

DEVELOPMENT CONTROL FORUM

8 August 2018
10.00 - 11.45 am

Present

Planning Committee Members: Councillors Blencowe, Hipkin, Holt, Smart Thornburrow and Tunnacliffe

Ward Councillors

Councillor McGerty
Councillor Pippas

Officers:

Delivery Manager – Planning: Eileen Paterson
Principal Planner: Nigel Blazeby (Chair)
Senior Planner: Charlotte Burton (Case Officer)
Committee Manager: Claire Tunnicliffe

For Applicant:

Applicant: Jim Griffiths (Gibson Developments)
Agent: Peter McKeown MRTPI (Carter Jonas)

For Petitioners:

1st Petitioner
2nd Petitioner
3rd Petitioner

FOR THE INFORMATION OF THE COUNCIL

18/12/DCF Introduction to the Forum by the Chair

The Chair outlined the role and purpose of the Development Control Forum. He stated no decisions would be taken at the meeting.

18/13/DCF Application and Petition Details: 18/0806/FUL, 291 Hills Road, Cambridge, CB2 8RP at

Application No: 18/0806/FUL
Site Address: 291 Hills Road, Cambridge, CB2 8RP

Description: 14 flats comprising 8 x 2-bed units and 6 x 1-bed units, along with access, car parking and associated landscaping following demolition of the existing buildings

Applicant: N/a

Agent: Carter Jonas

Lead Petitioner: Resident of Hills Road

Case Officer: Charlotte Burton

Text of Petition

Local councillors, members of the Hills Road and Area Residents Association and the Queen Edith's Way Residents Association, and many residents across the city of Cambridge are concerned about the proposal to demolish the fine Edwardian home at 291 Hills Road and replace it with a block of 14 flats. The number of objections (203 at the latest count) made by residents illustrates the strength of feeling on the issue.

Residents and councillors have identified many respects in which this application is in conflict with the Cambridge Local Plan 2006 (CLP 2006), including the following:

- There is no case for demolishing the property (policy 5/4 of CLP 2006)
- The plans do not safeguard environmental character (policy 3/3 of CLP 2006)
- The application does not respond to the local context (policy 3/4 of CLP 2006)
- Cramped living accommodation (policy 3/7 of CLP 2006)
- The development would have a significant adverse impact on the amenities of neighbouring properties, provide inadequate amenity space, detract from the prevailing character and appearance of the area, and adversely affect trees (policy 3/10 of CLP 2006)
- A negative impact on the local setting (policy 3/12 of CLP 2006)
- Damage to trees (policy 4/4 of CLP 2006)
- Adverse effects on health and the environment (policy 4/13 of CLP 2006)
- No provision for affordable housing (policy 5.5 of CLP 2005)
- Unacceptable transport impact (policy 8/2 of CLP 2006)

Do you think there are changes that could be made to overcome your concerns?

Option 1: The property could remain a beautiful well designed family home acting as a landmark building on a prominent corner plot.

Option 2: The property could be refurbished and converted into flats, possibly with an extension and conversion of the loft space.

Under both options, we would wish to see the landscaping plan amended to retain more of the existing vegetation.

Case by Applicant

A representative from Gibson Developments made the following points:

- i. Not a greedy property developer as had been characterised seeking to make a large profit, but was a small business which had been developed over a 12 year period.
- ii. Proud of the quality and sustainability of the properties that had been built in Cambridge.
- iii. Gibson Development did not leaflet drop or approach home owners. Each development had been purchased with planning permission in place or as in the case of 219 Hills Road (Raylands) had been approached by the Homeowner.
- iv. Had a life long association with Hills Road, living close to the site and therefore knew the site extremely well.
- v. The site had been neglected and overgrown; the property was virtually invisible and had been for some time.
- vi. Disputed the petitioner's reference that 291 Hill Road was a 'landmark building', as the building could not be seen. For many decades the building had not been a landmark building.
- vii. Informed the previous owner the property would not be preserved as Gibson Developers specialised in new build development and should seek an alternative; but the previous occupant emphasised the short comings of the property as he had lived there for so long (21 years).
- viii. Before purchasing the property the developer established the building was not listed and was not on the Council's list of Buildings of Local Interests and had been rated as negative in the Council's Suburb and Approaches - Hills Road 2012 report; petitioners now disputed the report stating that this was a mistake.
- ix. Did not believe the report was a mistake and it was not unreasonable to rely on this information.
- x. First established that four trees on site were protected by a Tree Preservation Order (TPO) and from a financial benefit could have removed all other unwanted trees rather than risk further TPO's issued when engaging with the planning process. However, this was not followed as it was not the right thing to do and a further seven TPO's were issued which had limited what could be done with the site due to the tree root zones.

