

DEVELOPMENT AND CONSERVATION CONTROL COMMITTEE

At a meeting of the Committee
held on Wednesday, 2 June 2004

PRESENT: Councillor Mrs JM Healey
Councillor JH Stewart

Councillors	Dr DR Bard	LCA Manning JP
	RE Barrett	Mrs JA Muncey
	JD Batchelor	Mrs CAED Murfitt
	RF Bryant	JA Nicholas
	G Elsbury	CR Nightingale
	CJ Gravatt	Mrs DP Roberts
	R Hall	RGR Smith
	Mrs SA Hatton	Mrs DSK Spink MBE
	Mrs J Hughes	LJ Wilson
	SGM Kindersley	AW Wyatt MBE

Councillors SJ Agnew, Mrs MP Course and Dr SA Harangozo attended the meeting by invitation.

1. APOLOGIES

Councillors CC Barker, R Driver, Dr JPR Orme and R Turner sent apologies for absence.

2. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 12th May 2004.

3. S/0759/04/F - NEWTON

APPROVAL, as amended by drawing no. 002/1/re Rev 2 date stamped 10th May 2004, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein.

4. S/0575/04/F - CASTLE CAMPS

APPROVAL for the reason set out in the report from the Director of Development Services, subject to safeguarding Conditions relating, among other things, to materials and foul water drainage, and to a site contamination investigation and Agreement. Although the application represented a departure from the Development Plan, Members concurred with officer advice that, given the likelihood that it would not significantly prejudice implementation of Development Plan policies, there was no need to refer it to the Secretary of State.

5. S/0606/04/LB & S/0607/04/F - HORSEHEATH

DELEGATED APPROVAL, contrary to the recommendation contained in the report from the Director of Development Services, subject to the receipt of acceptable details of the access gate and fencing and to the removal of Permitted Development Rights. Having visited the site, Members felt that the modest and sensitive nature of the proposed works respected the integrity of the Grade II Listed Building, and would not have an adverse impact on it. Accordingly, the proposal would not conflict with Policies EN/20 or HG/13 of the South Cambridgeshire Local Plan 2004, Policy P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003, or Planning Policy Guidance note no. 15 relating to planning and the historic environment.

6. S/1209/03/F - GAMLINGAY

APPROVAL for a temporary period only, for the reasons and subject to the Condition set out in the report from the Director of Development Services. (Councillor Mrs DSK Spink declared a personal interest in this item as knowing the applicant's father-in-law, but remained in the Chamber and contributed to the debate.)

7. S/1210/03/F - GAMLINGAY

DELEGATED APPROVAL, for the reasons set out in the report from the Director of Development Services, subject to further details from the applicant in respect of an amended plan showing the area outside the buildings that would be used in connection with the unit, to detailed traffic information requested by the Local Highways Authority, and to Conditions to include, among other things, the requirements of the Environment Agency and Environmental Health Officer,, referred to in paragraphs 14 and 16 and Appendix 1 to the report, and landscaping.

8. S/0784/04/F - WATERBEACH

REFUSED for the reasons set out in the report from the Director of Development Services. Members requested officers to include with the Decision Notice an invitation, without prejudice, for the applicants to negotiate a reduced scheme on the site.

9. S/0445/04/F - LANDBEACH

DEFERRED for a site visit.

10. S/0679/04/F - GREAT SHELFORD

DELEGATED APPROVAL, for the reasons set out in the report from the Director of Development Services, and subject to the dwelling being moved a further 3 metres from the boundary with No.1 The Hectare (which Members acknowledged would require it to be reconfigured), additional planting along the boundary with No.1 The Hectare as part of the landscaping scheme to be agreed, and the Conditions referred to in the report. Members visited the site on 1st June 2004.

11. S/0612/04/F - GREAT SHELFORD

DELEGATED APPROVAL, for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein, a Condition requiring the details of the method and extent of opening of the en-suite window in the front elevation to be agreed, and to the applicants agreeing to use pan tiles.

12. S/0162/04/F - GREAT SHELFORD

DELEGATED APPROVAL, for the reasons set out, and Conditions referred to, in the report from the Director of Development Services presented to the Committee on 12th May 2004, and subject also to the applicants agreeing to ease the bungalow further away from the boundaries with Nos. 3 and 4 Walnut Drive. Members visited the site on 1st June 2004.

(Councillor SGM Kindersley voted for refusal, and asked that his vote be recorded.)

13. S/0482/04/F - WILLINGHAM

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein.

14. S/0144/04/F - WILLINGHAM

DEFERRED for a site visit.

15. S/0373/04/F - OVER

REFUSED for the reason set out in the report from the Director of Development Services.

(Councillor LJ Wilson did not vote.)

16. S/0765/04/F - COMBERTON

DELEGATED APPROVAL, for the reasons set out in the report from the Director of Development Services, subject to the applicants agreeing to move the proposed extension forward by one metre in order to minimise any adverse impact on the neighbouring property, and to the Conditions referred to in the report.

17. S/0797/04/F - BAR HILL

REFUSED for the reasons set out in the report from the Director of Development Services.

18. S/0728/LB AND S/0729/04/F - HISTON

This item had been **WITHDRAWN** from the agenda.

19. S/0562/04/F - TEVERSHAM

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein.

