

PLANNING COMMITTEE MEETING – 4th February 2008

Pre-Committee Amendment Sheet

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 08/1610/FUL

Location: Former 24 Thompson's Lane

Target Date: 12.02.09

To Note:

Subsequent to the publication of the Committee report, two members of the public have contacted the case officer seeking clarification over the matter of parking permits available to staff and guests of the proposed hotel. The relevant highways officer at the County Council has made it clear that neither staff nor guests of the hotel would be eligible for residents' parking permits of any sort, including visitor permits. I recommend amending the relevant informative accordingly (see below).

An additional representation, which was inadvertently omitted from the Committee report, was received from the occupier of 5 Cornwall Court, Eaton Socon, St Ives. The representation takes the view that residential use would cause less noise and disturbance from traffic than the proposed hotel use. This issue is addressed in the report.

Following the publication of the Committee report, a further representation was received from the occupier of 7 Park Parade. This representation is attached to the amendment sheet.

Following the publication of the Committee report, a second representation was received from the Treasurer of the Varsity Place Residents' Association (c/o 23 Portugal Place). This representation is attached to the amendment sheet.

Amendments To Text:

Pre-Committee Amendments to Recommendation:

Add at end of third informative '... of any sort, including visitor permits'

DECISION:

CIRCULATION: First

ITEM: APPLICATION REF: 08/1523/FUL

Location: Three Crowns House, Hills Road

Target Date: 02.01.2009

To Note:

1. The minutes of the Development Control Forum are attached.
2. The residents at 1 Bateman Street and 1 Norwich Street have written to the Planning Inspector who considered the previous appeals, seeking clarification about the Bateman Street 'Wing'. The text of the letter reads:

"Last summer, you presided over a planning inquiry into the two appeals by Royal London Mutual Insurance Society Ltd re: Three Crowns House and in your subsequent report you turned down the appeals on the grounds that this impact on outlook and the resultant sense of enclosure would be so harmful as to justify dismissing the appeals.

Since then the developers have come back with plans which have scaled back the main building to its original size, but have persisted in 'filling the gap' with plans for the wing extension down Bateman Street.

In your report, you said:

Par 10: However, I consider that, in both schemes, the added visual impact arising from the building being so much closer, as well as filling the gap on the Bateman Street frontage, would be unacceptable.

Par 21: However, due to their scale and siting, both schemes would be so visually dominant and overbearing that they would cause an unacceptable sense of enclosure. This would be seriously harmful to the living conditions of the occupiers of both 1 Bateman Street and 1 Norwich Street. I conclude in respect of both schemes that this impact on outlook and the resultant sense of enclosure would be so harmful as to justify dismissing the appeals.

The reason that we are writing to you is to seek further clarification as to what you meant by *as well as filling the gap* – as this phrase was at the centre of fierce debate at a Development Control Forum on the new plans held on Wednesday, 14 January.

The developers still wish for a same size wing extension down Bateman Street coming within some five feet of the Victorian terrace which is in a Conservation Area.

So what we are asking is:

1. Does your conclusion mean that there can't be any building which would fill the gap that already exists between Three Crowns House and 1 Bateman Street?
2. Or does it mean that there can be a smaller extension as long as it does not cause a *resultant sense of enclosure* to neighbouring properties?

As these are uncharted waters for the residents, we are not sure whether it would be

appropriate for you to comment further.

The Bateman Street and Bateman Mews Residents' Association, and the Norwich Street Residents' Association remain resolutely opposed to the scale of the new plans, but not to the principle of redevelopment.

However, if it is appropriate, we would be happy for any clarification to be shared with Cambridge City Council Planning Department and the applicants. The application could be considered by the Planning Committee as early as Wednesday, 4 February."

I have responded, advising:

"In acknowledging your email I think I must advise that I think it very unlikely that you will get a response. This is not because the Inspector would not wish to be helpful in the matter, but because he had to consider the complete proposal before him, at the time of the public inquiry, the main body of the new building and the 'wing' filling the gap between that and the gable end of your property, and that is what he did.

I must stress that this is my expectation only and I might be proved wrong."

3. A letter from Bidwells to Councillors, responding as promised to matters raised at the DCF is attached.

4. Further correspondence has been received from the Secretary of the Bateman Street/Bateman Mews Residents Association. It questions whether the matters of the detail of the western flank, the return on the corner of the building, and the finish of the building to be refurbished will be returned to the Design and Conservation Panel for further views. In a response it has been pointed out that it is not normally what happens, that conditions are proposed to deal with the detail of these matters, and that they are usually delegated to officers, though Committee can require that they are returned to the Committee for determination.

The email then explains the efforts of residents to lift the quality of an area that was quite run down 25 years ago and describe the local character and context and elaborate on why what is proposed is inappropriate:

" In Bateman Street there are two terraces of different height and layout, which are separated by a street - Francis Passage.

On the south side of the street were built a series of tall, semi-detached "villas" The space between the villas lets through light and a view of the sky and until the early 1980's - trees and gardens. The most serious break to this pattern is St Mary's School, with a range assorted of brick buildings which don't manage to blend successfully even after many decades. The EuroCentre, (which was turned down by the City in the early 1980's), more successfully creates a pagoda like villa, but its weakest point is the join onto the neighbouring Victorian villa.

The houses and the first terrace are very tall, without these gaps the street would be extremely gloomy. The space that is going to be built on served for a century as a green area at the end of the terrace and a break between the two very different streets - Hills Road and Bateman Street. There was never meant to be a continuous frontage to "be maintained".

As a result of the Eurocentre building and Trinity Halls Hall's plans for further development Newtown was made conservation area and its residents are bound to preserve its building materials and design at some additional cost to themselves. This new extension will neither be in the old Cambridge brick, not have any design features matching the terrace. It will simply join two incongruous buildings, and will itself match neither gracefully.

The Three Crowns House was, although the developers refuse to acknowledge this, a civic building with all to much relevance to the community. When it was well maintained it was not considered an eyesore. It reflects the afternoon sun. into an area short of light. Between 9 and 5 the disputed space was a car park, although also a through way for residents to local shops. From 5 pm to 9 am and all weekend it was an open space used by local children. The Court House left it open for this use. This is why there is so much resentment at this overbearing development which will completely remove this space

The planning hearings and the inspectors report, concentrated on the effect of the proposals on the immediate neighbours not the area as a whole. Others have argued that Hills Road, as a major entry road into the city should have high quality design. This is a plea for a design of the new building which will be less damaging to the neighbouring streets, indeed Newtown, as a whole."

Amendments to Text:

Para 8.7 the final word in the final sentence should be "acceptable" not "unacceptable"

Para. 8.21 Full stop after "involved" in line 3; and delete the rest of the paragraph. There is not a requirement for a section 106 for this application because it is not a major application.

Paragraph 9.2 should be reworded to read:

9.2 In his own conclusion the Inspector, at paragraph 21 comments that, "... *due to their scale and siting, both schemes would be so visually dominant and overbearing that they would cause an unacceptable sense of enclosure. This would be seriously harmful to the living conditions of the occupiers of both 1 Bateman Street and 1 Norwich Street. I conclude in respect of both schemes that this impact on outlook and the resultant sense of enclosure would be so harmful as to justify dismissing the appeals.*" It is my view that the decision to re-use the existing building, adding to it only in the new wing on the Bateman Street frontage makes a fundamental difference to how the building now proposed will impact upon the neighbours. I do not suggest that there will be no impact whatsoever, as clearly there will be an impact; the new wing will have an additional presence, but the issue is whether that impact is such, is so unreasonable, as to warrant refusal of the application. My view is that the proposal is acceptable, that it does accord with development plan policy and I recommend that it be approved.

Pre-Committee Amendments to Recommendation:

Condition 5 to read:

“The details of the western gable shall be agreed in writing with the City Council prior to the development of the Bateman Street ‘wing’ being commenced and shall be implemented in accordance with that agreed.”

Condition 13: for clarity, this is specifically to deal with acoustic insulation

Condition 14: replace the word ‘takeaway’ at the beginning of the third line with “office development”

An additional condition is suggested:

“In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local planning authority with a method statement for approval detailing the type of piling and the mitigation measures to be taken to protect local residents. Development shall be carried out accordance with the approved details.

Reason: To protect the amenity of adjoining properties during the construction period (Cambridge Local Plan 2006 policies 3/14 and 4/13).

DECISION:

GENERAL ITEMS

Tree Preservation Order 22/2208 – 208 Green End Road

To Note

For information there is a current planning application for the erection of 5 terraced houses on this site (application reference 08/1707, case officer Catherine Linford).

Amendment to text

2.0 RECOMMENDATIONS

2.1 The Council confirm City of Cambridge (208 Green End Road) Tree Preservation Order 22/2008 with modifications, *to exclude T1 the Lombardy poplar.*

5.2 Comments on the reasons for objection.

~~The Tree Preservation Order was served to ensure that the site was not clear felled to facilitate development. A detailed survey and assessment of the trees on site has been undertaken and there have been discussions with the architects; a planning application has been submitted and currently under consideration.~~

~~In the light of the survey and assessment the condition and long term expectation of the trees was considered.~~

~~Whilst the future of the site has yet to be determined it is clear that it will be used for residential development in excess of one dwelling.~~

~~In the light of this knowledge the Tree Preservation Order is amended to~~

~~reflect the demands of the site and the suitability of the trees for retention. T1 and two of the three ash trees in the group of ash should be excluded.~~

The group of three ash trees are an important amenity to the area as they are clearly visible from the Scotland Road/Green End Road junction, for some distance along Green End Road and Enniskillen Road. Their crowns rise above the roofline and provide interest and a sense of place.

Proposals to develop the site are currently under consideration. These trees occupy a substantial part of the development site and because of their potential size can have a major influence on the planning and use of the site. Trees of good quality and value can greatly enhance new development by providing an immediate appearance of maturity. However, trees can also be a constraint. Layouts sited poorly in relation to retained trees, or the retention of inappropriate trees may be resented by future occupiers. To avoid such problems and to ensure a harmonious relationship between trees and structures, careful planning and expert advice is needed in the planning process. In assessing any planning application it will be necessary to undertake a realistic assessment of the probable impact of the proposed development on the trees. It will also be necessary to take into consideration the characteristics and condition of the trees, the space required for their future growth and their maintenance requirements.

It should be noted that, having granted planning permission, any tree surgery required to a protected tree in order to implement a full planning permission does not require the consent of the Local Planning Authority.

These three ash trees are a constraint and their protection should be ensured until the future of the plot has been determined.

It may be that in the course of the planning process further changes reflect the new landscape and a revised Order may be drafted to include the new planting in accordance with government guidance.

7.0 CONCLUSIONS

- 7.1 City of Cambridge (208 Green End Road) Tree Preservation Order 20/2008 be confirmed with modifications to omit ~~these trees~~ *the Lombardy poplar (T1)* whose retention is not desirable because of ~~their~~ *its* health and the safety of neighbours.

Tree Preservation Order 20/200/ - Templemore Close

See attached map which identifies location.

Amendment to text/recommendation

(Additions in italics)

2.0 RECOMMENDATIONS

- 2.1 The Council confirm City of Cambridge (Templemore Close) Tree Preservation Order 20/2008 with modifications to correctly identify the number, name and position of the trees.
*The modifications to the Templemore Close Tree Preservation Order are; T 21, T 30 and T32, all silver maple trees) are notated to reflect that they have been felled but are to be replaced
T 30 is correctly identified as a silver maple, not a horse chestnut
T 31 is correctly identified as a horse chestnut, not a silver maple*

7.0 CONCLUSIONS

- 7.1 City of Cambridge (Templemore Close) Tree Preservation Order 20/2008 be confirmed with modifications to reflect the current geographical disposition.
*The modifications to the Templemore Close Tree Preservation Order are; T 21, T 30 and T32, all silver maple trees) are notated to reflect that they have been felled but are to be replaced
T 30 is correctly identified as a silver maple, not a horse chestnut
T 31 is correctly identified as a horse chestnut, not a silver maple*

Tree Preservation Order 11/2008 – Mayfield Primary School

To Note

Paragraph 5.2 refers to conditions attached to Planning Permission 07/1219/FUL. These are attached. There were no tree protection conditions. There were two landscape conditions.

Amendment to text

(Additions in italics)

- 5.2 Comments on the reasons for objection.
Planning Permission (07/1219/FUL) was granted subject to conditions including ~~tree protection and~~ landscaping. *The tree was protected by the Tree Preservation Order. Anyone who, in contravention of a Tree Preservation Order, cuts down, uproots or willfully destroys a tree or tops, lops or willfully damages a tree in a way that is likely to destroy it is guilty of an offence.* Planning and arboricultural officers offered advice prior to development and throughout the Planning and construction process. From the outset the tree was identified as a constraint and, subsequently, was protected with a Tree Preservation Order.
Officers sought to protect the tree from the consequences of children playing beneath the tree. Ideally, the children would not be able to play beneath the tree. From experience with nursery and playgroup accommodation elsewhere in the city, there is considerable pressure placed on the external area provided for play. This usually results in the loss of grass through continual wear, the removal of shrubs to make more room for play equipment and play

space. Constant activity results in the ground becoming poached and compacted, which results in the decline and loss of trees.

In addition, cedar trees shed spiky needles and exude resin, which could result in complaints from parents and an application to trim the tree to reduce the nuisance.

Finally, a recent appeal on a similar tree at Lady Jane Court was ~~lost~~ *allowed by the Secretary of State* on the grounds of the unacceptable risk of potential branch failure, whilst this tree is a much younger specimen, in apparent good condition and has not shed any branches this could become an issue as it matures. Precluding activity from beneath the tree would ensure the safety of the children and their carers.

Tree Preservation Order 19/2008 – Baldock Way

See attached map which identifies location and comparison with previous TPO plan.