

PLANNING COMMITTEE: MINUTES

Date: Thursday 3rd November 2016

Time: 10.00am – 10.50am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors P Ashcroft, B Ashwood, D Connor (Chairman), L Harford, B Hunt, S Kindersley, A Lay, M Loynes and J Scutt

208. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Mason and Smith.

There were no declarations of interest.

209. MINUTES – 6TH OCTOBER 2016

The minutes of the Planning Committee meeting held on 6th October 2016 were agreed as a correct record and signed by the Chairman.

210. CONSTRUCTION OF 1.9KM SHARED USE PATH (2.5M WIDE) BETWEEN STOW CUM QUY AND LODE

AT: COLLIERS LAINE/QUY ROAD, CAMBRIDGESHIRE, CB25 9DJ

APPLICANT: CAMBRIDGESHIRE COUNTY COUNCIL

APPLICATION NO: S/0133/16/CC

The Committee received a planning application for a shared use path between Stow Cum Quy and Lode. James Stringer, Asset Information Definitive Map Officer and Camilla Rhodes, Asset Information Team Manger were introduced to Members together with Dr. Jon Finney, engineer from the Highways Team who were able to answer Member questions. Officers drew attention to the amendment sheet circulated and published prior to the meeting that corrected a statement within the officer report. Members were also asked to note that information had been received that land-owners whom had previously advised that they would not allow equestrian use of the path had since indicated that horses could use the path but this was outside of the application before the Committee.

The location of Lode and Stow-Cum-Quy was drawn to Members' attention together with a map of the area with the proposed path highlighted on the map. The route of the path was illustrated using photographs and an Ordinance Survey map was used to show the existing bridleway paths close to the site. Although outside of the scope of the application, attention was also drawn to the intention by the applicant for the speed limit on the highway to be moved 24 metres further away from Quy Court and that the existing uncontrolled crossing near Anglesey Abbey would be widened.

The difference between a bridleway which was a public right of way for use by pedestrians, cycles and horses and a cycle track which could only be used by cycles and pedestrians and formed part of the public highway was explained.

Speaking on behalf of Lode Parish Council, Charlie Rickard drew Members' attention to the busy B1102 between Lode and Stow Cum Quy, in particular its unsuitability and unsafe nature due to speed and volume of traffic for cyclists. Mr Rickard informed Members that the need for improved cycle access was identified in the Parish Plan for Lode in 2008 following a detailed survey of residents and highlighted to the Committee the results of the survey. More than a third supported the path and 14% said they would use their cars less.

Mr Rickard informed Members that the possibility of combining the cycle path with a bridleway was considered in the early stages. However, the plan was dropped in favour of a combined cycleway and footpath due to the expressed desire to have a safe cycle path for commuters and leisure users and the cost implications associated with the addition of bridleway use. In addition, although land owners were generally supportive, one of the main land-owners was keen to limit the loss of land.

Mr Rickard drew Members' attention to the support for the application received from the Parish Councils of Stow Cum Quy, Bottisham and Swaffham Bulbeck. The National Trust had also made land available for the path, together with financial and technical support from Marshalls Aerospace and support from Sustrans.

Mr Rickard concluded by expressing his hope that the Committee would grant planning permission for what represented an excellent community project which had both safety and environmental benefits.

In response to a Member question Mr Rickard confirmed that he was speaking on behalf of Lode Parish Council with the knowledge of the Chairman.

Mike Davies, Team Leader Cycling Projects and Major Infrastructure, Cambridgeshire County Council spoke in support of the application and highlighted the community involvement in taking the project forward. Cambridgeshire County Council had been successful in obtaining grant funding for the project and the scheme had been approved by the Council's Economy and Environment Committee. Mr Davies drew Members' attention to the link to Cambridge the proposed path would provide and safety and congestion benefits of the scheme. Mr Davies informed Members that rights for horses had been sought but from early negotiations one land-owner was unwilling to allow equestrian use of the path. However, on the basis that the land-owner had now withdrawn their objection to equestrian use they proposed to seek retrospective rights. As land agreements had been drafted there would be additional time and cost incurred for their re-drafting. Mr Davies concluded by emphasising that the main objective was to complete an important pedestrian and cycling link the villages.

