

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 7 December 2016 at 9.30 a.m.

PRESENT: Councillor David Bard – Chairman
Councillor Kevin Cuffley – Vice-Chairman

Councillors: John Batchelor Anna Bradnam
Brian Burling Pippa Corney
Sebastian Kindersley David McCraith
Deborah Roberts Tim Scott
Robert Turner Nick Wright (substitute)

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Julie Baird (Head of Development Management), Jane Green (Head of New Communities), Stephen Kelly (Joint Director for Planning and Economic Development), John Koch (Planning Team Leader (West)), Chris Morgan (Senior Planning Officer), Paul Mumford (New Communities Team Leader), Lydia Pravin (Planning Officer), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), James Stone (Principal Planning Officer), Charles Swain (Principal Planning Enforcement Officer) and Rebecca Ward (Senior Planning Officer)

Councillors Douglas de Lacey, Cicely Murfitt, Alex Riley and Tim Wotherspoon were in attendance, by invitation.

1. S/2084/16/FL - GIRTON (HOWES CLOSE SPORTS GROUND, WHITEHOUSE LANE)

Members visited the site on 6 December 2016. This item was brought to committee for a technical briefing prior to the application being brought to committee for consideration. It was undertaken in accordance with the Council's approved Protocol (April 2016) which was referred to by the Chairman.

Martin Beaver (Head of Sports) representing the applicants Anglia Ruskin University, and Claire Frost (applicant's agent) attended the meeting to present a technical briefing relating to the demolition of the existing pavilion, and development of a new sports pavilion, two fenced and floodlit artificial turf pitches, additional acoustic fencing, car, coach and cycle parking and associated landscaping and access improvements.

The following points were made:

- Recognition of the role played by sport, and its importance to Anglia Ruskin University
- The practical difficulties of sharing sporting facilities with other organisations
- There was a need for artificial pitches
- No other site was available

Members were given a booklet entitled *Anglia Ruskin University: Howes Close sports Ground Proposals*. This booklet outlined consultation with residents since 2014, and Mr. Beaver expanded on the measures taken to address their concerns about:

- The increased intensity of use

- Noise
- Light pollution and height of the proposed floodlights
- Effective management of the site
- Balls and players entering neighbours' gardens
- The use of bad language
- Loss of the 'Girton Gap'
- Use of the pavilion for private functions, and hours of operation
- Possible use of the facility by Cambridge City sports clubs
- ARU's lack of a connection with the community of Girton

Mr. Beaver said that ARU was committed to being a good neighbour, and was willing to accept a Condition requiring it to manage and maintain the site.

Members raised several technical issues. These included:

- The need to control the use of bad language on the site
- Maintenance of the proposed willow fence
- The need to attenuate light pollution
- Noise
- Engagement with the development at North West Cambridge, and with Girton College

The Chairman invited any questions from the public gallery. However, there being no further matters to discuss, the Chairman adjourned the meeting until 10.30am.

2. APOLOGIES

Councillor Des O'Brien sent Apologies for Absence and was substituted by Councillor Nick Wright.

3. DECLARATIONS OF INTEREST

In respect of Minute 6 (S/1991/16/OL in Newton), Councillors David Bard and Deborah Roberts declared non-pecuniary interests having served terms of office alongside the applicant when Henry Hurrell had been an elected Member of South Cambridgeshire District Council.

In respect of Minute 15 (Enforcement Action in Little Gransden), Councillor Sebastian Kindersley declared a non-pecuniary interest having worked alongside various parties in an effort to resolve the issue. He confirmed that he was considering the matter afresh.

In respect of Minutes 9 and 10 (S/2425/16/FL and S/2426/16/LB in Conington), Councillor Nick Wright declared a Disclosable Pecuniary Interest as the applicant. After making a short statement as applicant, Councillor Wright withdrew from the Chamber, 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 Special meeting held on 2 November 2016.

5. S/2011/14/RM - NORTHSTOWE (LAND TO THE EAST OF B1050 AND LONGSTANTON, WEST OF THE CAMBRIDGESHIRE GUIDED BUSWAY (CGB) AND NORTH OF OAKINGTON)

Members received a briefing, and visited the site, on 6 December 2016.

