

PLANNING COMMITTEE MEETING – 6th September 2023

Amendment/De-brief Sheet

MAJOR PLANNING APPLICATIONS

Circulation: First Item:
Reference Number: 20/01426/FUL
Address: Anstey Hall
Determination Date:
To Note: See below

Delete paragraph 9.88 and add the following:

In terms of optimum viable use, the applicant states that the proposed development would realise the optimum viable use of the asset to justify the development, however, PPG 015 states that “If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.” [emphasis added]

Amendments to
Text:

Additional paragraphs after 9.88:

Whilst the applicant contends that the proposed development provides a viable use for the heritage asset, Officers consider that there are a range of less harmful ways of achieving optimum viable use including previous officer support for use of Anstey Hall as student accommodation (which was withdrawn by the applicant) which was consistent with the heritage asset’s conservation. In this particular instance, it is not considered that the proposed development would constitute the optimum viable use of the grade II* listed Anstey Hall, consistent with its conservation.

The applicant also states that the capital generated through the retirement accommodation would complete the restoration of Anstey Hall. The argument around enabling

development relies on there being a conservation deficit i.e. the cost of repair (and conversion to optimum viable use if appropriate) exceeds the market value on completion of repair or conversion, allowing for appropriate development costs.

Whereas the applicant John De Bruyne's submitted Memo states, "Planning permission will generate funds to finish the twenty-year restoration.", in clarifying the current submissions compared to the originally submitted documents, the new Planning, Design and Access Statement states at paragraph 2.7 that, "The original submission discussed lots of future potential works to the listed building. These were simply 'future intentions' and did not form part of the planning and listed buildings application". In this case, no such works are now included in the application description or evidently intended to form part of the current applications. Therefore, whilst there may be an intention of the applicant to improve the Hall, any weight cannot be afforded to this in the absence of any specified works and their being secured.

The Historic England Guidance, Historic Environment Good Practice Advice in Planning Note 4 (2020) is clear that the enabling development would only be justifiable if other reasonable efforts to secure the future conservation of a heritage asset have failed, and the balance of securing this benefit would outweigh the disbenefits of departing from planning policies.

Whilst it is acknowledged that the economic viability of any scheme is a consideration, no information has been provided to demonstrate the identifiable conservation deficit, and if this is the case, that the development being proposed is the minimum amount required to meet the conservation deficit nor that alternative funding source could be provided to meet any conservation deficit but not restrictive to other development which could be supported in conservation terms.

Amend paragraph 9.23:

The application site is designated as a Protected Open Space (Park and Garden) within the Cambridge Local Plan 2018. It is designated for both its environmental and recreational importance (Appendix 2 – List of Protected Open Spaces - Open Space and Recreation Strategy 2011). Following a formal consultation with the Council's Policy Team, it is considered that the existing site makes a

major contribution to the setting, character and the environmental quality of Cambridge in that it is an important green break in the urban framework and has significant historical interest. A number of positive features such as mature trees and open grassland which gives it a sense of place is sufficient in making a major contribution to the character of the local area.

Amend paragraph 9.32 after “protected open space”:

Moreover, the proposals to the landscaping within the grounds would involve the loss of the Hall’s parkland setting by transforming the park into lower grade amenity grassland, thus reducing the environmental quality of this space.

Amend paragraph 9.105:

Third party comments regarding the sustainability approach are noted. In this case, insufficient information has been provided with regards an

indicative location of any proposed renewable energy that follows the

energy hierarchy. In addition, following verbal discussion with the Council’s Sustainability Officer, the proposed block’s layout lacks cross-ventilation to ensure that an adequate overheating strategy can be achieved. Therefore, the proposal fails to be in accordance with Policy 28 of the Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD (2020).

