

PLANNING COMMITTEE MEETING – 4TH MARCH 2015

Amendment/De-brief Sheet

MAJOR APPLICATIONS

OFFICER NOTE

In the light of a decision involving Oxfordshire County Council at the High Court the Council is no longer able to seek contributions towards the costs of monitoring planning obligations.

I have set out a summary of the decision below.

The effect of this judgement is that we need to remove the clauses relating to monitoring costs from draft s106 Agreements and should be referring to them in relation to reasons for refusal on grounds related to the Planning Obligations Strategy.

The following items on this agenda are affected by this change:

Agenda Item 5 Paragraphs 8.154 and 8.155 deleted and reference to monitoring costs removed from recommended reason for refusal 5.
Agenda Item 7 Paragraphs 8.50 and 8.51 deleted.
Agenda Item 10 Paragraphs 8.68 and 8.69 deleted

Where necessary amendments have been made to recommendations as set out on this Amendment Sheet.

Summary of High Court Decision

In Oxfordshire County Council v Secretary of State for Communities and Local Government and others [2015] EWHC 186 (Admin) the High Court has considered whether monitoring costs included as a planning obligation in a section 106 agreement were "necessary to make the development acceptable.

The High Court has held that the administrative and monitoring costs incurred by a local planning authority (LPA) in ensuring that planning obligations were observed were not capable of being a planning obligation in their own right.

It is part of the normal, everyday functions of an LPA to administer, monitor and enforce planning obligations in section 106 agreements. The payment of a monitoring and administration fee listed as a planning obligation in a section 106 agreement could not be recovered. The planning obligation failed the test in regulation 122 of the Community Infrastructure Levy Regulations 2010 (SI 2010/948) as it was not "necessary to make the development acceptable in planning terms". (Oxfordshire County Council v Secretary of State for Communities and Local Government and others [2015] EWHC 186 (Admin).)

CIRCULATION: First

ITEM: 5 APPLICATION REF: **14/1496/FUL**

Location: Land At 315 - 349 Mill Road

Target Date: 12.01.2015

To Note:

-The Council's Environmental Health Officer, Sustainability Officer and Sustainable Drainage Engineer have responded to the application. No further comments are given regarding the amendments.

-The Council's Access Officer has responded to the amendments with regard to the increase in disabled car parking spaces. He has stated:

'... The applicants have suggested proposing 5 Blue Badge parking spaces on site, 2 to be marked and space for 3 more. Though these 5 spaces do not meet the requirement of one parking space for every room for disabled student, I believe given everything 5 spaces is acceptable. However, I feel 5 spaces should be marked and only 2 used initially. If space is set aside for Blue Badge parking but never marked during the lifetime of the usage people may forget that space has been set aside for blue badge parking.'

If I was minded to recommend approval, this element of the scheme could be conditioned.

-I have received 16 response cards addressed to me from residents in support of the proposal. All of the cards state 'I support the proposals by McLaren Property to redevelop 315-349 Mill Road, to provide new purpose-built student accommodation (application reference 14/1496/FUL)'. The cards are from the following addresses:

- 9 Cyprus Road
- 46 Fulbourn Road
- 45 Glebe Road
- 25 High Street, Bluntisham
- Hunts Mill, Fulbourn
- 11a Marmora Road
- 12 Marmora Road
- 18 Marmora Road
- 10 Mill Road
- 297 Mill Road
- 300-302 Mill Road
- 301 Mill Road
- 305 Mill Road

- Rideaway Drive, Hemingford Abbots
- 32 Suez Road

High Court decision ref. monitoring costs: Delete paragraphs 8.154 and 8.155.
Reason for refusal 5 on page 113 of the report includes reference to monitoring contributions which needs to be removed as part of the formal recommendation (see below)

Amendments To Text:

Pre-Committee Amendments to Recommendation:

Amended reason for refusal 5 to read:

‘The proposed development does not make appropriate provision for: indoor sports or formal outdoor open space provision to mitigate the need arising from the site; transport mitigation (ECATP); and monitoring contributions in accordance with Cambridge Local Plan 2006 policies 3/8, 8/3 and 10/1, the Planning Obligation Strategy (2010), the Open Space Standards Guidance for Interpretation and Implementation 2010 and the Eastern Corridor Area Transport Plan 2002.’

DECISION:

CIRCULATION: First

ITEM: 6 APPLICATION REF: **14/1697/FUL**

Location: Anglia Ruskin University, East Road

Target Date: 06.02.2015

To Note:

7.0 – Representations:

Additional comments have been received from:

- 49 Norfolk Terrace
- 51 Norfolk Terrace
- 59 Norfolk Terrace
- 63 Norfolk Terrace
- 28 Broad Street

The representations can be summarised as follows:

- The proposal is still too big and bulky in relation to Norfolk Terrace;
- Disruption and reduced access to our residential area (Broad Street);

- Noise pollution during construction;
- Reduction in light to our property and reduction in value to our properties;
- Increase in mice and other vermin;
- Plumbing problems and increase in dust and dirt;
- Over-looking;
- Lack of aesthetics/out of character with the Victorian homes.