- xi. Have been patient during the long drawn out planning process (18 months since a positive pre application).
- xii. Met with campaign leaders in October 2017 who asked for the opportunity to find an alternative buyer. No one had come forward.
- xiii. Since the previous planning application 17/1372/FUL had been refused, the company had actively marketed the property for the last three months, but had not received any offers apart from a developer and a party who could not finance their offer.
- xiv. To preserve the property it would require an owner who could afford to purchase the property in the first instance and spend hundreds of thousands of pounds to refurbish it.
- xv. Would not have purchased the property if could have foreseen the 'firestorm' that the application had set off.
- xvi. The application was of a high quality build which would most likely attract buyers from the bio-medical campus who would either cycle or walk to work; this was a better use of the site than one wealthy family.
- xvii. The property did not lend itself to development or subdivision or extension as stated by John Harris, Cambridge City Council's Design & Conservation Panel.

The agent made the following points:

- xviii. Reluctant Participants of the Development Control Forum (DCF) and believed that the request for a DCF was not valid; in-principle outright objection to the application had been presented with no suggestions for a reasonable compromise solution.
- xix. Had been through a DCF with the original application 17/1372/FUL. Following this first meeting, the applicant had made significant changes.
- xx. It seemed the petitioners' position had hardened.
- xxi. The applicant had been open and transparent throughout the entire process and had given the petitioners every opportunity for dialog.
- xxii. Application 18/0806/FUL had been submitted as a new application in response to Planning Application 17/1372/FUL (which had been refused by the Planning Committee in May 2018), although the Case Officer had recommendation approval. Reasons for refusal had been:
 - 1. Failure to provide affordable housing
 - 2. Inconvenient cycle parking
 - 3. Cramped accommodation
 - 4. Failure to provide arrangements for visitor car parking.
- xv. The proposals constituted a resubmission of application 13/1372/FUL which had addressed the four refusal reasons:

1. The scheme now sought consent for 14 units and was compliant with the requirements of Policy 5/5 of the adopted CLP 2006 and Para 30 of the Affordable Housing SPD 2008
 2. The resident's cycle store would be conveniently located at ground floor, easily accessible to all units; accommodating 27 cycles including a cargo bike; the layout was fully compliant with Cambridge Cycle Parking Guide 201 and eight visitor cycle spaces were provided
 3. The revised scheme provided 14 units; eight 2xBed units and six 1xBed. All units were in line with nationally described space standards. Units 2, 4 and 10 extend to 60m² GIA excluding 4m² amenity space. High quality residential environment would be provided and the scheme was compliant with Policy 3/7 of the CLP 2006
 4. The scheme now provided four visitors / disabled car parking spaces. These spaces were accessible and convenient for future visitors.
- xvi. The new application was supported by all statutory consultees including; Urban Design, Landscaping, Highways, Environmental Health, Drainage, Waste and Disability Panel.
 - xvii. The highways impact had been discussed at length when considering application 13/1372/FUL and had not been an issue for refusal.
 - xviii. The trees which were to be removed had been agreed in consultation with the City Council's Tree Officer.
 - xix. The new applicant had responded positively to the Planning Committees four reasons for refusal.
 - xx. The proposed development was a high quality residential development that would deliver an additional thirteen residential units within a highly sustainable and central location.
 - xxi. The proposals were considered to be compliant with all relevant national and local planning policies.

Case by the Petitioners

Petitioner 1 spoke on behalf of residents and made the following points:

- i. The architectural style of the area was of detached and semi-detached villas, civic buildings, dating from the late 19th and early 20th century. Buildings were set back from the highway and screened by hedges and tall trees of stature; these were also well set back within the green frontage matching the period architecture.
- ii. Few buildings were listed on Hills Road area including those buildings in Homerton College. These buildings could also be demolished but believed this would cause a national outcry.

- iii. Cambridge City Council's Guidance Notes establish 'material planning considerations' for neighbourhood listings:
 - Distinctive architectural feature of individual buildings
 - Importance of street scene.
- iv. Detailed architectural drawings exist for many pre 1914 houses and civic buildings, including 291 Hills Road; this section of Hills Road met with the City Council's criteria for a neighbourhood group listing.
- v. The proposed development was not in harmony with the surrounding street scene on Hills Road, there would be a large loss of green foliage and the application contradicted Local Plan 2006 policies 3/3 and 3/4.

