

South Cambridgeshire District Council

Minutes of a meeting of the Planning Committee held on
Wednesday, 17 January 2024 at 10.00 a.m.

PRESENT: Councillor Dr. Martin Cahn – Chair
Councillor Peter Fane – Vice-Chair

Councillors: Ariel Cahn Bill Handley
Dr. Tumi Hawkins Peter Sandford
Heather Williams Dr. Richard Williams
Eileen Wilson

Officers in attendance for all or part of the meeting:

Vanessa Blane (Senior Planning Lawyer), Christopher Braybrooke (Principal Planning Compliance Manager), Dominic Bush (Senior Planner), Aaron Coe (Principal Planner [Strategic Sites]), Mary Collins (Senior Planner), Laurence Damary-Homan (Democratic Services Officer), Stephen Kelly (Joint Director of Planning and Economic Development), David Lines (Highway Development Management Engineer [Cambridgeshire County Council]), Laurence Moore (Senior Planner), Adrian Sargeant (Tree Officer), Michael Sexton (Area Development Manager), Rebecca Smith (Delivery Manager) and Sharon Yardy (Ecology Officer).

Councillors Dr. Shrobona Bhattacharya and Helene Leeming were in attendance as local Members.

Councillors Cllr Stephen Drew was in attendance remotely as local Member.

1. Chair's announcements

The Chair noted that Councillor Judith Rippeth had stepped down from the Committee and thanked her for her time and work with the Committee. The Chair then made several brief housekeeping announcements. Following these, the Chair, seconded by Councillor Peter Fane, proposed that the order of business be varied to take Minute 7 (23/03311/FUL) as the sixth item of business and Minute 6 (23/03642/HFUL) as the seventh item of business. The Committee agreed to the variance in the order of business by affirmation.

2. Apologies

Apologies for Absence were received from Councillor Geoff Harvey.

3. Declarations of Interest

With respect to Minute 5, Councillors Bill Handley and Dr Tumi Hawkins declared that, as Members of the Cabinet, they had been present at meetings of the Cabinet where the application had been discussed and as such would withdraw from the Committee for the application. Councillor Heather Williams declared that she was a Member of the Greater Cambridge Partnership (GCP) Assembly, with the GCP being referenced in the report, but had not been part of any discussions regarding the application.

With respect to Minute 8, Councillor Dr Tumi Hawkins declared that she was local Member for the application and had been present at meetings of Bourn Parish Council where the application had been discussed, but that she was coming to the matter afresh.

4. Minutes of Previous Meeting

By affirmation, the Committee authorised the Chair to sign both the Minutes of the meetings held on 13 and 18 December 2023 as a correct record, including the restricted Minute in the Minutes of the meeting held on 18 December.

5. 23/00123/FUL - Land South of Pond, Cambourne Business Park, Cambourne **Councillors Bill Handley and Dr Tumi Hawkins withdrew from the Committee, in-line with their Declarations of Interest.**

The Chair noted that the site had been visited on 4 October 2023. The Principal Planner (Strategic Sites) presented the report and offered the following updates:

- Condition 23 was to have the wording at the end of the condition which read “prior to the occupation of any dwelling” removed as this was a typo.
- An additional third-party representation had been received from the occupants of Building 1030- Zeiss House which requested that effective engagement continued to take place between the applicants and the third party through the discharge of conditions process to ensure the development would not place unreasonable restrictions on the existing operations taking place at ZEISS House. Officers were satisfied that the representation raised no new issues that had not already been considered within the main report.

Members asked a number of questions of clarification and, in response, officers offered the following advice:

- The Transport Assessment Team (TAT) had reviewed the submitted modelling of traffic impacts and that the highway network would be capable of accommodating the traffic generated by the site and the Cambourne West development, thus there was no objection from the TAT as technical consultee and that the proposal was considered acceptable in transport terms.
- Cambridgeshire County Council, as the Education authority, no longer requested a financial contribution towards Primary School Places serving Cambourne, with paragraph 6.13 of the report detailing why the contribution was no longer required.
- The additional information request from the Waste Services (paragraph

6.29) had been provided through the submission of an updated refuse strategy which was in-line with the Greater Shared Waste Guidance for Developers document and, as such, it was considered acceptable.

