

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Northstowe Joint Development Control Committee held on
Wednesday, 26 November 2014 at 10.00 a.m.

Present: Brian Burling (South Cambridgeshire District Council), Ed Cearns (Cambridgeshire County Council), Douglas de Lacey, Simon Edwards, and Lynda Harford (South Cambridgeshire District Council), Peter Hudson (Cambridgeshire County Council), David Jenkins (Cambridgeshire County Council), Alex Riley (South Cambridgeshire District Council) and Hazel Smith (South Cambridgeshire District Council)

Officers in attendance for all or part of the meeting:

Lois Bowser	Northstowe Team Leader
Jo Mills	Planning and New Communities Director
Stephen Reid	Senior Planning Lawyer
Juliet Richardson	Business Manager (Growth and Development)
Ian Senior	Democratic Services Officer
James Stone	Principal Planning Officer

1. ELECTION OF CHAIRMAN FOR THE MEETING

Councillor Alex Riley nominated Councillor Simon Edwards as Chairman of the Northstowe Joint Development Control Committee for this meeting. Councillor Douglas de Lacey seconded this nomination and, there being no further nominations, the Northstowe Joint Development Control Committee

resolved that Councillor Simon Edwards be appointed Chairman of the meeting.

2. COUNTY COUNCILLOR JOHN REYNOLDS

Members noted the sudden death, earlier in the week, of County Councillor John Reynolds.

The Chairman invited Councillor Douglas de Lacey, a Member for Girton, which was covered by Councillor Reynolds' Cambridgeshire County Council Electoral Division of Bar Hill, to say a few words about his colleague. Councillor de Lacey noted that Councillor Reynolds had been Vice Chairman of the Northstowe Joint Development Control Committee, a County Councillor for 33 years, and had served, among others, on the Police Authority and East of England Regional Assembly. Councillor de Lacey paid tribute to Councillor Reynolds as "a man of the people", who would be sadly missed, not least within the community of Girton.

Councillor de Lacey invited those present to stand and observe a minute's silence.

3. APOLOGIES FOR ABSENCE

Councillors Edd Stonham (South Cambridgeshire District Council) and Tim Wotherspoon (South Cambridgeshire District Council) sent apologies.

4. DECLARATIONS OF INTEREST

In respect of the items on this agenda:

Councillor Simon Edwards declared a non pecuniary interest as a Member of Oakington & Westwick Parish Council, the Royal Society for the Protection of Birds, Hurlingham Polo Association, Member of the British Association of Shooting and Conservation, the Old West Internal Drainage Board, the National Trust and as a resident of Oakington. Non-Disclosable Pecuniary Interest as a shareholder in a Company that owns property in Oakington. Non-pecuniary interest as a member of the South Cambridgeshire District Council Cabinet that had previously considered the Section 106 issues referred to in the current agenda, but now considering the matter afresh.

Councillor Lynda Harford declared a non-pecuniary interest as having given technical advice about the Appeal against the Local Planning Authority's failure to determine the application, made under Section 73 of the Town and Country Planning Act 1990 at recent meetings of both Oakington & Westwick and Rampton Parish Councils.

Councillor Douglas de Lacey declared a non-pecuniary interest as Chairman of Girton Parish Council.

Councillor Alex Riley declared a non-pecuniary interest as having been present at a recent meeting of Longstanton Parish Council where the Gallagher application for the removal of condition 14 (Phase 1 room sizes) had been discussed. Councillor Riley had not been consulted and he took no part in the debate.

5. MINUTES OF PREVIOUS MEETING

The Northstowe Joint Development Control Committee authorised the Chairman to sign the minutes of the meeting held on 29 October 2014 as a correct record, subject to the following:

Minute 4 - Northstowe Phase 1 Outline Planning Consent: Earthworks Reserved Matters submission ref S/1654/14/RM

In the final sentence of the second paragraph, between the words "...unable to attend the site visit" and "...Councillor Douglas de Lacey..." delete the word "and" insert the words "...as it had been scheduled at a time when he had been attending the Liberal Democrats' National Conference, albeit because of a desire to give priority to the availability of nearby residents and the local Member. He was minded, therefore, not to vote..."

The final sentence now said:

"...Councillor Ed Cearns was disappointed that he had been unable to attend the site visit as it had been scheduled, albeit because of a desire to give priority to the availability of nearby residents and the local Member, at a time when he had been attending the Liberal Democrats' National Conference. He was minded, therefore, not to vote. Councillor Douglas de Lacey explained that, while he had not attended the site visit either, he had not been expecting to be at this meeting as a substitute."

Councillor Simon Edwards said that, although it was not usual practice to keep near-verbatim Minutes, he would accept the amendment as it now stated that Councillor Cearns did not vote, and explained why.

Minute 5 - Proposed primary school, phase 1, Northstowe: Application by Cambridgeshire County Council for detailed planning consent ref. S/1777/14/CC

Condition 16 shall be expanded to say that the school shall not be operated as a school until it is compliant with the South Cambridgeshire District Council policy relating

to car and bicycle parking provision.

