

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 3 November 2010 at 2.00 p.m.

PRESENT: Councillor Pippa Corney – Chairman
Councillor Robert Turner – Vice-Chairman

Councillors:	Val Barrett	Trisha Bear
	Brian Burling	Lynda Harford
	Sally Hatton	Sebastian Kindersley
	Mervyn Loynes	David McCraith
	Charles Nightingale	Deborah Roberts
	Hazel Smith	John F Williams
	Nick Wright	

Officers in attendance for all or part of the meeting:

Nigel Blazeby (Development Control Manager), Paul Derry (Senior Planning Assistant), Edward Durrant (Planning Assistant), Gary Duthie (Senior Lawyer), Gareth Jones (Head of Planning), John Koch (Team Leader), Ray McMurray (Principal Planning Officer (East)), Corrie Newell (Principal Conservation Officer), Andrew Phillips (Planning Officer), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer) and Kate Wood (Planning Team Leader (East))

Councillors Tumi Hawkins, Mike Mason, Tony Orgee, Bridget Smith and Peter Topping were in attendance, by invitation.

79. GENERAL DECLARATIONS OF INTEREST

Councillor Sebastian Kindersley declared a personal interest as an elected member of Cambridgeshire County Council.

80. STATEMENT RELATING TO APPLICATION S/0244/10/F - GAMLINGAY

Councillor Nick Wright, speaking in his capacity of Planning Portfolio Holder, referred to an e-mail sent by a Cambridgeshire County Councillor to the eight Conservative members of the Planning Committee and to Councillor Deborah Roberts, an Independent member of the Committee.

Councillor Wright described as wholly unacceptable a request that, in effect, a planning application on the present agenda should be determined on political grounds, rather than solely on the basis of material planning considerations. He said that recipients of the e-mail had been placed in a difficult position as a result. He added that, to the best of his knowledge, South Cambridgeshire District Council's Planning Committee had never acted in a political manner. He said it had always been made very clear to all members of the committee in their training that planning was not a political issue and that all members were free to make their own decisions. He said he would be disregarding the contents of the email.

The Senior Lawyer referred to his e-mail to the Planning Committee, sent on 28 October 2010. By way of emphasis, he read out that e-mail, of which the body of the text read as follows:

“...I have this morning been provided with a copy of an email that requires I advise and remind you as to your duties when considering business before the Planning Committee.

Briefly, the email I have been provided with has been sent to various (but not all) committee members, and urges a vote for a particular outcome in respect of the above application on grounds that are expressly party political and personality based.

Lobbying of this nature is inappropriate and cannot lawfully be given any weight when arriving at your decision in respect of this (or any) planning application. The determination of planning applications can **only** be on the basis of planning policy and material planning considerations as individually assessed by members, and political or personal allegiance is not a relevant factor that can be legitimately considered.

Your duties in this respect are confirmed in the Council's Constitution, at Part M, 'Procedural Guidance for Members and Officers in Planning and Licensing - Supplemental to the Code of Conduct'.

I reproduce below two relevant passages:

Paragraph 2 states that, 'Members of the committee will be free to vote on applications as they consider appropriate (i.e., without a Party 'whip'), deciding them in the light of all the relevant information, evidence and arguments. They will base their decisions on the provisions of the Acts and regulations under which the applications are made and fall to be determined ("the statutory framework").

Paragraph 4 states that, 'In accordance with paragraph 6 of the Code of the Conduct for Members of the Council, a member will not use his or her position as a member improperly to confer or secure for himself or herself, or for any other person, an advantage or disadvantage.'

It will be seen that when sitting as Planning Committee members, councillors are obliged to act apolitically, openly, and fairly in discharging the responsibilities of their role. Apart from the potential individual consequences for any member who departs from these principles such that the Code of Conduct is breached, I should stress that decisions of the Local Planning Authority based on factors other than planning policy and/or material planning considerations will be susceptible to challenge by way of judicial review and it is extremely likely that any such challenge, if successful, will result in the Council being penalised in costs as well as suffering the corporate embarrassment of having to remake the defective decision.

Accordingly, I must advise in the strongest terms that any email (or other representations) you have received urging that this or any other planning application be decided in a manner that serves political or personal allegiance is entirely disregarded...”

The Senior Lawyer addressed the suggestion that Council officers were in the habit of monitoring emails between members and refuted this allegation, saying that there was no routine monitoring of emails by officers. He added that a concerned recipient of the e-mail had forwarded it to officers.

Councillor Deborah Roberts stated unreservedly that she would not be a party to such behaviour, referring to the comments contained in the e-mail from the County Councillor, and stressed that she had a duty to act properly. Upon receiving that e-mail, she had shared it with colleagues in the Independent Group, each of whom had shared her shock and concern. Councillor Roberts stated that the public had to be assured that planning applications would only ever be considered on the merits of each case and strictly on planning grounds.

