

## **AGENDA REPORTS PACK**

## **PLANNING COMMITTEE**

**20<sup>th</sup> July 2017**

## 17P/132. Minutes



### DRAFT Planning Committee Meeting Minutes

Meeting held in the Village Hall, Recreation Ground, Cottenham on **Thursday 6<sup>th</sup> July 2017 at 7.30pm**

Present: Cllrs Mudd (Chair), Bolitho, Collinson, Graves, McCarthy, Morris, Nicholas, Ward, Wilson, and Assistant Clerk

**17P/119. Chairman's Introduction and Apologies** - Apologies accepted from Cllr Young (personal)

**17P/120. Any Questions from the Public or Press – Standing orders to be suspended** - None present

**17P/121. To accept Declarations of Interest and Dispensations** – *i. To receive disclosures of pecuniary & non-pecuniary interests from Councillors on matters to be considered at the meeting. ii. To receive written requests for dispensation. iii. To grant requests for dispensation as appropriate. (NB this does not preclude any later declarations).* Cllr Mudd declared a non-pecuniary interest in S/1488/17/FL - personal friend of owner and will take no part in discussions.

**17P/121. Minutes** – Resolution that the minutes of the Committee meeting held on 22<sup>nd</sup> June 2017 be signed as a correct record. **RESOLVED**

**17P/122. Planning Applications:**

- **S/1488/17/FL** – Extensions, detached garage and new vehicular access, 31 Histon Road, Cottenham. Cllr Morris chaired this part of the meeting. Cllr Collinson noted increase in number and size of windows, Cllr Morris queried extra access to road. Cllr Nicholas asked if highways objected to the extra access? Cllr Morris footprint 30% increase. Cllr Collinson noted that the visibility splays not clear on plans; Cllr Morris said that the verges provide splays. Cllr Wilson pointed out that work on the driveway had already begun and hedge had been removed. Although an extra driveway had been added, there would be no increase in the number of vehicles. CPC recommends approval. **APPROVED.**
- **S/1920/17/FL** - Creation of a vehicle recovery depot including the erection of a portable office and portable building for vehicle inspection and storage, Dickerson Industrial Site, Ely Road, LANDBEACH – **flood risk assessment received.** Cllr Collinson read out last paragraph of report. Cllr Mudd outlined previous comments. Cllr Nicholas said that it met with NP need for local businesses/employment. CPC recommends approval. **APPROVED.**
- **S/2123/17/LD** - Lawful Development Certificate - proposed single storey rear extension, 20 Wilkin Walk, Cottenham. CPC recommends approval. **APPROVED.**

#### Tree Orders

- **S/2272/17/TC** – Eucalyptus at front – fell, 60 Rooks Street, Cottenham – Cllr Collinson no reasons given for felling. Cllr Bolitho thinks reason should have been given in application as within conservation area. Acceptable subject to Tree Officer comments.

#### SCDC Decisions

##### Approvals:

- **S/1469/17/FL** – All Weather surface equestrian riding arena, Paddock, Church Lane, Cottenham
- **S/1130/16/FL** - Erection of barn (For Non-Agricultural Grounds maintenance use), Chear Fen Farm, Long Drove, Cottenham
- **S/1133/16/FL** – Erection of a manager's dwelling (to replace existing mobile home), Chear Fen Farm, Long Drove, Cottenham

**For information only:**

- **S/1830/17/VC** – Discharge conditions 3,4, 5, 10 and 12 of planning consent S/1794/16/FL for erection of 2 dwellings with new highway access and 2 No. parking spaces for No. 32 Rampton Road, 32/34 Rampton Road, Cottenham

