

PLANNING COMMITTEE MEETING – 1st December 2021

Amendment/De-brief Sheet

MAJOR PLANNING APPLICATIONS

Circulation: First
Reference Number: 21/03620/FUL
Address: Devonshire Gardens, Devonshire Road
Determination Date: 1 November 2021

Pg1 Summary table: Omit 3rd paragraph beginning “The quality of some of the proposed residential units...”

Paragraph 6.0: An additional response has been received from the Developer Contributions Monitoring Officer as follows: *“Informal Open Space and some children’s play space requirements are met on site. However, in accordance with the Planning Contributions Strategy financial contributions are required for community facilities (£126,226 for improvements to Mill Road Community Centre), indoor sports provision (£45,595.50 for improvements to Kelsey Kerridge Sports Centre), outdoor sports provision (£40,341 for improvements to Coleridge Recreation Ground), and play space provision (£28,124 contribution for improvements to Ravensworth Gardens)”*.

Paragraph 7.3: A further three letters of support for the application have been received from: The Scale Partnership, 51 Cambridge Place; Mill Road Traders Association, 100-102 Mill Road; Cambridge Muslim Trust, 4 Devonshire Road. The proposed reasons for support, are as listed in the committee report, with the following new reasons:

The proposals have been designed to be energy efficient and sustainable

Amendments to Text: The development has a community focus with elements such as the arts pavilion, ‘library of things’ and community floorspace which will be of benefit to the wider community.

Paragraph 8.39: To be reworded as follows: *“In summary, for reasons set out above the bulk and massing of the blocks proposed along the railway edge would dominate views from Mill Road Bridge and have an over assertive appearance, which would cause harm to the setting of the adjacent conservation area ~~and the setting of the Grade II* listed Church of Our Lady and the English Martyrs spire.~~*

This harm is considered to be moderate 'less than substantial' in terms of paragraph 202 of the NPPF".

Paragraph 8.55: To be reworded as follows: *"In summary the scale and massing of the proposed development would detract from the character and appearance of the surrounding area. The proposals would also result in moderate less than substantial harm to the setting of the grade II* listed Church of Our Lady and the English Martyrs spire and Mill Road Conservation Area. In making this assessment officers have given special regard to desirability of preserving and enhancing the settings of listed buildings and conservation areas in terms of requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act 1990)".*

Paragraph 8.114: additional sentence added at the end of the paragraph: *"In addition future residential and business occupiers will be ineligible to apply for residents parking permits".*

Paragraph 8.115: To be reworded as follows: *"A financial contribution towards ~~improvements to play / recreation / sports provision for older children and adults in other nearby locations~~ community facilities (£126,226 for improvements to Mill Road Community Centre), indoor sports provision (£45,595.50 for improvements to Kelsey Kerridge Sports Centre), outdoor sports provision (£40,341 for improvements to Coleridge Recreation Ground), and play space provision (£28,124 contribution for improvements to Ravensworth Gardens) to meet the needs of the development would also be sought".*

Paragraph 9.2: To be reworded as follows: *"However strong concerns have been raised by Conservation, Urban Design, Landscape officers, and Design and Conservation Panel, during the pre-application and application stages that the scale, massing and detailed design of the proposed development would detract from the character and appearance of the surrounding area. The proposals would also result in less than substantial harm to the setting of the ~~grade II* listed Church of Our Lady and the English Martyrs spire and Mill Road Conservation Area.~~ In addition whilst the landscaped central space could be an attractive feature of the development, the proposed soft landscaped design approach with mounds, would not be appropriate for the scale of the space, and the intensity of its proposed use".*

Pre-Committee
Amendments to
Recommendation:

Reason for refusal 1 to be reworded as follows: *"The proposed development by reason of its scale, massing and articulation of building facades would result in an unduly imposing form of development, in a location which would not justify buildings of such scale. As such the proposals*

would dominate views from surrounding elevated positions and detract from the character and appearance of the surrounding area. The proposals would also result in less than substantial harm to the setting of the adjacent Mill Road Conservation area ~~and the setting of the Grade II listed Church of Our Lady and the English Martyrs spire, which would not be outweighed by the benefits of the proposals.~~ The proposals would therefore conflict with Cambridge Local Plan (2018) policies 55, 56, 57, 60 and 61, and paragraph 202 of the National Planning Policy Framework”*

