**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Planning Committee held on
Wednesday, 2 August 2017 at 10.00 a.m.

PRESENT: Councillor Pippa Corney – Chairman
Councillor David Bard – Vice-Chairman

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| Councillors: | Anna Bradnam (substitute) | Brian Burling |
| | Kevin Cuffley | Philippa Hart |
| | Sebastian Kindersley | David McCraith |
| | Des O'Brien | Deborah Roberts |
| | Tim Scott | Robert Turner |

Officers in attendance for all or part of the meeting:
Julie Ayre (Planning Team Leader (East)), Thorfinn Caithness (Principal Planning Officer), Katie Christodoulides (Planning Officer), Jonathan Dixon (Principal Planning Policy Officer (Transport)), Edward Durrant (Principal Planning Officer / Team Leader (Development Management)), John Koch (Planning Team Leader (West)), Karen Pell-Coggins (Principal Planning Officer), Richard Pitt (Principal Planning Lawyer), Lydia Pravin (Planning Officer), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), Sarah Stevens (Development Management Project Implementation Officer), James Stone (Principal Planning Officer), David Thompson (Principal Planning Officer) and Rebecca Ward (Principal Planning Officer)

Councillors Mark Howell, Cicely Murfitt and Nick Wright were in attendance, by invitation.

## 1. APOLOGIES

Councillor John Batchelor sent Apologies for Absence, and Councillor Anna Bradnam was present as his substitute.

## 2. DECLARATIONS OF INTEREST

Councillor Tim Scott declared a non-pecuniary interest in respect of Minute no. 7 (S/1963/15/OL - Linton (Land North and South of Bartlow Road)) as a friend of the applicant.

## 3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 5 July 2017.

## 4. SUFFOLK COASTAL DISTRICT COUNCIL V HOPKINS HOMES LIMITED

On 10 May 2017, the Supreme Court gave judgment in *Suffolk Coastal DC v Hopkins Homes Limited* and in the conjoined matter of *Richborough Estates Partnership LLP v Cheshire East BC* [2017] UKSC 37.

The Supreme Court Judgement narrowed the range of development plan policies that could be considered as 'relevant policies for the supply of housing'. Those policies were now not to be considered out of date, even when a five-year housing land supply could not be demonstrated.

In relation to South Cambridgeshire, this meant that the Local Development Framework (LDF) Policies that were listed as being out of date at the time when the applications referred to in Minutes … to … below were considered were no longer to be so considered.

On 30 June 2017, the Court of Appeal issued a further judgement in *Barwood Strategic Land v East Staffordshire Borough Council*. The Court held that the "presumption of sustainable development" within the National Planning Policy Framework (NPPF) failed to be determined in accordance with paragraph 14 and there was not any wider concept of a presumption of sustainable development beyond that set out in and through the operation of, paragraph 14. Paragraph 14 of the NPPF had been applied in this supplementary report with the approach of the Supreme Court in *Suffolk Coastal* and it was not considered that the *Barwood Land* decision requires any further changes to the advice set out above.

The overriding issue however was not whether the policies were out of date, but whether, in light of the continuing lack of a five year housing land supply, it could be shown that the "adverse impacts … would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole". That was the test required by paragraph 14 of the NPPF, regardless of whether policies were 'out of date' or not. This test should be given considerable weight in the decision-making process even though the definition of policies affecting the supply of housing had been narrowed by the Supreme Court judgement. Given the need to boost the supply of housing, the contribution of the proposal to the supply of housing (including affordable housing) was considered to outweigh the conflict with the policies of the LDF.

The following reports (apart from that relating to Minute 17 (S/1144/17/OL - Caldecote (Land off Grafton Drive)) consider the officer advice given to Members in relation to the policies relating to the supply of housing, and the extent to which that advice would have been different in the light of the Supreme Court decision.

**5. S/1294/16/FL - ORCHARD PARK (PARCEL L2, TOPPER STREET)**

This application was considered on 1 February 2017 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions. A formal Decision Notice had not yet been issued.

