

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 2 March 2016 at 10.00 a.m.

PRESENT: Councillor David Bard – Chairman
Councillor Des O'Brien – Vice-Chairman

Councillors:	Val Barrett (substitute)	Anna Bradnam
	Brian Burling	Pippa Corney
	Kevin Cuffley	Sebastian Kindersley
	Charles Nightingale (substitute)	Deborah Roberts
	Tim Scott	Robert Turner

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Julie Baird (Head of Development Management), Debra Bell (Planning Officer), Gary Duthie (Senior Lawyer), John Koch (Planning Team Leader (West)), Ian Lorman (Trees and Landscape Officer), Chris Morgan (Senior Planning Officer), Ian Senior (Democratic Services Officer), Paul Sexton (Principal Planning Officer (West)), Charles Swain (Principal Planning Enforcement Officer) and Rebecca Ward (Senior Planning Officer)

Councillor Cicely Murfitt was in attendance, by invitation.

1. APOLOGIES

Councillors Lynda Harford and Ben Shelton sent Apologies for Absence. Councillors Val Barrett and Charles Nightingale were their substitutes respectively.

In Councillor Harford's absence, Councillor Dr. David Bard took the Chair as Vice-Chairman.

The Committee agreed that Councillor Des O'Brien should act as Vice Chairman of the meeting.

2. DECLARATIONS OF INTEREST

In respect of Application S/0002/16/FL in Over, Councillor Brian Burling declared a Disclosable Pecuniary Interest as a Director of the applicant company. Councillor Burling withdrew from the Chamber, took no part in the debate, and did not vote. By virtue of a separate investigation into a matter in Swavesey involving Councillor Burling and her husband, Councillor Pippa Corney agreed to withdraw from the Chamber during the entirety of this item, to take no part in the debate, and not to vote.

3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the minutes of the meeting held on 3 February 2016.

4. S/1527/15/FL - GULDEN MORDEN (THREE TUNS 30, HIGH STREET)

John Koch (Planning Team Leader, West) was not present for this item.

The Senior Lawyer clarified the reason the Planning Committee was considering the matter. He reminded Members that, as the applicant had now lodged an Appeal on the grounds of non-determination, determination of the application was now the responsibility of a Planning Inspector. The Committee's view would help to inform the approach adopted by the Local Planning Authority, which was a party to the Appeal. The Senior Lawyer said that the process followed by the LPA had been a perfectly proper one. Referring to some very late representations received the day before the meeting, he said that consideration of such representations would have put the Council in a difficult position had the Committee been determining the application itself. However, the risk was less in a case like this, where an Inspector would make the decision. It was therefore safe for officers to assess the late material. The Senior Lawyer advised Members that, if there was new material evidence, including from public speakers, then they could either delegate to officers a decision on how to treat that evidence, or else instruct officers to report that evidence to the Committee at a future meeting.

The Chairman told Members that, in the fourth line of Paragraph 2 of the report from the Planning and New Communities Director, the word 'required' should be replaced with the word 'invited'.

Mrs. Dale Ingram (acting for the Three Tuns Action Group objecting to the proposal), Councillor Barry Holme (Guilden Morden Parish Council) and Councillor Cicely Murfitt (local Member) addressed the Committee. A statement from Kirk Saban (supporter of the application unable to attend in person) was read out to the Committee.

Mrs. Ingram highlighted the fact that the Three Tuns was a Listed Building warranting special interest, but pointed out that no Listed Building consent existed and no heritage statement had been submitted with the application. The King Edward VII pub in Guilden Morden provided for a different clientele. She stressed the Three Tuns' status as an Asset of Community Value, and that its loss as a public house would be detrimental to the village.

The Chairman read out a statement from Kirk Saban (supporter of the officer recommendation, and Licensee of The King Edward VII in Guilden Morden for the last 20 years). The statement said that if the Three Tuns re-opened as a pub, there could be consequences leading to the closure of the King Edward VII pub. The action group had listed The Three Tuns as an asset of community value. The statement argued that the King Edward VII also played a significant role within the community. As a committed licensee, Mr Saban said there was simply insufficient trade to support another pub in this village. Councillor Sebastian Kindersley said that, had Mr. Saban been present, he (Councillor Kindersley) would have asked him why he (Mr. Saban) was only worried now when The Three Tuns and King Edward VII pubs had competed with each other for 20 years.

