

South Cambridgeshire District Council

Minutes of a meeting of the Planning Committee held on
Wednesday, 13 January 2021 at 10.00 a.m.

PRESENT: Councillor Pippa Heylings – Chair
Councillor Anna Bradnam – Vice-Chair

Councillors: Henry Batchelor (substitute) Dr. Martin Cahn
Peter Fane Dr. Tumi Hawkins
Eileen Wilson (substitute) Deborah Roberts
Heather Williams Dr. Richard Williams
Nick Wright

Officers in attendance for all or part of the meeting:

Nigel Blazeby (Planning Delivery Manager), Sharon Brown (Assistant Director (Planning Delivery)), Christopher Carter (Delivery Manager - Strategic Sites), Katie Christodoulides (Principal Planner), Alistair Funge (Planning Enforcement Officer), Rory McKenna (Deputy Head of Legal Practice/Monitoring Officer), Kate Poyser (Principal Planner), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), Lewis Tomlinson (Senior Planning Officer) and Toby Williams (Principal Planner)

Councillors Dr. Claire Daunton and John Williams were in attendance, by invitation.

1. Chair's announcements

In the absence of Councillor John Batchelor, Councillor Pippa Heylings (Vice-Chair) was in the chair for this meeting. By affirmation, the Committee agreed that Councillor Anna Bradnam should act as Vice-Chair of the meeting.

For the benefit of members of the public viewing the live webcast of the meeting, the Chair introduced Committee members and officers in attendance.

Councillor Pippa Heylings explained that this meeting of the Planning Committee was being held virtually and asked for patience bearing in mind the challenges posed by the technology in use and by the new meeting skills required.

Councillor Heylings confirmed that the Planning Committee would continue with the practice of recording votes unless a resolution could be reached by affirmation. She explained the process she would follow in a virtual meetings environment.

The Chair confirmed that the meeting was quorate but informed members of the public that, if a Committee member was absent for any part of the presentation of or debate about an agenda item then that member would not be allowed to vote on that item.

2. Apologies

Councillors John Batchelor and Judith Rippeth sent Apologies for Absence. Respectively, their substitutes were Councillors Henry Batchelor and Eileen Wilson.

3. **Declarations of Interest**

Councillor Anna Bradnam declared a non-pecuniary interest in Minute 6 (S/3290/19/RM - Fulbourn (Land East of Teversham Road)). Councillor Bradnam had been a Planning Committee member when the Outline application had been determined but was considering the matter afresh.

Councillor Dr. Tumi Hawkins declared a non-pecuniary interest in Minute 5 (20/02568/FUL - Bourn (Former Gestamp Factory, Bourn Airfield)), Councillor Hawkins is the local Member and had been present at meetings locally where this application had been discussed. She was considering the matter afresh.

Councillor Nick Wright declared non-pecuniary interests in

- Minute 5 (20/02568/FUL - Bourn (Former Gestamp Factory, Bourn Airfield)), Councillor Wright knows the farming family which owns Bourn Airfield.
- Minute 10 (Enforcement Action: 146 Cambridge Road, Wimpole) – Councillor Wright had visited the site twice several years ago when he had been Planning Portfolio Holder.

Councillor Heather Williams declared a non-pecuniary interest in Minute 5 (20/02568/FUL - Bourn (Former Gestamp Factory, Bourn Airfield)), Councillor Williams had been present at the meeting on 9 December 2020 when the application had been deferred. Councillor Heather Williams, together with Councillors Bradnam, Cahn, Fane, Hawkins, Heylings, Roberts, Richard Williams and Wrightl, who had also been present, were all considering the matter afresh.

4. **Minutes of Previous Meeting**

The Committee authorised the Chair to sign, as a correct record, the Minutes of the meeting held on 9 December 2020, subject to the following

Minute 2 – Apologies for Absence

The phrase "...Apologies Absence for" should say "...Apologies for Absence."

5. **20/02568/FUL - Bourn (Former Gestamp Factory, Bourn Airfield)**

The case officer informed the Committee that one further representations had been received, from Bourn Parish Council, between deferral of this item on 9 December 2020 and the end of the extended consultation period on 29 December 2020.

Mike Beadman (applicant) and Jeremy Aitchison (agent) addressed the meeting jointly in support of the application. Councillor Des O'Beien (Bourn Parish Council) addressed the meeting.

