

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

ENFORCMENT REPORT

REPORT TO: Planning Committee

6 July 2016

AUTHOR/S: Planning and New Communities Director

Application Number: PLAENF.1039

Parish(es): Cottenham

Proposal: Unauthorised retention of commercial building for Offices class B1(a) and Storage class B8 use and extension to existing storage building

Site address: The Maltings, Mill Field

Applicant(s): HC Moss

Recommendation: The current breach of the Enforcement Notice has been reported to the Planning Committee for authority to proceed with "Direct Action" to ensure compliance with the Enforcement Notice.

Departure Application: No

Presenting Officer: Katie Christodoulides

Application brought to Committee because: Requires Committee authorisation to take direct action

Executive Summary

1. Officers are seeking authority from the Committee for the Council itself to take direct action (pursuant to Section 178 of the Town and Country Planning Act 1990) to commission the carrying out of demolition if the Owners of the site have not themselves commenced substantive demolition at the time which officers consider appropriate. Officers will give an update on the morning of Committee as to whether any substantive demolition has occurred, or to advise if a timetable for demolition has been agreed with the Owners of the site.

Site and Surroundings

2. The site is located to the eastern side of The Matlings, a group of business units of various sizes, ages and designs. The site is situated on the north east fringes of the villa, within the development framework. To the north is a wooded land and further on, a ribbon of dwellings in the countryside beyond. To the south and east of the site is adjoined by dwellings within the village. The site is served by Millfield, a single width,

unadopted road with a junction at its southern end with Rooks Street. The building is 527 square metre floor space, in a block divided into the office/storage units which are partly occupied, and to a parking area adjacent to the building.

Proposals

3. Demolition of unauthorised commercial building for offices class B1(a) and Storage class B8 use and extension to existing storage building

Planning History

4. S/3247/15/FL- Demolition of detached commercial building (3 units) and partial demolition of building (2 x units) removal of first floors, and retention and alteration of existing building (for use by hc moss builders and occupiers of the buildings to be demolished) with associated landscaping, car parking and manoeuvring areas and alterations to private access- Council declined to determine the application.

S/2657/15/FL- Demolition of two commercial units, retention & alteration of existing building with associated landscaping, car parking & manoeuvring areas & alteration to private access- Council declined to determine the application

S/0767/13/FL- Retention of commercial building for Offices Class B1(a) and Storage Class B8 use and extension to existing storage building (retrospective application)- Refused by Committee Members. Appeal dismissed 30/03/2015

S/1867/06/F- Construction of a storage building and extension to existing storage building-Approved 2007.

S/2366/00/FL - Storage building retrospective application - Approved 2003

S/0921/86 - Use of workshop for wine storage and beewax packing. – Approved 1986
Enforcement Notice - Storage of a tower crane to cease - March 1983

S/1374/F - Storage of tower crane - Refused 1982

S/0927/82/F- Warehouse and joinery workshop - Refused 1982

S/0204/80/F - Builders store and joiners workshop - Refused 1980, Appeal dismissed following public enquiry 1981.

S/2090/78/F - Workshop with offices - Refused 1979

S/1834/77/F - Conversion to offices - Approved 1978

S/1200/74/F - Change of use to winter quarters and headquarters of circus - Approved 1975 for a temporary period of 3 years.

C/0542/63 - Covered area for the storage of bulk coal and washing of coal.

