

## **AGENDA REPORTS PACK**

### **PLANNING COMMITTEE**

**5<sup>th</sup> March 2020**

## 20P/043. Minutes

### DRAFT Planning Committee Meeting Minutes

Meeting held in the Pavilion, Recreation Ground, Cottenham on Thursday 20<sup>th</sup> February 2020 at 7.30pm

**Present:** Cllrs Smith (Chair), Collinson, Graves, Morris, Ward, Young and the Clerk

**In attendance:** 3 members of the public

- 20P/031. Chairman's Introduction and Apologies** – Apologies accepted from Cllr Wilson (holiday).
- 20P/032. Any Questions from the Public or Press** – Standing Orders suspended 7.34pm. No comments from the public at this time. Standing Orders reinstated 7.34pm.
- 20P/033. To accept Declarations of Interest and Dispensations** – None given.
- 20P/034. Minutes** – Minor typo corrected. Resolution that the minutes of the Committee meeting held on 6<sup>th</sup> February 2020 be signed as a correct record. **RESOLVED.**
- 20P/035. Neighbourhood Plan Referendum campaign** – consider measures to explain the meaning and likely effect of the NP's 23 planning policies – Cllr Morris ran through the report. Publicity ideas include: display copy of Plan to be located in Library and Community Centre. Public 3 arrived 7.41pm. Cllr Morris to contact ambassadors asking them to spread the word; posters in shops/public places inc. CVC and churches; social media campaign; use of networks i.e. sports clubs. Need to encourage residents to vote by post (cut off 11 days before referendum) or proxy vote (cut off 5 working days before referendum). Consider press release to local newspapers and radio.
- 20P/036. Redrow** – Consider possible grounds and next steps regarding Judicial Review of Planning Committee decisions regarding S/2549/19/RM and S/2679/19/RM – Report noted. Standing Orders suspended 8.03pm. Public 2, who attended the SCDC Planning Committee, noted that SCDC didn't want to defer due to possible non-determination or object since the application could go to appeal which only left them with one option. Considered Redrow's excuse regarding why they couldn't make the site permeable as pathetic. There was an assertion that the permission regarding the access at outline stage couldn't be varied; would like legal confirmation that this is correct. Could traffic be directed to the primary access by other means? Cllr Morris commented that SCDC were conscious of losing their 5 year housing supply. Noted that nobody from County Highways attended the Planning Committee. At best we could get the decision referred back to Committee. Public 3 was representing the Fews Lane Consortium. Their opinion was that there was a departure from the Local Plan, the weight afforded to the Neighbourhood Plan may not have been enough and possible errors or misleading statements in the Case Officer report; all of these could be worth looking at further. Public 2 stated that he would like to see a review of the SCDC decision. Standing Orders reinstated 8.12pm. Discussion regarding cost of a judicial review, pros and cons of doing, what it would change practically and if it's worth doing. Resolution to seek legal advice from Philip Kratz (or other) regarding grounds for judicial review of SCDC decision for Redrow Homes and the benefits that might arise from that (subject to Terms of Reference of the Planning Committee). **RESOLVED.**
- 20P/037. Enforcement** – consider updates from Enforcement Officers and additional items for enforcement – Case 3/18: Clerk to ask District Cllrs to put pressure on Officers. The response from them is unsatisfactory and more could and should be done. Case 11/18: this is a curtilage wall of a listed building; comment required from Conservation Officer. Case 3/19: when will we receive further information? Case 4/19: land in front of gate is

now designated a Local Green Space. Clerk to send letter to resident requesting that gate is removed. Case 9/19: loose gravel isn't allowed on a driveway; Highways to be contacted for comment.

**20P/038. Date of next meeting – 5<sup>th</sup> March 2020**

**20P/039. Close of meeting – 8.50pm.**

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

## 20P/044. Redrow

On 12<sup>th</sup> February, SCDC's Planning Committee gave approval for various Reserved Matters related to the Redrow (previously Gladman) planning application off Rampton Road.

