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12 April 2010

To: Chairman – Councillor Robert Turner
Vice-Chairman – Councillor Val Barrett
Members of the Planning Enforcement Sub-Committee – Councillors
Pippa Corney, Sally Hatton, Sebastian Kindersley, Charles Nightingale and
Hazel Smith

Quorum: 3

Dear Councillor

You are invited to attend the next meeting of **PLANNING ENFORCEMENT SUB-COMMITTEE**, which will be held in **SWANSLEY ROOM, GROUND FLOOR** at South Cambridgeshire Hall on **TUESDAY, 20 APRIL 2010 at 2.00 p.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
GJ HARLOCK
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA		PAGES
Public Speaking Those not members of the Planning Enforcement Sub-Committee wishing to address the meeting should first read the Public Speaking Protocol.		
1.	Apologies for Absence To receive apologies from sub-committee members.	
2.	Declarations of Interest	
3.	Minutes of Previous Meeting To authorise the Chairman to sign the minutes of the meeting held on 9 March 2010 as a correct record.	1 - 4
4.	Orwell: Unauthorised Land Level Raising at the Rear of 9 High Street	5 - 8
5.	Croydon: stables at Portlet, High Street	9 - 12

6. **Willingham: Anti-Social Behaviour Act 2003 - Section 69 - high hedge situated at The Willows, 90 Earith Road - Verbal Update**
Minutes of the Planning Enforcement Sub-Committee meetings held in January 2010 and March 2010 relating to this item are attached as Appendix 1.

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EXCLUSION OF PRESS AND PUBLIC

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

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- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Enforcement Sub-Committee held on
Tuesday, 9 March 2010 at 2.00pm

PRESENT:

Councillors:	Val Barrett Charles Nightingale	Sebastian Kindersley Hazel Smith
Officers:	Gary Duthie Corrie Newell Ian Senior Charles Swain	Senior Lawyer Principal Conservation Officer Democratic Services Officer Enforcement Officer

Apologies for absence were received from Councillors Pippa Corney, Sally Hatton and Robert Turner.

9. ACTING CHAIRMAN

In the absence of Councillor Robert Turner, Planning Enforcement Sub-Committee Chairman, and a Vice-Chairman, Councillor Val Barrett nominated Councillor Charles Nightingale as Acting Chairman of the meeting. This nomination was seconded by Councillor Sebastian Kindersley and, there being no other nominations, it was **agreed** that Councillor Charles Nightingale be elected Chairman of this meeting only of the Planning Enforcement Sub-Committee.

10. APPOINTMENT OF VICE-CHAIRMAN

At its meeting on 3 February 2010 (Minute 122 refers), the Planning Committee had accepted Councillor Janice Guest's resignation as a Conservative member and Vice-Chairman of the Planning Enforcement Sub-Committee. The Committee had appointed Councillor Val Barrett as a replacement member of the Sub-Committee.

Councillor Charles Nightingale nominated Councillor Val Barrett as Vice-Chairman of the Planning Enforcement Sub-Committee. This nomination was seconded by Councillor Sebastian Kindersley and, there being no other nominations, it was **agreed** that Councillor Val Barrett be appointed Vice-Chairman of the Planning Enforcement Sub-Committee for the remainder of 2009-10.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. MINUTES OF PREVIOUS MEETING

The Planning Enforcement Sub-Committee authorised the Chairman to sign, as a correct record, the minutes of the Planning Enforcement Sub-Committee meeting held on 26 January 2010.

13. UNAUTHORISED WALL AT MILL FARMHOUSE, 87 MIDDLEWATCH, SWAVESEY

The Planning Enforcement Sub-Committee considered a report about an unauthorised wall at Mill Farmhouse, 87 Middlewatch, Swavesey.

Members noted from photographic evidence an inconsistency in the appearance of the bricks used in the wall and in the adjoining buildings. The Principal Conservation Officer confirmed that, in the circumstances, natural weathering would not resolve this inconsistency, and highlighted the variance in the size of joints. In response to Councillor Hazel Smith, the Principal Conservation Officer confirmed that there was no material difference in assessing the impact of development on Grade I or Grade II* Listed Buildings. Councillor Sebastian Kindersley noted that the type of topping used on the wall was not commonly used elsewhere in Swavesey.

Members were frustrated by the information contained in paragraph 7 of the report, but acknowledged legal advice that it was not relevant in determining the issue of enforcement.

