

**Planning Committee**21 October 2009  
9.30am – 12.20pm**Present:** Councillors Al-Bander, Baker (Chair), Blair, Blencowe, Dixon, Dryden, Hipkin, Reid and Stuart**FOR THE INFORMATION OF THE COUNCIL****09/plan/37 Minutes**

The minutes of the meeting held on 16 September 2009 were confirmed as a correct record.

**09/plan/38 Apologies for Absence**

None

**09/plan/39 Declarations of Interest**

None were declared

**09/plan/40 Planning Application**

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

The meeting ended at 12.20pm

**CHAIR**

**Planning Committee  
21 October 2009**

**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.*

<b>4.1</b>	09/0708/FUL
<b>Site</b>	180-190 Newmarket Road Cambridge CB5 8HF
<b>Proposal</b>	Erection of 219 bed hotel and restaurant (following demolition of existing buildings), together with associated infrastructure.
<b>Applicant</b>	C/o 7 Dukes Court 54-62 Newmarket Road Cambridge CB5 8DZ
<b>Recommendation</b>	APPROVE, subject to conditions, and subject to the completion of a Section 106 agreement by 15 <sup>th</sup> Dec 2009.
<b>Public Speakers</b>	Colin Brown – Januarys (Applicants agent) Lynette Gilbert - (on behalf of Riverside RA, PACT and BRUNK) City Councillor Walker City Councillor Wright County Councillor Harrison County Councillor Sedgwick-Jell
<b>Decision</b>	<b>DEFERRED (by 6 votes to 2)</b> to provide time for members and interested parties to consider the most recent advice from officers with regard to traffic and air quality.

To Note by the case officer (John Evans):

**Traffic and transport** (paragraphs 8.42 and 8.43)

Following the original comments of the County Transport Department, a technical paper by the applicants' transport consultant was submitted to County Transport. The technical paper makes a comparison of the traffic impact of the proposed development and the office development permitted under the extant permission.

The County Transport Department has reviewed this paper, and noted its conclusion that that (on typical weekdays) the levels of traffic generated for both land uses would be similar. County Transport has also noted that the

paper concludes that there will be differences in the level of traffic generated at weekends. However, the County transport officer considers that the additional traffic that would be generated by the hotel would be dispersed over the course of the day and, particularly with an effective travel plan in place, would not have a significant impact on traffic flows on Newmarket Road. (The County transport officer's email is attached to this amendment sheet)

The County Council has consequently withdrawn its objection to this scheme, and I consider that there is no longer a traffic and transport reason for its refusal.

### **Air Quality (paragraphs 8.52 and 8.53)**

The Principal Scientific officer's team have considered further comments and submissions by the applicants. The scientific officer notes that the application contains mitigation and offsetting proposals which represent an improvement over the previous (withdrawn) application.

The scientific officer also notes the extant status of the previously approved permission for offices, but comments that the outline permission C/02/0739/OP was granted under the 1996 local plan, which lacked the rigorous air quality provisions of the Cambridge Local Plan (2006).

The scientific officer's conclusion is that this application will, if permitted, lead to a small increase in levels of air pollution in the AQMA contrary to local plan policy. She notes that redesign would be the most effective response to this impact, but also notes that the applicants have improved their mitigation and offset proposals. (The scientific officer's email is attached to this amendment sheet.)

In my view the consideration of this application on air quality grounds must take into account the extant permission for offices, as implementation of that permission is possible. Although the likely increase in air pollution relative to the existing use is contrary to policy 4/14 of the Cambridge Local Plan (2006), it does not seem likely that the air quality impact of this proposal relative to that of the office development previously approved would be unacceptable, especially since the travel planning provisions of this application are more robust.

In the light of this assessment, I do not consider that there is an air quality reason for refusal of the application.

### Amendments To Text:

Paragraph 3.4, line 8: 'Condition 2' should read 'Condition 1'.

Pre-Committee Amendments to Recommendation:

In the light of the additional comments from consultees above, I revise my recommendation to:

**APPROVE**, subject to the following conditions, and subject to the completion of a Section 106 agreement by 15<sup>th</sup> December 2009.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the external surfaces is appropriate. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 3/14)

3. Before starting any brick or stone work, a sample panel of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing and colour and type of jointing and shall be agreed in writing with the local planning authority. The quality of finish and materials incorporated in any approved sample panel(s), which shall not be demolished prior to completion of development, shall be maintained throughout the development.

Reason: In the interests of visual amenity and to ensure that the quality and colour of the detailing of the brickwork/stonework and jointing is acceptable and maintained throughout the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4 and 3/12)

4. No development shall take place until a traffic management plan for the demolition phase has been submitted to and approved in writing by the local planning authority. Demolition shall proceed only according to the approved plan.

Reason: To avoid an unacceptable transport impact. (Cambridge Local Plan (2006) policy 8/2)

5. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

6. Before the development hereby permitted is commenced details of the following matters shall be submitted to and approved by the local planning authority in writing.

i) contractors access arrangements for vehicles, plant and personnel,

ii) contractors site storage area/compound,

iii) the means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site,

iv) the arrangements for parking of contractors vehicles and contractors personnel vehicles.

