

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Planning Committee held on  
Wednesday, 4 March 2015 at 10.00 a.m.

**PRESENT:** Councillor Lynda Harford – Chairman  
Councillor Brian Burling – Vice-Chairman

**Councillors:** David Bard (substitute) Anna Bradnam  
Pippa Corney Kevin Cuffley  
Caroline Hunt Sebastian Kindersley  
David McCraith Deborah Roberts  
Tim Scott Ben Shelton  
Aidan Van de Weyer  
(substitute)

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Lorraine Casey (Senior Planning Assistant), Gary Duthie (Senior Lawyer), Andrew Fillmore (Principal Planning Officer), John Koch (Planning Team Leader (West)), Tony Pierce (Interim Development Control Manager), Ian Senior (Democratic Services Officer), Paul Sexton (Principal Planning Officer (West)) and Charles Swain (Principal Planning Enforcement Officer)

Councillors Ray Manning, Cicely Murfitt, Robin Page and Bridget Smith were in attendance, by invitation.

### **1. APOLOGIES**

Councillors Dr. Tumi Hawkins and Robert Turner sent Apologies for Absence. Councillors Aidan Van de Weyer and Dr. David Bard acted as substitutes.

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

Councillor David Bard

Non-pecuniary interest in respect of Minute 10 (S/3038/14/FL in Great Abington). Councillor Bard had agreed to represent local Member Councillor Tony Orgee because of the latter's close personal friendship with the applicant. Councillor Bard subsequently had been asked to act as a substitute, and his comments in the agenda had been interpreted as support. Having taken legal advice, he would sit in the public gallery during the entirety of this item and, apart from delivering some public speaking, would take no part in the debate and would not vote so as to avoid any impression of predetermination and bias.

Councillor Sebastian Kindersley

Non pecuniary interest In respect of Minute 4 (S/1344/14/FL in Great Eversden) as having been present, as the local County Councillor, when this application was discussed by The Eversdens Parish Council. Councillor

Kindersley did not contribute to the debate at the Parish Council meeting and was now considering the matter afresh.

### 3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 4 February 2015.

### 4. S/1344/14/FL - GREAT EVERSDEN (SITE KNOWN AS OSP, 148 CHURCH STREET)

Members visited the site on 3 March 2015.

Neville Pritchard (on behalf of a group of objectors), Paul Tebbit (The Eversdens Parish Council) and Councillor Robin Page (local Member) addressed the meeting.

During the course of the public speaking, Members noted comments about

- Background and potential loss
- Conservation issues
- The proposal outstripping local housing need
- The site's special value to the village
- The availability or otherwise of alternative sites
- The Need for affordable housing
- Making of community
- Public benefit outweighing heritage loss
- Two parishes – one village
- A comparison with Low Close
- The absence of community facilities
- Adverse effect
- Whether the site was appropriate for affordable housing
- The need to protect the site

The Committee gave officers **delegated powers to approve** the application, contrary to the recommendation in the report from the Planning and New Communities Director, subject to safeguarding Conditions, including a Condition requiring low level lighting. Members agreed the reasons for approval were that the public benefits of providing affordable housing to meet a defined local need were sufficient to outweigh any harm to the permanent loss of open countryside and Green Belt, the landscape setting of the village, and the setting of surrounding listed buildings.

### 5. S/2216/14/FL - STEEPLE MORDEN (48 STATION ROAD)

Members visited the site on 3 March 2015.

David Mead (Applicant's agent) and Councillor Cicely Murfitt (local Member) addressed the meeting.

During the course of the public speaking, Members noted comments about

- Steeple Morden Parish Council had indicated general approval of the amended plans although still voiced concern about the height of the building to the front of the site and the location of a drain.

The Committee **approved** the application, subject to the Conditions and Informatives referred to in the report from the Planning and New Communities Director, and an extra

Condition relating to ground levels. Planning Consent was no longer subject to the requirements referred to in the report under Section 106 of the Town and Country Planning Act 1990.

**6. S/2046/14/FL - GAMLINGAY (LAND AT 12 POTTON ROAD)**

Members visited the site on 3 March 2015.

Kevin Hall (applicant) and Councillor Bridget Smith (a local Member) addressed the meeting.

During the course of the public speaking, Members noted comments about

- The unique suitability of the site given the need to relocate (because of a Notice to Quit) and the aspiration to remain within Gamlingay

The Committee **approved** the application contrary to the recommendation in the report from the Director of Planning and New Communities, subject to safeguarding Conditions including Conditions relating to landscaping, bunding and fencing. Members agreed the reason for approval as being that the relocation of a longstanding local business, and protection of existing local jobs, outweighed any potential harm by reason of noise and disturbance to the occupiers of the adjacent bungalow that might occur over and above the site's previous industrial use.

