

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Development and Conservation Control Committee held on
Wednesday, 2 August 2006 at 10.00 a.m.

PRESENT: Councillor NIC Wright – Chairman
Councillor SGM Kindersley – Vice-Chairman

Councillors:	RE Barrett	Mrs PM Bear
	RF Bryant	Mrs PS Corney
	Mrs A Elsby	Mrs JM Guest
	R Hall	Mrs SA Hatton
	Mrs CA Hunt	RB Martlew
	Mrs CAED Murfitt	CR Nightingale
	Dr JPR Orme	EJ Pateman
	Mrs DP Roberts	NJ Scarr
	Mrs HM Smith	Mrs DSK Spink MBE
	JH Stewart	RJ Turner
	JF Williams	

Apologies for absence were received from Councillors Dr DR Bard, JD Batchelor, Mrs VG Ford and JA Quinlan.

1. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 5th July 2006, subject to clarification of Minute no. 31 relating to Moor Drove, Histon, and to the addition thereto of Councillor SGM Kindersley's declaration of a personal interest as a Cambridgeshire County Councillor and by virtue of having met the occupants and nearby residents when Leader of the Council.

The clarification required was in relation to paragraph 50 of the Report presented to Members on 5th July. The Assistant Solicitor felt that there had been some ambiguity about Members' position on the points set out in the second part of that paragraph. Members confirmed that it was their view that there had not been a significant change in the relevant considerations but, to the extent that there was any doubt about this, there were nevertheless good reasons not to give the benefit of such doubt to the applicant. Members agreed that, as the development was already in existence, and continued to cause the very harm that had led to the original refusal of planning consent, this created a need to facilitate enforcement action and resist the attempt by the applicant to put pressure on the Council to allow him to stay.

The Assistant Solicitor referred Members to the contents of a letter, dated 1st August 2006 and from the Community Law Partnership, which raised several issues which it had asked to be referred to the Development and Conservation Control Committee.

The letter queried whether Councillors MJ Mason and Mrs DP Roberts should have declared personal interests and not voted due to their alleged friendship with neighbours of the applicant. The Assistant Solicitor stated that the ultimate decision as to whether or not to declare an interest was one for individual Members to make, but that Members would only be prevented from voting on a matter if their interest was personal *and* prejudicial. It was noted that Councillor Mason was no longer a Member of the Development and Conservation Control Committee but that he had spoken on the issue as the local Member. Councillor Mrs Roberts explained that, while she knew of the residents involved, this was purely on a professional basis and she had never actually

visited them. Councillor Mason was not present to comment.

The Head of Planning dealt with the planning points raised in the letter. In respect of the provision of sites and the investigation of suitable locations for such sites in the District, he stated that this work was required to inform the draft Local Development Framework but added that it would not be appropriate to delay determination of this planning issue until the Council had adopted that Framework. This point had been covered in the original report to Members.

The Head of Planning stated that the highway issue raised by the Community Law Partnership was one that had been fully covered in the original report to Members. He pointed out that the County Highway Engineer had recently reaffirmed his objection based on highway safety. Furthermore, if an acoustic fence was likely to have been an effective solution, this would have been identified at the planning appeal. Practically, it was not a viable solution.

The final point raised in the letter was to be dealt with by the Assistant Solicitor who would consider the request of the Community Law Partnership to delay enforcement action.

Those Members present, who had been present at the end of the Development and Conservation Control Committee meeting held on 5th July 2006 and had voted on this item then, **REAFFIRMED** the decisions made at that time. Councillor Dr JPR Orme had not been present at that meeting, and did not vote on this occasion either.

2. **S/0951/06/F - SAWSTON**

APPROVAL, as amended by drawing p-22/A date stamped 12th July 2006 and further drawing dated 26th July 2006, for the reasons set out in the Head of Planning's report and subject to Conditions 1-10 and 13-15 referred to therein, Condition 8 being amended to include Plot 13 under sub-section (a) and to delete Plot 13 from sub-sections (b) and (c), and Conditions 11 and 12 being deleted, subject to the Head of Legal Services agreeing to replicate the wording therein in the Transfer document because, as the current land owner, South Cambridgeshire District Council could not enter into a Section 106 Agreement with itself.

Councillor Mrs SA Hatton (a local Member) observed that this application represented the last opportunity to ensure that the roads serving the development were brought up to a standard suitable for buses and other demands of modern day living. She urged Circle Anglia Housing Group to adjust its proposal accordingly. Members instructed officers to send a letter with the decision notice urging the applicant, together with Cambridgeshire County Council, to give serious consideration to widening these roads or providing passing bays along them.

