

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 5 April 2017 at 9.45 a.m.

PRESENT: Councillor Kevin Cuffley – Vice-Chairman in the Chair

Councillors:	Val Barrett (substitute)	Anna Bradnam
	Brian Burling	Pippa Corney
	Philippa Hart (substitute)	Sebastian Kindersley
	David McCraith	Charles Nightingale (substitute)
	Deborah Roberts	Tim Scott
	Robert Turner	

Officers in attendance for all or part of the meeting:

Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), Sarah Stevens (Development Management Project Implementation Officer), Charles Swain (Principal Planning Enforcement Officer), David Thompson (Principal Planning Officer) and Rebecca Ward (Senior Planning Officer)

Councillors Francis Burkitt, Tom Bygott, Sue Ellington and Douglas de Lacey were in attendance, by invitation.

1. SAWSTON CAMPUS

Colin Brown (Howard Group) and Nick Hair (Nicolas Hair Architects) delivered a pre-application presentation on technical issues.

The presentation covered the following topics:

- Background of the applicants
- Site location
- Photographic views
- Ownership
- Proposals
- Current tenants
- Access
- Traffic
- Indicative masterplan
- Landscaping
- Parking
- Engagement
- Next steps

In response to Councillor Kevin Cuffley, Mr. Brown said that he was very conscious of the need to ensure the safety of the new junction from the A1301. Cambridgeshire County Council had originally proposed a roundabout.

In response to Councillor Tim Scott's concern about the removal of trees, an assurance was given that tree and landscaping work would be carried out only after thorough investigatory work.

In response to Councillor Anna Bradnam, it was stated that Sawston Trade Park lay entirely within the 'red line'.

2. APOLOGIES

Councillors David Bard, John Batchelor and Des O'Brien sent Apologies for Absence. Councillors Charles Nightingale, Philippa Hart and Val Barrett were their substitutes respectively.

In Councillor Bard's absence, Councillor Kevin Cuffley took the Chair. The Committee agreed to Councillor Cuffley's choice of Councillor Brian Burling as Vice-Chairman of the meeting.

3. DECLARATIONS OF INTEREST

Councillor Tim Scott declared a personal interest in respect of Item 7 (S/3236/16/FL - Coton (Sadler Barn, Land North of Whitwell Way)) because the applicants were family friends. Councillor Scott withdrew from the Chamber for the entirety of this item, took no part in the debate and did not vote.

4. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 23 March 2017 would be presented for approval at the meeting on 10 May 2017.

5. S/2084/16/FL- GIRTON (HOWES CLOSE SPORTS GROUND, HUNTINGDON RD)

Mike Chanley (objector), Martin Beaver (for the applicant), and Councillors Tom Bygott and Douglas de Lacey (local Members) addressed the meeting. Mr. Chanley highlighted the significant impact the development would have on the amenity of residents living in Thornton Close by virtue of additional noise and light pollution, and the increase in traffic. He questioned the extent of community use, and argued that no special circumstances had been demonstrated for development in the Green Belt. Mike Chanley made reference to a legal "Topic Note".

The Planning Lawyer suggested a short adjournment as he was not familiar with the legal "Topic Note 47 (Nuisance Private)" presented. Following this, the Planning Lawyer referred Members to the relevant text, advising that it was not a material planning consideration and that any planning decision would not prejudice the rights of affected individuals subject to there being evidence of likely or actual adverse impact, to seek an injunction, at the discretion of a Judge, to prevent implementation of the consent, or damages instead if deemed by the Judge to offer a sufficient remedy.

Mr. Beaver commended what he described as a significant development, decided upon after local consultation, and considering a number of alternative sites. He said that a number of changes had been made to the scheme, and that use constraints had been agreed. A code of conduct had been drawn up.

Councillor de Lacey was concerned about the reality of community use, and its primary beneficiaries. He pointed out that sporting facilities in the Green Belt were only allowed if they preserved that Green Belt and did nothing to conflict with its stated purpose.

Councillor Bygott said that, while progress had been made in addressing noise and light

pollution, the proposed 9.30pm close time remained too late.

Members discussed a number of points including the following:

- Whether the proposal breached the National and Local Green Belt policy
- The need for very special circumstances to exist for there to be development in the Green Belt The applicant had made particular efforts to address residents' concerns
- Opening hours of the facility
- Concerns about code of conduct and management of the facility

A proposal to prevent use of the sports ground beyond 8pm was not pursued. It was pointed out that this would dramatically reduce its usefulness.

Having spoken with the applicant's agent, Mr. Beaver agreed that points raised by Members (including the management plan and code of conduct) could be captured by way of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

The Committee gave officers **delegated powers to approve** the application, subject to:

1. The prior completion, following consultation with the Planning Committee Chairman and Vice-Chairman, of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing the Code of Conduct and Management Plan relating to use of the sports ground;
2. Referral to the Secretary of State in accordance with the Consultation Directive 2009.
3. The Informatives and Conditions set out in the report.