- The concerns of the Designing Out Crime Officer (paragraph 6.67) still stood but officers felt, on balance, that the design and connectivity benefits of the proposal outweighed the concerns of the Designing Out Crime Officer on balance, thus the proposal was considered acceptable.
- The requirements of the National Planning Policy Framework (NPPF) 135 (b), which related to visually attractive development, were considered to have been met by officers. Officers advised that it was up to the Committee to decide if the proposal was compliant with NPPF policies, including 135 (b).
- Biodiversity net gain could not be fully delivered on-site to achieve the 20% biodiversity net gain the applicant sought to deliver, in light of changes to the biodiversity net gain baseline metric. Some off-siting of biodiversity net gain measures was required to fulfil the 20% gain, and these measures would be delivered within the District and, where possible, would be close to the site.
- With regard to the proposed apartment blocks, the proposal was considered to be compliant with Policy HQ/1 of the South Cambridgeshire Local Plan 2018 and the Urban Design Team had no objection to the proposal. Officers advised that the proposal had been through an extensive pre-application process, reviewed by the Design Review Panel and amendments to the design had been incorporated in response to the comments on the design in the pre-application process. Details of materials for the apartment blocks were to be submitted and approved by the Planning Service, as secured by conditions.
- Major developments in Greater Cambridge had been halted by the Environment Agency due to concerns over water supply, but these were much larger developments than the proposal which were subject to an Environmental Impact Assessment (EIA)- developments at Bourn Airfield and Waterbeach that were to deliver thousands of dwellings were cited. Given the scale of the proposal, officers maintained the view that the

development did not constitute an EIA development and, whilst water supply was a material consideration, the proposal did not require an Environmental Assessment and water efficiency measures were secured via conditioning to mitigate concerns over water supply. Officers advised that the water efficiency measures would allow for water supply to be provided by existing water supplies, rather than new water supplies that were expected to be delivered by the forthcoming Cambridge Water Resources Management Plan.

- With respect to Condition 23 and the potable water use of no more than 99 litres/person/day did not mean that water would be shut off if usage was exceeded. Officers considered the condition as justified based on the detail provided regarding water consuming fittings within the units and the expected daily water usage by normal occupation of the units. Officers advised that requiring specific measures should be avoided to ensure that there was no conflict with new requirements of Building Regulations and other relevant legislation.

The Committee was addressed by an objector, Claire Coates on behalf of Cambourne Village College.

The agent of the applicant, Paul Belton, addressed the Committee and, in response to Member questions, advised that the roads on the site were designed to discourage “drop-offs” for school children following discussions with officers where it was agreed that a drop-off provision should not be included in the design- the agent acknowledged that drop-offs may still occur. Officers responded to further questions and advised that the clustering of affordable units on site was 15 units, and that there was no modelling for the event that an all-vehicle access road from Business Park Road to Cambourne West was available, which would impact wider parts of Cambourne as well as the proposed development, and given technical advice was that the highways proposals were acceptable it would be unwise to require, through condition, an access road to be delivered.

John Vickery, Clerk of Cambourne Town Council, addressed the Committee on behalf of the Town Council who objected to the application. The Town Council’s representative, in response to Member questions, advised that the lack of access road was in conflict with Local Plan policy (SS/8) and that the policy required access to be provided through a route through the Business Park. Officers also provided responses to Member questions and clarified that a condition (Condition 24) required details of future management and maintenance of the streets to be submitted and that there was no policy basis to prevent the usage of private management companies. Further clarity was provided that the officer’s report acknowledged that policy SS/8 of the local plan was not satisfied by the proposal but the officer’s recommendation was based on a balance of material considerations.

Councillor Helene Leeming addressed the Committee as local Member and, whilst supporting the majority of the details of the proposal, objected to the proposal due to concerns around connectivity. Councillor Stephen Drew addressed the Committee as local Member and echoed the concerns of other representatives of Cambourne.

In the debate, Members discussed the conflict with policy SS/8 of the Local Plan. The Committee acknowledged the concerns of objectors with regard to the lack of an all-vehicle access between Business Park Road and West Cambourne and also noted that the scheme had both harms and benefits and, as such, the decision was to be made on balance. Some Members were concerned that high levels of traffic movements would occur down Business Park Road during school drop-off times, whilst others felt that it would not be an overly convenient way of dropping children off to school and that the harm caused by the lack of an access road was not a major concern, given the advice of technical consultees on the matter, and that the proposal would encourage sustainable travel. Officers provided further context on the matter and advised that a public transport link to Cambourne West, alongside pedestrian and cycle links, was to be provided. Officers' assessment was that the site was well integrated with Cambourne and advised that the schools travel plan had an objective to actively encourage sustainable transport and school travel assessment had shown that 86% of students did not travel to school in private motor vehicles. Officers advised that it was their view that the harm from failure to comply with policy SS/8 of the Local Plan did not make the proposal unsustainable, and as such amount to a reason to refuse the application, and that the responses from technical consultees validated this view.

With regard to quality of design, relevant NPPF guidance and policy HQ/1 of the Local Plan, some Members felt that the design was inappropriate and did not fit the local context whereas others felt that the design was acceptable. Some concern was raised over the comments of the Designing Out Crime Officer and compliance with policy HQ/1 (g), but some Members felt that these concerns were outweighed by design and connectivity benefits, in-line with officers' advice.

Water consumption was raised as a point of concern, but Members noted that the development was not subject to an EIA. Comment was made that the use of the word "shall" in Condition 23 in the context of daily water usage was inappropriate as there was no intention to impose limits on water consumption, instead efficiency measures were being implemented to minimise water usage in order to meet the standards described. Comment was made that the state-of-the-art sustainability measures incorporated into the proposal and the net zero passive house standards for social housing were notable benefits of the scheme. Members acknowledged that a 20% biodiversity net gain was to be delivered and noted the comments of officers regarding the cascading of off-site provision of biodiversity measures. A comment was made regarding the response from the Wildlife Trust and their disappointment that there was no landscape buffer along the Wildlife Trust land.

The loss of employment land was discussed, with some Members feeling that this was a harm whilst others felt that, given the context of the current use of the existing Business Park, there was minimal harm. Members also noted the benefit of delivering 40% affordable housing on the site.

By 5 (Councillors Dr Martin Cahn, Peter Fane, Ariel Cahn, Peter Sandford and Eileen Wilson) votes to 2 (Councillors Heather Williams and Dr Richard Williams), the Committee **approved** the application in accordance with the officer's recommendation, and subject to the conditions and Section 106 agreement, as laid out in the report from the Joint Director of Planning and Economic Development.

Councillors Bill Handley and Dr Tumi Hawkins rejoined the Committee.

6. 23/03642/HFUL - Whitehall, 9 Chapel Lane, Fowlmere

Minute 6 was taken as the seventh item of business, as per the agreed variance of the order of business.

Councillor Heather Williams rejoined the Committee.

The Senior Planner (Dominic Bush) presented the report. A Member question was raised regarding the third party representation which had concerns over the use of the existing rear access gate for construction and parking for contractors, to which the Senior Planner advised that he was unaware of a rear access gate on the site and that the back of the site was overgrown, with officers taking the view that front entrance to the site was much larger and would be the access point for construction traffic. In response to a question on why the proposed works were not undertaken under Permitted Development Rights, officers advised that the site did not have Permitted Development Rights due to the property's status as Grade II listed.

Councillor Peter Fane, seconded by Councillor Bill Handley, proposed that the Committee move to a vote. The Committee agreed to the proposal by affirmation.

