

## PLANNING

1 November 2017  
10.00 am - 4.15 pm

### Present:

**Planning Committee Members:** Councillors Hipkin (Chair), Smart (Vice-Chair), Blencowe, Hart, Holt, Nethsingha, Sarris and Tunnacliffe

Councillor Nethsingha left after the vote on item 17/186/Plan.

### Officers:

City Development Manager: Sarah Dyer  
New Neighbourhoods Development Manager: Sharon Brown  
Principal Planner: Nigel Blazeby  
Principal Planner: Lorraine Casey  
Principal Planner: John Evans  
Principal Planner: Toby Williams  
Senior Planner: Michael Hammond  
Planning Enforcement Officer: John Shuttlewood  
Planner: Mairead O'Sullivan  
Planner: Sophia Dudding  
Legal Advisor: Rebecca Williams  
Committee Manager: Toni Birkin  
Committee Manager: James Goddard

## FOR THE INFORMATION OF THE COUNCIL

### 17/174/PlanApologies

No apologies were received.

### 17/175/PlanDeclarations of Interest

Name	Item	Interest
Councillor Smart	17/177/Plan	Personal: Lead Councillor for Cycling

### 17/176/PlanMinutes

The minutes of the meeting of the 4<sup>th</sup> October 2017 were agreed and signed as a correct record.

### **17/177/Plan17/0995/S73 - 220 Milton Road**

The Committee received a Section 73 application to vary condition number 2.

The application sought approval to vary condition number 2 (approval plans) of permission reference 16/1591/FUL to increase the depth of the Union Lane wing to create 2x 1 bed units at first floor in place of the approved 1x 2 bed unit and reconfigure ground floor to create an additional car parking space.

Peter McKeown, Applicant's Agent, addressed the Committee in support of the application.

#### The Committee:

**Resolved (by 6 votes to 2)** to refuse the application to vary condition 2 in accordance with the officer recommendation, for the reasons set out in the officer report.

### **17/178/Plan17/1484/OUT - Land Adjacent to Barnwell Lake**

The Committee received an application for Outline Planning Permission.

The application sought approval for the erection of a cycle-themed café (A3 use) and shop along with associated infrastructure including car and cycle parking and new internal roads.

The Committee received a representation in support of the application from Jim Chisholm.

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

- i. Area was currently a neglected and underused space.
- ii. The Chisholm Trail development would significantly change the character of the space and bring increased activity levels to it. This includes the way in which fishing club members will access the lake.
- iii. Whilst not necessarily against a Café on the site, the scale of the application was excessive. Green belt land needed to be protected in accordance with national policy.
- iv. Lake side café facilities are not unusual within public green spaces.
- v. The proposal as it stands would have limited visual impact.

- vi. Expressed concern regarding the A3 proposal which would allow a wide range of uses within the same use class without the need for further planning permission.
- vii. Some of the outstanding issues could be addressed by a future reserved matters application.
- viii. The Committee acknowledged the case officer's advice that the present unmanaged condition of the land and presence of fly tipping did not amount to very special circumstances.

The Legal representative outlined the framework of exceptions allowed to the National Planning Policy Framework (NPPF) restriction regarding development within the Green Belt. This includes (para 89) provision of appropriate facilities for outdoor recreation.

The New Neighbourhoods Development Manager reminded members that, approval of this application would require consultation with the Secretary of State due to the green belt and flood risk issues according to the Consultation Direction 2009.

On a show of hands, 4 members indicated that they rejected the Officer's recommendation to refuse the application.

The Chair proposed instigating the Adjourned Decision Protocol and asked members to give their reasons for overturning the Officer's recommendation. The following reasons were proposed:

- i. Increased recreational use of green belt land
- ii. Overall net benefit to the community.

The legal advisor suggested that more robust reasons regarding the appropriateness of the development as exceptional development within the Green Belt would be needed.

Councillor Nethsingha moved a motion deferring the decision on the grounds of insufficient information.

On a show of hands, the motion was lost.

The Chair stated that considerable adjustments were needed to make the application acceptable.

The New Neighbourhoods Development Manager indicated that Members might wish to send a strong message to the applicant to supplement the information provided in respect of unresolved issues in the application.

