

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Sub-Committee held on
Friday, 3 August 2007 at 10.00am

PRESENT:	Councillor Mrs HM Smith – Chairman Councillor Mrs PS Corney – Vice-Chairman	
Councillors:	RE Barrett Mrs SA Hatton CR Nightingale	Mrs JM Guest SGM Kindersley
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 Portfolio Holder for Growth and Sustainable Communities), SM Edwards, MJ Mason, Mrs DSK Spink MBE (Travellers Champion), TJ Wotherspoon and NIC Wright (Planning Services Portfolio Holder) were in attendance, by invitation.

9. DECLARATIONS OF INTEREST

There were no declarations of interest.

10. MINUTES OF PREVIOUS MEETING

The Sub-Committee agreed that the Minutes of the meeting held on 18 June 2007 were a true and accurate record.

11. ORCHARD DRIVE AND WATER LANE, COTTENHAM

The Principal Solicitor reported that committal proceedings in respect of breaches of injunction at Plot 9 Orchard Drive and Plot 16 Water Lane, both at Smithy Fen, Cottenham, had been listed for Hearing on 15 August 2007. The outcome of this Hearing would be conveyed to Members as soon as practicable thereafter.

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

Further to the Sub-Committee meeting held on 18 June 2007 (Minute 5 refers), the Principal Solicitor reported that the deadline by which the site should have been cleared had now expired, following the personal delivery of a letter to the alleged occupier of Plot 17, who resides at Plot 8 Setchell Drove.

Members sought, and received, clarification about the separate ownership of Plot 17 and of the caravan sited thereon, and noted that a detailed report, complete with options for further action, would be presented to the Planning Sub-Committee's next meeting, following further contact with the alleged owner of the caravan seeking an amicable solution. Members noted that resources and timing would be fundamental issues for consideration.

The Chairman noted the logistical problems connected with removing the caravan from

the plot. The Enforcement Officer (Development Control) informed the Sub-Committee that such problems were likely to constitute a defence in law for the owners of the caravan.

A Member stated that, in the interests of consistency, the Council must take appropriate action and, as a consequence, the Principal Solicitor undertook to draw the caravan owners' attention to the terms of the Enforcement Notice that had been breached.

13. MOOR DROVE, HISTON

The Principal Solicitor reported that the Court had issued Directions for Trial, including a Direction that the parties exchange expert highway evidence relating to site access. She indicated that there had been an agreement to extend the timescale within which this exchange should take place.

Councillor Mike Mason (local Member) expressed concern at the perceived delay in resolving this matter in the interests of local residents. He sought, and received from officers, an assurance that all necessary documents had duly been served and that further progress was now dependent on the High Court. The Corporate Manager (Planning and Sustainable Communities) denied the assertion of delay, and stated that the requested planning application had not yet been registered as it was not valid. A four-day trial had been set for October 2007, and the Principal Solicitor assured Members that this would not be surrendered under any circumstances, even were a valid planning application to be received and registered before then.

Members noted the likely timescales for further enforcement after the Hearing in October and that, were a mandatory injunction to be granted requiring clearance of the site within 14 days, and that Order was not complied with, the Council would be entitled to seek from the Court an Order committing the subject or subjects of the Injunction to prison.

The Chairman observed that this matter was, in fact, moving swiftly towards a satisfactory conclusion.

14. DATE OF NEXT MEETING

The Sub-Committee noted that its next meeting would take place on Friday 7 September 2007.

15. VICTORIA VIEW, SMITHY FEN, COTTENHAM

The Planning Sub-Committee received a report updating Members on court action seeking an Injunction in relation to vacant plots 1-11 at Victoria View, Smithy Fen, Cottenham. The Principal Solicitor updated the report in the light of a court Hearing that had taken place on 31 July 2007. The report's recommendations had been superceded by events.

Officers explained that status quo injunctions had been agreed where occupiers had already been living on plots. However, in the majority of cases, pre-emptive and mandatory injunctions had been obtained. The Order had been dated 1 August 2007.

An issue had arisen as to which of the defendants had actually been represented in Court and, as a result, the Council would be seeking a variation in the terms of the Order so as to remove Defendants 1 and 21 from the status quo Injunction and, instead, to make them subject to the pre-emptive and mandatory injunction. The Enforcement Officer stated that, as at 2 August 2007, two caravans had been brought onto Plot 8 in

direct contravention of the Injunction. Accordingly, the Council could now take committal proceedings against the occupiers of those two caravans.

Councillor Tim Wotherspoon thanked the Principal Solicitor and her Team for their efforts in seeking a prompt and satisfactory resolution of this matter.

Upon the proposal of Councillor SGM Kindersley, seconded by Councillor Mrs PS Corney, the Planning Sub-Committee **RESOLVED**

- (1) that the Council commence committal proceedings against the occupiers of Plot 8, Victoria View, Smithy Fen, Cottenham, for breaching the terms of the Injunction; and
- (2) that the Council seek variation of the Order so that Defendants 1 and 21 cease being subject to status quo injunctions and, instead, are made subject to pre-emptive and mandatory injunctions.

As Members did not deem it necessary to consider exempt information as defined by Section 100 (A) (4) of the Local Government Act 1972 (as amended), members of the Press and public were allowed to remain in the meeting during the entirety of the debate.

The Meeting ended at 10.55 a.m.