Councillor Mrs SA Hatton declared a personal interest as Vice-Chairman of Sawston Parish Council and Chairman of its Planning Committee. She added that she never voted at Parish Planning Committee meetings, and was considering the matter afresh.

Councillor Mrs DP Roberts declared a personal interest as Housing Portfolio Holder at South Cambridgeshire District Council.

3. **S/1193/06/F - GREAT ABINGTON**

REFUSED, as amended by plan date stamped 20th July 2006, for the reasons set out in the Head of Planning's report.

4. S/1152/06/F - LITTLE ABINGTON

APPROVAL for the reasons set out in the Head of Planning's report, subject to the Conditions referred to therein.

5. S/1195/06/F – STEEPLE MORDEN

DELEGATED APPROVAL for the reasons set out in the Head of Planning's report, subject to safeguarding Conditions relating to landscaping, highway safety, details of Closed Circuit Television and lighting, and restoration of the land to its pre-existing state should use of the land for parking cease, and Environment Agency informatives. Given the need for such parking and the potential for removing existing parking from Station Road, Members deemed it unnecessary to refer the application to the Secretary of State as a departure from the Development Plan since the proposal, by reason of its scale and nature, was not considered to prejudice significantly the implementation of the Development Plan's policies and proposals.

Councillor Mrs CAED Murfitt declared a personal interest by virtue of having attended a recent meeting with the County Councillor and three representatives of the Parish Council relating to the security and financial implications of this proposal.

6. S/0695/06/F - WATERBEACH

DELEGATED APPROVAL, for the reasons set out in the Head of Planning's report, subject to the prior completion of a Section 106 Legal Agreement requiring a financial contribution to education capacity, to the receipt of a revised drawing addressing the Conservation and Design Manager's concerns over the design of the properties, to the satisfactory resolution of landscaping issues, to the Conditions referred to in the report, and to no new material planning objections being raised through consultations with neighbours and the Parish Council about the revised site layout and design.

7. S/1119/06/F - LANDBEACH

APPROVAL for the reasons set out in the Head of Planning's report, subject to the Conditions referred to therein and to Condition 2 being amended to reflect standard tree protection measures during the construction period.

Councillor Mrs DP Roberts declared a personal interest as Housing Portfolio Holder, and did not vote.

8. S/1155/06/F - OVER

APPROVAL for the reasons set out in the Head of Planning's report, subject to the Conditions referred to therein.

9. S/0982/06/RM - WEST WRATTING

APPROVAL of Reserved Matters (siting, design and landscaping) in accordance with outline planning permission ref: S/1056/05/O dated 3rd August 2005, as amended by drawings number 1C, 2C, 3C and 4C date stamped 16th June 2006, for the reasons set out in the Head of Planning's report and subject to the Conditions referred to therein.

10. S/2309/05/F - WEST WICKHAM

REFUSED, as amended by Business Plan dated 14th February 2006 and plans numbered

004C date stamped 28th June 2006 and 003D, 005D and 006D date stamped 24th July 2006, for the reasons set out in the Head of Planning's report.

11. S/1127/06/O - LOLWORTH

APPROVAL, for the reasons set out in the Head of Planning's report, subject to the service of a Tree Preservation Order relating to two beech trees, a field maple, maple and walnut tree, and a group consisting of two Beech, one Oak, one Walnut, two Ash and one Horse Chestnut, and to the Conditions referred to in the report.

12. S/1069/06/F – BASSINGBOURN-CUM-KNEESWORTH

DELEGATED APPROVAL / DELEGATED REFUSAL. The application would be approved, for the reasons set out in the Head of Planning's report, subject to the submission of additional information that demonstrated that a safe and satisfactory access to the site could be provided to the north of that originally proposed in a way which would not have an adverse impact on the character of the area, and to the Conditions referred to in the report. The application would be refused if such additional information was not forthcoming.:

Councillor NJ Scarr was absent during the first part of the debate, and did not vote.

13. S/0938/06/F – CALDECOTE

DELEGATED REFUSAL for the reasons set out in the Head of Planning's report and for any other reasons identified by English Heritage and based on outstanding consultations responses from parish councils.

Councillor Mrs DSK Spink declared a personal interest by virtue of her acquaintance with the applicant's parents and brother, who live in the same village as Councillor Spink. She did not vote.

