

22 June 2005
9.30am – 1.55pm

PLANNING COMMITTEE

Present: Councillors Baker (Chair), Bailey, Blencowe, Dixon, Hymans, Reid

FOR THE INFORMATION OF THE COUNCIL

05/plan/24 Apologies

Apologies for absence were received from Cllrs Dryden, Hipkin Slatter and R Smith

05/plan/25 Declarations Of Interest

There were no declarations.

05/plan/26 Application to fell a Beech Tree Protected by Tree Works Preservation Order 4/1979: 246 Hills Road

The Principal Arboricultural Officer introduced the report and recommendation.

Resolved (by 6 votes to 0) to refuse the permission to fell the tree and issue an Article 5 Notice with the decision.

05/plan/27 Objection To Tree Works Application 105/05: 74 St Barnabas Road

The Principal Arboricultural Officer introduced the report and recommendation.

Resolved (by 6 votes to 0) the Council raise no objection to the felling of the lime tree, and the tree is not made the subject of a Tree Preservation Order.

05/plan/28 Review of Scheme of Delegation for Planning

The purpose of this report was to review the powers delegated to the Director of Environment and Planning in respect of planning and development control matters.

Members suggested clarification of paragraph 5 of the member guidance note (appendix 3) Requests to Refer Planning Applications to Committee to explain the role of Ward members making representations at Committees

Resolved

1) to approve the revised delegated scheme set out in Appendix 2.

2) to authorise the revised delegated scheme to come into immediate effect.

05/plan/29 Procedures For Dealing With A Complaint About A High Hedge Under Part 8 Of The Anti-Social Behaviour Act, 2003

The Principal Arboricultural Officer introduced her report on the law governing the procedures for dealing with complaints about high hedges which was contained in Part 8 of the Anti-Social Behaviour Act, 2003 and the High Hedges (Appeals) (England) Regulations 2005. The Executive Councillor, Housing and Health and The Executive Councillor Environmental Services had agreed that the new powers under Part 8 (High Hedges) of the Anti-social Behaviour Act 2003 should be delegated to the Director of

Environment and Planning. The High Hedges legislation had come into effect on 1 June 2005.

Resolved

- 1) that the provisions set out in paragraphs 3.5, 3.7, 3.10, 3.13, 3.15, 3.17, 3.21, 4.3, and 4.5 of the report be adopted.
- 2) Officers (and others) be authorised to enter land for the purpose of assessing the complaint and determining if the remedial notice has been complied with.

05/plan/30 Planning Applications

The Planning applications were determined as shown in appendix 1 to these minutes.

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Appendix 1

Full details of the decisions, conditions of permissions and reasons for refusal may be inspected in the Environment and Planning Department, including those which the committee delegated to the Head of Development Control to draw up.

These minutes and the appendix should be read in conjunction with the reports on applications to the committee, where the conditions to the approved applications or reasons for refusal are set out in full. Any amendments to the recommendations are shown in the appendix.

1

Application No 05/0420/FUL
Site 8 Mercers Row
Proposal Change of use from use Class B1(b) to use Class D2 including external changes to the building.
Applicant Charterfront Ltd And Jupiter House Investments Ltd
Public Speaker(s) S Willis (applicant)
Recommendation Approve
DECISION **APPROVED** (by 6 votes to 0) subject to the conditions set out in the officers' report and the amendment of condition 2 to read:
 'Prior to the use of the building, the car parking and cycle parking spaces shall be laid out in accordance with the approved plans and in accordance with a landscaping scheme showing planting plans, methods of boundary treatment and cycle rack/store design to be submitted to and approved in writing by the Local Planning Authority. The spaces shall thereafter be used for the approved purpose unless otherwise agreed in writing by the Local Planning Authority.'
 Reason: In the interests of highway safety and to ensure appropriate cycle provision (Cambridge Local Plan (1996) policies TR27, TR17 and TR18)

2

Application No 05/0311/FUL
Site 10 Long Road
Proposal Residential development (12 flats) following demolition of existing building.
Applicant Mr And Mrs D Coak
Public Speaker(s) Mrs Louth (Resident)
Recommendation That the City Council case at the forthcoming appeal is based on opposition to the scheme for the reason set out in the report
DECISION (By 3 votes to 2) That the City Council case at the forthcoming appeal is based on the opposition to the scheme for the reasons set out in the report, subject to the omission of any reference to PPG1 as this has been superseded by PPS1 which supports decisions made in line with Development Plan policy.

