

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Planning Committee held on  
Wednesday, 1 November 2017 at 10.30 a.m.

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

<b>Councillors:</b>	John Batchelor	Brian Burling
	Kevin Cuffley	Anna Bradnam (substitute)
	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)), Edward Durrant (Principal Planning Officer / Team Leader (Development Management)), Jane Green (Head of New Communities), John Koch (Planning Team Leader (West)), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), Charles Swain (Principal Planning Enforcement Officer) and Rebecca Ward (Principal Planning Officer)

Councillors Andrew Fraser and Tony Orgee were in attendance, by invitation.

### **1. APOLOGIES**

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

### **2. DECLARATIONS OF INTEREST**

In respect of Minute 4 (S/2239/13/FL - Sawston (Deal Grove, Babraham Road)):

- Councillor David Bard declared a on-pecuniary interest. Councillor Bard had been a member of the Planning Committee when it first considered this application in June 2014, and had also attended Parish Council meetings at which the matter had been discussed. He stepped down as Vice-Chairman of the Committee for the duration of the debate, addressed the Committee as a public speaker taking no part in that debate, and did not vote.
- Councillor Kevin Cuffley declared a non-pecuniary interest. Councillor Cuffley had been a member of the Planning Committee when it first considered this application in June 2014, and had also attended Parish Council meetings, as the Vice-Chairman of Sawston Parish Council, at which the matter had been discussed. He stepped down from the Committee for the duration of the debate, addressed the Committee as a public speaker taking no part in that debate, and did not vote.
- Councillors Brian Burling, Pippa Corney, Sebastian Kindersley, David McCraith, Des O'Brien and Robert Turner had each been a Planning Committee member when this application had last been considered. Each confirmed that they were considering the matter completely afresh.

Councillor John Batchelor declared a non-pecuniary interest in respect of Minute 6

(S/0460/17/FL - Balsham (Plumbs Dairy, 107 High Street)) and Minute 7 (S/1818/17/OL - Balsham (Land to the west of 10 Cambridge Road)). Balsham was located within the catchment area of Linton Village College, where he was Chairman of the Board of Governors. In that capacity, Councillor John Batchelor had been involved in discussions with the County Education Authorities over the formula applied to establish the student capacity of Linton Village College, and had raised objections to the lack of any request for Section 106 monies for secondary education. He was considering the matter afresh.

Councillor Anna Bradnam declared a non-pecuniary interest as a member of Cambridgeshire County Council. Referring to Minute 5 (S/3052/16/FL - Shepreth (Meldreth Road)), she pointed out that the County Council owned the land the subject of this application.

Councillor Brian Burling declared a non-pecuniary interest in respect of Minute 9 (S/2341/17/FL - Over (16 Mill Road)). Councillor Burling was a member of Over Parish Council, and had been present at the Parish Council meeting at which this application had been discussed. He was now considering the matter afresh.

Councillor Pippa Corney declared a disclosable pecuniary interest in respect of Minute 9 (S/2341/17/FL - Over (16 Mill Road)) because she was named on the planning application form as a joint applicant with Ian Corney. Councillor Corney withdrew from the Chamber for the entirety of the consideration of this application, took no part in the debate and did not vote.

Councillor Sebastian Kindersley declared a non-pecuniary interest as a member of Cambridgeshire County Council. Referring to Minute 5 (S/3052/16/FL - Shepreth (Meldreth Road)), he pointed out that the County Council owned the land the subject of this application.

Councillor Des O'Brien mentioned that, as a matter of public record, he was a member of South Cambridgeshire District Council, the applicant in respect of Minute 7 (S/1818/17/OL - Balsham (Land to the west of 10 Cambridge Road)).

### 3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 4 October 2017, subject to as follows:

#### **Minute 7 - S/3543/16/FL - Great Abington (Land To South of Linton Road)**

In the third paragraph, after the words "the proposal", add: "However, Councillor Orgee profoundly disagreed with Cambridgeshire County Council's assertion that the primary school had sufficient capacity to cope with the increased intake of students likely to come from the development. Hence, [in his view, the County Council had missed the opportunity for section 106 funding for the primary school](#). Councillor John Batchelor shared this concern in relation to secondary education."

The complete paragraph would now state as follows:

"Glyn Mutton (for the applicant) and Councillor Tony Orgee (local Member) addressed the meeting. Mr. Mutton outlined the measures taken to mitigate any impact on the proposed development from Westlodge Kennels. Councillor Orgee said there was substantial local support for the proposal. However, Councillor Orgee profoundly disagreed with Cambridgeshire County Council's assertion that the primary school had sufficient capacity to cope with the increased intake of

students likely to come from the development. Hence, in his view, the County Council had missed the opportunity for section 106 funding for the primary school. Councillor John Batchelor shared this concern in relation to secondary education.”

#### **4. S/2239/13/FL - SAWSTON (DEAL GROVE, BABRAHAM ROAD)**

Members visited the site on 31 October 2017.

Councillors David Bard and Kevin Cuffley (local Members for Sawston) retired to the public gallery for the duration of this item. Apart from addressing the Committee as public speakers, Councillors Bard and Cuffley took no part in the debate, and neither did they vote.

