

**JOINT DEVELOPMENT CONTROL COMMITTEE - CAMBRIDGE FRINGES**

19 July 2017

10.30 am - 12.20 pm

**Present:** Councillors Bard (Chair), Blencowe (Vice-Chair), Bird, Holt, Tunnacliffe, Smart, Bradnam, Harford, Hudson, Richards, de Lacey, Nightingale, Turner and Van de Weyer

**Officers Present:**

New Neighbourhoods Development Manager: Sharon Brown

Planning Lawyer: Rebecca Williams

Committee Manager: Emily Watts

**Other Officers Present:**

Business Manager, County Planning, Minerals and Waste, Cambridgeshire County Council: Emma Fitch

Development Management Officer (Planning Case Officer), Cambridgeshire County Council: Elizabeth Verdegem

Ecology Officer, Cambridgeshire County Council: Deborah Ahmad

Biodiversity Officer, Cambridge City Council: Guy Belcher

Principal Landscape Officer, Cambridge City Council: Dinah Foley-Norman

**FOR THE INFORMATION OF THE COUNCIL**

**17/81/JDCC Apologies**

Apologies were received from Councillors Baigent, Price and Cuffley. Councillor Smart attended as an alternate.

**17/82/JDCC Declarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillor Bradnam	17/84/JDCC	Personal: Member of the Wildlife Trust.
Councillor Harford	17/84/JDCC	Personal: Was a member of the County Economy and Environment Committee when the foot/cycle bridge between

		Abbey and Chesterton was approved, but she left the room and didn't take part in that item; and was also a member of the County Planning Committee that approved the Bridge permission.
Councillor de Lacey	17/84/JDCC	Personal: Member of Cambridge Cycling Campaign. Confirmed that he had not attended any meetings or discussions about the Chisholm Trail so did not have a prejudicial interest.
Councillor de Lacey	17/84/JDCC	Personal: His wife is a member of the Wildlife Trust.
Councillor Smart	17/84/JDCC	Lead City Council Member on Chisholm Trail project but did not constitute a prejudicial interest
Councillor Van de Weyer	17/84/JDCC	Personal: Member of Cambridge Cycling Campaign (CCC). Confirmed that he had discussed the Chisholm Trail with CCC and had been present at some meetings but had been careful to ensure that he made no comments that would constitute a prejudicial interest.

### 17/83/JDCC Minutes

After a typographical correction on minute item 17/78/JDCC the minutes of the meeting held on 21 June 2017 were approved as a correct record and signed by the Chair.

**17/84/JDCC      15 Minute Adjournment**

Committee adjourned to read a representation from Birketts LLP which had been circulated to Members on 18 July 2017. Members noted the late submission of this letter which was outside the normal cut-off period for representations being accepted. The Chair confirmed that the Committee were not obliged to consider this letter given that it was submitted at such short notice and that he was exercising flexibility in allowing it to be considered.

**17/85/JDCC      C/5007/16 - Chisholm Trail**

The Committee received an application for full planning permission for phase 1 of the Chisholm Trail. The application incorporated a north-south pedestrian and cycle path from the River Cam to Coldham's Lane broadly parallel to the railway line. Other elements of the application included a new underpass under Newmarket Road, bridge across Coldham's Brook, replacing culvert with a bridge on Coldham's Common, new paths and improvements to existing paths.

The Planning Case Officer introduced the item with reference to a PowerPoint presentation and identified key elements of the site and the proposals.

Reference to the Member Site Visit carried out on 21 June 2017 was also highlighted by the Planning Case Officer, including details on a map of where Members had been taken. Reference to responses received, including the petitions that triggered the Development Control Forum in October 2016, was made; as well as noting that the entrance to the Railway Station off Moss Bank had been implemented by Network Rail to ensure that access was available for the station opening on 21 May 2017.

The Planning Case Officer updated the committee with the addition of the Newmarket Road underpass informative and the updated consultation response from Heritage England that had been passed to Members as part of the amendment sheet circulated ahead of the meeting.

The Committee received a representation in objection to the application from Dr Reed.

The representation covered the following issues:

- i. Highlighted some aspects of ecology which could be impacted by the application.

- ii. Commented on the method and process of data collection used in the application, including concerns around the inconsistencies that existed between the documents submitted, highlighting that it had not followed the guidance recommended by Chartered Institute of Ecology and Environmental Management (CIEEM). Suggested that this would limit the evidence collated and as such the data didn't fit its purpose.
- iii. Considered that the concerns raised in points i. and ii. above meant that the claims being made on the screening opinion by the County Council were likely to be incorrect and that councillors were likely to be making a decision that may be against their own policies.

The Committee received a representation in objection to the application from Mr Smith.