In response to Members' questions Mr Davies:

- Explained that the proposed path was permissive and therefore rights were afforded to it by the land-owner. If the land-owner was to allow equestrian use of the path then it would not represent a material change to the planning application and therefore not have to be presented to the Committee again. Based on the agreed permissive rights the signage provided would be inclusive.

- Explained that the Local Authority bore the legal costs of the land-owners as well as its own legal costs. Re-drafting land agreements would incur additional cost and delay. Members noted that funding was only available to the scheme until March 2018.
- Confirmed that if equestrian use of the path was granted then no re-engineering of the path would be required and would only require additional signage.
- Confirmed that solar studs would be embedded along the path to provide guidance lighting. Officers confirmed that illustrative details had been submitted as part of the planning application, but the detail would be agreed as part of the highway approval process.
- Explained that Camcycle expressed an idealistic view of how wide the path should be constructed and did not take full account of the realities of the situation. The path width, 2.5m was sufficient and there was a grass verge either side of the path. The path was also located behind a hedge.
- Confirmed that Cambridgeshire County Council was responsible for the maintenance of the path.

Mrs Lynda Warth, County Access and Bridleways Officer for the British Horse Society spoke in objection to the application on behalf of the British Horse Society. Mrs Warth objected that the path would exclude equestrian use and expressed concern that the British Horse Society had not been consulted during the project by the Cycling Team. Mrs Warth informed Members' that the lack of permission from land-owners was no longer a barrier to equestrian use of the path and that the total width of the path including the grass verge was 4.5m which far exceeded the British Horse Society recommended width of 3m and also Cambridgeshire County Council standards.

Mrs Warth explained that the lack of horse refuge along the path should not present a barrier to equestrian use as evidenced from other local paths constructed in the area. Paths were shared all across the country with little issue, which was in line with policy SOA2 of the Rights of Way Improvement Plan by the Council. Mrs Warth concluded by drawing the attention of Members to the safety of horse riders and vulnerable road users, emphasising that it was essential that off-road access was available to all.

In response to Members' questions Mrs Warth:

- Explained that she wished to secure use of the path for horses as soon as possible and could not understand why it needed to be delayed. Officers informed Members that an informative regarding equestrian access to the path could be added to the planning permission in order that the highway status was changed but that would be outside of the scope of the Committee. Members were satisfied that it was sufficient to minute that equestrian use of the path would be sought by the Local Authority in consultation with land-owners.
- Explained that there was no obligation on horse riders to clear horse droppings from the path but the British Horse Society recommended the setting up of a user group to address the issue and drew Members attention to "Poo Fairies" that the society organised to deal with such issues. It was also noted that it was more likely that the horse riders would prefer to use the verge rather than the tarmac path which would also reduce such issues.

- Welcomed that a letter had been issued confirming that the British Horse Society would be included in future consultations.
- Confirmed that she was encouraged by the support of the Council in obtaining equestrian access and noted that Members could only determine the planning application in front of them, but this issue needed to be recognised and addressed.

Local Member Councillor John Williams spoke in support of the application. Councillor Williams congratulated the Parish Councils and local people involved, as without their input it was unlikely that the application would have progressed. The path would provide an important link allowing residents in Stow-Cum-Quy greater, improved access to schools and the health centre in Bottisham. Councillor Williams noted the comments on the application made by Camcycle but highlighted to Members that it was not always possible to satisfy all demands and the best had to be made from what was available. Time was of the essence as it had taken 4 years for the project to progress from a feasibility study to a planning application and the time funding was available for the path was limited. Councillor Williams confirmed that the British Horse Society would have his support in obtaining equestrian use of the path in the future.

