

# Public Document Pack

Planning

Plan/1

Wednesday, 6 July 2022

## PLANNING

6 July 2022

10.00 am - 3.30 pm

### Present:

**Planning Committee Members:** Councillors Smart (Chair), D. Baigent (Vice-Chair), Bennett, Collis, Dryden, Gawthrop Wood, Porrer and Thornburrow

Also present (physically) Councillor: Davies

### Officers:

Area Development Manager: Toby Williams

Principal Planner: Dean Scrivener

Senior Planner: Michael Allen

Senior Planner: Charlotte Peet

Planning Officer: Laurence Moore

Planning Officer (Strategic Sites): James Truett

Arboricultural Officer: Joanna Davies

Legal Advisor: Vanessa Blane

Committee Manager: James Goddard

Meeting Producer: Claire Tunnicliffe

## FOR THE INFORMATION OF THE COUNCIL

### 22/71/Plan Apologies

Apologies were received from Councillor Page-Croft.

### 22/72/Plan Declarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Thornburrow	22/74/Plan	Prejudicial: Knows the applicant so would not take part in the discussion or debate at committee for this item.

Councillor Smart	22/75/Plan	Personal: Knows the Agent. Discretion unfettered.
Councillor Collis	22/78/Plan	Prejudicial: Was the Executive Councillor for Open Spaces, Food Justice and Community Development.  Therefore would not take part in the debate or vote for this item.
Councillor Thornburrow	22/78/Plan	Prejudicial: Lives close to the application.  Would speak as Ward Councillor to object to this application, and therefore would not take part in the debate or vote for this item.

**22/73/Plan 20/01972/COND35 - GB1 - Neatherhall Farm, Worts Causeway - 10am**

The Committee received details required by condition 35 (Pedestrian and Cyclist NW Connectivity) of outline planning permission 20/01972/OUT.

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

- i. Expressed disappointment in the Officer recommendation as it failed to protect Queen Ediths' residents.
- ii. The planning process failed to secure the (footpath) access that residents required.
- iii. GB1 was an unsustainable development. It would exacerbate existing traffic flow issues in the area.

The Committee:

**Resolved (by 4 votes to 2)** to discharge planning condition 35 of planning permission 20/01972/OUT in accordance with the Officer recommendation, for the reasons set out in the Officer's report.

**22/74/Plan 22/00857/HFUL - 41 Barrow Road - 10.30am**

Councillor Thornburrow absented herself from the committee for this item so did not take part in the discussion or the vote.

The Committee received an application for full planning permission.

The application sought approval for a loft conversion with rear dormers.

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

The Committee Manager read out the following points on behalf of Councillor Hauk (Ward Councillor) in support of the application:

- i. Had provided statements in objection to two previous planning applications in the Barrow Road Conservation Area last year, on the grounds that they were not in line with the Local Plan, NPPF and the guidelines of the conservation area. One proposal was indeed subsequently rejected (2 Barrow Road) because it would have destroyed the character of the entrance to the Barrow Road area. The other one (34 Barrow Road) was only narrowly accepted despite objections from myself and a number of residents and neighbours in the area with respect of the inappropriate scale and character of the building and the loss of mature trees. On the basis of this experience, was at a loss to understand how the dormer windows at 41 Barrow Road can be rejected on material grounds.
- ii. Had visited the site and could confirm that the dormer windows in question would not be visible from the road, and would only be noticed by direct neighbours, if at all. Had not seen any objections from neighbours, or heard any objections myself when talking to residents in the Barrow Road area. The direct neighbours at number 43, the only ones with a direct view on the dormer windows, registered their approval on the planning portal, as did several other local residents. The plans had not led to any negative comments on the planning portal over the course of three consultations. The conservation area exists to protect the interests of local residents, and in this case it seems to work against them. The dormer windows would not serve as decorative add-ons to the building, they would provide more daylight into the house with obvious benefits to its inhabitants. The residents of 41 Barrow Road already have planning permission for dormer windows on the front, back and sides of their house for the same reason, but these would be in public view from the road. The applicants therefore prefer larger dormer windows just in the back, and have already scaled down the design to its minimum viable

size to respond to feedback from their first submission. Any possible detrimental effects of the building alterations, which to me appear to be mainly theoretical and without significant consequence to neighbours or residents in the area, should be weighted against these benefits to the inhabitants.

