

PLANNING COMMITTEE MEETING – 24th June 2009

Pre-Committee Amendment Sheet

PLANNING APPLICATIONS

CIRCULATION: First

ITEM: 4.1 APPLICATION REF: 09/0297/FUL

Location: Land At 180 - 190 Newmarket Road

Target Date: 30/06/09

To Note:

1.0 Additional neighbour representations

1.1 Since the completion of the Committee report, additional representations objecting to the application have been received from the owners or occupiers of the following addresses:

21 Beche Road
26 Beche Road
31 Beche Road
34 Beche Road
58 Beche Road (two respondents)
64 Beche Road
66 Beche Road
10 Godesdone Road
14 Godesdone Road
17 Mill Lane
141 Newmarket Road
13 Priory Road
41 Priory Road
15 Riverside
1 Saxon Road
17 Saxon Road
20 Saxon Road
80 Tennis Court Road

and from the Cambridge Preservation Society

1.2 The issues raised are all included in the list in the Committee report.

2.0 Riverside Area Residents Association supplementary comments

2.1 Following the publication of the Committee report, a supplementary memorandum from Riverside Area Residents Association has been received. The memorandum raises concerns about the report in a number of areas. The memorandum is attached to this amendment sheet. I address the issues raised below.

Height and mass

2.2 I do not consider that it is valid to use 'general parapet height' as the main parameter for comparing the relative height of the consented scheme and the present proposal. I acknowledge, and I have indicated in my report, that the plant rooms included in the previously approved office scheme do not extend across the full width of the building. They would, however, have a combined width of 33m, and their respective bulks would be linked and extended by areas of louvre screening 1.2m lower in height. Thus, as I indicate in the table in paragraph 8.9 of the Committee report, an apparent mass, extending along 77m of the building, and reaching a height within 600mm of the 'general parapet height' of the building proposed in this application would be created.

2.3 This plant area on the approved office scheme would be clearly visible from most viewpoints other than immediately outside the north and south sides of the building. It would be particularly clear from distant viewpoints across the conservation area. In my view, the apparent mass of this plant area (which extends too far to be considered localised) cannot be ignored when considering the extant reserved matters permission as a material consideration in this application, and must be regarded as part of the mass already permitted.

- 2.4 The memorandum submitted by RARA contends that an increase in height over that permitted by the outline permission was not sanctioned by Planning Committee when it approved 06/0373/REM because the increase in overall height was not specified in the Committee report. I do not consider this to be a matter which can carry significant weight. The reserved matters submission was fully considered through the planning process, and there is no lack of clarity in the approved drawings. The actual approved form of the office building is material.
- 2.5 I agree with RARA's contention that that the maximum height permitted on this site rose from the outline permission to the reserved matters approval, and would rise further if this application were to be approved. I do not, however, consider that the increase in height proposed in this application is sufficient to support a reason for refusal. It is not the case that 'tacit acceptance' of the height of this building would set an undesirable precedent for future development, because any planning application must be considered on its own merits in context.
- 2.6 Notwithstanding the points made by RARA in the memorandum, it remains my advice that excessive height and mass should not be stated as a reason for the refusal of this application.

Visual domination

- 2.7 I have acknowledged in the committee report both Design and Conservation Panel's misgivings about the scale of the proposed building, and the visibility of the building in views across and out of the conservation area. I do not, however, consider that the visual impact of the proposed building would be sufficiently greater than that of the approved building in terms of its height to warrant an additional reason for refusal on this ground.

Capacity

- 2.8 I do not consider that either policy 3/1 or policy 6/3 would form a basis for refusing this application on the grounds that it concentrates too many hotel rooms in one location. In my view it would be difficult to argue either that the sustainability or the diversity of visitor accommodation would necessarily be improved

by preventing the development of a hotel of this size. I am not persuaded by RARA's argument that sites for budget hotels of a smaller scale exist within the city centre.

Traffic and vehicle noise

- 2.9 I acknowledge that many of the vehicles leaving the proposed hotel site would pass along the eastern section of New Street. Not all would, however; vehicles heading north, west or south from the site might well consider that turning right at the mini-roundabout and heading west along New Street to East Road was a more beneficial route. It is also my view that the main elements of noise from vehicles (braking, reversing, engines revving and doors being closed) would occur at the edge of the site, in Harvest Way, and that traffic noise created in either arm of New Street would be of a lower order.

Highway safety

- 2.10 I reiterate that the highway authority has not raised any issues of highway safety.

3.0 Conclusion

- 3.1 I do not recommend any additions to the reasons for refusal given in the Committee report.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: 4.2 APPLICATION REF: 09/0447/FUL

Location: 24 Thompsons Lane

Target Date: 13/07/09

To Note: Since the completion of the Committee report, additional representations objecting to the application have been received from the following organizations:

Park Street Residents' Association
Varsity Place Residents' Association
Trinity Hall

And from the occupier of 7 Beaufort Place

The issues raised are all included in the list in the Committee report.

Amendments To Text:

Add paragraph 3.2:

09/0498/S73 is a new application to vary the condition attached to 08/1610/FUL preventing the inclusion of a restaurant in any hotel use. It has not been brought before this meeting of Committee because the time limit for neighbour representations does not expire until 30th June 2009. If a recommendation for approval is made, the application will probably be brought before the July 22nd meeting of Planning Committee.

