

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Development and Conservation Control Committee held on
Wednesday, 10 May 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	RB Martlew
	Mrs CAED Murfitt	CR Nightingale
	JA Quinlan	A Riley
	Mrs DP Roberts	NJ Scarr
	Mrs DSK Spink MBE	JH Stewart
	RJ Turner	

Councillors Mrs EM Heazell and MJ Mason were in attendance, by invitation.

Apologies for absence were received from Councillor EJ Pateman, Mrs HM Smith and JF Williams.

1. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 5 April 2006.

2. LOCAL DEVELOPMENT FRAMEWORK

This item was withdrawn from the agenda. The Planning Policy Manager had indicated that he would be preparing a briefing note for Members on the subject.

3. ENFORCEMENT PROCEEDINGS ON PRIVATELY-OWNED ORCHARD LAND AT SMITHY FEN, COTTENHAM

The Committee considered a recommendation from the Development and Conservation Control (Advisory) Committee in respect of Orchard land at Smithy Fen, Cottenham.

In response to suggestions from the landowner that the report to the Advisory Committee on 20 April 2006 had contained certain factual inaccuracies, the Deputy Director of Development Services made clear his assertion that there were no grounds upon which the information in that report should be changed.

RESOLVED

1. that the Council take no direct action against the landowner;
2. that the landowner be encouraged to enforce the possession order against the occupiers of the orchard land, and that the Council work with the owner to agree a suitable way of protecting the land from future incursions; and
3. that, should the landowner fail to pursue a possession order by 31 December 2006, then the Council review its decision not to take direct action against the landowner.

4. **MOOR DROVE, HISTON**

The Committee considered a report, which had been circulated to Members subsequent to due Notice of the issue to be discussed having been given. The report referred to the submission of a further application for the use of this site at Moor Drove, Histon to accommodate Travellers.

The Deputy Director of Development Services explained the circumstances in which a Local Planning Authority could, legitimately, refuse to determine a planning application in the Green Belt. He went on to say that, in this particular case, there were a number of factors to consider relating in the main to safety issues relating to the vehicular access to the site, the adverse effect on the amenity of neighbouring residents, and the general on-going harm being caused. While, in theory, it would be possible to grant planning permission, without prejudice, for a temporary period, the Deputy Director of Development Services advised against such a course of action. In the event of an appeal against a refusal in such circumstances, a Judge, among other things, would have to weigh up the harm caused thereby to the Travellers concerned against the harm caused to planning law. The Deputy Director of Development Services expressed the view that the site in question was not a suitable one for which temporary consent should be given.

The Assistant Solicitor advised that, while the Opinion of the Council's Counsel should be discussed in public session, the document containing that Opinion should remain confidential.

The Deputy Director of Development Services set out the financial implications both of not considering the application and of considering it but refusing it.

The resubmission of this application was seen as a cynical exploitation of planning law, since there had been no significant change in policy since the original application. Other lawful sites were available, and the Council should act so as to reaffirm public confidence in the planning system. Members argued that the application should not be considered, and that the Council would be well-placed to defeat any subsequent application for Judicial Review. The highway safety concerns were such that a refusal to consider the application was the correct decision to take, both morally and ethically.

The Deputy Director of Development Services concluded by stating that the ongoing harm being caused by Travellers at Moor Drove, Histon was such that even temporary planning permission would not be appropriate. A Quantative Needs Assessment would be presented to the Committee in due course.

On behalf of the Committee, the Chairman thanked the Deputy Director of Development Services for his clear and concise overview of the situation.

On the proposal of Councillor SGM Kindersley, seconded by Councillor Mrs DP Roberts, it was

RESOLVED not to determine the application.

5. **MEMBERSHIP OF CAMBRIDGESHIRE COUNTY COUNCIL**

Councillors JD Batchelor, SGM Kindersley and RJ Turner reminded the Committee that each of them was a Member of Cambridgeshire County Council. Accordingly, they wished to declare a general personal interest in all cases where the County Council had been involved, either as a statutory consultee or in some other capacity.