There was an objector who was particularly concerned by the potential for the former secondary access to be used extensively for construction traffic and eventually the main site entrance.

I was delegated to express this Council's concerns about a number of aspects which I submitted as an email on the Friday before the meeting and summarised – and was examined on – at the meeting.

The Committee was in some disarray, partly as a result of trying to correct their practices on delegated decision-making earlier in the meeting.

Following the debate, the Committee were unsure at times whether to test their appetite from deferral, refusal or approval with discussion on likely appeal consequences on 5-year land supply etc.

- In the event, a move to defer was tied and refused only on a Chair's vote
- An attempt to get refusal failed, on a political majority
- Finally a call to approve was tested and achieved a majority, after the "Persimmon Condition 8" was added at my request (this sets requirements for surface water management design, implementation and long-term maintenance by an enduring party).

As ever, with these complex planning decisions at SCDC, there were procedural irregularities which might be enough to obtain a Judicial Review. We have six weeks from the issue of the planning permission to request such a review. The grounds might include:

1) The Case report implies that the application is not a departure from the adopted Local Plan despite it originating from a 5-year land supply approval. The Reserved Matters application only beat the 2-year application deadline by a few days. **Was it properly advertised as "non-conformant" and was my pointing this out in the meeting enough for the Committee not to have been misled?**

2) Cottenham's Neighbourhood Plan is now a "post-examination draft Neighbourhood Development Plan" under the Neighbourhood Planning Act 2017. Our planning advisor asserts "it has the same status as a made plan" yet appropriate weight does not seem to have been applied in the Case Officer deliberations. Had "moderate weight" been applied, as she claimed, we might have expected the report to cite and take a view on the relevant policies individually so Members could take their own view. **Specifically, should policies COH/1-5 a, b, f, g, h, i and COH/2-2 a, e, f, g have been explicitly assessed for increased weight?**

3) The proposed housing mix differs significantly from that indicated in either the research for Cottenham's Neighbourhood Plan nor the very recent study by Cambridgeshire ACRE. Building the wrong size houses now will create a long-term disruption in the availability of appropriate housing in and around Cottenham. **Should the mix have been re-appraised?**

4) The surface water drainage condition (8) applied to the neighbouring Persimmon site should be applied here too. SCDC assured us that this would give protection concerning either business failures during development or long-term maintenance and, in effect, comply with policy COH/2-2 in the Neighbourhood Plan. **This was accepted by the Committee.**

5) The site layout fails to meet the policies COH/1-5 and COH/2-2 in the Cottenham Neighbourhood Plan with too many identical houses clustered in linear rows and the affordable homes inadequately dispersed around the site. **Should the layout have been re-appraised?**

6) The site access "B", represented as a secondary access in the outline permission, appears to be morphing into the primary access to the detriment of neighbours. We argued that conditions should be applied to ensure that this access has suitable obstructions and signage to avoid its use by construction traffic and longer-term use by motorised vehicles except in emergencies. Highways insist they will not adopt the roads but, unusually, no Highways representative was present to clarify this or the definition of "secondary access". **Should time have been allowed for this?**

7) The extent of hedgerow proposed for removal along Rampton Road to achieve the necessary visibility splays is way short of "doubling nature". Cottenham Parish Council intends to continue applying speed-calming measures to our arterial roads. The 40mph buffer zone, if brought forward, would avoid the removal of ancient hedgerow. **Should time have been allowed for this?**

8) Finally, the need to provide pedestrian and cyclist permeability between the sites could use a mirror-image of the approach used by Persimmon to secure permission for S/1606/16/OL. If valid, it should ensure adequate "cross-over" rights. **Should time have been allowed for this?**

Overall, we argued that a deferment was the correct answer to the rushed way the application had been brought forward. Further work appears necessary to bring the application more in line with local needs and preferences, a key part of ensuring integration of such a large development into the community despite its 5-year heritage.

#### **Options**

- **A. We can do nothing, or**
- **B. We can give notice that we might apply for a JR on some of the above reasons**

This latter option would involve obtaining some legal advice to test whether the grounds are adequate for the purpose.