The Joint Director for Planning and Economic Development introduced the report by summarising the work carried out by South Cambridgeshire District Council and the Homes and Communities Agency (HCA), following a Prime Ministerial Statement in January 2016, to ensure that the concept of starter homes could be used to increase the overall provision of affordable housing on Phase 2. As a result, 50% of the total number of dwellings on the Phase 2 site would now be available at less than market value. The Joint Director also drew Members' attention to the HCA's commitment to providing a burial ground on Phase 3 land prior to completion of Phase 2.

The New Communities Team Leader made a PowerPoint presentation. The presentation referred to the following:

- The importance of Northstowe to the Council's growth strategy and its positive impact on the five-year supply of housing land
- The extent of the proposals within the Legal Agreement under Section 106 of the Town and Country Planning Act 1990
- The implications of Paragraph 14 of the National Planning Policy Framework
- Starter homes as defined by the Housing and Planning Act 2016
- Proposed changes in relation to the provision of affordable housing on Phase 2
- A mechanism to bind third-party land
- A commitment by the HCA to own and manage the burial ground

In response to concern about the HCA's ability to pay for maintenance of the burial ground, and a risk that the HCA might apply to vary the Section 106 Agreement, the Planning Lawyer said that the burial ground on Phase 3 land would be secured by pre-Condition, and the HCA would be entitled, within a period of five years from planning consent being granted, to apply to be released from that Condition if, for any reason, the land was no longer required. By way of clarification of a further point, the New Communities Team Leader said that details of the delivery of the burial ground, including the timing for delivery, would be required prior to completion of the 1,500th dwelling on the Phase 2 land.

The Joint Director said that secondary legislation would be brought forward to define specifically the concepts of market value and discount in relation to starter homes. Caution was voiced about possible, as yet unknown, changes to the definition of starter homes, and the apparent failure of starter homes to address social sustainability. The Joint Director said that it was the Government's stated intention that starter homes would be reclassified as affordable homes.

Councillor Tim Wotherspoon (a local Member for Cottenham, Oakington & Westwick and Rampton) addressed the meeting. He described the application before the Committee as a great opportunity, and welcomed the fact that 50% of the dwellings in Phase 2 would now be available at below market value. The aim should be to move away from a straight percentage-based view of affordable housing towards a system of subsidised housing that provided people with a broader housing choice. Councillor Wotherspoon paid tribute to the HCA for taking a financial risk in agreeing to make 10% of the dwellings at Phase 2 available as affordable rented accommodation, and urged the Committee to approve the application.

Councillor Alex Riley (the local Member for Longstanton) also addressed the meeting. He expressed disappointment at the absence of a Project Plan. He referred to Paragraph 11

of the report, relating to flood attenuation for Oakington being provided prior to Phase 3. Councillor Riley continued to have doubts about the burial ground. He described starter homes and affordable rented dwellings as unrealistic for many people, especially for those with families. He regretted the absence of social rented properties. In response to a question of clarification from a Committee Member, Councillor Riley expected there to be a drastic shortage of burial space in Longstanton.

Opening the Committee debate, Councillor John Batchelor congratulated officers for the measures negotiated by them, but expressed disappointment that they had not been able to secure more social housing. Councillor Sebastian Kindersley also regretted the reduction in traditional affordable housing, but acknowledged that the introduction of starter homes offered some encouragement. Both Councillors concluded that sufficient progress had been made to justify supporting the application.

However, Councillor Deborah Roberts said that she would abstain as she saw little evidence of holding the Government and developers to account. She was worried about affordability, and the type of development Northstowe would turn out to be.

Councillor Pippa Corney's concern related to the timing of delivery of the burial ground.

Councillor Nick Wright emphasised that Northstowe was a crucial element of the Council's growth strategy. It would help reduce the shortfall in the five-year supply of housing land, and provide extra facilities. Acknowledging concern about the burial ground, Councillor Wright said, with some humour, that Northstowe was intended to be a community for the living as well.

Councillor Robert Turner supported the application. However, with reference to the burial ground, he urged officers and the HCA to be flexible about its future management. He said that the future Northstowe Town Council should be given the option of assuming responsibility for the burial ground. The Joint Director undertook to keep all options open prior to delivery.

