

PLANNING COMMITTEE

22 August 2012
9.30 am - 12.40 pm

Present:

Planning Committee Members: Councillors Stuart (Chair), Blencowe (Vice-Chair), Brown, Dryden, Hipkin, Marchant-Daisley, Saunders and Tunnacliffe

Councillor Marchant-Daisley left during the debate on item 12/51/PLANb

Officers:

Head of Planning Services: Patsy Dell
Principal Planning Officer: Tony Collins
Principal Planning Officer: Toby Williams
Planning Officer: Catherine Linford
Legal Advisor: Penny Jewkes
Committee Manager: James Goddard

FOR THE INFORMATION OF THE COUNCIL

12/47/PLAN Filming of Committee

The Chair gave permission for Look East to film the meeting. It was confirmed with Look East that the filming would take place from a fixed position and cease if members of the public or speakers expressed a desire not to be filmed. Members of the public were given an opportunity to state if they did not want to be filmed.

12/48/PLAN Apologies

No apologies were received.

12/49/PLAN Declarations of Interest

Name	ITEM	Interest
Councillor	12/51/PLANa,	Personal: Member of Cambridge Past,

Saunders	12/51/PLANb 12/51/PLANc	&	Present & Future
Councillor Brown	12/51/PLANc		Personal: Member of Campaign for Real Ale

12/50/PLAN Minutes

The minutes of the 25 July 2012 meeting were approved and signed as a correct record.

12/51/PLAN Planning Applications

12/51/PLANa 11/1348/FUL: 309 - 313 Mill Road

The Committee received an application for full planning permission.

The application sought approval for demolition of disused storage building, relocation of electricity sub-station and erection of building for place of worship (mosque) and community facilities (all D1 Use Class), cafe (A3 Use Class), 2 social rented dwellings and associated development

The Committee received a representation in objection to the application from Ms Hunter.

The representation covered the following issues:

- (i) Raised concerns regarding:
 - Height of proposed building as it would be imposing for neighbours.
 - Traffic flow and parking.
 - Noise from the site, particularly late at night.
 - Removal of trees on boundary would reduce the screening effect and neighbours' amenities.
- (ii) Took issue with Officer recommendation that the scale of the development was acceptable.
- (iii) Suggested the mosque would exacerbate existing parking and traffic flow issues.

- (iv) Suggested the design was acceptable in principle, but should be moved back from the boundary as this would help mitigate noise and overbearing issues.

Mr Winter (Chair of organisation submitting the mosque application), Mr Bell (Cambridge Past, Present & Future) and Councillor Meftah (Ward Councillor for Trumpington) addressed the Committee in support of the application.

Councillor Saunders proposed an amendment to the Officer's recommendation that a considerate contractor informative be added. This amendment was accepted by the Officer.

The Committee:

Resolved (unanimously) to accept the officer recommendation to approve planning permission as per the agenda and amendment sheet, with the addition of the following informative:

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

Amendments to Text:

Condition 25: Amend to read 'The mosque shall not be brought into use until the gates at each side of the front elevation have been installed. The gates shall be fitted with appropriate security mechanisms to prevent unauthorized entry to the rear of the site when the mosque is not open'. Reasons to remain as given.

Condition 29: Amend to read 'Notwithstanding the approved drawings, the mosque shall not be brought into use until full details of cycle parking arrangements have been submitted to and agreed in writing by the local planning authority. The cycle parking agreed must be implemented before occupation and maintained in that condition

thereafter'. Reasons to remain as given.

Condition 30: amend 'hotel' to 'mosque' in first line

Condition 31: amend 'hotel' to 'mosque' in first line

Add Condition 33: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety (Cambridge Local Plan (2006) policy 8/2).

Add Condition 34: Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety (Cambridge Local Plan (2006) policy 8/2).

Add Condition 35: No demolition works shall commence on site until a traffic management plan has been agreed with the Highway Authority.

Reason: In the interests of highway safety (Cambridge Local Plan (2006) policy 8/2).

Add Condition 36: No use of amplified sound outside the building shall take place on the site.

Reason: To protect the residential amenity of neighbours. (Cambridge Local Plan policies 3/4 and 4/13).

Add the following informatives:

- (i) **INFORMATIVE:** The applicant is urged to consider improving access for disabled users by using asymmetric doors where the combined width of pairs of internal doors is less than 900mm.

- (ii) **INFORMATIVE:** The applicant is urged to consider using recycled water in the fountain in the Islamic garden.
- (iii) **INFORMATIVE:** The applicant is urged to consider adding an additional brick pillar on the east side of the car park ramp to match those supporting the frontage railings.
- (iv) **INFORMATIVE:** The applicant is reminded that this development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
- (v) **INFORMATIVE:** The applicant is advised that Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- (vi) **INFORMATIVE:** The applicant is advised that Anglian Water has assets close to, or crossing this site, or there are assets subject to an adoption agreement. If the site layout cannot accommodate these within adoptable highways or public open space, the sewers will need to be diverted at the developers' cost under Section 185 of the Water Industry Act 1991. Diversion works should normally be completed before development commences.
- (vii) **INFORMATIVE:** The applicant is advised that Anglian Water recommends that petrol/oil interceptors be fitted in all car parking areas. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse, and could be an offence.
- (viii) **INFORMATIVE:** The applicant is advised that Anglian Water recommends the installation of properly-maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains and sewage flooding, and may constitute an offence under Section 111 of the Water Industry Act 1991.

- (ix) **INFORMATIVE:** The applicant is advised that an application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent is made to the public sewer.
- (x) **INFORMATIVE:** The applicant is advised that as a food business will be operated on the premises, it will need to be registered with the City Council under the Food Safety Act 1990. Contact the Food Safety Team on 10223 457890 for further information.

Reasons for Approval

1. This development has been approved subject to conditions and the prior completion of a section 106 planning obligation (/a unilateral undertaking), because subject to those requirements it is considered to conform to the Development Plan in the following specific respects:

It proposes a new community facility for which there is a demonstrated need, in a sustainable location.

It is a building of high-quality design which responds well to the local context.

The level of on-site car parking proposed is appropriate.

The development is also considered to conform with the allocation of the site in the Proposals Schedule of the Cambridge Local Plan (2006), and with the Development Plan as a whole, particularly the following policies:

East of England plan 2008: policies SS1, SS3, C1, T1, T2, T4, T9, T14, ENV6, ENV7, ENG1, WAT4, WM6 and CSR1.

Cambridgeshire and Peterborough Structure Plan 2003: policies P6/1 and P9/8.

Cambridge Local Plan (2006): policies 3/1, 3/4, 3/6, 3/7, 3/11, 3/12, 3/13, 4/4, 4/11, 4/13, 4/15, 5/12, 8/1, 8/2, 8/4, 8/6, 8/9, 8/10, 8/16 and 8/18.

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of

such significance as to justify doing other than grant planning permission.

12/51/PLANb 12/0705/FUL: 169 - 173 High Street

The Committee received an application for planning consent.

The application sought approval for residential development (erection of eleven dwellings) and a retail unit (with 2 bedroom flat above) following demolition of Numbers 169 and 171 High Street, Chesterton.

The Committee received representations in objection to the application from the following:

- Mr Bond (resident)
- Mr Rainer (resident)
- Mr Bell (Cambridge Past, Present & Future)

The representations covered the following issues:

- (i) Number 169 was a public house for a number of years up to its closure. The established use for the site was as a public house with a restaurant, not as a residential area.
- (ii) Residents were concerned that a site change of use was occurring by stealth. It was suggested the site was protected by section 70 of the National Planning Policy Framework as it was approved for use as a public house with a restaurant.
- (iii) Residents objected to the loss of a public house that they felt could be a successful business and community asset if run properly.
- (iv) Other pubs had been recently lost in the area.
- (v) Suggested appropriate marketing of the site was required before it could be redeveloped.
- (vi) Suggested that revenue was not the only way to measure the use of a pub.
- (vii) Took issue with the application design.
- (viii) Referred to the Planning Inspector's decision regarding an application for change of use of for The Plough in Shepreth.
- (ix) Referred to minutes of Planning Committee when the application was last considered and suggested the reasons for refusal were still valid.
- (x) Suggested the application should be refused due to planning policies 3/10, 3/10b, 3/10c, 4/12 and 5/10.

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

The Committee:

Resolved (by 4 votes to 3) to reject the officer recommendation to approve the application.

Resolved (by 5 votes to 1) to refuse the application contrary to the officer recommendations for the following reasons:

1. The proposal would lead to the loss of a mixed-use restaurant/public house within a prominent location in Chesterton High Street local centre. In the absence of any compelling argument that the premises could no longer cater for peoples day to day needs as a community facility for the foreseeable future, the application is contrary to paragraph 70 of the National Planning Policy Framework (2012).
2. The proposed development does not make appropriate provision for public open space, community development facilities, pre school and life-long learning facilities, in accordance with Cambridge Local Plan 2006 policies 3/7, 3/8, 3/12, 5/5, 5/14, 8/3 and 10/1 Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010 and the Open Space Standards Guidance for Interpretation and Implementation 2010

12/51/PLANc 12/0724/FUL: The Rosemary Branch, 503 Coldhams Lane

The Committee received an application for full planning permission.

The application sought approval for residential redevelopment of eight houses and two flats following demolition of existing Public House.

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

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

The representation covered the following issues:

- (i) Cambridge Past, Present & Future object to the proposed change of use from a public house to houses and flats.
- (ii) Referred to planning decisions regarding The Carpenter's Arms and The Unicorn.
- (iii) Suggested The Rosemary Branch Public House could be viable if managed properly. This was the only public house in the area, an important community asset would be lost if the pub were redeveloped.
- (iv) Suggested there was little evidence of effective marketing of the site, contrary to National Planning Policy Guidance paragraph 70.

Councillor Hipkin proposed an amendment to the Officer's recommendation that reason 1 should be removed.

This amendment was **lost by 5 votes to 2**.

The Committee:

Resolved (by 7 votes to 0 - unanimously) to accept the officer recommendation to refuse planning permission as per the agenda.

Reasons for Refusal

1. Paragraph 70 of the National Planning Policy Framework states that Local Planning Authorities must 'guard against' the unnecessary loss of valued facilities and services. The site has not been adequately marketed and therefore there is no clearly substantiated evidence to demonstrate that there is no longer a need for the public house. The proposal is therefore contrary to the guidance provided by paragraph 70 of the National Planning Policy Framework (2012).
2. The site layout fails to make provision for vehicles to turn within the site to enable access/egress to the site in a forward gear. In so doing, the use of the site would be likely to generate conditions that would be detrimental to highway safety and residential amenity contrary to policies 3/7 and 8/2 of the Cambridge Local Plan (2006).
3. The proposed design by virtue of the use of the gull wing roof design, the inconsistent eaves line, the poor visual relationship between the terraced houses and the corner block and the variation in heights of the units would appear as a discordant and alien feature in the streetscene. In so doing, the development fails to identify and respond positively to the local character of the surrounding area and does not have a positive impact

on its setting, and is therefore in conflict with policies 3/4 and 3/12 of the Cambridge Local Plan (2006).

4. Because of the layout of the site and the provision of a large courtyard car park to the rear, the proposed development has not been designed to provide an attractive or high quality living environment, which is enjoyable to use. The car parking area would be a large, uninviting and anonymous space, which would be poorly lit, and surrounded by buildings which have not been designed to overlook it to provide natural surveillance.

The proposal does not provide usable or attractive open space, or a high quality living environment and is therefore in conflict with policy 3/7 of the Cambridge Local Plan (2006).

5. The proposed development by virtue of the scale of the buildings and the proximity to the boundary would be likely to lead to the overshadowing, enclosure and dominance of houses on Hatherdene Close. For this reason the proposal are unacceptable and in conflict with Cambridge Local Plan 2006, policy 3/7.
6. Due to the positioning of the access road, adjacent to the boundary with 1 Rosemary Lane, the occupiers of this property would suffer from an unreasonable level of noise and disturbance associated with comings and goings to and from the development. For this reason the proposal are unacceptable and in conflict with Cambridge Local Plan 2006, policy 3/7.
7. The proposal fails to make provision for the use of renewable energy sources to meet at least 10% of the energy requirements of the development and is therefore in conflict with policy 8/16 of the Cambridge Local Plan (2006).
8. The proposed development does not make appropriate provision for public open space, community development facilities, life-long learning facilities, public art, waste storage, waste management facilities and monitoring in accordance with Cambridge Local Plan 2006 policies 3/7, 3/12, 5/14, and 10/1, Cambridgeshire and Peterborough Structure Plan 2003 policies P6/1 and P9/8 and as detailed in the Planning Obligation Strategy 2010, the Public Art Supplementary Planning Document 2010, the RECAP Waste Management Design Guide SPD 2012, and the Open Space Standards Guidance for Interpretation and Implementation 2010.

The meeting ended at 12.40 pm

CHAIR