3

Application No 05/0225/FUL

Site Proposal	Black Bear Press Site Kings Hedges Road Erection of industrial and warehouse units (Class B1c, B2 and B8), following demolition of existing buildings
Applicant	Salmon Harvester Properties Ltd
Public Speaker(s)	-
Recommendation	Approve
DECISION	Approved (by 6 votes to 0) subject to the satisfactory completion of the S106 agreement by 1 August 2005 and subject to the conditions and informatives set out in the report, and an additional condition set out below. Unless prior agreement has been obtained from the Head of Development Services, and the Chair and Spokesperson of this Committee to extend the period for completion of the Planning Obligation required in connection with this development, if the Obligation has not been completed by 1 August 2005, it is recommended that the application be refused for the reason set out in the report Additional condition To control the installation of additional mezzanine floorspace.
4	
Application No	05/0210/FUL
Site	125, 127 And 127A Hills Road
Proposal	Temporary erection of protective hoardings around 125, 127 and 127A Hills Road
Applicant	Ashwell Investments
Public Speaker(s)	R Dowle (for applicants)
DECISION	Refused (by 4 votes to 2) for the reasons set out in the officer's report subject to the following: the word "proposed" should be omitted from the first sentence of both reasons for refusal ; and the word "would" , should be omitted from the first sentence of the first reason for refusal. Enforcement action: (by 4 votes to 0) the Head of Legal and Democratic Services be authorised to carry out enforcement action as set out in the officers' report, compliance to be within 1 month.
5	
Application No	05/0283/ADV
Site	125, 127, 127A Hills Road
Proposal	Erection of protective hoardings
Applicant	Ashwell Investments
Public Speaker(s)	R Dowle (for applicant)
DECISION	Refused (by 4 votes to 0) for the reasons set out in the officer's report subject to the following : the word "advertisement" should be inserted before the word "hoarding in both reasons for refusal; and the word "would", should be omitted from the first sentence of the first reason for refusal.
6	
Application No	05/0211/FUL
Site	The Old Laboratory Buildings At RHM Site Station Road
Proposal	Temporary erection of protective hoardings around the old

Applicant	laboratory buildings.
Public Speaker(s)	Ashwell Investments Ltd
DECISION	R Dowle (for applicant) Refused (by 4 votes to 2) for the reasons set out in the officer's report subject to the following: the word "proposed" should be omitted from the first sentence of both reasons for refusal ; and the word "would" , should be omitted from the first sentence of the first reason for refusal. Enforcement action: (by 4 votes to 0) the Head of Legal and Democratic Services be authorised to carry out enforcement action as set out in the officers' report, compliance to be within 1 month.
7	
Application No	05/0282/ADV
Site	Station Area Redevelopment (Old Laboratory Buildings) Station Road
Proposal	Erection of protective hoardings
Applicant	Ashwell Investments
Public Speaker(s)	R Dowle (for applicant)
DECISION	Refused (by 4 votes to 0) for the reasons set out in the officer's report subject to the following: that the word "advertisement" should be inserted before the word "hoarding in both reasons for refusal; and the word "would", should be omitted from the first sentence of the first reason for refusal.

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Appendix 2

Cambridge City Council Constitution

Proposed Revised Delegations to Director of Environment and Planning in respect of planning and development control

Powers delegated by Executive Councillor for Planning and Transport

A1. To determine, and to make decisions in connection with the determination of, all forms of planning and other applications, and all forms of consent and other notifications (as set out in the attached schedule) submitted under the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Planning (Listed Buildings and Conservation areas) Act 1990 **except** in any of the following circumstances:

- | | |
|----|---|
| a) | The application is for 'Major' ¹ development that does not accord fully with Development Plan policy or formally adopted supplementary guidance, and where the officer recommendation is for approval. |
| b) | The application is for 'Major' ¹ development, where the officer recommendation is for refusal or where there are third party representations that are contrary to the officer recommendation for approval. |
| c) | The application is advertised as a formal departure from the Development Plan policy and where the officer recommendation is for approval. |
| d) | The application is for development of between 1-9 dwellings, where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition. |
| e) | The application is for development involving a change of use where there are third party representations on planning grounds that are contrary to the officer recommendation and that cannot be resolved by planning condition. |
| f) | The application involves the City Council as applicant or landowner and the development is not of a minor nature. |
| g) | The application is for the demolition of a listed building or a Building of Local Interest. |
| h) | The application is submitted by a Member or officer of the City Council. |
| i) | The application is one where, within 21 days of the date of publication of the weekly list, or within 14 days of receipt of any subsequent material amendment to the proposal, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the planning grounds on which the request is based. |
| j) | The application requires a Planning Obligation (or any subsequent amendment thereof) containing terms that are not in accordance with, or are additional to, those required by the Council's Planning Obligation Strategy. |
| k) | The application is one that officers consider should be determined by Committee because of special planning policy or other considerations. |

Note: ¹ Major development comprises:

- 10 or more dwellings, or a site area of 0.5 ha. or more where the number of dwellings is not shown;
- Other developments where the floor space to be built is 1000 square metres (gross) or more, or where the site area is 0.5 ha. or more in size.

A2. To serve Requisitions for Information, Planning Contravention Notices, Breach of Condition Notices, Notices of Intended Entry, Section 215 Notices, and Discontinuance

Notices for advertisements (subject to prior consultation with the Head of Legal and Democratic Services).

A3. To instruct the Head of Legal and Democratic Services to commence prosecution proceedings for the display of illegal advertisements (including fly posting) and for non-compliance with any formal notices issued.

A4. To instruct the Head of Legal and Democratic Services to serve enforcement notices under S171 of the Town and Country Planning Act 1990 to remedy a breach of planning control following the refusal of retrospective planning permission.

A5. To instruct the Head of Legal and Democratic Services to serve Listed Building Enforcement Notices under S38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A6. To instruct the Head of Legal and Democratic Services to serve notices requiring urgent works to unoccupied Listed Buildings under S54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A7. To decide whether to serve a Remedial Notice under Part 8 of the Anti Social Behaviour Act 2003 where there are no third party representations that are contrary to the officer recommendation (subject to prior consultation with the Head of Legal and Democratic Services) and to instruct the Head of Legal Services to commence prosecution proceedings for non-compliance with a Remedial Notice or to carry out works in default.

A8. To make representations as a 'responsible authority' on applications for public entertainment licenses under the Licensing Act 2003.

B1. To determine all applications for works to trees under the Town and Country Planning Act 1990, and for works to hedgerows under the Environment Act 1995, **except** in any of the following circumstances:

- a) The application is one where there are third party representations on amenity grounds that are contrary to the officer recommendation and that cannot be resolved.
- b) The application is one where, within 14 days of being notified, any Member (including County Council Members representing City Wards) requests in writing (including e-mail sent in accordance with the Council's guidelines), that the application should be determined by Committee, stating the grounds on which the request is based.

B2. To serve, and unless objections are received, confirm Tree Preservation Orders and Hedgerow Replacement Notices.

B3. To instruct the Head of Legal and Democratic Services to take enforcement action or instigate proceedings under part (viii) of the Town and Country Planning Act 1990 relating to violations against protected trees, and under S97 of the Environment Act 1995 relating to violations against protected hedgerows.

Note: Notwithstanding the provisions contained within this Scheme of Delegation, officers will use their discretion and judgment to decide whether to refer any matter contained within this Scheme to Committee for determination, which in their view raises contentious, sensitive or significant policy issues, or where it would be otherwise beneficial for the decision to be made by Members.

Schedule referred to in Delegation A1 above

Applications and other forms of consent/notification referred to in Delegation A1 include:

- a) Outline and full planning permission and any subsequent pre- and post-decision amendments.
- b) Reserved matters following outline planning permission and any pre- and post-decision amendments.
- c) Renewals of planning permission and any pre- and post-decision amendments.
- d) Removal/variation of planning conditions.
- e) Discharge of conditions.

f)	Advertisement consent.
g)	Lawful Development Certificates.
h)	County Council Regulation 3 applications.
i)	Prior Notifications.
j)	Goods Vehicle Operating Licences.
k)	Listed Building Consent.
l)	Conservation Area Consent.
m)	Consultations from neighbouring authorities.
n)	Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, or any subsequent amendment to those Regulations.