Local Member Councillor Matthew Shuter spoke in support of the application drawing Member's attention to the current unsafe nature of the route for cyclists, which included leisure cyclists visiting Anglesey Abbey. Councillor Shuter praised the work of Parish Councils and local people involved in the application. Councillor Shuter noted the comments of the British Horse Society and stated whilst he had not seen a horse rider using this route and that many of the horses in the area were either linked to the horse racing in Newmarket or were polo ponies, he acknowledged that it would be beneficial if they did use it. However, he warned against further delay highlighting the danger faced by cyclists along the route and that the proposal should be supported as is.

It was proposed by Councillor Kindersley and seconded by Councillor Harford, with the unanimous agreement of the Committee to grant planning permission subject to the conditions set out in appendix A to these minutes.

206. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

It was resolved to note the decisions made under delegated powers.

207. DATE OF NEXT MEETING: THURSDAY 15TH DECEMBER 2016

Chairman

Advisory Note

The Town & Country Planning (Development Management Procedure) (England) Order 2015 requires the Planning Authority to give reasons for the imposition of pre-commencement conditions. Conditions 4, 5 and 8 below all require further information to be submitted to protect the environment and are therefore attached as pre-commencement conditions. The developer may not legally commence operations on site until these conditions have been satisfied.

1. Commencement

The development hereby permitted shall be commenced no later than three years from the date of the decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act and Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans and Documents

The development hereby permitted shall not proceed other than in accordance with the planning application dated 1 June 2016 including the supporting information, as amended by the additional information email sent 22 June 2016 (Flood Risk), email sent 7 September 2016 (Background information), September 2016 reports (Responses to concerns raised by British Horse Society and Consideration of horses on the Quay to Lode Cycle path), and the amendments sent by emails on the 18th October 2016 (revised description and solar studs indicative only) and the following plans and documents (received 2 June 2016, unless otherwise stated):

- Site Location Plan, Drawing Number LPCH000-CH1950, dated 21/10/16 (received 21 October 2016);
- Quay to Lode Quay Court, Drawing Number CH0 – CH050 (received 16 June 2016);
- Quay to Lode Quay Court, Drawing Number CH050 – CH250 (received 16 June 2016);
- Quay to Lode Quay Court, Drawing Number CH250 – CH500 (received 16 June 2016);
- Quay to Lode Quay Court, Drawing Number CH500 – CH700 (received 16 June 2016);
- Quay to Lode Quay Court, Drawing Number CH700 – CH900 (received 16 June 2016);
- Quay to Lode Quay Court, Drawing Number CH900 – CH1050 (received 16 June 2016);
- Quay to Lode Quay Court, Drawing Number CH1050 – CH1250 (received 16 June 2016);
- Quay to Lode Quay Court, Drawing Number CH1250 – CH1500 (received 16 June 2016);
- Quay to Lode Quay Court, Drawing Number CH1500 – CH1750 (received 16 June 2016);

- Quay to Lode Quay Court, Drawing Number CH1750 – CH1950 (received 16 June 2016);
- Arboricultural Report, reference 151219-PD-11 January 2016 including Appendices A-E and Tree schedule 151219-FD-01 (BS5837) by Tim Moya Associates dated 01/02/2016;
- Tree Survey – Master Plan, Drawing Number 151219-F-01 dated January 2016;
- Tree Survey, Drawing Number 151219-F-01-01 dated January 2016;
- Tree Survey, Drawing Number 151219-F-01-02 dated January 2016;
- Tree Survey, Drawing Number 151219-F-01-03 dated January 2016;
- Tree Survey, Drawing Number 151219-F-01-04 dated January 2016;
- Tree Survey, Drawing Number 151219-F-01-05 dated January 2016;
- Tree Survey, Drawing Number 151219-F-01-06 dated January 2016;
- Tree Constraints Plan – Master Plan, Drawing Number 151219-F-02 dated January 2016;
- Tree Constraints Plan Drawing Number 151219-F-02-01 dated January 2016;
- Tree Constraints Plan Drawing Number 151219-F-02-02 dated January 2016;
- Tree Constraints Plan Drawing Number 151219-F-02-03 dated January 2016;
- Tree Constraints Plan, Drawing Number 151219-F-02-04 dated January 2016;
- Tree Constraints Plan Drawing Number 151219-F-02-05 dated January 2016;
- Tree Constraints Plan Drawing Number 151219-F-02-06 dated January 2016;
- Quay to Lode – Shared Use Path Ecological Constraints Assessment by Atkins, reference 5124710.054_ECA_V1.0 dated 12/02/16.

