

# Public Document Pack

Planning	Plan/1	Tuesday, 7 February 2023
----------	--------	--------------------------

## PLANNING

7 February 2023  
10.30 am - 5.15 pm

### Present:

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

Also present: Councillors Davies and Holloway

### Officers:

Interim Development and Planning Compliance Manager: Toby Williams

Area Manager (East): Jane Rodens

Principal Planner: Tom Gray

Senior Planner: Mary Collins

Senior Planner: Charlotte Spencer

Senior Planner: Nick Westlake

Legal Adviser: Keith Barber

Committee Manager: James Goddard

Meeting Producer: Chris Connor

### Other Officers Present:

Historic Environment Team Leader: Christian Brady

## FOR THE INFORMATION OF THE COUNCIL

### 23/8/Plan Apologies

Apologies were received from Councillor Dryden.

### 23/9/Plan Declarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of Cambridge Cycling Campaign.
Councillor Gawthrope Wood	23/12/Plan	Personal: Application in her Ward. Discretion unfettered.
Councillor Collis	23/14/Plan	Personal: Contact with residents as Ward Councillor.

		Would not take part in discussion or decision making.
All Committee	23/16/Plan	Personal: General contact with residents as Ward Councillor. Discretion unfettered.

## **23/10/Plan Minutes**

No minutes of previous meetings were submitted to this meeting for approval.

## **23/11/Plan Re-Ordering Agenda**

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the published agenda.

## **23/12/Plan 22-03076-FUL Edeva Court**

Councillor Page-Croft withdrew from the meeting and did not return.

Councillor Collis joined the meeting at the start of this item.

The Committee received an application for full planning permission.

The application sought approval for construction of a single storey extension at roof level comprising 3 no. self-contained residential flats (Use Class C3), including provision of car parking, cycle parking and associated works.

The Senior Planner updated her report by referring to the amendment sheet.

- i. An amended site plan had been received.
- ii. Comments from Building Control had been received.

The Committee received a representation in objection to the application from the Consultant Solicitor on behalf of the leasehold owners of Edeva Court:

- i. Referred to changes to the general development order two years ago. There were no permitted development rights for the application due to the near location of the airport.
- ii. Referred to Local Plan Policies 52 and 58.
- iii. Residents were concerned about:
  - a. Height.
  - b. Scale.

- c. Massing.
  - d. Impact on character of the area.
  - e. Lack of car parking.
- iv. The existing development optimises but did not maximise the site. The new application overdeveloped it.

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

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

- i. The removal of the roof and living through that process would affect existing residents.
- ii. Existing housing was optimised for site density/mass without overdevelopment. The new application would over develop the site.
- iii. There had been a lack of consultation between the Applicant and residents.
- iv. Referred to the amendment sheet. Issues would have been picked up beforehand if proper consultation had been undertaken.
- v. Referred to NPPF paragraph 1.32 and Local Plan Strategic Objective 15. Changes to the building would negatively affect existing residents. The application went against their wishes.
- vi. Concerns:
  - a. Construction noise and activity.
  - b. Internal and external changes to the building/estate without existing residents' permission.
  - c. Impact on fire appliances access to building.
  - d. Parking and highway safety issues would be exacerbated.

Councillor Porrer proposed an amendment to the Officer's recommendation that the bedroom window on flat 15 should not be obscured.

This amendment was **carried by 7 votes to 0.**

Councillor Thornburrow proposed amendments to the Officer's recommendation:

- i. Fire escape should be compartmentalized and building have appropriate cladding.
- ii. Separate water metres for each flat.

The amendments were **carried by 7 votes to 0.**

The Committee:

**Resolved (by 5 votes to 2)** to reject the Officer recommendation to approve the application for planning permission in accordance with the Officer recommendation, for the reasons set out in the Officer's report, (as amended in debate).

**Resolved (by 7 votes to 0)** to refuse the application contrary to the Officer recommendation (as amended in debate) for the following reason:

The proposed scheme fails to provide high quality shared or private external amenity space for future residents, including but not limited to children and in combination with the constrained and restricted access and layout of the apartments, including limited outlook for bedroom 2 of flat 15 and lack of inclusive access, would result in an overall poor standard of residential amenity contrary to Cambridge Local Plan 2018 policies 50, 56 and 59.

