

South Cambridgeshire District Council

Minutes of a meeting of the Planning Committee held on
Wednesday, 14 June 2023 at 10.00 a.m.

PRESENT: Councillor Dr Martin Cahn – Chair
Councillor Peter Fane – Vice-Chair

Councillors:	Ariel Cahn	Bill Handley
	Geoff Harvey	Judith Rippeth
	Peter Sandford	Heather Williams
	Dr Richard Williams	Eileen Wilson
	Anna Bradnam	

Officers in attendance for all or part of the meeting:

Vanessa Blane (Senior Planning Lawyer), Laurence Damary-Homan (Democratic Services Officer), Elisabeth Glover (Principal Planning Officer) Tom Gray (Principal Planning Officer), Rebecca Smith (Area Development Manager), Charlotte Spencer (Senior Planner), Toby Williams (Development and Planning Compliance Manager) and Alice Young (Senior Planner)

Councillors Peter McDonald and Richard Stobart were in attendance.

1. Chair's announcements

The Chair made several brief housekeeping announcements. It was noted that site visits had been held on 12 June 2023 for the applications discussed in Minutes 5, 6, 7 and 8.

2. Apologies

Apologies for Absence were received from Councillor Dr Tumi Hawkins, who was substituted by Councillor Anna Bradnam. Apologies for lateness were received from Councillor Heather Williams.

3. Declarations of Interest

With respect to Minute 5 (application 22/00887/OUT), Councillors Dr Martin Cahn, Geoff Harvey Dr Richard Williams and Eileen Wilson declared that they had a personal link to the University of Cambridge but had held no discussions regarding the application and were coming to the matter afresh. Councillor Anna Bradnam declared that she had been on the Committee when it previously granted permission on the site but was coming to the matter afresh.

With respect to Minute 7 (application 22/05065/FUL), Councillor Peter Sandford declared that as a local Member he had received representations from local residents regarding the application but that he was coming to the matter afresh. Councillor Bill Handley declared that he had visited the site on invitation from the owner but did not discuss the application. Following advice from the Senior Planning Lawyer, Councillor Handley decided that he would withdraw from the Committee for the hearing of the application.

With respect to Minute 8 (application), Councillor Anna Bradnam declared that she had given the owner procedural advice on how to submit an application at Outline stage and had voted against the approval of the Outline consent when it was heard by the Committee but was coming to the matter afresh. Councillor Judith Rippeth declared that she had given a view as a consulted local Member and would withdraw from the Committee for the item and instead speak as local Member.

With respect to Minute 9 (application), Councillor Heather Williams declared that the applicant was a member of the political group of which she was leader, thus she would withdraw from the Committee whilst the decision was made.

4. Minutes of Previous Meeting

Those who were not present at the meetings in question abstained from the approval of the Minutes. By affirmation, the Committee authorised the Chair to sign the public Minutes of the meeting held on 10 May 2023 and the Minutes of the meeting held on 19 May 2023 as a correct record.

5. 22/00887/OUT - Girton College, Huntingdon Road, Girton

The Principal Planning Officer, Elisabeth Glover, presented the report and informed the Committee of a number of updates. The Committee noted and agreed by affirmation the changes to the report as listed in the supplementary update report published on 13 June 2023. The Committee also noted that a late submission from the Cambridgeshire & Peterborough Integrated Care Board, regarding a request for NHS funding to be allocated within the Heads of Terms, had been received on 13 June 2023.

Councillor Anna Bradnam declared that she was on the Committee that approved the previous application on the site and, following advice from the Senior Planning Lawyer, concluded that there was no conflict of interest and thus she could continue to take part in making the decision for the application

Members asked a number of questions of clarity regarding a number of topics:

- Lapsed permission- it was confirmed that the lapsed permission was a material consideration but did not provide a fallback provision
- Green belt- it was confirmed that the entire site lay within the green belt and that the proposed development would lie within the grounds of the College
- Foul water capacity at Water Recycling Centre (WRC) (as described paragraph 7.123)- officers advised that as Anglian Water had the responsibility to accept foul water from the site, the capacity of the Utton's Drove WRC was Anglian Water's responsibility and that it would be inappropriate to introduce a Grampian condition securing off-site improvements
- Space increase with the return to fellow sets- it was confirmed that the space in rooms would increase with the proposed return to fellow sets. Officers also confirmed that the application was for the maximum quantum of floor space but precise layout and thus floor space details would be agreed at Reserved Matters stage and that officers would engage in pre-application discussions with the applicant prior to the submission of a reserved matters application
- NHS contributions through Section 106- officers confirmed that the applicant accepted that NHS contributions would need to be made and that negotiations regarding the amount contributed were ongoing, with officers requesting delegated authority to agree this

The Committee was addressed by a neighbour, Dr Jake Grimmatt, who objected to the application on the grounds that the increased traffic from the conversion of the pedestrian entrance to site into a vehicle entrance, for deliveries etc., would negatively impact upon

neighbours. Two representatives of the applicant (James Anderson, Bursar for Girton College, and John Gant, Surveyor for Girton College) addressed the Committee in support of the application. Members asked questions of clarity on when deliveries would be likely to take place and were assured that the majority would be made in working hours. Further questions were asked regarding sewage capacity and the speakers informed the Committee that they fully intend to work closely with Anglian Water and the NHS to ensure that the development caused no issues to the wider community. Councillor Richard Stobart addressed the Committee as local Member and informed Members that both he and the other local Member supported the application. Members asked a question of clarity regarding the impact on Girton Road and increased traffic and enquired as to what the local Member would like to see. Councillor Stobart responded that it would be good to see cycling infrastructure be introduced to the southern side of Girton Road up to the roundabout at Wellbrook Way, alongside provisions at junctions to ensure cycle safety. Further questions were asked with respect to local concern over the quantum of the development, the use of public access to the site by local people and the demands on local healthcare provision.

Councillor Heather Williams joined and then left the meeting

In the debate, Members stated that the very special circumstances for development in the green belt were met due to the community benefit and importance of the site in the local context, as well as the provision of accommodation that there was a need for. It was also stated that as the development would take place entirely within the college grounds it would not have caused harm to the green belt in a manner that would create a reason for refusal. Members gave strong steer to officers that Section 106 contributions should satisfy the requirements of the NHS. Concerns were raised over active travel safety on Girton Road but the Committee noted that this was the responsibility of the Highways Authority to manage. Foul water drainage was discussed and Members raised concerns over the comments from Anglian Water in the report. Officers informed the Committee that a condition regarding foul water was included in the recommendation and that a condition regarding off-site works at Utton's Drove would be inappropriate; instead, officers advised that an informative regarding this would be appropriate. By affirmation, the Committee agreed to the addition of an informative regarding ongoing communication between the applicant and Anglia Water with respect to drainage, with delegated authority granted to officers to produce the final wording of the informative. Further concerns were raised over deliveries impacting neighbours and it was requested that a condition restricting delivery hours be introduced. The Committee approved the introduction of such a condition, with delegated authority granted to officers to finalise the wording, by 9 (Councillors Dr Martin Cahn, Peter Fane, Ariel Cahn, Bill Handley, Geoff Harvey, Judith Rippeth, Peter Sandford, Dr Richard Williams and Eileen Wilson) votes to none with one abstention (Councillor Anna Bradnam).

By 9 votes to none, with one abstention (Councillor Ariel Cahn), the Committee **approved** the application in accordance with the officer's recommendation, the update sheet amendment to condition 2, an additional condition in relation to the hours of use of the new access road from Girton Road, and informatives (including an informative in relation to encouraging the applicants to work with Anglian Water regarding foul water improvements), the completion of a S106 agreement and confirmation from the Secretary of State that the application is not to be called-in, as laid out in the report from the Joint Director of Planning and Economic Development and amended or added to by the Committee's agreement.

6. 23/00375/HFUL - 24 West Street, Comberton

The Senior Planner, Charlotte Spencer, presented the report and informed the Committee that reference to No. 18 West Street was to be removed from reason for refusal 2 (as laid out in the amendment sheet published on 13 June 2023). In response to a question, it was confirmed that the affected window at No. 18 West Street was attached to a non-habitable room, thus very little weight could be given to loss of light to No. 18.

The Committee was addressed by the neighbour from No. 14 West Street, Dr Hanno Becker, who objected to the application due to the loss of light to a habitable room at No. 14 that would arise if the application was granted permission. In response to a question, the neighbour confirmed that the window was 1.5m away from the proposed structure and that, if it was to be constructed, all natural light would be lost through the window in question. The applicant, Alistair Funge, addressed the Committee in support of the application. Members asked questions of clarity of the applicant who informed the Committee that the application would enhance the Conservation Area by replacing old, decrepit structures and that the garage would be screened from view from the street by a hedge at the front of the property.

In the debate, in response to a question it was clarified by officers that the impacted room at No. 14 was originally reported as a study but the site visit confirmed that this room was in use as a bedroom and thus loss of light to the window attached to this room carried weight as a material planning consideration. Further questions were asked about the impact on the nearby Grade II listed building and officers confirmed that it was the location of the proposal, rather than the design of the structure, that led to the recommendation of reason for refusal 1 listed in the report and officers advised that, in their view, reason for refusal 1 was valid and still stood. Members held discussion over the room at No. 14 West Street and agreed that it was a habitable room, thus loss of light to the window adjoining this room was an unacceptable harm and accordingly reason for refusal 2 was valid. Comment was made on whether moving the footprint of the proposed development would mitigate the reasons for refusal but the Committee noted that any such changes were not relevant to the application before them.

Councillor Peter Fane, seconded by Councillor Anna Bradnam, proposed that the Committee move to a vote and the Committee agreed to the proposal by affirmation.

By unanimous vote, the Committee **refused** the application in accordance with the officer's recommendation, and for the reasons for refusal listed in the report from the Joint Director of Planning and Economic Development, as amended by the supplementary amendment report.

7. 22/05065/FUL - Avenue Business Park, Brockley Road, Elsworth

Councillor Heather Williams returned to the meeting. Councillor Bill Handley withdrew from the Committee in line with his Declaration of Interest.

The Principal Planning Officer, Tom Gray, presented the report. Members asked a number of questions of clarity. In response to a question, officers stated that access to the site would be via Brockley Road. Enquiries were raised regarding parking and officers detailed the parking provision laid out in the proposal. A number of questions were asked regarding policy E/23 of the South Cambridgeshire Local Plan 2018 and officers offered clarity on a number of points including impact on the village shop, the nature of goods to be sold and the local sourcing of goods for sale.

The Committee was addressed by two objectors, Richard French (resident) and James Howell (Treasurer, Elsworth Village Shop), who felt that the application would have a negative impact on the village of Elsworth and that it was contrary to Local Plan policies. The objectors responded to questions of clarity on the how many volunteers assisted with the running of Elsworth Village Shop and that type of goods it sold. In response to a question on what policies were breached by the proposal, the objectors informed the Committee that policies S/2 (in particular S/2[f]), S/3, S/10 and E/23 were all breached by the proposal. Two supporters of the application, Anthony Davison (applicant) and Peter Newton (resident), addressed the Committee. Members asked questions of clarity regarding the sourcing of goods for sale, the nature of potential events being hosted on the site, the local reception of the proposal and the impact of the proposal on the Village Shop. Councillor Peter Deer of Elsworth Parish Council addressed the Committee on behalf of the Parish Council who had concerns regarding the proposal. In response to a question, Councillor Deer clarified that the Parish Council would like to see a number of mitigations be implemented regarding traffic and the impact on Elsworth and the management of events and parking provision for events. At the Chair's discretion, Councillor Peter McDonald, the Lead Cabinet Member for Economic Development, addressed the Committee to present the independent advice from the Business Support Unit which supported the application and stated that he would not speak to planning matters. In response to a question, Councillor McDonald informed the Committee that he was there to clarify the economic development perspective on the proposal, conveying the independent advice of officers, but not to direct the Committee regarding planning matters. Councillor McDonald also respond to a question of clarity regarding other similar schemes in the District (Gog Magog and Arrington Farm) and if they had any impact on existing shops.

A number of Members raised concerns over Councillor McDonald's address of the Committee and some felt that the representation was political in nature and had concerns over the description of Councillor McDonald's address as being "instead of the local Member". Having sought clarification from the planning officer the Senior Planning Lawyer advised that the economic department of the Council was not a consultee and that any comments made were not taken into account by the planning officer. It was clarified that Councillor McDonald was given the opportunity to speak in order to represent the economic unit perspective following the distribution to the Committee of emails regarding this. The Senior Planning Lawyer advised that, whilst she viewed the statement as representing economic perspectives and not one of a political nature, political merits were not a reason to make a decision on a planning application and that Members should make their decision based on the information in front of them.

Officers offered clarity on potential traffic and footfall on the site and offered comparison with the Gog Magog site in response to a question. Further concerns were raised over the representation by Councillor McDonald, and the lack of representation from the local Member. Councillor McDonald provided clarity on why he had addressed the Committee. The Committee continued to discuss the issue.

Councillor Judith Rippeth, seconded by Councillor Heather Williams, proposed that the application be deferred. This was due to concerns over the representation from Councillor McDonald and to allow the other local Member (Councillor Mark Howell), who had called-in the application, to speak. Councillor Heather Williams stated in the justification for the deferral that it would not be appropriate for a decision to be made without an investigation as to how Councillor McDonald was allowed to address the Committee and the information circulated to the Committee being in the public domain.

By 7 (Councillors Anna Bradnam, Geoff Harvey, Judith Rippeth, Peter Sandford, Heather Williams, Dr Richard Williams and Eileen Wilson) votes to 3 (Councillors Dr Martin Cahn,

Peter Fane and Ariel Cahn) the Committee voted to defer the application.

Councillor Bill Handley rejoined the Committee. Councillor Heather Williams left the meeting.

8. 22/04834/REM - 95 Bannold Road, Waterbeach

Councillor Judith Rippeth withdrew from the Committee in line with her Declaration of Interest

The Senior Planner, Alice Young, presented the report and informed the Committee that an additional condition regarding landscaping was to be added to the recommendation. The condition was written as follows:

"No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;

b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

c) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.

d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018."

Questions of clarity were asked by the Committee regarding a number of topics. It was clarified that drainage had been addressed at the Outline stage and was secured by condition. Concerns of overlooking were discussed and officers clarified the reasons for why they felt that there was no harmful overlooking. Hard and soft landscaping was discussed, with Members stating that the fencing described in paragraph 9.19 of the report potentially being out of keeping with the setting. Officers responded with reference to the

added condition as the mechanism for ensuring that landscaping would be appropriate, noting part (c) of the condition, detailed how officers would approach landscaping proposals as part of the discharge of the condition and noted the desire to see softening of the boundary treatments. GP provision was raised as a concern and officers stated that the matter was considered at the Outline stage. It was confirmed that the roads within the site were not to be adopted by the Local Highway Authority and would be managed by a private management company.

The Committee was addressed by a neighbour, Ian Skidmore, who objected to the application. Members asked questions of the objector regarding his comments suggesting that the development would lead to a loss of light to neighbouring properties. The agent of the applicant, David Jones of AR Planning, addressed the Committee in support of the application. The local Members, Councillors Paul Bearpark and Judith Rippeth, addressed the Committee in opposition to the application and raised a number of concerns, ranging from the impact of the development in the wider context of Waterbeach to concerns over scale, layout and appearance. Councillor Bearpark responded to a question on his concerns over the use of glyphosate, as referenced in the drainage statement.

In the debate, some Members raised concerns regarding overlooking, but it was noted that these concerns were with the principle of development and that there were no apparent reasons for refusal of the application.

Councillor Anna Bradnam declared that she had voted against the approval of the Outline consent for the development. Following advice from the Senior Planning Lawyer, Councillor Bradnam proceeded to take part in further debate and the vote.

Concerns were raised over density and impact on neighbouring properties, but the Committee noted that paragraphs 9.55-58 gave the reasons as to why these concerns were not viewed as a reason for refusal. Other reservations around the principle of development and some of the issues raised by the public speakers were discussed, but the Committee agreed that none of the concerns or reservations raised amounted to reasons for refusal. The Committee further discussed the concerns of overlooking. Officers offered clarity on the reasons why they viewed the levels of overlooking in the proposal were acceptable, as described in the report and presentation. Councillor Bill Handley proposed a move to the vote as no reasons for refusal had been found. This was seconded by Councillor Peter Fane and agreed to by affirmation.

By 6 votes to none, with three abstentions (Councillors Anna Bradnam, Dr Richard Williams and Eileen Wilson), the Committee **approved** the application in accordance with the officer's recommendation, and subject to the conditions and informatives, as laid out in the report from the Joint Director of Planning and Economic Development, as well as the additional condition agreed by the Committee.

Councillor Heather Williams rejoined the Committee. Councillor Judith Rippeth left the meeting.

9. 23/01426/CL2PD - 9 Station Road, Oakington

The Senior Planner, Alice Young, presented the report.

Councillor Heather Williams declared that the applicant was a Member of the Political Group of which she was leader and thus would withdraw from the Committee for the debate and vote.

The Committee noted that the applicant was known by all Members but that this would have no bearing on their judgement and that all were approaching the matter afresh. Members acknowledged that the application was an assessment of lawfulness and was therefore a matter of fact rather than judgement. The Committee agreed that the criteria for the granting of a certificate of lawfulness had been met.

The Committee agreed to the proposal from Councillor Peter Fane, seconded by Councillor Eileen Wilson, to move to a vote by affirmation.

By unanimous vote, the Committee **granted the certificate of lawfulness** under S.192 of the Town and Country Planning Act 1990, in accordance with the officer's recommendation.

10. Compliance Report

The Area Development Manager informed the Committee that the Principal Planning Compliance Manager was unable to be present and that she would provide brief update on the report on his behalf. The Committee was informed of details to changes to staffing within the Compliance Team and provided a summary of the report.

The Committee **noted** the report.

11. Appeals against Planning Decisions and Enforcement Action

The Area Development Manager took questions on the report. A query was raised on the date for the hearing of case reference EN/00216/21, listed in Appendix 3 of the report, and Members were informed that they would be updated when a date had been agreed.

The Committee **noted** the report.

12. Exclusion of Press and Public

Councillor Bill Handley, seconded by Councillor Eileen Wilson, proposed that the press and public be excluded, in order to hear item 13 of the agenda, for the following reason:

By virtue of paragraph 7 of Part 1 of Schedule 12 A of the Local Government Act 1972 the following report was exempt from the press and public:

(7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

By affirmation, the Committee agreed to the exclusion of press and public.

13. Restricted Minute

By affirmation, the Committee authorised the Chair to sign the restricted Minute as a correct record.

The Meeting ended at 4.50 p.m.