-The applicants have prepared an additional section to illustrate the relationship between the proposals and those properties on Norfolk Terrace (attached), to demonstrate that the scale and massing of the proposed development is appropriate and will not result in adverse impacts to local residents.

Case Officer response:

The proposal, in terms of the scale and design, remains unchanged and therefore my assessment of context and design remain as explained within paragraphs 8.6 – 8.9 of my report.

Paragraph 8.25 in my report assesses the impact of additional noise and disturbance from construction traffic. I understand that there is concern about reduced access and general disruption. Recommended condition 17 seeks to deal with this and ensure that any disruption is kept to a minimum.

Further to condition 17, I would also recommend a further informative to refer to the Considerate Contractor Scheme:

Informative 23:

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).

In terms of the impact on light to residential properties, I have covered this issue in paragraph 8.24 of my report. Impact on property value is not a material planning consideration.

In terms of the potential increase in mice and vermin, this cannot be controlled under planning law.

In terms of plumbing problems and dust and dirt; plumbing is not a material planning consideration. However, dust is a material planning consideration in terms of environmental control. In order to control dust, I have recommended condition 10 which requires a programme of measures to minimise the spread of airborne dust from the site during demolition and construction.

In terms of over-looking, it is accepted that there will be more windows facing residential properties including, and beyond, Broad Street towards Norfolk Terrace. These windows mainly serve office rooms where they would be occupied by small groups of people (2-4 people). They are also the least noisy areas, as the laboratory, lecture theatre and circulation areas are orientated inwards towards the campus and integrated within the building. Some windows along the north elevation are high level and well above head height and some do not serve a particular room and are there to allow light into the building only. As already described, the proposed building has a stepped roof approach which means that the windows, above the 2.5 storey level, are also stepped back. This brings the line of view further away from neighbouring properties, and at a level which I consider is acceptable from a neighbour amenity point of view. I do not consider that the bulk or massing of the building would unduly enclose the neighbours at Norfolk Terrace. I accept that those at Norfolk Terrace are at a lower ground level than the buildings on ARU. However, because of the way in which the proposed building is broken up at each storey level, I consider that the impact is not significant. Furthermore, the scale of the building concurs with the agreed Masterplan, and would be no higher than other academic buildings on the campus.

In terms of character, I have assessed this under paragraphs 8.6 – 8.9 and 8.12 – 8.14 of my report.

In response to the comments made by neighbours about loss of light, the agent has submitted a further shadow diagram showing the impact at the June 21st Equinox at 4pm, 5pm, 5.30pm, 6pm, 6.30pm and 7pm. I attach a copy for information purposes. The shadow study demonstrates that during the peak of the equinox period, the impact on neighbouring properties is minimal and not significant to warrant refusal, in my view.

Paragraph 8.15: Public Art. To clarify, the Public Art Strategy, as submitted, indicated that public art works would not amount to the required 1% of capital construction costs. However, in order to comply with the Public Art Strategy the applicants have agreed in writing a willingness to comply with the 1% requirement.

Amendments To Text:

Paragraph 8.6: The proposal would result in the demolition of the Bryant building which is a **single storey building** and the Mellish Clark building which is a **3 storey building**.

Paragraph 8.6: **113%** increase in floor space, not 13%.

Paragraph 8.22: In terms of outlook, the occupiers of the Broad Street dwellings would see a noticeable change in the Broad Street frontage from a **single storey building** to a 2.5 storey building.

Informative 21 – To satisfy condition **11** (plant noise insulation).

Pre-Committee Amendments to Recommendation:

Condition 4: Prior to the commencement of development (**or within a timescale that shall be submitted to and agreed in writing by the Local Planning Authority**), with the exception of any works of demolition or below ground works, a Public Art Delivery Plan and Public Art Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority.

Condition 10: Prior to the commencement of development, a programme of measures to minimise the spread of airborne dust from the site during the demolition/construction period shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Add informative 23 relating to Considerate Contractors Scheme.

DECISION:

CIRCULATION: First

ITEM: 7 APPLICATION REF: **14/1740/FUL**

Location: Doubletree By Hilton, Granta Place

Target Date: 27.02.2015

To Note:

For the purposes of clarification of paragraph 8.8, the proposed materials are the same as those proposed in the previous 2013 application.

Reference to concrete sandwich panel needs to be removed.