**23/13/Plan 22-02936-FUL 208-208a Cherry Hinton Rd**

The Committee received an application for full planning permission.

The application sought approval for erection of new second floor to provide two new dwelling units with balconies.

The Committee:

**Resolved (by 5 votes to 1 with 1 abstention)** 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.

**23/14/Plan 22-01971-FUL 346 Milton Road**

Councillors Gawthorpe Wood and Smart declared they would participate in the debate and decision of this item; they had clarified they had not undertaken a site visit to 346 Milton Road as stated in January Planning Committee. A different site had been visited. As such their discretion was unfettered.

The Committee received an application for full planning permission.

The application sought approval for demolition of existing double garage and shed, and erection of a detached single storey dwelling to the rear

The Committee received a representation in objection to the application from a representative of Milton Road Residents' Association:

- i. This proposal was for a bungalow at the end of a privately owned, unmade, unlit 100m track, at 3.7m - only wide enough for one car. If the turning circle outside 346 was built on, it would mean that all vehicles (including emergency vehicles) would have to back out onto Kendal Way (which at the exit point, was one way due to the chicane opposite the track).
- ii. The land registry proved the track does not belong to 346. But the Architect had drawn 2 parking spaces and a covered cycle rack there and in one image also showed a table and chairs. 346 only had right of way in that area. There was also not enough space to squeeze in 2 cars and a covered cycle parking and to reverse out of the space.
- iii. The track was the only entrance/exit to 16 Council run allotments. There were no sheds so allotmenters needed to bring their tools each time, usually by car. They tended to park in the turning circle. If that was removed, they would block residents trying to access their back gardens and garages.
- iv. The land registry showed that the boundary between 344 and 346 was a straight line. The Architect plans, showed a 'kink' in the line so it appeared the Applicant was taking land from next door at 344.
- v. The Architect stated that there were no trees or hedges adjacent to the development that could influence the plans. However there was a line of mature trees and hedging at the boundary with 344. It would be impossible to render a property at 346 or to clean the gutters etc.
- vi. The bungalow would be very dark inside. The windows facing northeast would be overshadowed as they were only 1m from the bungalow at 348. The door at 346 would be opposite the one at 348 which opens outwards. Neither household would have privacy.
- vii. There was no outside door in the kitchen so all fumes etc would go into the rest of the bungalow. The bin was a long way from the kitchen.
- viii. When the bungalow at 348 was built, all lorries had to back down the track. This was a very difficult manoeuvre with the chicane opposite the entrance. It caused queues of cars along Kendal Way and was

dangerous to cyclists and drivers alike. The lorries also blocked exits from the rear of houses facing Milton Road and the track which became very muddy with large potholes. This bungalow had been empty for 2 years, the owner put it on the market but could not sell it. Would 346 also be empty long term?

- ix. The layout behind 346 to 364 Milton Road was a mirror image of 368 to 384. Recently there had been applications to build houses or bungalows in 4 of the rear gardens. All had permission refused or had withdrawn planning permission because “they would appear incongruous in this back-land location, resulting in harm to the character and appearance of the surrounding area” and ‘problems with access’.

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

- i. The application did not meet Local Plan criteria of:
  - a. Good quality housing that fitted into neighbourhoods.
  - b. Sustainable development.
- ii. The application overdeveloped a constrained space.
- iii. Referred to paragraphs 10.23 and 10.24 (P66 agenda pack). Questioned if the application could meet this criteria?
- iv. Expressed concern about:
  - a. Impact of construction traffic.
  - b. Access track was unsuitable for current traffic. This situation would be exacerbated if more were added.
  - c. Emergency vehicles would be forced to back down the track.
  - d. Accepting the application would set a precedent for others who would build houses in their gardens.

The Committee:

**Resolved (by 6 votes to 0)** to defer the application.

### **23/15/Plan 22-04705-FUL Clare College Sports Ground**

The Committee received an application for full planning permission.

The application sought approval for demolition or removal of existing structures, extension of retained storage shed and erection of a single-storey

building to serve as a training facility ancillary to the existing use of the site for outdoor sport. Details of access, parking, drainage, landscaping and associated works included.