The Committee:

**Unanimously resolved** to adjourn the application to return to a subsequent Committee in accordance with the adjourned decision protocol.

**17/179/Plan17/1225/FUL - 122-128 Newmarket Road, 2 and 5 Abbey Street**

The Committee received an application for full planning permission.

The application sought approval for the erection of a B1 (a) and B1 (b) office building with ancillary motion capture studio at ground floor and external first floor terrace along with car and cycle parking, electricity sub-station and associated infrastructure and a ground floor Public House (use class A4) following the demolition of existing buildings on site.

The Committee received a representation in objection to the application from Martin Lucas-Smith on behalf of Cambridge Cycling Campaign.

The representation covered the following issues:

- i. Had no view on the development.
- ii. Objected to double stacking cycle racks that were unpopular with the public.
- iii. Requested the removal of some of the parking spaces and replacing them with additional Sheffield Stand cycle racks.
- iv. Raised concerns that delivery vehicles would block the road.
- v. Requested a conditions requiring delivery parking within the curtilage of the site.
- vi. Suggested that the Road Traffic Order was needed to ensure the area received double yellow lined.

Peter McKeown (Applicant's Agent) and Nina Kristensen (Applicant) addressed the Committee in support of the application.

The Committee:

**Resolved (by 7 votes to 1)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**17/180/Plan17/0548/FUL - 60 Trumpington Road**

The Committee received an application for full planning permission.

The application sought approval for the demolition of former restaurant, with redevelopment of former site for the erection of 2x3 bedroom and 1x2 bedroom detached linked dwellings; 1x2 bedroom apartment; associated cycle and car parking provision and landscaping.

The Senior Planner corrected a typographical error in paragraph 8.39 of the Officer's report:

The very front of the proposed two-storey mass would be situated approximately ~~10m~~ **9.5m** directly opposite this window.

The Committee received a representation in objection to the application from a North Cottages resident.

The representation covered the following issues:

- i. North Cottages were 17 unique properties.
- ii. The planning portal website was off-line over the weekend of 28 – 29 October 2017. Late documents were added 31 October. This made it hard for objectors to refer to them.
- iii. Suggested the site plan was inaccurate.
- iv. Issues from a previous application had not been addressed:
  - a. Lack of green space.
  - b. Overbearing.
  - c. Overlooking and impact on neighbour's amenities in 1 North Cottage.
  - d. No assessment of the impact on neighbour's window.
- v. Asked for the application to be deferred until concerns raised had been addressed.

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

Councillor O'Connell (Trumpington Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. She and residents agreed the site could be developed into residences instead of a restaurant.
- ii. Raised concerns about the plan as submitted.
  - a. Overbearing and loss of light (ref report paragraph 8.21).
    - i. Trumpington Road had mixed housing styles, Long Road was more built up.
    - ii. The Planning Inspector had ruled against on-site development (ref report paragraph 8.50).
  - b. Outstanding objections had not been addressed (ref report paragraphs 8.32 – 33).
  - c. Fire/emergency access and related land ownership issues that impacted on access.
  - d. Asked for a condition stating planning permission would not be granted until the Planning Officer was satisfied that emergency vehicles could access the site.
- iii. Asked for the application to be deferred until all issues had been resolved.

#### The Committee:

**Resolved (by 7 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

Councillor Nethsingha did not take part in the vote as she was not present for the Officer's introduction to this item.

#### **17/181/Plan17/1312/CL2PD - Citylife House, Sturton Street**

The Committee received an application for a Certificate of Lawfulness under section 192 for the proposed use of the building for general educational use falling within Use Class D1 (Non Residential Institutions) as defined by the Town and County Planning (Use Classes) Order 1987 (as amended).

The Committee received representations in objection to the application from local residents.

The representations covered the following issues:

- i. The application process was long.

- ii. Took issue with details of evidence submitted regarding current dance school/studio use. Suggested this was not credible.
- iii. Suggested that the 2014 planning consent as dance school/studio had not been implemented, therefore the 1997 permission was still the extant permission instead.
  - a. Expressed concern about the scale of air conditioning equipment on the building.
  - b. Noise from the air conditioning equipment was acceptable.
  - c. The revised location of the air conditioning plant had been refused planning permission in a Section 73 application that was being appealed.
- iv. Suggested the current application should be deferred until the Section 73 appeal decision was known.

