

## **South Cambridgeshire District Council**

Minutes of a meeting of the Planning Committee held on  
Wednesday, 9 March 2022 at 10.00 a.m.

**PRESENT:** Councillor Peter Fane – Chair  
Councillor Henry Batchelor – Vice-Chair

**Councillors:** Dr Martin Cahn  
Judith Rippeth  
Heather Williams  
Eileen Wilson  
Jose Hales

Geoff Harvey  
Deborah Roberts  
Dr Richard Williams  
Dr Claire Daunton

Officers in attendance for all or part of the meeting:

Nigel Blazeby (Planning Delivery Manager), Rebecca Dobson (Democratic Services Manager), Stephen Kelly (Joint Director of Planning and Economic Development), Stephen Reid (Senior Planning Lawyer), Michael Sexton (Area Development Manager) and Vanessa Blane (Senior Planning Lawyer)

Councillor John Batchelor was in attendance remotely as local Member.

### **1. Chair's announcements**

The Chair welcomed all those who were either attending or observing the meeting and made a number of housekeeping announcements.

### **2. Apologies**

Apologies for absence were received from Councillors Dr Tumi Hawkins and Pippa Heylings.

It was noted that Councillor Claire Daunton was substituting for Cllr Dr Tumi Hawkins and that Cllr Jose Hales was substituting for Cllr Pippa Heylings.

### **3. Declarations of Interest**

Councillor Claire Daunton declared a non-pecuniary interest in Minute 9, TPO 0035 (2021) - Sheppard Way, Teversham, in that she was the local Member. She had been present at a discussion of the matter but came to it afresh.

Councillor Heather Williams declared a non-pecuniary interest in Minute 13, Planning Appeal, as she was a member of the Greater Cambridge Partnership Joint Assembly and was a local Member.

Councillor Henry Batchelor declared a non-pecuniary interest in Minute 5, 21/03822/FUL – Site 1, Granta Park, Great Abington, as the local Member. He had visited the area around the Park but came to the matter afresh.

Councillor Geoff Harvey declared a non-pecuniary interest in Minute 5, 21/03822/FUL – Site 1, Granta Park, Great Abington, as he was the Member for Balsham and a resident of

Great Abington, but he had not had discussion on the item and came to it afresh.

Councillor Eileen Wilson declared a non-pecuniary interest in Minute 5, 21/03822/FUL – Site 1, Granta Park, Great Abington as a member of the Greater Cambridge Partnership Joint Assembly.

#### 4. **Minutes of Previous Meeting**

The Chair said the minutes of the previous meeting were not yet available and would be considered at a later meeting.

#### 5. **21/03822/FUL -Site 1, Granta Park, Great Abington**

The case officer presented the report, referring to the representations which had been received and to a covenant on the woodland, which was not part of the planning process as it was a separate legal matter.

At the conclusion of the case officer's presentation, the Chair invited questions from Members. There being no questions, the Chair invited the public speakers to address the meeting.

Corrie Newell (objector), Orestis Tzortzoglou (agent), Tony Orgee (Great Abington Parish Council), Viia Valge-Archer (Little Abington Parish Council) and Councillor John Batchelor (local Member) addressed the meeting.

Committee Members asked a number of questions including whether there was electrical capacity for charging electric vehicles; the travel plan and frequency of shuttle buses and the ownership of the land on which the gates to the site were situated.

Members expressed their concern, in view of reference made by the objector to a master plan dated 2008, as to the status of such master plan.

The meeting was adjourned for 10 minutes to allow officers the opportunity to identify whether a master plan dated 2008 applied.

On the resumption of the meeting at 11:15, the case officer informed the Committee that as third parties had referred to a document which officers had not seen, deferral was now recommended.

By affirmation, the Committee **deferred** the application to enable identification and assessment of the master plan of 2008 referred to by the speaker.

The Senior Planning Lawyer said in addition to the question of the 2008 master plan he wished to explore with Birketts whether it was their contention that planning permission should not be granted because of covenants (referred to in a letter they had sent to the Council). The Senior Planning Lawyer added that he felt an updated letter from Birketts would be helpful to Members if it was the contention of Birketts that their client's right to apply to the High Court to prevent implementation would be prejudiced if Members were minded to consider granting planning permission.