The Senior Planner updated his report by referring to text amendments on the amendment sheet.

Mr Tunbridge (Chief Executive at Cambridge United Football) addressed the Committee in support of the application.

The Committee:

**Resolved (by 7 votes to 0)** 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 details on the amendment sheet.

**23/16/Plan 22-03811-FUL Kings College Chapel**

Councillor Thornburrow left the Committee before this item was considered and did not return.

The Committee received an application for full planning permission.

The application sought approval for installation of photovoltaic panel arrays on the north and south slopes of Kings College Chapel and related infrastructure.

The Senior Planner updated her report by referring to third-party representations on the amendment sheet.

The Committee received a representation in objection to the application from a representative of Historic England:

- i. Referred to the significance of the chapel.
- ii. The interior and exterior were worthy of note.
- iii. Installation of photovoltaic panel arrays would harm the chapel to a modest degree.
  - a. The panels were a reflective screen that were out of character with the building.
  - b. Panels would detract from the character of the building.

- iv. The exceptional significance of Kings College Chapel meant that photovoltaic panel arrays were unacceptable as the costs outweighed the benefits of renewable energy.

The Committee received representations in objection to the application from a Conservation and Design Consultant (written statement read by Committee Manager):

- i. King's College Chapel was a Grade I listed building of outstanding interest and national importance. It was one of the most important architectural, historic and aesthetically iconic buildings in England, Europe and the world. It was a focal building in a highly prominent location within the Cambridge Conservation Area.
- ii. The need for an urgent, effective response to the climate emergency was fully endorsed. Every opportunity to develop sustainable, renewable green technology was to be wholeheartedly encouraged - but only where any impact would be reasonable and not unduly harmful.
- iii. The proposed provision of large arrays of black reflective panels, attached to and above the existing plane of the lead roofs, would damage the integrity of the building. It had been established that there would be some (albeit limited and partly restricted) views to the proposed new roof covering. Even if the black panels could only be glimpsed through or over the pierced parapet, from ground level and around - this would be more than sufficient to diminish the appearance and character of the roof - and contrast with the grey lead roof. Lead was surely the true conservation replacement - re-instating the correct, sympathetic, original historic roofing material.
- iv. The upper part of the Chapel, creating the highly sensitive silhouette skyline, comprising the roof, parapet and distinctive architectural masonry detail, together form a key, defining, intrinsic part of the exterior appearance, special interest, character and significance of the Chapel, itself, and its setting.
- v. The speaker had advised over many years, on proposed photovoltaic panels to roofs of listed buildings. The established good practice approach was always to carefully weigh the balance of the positives of sustainability against the negatives of undesirable change. Just knowing and being aware that such additions had been installed upon the Chapel roof would be detrimental to an image and impression of the special and



wholly unique qualities of the Chapel. Some historic buildings were so important that any degree of such damaging change must result in a disproportionate level of harm and had a clear negative impact to its essential significance, special character and spirit of the place.

- vi. King's College Chapel was such a sacrosanct historic building - and should be preserved inviolate.

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

- i. Would have spoken at this meeting, but am unable to attend the Committee because would be chairing a Board meeting of the Sustainable Traditional Buildings Alliance (<https://stbauk.org>) which brings together sustainability, heritage, and mainstream construction industry interests to tackle the challenges exemplified by this application.
- ii. Strongly supported the officer's report and recommendation. Referred to comments on the amendment sheet that set out further reasons why the College had not made their case.

Professor Proctor (Provost of Kings College) addressed the Committee in support of the application.

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

- i. Supported the application for solar photovoltaic on the roof of King's College Chapel. Had looked at and noted the objections from the Council Conservation Officer and from Historic England, but still urged the committee to approve this application.
- ii. The impact of the solar photovoltaic panels on the visual appearance of the chapel would be minimal, as was recognised in the Conservation Officer's report, but the impact in sending a national message that it was not only possible but desirable for the roofs of historic buildings to help to contribute to the need to tackle the climate emergency would be enormous.
- iii. There was no doubt that King's College Chapel was a building of worldwide architectural importance. For solar photovoltaic to be installed on such a building would demonstrate that it was possible for even

buildings of this level of importance to make their contribution to moving towards a zero carbon future.