Thereafter the development shall be undertaken in accordance with the approved details.

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

7. Except with the prior agreement of the local planning authority in writing, there should be no collection or deliveries to the site during the demolition and construction stages outside the hours of 0700 hrs and 1900 hrs on Monday - Saturday and there should be no collections or deliveries on Sundays or Bank and public holidays.

Reason: To protect the amenity of neighbours. (Cambridge Local Plan (2006) policies 4/13 and 6/10)

8. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), or in accordance with an alternative timetable to be agreed, a comprehensive construction programme identifying each and

every phase of the development and confirming construction activities to be undertaken in each phase and a timetable for their execution shall be submitted to and approved by the local planning authority in writing. Thereafter the development shall be undertaken in accordance with the agreed details unless the local planning authority agrees to the variation of any detail in advance and in writing.

9. Prior to the commencement of the development hereby approved (including any pre-construction, demolition or enabling works), the applicant shall submit a report in writing, regarding the demolition / construction noise and vibration impact associated with this development, for approval by the local authority. The report shall be in accordance with the provisions of BS 5228 – Noise and Vibration Control On Construction and Open Sites, especially Part 1: 1997 “Code Of Practice (COP) for basic information and procedures for noise and vibration control”, Part 2: “Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance” and Part 4: “COP for noise and vibration control applicable to piling operations”, (if the construction process is to involve piling operations). Development shall be carried out in accordance with the approved details.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

10. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 – Part 4: “COP for noise and vibration control applicable to piling operations”, Development shall be carried out in accordance with the approved details.

Due to the proximity of this site to existing residential premises and other noise sensitive premises, impact pile driving is not recommended. Consent for piling will only be granted where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

11. No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the

construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

12. Confirmation or not that an on site concrete crusher will be used during the demolition stage will be required. If not, confirmation of an appropriate alternative procedure that will be used will be required.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

13. No development shall take place until details of site lighting during the construction period have been submitted to and approved in writing by the local planning authority. Lighting shall be installed only according to the agreed details.

Reason: To protect the residential amenity of neighbours, and to avoid pollution. (Cambridge Local Plan (2006) policies 3/4 and 4/13)

14. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the LPA for approval.

- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
- (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

- (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.
- (e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- (f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: To avoid adverse effects of pollution. (Cambridge Local Plan (2006) policy 4/13)

15. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

16. No development shall take place until a scheme for the provision and implementation of pollution control to the water environment has been submitted to, and approved in writing by, the local planning authority. The scheme shall be constructed and completed according to the approved plans.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

17. No development shall take place until a scheme for the provision and implementation of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be constructed and completed according to the approved plans.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

18. No development shall take place until a scheme for the provision and implementation of surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be constructed and completed according to the approved plans.

Reason: To avoid pollution. (Cambridge Local Plan (2006) policy 4/13)

19. Before the development/use hereby permitted is commenced, details of equipment for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration scheme shall be installed before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties. (Cambridge Local Plan 2006 policy 4/13)

20. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)

21. The rating level of the plant noise emitted from the site shall not exceed the existing background noise level during 1 hour at any time between 0700-2300hrs. It should also not exceed the existing background noise level during 5 minutes at any time between 2300-0700hrs. The noise level shall be determined at the nearest boundary to noise-sensitive premises. The measurement and assessment shall be made according to BS4142:1990.
22. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant. Soft Landscape works shall include 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.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

23. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Reason: To ensure that the landscaped areas are maintained in a healthy condition in the interests of visual amenity. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

24. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the local planning authority in writing prior to occupation of the development or any phase of the development whichever is the sooner, for its permitted use. The landscape plan shall be carried out as approved.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

25. All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12)

26. Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. 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)

27. No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.

Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policy 8/6)

28. No development shall take place until details of the service yard gate hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the gate is appropriate, and no hazard to highway safety is created. (East of England Plan 2008 policy ENV7 and Cambridge Local Plan 2006 policies 3/4, 3/12 and 8/2)

29. No development shall take place until details of the layout and marking of parking spaces for disabled users have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that appropriate disabled parking space is provided. (East of England Plan 2008 policy T14 and Cambridge Local Plan 2006 policy 8/10)

30. The land shown as allocated for a bus stop on the Newmarket Road boundary of the site shall be retained for that purpose only except with the written agreement of the local planning authority.

Reason: to ensure appropriate provision for public transport. (Cambridge Local Plan (2006) policies 8/2 and 8/3)

31. Deliveries to the hotel hereby permitted shall be undertaken only in vehicles of 7.5 tonnes gross weight or less.

Reason: To ensure no adverse impact on the highway. (Cambridge Local Plan (2006) policy 8/2)

32. No development shall take place until the completion of an agreement under Section 278 of the Highways Act 1980 for carrying out works to the highway.

Reason: To avoid an unacceptable transport impact. (Cambridge Local Plan (2006) policy 8/2)

33. No development shall take place until a traffic management plan for the hotel drop-off area has been submitted to and approved in writing by the local planning authority. The drop-off area shall be used only according to the approved plan.