- iii. The proposal did not “adversely impact on the setting, character or appearance ... of conservation areas” (Policy 58, Local Plan), because the changes will not be apparent to anyone except the residents of number 41, to whom they will be beneficial. The dormer would be visible from the garden of number 43, but they already have a large second floor dormer which overlooks no 41, and both gardens are shielded by substantial curtilage and ornamental trees. For the same reason, Local Plan policy 61 (Conservation and enhancement of Cambridge’s historic environment), should not apply here, especially when compared to other previously successful planning proposals in the area, where scale and style of complete buildings was very different from their neighbourhood. How can one better “minimise any conflict between the heritage asset’s conservation and any aspect of the proposal” (NPPF 190) than to ensure it won't get noticed and does not raise any objections from other residents in the neighbourhood? NPPF policy 194, referred to by the conservation officer, is mainly aimed at grade 2 listed buildings, monuments etc. NPPF 196 states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” Again, this policy may apply to heritage sites of greater public interest, but not at the back roofs of residential homes that cannot be seen by anyone. Applying these policies to the current case of rear dormer windows seems like shooting with cannons at sparrows.
- iv. In comparison with other much larger and already approved developments in the area and on the basis of Local Plan and NPPF a refusal of this proposal would seem highly disproportionate. Believed the Local Plan, NPPF and Conservation Area guidelines give the Planning Committee the flexibility and discretion to approve these plans. He therefore strongly supported the approval of this proposal.

Councillor Porrer proposed an amendment to the Officer’s recommendation that cycle parking should be included in the application.

This amendment was **carried by 6 votes to 1.**

The Committee:

**Resolved (by 6 votes to 1)** to reject the Officer recommendation to refuse the application.

Councillor Collis left the meeting briefly and so did not take part in the second vote.

**Resolved (by 5 votes to 1)** to approve the application contrary to the Officer recommendation; subject to standard planning conditions recommended by the Officer the additional cycle parking condition.

Delegated authority given to Officers to draft the conditions in consultation with the Chair, Vice Chair and Spokes.

### **22/75/Plan 22/00279/FUL - 10 De Freville Avenue - 11am**

The Committee received an application for full planning permission.

The application sought approval for demolition of existing garage and erection of detached dwelling.

The Committee received a representation in objection to the application from a local resident (written statement read by Committee Manager):

- i. The request to build a two storey dwelling in very close proximity to our property at 96 Sandy Lane, would adversely affect the light and perspective of our house and garden, and overlook it. The dwelling design would have an impact due to its proximity, size and construction. The new dwelling has a larger and longer footprint than the three existing houses adjacent (96, 98 and 100).
- ii. If the property were of single storey, like the garage it could replace, there would be a reduced impact on neighbouring properties and so be more reasonable.
- iii. There were several most attractive and long-standing trees in the immediate area, and the proposed dwelling would have a detrimental impact on them. Reminded the Planning Committee of the Grade A (large mature Elm and Birch) and Grades B and C trees, close indeed to the proposed new dwelling. They must be considered as important to the nature and wildlife of this attractive residential area.

Councillor Porrer proposed an amendment to the Officer's recommendation to include a green or brown roof on the cycle and stores.

This amendment was **carried unanimously**.

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

- i. To include a M42 compliance condition.
- ii. To include a water efficiency compliance condition.
- iii. To remove the low NOx boiler informative.

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. to include a M42 compliance condition;
  - b. to include a water efficiency compliance condition;
- iii. delegated authority to officers, in consultation with the Chair, Vice Chair and Spokes, to draft and amend Condition 16 to include a green or brown roof on the cycle and stores;
- iv. to remove the low NOx boiler informative.

