

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Planning Committee held on  
Wednesday, 3 February 2016 at 10.00 a.m.

PRESENT: Councillor – Chairman

Councillors:	Anna Bradnam	Brian Burling
	Pippa Corney	Kevin Cuffley
	Philippa Hart (substitute)	David McCraith (substitute)
	Des O'Brien	Deborah Roberts
	Tim Scott	Ben Shelton
	Robert Turner	

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Julie Baird (Head of Development Management), Gary Duthie (Senior Lawyer), Dr Jon Finney (Development Control Engineer City and South, Cambridgeshire County Council), John Koch (Planning Team Leader (West)), Chris Morgan (Planning Officer), Karen Pell-Coggins (Principal Planning Officer), Ian Senior (Democratic Services Officer), Paul Sexton (Principal Planning Officer (West)), Charles Swain (Principal Planning Enforcement Officer), David Thompson (Principal Planning Officer) and Rebecca Ward (Senior Planning Officer)

Councillors Roger Hall, Mervyn Loynes, Cicely Murfitt and Bunty Waters were in attendance, by invitation.

### **1. APOLOGIES**

Councillors Dr. David Bard and Sebastian Kindersley sent Apologies for Absence. Their substitutes were Councillors David McCraith and Philippa Hart respectively.

In Councillor Bard's absence, the Committee endorsed Councillor Des O'Brien as Vice-Chairman for the meeting.

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

Interests were declared as follows:

Councillor Pippa Corney

Disclosable Pecuniary Interest in respect of Minute 9 in Over (S/2890/15/RM) as being closely related to the applicant. Councillor Corney withdrew from the Chamber without addressing the Committee, took no part in the debate and did not vote.

Councillor Kevin Cuffley

Non-pecuniary interest in respect of Minute 8 in Sawston (S/2770/15/FL) as a member of Sawston Parish Council. Although Councillor Cuffley owned a business in Sawston High Street, he confirmed that he had no further interest to declare in respect of this application. Councillor Cuffley was considering the matter afresh.

Councillor Des O'Brien

Non-pecuniary interest in respect of Minute 6 in Bourn (S/0499/15/FL) as a member of Bourn Parish Council having attended the meeting at which the application had been discussed. Councillor O'Brien was considering the matter afresh.

Councillor Nick Wright (not a member of Planning Committee)

Non-pecuniary interest in respect of Minute 6 in Bourn (S/0499/15/FL) as a friend of the applicant.

### 3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 13 January 2016.

### 4. S/1527/15/FL - GULDEN MORDEN (THREE TUNS 30, HIGH STREET) WITHDRAWN FROM AGENDA

Councillors had previously visited the site on 3 November 2015

The Committee noted that this application had been **withdrawn** from the agenda.

### 5. S/1714/15/FL - DRY DRAYTON (LAND EAST AND WEST OF BATTLEGATE ROAD, CHILDERLEY FARM)

Councillors attended a site visit on 2 February 2016.

Mike Barnard (objector), Wai-kit Cheung (applicant's agent accompanied by Raoul Tufnell), and Councillors Roger Hall and Bunty Waters (local Members) addressed the meeting. Mr. Barnard focussed on national planning policy and the need for compelling evidence that no alternatives exist before land of such high agricultural quality is used for constructing a solar farm. Mr. Cheung said that the applicant had followed the sequential test for identifying suitable sites. The location had been determined by the need to be within seven kilometres of a network connection point suitable to receive the amount of electricity produced. Councillor Waters related her comments to the agricultural quality of the land. Councillor Hall objected to the size of the proposal, and to its proximity to Childerley Hall.

Following discussion, the Committee **refused** the application contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reasons for refusal as being:

1. Excessive size and scale of the development resulting in an unacceptable adverse visual impact causing significant harm to the character and appearance of the area; and
2. Adverse impact on the amenity of users of the local Public Rights of Way network

### 6. S/0499/15/FL - BOURN (FORMER RUNWAY, BOURN AIRFIELD)

Councillors attended a site visit on 2 February 2016.