6. **S/0053/17/OL- SWAVESEY (R/O 130 MIDDLE WATCH)**

Colin Start (objector), Councillor Will Wright (Swavesey Parish Council) and Councillor Sue Ellington (local Member) addressed the meeting. Mr. Start objected on the grounds of localised flooding, dominance, and highway safety. With reference to public transport, he said that the Cambridgeshire Guided Bus was invariably full at peak times and, in any event, was at the other end of the village. Councillor Wright said that the site was not in the Local Plan, and that infrastructure was at capacity. Further concerns related to drainage, flood risk, and sustainability in general, including maintenance of the attenuation system. Councillor Ellington's main concerns were capacity at the doctors surgery, and safety of the proposed junction with Middlewatch.

Members made the following points:

- The current application was exactly the same as the one currently at Appeal
- Simply adding classrooms to an old school was ineffective in addressing capacity issues
- People should have access to buses to the centre of the village
- The existing character of Swavesey should be protected
- Drainage issues, and the impact on Over water treatment centre.

Cllr Sebastian Kindersley proposed an amendment that would require the submission of a Reserved Matters application within 12 months of the grant of outline consent, and implementation within 12 months of Reserved Matters approval. Councillor Robert Turner

seconded the proposal, which was then voted upon and passed. However, the Planning Lawyer cautioned that the Appeal Inspector could impose longer time periods.

The Committee **refused** the application contrary to the recommendation in the report from the Joint Director for Planning and Economic Development. Members considered

1. that the proposed development, outside the village framework represented unsustainable development because of the lack of public transport from the proposed site to the village centre, and the cumulative impact of the additional population growth on the capacity of services and facilities in Swavesey;
2. that the level of trips generated by additional traffic, and the number of primary and secondary school age children occupying the development, would have an adverse impact on the capacity of the road network, schools and the doctor's surgery;
3. that the proposal did not make adequate provision for the mitigation of foul sewage drainage, and therefore failed to meet the definition of sustainable development because of its detrimental social and environmental impact;
4. that the harm resulting from the proposal significantly and demonstrably outweighed the benefits and, as a result, that the proposal was contrary to paragraph 7 of the National Planning Policy Framework, and Policies DP/1 and DP/2 of the South Cambridgeshire Local Development Framework 2007.

**Councillor Tim Scott left the
meeting after Item 6
(S/0053/17/OL- Swavesey (r/o
130 Middle Watch)) and was
not present for items 7, 8 or 9.**

7. S/3236/16/FL - COTON (SADLER BARN, LAND NORTH OF WHITWELL WAY)

Members visited the site on 4 April 2017.

David Sadler (on behalf of his parents, the applicants) and Councillor Francis Burkitt addressed the meeting. Mr. Sadler conceded that a genuine error had been made by virtue of the applicants relying on inaccurate advice from a third party. The dwelling stood on the same footprint as before, and presented no harm to the Green Belt. Councillor Burkitt pointed out that Coton Parish Council had no objections to the development. He said that the genuine mistake made should not be interpreted as an attempt to sidestep planning rules.

During the course of questions to the public speakers, and the debate, Members

- Considered the option of a temporary and personal consent
- Noted that the special circumstances were claimed to be that the dwelling was identical to the previous one
- Noted that the property was in the Greenbelt
- Pointed out that the prior approval had been to renovate a barn that no longer existed
- Discussed what special circumstances might exist
- Suggested the removal of permitted development rights

The Planning Lawyer said that citing prior approval alone as a special circumstance would set a precedent. However, it could be argued that acting upon poor advice from a third party might also be a special circumstance, one that would not set a precedent.

The Planning Committee **approved** the application contrary to the recommendation in the report from the Joint Director for Planning and Economic Development. Members agreed with the officer report that the development would amount to inappropriate development in the Green Belt and other limited harm to the openness and rural character of the area. They considered that, collectively, the justification put forward by the applicant for the proposal amounted to very special circumstances that would clearly outweigh the in-principle harm and other identified harm to the Green Belt in this specific case. In summary, the very special circumstances amounted to the limited harm the scheme would have to the landscape given that prior approval consent had already been granted for the conversion of the original building on the site which was of a similar size and because the structural condition of that building had unforeseeably led to it being demolished. The proposal was therefore considered to be acceptable in accordance with paragraph 88 of the National Planning Policy Framework. Members agreed that appropriate safeguarding Conditions should be attached to the planning consent, including the removal of Permitted Development Rights.

8. ENFORCEMENT REPORT

The Committee **received and noted** an Update on enforcement action.

9. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

The Meeting ended at 3.26 p.m.