The Chair agreed it would be helpful to have clarification as to this point.

Following a further adjournment of 5 minutes to check a technical matter with the livestream of the meeting, the meeting resumed at 11:31 when the Committee proceeded

to consider the next item.

## 6. **21/02795/S73 -Land East Of Highfields Road, Highfields Caldecote**

The case officer presented the report.

Members expressed various concerns, citing:

- Deliverability of a safe public bridleway to the required width
- Surface materials of public bridleway
- Location of cycleway in relation to bridleway and pedestrians

The Committee heard from the Cambridgeshire County Council's Highways Officer, Tam Parry who said whilst it was regrettable that the design did not result in sufficient space to create a bridleway, the variation of conditions would deliver highway and access improvements.

The Committee, by six votes to four, with one abstention, **refused** the application, with delegated authority given to agree the reason for refusal with the Chair and Vice-Chair.

(Councillors Henry Batchelor, Dr Martin Cahn, Peter Fane and Jose Hales voted for, and Councillor Eileen Wilson abstained.)

## 7. **S/2553/16/CONDO - Land Off Horseheath Road, Linton**

The Joint Head of Planning and Economic Development presented the report, referring to the flooding event which had taken place in July 2021. He took Members through the content of the report, setting out the various elements of the surface water proposals enable the capture, routing, containment and holding of surface water from rainfall and overland flows onto the site and through drains and permeable paving areas to an infiltration basin. He referred to the existing history of water flowing across the site and the fact that the site was currently under construction. The Lead Local Flood Authority (LLFA) had engaged consultants to conduct a peer review of the proposals which had concluded the proposals in the application were acceptable. Representations including photographs of the flooding event had been received from the Parish Council, residents and the MP expressing concern that the LLFA had not yet published its Section 19 report into the event and that in the event that a flood were to exceed the capacity of the basin, the application did not take account of residents' experience that the water flowed westwards. The Planning Authority recognised that an earlier iteration of the submission had shown an exceedance route from the site – but that the current submission, considered acceptable by the LLFA, did not show any off-site exceedance route. The application included a proposal for a post-completion testing regime. The MP and residents had requested deferral. Officers had been advised by the flooding authority and their consultants that they were satisfied that the proposals met their requirements. However, the LLFA had not yet shared its reports of the flood event with the Planning Authority.

In response to the Chair's question as to whether the officer recommendation was still as stated in the report, that the Committee accept the stated surface water drainage details but not formally discharge the condition as the development had commenced, the Joint Director of Planning and Economic Development said the section 19 report was not a matter for the Planning Authority to prepare and that as the LLFA was the statutory consultee, the facts related to the flooding event which was the subject of the S19 report would have informed their consideration of the details submitted. The recommendation

remained as stated in the report.

The Committee also heard from Hilary Ellis, Principal Officer Sustainable Drainage at Cambridgeshire County Council (LLFA), regarding tests which had been requested and asked a number of questions regarding water flow.

Members asked questions and received responses from the Joint Director of Planning and Economic Development, including on the following:

- anticipated publication of LLFA's report
- design for basin capacity exceedance and direction
- clarification of ownership of area where bund situated
- geology of area and impact of chalk and clay debris on design
- number of occupied properties and concerns at impact on those in occupation
- whether the flood event in July 2021 would have occurred in the absence of development

The Committee heard from John Wood (objector), Matthew Harmsworth (agent), Kate Kell (Linton Parish Council), Corrie Newell (Linton Parish Council's planning consultant) and Councillor John Batchelor (local Member).

John Wood presented photographs of the flooding event, described what had happened, the impact on residents, concerns at the proposals to address recurrence, and the areas where further information was required.

Members asked a number of questions to which John Wood responded, including in relation to the danger to his family arising from the extremely short time of 17 minutes which it had taken for the surface water to flood his living room.