Paul Beskeen (on behalf of a group of objectors), Paul Rouse (applicant's agent accompanied by Jonathan Burke, Councillor Steve Jones (Bourn Parish Council), Councillor Mervyn Loynes (a local Member), Councillor Nick Wright (representing the

parish of Knapwell, and as Economic Development Portfolio Holder) and Councillor Dr. Tumi Hawkins (Member for Caldercote) addressed the meeting. Mr. Beskeen referred to concerns about road safety, noise, the adverse impact on neighbour amenity, the transport assessment, implications for cyclists, the impact on Cambourne, and light pollution.

Mr. Rouse referred to the creation of new jobs by the relocation of an existing business, the status of the application being for change of use for a temporary period of two years only, the use of only major routes (not local roads) and the tight controls on loading and unloading. Members asked a number of questions of clarification, and learnt that about 15 jobs would be created on site. The vehicles were all owned by the applicant company, which therefore would be able to influence directly the extent and timing of traffic movements. In response to a question from the Vice-Chairman, Dr. Finney from the Local Highways Authority said it was possible, but complex, to get from Bourn Airfield to the A14 northbound and M11 southbound, and that safeguards were in place to prevent "rat running" through local villages. Councillor Jones referred to the inadequacy of the noise assessment. Councillor Loynes described the proposal as a distribution centre, and expressed concerns about access, the use of local roads, the increase in traffic once the A14 improvement works start, and the total number of vehicle movements to and from the site each day (120 each way). Councillor Wright said the roads in Knapwell had a 7.5 tonne weight restriction, and the possibility of rat-running was a major concern for the village. As Economic Development Portfolio Holder, he said the creation of new jobs was to be welcomed, especially for Papworth Everard, which he also represented and which was about to lose its major employer. Councillor Dr. Hawkins expressed concerns about noise and traffic impact.

The Vice-Chairman (speaking as a local Member) reiterated his concern about vehicle access from Bourn Airfield to the A14 and M11. A further concern for him was noise in a rural setting.

Committee members addressed the concerns raised during public speaking, and considered how best to deal with them. The Senior Lawyer suggested that, rather than Conditions, the Committee might prefer to negotiate a satisfactory Legal Agreement under Section 106 of the Town and Country Planning Act 1990. Such an Agreement would bind and run with the land, should the applicant subsequently dispose of it. He also referred to the protection afforded by Section 80 of the Environmental Protection Act in the event of statutory nuisance arising.

The Committee **approved** the application subject to

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing
  - a. An acceptable Operational Management Plan to include the establishment of a local community liaison Group
  - b. A Transport Management Plan to include the routing of Heavy Goods Vehicles
2. The Conditions referred to in the report from the Planning and New Communities Director.

## **7. S/1883/15/FL - MADINGLEY (LAND ADJ 10 CHURCH LANE)**

Councillors attended a site visit on 2 February 2016.

Robert Stevens (objector) and William Nichols (applicant's agent) addressed the meeting.

Mr. Stevens outlined the history of the site, and said the original intention had been to limit its use, if bought by one of the neighbours, to use as garden land. He argued that the building now proposed was not in keeping with the street scene, and did not preserve or enhance the Conservation Area. Mr. Nichols said that the presumption in favour of development should apply here in order to help address the shortfall in housing in South Cambridgeshire.

Following Member debate, the Committee **refused** the application for the reason set out in the report from the Planning and New Communities Director.

#### **8. S/2770/15/FL - SAWSTON (76-78 HIGH STREET)**

Councillors attended a site visit on 2 February 2016.

Jamie Roberts (applicant's agent) addressed the meeting. He said that the proposal would not increase the impact of traffic, and did not cause any planning harm to the Conservation Area. The Council's Environmental Health officer was satisfied with the extraction system in place.

