

**Planning Committee**28 March 2007  
9.30am to 12.20pm

**Present:** Councillors Baker (Chair), Blencowe, Dixon, Dryden, Durrant, Hymans, Reid, Slatter.

**FOR THE INFORMATION OF THE COUNCIL****07/plan/11 Minutes**

The minutes of the meeting held on 28 February 2007 were confirmed as a correct record.

**07/plan/12 Apologies**

Apologies were received from Councillor Hipkin.

**07/plan/13 Declarations of Interest**

Code of Conduct personal interest was declared as follows:

<b>Councillor</b>	<b>Application</b>
All Members	06/0777/S73 & 06/1080/FUL - Lion Yard St Tibbs Row Cambridge As members of the City Council which has an interest in the development of the Lion Yard
Reid	06/0777/S73 & 06/1080/FUL - Lion Yard St Tibbs Row Cambridge As a member of the Cambridge Cycling Campaign
Slatter	06/0777/S73 & 06/1080/FUL - Lion Yard St Tibbs Row Cambridge As a member of the Cambridge Cycling Campaign
Durrant	TPO 24/2006 – Technopark Newmarket Road, Cambridge As an employee of a Charitable Trust which has received a donation from the applicant

A Code of Conduct personal and prejudicial interest was declared as follows.

Dixon	06/0777/S73 & 06/1080/FUL - Lion Yard St Tibbs Row Cambridge As Chair of the City Centre Development Scrutiny Committee
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Councillor Dixon took no part in the discussion on the above applications and left the room while they were debated and determined. He did not vote on the applications.

**07/plan/14 Planning Applications**

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

**CHAIR**

**Planning Committee  
28 March 2007**

**Appendix**

*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 and with the Amendment Sheet issued at the meeting. Any amendments to the recommendations are shown in the appendix.*

**4.1**

<b>Application No</b>	06/0777/S73
<b>Site</b>	Lion Yard St Tibbs Row Cambridge
<b>Proposal</b>	Renewal of unimplemented planning permission, reference C/00/0903/FP, for extension to Lion Yard at ground, first and second floor for A1 retail purposes, change of use of first floor children's library to Class A1 retail use, change of use of permitted A3 floorspace to A1 (retail use), use of second floorspace for B1 office use in the alternative, break through into proposed Grand Arcade scheme at ground, first and second floors, Lion Yard Centre, Cambridge.
<b>Recommendation</b>	Approve, subject to completion of a S106 agreement and conditions.
<b>Applicant</b>	Barclays Nominees (George Yard) Ltd Barclays Property Investment Ltd Charles House 5-11 Regent Street London SW1 4LR
<b>Public Speaker(s)</b>	Mr J Woodburn (Cambridge Cycling Campaign)
<b>DECISION</b>	<b>Approved</b> (by 6 votes to 0)

subject to the completion of the section 106 agreement by 1 October 2007 and to the conditions and informatives set out in the report and the following additional conditions:

- Except with the prior agreement of the local planning authority in writing, there shall be no collections from, or deliveries to, or in association with, the retail and food units hereby approved outside the hours of 0700 hrs and 2300 hrs on Mondays – Saturdays inclusive and not at all on Sundays, Bank and public holidays.

*Reason: To protect the amenity of the nearby residential properties (Policies 3/4 and 4/13 of the Cambridge Local Plan 2006)*

- Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the building [s] is/are occupied. Development shall be carried out in accordance with the approved details.

*Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11 and 4/15)*

And the amendment to condition 5 to read as follows:

Development shall not commence until details of any proposed gate to the steps to the Heidelberg Gardens area have been submitted to, and approved in writing by, the local planning authority.

*Reason: To ensure that the appearance of the external surfaces is appropriate. (Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3 and Cambridge Local Plan 2006 policies 3/4 and 3/12)*

The recommended date by which the S106 Agreement must be completed is amended to the following:

1. APPROVE subject to the satisfactory completion of the s106 agreement by 1<sup>st</sup> October 2007, and subject to the following conditions:

4) Amendment to the recommended content of the S106 Agreement: The Travel for Work

Plan is to be the subject of a condition, and not one of the heads of terms of the S106 Agreement. The precise wording of the condition is to be reported orally at committee. And further additional conditions to address cycle parking and the need for a travel to work plan

**Refusal of application** 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 October 2007, it is recommended that the application be **refused** for the reason set out in the report.