**7. S/1504/13/FL - CAXTON (ERMINE STREET)**

Kevin Sherwood (applicant's agent) and Councillor Alison Elcox (a local Member) addressed the meeting.

During the course of the public speaking, Members noted comments about

- A new Needs Survey having been carried out
- The proposed housing mix
- The appropriateness of a Mortgage in Possession clause
- Ridge and Furrow land
- A failure of the scheme fully to meet local need
- Relationship between the site and the proposed new development at Cambourne West

The Committee gave officers **delegated powers to approve** the application, subject to a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 requiring the provision of Affordable Housing, and to the Conditions referred to in the report from the Planning and New Communities Director.

**8. S/2186/14/FL - CALDECOTE (115 HIGHFIELDS ROAD)**

Toni Hylton (applicant's agent) addressed the meeting. She referred to South Cambridgeshire District Council's Five-Year Housing Land Supply shortfall.

The Committee **approved** the application, subject to the Conditions referred to in the report from the Planning and New Communities Director. Planning Consent was no longer subject to the need for contributions referred to in the report under Section 106 of the Town and Country Planning Act 1990. However, approval is still subject to a Deed of Modification of an existing Section 106 agreement relating to the property.

**9. S/2646/14/FL - GIRTON (65 CAMBRIDGE ROAD)**

Members visited the site on 3 March 2015.

Thomas Horner (objector) addressed the meeting. He said there were already too many larger houses in Girton and that the village needed affordable housing. Like should be replaced by like.

The Committee **approved** the application, subject to the Conditions referred to in the report from the Planning and New Communities Director. Planning Consent was no longer subject to the requirements referred to in the report under Section 106 of the Town and Country Planning Act 1990.

**10. S/3038/14/FL - GREAT ABINGTON (23 SOUTH ROAD)**

Members visited the site on 3 March 2015.

Alison Johnson (applicant) and Councillor David Bard (speaking on behalf of local Member Councillor Tony Orgee) addressed the meeting.

During the course of the public speaking, Members noted comments about

- The appropriateness of the proposal to the land settlement
- Sustainability
- The risk of setting a precedent
- Planning harm being minimal

The Committee **refused** the application for the reasons set out in the report from the Planning and New Communities Director.

**11. S/2268/14/PO WEST WRATTING (CAMGRAIN)**

Colin McColl (objector), Phillip Darke (for the applicant Company) and Nigel Job (West Wrattling Parish Council) addressed the meeting.

During the course of the public speaking, Members noted comments about

- "Rat running" through West Wrattling
- The need for protection
- A desired prohibition zone for lorries from outside the area
- The applicant's willingness to investigate re-routing in respect of West Wrattling and Balsham
- The desirability of community liaison and better monitoring

The Committee **agreed to modify**

1. paragraph 2.4 of the Deed of Variation of planning obligation dated 29 July 2011 to amend wording to remove the restriction of daily HGV movements within the unilateral undertaking dated 4 January 2007; and
2. the unilateral undertaking dated 4 January 2007 to remove definition of 'two-way HGV movement' and reference to the need to supply an annual monitoring report to Cambridgeshire County Council.

and **approved** a new routing plan showing additional prohibited routes in West Wrattling and Balsham.

## 12. **CHANGES TO PLANNING OBLIGATIONS FOR SMALLER RESIDENTIAL DEVELOPMENTS**

The Committee considered a report seeking its approval to changes in Council practice on planning obligations for smaller residential developments.

Recognising the strong need for affordable housing in South Cambridgeshire, the Interim Development Control Manager highlighted the viability of small development schemes in such a rural district.

The Chairman highlighted the potential implications for South Cambridgeshire District Council.

Responding to a suggestion from a Committee member that delegation to the Planning and New Communities Director should be subject to consultation with the relevant local Member or Members, the Senior Lawyer said such a delegation could increase significantly the workload of officers as individual assessments would be needed in each case. The Chairman observed that making a list of appropriate applications available to all Members would meet the requirement.

The Committee **resolved** that

- (a) where the Planning Committee has resolved to grant planning permission on smaller residential developments, decisions about planning obligations and associated legal agreements be delegated to the Planning and New Communities Director (details being given to all Members, particularly local Members), in accordance with government policy; and
- (b) a planning condition be used requiring submission and approval of an Affordable Housing Scheme for developments of three or more new dwellings, or four or more dwellings where an existing dwelling is to be demolished, in accordance with the emerging Local Plan.