Petitioner 2 raised the following points:

- viii. The property had been a continuous family home since it was built. John Harris, Cambridge City Council's Design & Conservation Panel stated "while presently enjoying no statutory status, it is worth preserving and giving another 100 years as a much loved family home".
- ix. The CLP 2006 3/10 was not referenced in the Senior Planning Officer's report which was directed towards developments on existing plots with pre-existing neighbours; "Residential development within the garden area or curtilage of existing properties will not be permitted..."[under certain circumstances]. If the site was developed to provide 14 dwellings, by definition, the plot is subdivided, irrespective of whether the original dwelling remains.
- x. The dwelling to the rear of 289 Hills Road had been described by the Senior Planning Officer's report as a "two storey annex..." "While the status annex in planning terms is unconfirmed". This was not an "annex" but a separate (semi-detached building) dwelling with its own Council tax bill whose amenities also required consideration.
- xi. The development went against CLP 2006 3/10 as there would be a loss of privacy, loss of light and overbearing sense of enclosure to 289 Hills Road which sits on the boundary of the site. It was difficult to assess these losses as the Landscape Master Plan had not been updated since August 2017, yet the proposals had been updated twice.
- xii. Significant plans have been marked as 'indicative', such as tree planting.
- xiii. Difficult to comprehend the true impact the proposed build would have on neighbouring properties. The plans were misleading, drawn to minimise the impact and the scale of development. Yet there would be an over bearing sense of development as the building was three stories high with a glazed atrium, consisting of fourteen flats.

Petitioner 3 raised the following points:

- xiv. The glazed link proposed on the plan would be fully visible from the two properties at 289 Hills Road; the three mature trees to be retained on the boundary were deciduous and would not filter light for most of the year. Much of the vegetation between 289 and 291 would be removed.
- xv. Believed that the glazed link would not have any curtains or blinds creating light pollution; the lights would also have an impact on wildlife as they switched on and off when people left or entered the building.
- xvi. The glazed link offered no benefit to the residents of 291 Hills Road, as this was obscured glass but would have a significant impact on the amenity of neighbours.
- xvii. There was no scale on the basement construction plan but estimated that the sheet piling should be four metres away from the fencing which was positioned at the edge of the tree root protection zone.
- xviii. Assumed that the fencing had been marked incorrectly as this should be on or outside the tree root protection zone but was shown on the plans both to the north and south in the root protection zone. The sheet piling was also shown to be touching the tree root protection zone and not the estimated four meters away.
- xix. Alleged that the basement excavation and construction would damage the protected trees and roots, lower the water table and cause cracking of the ground. This could damage the two properties on 289 Hills Road which had been underpinned.
- viii. The site sat on the corner of busy roundabout, described as ‘an over saturated junction’ by the County Council who predicated a 19% increase in traffic volume by 2019 compared to the figures in 2014.
- ix. Traffic jams formed outside the entry and exit point to the site; cars from the site would be unable to exit safely increasing the potential for accidents as there was no pedestrian crossing on this area of Hills Road.
- x. Double yellow lines ran alongside the development so delivery vehicles would have to park on site.
- xi. The drive on the site was five meters wide which would not allow a wide enough turning circle for a standard 6 meter long delivery vehicle; vehicles would have to reverse out into Queen Edith’s Way, compromising highway safety.
- xii. If the visitor’s space was occupied there would be no room for a three point turn.
- xiii. The only personal amenity space on site for residents would be their balconies. The developer commissioned a noise assessment which concluded ‘noise levels on the balconies are expected to exceed recommended levels’.

- xiv. Predicated noise levels on Hills Road balconies would reach 69 decibels (dB), well above the recommended limit of 50-55 dB based on the 2014 traffic levels.
- xv. Described the proposed property as a sealed box due to the windows not opening would have a ventilation system.
- xvi. Alternative proposals to keep the existing building were presented and examples shown. There was no case for demolishing the property (CLP 2006 5/4)

Case Officer's Comments

- i. The Application had been received on 18 May 2018 and would be considered by the Planning Committee on 29 August.
- ii. Had received forty objections from third parties, including Hills Road and Queen Edith Way Resident Associations, and Ward Councillors.
- iii. The Officer's recommendation to the Planning Committee was still being considered.
- iv. The Planning Committee's decision on the previous application 13/1372/FUL had been refused on material considerations.
- v. When considering the revised application the Case Officer would determine if those reasons for refusal had been sufficiently addressed to overturn the previous reasons for refusal.
- vi. Careful deliberation would be given to conclude if the new application would bring any new areas of concern; the application would also be looked at carefully to ensure consistency.
- vii. The issues regarding the principle of development and design, impact to the character of the area and transport were not raised as reasons for refusal on the previous application.
- viii. The petitioners had made a case against the demolition of the building; the existing building was not a protected building, not listed and not within the conservation area.
- ix. Demolition could not be resisted in principal and had not been a reason for refusal on the previous application.
- x. The proposed plans were similar to the previous application and would retain the eleven trees under the TPO. The Tree Officer had supported the previous application and raised no further concerns on the proposed development.
- xi. The Tree Officer had been satisfied with the details of the basement construction plans which could be secured with conditions.
- xii. Impact to the character of the area; the design was considerably similar to the previous application in terms of external appearance, the building envelope and landscaping scheme. All of which were supported by Urban

