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Planning and Transport Scrutiny Committee

EnvCm/1

Tuesday, 29 September 2020

PLANNING AND TRANSPORT SCRUTINY COMMITTEE 29 September 2020
5.30 - 8.25 pm

Present: Councillors Smart (Chair), Bird (Vice-Chair), Baigent, Bick, Chadwick, Collis, Green, Porrer and Hipkin

Executive Councillors: Executive for Transport and Community Safety: Councillor Massey and Executive Councillor for Planning Policy and Open Spaces: Councillor Thornburrow.

Officers:

Officers:

Joint Director of Planning and Economic Development: Stephen Kelly

Delivery Manager Development Management: Nigel Blazeby

Urban Growth Project Manager: Tim Wetherfield

Development Manager (Streets & Open Spaces); Alistair Wilson

Principal Planning Officer: Jonathan Dixon

Project Manager (Planning): Andrew Jennings

Democratic Services Manager: Gary Clift

Committee Manger: Claire Tunncliffe

FOR THE INFORMATION OF THE COUNCIL

20/67PnT Apologies for Absence

No apologies were received.

20/68PnT Declarations of Interest

Name	Item	Interest
Councillor Baigent	All	Personal: Member of CamCycle and Extinction Rebellion.

20/69PnT Minutes

Councillor Thornburrow referred to the minutes of 30 June 2020 (20/61PnT) enquiring when a housing trajectory report would be presented for the committee's consideration.

The Joint Director of Planning and Economic Development advised a report would be prepared for a future meeting but would be wider than just housing trajectory and would comprise planning deliveries and outcome, affordable housing and an update on the shared planning services.

Councillor Green reiterated her previous comments at the last meeting requesting the report ascertain how many affordable housing dwellings were being delivered through the private and public sector.

The minutes of the meeting held on 30 June 2020 were approved as a correct record and signed by the Chair.

20/70PnT Public Questions

There were no public questions.

20/71PnT Response to Government Consultations: Planning For the Future White Paper, and Changes to the Current Planning System

Matter for Decision

The report informed Cambridge City Council's response to the Government's White Paper, Planning for the Future Consultation, and the Changes to the Current Planning System consultation.

This report set out, for both consultation responses the key response points and the direction of the response for discussion, to be refined following the meeting.

Decision of the Executive Councillor for Planning Policy and Open Spaces.

- i. Noted the initial response to the Government's White Paper (Planning for the future) consultation as set out in appendix 1 of the officer's report.
- ii. Noted the initial response to the Government's Changes to the Current Planning System consultation as set out in appendix 2 of the officer's report.

- iii. Agreed, for each consultation the wording of a final joint response and/or any individual response through an out of cycle decision, in consultation with Chair and Spokes.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Joint Director of Planning and Economic Development and the Planning Policy Manager.

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

- i. The way the questions were worded in the White Paper there was an assumption that the reader agreed with the proposals.
- ii. Concerned the white paper changed the balance in the planning system; many people locally felt the democratic element of the planning system too weak and these proposals did not make it stronger.
- iii. It appeared in the proposals that the democratic involvement process was completed 'upfront' such as allocating land free zones and agreeing design codes, but this would be disingenuous as the Government was proposing to reduce the preparation time available.
- iv. Welcomed the reference to digital consultation for the public. But both the City Council and South Cambridgeshire District Council were already achieving this.
- v. Believed that residents became energised at the plan stage and resident's involvement seemed to be diminished at this stage in these proposals.
- vi. Mistake to remove the ownership of the local planning authority to determine the housing needs rather than be advised by Government of the number of housing required. This removed local discussions with external agencies, the public and any ownership from the local authority.
- vii. Seemed to be a return of an adult and child relationship with Government.
- viii. Questioned if the changes would improve the planning system.
- ix. Important to highlight the infrastructure levy; how and who would deliver the major infrastructure. Currently this was done by the

