

PLANNING

4 October 2017
11.00 am - 5.05 pm

Present:

Planning Committee Members: Councillors Hipkin (Chair), Smart (Vice-Chair), Blencowe, Hart, Holt, Nethsingha, Sarris and Tunnacliffe

Councillor Nethsingha left after the vote on item 17/171/Plan.

Officers:

City Development Manager: Sarah Dyer
Principal Planner: Nigel Blazeby
Principal Planner: Lorraine Casey
Principal Planner: Sav Patel
Principal Planner: Toby Williams
Senior Planner: Charlotte Burton
Senior Planner: Lorna Gilbert
Senior Planner: Michael Hammond
Planning Enforcement Officer: John Shuttlewood
Planning Enforcement Officer: Nick Smith
Planner: Mairead O'Sullivan
Legal Advisor: Rebecca Williams
Committee Manager: Toni Birkin
Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

17/154/PlanApologies

No apologies were received.

17/155/PlanDeclarations of Interest

No declarations of interest were made

17/156/PlanMinutes

The minutes of the meeting held on 30th August 2017 were approved as a correct record and signed by the Chair.

17/157/Plan17/0970/FUL - St Regis House

The Committee received an application for full planning permission.

The application sought approval for erection of student accommodation comprising 53 student rooms - clusters (incl. 2 x DDA rooms), 9 student flats and 15 student studios (Sui generis), and ancillary facilities including kitchen/communal areas, laundry room, plantroom, bin and bicycle enclosures; refurbishment and minor works to 108 Chesterton Road with the retention of 8 student rooms; and 14 residential flats (Use Class C3) comprising 1 bed and 2 bed units (following demolition of existing buildings), together with landscaping and associated infrastructure.

The Committee received a representation in objection to the application from a resident of Chesterton Road.

The representation covered the following issues:

- i. Student numbers living on the site would rise from 63 to over a 100.
- ii. Current building is already the largest on the street. this building would be even bigger and would be located nearer the road.
- iii. Would dominant the street and cause overlooking.
- iv. Those living opposite the site would be faced with a much larger building that would be closer than the existing building.
- v. Road currently comprises a pleasing eclectic mix OF properties and uses.
- vi. Conference use would be problematic for residents.
- vii. Approval would give a green light for further densification in the area.

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

Councillor Sargeant, Chesterton Ward Councillor addressed the Committee regarding the application as follows:

- i. The design was mediocre and there was the potential for more enhancements.
- ii. This section of Chesterton Road was predominantly bay fronted. Victorian residential properties.
- iii. The design WAS neither a modern interpretation of the current street scape nor presented a pleasant contrast.
- iv. The mass of the building would be considerably closer to the pavement than the existing building.

- v. Limited access route would force taxis and delivery vehicles to park on the cycle lane.
- vi. The residential area offered very limited parking and would result in overspill parking into nearby streets.
- vii. Conference use would also result in increased demand for parking spaces.

Councillor Blencowe proposed an amendment to condition 40 OF the Officer's recommendation as follows (struck through words deleted):

The College accommodation hereby permitted shall be occupied only by students (including their partner and immediate family) of any of the Colleges of the University of Cambridge who are enrolled in full-time education on a course of at least one academic year at the University of Cambridge; or within the central block hereby permitted by Fellows of Clare College and visiting research fellows not exceeding more than 24 no. units at any one time and for a tenancy of no longer than 3 years unless otherwise agreed in writing by the Local Planning Authority; or by delegates of conferences or part-time students attending short courses organised by Clare College during the summer vacation period. All occupants of the College accommodation shall be subject to ~~proctorial control or~~ a tenancy agreement prohibiting the occupants (except for those who are registered disabled) from keeping a private motor vehicle within the City of Cambridge.

This amendment was carried **nem con.**

Councillor Blencowe proposed an additional amendment regarding the colour of the bricks as follow:

Prior to commencement of the development hereby permitted (excluding demolition and enabling works), notwithstanding the approved front and rear elevations of the Chesterton Road and Hamilton Road buildings, revised plans shall be submitted to and approved in writing by the local planning authority to show alternative brick detailing. Samples of the brickwork shall be submitted for approval via condition 18. The development shall be carried out in accordance with the agreed details.

This amendment was carried **unanimously.**

The Committee:

Resolved (by 6 votes to 1 and 1 abstention) 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 the following amended wording for condition 40 and additional condition:

40. The College accommodation hereby permitted shall be occupied only by students (including their partner and immediate family) of any of the Colleges of the University of Cambridge who are enrolled in full-time education on a course of at least one academic year at the University of Cambridge; or within the central block hereby permitted by Fellows of Clare College and visiting research fellows not exceeding more than 24 no. units at any one time and for a tenancy of no longer than 3 years unless otherwise agreed in writing by the Local Planning Authority; or by delegates of conferences or part-time students attending short courses organised by Clare College during the summer vacation period. All occupants of the College accommodation shall be subject a tenancy agreement prohibiting the occupants (except for those who are registered disabled) from keeping a private motor vehicle within the City of Cambridge.

Reason: To ensure that the proposal meets student housing need, to ensure the amenity of future occupants is protected, to help foster an academic community and because the impact of car parking has been assessed on the basis of minimal car ownership of future occupants (Cambridge Local Plan policies 7/7, 3/12, 4/13 and 8/2).

41. Prior to commencement of the development hereby permitted (excluding demolition and enabling works), notwithstanding the approved front and rear elevations of the Chesterton Road and Hamilton Road buildings, revised plans shall be submitted to and approved in writing by the local planning authority to show alternative brick detailing. Samples of the brickwork shall be submitted for approval via condition 18. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality development which responds to the surrounding context (Cambridge Local Plan policies 3,4 and 3/12).

17/158/Plan17/0826/FUL - 2 Barrow Road

The Committee received an application for full planning permission.

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

The Committee received a representation in objection to the application on behalf of local residents.

The representation covered the following issues:

- i. Queried why the existing dwelling would be demolished and replaced. Suggested this proposal was not included in the original iteration or ex ante permission. Queried why the City Council had contacted the Applicant to include demolition of the existing property in their proposal.
- ii. Suggested the application did not comply with planning policy (eg character of the area) as referenced in the Officer's report in paragraphs 8.12, 8.14 and 8.15.
- iii. Suggested that ex ante permission was given undue weight in the Officer's recommendation.
- iv. Re-iterated that the 2015 decision gave planning permission, not permission for demolition of the original building.

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

Councillor Avery (Trumpington Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. He wanted the integrity of the Conservation Area protected.
- ii. Suggested that on its own, the application would not be approved, but the Officer had recommended approval on the strength of the ex ante permission. The permission was given before Conservation Area status was given to the location. The existing (ex ante) permission would not be granted now the location had Conservation Area status and there was no reason why it should be the overriding factor now.
- iii. Referred to the summary in the Officer's report setting out planning considerations.
- iv. Suggested that demolition of the existing property was not included in the original proposal.
- v. Queried if the ex ante permission was still relevant.
- vi. Suggested the site was being developed, not adapted as a family home.

- vii. Referred to Queen's Counsel comments included in residents' representations stating that councillors needed to exercise discretion when considering ex ante permission, to be mindful of all issues, and not treat it as a definitive rule to follow.
- viii. Referred to paragraph 10 in the Officer's report stating the application could (but may not) be called in by the National Planning Casework Unit for Secretary of State determination if approval were granted by Planning Committee.
- ix. The replacement building did not have sufficient merit to be implemented.

The Principal Planner (TW) clarified that the change in planning regulations regarding demolition meant that the previous description of development for the scheme needed to be changed during its consideration to reflect that permission also needed to include specific reference to demolition. Officers had contacted the Agent to get the planning description altered to reflect the change in legislation. As such, the existing permission included demolition of the existing building.

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, subject to the conditions recommended by the officers and subject to the National Planning Casework Unit determining whether the application should be called in for determination by the Secretary of State.

Councillor Smart participated in the meeting discussion but not the vote as he was not present for the Officer's introduction.

17/159/Plan16/1691/FUL - Block B Student Castle, 1 Milton Road

The Committee received an application for change of use (sui generis - in the alternative) to allow the first and second floors of Block B and the identified DDA room (no. G01) in Block A as aparthotel rooms or student rooms.

The Committee received a representation in objection to the application from a local resident representing Friends of Mitcham's Corner.

The representation covered the following issues:

- i. Took issue with the argument there was a lack of demand for student accommodation.