Decision:

Circulation: First
Reference Number: 21/02052/FUL
Address: Grange Lane College Accommodation, South of Wilberforce Road
Determination Date: 3 August 2021
To Note:

Amendments to Text:

Amendment to Paragraph 8.6 to be reworded as follows

The applicants have stated that there is no policy justification for a cap on the amount of staff accommodation to be provided within the site. Initially officers considered that given part of the application site is allocated for 120 student rooms, it was considered necessary to subtract this allocation from the total number to be restricted. Therefore, the windfall site would deliver 125 units and it was considered reasonable to apply a cap of 25% for academic staff on the units outside of the allocation. In total this would equate to a total of 32 academic staff rooms and 213 student rooms. However, following further analysis and discussions with the City Council Planning policy team it was decided that there is there is no policy basis for the 25% cap on academic staff and that the windfall site could be occupied by either students or academic staff subject to the rental and 3 year time limit occupation restriction being imposed on the accommodation.

Amendment to Paragraph 8.9 to be reworded as follows:

The application proposes student accommodation and as such does not require any affordable housing provision. In respect of Policy 45 (Affordable Housing) is silent on the academic staff element as the scheme is not considered to be an employment development scheme.

Amendment to Paragraph 8.24 to be reworded as follows:

The submitted details have been assessed by the Councils

Ecology officer. During the course of the application further details were submitted to clarify the baseline of the site which have been used to establish the overall Biodiversity Net Gain percentage on the site. The scheme will secure a 6.27% habitat net gain and a 278.9% increase in “hedgerow units”. This has been considered acceptable by the City Council Nature Conservation officer subject to conditions securing a CEcMP, Landscape Ecological Management Plan, the overseeing of the site clearance works and a lighting design strategy. The Council’s ecology officer has reviewed the CEcMP submitted and agreed the details are acceptable subject to a compliance condition. In respect of the Biodiversity Net Gain, whilst it is acknowledged that the Environment Act 2021 has been passed which requires development to achieve a minimum 10% biodiversity net gain. The act is not yet in statutory force and given that the current adopted local and national planning policies require a net gain the proposal is considered acceptable as it does achieve this.

Amendment to Paragraph 8.34 to be reworded as follows:

The Developer Contribution Monitoring team has recommended that a contribution of £10,112.00 (plus indexation) be made towards the provision of and/or improvement towards the provision of and /or improvement of the play area equipment and facilities at Penarth Place play area. The application site is within 500m of Penarth Place play area. Given that the number of units proposed to be occupied by academic staff is unknown at this stage it is considered reasonable and necessary to include a clause within the S106 agreement that prior to the occupation of the 90% of the units a detailed breakdown of the occupancy details including the number of academic staff occupying the units shall be submitted to the Local Planning Authority to enable a financial contribution towards the improvement of play facilities to be calculated.

Paragraph 8.35 to be deleted.

Pre-Committee
Amendments to
Recommendation: None.

Decision:

Circulation: First

Reference Number: 21/02759/FUL
Address: Colville Road Phase 3 Land At Colville Road and Fishers Lane High Street Cherry Hinton
Determination Date: 10 September 2021
To Note:
Amendments to Text: No updates
Pre-Committee Amendments to Recommendation:
Decision:

Circulation: First
Reference Number: 20/02289/S106A
Address: Land At Anstey Way
Determination Date: 29 June 2020
To Note:
Amendments to Text: No updates
Pre-Committee Amendments to Recommendation:
Decision:

Circulation: First
Reference Number: 19/1010/FUL
Address: 185-189 Newmarket Road and 1 Godesdone Road
Determination Date: 16 October 2019
To Note:
Amendments to Text:
Pre-Committee Amendments to Recommendation:
Decision:

MINOR PLANNING APPLICATIONS

Circulation: First
Reference Number: 19/1453/FUL
Address: Shah Jalal Mosque, 107 Darwin Drive
Determination Date: 16 December 2019

To Note:

Amendments to
Text:

Pre-Committee
Amendments to
Recommendation:

Decision:

Circulation: First

Reference Number: 21/01437/FUL

Address: 18 Adams Road, Cambridge

Determination Date: 25 June 2021 (extension of time granted until 3rd December 2021)

To Note: Additional representations received (20 Grange Court; 58 Thornton Road, Girton; 7 Wilberforce Road; 2 Willis Road; 1 Spens Avenue; 24 Covent Garden; 5 Longworth Avenue; Adams Road Bird Sanctuary (ARBS); Richard Buxton Solicitors on behalf of the Chair of the ARBS; The Wildlife Trust). The comments can be summarised as follows:

At present it is a relative oasis of peace.

It will create a precedent for future applications.

Building work, especially during the build process would shatter peace of Sanctuary and affect natural cycle of breeding and feeding for birds, animals and insects, and vegetation.

Replacement dwelling is a waste of resources.

Circumstances in this case are quite different to the Clarkson Close application.

Does not respond positively to Conservation Area in overall bulk and mass and much diminished ratio of green to hard/built area. Almost all gardens are free from significant buildings.

Representations of bird sanctuary members are better informed and carry more weight than biodiversity assessment.

Requests a reassessment of the impact upon the

Conservation Area and the adverse impact upon the Adams Road Bird Sanctuary.

Garden maintains important buffer. Current planning policy recognises need for green corridors and buffering to protect wildlife. Proposal threatens this.

Threatens wildlife due to light and noise pollution.

Threatens peace and tranquillity of wildlife site.

Overall loss of biodiversity.

Fails Policy 69 in terms of the two tests ('comprehensive surveys of historic and existing biodiversity importance' and 'a professional ecological assessment of the impact of the proposed development'). Where adverse effects have been identified, the proposal also fails test 3 ('details of measures to protect and enhance the habitat or species')

Preliminary Ecological Appraisal (PEA) reveals a serious gap in the applicant's knowledge when compared to the ARBS surveys e.g. less than 20% of bird species recorded, no invertebrates. Fails test 1 of Policy 69.

Flawed conclusions in terms of the impact of the proposed development, both in terms of the foreseen impacts i.e. 'not of a sufficient scale to have a major negative impact', and the PEA as the sole evidence of these impacts. Wildlife Trust states that the erosion of the buffer of large gardens can only weaken the value of the site for wildlife, reducing the chance of successful nesting by birds and threatening the amphibian, mammal and invertebrate populations.

Approval of 4 Clarkson Road was a prefabricated design and therefore had minimal impacts during construction.

However, bird counts have shown a reduction in this part of the reserve. Construction operations would certainly drive off birds in the short term and combined with human activity of occupation, including noise, lights and vehicle

movements would lead to a permanent loss of some species. Impacts of noise pollution on bird breeding seasons. Threat to insect population and its importance.

Not certain that glazing modifications would be significant in reducing the impact upon wild species. Light spill would fall on the driftway which is an integral part of the ARBS. Wider damaging impacts not just in front of the light source. Further lighting may be introduced later threatening the Sanctuary. Headlights on the new drive parallel to driftway not conditioned. Question as to whether 1 lux lighting zones are achievable in a domestic setting. Assessment of application is not informed by comprehensive data.

Conservation regulations do not protect the reserve against future tree works applications.

Biodiversity net gain would depend on a long-term

management regime that would be difficult/unrealistic to enforce in perpetuity.

Presumption against approval can only be overcome if the benefit of the development outweighs the impacts to the nature conservation site and if the harm can be mitigated. Applicant demonstrates neither. Officer report fails to say requirements have not been met and accepts applicant's statements without questioning them.

