

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Development and Conservation Control Committee held on
Wednesday, 6 July 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	Mrs J Dixon
	SM Edwards	Mrs SA Hatton
	Mrs JM Healey	Mrs EM Heazell
	Mrs CA Hunt	HC Hurrell
	SGM Kindersley	RB Martlew
	Mrs JA Muncey	Mrs CAED Murfitt
	CR Nightingale	EJ Pateman
	JA Quinlan	A Riley
	NJ Scarr	Mrs HM Smith
	Mrs DSK Spink MBE	RJ Turner
	JF Williams	Dr JR Williamson

Councillors JA Hockney, MJ Mason and J Shepperson were in attendance, by invitation.

Apologies for absence were received from Councillors Mrs A Elsby, R Hall, Mrs DP Roberts, JH Stewart and SS Ziaian-Gillan.

1. TO AUTHORISE THE CHAIRMAN TO SIGN, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 1 JUNE 2005

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 1st June 2005.

2. MINUTES, 6TH APRIL 2005

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 6th April 2005 subject, in Minute no. 35 (Tree Preservation Order 01/05/SC in Gamlingay), to Resolution (2) being corrected to read, "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".

3. PINE VIEW, SMITHY FEN COTTENHAM

The Committee considered a report from the Strategic Officer Group and a detailed supplemental report, prepared by the Council's external legal advisers. This supplemental report set out:

- relevant Government guidance
- Planning Policy Guidance
- the planning status of the site
- personal circumstances and human rights

- legal implications (including racial equality considerations) and
- enforcement options open to the Council.

The Deputy Director of Development Services updated Members on developments following the Deputy Prime Minister's decision, in March 2005, which required the illegally-camped travellers at Pine View, Smithy Fen, Cottenham to vacate the site within three months. As that direction had not been complied with by the due date of 11th June 2005, Members had now to decide how the Council should enforce the Secretary of State's decision that the travellers had no legal right to remain at Pine View.

The Deputy Director of Development Services guided Members through a series of updated Needs Audits (labelled A to F), required as part of the Council's Human Rights obligations. Having done so, the Committee was satisfied that, in connection with the factors taken into account by the Secretary of State, there had been no significant change since then. The Council had canvassed the views of local people and a number of relevant organisations, although one Member of the Council expressed some misgivings about the comprehensiveness of that consultation. Members further considered the impact of the South Cambridgeshire Local Plan 2004, and were of the view that the Council had acted proportionately throughout, and that all issues of equality had been addressed satisfactorily.

The legal advisers highlighted the principle issues contained in their supplemental report, and set out a likely timetable for taking Injunctive action under section 178 of the Town and Country Planning Act 1990 and prosecution action under section 179. In both cases, the process was similar, but Members noted that, in the case of section 179 proceedings, the only remedy was that of a fine.. Members noted the significance of the final paragraph of section 6 (Legal Implications) of that report.

A Member urged officers not to dismiss the idea of applying for a Compulsory Purchase Order, subject to the final outcome in the case of *Leeds City Council v Price and Others [2005]*. He also urged the Council to consider instigating prosecution proceedings in respect of every breach of the Enforcement Notices.

The Head of Legal Services stated, for the record, that all the Needs Audits had been reconsidered, both individually and collectively. However, there remained a need for the Quantitative Needs Assessment to be concluded as soon as possible.

The Chairman thanked officers and the Council's legal advisers for their contribution to the debate, and for their work in progressing enforcement action at Pine View, Smithy Fen, Cottenham.