## 13. **APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action

## 14. **ENFORCEMENT REPORT**

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

## 15. **SMITHY FEN COTTENHAM (5 TO 11 ORCHARD DRIVE AND 14 TO 18 WATER LANE) - PROPOSED VARIATION OF 2006 INJUNCTION IN LIGHT OF MAY 2014 APPEAL OUTCOME (APP/W0530/A/12/2181439 ARISING FROM REFUSAL S/0041/12/FUL)**

Councillor Deborah Roberts sat in the public gallery for the entirety of this item, took no part in the debate, and did not vote.

The Planning Committee considered a report

1. Relating to significant residual breaches of development control now affecting the various pitches contemplated by the above planning appeal decision.

2. seeking authority for an application to the High Court to vary the Injunction granted by Mr Justice Mitting on 6 April 2006 (sealed by the Court on 7 April 2006 under claim reference HQ05X02057), to ensure the tolerations and prohibitions contained in that order (“the 2006 order”) properly reflect the planning authorisations and refusals resulting from the May 2014 appeal decision.
3. Detailing the granting of an Injunction order, made by Mr Justice King on a without notice basis on 16 January 2015, that had the effect of removing the 2006 tolerations in respect of the following three named Defendants as relate to three particular pitches detailed in the proviso to paragraph 4a of the 2006 order:-
  - Michael O’Brien – 5 Orchard Drive
  - Margaret O’Brien – 5a Orchard Drive
  - Nora O’Brien – 6 Orchard Drive

The Senior Lawyer referred Members to paragraph 19 of the report, telling them that the situation surrounding 11 Orchard Drive had never been resolved. He also referred Members to the information contained within Appendix 5, exempted from publication under paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972.

Michael Hargreaves, the applicant’s agent, addressed the meeting and referred to the following points:

- Kathleen O’Brien should be treated in the same way as her ex-husband, and protected by the 2006 Order
- Living arrangements in early 2014
- The Committee should consider the situation as it currently is
- The high value placed on education for Mrs O’Brien’s daughter
- Members should show humanity

During the course of Members’ discussion, the Senior Lawyer

- Highlighted the Court’s discretion
- Advised the Committee not to speculate about a future application
- Referred to the public interest, given that continued occupation of the plot at Smithy Fen by Mrs O’Brien represented a breach of planning law and a criminal offence
- Said that Members should focus on the bigger picture and consider whether planning law should apply equally to everyone.
- Reminded Members that 11 Orchard Drive remained the only outstanding breach at Smithy Fen where the 2006 Injunction served only to prevent further incursion

The Planning Committee **resolved** that application be made to the High Court under Section 187B of the Town and Country Planning Act 1990, seeking variation of the Order dated 6 April 2006 such that:

- (c) the toleration in respect of the following named Defendant as relates to that particular pitch detailed in the proviso to paragraph 4a of the 2006 order be removed entirely:-

- Michael Hegarty – 11 Orchard Drive (also spelled ‘Heggarty’)
- (d) The toleration in respect of the following named Defendant as relates to that one particular pitch detailed in the proviso to paragraph 4a of the 2006 order be extended to also personally benefit Jimmy O’Brien in similar terms:-
- Kathleen O’Brien – 15 Water Lane (n.b. this individual is a different person to that contemplated by recommendation (d) below).
- (e) The toleration in respect of the following named Defendant as relates to that one particular pitch detailed in the proviso to paragraph 4a of the 2006 order be extended to also personally benefit Kathleen Slattery and David Gammell in similar terms:-
- Nora Slattery – 10 Orchard Drive
- (f) The prohibitions set out at paragraph 4 of the 2006 order be expressly and specifically extended to contemplate and bind the following person as if a named Defendant without any toleration as relates to the one particular pitch detailed, or otherwise in respect of the Northern Area or the Southern Area as defined at paragraph 2 of the 2006 order and, further, that the current and continuing breach of development control affecting that pitch as represented by its unauthorised use for the stationing and residential occupation of caravans and/or mobile homes be ordered to cease and the pitch be cleared of chattels associated with such unauthorised development:-
- Kathleen O’Brien – 11 Orchard Drive (n.b. this individual is a different person to that contemplated by recommendation (b) above).

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**The Meeting ended at 3.48 p.m.**

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