

Public Document Pack

Planning

Plan/1

Wednesday, 20 April 2022

PLANNING

20 April 2022

10.00 am - 4.40 pm

Present:

Planning Committee Members: Councillors D. Baigent (Vice-Chair, in the Chair), Gawthrop Wood, Page-Croft, Porrer and Thornburrow

Also present (physically) Councillors: Ashton, S. Davies and Gehring

Officers:

Area Development Manager: Toby Williams

Lead Principal Planning Compliance Officer: Will Holloway

Principal Planner: Ganesh Gnanamoorthy

Principal Planner: Jane Rodens

Senior Planner: Charlotte Spencer

Arboricultural Officer: Joanna Davies

Planner: Sumaya Nakamya

Planner: Charlotte Peet

Planner: Laurence Moore

Planning Officer (Strategic Sites): James Truett

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Claire Tunncliffe

FOR THE INFORMATION OF THE COUNCIL

22/45/Plan Apologies

Apologies were received from Councillors Dryden, Flaubert (Page-Croft attended as her Alternate) and Smart.

22/46/Plan Declarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Page-Croft	#12	Personal: Application in Queen Edith's where she is a Ward

			Councillor. Discretion unfettered.
Councillor Wood	Gawthrope	#13	Personal: Application in King's Hedges where she is a Ward Councillor. Discretion unfettered.

22/47/Plan Minutes

The minutes of the meetings held on 2 February and 2 March 2022 were approved as a correct record of each meeting and signed by the Chair.

22/48/Plan 21/02516/S73 - 66 Colville Road

The Committee received an S73 application to vary condition 2 (approved drawings) of ref:19/1034/FUL (Demolition of existing flats 66-80b Colville Road and erection of 69 affordable dwellings, including 6 houses and 63 apartments, including resident and public car parking, landscaping and associated works). The amended drawings for consideration were as follows: 9156-2100 - Rev C2, 9156-2101 - Rev C2, 9156-2102 - Rev C2.

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.

22/49/Plan 22/00197/FUL - 11 Hinton Avenue

The Committee received an application for full planning permission.

The application sought approval for erection of a detached two-bedroomed dwelling and side, rear and loft extensions along with remodelling of internal layouts and raising of ridge to existing dwelling following granting of planning permissions (19/0015/FUL and 20/04608/HFUL).

The Committee received a representation in objection to the application from a resident of Hinton Avenue:

- i. Spoke on issues the Objector thought were at odds with the current Cambridge Local Plan:
 - a. The house at Number 11 and the new-build development approvals were re-sold to the current developer, who submitted a

- revised application in January 2022, to include garden offices and bicycle sheds for each of the houses. Construction activity commenced in late 2021, based on the original planning approvals.
- i. The new planning application ignored condition number 7 of the original approval decision relating to no further changes being permitted, reducing the garden length beyond the patio area for the new-build house from 16 metres to 8.7 metres.
 - ii. This was but one element of a slow-creep incremental approach to seeking planning approval at odds with Policy 52 of the Local Plan
 - iii. Number 11's original garden had been reduced by 43% to accommodate the new-build house, with two dwellings now on the original site. This revised planning application reduced the garden area by a further 25%, meaning that the overall reduction of garden area was approximately 57%, at odds with Policy 52 (b).
- b. The Council imposed wide-ranging Tree Preservation Orders on the site to act as a deterrent to a proposed development of Lilac Court, with a Planning Inspector describing the area as verdant and an important wildlife habitat.
- i. The multiple development activities in the area damaged this environment, with multiple mature trees and bushes removed. The proposed garden offices would reduce further any chance of replacement planting with any equivalently sized trees, contradicting sub-clauses a), b) and c) of Local Plan Policy 71.
- c. The proposed garden office for number 11 was overbearing in size and inappropriate in location, in contravention of Local Plan Policy 58 (e).
- i. The Planning Officer recommended approval of this planning application on the basis that the garden offices did not require planning permission, as their heights were only slightly greater than the requirement.
 - ii. To counter this argument, the garden office proposed for number 11 would be in excess of one metre higher than the communal fence, and as proposed, have a similar square

footage to the entire ground floor extension of the main property.

