing to the Council once work has been completed and when the building is occupied.

The Committee:

Unanimously resolved to accept the officer recommendations.

15/201/Plan General Item - Consultation on Review of Cambridge Fringes JDCC Terms of Reference to Determine City Deal Infrastructure Schemes

In late 2014, as part of the setting up of the Greater Cambridge City Deal Executive Board and agreeing its Terms of Reference, Cambridgeshire County Council (CCC), Cambridge City Council and South Cambridgeshire District Council (SCDC) agreed to delegate exercise of their functions to the Board where these functions relate to achieving the City Deal objectives. This entails the three Councils making any necessary changes to their schemes of delegation across a number of functions, one of which relates to the planning process and the granting of planning consent.

City Deal infrastructure schemes that are not located within the highway will require planning consent in order to be delivered. Legal advice obtained indicates that, where possible, planning decisions should be made across relevant geographical areas, in this case City and SCDC.

It was considered that the most appropriate way to implement this principle is to modify the remit of the Cambridge Fringes Joint Development Committee (JDCC), which includes members from all three partner authorities, to include planning permission for City Deal infrastructure schemes. This will require changes to the existing Terms of Reference for the Committee.

Consultation is therefore being carried out with the three regulatory committees affected by the proposed changes as the first steps in this process; the JDCC, City Planning Committee and SCDC Planning Committee. The JDCC considered a report on the proposed changes on 18 September 2015 and supported the proposals in principle. The City Council's Planning Committee are now being consulted on the basis that some of the City Deal Infrastructure Schemes would otherwise fall within the remit of the City Council's Planning Committee where elements are located wholly or partly the City Council boundary.

The final agreed version of the JDCC Terms of Reference would need to be formally approved through the three Councils in due course, once consultation with City Council and SCDC Planning Committees and other procedural approval processes have been completed. The timetable for this was set out in Section 3 of the Officer's report.

The Committee were recommended to support the principle of the proposed changes to the JDCC Terms of Reference, subject to:

- i. Consultation with SCDC Planning Committee.
- ii. Endorsement by Cambridgeshire County Council Constitution and Ethics Committee.
- iii. Formal approval through the three Councils.

The Committee:

Unanimously resolved to accept the officer recommendation to support the principle of the proposed changes to the JDCC Terms of Reference.

The meeting ended at 4.10 pm

CHAIR