- 17P/123. Enforcement** – consider updates from Enforcement Officers and additional items for enforcement. Case 5/17 - notices served 3<sup>rd</sup> July 2017. Case 7/17 - Cllr Wilson asked what the timescales were. Case 6/16 - increasingly concerned no action being taken particularly given safety of masonry. Resolution that Cllr Mudd write to Charlie Swain expressing our concerns at no action. **RESOLVED.** Cllr Mudd to liaise with Clerk. Case 4/17 - Cllr Graves reported that lorries are still delivering, mostly at weekend, and are coming from Cottenham Recycling, also some on Tuesday 4<sup>th</sup> July.
- 17P/124. Planning Appeal** – consider withdrawing comments in relation to householder appeal against refusal for two storey front extension to existing dwelling plus internal alterations and changes to rear doors and windows, 2 The Lakes, Twentypence Road, Cottenham. Defer to next meeting. If we have been misrepresented, we need to complain. Cllr Morris gave example of case going to High Court where SCDC has put one wrong word on a form. Committee to check CPC comments from relevant minutes before deciding whether to withdraw.
- 17P/125. Speculative developments (update)** – to receive notes from meetings with Prime Homes, Manor Oak and Bellway – re Prime Crest Cllr Nicholas asked if SCDC were happy with the location, particularly roundabout? Cllr Morris said that housing dept is, but nothing had gone to planning/highways at the time of the meeting. Manor Oak - Cllr Collinson attended a meeting of the Mobile Warden Scheme Committee last week and they were horrified at location re bends on Beach Rd. Open space comments absolutely right (reference costs) - need to make sure that the right fee is agreed upon. Cllr Mudd stated that all points will be considered during planning application process. Cllr Morris said that it was the most suitable and sustainable location we have. Cllr Morris outlined Bellway meeting. Cllr Collinson highlighted problems with building un-adopted roads e.g. permeable road surface – there is a question of who maintains them. Cllr Mudd said that funds could come from S106 monies. Cllr Collinson said that we need to push for adopted roads only. Cllr Morris noted they have to be permeable due to surface water issues.
- 17P/126. CPRE Planning Workshop** – to consider attendance at workshop ‘Understanding the planning system and responding to planning applications’ on Thursday 2<sup>nd</sup> November, 9.30am-1.30pm. Cost £40 for up to 2 delegates (non-member rate) – defer to 3<sup>rd</sup> August 2017 meeting.
- 17P/127. Date of next meeting** – 20<sup>th</sup> July 2017
- 17P/128. Close of meeting** – 8.30pm

Signed \_\_\_\_\_ (Chair) Date \_\_\_\_\_

## 17P/133. Planning Applications:

- [S/2413/17/OL](#) – Outline application for the erection of up to 200 residential dwellings (including up to 40% affordable housing) and up to 70 apartments with care (C2), demolition of no.117 Rampton Road, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access points from Rampton Road and associated ancillary works. All matters reserved with the exception of the main site accesses, Land off Rampton Road, Cottenham
- [S/2336/17/FL](#) – Install drop kerb to front of property, 65 Rampton Road, Cottenham
- [S/2440/17/FL](#) – Proposed single storey rear extension and internal remodelling, 22 Woodlark Drive, Cottenham

### Tree Orders

- [S/2427/17/TC](#) – Take the willow down to a 2 metre trunk to allow the light to get into the garden, The Cotton House, High Street, Cottenham

### SCDC Decisions

#### Approvals:

- [S/1547/17/FL](#) – Proposed external brick cladding, side extension and front porch, Western Holme Bungalow, Engine Drove, Smithy Fen, Cottenham
- [S/1587/17/FL](#) – Single storey rear extension, 22 Histon Road, Cottenham
- [S/1718/17/FL](#) – Rear single storey extension, 6 Goldfinch Drive, Cottenham

### County Decisions

#### Approvals:

- [S/0202/16/CW](#) - Construction and operation of a Waste Water Treatment Plant, and ancillary works, with a capacity of 75,000 tonnes per annum, Waterbeach Waste Management Park, Ely Road, Waterbeach

#### For information only:

- [S/1815/17/VC](#) – Variation of Condition 2 (approved plans) of planning consent S/1794/16/FL for erection of 2 dwellings with new highway access and 2 No. parking spaces for No. 32 Rampton Road, 32/34 Rampton Road, Cottenham. **Additional information on access width.**

## 17P/135. Planning Appeal

### TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER S78 AGAINST REFUSAL OF A HOUSEHOLDER APPLICATION

**Site Address:** 2 The Lakes, Twentypence Road, Cottenham, CB24 8PP  
**Description of development:** Two storey front extension to existing dwelling plus internal alterations and changes to rear doors and windows.  
**Application reference:** S/0251/17/FL  
**Applicant:** Joe Dean  
**Appeal reference:** APP/W0530/D/17/3178089  
**Appeal start date:** 20 June 2017

I refer to the above details. An appeal has been made to the Secretary of State against the decision of South Cambridgeshire District Council. The Decision of the Planning Application was: Refused.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009.

As this appeal is proceeding under the **Householder Appeals Service**, there is no opportunity for you to submit comments. However, we have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to withdraw any representations you made on the application, you must make this request to the Planning Inspectorate within 4 weeks of the appeal start date. You can do this by emailing NSI.HAS@pins.gsi.gov.uk. If you do not have access to the internet, you can write (quoting the appeal reference) to:

The Planning Inspectorate  
Room 3/K  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN.

The Planning Inspectorate will publish appeal documentation, including copies of representations received, on the GOV.UK website. Information provided in your representation will be published. This may include your name and address, but personal telephone numbers and email addresses and signatures of individuals will be removed. If you object to publication in this way, please contact the Planning Inspectorate.

