

## PLANNING

29 March 2023  
10.00 am - 3.10 pm

### Present:

**Planning Committee Members:** Councillors Smart (Chair), Dryden, Gawthrope Wood, Page-Croft, Porrer and Thornburrow

Development and Planning Compliance Manager: Toby Williams

Legal Adviser: Keith Barber

Senior Planner: Nick Yager

Senior Planner: Tom Chenery

Arboricultural Officer: Joanna Davies

Committee Manager: Claire Tunnicliffe

Meeting Producer: James Goddard

### FOR THE INFORMATION OF THE COUNCIL

#### 23/25/Plan Apologies

Apologies were received from Councillors Baigent, Bennett and Collis.

#### 23/26/Plan Declarations of Interest

Name	Item	Interest
Councillor Gawthrope Wood	23/31/Plan	Personal: Lives close to the application address but remained unfettered.
Councillor Porrer	23/32/Plan	Personal: Application was in Councillor's ward but had not been involved in any discussion. Discretion unfettered

#### 23/27/Plan Minutes

The minutes of the meetings held on 7 February and 1 March 2023 were approved as a correct record and signed by the Chair.

#### 23/28/Plan 22/05100/FUL-196 Green End Road 10.00am

The Committee received an application for full planning permission.

The application sought approval for construction of 9 No apartments comprising 8 No. 1 bedroom flats and 1 No. Studio flat along with ground floor commercial space, car/cycle parking and associated infrastructure (Resubmission of 22/01504/FUL):

The Senior Planner updated their report by referring to updated condition wording with the amendment of condition 8 and removal of condition 29 details on the amendment sheet. The amendment sheet also corrected an error for the following:

- Para 8.58 Space Standards Table

Within Space Standards Table – Unit 9.

Number of Bed spaces (persons) the floor plans show a single bed and therefore one bed spaces (not two this was a typing error).

The proposed unit still meets the space standards requirements as 37.1 m<sup>2</sup>. Difference in size was still 0.1m<sup>2</sup>.

Councillor Thornburrow proposed additional conditions to the Officer's recommendation.

- The two additional flats must comply with part O of the Building Regulations.
- Installation of letterboxes must meet policy 57g of the Cambridge Local Plan.

These amendments were **carried unanimously**.

Councillor Porrer proposed amendments to the Officer's recommendation:

- Access to the roof terrace was restricted to tenant only, accessible by key fobs.
- Information on the permission to advise that the upper level should be light in colour for officers to discharge.

The amendments were **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's report (with delegated authority to Officers to make minor amendments to the conditions as drafted delegated to officers), subject to:

- Amendment to condition 8.
- Removal of condition 29.

- iii. Additional condition with reference to part O (over heating) of the building regulations.
- iv. Additional condition with reference to letter boxes.
- v. Additional informative with regards to access to the roof terrace for residents and their guests.
- vi. Additional informative to a light tone of colour being used for the upper level of the building.

### **23/29/Plan 22/02657/FUL-237 Hills Road 10.30am**

The Committee received an application for full planning permission.

The application sought approval for erection of two dwellings with garage, parking, landscaping and associated ancillary works to replace the existing dwelling and garage.

The Senior Planning Officer updated their report by referring to the amendment sheet as follows:

Expanded neighbour objections:

- Plot 1 was too close to the neighbouring dwellings, appears oppressive, overbearing and would overshadow the neighbouring dwellings and their gardens
- The Daylight and Sun Light Report failed to consider the rear gardens of dwellings to the northeast
- Plot 1 being a 2.5 storey high dwelling, was excessive in scale and mass, the current building was only 2 storeys tall
- Plot 1 had a negative impact on residential amenity due to overlooking, particularly on the eastern elevation. There was currently no first-floor fenestration facing this direction. were 2-bedroom windows plus a bathroom and en-suite windows at first floor level and a further 2 bedrooms at 2nd floor level were proposed.
- There was a boundary drafting error on the plans
- A neighbouring dwelling had only been allowed a single storey dwelling when they applied for a new dwelling in their rear garden space in 2016.
- Would the fern trees on the existing access be cut down to an acceptable height?

A letter had been received from the Day Light and Sunlight Assessor (Right of Light Consulting, Dated 23 March 2023)

“Paragraph 9.51 of the committee report states “Officers accept the findings of the report, however, were of the view that the large Beech (T5) in neighbouring 1 Hills Avenue has not been included in the calculations.

The applicant confirms this was not the case and that all the existing surrounding trees (including T1 and T5) have been included in the calculations.