C/0011/63 Parking one caravan - Approved 1963, temporary consent for 2 years

RC/0201/60- Use for storage and packing - Approved 1960 and 1962

RC/0059/59 - Use as warehouse or repository - approved 1959

Planning Policies

5. National Planning Policy Framework 2012
National Planning Practice Guidance
6. *Local Development Framework*

South Cambridgeshire District Council, Local Development Framework, Development Control Policies, Adopted July 2007

South Cambridgeshire Core Strategy Development Plan (2007) ST/5 Minor Rural Centre

South Cambridgeshire Development Control Policies Development Plan (2007)

DP/1 - Sustainable development
DP/3 - Development Criteria
DP/7 - Development Frameworks
ET/1 - Limitations on the Occupancy of New Premises in South Cambridgeshire
ET/4 - New Employment Development within Villages
ET/5 - Development for the Expansion of Firms
NE/1 - Energy Efficiency
NE/14 - Lighting proposals
NE/15 - Noise pollution

Draft Local Plan

South Cambridgeshire Local Plan Proposed Submission

S/8 Rural Centres
HQ/1 Design Principles
E/12 New Employment Development in Villages
SC/10 Lighting Proposals
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Planning Assessment

7. An enforcement notice was served on the property on 13 March 2014 (PLAENF.376) for the retention of the commercial building for Offices Class B1(a) and Storage Class B8 and extension to existing storage building (retrospective application). The enforcement notice was appealed and subsequently dismissed on the 30th March 2015 (APP/W0530/C/14/2217046,47,48,49 and 50. A compliance period of ten months was set for the demolition of the unlawful building which expired in 30th January 2016. The owner of the site submitted two further planning applications S/3247/15/FL and S/2657/15/FL which the Council declined to determine as the proposals were not materially different to refused application S/0767/13/FL. However, the original structure remains and whilst a representative of the Owners has confirmed to officers that the building will be demolished the Council has not been given a specific date as to when demolition will commence and has been told that the reason for this is because demolition cannot commence until electric and gas has been disconnected and that disconnection date(s) is in the hands of the relevant utility companies .

8. We have received a cost estimate to carry out and complete the demolition works if the Council were itself (ie. rather than the Owners) to commission such works which are £60,000 plus contingencies. Members are asked to authorise direct action and not least because the funding of the works (if authorised) would need to be financed initially from the Council's own funds but with the intention that such costs are then sought to be recovered by the Council from the Owners of the site.

9. Accordingly, Planning Committee members are asked to consider whether they wish to authorise "Direct Action" and to give officers delegated authority as to the actual timing of any Direct Action if the Owners were to continue to delay the demolition. The reference to a delay is made in the context of the Appeal decision dated 30 March 2015 where the Planning Inspector said that "...to remedy the breach of planning control ..nothing short of complete demolition meets the purpose behind the requirements ..and the steps required to comply with the notice are clear and are not excessive ..." The Inspector did extend the time for compliance from six months as set out in the enforcement notice and substituted a period for compliance to ten months but which ten months itself expired on 30th January 2016 ie nearly some five months ago.

.1. The recommendation seeking authority to take direct action is fully supported by Planning, Enforcement and Legal officers.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Email correspondence between the applicant and Planning Authority attached below.

Contact Officer: Charles Swain – Principal
Planning Enforcement Officer
Telephone: (01954) 713206

Stephen Reid – Planning Lawyer
Telephone (01954) 713195

Background Papers

Email correspondence

Sent: 08 June 2016 18:04

To: Cliff Moss <hcmoss14@gmail.com>

Cc: Cllr Bard <Cllr.Bard@scambs.gov.uk>; Cllr Cuffley <Cllr.Cuffley@scambs.gov.uk>; Cllr Batchelor J <Cllr.BatchelorJ@scambs.gov.uk>; Cllr Bradnam <Cllr.Bradnam@scambs.gov.uk>; Cllr Burling <Cllr.Burling@scambs.gov.uk>; Cllr Corney <Cllr.Corney@scambs.gov.uk>; Cllr Kindersley <Cllr.Kindersley@scambs.gov.uk>; Cllr McCraith <Cllr.McCraith@scambs.gov.uk>; Cllr OBrien <Cllr.OBrien@scambs.gov.uk>; Cllr Scott <Cllr.Scott@scambs.gov.uk>; Cllr Turner <Cllr.Turner@scambs.gov.uk>; cllr.morris@cottenhampc.org.uk; clerk@cottenhampc.org.uk; Cllr Edwards <Cllr.Edwards@scambs.gov.uk>; Swain Charles <Charles.Swain@scambs.gov.uk>; Cllr Harford <cllr.harford@scambs.gov.uk>; Christodoulides Katie <Katie.Christodoulides@scambs.gov.uk>; Cllr Wotherspoon <Cllr.Wotherspoon@scambs.gov.uk>; Reid Stephen <Stephen.Reid@scambs.gov.uk>; 'Paul Ursell' <PaulUrsell@hcmoss.co.uk>; 'John Dadge' <jsd@bsm.uk.com>; Ayre Julie <Julie.Ayre@scambs.gov.uk>

Subject: RE: The Maltings, Millfield, Cottenham

Dear Mr Moss,

Thanks for your email.

Whilst you have said you were "...not referring to the inspectors decision but to the I P A refusal to accept the latest application..." my email also referred to "...the recent failed steps to take Judicial Review proceedings against the Council in relation to this site" and which of course was in relation to what you have now referred to as "...the I P A refusal to accept the latest application..."

I recognise that you may have a view as to what you see as "... the worst planning decision in (your) 50 years of dealing with planning matters..." but that does not appear to have been a view shared by the Judge in the High Court Judicial Review proceedings and whereas you are aware costs were awarded against you and in favour of the Council.

I note that you have not commented on that part of my email where I said that I would "...like to remind you that we have not said we will not look at future development proposals but rather that the Council's position is that it wishes to see early demolition of the unauthorised building before looking at any future development proposals..." but I am pleased to see your confirmation that you "... are progressing with the demolition process in accordance with (our) demands..."

Finally whilst you have said that you "... will phone you tomorrow morning just to clear any misunderstandings.." I do not think there should be any reason for any misunderstandings and look forward to hearing from Mr Ursell as to a definite date for the substantive commencement of the demolition works. In the circumstances I do not think there is any need for you to phone tomorrow unless it is to provide an update as to demolition matters.

Regards

Julie

Julie Baird | Head of Development Management



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From: Cliff Moss [<mailto:hcmoss14@gmail.com>]

Sent: 08 June 2016 16:46

To: Baird Julie <Julie.Baird@scambs.gov.uk>

Cc: Cllr Bard <Cllr.Bard@scambs.gov.uk>; Cllr Cuffley <Cllr.Cuffley@scambs.gov.uk>; Cllr Batchelor J <Cllr.BatchelorJ@scambs.gov.uk>; Cllr Bradnam <Cllr.Bradnam@scambs.gov.uk>; Cllr Burling <Cllr.Burling@scambs.gov.uk>; Cllr Corney <Cllr.Corney@scambs.gov.uk>; Cllr Kindersley <Cllr.Kindersley@scambs.gov.uk>; Cllr McCraith <Cllr.McCraith@scambs.gov.uk>; Cllr OBrien <Cllr.OBrien@scambs.gov.uk>; Cllr Scott <Cllr.Scott@scambs.gov.uk>; Cllr Turner <Cllr.Turner@scambs.gov.uk>; cllr.morris@cottenhampc.org.uk; clerk@cottenhampc.org.uk; Cllr Edwards <Cllr.Edwards@scambs.gov.uk>; Swain Charles <Charles.Swain@scambs.gov.uk>; Cllr Harford <cllr.harford@scambs.gov.uk>; Christodoulides Katie <Katie.Christodoulides@scambs.gov.uk>; Cllr Wotherspoon <Cllr.Wotherspoon@scambs.gov.uk>; Reid Stephen <Stephen.Reid@scambs.gov.uk>; 'Paul Ursell' <PaulUrsell@hcmoss.co.uk>; 'John Dadge' <jsd@bsm.uk.com>; Ayre Julie <Julie.Ayre@scambs.gov.uk>

Subject: RE: The Maltings, Millfield, Cottenham

Dear Mrs Baird,

I was not referring to the inspectors decision but to the I P A refusal to accept the latest application where the removal of the old buildings which would bring the people deployed on site and the traffic movements to its present level

In the refusal of planning permission of the 11th of July 2014 .It recommended that the applicant should submit a new application which the L P A would offer advice on how an acceptable solution could be found . This clearly has not happened.

I am pleased that you are going to present the latest correspondence to your next committee meeting .We are progressing with the demolition process in accordance with you demands .Mr .Ursell Is keeping you informed of our progress.

After reading the rereading the inspectors report I notice that he mentioned an office adjacent to the road .was not desirable . The result of demolishing all the old block walled and iron roofed buildings and rehousing the existing tenants would mean that H C M B would remain where they are

I will phone you tomorrow morning just to clear any misunderstandings

Yours faithfully

Cliff Moss

From: Baird Julie [<mailto:Julie.Baird@scambs.gov.uk>]

Sent: Wednesday, June 8, 2016 11:20 AM

To: Cliff Moss <hcmoss14@gmail.com>

Cc: Cllr Bard <Cllr.Bard@scambs.gov.uk>; Cllr Cuffley <Cllr.Cuffley@scambs.gov.uk>; Cllr Batchelor J <Cllr.BatchelorJ@scambs.gov.uk>; Cllr Bradnam <Cllr.Bradnam@scambs.gov.uk>; Cllr Burling <Cllr.Burling@scambs.gov.uk>; Cllr Corney <Cllr.Corney@scambs.gov.uk>; Cllr Kindersley <Cllr.Kindersley@scambs.gov.uk>; Cllr McCraith <Cllr.McCraith@scambs.gov.uk>; Cllr OBrien <Cllr.OBrien@scambs.gov.uk>; Cllr Scott <Cllr.Scott@scambs.gov.uk>; Cllr Turner <Cllr.Turner@scambs.gov.uk>; cllr.morris@cottenhampc.org.uk; clerk@cottenhampc.org.uk; Cllr Edwards <Cllr.Edwards@scambs.gov.uk>; Swain Charles <Charles.Swain@scambs.gov.uk>; Cllr Harford <cllr.harford@scambs.gov.uk>; Christodoulides Katie <Katie.Christodoulides@scambs.gov.uk>; Cllr Wotherspoon <Cllr.Wotherspoon@scambs.gov.uk>; Reid Stephen <Stephen.Reid@scambs.gov.uk>; 'Paul Ursell' <PaulUrsell@hcmoss.co.uk>; 'John Dadge' <jsd@bsm.uk.com>; Ayre Julie <Julie.Ayre@scambs.gov.uk>

Subject: RE: The Maltings, Millfield, Cottenham

Dear Mr Moss

1. Thank you for your latest email but I must admit I am struggling to understand how on the one hand you have said

- that you are proceeding with inviting prices from suitable contractors for the demolition of the building and expect to have written proposals by the end of next week and that upon receipt of the prices you will make a decision on the choice of preferred contractor and arrange a provisional date for demolition

and then on the other hand you have said

-that In your opinion it has to be the worst planning decision in your 50 years of dealing with planning matters.

2. The planning decision you refer to is the decision of an Inspector who on your Appeal against the planning enforcement notice held that "...to remedy the breach of planning control ..nothing short of complete demolition .." was required and ".. the steps required to comply with the notice are clear and are not excessive..".

3.You will also of course be aware of the recent failed steps to take Judicial Review proceedings against the Council in relation to this site.

4. I can see no reason why your latest email could not be included in any papers taken to the July committee if we are forced to seek authority for direct action and so that Members of the Planning Committee have a very clear understanding of how you see the position before they make any decision to authorise direct action if they are minded to do so.

5. Finally at this stage, I would also like to remind you that we have not said we will not look at future development proposals but rather that the Council's position is that it wishes to see early demolition of the unauthorised building before looking at any future development proposals.

Regards

Julie

Julie Baird | Head of Development Management



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From: Cliff Moss [<mailto:hcmoss14@gmail.com>]

Sent: 08 June 2016 10:00

To: Baird Julie <Julie.Baird@scams.gov.uk>

Cc: Cllr Bard <Cllr.Bard@scams.gov.uk>; Cllr Cuffley <Cllr.Cuffley@scams.gov.uk>; Cllr Batchelor J <Cllr.BatchelorJ@scams.gov.uk>; Cllr Bradnam <Cllr.Bradnam@scams.gov.uk>; Cllr Burling <Cllr.Burling@scams.gov.uk>; Cllr Corney <Cllr.Corney@scams.gov.uk>; Cllr Kindersley <Cllr.Kindersley@scams.gov.uk>; Cllr McCraith <Cllr.McCraith@scams.gov.uk>; Cllr OBrien <Cllr.OBrien@scams.gov.uk>; Cllr Scott <Cllr.Scott@scams.gov.uk>; Cllr Turner <Cllr.Turner@scams.gov.uk>; cllr.morris@cottenhampc.org.uk; clerk@cottenhampc.org.uk; Cllr Edwards <Cllr.Edwards@scams.gov.uk>; Swain Charles <Charles.Swain@scams.gov.uk>; Cllr Harford <cllr.harford@scams.gov.uk>; Christodoulides Katie <Katie.Christodoulides@scams.gov.uk>; Cllr Wotherspoon <Cllr.Wotherspoon@scams.gov.uk>; Reid Stephen <Stephen.Reid@scams.gov.uk>; 'Paul Ursell' <PaulUrsell@hcmoss.co.uk>; 'John Dadge' <jsd@bsm.uk.com>; Ayre Julie

<Julie.Ayre@scambs.gov.uk>

Subject: RE: The Maltings, Millfield, Cottenham

Dear Mrs. Baird,

Thank you for replying to my email making a final request for a sensible planning decision for the Maltings Cottenham.

It makes me wonder if the if the planning committee have been shown and understand the extent of the landscaping etc that is proposed .The status quo with regard to people employed and vehicle movements would have been maintained, a modern building housing the existing tenants which was acceptable to the inspector .The entrance road repaired and maintained by H C M B . When the building new building is demolished it will leave a badly holed and council maintained road ,the old building remaining and a builders yard fully exposed to the residents opposite .

In my opinion it has to be the worst planning decision in my 50 years of dealing with planning matters.

On the plus side for the trustees it will save them considerable cost . the negative side ,a decidedly worse situation for the local residents

With regard to your request for details of the demolition of the building I have asked Paul Ursell to reply to you separately.

Cliff Moss

From: Baird Julie [<mailto:Julie.Baird@scambs.gov.uk>]

Sent: Tuesday, June 7, 2016 5:46 PM

To: Cliff Moss <hcmoss14@gmail.com>

Cc: Cllr Bard <Cllr.Bard@scambs.gov.uk>; Cllr Cuffley <Cllr.Cuffley@scambs.gov.uk>; Cllr Batchelor J <Cllr.BatchelorJ@scambs.gov.uk>; Cllr Bradnam

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Scott <Cllr.Scott@scambs.gov.uk>; Cllr Turner <Cllr.Turner@scambs.gov.uk>;

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Harford <cllr.harford@scambs.gov.uk>; Christodoulides Katie

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<Cllr.Wotherspoon@scambs.gov.uk>; Reid Stephen <Stephen.Reid@scambs.gov.uk>; Paul

Ursell <PaulUrsell@hcmoss.co.uk>; 'John Dadge' <jsd@bsm.uk.com>; Ayre Julie

<Julie.Ayre@scambs.gov.uk>

Subject: RE: The Maltings, Millfield, Cottenham

Dear Mr Moss

Thank you for your email sent on 3rd June 2016 and thank you for writing personally on behalf of the Trustees who own the property.

Whilst you have made one final plea for the Council to come to the table in relation to this matter on a without prejudice basis in relation to the demolition programme I have no reason to anticipate there is any support from either members of the Planning Committee and/or local members to see any delay in a very early demolition programme .Indeed at the Planning Committtee last week members

seemed very supportive of steps to secure early demolition when they were advised that it was the intention to bring to the July Committee an estimate of demolition costs such that members could decide if they wished to authorise direct action by SCDC (ie demolition by SCDC) pursuant to section 178 of the Town and Country Planning Act 1990 if there was no sign of substantive demolition and/or an agreed demolition programme. It is recognised by officers that if SCDC (i.e rather than yourselves) were to commission the demolition then costs incurred by the Council would subsequently need to be recovered from the owners of the property and it was in that context that members were advised of the steps to seek a costs estimate to carry out and complete the demolition works and so that members would have the financial figures to inform any decision whether to authorise direct action if nothing was happening at the time of the July committee.

Thank you for confirming that last week you invited prices from suitable contractors for the demolition of the building and that you expect to have written proposals by the end of this week.

I note that you have also said that upon receipt of the prices you will make a decision on the choice of preferred contractor and a provisional date for demolition. I would hope, but please confirm this to be the case, that you have no objection to advising us as to each of the following:

1. the preferred contractor once that decision has been taken,
2. the provisional date for demolition .
3. arrangements for the Contractor responsible for the preparation of a demolition management plan copying to the Council
 - (a) the demolition management plan ,and
 - (b) the Section 80 notice.

I also note that this week you will notify the service providers of the requirement for disconnection as to gas water electricity and telecoms. Please confirm you are happy to keep the Council reasonably advised on steps and speed of disconnection.

[Finally (subject to the comment made in the following paragraph) ,whilst you have said that you "...hope that as this process is proceeding (you) can engage productively with (us as) the local planning authority in relation to the "fall-back" position and any future development proposals for the site...." the Council's position is that it wishes to see early demolition of the unauthorised building before looking at any future development proposals] .

I am copying this email to all those who were sent a copy of your email on 3rd June and no doubt any of the people receiving this email can make contact with yourself or with me if they have any queries arising from our respective emails.

Regards

Julie Baird

Julie Baird | Head of Development Management



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From: Cliff Moss [<mailto:hcmoss14@gmail.com>]

Sent: 03 June 2016 14:23

To: Baird Julie <Julie.Baird@scambs.gov.uk>

Cc: Cllr Bard <Cllr.Bard@scambs.gov.uk>; Cllr Cuffley <Cllr.Cuffley@scambs.gov.uk>; Cllr Batchelor J <Cllr.BatchelorJ@scambs.gov.uk>; Cllr Bradnam <Cllr.Bradnam@scambs.gov.uk>; Cllr Burling <Cllr.Burling@scambs.gov.uk>; Cllr Corney <Cllr.Corney@scambs.gov.uk>; Cllr Kindersley <Cllr.Kindersley@scambs.gov.uk>; Cllr McCraith <Cllr.McCraith@scambs.gov.uk>; Cllr OBrien <Cllr.OBrien@scambs.gov.uk>; Cllr Scott <Cllr.Scott@scambs.gov.uk>; Cllr Turner <Cllr.Turner@scambs.gov.uk>; cllr.morris@cottenhampc.org.uk; clerk@cottenhampc.org.uk; Cllr Edwards <Cllr.Edwards@scambs.gov.uk>; Swain Charles <Charles.Swain@scambs.gov.uk>; Cllr Harford <cllr.harford@scambs.gov.uk>; Christodoulides Katie <Katie.Christodoulides@scambs.gov.uk>; Cllr Wotherspoon <Cllr.Wotherspoon@scambs.gov.uk>; Reid Stephen <Stephen.Reid@scambs.gov.uk>; Paul Ursell <PaulUrsell@hcmoss.co.uk>; 'John Dadge' <jsd@bsm.uk.com>; Ayre Julie <Julie.Ayre@scambs.gov.uk>

Subject: The Maltings, Millfield, Cottenham

Dear Mrs Baird

Having returned from abroad yesterday I thought I should write personally on behalf of the Trustees who own the property in relation to the Councils exchange of emails earlier in the week with Paul Ursell, Managing Director of HC Moss (Builders) Ltd and our planning agent John Dadge of Barker Storey Matthews.

