

South Cambridgeshire District Council

Minutes of a meeting of the Planning Committee held on
Wednesday, 18 January 2023 at 10.00 a.m.

PRESENT: Councillor Peter Fane – Chair
Councillor Geoff Harvey – Vice-Chair

Councillors: Henry Batchelor Ariel Cahn
Dr. Martin Cahn Bill Handley
Peter Sandford Heather Williams
Dr. Richard Williams

Officers in attendance for all or part of the meeting:

Vanessa Blane (Senior Planning Lawyer), Christopher Braybrooke (Planning Compliance Manager), Laurence Damary-Homan (Democratic Services Officer), Jon Finney (Principle Development Management Engineer [Cambridgeshire County Council]) Phil McIntosh (Interim Delivery Manager), Kate Poyser (Principal Planner [Strategic Sites Team]) John Shuttlewood (Principal Planning Enforcement Officer) and Nick Yager (Senior Planner)

Councillor Dr Lisa Redrup was in attendance remotely as a substitute.

1. Chair's announcements

With the regular Vice-Chair sending apologies for absence, the Chair proposed that Councillor Henry Batchelor fill the role of Vice-Chair for the meeting. This was seconded by Councillor Bill Handley and agreed by affirmation. The Chair also informed the Committee that he would withdraw for the hearing of application 22/01972/FUL (Great Shelford) and proposed that, with Councillor Batchelor taking the Chair for the duration of the application, Councillor Peter Sandford assume the role of Vice-Chair for the item. This was seconded by Councillor Bill Handley and approved by affirmation. The Chair also made a number of housekeeping announcements.

2. Apologies

Councillors Geoff Harvey, Dr Tumi Hawkins and William Jackson-Wood sent Apologies for Absence. Councillor Dr Lisa Redrup was present virtually as a substitute.

3. Declarations of Interest

With respect to Minute 6, Councillor Peter Fane declared that he would withdraw from the Committee and speak as a local Member. Councillor Dr Richard Williams declared that he had no disclosable interest but was familiar with the area and would be coming to the matter afresh.

4. Minutes of Previous Meeting

By affirmation, the Committee authorised the Chair to sign the Minutes of the meeting held on Wednesday 14 December 2022 as a correct record.

5. 22/03561/FUL - Bourn Quarter, Bourn Airfield, St Neots Road, Bourn

The Principal Planning Officer (Strategic Sites Team) presented the report and presented a number of updates:

- Paragraph 3.2 stated 6 units, this was amended to state 7
- Paragraph 1.2 stated November 2020, this was amended to state November 2021
- Comments were received from Anglian Water who raised some points regarding drainage but had no objection
- The Highways Authority confirmed that they had no objection

The Committee asked a question of clarity on why condition 33 had been included and were informed that it was recommended by Environmental Health.

The Committee was addressed by two agents of the applicant, Jeremy Aitchison and Mike Beadman. The Committee had no questions for the public speakers.

The Committee debated the application and agreed that there were no reasons for refusal. It was noted that the previous issues with the application had been overcome. Councillor Heather Williams, seconded by Councillor Dr Martin Cahn, proposed that the Committee move to a vote- this was agreed by affirmation.

By unanimous vote, the Committee **approved** the application subject to the conditions and informatives laid out in the report and update report from the Joint Director of Planning and Economic Development, as well as the agreed additional informatives.

6. 22/01972/FUL - 7 De Freville House, High Green, Great Shelford

In line with his declaration of interest, the Chair withdrew from the Committee. As agreed in Minute 1, Councillor Henry Batchelor assumed the role of Chair and Councillor Peter Sandford assumed the role of Vice-Chair.

The Senior Planner presented the report and informed the Committee that an amended cycle plan had been received which showed additional cycle storage. An update on paragraph 8.21 was also given and the Committee was informed that there was an entrance on High Green Road as well as Granhams Road. The reasons for the officer's recommendation of refusal were detailed by the Senior Planner. Members asked questions of clarity on the previous permissions on the site and the impact of a change of use on the highway and the Principal Development Management Engineer offered the Cambridgeshire County Council Highways Authority's perspective on the issue.