- ii. Was surprised to see the marketing information on the billboard outside number 11 advertising that both houses would have garden studios, when these had yet to be approved by the Council. It was understood that one of the houses has already been sold, including that unapproved amendment to the planning approval.
- iii. Requested the Council rejected the revised planning application as it was counter to a number of important policies in the Local Plan. In addition, the individual planning applications for developments in the immediate area did not appear to be considered as a whole, and the result was a very significant reduction in the wildlife environment, amenity for existing residents and appropriate garden space for the eventual purchasers.

Councillor Thornburrow proposed amendments to the Officer's recommendation:

- i. Outbuilding should not be used separately for residential use.
- ii. Bin and cycle store details to be agreed for both units.
- iii. The development should comply with Building Regulations Part B.

The amendments were **carried unanimously**.

Councillor Gawthrope Wood proposed amendments to the Officer's recommendation:

- i. Electric vehicle charging points should be installed for the new dwelling.
- ii. The new dwelling should be encouraged to use sustainable energy sources such as solar PV.

The amendments were **carried unanimously**.

Councillor Porrer proposed amendments to the Officer's recommendation:

- i. Removal of Part E permitted development rights.
- ii. The development should comply with M42 standards (ensuring that the building is accessible) – outbuilding should be habitable and accessible.

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's report, subject to:

- i. the planning conditions set out in the Officer's report;
- ii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following additional conditions:
 - a. that the outbuilding shall not be used separately for residential use
 - b. for the removal of Part E permitted development rights]
 - c. bin and cycle store details to be agreed for both units
 - d. electric vehicle charging points should be installed for the new dwelling.
- iii. Informatives to be included on the planning permission in respect of:
 - a. the new dwelling should be encouraged to use sustainable energy sources such as solar PV
 - b. the development should comply with Building Regulations Part B
 - c. the development should comply with M4 (2) standard – the outbuilding should be habitable and accessible.

22/50/Plan 21/01791/FUL - Land Rear Of 190 Green End Road

The Committee received an application for full planning permission.

The application sought approval for construction of a 1 bed bungalow.

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

- i. Overdevelopment of site.
- ii. The development had no off-street parking. The shop being replaced had allocated parking.
- iii. Poor design and position of bungalow. This was close to the boundary of 192 Green End Road.
- iv. Requested parking condition in paragraph 8.34 of Officer's report be applied to the whole site.
- v. Concerned about overlooking and height of boundary wall. Asked for details of windows and boundary wall to be controlled through conditions.

Councillor Thornburrow proposed and Councillor Porrer seconded a proposal to defer the application to seek further information regarding:

- i. Boundary details.

- ii. Use of office.
- iii. Cycle parking near 192 Green End Road.
- iv. Details about front door of bungalow.

The Committee:

Unanimously resolved to defer the application.

22/51/Plan 21/04698/S73 - The Tivoli 16 Chesterton Road

The Committee received an application for S73 Variation of condition 2 (Approved plans) of planning permission 19/0046/FUL (Alterations and repairs to building including reinstatement of frontages and side walls, bricking up of some openings, replacement windows and fire escape. Creation of second floor element and enclosed roof terraces to first and second floor. Part change of use of the existing building to recreational uses).