With the Committee's approval, the Chairman appointed Councillor Robert Turner as Vice-Chairman for this agenda item.

The Senior Planning Lawyer told Members that, if they had voted on this application when it was last before Committee in 2014, it was for each of them to decide whether or not to withdraw from the meeting on this occasion. He told them that there was no legal obligation to do so in the context of the Judicial Review of that first Committee resolution. In summary, voting on this application in 2014 did not constitute pre-determination. The Senior Planning Lawyer asked the ten Members considering this item to confirm their status in doing so. Responses were as follows:

Councillor Batchelor (John)	Was not a Councillor in 2014
Councillor Bradnam	Was not a Planning Committee member in 2014
Councillor Roberts	Did not attend the relevant Planning Committee meeting in 2014
Councillor Scott	Was not a Councillor in 2014

Councillors Burling, Corney, Kindersley, McCraith, O'Brien and Turner (Robert) each confirmed that they were considering the matter completely afresh.

The Planning Team Leader (West) updated Members about transportation impact and mitigation, and confirmed that the Local Highways Authority had no objection. He said that the decision made in 2014 had been quashed at Judicial Review and that, therefore, Members had no alternative but to consider the matter afresh based on the report before them. With that in mind, he highlighted the significance especially of paragraph 70, and reminded Members that they would need to identify very special circumstances should they be minded to vote against the recommendation in the report from the Joint Director for Planning and Economic Development. He also reminded them that the application was a departure from the Development Plan.

Meghan Bonner (applicant's agent), Brian Milnes (community supporter), Councillor Janet Martin (Sawston Parish Council), Councillor Tony Orgee (the local County Councillor, and, speaking only as public speakers, Councillors David Bard and Kevin Cuffley (local Members) addressed the Committee.

Meghan Bonner pointed out that there were no objections from statutory consultees to this application. She described the location as sustainable, and one that did not present any adverse impact. She maintained that the purpose behind the application was entirely appropriate in the Green Belt, and that very special circumstances existed for granting permission. These included the gifting of land to Sawston Parish Council, the provision of changing rooms, the installation of floodlights, the provision of an entertainment venue, establishment of a woodland walk, and new cycling facilities.

Mr. Milnes said that the application would protect the Green Belt and be a benefit to the village. The Parish Council, of which he was a member, would be responsible for maintaining the land gifted to it.

Councillor Janet Martin said the Parish Council would like to see provisions controlling use of the site in such a way and within such times as to minimise any adverse impact for nearby residents.

Councillors David Bard and Kevin Cuffley addressed the meeting as public speakers. Councillor Bard focussed on the site's function within the Green Belt, and explored the concept of very special circumstances. He pointed out that the land being gifted to Sawston Parish Council would continue to serve the purpose of Green Belt. Councillor Bard identified the main advantages of the application as being the culmination of a very long site search by Cambridge City Football Club, but also to the community. Councillor Cuffley said that the application would result in a significant improvement in appearance. He considered various elements of sustainability, and concluded that the benefits significantly and demonstrably outweighed the harm.

While Councillor Orgee had some concerns about traffic, he supported the application, citing very special circumstances, and the opportunity to enhance the site, previously used for land fill.

Members engaged in a lengthy discussion.

Noting the absence of any objections from statutory consultees, the Committee **resolved** (by 8 votes in favour and 2 votes against) for the following reasons to approve the application contrary to the recommendation in the report (and Update Report) from the Joint Director for Planning and Economic Development subject to 1 and 2 below

In resolving to approve the application the majority of Members agreed that the proposed development would amount to inappropriate development in the Green Belt and that such development would be, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Members agreed that

- (a) there would not be any significant additional harm to the Green Belt over and above the harm that would be caused by the proposal's inappropriateness;
- (b) there would be no significant additional harm to the Green Belt or the openness of the Green Belt over and above the harm that would result by reason of the structures and floodlighting proposed by the development;
- (c) there would be limited adverse effect on the countryside and landscape character given the limited public views and its appearance of dereliction;
- (d) the proposed development needs to be located in the countryside given, what members had heard from the applicant's agent as to a robust and comprehensive, but unsuccessful, site search conducted over several years and difficulties in finding other suitable sites within existing built-up areas. As such it would not conflict with Policy DP/7 of the Local Development Framework, which provides that outside urban and village frameworks, only development for

- agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted;
- (e) the site is not in a location that would result in significant and unsustainable forms of travel for the proposed use, having regard to its connectivity with other settlements and the proposed mitigation by way of a travel plan;
  - (f) the identified harm by reason of inappropriateness and the limited additional harm identified above in (b) and (c) would be clearly outweighed by other considerations which collectively would amount to the necessary very special circumstances to support the application being approved. These very special circumstances were significant community benefits in the form of additional facilities and community access specifically 3.4 ha of recreation ground for community use, with access to changing rooms and floodlit training ground which will help to address the shortfall identified in the Council's Playing Pitch Strategy 2015-31, a new woodland walk, ecological enhancements with bat and bird nesting boxes, improvements to the local landscape with additional trees and hedgerow planting, improved footpaths and cycleways as well as additional employment opportunities locally

The matter would be referred to the Secretary of State as a Departure from the Development Plan in so far as the proposed development would amount to inappropriate development in the Green Belt and is therefore contrary to Policy GB/1 of the Council's Development Control Policies 2007.