After Members had raised a few concerns about the proposal, the Senior Lawyer reminded them that their duty was to ask themselves whether the application was "good enough".

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director, and two additional Conditions requiring an on-site parking layout, and the placement of bollards to the front of the property in order to prevent on-street parking.

#### **9. S/2890/15/RM - OVER (38 MILL ROAD)**

Councillors attended a site visit on 2 February 2016.

Councillor Brian Burling (a Committee and Local Member) was currently the subject of a complaint made against him by the applicant but in a neighbouring Parish and unrelated to the current application. Legal advice had been sought, and given to the effect that Councillor Burling should withdraw from the Chamber (or at least to the public gallery) during consideration of this item, take no part in the debate, and refrain from voting. Councillor Burling expressed unease at the suggestion that he could not be objective in the circumstances. The Senior Lawyer read out a long e-mail sent by him to Councillor Burling, stating the applicant's entitlement to Natural Justice and for Committee members to be fair and impartial. The key issue to be addressed was the perception of bias. The Senior Lawyer advised the Chairman that, should Councillor Burling remain present in the Chamber or otherwise not retire to the public gallery, it would be unsafe to continue and she should immediately defer the item.

Councillor Deborah Roberts said that comments relating to the investigation into the complaint should have been made in confidential session.

The Senior Lawyer categorically denied that Councillor Burling's integrity was being called into question. He stressed again that the advice given was based solely on the perception that Natural Justice had been infringed upon.

Councillor Anna Bradnam said that Members must be trusted, but that due notice must also be taken of the advice given by the Senior Lawyer.

Councillor Philippa Hart called the situation regrettable, and said it could encourage vexatious complaints against Councillors in the future.

The Head of Development Management said the aim should be to minimise risk to the Council.

The Senior Lawyer re-iterated that the applicants were entitled to, and needed to be reassured about, a fair hearing.

Councillor Burling expressed relief that his integrity was not being called into question. He backed his chair away from the table, but did not withdraw from the Chamber or retire to the public gallery. He did not take any part in the substantive debate, and did not vote. The Chairman accepted Councillor Burling's stance, and did not insist on him removing himself from the body of the Chamber.

Councillor Roberts described the pressure applied to Councillor Burling as not fair, and voluntarily withdrew from the Chamber. She took no further part in the consideration of this item, and did not vote.

Ian Leyshon (objector) and Councillor Geoff Twiss (Over Parish Council) addressed the meeting. Mr. Leyshon referred to a boundary dispute with the applicant, the proposed removal, by the applicant, of trees within the ownership of Mr. Leyshon, highway safety, and visibility issues. Councillor Twiss referred to an error in plotting the boundary on the road side of the application site. He also referred to the disputed land ownership.

The Senior Lawyer reminded the Committee that the question of property rights, and the accuracy of the Land Ownership Certificate given, was one for the courts, or some other adjudicator, to determine, and was not a material planning consideration that the Local Planning Authority could take into account. He referred the Committee to Condition 7 imposed by the Inspector when determining the Appeal against refusal of Outline consent in favour of the Appellant. This required a two-metre by two-meter visibility splay.

Councillor Robert Turner thanked Councillor Burling for the manner in which he had conducted himself, and urged Members to restrict their views to the current Reserved Matters application.

The Committee **approved** the application subject to the Conditions and Informative set out in the report from the Planning and New Communities Director.

## 10. ENFORCEMENT REPORT

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

In relation to the breach of enforcement notice on land adjacent to Hill Trees, Babraham Road, Stapleford, the Principal Planning Enforcement Officer reported that the Appellant's Notice seeking leave to appeal against the Injunction dated 17 November 2015 had been dismissed.

In relation to Plot 11, Orchard Drive, Smithy Fen, Cottenham, the application for leave to appeal had been refused.

## 11. 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 2.13 p.m.**

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