

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Development and Conservation Control Committee held on
Wednesday, 5 October 2005 at 10.00 a.m.

PRESENT: Councillor Dr JPR Orme – Chairman
Councillor NIC Wright – Vice-Chairman

Councillors:	Dr DR Bard	RE Barrett
	JD Batchelor	RF Bryant
	Mrs PS Corney	SM Edwards
	R Hall	Mrs SA Hatton
	Mrs JM Healey	Mrs CA Hunt
	SGM Kindersley	RB Martlew
	Mrs JA Muncey	Mrs CAED Murfitt
	CR Nightingale	R Page
	EJ Pateman	A Riley
	Mrs DP Roberts	NJ Scarr
	Mrs HM Smith	JH Stewart
	JF Williams	Dr JR Williamson
	SS Ziaian-Gillan	

Councillors SJ Agnew, NN Cathcart and Dr SA Harangozo were in attendance, by invitation.

Apologies for absence were received from Councillor Mrs J Dixon, Mrs A Elsby, Mrs DSK Spink MBE and RJ Turner.

1. MINUTES

The Committee authorised the Chairman to sign, as correct records, the Minutes of the meetings held on 13 May 2005, 3 August 2005 and 7 September 2005.

2. MEMBERSHIP OF COMMITTEE

Members noted that Councillors Mrs EM Heazell and D Morgan had both resigned from the Committee due to other commitments.

3. S/1528/05/F - SAWSTON

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein.

4. S/1800/04/F AND S/2054/04/LB - SAWSTON

Members discussed, and received legal clarification of, a range of procedural issues relating to the consideration of this application.

Councillor Mrs JM Healey (Conservation, Sustainability and Community Planning Portfolio Holder) expressed disquiet at the requirement for Members to leave the Chamber on this occasion. She argued that the Conservation Advisory Group had simply been consulted about this application, and possessed no decision-making powers.

Councillor Mrs SA Hatton expressed her sympathy for those Members who had been prevented, through alleged prior determination, from taking part in the debate despite being "sufficiently able and honourable to put aside their prior consideration of the

conservation aspects” of the application, and equally able to limit themselves to “the planning issues, all the planning issues, and nothing but the planning issues”. She deplored “yet another example” of the apparent determination of Parliament and the courts to keep the control of local government out of democratically-elected hands.

Councillor SM Edwards pointed out the the Development and Conservation Control Committee had already made a decision previously and that, in effect, all those Committee members who had voted at the April meeting and who were currently in the Chamber, should declare their predetermination. In fact, this was not in issue, and thus underlined what Councillor Edwards referred to as the “ridiculous” nature of the argument.

The following Members were present for the entirety of this debate namely Councillors Dr Bard, Barrett, Batchelor, Bryant, Mrs Corney, Edwards, Mrs Hatton, Mrs Hunt, Martlew, Mrs Muncey, Mrs Murfitt, Nightingale, Pateman, Riley, Mrs Roberts, Scarr, Mrs H Smith, Williams, Dr Williamson and Ziaian-Gillan. Councillor Kindersley was present at the beginning of the debate, but left the Chamber on other Council business prior to the vote. Councillor Page entered the Chamber during the course of the debate, but did not contribute to it, did not vote, and was not present at the Conservation Advisory Group meeting on 8th December 2004. Although Councillor Mrs Roberts was listed as having been present at the said Conservation Advisory Group meeting, she was there by invitation for an earlier item and had left the meeting by the time Members discussed Sawston Hall. Having sought clarification from the Head of Legal Services, Councillor Mrs CA Hunt declared that she had arrived late for the Conservation Advisory Group meeting on 8th December 2004, and had not been present when members there had discussed Sawston Hall. Councillor RF Bryant attended the Conservation Advisory Group meeting by invitation, and did not contribute to the debate. Councillor Dr DR Bard was a member of Sawston Parish Council, which had considered this application on 14th September 2004. He produced to the Head of Legal Services a copy of the Minutes of that meeting which stated that he, as well as the other local Members (Councillor Mrs Hatton and Councillor Ziaian-Gillan) had not contributed to the debate or voted.

Councillors R Hall (who attended the Conservation Advisory Group site visit to Sawston Hall on 7th December 2004 though not a member of the Group at that time), Mrs JM Healey, Dr JPR Orme and NIC Wright declared alleged predetermination, withdrew from the Chamber, took no part in the debate and did not vote. Councillor JH Stewart was not a member of the Conservation Advisory Group on 8th December 2004, but withdrew from the Chamber, took no part in the debate and did not vote.