The Committee **RESOLVED** unanimously, by 26 votes to Nil, with no abstentions and no Members not voting

- (1) That comments received in response to public consultation about the situation at Pine View, Smithy Fen, Cottenham be duly noted;
- (2) That Injunctive proceedings be commenced at Pine View, Smithy Fen, Cottenham as recommended by the Development and Conservation Control (Advisory) Committee at its meeting on 14th June 2005, and that breaches of Enforcement Notices be enforced by any means available;
- (3) That the Council instigate prosecution proceedings in respect of breaches of enforcement notices concurrently with it taking Injunctive action; and

- (4) That the Director of Development Services or, in his absence, the Deputy Director of Development Services, in consultation with the Chairman or, in his absence the Vice-Chairman, of the Development and Conservation Control Committee, be given delegated authority to instigate, respond to or defend all legal proceedings at Pine View, Smithy Fen, Cottenham, such authority to include authority to take any action in connection with the proceedings as appears appropriate, and to settle proceedings.

Councillor Mrs J Dixon declared a personal interest in this item as a resident of Smithy Fen.

Mrs Paula Johnson, Chairman of Cottenham Parish Council, addressed the meeting.

4. SAWSTON - S/0711/05/F

DELEGATED APPROVAL, for the reasons set out in the report from the Director of Development Services, subject to the applicant contributing £10,000 towards the provision of public transport in Sawston and to the Conditions referred to in the report

5. SAWSTON - S/0967/05/F

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

6. SAWSTON - S/1071/05/F

APPROVAL contrary to the recommendation contained in the report from the Director of Development Services. Wishing to support local business, Members considered that such a measure aimed at improving health and safety and reducing the potential for crime should override any adverse impact caused to the Conservation Area.

7. SAWSTON - S/1993/02/F

APPROVAL of the amendment.

8. SWAVESEY - S/1000/05/F

DEFERRED to enable the applicant to investigate the feasibility of relocating the access to School Lane and to submit accurate site and block plans incorporating parking and turning space

9. FEN DITTON - S/0970/05/F

DELEGATED APPROVAL, subject to the prior completion of a Section 106 Legal Agreement securing Affordable Housing and an educational contribution, to the satisfactory conclusion of negotiations referred to in the report, and to safeguarding Conditions. As a development within the village framework, bringing forward affordable housing, not materially affecting the openness of the Green Belt and having regard to local representations, it was decided that there was no need to refer the application to the Secretary of State as a departure from the Development Plan.

10. WEST WRATTING AND GREAT WILBRAHAM - S/2494/04/F

DEFERRED to enable officers to commission an independent highways assessment.

Mrs Sally Ramus, Chairman of Great Wilbraham Parish Council, addressed the meeting.

11. STEEPLE MORDEN - S/0945/05/F

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

12. WATERBEACH - S/0789/05/F

APPROVAL, as amended by letter dated 25th May 2005 and plan date-stamped 1st June 2005, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein.

Councillor CR Nightingale declared a personal and prejudicial interest by virtue of his acquaintance with the applicant, and withdrew from the Chamber.

Councillor Dr J Williamson attended the Parish Council meeting at which this item had been discussed, but took no part in that debate.

13. THRILOW - S/0713/05/O

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

14. WHITTLESFORD - S/0995/05/F

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

15. WHITTLESFORD - S/1007/05/F

DELEGATED APPROVAL/REFUSAL. The application would be approved (with the withdrawal of permitted development rights if deemed necessary, and a Condition stating that no windows or openings of any kind shall be inserted in the northeast facing roof slope of the building unless expressly authorised by a further planning permission) if the applicant agreed to remove the roof lights. If the applicant declined to delete the roof lights, then the application would be refused for the reason set out in the report from the Director of Development Services.

16. WILLINGHAM - S/0788/05/F

APPROVAL, following the receipt of car parking layout to the satisfaction of the Local Highway Authority, as amended by Drawing No. P1 date-stamped 29th June 2005, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein.

17. OVER - S/0367/05/F

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 ensuring that the development is used as an annexe only in association with, and ancillary to, the adjoining dwelling, and to the Conditions referred to in the report.

18. OVER - S/0959/04/O

REFUSED contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members considered that the removal of the frontage pillars and railings would detract from the street scene, and that use of the access and extra domestic activity would have an adverse impact on the amenity of no. 39 and 47 The Lanes and no. 2 Cottenham Close, thus conflicting with Policies SE/3 and HG/11 of the South Cambridgeshire Local Plan 2004.