Amend paragraph 9.136:

Whilst the applicant refers to converting the shed along Maris Lane into a bike mobility centre, the submitted design and access statement refers to other locations for cycle storage. Notwithstanding this, given the sensitivity of the site and to ensure that cycles are located in convenient and accessible locations for intended users, Officers consider that details of the cycle storage should be provided up front with the application. In this instance, the application submission has not provided sufficient details of cycle parking for employees, residents or visitors. Given that the accommodation would be required to cater for a range of needs including the nursing of residents, and the additional bedroom in each unit being earmarked for relatives/friends/carer, it is considered that sufficient cycle parking is required within the site in compliance with Appendix L of the Local Plan 2018

Amend paragraph 9.113:

Whilst the applicant states that a comprehensive bat survey has been undertaken, only ecological appraisals have been submitted as part of the application submission. Although the ecological appraisal states that the trees have negligible bat roost potential, no evidence has been submitted in terms of the use of the site for foraging bats. Therefore, in this instance, no bat survey information on bat species likely to be affected nor a sensitive lighting scheme has been provided to mitigate likely impacts from internal light spill and external lighting within parking

areas, footpaths including security lighting. Given that the proposed development would compromise two 3 storey blocks in an otherwise undeveloped area of land which is ideal foraging territory for bat species, it is considered that without additional information concerning an ecologically sensitive lighting scheme, the proposed development fails to be in accordance with policies 57 and 70 of the Local Plan 2018

Amend paragraph 9.191:

7. Insufficient information has been submitted with regards an energy strategy for the site that follows the energy hierarchy. In addition, the proposed layout of the retirement accommodation blocks lack cross-ventilation to satisfy an adequate overheating strategy. Therefore, the proposal fails to be in accordance with Policy 28 of the Cambridge Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD (2020).

Amend paragraph 9.191:

8. Insufficient information has been submitted in terms of refuse strategy and swept path analysis for the proposed development. Therefore, the proposal is contrary to Policy 57 of the Cambridge Local Plan 2018 and the RECAP Waste Guidance.

Pre-Committee
Amendments to
Recommendation:

None

Decision:

As per Committee report

Circulation: First Item:
Reference Number: 20/01427/LBC

Address: Anstey Hall

Determination Date: See below

To Note:

Delete paragraph 7.18 and add the following:

In terms of optimum viable use, the applicant states that the proposed Orangery which would serve the retirement community would realise the optimum viable use of the asset to justify the development, however, PPG 015 states that "If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents." [emphasis added]

Amendments to Text:

Additional paragraphs after 7.18:

Whilst the applicant contends that the proposed development provides a viable use for the heritage asset, Officers consider that there are a range of less harmful ways of achieving optimum viable use including previous officer support for use of Anstey Hall as student accommodation (which was withdrawn by the applicant) which was consistent with the heritage asset's conservation. In this particular instance, it is not considered that the proposed development would constitute the optimum viable use of the grade II* listed Anstey Hall, consistent with its conservation.

The applicant also states that the capital generated through proposed development would complete the restoration of Anstey Hall. The argument around enabling development relies on there being a conservation deficit i.e. the cost of repair (and conversion

to optimum viable use if appropriate) exceeds the market value on completion of repair or conversion, allowing for appropriate development costs.

Whereas the applicant John De Bruyne's submitted Memo states, "Planning permission will generate funds to finish the twenty-year restoration.", in clarifying the current submissions compared to the originally submitted documents, the new Planning, Design and Access Statement states at paragraph 2.7 that, "The original submission discussed lots of future potential works to the listed building. These were simply 'future intentions' and did not form part of the planning and listed buildings application". In this case, no such works are now included in the application description or evidently intended to form part of the current applications. Therefore, whilst there may be an intention of the applicant to improve the Hall, any weight cannot be afforded to this in the absence of any specified works and their being secured.

The Historic England Guidance, Historic Environment Good Practice Advice in Planning Note 4 (2020) is clear that the enabling development would only be justifiable if other reasonable efforts to secure the future conservation of a heritage asset have failed, and the balance of securing this benefit would outweigh the disbenefits of departing from planning policies.

Whilst it is acknowledged that the economic viability of any scheme is a consideration, no information has been provided to demonstrate the identifiable conservation deficit, and if this is the case, that the development being proposed is the minimum amount required to meet the conservation deficit nor that alternative funding source could be provided to meet any conservation deficit but not restrictive to other development which could be supported in conservation terms.

Whilst some public benefits are noted, in so far as removal of the negative flat roof building, this would be replaced by an Orangery which notwithstanding the lack of detailed design information submitted, by virtue of its

excessive scale and lack of high quality design, is not considered to be of an appropriate addition.