There was some unease at the removal of the Condition requiring the construction of a cycle and pedestrian path alongside Wellington Way. However, another Member urged the Committee to accept removal of the Condition from the current application: Wellington Way was within the ownership of the applicant for a new village at Bourn Airfield. That application would be considered at an Extraordinary Planning Committee meeting on 19 February 2021.

Following further debate, the Committee **approved** the application subject to the Conditions and Informatives set out in the report from the Joint Director of Planning and Economic Development.

(Councillors Henry Batchelor, Bradnam, Cahn, Fane, Hawkins, Heylings and Wilson voted to approve the application. Councillors Heather Williams and Richard voted for refusal. Councillor Deborah Roberts was not present. Councillor Nick Wright did not vote.)

6. **S/3290/19/RM - Fulbourn (Land East of Teversham Road)**

The Delivery Manager (Strategic Sites) informed the Committee that, on the evening of Monday 11 January 2021, the Council had received a draft copy of grounds for judicial review of this application, should it be determined at the current meeting.

Officers had spent a considerable amount of time analysing those draft grounds, which related to matters of compliance with the outline planning permission. A key consideration had been whether or not officers would be in a position to advise Committee members adequately at this meeting given the amount of detail needed to address the issues raised.

The draft grounds had been submitted by a third party who lived next to the application site. They had been shared with the applicant who had now formally requested that the application be deferred.

In addition, and following the submission of another third party representation on Tuesday 12 January, the Lead Local Flood Authority had also requested that the application be deferred in order to give them an opportunity to review their comments on the application.

Members engaged in a brief discussion surrounding the risk of an appeal being lodged for non-determination. However, they noted that the applicant had recognised the wisdom of deferral, and that the risk was that a Committee decision at this meeting would face a legal challenge.

Upon a proposal from Councillor Pippa Heylings, seconded by Councillor Deborah Roberts, and by affirmation, the Committee **deferred** the application to allow officers and the Lead Local Flood Authority enough time to scrutinise the issues raised in sufficient detail and thus be able to advise the committee fully.

7. **S/3215/19/DC - Longstnton (The Retreat, Fews Lane)**

The case officer informed the Committee that no further representations had been received between deferral of this item on 9 December 2020 and the end of the extended consultation period on 24 December 2020.

Daniel Fulton on behalf of the Fews Lane Consortium (objector) and Libby White (Clerk to Longstanton Parish Council) addressed the meeting. Simon Darch (Santech) attended the meeting and answered Members' questions.

Members received, noted and accepted the technical report submitted in support of the application.

By nine votes to nil, the Planning Committee **approved** the application to discharge Conditions 4 and 5 attached to planning permission S/2937/16/FL as follows:

a. Condition 4 (Foul Water Drainage)

The following details are acceptable to the local planning authority and therefore approved:

- Site Plan, Drawing Reference FLL-345-Site 01
- Drainage Layout, Drawing Reference 19/0321/100 Rev P9
- Below Ground Construction Details, Drawing Reference 19/0321/110 Rev P2

Condition 4 shall be fully discharged once the foul water drainage system has been installed and made operational in accordance with the approved details.

b. Condition 5 (Surface Water Drainage)

The following details are acceptable to the local planning authority and therefore approved:

- Site Plan, Drawing Reference FLL-345-Site 01
- Drainage Layout, Drawing Reference 19/0321/100 Rev P9
- Ditch Plan and Section 1, Drawing Reference 19/0321/101 Rev P3
- Below Ground Construction Details, Drawing Reference 19/0321/110 Rev P2
- Document titled Below Ground Drainage Operation and Maintenance Strategy Report, prepared by Andrew Firebrace Partnership Limited

Condition 5 shall be fully discharged once the surface water drainage system has been installed and made operational in accordance with the approved details.

(Councillors Henry Batchelor, Bradnam, Cahn, Fane, Hawkins, Heylings, Richard Williams, Wilson and Wright voted to discharge the Conditions. Councillor Heather Williams was not present and did not vote. Councillor Roberts was not present during part of the consideration of this application and did not vote.)

**During Item 8 (Longstanton)
and in accordance with
Standing Orders, the
Committee agreed by
affirmation to continue the
meeting beyond four hours.**

8. 20/02453/S73 - Longstanton (The Retreat, Fews Lane)

The Local Highways Authority had confirmed that the visibility splays at the junction of Fews Lane and the High Street were satisfactory.