In the extreme, as we know from previous experience, the planning approval could be set aside at some cost, forcing a re-consideration by SCDC at a future date, possibly around 12 months from now with a likely improvement in some of the issues we raised above.

- In the middle, SCDC might broker a modest improvement on terms.

### **20P/045. Cottenham Housing Needs Survey Report**

Last year, SCDC Affordable Housing Officers asked a Housing Association hoping to develop a “Rural Exception Site”, in the Green Belt off Histon Road, to provide up-to-date evidence of the demand for affordable housing in Cottenham.

Cambridgeshire ACRE were commissioned by the HA to implement a Housing Need Survey and, in turn, asked CPC to endorse the survey in an accompanying letter in order to improve response rate to the survey. CPC agreed.

The report which Mark will comment on is the public version of the report produced as a result of the survey.

### **20P/046. Planning Applications:**

- [20/01218/HFUL](#) - Two storey side extension, 3 Dunstal Field, Cottenham

### **20P/047. SPD Consultations**

#### **EAST CAMBRIDGESHIRE DISTRICT COUNCIL**

#### **SUPPLEMENTARY PLANNING DOCUMENT ON CUSTOM AND SELF-BUILD HOUSING**

#### **Consultation Notice**

This Consultation Notice has been prepared in accordance with Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and gives notice that East Cambridgeshire District Council has prepared a Draft Custom and Self-build Housing Supplementary Planning Document (SPD) for public consultation.

The draft SPD sets out East Cambridgeshire District Council’s approach to custom and self-build housing. This SPD provides guidance to large scale developers who are obliged to meet the Local Plan policy to provide self-build plots (i.e. development consisting of more than 100 dwellings should set aside a minimum 5% of plots for self-build purposes). The SPD also provides useful advice for individuals, groups or Community Land Trusts (or similar) that may be interested in providing self-build plots. Parishes that are interested in including self-build plots in their Neighbourhood Plans may also find this SPD useful.

A copy of the draft SPD along with this notice is available for public inspection:

- on the Council's website at; <http://www.eastcambs.gov.uk/local-development-framework/supplementary-planning-documents>; and
- at the District Council Offices, The Grange, Nutholt Lane, Ely, Cambs, CB7 4EE between the hours of 8.45am – 5:00pm from Monday to Thursday, and 8.45am – 4.30pm on Friday;

The six week consultation period will start on **18 February 2020** and end on **30 March 2020**. Only comments made during this period can be taken into account. Any comments made after the consultation period may be discarded.

You may submit your comments either by email to [planningpolicy@eastcambs.gov.uk](mailto:planningpolicy@eastcambs.gov.uk) or send your comments via post to the address below:

Strategic Planning Team – Rm12  
East Cambridgeshire District Council  
The Grange,  
Nutholt Lane,  
Ely,  
Cambs, CB7 4EE

If you have any questions or queries regarding this draft SPD consultation please contact the Strategic Planning team on (01353) 665555 or email [planningpolicy@eastcambs.gov.uk](mailto:planningpolicy@eastcambs.gov.uk).

Emma Grima  
Director – Commercial

**EAST CAMBRIDGESHIRE DISTRICT COUNCIL**  
**SUPPLEMENTARY PLANNING DOCUMENT ON THE NATURAL ENVIRONMENT**  
**Consultation Notice**

This Consultation Notice has been prepared in accordance with Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and gives notice that East Cambridgeshire District Council has prepared a Draft Natural Environment Supplementary Planning Document (SPD) for public consultation.

The draft SPD sets out East Cambridgeshire District Council's approach to natural environment to provide advice on policy requirements relating to it issues such as: 'net gain' in biodiversity through development proposals; protection and provision of trees; protection of existing nature sites, including technical advice in terms of discharging Habitat Regulation Assessments (HRA) obligations, especially in relation to swan and goose foraging in designated protection zones around the Ouse Washes; and supporting the Council's position in relation to the recently adopted Local Nature Partnership vision to 'double land for nature' by 2050 across Cambridgeshire.