6. S/0570/06/F - TEVERSHAM

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein, and to an additional Condition requiring all windows at first floor level to be non-opening.

Councillor Mrs CA Hunt declared a personal and prejudicial interest by virtue of owning the property in question, withdrew from the Chamber, took no part in the debate and did not vote.

7. S/0546/06/F - TEVERSHAM

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

8. S/0442/06/F - STAPLEFORD

DELEGATED REFUSAL, as amended by drawing no. 04/960/PL.02 Rev.A date stamped 11 April 2006 and drawing no. 04/960/PL.01 Rev.A date stamped 18 April 2006 for Reasons 1 and 2 set out in the report from the Director of Development Services and, should the Ecology Officer be dissatisfied with the results of the ecological survey, Reason 3. Reason 4 was deleted as the football pitch had been deleted from the application.

Councillor CR Nightingale had attended the Parish Council meeting at which this application had been discussed, but had not contributed to the debate and was considering it now afresh.

Councillor SGM Kindersley had not attended the site visit and did not vote.

Mr M Farrar, Chairman of stapleford Parish Council, addressed the meeting.

9. S/0356/06/F - GREAT SHELFORD

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

10. S/0514/06/F - STOW-CUM-QUY

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

11. S/0364/06/F - LITTLE WILBRAHAM

DELEGATED APPROVAL contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members considered it to be a suitable location for the conversion of buildings and, recognising the facility's importance as a centre of excellence, expressed satisfaction that the proposal did not conflict with Policy EM4 of the South Cambridgeshire Local Plan 2004. Consent would be subject to Conditions relating to, among other things, landscaping, details of the proposed conversion, and measures to preserve the tree. In the light of these considerations and the nature of representations, the application would not be referred to the Secretary of State as a departure from the Development Plan.

Councillor JA Quinlan declared a personal and prejudicial interest by virtue of having acted in a professional capacity for the neighbouring landowner.

Councillor SGM Kindersley had not attended the site visit and did not vote.

12. S/0517/06/F - STOW-CUM-QUY

This application had been **WITHDRAWN**.

13. S/0264/06/F - OVER

DELEGATED APPROVAL / REFUSAL. The application would be approved for the reasons set out in the report from the Director of Development Services, subject to parking arrangements being improved so as to have less of an impact on the occupiers of nearby flats, and to the Conditions referred to in the report. It would be refused if parking arrangements could not be improved.

14. S/0444/06/F - WILLINGHAM

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

15. S/0559/06/O - WILLINGHAM

MINDED TO REFUSE, contrary to the recommendation of the Director of Development Services, on the grounds of highway safety if such ground was substantiated by an independent highways consultant. If the independent consultant considered the application acceptable, it would be referred back to Committee for determination.

16. S/6340/06/RM - CAMBOURNE

DEFERRED until the Committee meeting on 7 June 2006 to allow further discussions to take place between the Local Planning Authority, Local Highways Authority and the developer.

17. S/6339/06/RM - CAMBOURNE

DELEGATED APPROVAL / REFUSAL. The application would be approved for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein and to the Environment Agency being satisfied with the amended plans. Otherwise, it would be refused.

18. S/6341/06/F - CAXTON

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

19. S/6342/06/RM - CAXTON

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 requiring ecological enhancement.

20. S/0311/06/F - HIGHFIELDS CALDECOTE

REFUSED for the reasons set out in the report from the Director of Development Services, and for a third reason, namely the proximity of the proposal to the pond and the failure of the applicant to take wildlife into account.

Councillor SGM Kindersley had not attended the site visit and did not vote.

21. S/0578/06/F - COTTENHAM

REFUSED for the reasons set out in the report from the Director of Development Services, and because of the impact on the vista over Green Belt land from Oakington Road.