The results confirm that, when considering the surrounding trees, all proposed habitable rooms would surpass their minimum BRE daylight winter targets. The results therefore conclude that daylight year-round was likely to be adequate.

Paragraph 9.52 of the committee report notes that section 3.7.7 of our report states “For the purpose of our assessment, we have therefore discounted the overshadowing effect of deciduous trees”.

The applicant confirmed the above extract was only in connection to the overshadowing to gardens and open spaces test. The full paragraph 3.7.7 states:

*“For the gardens and open spaces test, the guides states that trees and shrubs were not normally included in the calculation unless a dense belt or group of evergreens is specifically planned as a windbreak or for privacy purposes. This is partly because the dappled shade of a tree is more pleasant than the deep shadow of a building. For the purpose of our assessment, we have therefore discounted the overshadowing effect of deciduous trees.”*

The results of the overshadowing test confirm that 89% of the amenity area of Plot 2 achieves 2 hours of sunlight on the 21 March (against the BRE target of 50%).

For completeness, had applied the overshadowing test to gardens and open spaces. For the purpose of this analysis, had treated the trees as opaque objects. The results confirmed (on this basis) 77% of the amenity area of Plot 2 would still achieve 2 hours of sunlight on the 21 March. This was significantly better than the BRE target of 50%.

Concluding: The applicant ‘remains of the opinion that the proposed design satisfies all of the requirements set out in the BRE guide ‘Site Layout Planning for Daylight and Sunlight’. In our professional opinion, the proposed design would provide the development’s future occupiers with adequate levels of

natural light and the impact of the existing trees on the light attainable should not warrant a planning refusal.'

The Committee received a representation in objection to the application from a resident of 4 Cavendish Avenue presented on their behalf by a family member:

- i. Had strong concerns regarding the proposals to erect 2 large houses at 237 Hills Road, in particular Plot 1, which would be sited close to the western boundary of a private rear garden.
- ii. Concerns were related to the impact of the proposed house at Plot 1 upon the residential amenity of 4 Cavendish Avenue, its garden, and rooms to the rear of the property.
- iii. The proposal at Plot 1 was for a house with its accommodation spread over 3 floors, the development was far larger than the house it would replace and with the rear eastern elevation of the proposed house being down to only 8.7m away from the boundary of No 4.
- iv. Of particular concern was that this rear eastern elevation of Plot 1 contains bedroom windows (four windows) at first and second floor level (2 windows) which would overlook into the rear garden of No 4 and across to the rear of 4 Cavendish Court.
- v. Having previously expressed concerns in this matter, disappointed that the Planning Officer has not visited 4 Cavendish Court to better assess the likely impact of Plot 1 upon the loss of amenity of our private garden and the rooms at the rear of our house.
- vi. The proposed house at Plot 1 was far larger in its scale, massing, and height than for the existing 2 storey house at 237, the new house was also far closer to 4 Cavendish Court and as such would be domineering and wholly inappropriate given its location at the rear of neighbouring properties.
- vii. The existing house at 237 only has 3 small ground floor windows on its eastern elevation and as such causes no overlooking of 4 Cavendish Court and that of our neighbour.
- viii. Members would be aware, the Council's Local Plan contained Policy 52 which sought to protect garden land and the subdivision of existing dwelling plots. It only allowed development where "*the amenity and privacy of neighbouring, existing and new properties were protected*" which the proposals for No 237 failed to achieve.
- ix. The size and scale of Plot 1 was excessive, domineering and entirely inappropriate for its location, given its close proximity to neighbouring properties.

- x. The property at No 4 was granted planning permission in 2017 for a new dwelling within the rear garden. The design of the property followed a pre application planning enquiry and then the withdrawal of a subsequent planning application following strong advice received from the Planning Officer relating to the potential impact upon neighbouring property and so the approved scheme was restricted to having only a single storey above ground level whereas Plot 1 at 237 was proposing 3 floors in a similar location.
- xi. Understood that it would be reasonable to replace the existing house at 237 with a more sustainable property but strongly felt this should be smaller in its scale and massing and 2 storeys in height at most. Strongly felt that any replacement dwelling should not be at the cost of such an unacceptable level of harmful impact upon 4 Cavendish Court.
- xii. Request that Members refused the planning application in line with the Officer's recommendation.