The Conditions attached to the earlier Decision Notice issued following determination of the application in 2014 and as an Appendix to the current report, would be modified as deemed appropriate in the light of information already received and considered by officers and the proposed condition in the Update Report.

## 5. **S/3052/16/FL - SHEPRETH (MELDRETH ROAD)**

Members visited the site on 31 October 2017.

Rob Dean addressed the meeting on behalf of the applicant. Councillor Philippa Hart (local Member) had raised the possibility of reducing the period during which development must commence.

The Committee **approved** the application subject to

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 requiring the translocation of lizards from the site; and
2. The Conditions and Informative referred to in the report from the Joint Director for Planning and Economic Development, among other things confirming that the time limit for implementation of the planning permission should be amended from three years to two years.

## 6. **S/0460/17/FL - BALSHAM (PLUMBS DAIRY, 107 HIGH STREET)**

Members visited the site on 31 October 2017.

The case officer reported that Councillor Richard Turner (a local Member) had objected in the context of appropriate advertising of the site.

Garth Hanlon (applicant's agent) and Councillor Andrew Fraser (the other local Member) addressed the meeting. Mr. Hanlon said that the application was policy compliant, and appropriate in its location. There had been no objections from statutory consultees. Councillor Fraser highlighted the impact on local employment, and the increased pressure on the doctors surgery and car parking provision. He said that the development would have a negative impact on the character of the Balsham conservation area.

During the ensuing debate, Members acknowledged the desirability of striking a balance between housing and employment use, but noted the constrained nature of the site by the presence of trees covered by Tree Preservation Orders and the need to provide views through to the countryside. This made it difficult to envisage a future commercial use for the part of the site that was previously occupied by Plumbs Dairy.

The Committee **approved** the application subject to

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing

- £14,713.85 towards Balsham Sports Pavilion contribution
- £16,309.68 towards outdoor gym equipment
- £6,167.08 towards Balsham Church Institute
- £73.50 per house and £150 per flat for household waste bins
- 40% affordable housing
- £500 for a Section 106 monitoring fee
- The onsite provision of a Local Area for Play

As detailed in a supplementary agenda dated 27 October 2017; and

2. The Conditions and Informatives set out in the report from the Joint Director for Planning and Economic Development.

#### **7. S/1818/17/OL - BALSHAM (LAND TO THE WEST OF 10 CAMBRIDGE ROAD)**

It was reported that Balsham Parish Council supported the application and that, although a local resident had raised an objection on highways grounds, the Local Highways Authority had no objection to the proposal.

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

#### **8. S/1769/17/OL - GREAT SHELFORD (MACAULAY AVENUE)**

It was reported that Councillor Charles Nightingale (a local Member) supported the application, and that Great Shelford Parish Council had no objection to it.

The Committee **approved** the application, subject to

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing the provision of affordable housing, and build out as self-build plots; and
2. The Conditions and Informative in the report from the Joint Director for Planning and Economic Development, updated by a supplementary agenda dated 27

October 2017.

**9. S/2341/17/FL - OVER (16 MILL ROAD)**

Councillor Pippa Corney declared a disclosable pecuniary interest because she was named on the planning application form as a joint applicant with Ian Corney. Councillor Corney withdrew from the Chamber for the entirety of the consideration of this application, took no part in the debate and did not vote.

Councillor David Bard took the Chair, and, with the agreement of the Committee, Councillor Robert Turner acted as Vice-Chairman for this item.

The case officer referred to a lack of evidence regarding the acceptability of visibility splays or the effectiveness of the ditch network, although the western ditch was not used for drainage. There was an ongoing breach of planning permission.

Ian Leyshon (objector) and Councillor Geoff Twiss (Over Parish Council) addressed the meeting.

Mr. Leyshon objected on the grounds of access, car parking, the breach of conditions, and connection to the ditch. He said that the proposal was out of character with the village. There followed a short discussion relating the current application to the allowed Appeal. Councillor Twiss said that the Parish Council also had concerns about the non-compliance with conditions.

Following a short debate, the Committee **refused** the application contrary to the recommendation in the report from the Joint Director for Planning and Economic Development. Members agreed the reason for refusal as being that the application failed to comply with Policy DP/2 of the South Cambridgeshire Local Development Framework – Development Control Policies 2007 in that the proposal failed to preserve or enhance the character of the surrounding area.

**10. ENFORCEMENT REPORT**

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

Referring to paragraph 5(d) of the report (Fulbourn – St. Martin's Cottage, 36 Apthorpe Street), the Principal Planning Enforcement Officer reported that the wooden building had now been removed.

Referring to paragraph 5(f) of the report (Horseheath – Thistledown, Cardinals Green), the Principal Planning Enforcement Officer reported that the wooden lodge had now been removed.

**11. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

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

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**The Meeting ended at 2.35 p.m.**

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