

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 9 August 2017 at 9.30 a.m.

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

Councillors: Val Barrett (substitute) Brian Burling
Kevin Cuffley Philippa Hart
Sebastian Kindersley David McCraith
Charles Nightingale Deborah Roberts
(substitute)
Aidan Van de Weyer Nick Wright (substitute)
(substitute)

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Katie Christodoulides (Planning Officer), John Koch (Planning Team Leader (West)), Bonnie Kwok (Principal Planning Officer), Karen Pell-Coggins (Principal Planning Officer), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), Sarah Stevens (Development Management Project Implementation Officer), Charles Swain (Principal Planning Enforcement Officer) and David Thompson (Principal Planning Officer)

Councillors Anna Bradnam and Tim Wotherspoon were in attendance, by invitation.

1. APOLOGIES

Councillors John Batchelor, Des O'Brien, Tim Scott and Robert Turner sent Apologies for Absence. Their substitutes respectively were Councillors Aidan Van de Weyer, Val Barrett, Nick Wright and Charles Nightingale.

2. DECLARATIONS OF INTEREST

Councillor Kevin Cuffley reminded those present that, as was a matter of public record, he was the Cambridgeshire County Councillor for the Sawston Electoral Division. As such, he was a member of the applicant Authority for S/..... (Item 4).

Councillor Tim Wotherspoon, speaking as a local District Councillor in respect of S/..... (Minutes 4, 5 and 6) reminded those present that, as was a matter of public record, he was the Cambridgeshire County Councillor for the Cottenham Electoral Division. He reminded those present that he was the Strategic Planning and Infrastructure Portfolio Holder at South Cambridgeshire District Council, and a member of the Greater Cambridge Partnership (formerly the Greater Cambridge City Deal) Joint Assembly. Councillor Wotherspoon also drew attention to his membership of the Group responsible for the Cottenham Village Design Statement, and of the Internal Drainage Board.

A statement from Councillor Lynda Harford (a local District and County Councillor for Cootenham) in respect of Minute 4 (S/2876/16/OL - Cottenham (Land North East of Rampton Road)) was read out by Councillor Tim Wotherspoon. The statement read as follows: "I am unable to speak on this item as it might be considered that I have a conflict of interests. As a County Councillor I was until its transformation into the Commercial and Investment

Committee a member of the Council's Assets & Investment Committee. In that capacity I was a participant both in debate on the site that is the subject of this application and in that Committee's decision to proceed with an application."

3. MINUTES OF PREVIOUS MEETING

The Committee noted that the Minutes of the meeting held on 2 August 2017 would be presented to the meeting on 6 September 2017.

4. S/2876/16/OL - COTTENHAM (LAND NORTH EAST OF RAMPTON ROAD)

Members visited the site on 8 August 2017.

The case officer confirmed that the applicant had agreed to the Heads of Terms. She referred to an additional representation from a member of the public relating to traffic impact and the loss of views. Comments from Cottenham Parish Council were attached to the officer report.

Brian Smith (objector), Councillor Frank Morris (Cottenham Parish Council), and Councillor Tim Wotherspoon addressed the meeting.

Mr. Smith said that what was happening in Cottenham was a "tsunami of development" that had to stop. Development was of a scale that should be directed to new communities rather than to long-established villages. Mr. Smith's concern centred on potential traffic congestion and the adverse impact on the alms-houses, which he described as living monuments.

Councillor Morris said that local schools had suffered capacity issues in the recent past. The Parish Council was currently working on its Neighbourhood Plan, and just under 1,000 residents had made representations. Cllr Morris referred to the Local Green Space forming part of this application. That area was currently leased to the Parish Council, and there was no break clause in that lease except in relation to its need for education purposes. In the Parish Council's opinion, the loss of Local Green Space could not be justified. The site was about 1,350 metres from the village centre.

Councillor Tim Wotherspoon drew attention to his register of interests and to his responsibilities as both a South Cambridgeshire District Council Cabinet member and as a Cambridgeshire County Councillor, which were matters of public record. He emphasised the importance of weighing up the benefit and harm in this case. Councillor Wotherspoon read out a statement from Councillor Lynda Harford (another local Member). The statement was as follows:

"I am unable to speak on this item as it might be considered that I have a conflict of interests. As a County Councillor I was until its transformation into the Commercial and Investment Committee a member of the Council's Assets & Investment Committee. In that capacity, I was a participant both in debate on the site that is the subject of this application and in that Committee's decision to proceed with an application."

During the ensuing debate, Committee members made the following comments:

- Part of the application was on land identified as Local Green Space in the emerging Local Plan, and this raised issue of sustainability
- The proposal was out of scale, and too car-dependent

- The proposal was inconsistent with the sequential approach to development
- There would be a loss of character
- There were doubts about deliverability
- Concern about the impact on the alms houses
- Increased traffic would be imposed on local roads
- Detrimental impact on village
- Due process not followed giving rise to a possible Judicial Review
- Road safety issue along Rampton Road
- There was a need for housing and, in particular, affordable housing, and traffic was not a material reason for refusal
- As an exception to policy, the application would stand a better chance if it was for 100% affordable housing

The Planning Lawyer said that a proposal on Local Green Space was not inconsistent with an outline planning application. Delivery was a material consideration.

Officers were asked to consider the material and draft the reasons for refusal.

The Committee **refused** the application contrary to the recommendation in the report from the Joint Director for Planning and Economic Development. Members agreed the reasons for refusal as being

- (a) the impact on the Alms-houses, local Green space, and landscape character;
- (b) that the development would be too car dependent; and
- (c) that the proposal did not meet the sequential test.

5. **S/2413/17/OL - COTTENHAM (LAND OFF RAMPTON ROAD)**

The case officer updated the report. Judicial Review of the previous application had been listed for hearing in September, but this was a new application. The Village Design Statement should be added to paragraph 18 of the report. Further letters of objection had been received. Historic England had been invited to comment on the application but had not done so. Replacement of lost open space was an issue. Anglian Water had requested Condition (q) in the report. Noise levels were not considered significant. The draft Neighbourhood Plan was not a material consideration.

Brian Smith (objector), Councillor Frank Morris (Cottenham Parish Council) and Councillor Tim Wotherspoon (a local Member) addressed the meeting.

Brian Smith referred to South Cambridgeshire District Council's long-term vision: "...to be the best place to live, work and study in the country...[to] demonstrate impressive and sustainable economic growth...residents will have a superb quality of life in an exceptionally beautiful, rural and green environment." He said South Cambridgeshire was a community of 100 villages, not urban sprawl. Those living in the Alms houses were entitled to respect.

Councillor Morris referred to the significant list of harmful impacts, including on education, sport, healthcare and loss of local landscape.

Councillor Wotherspoon spoke first on behalf of Councillor Lynda Harford (another local Member). The statement noted Councillor Harford's membership and trusteeship of the charity responsible for the Alms Houses on Rampton Road. Councillor Harford was unable to support the Parish Council's arguments for refusing the application. Residents' views had been taken into account and there was no significant harm. Decent housing was

needed for everyone.

Speaking for himself, Councillor Tim Wotherspoon drew attention to his register of interests and to his responsibilities as both a South Cambridgeshire District Council Cabinet member and as a Cambridgeshire County Councillor, which were matters of public record. He emphasised the importance of weighing up the benefit and harm in this case. Councillor Wotherspoon said that, in fact, the bus between Cottenham and Ely operated only on two days a week. In the interests of equality, the Committee should consider the social and economic impact of the proposed roundabout. There was a small number of direct benefits, but consideration should also be given to longer term benefits. The proposal was not sustainable.

During the Committee debate, Members made the following points

- The proposal was unplanned and unsustainable
- The size of Cottenham had already increased significantly, and that increase was continuing
- Social infrastructure had been overwhelmed
- Policies could be used to control development if disbenefit could be demonstrated
- Likely impact on those residents opposite the access road
- Neighbour amenity
- The impact of increased traffic on the Alms Houses
- The Parish Council should be listened to – the harm outweighs any benefit

The Senior Planning Lawyer emphasised the importance of being consistent with the Supreme Court ruling in *Suffolk Coastal District Council v Hopkins Homes*. In response to a question from Councillor Philippa Hart, the Senior Planning Lawyer said that an approval or refusal of the current application would influence the Judicial Review of Application S/1818/15/OL, which remained 'live'. The Development Management Project Implementation Officer reminded Members that the only difference between the current application and the previous one was the need to consider the current application in the context of the Supreme Court judgment.

The Chairman pointed out that South Cambridgeshire District Council had lost the "cumulative impact argument".

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 the items referred to in the Heads of Terms attached as Appendix 3 to the report from the Joint Director for Planning and Economic Development; and
2. The Conditions set out in the said report.

Councillor Charles Nightingale arrived part way through consideration of this item. Accordingly, he did not vote.

6. S/1606/16/OL - COTTENHAM(LAND AT OAKINGTON ROAD)

The case officer updated the report and Appendix 2.

