

# COMBERTON PARISH COUNCIL

(South Cambridgeshire District)

Clerk: Mrs Gail Stoehr  
Chairman: Cllr. Miss Chris Westgarth

PO Box 857  
Comberton  
Cambridge  
CB23 7DP

Tel: 01223 264553 (answer phone)  
01954 210241 (home)

E-mail: [parishclerk@comberton.org.uk](mailto:parishclerk@comberton.org.uk)

---

Patrick Adams  
Democratic Services  
South Cambridgeshire District Council  
South Cambridgeshire Hall  
6010 Cambourne Business Park  
Cambourne  
Cambridgeshire  
CB23 6EA

12 June 2009

Dear Mr Adams

## **Chairman's Delegation Procedure**

The Scrutiny and Overview Committee may recall that its Chairman, Miss Chris Westgarth attended its meeting in October 2007 and raised a question regarding Parish Council's role in planning.

Comberton Parish Council has held serious concerns about the Chairman's Delegation Procedure since its inception, and raised these again at a meeting with Cllr Nick Wright, Cllr Pippa Corney, Mr David Rush and other Parish Councils on 22 October 2008 (copy of notes enclosed). At that meeting, Cllr Wright indicated that a review of the Chairman's Delegation Procedure would be held, in the light of the numerous widespread concerns expressed and the level of disquiet amongst the Parish Councils. The Parish Council was disappointed to learn later in an email from David Rush that there had been an apparent change of mind on the part of Cllr Wright and that the promised review would not, after all, take place. The Scrutiny and Overview Committee may too recall that Cllr Wright promised at the 2007 meeting that a review would take place in 2008 in response to the committee members' own concerns!

Comberton Parish Council is unhappy that this is the second time that undertakings have been given and after the meeting there has been a change of mind and they have been reversed. Comberton Parish Council finds the process of promised reviews a hollow one. The Parish Council cannot see the point of consultation if the District Council is closed to any suggestions and does not keep its policies under review.

## **The Role of Parish Council's in Exception Sites**

The Scrutiny and Overview Committee may also recall that Comberton Parish Council asked at that same meeting in 2007 what is the Parish Council's role in exception sites. The Parish Council would like to ask the same question again. In the last couple of years the topic of exception sites for affordable homes has come up many times and has been discussed with South Cambridgeshire District Council members and officers. The Parish Council has received very mixed messages about its role and seeks clear clarification from the Scrutiny and Overview Committee on policy.

Comberton Parish Council's representative Cllr Ted Halford will attend the Scrutiny & Overview Committee meeting on 25 June to expand on these questions and in particular urge the District Council to acknowledge that its policy applications relating to village developments of up to 10 and also those in the conservation area, listed buildings and also in the protected village amenity area reduces the involvement of Parish Councils to the detriment of the villages which they serve and to seek a change to this policy.

Cllr Halford has been given a copy of South Cambridgeshire District Council's procedural guidance for attending and addressing the Committee meeting and Comberton Parish Council thanks the committee for this opportunity of raising its concerns in person.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Stoehr', with a long horizontal flourish extending to the right.

Mrs Gail Stoehr  
Clerk

**Notes of Comberton Parish Council Open Meeting held on 22 October 2008 in the Village Hall (taken by Gail Stoehr)**

**Present:**

Chris Westgarth	Comberton Parish Council
Janet McCabe	Comberton Parish Council
Richard Rowlands	Comberton Parish Council
Charles Chambers	Comberton Parish Council
E Halford	Comberton Parish Council
Grenville Chamberlain	Hardwick Parish Council
David Charge	Comberton Parish Council
Graham Smith	Bourn Parish Council
Nigel Ball	Bourn Parish Council
Julie Maclean	Bourn Parish Council
Bill Agg	Caxton Parish Council
David Rush	SCDC Development Control Manager
Cllr Mrs Pippa Corney	SCDC Planning Committee Chairman
Cllr Nick Wright	Portfolio Holder Planning Services
Gail Stoehr	Clerk to Comberton, Bourn, Caxton and Hardwick Parish Councils

Cllr Miss Westgarth presided.

Everyone was welcomed to the meeting and introductions took place.

David Rush gave an explanation of the Chairman's Delegation process and the extension of powers of officers to determine applications. He explained that approximately ten years ago if an officer's recommendation was contrary to that of the Parish Council, it automatically went to the Planning Committee. SCDC had then decided to introduce the Chairman's Delegation procedure where by 'limited impact' householders' applications were delegated to an officer in consultation with the Chair and Vice-Chair of Planning, and the local member to determine the application or alternatively recommended it to the Planning Committee for consideration.

As this had been successful it was agreed to make it a permanent feature. The delegation to officers of 'advertisement' applications was added in 1999. These applications were considered on two factors only i.e. visual amenity and safety. In 2001 'prior notification' applications were added and that these included 'permitted development', 'demolitions', 'telecoms' and 'replacement dwellings'. In August 2007, public speaking was introduced at the Planning Committee meetings to include applicants, agents and objectors in addition to the Parish Council's representation.

Other categories of applications had subsequently been added to the officer delegation and these fell under the Government classification of 'minor development'. This included

residential development of between 1 to 9 dwellings or 0.5 hectares, and commercial development of up to 999 m<sup>2</sup> or 1 hectare.

Some applications may be referred from the Chairman's Delegation meeting to the Planning Committee or alternatively go directly to the Committee (sometimes at the request of the local member).

Mr Rush reported that a similar approach has been adopted by East Cambs. It was reported that delegation to officers accounts for 90-93% of all applications. Reasons for the introduction of the process included:

- efficiency
- financial rewards and penalties from Government based on determination rates
- the introduction of public speaking
- the need for Committee to concentrate on larger, more important applications.

Cllr Wright emphasised the small percentage of parish councils, Comberton Parish Council being one, who took up the invitation to attend and speak at Committee meetings, and stressed the importance of informing and working with the local member, whose choice it is to make representations to ask for an application to go to Committee. There is a need for parishes to let local members know their views. Only a few local members attend the Chairman's Delegation Meetings

Concern was expressed at the reduction in the local voice, from parish councils and villages, being heard by the elected members either on the Planning Committee or Chairman's Delegation Meeting.

In response, reference was made to the constraints SCDC found itself under, for example, the structure of the day, with an early start from 7-7.30 pm on occasion, the site meetings that took place on the same day as the Committee meetings and the number of people attending and speaking at some meetings (50% of meetings have public speaking).

There was a consensus amongst the parish councils represented that they were concerned that their only access is via the local member. Problems occur, when, for example, the local member is out of the country or does not represent the community as desired or hoped. It was argued that an alternative provision for hearing the local voice should be explored. It was stressed that parish councils were able to structure a logical and eloquent argument based on planning grounds and local knowledge and, as in the case of Comberton when the application had been referred to the Planning Committee it had overturned the officer's recommendation and agreed with the Parish Council's recommendation. This too had been subsequently backed by the Planning Inspector at Appeal when the appeal had been dismissed.

In reply it was explained that parishes always know when the Chairman's Delegation is to take place and the onus is on them to instruct the local member. If the local member is absent Parish Councils can go to a neighbouring ward and ask their member to represent them.

It was pointed out the importance of local knowledge in shedding light on issues and it was felt that this could not be satisfied by another district council with no knowledge of the local issues.

The question was raised whether the SCDC system was still a democratic process. Concern was expressed that decisions were being made and meetings being conducted in private.

In response, it was stated that if a written request from a district councillor is received it would automatically go to Committee, but this was not the understanding or experience of the parish councils present. Each parish had two or three applications which had been discussed at Chairman's Delegation, where they regretted the lack of opportunity to make their case or have a hearing in person. It later transpired that these type of applications fell into the 'limited impact' householder applications type which had been determined in this manner for approximately 10 years.

The parish councils expressed their concern that in cases where applications met the criteria, such as being in the conservation area, being a listed building and also in an amenity area, when the parish council's views differ with the planning officer's, the application should automatically go to full Committee, and the policy should be changed to allow this.

SCDC responded that Government have instructed that the process is correct and that there is a need for this when targets are to be met and Government Funding is rewarded. The Government grant of £2.3 million for meeting its targets is very important to SCDC.

With regard to the loss of opportunity for getting the local voice heard, the parish councils asked if they could attend Chairman's Delegation meetings. It was reported that SCDC have explored the legal aspects of parish council members attending, but Chairman's Delegation is not a public meeting and it would be unfair to allow some public there but not the applicant or the developer or the objector etc.

The time restraints for the officer writing reports for Committee and the benefit of him being able to report in person to the Chairman's Delegation meeting was explored however from the parish council's perspective the lack of information to enable parish councils to expand on their initial representation, when an officer's report has been available in the past, provided the parish councils with an opportunity to make or strengthen local concerns. The Chairman's Delegation process has, for SCDC, the benefit of hearing application considerations without the same time constraints as at Committee. A range of information is received, for example, conservation reports, Environment Agency and highway reports and officer's reports. Again parish councils do not have the benefit of seeing these other reports and thus the opportunity to add additional information or giving local information is missed.

Mr Rush explained that SCDC are considering developing the policy to allow the officer's report for public release, such as publishing an interim report on the website, giving an informal view at an early stage, for example three weeks, on key issues and factors in determining them. One other authority has adopted this already and it was thought to be working well. It was highlighted that some parish councils make contact during the consultation period with planning officers to inform themselves of his views on an application and to discuss the relevant planning policies. Cllr Mrs Corney emphasised that she would be open to receiving emails from a parish council representative on any applications being considered by her committee which was considered important locally.

It was requested that a given number each year from each parish council could be automatically submitted to Committee as a compromise. This way the parish councils could flag up to SCDC which applications are the most important and contentious for a village. Assurance would be given that the parish councils would attend and make representation to the Committee. However, SCDC explained that there is a need to treat all applications equally and the process whereby a parish council selects applications could appear unfair. Cllr Mrs Corney emphasised that applications do get a good hearing at Chairman's Delegation.

Cllr Mrs Corney explained again that she would be happy to receive emails from parish council representatives which flagged up very important applications in the parish council's view and the parish council's desire to escalate them to Committee. Cllr Mrs Corney will give serious consideration to all email requests from Parish Councils that an application goes to Committee because of a desire to make representations in public but she also explained that she could give no guarantee that they would be sent to Committee.

The parish councils requested written information on both the definition of 'minor developments' and also the Chairman's Delegation Meeting policy and Mr Rush was asked if he would kindly provide this.

- It was emphasised by SCDC that the definition is the Government's, not SCDC's. This criteria can and will be reviewed when the policy is next reviewed.

The parish councils emphasised that the SCDC policy did not take into account the size of villages. In reply it was stressed that the SCDC policy had resulted via a democratic decision but policies could be revisited and if though appropriate as part of a review changed.

This was welcomed and it was stressed that parish councils would like a voice on applications in the conservation area, larger housing in the countryside, flooding due to development in back gardens, and applications which were considered to be of excessive scale and mass.

A request was made for redefinition of extensions and conservation areas.

There was a consensus between the parish council representatives present that Government definitions were not appropriate for smaller villages.

A request was also made for smaller householder applications to have a right via local members to go to Committee.

The SCDC representatives thanked those present for the opportunity to have an open discussion on this topic and assured the parish council representatives that SCDC will take these issues into account when the policy is next reviewed.

The meeting closed at 9 pm.

Main points of note:

- 1) A written request from the local member will refer 'minor development' applications automatically on to the Planning Committee. Arrangements for Advertising and 'prior notification' ('permitted development', 'demolitions', 'telecoms' and 'replacement dwellings') applications arrangements could not be referred by the local member.
- 2) Cllr Corney will give serious consideration to email requests from parish councils to refer 'minor development' applications to Committee but no guarantee would be given that they would be.
- 3) SCDC will look at officer's reports being released so that parish councils have the opportunity of strengthening its representation and the local view.
- 4) SCDC would review its policy on the Chairman's Delegation procedure for 'minor development' applications to take into account the points raised by the parish councils this evening.