The Committee then received a second representative in objection which covered the following issues:

- i. Would like to bring to the Committee's attention a safety issue concerning a group of Leylandii trees bordering the boundary between numbers 237 and 239 Hills Road.
- ii. The Leylandii trees in question were on the boundary between the small access lane leading from Hills Road to the site of No 237, and opposite the north walls of Homerton Court. If any of these were to fall during a severe gale, there was a considerable danger that they would fall in the direction of one or more Homerton Court flats.
- iii. Understood tree legislation, Section 66 states: Leylandii trees must not be more than 2 meters tall ... the objection was not about screening but the danger of damage to property.
- iv. Over-height Leylandii were in danger of falling over in strong winds. The trees in question were over the permitted limit and unless they were regularly pruned there would be, there was a danger in extreme weather of one or more falling over the boundary on to the North side of Homerton Court.
- v. Leylandii trees grow at 75-90 cm a year which was likely to incur an owner considerable cost into the far future. It would be sensible to require any owner to have them removed as a condition of planning consent. Given concerns about Climate Change, the danger was likely to grow.

- vi. The trees were not a pretty sight. There was plenty of other foliage, and new trees of a safer variety can restore an adequate screen for all concerned on both sides of the boundary.
- vii. The papers for this application show the extreme care that the planning authority takes to ensure that housing plots were safe, were attractive between one neighbour and the next. and should be maintained for the good of all who live there. Having a potentially rogue plantation permanently threatening one neighbour by the next was hardly in that spirit.

Mrs Kathryn Slater (Agent) addressed the Committee in support of the application.

Councillor Thornburrow proposed an amendment to the Officer's first reason for refusal to reference climate change and the provision not being on a similar basis.

This amendment was carried unanimously.

Councilor Gawthrope Wood proposed additional reasons for refusal concerning scale, design and massing which related to Cambridge Local polices 52, 55, 56, 57 and 59

This amendment was carried unanimously.

#### The Committee:

- i. **Unanimously resolved** to refuse the application for planning permission in accordance with the officer recommendation as amended, for the reasons set out in the officer report.
- ii. Delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the additional reason for refusal concerning scale, design and massing.

#### **23/30/Plan 22/04755/FUL-40 and 42 Natal Road 11.00am**

The Committee received an application for full planning permission.

The application sought approval for erection of new dwelling following demolition of existing garage.

The Senior Planner updated their report by referring to the amendment sheet with the amendment to conditions 17 &19 which were as follows:

Insertion of the word 'not' into the following sentence:

9.35 To the rear/east of the application site were a number of residential dwellings (No.44, 46 and 46a Natal Road). The proposal was far enough removed from these neighbouring dwellings so that it would not cause any undue loss of light, overshadowing or appear overbearing to these nearby properties.

Condition 17 Amended to:

No development shall take place above ground level, except for demolition, until a scheme providing details of the flood resilience measures and a flood resilience plan that can be maintained for the lifetime of the development shall be provided to and agreed in writing with the local planning authority.

Reasons: To reduce the risk of flooding to the proposed development and future occupants. Section 14 NPPF and Policy 32 of the Local Plan

Condition 19 Amended to:

Prior to the occupation of the development, hereby permitted, the first floor windows on the rear/eastern elevation shall be obscure glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent for a minimum of 1.7m from the finished floor level of the associated bedroom. The glazing shall be non-openable, except in case of emergency, below 1.7m from finished floor level and thereafter be retained in accordance with the approved details.

Reason: In the interests of residential amenity (Cambridge Local Plan 2018 policies 55, 57

The Committee:

**Resolved (by 5 votes to 1)** to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, including the amendments to conditions 17&19 as outlined in the amendment sheet.

**23/31/Plan 22/04055/HFUL-90 Roseford Road 11.30am**

The Committee received an application for full planning permission.



The application sought approval for a two Storey Side Extension.

The Committee received representation in objection to the application from a resident of Roseford Road (written statement read by Committee Manager):

The representation covered the following issues:

- i. Design and outlay were intrusive and totally unsympathetic to existing properties along Roseford Road.
- ii. Design (layout; mass; scale; size and position) would cause an undue loss of amenity value; space and boundary to 92 Roseford Road.
- iii. The planning application eliminated separation and the private amenity space significantly between the two properties.
- iv. The proposed extension was not in keeping with the property or surrounding area. Number 90 was a semi-detached property with number 88 and adjacent to number 90 was number 92, a semi-detached property with number 94. This would result in unacceptable overlook, severe overshadow (by extending so far out from the side) and would visually dominate the neighbouring property.
- v. The application would be detrimental for the occupiers of 92 Roseford Road in that it would lead to the terracing effect of a desirable semi-detached property along a road which was characterised by adequately, legally and regularly distanced spaced houses.
- vi. The proposed extension would have an adverse impact on the setting and severely disrupt the rhythm of Roseford Road and thereby seriously harm the visual character of our property and the area. It was not in keeping with the “street scene” and makes no attempt to complement or enhance the environment. It fails to maintain the prevailing character of existing high-quality semi-detached properties within the surrounding local area.
- vii. This proposed plan would significantly cut out enhanced natural light leading to and from the rear side entrance along the boundary wall which was used on a regular basis.
- viii. Disabled aunt was 83 years of age and needed to live more safely. The proposed extension would result in a severe loss of natural lighting that would have a negative impact.
- ix. No attempt had been made to set the application back at a legal and reasonable distance and maintain or respect the neighbouring property’s privacy, which would no longer be protected and would certainly undermine quality of life.