- ii. Suggested that the Student Castle development was not making reasonable adjustments to make the building Disability Discrimination Act compliant.
- iii. There was no wheelchair accessible toilet.
- iv. Took issue with the sole accessible (DDA) room being shared by the student accommodation and hotel. If one organisation used it, the other could not.
- v. Suggested the Applicant was not meeting requirements to have a clearly defined parking space for the sole use of disabled drivers as the space was currently allocated for general use.

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

Councillor Sargeant (West Chesterton Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. There was a need for student accommodation.
- ii. The County Council expressed the view that the development would impose extra car parking demand in neighbouring streets.
- iii. Taxi parking was an issue. There were no attempts to manage this by the Student Castle development.
- iv. The development was originally aimed at short term lets. Queried if people would need car parking space(s) if they stayed for 90 days (as per the maximum length).
- v. Local residents had concerns that the Applicant would not adhere to planning consent conditions.
- vi. People would only get a travel information pack when they arrived (not before) which put pressure on parking facilities.

The Committee:

Voted to refuse the application contrary to the officer recommendation for the following reasons:

1. Loss of student accommodation with reference to the Student Study and NPPG;
2. Lack of commercial vehicle and servicing provision (policy 8/9);

3. Loss of disabled student accommodation and the appropriateness of the location of the aparthotel wheelchair accessible room (policies 3/12(b), 3/7(m), 7/10(d));
4. Impact of parking from hotel visitors on the amenity of local residents (policy 3/4);

Vote split as follows:

- On a show of hands Reason 1 was lost by 2 votes to 5.
- On a show of hands Members resolved to keep Reason 2 by 4 votes to 2.
- On a show of hands Reason 3 was lost by 3 votes to 4.
- On a show of hands Members unanimously resolved to keep Reason 4.

Resolved the application was contrary to the officer recommendation for reasons 2 and 4, as set out in the officer update report, as set out below:

- The apart-hotel use makes inadequate provision for access and for parking of servicing and commercial vehicles. The current arrangements are resulting in obstructions being caused along the main vehicular access road off Victoria Road, which is also used by residents in Corona Road to access their garages. The proposal would potentially exacerbate this conflict and is therefore contrary to policy 8/9 of the Cambridge Local Plan (2006).
- The apart-hotel use generates car parking from customers staying and accessing the site which is causing obstructions to the internal access way and putting pressure on the surrounding streets. The apart-hotel use is generating additional traffic and movements that are having a detrimental impact on the residential amenity of the local residents in terms of on-street car parking and noise disturbance. The apart-hotel use is therefore contrary to policies 3/4 and 8/2 of the Cambridge Local Plan (2006).

17/160/Plan17/0753/FUL - 8A Babraham Road

The Committee received an application for full planning permission.

The application sought approval for a part two-storey with part single-storey rear extension and single-storey side extension.

The Committee received a representation in objection to the application from a resident of Babraham Road.

The representation covered the following issues:

- i. Requested the decision be postponed to consider the validity of figures in the light report and error shown in Appendix 3 of the second version. There was no change to the skyline visible through internal doors (or increased light) as shown in photos in the Objector's latest submission.
- ii. It was not possible to contact the Applicant's Consultant to obtain information on how report conclusions were made based on the figures included in the report.
- iii. Asked for an adequate explanation of light figures before planning permission be considered.

Dr Rajan (Applicant) addressed the Committee in support of the application.

Councillor Moore (Queen Edith's Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. The apparent loss of light to the semi-detached neighbour was a concern.
- ii. Queried the discrepancy in figures between versions 1 and 2 of the light report.
 - a. Asked if this was a material consideration.
 - b. Requested a rule of thumb estimate from planners as to whether the light loss would have a significant impact on neighbours.

The Principal Planner (NB) responded to points made:

- i. The Objectors had invited parties to visit their property to gain more accurate information that could help inform a further examination of the daylight/sunlight assessment.
- ii. Officers did not consider this was necessary as they were confident the assessment conclusions already indicated that the impact on light was acceptable. Officers considered that further refinement of the input data would not materially alter the conclusions of the assessment. They had been undertaken by an accredited person in accordance with BRE guidance.
- iii. There is no policy requirement for proposals to comply with BRE guidance. Members were advised that it is guidance and just one of the material considerations to take into account in assessing the proposal.
- iv. 45 degree guidance had been met so a full daylight/sunlight assessment would not normally be requested. It was done so at the request of a Member.

