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Dr Ruth Deyermond

**Environment
and Planning**
**Development
Control**

14 August 2009

Our Ref: Tesco Mill Road

Dear Dr Deyermond

Freedom of Information Request - Tesco 163 –167 Mill Road, Cambridge

Thank you for your information request of 22 July 2009. I apologise for not responding earlier.

I enclose the information you requested under the Freedom of Information Act 2000.

1. A paper copy of all documentation relating to the decision by Cambridge City Council planning officers and legal services to consider the following condition attached to planning permission C/71/0826 to have been breached continuously for ten years at 163-167 Mill Road, Cambridge, such that the condition is no longer enforceable:

No loading or unloading of goods, including fuel, shall take place otherwise than within the curtilage of the site.

This request is for a hard copy of all the evidence of a continuous, 10-year breach by the previous occupant, and of all paper and email correspondence between 17 July 2007 and 22 July 2009 concerning the decision.

I have not been able to find any papers relating to the decision by Cambridge City Council planning officers and legal services to consider condition 3 of the planning permission such that the condition is not enforceable, save for a set of Instructions to Counsel and Advice from Counsel which are considered to be confidential and privileged and therefore exempt from disclosure by virtue of sections 41 and 42 of the Freedom of Information Act 2000.

I would have expected there to be emails associated with the seeking of that advice, but I have not found them to be held anywhere.

Simon Payne, Director of Environment and Planning, Cambridge City Council,
The Guildhall, Cambridge, CB2 3QJ,
Telephone 01223 457200.



There is no hard evidence of a continuous 10-year breach by the previous occupant.

2. A paper copy of all documentation relating to the decision by the Cambridge City Council planning officers, and any other officials, to reverse the Council's position that a Certificate of Lawfulness application by Tesco in relation to 163-167 Mill Road, Cambridge, would enable the Council to "make a proper assessment of the proposed works and give an informed formal legal view as to whether or not these works require planning permission" (letter from Angela Briggs to John Mumby, 6 May 2009). Given the date of this letter, the request relates to all relevant documentation in the period 6 May 2009 to 22 July 2009.

There has been no decision by the City Council planning officers or others, "to reverse the Council's position that a Certificate of Lawfulness application by Tesco in relation to 163-167 Mill Road, Cambridge, would enable the Council to "make a proper assessment of the proposed works and give an informed formal legal view as to whether or not these works require planning permission"". In the relevant letter to CgMs, who were acting for Tesco, the Council advised the agent of its view. It could not however require that such an application be made.

3. A paper copy of all documentation relating to consideration by Cambridge City Council planning officers and the Environmental Health Officer, between 1 December 2008 and 22 July 2009, of the details of air conditioning plant location, operation, and noise levels, as proposed for 163-167 Mill Road, Cambridge.

The Council has been advised at meetings that all the air conditioning plant is now to be inside the building. There has however, despite requests, been very little information forthcoming, between 1 December 2008 and 22 July 2009, about what plant is to be introduced inside the building. I attach what information I have, and also a memo, which post dates the time frame you set out in your request, from Daniel Bayles in the Environmental Services Team.

4. A paper copy of all documentation, from the period 17 July 2007 to 22 July 2009, relating to consideration by Cambridge City Council planning officers of the issue of intensification of use in relation to 163-167 Mill Road, Cambridge, as raised with them by the No Mill Road Tesco Campaign at a meeting on 2 June 2009, and previously by telephone.

I am unclear as to precisely what you seek. The planning applications for increasing the size of the store on the site were clearly proposals, of themselves, which sought to intensify the use of the site. There is no documentation from the period 17 July 2007 to 22 July 2009, relating to consideration by Cambridge City Council planning officers, outside the planning applications, of the issue of intensification of use in relation to 163-167 Mill Road, Cambridge.

Simon Payne, Director of Environment and Planning, Cambridge City Council,
The Guildhall, Cambridge, CB2 3QJ,
Telephone 01223 457200.

If you are not happy with the way your request has been dealt with please contact John Summers Head of Development Services, Environment and Planning Department, The Guildhall Cambridge CB2 3QJ.

You may also contact the Information Commissioner if you are still not happy with the way your request has been dealt with. The Information Commissioner's address is Wycliffe House Water Lane, Wilmslow, Cheshire SK9 5AF

Yours sincerely

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Development Control Manager

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