Councillor NJ Scarr did not attend the site visit and was not familiar with the site. Accordingly, he did not vote on this item.

19. LITTLE ABINGTON - S/0826/05/F

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

The Vice-Chairman took the Chair for this item although Councillor Dr JPR Orme, as local Member, remained in the Chamber.

20. PAMPISFORD - S/0805/05/F

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein, and a letter to be sent with the Decision Notice encouraging the provision of replacement cycle parking

The Vice-Chairman took the Chair for this item although Councillor Dr JPR Orme, as local Member, remained in the Chamber.

21. PAMPISFORD - S/1751/04/F

The Committee was **MINDED TO APPROVE** the application for the reasons set out in the report from the Director of Development Services, subject to it not being called in by the Secretary of State, to the prior completion of a Section 106 Legal Agreement reflecting the following:

- that, in any 12 month period, turnover from retail sales to persons other than those making purchases for the purposes of a trade or business from a builders' merchants use of the site should not exceed 33% of the total turnover of business on the site;
 - that the agreement and implementation of a scheme be required for the provision of evidence to the Local Planning Authority of compliance with the above restriction, such scheme to be based upon certification of an appropriate return by a person qualifying as a company auditor for the purposes of the Companies Acts 1985 and 1989; and
 - that no more than 75% of the aggregate floor area of the buildings on the site would be used for the display of goods for sale,
- and to the Conditions referred to in the report. Members asked officers to insist that security lighting on site be directed downwards in order to minimise the effect of light pollution.

The Vice-Chairman took the Chair for this item although Councillor Dr JPR Orme, as local Member, remained in the Chamber.

**Councillor Dr JPR Orme took
the Chair for the remainder of
the meeting.**

22. LITTLE GRANSDEN - S/0607/90/F

RESOLVED that, subject to the response of outstanding consultees, no objections be raised to a temporary variation of Condition 4 to allow up to 80 aerotows a day during the period Saturday 20th August 2005 to Sunday 28th August 2005. Members asked officers to write to the Gliding Club informing it that consideration of any future proposed relaxation of Condition 4 would take account of experience and comments made following this year's Competition.

23. LITTLE GRANSDEN - S/0916/05/O

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

24. GAMLINGAY - S/1024/05/F

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to comments to be received from the Trees and Landscape Officer and Head of Shire Homes, the omission of car parking spaces from the central amenity land and to the Conditions referred to in the report. Failure to address these issues to the satisfaction of the Local Planning Authority would result in the application being refused.

25. GAMLINGAY - S/1820/04/O

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

26. OAKINGTON - S/1004/05/F

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to no objections being received from the Local Highways Authority, and to the Conditions referred to in the report.

27. COTTENHAM - S/1066/05/F

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to Conditions attached to planning application S/0699/04/F, Condition 2 being varied to allow construction of Unit 4 which should be demolished again if not used for 12 months.

28. BASSINGBOURN-CUM-KNEESWORTH - S/0925/05/F

APPROVAL, in line with the recommendation contained in the report from the Director of Development Services, amended from one of refusal following the receipt of a plan addressing to the satisfaction of the Local Planning Authority issues of size and scale.

29. BASSINGBOURN-CUM-KNEESWORTH - S/1416/04/F

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

30. BOURN - S/2531/04/F

APPROVAL, subject to Conditions 1 – 10 referred to in the report from the Director of Development Services (Condition 11 being deleted) and an additional Condition requiring details of power equipment to be agreed.

31. CAMBOURNE - S/1371/92/O

APPROVAL of Masterplan 24B as submitted.

APPROVAL of Master Phasing Plan rev Q, with the exception of the Upper Cambourne development area.

32. CAMBOURNE - S/6297/05/F

DEFERRED for a site visit.