#### **22/76/Plan 21/04605/S73 - 44 George Street - 11.30am**

The Committee received a S73 application to vary condition 2 (approved drawings) of ref: 18/1661/FUL (demolition of existing house and replacement with two new dwellings) to facilitate the following amendments: 1) removal of the basement, 2) addition of a rear extension, 3) removal of garage to Plot 2 and creation of a kitchen/dining area, 4) external fenestration alterations, and 5) changes to the external layout.

Councillor Porrer proposed an amendment to the Officer's recommendation to include a green or brown roof on the cycle store.

This amendment was **carried unanimously**.

Councillor Thornburrow proposed an amendment to the Officer's recommendation to include an informative the building should comply with Building Regulations Part O to prevent overheating and ensure windows were openable.

This amendment was **carried unanimously**.

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, 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 condition:
  - a. to include a green or brown roof on the cycle store
- iii. include an informative on the planning permission: the building should comply with Building Regulations Part O to prevent overheating and ensure windows were openable.

**22/77/Plan 22/01144/FUL - 338 Cherry Hinton Road - 12 noon**

The Committee received an application for change of use of single dwelling to 3no. flats, first and second floor side and rear extension and rear terraces, porch and roof lights to front elevation and erection of bike store to front.

The Principal Planner updated his report by proposing an amendment to the Officer's recommendation to include a green or brown roof on the cycle store.

Councillor Smart proposed an amendment to the Officer's recommendation that the cycle store should have capacity for cargo bikes.

This amendment was **carried unanimously**.

Councillor Gawthrope Wood proposed an amendment to the Officer's recommendation that heating methods such as solar panels and air source heat pumps should be encouraged to improve the carbon footprint of the development.

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, 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. to include a green or brown roof on the cycle store which should have space for five bikes;
- iii. reword Condition 5 to ensure there was bin capacity for five occupants;
- iv. include an informative that heating methods such as solar panels and air source heat pumps should be encouraged to improve the carbon footprint of the development.

**22/78/Plan 22/0271/TTPO - St Matthews Centre - 12.30pm**

Councillors Collis and Thornburrow did not take part in the debate or vote for this item.

The Committee received an application for T1, T2 & T3: London Plane - Reduce height by 5m and spread by 4m balancing crowns of all 3 trees. Prune on a triennial cycle to maintain broadly at reduced dimensions.

The Arboricultural Officer updated her report by:

- i. Saying letters of consultation were sent out 8th March giving a deadline of 22nd March for responses. A number of people sent in more than one objection. 30 Objections were out of date.
  - a. There is no legal obligation to consult on tree work applications.
- ii. Updating her recommendation as per bold and underlined text: Officers recommend that Planning Committee refuse consent for the trees' ~~removal~~ **removal crown reduction** pending an assessment of heave and a detailed assessment of costs associated with engineered solutions.

**To include an informative requesting additional information for the heave assessment.**

The Committee received a representation in objection to the application from a representative of the Friends of St Matthews Piece:

- i. The Local Plan should protect residents' quality of life, heritage and environmental assets – all threatened by this application which had dozens of objections.
- ii. For over 4,000 local residents, little St Matthew's Piece was the park nearest their home. Proximity was of particular significance to more vulnerable sectors of the population:
  - a. people with disabilities and their carers,
  - b. those with impaired mobility due to advanced age or childcare responsibilities.
- iii. Nearby properties were flats – with little or no private garden – or compact terraced homes with tiny gardens.
- iv. This was the only park in Petersfield – the most densely housed ward in Cambridge.
- v. The Government's Index of Multiple Deprivation ranks the area around St Matthew's Piece in the 2nd most deprived decile nationally, with regard to the 'Environment'.
- vi. Objective 6 of the Council's Climate Change Strategy pledged to enhance green infrastructure, to bring tree canopy to 19%.
- vii. The Council's Tree Strategy also:
  - a. records Petersfield with the lowest Canopy Cover in Cambridge (2.5%);
  - b. boosts statutory protection for areas with low Canopy Cover.
- viii. This application flouted Tree Strategy Policies P1, P2, P4 and E4.
- ix. Planning law requires applications to be determined in accordance with the Local Plan. This application breached Local Plan Policies 14, 23, 55, 56, 67 & 71.
- x. If approved, this application would:
  - a. undermine the Local Plan and key Council Strategy documents;
  - b. damage the Mill Road Conservation Area;
  - c. mutilate irreplaceable mature trees;
  - d. despoil residential amenity;
  - e. impair sparse local Protected Open Space; and
  - f. degrade an already poor local environment.
- xi. The whole of St Matthew's Piece and all of its original 1898 trees were essential to preserving mental and physical health.
- xii. There were zero public benefit arguments in support of this application.
- xiii. Members should refuse it in the clearest and most compelling terms.