The Vice-Chairman welcomed the addition of 10% affordable rented accommodation to the 40% of starter homes. He commended all those officers involved in promoting South Cambridgeshire District Council as forward thinking.

Further to the former Northstowe Joint Development Control Committee's resolution on 29 July 2015 to grant planning permission (Minute 6 refers), the Planning Committee:

1. **Approved** the amendments to the Legal Agreement entered into by virtue of Section 106 of the Town and Country Planning Act 1990 in relation to affordable housing, and authorised officers on this basis to complete, with the Homes and Communities Agency (HCA), an amended Section 106 Agreement, securing the following:
 - a. 350 affordable rented homes (10% of the total number of dwellings in Phase 2) to be delivered at an accelerated rate such that the affordable rented homes make up 20% of each of the early housing parcels of Phase 2;
 - b. 1,400 starter homes (40% of the total number of dwellings in Phase 2), and;
 - c. A review mechanism that would apply following the grant of Reserved Matters approvals for 700 starter homes, such review mechanism addressing any broadening of the definition of starter homes;

2. **delegated** any further minor editing of the Section 106 Agreement to the Joint Director for Planning and Economic Development;
3. **Noted** the approach to binding third party land within the Section 106 Agreement, and approved a new planning Condition in the following terms:

“No development shall commence on any part of the Site not bound by the Planning Agreement unless and until all estates and interests in such part of the Site that need to be bound to ensure satisfactory performance / enforcement of the obligations contained in the Planning Agreement have been bound to the satisfaction (as confirmed in writing) of the Local Planning Authority.

Not to Occupy more than 1800 Dwellings across the Northstowe Phase 1 Site and the Site until all estates and interests in that part of the Site required for the provision of Sports Hub West and the land required for the primary access to the Second Primary School Land that need to be bound to ensure satisfactory performance / enforcement of the obligations contained in the Planning Agreement have been bound to the satisfaction (as confirmed in writing) of the Local Planning Authority”; and

4. **noted** that the HCA intended to own and manage the burial ground, and asked Officers to discuss further with the applicant the trigger point for delivering the burial ground sooner than had been previously envisaged.

6. **S/1991/16/OL - NEWTON (LAND TO THE NORTH OF WHITTLESFORD ROAD)**

Members visited the site on 6 December 2016.

Jennifer Norton (objector), Duncan Hartley (applicant’s agent) and Councillor Clive Bradbury (Newton Parish Council) addressed the meeting. Jennifer Norton pointed out that Newton was an infil-only village. In 2014, a number of sites had been assessed for development, and the current application site had been deemed the least suitable. She described the proposal as too big, and unsustainable given the lack of facilities in Newton. Mr. Hartley argued that there would be no adverse impact, and that the proposal was deliverable. Councillor Bradbury said that the Parish Council supported the application in principle because of the need for affordable housing within the village. However, he expressed concern about highway safety, layout and density, and privacy. He also said that the affordable housing should be for local people in perpetuity.

Following a brief debate, the Committee **refused** the application for the reasons set out in the report from the Head of Development Management.

7. **S/2367/16/OL - GAMLINGAY (LAND SOUTH OF WEST ROAD AND WEST OF MILL STREET)**

Members visited the site on 6 December 2016.

The Committee noted that this application had been **withdrawn** from the agenda.

8. **S/2148/16/OL - FOXTON (LAND TO THE REAR OF 7 - 37 STATION ROAD)**

Members visited the site on 6 December 2016.

Guy Kaddish (applicant's agent) and Philip Kratz (agent for Foxton Parish Council) addressed the meeting. Mr. Kaddish commended the application as meeting all technical requirements. Mr. Kratz drew attention to the perceived harm to, and adverse impact on, the character of the local area and, in particular, the street scene.

Councillor Deborah Roberts (the local Member) pointed out the negative impact the proposal would have on the Conservation Area. She said that the area of greenspace would be adversely impacted by the proposals, and accentuated its important contribution to the character of the village.

The Section 106 Officer summarised the basis upon which developer contributions could be required in respect of secondary education.

After further debate, the Committee gave officers **delegated powers to approve** the application subject to

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing financial contributions towards *Health care, recreation extension, Dovecote benches, onsite open space, monitoring, household waste bins, expansion of the footpath and the ecology corridor, as detailed in Appendix 2 to the report from the Head of Development Management;*
2. The Conditions and Informatives referred to in the said report; and
3. Two additional Conditions requiring the access to be implemented in accordance with the agreed details, and the provision of details for the management of the road in the event of it not being adopted.