14. S/0371/06/O - HATLEY

APPROVAL for the reasons set out in the Head of Planning's report, subject to Conditions which, amongst other issues, preclude any development of the site unless a diversion of Public Footpath No 13 Hatley has been secured and which require the submission of a scheme for the ecological enhancement of the adjacent meadow land.

Councillor SGM Kindersley declared a personal and prejudicial interest by virtue of being an adjacent landowner, being Clerk to Hatley Parish Council and being acquainted with the applicants, withdrew from the Chamber, took no part in the debate and did not vote.

Councillor Dr JPR Orme was not present during the debate, and did not vote.

15. S/1198/06/F – HARDWICK

APPROVAL contrary to the recommendation contained in the Head of Planning's report. Having visited the site, Members took the view that, in the context of the existing property and the ribbon of development along St. Neots Road, the proposed extension was modest and designed in such a way as to minimise the loss of amenities to no. 69 St. Neots Road. Accordingly, they considered the proposal to accord generally with Policies P1/2, P1/3 and P9/2a of the Cambridgeshire and Peterborough Structure Plan 2003, and GB2 and HG13 of the South Cambridgeshire Local Plan 2004.

Councillor R Martlew declared a personal interest by virtue of his brother-in-law living at the nearby Red House Farm.

Councillor Dr JPR Orme had not attended the site visit, and did not vote.

Councillor JH Stewart declared a personal interest by virtue of having been present at the meeting of Hardwick Parish Council but had not contributed to that Council's consideration of the application. He was now considering the matter afresh.

16. S/0844/06/F - HASLINGFIELD

REFUSED for the reason set out in the Head of Planning's report.

Councillor SGM Kindersley declared a personal interest as County Councillor for the Gamlingay Electoral Division, which covers the Parish of Haslingfield.

17. S/1017/06/F - IMPINGTON

DELEGATED APPROVAL, as amended by plan date stamped 24th July 2006, for the reasons set out in the Head of Planning's report, subject to outstanding comments from the Local Highways Authority, and the Informatives and Conditions referred to therein. Members requested that an additional Condition be imposed, removing Permitted Development Rights in relation to the future provision of mezzanine floors.

Councillor Mrs HM Smith declared a personal interest as a member of Milton Parish Council.

18. S/0856/06/F - HISTON

REFUSED for the reasons set out in the Head of Planning's report.

Mr M Parish, Chairman of Histon Parish Council, had intended to address the meeting. In the event, he had to leave the Chamber prior to this part of the agenda being reached, and his comments were read out by the Committee Chairman.

19. S/2118/05/F – GREAT AND LITTLE CHISHILL

MINDED TO APPROVE the application, for the reasons set out in the Head of Planning's report, subject to it being referred to the Secretary of State as a departure from the Development Plan and not being called in for determination by her, and to the Conditions attached to the report presented to the Development and Conservation Control Committee on 7th December 2005.. The Decision Notice would be accompanied by a letter reminding the applicant that any changes to the approved drawing during construction works would require further approval.

20. S/1062/06/F - FEN DRAYTON

APPROVAL for the reasons set out in the Head of Planning's report, subject to the completion of an appropriate amendment to the Section 106 Legal Agreement dated 11th September 1991 to reflect use of the premises as a dwelling and the development of additional kennels, to the Conditions referred to in the report, and to an additional Condition requiring noise mitigation measures to be taken.

Councillor SGM Kindersley (Vice-Chairman) took the Chair for this item at the request of

Councillor NIC Wright (Chairman and local Member).

21. CAMBOURNE SPORTS CENTRE: PROPOSED VARIATION TO SECTION 106 AGREEMENT

The Committee considered a report outlining proposed changes to the Cambourne Section 106 Legal Agreement that would prescribe a different sports centre than that originally envisaged.

Subsequent to the report being written, and the agenda published, the intended developer of the sports centre, Xpect Leisure, had issued a press release stating that it was withdrawing from the project. This would have meant that the Cambourne Consortium would once again assume responsibility for providing a sports centre, as had been envisaged in the original Section 106 Agreement.