Daniel Fulton on behalf of the Fews Lane Consortium (objector), Patrick Lanaway (applicant's agent) and Libby White (Clerk to Longstanton Parish Council) addressed the meeting. Dr. Jon Finney (County Highways) attended the meeting and answered Members' questions.

In relation to Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Mr. Fulton contended that South Cambridgeshire District Council had failed in its legal duty by not publishing the required Notice. However, the Area Development Manager (Team 2) suggested that the Article 15 process applied only to an application for planning permission while the current proposal related to a right of way along Fews Lane – a right of way that would not be materially affected by development on a permanent basis. The Senior Planning Lawyer agreed saying that this

contention should have been made when planning permission was granted and that the Few's Lane Consortium was out of time for making it now.

During the ensuing debate, most Members felt that sufficient measures had been put in place to make it extremely difficult to refuse the application given the amount of external professional advice that had been received. There was sympathy for the Parish Council in terms of the parking of delivery vehicles and, upon a proposal from Councillor Pippa Heylings, seconded by Councillor Anna Bradnam, and by eight votes to three, the Committee agreed that the Traffic Management Plan be amended to state that, during the construction stage, delivery vehicles shall not park on any street within the village of Longstanton.

(Councillors Henry Batchelor, Bradnam, Cahn, Hawkins, Heylings, Richard Williams, Wilson and Wright voted in favour. Councillors Fane, Roberts and Heather Williams voted against.)

Upon a proposal from Councillor Dr. Tumi Hawkins, seconded by Councillor Anna Bradnam, the Committee voted unanimously to add an Informative to the planning consent urging the establishment of a liaison mechanism between residents, the Site Manager and Longstanton Parish Council to monitor compliance with the Traffic Management Plan and to resolve any disputes.

The Chair then moved to the substantive vote and, by ten votes to one, the Committee **approved** the Variation of Condition 7 (Traffic Management Plan) subject to

1. The revision of paragraph 3.2.4 of the Traffic Management Plan to state, during the construction stage, delivery vehicles shall not park on any street within the village of Longstanton.
2. Addition of an Informative urging the establishment of a liaison mechanism between residents, the Site Manager and Longstanton Parish Council to monitor compliance with the Traffic Management Plan and to resolve any disputes; and
3. The Conditions and Informatives set out in the report from the Joint Director of Planning and Economic Development.

(Councillors Henry Batchelor, Bradnam, Cahn, Fane, Hawkins, Heylings, Heather Williams, Richard Williams, Wilson, and Wright voted in favour. Councillor Roberts voted against.)

9. Planning Advisory Service Review of Planning Committee

The Committee considered a report on a review undertaken by the Planning Advisory Service (PAS) into the operation of the South Cambridgeshire District Council (SCDC) Planning Committee. The PAS findings were attached to that report as an Appendix.

The Assistant Director (Delivery) highlighted key themes in the PAS document. In particular, she referred to the imminent establishment of a Planning Committee Development Group, which had been supported by the Scrutiny and Overview Committee at its meeting on 17 December 2020. This Group would consist of Councillors and Officers and, it was proposed, would be chaired by an officer.

Councillor Heather Williams proposed, and Councillor Nick Wright seconded, that

“Planning Committee supports the establishment of a joint Member / Officer Planning Improvement Group and:

1. The planning improvement group will elect a chairman as its first order of business and that the Chair be an elected councillor and given the powers, protections and authority that other chairman’s [sic] of this council receive via the constitution.
2. The planning improvement group will produce a draft set of terms of reference which are to include which committee or public meeting they will report back to.
3. No actions will be taken by the group outside of the scope stated within the PAS report or until the terms of reference have been ratified by the planning committee.
4. Minutes will be taken when the group meets and these minutes will be made available to all elected members and the public.”

During the ensuing debate on this motion, the following points were made:

- The Group must seek to strengthen public trust in, and transparency of the Planning Committee and Greater Cambridge Planning Service
- Given that the Cambridge City Council Planning Committee and Joint Development Control Committee had also been reviewed by PAS, there was an argument for establishing a wider ranging Working Party to examine how each Committee functioned, and use the lessons learned to develop a uniform approach across the three decision-making bodies.
- The SCDC Constitution clearly set out the distinct roles of Councillors and Officers: Requiring an officer to chair the Group would place an unfair burden on that individual where, for example, a casting vote was necessary.
- Terms of Reference were needed.

