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Planning

Plan/1

Wednesday, 6 February 2019

PLANNING

6 February 2019
10.00 am - 3.50 pm

Present:

Planning Committee Members: Councillors Smart (Chair), Blencowe (Vice-Chair), Baigent, Green, Hipkin, McQueen, Nethsingha, Page-Croft, Thornburrow and Tunnacliffe

Officers:

Interim Planning Delivery Manager: Eileen Paterson

Principal Planner: Nigel Blazeby

Principal Planner: Lorraine Casey

Senior Planner: Lewis Tomlinson

Senior Planner: Mairead O'Sullivan

Planning Officer: David Spring

Planning Officer: Mary Collins

Legal Adviser: Keith Barber

Committee Managers: James Goddard and Claire Tunnicliffe

FOR THE INFORMATION OF THE COUNCIL

19/13/Plan Apologies

Apologies were received from Councillor Hart. Councillor Green was present as the alternate.

19/14/Plan Declarations of Interest

Name	Item	Interest
Councillor Baigent	19/16/Plan	Personal: Lives near the Ridgeons site.
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.

19/15/Plan Minutes

The minutes of the meeting held on 9 January 2019 were approved as a correct record and signed by the Chair.

19/16/Plan 18-1432-FUL Ridgeons 75 Cromwell Road

The Committee received an application for full planning permission.

The application sought approval for demolition of all buildings and hardstanding on the site and construction of a soil strip as part of the land contamination remediation strategy.

The Planning Officer updated her report by referring to text amendments and amended Condition 16 on the Amendment Sheet:

~~No works shall commence until~~*Prior to the removal of the concrete balancing pond, a demolition surface water management plan for the site has been* ~~shall be~~ submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect groundwater from contamination (Cambridge Local Plan 2018 Policy 36).

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 plus revised wording of condition 16 (as above).

19/17/Plan 18-1329-FUL 188 - 192 Mill Road And 2B Cockburn Street

The Committee received an application for full planning permission.

The application sought approval for reconfiguration and extensions, incorporating dormer windows, and alterations to roof of building to provide 14 residential units (net increase of 9) along with bin and cycle storage

The Senior Planner updated her report to correct an error. The floor space in unit S6 was 32 metres squared not 44 metres squared.

The Committee received representations in objection to the application from residents of Cockburn Street.

The representations covered the following issues:

- i. Wanted an application that created a community spirit, improved the site, and had appropriate living conditions.
- ii. Expressed concern about:
 - a. Overcrowding in an already over populated area.
 - b. Transient residents in short term private lets would not foster a community spirit.
 - c. Not all units met space standards. They were small and had low ceilings.
 - d. Limited natural light and amenities for new residents.
 - e. Insufficient on-site parking.
- iii. Desired humane accommodation for people on different income levels. Generally landlords were charging high prices for rented accommodation.

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

Councillor Smart proposed, and Councillor Hipkin seconded, a motion to defer the planning application in order to seek further information prior to making a decision.

This motion was **lost by 6 votes to 4**.

The Committee then resolved (**by 6 votes to 4**) to not to accept the officer recommendation to approve the application. Due to confusion as to whether the major decision making protocol was in effect, Councillors unanimously resolved to annul the vote to reject the officer's recommendation to approve the application. The Committee then (again) voted on the officer's recommendation having clearly stated they were following the major decision making protocol.

The Committee:

Resolved (by 5 votes to 4) not to accept the officer recommendation of approval, as the committee were minded to refuse the application, a decision on whether to approve or refuse the application was subsequently deferred under the Adjourned Decision Protocol

Under the Council's agreed Adjourned Decisions Protocol this application will be brought back to a future meeting of the Committee to allow further

discussion of reasons for refusal. The following matters may form the basis for detailed reasons for refusal:

- i. Units S3, S5 and S6 fail to meet the minimum nationally described space standards required by Policy 50 and the development would therefore not provide an adequate level of amenity for future occupiers of these flats. The proposal is therefore contrary to Policy 50 of the Cambridge Local Plan 2018.
- ii. The proposed development fails to provide any off-street car parking. The car free nature of the development cannot be realistically enforced due to the lack of parking controls on street. The proposal would therefore add additional on street car parking demand contrary to Policies 82 and 52(d) of the Cambridge Local Plan 2018.
- iii. The applicant has failed to provide sufficient surface water drainage details to demonstrate the site can be appropriately drained. The proposal is therefore contrary to Policy 31 of the Cambridge Local Plan 2018.
- iv. The proposal for 9 additional units will result in an intensification of the use of the garden which will cause unacceptable levels of noise and disturbance to 186 Mill Road contrary to Policies 52 and 53 of the Cambridge Local Plan 2018.