Mr Smith requested confirmation that his response provided on 26 March had been received by the County Council DM Team and had been included in the documents given to councillors; it was confirmed by officers that it had been received and that it was available on the County website within the consultation responses document provided to Members of the committee via a link to the website.

Mr Smith made reference to a plan that he wished to circulate to committee members but given the lack of notice and concerns that the information had no way of being verified, the Chair did not agree this request. The representation covered the following issues:

- i. Referenced the representation received from Birketts LLP and the concerns relating to the administration of the application.
- ii. Commented that the regulation 3 planning application was substandard, the design and its functionality was not appropriate for its planned use.
- iii. Raised concerns that the application would lead to mounds of material (with potential contamination) being dumped on wildlife site and along the route;
- iv. Commented that the proposals would evict tent home dwellers;
- v. Highlighted the negative environmental impact of destroying conservation areas and thousands of square metres of trees.
- vi. Considered that if this application was approved it would pave the way for other inappropriate development such as development at Barnwell Lakes.
- vii. Stated the potential damage to the Leper Chapel and questioned the overall accessibility issues for people with disabilities, noting that the ramp down from Newmarket Road is proposed to be 1:15 and not 1:20.

- viii. Asked Members to refuse or defer the application to allow them time to assess the evidence and request an Environmental Impact Assessment.

The Committee received a representation in support of the application from Mr Chisholm.

The representation covered the following issues:

- i. Noted that Cambridge was a city that looked to the future and acknowledged the hard work of officers at the County to date, and still to be undertaken with the suggested planning conditions.
- ii. Understood why the route was considered damaging by some, but not putting more routes in would be more damaging in the long run.
- iii. Suggested that the benefits of the scheme will even extend to people with cars giving them an alternative, as well as the obvious benefits to cyclists, noting that it won't be long before Phase 2 comes forward.

The Committee received a representation in support of the application from Dr McDonald (on behalf of Cambridge Cycling Campaign).

The representation covered the following issues:

- i. Provided cycling statistics for the area, confirming that they had campaigned for nearly 20 years for the Chisholm Trail, with strong support.
- ii. Trail will provide innumerable benefits, with access to heritage sites on a safe route and noting that active travel also has active positive outcomes.
- iii. Noted the extensive consultation on the scheme that has taken place with early consultation undertaken through its inclusion in the local plan in 2007.
- iv. Asked JDCC members to support this once in a lifetime opportunity.

Mr Davies spoke on behalf of the applicant in support of the application.

The representation covered the following issues:

- i. Acknowledged the sensitivities of the site. However, stated that this proposal was about connectivity to support growth and was therefore all about sustainability.
- ii. Wider benefits acknowledged, such as connectivity to the new towns of Northstowe and Waterbeach; and improved public access to the Leper Chapel with disabled access that doesn't currently exist.
- iii. Through the consultation process he confirmed that his team (as the applicant) had compromised a lot e.g. to take account of comments

about the setting of the Leper Chapel they had moved the route / underpass further away.

- iv. Asked members to support this sustainable scheme.

The Committee made the following comments in response to the report.

- i. Praised the scheme and its many benefits such as increased connectivity to the city and surrounding area (including new developments such as Wing), it promoted a sustainable method of travel, increased access to Leper Chapel, and improved access to the green belt.
- ii. Highlighted that mitigation against the proposals would be a challenge but they were reassured by the arrangements which were already in place and these losses in the short term needed to be balanced against the longer term benefits of the scheme.
- iii. Pointed out in the summary section of the report in point 1, officers should note this should refer to the Greater Cambridge Partnership and not City Deal, noting the name changes that have taken place since the application was first submitted.
- iv. Sought reassurance regarding the historic and ecological impact of the application, particularly in relation to the concerns about the quality of the ecological information raised by the objectors and the robustness of the information submitted.
- v. Asked why the Chartered Institute of Ecology and Environmental Management standards had not been maintained during the assessment process.
- vi. Queried the impact of the development to wider historic buildings such as the Papermills the old brew house (The Globe Brewery), the Round House and the church at Fen Ditton with the conservation area. Asked who the owners of the Round House were and what impacts they were likely to encounter.
- vii. Referenced the representation from Birketts LLP, queried whether the application had followed due process and the relevance of the case law *Mordue (2015)*.
- viii. Questioned whether the Regulations and Acts quoted by the objectors had been met to ensure that Members weren't defaulting on their responsibility or if a decision would be "Ultra Vires".
- ix. Noted the concerns about the listed buildings in Fen Ditton, but when standing at the Church or on the High Street in Fen Ditton the Local Member was of the opinion that the proposals wouldn't have an impact as they won't be seen.
- x. Agreed that closing Newmarket Road for 24 hours over a weekend seemed like a sensible idea to limit disruption.