Reason: To avoid an unacceptable transport impact. (Cambridge Local Plan (2006) policy 8/2)

34. No development shall take place until a servicing plan for the hotel has been submitted to and approved in writing by the local planning authority. The servicing of the hotel shall take place only according to the approved plan.

Reason: To avoid an unacceptable transport impact. (Cambridge Local Plan (2006) policy 8/2)

35. No development shall take place until a Travel Plan for the hotel has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented and monitored according to the provisions approved by the local planning authority.

Reason: To avoid an unacceptable transport impact, and to increase sustainability, limit pollution, and mitigate any air quality impact of the development. (Cambridge Local Plan (2006) policies 3/1, 4/13, 4/14 and 8/2)

36. No development shall take place within the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that an appropriate archaeological investigation of the site has been implemented before development commences. (Cambridge Local Plan 2006 policy 4/9)

37. No occupation of the hotel shall take place until full details of the arrangements for the storage and collection of waste and recycling from the hotel use have been submitted to, and approved in writing by the local planning authority. The arrangements shall be implemented prior to occupation, and shall not be changed except with the written approval of the local planning authority.

Reason: To ensure satisfactory waste storage. (Cambridge Local Plan (2006) policy 3/12)

38. No development shall take place until a comprehensive scheme for ensuring the security of the hotel's basement car park and its entrances and access points has been submitted to, and approved in writing by, the local planning authority. The approved measures shall be implemented prior to the occupation of the hotel and shall not be altered except with the written agreement of the local planning authority.

Reason: To avoid the threat of crime, and improve community safety. (Cambridge Local Plan (2006) policy 3/7)

**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 15<sup>th</sup> December 2009 it is recommended that the application be refused for the following reason.**

The proposed development does not make appropriate provision for transport mitigation measures or public art, in accordance with policies 3/7, 8/3 and 10/1 of the Cambridge Local Plan 2006 and policies P6/1 and P9/8 of the Cambridgeshire and Peterborough Structure Plan 2003; and as detailed in the Planning Obligation Strategy 2004, Eastern Corridor Area Transport Plan 2002, and Provision of Public Art as Part of New Development Schemes 2002.

<b>4.2</b>	09/0732/REM
<b>Site</b>	78 - 80 Fulbourn Road Cambridge Cambridgeshire CB1 9JN
<b>Proposal</b>	Reserved matters application to create 17no two and three bedroom dwelling houses,
<b>Applicant</b>	C/o Marauder House Skyliner Way Bury St Edmunds Suffolk

<b>Recommendation</b>	IP32 7YA
<b>Public Speakers</b>	Refuse
<b>Decision</b>	Mrs. Brignell (objector) <b>REFUSED</b> (unanimously)

<b>5.1</b>	06/0007/OUT
<b>Site</b>	147-149 Hills Road (former Tim Brinton site)
<b>Proposal</b>	Outline application for residential development, ground floor retail (Class A1) uses, and related ancillary elements, including car parking, cycle parking, new means of access and landscaping
<b>Recommendation</b>	That authority be granted to officers to complete a deed of variation, altering the terms of the Section 106 agreement made in association with outline permission 06/0007/OUT in accordance with the proposal submitted by the applicants, but subject to a provision that, if actual prices achieved for the proposed apartments reach a level sufficient to provide the developers with more than a 18% return on cost, additional contributions up to the level of those originally agreed shall be payable.
<b>Public Speakers</b>	No registered speakers
<b>Decision</b>	<b>DEFERRED</b> (by 7 votes to 2) to allow time for officers to explore and report on the issue of postponement of commuted payments, and to provide further information on the detail of the viability appraisal, comment from the Council departments providing infrastructure, and advice from County Council officers.

-Note by the Case Officer (Tony Collins): An email from the Senior Housing Development Officer is attached to this amendment sheet, confirming her view that the revised split in affordable housing tenure is acceptable.

#### Amendments To Text:

Insert in RECOMMENDATION after 'submitted by the applicants': (reduction in contributions to City Council and County Council, amendment of tenure split in affordable housing to 62.5% shared ownership / 37.5% social rented)

Add to Paragraph 3.3

This assessment was subsequently updated in August. The figures at that point took into account higher potential revenue from affordable units than had been assumed in April, and a higher level of income from the commercial

space. The updating suggests that at if a profit level of 10% were accepted then it would be possible to make all the contributions sought, but that at the 15.32% profit level, there would still be a shortfall of funds to make the full Section 106 contributions.

<b>6.1</b>	Tree works
<b>Site</b>	Tesco shop forecourt, Campkin Road, Cambridge
<b>Proposal</b>	Protocol for the determination of Tree Work. Operations to trees on Cambridge City Council land at Tesco, Campkin Road, Cambridge (to fell two Catalpa Bignonioides (Indian Bean Tree) trees)
<b>Recommendation</b>	To advise the Executive Councillor for Housing that the Committee supports the proposal to fell the two existing Catalpa trees and replace with semi-mature trees of the same species following environmental improvement works.
<b>Public Speakers</b>	No registered speakers
<b>Decision</b>	<b>AGREED</b> (by 7 votes to 0)