- developer and asked how much the local authorities would be expected to deliver and when.
- x. Queried who would be responsible for the infrastructure, including onsite and off-site.
 - xi. Who would determine what infrastructure should be on site, the developer, or the local authority?
 - xi. Questioned if the levy could be used as an economic tool by Government which could be changed at any time.
 - xii. The Government could change development and the resources that flowed through local government, i.e. changing the number of houses, designating, or de-designating the number of growth areas or renewal areas every five years.
 - xiii. Did not consider this would be an advantageous system to certain vested political interests.
 - xiv. Believed the proposed changes could lead to MP's, elected representatives and large financial institutes lobbying Government to implement where growth areas were allocated; this could lead to poorer parts of the country not being developed.
 - xv. Would support growth in the Cambridge area if it were sustainable with the correct infrastructure; needed to ensure the best deal for Cambridge was secured.
 - xvi. Required further clarity on the lifting of the site threshold for affordable housing and asked if this be temporary or not.
 - xvii. Noted the Government wanted to prioritise first time buyers; it should be to provide affordable housing in the first instance.
 - xviii. The papers proposed that the Carbon neutral ambition was 2050 but Cambridge City Council's was 2030. This would be a backward step for the environment and this point should be highlighted.
 - xix. Welcomed suggestion that local authorities would be able to generate income at the 'call for site stage'.
 - xx. Officers should provide localised examples when critiquing the papers.
 - xxi. Developments not being completed was an issue and time limits and penalties were needed.
 - xxii. There was no mention of water and questioned if there was there enough of a water supply to meet demand in the city and surrounding areas.
 - xxiii. Expressed concern at having only one design code and work undertaken at pre-application by the city council should be used as an example. Both officers and councillors spent time considering the overall style and if this were suited to the area which it would sit in.

- xxiv. No reference to disability adjustments; an area that officers and councilors were extremely diligent on.
- xxv. Expressed concern at the temporary lifting the small sites threshold below which developers did not need to contribute to 40 or 50 units to support SME builders; what about those individuals who needed economic support caused by the effects of COVID-19. This would also support large building companies. The Government should look at a specific policy that supported SME builders only and did not have a negative impact of another group.
- xxvi. Stated the temporary lifting of the small site threshold for affordable housing would increase developers profit margins; house prices should therefore come down as the cost of the affordable housing was not being funded.
- xxvii. The Infrastructure Levy would be paid out at the conclusion of the development with a proposal for local authorities to borrow against this. Could it be suggested that some of the monies should be paid upfront that would help negate financial risk to burden the cost of infrastructure at the start of the development.
- xxviii. Further explanation was required on the area set up and what control would local authorities have, such as the number of housing units.
- xxix. Queried how raising the threshold on affordable housing units would impact on the viability assessment; would this be an improvement or not?
- xxx. Asked if developments were not undertaken or completed for several years how much of a liability would this have on local authorities.
- xxxi. Wondered if these changes moved local authorities to a more development control (with much less control) set up rather than a planning system.
- xxxii. Highlighted a typo on question 9b on p37 which needed amending.
- xxxiii. Suggested the officer had recommend the city council contribute to a national infrastructure levy and asked:
 - i. What financial effect would this have as there was a large proportion of highly costed infrastructure needs?
 - ii. Whether the pooling system which loose potential revenue to the council?
- xxxiv. Stated these proposals were a complete overhaul of the planning process.
- xxxv. The council should lead on the environmental issues; there should be criteria as to where development would take place based on environmental rationale.

- xxxvi. Encouraged officer to strengthen the argument that the democratic process and consultation with residents would be lost; challenges should be permitted at all stages of the local plan process.
- xxxvii. Asked if there would be a green paper.

In response to the Joint Director of Planning and Economic Development and the Planning Policy Manager said the following:

- i. Thanked the committee for all their comments and feedback.
- ii. Regarding viability assessments when raising the threshold, believed there would be no requirement to provide affordable housing under this scheme below the set threshold. The developers would benefit from not having to make that provision.
- iii. In terms of development being granted and then not being built the conditions placed on the start of the development which could alleviate some issues raised.
- iv. In some cases speculative answers had been given in response to the white paper, as officers could only use what was written in the document.
- v. The consultation argues that in the proposals, a plan led system would be granting control communities setting what should happen in each area and what design that development should take.
- vi. Would pick up all comments regarding the Infrastructure Levy as further detail was required on this would work.
- vii. Part of the broader narrative is that practitioners' views held both locally and nationally to the white paper were that it had not yet been fully formed. It did not fully address what it was trying to achieve.
- viii. The white paper says that the guidance outlined rigid, clear and transparent requirements to be shaped by communities, but the amount of time the Government would devote to shape those requirements in a local plan process was considerably less time than local authorities had committed working with communities; therefore could this be seen as unrealistic.
- ix. Challenging to define with certainty all the parameters to sustainable forms of development to fit the city of Cambridge in the time frame recommended.
- x. The Government appeared to be moving away the role of committees making decisions on a series of policy judgements but towards a more prescribed set of criteria. Preparing a book of criteria that would cover the diversity of Cambridge with only twelve months to talk to the communities seemed too ambitious.

- xi. As shown on p63 of the agenda it had been made clear the changes to affordable housing was not supported and would look to add the committee's comments.
- xii. Was not offering to give essential infrastructure spending to be spent nationally. But there may be for large and sustainable projects issues around 'gain share' and local contributions complimenting national contribution infrastructure investment.
- xiii. The plan making process would identify what infrastructure was considered necessary where the funding received would be allocated to.
- xiv. Did not believe that green papers were part of the constitutional requirement to change legislation and this would not be issued by Government.

The Committee **resolved unanimously** to endorse the recommendations

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

20/72PnT Review of Pre-application Charging Schemes and Update on Pre-application Service

Matter for Decision

The report referred to the Shared Planning Service commitment to review and integrate its process for providing pre-application advice in the 2020/2021 Business Plan.

Having begun that process earlier in the year, approval was sought for the proposed future arrangements for (including charges) for pre-application advice. This service offer would sit alongside the statutory planning application process (where fees and process are determined nationally) and which was unaffected by these proposals.

Decision of the Executive Councillor for Planning Policy and Open Spaces.

- i. Agreed the proposals for Cambridge City Council to introduce the revised pre-application service offer and charging schedule set out in the

Officer's report for the Cambridge City Council area from 2nd November 2020.

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Joint Director of Planning and Economic Development.

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

- i. Felt that the charges were too low for the quality of service received and could be higher.
- ii. The scaling of the charges was disproportionate.
- iii. The fees did seem to be minor compared to the private sector but noted it was important the service needed to be accessible to all members of the public.
- iv. Asked as the fees for smaller businesses had been reduced could the same be done for smaller charities undertaking small developments.
- v. Queried why an article 4 direction was not being charged for.
- vi. Noted there was no fees for parish councils and asked if city councils need to be included.
- vii. DPA (Data Protection Act) guidance should sought when officers were offering virtual advice to developers / applicants as this could be sensitive and confidential; should be made aware to developers this information could be shared under a Freedom of Information request.
- viii. Exemption for disabled people as stated in the scheme should also include invisible disabilities.
- ix. Welcomed the standardisation of costs across the two authorities.
 - x. Fees should be reviewed annually to ensure stable increments.
 - xi. Asked was to the local authority's advantage for people to take pre-application advice.

In response to the Joint Director of Planning and Economic Development said the following:

- i. One of the benefits of pre application advice allowed the achievement of the objective by giving early advice into a process. If an application were

submitted without pre application advice and required changing this could be time consuming, introduce costs to the planning service and the applicant.

- ii. Recognised there would be a range of people on various income streams applying for planning permission and had retained the fifteen-minute free advice to assist those on lower incomes.
- iii. Would work on the definition of disability to ensure there were no disadvantages to some individuals.
- iv. Would work with the Executive Councillor to examine if small charities could qualify for a reduction of costs as small businesses. Would liaise with the Chair and Spokes on the wording of this clause; however, a position of judgement would be retained in the final schedule dependent on the charity's size of development and costs
- v. There was no comparable body to the parish council in Cambridge City.
- vi. Developments which used Article 4 were exempt from a planning fee and it was for committee to determine whether this exemption should be removed from the schedule
- vii. Guidance on DPA would be provided for officers when offering advice virtually and for those who accessed the virtual advice.