Only way to protect the ARBS from harm is to protect large gardens surrounding the Sanctuary from development in accordance with the Conservation Area Appraisal and Policy 67.

Gardens surrounding the ARBS fulfil criteria for environmental importance in Appendix I of the Local Plan through their function as a vital buffer zone. No such assessment on this criteria has been carried out.

Dwellings would ideally be situated with their gardens extending towards the north of the plot to preserve the green buffer and integrity of the Sanctuary. Artificial lighting must be minimised to limit disturbance. Care would need to be taken during the nesting season. Options for Great Crested Newts mitigation would need to be explored. Would hope that the proximity of this important ecological site to the proposed dwellings at 18 Adams Road would be taken into consideration.

Solicitor questions the legality of any decision based on the Council's current recommendation.

Officer report fails to apply Policy 67 correctly. Gardens are 'open space' which warrants protection under this policy. Large gardens also make a major contribution to setting, character, structure and environmental quality of the city given that large gardens are favourably referred to in the Conservation Area Appraisal. Request confirmation that the gardens on the application site and all those that adjoin the Sanctuary are open spaces which satisfy the requirements for protection under Policy 67 and that the Officer report is updated to reflect that the proposal is now in clear conflict with Policy 67.

Information fails to meet the standard of compliance with Policy 69 and 70. Inadequacy of information in respect of priority species. Noncompliance with Policies 69 and 70.

Proposal contains no reference to the nature conservation officer's attendance as voted on by committee.

Urgent clarification sought on why no refusal decision notice was issued under 19/0831/FUL and why reasons for refusal were not provided to committee.

Amendments to
Text:

Summary correction: The siting, form, height, layout and design of the proposed dwellings is acceptable and responds positively to the character of the Conservation Area, would be appropriate to the surrounding pattern of development and character of the area and sufficient garden space is retained which is important to biodiversity interests. ~~In addition, it would have no adverse impacts upon the character of the Bird Sanctuary (ARBS) as a protected open space.~~

Paragraph 0.8 correction: The application site would involve the sub-division of one residential plot. The existing plot is of a substantial size, measuring approximately 70 metres deep. It is not unusual to find several dwellings deep within the Grange Road part of the Conservation Area, an example of which include No.14 and No.15 Adams Road. In addition, No.5 Clarkson Road, No.7, No.6 and No.1 Clarkson Close form a north-south axis of residential development in a very similarly sized area to that of the application site. Five dwellings including that of No.4 Clarkson Close occupy this space. Similarly, the layout of the proposed dwellings would be perpendicular to the highway and would effectively result in a development of three dwellings deep when taking into account the neighbouring dwelling of No.19 Adams Road. Therefore, it is not considered that the proposed layout would adversely impact the Conservation Area in accordance with Policy 52, 55, 57, ~~61 and 67~~ and 61 of the Local Plan 2018 and the NPPF 2021, and the legislative requirement of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Paragraph 0.9 correction: The sub-division of the existing residential plot would result in the reduction of No.18's existing garden land. Whilst this is the case, the existing site comprises approximately 4,750 sq metres, 4200 sq metres of which is garden land. Together, the proposed building footprints would occupy only approximately 25 per cent of the total application site area with approximately 750 sq metres of garden land for the rear plot and 1200 sq metres of garden land for the front plot. Whilst the available residential garden land would be reduced, very generous garden spaces around the proposed buildings would be maintained. Therefore, it is not considered that proposed development would adversely impact the Conservation Area in accordance with Policy 52, 55, 57, ~~61 and 67~~ and 61 of the Local Plan 2018 and the NPPF 2021, and the legislative requirement of Section 72 of the Planning (Listed Building

and Conservation Areas) Act 1990.