The Senior Lawyer advised those recipients of the County Councillor's e-mail that, should any of them feel unable to act fairly as a result, specifically in relation to application S/0244/10/F in Gamlingay, then they should withdraw from the Chamber at the appropriate time. For the avoidance of doubt, he told Members that there was no other reason not to participate in the consideration of the Gamlingay item.

Councillor Charles Nightingale, a member of the Planning Committee, recipient of the e-mail and Chairman of the Council said that, as Conservative Group whip, he could confirm that he had never imposed that whip in relation to planning matters.

In conclusion, Councillor Pippa Corney, Chairman of the Planning Committee, reiterated that the Planning Committee was totally non-political.

81. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the minutes of the meeting held on 6 October 2010, subject to an amendment to Minute 68 (S.0920/10/F – Haslingfield), namely that the words “Members agreed the reason for refusal as being that, by virtue of the building's scale, and in the absence of sufficient evidence of its need such as might justify approval under Policy GB/1 of the South Cambridgeshire Local Development Framework 2007 (as well as national guidance), the proposal would represent inappropriate development in the Green Belt” be replaced by the words “Members agreed the reason for refusal as being that the building, by virtue of its scale and appearance would harm the visual amenities of the Green Belt and is subsequently considered to have an unacceptable impact on the Green Belt. Consequently, the development was contrary to Policy GB/2 of the South Cambridgeshire Local Development Framework 2007 and paragraph 3.15 of Planning Policy Guidance 2: Green Belts.”

82. S/0983/10/F- CAMBOURNE (UC 11 UPPER CAMBOURNE)

Darren Blake (for the applicant) addressed the meeting.

The Committee gave officers **delegated powers to approve** the application, as amended by drawings received on 11 and 26 August 2010, subject to completion of a Section 106 Legal Agreement securing financial contributions for purposes that could include, among other things, public art, public open space, community facilities, and education, to the Conditions set out in the report from the Corporate Manager (Planning and New Communities) and, subject to further consideration by officers, to an additional Condition requiring the submission of an appropriate Water Conservation Strategy.

83. S/1247/10/F - COTTENHAM (50 CHURCH LANE)

David Joy (applicant's agent), and David Mudd (Chairman, Cottenham Parish Council) addressed the meeting.

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

Councillor Lynda Harford declared a personal interest as a member of Cottenham Parish Council.

84. S/1404/10/A - DUXFORD (42 STATION ROAD EAST)

Sophie Gregorios-Pippas (applicant) addressed the meeting.

Prior to considering this application, the Committee viewed the site on 3 November 2010. The Committee **approved** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). Members considered that the benefit of the sign indicating where the hotel was outweighed the possible harm to highway safety due to distraction caused to vehicle drivers on the A505.

85. S/0756/10/F & S/0757/10/F - FOXTON (BURLINGTON PRESS 1, STATION ROAD)

Paul Ridgeon (applicant's agent) and Dr Colin Grindley (Foxton Parish Council) addressed the meeting.

The Committee **approved** both applications, subject in each case to the Conditions set out in the report from the Corporate Manager (Planning and New Communities).

86. S/1137/10/F - FULBOURN (LAND OFF COX'S DROVE)

The Committee **approved** the application, subject to the Conditions referred to in the report from the Corporate Manager (Planning and New Communities), and the taking of appropriate tree protection measures in the light of the tree survey arboricultural impact assessment.

87. S/1297/10/F - CROYDON (CROYDON FARM, LOWER ROAD)

The Committee gave officers **delegated powers to approve** the application, subject to the completion of a Section 106 Legal Agreement limiting occupation and use of the proposed holiday lets and requiring from the applicant a contribution towards the cost of the speed limit along Lower Road, and to the Conditions referred to in the report from the Corporate Manager (Planning and New Communities). Should there be no agreement to contribute towards the reduction of the speed limit, officers would present a further report to a future meeting of the Planning Committee.

88. S/0244/10/F - GAMLINGAY (UNIT 3 THE OLD GLOVE FACTORY, CHURCH STREET)

Pat Jenkins (applicant), Andrew Miers (objector), and Councillor Bridget Smith (local member) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 3 November 2010. The Committee **approved** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). Members weighed up the impact of the proposal and potential alternative uses for the Old Glove Factory, and considered that, subject to any traffic concerns being addressed, the community benefits of the proposal outweighed any adverse impact on neighbour amenity and highway safety.

Councillor Nick Wright declared a personal interest as having received an e-mail from Cambridgeshire County Councillor Lister Wilson, which asked him, and other members of the Committee, to determine this application in a way inconsistent with the non-political nature of the Planning Committee. Councillor Wright made it clear that he

would disregard that e-mail when determining the application.

89. S/1460/10/F - HISTON (ETHELDRED HOUSE, CLAY STREET)

Jeremy Randall (applicant's agent) and Councillor Mason (a local Member) addressed the meeting.

The Committee **approved** the application, subject to the Conditions set out in the report from the Corporate Manager (Planning and New Communities), Condition 9 being amended so as to delete "The building, hereby permitted, shall not be occupied until..." and replace it with "Prior to development commencing..." and Condition 11 being amended so as to add "Prior to development commencing..." before "Details of the location..."

90. S/1415/10/F - SHEPRETH (21 MELDRETH ROAD)

Jenny Ravenhill (Shepreth Parish Council Chairman) and Councillor Soond (local member) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 3 November 2010. The Committee **refused** the application contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). Members considered that the cramped nature of the development would have a significant adverse impact on the street scene and on the neighbouring property at 21a Meldreth Road. Members expressed concern at the proposed removal of an existing hedge and stated that, subject to support from the Local Highways Authority, highway safety should also be cited as a reason for refusal.

91. S/1101/10/F - PAPWORTH EVERARD (LAND WEST OF ERMINE STREET SOUTH)

Patrick McCarthy (for the applicant) and Paul Hicks (Chairman, Papworth Everard Parish Council) addressed the meeting.

The Committee gave officers **delegated powers to approve** the application, subject to no new material considerations being raised through the amendment consultation period and subject to the conditions set out in the report and updates from the Corporate Manager (Planning and New Communities).

92. S/1106/10/F - GREAT ABINGTON (BARN ADJACENT 44 NORTH ROAD)

Maria de Ville Rogers (applicant) and Councillor Tony Orgee (local member) addressed the meeting.

The Committee **approved** the application contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities), subject to the imposition of appropriate Conditions. Members were satisfied that the property had been marketed adequately, and that there was no reason for delaying the proposal further.

93. S/1304/10/F - LANDBEACH (56 HIGH STREET)

The Committee **approved** the application, subject to the Conditions set out, and the informatives referred to, in the report from the Corporate Manager (Planning and New Communities).

94. S/1679/09/F - THRILOW (LAND TO THE SOUTH-WEST OF 8 WOBURN MEWS & 54 WOBURN PLACE)

A representative from Saunders Boston (applicant's agent), Derek Pinner (Thriplow Parish Council) and Councillor Peter Topping (local Member) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 3 November 2010. The Committee **refused** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). Members agreed the reason for refusal as being concern at the cramped nature of the proposal due to the bulk of the dwellings, the resultant loss of an important green open space and, in the absence of any evidence to the contrary, potential noise from the A505.

95. S/1151/10/F - BOURN (ROCKERY FARM, BROADWAY)

Graham Smith (Chairman, Bourn Parish Council) addressed the meeting.

The Committee **approved** the application as a Departure to Policy HG/5 of the South Cambridgeshire Local Development Framework 2007, as amended by plans CW.02A, CW.03A, CW.04A, CW.06A and CW.07A date stamped 7 September 2010, subject to the Conditions set out in the report from the Corporate Manager (Planning and New Communities) (Condition 10 being amended to begin "No development shall begin until details of a scheme for the provision and future maintenance of the open space area...") and to the Condition set out in the update report from the Corporate Manager (Planning and New Communities).

96. S/0816/10/F & S/0817/10/LB - KINGSTON (THE OLD RECTORY, RECTORY LANE)

Charmain Hawkins (applicant's agent) and Councillor Tumi Hawkins (local Member) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 3 November 2010. The Committee **deferred** the application for three months to give officers and the applicant more time to consider the response from English Heritage.

Councillor Lynda Harford declared a personal and prejudicial interest because the applicant is her employer. Councillor Harford withdrew from the Chamber, took no part in the debate and did not vote.

97. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

98. CAMBOURNE DRAINAGE UPDATE

The Committee received a report summarising the drainage situation as at 26 October 2010.

Neville Stebbing (MCA) addressed the meeting, detailing substantial progress in implementing the Action Plan drawn up to identify the causes of flooding incidents. Members considered a number of issues.

Councillor Sebastian Kindersley said that it was clear that the standard of workmanship so

far had not been as high as it should have been. Mr Stebbings set out the steps being taken to address this issue, but suggested that poor workmanship was simply one aspect of a series of events that had conspired to cause the overall problem. Inspection would be better in future, and the ultimate success of the measures now being taken would become clear when the drainage system was presented for adoption by Anglian Water.

Councillor Nick Wright highlighted the importance of inspecting tertiary drainage as well. Mr Stebbings was unable to estimate how long it would take to inspect the system down to this level of detail.

The Meeting ended at 6.40 p.m.
