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Planning	Plan/1	Wednesday, 12 January 2022
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PLANNING

12 January 2022
10.00 am - 4.20 pm

Present:

Planning Committee Members: Councillors Smart (Chair), D. Baigent (Vice-Chair), Gawthrope Wood, Porrer and Thornburrow

Officers:

Delivery Manager Development Management: Nigel Blazeby
Principal Planner: Ganesh Gnanamoorthy
Senior Planner: Aaron Coe
Senior Planner: Tom Gray
Senior Planner: Amy McDonagh
Planner: Phoebe Carter
Planner: Laurence Moore
Legal Adviser: Keith Barber
Committee Manager: James Goddard
Meeting Producer: Sarah Steed

FOR THE INFORMATION OF THE COUNCIL

22/1/Plan Apologies

Apologies were received from Councillors Dryden and Flaubert.

22/2/Plan Declarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Gawthrope Wood	21/142/Plan	Personal: Application in King's Hedges where she is a Ward Councillor. Discretion unfettered.

22/3/Plan Minutes

No minutes were submitted for review.

22/4/Plan 21/02052/FUL - Land South of Wilberforce Road

The Committee received an application for full planning permission.

The application sought approval for demolition of existing buildings/structures and the erection of college accommodation, new access and landscaping.

The Senior Planner updated his report by referring to updated condition wording on the Amendment Sheet.

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

Councillor Gawthrope Wood proposed an amendment to the Officer's recommendation that Condition 20 should include hedge maintenance.

This amendment was **carried unanimously**.

Councillor Thornburrow proposed an amendment to the Officer's recommendation to include an informative to encourage the landowner to maintain public right of way for access to green space.

This amendment was carried unanimously.

Councillor Thornburrow proposed and Councillor Porrer seconded a proposal to defer the application to allow officers to come back with further information on travel arrangements outside of term time, the general ratio of student to academic accommodation and heads of terms for the proposed s106 Agreement.

This proposal was **carried by 4 votes to 1**.

The Committee:

The application was deferred.

22/5/Plan 21/03508/FUL - Land r/o 368-370 Milton Road

The Committee received an application for full planning permission.

The application sought approval for erection of 2 No. dwellinghouses together with associated access and landscaping works.

The Committee received a representation in objection to the application from a resident of 309 Milton Road which raised the following concerns:

- i. Safety of pedestrians and vehicles in adjacent roads and on Milton Road as there was no turning circle.
- ii. Queried where builders' lorries would park during construction.
- iii. Impact on the environment.
- iv. No benefit to the area from the application. Application out of character.
- v. Impact on amenity space.
- vi. Lack of light and small internal spaces.
- vii. Poor cycle access to garden and storage area.
- viii. Family home could become a house of multiple occupation.
- ix. Lack of notice about the proposal.

Councillor Collis (Ward Councillor) addressed the Committee about the application:

- i. The existing track was not wide enough to serve properties as an access route.
- ii. If approved, the application could set a precedent for building lots of properties on a narrow track which was unsafe. Improving the track would not resolve this.
- iii. Expressed concern about how vehicles would access the site and neighbouring properties during construction. Narrow pavements could be blocked.
- iv. The design resulted in cramped floor space.
- v. The amenity of the area would be affected. Queried if residents were informed about the application. Expressed concern the safety and access arrangements for existing residents in the area would be affected by the application.

Councillor Porrer proposed amendments to the Officer's recommendation to include conditions regarding:

- i. Construction Management Plan.

This amendment was **carried unanimously**.

- ii. Remove 'subject to viability' in Condition 11.

This amendment was **carried by 4 votes to 1**.

- iii. A green/brown roof on the cycle store.

This amendment was **carried unanimously**.

