

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Enforcement Sub-Committee held on
Tuesday, 26 January 2010 at 2.00pm

Councillors present: Val Barrett Pippa Corney
 Sebastian Kindersley Charles Nightingale
 Hazel Smith

Officers: Gary Duthie Senior Lawyer
 Saffron Garner Senior Planning Assistant
 Philip Readman Assistant Enforcement Officer
 Ian Senior Democratic Services Officer
 Charles Swain Principal Planning Enforcement & Monitoring
 Officer

Councillor Deborah Roberts was in attendance, by invitation.

Apologies for absence were received from Councillors Janice Guest and Robert Turner .

1. ACTING CHAIRMAN

In the absence of Councillor Robert Turner, Planning Enforcement Sub-Committee Chairman and Councillor Janice Guest, Planning Enforcement Sub-Committee Vice-Chairman, it was proposed, seconded and agreed that Councillor Pippa Corney be elected Acting Chairman of the meeting.

2. ACTING VICE-CHAIRMAN

In the absence of Councillor Janice Guest (Planning Enforcement Sub-Committee Vice-Chairman), it was proposed, seconded and agreed that Councillor Val Barrett be appointed Vice-Chairman of the meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

The Planning Enforcement Sub-Committee authorised the Chairman to sign, as correct records, the minutes of the Planning Sub-Committee meetings held on 19 May 2009 and 21 May 2009.

5. NAME CHANGE, TERMS OF REFERENCE AND PUBLIC SPEAKING

The Senior Lawyer reminded members that, at its meeting on 10 June 2009, the Planning Committee had resolved to

- endorse revised terms of reference for the Sub-Committee
- endorse public speaking at Sub-Committee meetings, as set out in the protocol
- rename the Planning Sub-Committee as the Planning Enforcement Sub Committee

The Planning Enforcement Sub-Committee **noted and agreed** the revised terms of reference, which were as follows:

“The [Planning Sub-Committee] will:

- (a) Work with the relevant Portfolio Holder to provide an overview of the Council's planning enforcement policies and procedures, bringing forward recommendations for changes for the Portfolio Holder and Cabinet's consideration as appropriate; and
- (b) Make determinations in respect of formal enforcement action in respect of breaches of planning control referred to the Sub-Committee by the Corporate Manager for Planning and Sustainable Communities. In making such referrals, the Corporate Manager will take the following matters into account:
 - (i) the extent of the likely harm to the character and amenity of the area concerned and the physical, social and economic well-being of communities within and around it.
 - (ii) the implications of enforcement action on the Council's resources balanced against the benefits likely to be generated from such action.
 - (iii) the extent to which there is difference of opinion between officers, parish councils and Local Ward Members on the expediency of enforcement action.
- (c) Receive reports on the progress of cases determined in (b) above”

6. Q8 GARAGE, FOXTON AND ENFORCEMENT AGAINST THE SALE OF CARS FROM THE SITE WITHOUT SPECIFIC PLANNING CONSENT

Terry Beresford (site owner) and Councillor Deborah Roberts (local Member) addressed the meeting.

The Planning Enforcement Sub-Committee considered a report about the unlawful development at the Q8 garage on the A10 in the Parish of Foxton. Members noted that the occupier of the site was selling vehicles unlawfully from the forecourt of the currently unused petrol filling station, and that this represented a change of use for which there was no specific consent from South Cambridgeshire District Council as Local Planning Authority.

The Senior Planning Officer said that the matter could be resolved simply through submission, by the site owner, of a satisfactory planning application for the sale of cars, as had already been stated in correspondence and during face-to-face discussions. Referring to the recent report in the *Cambridge News*, she confirmed that at no time had the District Council suggested that the business might be closed down as a direct result of the outstanding need for planning permission.

Upon a proposal from Councillor Charlie Nightingale, seconded by Councillor Hazel Smith, the Planning Enforcement Sub-Committee **resolved** that the Council invites the owner of the Q8 Garage, Foxton to submit a planning application, within three months from 26 January 2010, for permission to sell cars from the site. Should no such application be registered within that period, the Sub-Committee authorised officers to issue and serve an Enforcement Notice with a 3-month compliance period.

7. ANTI-SOCIAL BEHAVIOUR ACT 2003 - SECTION 69 - HIGH HEDGE SITUATED AT THE WILLOWS, 90 EARITH ROAD, WILLINGHAM

The Planning Enforcement Sub-Committee considered a report about a Remedial Notice, issued under section 69 of the Anti-Social Behaviour Act 2003, in respect of a high hedge situated at The Willows, 90 Earith Road, Willingham, Cambridgeshire.

The Enforcement Officer reported verbally that the owner of the hedge had now agreed to comply with the terms of the Notice by 1 March 2010. He added that, should there be no compliance by then, the Council had sufficient legal authority to take immediate direct

action without further notice.

Members noted the implications of carrying out tree and hedge work during the commonly recognised bird-nesting season.

Upon a proposal from Councillor Sebastian Kindersley, seconded by Councillor Val Barrett, the Planning Enforcement Sub-Committee **noted** the intention of the owner of the hedge to comply, by 1 March 2010, with the terms of the Remedial Notice, issued on 15 May 2007. Failing such compliance, and subject to advice from the Council's Ecology officer relating to the bird-nesting season, the Sub-Committee **authorised** officers to take immediate direct action in order to enforce compliance with the Remedial Notice.

8. DATES OF FUTURE MEETINGS

The next Planning Enforcement Sub-Committee meeting had been scheduled for Tuesday 9 March 2010, starting at 2.00pm in the Swansley Room.

The Meeting ended at 2.25 p.m.