The Monitoring Officer said that while the Constitution made no provision for Councillor / Officer Joint Groups like this, officers had opted to follow the Task and Finish model while recognising that the Joint Group would be less formal. Its purpose would be to examine each of the PAS recommendations in detail and to feed back its views. The Group should determine at its first meeting to whom it should report, and establish its own Terms of Reference,

Following further Member debate, the Committee **rejected** the proposal by seven votes to four.

(Councillor Roberts, Heather Williams, Richard Williams and Wright voted in favour of the proposal. Councillors Henry Batchelor, Bradnam, Cahn, Fane, Hawkins, Heylings and Wilson voted against.)

Councillor Anna Bradnam left the meeting at this stage. By affirmation, the Committee appointed Councillor Henry Batchelor as Vice-Chair of the remainder of the meeting.

Summing up the debate, Councillor Dr. Tumi Hawkins, who was also Lead Cabinet Member for Planning, publicly thanked the PAS Peer Review Group for its detailed report. Councillor Hawkins said that some of the recommendations therein had already been considered in improving processes within the Greater Cambridge Planning Service.

By six votes to three, with one abstention, the Committee

- a) **noted** the content and recommendations set out in the Planning Advisory Service (PAS) report attached as Appendix A to the report from the Joint Director of Planning and Economic Development;
- b) **noted** the arrangements put in place for the Planning Committee Development Group that will oversee implementation of the PAS report recommendations; and
- c) **agreed** that an update report on progress of implementation of the PAS report recommendations should be presented to Planning Committee in April 2021.

(Councillors Henry Batchelor, Cahn, Fane, Hawkins, Heylings and Wilson supported the recommendations set out in the report from the Joint Director of Planning and Economic Development. Councillors Roberts, Heather Williams and Wright voted against. Councillor Richard Williams abstained. Councillor Bradnam left the meeting during the course of the debate and did not vote.)

10. **Enforcement Action: 146 Cambridge Road, Wimpole**

The Committee considered a report setting out efforts made so far to secure compliance with a Breach of Condition Notice relating to a planning consent granted on appeal in February 2015. Officers believed further legal measures to be in the public interest but informed Members that the Council's Constitution provided that, except in cases of emergency, authorisation for the pursuit of an injunction to address planning breaches was required from the Planning Committee.

Councillor Ian Hack (Wimpole Parish Council) and Councillor Dr. Aidan Van de Weyer (local Member) addressed the meeting. They both supported the recommendation in the report.

Members accepted that Officers had achieved as much as they could, and now needed authority to pursue further measures to address planning harm and prevent ongoing adverse impact on the amenity and quality of life of nearby residents.

By eight votes to nil, and in the event that engagement with the owner / occupiers of the site is unsuccessful in securing compliance with Condition 1 of Planning Permission S/0583/14/FL, the Committee **authorised** the Head of Legal Services, in consultation with the Joint Director of Planning and Economic Development, to initiate measures required to secure compliance with the said Condition by means of an application to the Court for an injunction under Section 187 B of the Town and Country Planning Act 1990 as amended.

(Councillors Henry Batchelor, Cahn, Fane, Hawkins, Heylings, Richard Williams, Wilson and Wright voted in favour. Councillors Roberts and Heather Williams did not vote. Councillor Bradnam had left the meeting.)

11. **Enforcement Report**

The Committee **received and noted** an Update on enforcement action. The Principal Planning Enforcement Officer said that tight report deadlines prior to Christmas had resulted in it not being possible to include statistics for December 2020. These would now form part of the Enforcement report at the Planning Committee meeting on 10 February 2021.

The Assistant Director (Delivery) apologised to the Committee for the absence of an update on Smithy Fen, Cottenham. She referred to the complex issues involved requiring

a consistent approach by several Council service areas, including Planning and Housing. An additional factor was the need to proceed in the context of restrictions resulting from the COVID-19 pandemic. Councillor Nick Wright, who had been seeking an update on Smithy Fen for some time, welcomed the Assistant Director's comments, but emphasised the need for urgent action given the vulnerability of some of the people affected. Councillor Eileen Wilson (a local Member for Cottenham) said that the Planning Committee should now receive regular updates.

12. **Appeals against Planning Decisions and Enforcement Action**

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

The Delivery Manager (Strategic Sites) highlighted the headline appeal decisions but said they did not suggest any particular trends.

The Meeting ended at 5.00 p.m.