Councillor Barry Holme (Guilden Morden Parish Council) reiterated the Three Tuns' status as an Asset of Community Value.

Councillor Cicely Murfitt outlined the unique attraction and benefits of the Three Tuns. She urged the Committee to "give it a chance".

Committee members emphasised the considerable weight carried by the Three Tuns being registered as an Asset of Community Value. They also recognised that the Three Tuns and King Edward VII pubs catered for completely different markets and interest groups.

The Senior Lawyer reminded Committee members that, in reaching a decision, their

starting point must be adopted policy. Against that policy, was the application considered to be “good enough”? He said that maintenance as a Listed Building was not a material consideration, but that the status of being an Asset of Community Value was material. It was for Members to determine what weight should be given to that fact.

Having been invited to state what its resolution would have been, had it been determining the application itself, and in order to help inform the Council’s representations to the Inspector at the forthcoming Appeal for non-determination, the Committee **indicated unanimously that the application should be refused**, contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reason for refusal as being the unacceptable diminution in the value to the community in contravention of Policy SF/1 of the South Cambridgeshire Local Development Framework 2007 (Protection of Village Services and Amenities).

5. **TREE PRESERVATION ORDER 05/15/SC - THRILOW (9 THE GREEN)**

Members visited the site on 1 March 2016.

Jenny Lindop addressed the meeting. She explained that she worked from home and, while supporting the officer recommendation that the Committee confirm Tree Preservation Order 05/15/SC in a modified form omitting trees T1, T2 and T3 and only confirming T4, she highlighted the adverse impact the trees had on her property.

The Trees Officer read out an e-mail from Councillor Peter Topping (local Member). Councillor Topping endorsed the application for TPOs specified in the application. He said that the trees comprised part of the last copse in the village of Thriplow. They were healthy and should be preserved because they helped maintain the character of the copse. Councillor Topping said in his e-mail that the copse provided an amenity for the village and contributed to its general character and the quality of life of its residents. The trees could be better looked after, and this would negate the need for this scale of felling.

Councillor Deborah Roberts proposed, seconded by Councillor Sebastian Kindersley, that none of the trees should receive protection. The Committee **resolved** not to confirm Tree Preservation Order 05/15/SC, contrary to the recommendation in the report from the Planning and New Communities Director.

6. **TREE PRESERVATION ORDER 07/15/SC - LINTON (1 HORSEHEATH ROAD)**

Members visited the site on 1 March 2016.

Councillor Beatrice Ward, Tree Warden for Linton Parish Council, addressed the meeting. She urged the Committee to protect this important visual village amenity.

There was some discussion relating to the eventual size of the trees, and their value in urban design terms. The Senior Lawyer said that any works proposed on a tree covered by a Tree Preservation Order would require an application to be made to the Local Planning Authority. Specifying maximum proportions at which works would be required could cause difficulty. He said there existed Regulations that would achieve what some Councillors had in mind, which was to prevent trees from becoming a hazard or nuisance by virtue of their height or spread.

The Committee **confirmed** Tree Preservation order 07/15/SC without modification.

7. **S/2108/15/FL - WEST WICKHAM (THE MEADOW, STREETLY END)**

Members visited the site on 1 March 2016.

William Stone (applicant) attended the meeting to answer any questions there might be. There was none.

Members considered the application in the context of adopted policies, and noted that the absence of a five-year housing land supply was only one factor to be taken into account. They also noted the potential for continued business use. West Wickham was defined as an infill-only village and, therefore, development of the proposed site was unsustainable, and there were no exceptional circumstances for deciding otherwise.

The Committee **refused** the application contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reason for refusal as **being**

- The suitability of the site for continued employment use
- The status of the village and the unsustainable nature of the proposal

8. S/2541/15/FL - LONGSTANTON (ST MICHAELS MOUNT, ST MICHAELS)

Members visited the site on 1 March 2016.

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

9. S/0002/16/FL - OVER (CHAIN FARM, OVERCOTE ROAD)

Members visited the site on 1 March 2016.

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

10. ENFORCEMENT REPORT

The Committee **received and noted** an Update on enforcement action and, in particular, the current situation with regard to the Breach of Enforcement Notice on land adjacent to Hill Trees, Babraham Road, Stapleford. They congratulated those officers involved with the Stapleford matter.

11. 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 12.15 p.m.