22. S/0562/06/RM - ICKLETON

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

The following Members were present in the Chamber when this stage of the meeting was reached, and declared personal and prejudicial interests in relation to one of the applicants, namely Mr RGR Smith: Councillor Mrs SA Hatton by virtue of friendship as a former Member colleague, JA Quinlan, by virtue of having advised L G Duke (one of the applicants) in a professional capacity in the past, and Councillor Mrs DP Roberts, by virtue of friendship as a former Member colleague. Each of these withdrew from the Chamber prior to consideration of the application, did not participate therein, and did not vote.

The following Members were present in the Chamber, and declared personal interests, by virtue of their acquaintance with Mr RGR Smith: Councillors Dr DR Bard, RE Barrett (who also declared that he had once visited Mr Smith's farm), RF Bryant, Mrs P Corney, Mrs A Elsby, R Hall, SGM Kindersley, Mrs CAED Murfitt, Councillor CR Nightingale, Dr JPR Orme, NJ Scarr, Mrs DSK Spink, and R Turner.

Councillor NIC Wright was present in the Chamber and declared a personal interest by virtue of his acquaintance with all of the applicants.

Councillors R Martlew and A Riley were present in the Chamber but had no declarable interests.

No other Members were present in the Chamber at this stage of the meeting.

23. S/0472/06/F - FULBOURN

DELEGATED APPROVAL / DELEGATED REFUSAL contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members considered that, subject to some improvements being made to the visibility splay and parking layout, the expansion of a local firm outweighed the possible adverse impact on the neighbour at no. 18 Home End, and reflected the aim of Policy EM7 of the South Cambridgeshire Local Plan 2004. If the required improvements could not be achieved, the application would be refused.

Councillor SGM Kindersley had not attended the site visit and did not vote.

Councillor Mrs DP Roberts was not present in the Chamber during the first part of the debate and, accordingly, did not vote.

24. S/0371/06/O - HATLEY

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to expiry of the consultation period, to a possible meeting with neighbouring residents and the Conditions referred to therein and to additional

Conditions requiring ecological enhancement, diversion of the public footpath and appropriate screening from both the road and that footpath.

Councillor SGM Kindersley declared a personal and prejudicial interest by virtue of his acquaintance with the applicants and his position as Clerk to Hatley Parish Council, withdrew from the Chamber, took no part in the debate and did not vote. He added that the Parish Council had not commented as all members of it had declared a personal and prejudicial interest in the matter.

Councillor A Riley had not attended the site visit and did not vote.

25. S/0554/06/F - HARSTON

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

26. S/0485/06/F - HASLINGFIELD

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

27. S/0435/06/F - IMPINGTON

APPROVAL for a temporary period of five years in accordance with the revised recommendation from the Director of Development Services.

Councillor MJ Mason declared a personal interest as a Member of the Recreation Ground's Management Committee.

Councillor Mrs DP Roberts informed the Committee that, although the Council's Community Development section had been involved with this matter, she had not contributed to them (despite being Community Development Portfolio Holder) and did not have a declarable interest therefore.

28. S/0618/06/O - LONGSTANTON

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

Councillors A Riley and Mrs DP Roberts had been approached by the applicant and, while they did not consider themselves to have declarable interests, they withdrew from the Chamber, took no part in the debate and did not vote.

29. S/1846/04/F - LONGSTANTON

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein, and to the prior completion of the necessary maintenance and access agreement between the Council, as Drainage Authority and Peter Stroude, as land owner, and to the payment, by Persimmon to the District Council, of the agreed maintenance sum.

Councillor Mrs DSK Spink had been involved directly with this matter in her capacity as Environmental Health Portfolio Holder. While she did not consider herself to have a declarable interest, she took no part in the debate and did not vote.

30. S/0593/06/RM - MELBOURN

DELEGATED APPROVAL, contrary to the recommendation in the report from the Director of Development Services, subject to the Local Planning Authority being satisfied with the revised plans. Members considered that the proposal would enhance the area, and comply with Policies HG10, SE9 and EN30 of the South Cambridgeshire Local Plan 2004.

Mr R Trimble, Chairman of Melbourn Parish Council, addressed the meeting.

31. S/0450/06/F - MELDRETH

DEFERRED for consideration of accurate drawings.

