

# Public Document Pack

Planning

Plan/1

Wednesday, 3 December 2014

## PLANNING

3 December 2014  
10.00 am - 3.00 pm

### Present:

**Planning Committee Members:** Councillors Dryden (Chair), Blencowe (Vice-Chair), Hipkin, Gawthrope, Hart, Pippas, C. Smart and Tunnacliffe

### Officers:

City Development Manager: Sarah Dyer  
Urban Design & Conservation Manager: Glen Richardson  
New Neighbourhoods Development Manager: Sharon Brown  
Principal Planner (City): Tony Collins  
Principal Planning Officer: Lisa Lamb  
Principal Planner (City): Toby Williams  
Principal Planner (New Neighbourhoods): Mark Parsons  
Senior Planning Enforcement Officer: Alison Twyford  
Planning Officer: Michael Hammond  
Planning Officer: Sav Patel  
Planning Enforcement Officer: Debs Jeakins.  
Legal Advisor: Victoria Watts  
Committee Manager: Claire Tunnicliffe

## FOR THE INFORMATION OF THE COUNCIL

### 14/85/PLAN Apologies

No apologies were received.

### 14/86/PLAN Declarations of Interest

Name	Item	Interest
Councillor Dryden	14/1411/REM	Personal: Board of Governors for Addenbrookes Hospital. Did not take part in the discussion and vote.
Councillor Pippas	14/1411/REM	Personal: Ward Councillor.

### 14/87/PLAN Minutes

The minutes of the meeting held on 5 November 2014 were approved as a correct record and signed by the Chair.

### **Re-ordering of the Agenda.**

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the agenda.

### **14/88/PLAN 14/1411/REM: Land To The West And South West Of Addenbrookes Campus**

The Committee received a reserved matters application.

The proposal sought outline approval 06/0796/OUT for the new Papworth Hospital and associated amenity space, planting, vehicle drop off area, cycle parking, energy centre/plant room and servicing area.

The Principal Planner (New Neighbourhoods) advised the Committee of the updated condition 13 which superseded the condition on the amendment sheet and gave a the following verbal update.

*There shall be no occupation of the development hereby approved until additional parking provision, for parking spaces displaced within Multi-Storey Car Park 2 are provided in accordance with the Cambridge Biomedical Campus, Updated Parking Strategy 2014 (or any document superseding this strategy) unless otherwise agreed in writing with the Local Planning Authority.*

*REASON: To ensure that there is adequate parking spaces for the development and for other buildings and uses on the Cambridge Biomedical Campus (Cambridge Local Plan Policy 8/10)*

The Committee received a representation in objection to the application from Paul Cutmore.

The representation covered the following issues:

- i. Did not object to the principle of the development but to the car parking strategy.
- ii. The original car parking strategy was acceptable but was not being implemented in an adequate way.
- iii. Objected to the application on the grounds that it envisages using car parking capacity in MSCP1 even though the parking capacity in the

- Forum was not yet built. Contravenes the parking strategy laid out in the planning application for MSCP1 (11/0780/REM).
- iv. The original car parking strategy was developed in 2011 which was the basis for the first multi storey car park, opening in 2014.
  - v. This strategy covered the period of 2011 to 2021, making the provision of three multi-storey car parks, including 600 car parking spaces for Papworth Hospital in 2014 when it was envisaged that development would begin.
  - vi. The scheme recognised the need to eliminate over time any hospital related on-street parking in adjacent residential areas and any use of Babrahams Park and Ride site for Hospital staff parking. The inclusion of this elimination seemed at the time to be sufficient.
  - vii. Travel plans have been delayed which included a delay of the second multi storey car park.
  - viii. The car parking strategy had been revised last year and did not include the requirement for the elimination of on street parking.
  - ix. Believed that on-street parking has increased over the years as it was cheaper than parking on site.
  - x. Reported that a staff member at Addenbrookes Hospital advised this was the only hospital they had worked at who charged their staff to park.
  - xi. Parking charges affect where people will park but the issue of car parking charges undermined the parking strategy.
  - xii. The additional 600 parking spaces should be free of charge.
  - xiii. Permission to build the New Papworth Hospital should be dependent on the parking strategy being implemented in the first instance and should reinstate the elimination of on- street parking.

Ken Brewer (Agent) addressed the Committee in support of the application.