Councillor Robertson (Petersfield Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. The loss of a community dance building to general education use was an important issue.
- ii. Suggested the 1997 planning permission was still in effect as the 2014 Section 73 application was still being contested.
- iii. Referred to Queen's Counsel's advice on P252 of the Officer's report.
- iv. Change of use should not occur until the Section 73 position was clarified.
- v. A Certificate of Lawfulness could not be issued without precise and unambiguous evidence from the Applicant.
- vi. The Applicant needed to materially demonstrate that at least 10% of the building was given over to dance school/studio use. 30 – 40% was better. Under 10% was unacceptable. It was unclear if the Applicant met the 10%+ criteria.
- vii. Took issue with evidence submitted by the Applicant that dance use was continuing at the date of application in July 2017. Suggested this was not credible.
- viii. Suggested the applicant had an unfortunate history for cutting corners on applications.

The Chair noted that an error had occurred in the order of speaking as he had allowed the Ward Councillor to speak before the Agent. The Chair invited the Agent to speak then invited the Ward Councillor to speak again if he wished to respond to any of the Agent's points.

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

Councillor Robertson (Petersfield Ward Councillor) made the following points:

- i. The building was used for activities other than dance before 28 July 2017.
- ii. Photographs submitted do not show what activities people were doing. Specific evidence of dance use was needed.
- iii. Re-iterated:
  - a. Evidence submitted was ambiguous and needed to be clearer before a Certificate of Lawfulness could be issued.
  - b. Concern over loss of a community facility.

The Legal Advisor said the enforcement notice served in respect of the alleged breach of condition regarding roof plant location was suspended while it was being appealed therefore Members should not defer the application in front of them to await the appeal outcome. The Committee had to consider the evidence in the report against the criteria of "more likely than not" as opposed to (the higher benchmark) "beyond reasonable doubt".

#### The Committee:

**Resolved (by 5 votes to 3)** to grant the application for a Certificate of Lawfulness in accordance with the officer recommendation, for the reasons set out in the officer report.

#### **17/182/Plan17/1252/FUL - 12 Orchard Estate**

The Committee received an application for full planning permission.

The application sought approval for a ground floor rear and side extension and change of use to form three flats.



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

Councillor Ashton (Cherry Hinton Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Referred to paragraph 8.4 of the Officer's report which set out Policy 5/2 of the Cambridge Local Plan (2006) stated the conversion of non-residential buildings into self-contained dwellings would be permitted; and exceptions to this.
- ii. Suggested the development should not go ahead as it does not overcome 2 of the exception criteria:
  - a. The likely impact upon on-street parking would be unacceptable. The County Council Highways Authority had concerns about this.
  - b. The proposal would fail to provide for satisfactory refuse bin storage or cycle parking.
    - Details regarding arrangements for the above should be submitted before planning permission was granted.
- iii. The report was unclear which flat got the sole parking space on-site.
- iv. Referred to the refusal decision given against an application in Greville Road. It was pertinent to this application.

#### The Committee:

**Resolved (4 votes to 4 – and on the Chair's casting vote)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers, condition 11 to be re-worded as follows:

"The car parking space immediately adjacent to the living room window of flat no.1 of the development hereby permitted shall be used solely by the future occupants of flat no.1. The car parking space shall be retained for use by the future occupants of flat no.1 unless otherwise agreed in writing by the local planning authority.

Reason: To provide a high quality living environment for future occupiers (Cambridge Local Plan policies 3/4 and 5/2)."

**17/183/Plan17/1354/FUL - 7 Derby Street**

The Committee received an application for change of use from A1 (Bakery and shop) to A1/A3 mixed use (bakery, shop and café).

The Committee:

**Unanimously resolved** to grant the application for change of use in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

**17/184/Plan17/1282/FUL - 339 Milton Road**

The Committee received an application for full planning permission.

The application sought approval for conversion and extension to create four new flats and one studio apartment.

The Planner corrected a typographical error in paragraph 8.23 of the Officer's report:

The passage along the side of the house is narrow at ~~4m~~ **1.2m** in width but is considered adequate.