The Committee was addressed by an opposing resident, Dr Martin Stephen, who raised his concerns over the application- there were no questions of clarity. The agent of the applicant, Chris Edge, made a statement and responded to questions on the access to the store. Councillor Greg Price of Great Shelford Parish Council spoke on behalf of the Parish Council and detailed why they were supportive of the application; a question was raised to Councillor Price on the perceived likelihood of illegal parking. Councillor Peter Fane addressed the Committee in support of the application. He informed Members that Councillor William Jackson-Wood, the other local Member, and the County Councillor, Councillor Brian Milnes, were also supportive of the application and answered Members'

questions on access and the local context. The Chair noted that a number of written submissions had been received.

In the debate, comments were made both in support and opposition of the application. The Chair stated that there were both harms and benefits to the application and it was up to the Committee to strike a balance of the material considerations. Members stated that approval of the application would enhance the character and vitality of the village, citing policy HQ/1 of the South Cambridgeshire Local Plan 2018. Some Members agreed with the reason for refusal 1, as laid out in the report, and felt that the advice from the Highways Authority carried significant weight for refusal. Others felt that the level of on site car parking was sufficient and, if the application was approved, it would be unlikely to cause indiscriminate parking. In response to a question, the Interim Delivery Manager informed the Committee that, as the additional cycle storage was not within the site it could not be considered as satisfying the cycle storage provision requirements.

As there was a divide in opinion, the Committee agreed by affirmation that, if it were minded to approve the application, the reasons for approval and contravention of the officer's recommendation would be as follows:

"In weighing all material planning considerations in the planning balance Member's considered the application should be approved for the following reasons;

1. Members were of the view that securing a tenant within a vacant commercial premises, which had been vacant for a number of years, had significant positive benefits for the character and vitality of the village.
2. The proposal is considered to provide an appropriate level of on site car parking. Although the level of on site car parking would not meet with the indicative standards as set out in Policy TI/3 of the South Cambridgeshire District Council Local Plan 2018, Members of the planning committee considered, on balance, sufficient provision is provided. Given Members were of the opinion an appropriate level of on site car parking will be provided, it is unlikely to result in indiscriminate parking within the public highway (including the Mandatory Cycle Lane). Furthermore, statutory powers exist to enforce against any illegal parking within the Mandatory Cycle Lane. On this basis, although the comments from the Highway officer were noted and debated, Members did not agree with the conclusion of the highway officer.
3. Although Members of the planning committee acknowledged some conflict with the car parking standards set out within Policy TI/3 of the Local Plan and the concerns of the Highway Authority, in weighing the overall planning balance, Members were satisfied this did not outweigh the benefits of the proposal, in particular the occupation of a long time vacant commercial unit which would enhance the character and vitality of the village, in accordance with Policies HQ/1 and the NPPF. Members were satisfied that the proposal could also be the subject of conditions which would make it acceptable in planning terms."

The Committee also agreed by affirmation that, if it were minded to approve the application, the approval would be subject to the following conditions and informative:

"1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.

2. The development hereby permitted shall be carried out in accordance with the approved plans.

Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed with the local planning authority.

Reason - To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

4. Prior to first use, the car parking layout shown on drawing no. PP103 REV A shall be implemented in its entirety and retained thereafter, unless otherwise agreed with the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy HQ/1 and TI/3 of the adopted Local Plan.

5. Notwithstanding the submitted plans, prior to first use, details of cycle parking provision shall be submitted to and agreed in writing by the local planning authority. The cycle parking facilities installed in accordance with the approved details and shall be retained thereafter.

Reason: To ensure cycling provision as a sustainable means of transport is properly provided in accordance with South Cambridgeshire Local Plan 2018 policies HQ/1 and TI/2 and TI/3.

6. Prior to first use a Delivery and Servicing Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. Deliveries to the site shall be carried out in accordance with the approved Plan thereafter.

Reason: In the interests of residential amenity and highway safety in accordance with South Cambridgeshire Local Plan 2018 policies HQ/1 and TI/3.

