

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

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

Councillors: John Batchelor Anna Bradnam (substitute)
Brian Burling Kevin Cuffley
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), John Koch (Planning Team Leader (West)), Karen Pell-Coggins (Principal Planning Officer), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), Sarah Stevens (Development Management Project Implementation Officer), Charles Swain (Principal Planning Enforcement Officer) and David Thompson (Principal Planning Officer)

Councillors Henry Batchelor and Nigel Cathcart were in attendance, by invitation.

1. ORCHARD PARK

Colin Brown (Carter Jonas) and others attended the meeting to make a pre-application presentation to the Committee in relation to an Aparthotel at Orchard Park.

The presentation focussed on the following:

- Consented outline planning scheme
- The site and context
- How the proposed plan is configured
- Design intent – proposed scheme
- Layouts
- Design approach
- Elevations

2. APOLOGIES

Councillor Philippa Hart sent Apologies for Absence. Councillor Anna Bradnam was present as substitute.

3. DECLARATIONS OF INTEREST

Councillor John Batchelor declared a non-pecuniary interest in respect of Minute 5 (S/0096/17/OL- Linton (Agricultural Land North East of Back Road)). He was Chairman of Linton Village College Governors, and had been involved in discussions with the County Education Department relating to possible contributions under Section 106 of the Town and Country Planning Act 1990. He had also been present at Linton Parish Council meetings at which the application had been discussed, but was considering the matter afresh.

Councillor David McCraith declared a non-pecuniary interest in Minute 6 (S/1901/16/OL - Meldreth (Land at Eternit UK, Whaddon Road)). He had been present at Whaddon Parish Council meetings at which the application had been discussed, but was considering the matter afresh.

Councillor Tim Scott declared a Non-Disclosable Pecuniary Interest in Minute 8 (S/1178/16/FL - Barton - 24 Roman Hill)). He farmed land adjoining the application site, and left the meeting prior to consideration of the item. He took no part in the debate and did not vote.

4. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 10 May 2017.

5. S/0096/17/OL- LINTON (AGRICULTURAL LAND NORTH EAST OF BACK ROAD)

Members visited the site on 4 July 2017.

The Case Officer confirmed that the applicant was prepared to accept Community Infrastructure Levy (CIL) compliant contributions, and summarised the report

Jean Kelly (objector from Hildersham), Councillor Enid Bald (Linton Parish Council) and Councillor Henry Batchelor (local Member) addressed the meeting.

Jean Kelly highlighted the impact of increased traffic to Hildersham, and potential damage to grass verges due to the narrow nature of the roads. She also referred to the implications for landscape views and local archaeology. Linton Parish Council did not see a need for more houses in the village at this stage. The development would dominate. The Parish Council had concerns about the impact on archaeology, and the problem of surface water drainage, and flood risk. Councillor Bald expressed local fears about increased traffic, highway safety and general harm to Linton. The development was considered to be unsustainable.

Councillor Bald said that the application site had not been selected to form part of the emerging Local Plan, and was not in the Neighbourhood Plan. Linton Parish Council did not see a need for more houses in the village at this stage. The development would dominate. The Parish Council had concerns about the impact on archaeology, and the problem of surface water drainage, and flood risk. Councillor Bald expressed local fears about increased traffic, highway safety and general harm to Linton. The development was considered to be unsustainable.

Councillor Henry Batchelor summed up his concerns as relating to

- Cumulative impact
- The nature of the site
- The increasing weight that could be given to policies in the emerging Local Plan to substantiate the argument of unsustainability.

Councillor Henry Batchelor urged the Committee to refuse the application.

Speaking as the other local Member, Councillor John Batchelor also urged refusal, describing the proposed development as overbearing. He pointed out that the proposal would result in the loss of an area of Grade 1 agricultural land. He said it would cause significant and demonstrable harm to the village, such as to outweigh any benefits that might flow from the development.

During the ensuing debate, Committee members made the following points:

- There was a profound, and significantly adverse, impact
- The applicant had been given the opportunity to provide additional information requested, but had not done so
- Food production should be a key material consideration in this instance

Despite the finely balanced arguments, the Case Officer considered that landscape was a sufficient reason to refuse the application, and defending any subsequent appeal.

The Committee **refused** the application unanimously, for the reasons set out below (amended from those set out in the report from the Joint Director for Planning and Economic Development):

- i) The proposed development would result in encroachment into this open landscape setting of the village on land that rises between the valley and woodland and result in the loss of a proportion of the rolling chalkland hills that are distinctive to the landscape setting of the village and make an important contribution to the landscape character setting of the village. This would lead to a visually intrusive and dominant mass of built form that would detract from the rural character and appearance of the area in short distance views from Back Road and the adjacent public right of way and long distance views from the A1307 and the road to Hildersham. The proposal is therefore contrary to Policies DP/3 and NE/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that seeks to protect the character and appearance of the countryside and retain or enhance the local character and distinctiveness of landscape character areas. This reason alone is considered to result in an adverse impact that would significantly and demonstrably outweigh the benefits of providing additional housing (including affordable housing) to meet the Council's housing land supply, when assessed against the policies in the NPPF taken as a whole.
- ii) Insufficient information has been submitted to demonstrate that traffic generation from the development would not be detrimental to the capacity and functioning of the public highway. In addition, the proposed access is considered to be substandard in terms of its visibility and potentially levels and would result in a hazard that would be detrimental to highway safety and there would be inadequate pedestrian connectivity to the village. The proposal is therefore contrary to Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states all development proposals should provide appropriate access from the highway network that does not compromise safety.
- iii) Insufficient information has been submitted in relation to the impact of the proposal upon features of archaeological interest to demonstrate that the proposal could be accommodated on the site without harm to heritage assets. The proposal cannot be supported until the results of a trench-based field evaluation have been carried out prior to approval being granted. The proposal is therefore contrary to Policy CH/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states archaeological sites will be protected in accordance with national policy and paragraph 135 of the National Planning Policy Framework 2012 that states the effect of the proposal upon the significance of a non-designated heritage asset should be taken into account when determining an application having regard to the scale of any harm or loss and the significance of the heritage asset.

- iv) Insufficient information has been submitted in relation to the impact and mitigation of the new footway and traffic from the proposal upon the Furze Hills Protected Roadside Verge County Wildlife Site and Hildersham Protected Verges. The proposal is therefore contrary to Policy NE/7 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states planning permission will not be given for proposals that may have an unacceptable adverse impact, either directly or indirectly, on a Site of Biodiversity Importance.
- v) The proposal would result in the loss of a proportion of grade I agricultural land. The proposal is therefore contrary to paragraph 112 of the NPPF 2012 that states Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural and where development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality.
- vi) The adverse impacts identified above are considered to significantly and demonstrably outweigh the benefits of providing additional housing (including affordable housing) to meet the Council's housing land supply, when assessed against the policies in the NPPF taken as a whole.

6. **S/1901/16/OL - MELDRETH (LAND AT ETERNIT UK, WHADDON ROAD)**

Members visited the site on 4 July 2017.

The Case Officer updated the report, referring to two new Conditions, He summarised the report, highlighting paragraph 176, viability, transport issues, highway safety, and residential amenity.

The following addressed the meeting: Philip Kratz (speaking on behalf of the objector – Marley Eternit Working Group), Andy Frost (applicant's agent accompanied by others), Councillor Richard Goddin (Meldreth Parish Council, representing the comments also of Whaddon Parish Council), Councillor Nigel Cathcart (a local Member representing Whaddon), and County Councillor Susan van de Ven (representing Meldreth, and also delivering a statement on behalf Councillor Philippa Hart (the local Member for Meldreth)).

Philip Kratz said that something looking "so wrong" could not be right. The application was for too many houses located too far from the village. He suggested that the Committee might like to consider the following as reasons for refusal, namely

- Settlement hierarchy and character
- Infrastructure
- Loss of employment
- Sustainability because of location

Andy Frost argued that the benefits of the proposal outweighed any harm caused by it. He referred to his client's successful remediation of a similar site in the North West of England. Mr. Frost confirmed that, should there be less contaminated land than expected, there could be scope for more affordable housing. He said that a Tech Hub was, in effect, a "one stop shop".

Richard Goddin said that the two Parish Councils had concerns about

- The size of the proposed development
- Connectivity
- Traffic
- Access from Whaddon

County Councillor Susan van de Ven said that

- The required sustainable nature of the proposed development placed considerable stock on community transport as a core service for getting to and from Meldreth.
- Community Transport was not the same thing as regular public transport, and was not intended to fill the gap when bus services disappear.
- Continuation of council subsidies upon which community transport providers depend to cover their expenses could not be guaranteed beyond 2017-18.
- There was no guarantee of subsidy for the last remaining non-statutory public bus between Meldreth and Royston.
- There was no commercial bus service to act as a back-up after the subsidized service had been withdrawn
- The notion of improving bus stops, and providing Real Time Information for the remaining subsidized bus that comes once per day and is set to lose its operating subsidy, showed “a lack of understanding of reality”.
- The indication was that community transport provision for this new remote community would be an extension of the ‘Melbourn scheme’ involving a new vehicle operated by ‘the Parish Council. Meldreth Parish Council was unaware of such a scheme, or its role in running a vehicle.
- Royston and District Community Transport was the only Community Transport provider in the area, and was not aware of the the Meldreth Road planning application.
- The applicant had portrayed a localized transport system that did not exist, but which was integral to the sustainability of the proposed settlement.

In her absence from the meeting, Councillor Susan van de Ven read a prepared statement from Councillor Philippa Hart (local District Councillor for Meldreth). In summary, the statement said

- Councillor Hart’s family business, Roger Hart Farms, farmed, as tenants, land belonging to Marley adjacent to the application site, and that cllr Hart lived with her family within half a mile of the site.
- when Meldreth residents were asked via public consultation for their views on this proposal, 80% of the respondents were against it going ahead.
- Were it not for the fact that South Cambridgeshire District Council could not currently provide a five year housing land supply, an application in this location on this site for this proposed use would never be acceptable.
- When Marley took on the site at Meldreth with its history of manufacturing amongst other things asbestos they took on the commercial liability of its inevitable eventual decontamination. Those costs were now seemingly being indirectly passed to the local community in being required upon "viability" grounds to accept a reduced allocation of affordable homes.
- committee members need to be satisfied that the offer of a new technology building and up to 25 new jobs can actually be conditioned. Had Marley chosen, rather than residential development, to develop the proposed site for a use consistent with creating employment (beyond a construction phase) then the extent of the decontamination operation would have been commensurately less and therefore less costly.
- In view of the other speculative developments coming forward in Meldreth and Melbourn, if planning permission is given for this site, it would be the thin end of the wedge, leading to further unplanned development in this no man’s land, and the establishment of a large settlement way outside our village framework.
- Councillor Hart urged the Committee to refuse the application.

Councillor Cathcart highlighted the fact that the proposed development was a similar size

to Whaddon. He expressed concerns about traffic and land contamination.

Speaking as the other local Member, Councillor David McCraith described the proposal as a small village. Council policy was to promote minor developments like this as extensions to existing settlements. Councillor McCraith identified a number of risks and concerns, including environmental, traffic and on street parking. The offer of 25% affordable housing was unacceptable, and the proposal as a whole was unsustainable.

During the ensuing debate, Committee members made the following points:

- The applicant had underestimated the extent of the land radiation work required. It was unreasonable that South Cambridgeshire District Council should, in effect, be penalised for that underestimation by having to accept a reduced level of affordable housing.
- Doubt as to whether the site had been marketed sufficiently in the context of its use as an employment site
- The proposed development was not sustainable
- Public transport proposals were inadequate and, coupled with the proposed development's location, being some way from Meldreth, was likely to create a sense of social isolation, and a reliance on cars.
- There was likely to be an adverse impact from siting houses, in an otherwise quiet location, next to industrial units.
- Remediation should be completed before any building takes place.
- The report from the Local Highways Authority was totally inadequate as it failed to consider implications for the A1198.
- There was a precedent for this kind of development – at Barrington.

The Committee **deferred** the application and instructed officers to commission an Independent Highway Assessment focussing on the safety of the proposed access to the development in the context not only of traffic approaching from the A10 but also traffic approaching from the A1198. The Committee requested that the Independent Highway Assessment's conclusions be reported back to Members, together with the application for determination. The Committee also requested that any subsequent report should include more detailed information in respect of land contamination, and an assessment of noise. A legal interpretation was also required to ascertain if the decontamination costs were required in any event and, therefore, whether they justified a lower level of affordable housing.

Councillor Des O'Brien left the meeting, and was not present in the Chamber for Agenda items 7, 8, 9 and 10.

7. S/2405/16/RM - DUXFORD - 8 GREENACRES,

The Case Officer referred to a previous application for Reserved Matters, which had been refused on 23 March 2017. Members had agreed the reasons for refusal as being unacceptable design, and the failure to spread the affordable housing throughout the development, contrary to Policies DP/2 and HG/3 of the South Cambridgeshire Local Development Framework 2007. Members also noted that the northern and western site boundaries were not within the applicant's control and that, the inability to secure a link from the proposal site to the Right of Way rendered the site unsustainable in that there was no easy access to the railway station. Poor design and site layout had also been a reason for refusal.

Philip Wright from CALA Homes addressed the meeting. He highlighted changes made by

the current application: better “pepper potting” of the affordable housing, the addressing of landscaping concerns, and that the application was now policy compliant. There were no technical objections to the proposal.

The Case Officer confirmed that the applicant would be required to ensure that, in the absence of its adoption by the County Council, the on-site roads and footpaths would be maintained by a management company for the development. The Planning Lawyer added that, in doing this, any costs that might be passed on to residents, was not a material factor that the Committee could consider when determining the application. Concern was expressed that the footpath should be maintained to a standard making it accessible to disabled people.

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

1. The prior completion of a Planning Obligation requiring the applicant to put in place a management plan ensuring, in perpetuity, maintenance of the on-site roads and footpaths; and
2. The Conditions set out in the report from the Joint Director for Planning and Economic Development.

Councillor Tim Scott left the meeting, and was not present in the Chamber for Agenda items 8, 9 and 10.

8. S/1178/16/FL - BARTON - 24 ROMAN HILL

The Case Officer corrected a typographical error in paragraph 13 of the report and confirmed that the proposal was not considered to be inappropriate development in the Green Belt.

The Committee **approved** the application subject to the Conditions referred to in the report from the Joint Director for Planning and Economic Development.

9. ENFORCEMENT REPORT

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

In relation to the Stapleford matter, officers were due to meet with Counsel on 17 July 2017 to discuss the High Court application.

Members’ attention was drawn to recent events at Smithy Fen, Cottenham.

In relation to 45 North Road, Abington, the owner had now complied with the Enforcement Notice.

10. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action, and a summary of recent decisions in Bar Hill, Bassingbourn, and Orwell.

The Meeting ended at 2.05 p.m.