Design and the Landscape Officer. It would be difficult to come to a decision which was different to the previous application on this matter.

- xiii. The applicant had provided details of the floor space for each unit which met or was close to the National Technical Housing Standard (NTHS).
- xiv. The impact on neighbouring properties had not been raised as a reason for refusal on the previous scheme.
- xv. The Council's consistent approach was not to provide outdoor amenity space for one bedroom units but the proposed application did.
- xvi. Transport issues had been addressed in detail on the previous application and the proposed application now had one less unit on site. Therefore it would be difficult to reach a different recommendation on this matter; the Highway Authority had assessed the impact and advised of no concerns.
- xvii. The reduction of the number of units to a total of fourteen meant the development now complied with Para 30 of the Affordable Housing SPD, 5/5.

Members' Questions and Comments

Ward Councillor McGerty made the following points:

- i. Disagreed that emotion and nostalgia should be taken out of the decision; residents would have a different view.
- ii. Disputed the Agent's comments that the DCF was not valid.
- iii. Queried how a decision of no concerns had been reached on the transport issues when the junction had been described as 'over saturated', additional residents on the development would add an impact to it.
- iv. It was a probability that many of the residents would turn right when exiting the site, against the traffic flow coming away from the junction. These vehicles joining the queuing traffic would have a further negative impact on the traffic flow.
- v. Disappointed that the number of units had been reduced to avoid building affordable housing on site. Would have liked the opportunity to work with the developers to address the issue rather than avoid it.
- vi. Would like to put forward the following questions:
 - 1. Is the applicant able to provide a Tree Protection Method statement as part of the planning application?
 - 2. Is the applicant able to provide a detailed plan of new planting and make this a firm undertaking during the planning process?
 - 3. Could the grass verges on Queen Edith's Way be protected with Heras fences during construction?

The Chair explained he could not allow the Agent to respond to the above questions as unfortunately the terms of the forum did not allow this.

Ward Councillor Pippas made the following points:

- i. It was clear that the previous owner had not maintained the landscape to the property and the view to the property had been lost.
- ii. However the building was a landmark building in Cambridge and should remain so and would be a great loss to the City if it should disappear.
- iii. The purchase of the property had been a bad business mistake for reasons underlined in the CLP 2006 3/4.
- iv. The existing building was a beautiful building which stood in an area of stunning buildings and the proposed application was not. To knock the building down would set a precedent and more could follow leaving the area a concrete jungle.
- v. Tourists visited Cambridge to view the historical architecture as part of their experience, not a series of modern buildings that all looked the same.
- vi. Requested the building was left and used as flats to retain the character and ambience of the City.

Members of the Planning Committee raised the following questions

- i. Questioned if there was any evidence that the application would be withdrawn and resubmitted in light of the all objections and asked if a compromise between the applicant and petitioners be reached, as was the purpose of the DCF.
- ii. Asked if this DCF was simply going through the motions rehearsing the arguments for the Planning Committee?

The Chair outlined the purpose of the DCF, allowing the petitioners to raise their concerns and for officers to consider their concerns and report them to members. It also allowed members to seek clarification on various matters.

- iii. Asked if it was possible when the application came to the Planning Committee for consideration, that additional reasons for refusal would be valid, and would those reasons stand up to scrutiny from the Planning Inspectorate.

The Case Officer advised the decision on the previous application had been based on material considerations that could be used for assessing future applications on the same site. The current application was of a very similar scheme to the application that had been refused. Strong consideration would be given to the planning committee's decision on the previous application. Where the scheme was similar it would be difficult to

raise new concerns, however where there were differences new reasons for refusals could be formed.

- iv. Asked for confirmation if the application was a resubmission of a previous scheme or a new application.

The Case Officer advised scheme had been revised but this was a new application.

- v. Enquired if the petitioner and applicant appreciated the position of the Planning Committee's starting point looking at the current application which was the end of the previous application and the reason for refusals.