7. The use hereby permitted shall not operate other than between the hours of 07:00- 23:00 Mondays to Fridays (inclusive) and 07:00-23:00 Saturday/ Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policy HQ/1 of the adopted Local Plan.

8. The premises shall be used for Class E(a) Display or retail sale of goods only and for no other purpose (including any other purpose in Class E) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the grant of express planning consent from the Local Planning Authority.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use.

Informative

The granting of this planning permission does not indemnify against statutory nuisance

action being taken should substantiated noise complaints be received. For further information please contact the Environment Planning Team.”

To mitigate the risk of indiscriminate parking, Councillor Bill Handley made a proposal, seconded by Councillor Dr Martin Cahn and agreed by affirmation, for the inclusion of the following informative:

“The applicant is strongly encouraged to secure a consultation regarding the implementation a Traffic Regulation Order for waiting restrictions within the public highway adjacent to the application site. This is in order to provide a deterrent to customers parking within the public highway to access the store.”

By 5 votes (Councillors Henry Batchelor, Ariel Cahn, Peter Sandford, Heather Williams and Dr Richard Williams) to 2 (Councillors Dr Martin Cahn and Bill Handley), the Committee voted to **approve** the application, subject to the agreed conditions and informatives and in contravention of the officer’s recommendation laid out in the report from the Joint Director of Planning and Economic Development.

7. 22/03852/FUL - Grass Area, Dolls Close, Balsham

Councillor Peter Fane returned as the Chair and Councillor Henry Batchelor resumed his role as Vice-Chair

The Senior Planner presented the report. Members asked a question of clarity on why the application had been brought forward and officers provided local context to explain the assessed need for the development.

In the debate, the need for the application was revisited. Members felt that the scheme was acceptable and noted that there had been no changes to it since it was previously approved and subsequent lapse of permission. Councillor Heather Williams, seconded by Councillor Henry Batchelor, proposed a vote. This was agreed by affirmation.

By affirmation, the Committee **approved** the application subject to the conditions, and in accordance with the officer’s recommendation, laid out in the report from the Joint Director of Planning and Economic Development.

8. 22/04826/HFUL - 77 Church Lane, Girton

The Interim Delivery Manager provided an update on the application and informed the Committee that further consultation was required. The Senior Planning Lawyer advised that the Committee defer the application until the consultation had been completed.

By affirmation, the Committee **deferred** the application.

9. Member Site Visit Protocol

The Interim Delivery Manager presented the report and the Committee noted the changes to the protocol based on their comments at the meeting held on 14 December 2022. Members agreed with the changes, but debate was held on the ability for Parish Councils to request a site visit. Councillor Heather Williams, seconded by Councillor Bill Handley, proposed that an amendment to paragraph 3.5 (i) be made and include the wording “or Parish Council” for those who could request a site visit. The Committee agreed to the proposal by affirmation.

With the amendment, the Committee **noted** the report and **confirmed** the protocol.

10. Enforcement Report

Councillor Heather Williams left the meeting

The Principal Planning Enforcement Officer presented the report and raised a number of points based on previous comments of the Committee; Members were informed that a map-based search system for cases was not possible at the time but would be explored further. The Planning Compliance Manager was introduced to the Committee and Members were informed that he would be presenting future Enforcement Reports.

The Committee **noted** the report.

11. Appeals against Planning Decisions and Enforcement Action

The Interim Delivery Manager presented the report and informed Members that some decisions on appeals listed had come in since the publication of the report- these were to be presented at the next meeting. Requests were raised for appeals awaiting decision to not be repeatedly listed month to month and for any information on notable issues arising in appeal cases to be raised to the Committee.

The Committee **noted** the report.

12. Restricted Minute

By virtue of paragraph 7 of Schedule 12A of the Local Government Act 1972, the Committee agreed, by affirmation, to the exclusion of press and public to discuss the restricted Minute. By affirmation, the Committee authorised the Chair to sign the restricted Minute as a correct record.

The Meeting ended at 2.15 p.m.