Matthew Harmsworth addressed the Committee on behalf of the applicant. He expressed sympathy for the distress residents had suffered. He made a number of points, saying there was a high level of detail in the officers' report and the submission had been subject to peer review; the mitigation was acknowledged and the recommendation before the Committee acknowledged the scheme addressed what was required by conditions. The applicant had agreed to submit to a post-implementation review.

Members expressed a number of concerns and asked questions to which responses were given, including on the following:

- exceedance flow route from the infiltration basin in view of residents' observations of direction of flow
- layout of the bund and ditch

The Committee heard from the Parish Council representative who said the statutory consultees had not been consulted, there was a conflict of interest and the anticipated flooding calculation was insufficient in view of climate change. The consultant appointed on behalf of the Parish Council said at outline planning permission application South Cambridgeshire District Council was shown as the owner of a metre strip of land across which surface water would flow, raising the question of the applicant's ability to maintain the site in perpetuity. Landscaping had been approved in the absence of a bund.

Speaking as local Member, Councillor John Batchelor agreed key elements of information were missing. He asked for deferral to ensure any solution offered protected the community and suggested both the surface water and foul water drainage applications be viewed together.

Members asked for a site visit to be arranged to view the strip of land which had been referred to.

By affirmation, the Committee voted to **defer** the application, subject to:

Receipt of the outstanding information in respect of remedial measures particularly in respect of works along the eastern site boundary and of the publication of the report of the Lead Local Flood Authority under section 19 of the Flood and Water Management Act 2010;

Confirmation of details of ownership of a strip of land across which permission for flow of foul water had been granted by the Council in outline permission, to establish whether a right to maintain it could be granted to the applicant in perpetuity; and

A site visit to enable inspection to support the Committee in forming a view when considering a proposed updated surface water drainage scheme and flood mitigation measures.

#### **8. S/2553/16/CONDH - Land Off Horseheath Road, Linton**

By affirmation, the Committee voted to **defer** the application, to enable it to be considered in conjunction with application S/2553/16/CONDO – Land off Horseheath Road, Linton.

#### **9. TPO 0035 (2021) - Sheppard Way, Teversham**

Councillor Dr Claire Daunton declared a non-pecuniary interest and did not participate in the debate.

The Trees Officer presented a report seeking confirmation of a provisional Tree Preservation Order.

Members asked questions about the reasons given and the ability to prune the tree to which responses were given.

By affirmation, the Committee voted to **approve** the application.

At the conclusion of this item, the Committee adjourned for a short break.

#### **10. Enforcement Report**

The Senior Planning Enforcement Officer provided an update on changes to staffing and a forthcoming review of the enforcement service within the Greater Cambridge Planning Service.

Councillor Henry Batchelor declared a non-pecuniary interest as an unpaid Board member of the South Cambridgeshire Investment Partnership.

The Committee received and **noted** the update on enforcement action.

#### **11. Appeals against Planning Decisions and Enforcement Action**

The Committee received and **noted** the update on Planning Decision appeals and enforcement action.

### Exclusion of Press and Public

The Committee were informed that as the next item contained legally privileged information it was a matter for the Committee to consider whether to exclude the press and public from the consideration of the item.

Members asked whether this was a planning decision, expressed concern at the prospect of excluding the press and public from the consideration of this item and sought assurances as to the circumstances in which officers considered exclusion of the press and public were justified.

The Senior Planning Lawyer said it was right and proper for the matter to be considered in the absence of press and public as the Planning Authority was entitled to obtain legal advice on the approach to a planning appeal and to place such advice in the public domain could prejudice its response to the appeal.

By six votes to three, with one abstention, the Committee voted to agree the proposal to exclude the press and public from the meeting during the consideration of the following item number 13, in accordance with section 100(A)(4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act.

(Councillors Deborah Roberts, Dr Richard Williams and Heather Williams voted against; Councillor Dr Claire Daunton abstained and Councillor Geoff Harvey did not vote).

## 12. Planning Appeal

Committee Members considered a Planning Appeal, as set out in the exempt from publication report.

By affirmation, the Committee voted to **agree** a proposal to continue the meeting beyond four hours' duration.

The Committee provided a steer to legal officers in accordance with its preferred option 3 as set out in the exempt from publication report.

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**The Meeting ended at 4.16 p.m.**

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