The Planner updated planning conditions:

- i. An additional boundary treatment condition was proposed in response to documents submitted 1 November 2017.
- ii. Referred to pre-committee amendments to the recommendation on the amendment sheet:

An additional condition and informative regarding surface water drainage are recommended following comments from the Sustainable Drainage Engineer.

17. No building hereby permitted shall be occupied until details of surface water drainage works have been submitted to and agreed in writing by the Local Planning Authority. Surface water drainage will be implemented in accordance with these agreed details.

Reason: To ensure the development will not increase flood risk in the area in accordance with the National Planning Policy Framework (2012)

18. Informative: Before the details of the surface water drainage are submitted, an assessment shall be carried out of the potential for

disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and associated Guidance, and the results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% an allowance for climate change. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- ii. provide a management and maintenance plan for the lifetime of the development.
- iii. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

The Committee received a representation in objection to the application from a resident of Milton Road.

The representation covered the following concerns:

- i. Conversion of attractive family home into flats that would only be suitable for single people.
- ii. Lack of amenity space.
- iii. Passageway access.
- iv. Glass screens on building not in-keeping with character of area.
- v. Noise from building terraces would disturb neighbours.
- vi. Plans did not make appropriate use of space.

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 report, and subject to the amended conditions recommended by the officers, with an additional condition relating to hard and soft landscaping to front boundary. See boundary condition wording below:

18. No development shall take place until full details of both hard and soft landscape works for the area to the front, including front boundary, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These

details include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation area; hard surface materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above ground level (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant size and proposed numbers/densities where appropriate and an implementation programme. The works shall thereafter be implemented in accordance with the approved details.

Reason: In the interest 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).

### **17/185/Plan17/1229/FUL - 2 Madras Road**

The Committee received an application for full planning permission.

The application sought approval for demolition of existing rear shed and construction of a bike store, ground floor extension, first floor extension, attic conversion incorporating rear dormers and installation of emergency exit door to side elevation.

The Planner referred to the amendment sheet which stated there was an error in paragraph 8.9 of the Officer's report which gives an incorrect measurement for the depth of the first floor extension.

The Committee received a representation in objection to the application from a resident of Madras Road.

The representation covered the following issues:

- i. The first floor extension would block the neighbour's view; plus create a sense of enclosure and loss of light.
- ii. Expected noise nuisance from the side alley which acted as the access route to the rear property units.
- iii. Queried bin storage arrangements.

Councillor Baigent (Romsey Ward Councillor) addressed the Committee about the application.

The representation covered the following issues:

- i. Much of Romsey housing was Victorian back to back houses with little amenity space.
- ii. Asked the Planning Committee to consider the need for accommodation as well as appropriate amenity space for modern housing.
- iii. Back garden developments could lead to a loss of open space due to buildings, bin and bike storage.
- iv. The proposed building and courtyard would be in front of the existing neighbour's window.
- v. Queried if the 1 proposed kitchen was sufficient/suitable facility for potentially 12 people who could occupy the building as a House in Multiple Occupation.
- vi. Queried if the kitchen emergency exit was appropriate.
- vii. The units would be approached from the rear of the property. This was unusual and unsatisfactory.
- viii. The development would impact on its own occupants' and neighbours' amenities:
  - a. Noise.
  - b. Smell.
  - c. Overdevelopment of site in an already crowded area.
  - d. Pollution.
  - e. Loss of privacy.
- ix. The development would exacerbate existing traffic flow and parking issues.
- x. Queried if appropriate bin and cycle storage would be provided.

#### The Committee:

**Resolved (by 5 votes to 3)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

#### **17/186/Plan17/1579/FUL - 124 Whitehill Road**

The Committee received an application for full planning permission.

The application sought approval for the erection of a pergola.

#### 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 report, and subject to the conditions recommended by the officers.

Councillor Nethsingha left the meeting for another commitment after the vote on this item.

#### **17/187/Plan17/1249/FUL - 178 Coldhams Lane**

The Committee received an application for change of use from single Use Class dwellinghouse to 2 self-contained dwellings and associated enlargements to dwelling including ground and first floor rear extension along with associated hardstanding, amenity space, and parking.

#### The Committee:

**Unanimously resolved (by 7 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

#### **17/188/Plan17/1299/FUL - 63 Ditton Walk**

The Committee received an application for full planning permission.