The Committee:

**Resolved (6 Votes to 0, with 1 abstention)** to grant the application for full planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer and the amended recommendation.

Pre-Committee Amendments to Recommendation:

Additional Condition – Condition 13 (Approved drawing number condition moved to condition 14)

There shall be no occupation of the development hereby approved until additional parking provision, for the parking spaces displaced within Multi-Storey Car Park 2 to provide parking from this development, are available for use in accordance with the Cambridge Biomedical Campus, Updated Parking Strategy 2014 (or in accordance with any updated document superseding this strategy) unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that there is adequate parking spaces for the development and for other buildings and uses on the Cambridge Biomedical Campus. (Cambridge Local Plan Policy 8/10)

**14/89/PLAN      14/1154/FUL: Wests Garage Ltd, 217 Newmarket Road**

The Chair informed the Committee that the applicant had requested that the application be withdrawn from the agenda.

The City Development Manager informed the Committee that the application would be brought back to the future meeting for consideration.

The Committee:

**Resolved unanimously** to remove the application from the agenda.

**14/90/PLAN      14/1211/FUL: University Health Centre, Gresham Road**

The Committee received an application for full planning permission.

The proposal sought approval for the demolition of the vacant physical education building and replacement with new 85 room Graduate accommodation and associated landscaping. Proposed extension to the indoor cricket school, new footpath and gate entrance.

The Committee received a representation in objection to the application from Allyson McCord.

The representation covered the following issues:

- i. Expressed concern that the noise report and day time survey submitted by Cole Jarman's (Consultants in Acoustics) had excluded the planned pathway.
- ii. Stated that the plan submitted by Cole Jarman's did not show the planned pathway.

- iii. Questioned how the Committee were able to consider the application when a significant part of the planning application concerning the permanent construction of the pathway had been ignored in the reports submitted.
  - i. Specified that the proposed pathway would run close to the garden boundaries of the properties along Covent Garden which border a small corner of the cricket ground. This would have an adverse impact on the residential amenity in terms of privacy, security, noise and light pollution.
  - ii. Stated that the peace along this boundary would be interrupted daily throughout the year as students left their accommodation block. The accommodation block would be occupied all year so the path and gate would be in constant use
- iii. Believed that Paragraph 123 of National Planning Policy Framework (NPPF) referenced in Cole Jarman's report which stated the following had not been taken into consideration:

*'Planning policies and decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.*
- iv. Areas of tranquillity should remain relatively undisturbed by noise and are prized for their recreation and amenity value.
- v. The day time survey did not assess the potential impact on where bats (a protected species) were likely to be roosting.
- vi. Many houses in Covent Garden were built before the cricket ground existed and some before the college was built.
- vii. Stated that the impact of the pathway was a serious oversight and before a decision could be taken the reports should be sent back to Cole Jarman with a request that the pathway be taken into consideration.

Anthony Freeling (on behalf of Applicant) addressed the Committee in support of the application.

#### The Committee:

Councillor Smart proposed an additional condition to include screening panels to be installed on the northern side of the first and second floor kitchen windows.

**Resolved unanimously** to condition 24 to read that no development shall commence until details of the type of screening panels to be installed on the northern side of the first and second floor kitchen windows on the north-western elevation facing Fenners Lawn have been submitted to and approved

in writing by the Local Planning Authority. The details shall include scaled elevation and layout plan, as well as the design and RAL colour of the panels, and how they are to be fixed to the building. The approved screens shall be installed prior to first occupation of the building and thereafter retained in situ.

Reason: To protect the residential amenity of the adjoining residents (Cambridge Local Plan 2006 policy 3/7).

Councillor Blencowe proposed an amendment to the Officer's recommendation that condition 19 be brought to Chair and Spokes for approval.

This amendment was **carried nem con**.

**Resolved unanimously** to grant the application for full planning permission in accordance with the Officer recommendation, subject to the completion of a S106 agreement, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer, including the following amended and new condition:

Condition 18 (Waste Strategy)

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity (in accordance with policy 4/13 of the Cambridge Local Plan (2006)).

Condition 19 (Management Plan)

Add the following trigger to implement the condition:

The approved management plan shall come into effective prior to first occupation or use, whichever is sooner, of the development.