33. CAMBOURNE - S/6225/03/RM

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 securing affordable housing and maintenance of the drainage scheme, to the Conditions set out in the report, and to those Conditions attached to the consent relating to the Outline application, considered at the Development and Conservation Control Committee meeting on 4th February 2004.

34. ELSWORTH - S/0611/05/F

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

35. FEN DRAYTON - S/0013/05/F

REFUSED for Reasons 1 (as amended to refer to Policies SE8 and Fen Drayton 1 of the South Cambridgeshire Local Plan 2004) and 3 set out in the report from the Director of Development Services, Reason 2 being deleted.

36. FEN DRAYTON - S/0526/05/F

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

37. PAPWORTH EVERARD - S/0864/05/O

DELEGATED APPROVAL, as amended by letter dated 5th July 2005 changing the application to one for a single dwelling only, for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to in the report, and to additional Conditions requiring the commissioning of a tree survey and measures to address the issue of car parking.

38. FULBOURN - S/0771/05/F

DELEGATED APPROVAL, for the reasons set out in the report from the Director of Development Services, subject to the receipt of satisfactory amendments for the house type for Plot 9, the agreement of the Local Highway Authority to the revised access plan, the prior completion of a Section 106 Legal Agreement securing an Educational contribution, and appropriate safeguarding Conditions.

39. GIRTON - S/1049/05/F

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the applicant agreeing to make appropriate alterations

to the car parking arrangements and to the bin store, and to the Conditions referred to in the report.

40. GREAT SHELFORD - S/0897/05/F

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

Councillor CR Nightingale was present when Great Shelford Parish Council considered this application, but did not contribute to the debate.

41. HIGHFIELDS CALDECOTE - S/2382/04/F

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 ensuring that the premises are used as a short-term holiday let only or as part of the existing dwelling, and to the Conditions referred to in the report.

42. HARSTON - S/1717/04/F

APPROVAL, as amended by drawing nos. 9A, 10A, 11A, 16A and 17A date stamped 26 November 2004, and drawing nos. 17D, 18C, 19B, 20B and 21A dated stamped 26 May 2005, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein.

43. HASLINGFIELD - S/1062/05/O

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

44. HISTON - S/0990/05/O

REFUSED, contrary to the recommendation contained in the report from the Director of Development Services. Members considered the proposal to represent overdevelopment of the site, thus posing difficulties with access, and cited concerns with flooding and drainage as other reasons for refusal. In particular, the application conflicted with Policies P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and SE2, SG10 and TP1 of the South Cambridgeshire Local Plan 2004.

45. GREAT AND LITTLE CHISHILL - S/0683/05/F

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

46. LINTON - S/0561/05/F

DELEGATED APPROVAL contrary to the recommendation contained in the report from the Director of Development Services, subject to the appearance of the garage door being agreed with the Conservation Manager and the application being amended accordingly. Having visited the site, Members did not consider the application to be detrimental to the setting of Tosca Cottage, a Grade II Listed Building.

47. LONGSTANTON - S/2481/04/O

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

48. 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 3rd August 2005
- Appeals withdrawn or postponed
- Advance notification of future local inquiry and informal Hearing dates (subject to postponement or cancellation)

49. ENFORCEMENT ACTION

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

50. TO CONSIDER CONFIRMATION OF TREE PRESERVATION ORDER 03/05/SC IN WILLINGHAM

The Committee considered a report reviewing Tree Preservation Order 03/05/SC, made under delegated powers at Manor Farm, High Street, Willingham on 24th January 2005.

RESOLVED that Tree Preservation Order 03/05/SC at Manor Farm, High Street, Willingham be confirmed without modification.

51. MR CHRIS TAYLOR - HEAD OF LEGAL SERVICES

Councillor SGM Kindersley, Leader of the Council, led tributes to Mr Chris Taylor, who would be retiring from the Council on 8th July 2005.

Mr Taylor responded.

The Meeting ended at 3.20 p.m.