The Committee resolved by 8 votes 0 to endorse the recommendations.

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

20/73PnT S106 Funding Round 2019: Play Areas and Open Spaces

Matter for Decision

To approve the allocation of S106 funding for various projects as outlined in the officer's report.

Decision of the Executive Councillor for Planning Policy and Open Spaces.

Agreed to allocated s106 funding to the following projects, as amended, subject to the business case approval (see section 4 and appendix A of the Officers' report for project details).

N1	Chesterton Rec Ground wheel-sport facility (East Chesterton ward): an additional £20,000 (informal open space).
N2	Five Trees open space: wildflower and tree planting (East Chesterton): £5,000 (informal open space)
N3	Pearl Close play area & open space improvements (East Chesterton): £2,900 (play) and £3,000 (informal open space)
E1	Tree planting in open spaces in Coleridge ward: £13,000 (informal open space)
S3	Nightingale Avenue Rec footpath improvements (Queen Edith's ward): an additional £10,000 (informal open space)
S4	Landscaping for new Nightingale Rec Ground Pavilion (Queen Edith's): £10,000 (informal open space)
S5	Trumpington Rec Ground boundary landscaping (Trumpington): £70,000 (informal open space)
S6	Accordia open space improvements: installation of drainage swales and biodiversity information boards (Trumpington): £5,000 (informal open space)
WC1	Parker's Piece tree planting (Market): provisional allocation until June 2022 of £9,900 (informal open space) towards the wider project costs (see paragraph 4.3c).

Reason for the Decision

As set out in the Officer's report.

Any Alternative Options Considered and Rejected

Not applicable.

Scrutiny Considerations

The Committee received a report from the Development Manager who reminded the committee that since report had been published, it had become clear that one of the recommendations (to fund the Trumpington Recreation Ground boundary landscaping proposal [S5]) using local S106 contributions) was not ready for consideration and had been withdrawn for consideration.

Councillor Bird welcomed the recommendation for funding for the Chesterton Rec Ground wheel-sport facility, the Five Trees open space: wildflower and tree planting (East Chesterton), Pearl Close play area & open space improvements (East Chesterton) and thanked officers for their hard work in bringing these schemes forward.

The Committee **unanimously resolved** to endorse the recommendation as amended to allocate S106 funding to the following eight projects below, subject to business case approval (see section 4 and appendix A of the officers’ report for project details):

N1	Chesterton Rec Ground wheel-sport facility (East Chesterton ward): an additional £20,000 (informal open space).
N2	Five Trees open space: wildflower and tree planting (East Chesterton): £5,000 (informal open space)
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WC1	Parker’s Piece tree planting (Market): provisional allocation until June 2022 of £9,900 (informal open space) towards the wider project costs (see paragraph 4.3c).

The Executive Councillor approved the recommendations.

Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)

No conflicts of interest were declared by the Executive Councillor.

20/74PnT To Note Record of Urgent Decision Taken by the Leader of the Council

8a ROD: CAM Sub Strategy Consultation Response

The decision was noted.

20/75PnT To Note Record of Urgent Decision Taken by the Executive Councillor for Planning Policy and Open Spaces**9a** ROD: Draft NEC AAP Topic Papers

The decision was noted.

9b ROD: Greater Cambridge Authority Monitoring Report (AMR) 2018-2019. Councillor Green requested that the monitoring report be brought back to a future meeting of the Planning and Transport Committee.

In response, the Joint Director for Planning and Economic Development explained this out of cycle decision had been impacted in part by COVID-19 and was published as soon as was convenient. This report would be brought back to committee for consideration and discussion in future as standard when typical working practices could be followed.

The decision was noted.

20/76PnT To Note Record of Urgent Decision Taken by the Executive Councillor for Transport and Community Safety**10a** ROD: Highways England A428 Supplementary consultation response

The decision was noted.

10b ROD: City Centre Parking Fees from August 2020

Councillor Bick said he had made adverse comments as Opposition Spokes (Planning Policy) and requested this was noted on the Record of Decision.

The decision was then noted.

The meeting ended at 8.25 pm

CHAIR