- v. Alongside the assessment, the extant planning permission was also a material planning consideration. The proposal as revised does extend further into the garden at single storey but it is also moved away from the boundary resulting in a net change in impact that was not considered to be significant.

The Objector asked for it to be minuted that the Chair did not allow him to respond before the Committee went onto vote.

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.

17/161/Plan17/0801/FUL - 454 Milton Road

The Committee received an application for full planning permission.

The application sought approval for a residential development containing four 1-bedroom flats along with cycle parking and associated landscaping following demolition of existing buildings at rear of site - land to the rear of 454 Milton Road.

The Planner referred to pre-committee amendments to recommendation as set out on the amendment sheet.

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 amendment below:

Approval subject to the conditions listed in the report (which includes the first 3 of the conditions recommended by EHO), the 6 standard contaminated land conditions (Please note that these would need to be inserted as condition nos. 3 – 8 in the decision notice) and the following bespoke condition:

- The residential properties, hereby permitted, shall not be brought into use until the noise insulation scheme and mitigation requirements have been implemented in accordance with the details within the

Cass Allen noise assessment dated 23 August 2017 (ref: RP01-17542). The development shall thereafter be maintained in accordance with these details.

(Reason – To protect the amenity of the adjoining properties)

17/162/Plan17/1402/FUL - 19 Fortescue Road

The Committee received an application for full planning permission.

The application sought approval for part two storey, part single storey rear extensions

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.

17/163/Plan17/0927/FUL - Jenny Wren, 80 Campkin Road

The Committee received an application for full planning permission.

The application sought approval for a new building comprising of a Public House at ground floor with nine residential units on the upper floors (two 1xbed units & seven studio units) along with car and cycle parking and associated landscaping following the demolition of the existing buildings.

The Senior Planner (MH) proposed a new condition to require the submission and approval of a scheme of works for substantial completion of the public house prior to demolition of the existing public house.

This amendment was **carried nem con**.

Councillor Price (Kings Hedges Ward Councillor – City Council) addressed the Committee about the application.

The representation covered the following issues:

Speaking in objection to the application on behalf of a resident of Beales Way who raised the following concerns:

- i. Overlooking.
- ii. Loss of privacy.
- iii. Lack of parking and impact on local streets.

Speaking as a Ward Councillor:

- iv. Planning policy was in place in the city to protect pubs.
- v. Referred to historic planning and officer advice to facilitate this.
- vi. Referred to paragraph #8.45 in the Officer's report which seemed to ignore safeguards to protect the pub facility.
- vii. Took issue with the application and suitability of proposed flats as homes.
- viii. Took issue with the design of the building and suggested it was low quality so did not meet planning policy.

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

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 plus the following additional condition:

Prior to the demolition of the public house, a scheme of works for the substantial completion of the proposed public house, including a phasing plan for its provision, shall be submitted to and approved in writing by the Local Planning Authority. The public house shall thereafter be constructed in accordance with the approved scheme of works and phasing plan, unless an alternative phasing plan is otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the public house is physically replaced on the site to meet the day-to-day needs of the community, NPPF paragraph 70, Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (October 2012).

17/164/Plan17/0798/S73 - Brethren Meeting Room, Radegund Road

The Committee received a Section 73 application to vary condition 6 attached to 15/1499/FUL dated 16/02/2016 to allow the use of the annexe building only on Saturdays between 9am and 9pm, on Sundays between 10am and 5pm, and between 9am and 5pm Mondays to Fridays (except for storage).

The Committee:

Unanimously resolved to grant the application for Section 73 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.

17/165/Plan17/1080/FUL - 15 Rutherford Road

The Committee received an application for full planning permission.

The application sought approval for demolition of the existing dwelling and erection of replacement dwelling.

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

The Committee:

Resolved (by 7 votes to 0) 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.

17/166/Plan17/1219/FUL - 77 and 77A Shelford Road

The Senior Planner (MH) referred to pre-committee amendments to recommendation set out on the amendment sheet.

The Committee received an application for full planning permission.