20. S/0483/04/F - SHEPRETH

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to a revised plan showing an increased area of land for landscaping, further information and clarification regarding alternative existing masts (and the potential for mast sharing), buildings, or other structures and subject to the Conditions referred to in the report:

21. S/0592/04/F - TOFT

REFUSED for the reasons set out in the report from the Director of Development Services.

22. S/0356/04/F - HASLINGFIELD

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein.

23. S/0470/04/F- BOURN

DEFERRED pending receipt from the County Farms Manager of further advice on the adequacy of the marketing undertaken, which Members considered had been insufficient.

24. S/2437/03/F - ORWELL

This application had been **WITHDRAWN**.

25. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **NOTED** the following from the report prepared by the Director of Development Services:

- Decisions notified by the Secretary of State
- Appeals received
- Local Inquiry and Informal Hearing dates scheduled before the Committee's next meeting on 7th July 2004
- Advance notification of future local inquiry and Informal Hearing dates (subject to postponement or cancellation)

The Deputy Director of Development Services apologised for the absence of any summaries this month, but assured Members that the presentation of these would resume when workloads within the Appeals Section permitted.

26. PUBLIC FOOTPATH: PROPOSED DIVERSION OF FOOTPATH NO. 6 IN BARTLOW

The Committee considered a report on the proposal, by Cambridgeshire County Council, to divert the legal line of part of Public Footpath no. 6 in Bartlow onto a route that was available on the ground.

It was **RESOLVED** that Cambridgeshire County Council be informed that this Council noted the proposal, but had no further comments to make.

27. CAMBOURNE SECTION 106

The Committee **NOTED** a further report on progress being made in providing a series of facilities required under the terms of the Section 106 Legal Agreement for Cambourne, dated 20th April 1994, and its stance of withholding further permission for market housing, pending such progress.

The Chairman reminded Members that, in adopting its approach, the Council's intention had been to encourage the developers to start the necessary work and be in a position to demonstrate substantial compliance with the Section 106 Agreement. There had never been an intention to withhold permission for further market housing until all of the community facilities had been completed.

In proposing that the Council now lift its embargo on such planning consent, the Leader of the Council explained that the recently adopted practice of requiring a Construction Programme in relation to each new community facility would have the effect of increasing developers' accountability. Authority to re-impose the embargo, should circumstances require such action, should be delegated to officers, in consultation with the Chairman of the Committee. Councillor CR Nightingale seconded the proposal.

It was requested that progress in providing community facilities in Cambourne be reported to the Development and Conservation Control Committee as a standing item.

RESOLVED that the Council lift its embargo on the issue of planning permission, as appropriate, for further market housing in Cambourne, subject to the developers agreeing with the Local Planning Authority to devise construction programmes in all future cases where community facilities are concerned, and to the Local Planning Authority's option, through delegation to officers and the Chairman of the Development and Conservation Control Committee, to re-impose the embargo immediately, should the need arise.

28. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the Press and Public be excluded from the meeting during consideration of Minute no. 29 in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (exempt information as defined in Paragraphs 8 and 10 of Schedule 12A of the Act).

29. OPTIONS FOR FUTURE ACTION RELATING TO TRAVELLERS (LATE ITEM)

This item had not appeared on the agenda, and had not been in the public domain for five clear working days. However, because of the need to consider the Council's options after 4th June 2004, and the adverse implications of waiting until the Committee's next meeting on 7th July 2004, the Chairman agreed to allow consideration of the item as a matter of urgency.

The Deputy Director of Development Services summarised the facts relating to a single site in Cottenham that had culminated in the High Court confirming an Injunction in favour of the Council. The compliance period expired on 4th June 2004.

The Council had concluded that, should the terms of the Court Order not be complied with, it would need help from external sources in taking further (direct) action. Two separate organisations had provided initial advice, including guidance on procedure and

estimate of costs.

The Head of Legal Services stressed the need for careful and confidential planning of future action. In particular, the Cabinet would need to address the question of securing the site to prevent further incursion thereto. He informed Members that, were they to consider a bund to be the most appropriate form of security, then there would be a cost involved in acquiring the site through compulsory purchase, and in compensating the present owners of that land on the basis of planning land use value. Further alternatives would be an application for the committal to prison of defaulters, or their prosecution. The Head of Legal Services advised the Council that these were circumstances where it was entirely right to pursue the committal and prosecution measures straightaway, and to plan for bailiff-led direct action in, say, two to three months' time.

Despite a contrary point of view requesting more immediate action, the Chairman commended to the Committee the Head of Legal Services' suggestion that committal, prosecution and bailiff action be pursued concurrently.

Members discussed the following points:

- extent of the Injunction
- the availability of expertise in-house
- the need to act proportionately
- the need for any Compulsory Purchase Order to cover an appropriate area of land in order to secure its longer term status as open land
- the need for an additional access to the site in the interests of the security of those acting in pursuance of authorised action
- timing

All members present having considered the Human Rights checklist, the Committee

RESOLVED

- (1) to recommend to Cabinet that Cabinet review the Council's options including, specifically, that of compulsory purchase, and that further consideration of direct bailiff action be deferred until after that meeting; and
- (2) At the discretion of the Head of Legal Services, after considering all the up-to-date circumstances, to take appropriate Magistrates' Court proceedings for the prosecution of the owners and occupiers for breaches of the extant enforcement notices, to make application to the County Court for committal in breach of the injunction and to pursue as necessary to recover the legal costs ordered by the Court.