Councillor Robertson (Petersfield Ward Councillor) addressed the Committee about the application:

- i. The application would disfigure three trees on St Matthew's Piece.
- ii. The application conflicted with Local Plan Policies 14, 23, 56, 61, 67 and 71. Also Town and Country Planning Act 1990, Part 8, Chapter 1. Plus Town and Country Tree Regulations 12.
- iii. There was no evidence in the Officer's report that tree work was needed.

Councillor Thornburrow (Petersfield Ward Councillor) addressed the Committee about the application:

- i. The application was not policy compliant as information submitted was incomplete. It should be refused and resubmitted with complete details on which to base a decision.
- ii. The tree work proposed would cause harm that outweighed any benefits.
- iii. Re-iterated the application conflicted with Local Plan Policies, Town and Country Planning Act 1990, plus Town and Country Tree Regulations.

The Committee Manager read out the following points on behalf of Councillor Copley (Abbey Ward Councillor):

- i. Spoke in Objection.
- ii. These three trees were an essential and central part of an invaluable avenue of trees in a part of the city which had a huge deficit of parks and public open space.
- iii. The trees that encircle the whole of St Matthew's Piece were the area's crowning glory. The immense value of these trees was emphasised by Cambridge City Council Arboriculturalist Diana Oviatt-Ham in 2006 and 2008 who stated "the especial significance of the trees as individuals and a group", and stated their protected "status should not be compromised". These trees are covered by Tree Protection orders and furthermore are in a conservation area.
- iv. Elsewhere recently residents had come together to protect or protest threatened trees of immense value to them. Local people deeply cared about the mature and large trees in the green spaces near them. Their value to the local community goes beyond that which can be measured.
- v. This proposal was in breach of Cambridge Local Plan Policy 14, 67 and 71.

The Committee Manager read out the following points on behalf of Councillor Howard (Abbey Ward Councillor):

- i. Objected to 22/0271/TTPO on behalf of the residents of Abbey Ward who rely on this public open space as their nearest amenity - that is residents of St Matthew's Garden's, New Street and around parts of Riverside area.
- ii. Although Abbey had a lot of large open spaces, this did not apply to residents in this part of Abbey who experience a similar lack of open space to residents of Petersfield. If the current Public Open Space provision was provided for the current Petersfield population based on current standards for a new housing development, then Petersfield's existing level of Public Open Space provision would be less than 7% of its entitlement. This was a severe shortage.
- iii. In the context of this, any threat or damage to the only park in Petersfield, and the only one nearby for the Abbey residents needs to be vigorously contested.
- iv. The strength of the park comes from the trees that surround it - specifically the wonderful and mature London Plane trees that make this a haven on hot summer days. The reduction in height and canopy as proposed by this application would do huge harm to the park as a local amenity.
- v. Wished to make one clarification - the officer report states: "Officers recommend that Planning Committee refuse consent for the trees' removal pending an assessment of heave and a detailed assessment of costs associated with an engineered solution."
- vi. However, these trees are not proposed to be removed and it is critically important that the committee does not sign up to an outcome of this meeting which includes this phrase. These trees must not be removed.

### The Committee:

**Resolved (by 6 votes to 0)** to accept the officer recommendation and refuse consent for the trees' crown reduction with an informative requesting additional information on engineered solutions and for the submission of a heave assessment.

The meeting ended at 3.30 pm

**CHAIR**