

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Development and Conservation Control Committee held on
Wednesday, 6 April 2005 at 10.00 a.m.

PRESENT: Councillor Dr JPR Orme – Chairman
Councillor NIC Wright – Vice-Chairman

Councillors:	Dr DR Bard	RE Barrett
	JD Batchelor	RF Bryant
	Mrs PS Corney	SM Edwards
	R Hall	Mrs SA Hatton
	Mrs JM Healey	Mrs EM Heazell
	Mrs CA Hunt	HC Hurrell
	SGM Kindersley	RB Martlew
	MJ Mason	Mrs JA Muncey
	Mrs CAED Murfitt	CR Nightingale
	EJ Pateman	A Riley
	Mrs DP Roberts	NJ Scarr
	Mrs DSK Spink MBE	JH Stewart
	RJ Turner	JF Williams
	Dr JR Williamson	TJ Wotherspoon
	SS Ziaian-Gillan	

Councillors MP Howell, Dr SEK van de Ven, Mrs BE Waters and DALG Wherrell were in attendance, by invitation.

1. APOLOGIES

Councillor Mrs A Elsby sent apologies for absence.

2. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 2nd February 2005.

3. S/1663/04/F - BOXWORTH AND CONINGTON

The Committee considered a detailed report for a Wind Farm consisting of 16 Wind Turbines, Anemometry Mast, Substation and associated infrastructure on land to the south west of Huntingdon Road (A14 Trunk Road) in the Parishes of Boxworth and Conington for Cambridge Wind Farm Ltd.

The Development Control Quality Manager updated Members on developments since the report had been published. These related, among other things, to further comments about noise, the impact on wildlife and industrial processes involved in extracting electricity from the facility. He reported that Cambridge Airport would require a further 6-8 weeks to respond fully to consultation. Referring to the reasons for refusal set out in the report, he said that numbers 3, 5 and 6 were, in effect, "holding reasons" Were Members to refuse the application, and the Council was obliged to defend that refusal at appeal, any or all of reasons 3, 5 and 6 could well be withdrawn but, at the same time, new reasons could be introduced.

Members made the following points:

- Cambridgeshire had already made significant progress towards meeting the 2010 target with regard to wind energy
- The applicant had an agreement with an adjoining landowner for an additional nine turbines, were the current application to win approval
- The proposal could have serious repercussions for improvements to the A14 Trunk road
- Consideration should be given to the feelings of local people, other development pressures on the countryside, compliance with planning policies and the adverse impact on the character of the countryside and quality of life
- The possible distracting effect for drivers on the A14, and implications for aviation safety
- There were significant issues of noise and scale: but while an “industrial” facility such as this was seen as inappropriate on this site, the Council should reaffirm its commitment to renewable energy, where appropriate
- The proposal would have an adverse effect on the amenity of local residents, including interference with television signals
- There should be a national assessment of suitable sites, with local authorities responsible for individual wind turbines and central government responsible for the siting of larger wind farms
- Greater emphasis should be placed on siting wind farms off-shore in order to meet demands for renewable energy

The Strategic Development Officer referred to the ambitious target, set in a White Paper on energy published by the Government in February 2003, to reduce CO₂ emissions by 60% by the year 2050. He acknowledged that, as technology advanced, and economies of scale took effect, the cost of constructing, and importing electricity from, off-shore wind farms would reduce dramatically.

The Development Control Quality Manager reminded Members that, should the Local Planning Authority resolve to refuse the application, its reasons for doing so must be justifiable and material planning considerations. In particular, the question of whether or not this wind farm was needed in order to meet the County's 2010 and 2020 targets was irrelevant, and the argument for and against off-shore wind farms was one for national, not local, debate. The issue of interference with television reception could be addressed and, therefore, was also not a relevant consideration.

Councillor NJ Scarr proposed that health and visual impact, and the adverse effect of the proposal on the amenities of local residents should be added as reasons for refusal. The proposition was seconded by Councillor SGM Kindersley. The Head of Legal Services urged Members not to rely on reasons which, at this stage, could only be viewed in very general terms. Noise was still an unknown quantity and if the applicants dealt with this aspect fully – as they would have to on any appeal – noise and its impact on the amenities of local residents could well be an important issue then. The visual impact was assessed in the report already and enshrined in the reasons for refusal. He added that, were the application to be refused, and an appeal was lodged, the Council could always add reasons for dismissal of appeal at a later stage which would form part of any pre-inquiry statement. Voting was as follows:

For the proposition	- 14 votes
Against the proposition	- 14 votes
Abstentions	- Nil
Those registering their Presence but not voting	- Nil

Taking into account the advice from the Head of Legal Services, the Chairman cast his second vote against the proposition which therefore fell.

A local Member warned the Committee that, due to the size and location of the proposal, the likelihood of motorists on the A14 being distracted was such as to make it inevitable that there would be road casualties, some of them fatal.

Members expressed their appreciation for an excellent and very detailed report prepared and presented by the Development Control Quality Manager.

The Development and Conservation Control Committee resolved that the application be **REFUSED** for the six reasons set out in the report from the Director of Development Services.

Members requested that the vote be recorded. The results were: Approve the Application 0, Refuse the Application 28, Abstentions 0, Those registering their presence but not voting 0. The following Members registered their presence and voted to refuse the application: Councillors Dr DR Bard, RE Barrett, JD Batchelor, RF Bryant, Mrs PS Corney, SM Edwards, R Hall, Mrs SA Hatton, Mrs JM Healey, Mrs CA Hunt, HC Hurrell, SGM Kindersley, RB Martlew, MJ Mason, Mrs JA Muncey, Mrs CAED Murfitt, CR Nightingale, Dr JPR Orme, EJ Pateman, A Riley, Mrs DP Roberts, NJ Scarr, Mrs DSK Spink MBE, JH Stewart, RJ Turner, JF Williams, Dr JR Williamson and SS Ziaian-Gillan.

Councillor NIC Wright declared a prejudicial interest in this item, due to his close involvement on a local and personal level, and withdrew from the Chamber.

Mr Harvey Binnie, Chairman of Boxworth Parish Meeting, and James Kelman, speaking in the absence of Conington Parish Meeting's Chairman (Councillor NIC Wright) both addressed the meeting.

4. PLANNING ENFORCEMENT AND TRAVELLER ISSUES:DECISION MAKING ARRANGEMENTS

The Committee considered a report seeking its support for establishing a new sub-committee for planning enforcement matters on Travellers' sites.

The Director of Development Services introduced this challenging issue by reminding Members about the position in which the Council found itself. In identifying the context, he highlighted three important facts, namely

- Prior to the arrival at Smithy Fen, Cottenham of a large number of Irish
- The Council had to maintain its pressure on central Government to address a
- The opportunity should now be taken to reassess how best the Council should

Members made the following points:

- relation to Travellers' issues
- Development and Conservation Control Committee was responsible for enforcement, and any Group set up to deal specifically with enforcement on Travellers' sites could be seen as discriminatory
- Members should keep their options open, recognising that the major issue at the moment centred on Smithy Fen, Cottenham, and that such other issues that might arise in future should be dealt with on their merits, and treated individually
- Financial concerns should not be allowed to prevent an appropriate resolution of the outstanding matters

The Committee Chairman paid tribute to the Leader's tireless work in presenting the Council's case on Travellers' issues to central Government, local residents and community organisations, and the media.

The following amendments were proposed and seconded, namely

1. That further discussion be deferred pending the establishment by Cabinet of a policy on Travellers' issues, with Development and Conservation Control Committee to determine all enforcement matters, including those on Travellers' sites.
2. That a Development and Conservation Control Sub-Committee be re-established with immediate effect, and as an interim measure, terms of reference, membership and name to be determined by the Development and Conservation Control Committee.

The Head of Legal Services said that Members had to review their previous decisions on direct action at Smithy Fen in the light of ever-changing developments, and act in the best interests of the entire District. They should be careful not to do anything that might prejudice the Council's position. He advised Members, at the very least, to withdraw the Development and Conservation Control (Direct Action) Sub-Committee's plenary powers for the time being, and suggested that the sub-committee should meet in June or July 2005, following the Appeal decisions relating to Pine View and Victoria View, Cottenham.

A number of Members expressed strong reservations about this advice.

Amendment no. 1 referred to above, proposed by Councillor SGM Kindersley and seconded by Councillor Dr DR Bard, was put to the Committee, which resolved by 16 votes to 14 (with one Member registering a presence but not voting) that further discussion be **DEFERRED** pending the establishment by Cabinet of a strategy on Travellers' issues.

Amendment no. 2 referred to above, proposed by Councillor NJ Scarr and seconded by Councillor Mrs DSK Spink was put to the Committee, which **RESOLVED** by 27 votes to two (with one Member registering a presence but not voting) to re-establish a Sub-Committee with immediate effect, with as an interim measure, terms of reference, membership and name to be determined by the Development and Conservation Control Committee.

Mr JA Nicholas from Cottenham Parish Council addressed the meeting.

5. S/0121/05/F - FULBOURN

DELEGATED REFUSAL for the reasons set out in the report from the Director of Development Services. subject to the conclusion of formal consultation.

6. S/0242/05/F - GIRTON

DELEGATED APPROVAL, for the reasons set out in the report from the Director of Development Services, subject to the prior completion of a Section 106 Legal Agreement requiring the mast and all associated development to be removed from the site and land made good, if planning consent S/2051/01/F for the erection of two 15 metre high lattice towers and associated development, is implemented, and to the Conditions referred to in the report.

7. S/0045/05/F - GREAT SHELFORD

DELEGATED APPROVAL, as amended by drawing numbers 707/29/B and 707/30/F date stamped 21st February 2005: for the reasons set out in the report from the Director of Development Services, subject to the Local Highways Authority being satisfied that car parking availability is suitable, and to the Conditions referred to in the report.

8. S/0204/05/F - GREAT SHELFORD

REFUSED, contrary to the recommendation contained in the report from the Director of Development Services, because of the adverse impact on the amenity of the neighbours at 1A Spinney Drive resulting from the intrusive nature of the windows.

RESOLVED to take enforcement action if the windows are not removed within one month of the issue of the Decision Notice.

Members noted that, should the applicant lodge an Appeal against the Committee's decision and win, the Council would ask the Inspector to attach to the Appeal Decision the Conditions referred to in the report from the Director of Development Services.

Councillor R Hall declared a personal interest by virtue of knowing the applicant, and withdrew from the Chamber.

Councillor Mrs EM Heazell declared a personal interest by virtue of a "nodding acquaintance" with the applicant's neighbour.

9. S/2032/04/F - HISTON

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein and to additional Conditions the tarmacking of the entire width of the access, siting of the lamp columns outside the access, no fencing or other structures within five metres of the watercourse and the fencing off of that part of the site marked "private parking" in accordance with details to be agreed

Councillor MJ Mason was present when Histon Parish Council discussed this item, but did not contribute to the debate and did not vote.

10. S/0113/05/F - GREAT AND LITTLE CHISHILL

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the receipt of an amended plan showing a revision to visibility splays and other requested revisions, endorsement from the Affordable Housing Panel, the prior completion of a Section 106 Legal Agreement securing the provision of affordable housing in compliance with Policies HG7 and HG8 of the South Cambridgeshire

Local Plan 2004. and safeguarding Conditions including one relating to ecology.

Councillor Dr. JPR Orme declared a prejudicial interest because he receives a pension from the applicant Association and withdrew from the Chamber. Councillor NIC Wright took the Chair for this item.

11. S1580/04/F - MELBOURN

DELEGATED REFUSAL for the reason set out in the report from the Director of Development Services, unless the play equipment is moved further away from the fence to safeguard the amenity of adjacent residents

12. S/2535/04/F - HILDERSHAM

REFUSED for reasons 1 and 2 set out in the report from the Director of Development Services, Reason 3 being no longer relevant given the site's location outside the newly defined flood zone.

Councillors H Hurrell and Dr. JPR Orme declared personal interests in this item.

Councillor Mrs GJ Smith, a local Member but not a member of the Committee, sent apologies for absence.

13. S/2069/04/RM - LONGSTANTON

DELEGATED APPROVAL of Reserved Matters of siting, design, means of access and landscape structure, following the revisions referred to in paragraph 2 of the report from the Director of Development Services subject to Conditions relating to the detail of such design structure, street lighting and the specification of bird boxes, and to the applicant and the Council's Design Consultant agreeing on the design of five dwellings.

Councillor A Riley declared a personal interest as having participated in past discussions on this matter at Longstanton Parish Council.

14. S/0129/05/F - OAKINGTON AND LONGSTANTON

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein except that, in Condition 3, references to 0800 hours and 1000 hours shall be references instead to 0700 hours and 0900 hours.

Councillor A Riley declared a personal interest as he had contributed to the discussion at Longstanton Parish Council and due to the proximity of his house to the application site.

15. S/2517/04/F - MELDRETH

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services to Committee on 2nd March 2005 (Item 15), subject to the Conditions referred to therein, the receipt of amended plans giving correct dimensions, agreement that the new dwelling be no further forward than the existing one, and relocation of the proposal entirely within the village framework.

16. S/0124/05/F - SAWSTON

REFUSED contrary to the recommendation contained in the report from the Director of

Development Services, on the grounds of footprint, and proximity to the north eastern boundary causing a cramped development. Resolved to take enforcement action in consultation with local Members.

17. S/0255/05/F - SAWSTON

DELEGATED APPROVAL subject to the receipt of satisfactory amended plans and information to address the comments of the Environment Agency, Local Highway Authority, Trees and Landscape Officer and Landscape Design Officer, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein and to a reduction in the number of car parking spaces.

Councillor Mrs EM Heazell declared a prejudicial interest as the Portfolio Holder (Housing) responsible for instigating the scheme, and withdrew from the Chamber).

Councillors Dr DR Bard, Mrs SA Hatton and SS Ziaian-Gillan (the three local Members) declared prejudicial interests as having contributed to the debate when this matter was considered by the Scrutiny and Overview Committee, and withdrew from the Chamber.

Councillor Mrs DP Roberts expressed grave reservations about the enforced inability of the local Members to contribute to the debate, and withdrew from the Chamber, in protest, for the duration of this item.

18. S/1800/04/F AND S/2054/04/LB - SAWSTON

The Committee was **MIND TO APPROVE** the application subject to the proposal being referred to the Secretary of State and not being called in by him for determination, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein other than Condition 6 under paragraph 112 (to be deleted), with Condition 11 under paragraph 112 being expanded to require also details of any alternative cleansing tank to be agreed, and an additional Condition requiring the agreement of the precise position of the crèche/laundry building, service trenches and the structural grass road providing access to the pool and treatment rooms and the prior signing of a Section 106 Agreement to ensure the whole site only operates as a single planning unit. Whilst mindful of the Local Highway Authority's latest comments, Members, having visited the site, considered that the proposal was acceptable having regard to the following matters: the proposal involved an appropriate use for, and without harm to, this important site/listed building; highway matters were carefully considered at the time of Committee's site visit; the use would enable a degree of public access to the site; the use would provide local employment; a modest amount of new and well-conceived build was proposed; the proposal involved a number of sustainable features; the removal of the restaurant attached to the Coach House and the link between the Hall and the Coach House would enhance the setting of the listed building; and, by not involving alterations to the listed gate piers, frontage walls or Church Lane itself, the scheme preserved the character and appearance of the Conservation Area and the character and setting of the Hall, gate piers and St Mary's Church.

19. S/2366/04/F - SAWSTON

DEFERRED at the request of the applicant to determine whether or not the land was in the flood plain.

20. S/2544/04/F - SAWSTON

APPROVED. Members considered that the proposal was acceptable as a departure from

the development plan for the following reasons: it would not adversely affect the openness or rural character of the Green Belt, it was in proportion with the scale of the existing dwelling and only involved modest additions to the dwelling. For these reasons, it would not be contrary to the aims of countryside and Green Belt policies, subject to the Condition referred to in the report.

21. S/0070/05/F - LITTLE ABINGTON

DELEGATED APPROVAL, as amended by drawing no. 04-7-02A date stamped 16th March 2005, for the reasons set out in the report from the Director of Development Services, subject to the receipt of the details required by recommended Condition 2 before the application is determined and the prior completion of a Section 106 Legal Agreement requiring the payment of a commuted sum towards the provision of affordable housing and the Conditions referred to in the report with condition 2 amended to reflect the approved details.

Councillor Dr. JPR Orme declared a personal interest as an acquaintance of the applicant.

22. S/0285/05/F - HORNINGSEA

REFUSED for the reasons set out in the report from the Director of Development Services.

RESOLVED to take enforcement action should the two areas of fencing not have been removed within three months of the issue of the Decision Notice.

23. S/0454/05/F - GULDEN MORDEN

DELEGATED APPROVAL for the reasons set out in the report.

Councillor Mrs CAED Murfitt declared a prejudicial interest as the applicant and withdrew from the Chamber.

24. S/1404/04/F - STEEPLE MORDEN

DELEGATED APPROVAL subject to the prior completion of a Section 106 Legal Agreement guaranteeing appropriate landscaping and frosted glazing for the window in the utility room and a further check on the height of the building.

25. S/0142/05/LB AND S/0143/05/F - LITTLE WILBRAHAM

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the deletion of the porch and use of facing brick for the extension, and to the Conditions referred to in the report.

Councillor R Turner (the local Member) was not present for this item.

26. S/0120/05/CM - LANDBEACH

The Committee **RESOLVED** that South Cambridgeshire District Council should inform Cambridgeshire County Council of its total support for the proposed facility for the drop off and transfer of bonded asbestos at Landbeach subject to the applicants painting any container dark green to match the building.

27. S/0254/05/F - WILLINGHAM

REFUSED for the reasons set out in the report from the Director of Development Services.

28. S/1275/04/O - WILLINGHAM

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein.

29. S/0312/05/F - BASSINGBOURN

REFUSED for the reason set out in the report from the Director of Development Services.

RESOLVED to take enforcement action.

(The height detailed in paragraph 15 was amended from 7.2 to 7.7 metres.)

30. S/0166/05/F - ELTISLEY

REFUSED, contrary to the recommendation contained in the report from the Director of Development Services, due to the visual impact of the mast and insufficient consideration of other possible sites at Pastures Farm near Caxton and Caxton Road, Eltisley.

Councillor NIC Wright declared a prejudicial interest as the applicant was his brother-in-law, and withdrew from the Chamber.

31. S/6283/05 - CAMBOURNE

REFUSED, contrary to the recommendation contained in the report from the Director of Development Services, due to the loss of a residential property, the setting of a precedent in a new settlement and the impact on existing residents in the vicinity.

RESOLVED that enforcement action be taken.

32. DELEGATED POWERS: HEDGEROWS AND PROTECTED TREES

The Committee considered a report seeking delegated powers in respect of hedgerow and protected tree control.

The Committee **RESOLVED** to delegate powers to the Director of Development Services and Conservation Manager in respect of hedgerow and protected tree control, subject to prior consultation with the Chairman of the Development and Conservation Control Committee and local Member or Members, and to constitutional safeguards.

33. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **NOTED** the following from the report prepared by the Director of Development Services:

- Decisions notified by the Secretary of State
- Summaries of recent decisions of interest
- Appeals received
- Local Inquiry and Hearing dates scheduled before the next meeting on 13th May 2005
- Appeals withdrawn or postponed

Members expressed appreciation of the professionalism of the Appeals Manager (Special Projects) in representing the interests of the Council.

It was noted that the three local inquiries at Smithy Fen, Cottenham were scheduled to be held in July 2005.

34. ENFORCEMENT ACTION: PROGRESS REPORT

Members **NOTED** the Enforcement Action Progress Report dated 6th April 2005.

Members expressed their appreciation of the professionalism of the Enforcement Officer and his team in representing the interests of the Council.

35. CONFIRMATION IN LINTON, CAMBOURNE AND GAMLINGAY (IAN SENIOR)

The Committee considered a report reviewing Tree Preservation Order nos.12 and 13 of 2004, and 01 of 2005.

RESOLVED

- (1) that Tree Preservation Orders 12/04/SC at 19 Cambridge Road, Linton and 13/04/SC in Back Lane, Cambourne be confirmed without modification; and
- (2) that Tree Preservation Order 01/05/SC at 110 Cinques Road, Gamlingay be confirmed as modified so as, in the First Schedule, to substitute the phrase "T5 Rowan – Situated in the *Eastern* boundary of Rosehaven, 110 Cinques Road, Gamlingay" in place of the phrase "T5 Rowan – Situated in the *Northern* boundary of Rosehaven, 110 Cinques Road, Gamlingay".

The Meeting ended at 6.40 p.m.