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

7. 23/03311/FUL - Rose Villa, Little Heath, Gamlingay

The Chair noted that the site had been visited on 10 January 2024 and the Senior Planner (Mary Collins) presented the report. Officers responded to Member questions and clarified that:

- Financial contributions were required by the Neighbourhood Plan which would go towards improvements to the bridleway and cycle lanes, however it was not clear if these improvements would be directly related to the site as it was up to Gamlingay Parish Council to allocate the funding.
- In relation to proposed plots B and C, the ridge height would be similar to that of the existing barns.
- The application had been through a pre-application process and conditions dealt with a number of matters as not all information was available at the point of application.
- Officers were satisfied that the proposed biodiversity net gain could be achieved, with a baseline plan which detailed the proposed habitat creation having been received by the Planning Service as part of the application. Some of the biodiversity net gain was to be delivered within the blue line boundary and further net gain to be delivered within the red line boundary through the delivery of replacement habitat.
- The floor area increases from the existing permission to convert the barns (a fallback position) was 100% by virtue of one additional storey proposed, whilst the ridge height was very similar to that in the fallback position.

The Committee was addressed by a public objector, Gillian Kitchener, who clarified, in response to a Member question, that she held concerns that the granting of permission would set a precedent to allow further development of the heath land which local residents felt was an important asset that should not be built on. The Committee was addressed by the agent of the applicant, Liz Fitzgerald, and Kirstin Raynor, Clerk of Gamlingay Parish Council, on behalf of the Parish Council who objected to the application.

Councillor Dr Richard Williams left the meeting and did not return.

In the debate, officers offered the following points of clarification in response to Member questions:

- That surveying had shown that there were protected species (bats) on the site and as such there would be a level of harm, but that condition 10 secured a requirement for a wildlife sensitive lighting strategy to mitigate harm (as recommended by the Ecology Officer).
- The Gamlingay Neighbourhood Plan had been considered, the report and presentation acknowledged that the proposal was not compliant with policy GAM1 of the Neighbourhood Plan and that the officer's recommendation was based on a planning balance that included assessment against the policies within Neighbourhood Plan.

The Committee agreed that the principal of development had been established by the existing permission to convert the barns which was a fallback position. Some Members expressed views that, whilst the fallback position of Class Q dwellings would be in keeping with Neighbourhood Plan policy GAM1, the incorporation of basement floors was a better use of space. Further comment was made that the proposed design was sympathetic to the existing barns and the fact that the ridge heights were very similar to those in the fallback position meant that the proposal was an improvement on the existing permission. Views were expressed that policy GAM3 of the Neighbourhood Plan was not relevant as there were already existing structures on the site and thus it would not conflict with the character of the open countryside. Members noted that a financial contribution was required by a Unilateral Undertaking dated 9 October 2023 (as described by Informative 1) and this satisfied policy GAM8 of the Neighbourhood Plan. Members noted that the Ecology Officer had no objections and that conditions covered biodiversity net gain requirements. A Member comment was made that there was not enough information included in the application and too much reliance was placed on conditions to secure details; other Members noted the concerns of objectors but felt that, on balance, the application was an improvement on the fallback position.

By 6 (Councillors Dr Martin Cahn, Peter Fane, Ariel Cahn, Bill Handley, Dr Tumi Hawkins and Peter Sandford) votes to none, with 1 abstention (Councillor Eileen Wilson), the Committee **approved** the application in accordance with the officer's recommendation, and subject to the conditions, as laid out in the report from the Joint Director of Planning and Economic Development.

8. 23/02752/OUT - Land North of David's Lodge, Old North Road, Bourn

The Chair noted that a site visit had been held on 10 January 2024. The Senior Planner (Laurence Moore) presented the report and provided an update to advise that there was

an error in the report (paragraph 10.14) which stated that “the development framework extended along the southern edge of the site”. The officer confirmed that the site did not adjoin the development framework boundary but that this did not impact the assessment of the proposal nor the officer recommendation within the report, and that the development was acknowledged as outside of the development framework throughout the report. Officers responded to Member questions and clarified that:

- The site was assessed as being an 8-minute cycle along the main road to Bourn High Street, which was deemed as close proximity and access to the services available in Bourn led officers to view the site location as sustainable.
- The site had bus services in close proximity. Bus timetables for the nearby stops were shared with the Committee.
- The 22% Biodiversity Net Gain would be delivered through enhancement of the currently “poor” condition woodland and that no new habitats would be introduced.
- The site had been mapped as modified (improved) grassland, an assessment that the Senior Ecology Officer agreed with.
- The accident history data at the staggered crossroad between the B1046 and A1198 had one serious accident in the previous 5 years, which was not considered to be significant for concern in technical terms, as advised by the Highway Development Management Engineer. The site was expected to generate an additional 25 vehicle movements per day which was not considered to be significant in the context of the typical daily vehicle movements on the stretch of road.