## 4.2

<b>Application No</b>	06/1080/REM
<b>Site</b>	Lion Yard St Tibbs Row Cambridge
<b>Proposal</b>	Extension to Lion Yard shopping centre to provide further retail floorspace, the closure of the existing access to the centre from Fisher Square, relocation of the public conveniences and associated works.
<b>Recommendation</b>	Approve, subject to completion of a S106 agreement and conditions.
<b>Applicant</b>	Barclays Nominees Ltd C/o Drivers Jonas 85 King William Street London EC4N 7BL
<b>Public Speaker(s)</b>	Mr J Woodburn (Cambridge Cycling Campaign)
<b>Debate</b>	During debate of the application members raised possible reasons which might lead them to vote against the officer recommendation. These included the application's failure to meet a number of requirements under the Structure Plan and the Local Plan and Guidance on Design and provisions within the Planning Obligation Strategy 2004 and the Southern Corridor Area Transport Plan 2002.

### **DECISION**                    **Refused against officer recommendation** (by 4 votes to 3)

The reasons for refusal to be drafted by Head of Development Control and agreed by the Chair and Spokesperson based on discussion during the meeting on the grounds of lack of permeability of the proposed design and the failure to meet the requirement to provide conditions for creating successful places.

In the event that an appeal is lodged against the decision to refuse this application, the Head of Development Control is authorised to complete a section 106 agreement on behalf of the Local Planning Authority, in accordance with the requirements of the Planning Obligation Strategy.

Following the meeting, the reasons subsequently drafted by Head of Development Control and agreed by the Chair and Spokesperson were as follows:

1. The proposed development is unacceptable in that it requires the closure of the existing access to the Lion Yard from Fisher Square. Notwithstanding the proposed provision of an alternative, narrower and less legible access to the immediately adjacent, still currently under construction, Grand Arcade shopping development which would in turn allow a longer, less transparent route to Lion Yard from Fisher Square, the closure of the existing access is seen as limiting and making much less satisfactory the potential for pedestrian movement through the site and across the City Centre, particularly from Kings Parade and the Market to St Andrew's Street and the bus station. Given this, the proposal is not considered to have demonstrated that it has been designed to provide a high quality, attractive and accessible living environment, that it has adopted a comprehensive design approach which achieves good interrelations between buildings, routes and spaces, or that it makes a contribution to the improvement of the public realm close to the development.

For these reasons the proposal is contrary to policy P1/3 of the Cambridgeshire Structure Plan 2003 and policies 3/7 and 8/5 of the Cambridge Local Plan (2006) and guidance

relating to design in Planning Policy Statement 1 – Delivering Sustainable Development 2005.

2. The proposed development does not make appropriate provision for Area Transport Contributions, public art, or public realm contributions in accordance with the following policies, standards and proposals: policies 8/3 and 10/1 of the Cambridge Local Plan 2006; policies P6/1, P8/2, P8/3, P9/8 and P9/9 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004 and the Southern Corridor Area Transport Plan 2002.

### 5.1

**Tree Preservation Order No** 1/2007  
**Site** Brookfields Mill Road  
**Objection** An objection to Tree Preservation Order No 1/2007 Brookfields Hospital, Mill Road) served on 22 January 2007.  
**Recommendation** To confirm the Tree Preservation Order with modifications.  
**Applicant** Cambridgeshire PCT  
**Public Speaker(s)** -  
**DECISION** **To confirm**, with modifications, the Tree Preservation Order (by 8 votes to 0).

### 5.2

**Tree Preservation Order No** 20/2006  
**Site** Netherhall Lower School  
**Objection** An objection to the Tree Preservation Order as set out in the report.  
**Recommendation** To confirm the Tree Preservation Order.  
**Objector** Cambridgeshire County Council (Property and Estates)  
**Public Speaker(s)** -  
**DECISION** **To confirm** the Tree Preservation Order (by 7 votes to 0).

### 5.3

**Tree Preservation Order No** 24/2006  
**Site** Technopark, Newmarket Road  
**Objection** An objection to the Tree Preservation Order as set out in the report.  
**Recommendation** To confirm the Tree Preservation Order.  
**Objector** Unex Holdings Ltd.  
**Public Speaker(s)** -  
**DECISION** **To confirm** the Tree Preservation Order (by 7 votes to 0).