32. S/0455/06/F - MELDRETH

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

33. S/0525/06/F - PAPWORTH ST AGNES

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

34. S/0486/06/F - SAWSTON

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

Councillors Dr DR Bard and Mrs SA Hatton had both been present when Sawston Parish Council considered this application, but neither contributed to the debate there. They were now considering the matter afresh.

35. S/0563/06/F - SAWSTON

DELEGATED APPROVAL / REFUSAL. The application would be approved for the reasons set out in the report from the Director of Development Services, subject to the Condition referred to therein and to the satisfactory conclusion of negotiations aimed at addressing Members' concerns about the design of the lamps,

Councillors Dr DR Bard and Mrs SA Hatton had both been present when Sawston Parish Council considered this application, but neither contributed to the debate there. They were now considering the matter afresh.

36. S/1265/04/F - BOURN

DEFERRED to consider the environmental health implications.

Councillor Mrs DSK Spink declared a personal and prejudicial interest as having previously expressed an opinion on this issue. She withdrew from the Chamber, took no part in the debate and did not vote.

37. 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 Informal Hearing dates scheduled before the next meeting on 7 June 2006
- Appeals withdrawn or postponed
- Advance notification of future Local Inquiry and Informal Hearing dates (subject to postponement or cancellation)

38. PLANNING APPEAL STATISTICS

The Committee **NOTED** planning appeal statistics for the period from 1 January 2006 to 31 March 2006, and for the year from 1 April 2005 to 31 March 2006.

Members received graphical interpretations of planning decision statistics.

39. UNDETERMINED APPLICATIONS OVER 13 WEEKS

The Committee noted details of applications awaiting decisions for more than 13 weeks.

40. PERFORMANCE CRITERIA

Members noted a report on performance criteria. They agreed that, in future, this item should appear only in the Weekly Bulletin.

41. REVIEW OF OFFICER DELEGATION

The Committee considered a report on the officer delegation procedures for determining planning and other applications.

The Development Control Quality Manager drew Members' attention to the need to address the initial comments of the Audit Commission Development Services Inspectors, that the average length of Development and Conservation Control Committee agendas was too long. The current review was necessary in order to take account of the Major and Minor categories of applications introduced since the previous review, and to ensure that all applications were determined as effectively as possible. He read out the comments from the Chairman of Impington Parish Council, who had expressed reservations about any further delegation, and regret at the lack of consultation with Parish Councils and CALC (Cambridgeshire Association of Local Councils).

Some Members expressed concern about the implications for parish councils, and the Chairman highlighted the important partnership role such bodies played, and would continue to play, in the planning process.

The Committee **RESOLVED** that the revised scheme of delegation for determining applications be adopted with effect from the meeting of the Development and Conservation Control Committee on 7 June 2006.

42. RECYCLING FACILITIES IN CAMBOURNE

The Committee considered a request to remove, or not provide, some of the neighbourhood recycling facilities at Cambourne.

There was some discussion on the need to expand recycling to include, for example, batteries. However, Councillor Mrs Spink (as Environmental Health Portfolio Holder) stated that such expansion would only become feasible once the District Council was able

to service the additional collections.

The Committee **RESOLVED** that the amendment to the requirement for land at the village greens for recycling facilities, subject to the developers' Consortium submitting for approval, and subsequently implementing, alternative uses for the sites already used /allocated at Great and Lower Cambourne village greens, be approved.

43. S/0682/95/O – LONGSTANTON

The Committee **NOTED** a report on pursuing enforcement action, specifically by serving a Stop Notice preventing further occupation of dwellings in Phase 2 of the residential development at Home Farm, Longstanton.

The Chairman shared the concerns of Councillor A Riley (local Member) at the lack of co-operation being shown by the developer. The Development Control Quality Manager agreed that further action was essential, beginning perhaps with a round table meeting between all interested parties.

Councillor A Riley had contributed to discussions on this subject at Longstanton Parish Council, but was considering it afresh.

The Meeting ended at 5.15 p.m.