Members noted that Councillor Pippa Corney had submitted a written statement in support of the wall and opposing enforcement action. Councillor Sue Ellington, the District Councillor for Swavesey, had submitted similar sentiments. Nevertheless, Members did not think it disproportionate to require removal of the unauthorised wall.

The Senior Lawyer reported that an indication had been received that the owners of the wall were willing to demolish it, rather than encumber the property with an Enforcement Notice should the sub-committee authorise the issue of such.

The Planning Enforcement Sub-Committee **resolved**

1. that the owners of Mill Farmhouse, 87 Middlewatch, Swavesey be allowed until 8 April 2010 to demolish the unauthorised wall voluntarily; and
2. that, failing voluntary demolition of the wall, officers be authorised, after 8 April 2010, to issue and serve an Enforcement Notice requiring demolition of the unauthorised wall at Mill Farmhouse, 87 Middlewatch, Swavesey, with a compliance period of 28 days.

Reason: The wall is considered to harm the setting of the Grade II listed building by virtue of its materials and detailing and, as such, is contrary to Policy CH/4 of the South Cambridgeshire Local Development Control Policies DPD 2007 (DPD)

14. ANTI-SOCIAL BEHAVIOUR ACT 2003 - SECTION 69 - HIGH HEDGE SITUATED AT THE WILLOWS, 90 EARITH ROAD, WILLINGHAM - VERBAL UPDATE

Further to Minute 7 (Anti-Social Behaviour Act 2003: Section 69 – High hedge situated at The Willows, 90 Earith Road, Willingham), the Enforcement Officer reported verbally that, although work had started, the hedge still did not comply with the terms of the Remedial Notice issued on 15 May 2007. Officers would be meeting the owners of the hedge on site on 15 March 2010 in an attempt to resolve the situation. Failing a satisfactory conclusion, the Council would take direct action, subject to the need to minimise any adverse impact on wildlife.

The Acting Chairman asked that a further update be given at the Planning Enforcement Sub-Committee's next meeting.

15. DATE OF NEXT MEETING

The next scheduled meeting of the Planning Enforcement Sub-Committee would be on

Tuesday 20 April 2010, starting at 2.00pm.

The Meeting ended at 2.15 p.m.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Enforcement Sub-Committee	20 April 2010
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)	

Town and Country Planning Act 1990
Unauthorised Land Level Raising at the Rear of 9 High Street, Orwell

Purpose

1. This item is to inform Members about unauthorised earth works that have raised land level to the rear garden of 9 High Street, Orwell and to seek authority to take no further action.

Recommendations and Reasons

2. Planning officers recommend that **No further action be taken**. Taking into consideration the overall extent of the land level increase and its siting it is considered that the development does not cause significant harm to the local area or to residential amenity. Consequently, it is not considered expedient to take further action.

Background

3. The original land level of the site showed an increase in gradient from the High Street to the rear boundary, with some areas of land rising sharply. The approved landscaping scheme for the new dwelling (planning ref **S/1149/07/F**) proposed two retaining walls, creating a middle section of level lawn and a rear grassed end to the garden. The affected land is situated to the top end of the garden above the approved 750mm high retaining wall.
4. On 23rd June 2009, the planning enforcement officer observed that excavated material (evidently from the excavations for the new dwelling) had been deposited towards the rear boundary of 9 High Street, Orwell to an approximate height of one metre. The height of this area of land was subsequently reduced either through compaction of the soil or levelling of the land and now remains higher than the previous ground level. Whilst the developer has argued that the works were approved in the agreed landscaping scheme, the extent of land increase has resulted in an estimated rise of 0.5m or more to the top section of the garden above the retaining wall creating a raised, level platform. Such works are considered to be substantial given both the area of the land affected and the increased land height. Consequently, the works do not fall within the scope of a landscape scheme and represent engineering works or 'other works' that have been judged to represent new development for which a retrospective application is required.
5. Following extended discussions with the developer to resolve the breach of planning control, no subsequent retrospective planning application has been submitted to the Local Planning Authority to date.