Pre-Committee Amendments to Recommendation: None

As per Committee report

Decision:

MINOR PLANNING APPLICATIONS

Circulation: First Item:
Reference Number: 22/05304/FUL
Address: 286 Cherry Hinton Road
Determination Date:

See below

To Note:

Below is an update to the following paragraphs after the committee site visit.

Amendments to Text:

8.29 In regards of the windows on the east flank elevation of the neighbouring property, it is considered that there would be some harm to these windows which serve the kitchen/ dining room ~~and living room~~, as they are already overshadowed by the current dwelling. The proposed dwelling as a built form on the ground floor would not be getting any closer but it will at first-floor due to a current ground floor protrusion, which is identified on the plans.

8.30 The two existing side facing windows at no.282 serve the kitchen /dining room. Both are already overshadowed by the existing property, and so the proposed development is not considered to adversely affect the level of light to these rooms, as the windows in which the room is served by are already subject to a significant level of overshadowing. There are rooflights serving the rear extension which contains a living space

and allow light to both the rear living room and some of the kitchen / dining room area and these will not be overshadowed by the proposed scheme.

8.31 The side facing window will be adversely affected by the development with regards to loss of light, however, the window serves a toilet which is not considered habitable space, and so the loss of light concern is not considered to have a material impact on the existing property's amenity.

8.32 The increase in overbearing impact to 2no. side (east) facing windows to this neighbouring property which serve the kitchen/ dining room is not considered to have adverse impacts on the current occupants, due to the current proximity of the existing dwelling to these windows.

Pre-Committee
Amendments to
Recommendation: None
Decision: As per the Committee Report.

Circulation: First Item:
Reference Number:
Address:
Determination Date:
To Note:
Amendments to
Text:
Pre-Committee
Amendments to
Recommendation:
Decision:

Circulation: First Item:
Reference Number:
Address: 26 Barton Road
Determination Date:
To Note:

Amendments to
Text:
Pre-Committee
Amendments to
Recommendation:
Decision:

Circulation: First Item:
Reference Number:
Address: 25 Devonshire Road
Determination Date:

To Note:

- A third-party representation has been received (midday 5 Sept) from the owners of 24 Devonshire Road. The representation raises an issue regarding the partial redaction of text from their online consultation responses to the planning application. These responses are in respect of representations made on 17 August 23, 21 June 23, 2 May 2023 and 19 Dec 22.
- The representation states that 'important content of our objections has been omitted, rendering them incomplete and altering their meaning, thereby misleading members and the public as a whole. It is therefore the case that the unauthorized removal of text may have a direct influence on the outcome of the planning application. We are bringing this matter to your attention as we do not consider that it is possible under these circumstances for an open and democratic decision to be made on this planning application by the City Council's Planning Committee.'
- Officer Response: The owners of 24 Devonshire Road have made multiple detailed objections to the planning application and these are largely unredacted and available to view on-line on the Council's website. The substantive planning issues and material planning considerations raised by the owners in their representations remain publicly visible. The Officer Report summarises the representations made and the officer response to them. Those parts of the representations which have been redacted have been done so on a precautionary basis because

of their personal nature and because they allege issues concerning the competency of specific officers which are not material to the consideration of the planning application itself.

- Officers are satisfied that there has been sufficient balance and appropriate handling of the third party representations - including their partial redaction - which is reflected in the preparation and presentation of the officer recommendation. As such, there is no reason to suggest that Members of the Planning Committee could not come to a fair and reasoned judgement on the merits of the planning application before them, taking into account all material planning considerations.

Amendments to
Text:
Pre-Committee
Amendments to
Recommendation:
Decision:

Circulation:	First	Item:
Reference Number:		
Address:	45 Highworth Avenue	
Determination Date:	As Above	
To Note:	Several Amendments to the committee report and Conditions	

Removal of para 9.2 of the report. A planning obligation is not required in the event of a refusal and any appeal.

Condition 18 amended to:

Amendments to
Text:

The garages hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse. These shall at no time be used as sleeping accommodation, nor shall it be separately occupied or let and no trade or business shall be carried on therefrom.

Reason: To avoid harm to the character of the area, to protect the amenity of neighbouring occupiers and because if the outbuilding were to be slept in or used as

a separate unit of accommodation it would provide a poor level of amenity for its intended occupiers (Cambridge Local Plan 2018, policies 35, 50, 52, 55, and 57).