The appeal documents can be inspected on the GOV.UK Website at <https://acp.planninginspectorate.gov.uk> or at South Cambridgeshire Hall, Cambourne between 08:30 and 17:00 Monday to Friday. You are advised to telephone beforehand to ensure the relevant documents are available when you call. You can contact our offices on 03450 450 500.

The Planning Inspectorate aims to deal with appeals following this procedure within 8 weeks of the appeal start date. When made, the decision will be published on the GOV.UK Website.

## 17P/136. SCDC Planning Committee

We have been notified informally that application S/1411/16/OL (Gladman 200 houses + 70 homes with care) will be reconsidered by the SCDC Planning Committee, along with about a dozen other cases where there have been resolutions to approve but the s.106 agreements have not been completed. The meeting is scheduled for 2<sup>nd</sup>/9<sup>th</sup> August. NB: this is the same case that a Judicial Review has been lodged against.

As is the case with other applications that go to Committee we could have the opportunity to send a representative to put forward our comments (max. 3 minutes allowed).

This situation has arisen following a recent Supreme Court ruling. Briefing from SCDC:

***“National Planning Policy Framework (NPPF) Para 49 states:***

***Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.***

On 10 May 2017, the Supreme Court gave judgment in *Suffolk Coastal DC v Hopkins Homes Limited* and in the conjoined matter of *Richborough Estates Partnership LLP v Cheshire East BC* [2017] UKSC 37.

The Supreme Court Judgement narrows the range of development plan policies which can be considered as ‘relevant policies for the supply of housing’. Those policies are now not to be considered out of date, even when a five-year housing land supply cannot be demonstrated.

In respect of South Cambridgeshire this means that Local Plan Policies ST/4, ST/5, ST/6, ST/7, DP1(a) and DP/7 are no longer held to be out of date. As a result, a development proposal that conflicts with these adopted policies could be considered in principle to have an impact adverse.

***For decision-taking this means (NPPF Para 14)***

- ***approving development proposals that accord with the development plan without delay; and***
- ***where the development plan is absent, silent or relevant policies are Out of- date, granting permission unless:***
  - ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or***
  - ***specific policies in this Framework indicate development should be restricted.***

However, SCDC has at present to continue to acknowledge, that it is unable to demonstrate a five year housing land supply. It follows therefore in relevant cases para.14 of the NPPF (above) will continue to be engaged and that planning decisions, to grant or to refuse permission, will fall to be determined in that context. The decision of *the Supreme Court does not effect that substantive consequence arising from the absence of a demonstrable five year housing land supply* and indeed the Supreme Court confirmed that, notwithstanding its construction of NPPF para.49, para.14 is engaged where no five year housing land supply can be demonstrated.

As such, it follows that planning permission should not be withheld if it **can’t** be shown that the “adverse impacts ... would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”.

SCDC, in assessing whether to grant or refuse permission will need to address any “adverse impacts” of a proposed development. The Council will also need to consider all benefits of a proposed development, and in particular the benefits in terms of delivery of new homes and the provisions of the NPPF taken as a

whole. The objectives of the NPPF cannot be frustrated and ultimately there still is a presumption in favour of development which is considered to be sustainable having regard to all of the national planning considerations.

Since the Supreme Court Ruling SCDC has received an appeal decision which takes into account the implications of the ruling. The Appeal Inspector commented “...*whilst these policies [from the Local Plan] are generally consistent with those aims of the Framework seeking to steer developments to accessible locations to reduce the dependency on the need to travel by the private car, their weight is reduced in this case due to the significant shortfall in terms of housing supply within the District and the difficulties faced by the Council in addressing the deficit. The strict application of these policies would prevent improvements to the large shortfall in the supply of housing.*”

*(Appeal Ref: APP/W0530/W/16/3157596 Land at Hurdleditch Road, Orwell, dated 15 June 2017)*

Given that the effect of the ruling is that Policies ST/4, ST/5, ST/6, ST/7, DP1 (a) and DP7 are no longer to be considered as “out of date” by reason of para.49 of the NPPF it follows that any conflict with those adopted policies *could* be considered, in principle, to have an “adverse impact” for the purposes of para.14 .

However, In the case of a refusal the Council would need to be able to establish **very clear reasons why** it is said those impacts “significantly and demonstrably outweigh the benefits” of the proposals, when considered in the context of the Framework.

In conclusion unless a Planning Inspector can be persuaded at Appeal as to those reasons and the strength of force of those reasons the view is that the Council will continue to lose cases at Appeal notwithstanding the recent decision in the Supreme Court.”