This SPD supplements in particular Policy ENV7 'Biodiversity and Geology' of the 2015 Local Plan. However, as well as supplementing policy in the Local Plan, the SPD has taken the opportunity to provide local interpretation and guidance in respect of the latest national policy, such as the recent NPPF (2019) and the emerging Environment Bill.

A copy of the draft SPD along with this notice is available for public inspection:

- on the Council's website at; <http://www.eastcambs.gov.uk/local-development-framework/supplementary-planning-documents>; and
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Emma Grima  
Director - Commercial

## **20P/048. Minerals & Waste Consultation**

I am writing to invite your views on the Local Enforcement Plan for Minerals and Waste Development in Cambridgeshire which has recently been updated. The plan sets out the Council's approach to achieving planning compliance at mineral extraction and processing, and waste management sites and we are seeking your views on the new draft version.

The consultation on the attached plan (sent under separate cover) will start on 26 February 2020 and run until 8 April 2020. Please send any comments on the plan to:

[planningdc@cambridgeshire.gov.uk](mailto:planningdc@cambridgeshire.gov.uk).

Alternatively you may wish to put your comments in writing to:

Cambridgeshire County Council  
County Development, Minerals and Waste Planning  
Box No. CC1213  
Shire Hall  
Castle Hill  
Cambridge, CB3 0AP

A summary of all the responses that are received by the close of the consultation period on 8 April 2020 will be placed on our website. The summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

All responses to the consultation will be considered and will inform any changes to the plan before the amended plan is presented to Planning Committee for consideration and approval prior to implementation. We will provide you with a link to the final document at the end of the consultation process.

Thank you for your help in this matter. If you have any queries, please contact me directly.

With thanks and kind regards

Deborah Jeakins  
Principal Enforcement and Monitoring Officer  
Cambridgeshire County Council

## **20P/049. SCDC Planning Delegation**

Extracts from a SCDC letter interwoven with other input:

*We wrote to you earlier this month to let you know that our constitution had changed to remove a legal ambiguity on how we decide which applications are referred to Planning Committee. Since then a further legal challenge to how we made that decision was presented to us. It called into question whether it was lawful to change the constitution at Planning Committee rather than at a Full Council meeting. Although we felt our constitution was clear and the decision could have been taken at Planning Committee, we decided (under threat of a legal injunction) the best option was for a report to be taken to the Full Council meeting on **2 April** for a final decision. The alternative was an unnecessary legal case which would have had inevitable costs and caused bigger delays. (NB Under the Local Government Act 2000, local authorities' constitutions can only be amended by the full local authority itself).*

On Tuesday, **3 March**, at 10:00 a.m. a meeting of the district council's civic affairs committee is taking place that may approve a draft of a revised constitution for adoption by the full council on **2 April**. The proposed change would result in Stephen Kelly, the planning director, assuming sole control over all delegation decisions ("**marking his own homework**") concerning planning applications. The civic affairs committee has 9 members. **Cllr Eileen Wilson** will be serving as a substitute on the committee on Tuesday, at which an alternative proposal is likely to be offered. If parish councils want to submit any further views please send them through to Stephen.Kelly@greatercambridgeplanning.org. If you are able to do that by Monday **23 March** it will mean they will be able to be provided to councillors as part of the report for Full Council. The Parish Council Planning Liaison meeting takes place on Monday **30 March** at 6pm. We will cover this in detail so we can talk more about the decision and forthcoming review.

Until Full Council consider the report on **2 April**, we will be advising applicants that if their application is called in by a parish council or the local district councillor, it may not be considered until after **2 April**. Some called in planning applications will continue to be determined at Planning Committee before this date. Whilst this will be frustrating for the applicant, we feel it is better to err on the side of caution on this occasion. The process for commenting on planning applications remains unchanged for parish councils. This includes us asking for the planning reason for the planning application to be called in. Some parish councils have already contacted us over recent weeks on this matter and those views will be considered on **2 April**.