Reason: To define the development and minimise harm to the locality in accordance with Policies COM 7, ENV 1, ENV 2, ENV 7 ENV 10 , ENV 12, ENV 15 and GROWTH 5 of the East Cambridgeshire Local Plan (2015); Policies DP/2, DP/3, DP/7 CH/3, GB/1, GB/2, GB/5, NE/4, NE/6, NE/14, TR/1, and TR/4 of the South Cambridgeshire Development Control Policies Development Plan Document (2007); and Policies HQ/1, NH/2, NH/8, NH/14, S/3, and S/4 of the Proposed Submission South Cambridgeshire Local Plan 2011 – 2031.

3. Lighting

No lighting shall be installed except in accordance with details, which shall have been previously submitted to and approved in writing by the County Planning Authority.

Reason: To protect the character and appearance of the countryside and to prevent inappropriate light pollution and to minimise impact upon bats in accordance with policies ENV 1, ENV 4, ENV 7 and ENV 9 of the East Cambridgeshire Local Plan (2015); NE/1, and NE/14 of the South Cambridgeshire Development Control Policies Development Plan Document (2007); and SC/10 of the Proposed Submission South Cambridgeshire Local Plan 2011 – 2031;

4. Construction Environmental Management Plan (CEMP)

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall include but not be limited to:-

- The movement and control of deliveries to and from the site and times of operation;
- The movement and control of any muck away lorries to and from the site and times of operation;
- Details of contractor parking and how this will be controlled;
- Measures for the control of dust mud and debris;
- Mitigation measures to protect the sites ecological features, including provisions for a re-survey of the site to search for any newly constructed badger setts;
- A precautionary Method of Works for reptiles and Great Crested Newts including hand searching and any necessary resurvey work to be carried out prior to strimming or soil stripping;
- The removal of the construction compound; and
- A timetable for the implementation of the CEMP.

The approved CEMP shall be implemented in its entirety in accordance with the approved timetable.

Reason: To minimise impact upon the environment and impact upon 'protected species' and biodiversity habitat to result in no net loss in biodiversity value, and in the interests of highway safety in accordance with, COM 7, ENV 1, and ENV 7 of the East Cambridgeshire Local Plan (2015); Policies GB/2, DP/3, DP/6, NE/4 and NE/6 of the South Cambridgeshire Development Control Policies Development Plan Document (2007); and Policies HQ/1, NH/4 and CC/6 of the Proposed Submission South Cambridgeshire Local Plan 2011 – 2031. These details are required prior to the commencement of development to ensure that the environmental impacts of the construction phase are minimised in relation to highway safety, amenity and biodiversity and landscaping.

5. Tree Protective Fencing and Arboricultural Supervision with Root Protection Zones

Prior to the commencement of development details of the positions of tree protective barriers, which take into account the size and condition of the specific trees to be protected and the risks to their health during development, and details of provisions for arboricultural supervision during excavations within any root protection areas as shown on the Tree Constraints Drawings that are listed within Condition 2 above shall be submitted to and approved in writing by the County Planning Authority. The tree protection barriers shall be erected in their entirety in accordance with the approved details prior to the commencement of any other part of the development and the development shall be implemented only in accordance with the approved arboricultural supervision details.

Reason: To protect existing vegetation and to minimise any impact upon 'protected species' and biodiversity habitat and result in no net loss in biodiversity value, any impact upon the Green Belt and landscape character in accordance with Policies, ENV 1, ENV 7, and ENV 10 of the East Cambridgeshire Local Plan (2015); Policies GB/1, GB/2, DP/36, NE/4 and NE/6 of the South Cambridgeshire Development Control Policies Development Plan Document (2007); and Policies S/3, S/4, HQ/1, NH/2 and NH/4 of the Proposed Submission South Cambridgeshire Local Plan 2011 – 2031.