The application sought approval for the erection of seven residential units following demolition of the existing bungalow and workshops, including access, car parking, bin and cycle stores, and 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 plus additional pre-committee amendment to condition 25 as set out below:

Condition 25 should be re-worded as follows:

The specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be implemented in accordance with the Arboricultural Implications Assessment dated July 2016 and the Tree Protection Plan drawing 'TIP 209A' before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority.

Reason: To ensure the retention of the trees on the neighbouring sites. (Cambridge Local Plan 2006 policies 3/4, 3/11, 3/12 and 4/4).

17/167/Plan17/0704/FUL - 23 Kingston Street

The Committee received an application for full planning permission.

The application sought approval for a roof extension incorporating rear dormer, replacement of sash windows with new sash windows and retrospective pitched roof to ground floor rear extension replacing flat roof.

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

The Committee:

Resolved (by 7 votes to 0) 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.

17/168/Plan17/0966/FUL - Land r/o 28 Anglers Way

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing store building and construction of single storey dwelling.

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.

17/169/Plan17/0642/FUL - 150 Coldhams Lane

The Committee received an application for full planning permission.

The application sought approval for erection of 1.5 Storey dwelling with frontage onto Cromwell Road and the retention of two parking spaces for 150 and 150a Coldhams Lane.

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

The Committee:

Resolved (by 5 votes to 3) to refuse the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report.

17/170/Plan17/0838/FUL - 44 Clifton Road

The Committee received an application for change of use from existing B2 (General Industrial) to D1 (Museum) with administrative, retail and food and drink space.

Dr James (Applicant) addressed the Committee in support of the application.

The Committee:

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

17/171/Plan17/0957/FUL - 190-192 Mill Road and 2B Cockburn Street

The Committee received an application for full planning permission.

The application sought approval for reconfiguration and extensions, incorporating dormer windows, and alterations to roof of building to provide 12 residential units (net increase of 9 units) along with bin and cycle storage.

The Committee:

Resolved (4 votes to 4 – and on the Chair’s casting vote) to reject the officer recommendation to approve the application.

Resolved (by 4 votes to 2) to refuse the application contrary to the officer recommendation for the following reason:

The proposed development would constitute an overdevelopment of the site by virtue of cramped and small living spaces for future occupants and a constrained external living environment and as such would fail to secure a good standard of amenity for future occupants, contrary to Cambridge Local Plan (2006) policies 3/7 and 3/14.

After the vote Councillor Nethsingha left the committee for another commitment.

17/172/Plan17/0963/S73 - Land r/o 183-187 Cherry Hinton Road

The Committee received a Section 73 application to vary planning permission reference 08/0125/FUL (as amended by 08/0125/NMA1 to add approved plans condition) for demolition of 187 Cherry Hinton Road and erection of three storey building consisting of 5 flats together with the erection of 4 semi-detached three storey town houses to allow the addition of dormers to the rear houses.

The Committee received a representation in objection to the application from a local resident.

The representation covered the following issues:

- i. Referred to comments from the Council Planning Officer's Report for 08/0125/FUL: “Replacement of the high-level roof lights with dormer windows offer no advantage to the internal amenities of the houses and for this reason I see little prospect of future occupiers wishing to remove the roof lights and install dormer windows.”

- ii. The last application was over turned at appeal but the developer got what they wanted.
- iii. The application windows would impact on the Objector's privacy and amenity.
- iv. Expressed no confidence that the developer would adhere to conditions.

The Committee:

Resolved (by 4 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.

17/173/PlanEN/0017/17 - 146 Mowbray Road

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

The report sought authority to serve one Breach of Condition Enforcement Notice and one Breach of Condition notice directed at remedying the harm caused as a result of the breach occurring. The breaches result in an unauthorised additional separate unit of accommodation being created and the recommendation looks to ensure compliance in the short term and onwards.

The Committee:

Resolved (7 votes to 0 – unanimous of those present) to accept the officer recommendation to:

- i. Authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) alleging that there has been a breach of planning control within the last four years, involving the unauthorised material change of use of the Premises into a large scale House in Multiple Occupation, (Sui Generis), the unauthorised change of use of part of the ground floor of the main building at the premises as a separate self-contained unit of accommodation and the unauthorised use of the outbuilding at the premises as a separate self-contained unit of accommodation, 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 5.05 pm

CHAIR