The Committee received a representation in objection to the application from the Objectors' Agent (written statements read by Committee Manager):

- i. Her clients were the owners of No 1-8 Riverside Court and 24 & 24a Chesterton Road. Throughout the planning application stages objectors had expressed concern regarding the detrimental impact the development would have on their residential amenity if the planning conditions were not complied with.
- ii. Was pleased to see that condition 20 remained During a recent site visit by one of the clients they could see the windows in the eastern flank wall were not currently obscure glazed. Agent's interpretation of the current wording of condition 20 (and the new one proposed for the s73 permission) was that the glazing itself would need to be obscured and that plain glass with an obscured plastic coating would not be sufficient. Asked the Committee to confirm they were expecting obscured glass and not just plastic coating, any plain glass would need to be removed and replaced prior to "first occupation". It was essential that this was brought to the applicant's attention and rectified prior to occupation.
- iii. Looking at condition 9 of the proposed permission this required the submission of a noise insulation/mitigation scheme prior to commencement on site – on perusing the planning history for the site the Objector's Agent couldn't see that an application to discharge this condition had been submitted. It was essential that the Council acted

swiftly to ensure that all noise mitigation planning conditions are enforced, and any provisions in approved schemes are put into place before this use commences.

Councillor Baigent proposed an amendment to the Officer's recommendation to include an informative the fire escape was safe to use.

This amendment was **carried unanimously**.

The Committee:

Unanimously resolved to grant the application for S73 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 including the informative relating to the fire escape.

22/52/Plan 21/05405/FUL - 19 Grantchester Road

The Committee received an application for full planning permission.

The application sought approval for demolition of existing dwelling and erection of a pair of semi-detached dwellings, new access onto highway and associated works

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

- i. Objected to the application.
 - a. It was not in-keeping with the streetscape.
 - b. Expressed concern about the impact on existing residents' amenity space, traffic flow, parking and the local junction.
- ii. Referred to objectors' comments:
 - a. Design out of character with the area.
 - b. The impact on a listed building across the street from the application.

Councillor Porrer proposed an amendment to the Officer's recommendation to include an informative advocating that pipes should be installed which would be capable with a view to future proof them for an alternative use.

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 including the informative relating to pipes.

22/53/Plan 21/05431/FUL - 17 Greenlands

The Committee received an application for full planning permission.

The application sought approval for first floor side and single storey rear extensions to create two self-contained flats.

The Planning Officer updated her report by referring to:

- i. The amendment sheet.
- ii. Additional neighbour comments.
- iii. The Officer's report contained an error in paragraphs 8.10 and 8.12 which should refer to No.19 Greenlands rather than No.18 Greenlands.

Councillor Porrer proposed an amendment to the Officer's recommendation that Condition 3 should specifically refer to a cycle shed (for parking facilities).

This amendment was **carried unanimously**.

The Area Development Manager proposed an amendment to the Officer's recommendation that a 1.5m obscure glazed privacy screen should be in place prior to occupation of upper floor units.

This amendment was **carried unanimously**.

Councillor Gawthrope Wood proposed an amendment to the Officer's recommendation to include an informative encouraging renewable energy technologies on the monopitch roof as part of the conversion.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 4 votes to 1) to grant the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, subject to:

- i. the planning conditions set out in the Officer's report and amendment sheet;
- ii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following additional conditions:
 - a. condition 3 to specifically refer to a cycle shed;
 - b. a 1.5m obscure glazed privacy screen to be in place prior to occupation of upper floor units; and;
- iii. an informative included on the planning permission encouraging renewable energy technologies.

22/54/Plan 22/00263/HFUL - 18 Neath Farm Court

The Committee received an application for full planning permission.

The application sought retrospective approval for single storey rear extension.

The Committee received a representation in objection to the application from a resident of Neath Farm Court:

- i. The application had impacted on the family's amenity.
- ii. The design was bulky, overbearing and out of character with the area.
- iii. Took issue with the dimensions submitted:
 - a. Wrong building size.
 - b. The application was closer to Objector's property than suggested in the Officer's report.
- iv. Expressed concern about:
 - a. Loss of light.
 - b. Poor quality materials were used in construction.
- v. Queried why the application was allowed when permitted development rights had been removed from the estate.

The Applicants addressed the Committee in support of the application. [The Committee Manager read a statement on their behalf].

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

- i. Referred to points made in the Independent Person's report.
- ii. A 40-unit residential scheme had been proposed in 2006. This was updated in 2009 when permitted development rights were removed to ensure sufficient sunlight levels were available on-site.

- iii. A number of issues with this application could have been overcome if the Applicants had submitted a planning application instead of undertaking work first then retrospectively applying for permission.
- iv. Construction continued although the Applicants had no permission to undertake work. They would not be able to undertake this level of work under permitted development (if it were in place) as it was over development of site.
- v. Other residents were not permitted to construct extensions without permission. The Applicants did not seek this before undertaking work.
- vi. The Applicants had built up to the boundary wall without seeking contact/permission from their neighbour.
- vii. Expressed concern about scale, massing, proximity to neighbour's boundary, building materials used, overshadowing and loss of light. This was contrary to Local Plan Policies 56 and 58.
- viii. Re-iterated the Applicants did not engage with neighbours or stop construction work after being contacted by Enforcement Officers.

The Committee:

Unanimously resolved to reject the Officer recommendation to approve the application.

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

- i. The proposal, by virtue of its depth, height, roof profile and proximity adjacent to no. 19 Neath Farm Court would visually dominate the rear garden of no. 19 and as such was contrary to Cambridge Local Plan 58 (criteria d and e).
- ii. The proposal by virtue of its flat roof design, has failed to demonstrate that it would incorporate a green or a brown roof. As such, the proposal was contrary to Cambridge Local Plan policy 31 (criteria f).

22/55/Plan 20/01972/COND35 - Netherhall Farm

The Committee received an application for full planning permission.

The application sought approval for submission of details required by condition 35 (Pedestrian and Cyclist NW Connectivity) of outline planning permission 20/01972/OUT.

The Planning Officer (Strategic Sites) updated his report by referring to:

- i. Revised report wording on the amendment sheet - Alteration to para 8.2
 - The officer recommendation for outline planning permission (20/01972/OUT) originally proposed the inclusion of condition 35. This was later excluded in a pre-committee amendment to the recommendation, as evidence was submitted on efforts that had been made to improve pedestrian and cyclist connectivity. Following discussion, the Committee resolved to re-instate this condition. The intention of this was to ensure that sufficient efforts were taken by the applicants to secure a northern access. The outline planning permission was considered acceptable in planning terms without the northern pedestrian/cycle link, and no such link was indicated in the approved parameter plans. This site allocation policy in the Local Plan does not require provision of a northern access.
- ii. A revised recommendation in his presentation – the requirements of condition 35 have been met and the feasibility of northern pedestrian/cycle link has been explored. It is recommended condition 35 is discharged in full, allowing the development to proceed without provision of a northern pedestrian and cycle access. Therefore, the developer will not be required to provide, as part of the development, the northern pedestrian and cycle links explored in the submitted feasibility statement.

Ms Pryor (Applicant's Agent) addressed the Committee in support of the application.

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

- i. As Ward Councillor for Queen Edith's, wished to make it clear that this was not a trivial piece of box-ticking. On the contrary, in seeking to discharge Condition 35, was acknowledging the failure of the planning system to deliver sustainable development at the site known as Netherhall Farm or GB1.
- ii. It was critical for the sustainability of GB1 that a northern active-travel route between the site and the rest of Queen Edith's should be delivered. Without it, GB1 would be cut off from primary and secondary schools, and local amenities such as the pharmacy and GP surgeries. It would be less safe and considerably less convenient for residents living on GB1 to walk or cycle to access those amenities; and they will be more inclined to drive to reach them. This would put further pressure on an already over-loaded local road network, increase the development's carbon footprint, and harm local air quality.

- iii. It also brought into question the compliance of GB1 with Policy 80 of the 2018 Local Plan.
- iv. There were three aspects requiring attention.
1. Actions of the site promoter, CEG. The feasibility statement submitted by Lichfields in support of the discharge of Condition 35 says that CEG only became aware during the pre-application consultation phase that “there was some local support for the inclusion of a link on the northern edge of the site”. That was not true.
 2. Consideration of the application for outline planning approval. Spoke at the February 2021 Planning Committee when the application was considered alongside then Ward Councillor Colin McGerty and Matt Danish from CamCycle. All made representations that the northern active-travel access was required in order for development at GB1 to be considered compliant with Policy 80 of the 2018 Local Plan which is entitled 'Supporting sustainable access to development'.
 - a. The responsibility of the developer for achieving compliance was spelt out in paragraph 9.14 (page 233): "Developers will be required to fund high-quality paths, both along the identified routes, and any others that may be suitable for accessing the particular development."
 - b. That's what the Policy required. However, the wording of Condition 35 only required the applicant to provide “details of the work undertaken to seek a link” and “to determine the feasibility of implementing such a link”, not the actual delivery of the link.
 - c. Councillors' clear intent in requesting Condition 35 was that all best efforts should be made to achieve sustainable development, compliant with Local Plan Policy 80. Asked the Councillors here today who also attended that meeting whether they understood then what is stated in the report from Officer Truett today, namely that “it is not considered reasonable to require an applicant to implement a path on land outside the applicant's ownership”? Did Members understand how trivial it would be for the developer to frustrate the intent of Condition 35 as it was worded?
 3. Role and responsibilities of the landowner. The application for discharge of Condition 35 was in the name of GSTC Property Investment Limited. The [Guys and St Thomas' Charity](#) claims that it manages its land and property to “help us achieve the greatest possible impact on health” and was a key contributor to the

development of the THRIVES framework, a tool for integrating health and wellbeing into new developments created in 2020 in collaboration with built environment and health practitioners at the UCL Institute of Environmental Design and Engineering. The THRIVES framework seeks to raise awareness that “health impacts often occur far away from new development or many years after construction, requiring design teams to think of impact beyond the property boundaries”. Asked councillors to consider whether, despite the worthy rhetoric, the discharge of Condition 35 requested by GSTC will cause negative health impacts in the community for decades to come because the planning process had failed “to think beyond the property boundaries”.

- v. Suggested there were four scenarios regarding the sustainable development of GB1 and its compliance with Local Plan Policy 80:
 - 1. the northern access route was still deliverable, if CEG makes ‘best’ efforts. If this is the case, Condition 35 should not be discharged today;
 - 2. the northern access could have been delivered if Condition 35 had been more tightly worded;
 - 3. the northern access could have been delivered if the Local Plan policy re GB1 had been more tightly worded, for example ‘required’ not ‘investigated’;
 - 4. the northern access could never have been delivered because there is no planning means by which this requirement could be enforced on the developer.
- vi. Today’s application required the Committee to decide on the first of these points and in all likelihood Condition 35 would be discharged this afternoon, for the reasons laid out in Officer Truett’s report.
- vii. If this was the outcome, then it is also imperative that officers and members identify which of scenarios 2, 3 and 4 had caused them to arrive at this situation, and undertake to learn from that. Needed to acknowledge that, in this instance, the planning system has not worked to serve the interests of current residents of Queen Edith’s, or the future residents of GB1. GB1, without the northern access, was not compliant with Policy 80 of the Local Plan and did not believe it can honestly be described as sustainable.

Councillor Gawthrop Wood proposed and Councillor Thornburrow seconded a proposal to defer the application to (a) allow residents along the northern boundary of the site to be contacted about freeing up land for access; and (b) contacting the County Council to ask if surrounding land can be opened up

allowing for site access thus enabling the possibility of a public path creation order being available for pursuit.

This proposal was **carried unanimously**.

The Committee:

The application was deferred.

22/56/Plan 22/00621/FUL - 49 College Fields

The Committee received an application for change of use from a small HMO (Use Class C4) to a 9 bed Large House in Multiple Occupation (use class sui generis) (re-submission of 21/04425/FUL).

The Committee received a representation in objection to the application from a resident of College Fields:

- i. Expressed concern about the overdevelopment of College Fields with high density housing, and the related noise issues.
- ii. College Fields was designed as an area made up of spacious apartments and family homes with the associated facilities, it was never meant to accommodate high density housing in the form of HMOs. There had been for some time now a creeping overdevelopment of the area with at least three HMOs (numbers 1, 8 and 49) and (suspected) more that were unregistered.
- iii. The change of use for this property had already had a huge detrimental effect on its neighbours, with serious and persistent noise issues leading to formal complaints. Noted in the Committee Report there was mention of “appropriate management arrangements” to address this, with the Cambridge Local Plan being quoted, however in section 8.24 there was no mention of how the property’s management would actually take responsibility for noise issues, instead the usual Environmental Health route is cited.
- iv. There was an assumption that noise was coming from overuse of garden. This was only part of the problem. In fact, the noise was almost as bad, and sometimes worse, when the residents were in the living room with the patio doors open, as they were speaking over music and TV noise.

- v. The developer attempted to portray their application as a philanthropic quest to provide housing, however that was simply a money making venture, from which the landlord stands to rake in another £20,000+ per year. Understand the need for more housing in the city, but these developments represent a step backwards and should be getting phased out, not green lit.
- vi. Allowing yet another large HMO in College Fields took it over the tipping point for what was acceptable in terms of multiple occupancy housing in this area, and firmly into the definition of overdevelopment.

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

Councillor Porrer proposed an amendment to the Officer's recommendation to strengthen the management plan regarding noise mitigation.

This amendment was **carried unanimously**.

The Planning Officer proposed an amendment to his recommendation in as much that cycle storage should be moved to the front of the house.

This amendment was **carried unanimously**.

The Committee:

Resolved (by 4 votes to 1) to grant the application for change of use in accordance with the Officer recommendation, for the reasons set out in the Officer's report, subject to:

- i. the planning conditions set out in the Officer's report;
- ii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and include the following:
 - a. (additional condition) design and location of cycle store at front of house
 - b. (amend) condition 6 to include noise in the management plan;

22/57/Plan 21/1539/TTPO - Homerton College

The Committee received an application to remove a Lime tree opposite 8 Harrison Drive because of its declining condition.

Officers recommended that Planning Committee grant consent for the tree's removal subject to replacement planting conditions.

The Arboricultural Officer displayed pictures submitted by the Objector as part of her introduction to this item.

The Committee received a representation in objection to the application from a resident of Harrison Drive (written statements read by Committee Manager):

- i. Suggested that little notice had been given to residents regarding the application being considered by the Planning Committee. Requested item be deferred to the next committee.
- ii. If the 20 April Committee considered the application, it must be done so on the basis of the latest evidence regarding the state of the tree in question. As it can be seen from the pictures (displayed in Officer's introduction) the tree was overall healthy and had fresh leaves coming out throughout. As the building works around the tree that were cited as the cause for the tree's decline had also now finished, it seemed reasonable that more time was given to let the tree regenerate and then fully assess the long-term sustainability in due course. Asked that the consideration of this planning application be delayed for an appropriate amount of time on these grounds.
- iii. As the building works had finished, it was more apparent that the tree in question was given a sufficient amount of space around it and there was some distance between the tree and the new building next to it. The tree in question seemed to have been afforded the same amount of space and distance from the building as the other mature tree in front of the new building. The College has confirmed that it would maintain the tree. Could the College be asked to explain how the setting around these two trees is any different and why is it that one of the trees can be preserved and allowed to grow, despite the new building, while the other is deemed not to have the right setting to flourish? It should be incumbent on the College to protect and save the tree in question.

The Committee:

Unanimously resolved to accept the Officer's recommendation and grant consent for the tree's removal subject to the conditions included in the Officer's report.

22/58/Plan Enforcement Report April 2022

The Committee received an information report from the Lead Principal Planning Compliance Officer.

On 28 February 2022 there were 161 open cases, including 61 Short Term Visitor Accommodation investigations. In January 2022, 20 new cases were opened and 20 investigations were closed. In February 2022, 16 new cases were opened and 44 investigations were closed

The Committee:

Noted the Officer's report.

The meeting ended at 4.40 pm

CHAIR

This page is intentionally left blank