Paragraph 0.10 correction: The form and height of the proposed buildings, whilst distinct from each other, would complement the various designs found within the Conservation Area, where both contemporary and traditional forms comprising of two and three storeys in height are found. Therefore, it is not considered that the proposed dwellings would adversely impact the Conservation Area in accordance with Policy 52, 55, 57, ~~61 and 67~~ and 61 of the Local Plan 2018 and the NPPF 2021, and the legislative requirement of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Paragraph 8.34 amendment: Whilst representations have raised the importance of the residential garden land which acts as a buffer and fulfills one or more of the criteria of land under Policy 67 of the Local Plan, the current application site is designated as residential garden land and is not vacant, therefore, whilst it may contribute to the biodiversity of the area, it cannot be considered as open space under this policy in its own right. Moreover, Policy 67 and its supporting text refers to development proposals within designated or undesignated open spaces only. Whilst it is recognised that the proposed development would be adjacent to a designated open space, given that development would be wholly outside of the ARBS, it is not considered that Policy 67 applies in this instance.

Paragraph 8.43 amendment: Taking all this into account, it is considered that the proposed development would have an acceptable siting, form, height, layout and design, which responds positively to the character of the Conservation Area, would be appropriate to the surrounding pattern of development and character of the area and sufficient garden space is retained which is important to biodiversity interests. ~~In addition, it would have no adverse impacts upon the character of the ARBS as a protected open space.~~ Therefore, the proposal is compliant with Policy 52, 55, 57, ~~61 and 67~~ and 61 of the Local Plan 2018 and the NPPF 2021.

Insert new paragraph 8.34.1: The Glossary within the Local Plan 2018 defines 'Open Space' as areas of land not built on and water bodies such as rivers and lakes, regardless of ownership and access. These areas include parks and gardens; natural and semi-natural green spaces; green corridors; outdoor sports facilities; amenity green space; teenagers' and children's play areas; allotments and community gardens; cemeteries and churchyards; accessible countryside in urban fringe areas and civic

Spaces.

Insert new paragraph 8.34.2: The application site comprises a single property with a large residential garden. Given that 'Parks and gardens' are included together as one of these areas within this definition of open space (and again in the definition of Protected Open Spaces), and no explicit mention of residential gardens is made within this definition, it can reasonably be established that the residential garden of No.18 Adams Road does not fall within the category of Open Space. Therefore, it is not considered necessary to assess whether this garden fulfils the criteria to be considered worthy of protection under Policy 67 (appendix i) of the Local Plan 2018.

Insert new paragraph 8.53.1: Whilst the differences in the data between the submitted Preliminary Ecological Appraisal (PEA) and the data provided by the ARBS itself is acknowledged, the survey data has been subject to a formal consultation with the Council's Nature Conservation Officer and no objection on the grounds of insufficient biodiversity information has been received.

Insert new paragraph 8.55.1: Moreover, on the previous application 19/0831/FUL which comprised more built form and its location closer to the ARBS, no objection from the Nature Conservation Officer was raised on the grounds of insufficient biodiversity information, whilst it was also regarded that the proposed biodiversity net gain assessment and proposed design and technology were welcomed and proposed mitigation acceptable. Under the current application, the proposal is to substantially reduce further any impacts upon the ARBS by reduced glazing on the northern elevation and setting the taller elements further back.

Insert new paragraph 8.62.1: The representation from the Wildlife Trust is acknowledged and the artificial lighting mitigation has been considered as part of the application. Recommended conditions with regards construction operations including site clearance mitigation for Great Crested Newts has been suggested as part of any approval granted (condition 6). In addition, restrictions of future lighting have been conditioned under condition 32. It would not be reasonable to limit car headlight usage. Whilst there would be light spill onto the driftway, this is considered to be an access track serving the ARBS and does not form part of the City Wildlife Site itself.

Insert new paragraph 8.95: Concerns have been raised regarding noise pollution generated from increased vehicular movements and the occupation of any future dwelling to the

rear of the site. Given the existing and proposed use of the site as residential garden and the modest addition of a single dwelling, it is considered that any increase in noise impacts would be negligible in this instance.

Insert new paragraph 8.96: As voted on by Planning Committee, a site visit will be undertaken by Members and led by the Planning Case Officer. The comments from the Nature Conservation Officer have been acknowledged and form part of the planning application assessment and as part of the Officer Report.

