



CAMBOURNE PARISH COUNCIL

District of South Cambridgeshire

PLANNING COMMITTEE

A meeting of this Committee was held at The Hub Community Centre, Cambourne on Tuesday 3rd June 2014

Present:

Cllr P Gavigan
Cllr s Crocker
Cllr T Hudson
Cllr S Masters

Cllr J O'Dwyer
Cllr Mrs R Poulton
Cllr Mrs L Selway
Cllr Dr S Smith

In attendance:

John Vickery – Parish Clerk
Liz Pinchen – Deputy Parish Clerk

4 members of the Public were in attendance at the meeting.

1. APOLOGIES

Apologies for late arrival were received from Cllr J O'Dwyer

2. MINUTES

It was:

RESOLVED that the Minutes of the meeting held on Tuesday 20th May 2014 (M200) were confirmed as being a correct record and duly signed by the Chairman.

3. MEMBERS DECLARATION OF INTEREST OR REQUEST FOR DISPENSATION for items on the agenda.

There were no declarations made.

4. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman made no announcements.

Cllr J O'Dwyer and Cllr Dr S Smith joined the meeting at his point.

5. TRAINING ON PLANNING MATTERS

Ed Durrant, Principal Planning Officer, South Cambs District Council was in attendance for this item.

Ed Durrant presented a training session to the Planning Committee (Training Presentation attached).

The following additional points were raised:

Signed

Date 17th June 2014

What is development?

Planning in Cambourne is different to most other parishes as large development planning applications, commercial applications and applications for Reserved Matters are received as well as householder applications.

There have been a number of instances of change of use, with small businesses being run from residential properties. If the business remains ancillary to the residential use there is no need for a change of use application. However if there is physical impact of the business in terms of deliveries, additional parking requirements and intensification of business use then an application for change of use may be required.

De minimus development is a grey area regarding small scale development. Non-material amendments are usually sent to the Parish Council for information only. If there are any material planning considerations then a planning application is required.

Permitted Development

There are strict criteria about what is permitted development and some planning applications have been altered e.g. reduced in size to fit the criteria and avoid the need for a planning application and consultation.

After four years a built development becomes lawful if there has been no enforcement taken. This period is ten years for a change of use.

The council can remove permitted development rights.

Material Planning Considerations

These vary according to the size of the application, for large development adherence to Local Plan Policies such as the minimum percentage of affordable homes would need to be considered.

Use of conditions

A time limit condition is usually imposed on applications; in general it gives 3 years for the development to start but does not specify when the development must be completed.

S106 agreements will still be used for major developments rather than the new Community Infrastructure Levy (CIL).

Wording of conditions can be bespoke but use of phrases such as 'reasonable period of time' should be avoided as it is not precise or enforceable.

Refusal

Retrospective applications; the fact that they are retrospective is not a reason for refusal; they should be considered on merit as if they had been presented prior to development.

Planning Decisions

Applications that are outside of the local Development Plan may be considered. E.g. Cambourne Secondary School was outside the Local Plan but the public benefit outweighed the harm.

The Chairman thanks Ed Durrant for his attendance and for an informative and useful presentation.

Cllr Mrs L Selway left the meeting at this point.

Signed

Date 17th June 2014
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6. PLANNING APPLICATIONS

No planning applications had been received.

7. MORRISONS

It was reported that emails had been received from Stephen Reid at South Cambs District Council clarifying that maximum the sales areas for various categories of goods given in the original s106 agreement are for each individual category and not a combined total.

Concern was raised as to whether or not the monitoring of the conditions had been built into the new s106 agreement; this will be confirmed with Stephen Reid. It was also requested that Morrison supply drawings on a 6 monthly basis indicating the sales area for each category as there are seasonal variations.

It was:

RESOLVED that the clarification be received.

8. DRAINAGE ISSUES

The Parish Clerk reported that no further updates had been received and that a meeting is still due to be held.

It was:

RESOLVED that the report be received.

9. ENFORCEMENT ISSUES:

There were no enforcement updates.

It was:

RESOLVED that the report be received.

10. DECISION NOTICES

[S/0496/14/RM](#) – Reserved matters for 131 Dwellings with associated parking and engineering works on parcels 3B, 3C and 4C (outline permission: S/6438/07/O – Parcels 3B, 3C and 4C, upper Cambourne Approved subject to conditions.

It was:

RESOLVED that the Decision Notice be received.

11. DATE OF NEXT MEETING – 17th June 2014 7.00pm



What is development?

- Planning Act – “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”
- National Planning Policy Framework – “development means growth.”
- Some development of a very minor nature can be considered *de minimis*.
- Planning should enable appropriate development.

Permitted Development



South
Cambridgeshire
District Council

- Consent effectively granted under the Town and Country (General Permitted Development) Order 1995 (GDPO).
- Different classes of the GDPO relate to different types of development (i.e. extensions, outbuildings, fences etc.).
- Significant changes made to the Order in 2008 relating to householder developments.
- Permitted development rights can be removed by condition when approving new developments.
- Lawful Development Certificates (LDC) can be issued for permitted developments – planning merits cannot be considered.

Material Planning Considerations



- Material considerations for householder development often relate to loss of neighbour amenity, visual impact etc.
- Larger scale developments have wider impacts and as such the material considerations can be more complex.
- National and emerging planning policy are also given weight in decision making.
- Examples of non-material considerations include: loss of a view, impact upon property values, competition, etc.
- Personal circumstances are generally not a consideration but in some cases can be material.

Use of conditions



- Six tests for conditions identified in Circular 11/95:
 - necessary;
 - relevant to planning;
 - relevant to the development;
 - enforceable;
 - precise; and
 - reasonable.
- All conditions must contain a reason, which should relate back to planning policy.
- Conditions either require compliance or need to be discharged, often in writing by the Council.
- Conditions cannot be used to make an unacceptable development acceptable.

Reasons for refusal



- The Council must provide reasonable grounds for a refusal, relating to planning policy or any other material considerations.
- Applicants can appeal refusals or any conditions attached to an approval.
- If the appeal goes against the Council costs can be awarded against the Council if it has been shown to have acted unreasonably.
- There is no third party right of appeal. Though planning consents can be legally quashed where due process has not been followed.

Planning decisions



- Applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Often there are conflicting considerations. Any harm that is identified needs to be weighted up against the public benefit of development.
- Planning decisions must not be based on matters covered by other legislation (i.e. The Party Wall Act).
- Planning appeals can overturn planning decisions.