9. S/2425/16/FL - CONINGTON (BARN AT MARSHALLS FARM, ELSWORTH ROAD)

Members visited the site on 6 December 2016.

Councillor Nick Wright addressed the Committee as the applicant. He said that, following the A14 upgrade, which had subdivided his land, he was seeking an alternative form of income. Conversion of this dilapidated barn would provide employment on the farm. The very oldest roof beams would be preserved, and incorporated within the new building. Councillor Wright then withdrew from the Chamber in accordance with his Disclosable Pecuniary Interest, took no part in the debate and did not vote.

The Committee **approved** the application subject to the Conditions and Informatives set out in the report from the Head of Development Management.

10. S/2426/16/LB - CONINGTON (BARN AT MARSHALLS FARM, ELSWORTH ROAD)

Members visited the site on 6 December 2016.

Following its approval of Application S/2425/16/FL, the Committee **approved** the application subject to the Conditions and Informatives set out in the report from the Head of Development Management.

11. S/0121/16/FL - WILLINGHAM (THE OAKS, MEADOW ROAD)

The Committee noted that this application had been **withdrawn by the applicant**.

12. S/2537/16/PO - STEEPLE MORDEN (22-28 ASHWELL ROAD)

Councillor Cicely Murfitt (local Member) addressed the meeting. Councillor Murfitt explained that Steeple Morden Parish Council considered that it had been given insufficient information to make a recommendation. However, the Parish Council considered that, by this application, the Parish was losing one affordable dwelling. Councillor Murfitt was uncertain as to the appropriateness of the number, mix and tenure of the housing being proposed. In reply to a question of clarification, Councillor Murfitt said that the real need in Steeple Morden was for small affordable homes for rent.

The Senior Planning Officer confirmed that the requirement for two affordable homes had been calculated based on a net increase of five dwellings. Councillor Murfitt commented that the four dwellings demolished by virtue of Planning Permission S/2598/14/FL had each been a small bungalow. The Planning Lawyer confirmed that the purpose of this item was for Committee to consider the proposed variation of tenure, and not the number of affordable homes which had previously been determined.

The Committee **agreed**

1. to revise the terms of the Legal Agreement under Section 106 of the Town and Country Planning Act 1990 associated with planning application S/2598/14/FL by modifying the tenure of the affordable housing element to one 2-bed affordable rented and one 2-bed shared ownership dwelling without altering the overall mixture of housing;
2. to amend the Mortgage in Possession Clause (MIP), as requested by Bedford Pilgrims Housing Association (BPHA) and the trigger point in the Section 106 Agreement for entering into a contract with BPHA so that two open market dwellings could be occupied;
3. to acknowledge the housing need in Steeple Morden and the district of South Cambridgeshire, and that the revised tenure split of one affordable rented and one Intermediate (Shared Ownership) dwelling is both appropriate and compliant with Policy HG/3 of the adopted Local Development Framework 2007 and Policy H/9 of the emerging Local Plan; and

13. ENFORCEMENT REPORT

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

14. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

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

15. LITTLE GRANSDEN (74 MAIN ROAD)

The Principal Planning Enforcement Officer summarised the steps taken to date in trying to get this matter resolved satisfactorily.

Councillor Anna Bradnam commended officers on their efforts, and asked what the chances were of South Cambridgeshire District Council recovering the costs of direct action. The Principal Planning Enforcement Officer said that payment would be secured by means of a legal charge against the property. The Planning Lawyer reminded the

Committee that the costs of recovery might be equal to the costs of the enforcement recovered.

Councillor Sebastian Kindersley highlighted the structural damage being caused, and the possible financial impact should South Cambridgeshire District Council not take direct action.

The Committee gave officers **delegated powers to take action** in accordance with Section 219 of the Town and Country Planning Act 1990, and appoint Contractors to carry out the required work and, upon completion of that work, to recoup South Cambridgeshire District Council's costs from the person subject of the enforcement by placing a charge on that person's property.

The Meeting ended at 2.39 p.m.