Pre-Committee
Amendments to
Recommendation: None

Decision:

Circulation: First
Reference Number: 21/03899/FUL
Address: 157 Shelford Road Cambridge CB2 9ND
Determination Date: 21 October 2021
To Note: No updates
Amendments to
Text:
Pre-Committee
Amendments to
Recommendation:

Decision:

First

Circulation:

Reference Number: 21/03508/FUL

Address: Land r/o 368-370 Milton Road

Determination Date: 29 September 2021 (EOT agreed 8 December 2021)

To Note: Nothing

Amendments to Text: None

Pre-Committee Amendments to Recommendation: None

Decision:

Circulation: First

Reference Number: 19/1141/NMA1

Address: 1 Fitzwilliam Road

Determination Date: 29 June 2021

Paragraph 3: Site History

	Reference	Description	Outcome
To Note:	15/1855/FUL	Demolition of existing building and construction of six new dwellings and associated access and landscaping (refused, appeal dismissed)	Approved <u>Dismissed at Appeal</u>
	19/1141/FUL	Demolition of existing building and construction of three dwellings.	Approved
	21/03630/S73	S73 Variation of condition 2	Awaiting Decision

(Approved plans)
of planning
permission
19/1141/FUL
(Demolition of
existing building
and construction
of three
dwellings)
improvements to
the design quality
of the proposed
development.

Insertion of new paragraph (7.3): The application has been called-in by Cllr Roberts on the basis of the objections to the NMA application made by the occupier of no.17 Clarendon Road. Following the objections, the applicants have amended the NMA application to address the specific issues raised. That notwithstanding, Cllr Roberts has retained his original call-in request.

Amendments to
Text:

Insertion of new paragraph (8.2): Following a grant of planning permission, it sometimes becomes necessary for an applicant to make amendments to a proposal that was originally approved. For very minor changes to plans a non-material amendment application (NMA) under S96a of the Town and Country Planning Act 1990 can be made. Requirements relating to statutory consultation and publicity do not apply to this type of proposal as by definition the changes sought will be non-material and consultation or publicity are unlikely to be necessary. Most NMA applications are therefore dealt with under delegated powers by officers. However, in this case, third party representations have been made and there is Cllr interest in the proposal which have warranted a report to Planning Committee.

Insertion of new paragraph (8.3): Whether or not the proposed amendment(s) are 'non-material' (rather than 'material') will depend on the specific details of the existing planning permission. It is the question as to whether the proposed changes are material, which Members should have at the forefront of their minds when determining this application. A change which may be considered 'non-material' in one case could be 'material' in another.

Insertion of new paragraph (8.4): Government does not provide a statutory definition of 'non-material', it is down to the Local Planning Authority to be satisfied that any amendment(s) sought are 'non-material' in order to allow the proposal.

Insertion of new paragraph (8.5): If the NMA application is successful, no new planning permission will be created. The original permission will still stand and will be modified as detailed by the NMA decision. Therefore, both decisions will need to be read together.

Insertion of new paragraph (8.6): If the NMA application is considered to introduce material changes to the proposal it should be refused by the Planning Committee. In this scenario, the applicants would have the option to pursue the changes through either a section 73 (minor material amendment) application or a separate application for planning permission.

Paragraph 8.13: Although the locations of the bird boxes have clearly been specified on the elevations plan, further details are required in order to formally discharge the condition on the original permission is condition. ~~It is recommended that further details regarding the specification of the boxes are submitted under a separate condition pursuant application.~~ The depiction of the boxes on the elevations plan ~~has been deemed~~ is considered non-material.

Paragraph 9.1: The proposed amendments are ~~at~~ is non-material to the ~~deliverance of the development permitted under~~ original permission 19/1141/FUL. The approval of the NMA application would bring about no material change to the impacts of the approved scheme in terms of ~~it is not thought that its approval would adversely impact the character and appearance of the surrounding area or would generate any impacts that have not already been addresses in the original permission~~ neighbour amenity.

Pre-Committee
Amendments to
Recommendation:

Decision:
