

PLANNING COMMITTEE: MINUTES

Date: Thursday 23rd July 2015

Time: 10.05 – 10.50

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors B Ashwood, D Connor (Chairman), L Harford (substituting for Councillor Loynes), W Hunt, S Kindersley, A Lay, K Reynolds, J Scutt and M Smith (Vice-Chairwoman)

132. APOLOGIES AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor M Mason and M Loynes (Councillor Harford substituting).

There were no declarations of interest.

133. MINUTES – 18TH JUNE 2015

The minutes of the Planning Committee meetings held on 18th June 2015 were agreed as a correct record and signed by the Chairman, with two minor typographical corrections:

p1 – bottom paragraph, second line should read “Members stated that developers must...”

p2 – item 129/first bullet point should read “...could seek to discontinue the current planning permission...”

134. TEMPORARY INSTALLATION OF TWO 7-BAY MOBILE CLASSROOMS (8.4M X 21M) UNTIL 31 AUGUST 2019. PERMANENT INSTALLATION OF ADDITIONAL CAR PARKING SPACES, CYCLE PARKING SPACES AND AN EMERGENCY SERVICES ACCESS TRACK AT: HISTON & IMPINGTON JUNIOR SCHOOL, THE GREEN, HISTON, CAMBRIDGESHIRE, CB24 9JA FOR: CAMBRIDGESHIRE COUNTY COUNCIL LPA REF: S/00006/15/CC

The Committee considered an application to install two mobile buildings of four classrooms to the north of the existing school building on an area of land currently used as informal grass play space, which would remain in place until no later than 31st August 2019. The proposal included a permanent extension of the staff car park to create seven new spaces and the installation of an emergency vehicle access track, and also 36 new cycle spaces. The outcome of consultations, planning policies, planning history and land use planning considerations were all taken into account. Plans and photos were shown illustrating various aspects of the site, including the access to the site, and also a map showing the location of the proposed site in relation to the flood zones. The objections received related to increase in noise, vehicular usage of adjacent roads and cutting down of two established trees.

A number of Members noted the suggestions made by Histon Parish Council, and endorsed by Local Member Councillor Jenkins, about various traffic issues. Whilst acknowledging that these matters sat outside the application, the Members asked officers what information could be given about the proposed zebra crossing, specifically timescales and locations. Officers

advised that this was being progressed as part of the School Travel Plan, but they were unsure of timescales. Members commented that it was regrettable that such highways matters could not be included or referenced as part of applications, especially where they had such an impact.

Lisa Skinner, agent for applicant spoke in support of the application. Addressing the specific concerns raised, she advised that the location of the school in the centre of the village meant that the majority of pupils would walk or cycle to school, and advised that the Travel Plan had been updated. The proposed site was adjacent to the existing school buildings, and potential loss of amenity resulting from the proposal had been taken into consideration. Whilst two good quality trees would need to be removed, 105 saplings had recently been planted in the school grounds. Ms Skinner acknowledged the issue raised about the zebra crossing, and advised that as applicants, they always tried to resolve such concerns before applications reached the Committee stage. On this occasion, she had approached the Highways team, but had been advised that this was outside the application. It was noted that the proposed zebra crossing was being progressed, irrespective of the application for the School. Members were disappointed with this, but applauded the applicant's efforts to take a constructive approach.

The Committee noted the comments of local residents who opposed the scheme, and from one of the Local Members, Councillor Jenkins.

In discussion, individual Members:

- were pleased to note that the location of the mobile classrooms were outside the Flood Plain;
- did not have reservations about the two trees being felled;
- acknowledged the concerns of neighbours, and the particular issues in Pages Close, which was accessible via both a Right of Way and unadopted road;
- commented that this was an imaginative solution to the demand issue, and hoped to see more solutions such as this coming forward, with the constructive assistance of the relevant County Council departments;
- commented that it was unfortunate that more temporary classrooms were being erected, but this was the financial reality that schools and the Council were facing;
- in relation to the traffic issues, observed (i) vehicle speeds were effectively limited on Station Road due to parked vehicles; (ii) it would be impractical to limit HCVs in this area due to the number of businesses.

It was resolved unanimously to:

Grant planning permission, subject to the conditions set out in **Appendix 1**.

135. WITCHAM MEADLANDS QUARRY, BLOCK FEN DROVE, CHATTERIS & MEPAL

The Committee considered an update on the current situation surrounding highway improvement works along Block Fen Drove. Members noted maps illustrating location of road, the sections of the road which were public and private, and business locations.

Since the report had been published, officers advised that comments had been received from three mineral operators, which were summarised for the benefit of the Committee:

- Hanson had advised that they were aware of their obligation through one of the conditions to their planning permission to resurface the length of the highway by

05/11/14. Their site had only been operational for a limited time, between 2012 and 2013, and there were no plans to reopen the site imminently. They would be submitting an application to defer the works;

- Mick George Ltd advised that Aggregate Industries would be undertaking works within the next two weeks;
- Aggregate Industries advised that they would be starting work on 01/08/15, from the roundabout to just beyond the business units on the first stretch of road. However, no indication had been given as to when the rest of the road would be completed.

Counsel's advice would be sought on how best to enforce the Condition, and the Committee's views were sought on how they wanted to proceed. Previously the Committee had made it clear that they were very dissatisfied with the lack of progress.

All Members agreed that the three companies had had plenty of time to meet their obligations, and Counsel's opinion on the appropriate legal proceedings should be sought with due despatch. Any action needed to make it absolutely clear that it was unacceptable to repeatedly seek extensions on Conditions that had been agreed as part of a Planning Permission, and it was inexcusable that the companies were constantly trying to circumvent the planning system. A firm message needed to be given that this would not be tolerated. Members observed that this whole issue had been repeatedly revisited by the Committee over a number of years, with the associated costs to not only the Council as planning authority, and therefore the public purse, but also to the companies involved. Members also noted that other businesses and residents of Block Fen Drove continued to suffer as a result of those companies' inaction. It was agreed that a zero tolerance approach should be taken to any further breaches of the planning regulations at this site. It was also suggested by a Member that the three companies' conduct on this issue should be considered during Council procurement exercises.

The Committee's Legal Advisor noted Members' comments, and the stern direction the Committee had resolved to take. He advised that he would liaise with the senior Planning Officers and Counsel as soon as possible, instructing Counsel to look at options for action with regard to the breach of planning permission associated with the relevant condition, which would have the greatest chance of success and that would result in appropriate action against the mineral operators. He also noted the urgency with which Members wanted this addressed. Counsel's advice would also be sought on whether it was reasonable and in the public interest to prosecute, or if there were any alternatives. He highlighted that any proposed action would have financial consequences, although if successful, the Council would be in a position to recover costs.

The Legal Advisor advised that Planning officers had already undertaken a lot of preparatory work, including compiling all the background documentation for Counsel, and a list of questions, so that he could instruct Counsel with due despatch.

Members commented that if the legal opinion from Counsel was received before the Committee's next scheduled meeting on 10th September, they would be happy to attend an additional meeting to expedite the required decision. The Legal Advisor agreed that he would contact the Chairman and Vice Chairwoman immediately when the advice from Counsel was received, who could then in turn liaise with Members on when they wanted to meet and progress.

It was resolved unanimously to approve the course of action set out in Appendix 2 of these minutes.

Update on other enforcement issue

The Committee received an update on an unrelated enforcement issue on a site on the Little America Industrial Estate in Great Staughton.

