

## **Minutes**

### **1 August 2012**

Margaret MacQueen (agent for the objector to the Tree Preservation Order), Adrian Penrose (Supporter), Mr Timbrell (Little Gransden Parish Council) and Councillor Bridget Smith (a local Member) addressed the meeting.

Members visited the site on 31 July 2012. The Committee **deferred** the determination of this application until the meeting on 5 September 2012 in order to allow Committee members to be fully appraised of the technical evidence available to South Cambridgeshire District Council, and to enable the commissioning of an Independent Structural Engineer to assess the cause of the issues being encountered by 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.

### **5 September 2012**

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In response to a Member's question, the Senior Lawyer said that, had Councillor Roberts not withdrawn from the Committee for this item, the Committee would not have been able to make any decision as to whether or not to confirm the Tree Preservation Order.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 determinine 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.