- iv. Buildings such as King's College Chapel should not be regarded as to be preserved without change over the centuries. Many changes had been made to the chapel over the centuries, including the installation of the organ and of electric lighting, both of which would have been major changes, moving the chapel forward as times, expectations and technology changed. Both would have made a significant difference to the appearance of the chapel far larger than this proposal, but people would recognise those changes as beneficial to our appreciation of the building and worship within it.
- v. For our time, the greatest emergency we faced was the impact of climate change, which would affect our historic buildings as well as the natural world.
- vi. It was her view that any possible detrimental visual impact of the installation of panels (did not personally believe the panels would cause detriment) was enormously outweighed by the positive benefits of installing panels on the roof. This benefit was not only that of generating electricity on a large south facing surface, but also the perhaps even more important message that was sent to those managing other historic buildings. If King's College could take this step, carefully and wisely, with their chapel, then many other buildings of historic importance could also help to contribute to tackling the biggest challenge of our time, the climate emergency.
- vii. Urged the committee to support the application.

Councillor Holloway (Newnham Ward Councillor) addressed the Committee about the application):

- i. As a Ward Councillor in Newnham, strongly supported this exciting proposal, and was grateful to King's College for the work that had gone into it.
- ii. Placing photovoltaic panels on the roof of such an iconic building would be very powerful as a symbol of Cambridge's commitment to the transition to net zero, and would make a positive contribution to energy production for King's College.
- iii. Policy 1 of the Local Plan was 'The presumption in favour of sustainable development', which includes meeting the city's needs 'now and in the future'. Placing photovoltaic panels on top of King's College Chapel

strikes me as exactly the type of ambitious yet pragmatic project needed to ensure that Cambridge's historic buildings were able to be enjoyed for centuries to come.

- iv. Objections refer to a change in 'character', but he did not believe that this change would be significant - the view of the chapel from the ground would be almost entirely unchanged. Furthermore, the lead roofing was clearly already of a different era to the rest of the chapel, so the addition of photovoltaic panels would not (in his view) compromise the chapel's architectural composition. Indeed, if the character of the area was considered, King's College Chapel would join nearby major landmarks which already had solar panels on their roofs, such as Great St Mary's and the Guildhall.
- v. The danger to passing aircraft should of course be taken into account, but should not (in his view) be enough to refuse this proposal.
- vi. The minor potential harms were outweighed by the major benefits of this scheme. The photovoltaic panels would directly save 23 tonnes of carbon per year over their 30 year life, or 690 tonnes in total. This saving was in itself significant, but it was the indirect impact of this scheme that I believe would be most powerful.
- vii. Carbon Neutral Cambridge calculates that, if the 300,000 paying visitors to Kings Chapel each year were, on average, inspired to reduce their personal carbon footprint by just 1%, it would indirectly save 30,000 tonnes of carbon a year - more than 5% of Cambridge's entire direct carbon emissions.
- viii. King's College Chapel was a world-famous landmark. Adding photovoltaic panels to its roof would be symbolic of the climate leadership Cambridge could and should show on the world stage. Urged the committee to support this application for these reasons.

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

- i. Referred to the core matter for consideration: the planning balance between conservation of the historic environment and mitigating and adapting to climate change (Local Plan Policy 29).
- ii. In this case the balance was between harm to the character of King's College Chapel as perceived from street level and higher and aerial views of the Chapel and the public benefit of renewable energy and consequent reduction in CO2 emissions.
- iii. National Planning Policy Framework para 199 was arguably the most relevant policy which advises Local Planning Authorities:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be

given to the asset's conservation (and the more important the asset, the greater the weight should be). This was irrespective of whether any potential harm amounts to substantial harm, total loss, or less substantial harm to its significance.'