The Applicant advised it was completely understood as the new application was effectively a resubmission which had addressed the four reasons identified for refusal. Believed the petitioners did not understand, as the same issues were continuously raised.

The Petitioners explained that they did appreciate the point that had been made but they were now raising issues that had not been raised before as their understanding of planning law had increased. The whole process had been a learning experience.

- vi. The Agent had stated that the development met with the NTHS, yet the Case Officer had said some units came close to the NTHS, which was correct?

The Case Officer responded that with regard to internal space, all units, apart from units 2, 4 & 10, met with the NTHS. The three units were 60 m² instead of 61m², a shortfall of 1m², but these units had an additional external balcony space. The NTHS guidelines had not been adopted by the City Council, and had no adopted space standards.

- x. Would like to know more about the windows and doors proposed on the scheme?

The Case Officer advised that the Environmental Health Team had advised on the previous application that the impact of traffic noise could be mitigated by mechanical ventilation system. This would allow residents to control internal thermal comfort and cooling without compromising internal noise levels. Details would be secured by conditions.

- vii. Enquired why the petitioner had described the plans as misleading.

Petitioner 2 explained the plans were described as misleading as on a number of occasions the scale of drawings are different, in some cases the plans make the development appear smaller in relation to the neighbouring properties. In other case the scales are not given. Would also question how determination could be made based on indicative plans.

- viii. Suggested that delivery vehicles could reverse into the site.
The Case Officer noted the comment.

- ix. Requested the developer explain why the number of units had been reduced from fifteen flats to fourteen flats.

The Agent stated that the SPD 2010 guidance on schemes which involve the demolition of a single dwelling state that the affordable housing should be calculated on a gross basis and not a net basis. The view taken on the previous application for fifteen units would have resulted in a gross increase of fifteen units and did not comply with the affordable housing policy. The proposed development was now in line with the CLP.

The Developer advised the company had previously been involved with builds that offered affordable housing and recognised the importance of affordable housing. On this application the number of trees protected by TPO's restricted what could be achieved on site, it was not possible to offer affordable housing in a viable way.

- vii. Requested further information on visitor parking spaces proposed on the new application.

The Agent advised a total of four spaces had been allocated for disabled users and visitor / disabled spaces compared to the one space on the previous application.

Summing up by the Applicant's Agent

- i. The proposed development was for the demolition of a single dwelling and the development containing 14 flats comprising 8 x 2-bed units and 6 x 1-bed units, along with access, car parking and associated landscaping
- ii. The application represented a resubmission of planning application 17/1372/FUL that was refused planning permission despite a positive recommendation by the Case Officer.

- iii. The principle of development was acceptable.
- iv. The existing dwelling on site was not protected.
- v. The application had responded positively to the four reasons for refusal to the previous application.
- vi. The proposed development would bring a high quality sustainable development to the site which would meet demand required in Cambridge.

Summing up by the Petitioners

- i. Whether a new application could be refused on the grounds that were different to the original reasons for refusal on the previous application was a legal issue. It needed to be clearly determined that this was a new application.
- ii. The fact that a DCF had been held for this application would indicate that this was a new application.
- iii. If valid reasons for refusal were not highlighted on the previous application but have since been uncovered and contradict planning policy the recommendation for refusal should be upheld by the Planning Inspectorate.
- iv. The Planning Inspectorate should focus on all aspects and would adjudicate on whether the application goes against planning policy.
- v. Object to the application, the proposal is misconceived and requires radical changes to address the application in the context of the current and emerging CLP and the National Planning Policy Framework and all other material considerations. Precise and updated information was not available but would have demonstrated this point.
- vi. Documents submitted have been incomplete, inaccurate or missing. Examples are the Landscape Master Plan 2017, the noise assessment documents is based on 2014 traffic figures. There is no precise tree replacement plan and plans are termed 'indicative'. The basement construction plans did not seem to be correct. There are few usable scales and the size of building is misrepresented.
- vii. The development would cause significant harm to the neighbouring amenities, including the general loss of privacy.
- viii. The proposed development would cause permanent harm to the character of the area.
- ix. All locals concerns had been ignored.
- x. The new NPPF from next January 2019 would put more emphasis on the character of the local neighbourhood, Para 127, taking into consideration sympathetic to local history, landscape and development, establish a strong sense of place using the arrangements of existing buildings, building types and materials.

- xi. This was about Cambridge for the next generation and would be asking Councillors to consider this part of Hills Road as a conservation area.

Final Comments of the Chair

- i. The Chair observed the following:
- Notes of the Development Control Forum would be made available to relevant parties.
 - Application to be considered at a future Planning Committee.

The meeting ended at 11.45 am

CHAIR