In response to Members' questions the Cambridgeshire County Council's Planning Case Officer and Business Manager said the following:

- i. Set out the ecology process for Members before asking the County Ecologist to come to the table to address specific questions, noting that at the submission stage they had not received the right ecology information, as will have been evident within the report, especially as the planning application had been received nearly a year ago. This lack of information has involved numerous discussions with the Wildlife Trust, the County Ecologist and also the City Council's Biodiversity Officer, which has led to a number of iterations of details and further submissions to ensure there was enough suitable information to base a decision on.
- ii. In relation to the listed building and conservation area concerns raised, explained the setting of the Fen Ditton Conservation Area using the conservation area slide. Noted there was a tree belt and some distance between the proposals and the listed buildings. Confirmed that although many historical buildings surrounded the site, the closest and most important listed building (Grade I) related to the proposals was the Leper Chapel, which had been discussed within the report. Fen Ditton was shown on a photograph noting the listed buildings were approximately 750 metres away, and from ground level next to the church, you would not be able to see the trail, and it would likely only be viewable from the top of the tower.
- iii. This application had been extensively consulted on to ensure any impact was proportional, and Historic England had also confirmed that they were happy with the plans subject to landscaping that can be controlled by planning condition. Furthermore, confirmed that Paragraph 8.73 of the officer report referred to the listed buildings discussed in Paragraphs 1.10 – 1.11 which included the Papermills and the Globe Brewery, both Grade II structures, so therefore wanted to reassure members that officers and specialists had considered the wider listing buildings in the review of the proposal. Therefore, whilst the officer report had focussed on the Leper Chapel as a Grade I listed building, it should not be considered that Historic England, the Historic Environment Team, the City Council's Heritage Officer nor officers within the County Planning Team hadn't given due regard to the setting and impact on other listed buildings in the vicinity of the application.
- iv. Demonstrated how the access points around the Leper Chapel were designed to be used, and showed the location of the ramp to the Round House noting the trees and shrubs proposed to be removed in the area to help assess the potential visual impacts.

- v. Stated that the objectors' reference to the Chartered Institute of Ecology and Environmental Management following professional standards was in relation to the applicant's ecologist and not in relation to the Wildlife Trust, the City Council's Biodiversity Officer or the County's Ecologist, therefore Members should understand that the response from the Ecology Officer would be similar to the Business Manager commenting on another planner's conduct. In this instance national planning policy guidance had been followed and the data collected was considered sufficient and satisfactory.
- vi. Affirmed that the ownership of the round house was unknown, it was not a planning matter and its location fell outside the application area. The location of the Round House was demonstrated by the Planning Case Officer using a slide from the presentation, noting the red line boundary and also the distance of the proposed underpass from the Grade II property.

In response to Members' questions the Cambridgeshire County Council's Ecology Officer said the following:

- i. Affirmed that they had not been happy with the initial assessment (and acknowledged that this had been a tedious process) so additional work had been undertaken to address this.
- ii. Explained that the evidence needed to be proportionate to the level of risk and now at a stage that the protected species information is sufficient for this assessment and the Ecological Design Strategy planning condition will ensure the relevant protection.
- iii. Outlined that only the areas within the red line boundary could be considered within her calculations.
- iv. The impact of the cycle way was now considered to be proportionate to its risk. The net loss and gain was difficult to assess, 0.6 hectares of land would be lost but the remaining area would be landscaped and enhanced. The 25 year management plan was also a reassuring sign of the commitment to maximising biodiversity.
- v. Stated that the Chartered Institute of Ecology and Environmental Management provided professional standards guidelines. An overview of the guidance, membership and proportionately was highlighted. Reference to circular 06/2005 guidance and specifically Paragraph 99 was quoted to help demonstrate that it was considered that there was enough information to assess the scheme. Agreed that based on the above she was satisfied that there was enough information to be able to assess it in line with national planning policy guidance and therefore the data collected was considered sufficient and satisfactory.



The Planning Lawyer confirmed that the statutory requirements set out in the letter from Birketts LLP were relevant and had been covered in the officer's report; that based on the negative EIA screening opinion adopted by the County Council those regulations effectively fell away; in relation to the listed buildings point / historic assessment had been covered by officers in response to Member questions; and in relation to the CIEEM membership point this would be better answered by the County Ecologist. Confirmed that she was not familiar with the case law Mordue (2015) but highlighted the importance of considering this case on its own merit.

Councillor Holt joined the committee part way through the discussion so did not vote on the item.

**Resolved unanimously** to grant the application for planning permission in accordance with the officer recommendation, for the reasons set out in the officer report, and subject to the conditions recommended by the officers

The meeting ended at 12.20 pm

**CHAIR**