6. CONSIDERATION OF THE GROUNDS FOR CONTESTING THE APPEAL AGAINST THE LOCAL PLANNING AUTHORITY'S FAILURE TO DETERMINE THE SECTION 73 APPLICATION FOR THE REMOVAL OF CONDITION 14 OF THE OUTLINE PLANNING PERMISSION S/0388/12/OL, WITHIN THE PRESCRIBED TIME PERIOD (APPLICATION REF S/2097/14/VC)

The Northstowe Joint Development Control Committee considered a report suggesting the grounds for contesting the Appeal against the Local Planning Authority's failure to determine the application, made under Section 73 of the Town and Country Planning Act 1990, for the removal of condition 14 of the outline planning permission S/0388/12/OL, within the prescribed time period (application ref S/2097/14/VC).

The Planning and New Communities Director introduced the report by outlining the timeline leading to the application.

Councillor David Jenkins noted that the Committee's desire was that the development should proceed as quickly as possible. He was concerned that the determination of this Appeal, especially by means of a Hearing, might run counter to that aspiration. In reply, the Planning and New Communities Director referred to the benefit of preserving Condition 14 in that such a Condition would help to avoid the construction of small bedrooms, which had been much criticised at Orchard Park. Councillor Jenkins said that Orchard Park had been developed at a time of economic recession in the building industry, whereas the aspiration now was to promote Northstowe as an exemplar New Town.

There followed a brief discussion about the most effective way to distribute information to Members.

Councillor Ed Cearns said that conditioning room size was an essential element in securing exemplar status for Northstowe, and would contribute significantly to the sense of wellbeing of those living there. He urged the Committee to instruct officers to defend this Appeal, but to do everything in their power to ensure this was by way of a public Hearing. The Planning Lawyer explained the importance of securing within the emerging Local Plan a policy on room sizes. Therefore, a delay in the Appeal process had the benefit of giving the Council the chance to put in place, through the Local Plan Examination, an appropriate evidence base to support the proposed Room Size Condition.

Members discussed the risk posed by the Appeal, and went on to discuss the merits of taking a more proactive role in monitoring the Northstowe aspect of the risk register. The Planning Lawyer cautioned Members about considering everything on the Risk Register in public, and the Committee accepted that certain issues should be discussed in private, with Members having a discretion to go public, having taken appropriate advice. The Committee instructed officers that, in future, it would expect to be given an opportunity to review the risk register on a quarterly basis, and more frequently where appropriate. The Committee also instructed officers to inform Members about the receipt of planning applications, and dates for determination.

The Planning Lawyer confirmed that the Room Size Condition did not guarantee garden size. Plot sizes would remain the same, and proportions would have to be balanced within those plots.

In response to Councillor Riley, the Chairman said it was appropriate that officers themselves should draft the Councils' response to the Appeal. However, Members asked

that officers engage more closely with them, and share with them the response before submission.

Officers explained the desirability of getting a Policy on room sizes endorsed by the Inspector currently examining South Cambridgeshire District Council's emerging Local Plan for soundness. Such a Policy would provide an essential evidence base when imposing Conditions about room sizes. The Committee noted though that national policy would take priority and that, should a national standard subsequently be established, local policy would have to be amended to reflect the standards set out in the national policy. Even without a national guideline, the Inspector might require revision of the proposed Local Plan Policy. Councillor Lynda Harford said that the Condition was legal, and was necessary to ensure one particular aspect of Northstowe Phase 1 as exemplar. She was keen to establish the number of each house type envisaged, and added that each dwelling must be "fit to live in, not just exist in."

The Planning Lawyer considered that Condition 14 was lawful, and passed the six tests, namely:

1. Is it necessary?
2. Is it relevant to planning?
3. Is it relevant to the development to be permitted?
4. Is it enforceable?
5. Is it precise?
6. Is it reasonable in all other respects?

He emphasised the significance of the emerging Local Plan, and reminded Members about the circumstances in which costs might be claimed against the Council. In response to a question from Councillor de Lacey, the Planning Lawyer said that the question of exemplar would not influence the outcome of the Appeal or of the Local Plan Examination. Any Policy on room sizes would apply across the District (not just in Northstowe) and would take into account provisions contained in the Disability Discrimination Act 1995.

Councillor Cearns said that the Councils needed to be much more assertive when demanding elements needed to ensure an exemplar development. The Chairman reminded him that the Northstowe Area Action Plan had been that bold statement of intent, but had been diluted at the Inquiry.

Councillor Riley was minded to support officers in asking for the Appeal to be dealt with at a Hearing. However, he insisted that the overriding issue was the Appeal process must be transparent and open to the public. Officers answered Members' questions relating to the possible extent of a Costs award against the Council, timescale for the Appeal, and the Appeal's implications for the commencement of the development. Councillor Riley noted that Phase 1 had lower Dwellings per Hectare density, which suggested that there was no need for smaller rooms.

Members made a number of comments about points raised in the report from the Planning and New Communities Director.

The Northstowe Joint Development Control Committee **resolved** that

1. the Local Planning Authority contests the appeal against non-determination of the application under Section 73 of the Town and Country Planning Act 1990, and submits an Appeal Statement accordingly;
2. the Local Planning Authority requests a Hearing of the Appeal; and

3. Members note the issues as set out in the report from the Planning and New Communities Director, and endorse officers' recommendation of refusal to remove Condition 14 had this decision been made prior to the lodge of the Appeal.

7. DATE OF NEXT MEETING

Members noted that the next scheduled Northstowe Joint Development Control Committee was on Wednesday 28 January 2015 at 2.00pm.

The Meeting ended at 12.10 p.m.