Considerations

6. The raised ground level is located to the top, rear end of the garden, which, alongside neighbouring gardens, is elevated above the main dwelling and neighbouring dwellings. Consequently, one of the main considerations is the impact of the works on residential amenity.
7. Spot height data and photographs of the site prior to the works indicate a general rise in land level both towards the rear of the plot and rising from the west side to the east side of the plot at the top section. The raised area therefore affects land towards the west side boundary, which is the adjoining rear garden of 5 High Street and the neighbouring dwelling and rear garden at 7 High Street, to the south. Whilst the works are located close to the rear garden of 13 High Street, the impact on this neighbour is not considered to be significant given the boundary treatment in place and the similar land level between the two sites.
8. Boundary treatment to the west side of the site is currently limited with a low 1m wire fence and a few trees giving rise to mutual overlooking between the gardens of 5 and 9 High Street. Whilst the raised ground level would increase the viewing height of a person standing near to the west boundary at the top section of the garden, the elevated nature of the top garden already presents a certain degree of overlooking, which is recurrent in the area due to the topography of the land. The degree of land level increase is, in this case, not considered to result in an adverse loss of privacy taking into account the existing level of privacy enjoyed by neighbouring properties. Furthermore, the development is not considered to have an unacceptable adverse overbearing impact.
9. Drainage is another concern that has been raised. The developer has explained that drainage runs to a new double soakaway on the development site, which has been approved by a private building inspector, although no details have been submitted to confirm this. The affected area is however noted to slope down to the neighbour at 5 High Street and does not directly abut the side boundary at the maximum raised height. There has been no evidence to date to suggest significant drainage problems or movement or subsidence from the deposited earth.
10. Views of the development from the streetscene and within the Conservation Area are considered to be limited due to the positioning of buildings along the front of the High Street. Consequently, the development is considered to have an acceptable impact on the character of the area.

Options

11. (a) Take no further action, which would result in the raised land level remaining unauthorised.
(b) Issue an Enforcement Notice for the reinstatement of the original ground level.

Implications

12.	Financial	Preparation of legal documents. Council defending appeal
	Legal	Drafting documents in accordance with the Town and Country Planning Act, consideration of expediency or not in issuing a notice and being challenged by a third party
	Staffing	SCDC frontline staff consisting of planning enforcement officers, legal and conservation staff
	Risk Management	-

Equal Opportunities	Equal opportunities applied in line with guidelines set down
Climate Change	-

Consultations

13. (a) Local Member (Councillor David Bird)
(b) Chairman of Planning Committee
(c) Enforcement Officer
(d) Conservation Officer
(e) Corporate Manager (Planning and New Communities)

Effect on Strategic Aims

14. This report has been generated following correspondence with local residents and the developer and relates to our commitment to be a listening Council.

Conclusions / Summary

15. Taking into consideration the overall extent of the land level increase and its siting it is considered that the development does not cause significant harm to the local area or to residential amenity. Consequently, it is considered expedient to take no further action in this case.

Background Papers: the following background papers were used in the preparation of this report:

Local Development Framework Development Control Policies 2007

Contact Officer: Andrew Winter – Planning Officer
Telephone: (01954) 713082

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Enforcement Sub-Committee	20 April 2010
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)	

Town and Country Planning Act 1990
Unauthorised Erection of Stables at Portlet, High Street, Croydon

Purpose

1. This item is to inform Members about the unauthorised erection of stables that have been located at Portlet, High Street, Croydon and to seek authority to take no further action.

Recommendations and Reasons

2. Planning officers recommend that **No further action be taken**. The development is considered to be rural in appearance and appropriate in terms of design, siting, scale and use. The development is screened well by existing mature trees and hedges to mitigate its visual impact on the countryside and consequently it is considered expedient to take no further action in this case.

Background

3. The 5-bay stable block measures 19.2 metres in length, 3.6 metres to 5.4 metres in width and 3 metres in height and is located approximately 13 metres to the southwest of the main dwelling adjacent to an approved riding arena (planning reference **S/0332/06/F**). The stables were erected in June 2006 on the assumption that they were permitted within the residential curtilage of Portlet under Class E, Part 1 of The Town and Country Planning (General Permitted Development) Order 1995. However, the building was erected within 20 metres of the highway and therefore was not classed as permitted development at the time of construction. The building is also noted to require formal consent today despite the amended Town and Country Planning Order of 2008.
4. The unauthorised building has come to the attention of the Council through a local resident who was initially concerned with noise from kennels in a mobile stable unit on the site and the new track and access to the riding area. Information received on the mobile building and the access track would appear to show that both of these installations do not constitute development; therefore, this Committee item refers only to the permanent stable block on site.
5. Following discussions with the developer to resolve the breach of planning control, no subsequent retrospective planning application has been submitted to the Local Planning Authority to date.