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: 4.3 APPLICATION REF: 08/1623/FUL

Location: **Chesterton Community College, 297 Gilbert Road**

Target Date: 03/02/09

To Note:

Since the writing of the Committee report, additional representations have been received in support of the proposal from the owners or occupiers of the following addresses;

5, De Freville Avenue, Cambridge CB4 1HN
28, Gilbert Road, Cambridge CB4 3PD
76, Gilbert Road, Cambridge CB4 3PD
45, Pretoria Road, Cambridge CB4 1HD

Five further representations in support have been received but the supporters have not disclosed their addresses.

The representations can be summarised as follows;

- The facility would benefit both the local community and the college. Where the sporting opportunities are currently limited from the autumn half term through until March due to poor light, this facility will benefit the children enormously.
- This application should be approved given that the benefits far outweigh the issues raised through 'nimbyism', of which the applicant has made every effort to consider and mitigate against in the proposal put forward.
- The school is old and tired and really the only modern facility is the sports complex that is lacking an all weather surface.

A further objection, a response to the Case Officer's report and the comment of the City Council's Environmental Health Officer, has been received from Mike Stigwood, the consultant commissioned by a group of the local residents to carry out an Environmental Impact Assessment (EIA). This can be summarised as follows;

- The City Council's Environmental Health Officer errs in the

interpretation of guidance and law, placing reliance on the World Health Organisation (WHO) guidance but failing to understand that guidance, which applies to wholly different situations operate;

- The objector's statement quotes cases where Council Officers of other Authorities have mis-interpreted guidance or given incorrect advice to committee, which has informed the determination of proposals leaving the Council open to challenge; the letter advises that the Committee proceed in this case with the advice before them at a similar risk.

Procedural Issues

1. The legal advice, jointly sought by the County Council and the City Council from Counsel, as to whether the City Council is the correct determining authority for this application is attached as Appendix A. The County Council Decision Notice of the previously refused planning reference C/1167/07/CC is attached as Appendix B.

2. One of the lead objectors has questioned how the application has been handled and the transparency of the City Council, raising concern that the application has been rushed through to Committee for determination, without offering objectors the opportunity to comment further.

I am confident that this application has been dealt with appropriately. Dialogue has been limited with regards to the procedural matter given that both Council's were unsure of the legalities themselves, so therefore sought Counsel's opinion. I am confident that there has not been any advice to objectors to the effect that the application would be 'put on ice' pending the outcome of the receipt of legal advice, with a view to a further round of consultation after the advice had been received. Local residents/interested parties were notified of the proposal on 18th December 2008 and representations received in response to consultation have been considered well past the statutory 21 days, agreed as 18th January 2009, up until the writing of the Committee report on 11th June 2008. The proposal has not been amended in any way since its validation. The issue which has led to the delay of this application has been the matter of whether the City is the correct party to determine the application. Nothing new has occurred to warrant re-consultation.

3. The objector argues that the City Council suggested additional time would be given to comment further on the application if it was decided that the application was to be determined by the City Council and as such requests Committee defers the application. Councillor Nimmo-Smith also requests that Committee defer the determination of the application, believing that further consideration must be given to the case considered by the County Council; that an assessment of the proposal should have been made on site from the gardens of the local residents; that the report has been written in advance of that latest information (about the legal issue) coming forward; and that members of the public should be given longer to consider the Case Officer's report.

In response I believe there are no substantive reasons for the proposal to be deferred. I can confirm that the application previously determined by the County Council has been considered and the reason for refusing the previous application has been a material consideration in assessing the impacts of this slightly different current application. Having visited the application site, it was considered that an adequate assessment could be made from the site without the need to enter properties of neighbouring residents. The report was written at a time when it was felt adequate information was available to make a considered assessment of the proposed development and formulate a decision. The only outstanding matter was the issue of whether the City Council is the appropriate determining body, which is a separate technical issue. The application has remained unchanged since its validation. As rehearsed above the only issue that resulted in the delay of this application was the uncertainty as to whether the City Council was the correct determining authority.

Amendments To Text:

Condition 4 should read;

Prior to the commencement of the use of the **facility** hereby approved, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be in accordance with the approved details.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and accord with Cambridge Local Plan 2006 policies 6/1 and 6/2.

Pre-Committee Amendments to Recommendation: None

DECISION:

GENERAL ITEMS

CIRCULATION: First

ITEM: **5.1** Tree Item: Application to fell and prune several trees – TPO 6/2002

Location: Gilmerton Court

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: **5.2** Tree Item: Tree works application 09/125/T1

Location: 8 Templemore Close

To Note: Since the completion of the Committee report, additional representations objecting to the application have been received. Objector 1 unhappy at the ambiguous nature of work and felt the consultation was insufficient. Objector 2 unhappy at the ambiguous nature of work and felt the consultation was insufficient

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: **5.3** Tree Item: Section 211 notification 09/0147/Tree
2

Location: 59 Maids Causeway

To Note: Since the completion of the Committee report, additional representations objecting to the application have been received. Objector unhappy at loss of tree as it would constitute a loss of public amenity.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:

CIRCULATION: First

ITEM: **5.4** Tree Item: Application to fell horse chestnut tree
– TPO 4/1972

Location: Beaulands Close

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

DECISION:
