

South Cambridgeshire District Council

Minutes of a meeting of the Planning Committee held on
Wednesday, 13 September 2023 at 10.00 a.m.

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

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

Officers in attendance for all or part of the meeting:

Christopher Braybrooke (Principal Planning Compliance Manager),
Laurence Damary-Homan (Democratic Services Officer), Michael Hammond
(Principal Planner), Charlotte Peet (Senior Planner), Richard Pitt (Principal
Planning Lawyer) and Rebecca Smith (Delivery Manager)

1. Chair's announcements

The Chair made several brief housekeeping announcements.

2. Apologies

There were no Apologies for Absence.

3. Declarations of Interest

With respect to Minute 5, Councillor Dr Martin Cahn declared that he had called the application in and that he would withdraw from the Committee and instead speak as local Member. Councillor Ariel Cahn declared that his father was local Member, but that he had held no discussions regarding the application and was coming to the matter afresh. A general declaration was made with regard to the fact that many Members had been present when the original consent for the proposed development was given, with all Members who had been present coming to the matter afresh.

With respect to Minute 6, Councillor Peter Sandford declared that he had discussed the application with the Chair of Caxton Parish Council regarding the planning process only and was coming to the matter afresh.

4. Minutes of Previous Meeting

By affirmation, the Committee authorised the Chair to sign the Minutes of the meeting held on 9 August 2023 as a correct record.

5. 22/03407/S73 - Land to the West Neal Drive, Orchard Park

The Delivery Manager informed the Committee that there had been some changes to the

National Planning Policy Framework (NPPF) between the time of report publication and the commencement of the meeting. Members were advised that officers had reviewed the reports in the agenda in light of the changes to the NPPF and were satisfied that there were no impacts on the reports or recommendations.

The Chair withdrew from the Committee, in line with his Declaration of Interest. The Vice-Chair assumed the role of Chair and Councillor Bill Handley was appointed Vice-Chair by affirmation.

The Principal Planner presented the report. Members raised a number of questions, to which officers responded, regarding:

- Student accommodation- it was confirmed that conditioning would prevent the development from becoming dedicated student accommodation and changes to this would require a change of use application. Members were advised that individual dwellings could be rented to students on a private basis.
- Reduced cycle storage- Members were informed that the slight reduction in cycle parking spaces was in response to the change of the mix of dwellings and subsequent reduction in demand for cycle storage. In response to a question, officers advised that the cycle parking would predominantly utilise Sheffield stands and that there was no proposed provision of parking for cargo bikes and that much of the external cycle storage proposed in the original permission had been relocated to internal cycle storage in block B.
- Parking- Members had concerns over parking provision but were advised that the County Transport Team and County Highways Development Management had no objection to the proposal. The Chair advised that parking matters would be discussed in the debate.
- Community Council concerns over the appropriateness of a S73 application- officers advised that it was appropriate for the proposal to be brought in the form of a S73 application, rather than a new full application, as there was no firm definition of “minor amendments” in Planning guidance and the description of the development had not changed.
- Concerns over housing mix and compliance with policy H/9- officers advised that the Strategic Housing Team had no objection to the proposal and there were exceptions to policy H/9.
- Data behind County Transport Team comments- Members raised concerns over the underlying data used by the County Transport Team regarding car ownership and the potential for car club spaces to reduce demand for resident parking spaces; officers agreed to come back with the data after the public speakers.

It was also clarified that disable parking and 10 electric vehicle charging points were to be provided by the proposal.

The Committee was addressed by the agent of the applicant, Paul Harney of Paul Harney Associates, and clarified that research on build to rent demographics had led the approach to apartment mix and parking (both car and cycle) provision, with a recent permission in the locality (20/03802/FUL) also influencing the car parking provision. The clerk of Orchard Park Community Council, Victoria McNeill, addressed the Committee on behalf of the Community Council who objected to the application. In response to comments on the appropriateness of a S73 application, Members requested advice on if a S73 application was acceptable for the scale of changes to the approved scheme. The Principal Planning Lawyer advised that the operative part of the permission had not changed and the essence of the proposed development remained the same, thus it would be unwise to refuse the application on the grounds that the level of change to the original permission were inappropriate for a S73 application; the Delivery Manager advised that the level of consultation required for a S73 application was the same as required for a full application.

Councillor Dr Martin Cahn addressed the Committee as local Member in objection to the application.

Prior to the debate, the Principal Planner provided clarity over how the comments of the County Transport Team and displayed the underlying information that led them to conclude that the parking provision was adequate. The Census Data 2011 for Orchard Park and nearby parcels of land was displayed, as was the England & Wales Car Club Annual Survey 2017/18 from ComoUK, and the Principal Planner explained how these sets of information had led the County Transport Team to conclude that it would be reasonable to assume that the proposed parking provision would be sufficient. In response to the data provided by the Principal Planner, Councillor Dr Richard Williams quoted Census Data 2021 to show that car ownership in Orchard Park was higher than suggested by the Census Data 2011.

In the debate, some Members felt that parking provision was not appropriate for the scale of the development and that projected levels of car ownership were too low. Concerns were raised that the County Transport Team's use of Census Data 2011 was inappropriate given that more recent Census Data (2021) was available, and Members expressed discomfort with the weight that was being given to the nearby development at Topper Street (20/03802/FUL). Some Members cited their local knowledge of the area as justification for their concerns over parking, stating that there was already pressure on parking in Orchard Park. Comment was made that the change in apartment mix would not necessarily result in lower demand for parking spaces, and concerns were raised over the parking provision with respect to being able to accommodate a variety of vehicles; some Members felt that the short term leases that would be delivered by the proposal could lead to occupancy by tenants with varying parking demands, such as contractors with large trade vehicles.

Harm to visual amenity and impact on the character and appearance of the area was also discussed. The Committee noted the objections from the Landscape Officer and Urban Design Team and some felt that the changes to the proposed landscaping would lead to unacceptable harm. Comment was made that the changes felt significant, but the Committee noted the legal advice and did not conclude that the use of a S73 application was inappropriate.

By 6 (Councillors Bill Handley, Dr Tumi Hawkins, Peter Sandford, Heather Williams, Dr Richard Williams and Eileen Wilson) votes to 3 (Councillors Peter Fane, Ariel Cahn and Geoff Harvey), the Committee **refused** the application, contrary to the officer's recommendation laid out in the report from the Joint Director of Planning and Economic Development. Councillor Judith Rippeth did not vote. The reasons for refusal were as follows:

- 1- The proposed development fails to provide sufficient levels of car parking to serve future occupants of the development and would harm the amenity of the surrounding area by virtue of the additional pressure this would cause on on-street parking on the surrounding streets. As such, the proposal fails to provide a designed approach to car parking and is contrary to South Cambridgeshire Local Plan (2018) Policies HQ/1 and TI/3, Paragraphs 110 and 130 of the National Planning Policy Framework (2023) and guidance within the Orchard Park Design Guide Supplementary Planning Document (2011).

The proposed development, by reason of the insufficient level of soft landscaping provided resulting from the large quantum of hardstanding, would harm the visual amenity of the area and as such the character and appearance of the area. The proposal is therefore contrary to South Cambridgeshire Local Plan (2018) Policy HQ/1, Paragraphs 130 and 134 of the National Planning Policy Framework (2023) and guidance within the

Orchard Park Design Guide Supplementary Planning Document (2011).

6. **23/01335/OUT - Land East of Ermine Street, Caxton**

The Senior Planner presented the report and, in response to questions, officers provided clarity that:

- The biodiversity net gain was just over 1%.
- The cycle path extended up to the Cambourne West development.
- The Council had opted in to be a Right to Build Vanguard Authority, which was given weight in the assessment of the planning balance.
- The S106 obligations laid with the developer, rather than the individual builders/occupants of each plot.
- The established vegetation on the boundary of the application site was to be retained, as secured by conditioning.
- Policy H/8 of the Local Plan prescribed average densities for developments, with variances to be based on local considerations/ site context. It was confirmed that the proposal was compliant with policy H/8.

The Committee was addressed by the agent of the applicant, Olly Ansell (Grass Roots Planning), who clarified, in response to a question, that the S106 agreement would ensure that the development was delivered as self-build housing, with the developers bringing forward a Reserved Matters application prior to the sale of the individual plots to the purchasers delivering the dwellings. Councillor Laurence Kelly of Caxton Parish Council addressed the Committee on behalf of Caxton Parish Council.

In the debate, Members noted the weight given to the obligations of the Council as a Vanguard Authority and stated that many of the issues raised by consultees had been resolved. In response to concerns around the potential for the plots to end up as market housing, the Principal Planning Lawyer advised that there was a protected occupation period of three years placed upon land designated as self-build, with a requirement for the dwelling to be occupied by the party who directly acquired the plot from the owner, as their principal residence. In response to concerns over access, it was suggested that the trigger for the access upgrade obligation in the Heads of Terms could be altered to prior to commencement of development, with an obligation to maintain the upgraded access added to the obligation. The Committee agreed to this alteration of the Heads of Terms by affirmation. It was also clarified that the roads on site were to be addressed at the Reserved Matters stage.

By 9 (Councillors Dr Martin Cahn, Peter Fane, Ariel Cahn, Bill Handley, Geoff Harvey, Dr Tumi Hawkins, Judith Rippeth, Heather Williams and Eileen Wilson) votes to none, with two abstentions (Councillors Peter Sandford and Dr Richard Williams), the Committee **approved** the application in accordance with the officer's recommendation, and subject to the conditions and the completion of a S106 agreement, as laid out in the report from the Joint Director of Planning and Economic Development.

7. **Compliance Report**

The Principal Planning Compliance Manager presented the report and provided update on staffing matters within the Compliance Team. Members noted that, whilst some information on ongoing cases was no longer being presented in the report, compliance issues were still being dealt with. The Principal Planning Compliance Manager stated that he was happy to discuss specific cases with Members in private where it was not appropriate to put information into the public domain.

The Committee **noted** the report.

8. Appeals against Planning Decisions and Enforcement Action

The Delivery Manager presented the report and informed the Committee that possible alterations to the layout and detail of future reports were being explored, and also informed the Committee that delays in the Planning Inspectorate were impacting the appeal timelines of some cases.

The Committee **noted** the report.

The Meeting ended at 12.52 p.m.

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