Councillor Gawthrope Wood proposed and Councillor Thornburrow seconded an amendment to the Officer's recommendation:

In order to facilitate the upgrade of heating systems to efficient (i.e. heat pump) electric heating, radiators shall be sized and fitted on the basis of running at a maximum of 45°C flow temperature to all residential units . In addition, for all residential units identify an appropriate space for external air source heat pump units that are acceptable within permitted development requirements for noise, proximity to boundaries and physical size and provide valved and blanked pipework connections between the external unit and the primary heating installations (heating pump and hot water tank) to enable the use of the heat pump system with minimum disruption upon gas boiler removal. The hot water tank is to incorporate sufficient heat exchanger area and storage volume to allow a designated heat pump system with domestic hot water capability to be used without the need for replacement or upgrade.

Reason: In the interests of reducing carbon dioxide emissions and futureproofing the development for net zero carbon and ensuring that new buildings are constructed in a sustainable manner and are easily adaptable (Cambridge Local Plan 2018, Policy 28 and Policy 57 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

This amendment was **carried by 4 votes to 1**.

The Committee:

Unanimously resolved to reject the Officer recommendation to approve the application as amended above and in accordance with the Amendment Sheet including the proposed new condition 9.

Unanimously resolved to refuse the application contrary to the Officer recommendation for the following reason:

- i. The proposal, by virtue of its scale, massing, height, design and layout would appear incongruous in this back-land location, resulting in harm to the character and appearance of the surrounding area, failing to integrate appropriate access for bin and bike storage and failing to provide appropriate access and turning space for vehicles. As such, the scheme would appear cramped, represent an overdevelopment of the

site and fail to promote sustainable travel contrary to Cambridge Local Plan 2018 policies 52, 55, 57, 80 and 82 and appendix L of the Local Plan 'Car and Cycle Parking Requirements' and NPPF 2021 paras 92, 113 and 126- 136.

22/6/Plan 21/03899/FUL - 157 Shelford Road

The Committee received an application for change of use to 11bed HMO for 11 persons (sui generis).

Councillor Thornburrow proposed an amendment to the Officer's recommendation to revise the cycle parking condition to make storage available at the front and back.

This amendment was **carried unanimously**.

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's report, and subject to the conditions recommended by the Officer including the amendment to cycle parking condition making storage available front and back, with delegated authority to Officers (in consultation with the Chair, Vice Chair and Spokes) to draft and include the amended condition.

22/7/Plan 21/01826/S73 - 67-97A Campkin Road

The Committee received an S73 application to vary conditions 2, 17, 23 and 24 of planning permission ref: 19/1616/FUL (Demolition of 32no existing flats and garages, and erection of 75no new affordable dwellings, including 4no houses and 71no apartments, a new community facility, car parking, landscaping and associated works.

The Committee:

Unanimously resolved to grant the S73 application in accordance with the Officer recommendation, for the reasons set out in the Officer's report, and subject to the conditions recommended by the Officer.

22/8/Plan 21/04396/FUL - 24 Elfleda Road

The Committee received an application for full planning permission.

The application sought approval for the erection of one three-bedroom dwelling with associated access, parking and landscaping.

The Committee received a representation in objection to the application from a resident of Elfleda Road:

- i. Despite the reduction in the height of the proposed dwelling from 7 metres under the previous application to 5.7 metres; it's considered the proposal would still have a significant impact on the amenity of 25 Elfleda Road in respect of loss of light upon the garden and the main rear amenity area of 25 Elfleda Road and in particular the loss of afternoon and evening light.
- ii. The retention of the shed at the rear of 24 Elfleda Road means that an otherwise possible potential light gain to the benefit of 25 Elfleda Road has been lost due to continued overshadowing. The proposed positioning of the dwelling so close to the boundary with 25 Elfleda Road would exacerbate the light loss. Under this application, the dwelling would be only a further 0.4 metres away from the boundary with No 25.
- iii. Thought the proposed development would be overbearing to 25 Elfleda Road creating a sense of enclosure.
- iv. The Applicant states that the footprint of the proposed dwelling has been moved towards the allotments compared with the previous application, but no scale bar is provided on the site plan for this application, and the distance it would be moved back appears to be small on this plan.
- v. At paragraph 8.26 of the Officer's report, it is acknowledged that at present the noise of cars parking is contained within a garage. It is then stated that the parking area would be separated from the main rear amenity area of No 25 by the existing outbuilding of No 25. However, this outbuilding is in use as an office/studio, is part of the main rear amenity area of No 25, and its amenity would be significantly impacted by the additional noise and disturbance caused by cars parking and leaving at the new development.
- vi. Expressed concern pedestrians and emergency vehicles would have access difficulties on the narrow track.
- vii. Believed the proposed dwelling, due to its orientation, layout and distance from existing dwellings, would have a significant adverse impact on the amenity of 25 Elfleda Road such that it warranted a refusal.

Councillor Thornburrow proposed and Councillor Porrer seconded an amendment to the Officer's recommendation to include an informative as follows:

In order to facilitate the upgrade of heating systems to efficient (i.e. heat pump) electric heating, radiators shall be sized and fitted on the basis of running at a maximum of 45°C flow temperature to all residential units. In addition, for all residential units identify an appropriate space for external air source heat pump units that are acceptable within permitted development requirements for noise, proximity to boundaries and physical size and provide valved and blanked pipework connections between the external unit and the primary heating installations (heating pump and hot water tank) to enable the use of the heat pump system with minimum disruption upon gas boiler removal. The hot water tank is to incorporate sufficient heat exchanger area and storage volume to allow a designated heat pump system with domestic hot water capability to be used without the need for replacement or upgrade.

Reason: In the interests of reducing carbon dioxide emissions and futureproofing the development for net zero carbon and ensuring that new buildings are constructed in a sustainable manner and are easily adaptable (Cambridge Local Plan 2018, Policy 28 and Policy 57 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

This amendment was **carried unanimously**.

Councillor Gawthrope Wood proposed an amendment to the Officer's recommendation that condition 5 should refer to 7 kilo watt hours.

This amendment was **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's report, and subject to the conditions recommended by the Officer as amended above to include:

- i. Condition 5 should refer to 7 kilo watt hours.
- ii. An Informative to suggest an air source heat pump as an alternative to a gas boiler.

22/9/Plan 21/03939/FUL - Aldi, Unit 1, 157 Histon Road

The Committee received an application for full planning permission.

The application sought approval for retrospective installation of plant equipment to west elevation.

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

Councillor Payne (Ward Councillor) addressed the Committee about the application by a written statement read by the Committee Manager:

- i. Understood planning officers had not identified any planning grounds for rejecting this application, but wished to underline and reinforce to the Committee the importance of the condition for approval given by Mr Adam Finch in the planning consultation response, which was for the noise levels not to exceed those stated within the Plant Noise Assessment. The extent of the noise from the new plant cannot be properly assessed because of the current unacceptable noise which Environmental Health consider to be coming from the nearby Iceland store. Therefore, in order for this condition to be met the noise nuisance coming from Iceland needs to be resolved so that the decibel level from the new Aldi plant can be accurately assessed.
- ii. The need for this retrospective planning application was first identified when residents on Windsor Road and Nursery Walk became aware of a new and louder noise coming from the site, which was constant and a nuisance. This noise followed the installation of the new units for which this application has been made; however at the time there was no such planning application. Due to swift attention from the planning enforcement officers, it was found that new equipment had been installed without planning permission, thus a retrospective application was made.
- iii. The noise levels have continued since this date, from 8am in the morning until around 11pm in the evening, and causes significant disturbance to neighbouring residents. Environmental Health have responded to these complaints by visiting the site, and their assessment is that the noise is actually coming from the Iceland store. In the noise assessments, it states that the noise from Iceland masks that from the new plant in this application, making an accurate assessment of the noise levels there very difficult to make. Despite at least two complaints to Environmental Health, this noise continues, which is clearly not satisfactory. In addition to this, there appears to be a new

duct and vent installed at the side of the Aldi building for which a planning application has not been made.

