

South Cambridgeshire District Council

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

PRESENT: Councillor Pippa Heylings – Vice-Chair in the Chair
Councillor Henry Batchelor – Vice-Chair of the meeting

Councillors: Anna Bradnam
Peter Fane
Judith Rippeth
Heather Williams
Nick Wright

Dr. Martin Cahn
Dr. Tumi Hawkins
Deborah Roberts
Dr. Richard Williams

Officers in attendance for all or part of the meeting:

Christopher Carter (Delivery Manager - Strategic Sites), Aaron Coe (Senior Planning Officer), Alistair Funge (Planning Enforcement Officer), Bonnie Kwok (Lead Urban Design Project Coordinator), Stephen Reid (Senior Planning Lawyer), Jane Rodens (Senior Planner), Marie Roseaman (Policy Planner), Ian Senior (Democratic Services Officer), Michael Sexton (Senior Planning Officer), Lewis Tomlinson (Senior Planning Officer) and Alice Young (Planning Officer)

1. Chair's announcements

The meeting began with a short period of reflection following the sad news that His Royal Highness The Prince Philip, The Duke of Edinburgh, had died on Friday 9 April 2021

Councillor John Batchelor had resigned as Chair and as a member of the Planning Committee. This was so he could take up his new responsibility as the Lead Cabinet Member for Housing. Councillor Pippa Heylings said that, as his Vice-Chair since May 2018, she would like to thank him for the calm, informed and professional way he has chaired the Committee, especially during the past 12 months of virtual meetings necessitated by the Covid-19 Pandemic. Councillor Heylings thanked Councillor John Batchelor for the supportive and wise advice he had given her and led tributes from other Committee members.

Accordingly, and until Full Council had appointed a new Planning Committee Chair, Councillor Pippa Heylings would be chairing the Committee as Vice-Chair in the Chair. With the affirmation of the Committee, she appointed Councillor Henry Batchelor as Vice-Chair, again until Full Council confirmed an appointment.

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

She 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.

She 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. However, given the circumstances with technological challenges at times, the Chair asked members to indicate if they had any problems and time would be taken to enable them to reconnect and continue as voting members.

2. Apologies and substitutions

There were no Apologies for Absence.

3. Declarations of Interest

Councillor Henry Batchelor declared

- a pecuniary interest in, and would withdraw from the meeting during the consideration of, Minute 10 (20/02098/S106a - Papworth Everard (Land between Church Lane and Ermine Street South, Church Lane)) because his employer had a business relationship with the applicant.
- A non-pecuniary interest in Minute 13 (Cambourne – proposed diversion of public footpath no. 7) as a member of Cambridgeshire County Council.

Councillor Anna Bradnam declared

- A non-pecuniary interest in Minute 7 (20/03370/OUT - Waterbeach (95 Bannold Road)). She had discussed the application with one of the local residents and given advice on how to address the matter. Councillor Bradnam was considering the matter afresh.
- A non-pecuniary interest in Minute 13 (Cambourne – proposed diversion of public footpath no. 7) as a member of Cambridgeshire County Council.

Councillor Peter Fane declared a non-pecuniary interest in Minute 5 (20/02929/OUT - Stapleford (Land Between Haverhill Road and Hinton Way)). As a local Member, Councillor had discussed the application with both the developer and with Stapleford Parish Council but was considering the matter afresh.

Councillor Dr. Tumi Hawkins declared a non-pecuniary interest in Minute 5 (20/02929/OUT - Stapleford (Land Between Haverhill Road and Hinton Way)). She knew members of the applicant company and had spoken with them in the past but not about this application. Councillor Hawkins was considering the matter afresh.

Councillor Judith Rippeth declared a non-pecuniary interest in Minute 7 (20/03370/OUT - Waterbeach (95 Bannold Road) as a local Member but was considering the matter afresh.

Councillor Deborah Roberts declared non-pecuniary interests in

- Minute 8 (20/03105/FUL - Fowlmere (Mill Farm, Fowlmere Road)) and
- Minute 9 (20/04223/HFUL - Fowlmere (20A Pipers Close)).

Councillor Roberts was a member of Fowlmere Parish Council, which had discussed both applications, but was considering both matters afresh.