Brian Smith (objector), Matt Hare (applicant's agent), Councillor Frank Morris (Cottenham Parish Council) and Councillor Tim Wotherspoon (a local Member) addressed the meeting.

Mr. Smith regretted the potential development of up to 126 more dwellings in the Oakington Road / Rampton Road area of Cottenham. He referred to likely noise levels, and said the development would impact on the Alms houses along Rampton Road.

Matt Hare said that the scheme's main benefits were the provision of affordable housing and its swift delivery. Any harm did not outweigh these benefits. The development was sustainable.

Councillor Morris referred to the following:

- The policies now available to South Cambridgeshire District Council by virtue of the Supreme Court judgment in *Suffolk Coastal District Council v Hopkins Homes*
- The increase in traffic
- Neighbour amenity
- Adequacy of the proposed vehicular access
- School and nursery capacity
- Loss of agricultural land
- Flood risk
- Impact on the landscape

Councillor Wotherspoon spoke first for Councillor Lynda Harford in her capacity as Housing Portfolio Holder. Councillor Harford was unable to support the Parish Council's position, but did say that speed cushions should not be installed on the proposed roundabout at the junction of Oakington Road and Rampton Road.

Speaking for himself, Councillor Wotherspoon said that the village had thrived after previous expansions. School and health issues could be addressed.

In response to concerns from Members, Dr. Finney said that the Local Highways Authority had no objection, adding that a cluster of accesses was deemed to be safer than scattered ones.

Following a short debate

The Committee gave officers **delegated powers to approve** the application, subject to

1. A Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing the items referred to in the Heads of Terms attached as Appendix 2 to the report from the Joint Director for Planning and Economic Development; and
2. The Conditions set out in the said report.

7. **S/0202/17/OL - FULBOURN (LAND AT TEVERSHAM ROAD)**

Members visited the site on 8 August 2017.

The case officer updated the report that addressed a recent Appeal on this site. Two further letters of objection had been received in relation to maintenance of the public open space, and highway safety.

Following a 30-minute adjournment, the Senior Planning Lawyer presented to Members the key elements of the Legal Agreement under Section 106 of the Town and Country Planning Act 1990 which, in his opinion, now guaranteed maintenance of the public open space in perpetuity.

David Cottee (objector), Councillor Mary Drage (Fulbourn Parish Council) and Councillor John Williams (a local Member) addressed the meeting.

Mr. Cottee described the application site as unsuitable for housing, and said it should be preserved as open space and a nature reserve.

Mary Drage agreed that the site was unsuitable for housing. The site was wet and often flooded. The application should be deferred for further evaluation of the Section 106 Agreement. The Parish Council was not prepared to adopt the proposed public open space.

Councillor Williams was critical of the proposed maintenance arrangements. It would be, in his words, catastrophic if the management company failed. The roads were unadoptable, and flooding was an issue. He too called for deferral.

During the Committee debate, the following points were made:

- The Appeal Inspector said that the harm outweighed the benefit
- The final paragraph of the Inspector's report reflected the reasons the current application should be refused
- Viability should be a consideration, and unviability a reason for refusal
- Concern about the financial liability that would rest with residents if the management company failed
- Uncertainty
- The application should have been for 100% affordable housing
- The Appeal Inspector should be supported

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 the items referred to the Heads of Terms attached as Appendix 3 to the report from the Joint Director for Planning and Economic Development; and
2. The Conditions and Informative set out in the said report.

**In accordance with Standing
Order 9, Members voted
unanimously that the meeting
should continue beyond four
hours.**

8. S/0670/17/OL - FULBOURN (IDA DARWIN HOSPITAL, FULBOURN OLD DRIFT)

The case officer reminded Members that a development brief had been considered and endorsed in 2014 and that a pre-application presentation had been made to Committee in February 2017. The extent to which the issues of density and building heights referred to in paragraph 17 of the report had been addressed was clarified. Three additional representations had been received; one from a member of the public relating to trees and ecology and inconsistency with policy and two from the local District Councillors. Cllr Cone's support for the application was summarised as were Cllr Williams' concerns regarding prematurity and departure from policy.

David Cottee (objector), Mark Hodgson (applicant's agent), Mary Drage (Fulbourn Parish Council) and Councillor John Williams (a local Member) addressed the meeting.

Mr. Cottee mentioned the following:

- The departure from policy
- Loss of openness
- Adverse impact on the Green Belt
- The likelihood of more appropriate alternative locations

Mr Hodgson argued that the application was indeed policy compliant.

Mary Drage said that the Parish Council supported the provision of affordable housing, and a building for the pre-school.

