

PLANNING COMMITTEE MEETING – 29th August 2018

Amendment/De-brief Sheet

MAJOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 18/0806/FUL

Location: 291 Hills Road

Target Date: 17.08.2018

To Note:

Applicant response to Development Control Forum

As per paragraph 7.7 of the committee report, Cllr McGerty (Ward Councillor) requested the applicant responds to the following queries:

- Is the applicant able to provide a Tree Protection Method statement as part of the planning application?
- Is the applicant able to provide a detailed plan of new planting and make this a firm undertaking during the planning process?
- Could the grass verges on Queen Edith's Way be protected with Heras fences during construction?

The applicant's agent provided a response on 10 August 2018:

- A tree protection plan was provided showing the position of protective fencing around trees to be retained, areas of ground protection, and areas of no-dig construction. The agent notes that the Tree Officer is supportive of the information submitted.
- A revised landscape masterplan has been submitted which has introduced four trees along the northern boundary with No.289 Queen Edith's Way. The applicant's agent has responded that all landscaping including boundary treatments would be secured through the recommended landscape condition and noted that this was not a requirement of the previous application and the landscape officer is supportive of the proposal.
- The applicant's agent has responded that it is extremely uncommon for arrangements for contractor parking to be requested prior to determination. These arrangements would not be known until a contractor has been appointed. The applicant's agent expects a construction management plan would be secured through conditions and notes that this issue was not raised during the determination on the previous application and a consistent approach should be adopted. The agent notes that the onus will be on the

appointed contractor to ensure that the construction phase of the development will not detriment highway safety within the area.

The applicant's response does not alter the officer recommendation. The Tree Officer has been consulted on the tree protection plan and the response is given below. The officer recommendation is that it is appropriate, reasonable and necessary for these details to be secured through conditions 9, 10 and 12 (trees), condition 15 (landscaping) and condition 6 (traffic management plan).

Floor space

The applicant has submitted revised floor plans in response to issues raised by Councillor Smart at the Development Control Forum in relation to the internal space standards. The revised plans make minor internal alterations and adjusted the position of some lobbies to increase the floor areas to Flats 2,3,4,9 and 10 so that these units meet the national Technical Housing Standards (March 2015) (THS). This has reduced the floor space of Flats 5 and 11, however these units remain above the THS. Updated paragraph 8.14 of the committee report below:

Unit	Beds	Floor space (sqm) internal + external	THS (sqm)	Difference (sqm)
Flat 1	1-bed (2 persons)	53 + 7	50	+3
Flat 2	2-bed (3 persons)	61 + 4	61	0
Flat 3	1-bed (2 persons)	61 + 4	50	+11
Flat 4	2-bed (3 persons)	62 + 4	61	+1
Flat 5	2-bed (3 persons)	70 + 4	61	+9
Flat 6	2-bed (3 persons)	61 + 7	61	0
Flat 7	1-bed (2 persons)	50 + 4	50	0
Flat 8	2-bed (3 persons)	61 + 4	61	0
Flat 9	1-bed (2 persons)	61 + 4	50	+11
Flat 10	2-bed (3 persons)	61 + 4	61	0
Flat 11	1-bed (2 persons)	57 + 4	50	+7
Flat 12	2-bed (3 persons)	79 + 28	61	+18
Flat 13	2-bed (3 persons)	75 + 4	61	+14
Flat 14	1-bed (2 persons)	65 + 4	61	+4

Tree Officer comments

The following comment was received from the Tree Officer on 24 August:

In terms of arboricultural impact, the proposal is similar to that previously submitted and subject to replacement planting I have no objection to the proposed tree removals, which have not changed.

The primary concern on this site is the impact of construction activity and in order to safeguard the healthy retention of trees during demolition and construction it will be necessary for all activity to adhere to a detailed and phased tree protection methodology written in accordance with the

recommendations set out in BS 5837: 2012. To this end I request that, should permission be granted, the below conditions are attached.

Prior to commencement and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval, before any tree works are carried and before equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding, the use of piling rigs, cranes and other plant and landscaping.

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and LPA Tree Officer to discuss details of the approved AMS.

The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with the TPP, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority. If any tree shown to be retained is damaged, remedial works as may be specified in writing by the local planning authority will be carried out. If any tree shown to be retained is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: In the interests of visual amenity and safeguarding trees that are worthy of retention (Cambridge Local Plan 2006 policies 4/3 and 4/4).

These conditions have been recommended as conditions 9, 10 and 12.

Third party representation

A further representation has been received on behalf of Hills Road Area Residents Association and the Federation of Cambridge Residents Associations dated 22 August 2018. The representation can be summarised as follows:

- Understand that the emerging Local Plan has been adopted.
- The threshold for affordable housing in the new Local Plan aligns with the

revised NPPF and has been reduced to 10 units.

- Request that the application is deferred from the August committee to consider whether it is consistent with both with the revised NPPF and the new Local Plan requirements in regard to delivering affordable housing and the affordable housing threshold for sites.
- If the application is not deferred, what options does the Committee have to either decide to defer it themselves to ensure it is heard under the new approved Local Plan, or insist that the weight to be given to the new Local Plan and the revised NPPF in regard to policies on affordable housing must now be so significant as to outweigh the existing Local Plan for this application?

A response will be provided in the officer presentation.

Letter from the applicant

A letter has been received from the applicant's solicitor on 23 August which can be summarised as follows:

- The applicant objected to the Development Control Forum (DCF) taking place as the petition was clear that the objections raised were on principle. The guidance makes it clear that petitions objecting on principle will not be considered at a DCF.
- The DCF gave an opportunity for objectors to forcefully express their views in opposition to the application to committee members and did not offer any scope for building consensus and resolving concerns.
- The decision on the previous application 17/1372/FUL is a material consideration and the local planning authority is required to have regard to the importance of consistency in decision making.
- The previous application was subject to a DCF at which the majority of the members of the planning committee were present. The application was considered by the committee with the benefit of a full report and members had a full opportunity to debate and take account of the objections raised.
- The applicant has addressed the four reasons for refusal on the previous application. In all other aspects the current application is the same as the previous application. There would be no reason for the Council to refuse the application on grounds that were not given in relation to 17/1372/FUL.
- Case law identifies that if a different decision is to be made, reasons for that departure have to be given, unless it is obvious why an earlier decisions had to be reversed. There is no reason to reach a different decision in respects of the application which has not materially changed since the previous decision.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None