Councillor Heather Williams declared

- a non-pecuniary interest in Minute 6 (20/03151/REM - Guilden Morden (Land South of Thompsons Meadow)). As the local Member, she had attended Guilden

Morden Parish Council meetings at which this application had been discussed. However, Councillor Heather Williams had taken no part in those discussions and was considering the matter afresh,

- a non-pecuniary interest in Minute 5 (20/02929/OUT - Stapleford (Land Between Haverhill Road and Hinton Way)). Councillor Heather Williams was a member of the Greater Cambridge Partnership Joint Assembly but was considering the matter afresh,

Councillor Nick Wright declared a non-pecuniary interest in Minute 10 ((20/02098/S106a - Papworth Everard (Land between Church Lane and Ermine Street South, Church Lane)). During the seven years that this application had been proceeding, he had been involved in meetings with the developer, Allia, Papworth Everard Parish Council and South Cambridgeshire District Council officers. At no stage had Councillor Wright expressed an opinion about the application, and he was considering the matter afresh.

The Chair noted that Minutes 11 and 12 (and 20/02453/S73 - Longstanton (The Retreat , Fews Lane))

4. Minutes of Previous Meetings

By affirmation, the Committee authorised the Vice-Chair in the Chair to sign as correct records

- The Minutes of the Extraordinary meeting held on 29 January 2021 subject to the correction in Minute 4 (S/2075/18/OL - Waterbeach (Land adjacent to Waterbeach Barracks and Airfield Site)) of the word 'notion' to 'motion' in the eighth line of the paragraph immediately after the bullet points
- The Minutes of the meeting held on 10 March 2021

5. 20/02929/OUT - Stapleford (Land Between Haverhill Road and Hinton Way)

The case officer said that although several representations had been received since publication of the agenda none had raised any issues not already addressed in the officer report. He confirmed that this was not an EIA application and that limited weight could be given to the release of housing stock. A document sent to Committee members the day before the meeting had been shared subsequently with other interested parties and had been uploaded to the planning portal.

Jenny Flynn (objector), Phil Grant (for the applicant), Councillor Howard Kettel (Stapleford Parish Council) and Councillor Barbara Kettel (Great Shelford Parish Council) addressed the meeting.

Councillor Nick Wright described the application as very harmful in terms of residential amenity and added that there was a need for the kind of agricultural land that would be lost if this development were to be permitted. While he accepted that proposals like the current one were needed in South Cambridgeshire this was not an appropriate location.

Councillor Judith Rippeth agreed that the proposal would cause planning harm, and Councillor Deborah Roberts took the view that there were no very special circumstances that might outweigh that harm.

Other comments raised were as follows:

- Local countryside views were important

- The accommodation available needed to benefit the local community and be affordable for local people
- The Green Belt existed for a purpose

Members noted the comments from Councillor Nick Sample (a local Member) which highlighted the need for housing for elderly people and for greater access to the countryside.

By affirmation, the Planning Committee **refused** the application for the reasons set out in the report from the Joint Director of Planning and Economic Development.

6. 20/03151/REM - Guilden Morden (Land South of Thompsons Meadow)

Speaking as the local Member, Councillor Heather Williams expressed concerns about highway safety and safety around the pond.

Councillor Anna Bradnam expressed concern about access to the site and the lack of public transport. She acknowledged though that, on balance, the application was more acceptable than it had been at the Outline stage.

By affirmation, the Planning Committee approved the application subject to the Conditions set out in an agenda supplement from the Joint Director of Planning and Economic Development.

7. 20/03370/OUT - Waterbeach (95 Bannold Road)

By way of clarification, officers advised Members to give significant weight to Appeal decision APP/W0530/W/20/3253436 relating to the adjacent site at land to the east of Cody Road and north of Bannold Road. Officers cited the proposal site's context and change of outlook as the reason for not identifying it as an exception site. Members noted that the proposal fell below the threshold at which any affordable housing could be required.

Ian Skidmore (objector), Nick Moys (applicant) and Councillor Jane Williams (Waterbeach Parish Council) addressed the meeting. Councillor Anna Bradnam spoke as a local Member.

In respect of drainage, the Delivery Manager (Strategic Sites), having sought clarification from colleagues expressed satisfaction with the nature and degree of local consultation. In particular it was confirmed that a consultation request had been sent to the correct Internal Drainage Board consultation email address, covering both Waterbeach and Old West IDBs. Upon the proposal of Councillor Anna Bradnam, seconded by Councillor Dr. Tumi Hawkins, and by affirmation, the Committee agreed additional wording in Condition 18 to secure ongoing management and maintenance of the piped ditch.

During the ensuing debate, Councillor Heather Williams questioned whether the proposal was compliant with Policy H/19(4). She considered five dwellings on the site to be overdevelopment such as to have a negative impact on neighbour amenity and local character. Councillor Heather Williams reminded Members that each application had to be considered on its merits and that the result of the neighbouring Appeal should not influence their decision about this application.

Councillor Judith Rippeth spoke as a local Member and articulated that her main concerns with the application could be addressed as Reserved Matters rather than at the Outline

stage. She added that there was no need to attribute significant weight to the inspector's decision to allow the planning application on the neighbouring site, where the inspector had stated that the Bannold Road was no longer of a rural nature, and was now more suburban in character.

