

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Sub-Committee held on
Monday, 18 June 2007 at 10.00am

Councillors:	RE Barrett Mrs SA Hatton CR Nightingale	Mrs PS Corney SGM Kindersley Mrs HM Smith
Officers:	Catriona Dunnett Gareth Jones Tony Marks Philip Readman Ian Senior	Principal Solicitor Corporate Manager (Planning & Sustainable Communities) Enforcement Officer - Development Control Assistant Enforcement Officer Democratic Services Officer

Councillors Dr DR Bard, SM Edwards, Mrs A Elsby, RMA Manning, MJ Mason, Mrs DSK Spink MBE, TJ Wotherspoon and NIC Wright (Portfolio Holder for Planning Services) were in attendance, by invitation.

Apologies for absence were received from Councillor Mrs JM Guest.

**Councillor Dr DR Bard
(Portfolio Holder for
Growth and Sustainable
Communities and
immediate past Chairman
of the Planning Sub-
Committee) in the Chair.**

1. ELECTION OF CHAIRMAN

Councillor RE Barrett nominated Councillor Mrs PS Corney as Chairman of the Planning Sub-Committee. This was seconded by Councillor CR Nightingale.

Councillor SGM Kindersley nominated Councillor Mrs HM Smith as Chairman of the Planning Sub-Committee. This was seconded by Councillor Mrs SA Hatton.

Upon a show of hands, the voting was as follows:

Councillor Mrs PS Corney - 3 votes
Councillor Mrs HM Smith - 3 votes

The candidates' names were written on two pieces of paper which were then folded. Councillor Dr Bard selected one piece of paper at random, and the Principal Solicitor announced that it contained the name of Councillor Mrs Smith.

RESOLVED that Councillor Mrs HM Smith be elected Chairman of the Planning Sub-Committee for the year 2007-08.

**Councillor Mrs HM Smith
took the Chair.**

2. APPOINTMENT OF VICE-CHAIRMAN

Councillor CR Nightingale nominated Councillor Mrs PS Corney as Vice-Chairman of the Planning Sub-Committee. This was seconded by Councillor RE Barrett and, there being no further nominations, it was

RESOLVED that Councillor Mrs PS Corney be appointed Vice-Chairman of the Planning Sub-Committee for the year 2007-08.

3. DECLARATIONS OF INTEREST

Councillor SGM Kindersley declared a personal interest as a Cambridgeshire County Councillor.

Councillor TJ Wotherspoon declared a personal interest as a member of Cottenham Parish Council.

4. MINUTES OF PREVIOUS MEETING

The Sub-Committee agreed that the Minutes of the meeting held on 22nd March 2007 were a true and accurate record.

5. PLOT 17, REAR OF PINE VIEW, SMITHY FEN, COTTENHAM

Further to its meeting on 27th February 2007 (Minute 4 refers), the Planning Sub-Committee considered a report updating Members about the current position in respect of Plot 17.

The Principal Solicitor clarified for Members the extent of the current Injunction relating to Smithy Fen, and undertook to confirm (or otherwise) that the occupier of Plot 17 was not subject to that Order.

The Corporate Manager (Planning and Sustainable Communities) assured Members that the Council was being very careful to ensure consistency and fairness in dealing with all of the unauthorised plots at Smithy Fen. This included an aspiration to clear as much of the land as possible.

The static caravan in question, owned by a third party, was considered still to be habitable, even though there was currently nobody in residence there.

The Principal Solicitor explained the process for obtaining a charging Order on the land in respect to the Council's costs, but stressed that, even once this had been obtained, it would not result in the Authority becoming owner of that land.

Those present discussed the likelihood of the occupier of Plot 17 voluntarily relocating to a lawful site at Smithy Fen.

RESOLVED

- (1) that, in the event that no action was taken to clear the site following the Council's letter referred to in paragraph 3 of the report from the Principal Solicitor, direct action be taken in accordance with Section 178 of the Town and Country Planning Act 1990 if the mobile home remains unoccupied for residential purposes; and

- (2) that, should no action be taken in accordance with a further letter to be sent by the Council, and the site once again became occupied for residential purposes, a further report be presented to the Planning Sub-Committee so that Members could consider the personal circumstances of the occupier following a needs audit and in the context of those issues protected by the Human Rights Act.

6. ORCHARD DRIVE AND WATER LANE, COTTENHAM

The Principal Solicitor updated the Planning Sub-Committee verbally on progress in seeking committal with respect to breaches of the Injunction relating to Orchard Drive and Water Lane, Smithy Fen, Cottenham. She assured Members that Counsel and the Council's London Agents would continue to be urged to seek a Hearing in the High Court as soon as possible. Such a Hearing would be on notice.

7. VICTORIA VIEW, SMITHY FEN, COTTENHAM

The Planning Sub-Committee considered a report updating Members about the action being taken in respect of Victoria View, Smithy Fen, Cottenham following discussion at its meeting on 22nd February 2007 when Members resolved, among other things, that subject to further consideration being given to Human Rights Act implications, the assessment of need, and the personal circumstances of those affected, action be taken in the High Court to obtain injunctions under Section 187 of the Town and Country Planning Act 1990.

After clarifying the identities of the former occupiers of Plot 2 Victoria View, the Corporate Manager (Planning and Sustainable Communities) stressed the importance of a consistent approach, and of acting swiftly to take advantage of the opportunities currently available to the Council.

Members noted that the final sentence of paragraph 4 of the report should have stated, "On the 9th May 2007 their application for permission to appeal against decisions in respect of earlier planning and enforcement notice appeals **was refused**, this being the final opportunity for the Appellants to seek permission to appeal." Regrettably, it had not been possible for the Council's London Agents to apply, on 18th June 2007, for an interim injunction to maintain the status quo on Plots 1-11 Victoria View and for directions for a trial and disposal of an application for a final injunction, but they remained confident that a Hearing, which would not be on notice, would take place in the near future.

At this stage of the meeting, Members wished to discuss confidential issues and it was

RESOLVED that members of the Press and Public be excluded for the remainder of Minute 7 (Victoria View, Smithy Fen, Cottenham) in accordance with Section 100 (A) (4) of the Local Government Act 1972 (As Amended) on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act.

The Chairman invited those Members of Council present, who were not members of the Sub-Committee, to remain in the room.

The Corporate Manager (Planning and Sustainable Communities) outlined the different circumstances relating to Plots 1-11 Victoria View, on the one hand, and Plot 12, on the other. The Council had been advised that, taking immediate action against Plot 12

might compromise its stance with respect to Plots 1 to 11. It was noted that there were medical factors relating to the occupier of Plot 12 who had, in any event, been broadly supportive of the Council's objectives at Smithy Fen.

Those present discussed a number of options, including simply tolerating the current situation, the granting of temporary planning consent, and the grant of a licence to occupy. However, the Principal Solicitor pointed out that a licence to occupy the land would not be possible because the Council did not own the land in question. In relation to just tolerating the current situation, Cottenham Parish Council had made it clear that, while it sympathised with the personal circumstances of the occupier of Plot 12, it could not support any tolerance of the plot itself. Those present discussed the possibility of voluntary relocation of the occupier to a lawful site nearer family, but the Corporate Manager (Planning and Sustainable Communities) urged caution in seeking to tolerate the continued occupation of Plot 12 in case this prejudiced the Council's stance in relation to Plots 1 to 11.

The Council had to be consistent and fair in its dealings with both the Traveller and "settled" communities.

The Planning Sub-Committee

- (1) **NOTED** the position in relation to ongoing enforcement action in respect of Plots 1-11 Victoria View, Smithy Fen, Cottenham; and
- (2) **RESOLVED**, in respect of Plot 12 Victoria View, that no action be taken at the current time against the occupiers in light of the medical condition referred to in Appendices 1 and 2 to the report from the Corporate Manager (Planning and Sustainable Communities) and Principal Solicitor.

8. **DATE OF NEXT MEETING**

The Sub-Committee agreed that the meeting scheduled for 6th July 2007 should not be called, and noted that the next meeting would therefore be the one scheduled for 3rd August 2007.

The Meeting ended at 11.20 a.m.