Amendments To Text:

Para8.8 'the main difference from the previous scheme is the proposed use of zinc panel cladding with gault facing brick on the second and third floor. The proposed materials would be used to over clad the existing terracotta tiled bays and recessed balconies. Other than this, the proposed scheme is the same in terms of scale and room numbers as the previous scheme.'

Paragraph 8.8 should read:

'the main difference from the previous scheme is the proposed use of zinc panel cladding with gault facing brick on the second and third floor. The proposed materials would be used to over clad the existing terracotta tiled bays and recessed balconies. The proposed scheme is the same in terms of scale and room numbers as the previous scheme.'

Paragraph 8.9 – delete reference to ‘polished concrete sandwich panels’.

High Court decision ref. monitoring costs: Delete paragraphs 8.50 and 8.51.

Pre-Committee Amendments to Recommendation:

Condition 3 has been repeated twice (Condition 3 and 4). Therefore condition 4 needs to be deleted.

Conditions 15 (Archaeology) and 16 (Contamination) need to be removed as the proposal does not require ground works and therefore are not necessary.

DECISION:

CIRCULATION: First

ITEM: 8 APPLICATION REF: **14/2090/S73**

Location: The Edinburgh Building, Shaftesbury Road

Target Date: 25.03.2015

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: 9 APPLICATION REF: **14/2093/REM**

Location: The Edinburgh Building, Shaftesbury Road

Target Date: 25.03.2015

To Note:

I apologise for the lack of paragraph numbers in part of my report

Paragraph 2.5 – A response to the Design and Conservation Panel (D and C Panel) has been submitted. The views of the architects are as follows:

Panel comment:

Elevational Treatment Shaftesbury Road Elevation, northern block. The Panel expressed some disappointment that the designers were not tempted to modulate the Shaftesbury Road elevation using means other than a set-back between the main element and the 'gable' end to the return on the north side of the entrance courtyard. There is an opportunity to play with the elements of light and shadow here and to add subtle variation using a variegated brick

Architects response:

Overall the building has a great variation in the massing arrangement to relieve any sense of it being monolithic. The scheme incorporates variation in building height, a variety of garden and courtyard spaces of differing scale and treatment, and a slender tower to visually anchor the arrangement.

Along Shaftesbury Road the elevation is broken into sections to further break down the impact of the scheme. In the centre the main entrance courtyard separates the northern elevation and the southern elevation. The northern and southern parts are not aligned, and the southern elevation is set at an angle so it recedes from view in the perspective from the gates on Shaftesbury Road. Notwithstanding this very varied arrangement the design uses a common set of materials and details. It is important that there is a consistency to the detailing to reinforce the sense of the whole as a single group of buildings.

The base piers to the façade onto Shaftesbury Road incorporate a rusticated treatment to the brickwork. It would be possible to develop this detail to create more texture or variegation, by changing the way the bricks are laid or coursed.

Panel comment:

Entrance Courtyard - Link building. The design team were encouraged to consider a syncopated placement of the fins rather than the regular spacing proposed. The Panel supports the inclusion of the link building within the area of public art provision and would like to see the art brought to ground level, so as introduce some additional interest and colour to this space.

Architects response:

We share the enthusiasm for the incorporation of artwork into the elevation of the link building. The detail and extent of this will be developed following the approval of the Public Art Strategy and the appointment of the artist.

Panel comment:

Entrance Courtyard – north and south elevations. Panel were of the view that the entrance courtyard would benefit from a subtle change in elevational treatment in place of the continued repetition of the treatment used for the Shaftesbury Road

elevation. Consideration might be given to repeating the treatment currently used for the 'gable' end to the Shaftesbury Road return on the block forming the north side of the entrance courtyard.

Architects response:

In response to the panel's observations concerning the elevations to the north and south of the entry court, we have looked at a number of alternatives to create further differentiation. The submitted suggestion (drawings TTP-EPA-ZZ-XX-DE-A-0005 and TTP-EPA-ZZ-XX-DD-A-0038) includes pre-cast elements within the first to fourth floor landscape proportioned window openings. Whilst this undoubtedly creates difference, we feel that it is an unnecessary addition to the elevations and express our preference for the original and simpler order.

Panel comment:

Shaftesbury Road Elevation, southern block. The suggestion was made that careful detailing of the expansion joints between the elevations panels could provide some subtle delineation and contribute to a lessening in the degree of repetition resulting from the alignment of the 17 similar bays

Architects response:

The detailing and number of movement joints between masonry elements of the façade is an important part of the design. By utilising lime mortar it is possible to keep joints to a minimum and avoid very large mastic joints at regular intervals interrupting the masonry. The detail of the brickwork to the movement joints will be developed as part of the next stage of detailed design.