These details are required prior to the commencement of development to ensure that the environmental impacts of the construction phase are minimised in the interests of landscape character, biodiversity and protection of the green belt.

6. Landscaping Scheme

Within six months of the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the County Planning Authority. The landscaping scheme shall include, but not be limited to, replacement planting and hedgerow gap planting including size, species, and spacing details and a native wildflower seed mix (indicative of the local area) to be sown between the hedgerow and new path and the proposed times of planting and seeding. The approved planting and seeding shall be carried out in its entirety in accordance with the approved details and timings.

Reason: To ensure that the suitable conditions for biodiverse habitats are provided for and to ensure that there is no net loss in biodiversity and in the interests of the visual appearance and the character of the countryside and the Green Belt in accordance with Policies, ENV 1 ENV 7, and ENV 10 of the East Cambridgeshire Local Plan (2015); Policies GB/1, GB/2, DP/3, NE/4, and NE/6 of the South Cambridgeshire Development Control Policies Development Plan Document (July 2007); and Policies S/3, S/4, HQ/1, NH/2, NH/4 and NH/8 of the Proposed Submission South Cambridgeshire Local Plan 2011 – 2031.

7. Replacement Planting and Seeding

If within a period of two years from the date of the planting of any tree shrub or seeding fails, that tree or hedgerow, or any tree or hedgerow planted in replacement for it, is removed, uprooted or destroyed or dies, it shall be replaced by like for like replanting at the same place, unless the County Planning Authority gives its written consent to any variation.

Reason: To ensure that there is no net loss in biodiversity and in the interests of the visual appearance and the character of the countryside and the Green Belt in accordance with Policies Growth 5, ENV 1, and ENV 10 of the East Cambridgeshire Local Plan (2015); Policies GB/1, GB/2, DP/3, and NE/4 of the South Cambridgeshire Development Control Policies Development Plan Document (2007); and Policies S/3, S/4, HQ/1, NH/2 and NH/8 of the Proposed Submission South Cambridgeshire Local Plan 2011 – 2031.

8. Flood Risk

No development shall begin until a detailed surface water drainage scheme for the proposed shared use path has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use.

Reason: To prevent the increased risk of flooding, improve and protect water quality and improve habitat and amenity in accordance with Policy ENV 8 of the East Cambridgeshire Local Plan (2015); Policy NE/11 of the South Cambridgeshire Development Control Policies Development Plan Document (2007); and CC/9 of the Proposed Submission South Cambridgeshire Local Plan 2011 – 2031. These details are required prior to the commencement of development to ensure that the flood risks associated to the construction of the path are controlled and assessed in the interests of flood risk and local amenity.

Informative

Protection of Nesting Birds

The applicant should be aware that nesting birds, their eggs and (active) nests are protected under the Wildlife and Countryside Act 1981 and therefore, the applicant will need to take appropriate measures to avoid disturbing nesting birds and destruction / damage to active nests. Removal of vulnerable vegetation should ideally avoid the bird breeding season (late February to August inclusive) to avoid damage to nesting species. If this is not practicable then a nesting bird survey should be undertaken by an experienced ecologist prior to direct impact on suitable nesting bird habitat to identify whether active nests are present. If any are found they should be clearly marked and avoided until after the young have fledged and left the nest.

Compliance with paragraphs 186 & 187 of the National Planning Policy Framework (NPPF)

In accordance with paragraphs 186 and 187 of the NPPF, the County Council takes a positive approach to development proposals focused on encouraging alternative modes of travel for journeys to work and for leisure. As part of the planning process, additional information was supplied to demonstrate that equestrian use of the proposed path had been considered in accordance with County Council policy and duties under the Highways Act. The statement that one of the landowners involved was not in support of horses using the proposed route was also investigated and confirmed in writing on Wednesday 28 September 2016. The County Planning Authority has advised the applicant of the concerns raised and has explained the application process to enable the applicant to seek to address all outstanding matters.