The Committee was addressed by the agent of the applicant, Ben Elvin, who responded to Member questions and clarified that:

- There were no objections from statutory consultees other than the Conservation Officer’s comments, and that planning officers had assessed the application as having no harm to heritage assets contrary to the comments from the Conservation Officer.
- The applicant intended for two of the plots to be occupied by his daughters, assuming it was compliant with requirements of the Self-Build register.

The Senior Planner clarified that the Conservation Officer had objected but that the case officer’s conclusion was that there was no harm to heritage assets and that they did not agree with the Conservation Officer’s consultation response.

Councillor Barbara Cooper of Longstowe Parish Council addressed the Committee on behalf of the Parish Council in objection to the proposal. Councillor Cooper responded to Member questions and clarified that:

- The response from the Highway Development Management Engineer did not allay the Parish Council's concerns regarding highway safety.
- The Parish Council had concerns that horse manure was being placed around the trees subject to TPOs, which would harm the protected trees by acidifying the soil.

In response to a concern raised by Councillor Cooper regarding visibility from the access to the site and impact on highway safety, a Member question was directed towards officers regarding obstructions to the visibility splay. The Highway Development Management Engineer advised that the lamppost was not regarded as an obstruction to the visibility splay due to its width and that the BT cabinet near the access fell outside of the visibility splay, thus it was not considered an obstruction. The Committee was advised that there was a stay cable for the distribution pole adjacent to the proposed access that may prove problematic to the developer but that this was for the applicant to resolve and not the responsibility of the Highway Authority. Members enquired as to if a condition could be added to require condition to resolve the issue of the stay cable, to which the Highway Development Management Engineer advised that he could not comment on behalf of UK Power Networks, who were responsible for the distribution pole, but that if the stay cable was required in its current location within the access it would be problematic to the developer. The Highway Development Management Engineer advised that the distribution pole itself was not a visibility concern.

The Committee was addressed by Councillor Des O'Brien of Bourn Parish Council, on behalf of the Parish Council who objected to the application. In response to a Member question, Councillor O'Brien clarified that there were no footpaths that served the site, that accessing the bus stops required crossing the road and that the Parish Council felt that there were no quality public transport links serving the site, and that cycle access to Bourn required travel along a road with a 60mph speed limit that had no foot or cycle path.

Councillor Dr Tumi Hawkins offered her perspective as a local Member and started the debate. Councillor Dr Hawkins raised the following points:

- Highway safety and access- access to Bourn was viable by car but Fox Road was not viewed as safe for walking or cycling from a local perspective. However, noting the comments from the Highways Authority, the access and highway safety matters were acceptable in planning terms despite the concerns.
- The development outside of the development framework, but the site visit had shown that there were existing dwellings surrounding the site.
- The Conservation Officer had commented that there was less than substantial harm to Heritage assets, which she felt were mitigated improvements to the woodland. Councillor Dr Hawkins commented that, in her view, the proposed planting density was not high enough, but the mitigation through the woodland enhancement carried weight in the balance.

- The shortage of self-build plots within the District carried significant weight as a material consideration.

Councillor Dr Hawkins acknowledged the concerns of the Parish Councils but reiterated the fact that the decision was based on material planning considerations. She described the need for self-build plots (given the local shortage), the biodiversity net gain exceeding local requirements as carrying significant weight. Further comment was made that, whilst she had concerns over highway safety, the responses from the Highway Development Management Engineer and lack of objection from the Highway Authority did not give highway safety concerns material weight and, as such, she was minded to vote for approval.

During the debate, Members asked further questions of clarity and officers advised that:

- The Section 106 agreement would require residents who were to build on the self-build plots to be part of the self-build register and occupy the dwellings, once completed, for a minimum of three years.
- There was a condition that removed Permitted Development Rights.
- The S106 would secure the plots as self-build, and there were no financial contributions required as the total site footprint was not to exceed 999 square metres, and if future applications to vary led to the site exceeding 1000sqm financial contributions would be required for the site as a whole.
- If future occupants wished to extend their property beyond 200 square metres, a separate planning application would be required and Condition 13 secured the maximum internal space (including garages) per dwelling of 200sqm.

