

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Development and Conservation Control Committee held on
Wednesday, 1 March 2006 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
	Mrs A Elsby	R Hall
	Mrs SA Hatton	Mrs CA Hunt
	SGM Kindersley	Mrs JA Muncey
	Mrs CAED Murfitt	CR Nightingale
	EJ Pateman	JA Quinlan
	A Riley	Mrs DP Roberts
	Mrs HM Smith	Mrs DSK Spink MBE
	JF Williams	Dr JR Williamson

Councillors JA Hockney, J Shepperson and Dr SEK van de Ven were in attendance, by invitation.

Apologies for absence were received from Councillor Mrs J Dixon, Mrs JM Healey, RB Martlew, JH Stewart, RJ Turner and SS Ziaian-Gillan.

1. TO AUTHORISE THE CHAIRMAN TO SIGN THE MINUTES OF THE MEETING HELD ON 1ST FEBRUARY 2006 AS A CORRECT RECORD.

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 1st February 2006.

2. S/0062/06/F - SHEPRETH

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

3. S/2365/05/F - MELDRETH

DELEGATED APPROVAL, for the reasons set out in the report from the Director of Development Services, subject to the receipt of comments from the Cultural Services Manager, acceptability of the Flood Risk Assessment, and safeguarding Conditions, including a Condition requiring the provision of a pedestrian link to West Way

4. S/0087/06/F - PAPWORTH EVERARD

APPROVAL, subject to the Conditions referred to in the report from the Director of Development Services, and additional Conditions relating to the hours of operation and to pollution control.

5. S/2205/05/O - SWAVESEY

REFUSED for the reasons set out in the report from the Director of Development Services, subject to the deletion of Refusal Reason no. 2 and the consequent renumbering of Reasons 3 and 4.

6. S/2397/05/F - GREAT SHELFORD

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

Councillor Mrs CA Hunt declared a personal and prejudicial interest by virtue of her ownership of no. 19 Woollards Lane, withdrew from the Chamber, took no part in the debate and did not vote.

7. S/0083/06/F - LANDBEACH

DELEGATED APPROVAL, for the reasons set out in the report from the Director of Development Services relating to compliance with policies contained in the South Cambridgeshire Local Plan 2004 and Cambridgeshire and Peterborough Structure Plan 2003 (but deleting reference to the Local Development Framework), subject to no adverse comments being received prior to the determination date, deletion of the paddock from the application site, clarification of drainage proposals, to the Conditions referred to in the report and additional Conditions relating to an owl survey and the placing of bird boxes.

8. S/0092/06/F - OVER

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

9. S/2306/05/F - WILLINGHAM

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

10. S/2317/05/F - CASTLE CAMPS

APPROVAL, as amended by drawing nos. CM.22/2 and CM22/3. and front, rear and side elevations plan date stamped 13 February 2006, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein.

11. PROPOSED DIVERSION OF FOOTPATH NO. 19 IN CASTLE CAMPS**RESOLVED**

- (1) to authorise officers to make an Order diverting Footpath 19 in Castle Camps, to place the appropriate Notice in the *Cambridge Evening News*, and to undertake formal consultation;
- (2) That, subject to there being no objections, officers be authorised to confirm the Order as unopposed; and
- (3) That, should there be objections as a result of formal consultation, officers be requested to present a report to a future meeting of this Committee so that Members can decide how best to proceed.

12. S/0137/06/F - BAR HILL

REFUSED, contrary to the recommendation contained in the report from the Director of Development Services, on the grounds of noise (contrary to Policy ES6 of the South Cambridgeshire Local Plan 2004), the proposed location near to a school, and the loss of car parking spaces (including those lost to queuing).

13. S/2362/05/F - BASSINGBOURN-CUM-KNEESWORTH

DELEGATED APPROVAL / REFUSAL. Officers were authorised to approve the application, for the reasons set out in the report from the Director of Development Services, subject to the receipt of acceptable revisions to the landscape proposals, to the Conditions referred to in the report and to any further Conditions necessary as a result of the findings of the Flood Risk Assessment or the awaited comments from Anglian Water. Failing the satisfactory resolution of outstanding issues, officers were authorised to refuse the application.

If approved, it was not deemed necessary to refer the application to the Secretary of State, notwithstanding that it was a departure from the Development Plan, having regard to size, impact and nature of development, and expansion of the existing use on the site.

14. S/2444/05/F - ELTISLEY

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

Councillor Mrs DSK Spink declared a personal interest as an adjacent land owner. Having sought advice from the Head of Legal Services, she took no part in the debate, and did not vote.

15. S/6326/05/RM - CAMBOURNE

APPROVAL of siting, design, means of access and principles of landscaping for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein. Conditions 1, and 5 shall be amended so as to require their implementation prior to the occupation of any of the dwellings rather than prior to the commencement of development, and Condition 9 be amended so as to require submission of the schedule referred to therein prior to commencement of the development.

16. S/6325/05/RM - CAMBOURNE

DELEGATED APPROVAL / DELEGATED REFUSAL. Officers were authorised to approve the application, subject to the receipt of satisfactory house type details, further consultation, retention of trees along the Avenue, and to the Conditions referred to in the report. Failing any of these requirements, officers were authorised to refuse the application.

17. S/0029/06/F- CALDECOTE

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein and an additional Condition barring any further windows at first floor level.

18. S/2313/05/F - TOFT

The Committee was **MINDED TO APPROVE** the application, as amended by plans date stamped 15th February 2006 and for the reason set out in the report from the Director of Development Services, subject to variation of the existing Section 106 Legal Agreement to take into account the Manager's accommodation, to the Conditions referred to in the report, and also to it being referred to the Secretary of State as a departure, in the Green

Belt, from the Development Plan, and not being called in by him for determination.

19. S/2357/05/F - HAUGHTON

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

20. S/0026/06/F - LINTON

REFUSED contrary to the recommendation contained in the report from the Director of Development Services, on the grounds of character, design and size of the site contrary to Policies SE2 and HG10 of the South Cambridgeshire Local Plan 2004, and of car parking arrangements.

21. S/0020/06/O - HILDERSHAM

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

22. S/0110/06/F - LONGSTANTON

DEFERRED to explore the possibility of a suitable site being made available elsewhere in the village.

Councillor A Riley informed the Committee that, as Chairman of Longstanton Parish Council, he had been present at the meeting at which this application had been discussed, but had not contributed to the debate there, or taken part in the vote. He had considered the matter afresh at this meeting of the Development and Conservation Control Committee.

23. S/0049/06/F - LONGSTANTON

REFUSED for the reasons set out in the report from the Director of Development Services. **RESOLVED** to issue an Enforcement Notice to remove the mobile home from the site, with a nine month compliance period.

24. S/0084/06/F & S/0085/06/O - MILTON

REFUSED for the reason set out in the report from the Director of Development Services on the grounds of the proposal's poor relationship to Milton (contrary to Policy RT1 of the South Cambridgeshire Local Plan 2004), the likely increase in traffic, and the proposal's intrusion into the countryside and a sensitive visual gap in the Green Belt.

Councillor Mrs HM Smith declared a prejudicial interest as a member of Milton Parish Council, withdrew from the Chamber, did not take part in the debate and did not vote.

Councillor Dr J Williamson informed the Committee that she had attended a presentation of the proposal to Milton Parish Council, but that she had left prior to any debate there.

Councillor JA Hockney informed the Committee that, while he was a member of Landbeach Parish Council, he had not been present when that Council had considered this application.

Councillor Dr DR Bard abstained from voting as he had not attended the site visit.

25. S/0031/06/F - WIMPOLE

The Committee was **MINDED TO APPROVE** the application, contrary to the recommendation contained in the report from the Director of Development Services, on the grounds that part of the site was a brownfield site with a Certificate of Lawful Existing Use or Development, that the proposal would lead to ecological gain, and that it would secure a contribution towards affordable housing, subject to the proposal being referred to the Secretary of State and not being called in by him for determination.

Councillor SGM Kindersley informed the Committee that he had been present, as the local County Councillor, when Wimpole Parish Council had considered this application. He was considering it afresh.

Councillor Dr DR Bard abstained from voting as he had not attended the site visit.

26. S/0034/06/O - GAMLINGAY

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the further comments of the applicant and Local Highways Authority on the feasibility of providing, and the need for, a satisfactory pedestrian link to the existing footpath to the east of the site, to the Conditions referred to in the report, and to an additional Condition relating to investigation of the site to assess any contaminated land.

Councillor Mrs DSK Spink declared a prejudicial interest by virtue of being a good friend of someone living in West Road, withdrew from the Chamber, did not contribute to the debate and did not vote.

Councillor Mrs A Elsby informed the Committee that, while she was Chairman of Gamlingay Parish Council, she was not a member of the Planning Committee

27. S/0257/06/F - COTON

DELEGATED APPROVAL / DELEGATED REFUSAL. The application would be approved, for the reasons set out in the report from the Director of Development Services, subject to no new material issues being raised as a result of the notification and consultation exercise, Conditions referred to in the Director of Development Services' report to the Development and Conservation Control Committee held on 4th January 2006, and any additional Conditions deemed necessary following the consultation exercise. The application would be refused if any of the outstanding issues referred to above remained unresolved.

28. 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

Members discussed at length the summary relating to a dismissed appeal on former orchard land at Water Lane, Smithy Fen, Cottenham.

The appellant had sent an e-mail to some, but not all, Members of the Committee and, in view of certain comments therein that needed to be

challenged formally by the Council, one Member argued that no discussion should take place on this item. Another Member disagreed, pointing out that time was of the essence in view of planning enforcement deadlines that would expire before the Committee's next meeting. The Head of Legal Services had recommended such a deferral on the basis that, because some Members did not have all of the facts available to others, any discussion at this meeting might have been legally unsafe. Following further debate about the procedural aspects, the Chairman agreed to allow discussion of the facts contained in the agenda summary, but excluding anything referred to exclusively in the e-mail. Such a compromise would protect the Council's interests.

The Deputy Director of Development Services summarised the facts leading up to the Appeal and the circumstances surrounding the illegal encroachment onto the appellant's land by Travellers.

Members ascertained the obligations imposed by the Order on the Travellers and on the appellant. A Member urged respect for the appellant who should be viewed as an innocent third party. The Deputy Director of Development Services stated that there were limits to what the Council could do prior to expiry of the deadline, but agreed that it should at least maintain a dialogue with the appellant.

Counsel had advised against the concept of land swap.

In view of past experience, the Head of Legal Services warned Members not to expect the Council to be able to recover any of its legal costs from Travellers.

The Council had done all that it could at this time, and Members emphasised that planning law applied equally to everyone. The duty of the Local Planning Authority was to be consistent. Further discussion ensued on procedural matters, penalties and timescales.

Members suggested that the Development and Conservation Control (Advisory) Committee be reconvened to advise the Development and Conservation Control Committee on appropriate action following the expiry of the deadline for the enforcement notice.

- Appeals received
- Local Inquiry and Informal Hearing dates scheduled before the next meeting on 5th April 2006
- Appeals withdrawn or postponed.
- Advance notification of future local Inquiry and Informal Hearing dates (subject to postponement or cancellation)

The Meeting ended at 4.02 p.m.

MR JEM BELCHAM - AREA PLANNING OFFICER

Prior to commencement of the afternoon session of the meeting, the Chairman made a presentation to Mr Jem Belcham, Area 2 Planning Officer, in recognition of his imminent retirement from the Council at the end of March 2006. Members joined with the Chairman in expressing their appreciation of the tireless work undertaken by Mr Belcham on behalf of the Local Planning Authority.