Considerations

6. The main consideration is the visual impact of the building on the countryside and the rural landscape. Besides the dwelling at Portlet, no residential dwellings are located in the immediate vicinity of the development to raise concern with regard to residential amenity.
7. The unauthorised development is located next to an approved riding arena, the latter of which required engineering works to level the land and cut into the existing steep ground level. The building is, as a result, approximately level with the existing dwelling and riding arena. The site itself is located on a general downslope, and the surrounding land continues to fall in a southeastly direction. Views of the site are therefore available from the south and southeast but views of the development itself are limited by the existing, mature trees and hedging located along the front boundary of the site.
8. The design of the building is considered to be rural in appearance, with a pitched roof, timber cladded walls and an overall low form and height. The location of the building is not isolated within the landscape, being sited near to the main dwelling and the associated riding arena. Consequently, the building is considered to be appropriate within the rural landscape and does not have a significant visual impact on the countryside.

Options

9. (a) Take no further action, which would result in the stables remaining unauthorised.
(b) Issue an Enforcement Notice for the demolition of the stables

Implications

10. Financial	Preparation of legal documents. Council defending appeal
Legal	Drafting documents in accordance with the Town and Country Planning Act, consideration of expediency or not in issuing a notice and being challenged by a third party
Staffing	SCDC frontline staff consisting of planning enforcement officers and legal officers.
Risk Management	-
Equal Opportunities	Equal opportunities applied in line with guidelines set down
Climate Change	-

Consultations

11. (a) Local Member (Councillor Sebastian Kindersely and Councillor Bridget Smith)
(b) Chairman of Planning Committee
(c) Corporate Manager (Planning and New Communities)
(d) Planning Enforcement Officer

Effect on Strategic Aims

12. This report has been generated following correspondence with both the local resident and the developer and relates to the commitment to be a listening Council.

Conclusions / Summary

13. The development is considered to be rural in appearance and appropriate in terms of design, siting, scale and use. The development is screened well by existing mature trees and hedges to mitigate its visual impact on the countryside and consequently it is considered expedient to take no further action in this case.

Background Papers: the following background papers were used in the preparation of this report:

Local Development Framework Development Control Policies 2007

Contact Officer: Andrew Winter – Planning Officer
Telephone: (01954) 713082

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Planning Enforcement Sub-Committee
Anti-Social Behaviour Act 2003 - Section 69 - high hedge situated at The
Willows, 90 Earith Road, Willingham

Minute - 26 January 2010

The Planning Enforcement Sub-Committee considered a report about a Remedial Notice, issued under section 69 of the Anti-Social Behaviour Act 2003, in respect of a high hedge situated at The Willows, 90 Earith Road, Willingham, Cambridgeshire.

The Enforcement Officer reported verbally that the owner of the hedge had now agreed to comply with the terms of the Notice by 1 March 2010. He added that, should there be no compliance by then, the Council had sufficient legal authority to take immediate direct action without further notice.

Members noted the implications of carrying out tree and hedge work during the commonly recognised bird-nesting season.

Upon a proposal from Councillor Sebastian Kindersley, seconded by Councillor Val Barrett, the Planning Enforcement Sub-Committee **noted** the intention of the owner of the hedge to comply, by 1 March 2010, with the terms of the Remedial Notice, issued on 15 May 2007. Failing such compliance, and subject to advice from the Council's Ecology officer relating to the bird-nesting season, the Sub-Committee **authorised** officers to take immediate direct action in order to enforce compliance with the Remedial Notice.

Minute - 9 March 2010

Further to Minute 7 (Anti-Social Behaviour Act 2003: Section 69 – High hedge situated at The Willows, 90 Earith Road, Willingham), the Enforcement Officer reported verbally that, although work had started, the hedge still did not comply with the terms of the Remedial Notice issued on 15 May 2007. Officers would be meeting the owners of the hedge on site on 15 March 2010 in an attempt to resolve the situation. Failing a satisfactory conclusion, the Council would take direct action, subject to the need to minimise any adverse impact on wildlife.

The Acting Chairman asked that a further update be given at the Planning Enforcement Sub-Committee's next meeting.

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