However, a meeting between Xpect Leisure, South Cambridgeshire District Council officers, Cambourne Parish Council representatives and the Cambourne Consortium, had been held on Tuesday 1 August 2006 in order to resolve outstanding differences to the satisfaction of all concerned. As a result, Xpect Leisure had accepted, in principle, most of the requirements contained in the proposed Section 106 Agreement. However, some terms that had given particular cause for concern were discussed, and it was agreed by all those present on 1 August that the recommendation on 2 August to the Development and Conservation Control Committee should be amended accordingly from that which appeared in the agenda. The originally proposed Agreement would not be varied but, instead, an alternative Agreement would be prepared. As Xpect Leisure had not committed to returning to the project yet, it would be necessary for the original Section 106 Agreement to remain in place should no such commitment be forthcoming.

Xpect Leisure would no longer be required to provide nets for hall division and the cricket bays, although these would be costed so that fundraising could take place to pay for them within the build programme. In addition, a semi-sprung floor would be required (due to a drafting error, this had been stated to be fully-sprung). There would now be no requirement for air conditioning, sockets for gymnastics equipment, a spectator gallery (although viewing windows would be installed if the layout allowed. Council control over the relationship with outdoor facilities, user groups and sports development activities would be encouraged but would not now form part of the legal agreement. The requirement to agree the pricing with South Cambridgeshire District Council would be removed, as the Council would continue to have monitoring and enforcement powers. Xpect Leisure would facilitate the provision of public art by seeking funding from elsewhere. It was made clear that the crèche would be available to all users of the sports centre, not just members. The requirement for a disabled toilet at first floor level was omitted as this matter was covered by Building Regulations. Control of charging for parking would be the same as for the town centre car park adjacent to Morrisons, although Xpect Leisure did not intend introducing charges during the early years of the centre being open.

In terms of timing, officers would endeavour to negotiate an Agreement by the end of August 2006, at which time Xpect Leisure would release its business plan for confidential checking by the Council's consultant. Once the consultant had confirmed that the business case was sound, the Agreement would be completed and Xpect Leisure would start work on its planning application, which would be presented to the Planning Committee for decision in due course.

Councillor Mrs DSK Spink congratulated officers on their efforts in securing the future of this project, and the possible continued involvement of Xpect Leisure in it. The Vice-

Chairman commended good business practice that, in due course, would deliver a solution which, though different from that originally planned, would become available in line with the established timetable.

The Committee **RESOLVED**

To authorise an alternative to the Cambourne Section 106 Legal Agreement, in accordance with the amended recommendation, namely that the new Agreement would now require:

1. that a sports hall be provided to Sport England standards, with a semi-sprung floor, and markings for four badminton courts, one basketball court, one netball court, one volleyball court, one five-a-side court and one hockey court; basketball goals and nets; floor sockets for volleyball; lighting to Sport England standards, Equipment store amounting to 60 square metres, Fire-proof mat store of 15 square metres. four changing rooms in line with Sport England guidelines (including benches, pegs, showers, toilets, and lockers). Changing facilities for officials, and a Café / bar;
2. that "Pay and Play" be applied, with a pricing structure comparable with that at similar local facilities;
3. that there be appropriate access to changing facilities for users of the Multi-Use Games Area ("MUGA"), pitches and bowls green;
4. that opening hours for the sports hall and changing rooms be the same as for the rest of the centre;
5. that the Crèche be available to all users of the Sports Centre;
6. that a Cleaners' store and first aid room be provided;
7. that the proposed disabled persons' toilet on the first floor be deleted from the plan, with disabled facilities being dealt with under the usual building regulations;
8. that the following facilities be provided without a pay and play requirement: swimming pool, spa/steam/sauna, gym, studio, members' changing facilities; and
9. that details of car parking be consistent with those contained in the Section 106 Agreement entered into by, and in relation to the car park at, Morrisons supermarket, namely that *"the use of the car park... by the public shall not preclude the right of the Owner, subject to the prior consent of the Council to levy a charge for use by members of the public of the car park..."*. Thus requiring the operator to get the District Council's permission to charge for parking.

22. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee noted a report on Appeals against planning applications and enforcement action and, in particular, written summaries of decisions relating to:

- Huntingdonshire Housing Partnership and MPM Properties Ltd – 98 no. residential units to include 29 affordable units, new means of access, public open space – Livanos House/Abberley House, Gt Shelford – Appeal allowed
- Park Hill Homes Ltd – Substitution of detached dwelling with two semi-detached dwellings – Plot 9, Eccles Close, Sawston – Appeal allowed

23. APPEALS STATISTICS

The Committee noted that an information report on Appeal statistics had been published on the Council's website.

24. PERFORMANCE CRITERIA

The Committee noted that an information report on performance criteria had been published on the Council's website.

The Meeting ended at 2.45 p.m.