The Committee **reaffirmed** its decision to grant planning permission, subject to the conditions and Section 106 agreement as before.

**6. S/3064/16/OL - HARDWICK (LAND SOUTH OF 279 ST NEOTS ROAD)**

This application was considered on 10 May 2017 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions. A formal Decision Notice had not yet been issued.

Hardwick Parish Council and Councillor Grenville Chamberlain (local Member) supported the application.

The Committee **reaffirmed** its decision to grant planning permission subject to the conditions and section 106 agreement as before.

**7. S/1694/16/OL - HARDWICK (AGRICULTURAL FIELD WEST OF GRACE CRESCENT)**

This application was considered on 1 March 2017 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions. A formal Decision Notice had not yet been issued.

Hardwick Parish Council and Councillor Grenville Chamberlain (local Member) supported the application.

The Committee **reaffirmed** its decision to grant planning permission subject to the conditions and section 106 agreement as before.

**8. S/1963/15/OL - LINTON (LAND NORTH AND SOUTH OF BARTLOW ROAD)**

This application was considered on 7 September 2016 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions (including two additional ones imposed by Members). A formal Decision Notice had not yet been issued.

Councillor Enid Bald (Linton Parish Council) addressed the Committee. She referred, among other things, to:

- The site's omission from the draft Local Plan and rejection by the Strategic Housing Land Availability Assessment
- The site's value for wildlife
- Flood risk
- The proposal being against policy

Members had received a copy of an e-mail from Councillor Henry Batchelor (local Member) in which he raised the following points:

- The pressure of local education
- Sustainability
- Noise impact
- The impact on landscape views

Since September 2016, several planning consents had been issued in the area, and this gave rise to renewed concern about education infrastructure. Although the Local Education Authority had confirmed its view the school capacity locally was sufficient, Councillor Sebastian Kindersley observed that this was not the same thing as quality.

On the question of flood risk, the case officer confirmed that the Environment Agency did not have any objections to the proposal. She also said that there were no technical objections in terms of landscape.

After some further debate,

The Committee **reaffirmed** its decision to grant planning permission subject to the conditions and Section 106 agreement as before.

**9. S/1433/16/FL - GREAT ABINGTON (LAND TO THE REAR OF, STRAWBERRY FARM, PAMPISFORD ROAD)**

This application was considered on 11 January 2017 (deferred) and 1 March 2017 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and

Conditions. A formal Decision Notice had not yet been issued.

The case officer referred Members to paragraphs 15 and 17, and said that *three* of the homes would be affordable, not two as indicated in the update report.

The Committee **reaffirmed** its decision to grant planning permission subject to the conditions and section 106 agreement as before.

Councillor Deborah Roberts was absent from the Chamber for the entirety of the debate, and did not vote.

**10. S/2921/15/OL) - WILLINGHAM (LAND SOUTH OF 1B OVER ROAD**

This application was considered on 7 September 2016 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions. A formal Decision Notice had not yet been issued.

Committee **reaffirmed** its decision to grant planning permission subject to the conditions and section 106 agreement as before.

**11. S/3077/16/OL - GUILDEN MORDEN (SITE SOUTH OF THOMPSONS MEADOW, TRAP ROAD)**

This application was considered on 1 March 2016 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions. A formal Decision Notice had not yet been issued.

The case officer reported the receipt of three further letters reiterating objections already raised, concerning the site's location outside the village framework, and noting an appeal decision. He corrected the proposal as stated on the report, confirming that the application was for 16 dwellings.

Mrs Furmston (objector) and Councillor Cicely Murfitt (local Member) addressed the meeting. They made the following points:

- The significant departure from the Local Plan
- Guilden Morden was a Group Village where developments of up to eight dwellings are permitted
- The site was outside the village framework
- There were foul water drainage issues
- Traffic and car parking concerns
- The proposal was unsustainable

Councillor Sebastian Kindersley reminded Members that he was Cambridgeshire County Councillor for Guilden Morden, and noted the benefit of 50% affordable housing.