The case officer said that density was Policy-compliant.

After further debate and by six votes to five, the Planning Committee **approved** the application subject to the Conditions set out in an agenda supplement from the Joint Director of Planning and Economic Development, Condition 18 being amended to state as follows:

“No development shall take place until a scheme for the disposal of surface water and foul water drainage that can be maintained for the lifetime of the development and has been submitted to and approved in writing by the Local Planning Authority. The details shall include arrangements for the ongoing maintenance of the piped ditch along the frontage of the site. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory method of surface water drainage and foul water drainage to prevent the increased risk of flooding and pollution to the water environment in accordance with policies CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018.”

(Councillors Henry Batchelor, Cahn, Fane, Hawkins, Heylings and Rippeth voted to approve the application. Councillors Bradnam, Roberts, Heather Williams, Richard Williams, and Wright voted to refuse it.)

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

8. 20/03105/FUL - Fowlmere (Mill Farm, Fowlmere Road)

The case officer reported that a further representation had been received since publication of the agenda, and that duplicate Conditions in the report would be deleted prior to the issue of a Decision Notice should the Committee grant planning permission. She said that the date for determination of the application was 28 September 2020. Officers were satisfied that the applicant's membership of South Cambridgeshire District Council's Design Enabling Panel did not present him with a conflict of interest.

David Grech (applicant's agent) and Councillor Laurence Wragg (Fowlmere Parish Council) addressed the meeting.

Councillor Deborah Roberts spoke as the local Member. She highlighted the proposal's proximity to the Royal Society for the Protection of Birds Reserve, a Site of Special Scientific Interest, and two important streams. Regardless of the quality of design, a proposal such as this had to be sensitive within its surroundings.

The Chair informed Members that they must ask themselves whether Policy H/15 of the

South Cambridgeshire Local Plan 2018 and Paragraph 79(e) of the National Planning Policy Framework had been met in full.

Councillor Nick Wright accepted that the proposed building was exceptional but questioned whether it was appropriate in this location.

Councillor Dr. Martin Cahn agreed that the building should be considered as exceptional, using as a guide the prospect of it being worthy of listing in 30-40 years' time.

Noting that whether or not a building was exceptional was purely subjective, Councillor Heather Williams described the current proposal as no more than good. The evaluation as to whether the building was exceptional should be made by the Planning Committee rather than by an unaccountable body such as the Design Enabling Panel.

Councillor Anna Bradnam noted the design and sustainability of the building but said it must also enhance the character of the area in which it is located.

Councillor Deborah Roberts, speaking as a Committee member emphasised the importance of enforcing Policies in the Local Plan.

By six votes to four, the Planning Committee **approved** the application subject to the Conditions set out in the report from the Joint Director of Planning and Economic Development.

(Councillors Bradnam, Cahn, Fane, Hawkins, Rippeth and Wright voted to approve the application. Councillors Henry Batchelor, Heylings, Roberts and Heather Williams voted to refuse it. Councillor Richard Williams was not present and did not vote.)

9. 20/04223/HFUL - Fowlmere (20A Pipers Close)

After a very short debate, and by affirmation, the Planning Committee **approved** the application subject to the Conditions and Informative set out in the report from the Joint Director of Planning and Economic Development.

Councillor Henry Batchelor withdrew from the virtual meeting in accordance with his declaration of interest (Minute 3 refers). With the Committee's affirmation, Councillor Peter Fane was appointed Vice-Chair for the following item in Papworth Everard.

10. 20/02098/S106a - Papworth Everard (Land between Church Lane and Ermine Street South, Church Lane)

The case officer updated Members on representations received since publication of the agenda. None raised issues that had not already addressed in the officer's report.

The Senior Planning Lawyer advised the Committee that it was entitled to amend the

trigger in the Legal Agreement from 7 months back to 24 months if it deemed it appropriate. He added that South Cambridgeshire District Council would need to apply for an Injunction to prevent occupation of the dwellings that had already been built.

Tim Jones (objecting on behalf of Allia), Nikki Fonseka (representing the applicant) and Councillor Chris Howlett (Papworth Everard Parish Council) addressed the meeting.

Councillor Nick Wright spoke as a local Member and said that the aim must be to deliver the project in the interests of the community. South Cambridgeshire District Council should enforce the 18-month trigger point. He expressed alarm at the prospect of houses being sold to purchasers who would then be liable under the Section 106 Legal Agreement. However, the Senior Planning Lawyer assured Members that the Legal Agreement was robust.