Members acknowledged that if the application was for market housing the application would likely be refused and agreed that the decision on the application was to be made on the balance, with the need for self-build plots carrying significant weight. Highway safety was discussed, with some Members feeling that concerns over highway safety amounted to a reason for refusal, whilst others felt that, following the consultation from the Highways Authority and comments from their representative, it was not an adequate reason for refusal and that 5 additional dwellings would be unlikely to have a significant impact on the highways. Some Members felt that, given the proximity of the villages of Bourn and Longstowe, the site was in a sustainable location, whilst others felt that the public transport links were not strong enough to constitute a sustainable location. Members agreed that, given the surrounding developments, the proposal was appropriate despite being outside of the village development framework. Members also commented that the 22% biodiversity net gain held weight in the balance.

By 6 (Councillors Dr Martin Cahn, Peter Fane, Ariel Cahn, Bill Handley, Dr Tumi Hawkins and Eileen Wilson) votes to 1 (Councillor Heather Williams), with 1 abstention (Councillor Peter Sandford), the Committee **approved** the application in accordance with the officer's recommendation, and subject to the conditions and legal agreement, as laid out in the report from the Joint Director of Planning and Economic Development.

9. TPO (request ref SMXHKLWH) - 29 Station Road, Shepreth

Councillor Martin Cahn, seconded by Councillor Dr Tumi Hawkins, proposed that the Committee take the decision by affirmation. The Committee agreed, by affirmation, to the proposal and by affirmation the Committee **gave permission** to serve a provisional Tree Preservation Order.

10. TPO (request ref ZGHDTZHV) - Hall Close (adjacent to 57 Station Road, Foxton)

The Tree Officer presented the report. A Member question was raised on if the nearby fence with a concrete base would have any impact on the tree, and the Tree Officer advised that it was questionable if it would have any impact on the tree and that any impacts on the root system were likely to be minimal given the age and overall vitality of the tree.

Councillor Martin Cahn, seconded by Councillor Dr Tumi Hawkins, proposed that the Committee take the decision by affirmation. The Committee agreed to the proposal, by affirmation, and by affirmation the Committee **gave permission** to serve a provisional Tree Preservation Order.

11. Compliance Report

Councillor Heather Williams rejoined the Committee.

The Principal Planning Compliance Manager presented the report. In response to Member questions, officers advised that it was not possible to assign priority to cases that were older than 6 months due to technical restraints but that it may be possible to see if any of these were priority A. Members requested that it would be helpful to see if there were any older priority A cases and that the details of case priorities created a useful early warning system for Members. Officers advised that priority A cases were few and far between and that there were no cases that needed to be specifically brought to the attention of the Committee.

Councillor Heather Williams left the meeting.

The Committee **noted** the report.

12. Appeals against Planning Decisions and Enforcement Action

The Delivery Manger introduced the report. Member comments were made with regard to the following cases:

- APP/W0530/C/23/3327223, The Navigator, Little Shelford- officers advised that no notification had been received that the appeal had been withdrawn.
- Land South of the Causeway, Bassingbourn (not listed in the report)- the appeal had been allowed by the Planning Inspectorate (PINS) but officers advised that the Council had filed for a judicial review, appealing both the decision and the costs decision. Officers were awaiting a response from the court.

In response to a Member question regarding the number of appeals, officers advised that

delays at PINS were impacting the numbers of outstanding appeals and informed Members that only one appeal had been lodged in December 2023. In response to a Member question, officers advised that the local inquiry for appeal APP/W0530/W/23/3328390 (Darwin Green) had started.

Councillor Heather Williams rejoined the Committee.

In response to cases awaiting decision for the Network House, St Neots Road, Caldecote site, officers advised that these decisions were being affected by the PINS delays.

The Committee **noted** the report.

The Meeting ended at 3.43 p.m.
