

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Planning Committee held on  
Wednesday, 15 January 2020 at 11.00 a.m.

**PRESENT:** Councillor John Batchelor – Chairman  
Councillor Pippa Heylings – Vice-Chairman

**Councillors:** Dr. Martin Cahn Dr. Claire Daunton (substitute)  
Sue Ellington Peter Fane  
Brian Milnes Judith Rippeth  
Deborah Roberts Heather Williams  
Nick Wright

**Officers in attendance for all or part of the meeting:**  
Christopher Carter (Delivery Manager - Strategic Sites), Stephen Reid (Senior Planning Lawyer), Aaron Sands (Senior Planning Officer) and Ian Senior (Democratic Services Officer)

### **1. APOLOGIES**

Councillor Anna Bradnam sent Apologies for Absence. Councillor Dr. Claire Daunton was present as substitute.

Peter Topping had resigned as a member of South Cambridgeshire District Council. The Chairman paid tribute to the contribution that Mr. Topping had made while a Councillor – not just as a local Member and member of the Planning Committee but also to South Cambridgeshire District Council as a whole.

Councillor Sue Ellington had been appointed as an ordinary member of the Planning Committee.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3. RECORDED VOTING**

Upon the proposal of Councillor Judith Rippeth, seconded by Councillor Nick Wright, the Committee unanimously agreed that all substantive votes at the current Planning Committee meeting should be recorded by name and / or number and name.

### **4. MINUTES OF PREVIOUS MEETING**

By affirmation (with Councillors Heather Williams and Nick Wright abstaining as they had not been present at the last meeting), the Committee authorised the Chairman to sign the minutes of the meeting held on 11 December 2019.

### **5. S/4298/18/FL - WILLINGHAM (REAR OF 74, RAMPTON ROAD, WILLINGHAM, CAMBRIDGE, CB24 5JQ)**

Members previously visited the site on 10 December 2019 and noted that they had

deferred determining the application on 11 December 2019 pending the resolution of highway issues.

The case officer read out a further representation received from a member of the public since publication of the agenda.

Philip Kratz (Consultant solicitor representing a group of neighbours opposed to the application) and Emma Morrice (applicant) addressed the meeting.

During the ensuing Committee debate, Members focussed on the following aspects of the application:

- Neighbour amenity
- The present and future ownership both of the proposed property and of 74 Rampton Road
- Considerations surrounding Backlund development
- Noise risk by virtue of the proposed nursery being a 'forest school'
- The duty to protect the interests of nearby residents

The Committee regretted that it had not received any comments from either of the two local Members.

Councillor Nick Wright reminded the Committee that South Cambridgeshire District Council's Environmental Health Officer had objected to the proposal on the basis of harm caused by noise. He urged caution in disregarding the professional advice from a consultee.

Councillor Pippa Heylings noted the principle of development was accepted and there was an identified need. She clarified the recommendation of officers was on the basis of the harm to amenity, and not adverse impacts to human health, which had a higher threshold. The consideration of impacts to amenity was a subjective matter. Members comments noting examples of the type of relationship proposed that, in their experience, was not unacceptable in terms of impacts to amenity. A number of members commented that they felt the benefits of the proposal outweighed the harm to amenity.

In response to a query, the case officer advised members that a condition regarding common ownership or occupation between the nursery and 74 Rampton Road was sufficient to mitigate the impacts, but noted that it was open to members to consider a Legal Agreement under Section 106 of the Town and Country Planning Act 1990. The Planning Delivery Manager (Strategic Sites) reminded members that the Council had other powers of enforcement and intervention that may be utilised if it became necessary.

The Senior Planning Lawyer advised the Committee that notwithstanding the advice from the case officer as to a condition regarding common ownership or occupation between the nursery and 74 Rampton Road he felt the Committee should be mindful that it would be open to the applicant to appeal against the imposition of such a condition. The legal officer then highlighted that the case officer had also suggested members could consider a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 which might provide some greater certainty but the legal officer went on to explain that , the applicant (or a subsequent owner ) would be able to make an application to strike out or amend the Legal Agreement after five years if he wanted to argue that the restriction should then be deemed to be unnecessary.

Councillor Brian Milnes proposed that a Section 106 Legal Agreement requiring a link

between occupation or ownership of 74 Rampton Road and the proposed nursery. Councillor Deborah Roberts commented that this was unnecessary as the site would regulate itself and the proposition was duly seconded but was lost by eight votes to three.

By seven votes to four, the Committee resolved to **approve** the application contrary to the recommendation in the report from the Joint Director of Planning and Economic Development. Members agreed the reason for resolving to approve was that they were satisfied on what they had heard that the benefits of the proposal outweighed the perceived harm caused by noise. The resolution to approve would be delegated subject to Planning Conditions, the final wording of which would be agreed by planning officers in consultation with the Chairman and Vice-Chairman of the Planning Committee.

(Councillors John Batchelor, Cahn, Fane, Heylings, Milnes, Rippeth and Roberts voted to approve the application. Councillors Daunton, Ellington, Heather Williams and Wright voted to refuse.)

## **6. ENFORCEMENT REPORT**

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

Councillor Nick Wright proposed that officers take immediate steps, in consultation with the Lead Cabinet Member for Planning and subject to Counsel's Advice, to seek an Injunction in the High Court to regularise the situation at Smithy Fen, Cottenham. This proposal was duly seconded and carried by eight votes to three.

## **7. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

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

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**The Meeting ended at 12.35 p.m.**

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