The Committee **reaffirmed** its decision to grant planning permission subject to the Conditions and Section 106 Agreement as before.

**12. S/0746/15/OL - WHITTLESFORD (LION WORKS, STATION ROAD WEST)**

This application was considered on 6 July 2016 when the Committee resolved

to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions. A formal Decision Notice had not yet been issued.

Councillor Peter Topping (local Member) had indicated his support for the application.

The Committee **reaffirmed** its decision to grant planning permission subject to the Conditions and Section 106 Agreement as before.

**13. S/2647/15/OL - PAPWORTH EVERARD (LAND TO THE EAST OF OLD PINEWOOD WAY AND RIDGEWAY)**

This application was considered on 2 November 2016 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions. A formal Decision Notice had not yet been issued.

The case officer referred to representations received since publication of the agenda. These raised concerns about traffic, the loss of trees, access, future use of the hospital site, employment, facilities and footpath issues.

Jonathan Taylor (objector), Colin Brown (applicant's agent) and Councillors Mark Howell and Nick Wright (local Members) addressed the meeting. During public speaking, the following points were made:

- Concern about safety of the access
- Opposition to the removal of trees
- Traffic concerns
- Uncertainty about the future use of the hospital site
- The Section 106 Agreement was nearing completion and pre-application discussions were ongoing with regard to a Reserved Matters application for 110 dwellings on the northern section of the site
- The delivery of housing could begin in 2018
- Policies DP/7 and ST/5 were crucial – the proposal was inconsistent with the local landscape, would have an adverse impact on neighbours, and far exceeded the maximum of 30 dwellings per development permitted in such villages
- Papworth Everard had limited facilities
- This kind of development was not envisaged in this location by the emerging Local Plan
- a South Cambridgeshire District Council officer (not present at the meeting) had allegedly suggested that there had been discussions about the possible future us of the hospital site for housing.

The Principal Planning Policy Officer informed the Committee that the policy for the hospital site remained as submitted in the draft Local Plan: if no healthcare use could be found, then general employment was the preferred option, subject to the outcome of the ongoing Local Plan examination where the policy had been subject to objections.

Councillor Sebastian Kindersley expressed concern at the implications for the Committee's review of this application of unsubstantiated evidence of an ambition for housing on the hospital site. The legal adviser said that Members had to consider the report in the agenda, and reminded them that the nature of possible future applications was not a material planning consideration. Councillor Kindersley pointed out that this

application had previously been approved only on the Chairman's casting vote, and that great care was now needed. In the light of the new information, Councillor Deborah Roberts proposed that the application be deferred. This was seconded by Councillor David Bard and, upon a vote being taken

The Committee **deferred** further consideration of the application pending clarification of the potential future use of the hospital site in Papworth Everard, and its implications for the Local Plan currently undergoing examination by an Inspector.

**14. S/0415/17/OL - CASTLE CAMPS (LAND OFF BARTLOW ROAD)**

This application was considered on 10 May 2017 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions. A formal Decision Notice had not yet been issued.

Members were informed that a 70 / 30 tenure split had been agreed in relation to affordable housing.

The Committee **reaffirmed** its decision to grant planning permission subject to the Conditions and Section 106 Agreement as before, amended so as to remove the additional requirement for the developer to ensure that a management company is in place to deliver management and maintenance of the common areas, including the lighting, refuse collection area, footpaths and roads. Financial responsibility will rest with the occupiers of the dwellings.

**15. S/2903/14/OL - CAMBOURNE WEST (LAND TO THE WEST OF CAMBOURNE (EXCLUDING SWANSLEY WOOD FARM)**

This application was considered on 11 January 2017 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions. A formal Decision Notice had not yet been issued.