- x. It had taken six months and eight unjustifiable extension requests of the statutory timeframe (each varying in length) to allow the applicant to make adequate alterations. However, the last amended application plans/elevations set back the upper storey of the proposed side extension by an inadequate 300mm (30cm).
- xi. Strongly feel 300mm (30cm) was insulting and unreasonable. It remains unacceptable and was wholly insufficient to remove the terracing effect. It also remains unacceptable in relation to the character and appearance of the area and neighbouring amenity.
- xii. Upon investigation and scrutiny, can easily surmise that previous and similar extensions were approved simply because no objections were raised, or minimal and basic conditions were attached. Nonetheless, just because these were approved, these have no direct correlation or relevance to the case in question. Each case was individual and every property along Roseford Road was different and unique. One size did not fit all.
- xiii. Proposed developments that have been refused in the past, factors included height; bulk and its position abutting the boundary with the unattached neighbouring dwellings that unreasonably dominates and encloses the property. It would, as a consequence give rise to the potential for the creation of a terracing effect and erode the gap between the houses that was part of the overall character, which had a more open and spacious feel than many other in the wider area. Failure in responding to its context or to relate satisfactorily to its surroundings. This was the case here.
- xiv. The proposal was clearly contrary to Policy 55: Responding to context of the Cambridge Local Plan (2018) c. as it has not used appropriate local characteristics to inform the use, siting, massing, scale and form in its design. The proposal was also contrary to Policy 58: Altering and extending existing buildings (Cambridge Local Plan 2018) f. as it does not respect the space between buildings. The proposal was therefore contrary to Policy 58: Altering and extending existing buildings (Cambridge Local Plan 2018) b. and e. as it was not sympathetic to the existing building and surrounding area, and it unacceptably overlooks, overshadows and visually dominates the neighbouring property.

Mrs Patrycja Szelag (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's report, and subject to the conditions recommended by the Officer (with delegated authority to Officers to make minor amendments to the conditions as drafted).

**23/32/Plan TPO/13/2023-1 Brunswick Walk 12.00pm**

The Committee received an application for confirmation of TPO/13/2023 subject to the removal of T2 from the schedule and TPO Plan.

The Committee received a representation in objection to the application from a representative of Hayden's Arboricultural Consultants:

- i. TPO legislation removed the right of individuals to manage their own trees without consent of the local planning authority.
- ii. It was incumbent on local authorities that TPO were administered with great care, detail and responsibility.
- iii. Considered TPO/13/2023 inappropriate for the following reasons:
  - The order was factually incorrect as T2 had been removed.
  - The TPO had been incorrectly dated. It was served on the 15<sup>th</sup> and therefore invalid.
  - The TPO was not signed at the time of serving; so was not a valid legal document.
  - At no point of the process were the trees inspected by the Case Officer.
  - There was no record or detail provided of the Case Officer's assessment of the visual immunity in line with policy P2 of the Cambridge Tree Strategy to provide justification for serving the order.
  - Had undertaken a Tree Evaluation Method for Preservation Order (TEMPO) assessment which assesses the relevance and suitability of the TPO which resulted in score of eight. TEMPO guidance stated that trees with a score between seven and ten do not merit a TPO.
  - The threat to the wall from the young semi mature trees had been ignored irrespective of the information and photographs submitted.
- iv. To expect the owner to wait for damage to occur and be financially responsible for the associated costs was unfair and irresponsible.

- v. The TPO was an inappropriate overreaction to a proposed removal of several relatively small ornamental trees of limited visual immunity behind a small boundary wall in a small rear garden.
- vi. The TPO had been served in a response to a planning application which had been withdrawn but was still being processed by the Council.
- vii. Given all the above, together with the mismanagement of the process for this and the previous tree protection order, would recommend that the Committee refused to accept the Officer's recommendation.

The Committee:

**Resolved unanimously** to accept the officer recommendation and grant permission of TPO/13/2023 subject to the removal of T2 from the schedule and TPO Plan.

The meeting ended at 3.10 pm

**CHAIR**