Condition 24

No development shall commence until details of the type of screening panels to be installed on the northern side of the first and second floor kitchen windows on the north-western elevation facing Fenner's Lawn have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled elevation and layout plan, as well as the design and RAL colour of the panels, and how they are to be fixed to the building. The approved screens shall be installed prior to first occupation of the building and thereafter retained in situ.

Reason: To protect the residential amenity of the adjoining residents (Cambridge Local Plan 2006 policy 3/7).

**14/91/PLAN      14/1467/S73: 169 -173 High Street**

The Committee received an application to vary condition.

The proposal sought approval to vary condition 2 of application 12/0086/FUL (Erection of 11 dwellings and a retail unit with flat above) to enable amendments to doors, windows, roof lights and cladding. Dimensional changes due to construction detailing and product purchase decisions.

A schedule of variations was shown on each of the drawings to which they related and referenced in the Officer's report.

The Committee:

**Resolved unanimously** to grant the approval to vary condition 2 of application 12/0086/FUL for full planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer.

**14/92/PLAN      14/0625/FUL: Guthrie Court, Paradise Street**

The Committee received an application for full planning permission.

The proposal sought approval to erect two new 2-bedroom dwellings on the flat roof of Guthrie Court. This had been designed as a recessed single storey building with a pyramidal roof for the two new dwellings, designed in light grey fibre cement cladding. The existing building had bin and cycle storage provision.

The Committee received a representation in objection to the application from Vittal Aithal.

The representation covered the following issues:

- i. The development would bring an additional strain on facilities.
- ii. Capacity of the bin room and cycle room should be increased.
- iii. The applicant proposed a substantial change to the solar heat system without any detail.

- iv. Expressed concern that the alterations to solar panels could have a substantial effect on the energy collected.
- v. The terrace of the proposed developed would look into the bedroom of the property opposite which would have an adverse impact on privacy.
- vi. The development would create an increase in noise.

Lorne Williams (Applicant) addressed the Committee in support of the application

Councillor Smart proposed an amendment to the Officer's recommendation that a car club informative should be included and the location of the nearest space.

This amendment was **carried nem con.**

The Committee:

**Resolved (7 votes to 0) with 1 abstention** to grant the application for full planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer and subject to the completion of the s106 Agreement by 24 March 2015, including the new informative.

Informative:

The applicant is encouraged to ensure all future tenants/occupiers of the flats are aware of the existing local car club service and location of the nearest space.

**14/93/PLAN      14/1362/FUL: 34 Victoria Road**

The Committee received an application for retrospective change of use.

The application sought approval for retrospective planning permission for the change of use of a 6 bed dwelling house to a 9 bed House in Multiple Occupation (HMO). No external alterations were proposed.

The Committee:

Councillor Tunnacliffe proposed that an additional condition be added to include screening of the bins.

**Resolved (by 7 votes to 0, with 1 Abstention)** that condition 5 reads that within 3 months from the date of this permission, details for the bin storage enclosure shall be submitted to and approved in writing by the Local Planning Authority. The detail shall include elevation and layout plans and also materials to be used. The enclosure for the bins shall be carried out in accordance with the approved plans and be implemented within 2 month from the date of the formal discharge of this condition.

Reason: To protect the amenity of neighbouring residents and context of the area. (Cambridge Local Plan 2006 policies 3/4 and 3/7)

**Resolved (by 7 votes to 0, with 1 Abstention)** to grant the application for retrospective planning permission for a change of use in accordance with the Officer recommendation, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer, including the additional condition

**14/94/PLAN      14/1278/FUL: 160 Mill Road**

The Committee received an application for retrospective change of use permission.

The proposal sought approval for retrospective change of use from a wig shop (A1 use) to ice cream and dessert parlour (class A3) only.

The Committee:

**Resolved unanimously to** grant the application for retrospective change of use in accordance with the Officer recommendation, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer.

**14/95/PLAN      14/1500/FUL: 20 - 21 Orwell House, Orwell Furlong**

The Committee received an application for a change of use permission.

The application sought approval for planning permission for a change of use from Class B1(a) (office) to Class D1 (educational business) in the alternative. This means that the unit could move between these two uses without the need for planning permission for a period of ten years from the date of the permission. The use at the end of the ten-year period would then become the sole lawful use.