The Environment Agency had issued a notice to cease importation of waste (wood), with waste to be removed by 17/11/14. As no progress had been made by 17/11/14, the Environment Agency had explored the option of commencing criminal proceedings. On 24/02/15 the County Council, the Environment Agency and the landowner's planning agent had met to discuss the removal of waste. The landowner had subsequently had the waste removed by Mick George Ltd, commencing on 12/05/15, at a likely cost of approximately £250,000 if not greater. This positive outcome would be actively promoted by the Council, after liaising with the Environment Agency in the first instance, as that agency was still in the process of undertaking criminal investigations, and it was clearly undesirable to prejudice those investigations / proceedings. Members asked officers to check that the exportation and disposal of the waste had been done properly.

136. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

The Committee received a report on decisions made under delegated powers between 8th June 2015 and 13th July 2015.

The Committee resolved to note the report.

137. DATE OF NEXT MEETING: THURSDAY 10th SEPTEMBER 2015

Chairman

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following documents and drawings received 07/05/2015:

- Planning Statement May 2015
- Local Authority Development Letter dated 2 March 2015
- Location Plan Mc138-LP-001 Jan 15
- Mobile Classroom Site Plan Mc138-SP-001 Jan 15
- Mobile Classroom Detail Plan 1 Mc138-DP1-000 Jan 15
- Mobile Classroom Detail Plan 2 Mc138-DP2-001 Jan 15
- 7 bay Modular Building No. 636 Plan Mb636p-03-000 Feb 15
- 7 bay Modular Building No. 636 Elevations Mb636e-03-000 Feb 15
- 7 bay Modular Building No. 637 Plan Mb637p-03-000 Feb 15
- 7 bay Modular Building No. 637 Elevations Mb637e-03-000 Feb 15
- Preliminary Ecological Appraisal April 2015
- Arboricultural Impact Assessment and Method Statement April 2015
- Transport Statement May 2015
- Swept Path/Autotrack Analysis (received: 11/06/2015)
- School Travel Plan 2015 (received: 18/06/2015)

Reason: To define the site and protect the character and appearance of the locality in accordance with policy DP/2 of South Cambridgeshire Development Control Policies (2007) and policy HQ/1 of South Cambridgeshire Local Plan to 2031 (2013 submission version).

3. The mobile classroom hereby permitted shall be removed from the site on or before 31 August 2019, or within one month of the completion of any permanent accommodation, whichever is sooner.

Reason: The temporary classroom by virtue of its appearance and temporary construction is considered inappropriate for permanent retention and to ensure the satisfactory restoration of the site in accordance with policy DP/3 of South Cambridgeshire Development Control Policies (2007) and policy HQ/1 of South Cambridgeshire Local Plan to 2031 (2013 submission version).

4. No removal of hedgerows or trees shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the County Planning Authority prior to the removal of any vegetation.

Reason: In the interests of biodiversity enhancement and protection and in accordance with policy NE/6 of South Cambridgeshire Development Control Policies (2007) and policy NH/4 of South Cambridgeshire Local Plan to 2031 (2013 submission version).

5. The trees to be retained on site shall be protected in accordance with section 5.5 of BS5837:2012 - Tree Protection Plan.

Reason: In the interests of biodiversity enhancement and protection and in accordance with policy NE/6 of South Cambridgeshire Development Control Policies (2007) and policy NH/4 of South Cambridgeshire Local Plan to 2031 (2013 submission version).

6. If, within a period of 5 years from the date of planting of any tree within 50 metres of the mobile classrooms hereby permitted, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or, in the opinion of the County Planning Authority, becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place during the next available planting season, unless the County Planning Authority gives its written consent to any variation.

Reason: In the interest of landscape character and nature conservation in accordance with policy NE/6 of South Cambridgeshire Development Control Policies (2007) and policy NH/4 of South Cambridgeshire Local Plan to 2031 (2013 submission version).

On the advice of our legal section that we engage with Counsel to explore all possible courses of action available to the Authority to commence litigation proceedings against the various companies who have breached the conditions associated with the planning permissions to obtain compliance. The advice from Counsel will provide further clarity on the further enforcement actions that can be undertaken as well as the reasonable chance of success attributable to any such option.