With regard to the degree of repetition please refer to the points made with regard to the elevational treatment of the northern block

The plans have not been amended.

Paragraph 2.5 – A response to the issues raised by the Landscape Officer has been submitted. This notes that

Landscape irrigation – the means of irrigation is described, reservoir tanks are proposed which can be topped up manually and provides water to roots by capillary action. The podium will not be irrigated via rain water harvesting as this is too expensive.

Planting proposals conform to Network Rail's recommended species list and provide an ecologically beneficial and visually interesting mix. Changes are proposed to the planting schedule to address the Landscape officers concerns.

Podium Landscapes – the soil depth will be 450 mm with 1000mm for tree planting.

Paragraph 6.4 Urban Design and Conservation Team

The UDC team have confirmed that they agree with response to the D and C Panel comments and do not consider that further amendments are necessary. The need for a condition to ensure that the quality of the design is maintained through implementation is under consideration and I will address this further at the Committee meeting.

Paragraph 6.6 Head of Streets and Open Spaces (Landscape Team)

The Landscape Officer has provided additional comments in response to the further information regarding landscape proposals and drainage. The inclusion of brown roofs is welcomed but further information is needed in relation to irrigation and planting and feedback is awaited on the submissions (see above). Landscape conditions are recommended which I have included in my revised recommendations below.

Paragraph 6.7 Head of Streets and Open Spaces (Walking and Cycling Officer)

The Walking and Cycling Officer has provided comments in response to the revised proposals for cycle parking. She supports the layout of staff cycle parking at the front of the site but remains concerned about the spacing of racks under the podiums and the need for covered cycle parking spaces for staff.

I have recommended condition 8 which addresses the need for covers for staff parking, and recommend an amendment to condition 8 regarding allocation between visitor and staff parking which in my view is not clear.

I have asked the applicant for further comments on the issue of spacing of racks. They have replied but the Cycling and Walking Officer maintains concerns about the spacing cycle racks.

In view of this I would recommend that conditions 7 and 9 are revised.

Paragraph 6.8 Head of Streets and Open Spaces (Sustainable Drainage Officer)

Update to be provided at the meeting.

Paragraph 6.17 Access Officer

The revised plans show an increase in parking provision for disabled people which is acceptable.

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The response to design issues and landscape proposals is set out above. The applicants have decided not to amend the proposed elevations of the entrance courtyard.

Paragraph 8.39

I have addressed the comments of the Walking and Cycling Officer above.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

The recommendation includes two informatives numbered 11 and 12. These should be re-numbered 15 and 16 to account for the additional conditions.

Condition 10 should be re-numbered 'condition 14' to ensure it is the last condition.

Amended condition 7

Prior to commencement of installation of cycle parking facilities, full details including the layout of spaces and full details of the design of cycle stands shall be submitted to and approved in writing by the local planning authority. This may consist of large scale drawings. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure that satisfactory facilities for cyclists are provided.

Amended condition 8

Prior to the commencement of installation of cycle parking facilities, full details of the allocation of cycle parking between staff and visitors and the means by which cycle parking for staff will be covered and secured shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure that satisfactory facilities for cyclists are provided. (Cambridge Local Plan 2006 policy 8/6)

Amended condition 9

Prior to first occupation of the development, all cycle parking shown on the plans and as detailed in the submission for discharge of conditions 7 and 8 shall be provided and thereafter retained.

Reason: To ensure that satisfactory facilities for cyclists are provided. (Cambridge Local Plan 2006 policy 8/6)

New condition 10

Hard and soft landscaping: No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details (including sectional details) shall include proposed finished levels or contours;

swales and rain gardens, attenuation tanks, other water storage, roof gardens, boundary treatments; bicycle parking layouts, other vehicle and pedestrian access; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage). Soft Landscape works shall include planting plans; written specifications (including topsoil importation, depths and specification, soil handling, cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

New condition 11

Hard and Soft landscaping implementation: All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

New condition 12

Landscape management and maintenance plan: A landscape management and maintenance plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

Additional condition 13

Prior to the commencement of installation of solar panels, full details of the location and appearance of solar panels shall be submitted to and approved in writing by the local planning authority. This may consist of large-scale drawings and/or samples. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridge Local Plan 2006 policies 3/4 and 3/12)

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: **14/1970/FUL**

Location: Land at Former Rosemary Branch, 503 Coldhams Lane

Target Date: 11.03.2015

To Note:

Amendments To Text:

8.51: ...The applicants have indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Strategy and relevant Supplementary Planning Documents. **The proposed development would have a maximum combined gross floor space of over 1,000 square meters.**

High Court decision ref. monitoring costs: Delete paragraphs 8.68 and 8.69.

Pre-Committee Amendments to Recommendation:

DECISION:
