

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 5 September 2012 at 10.00 a.m.

PRESENT: Councillor Robert Turner – Chairman
Councillor David Bard – Vice-Chairman

Councillors: Val Barrett Brian Burling
Lynda Harford Sally Hatton
Tumi Hawkins Sebastian Kindersley
David McCraith Charles Nightingale
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), Paul Derry (Senior Planning Assistant), Gary Duthie (Senior Lawyer), Saffron Garner (Senior Planning Assistant), John Koch (Planning Team Leader (West)), Ray McMurray (Principal Planning Officer (East)), Karen Pell-Coggins (Senior Planning Assistant), Rosalind Richardson (Trees and Landscape Officer), Ian Senior (Democratic Services Officer), Sarah Stevens (Head of Planning and Economic Development), Charles Swain (Enforcement Officer) and Kate Wood (Planning Team Leader (East))

Councillors Alison Elcox, Mervyn Loynes, Robin Page and Bridget Smith were in attendance, by invitation.

48. GENERAL DECLARATIONS OF INTEREST

Councillor Sebastian Kindersley declared a personal interest as an elected Member of Cambridgeshire County Council, a statutory consultee for all planning applications on the agenda.

49. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 1 August 2012.

50. 01/12/SC - LITTLE GRANSDEN (TREE PRESERVATION ORDER, THE OLD RECTORY)

Before discussion of this item, the Senior Lawyer addressed Members. He advised that the current composition of the Committee presented a procedural problem in this case. All Members must be, and be seen to be, impartial. A complaint had been lodged against a member of the Committee and a consequence of the circumstances of that complaint was that if the member concerned took part in the consideration and determination of this matter, there was likely to be an impression of bias. The Senior Lawyer said that this rendered the situation legally unsafe and would expose the Council to the risk of challenge through Judicial Review. The inappropriate participation of a Member could result in the Committee decision being set aside. The Senior Lawyer then reminded Members that the provisional Tree Preservation Order would lapse at midnight on 8 September 2012 and protection would be lost on and from 9 September. Councillor Deborah Roberts informed the Committee that she was the Member to whom the Senior Lawyer had referred. She

set out her version of the event at the site visit which, apparently, had triggered the complaint. Councillor Roberts said that the event referred to had not been instigated by her. Following a further statement, Councillor Deborah Roberts withdrew to the public gallery, took no part in the debate, and did not vote.

In response to a Member's question, the Senior Lawyer said that, had Councillor Roberts not withdrawn from the Committee for this item, the Committee would not have been able to make any decision as to whether or not to confirm the Tree Preservation Order. The Order would not be confirmed in default of a decision; rather, the law operated to lapse its protective effect.

The Chairman asked the Committee whether it wanted to determine the matter, and the Committee indicated that it did.

The Committee received detailed presentations from Peter Woolley, a Structural Engineer with Hannah Reed, and John Cromar, an Arboriculturalist, both instructed by South Cambridgeshire District Council.

Margaret MacQueen (on behalf of the insurer of the Old Rectory) and Victoria Seabright (owner of the Old Rectory) addressed the meeting and opposed confirmation of the Tree Preservation Order. Adrian Penrose, speaking on behalf of a group of local residents, addressed the meeting in support of confirmation. Pam Timbrell (Little Gransden Parish Council) and Councillor Bridget Smith (a local Member) also addressed the meeting, supporting confirmation.

The Committee **confirmed** Tree Preservation Order 01/12/SC at the Old Rectory, Little Gransden contrary to the recommendation in the report from the Planning and New Communities Director. Members noted the assertion that the trees were causing movement to the Old Rectory and therefore a level of damage to the listed building and a significant nuisance to the owners. However, they said that felling the trees would have an unacceptable impact on the Conservation Area. Their preferred solution therefore was for these matters to be remedied by effective underpinning of the Old Rectory. While the costs of underpinning would be a potential liability for South Cambridgeshire District Council should compensation be sought in accordance with the regulatory scheme, the Committee considered that such exposure was justified by virtue of the high amenity and heritage value of the trees.

Councillor Sebastian Kindersley declared a personal Interest by virtue of having attended a number of Little Gransden Parish Council and other meetings at which this issue had been discussed, and being acquainted with a number of people involved in this matter.

51. C/11/17/063/01 01/12/SC - LITTLE GRANSDEN (APPLICATION TO FELL TREES, THE OLD RECTORY)

Margaret MacQueen (on behalf of the Company insuring the Old Rectory) and Victoria Seabright (owner of the Old Rectory) addressed the meeting and supported the tree felling application. Adrian Penrose, speaking on behalf of a group of local residents, addressed the meeting opposing the application. Pam Timbrell (Little Gransden Parish Council) and Councillor Bridget Smith (a local Member) also addressed the meeting.

The Committee **refused** the tree felling application contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed that Tree Preservation Order 01/12/SC should not be compromised, and that appropriate underpinning would be sufficient to stabilise the structure of the Old Rectory.

Councillor Sebastian Kindersley declared a personal Interest by virtue of having attended a number of Little Gransden Parish Council and other meetings at which this issue had been discussed, and being acquainted with a number of people involved in this matter.

52. S/1874/11 - BOURN (107 CAXTON END)

Councillor Alison Elcox (a local Member) addressed the meeting. Councillor Mervyn Loynes (another local Member) was present but did not speak.

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director and an additional Condition requiring the applicant to submit to the satisfaction of the Local Planning Authority a scheme of energy conservation / renewable energy provision in accordance with Policy NE/1 of the South Cambridgeshire Local Development Framework 2007.

53. S/1196/12 - HARLTON (8 HASLINGFIELD ROAD)

Councillor Robin Page (local Member) had to leave the meeting prior the consideration of this item, and a statement was read out on his behalf by Councillor Deborah Roberts.

The Committee **deferred** this application for a site visit.

Councillor Sebastian Kindersley declared a personal interest because the Parish of Harlton formed part of the Electoral Division of Gamlingay, for which he was Cambridgeshire County Councillor.

54. S/1255/12 - HASLINGFIELD (18-18A FOUNTAIN LANE)

Councillor Robin Page (local Member) had to leave the meeting prior the consideration of this item, and a statement was read out on his behalf by Councillor Deborah Roberts.

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director.

Councillor Sebastian Kindersley declared a personal interest because the Parish of Haslingfield formed part of the Electoral Division of Gamlingay, for which he was Cambridgeshire County Councillor.

55. S/1492/12 - GREAT SHELFORD (1 CAIUS FARM COTTAGES, BABRAHAM ROAD)

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director.

56. S/1306/12 - LANDBEACH (CAMBRIDGE WASTE MANAGEMENT PARK)

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director, Condition 4 being amended to read "No further development ... shall take place..." and to additional Conditions restricting HGV access to the site to access from the A10 only and details of biodiversity enhancement to be agreed.

57. ENFORCEMENT ACTION UPDATE

The Committee **received and noted** an Update on enforcement action, based on a briefing note circulated to Committee members and published on the Council's website.

58. 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 2.40 p.m.