I am now able to confirm the program for demolition of the building, the arrangements for the payment of the Councils JR costs and I would also make one final plea for the Council to come to the table in relation to this matter on a without prejudice basis in relation to the demolition programme. Dealing with each item in turn :-

Demolition

We have, this week, invited prices from suitable contractors for the demolition of the building and expect to have written proposals by the end of next week.

Upon receipt of the prices we will make a decision on the choice of preferred contractor and arrange a provisional date for demolition.

Contractor will be responsible for the preparation of a demolition management plan and serving the Section 80 notice on the Council in respect of the proposed demolition.

Next week we will also notify the service providers of the requirement for disconnection although gas water electricity and telecoms.

You are no doubt aware that we cannot influence the speed of disconnection. Recent experience suggests that we should therefore allow six weeks for this to be completed although it must be stressed that we cannot proceed with demolition unless all of the services have been disconnected in that respect we are in the hands of the parties.

When we have confirmed dates for the completion of the disconnections the Section 80 notice will be served and the contractor will arrange mobilisation and set the date on which the demolition will start and the date by which it will be complete and the site cleared. For the purpose of this correspondence with him that that will be within 4 to 6 weeks of commencement.

Based upon the information available to us at the present time and given that the process for procuring the demolition of the building has started has started anticipate that this will be **complete by end of August 2016**.

I hope that as this process is proceeding we can engage productively with the local planning authority in relation to the "fall-back" position and any future development proposals for the site.

The Council's JR costs

Mr Dudge has written to Mr Reid on our behalf to confirm that HC Moss (Builders) Ltd are in credit with the Council and to confirm that payment for the Council's costs may be taken by way of a deduction - see copy email below.

An Alternative approach (to demolition)

In his email of the 27th May Mr Dudge put a further alternative approach to Mrs Ayres but has received no response. The full email is set out below but the salient points are:-

If the Council were prepared to take a more pragmatic approach what is being offered is a proposal that has significant environmental improvements for the benefit of all.

- *A proposal which results in no more floor space than was originally on the site before the enforcement building was constructed.*
- *A proposal that has no more occupiers on the site than before the enforcement building was constructed.*
- *A proposal that results in no additional traffic to that which was present on the site before the enforcement building was constructed.*

The proposal is simply to relocate the companies, that were present on the site before the enforcement building was constructed, into the enforcement building, which is more appropriate to the needs of modern business. The buildings they vacate which are old and low quality would be demolished.

So, effectively, the status quo would be maintained in terms of business activity and traffic generation on the site but the premises within which those businesses operate would be much improved. There would also be a consequential improvement in environmental and amenity terms for residential neighbours as they would benefit from what is proposed as extensive landscaping to the frontage of the site and within the site that goes far beyond what the inspector had before him and beyond what is shown on the last planning application which H C Moss sought to have registered by the Local Planning Authority.

I do hope that even at this late stage the Council could consider this as alternative way forward and are prepared to meet to discuss it.

Given the interest in this situation and the need to keep planning committee members informed I have, for completeness, copied this response to all planning committee members, the ward Councillors and the Chairman and Clerk to the Parish Council.