Prior to a vote being taken, the Delivery Manager (Strategic Sites) was invited to provide some wording as to what Members' reason was should they be minded to vote for refusal. The Delivery Manager (Strategic Sites) read out some drafted text and Members agreed this as their reason for refusal.

By six votes to three, the Planning Committee **refused** the application contrary to the recommendation in the report from the Joint Director of Planning and Economic Development. Members agreed that the proposed variation to the Legal Agreement under Section 106 of the Town and Country Planning Act 1990 would fail to secure the delivery of the community building in a timely manner, resulting in up to 40 dwellings being occupied without adequate community provision. Consequently the proposal would be contrary to Policy H/4 of the South Cambridgeshire Local Plan 2018, which requires redevelopment of Papworth Everard West Central to secure a mix of community, employment and housing uses; and Policies SC/4 and SC/6 which require all housing developments to contribute towards the provision of indoor community facilities to meet the need generated by the development.

(Councillors Hawkins, Heylings, Rippeth, Roberts, Heather Williams and Wright voted to refuse the application. Councillors Bradnam, Cahn and Fane voted to approve it. Councillors Henry Batchelor and Richard Williams were not present and did not vote.)

**Councillor Henry Batchelor
resumed the role of Vice
Chair for the remainder of
the meeting (Agenda items
11 to 15 inclusive).**

11. S/3215/19/DC - Longstanton (The Retreat, Few's Lane)

The case officer updated the Committee on matters arising since it approved the discharge of Conditions 4 and 5 at its meeting on 13 January 2021. A further technical report had been received from Santech.

Daniel Fulton (objector) addressed the meeting. He pointed out that the starting point for a Local Planning Authority considering whether to discharge Conditions was the planning permission itself, including Conditions attached to that permission and plans relating to it. Mr. Fulton said that the original plan forming part of the planning permission had shown a large area of hardstanding whereas the plan now showed a gravel area. Mr. Fulton maintained that officers could not use a Discharge of Conditions application to change a

plan material to the planning application but did have the power to make such a change if they followed the process set out in Section 96A of the Town and Country Planning Act 1990.

The Senior Planning Lawyer advised the Committee that he felt it could confirm the discharge of Conditions 4 and 5 today notwithstanding the comments from Mr Fulton.

Councillors Deborah Roberts, Heather Williams and Dr. Tumi Hawkins each addressed the meeting before the matter moved to a vote.

By nine votes to nil with two abstentions, 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, Rippeth, Richard Williams and Wright voted to approve the application. Councillors Roberts and Heather Williams abstained from voting.)

12. **20/02453/S73 - Longstanton (The Retreat , Fews Lane)**

Daniel Fulton (objector) and Gerry Caddoo (applicant) addressed the meeting.

Following a short debate about process, publicity and the importance of transparency in decision-making, and by six votes to five, the Planning Committee **deferred** the application to allow further representations to be considered by officers.

(Councillors Bradnam, Heylings, Roberts, Heather Williams, Richard Williams, and Wright

voted to defer. Councillors Henry Batchelor, Cahn, Fane, Hawkins and Rippeth voted against deferral.)

13. Cambourne - Proposed diversion of Public Footpath no. 7

The Asset Information Definitive Map Officer at Cambridgeshire County Council summarised the report.

By affirmation, the Planning Committee **agreed** that

1. South Cambridgeshire District Council, as Order Making Authority, should approve the making, and confirmation (subject to no objection) of a Public Path Diversion Order under Section 257 of the Town and Country Planning Act 1990.
2. South Cambridgeshire District Council should indicate its formal decision to Cambridgeshire County Council, as agents for the District Council.

14. Enforcement Report

The Committee received and noted an Update on enforcement action.

The Principal Enforcement Officer reported verbally that there had now been partial compliance with the Enforcement Notice relating to Elmwood House, 13A High Street, Croxton.

Members were introduced to Will Holloway, who would be taking over the role of Principal Enforcement Officer reporting to the Planning Committee from the next meeting onwards. Councillor Pippa Heylings acknowledged the valuable contribution made by Alistair Funge during the past year, made more challenging by the Covid-19 pandemic. She welcomed the fact that Mr. Funge would be continuing as a Senior Enforcement Officer within the Greater Cambridge Planning Service and led tributes to Mr. Funge from Committee members.

15. Appeals against Planning Decisions and Enforcement Action

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

The Delivery Manager (Strategic Sites) referred to the decision made by the Planning Committee on 11 November 2020 in respect of S/3387/19/RM - Great Abington (Land rear of Strawberry Farm, Pampisford Road). The Decision Notice had been issued without some of the Conditions. That Decision Notice had now been quashed in the High Court and would be reissued with all Conditions attached.

The Meeting ended at 6.55 p.m.