Councillor Williams said that the application would harm the Green Belt and general openness, and opposed departing from policy.

Following a short 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 relating to those matters set out in the Heads of Terms document (Appendix 1 of the report from the Joint Director for Planning and Economic Development), with the final wording to be agreed in consultation with the Chairman and Vice-Chairman of the Planning Committee; and
2. The Conditions set out in Appendix 2 of the report, with the final wording to be agreed in consultation with the Chairman and Vice-Chairman of the Planning Committee.

9. **S/1124/17/OL - MELDRETH (LAND REAR OF NO 79 HIGH STREET)**

Members visited the site on 8 August 2017.

The case officer reported the receipt of additional representations from members of the public, relating to village hierarchy, the nature of the proposal as backland development, and the proposal being out of character.

Graham Free (applicant's agent) addressed the meeting. He listed the benefits of the proposal as being housing, community facilities, an open space, and employment.

Councillor Philippa Hart (speaking as local Member) said that the proposal would not have an adverse impact on Maycroft Care Home. She highlighted the fact that the Local Highways Authority considered the traffic impact to be acceptable.

Following a short 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 the elements referred to in the Heads of Terms attached as Appendix 1 to the report from the Joint Director for Planning and Economic Development; and

2. Conditions set out in the said report.

10. S/1524/16/OL - CALDECOTE (LAND WEST OF CASA DE FOSETA, ST NEOTS ROAD)

Gill Anderton (Housing Development Manager at the Housing Development Agency), Norman Marles (applicant) and Councillor Dr. Tumi Hawkins (local Member) addressed the meeting.

Gill Anderton set the application in context. Local Authorities had a duty to provide land for self-build projects. South Cambridgeshire District Council maintained three Registers of interested parties, who could be from anywhere in the U.K. Local Authorities also had a duty to promote self-build. A similar, but separate, concept was the Community Land Trust.

Norman Marles outlined the aspiration behind this application, and said he had the support of Caldecote Parish Council.

Councillor Hawkins described the project as exciting, sustainable and different, showing what could be achieved.

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, in consultation with the Planning Committee Chairman, and terms that are reasonable and agreed; and
2. The Conditions and Informative set out in the report from the Joint Director for Planning and Economic Development.

Councillor Deborah Roberts was absent from the Chamber during part of the consideration of this application, took no part in the debate, and did not vote.

11. S/2177/16/FL - WATERBEACH (LAND OFF GIBSON CLOSE)

Members visited the site on 8 August 2017.

The case officer reported that the proportion of affordable housing was 45% rather than as stated in Appendix 1 to the report (Heads of Terms). Further representations had been received relating to flood issues, education, bollards and grass area on Greenside, and the lack of parking provision, but these issues had been raised already by the Parish Council and had already been addressed in the report.

Richard Youell (objector) and Peter Stocking (applicant's agent) addressed the meeting. Mr. Youell expressed concern about flooding, road safety, and car parking. He objected to the nature of the bollards and pedestrian paving proposed. Mr. Stocking said that delivery of housing would begin in late 2018 or early 2019.

Dr. Finney (Cambridgeshire County Council Highways Department) described so-called anti-pedestrian paving. He confirmed that neither this nor the roadway would be adopted by the Local Highways Authority. It would, however, maintain the bollards and grass verge.

Councillor Anna Bradnam addressed the meeting as Cambridgeshire County Councillor for Waterbeach. She was sympathetic to developing the site, referring to the narrow

access, and the amount of on street parking that could be resolved.

The case officer said that the applicant was prepared to reduce the number of bollards. Waterbeach Parish Council might be prepared to maintain the grassed area, were they to receive a commuted sum from the developer.

South Cambridgeshire District Council's Drainage Manager addressed the drainage aspects of the application, and considered that the proposed development would not result in an adverse impact on the site or its surrounding areas in terms of flood risk.

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
 - a. 45% affordable housing
 - b. A financial contribution towards the provision of early years and primary school education
 - c. Sports
 - d. Indoor community facilities
 - e. Household waste bins
 - f. Monitoring fee

as detailed and amended in Appendix 1 to the report from the Joint Director for Planning and Economic Development; and

2. The conditions and Informatives set out in the said report.

12. S/0055/17/FL - WATERBEACH (WARDEN UNIT, CHITTERING PARK, ELY ROAD)

Members visited the site on 8 August 2017.

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.

13. S/1782/17/PO - WATERBEACH (LAND NORTH OF, BANNOLD ROAD (DROVERS WAY))

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

14. ENFORCEMENT REPORT

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

15. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

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

The Meeting ended at 4.55 p.m.