Yours Sincerely

Clifford Moss

On behalf of the Trustees



HC Moss (Builders) Ltd
The Maltings, Mill Field
Cottenham
Cambs CB24 8RE
Tel: 01954 250775
Mobile: 07770 645046

From: John Dadge
Sent: 02 June 2016 12:43
To: 'Reid Stephen'
Cc: hcmoss14@gmail.com; Baird Julie; Ayre Julie; Christodoulides Katie; Swain Charles; Funge Alistair
Subject: RE: The Maltings, Millfield, Cottenham

Dear Mr Reid

Paul Ursell of HC Moss (Builders) Ltd has asked me to respond to you in relation to the arrangements for payment of the Council's JR costs.

It appears that of the original planning application fee in the sum of £3080 for the original declined application, only £770 has been returned to HC Moss.

This was on the basis that the £2310 was retained as the LPA fee for the second application which of course SCDC also declined to accept. Effectively therefore the Council are in credit in that sum from HC Moss.

I have looked back at the costs claim by the Council in accordance with your schedule of 17 March 2016 and it is £1670 including VAT. Effectively, after deducting your costs, the Council still owe HC Moss £640.

Can I assume that the Council is happy to make the deduction of its JR costs from the credit and pay HC Moss £640 as the balance of monies owing to them?

If this is acceptable please take this email as authority on behalf of HC Moss (Builders) Ltd to make the necessary adjustments. If not please advise me of the procedure you would like us to follow.

Regards

John

John Dadge
Barker Storey Matthews
01733 556491

From: John Dadge
Sent: 27 May 2016 12:00
To: 'Ayre Julie'
Cc: Reid Stephen; Baird Julie; Christodoulides Katie; Harford Lynda; Cllr Edwards; Cllr Wotherspoon; Cllr Harford
Subject: RE: The Maltings, Millfield, Cottenham

Dear Mrs Ayre

I was disappointed to receive your email regarding the possibility of a meeting, given that I had spoken with Julie Baird on Monday who thought that this might be possible. That said I am also disappointed in the approach being taken as I believe the correct thing to do in terms of the proper planning of this area would be to take a broader perspective than the one the Council is taking in relation to the building itself.

The officers did not object to the overall design of the unauthorised building. The inspector, was not persuaded that planning permission should be granted for the construction of the brick building, which would result in the retention of 10 self-contained office or storage and distribution units.

In coming to his decision the inspector only considered the enforcement site itself. The overall site in the ownership of H C Moss was not considered in a comprehensive fashion. Indeed the inspector was required to consider only what was before him.

The principal issue for the inspector and his decision lay in the intensification of activity on the site; the multiple occupation of the enforcement building and the harm that was caused by the additional traffic utilising the site and access road as a result of the occupation of the enforcement building.

If the Council were prepared to take a more pragmatic approach what is being offered is a proposal that has significant environmental improvements for the benefit of all.

- A proposal which results in no more floor space than was originally on the site before the enforcement building was constructed.

- A proposal that has no more occupiers on the site than before the enforcement building was constructed.
- A proposal that results in no additional traffic to that which was present on the site before the enforcement building was constructed.

The proposal is simply to relocate the companies that were present on the site before the enforcement building was constructed into the enforcement building, which is more appropriate to the needs of modern business. The buildings they vacate which are old and low quality would be demolished.

So, effectively, the status quo would be maintained in terms of business activity and traffic generation on the site but the premises within which those businesses operate would be much improved .

There would also be a consequential improvement in environmental and amenity terms for residential neighbours as they would benefit from what is proposed as extensive landscaping to the frontage of the site and within the site that goes far beyond what the inspector had before him and beyond what is shown on the last planning application which H C Moss sought to have registered by the Local Planning Authority.

Viewing the site as a whole and not taking a narrow interpretation of just the enforcement site, I believe this has got to be a solution which is worth considering and exploring with the local community and that is why a meeting was sought.

I am copying this email to your full circulation list in the hope that it will prompt further discussion within the authority and result in the opportunity to meet with you and your planning colleagues and perhaps, if they are agreeable, with local members.

I look forward to hearing from you.

Regards.

John Dadge

John Dadge Dip TP MRTPI
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