- iv. Suggested that until the noise complaint was addressed and a proper assessment of the noise from the new plant could be made, we cannot be assured that the installation in this application will not cause a disturbance for residents. As the equipment was refrigeration and fans, assurance should also be sought from Aldi that the noise will not increase during the summer when the equipment may need to work harder.
- v. Therefore, if this application were approved, urged the Planning Committee to consider the needs of residents living alongside Aldi, who have suffered from this noise for many months, and not approve the application without the conditions recommended by the Officer report. As this cannot yet be assessed due to the background noise from Iceland, this must first be resolved to be sure this condition has been met.

Councillor S. Smith (Ward Councillor) addressed the Committee about the application by a written statement read by the Committee Manager:

- i. Would be grateful if the following statement could be read to the Committee in respect of the environmental quality officer's consultation responses of 28 September and 9 November 2021 along with comments made by the occupier of 7 Windsor Road.
- ii. In his consultee response of 28 September 2021, the officer reported:
 - a. To this end, I am satisfied that the proposed new plant for the Aldi store (serving as a replacement to the existing plant) will operate at lower noise levels than the existing plant and will result in betterment of the existing noise climate.
 - b. Notwithstanding this, it is important that the applicant installs the equipment as proposed and detailed within the acoustic assessment. Any digression from the plant stipulated in the acoustic assessment may result in the assessment (including results and conclusions) being outdated and in need of revisions. As such, I recommend a bespoke compliance condition to ensure that the plant is installed as proposed / detailed within the submission documents.
 - c. In addition to the above, I recommend our standard condition restricting hours for any construction activities.
- iii. In his response of 9 November 2021, the Officer reported:
 - a. Following my original memo of 28 September 2021, I was informed... that the plant proposed...had already been installed before determination.

- iv. It follows the conclusions set out in the report dated 28 September were based on a theoretical as opposed to a real-world assessment.
- v. In the background information / additional comments of the response dated 9 November 2021, the officer:
 - a. Reviews the results of an additional monitoring exercise (presented in a Technical Note prepared by the applicant's consultants dated 29 October) and
 - b. Reports on a site visit of 9 November 2021 to verify the observations made by the consultants as follows:
 - 1. With regards to the new Aldi plant, noise from the condensing unit was almost entirely masked by noise from the Iceland units / vent and noise was only audible from the walk-in unit (refrigeration packs) with my ear pushed up against the wall of that unit.
 - 2. In conclusion, given the results of the original acoustic assessment, the more recent 'Technical Note' and our observations during the site visit, I cannot see any reason to object to this application on the grounds of noise.
- vi. The proposed compliance condition would enable any complaints to be investigated and action taken.
- vii. It was clear from residents' concerns that piecemeal applications for over 15 years including extensions to the Aldi and Iceland stores and intensification of related plant and vehicles movements, have led to noise and nuisance creep. Each step contributing to the further erosion of the residential amenity of the area.
- viii. To sum up, it is highly unsatisfactory Aldi and Iceland have installed plant without submitting a planning application, this is disrespectful to this Committee and their residential neighbours.
- ix. Called on the Committee to invite Aldi, Iceland, and the Co-op to collaborate with the Council and residents with a view to taking steps to mitigate nuisance and bring forward further investment in plant to reduce noise nuisance and energy use.

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's report, and subject to the conditions recommended by the Officer.

22/10/Plan 21/05449/S106A - 149B Histon Road

The Committee received an application for modification of planning obligations contained in a Section 106 Agreement dated 30th October 2017 made between (1) Cambridge City Council and (2) bpha Limited pursuant to planning application 17/0412/S73.

The Committee:

Unanimously resolved to grant the application for modification of planning obligations in accordance with the Officer recommendation.

The meeting ended at 4.20 pm

CHAIR

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