The Committee:

**Resolved unanimously to** grant the application for a change of use in accordance with the Officer recommendation, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer.

**14/96/PLAN      14/1492/FUL: 61 Green End Road**

The Chair informed the Committee that the applicant had withdrawn the application from the planning process, therefore the application would not be considered.

**14/97/PLAN      14/0810/FUL: 253 Chesterton Road**

The Committee received an application for a change of use permission.

The application sought approval for a change of use from class A1 retail unit to class D1 specialist dental practice.

The Committee:

**Resolved unanimously to** grant the application for a change of use in accordance with the Officer recommendation, for the reasons set out in the Officer report, subject to the completion of the s106 Agreement and conditions recommended by the Officer.

**14/98/PLAN      14/0754/FUL: 12A Drayton Close**

The Committee received an application for retrospective planning permission.

The proposal sought approval for retrospective planning alterations to provide dependant relative's annex single storey side and rear extensions.

Councillor Ashton addressed the Committee about the application.

The representation covered the following issues:

- i. Stated that the Committee should go against Officer recommendation of approval and refuse the application.

- ii. Acknowledged that mistakes were made in planning but questioned if this was a simple mistake or did the application require further investigation.
- iii. The report highlighted that ‘the surrounding area benefits from extensions, which are mainly single storey but there are two storey extensions and some of the ground floor additions are of a substantial size’. However this was small in size with only six out of the twenty houses extended.
- iv. The combined extensions of the property covered over fifty percent of the garden which had taken away the majority of land.
- v. Described the extensions as too large for a small area which had slowly increased with time.
- vi. The first extension had not been built in accordance with the plans and the second extension did not meet the specification of the windows.
- vii. Advised that concern had been raised by Councillors and members of the public regarding the size of the property during the build process and questioned who was living in the property.
- viii. Officers asked to investigate found that elderly relatives were not living at the property but the extension was being rented to contractors who were working in the area.
- ix. Emphasised paragraph 2.2 & 2.3 of the Officer’s report which showed a large amount of work that had been undertaken against the approved scheme.
- x. The extensions were far bigger than what is allowed under permitted development.
- xi. Questioned the purpose of building constraints when these had not been adhered to with any of the extensions.
- xii. Informed the Committee that the property was currently for sale and had been marketed as an “investors dream extended by the current owner for letting”. This was not what had been stated on the application but to be built for elderly relatives.
- xiii. The property has not been built for what it was intended for.
- xiv. Concluded that if permission was given this could open the flood gates for further abuse of the system.

#### The Committee:

**Resolved (4 votes to 1 vote, with 3 abstention)** to grant the application for full planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer.

Pre-Committee Amendments to Recommendation:

The decision wording should read:

“APPROVE subject to the following conditions and completion of a legal agreement to prohibit the use of the extension as a separate dwelling”

**14/99/PLAN      14/1353/FUL: 37A Castle Street**

The Committee received an application for full planning permission.

The proposal sought approval for full planning permission for the change of use from domestic premises to childcare on domestic premises (C3/D1).

Rachel Leigh (Applicant) addressed the Committee in support of the application.

The Committee:

Councillor Blencowe proposed an additional condition that childcare activities on the site should be carried out only in conjunction with the occupier(s) of the associated residential unit at 37a Castle Street.

**Resolved unanimously** to condition 7 to read that Childcare activities on the site shall be carried out only in conjunction with the occupier(s) of the associated residential unit at 37a Castle Street. The floors of no. 37A must remain physically and functionally linked and operate as one planning unit. The childcare space shall not be used by, or let to, an external 3<sup>rd</sup> party operator and neither shall the residential space be separated off from the floors to be used for childcare or be made capable of independent accommodation in the form of a flat or maisonette.

Reason: To ensure that any residential occupier maintains an interest and a responsibility in the childcare business to minimise the impact on residential amenity (Cambridge Local Plan policies 3/4 and 4/13)”

**Resolved unanimously** to grant the application for full planning permission for the change of use in accordance with the Officer recommendation, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer and the additional condition.

**14/100/PLAN      Planning Enforcement Report: 43 Aberdeen Avenue**

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

The report sought enforcement action be authorised in respect of the breach of planning control.

Site: 43 Aberdeen Avenue,

Breach: During the initial site inspection it was noted that the heat source pump was larger than shown on the approved plans and located in a different position than shown on the approved plans. The solar panels were spaced out differently than shown on the approved plans and now covered a wider area of the roof space.

#### The Committee:

**Resolved unanimously** to approve option 1 of the Officer recommendation, for the reasons set out in the Officer report, subject to the conditions recommended by the Officer.

#### Option 1

- 5.1 (i) To authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) in respect of a breach of planning control, namely the unauthorised operational development consisting of the erection of a heat source pump and solar panels at 43 Aberdeen Avenue specifying the steps to comply and the period for compliance set out in paragraphs 5.2 and 5.3, for the reasons contained in paragraph 5.4.
- (ii) to authorise the Head of Planning Services (after consultation with the Head of Legal Services) to draft and issue the enforcement notice.
- (iii) to 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 non-compliance with the enforcement notice.

#### 5.2 Steps to Comply

Remove the heat source pump and solar panels from the property.

### 5.3 Period for Compliance:

6 months from the date the notice comes into effect.

### 5.4 Statement of Reasons:

It appears to the Council that the breach of planning control has occurred within the last four years. The applicant has undertaken development without the benefit of planning permission.

The informal opinion from planning officers is that if an application for the operational development was submitted it would not be supported because the heat source pump by virtue of its orientation is considered to have negative affect on the visual amenity of neighbouring properties and creates an unacceptable intrusion on the rooftops of the terrace. It is also considered to have an unacceptable effect on the character of the Conservation Area due to its prominent position on the roof top. The development would therefore be contrary to policies 3/4, 4/11 of the Cambridge Local Plan 2006 and to guidance provided by the NPPF 2012.

Mindful of the NPPF, Development Plan policy and other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the breach of planning control.

Consideration has been given to the Human Rights of the current tenants of the building, officers have noted Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). The Council has also had regard to its public sector equality duty (PSED) under S.149 of the Equalities Act.

Officers consider that the service of an enforcement notice with a reasonable period for compliance would be lawful, fair, proportionate, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development.

## **14/101/PLAN Planning Enforcement Update**

The Committee received a report from the Head of Planning Services.

The report provided an update on the work of the Planning Enforcement team and included information on the status of planning enforcement cases where enforcement action had been approved and / or actioned.

The report asked the Committee to note the contents of the report and sought approval for the Committee to instruct officers not to pursue compliance with the extant enforcement notice relating to the change of use of 102 Mill Road (as detailed in paragraph 4.4 of Officer's report) for a period of two years.

Mr Ali and Mr Huslakin addressed the Committee opposing the request for enforcement due to alleged breaches of condition for 107 Darwin Drive.

Mr Kerr addressed the Committee to support enforcement due to alleged breaches of condition for 107 Darwin Drive.

The Chair thanked both parties for their comments and advised that the recommendations did not include enforcement for 107 Darwin Drive but the address had been referenced in the report as part of the update of the planning enforcement cases.

The Committee:

**Resolved 7 votes to 0, with 1 abstention** to note the contents of the report and to instruct officers not to pursue compliance with the extant enforcement notice relating to the change of use of 102 Mill Road (as detailed in paragraph 4.4 of the Officer's report) for a period of two years.

### **14/102/PLAN Planning Enforcement Policy**

The Committee received a report from the Principal Planning Officer.

The report made reference to legislative changes, particularly the regulators code which came into force in April 2014, which had made it necessary to review and update the Council's Planning Enforcement Policy.

The report made recommendations to adopt the proposed Planning Enforcement Policy which was attached as Appendix A to the Officer's report.

The report also sought approval for authority to be delegated to the Head of Planning Services to amend the 'Further Information' section of the Policy to

update the links to the information. No changes would be made to the body of the Policy without further reference back to the Committee.

The Committee:

**Resolved unanimously** to adopt the proposed Planning Enforcement Policy attached as Appendix A to the Officer's report and approved the delegation to the Head of Planning Services to amend the 'Further Information' section of the Policy to update the links to the information.

### **14/103/PLAN Additional Planning Meeting for 2014/15: 29 April 2015**

The Committee were informed that due to the May 2015 elections, the first meeting scheduled for 13 May 2015 was to be cancelled with an additional meeting scheduled at the end of the municipal year 2014/15, taking place on 29 April 2015.

The meeting ended at 3.00 pm

**CHAIR**