19/18/Plan 18-1150-FUL 31 Barton Road

The Committee received an application for full planning permission.

The application sought approval for extensions and alterations to the existing building to create 11 self-contained flats, the demolition of the existing garage/store to the rear of the site and the erection of 2 dwellings.

The Senior Planner updated his report to replace condition 15.

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

The representation covered the following issues:

- i. St Catherine College owned 29 Barton Road plus the lane between 29 and 31 Barton Road.
- ii. The lane was less than 2m wide at its narrowest point.
- iii. Expressed safety concerns for students and service traffic during construction work. Also noise and disturbance.

- iv. Had no opinion on the application design, just concerns about the impact on student amenity during construction work.
- v. Suggested the lane should not be used for construction worker access.

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

Councillors Nethsingha, Thornburrow and Blencowe proposed amendments to the Officer's recommendation to include:

- i. A construction method statement condition.
- ii. A condition to protect cyclists and pedestrians.
- iii. An informative on fire compliance with building regulations.

The amendments were **carried unanimously**.

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 plus additional conditions with delegated powers to remove condition 15 and to add the following three conditions and informative:

- i. No development shall take place (including any demolition, ground works or site clearance) until details regarding the specification and location of the tree mounted bat box as stated in paragraph 4.5 of the submitted Preliminary Ecological Appraisal & Bat Report prepared by Applied Ecology has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect local wildlife (Policy 70 of the Cambridge Local Plan (2018)).

- ii. No building hereby permitted shall be occupied until a single enclosed bat box is built into the south facing elevation on the new building at a minimum height of 3m above the ground with the roost entrance unobscured by an obstruction below and free of artificial lighting, as stated in paragraph 4.9 of the submitted Preliminary Ecological Appraisal & Bat Report prepared by Applied Ecology. The development shall be retained as such thereafter.

Reason: To protect local wildlife (Policy 70 of the Cambridge Local Plan (2018)).

- iii. No development shall take place (including any demolition, ground works or site clearance) until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline the management of the construction process and shall include the following:
- Construction hours
 - Delivery times for construction purposes
 - Access and protection arrangements around the site for pedestrians, cyclists and other road users (especially in regards to the management of the access way along the east of the site that is shared with No.29 Barton Road)
 - Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures
 - External safety and information signing and notices
 - Liaison, consultation and publicity arrangements including dedicated points of contact.
 - A plan showing the layout of the construction site (positions of temporary buildings & storage of materials etc)
 - The development shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers Policy 55 Cambridge Local Plan 2018

Informative: Fire Service vehicle access should be provided in accordance with Approved Document B Volume 1 of the Building Regulations. There should be vehicle access for a pump appliance within 45 metres of all points within the dwelling-house in accordance with paragraph 11.2 of Approved Document B Volume 1. Where the proposed new dwellings cannot meet access requirements for fire appliances, compensatory features must be provided.

19/19/Plan 18-0858-FUL Cambridge Retail Park Unit 10 Newmarket Road

The Committee received an application to vary the Section 106 Agreement (attached to approval C/99/1121/OP – the outline permission for the Retail Park) to remove restrictions on the type of goods sold and particularly those that prevent food sales.

The application also sought approval for external alterations and subdivision of the existing Homebase store (Unit 10) into two units.

The Committee received representations in objection to the application from a representative of ALDI.

The representation covered the following issues:

- i. Concerns expressing the application were not all in objection; believed there was the capacity to support both ALDI on Newmarket Road and the new unit on the retail park but the application should be deferred.
- ii. Currently there was no contractual agreement for Lidl to trade on site.
- iii. The application being considered was speculative in nature and delivery could not be guaranteed.
- iv. Uncertainty who would become the store operator.
- v. If permission was granted further works would be required in store as this was only the first stage of the application.
- vi. A further application on the retail park had been submitted for a gym; this would impact on the delivery of the scheme, parking and services arrangements.
- vii. The Cumulative Retail Impact Assessment (CRIA) presented to the Committee had been based on out of date survey information.
- viii. ALDI had commissioned a bespoke and updated CRIA which provided an accurate forecast on retail needs and the trade impact of the new ALDI on Newmarket and the new unit on the retail park.
- ix. It was premature for the Committee to make a decision the absence of a presentation of the full findings of the combined CRIA.

Amy Littlejohns (Applicant's Agent) addressed the Committee in support of the application.

The Committee noted the amendment sheet.

The Committee:

Unanimously resolved to grant delegated powers to officers to draft a Deed of Variation to the S106 to allow a suspension of existing sales restrictions within the S106 for the benefit of Lidl as occupiers only, to be reinstated should Lidl vacate the site, and to approve the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, as amended in the addendum sheet and subject to the conditions recommended by the officers.

19/20/Plan 18-1637-FUL 1 Grosvenor Court

The Committee received an application for full planning permission.

The application sought approval for extensions and alterations to Grosvenor Court to provide 8 flats, car parking, covered cycle parking, bin store and new fencing.

Jon Jennings (Applicant's Agent) and a neighbouring resident addressed the Committee in support of the application.

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.

19/21/Plan 18-0647-OUT 198 Perne Road

The Committee received an application for outline permission.

The application sought approval for the construction of a 2 storey dwelling on land to the rear of 198 Perne Road. Matters for consideration are layout, scale and access. Appearance and landscaping matters are reserved

Iain Skinner (Applicant's Agent) addressed the Committee in support of the application.

The Committee noted the additional representation on the amendment sheet.

The Committee:

Resolved (by 8 votes to 0) to grant the application for outline 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.

19/22/Plan 18-1545-FUL Adkins Corner Perne Road

The Committee received an application for full planning permission.

The application sought approval for a new residential block to the rear containing three x 3 bedroom units (in use classes C3 and C4 in the alternative) with works to the external envelope of the building, revised servicing for the commercial unit, and a courtyard with car and cycle parking to the rear.

The Planning Officer requested that delegated power be granted to officers to amend condition 10 to make this a compliance condition. The decision notice would only be published following the submission of a revised site plan showing a more appropriate location for the disabled parking bay.

It was **unanimously resolved** to grant the delegated power sought by officers.

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.

19/23/Plan 18-1491-S73 50 Burleigh Street

The Committee received a Section 73 application.

The application sought approval to vary condition 4 of permission 07/0517/FUL (Change of use from retail to Adult Amusement Centre) to extend the opening hours until 11pm Monday to Sunday.

Dennis Pope (Applicant's Agent) addressed the Committee in support of the application.

The Committee noted the amendment sheet which showed the additional conditions no's 4 & 5.

Councillor Baigent proposed the following amendment to the officer's recommended condition 3 (additional text underlined):

The use hereby permitted shall only be operated from the premises during the hours of 0900 to 2300 Monday to Saturday and 1100 to 2300 on Sundays for a temporary period of 24 months.

Reason: To protect the amenities of the occupiers of adjacent properties. (Cambridge Local Plan Policy 35)

This amendment was **lost by 4 votes to 5.**

Councillor Thornburrow proposed the amendment to the officer's recommended condition 3 (deleted text struck through, additional text underlined)

The use hereby permitted shall only be operated from the premises during the hours of 0900 to 2300 Monday to Saturday and 1100 to ~~2300~~ 2000 on Sundays.

Reason: To protect the amenities of the occupiers of adjacent properties. (Cambridge Local Plan Policy 35).

This amendment was **carried by 5 votes to 4.**

The Committee:

Resolved (by 8 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 and subject to the amendment to condition 3 to require cessation of the use at 2000 on Sundays.

19/24/Plan 18-0960-FUL 160 Mill Road

The Committee received an application for full planning permission.

The application sought approval for proposed two storey rear extension, roof extension and internal alterations, to provide 2 additional 1 bedroom flats to include retaining a smaller retail unit (A1/A2) at ground floor.

The Committee noted the amendment sheet which highlighted a late representation from a resident on Mill Road in support of the application.

The Committee:

Resolved (by 8 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.

19/25/Plan 18-1361-FUL 16 Brookside

The Committee received an application for full planning permission.

The application sought approval for the subdivision of the existing townhouse to form a separate basement flat (one bed), to widen the existing steps to the garden, install French doors to the rear, form new door within rear elevation of basement, replacement of existing car port and replacement garden fence and gates.

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.

19/26/Plan Local Government Ombudsman (LGO) Complaint Ref 17 003 486

The Committee received a report from the City Development Manager stating the LGO had upheld a complaint relating to the Council referencing the wrong plans on the decision notice to a planning permission.

In Summary the Ombudsman's final decision was as follows:

The Council should have referenced revised plans submitted in association with a planning application. These plans indicated a transfer of land from the application site to the complainant, for the purpose of enlarging their existing garden. The Ombudsman recognised the complainant's strong feeling of injustice due to the Council's actions and that referencing the wrong plans was a significant administrative fault. The Ombudsman accordingly found injustice in the time and trouble taken by the complainant in pursuing their complaint.

The Committee:

Resolved unanimously to accept the officer recommendation to note that:

- i. The LGO has upheld a complaint.
- ii. In these circumstances the Head of Legal Practice as the Council's Monitoring Officer has an obligation to report the findings to Council and that Committee is satisfied with the action that has been taken (set out in Section 4 of the Officer's report).

The meeting ended at 3.50 pm

CHAIR