Additional Permitted Rights Restriction Condition:

Notwithstanding the provisions of Schedule 2, Part 1, Class A, Class B, Class C and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwelling house, no new windows or dormer windows (other than those expressly authorised by this permission), any other alterations to the roof the dwelling houses and buildings ect incidental to the enjoyment of a dwellinghouse shall not be allowed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity in accordance with Policy (Cambridge Local Plan 2018, policies 35, 52, 55, 56, and 57).

Pre-Committee
Amendments to
Recommendation:

As per the committee report

Decision:

Circulation: First Item:
Reference Number: 22/05070/FUL
Address: Land to rear of 208 and 210 Queen Ediths Way
Determination Date: 13 September 2023

The following minor updates are required:

To Note:

To Note:

Following the publication of the addendum committee report a further representation has been received from a resident requesting clarification on the width of the access and whether two motor vehicles can pass. As shown on

the submitted plans and the vehicle tracking within the transport statement drawing pack the access is approximately 5.4metres wide at the Queen Edith's Way access point and is wide enough for two vehicles to pass comfortably at the entrance and within the core of the site. During the course of the application the access details have been amended to increase the width of the access to 5 metres for the first 10 metres in order to address comments from Cambridgeshire County Council Highways Engineer, this amendment was made to ensure two domestic vehicles are able to pass each other off the public highway. These details have been reviewed and considered to be acceptable by the Cambridgeshire County Council Highways Engineer and in accordance with paragraph 111 of the National Planning Policy Framework (NPPF).

Officers acknowledge that the access road narrows further to the south of the access where a green verge and two new trees are shown on the submitted plans. However, as set out in condition 30 the submitted landscaping details are not approved at this stage and the final details of hard and soft landscaping will be secured by the submission of information to address condition 30 (hard and soft landscaping). Given the low trafficked nature of the development and the straight design of the access road where future users will have good visibility of oncoming vehicles, the proposed arrangement is considered acceptable. For completeness an additional requirement has been recommended within the hard and soft landscaping condition to secure details of give way signage along the private access to ensure it is clear for the future occupants which motorists are required to give way to oncoming traffic and which motorists have priority. Officers are satisfied that the proposed access arrangement is compliant with policies

Amended wording of condition 30 (part e. signage details within the hard and soft landscaping condition):

Notwithstanding the approved plans, no development above ground level, other than demolition, shall commence until alternative details of a hard and soft landscaping scheme, to those shown in submitted plans 'Outline Hard and Soft Landscape Masterplan' by Guarda Landscape, dwg no.223-001-P09' and 'Proposed Boundary Plan' by Hill, dwg no. 139-PS-004 Rev C., have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;

b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

c) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.

d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

e) details and location of give way signage along the private access road to inform future occupants which motorists have priority, and which are required to give way to oncoming traffic.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity. (Cambridge Local Plan 2018 policies 55, 57, 59 and 69).

Additional conditions:

34. Prior to first occupation, each dwelling shall be fitted with a means for future occupiers to monitor / measure all of their own energy consumption (electric / water / gas) including the extent of the contribution made to energy consumption from on-site renewable energy sources. The fitted device(s) shall be retained and maintained thereafter.

Reason: In the interest of promoting sustainable development (Cambridge Local Plan 2018 policy 28)

35. Prior to the installation of any electrical services, an electric vehicle charge point scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall make provision for active charge point(s) for each house. The active charge points should have a minimum power rating output of 3.5kW. The approved electric vehicle charge points shall be installed prior to first occupation of the relevant dwelling and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF 2021) paragraphs 107, 112, 174 and 186, Policies 36 and 82 of

the Cambridge Local Plan (2018) and Cambridge City Council's adopted Air Quality Action Plan (2018).

Amendments to Text: None
Pre-Committee Amendments to Recommendation: None
Decision: As per the committee report

Circulation: First Item:
Reference Number:
Address: 132 Hobart Road
Determination Date:
To Note:
Amendments to Text:
Pre-Committee Amendments to Recommendation:
Decision:

Circulation: First Item:
Reference Number:
Address: 23A Unit 1, Hooper Street
Determination Date:
To Note:
Amendments to Text:
Pre-Committee Amendments to Recommendation:
Decision: