

JOINT DEVELOPMENT CONTROL COMMITTEE

22 June 2022
10.05 am - 2.05 pm

Present: Councillors D. Baigent, Carling, Page-Croft, Porrer, Scutt, S. Smith (Chair), Bradnam (Vice-Chair), Cahn, Fane, Garvie and Hawkins

Officers Present:

Joint Director of Planning & Economic Development: Stephen Kelly

Delivery Manager (Strategic Sites): Philippa Kelly

Principal Planner: Charlotte Burton

Environmental Health Officer: Greg Kearney

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Gary Clift

FOR THE INFORMATION OF THE COUNCIL**22/17/JDCC Apologies**

Apologies were received from City Councillor Thornburrow (Councillor Baigent attended as an alternate), City Councillor Flaubert (Councillor Page-Croft attending as alternate), SCDC Councillor Stobart (SCDC Councillor Garvie attending as alternate) and SCDC Cllr Williams.

The JDCC's Standing Orders provide that the Chair and Vice-Chair shall be drawn alternately from each of the two authorities. As the Chair position was held by a South Cambs District Council last year and the Vice-Chair position held by a City Councillor, this municipal year the Chair position should be held by a City Councillor and the Vice-Chair position held by a South Cambs Councillor.

The Joint Director of Planning took the Chair whilst the Committee elected a Chair.

Councillor Scutt proposed, and Councillor Bradnam seconded, the nomination of Councillor S. Smith as Chair.

Unanimously resolved that Councillor S. Smith be Chair for the ensuing year.

Councillor Smith took over as Chair of the meeting.

Councillor S. Smith proposed, and Councillor Hawkins seconded, the nomination of Councillor Bradnam as Vice Chair.

Unanimously resolved that Councillor Bradnam be Vice Chair for the ensuing year.

22/18/JDCC Declarations of Interest

Item	Councillor	Interest
All	Baigent	Personal: Member of the Cambridge Cycling Campaign.
20/19/JDCC	Baigent	Personal: Visited exterior of Marshall's site and spoke to residents in the area. Discretion unfettered.
20/19/JDCC	Baigent	Personal: Undertook fire safety survey on Marshall's site over nine years ago before becoming a councillor.
20/19/JDCC	Cahn	Personal: Local Councillor in the area. Discretion unfettered.

22/19/JDCC 21/03224/FUL - Cambridge Airport Newmarket Road Cambridge

The Committee received an application for full planning permission.

The application sought approval for the dismantling and removal of two existing radars and construction of a new radar and other associated works.

The Strategic Sites Development Manager updated her report by referring to updated condition wording on the amendment sheet:

1. Proposed Condition 3 (Removal of AR15 Radar) (Appendix C, Page 71 of Agenda):

Minor change to include the words 'following commissioning' after 'H17 Radar' as follows:

'Condition 3 - Removal of AR15 Radar

Within three months of the first operation of the H17 Radar (following commissioning), the AR15 Radar (shown on the plans hereby approved) shall be removed from the site and the site shall be restored in accordance with the programme of work set out in Appendix A3.2 (Construction Environmental Management Plan) of the Environmental Statement: Cambridge City Airport, Radar Replacement Project, July 2021 and in accordance with drawing 20591-RPS-CBG-XX-DR-C-2003-P01 (AR15 Radar Site - Proposed Plan (Restored Site)).

Reason: In the interests of good planning and to ensure that the decommissioned AR15 Radar is removed from the site when the H17 Radar comes into first use'.

2. Proposed update to officer recommendation (Section 23.0 of officer report, Page 70 of Agenda):

Additional criteria (iii) to address the requirements of the EIA Regulations with regard to the decision making process:

'(iii) With delegated authority to officers to set out as part of the planning decision notice and in accordance with the Town and Country Planning (EIA) Regulations 2017, Regulation 29 'information to accompany decisions' a reasoned conclusion of the significant effects of the development on the environment and to carry out appropriate notification under regulation 30 accordingly'.

The Committee received a representation in objection to the application from a resident of The Westering:

- i. Various residents were concerned due to loss of sleep and anxiety due to living close to the radar.
- ii. The large rotating object caused distress. Took issue with the Officer's report which said there were no concerns.

- iii. Queried evidence for lack of objections. No high powered radar should be located so close to residents. Please move further away.

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

Councillor Howard (Abbey Ward City Councillor) addressed the Committee about the application:

- i. The radar had been erected under permitted development rights.
- ii. There should be no radar near residents, not 40m or 200m distant.
- iii. There had been a lot of noise complaints from residents as referenced in the Officer's report, which suggested it was a major issue. Mitigation measures had not been adequate to address concerns.
- iv. Requested radar be moved off site. The Agent said this was not viable, but this was due to cost not technical problems that needed to be overcome. It was technically possible.
- v. The proposed radar was the same size as one used by Heathrow, which was a bigger airport.
- vi. Residents suggest Marshall's Airport downplayed the work to be undertaken on site in communications sent to residents, this mistake needs to be rectified with a better proposal such as off-site radar.

Councillor Copley (Abbey Ward City Councillor) addressed the Committee about the application:

- i. Requested the proposal be rejected due to the impact on local residents and green space ie Coldham's Common. It also breached Local Plan Policies 55, 8, 60, 84, 34, 35 and 83.
- ii. There had been many complaints from residents about the impact of the H16 radar on their physical and mental health:
 - a. Light and shadow effect of rotating object.
 - b. Low tone of noise a particular concern.
 - c. 50m distance between radar and housing was abnormal. It would set a precedent on how close radar could be sited next to housing in future.

Councillor Bulat (Abbey Ward County Councillor) addressed the Committee about the application:

- i. Reiterated noise concerns. Also expressed concern about:
 - a. Impact on Coldham's Common.
 - b. Height of radar.
 - c. Light.

- ii. Suggested the application breached Local Plan policies 8, 55, 60, 83, 84, 34 and 35.
- iii. Accepted an operational radar was required, but not in the proposed location, please find a new one.

The Committee made the following comments in response to the report:

- i. Noted residents' noise complaints about existing H16 radar and queried if these changed after mitigation measures were implemented? Did character of complaints change - did mitigation work?
- ii. Queried why residents' perception of noise was different to that outlined in Officers 'technical' report' - Three Spires Acoustics (Councils' Acoustic Consultant)?

The Environmental Health Officer said the following in response to Members' questions:

- i. There was a measured reduction in terms of absolute decibel levels after noise mitigation measures to existing radar cabin were implemented. There was little change to the tone of the noise. There was little difference in residents' perception of noise before/after mitigation – no reported change. Noise investigation was not concluded as Marshalls agreed to discontinue long term use of radar until relocation was considered.
- ii. The Three Spires Acoustics (Councils Acoustic Consultant) technical report raised no objections to noise levels. Residents' had a perception of existing noise in the area. There was a difference between the two. Noise had been studied/measured and impact assessed according to national industry standards. The conclusion is at 200m from radar, noise considered as having a low impact, no unacceptable adverse impact.
- iii. In terms of national planning guidance, the noise effect / impact of the relocated radar at night-time falls between the Lowest Observed Effect Level (noise may be perceptible but not intrusive, not at a level that would be considered an adverse effect / impact on quality of life or cause changes in behaviour) and No Observed Effect Level (noise level below which no effects or complaints likely). Will not significantly affect the acoustic character of the area.
- iv. Noise is subjective and not an exact science, but relevant impact assessment criteria considered and looking at the absolute levels predicted at nearest facades (Barnes Close), they are considered relatively low. External to internal levels are considered comfortably below recommended internal bedroom levels at night.

- v. Existing H16 radar was used from Autumn 2020 until March / April 2021. Council noise nuisance investigation was never completed as radar ceased to operate continuously, apart for short periods for commissioning. Statutory nuisance investigation (reactive) is separate to planning regime (proactive). It was shut down due to noise complaints from residents who are within and up to 150m of the H16 Radar.

Mr Cunningham (Applicant's Agent) addressed the Committee to explain why H17 radar site was chosen:

- i. It was the recommendation of the Airport Director.
- ii. An off-site location would not satisfy legislation requirements.
- iii. The site was benchmarked against other airports.
- iv. Consultants were engaged and they recommended the proposed location due to height and environmental considerations.

The Environmental Health Officer said the following in response to Members' questions:

- vi. Radar noise levels were measured at source after mitigation measures were implemented and these are included within detailed noise modelling (along with other inputs - height, topography, buildings, ground absorption, downwind all the time), undertaken to predict noise levels at receptors, as part of noise impact assessment. Worst case conservative assessment undertaken. Noise judged acceptable in terms of national planning guidance, so advice is that no further noise mitigation measures were required.
- vii. Consultants were engaged by Marshalls to review the noise mitigation measures undertaken to the R16 radar. The consultants and City Council Officers were satisfied that all that could be done had been done. Marshalls have been asked about possible additional mitigation, but they state that without total redesign it not possible to mitigate further and there are potential warranty issues with the radar manufacturer.
- viii. No further measures could be implemented to interfere with the flat level noise (consistent / continuous tone) without further engineering mitigation measures being required. At 200m the noise levels including tone are reduced to absolute low levels considered as between Lowest Observed Effect Level (noise may be perceptible but not intrusive, not at a level that would be considered an adverse impact on quality of life) and No Observed Effect Level (noise level below which no effects or complaints likely).
- ix. Agenda P97 (EHO report P13) showed complaints logged by Marshall's but the number and area affected as logged by the City Council were

similar and consistent up to 150m. For any complaints beyond 150 the EHO does not know the nature of complaints as these are Marshalls record.

The Strategic Sites Development Manager said the following in response to Members' questions:

- i. Referred to agenda P35 options to mitigate the visual impact. These were not implemented as not considered necessary (less than significant impact).
- ii. Referred to agenda P131. The effect of shadow flicker from radar rotation was well within industry guidelines. There was no significant impact.
- iii. Figure 1 on agenda P97 (EHO report P13) showed a scatter plan of relative location and distances of complaints to H16 Radar.
- iv. The following conditions were robust, sound and reasonable:
 - a. Condition 10: H17 Radar – Permitted Operational Sound Levels.
 - b. Condition 11: H17 Radar Operational Sound Verification Assessment Report.
 - c. Condition 12: Non-Compliance with Radar Sound Verification Assessment Noise Limits.
- v. Marshalls planned to move from the site circa 2031 so planning permission was limited to a ten year period.

The Committee:

Resolved (by 10 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, and subject to the conditions recommended by the Officer including the amendment to conditions set out above.

Delegated powers to Officers to make minor amendments to conditions in the interest of good planning.

22/20/JDCC 21/04036/REM - Lots S1 And S2, North West Cambridge Development Eddington Avenue Cambridge CB3 0LH

Resolved (by 9 votes to 0) to defer the application to enable further discussions to take place with the Councils' Housing Officers regarding the application of national planning policy guidance and the Greater Cambridge Housing Strategy with regard to Build to Rent.

22/21/JDCC S/1355/17/FL - Land Immediately West Of The Electricity Pylon And Foul Pump Station Histon Road Impington, 07/0003/NMA2 - Land Between Huntingdon Road And Histon Road Cambridge Cambridgeshire CB3 0LE, S/0001/07/NMA1 - Land Immediately West Of The Electricity Pylon And Foul Pump Station Histon Road Impington

The Committee received an application for full planning permission and two applications for non-material amendments.

The full planning application sought approval for construction of a drainage pond (relocation of drainage pond permitted under reference S/0001/07/F) to support Darwin Green 1 site wide strategic drainage including revised access and landscaping details.

The non-material amendment applications sought approval for variations to surface water drainage conditions on the Darwin Green 1 outline planning consent 07/0003/OUT and the Darwin Green 1 full planning permission S/0001/07/FL to be consistent with the proposals within the full planning application.

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

The Committee made the following comments in response to the report:

- i. Expressed concern over the lack of open space in Darwin Green 1 development. Green space replaced by housing/balancing pond. Queried why the need to locate the balancing pond outside the site was not picked up when the Darwin Green 1 outline was granted.
- ii. Darwin Green 1 residents need amenity space and should not have to wait until Darwin Green 2/3 provided it.
- iii. Expressed concern about considering the proposal separate from the Darwin Green 2/3 outline proposals and potentially building more houses on the site of the approved balancing pond.
- iv. Queried public access to the pond.
- v. Queried works to hedgerows.

The Principal Planner said the following in response to Members' questions:

- i. Darwin Green 2/3 is a Local Plan site allocation. How the site of the approved balancing pond would be used is part of Darwin Green 2/3 proposals rather than this application. An outline application has been submitted for Darwin Green 2/3.

- ii. The balancing pond was appropriate for the site in the context of the Darwin Green 2/3 outline proposals and illustrative masterplan.
- iii. The Darwin Green development as a whole was expected to provide sufficient amenity space once phases 2 and 3 are complete.
- iv. Plans show there would access trails indicating public access. Would be managed by the City Council. Long-term access to the pond would be considered in Darwin Green 2/3 proposals.
- v. There were no objections from the Drainage Officer.
- vi. The proposal is not inappropriate development in the green belt.
- vii. A biodiversity net gain was expected.
- viii. Tree Officer comments in the report from November 2021 were out of date and superseded by paragraph 8.32. Condition 8 required compliance with tree works.

The Committee:

S/1355/17/FL - Land Immediately West Of The Electricity Pylon And Foul Pump Station Histon Road Impington.

Resolved (by 10 votes to 0) 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 including delegated powers to Officers to make minor amendments to conditions in the interest of good planning.

07/0003/NMA2 - Land Between Huntingdon Road and Histon Road Cambridge.

Unanimously resolved to grant the application in accordance with the Officer recommendation, for the reasons set out in the Officer's report.

S/0001/07/NMA1 – Land Immediately West of the Electricity Pylon and Foul Pump Station Histon Road Impington.

Unanimously resolved to grant the application in accordance with the Officer recommendation, for the reasons set out in the Officer's report.

The meeting ended at 2.05 pm

CHAIR