

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 2 October 2013 at 10.00 a.m.

PRESENT: Councillor Robert Turner – Chairman
Councillor Lynda Harford – Vice-Chairman

Councillors: David Bard Val Barrett
Brian Burling Tumi Hawkins
Caroline Hunt Sebastian Kindersley
David McCraith Charles Nightingale (substitute)
Deborah Roberts Hazel Smith
Nick Wright

Officers in attendance for all or part of the meeting:

David Bevan (Conservation Manager), Nigel Blazeby (Development Control Manager), John Koch (Planning Team Leader (West)), Ray McMurray (Principal Planning Officer (East)), Andrew Phillips (Planning Officer), Ian Senior (Democratic Services Officer), Charles Swain (Principal Planning Enforcement Officer) and Andrew Winter (Senior Planning Officer)

Councillors Simon Edwards and Peter Johnson were in attendance, by invitation.

Apologies for absence were received from Councillor Ben Shelton.

39. GENERAL DECLARATIONS OF INTEREST

Councillor Lynda Harford	Non-pecuniary interest in respect of applications S/1761/13 in Rampton and S/0767/13 in Cottenham (Minutes 43 and 44 refer). Councillor Harford had attended meetings at both Parish Councils where these applications had been considered, but had offered no opinions and was considering them afresh.
Councillor Dr. Tumi Hawkins	Non-pecuniary interest in respect of application S/1020/13 in Bourn (Minute 41 refers) because she had attended a meeting at Bourn Parish Council where this application had been considered, but had offered no opinions and was considering it afresh.
	Non-pecuniary interest in respect of application S/1083/13 in Kingston because she is acquainted with the occupant of Rose Hide House as the chairman of Kingston Parish Council.
Councillor Sebastian Kindersley	Non-pecuniary interest as an elected Member of Cambridgeshire County Council in all items where that Authority

is a statutory consultee and, specifically, as the local County Councillor for Little Gransden (Minute 45 refers) by virtue of his acquaintance with a number of individuals directly linked with this matter, which falls within his Electoral Division of Gamlingay.

Having taken legal advice, Councillor Charles Nightingale announced that, in respect of the Enforcement Action proposed in Stapleford (Minute no. 50 refers), he would retire to the public gallery because of a conflict of interest and perceived pre-determination, take no part in the debate and would not vote.

40. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 4 September 2013.

41. S/1020/13/FL - BOURN (THYSSEN KRUPP TALLENT LTD, THE AIRFIELD, BOURN)

Jenny Massey (objector from Caldecote), Don Proctor (applicant's agent) and Jack Long (Caldecote Parish Council) addressed the meeting.

The Committee **deferred** the application so that officers could draw up a list of Conditions and submit it to the Planning Committee meeting on 6 November 2013 for approval.

42. S/1083/13/FL - KINGSTON (NORTH FARM HOUSE, CHURCH LANE)

Pat Draper (objector) and (Dale Mayhew (applicant's agent) addressed the meeting.

Members visited the site on 1 October 2013. The Committee **approved** the application subject to safeguarding Conditions to include those referred to in the report from the Planning and New Communities Director and a further Condition relating to ground levels.

43. S/1761/13/FL- RAMPTON (9 COW LANE)

Phil Richards (applicant) addressed the meeting.

Members visited the site on 1 October 2013. The Committee **approved** the application contrary to the recommendation in the report from the Planning and New Communities Director, subject to the Conditions set out therein.

44. S/0767/13/FL- COTTENHAM (UNITS 13 TO 22, THE MALTINGS, MILLFIELD)

Michael Alderton (objector), Tony Nicholas (Cottenham Parish Council) and Councillor Simon Edwards (a local Member) addressed the meeting.

The Committee **deferred** the application to allow Cambridgeshire County Council, as Local Highways Authority, to review its consultation response in the light of clarification made at the meeting, and to allow officers to seek advice from an independent highways consultant.

45. 01/12/SC - LITTLE GRANSDEN (OLD RECTORY)

The Committee **received and noted** a report about the settlement of a compensation

claim by the owners of the Old Rectory, Little Gransden, resulting from the refusal of an application to fell trees which were protected by a Tree Preservation Order (Minute no. 51 of the Planning Committee meeting held on 5 September 2012 refers).

46. S/1179/13/RM - ORCHARD PARK (PARCEL B4, LAND OFF CHIEFTAIN WAY)

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director, as slightly reworded following the Case Officer's verbal update.

47. S/1246/13/FL - MELDRETH (TAVERN YARD & STATION YARD, HIGH STREET)

Mr Durrant (for the applicant) and Councillor Dr. Susan van de Ven (local Member) addressed the meeting.

The Committee gave officers **delegated powers to approve** the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 and to the suggested Conditions outlined in the report from the Planning and New Communities Director, and to best endeavours being used to develop a set of Conditions that will address the issue of noise nuisance caused by the nearby storage and distribution depot.

48. S/1375/13/VC - SWAVESEY (20 MOAT WAY)

Daniel Aguilar (applicant's agent) addressed the meeting.

Members visited the site on 1 October 2013. The Committee **approved** the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing financial contributions towards community infrastructure and public openspace in Swavesey, and the provision of refuse bins, and to the Conditions and Informatives referred to in the report from the Planning and New Communities Director.

49. S/0645/13/FL - WATERBEACH (LAND TO THE WEST OF CODY ROAD)

David Armstrong (objector), Peter McKeown (applicant's agent) and Councillor Peter Johnson (a local Member) addressed the meeting.

Members visited the site on 1 October 2013. The Committee gave officers **delegated powers to refuse** the application for the reasons set out in the report from the Planning and New Communities Director, Reason 1 being reworded slightly as follows:

"1. The implementation of the proposed development, if approved, would prejudice the consideration of draft Policy S/4 Cambridge Green Belt and the proposed Green Belt Extension shown upon Policies Map Inset No.104 of the South Cambridgeshire Local Plan Proposed Submission (July 2013) in that the site occupies a significant proportion of the area which has been included in the draft Local Plan and would harm the effectiveness of the submitted proposal, if included in the Adopted Local Plan. The erosion of the proposed Green Belt Extension would seriously harm the objectives of the proposed Waterbeach New Town as set out in draft Policy SS/5 Waterbeach New Town and Policies Map Inset H: Waterbeach New Town of the South Cambridgeshire Local Plan Proposed Submission (July 2013)..."

50. ENFORCEMENT - STAPLEFORD (HILL TREES)

The Enforcement Officer gave a short presentation to the Committee, showing to Members a number of slides that demonstrated the current extent of the circumstances facing the Council.

Having taken legal advice, Councillor Charles Nightingale retired to the public gallery because of a conflict of interest and perceived pre-determination, took no part in the debate and did not vote.

Fleet Cooke (landowner) addressed the meeting. He stated his case but urged the Committee to defer making a decision for one month because he had only received the relevant agenda papers four days beforehand and would welcome an opportunity to instruct his own planning and legal advisors. In response to Mr. Fleet's specific points, the Development Control Manager stated that, although in the past there had been periods of compliance with Enforcement Notices, there were currently significant inadequacies. He added that there was no established use of the land and no evidence of the current use of the land for storage and vehicle sales ever having been established. The Development Control Manager reminded the Committee, and explained to Mr. Cooke, that authority was being sought today to commence proceedings only, thus allowing plenty of time for Mr. Cooke to appoint advisers and negating the need for deferral.

Councillor Sebastian Kindersley offered his condolences for a recent bereavement suffered by Mr. Cooke. Councillor Kindersley then sought clarification as to Mr. Cooke's "involvement" with the land over the previous 12 years. The Senior Lawyer summarised the legal proceedings during that time, correcting some misinterpretation. In particular, a finding of 'Not Guilty' against Mr. Cooke in 2007 had arisen from South Cambridgeshire District Council not offering any evidence, and had been entered on the Court record for administrative completeness. He considered it unlikely that any further Enforcement Notices would achieve the end result the Council was now seeking, and confirmed that Section 187B of the Town and Country Planning Act 1990 would give officers the power to take steps to seek an Injunction. The Senior Lawyer reminded the Committee that non-compliance with a Court Order was Contempt of Court, which could result in Mr. Cooke being sent to prison. He said that the Council would have to allow Mr. Cooke a reasonable amount of time to comply with an Injunction before instigating committal proceedings.

The Committee **authorised officers to apply** to the Court for an Injunction under Section 187B of the Town and Country Planning Act 1990. Members agreed the reasons for the application as being the desire to protect and enhance the character and amenity of the immediate countryside and the setting of Cambridge, Stapleford and Great Shelford in view of the site's prominent location, and the need to address highway safety issues arising from access to the site directly from the A1307.

51. ENFORCEMENT ACTION UPDATE

The Committee **received and noted** an Update on enforcement action.

52. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

The Meeting ended at 1.14 p.m.