Steven Kosky (applicant's agent) and John Vickery (Clerk to Cambourne Parish Council) addressed the meeting. During public speaking, the following points were made:

- paragraphs 14 and 16 of the report were important
- benefits should be viewed as outweighing any harm

Committee members made the following points:

- the interests of Caxton Parish Council (including concerns about increased traffic) and of Caxton residents should not be overlooked
- Access to the proposed development from the Business Park should be progressed
- There were significant traffic issues, especially relating to the A1198
- References to 'bus priority' should instead be references to public transport priority or publicly accessible transport
- A balance was needed between Section 106 money to be applied locally and Section 106 money to be given to the Greater Cambridge Partnership in respect of strategic transport links between Cambourne and Cambridge

The Committee **reaffirmed** its decision to grant planning permission subject to the Conditions and Section 106 Agreement as before.

**16. S/2047/16/FL - CALDECOTE (LAND R/O 18-28 HIGHFIELDS ROAD, 18 , HIGHFIELDS ROAD, HIGHFIELDS)**

This application was considered on 11 January 2017 when the Committee resolved to approve the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, and Conditions, including additional Conditions added by Members. A formal Decision Notice had not yet been issued.

Ian Sparrow (objector), Philip Wright (CALA Homes – supplicant) and Councillor Phil Claridge (Caldecote Parish Council) addressed the meeting. During public speaking, the following points were made:

- School capacity had been affected by cumulative applications
- Adverse impact on the immediate neighbours
- The largest buildings should be positioned above the storm drains
- Completion of the Section 106 Agreement was imminent
- Any adverse impact had been mitigated in the applicant's view
- The bus service was being withdrawn
- The car park would not be of an adoptable standard
- Foul water drainage remained unacceptable
- The village shop had closed permanently

The Senior Planning Lawyer said that the car park would be offered to the Parish Council for the consideration of £1. If the Parish Council did not want it, then the car park would indeed be offered to Cambridgeshire District Council for that Authority to maintain at public expense.

Councillor Dr. Tumi Hawkins (local Member) had submitted an e-mail in which she commented on

- The lack of proper public transport infrastructure
- The limited leisure facilities for young adults, and GP/health facilities
- significant pressures on the primary school
- the shortcomings of the drainage and sewerage system
- the desirability of making some of the affordable housing suitable for elderly or disabled people
- the adverse impact on neighbour amenity
- the effectiveness of proposed mitigation measures

The case officer explained that the impact on neighbouring properties was not considered to be unacceptable in planning terms.

After a short debate

The Committee **reaffirmed** its decision to grant planning permission subject to the Conditions and Section 106 Agreement as before.

## 17. S/1144/17/OL - CALDECOTE (LAND OFF GRAFTON DRIVE)

The case officer referred to the closure of the children's centre. Cambridgeshire County Council had reviewed school provision in the light of the three recent planning applications in the village. The NHS was content with healthcare provision. Members were updated about drainage capacity, highway safety and the impact on the landscape.

Mark Saunders (applicant's agent) and Councillor Phil Claridge (Caldecote Parish Council) addressed the meeting. During public speaking, the following points were made

- The applicant had addressed all outstanding concerns, and was satisfied that the proposal was sustainable and would not have any adverse impacts
- There would be a community bus scheme
- Density
- Building heights
- All of the conditions imposed at the recent appeal hearing for this site should be attached to a planning approval, if granted

Councillor Dr. Tumi Hawkins (local Member) had submitted written representations in the following terms

- The Council should be authorising the building of the right homes in the right places, ensuring that supporting infrastructure is provided in a timely fashion
- The village is set to have expanded by 35% in just five years
- Outside village framework
- Detrimental landscape and townscape impact
- The failure of infrastructure to keep pace with the increase in housing
- Drainage issues
- Pressure on schooling
- Affordable housing transport

During the debate, Committee members made the following points

- Caldecote was a Group Village
- The relevance of a five-year housing supply
- The Council has a responsibility to protect its residents in so far as it can

The Committee **refused** the application contrary to the recommendation in the report from the Joint Director for Planning and Economic Development. Members agreed the reasons for refusal as being the lack of services and public transport, access and noise, and the inappropriate scale of development in a Group village.

**The Meeting ended at 2.50 p.m.**