The application sought approval for the erection of 2no self-contained flats and 1no duplex.

The Senior Planner referred to a pre-Committee amendment to the recommendation set out on the amendment sheet:

Condition 21 should be re-worded as follows:

*“The rear amenity space shall be laid out in accordance with the approved drawing no. P-1-02 Rev C and retained thereafter.*

*Reason: To provide a satisfactory level of amenity for future occupants (Cambridge Local Plan (2006) policies 3/4, 3/11 and 3/12).”*

#### The Committee:

**Unanimously resolved (by 7 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the amended conditions recommended by the officers.

### **17/189/Plan17/1444/S73 - 2 Barrow Road**

The Committee received a Section 73 application to vary condition 1 of planning permission 15/0804/FUL dated 04/11/2015.

The application sought approval to vary condition 1 of planning permission 15/0804/FUL dated 04/11/2015 for new dwelling to rear of site with access from Trumpington Road to allow the removal of the basement pool, extension to form bedroom at first floor level and alterations to fenestration.

The Committee received a representation in objection to the application from a resident of Trumpington Road.

The representation covered the following issues:

- i. Felt that objections had not been heard in the manner she expected.
- ii. People wanted to develop sites in Cambridge.
- iii. Took issue with the site plans.
- iv. The Applicant was saving visual and space amenity for themselves at the expense of the Objector who would lose privacy. This was an area of concern, not the development of the site.
- v. Took issue with fenestration on the development and overlooking from it into the Objector's son's bedroom.
- vi. Asked for the proposed property to be moved 20m from the boundary.

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

### The Committee:

**Unanimously resolved (by 7 votes to 0)** to grant the Section 73 application in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **17/190/Plan17/1447/FUL - 58 Harvey Goodwin Avenue**

The Committee received an application for full planning permission.

The application sought approval for erection of a single-storey dwelling on land to the rear of no.58 Harvey Goodwin Avenue

The Committee:

**Unanimously resolved (by 7 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **17/191/Plan17/0792/FUL - 23 Baldock Way**

The Committee received an application for full planning permission.

The application sought approval for the demolition of the existing bungalow and the erection of a detached three bedroom residential unit.

The Committee:

**Unanimously resolved (by 7 votes to 0)** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers.

### **17/192/PlanEnforcement - EN/0017/17 - 146 Mowbray Road**

The Committee received an amended version of the report previously seen at October 2017 committee whereby recommendations were subsequently unanimously approved by members. In the interest of planning clarity the correct version of the report was re-submitted for Members' approval at November 2017 committee.

The Enforcement Officer recommended serving one Breach of Condition Enforcement Notice and one Breach of Condition Notice directed at remedying the harm caused as a result of the breach occurring. The breaches result in an unauthorised additional separate unit of accommodation being created and the recommendation looks to ensure compliance in the short term and onwards.



The Planning Enforcement Officer amended details in his report recommendations to correct job titles:

(ii) To authorise the **Director of Planning and Economic Development** ~~Head of Planning Services~~ (after consultation with the Head of Legal Services **Practice**) to draft and issue the enforcement notice.

(iii) To delegate authority to the **Director of Planning and Economic Development** ~~Head of Planning Services~~ (after consultation with the Head of Legal Services **Practice**) to exercise the Council's powers to take further action in the event of noncompliance with the enforcement notice.

#### The Committee:

**Unanimously resolved (by 7 votes to 0)** to accept the officer recommendation to:

- i. Authorise an enforcement notice under S172 of the Town and Country Planning Act 1990 (as amended) alleging that there has been a breach of planning control within the last ten years, involving the breaches of conditions 2 & 3 of planning permission ref: 14/1143/FUL, specifying the steps to comply and the period for compliance set out in paragraphs 9.2 and 9.3 of the Officer's report, for the reasons contained in paragraph 9.4.
- ii. Authorise the Director of Planning and Economic Development (after consultation with the Head of Legal Practice) to draft and issue the enforcement notice.
- iii. Delegate authority to the Director of Planning and Economic Development (after consultation with the Head of Legal Practice) to exercise the Council's powers to take further action in the event of noncompliance with the enforcement notice.

The meeting ended at 4.15 pm

**CHAIR**