- iv. On the question of harm, the Conservation Officer's assessment concluded there would be modest adverse impact. Given minimal harm, justification to approve rests with the weight to be given to public benefit in the form of renewable energy.
- v. Specialists in the field of historic building conservation had presented cases for refusal based on harm. Less had been said on the public benefits. In approving the Committee would be creating public benefit:
- vi. For the college, the proposal forms an important element of its sustainability vision, strategy, and a comprehensive highly innovative programme to be net zero by 2038.
- vii. For the City, this programme presented an exemplar to property owners and businesses and inspiration to everyone.
- viii. For the world, the generation of renewable energy on the roof of the Chapel would send a message that people needed to take climate change seriously.
- ix. In conclusion, people needed to have at the forefront of their minds that climate change was resulting in catastrophic, irreversible harm to life on Earth, our prime responsibility must be to take every opportunity to reduce Carbon emissions however modest and not be distracted in that mission by minimal harm to a single historic building.
- x. Invited the Planning Committee to support the Conservation Officer's advice to consider a temporary permission for the 25 to 30-year life of the panels, a very modest time frame in the life of this 500 year old building. This would allow for a review of modest adverse impacts of the panels progress against the 2050 target for a net zero world.

Councillor Porrer proposed an amendment to the Officer's recommendation that broken/redundant solar panels should be removed from the roof.

Councillor Bennet proposed an amendment to the Officer's recommendation to draft a specific glint and glare (control) condition with the Airport Authority if required.

The amendments were accepted **nem con (without a vote)**.

The Committee:

**Resolved (by 6 votes to 0)** to reject the Officer recommendation to refuse the application.

Members were reminded by the Interim Development and Planning Compliance Manager of the public benefit exercise assessment to now be considered relative to a heritage asset and potential harm demanded by the NPPF regarding the balancing exercise and the public benefit a scheme brings against the less than substantial harm identified. Members then discussed the harm vs public benefits the scheme would bring prior to a move to vote to approve the application made by Cllr Smart and seconded by Cllr Baigent.

**Resolved (by 6 votes to 0)** to approve the application contrary to the Officer recommendation with :

- i. delegated authority to Officers to draft appropriate conditions in consultation with the Chair, Vice Chair and Spokes;
- ii. discretion to Officers to draft a specific glint and glare (control) condition if deemed necessary after a further consultation with the Airport Authority ; and
- iii. discretion for Officers to draft and include a specific condition that broken/redundant solar panels should be removed from the roof.

### **23/17/Plan 22-03861-S73 1 Mere Way**

The Committee received an application for S73 Variation of condition 2 (Approved plans) of planning permission 17/1894/FUL (Demolition of existing garage. Erection of attached dwelling and extension to existing house).

The Senior Planner updated his report by correcting an error on P71 (agenda report) in his presentation.

The Committee received a representation in objection to the application from Arbury Road residents (written statements read by Committee Manager):

- i. The building work that had already commenced at 1 Mere Way predated the current application by some months, and construction was started in April 2020.
- ii. The northern wall of the building work was very close to the hedge that divides 233 and 235 Arbury Road from 1 Mere Way. It was possible to put a hand through the mature hedge and touch this wall. As the wall rises, the impact on the visual amenities in these gardens would be considerable. This would impact use of their gardens by a family with small children, and a very elderly couple (97 and 88 years).

- iii. As building commenced without planning permission, Objectors assumed that the required building regulation checks of footings and foundations had not been undertaken. Thus, the extremely close proximity of this building to the neighbouring properties, where small children were playing and elderly people were gardening or simply sitting, was a major cause for concern.
- iv. The whole project was grossly overbearing and does not accord with the other properties in the area. Comparison with the extension of 239 Arbury Road was invidious: that house was always a 4-bedroom property with a garage, built in the 1960s on a double plot, by the constructor, for his own use. While there had been several extensions and extra houses built at the end of the terraces along Mere Way, none had been of these dimensions with the potential to impact the privacy and security of neighbours. The planning permission originally granted for this site (17/1894/FUL) in January 2018 was very much in accordance with these.
- v. Objectors were further concerned that the Breach of Condition notice of May 2022 had not been complied with, as the part-constructed building and all associated materials remain in place.

Mr Trisic (Applicant) addressed the Committee in support of the application.

The Senior Planner proposed an amendment to his recommendation to include a biodiversity net gain condition.

This amendment was **carried by 6 votes to 0**.

The Committee:

**Resolved (by 6 votes to 0)** to grant the S73 variation 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 including the additional biodiversity net gain condition.

The meeting ended at 5.15 pm

## **CHAIR**

This page is intentionally left blank