At the nomination of Councillor SGM Kindersley, seconded by Councillor RE Barrett, the Committee

RESOLVED That Councillor Mrs CAED Murfitt be elected Chairman of the meeting for the remainder of this item.

Councillor Mrs CAED Murfitt took the Chair.

At the nomination of Councillor Dr J Williamson, and with general support, the Committee

RESOLVED That Councillor JD Batchelor be appointed Vice-Chairman of the meeting for the remainder of this item.

The Committee considered afresh the application relating to the restoration, refurbishment and Change of Use of Sawston Hall to Hotel; and of the Coach House to Hotel accommodation, and associated works.

The Council had received notice of an application for Judicial Review of the decision of the Development and Conservation Control Committee dated 6th April 2005. The grounds relied upon bias, unreasonable rejection of highways objections, and the lack of evidence of justification for the decision.

The Head of Legal Services had advised that the allegation of bias presented the Council with a real problem. Whilst he was not in post at the time of the original decision, he had been informed that those Members of the Conservation Advisory Group attending the 6th April Development and Conservation Control Committee had not declared their alleged pre-determination, took part in the discussion and voted thereon.

The report from the Director of Development Services summarised the legal issues and, in particular, the House of Lords' decision in the leading cases of *Porter v Magill* and *Weeks v Magill*, the leading cases in this respect.

Members had each received and considered the letter from Messrs. Hewitsons, Solicitors, dated 30th September 2005, sent on behalf of an objector.

It was considered that the application posed no serious threat to the fabric of Sawston Hall, or to its setting or character. Proposed demolition of certain elements was justified because the buildings in question were not deemed worthy of retention. One of the main issues raised in opposition to the application had been that of traffic safety. Whilst Members considered the scheme satisfactory with the existing 30mph speed limit along Church Lane, it was suggested that the Local Highways Authority be asked to extend the 20mph speed limit zone to beyond the access to Sawston Hall.

Members had seen for themselves some of the dilapidation on site. This in itself would seem to justify some kind of renovation. Any use of the site would be better than allowing it to deteriorate, so long as it served to enhance the listed building. Vehicular access was deemed suitable, and the potential employment opportunities at all levels were to be greatly welcomed. It was considered that the implications for existing local businesses were minimal, and that the proposal should be seen instead as providing a challenge that would be to the benefit of the community and local businesses.

Councillor Kindersley left the Chamber at this stage.

Councillor Dr Bard noted that visibility splays and the width of Church Lane were limited, but served as safety features. A language school had operated from Sawston Hall for some 20 years without any apparent problems, despite it generating a significant number of pedestrian movements. Church Lane was too narrow for there to be provided a separate footpath. Councillor Bard considered that a number of unsympathetic extensions had been added to the Hall in the past, the design of which was more utilitarian than that currently proposed. He concluded by pointing out that, marketing during the past three years had failed to identify an appropriate alternative use for this Grade 1 Listed Building.

A Member raised the following concerns, namely:

- The impact of Green Belt policies contained in the South Cambridgeshire Local Plan 2004
- The Green Travel Plan
- Viability of the Business Plan
- Implications were the venture to fail

Members noted the significance of Sawston Hall to the History of England.

Having visited the site on 4th April 2005, upon the recommendation of Councillor Mrs DP Roberts, seconded by Councillor Mrs SA Hatton, and by 19 votes to one, the Committee was **MINDED TO APPROVE** the application and to reaffirm its decision made on 6th April 2005 namely that it was Minded to Approve the application subject to the proposal being referred to the Secretary of State and not being called in by him for determination, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to in the report presented to that meeting other than Condition 6 under paragraph 112 (to be deleted), with Condition 11 under paragraph 112 being expanded to require also details of any alternative cleansing tank to be agreed, and an additional Condition requiring the agreement of the precise position of the crèche/laundry building, service trenches and the structural grass road providing access to the pool and treatment rooms and the prior signing of a Section 106 Agreement to ensure the whole site only operates as a single planning unit. Whilst mindful of the Local Highway Authority's latest comments, Members, having visited the site, considered that the proposal was acceptable having regard to the following matters: the proposal involved an appropriate use for, and without harm to, this important site/listed building; highway matters were carefully considered at the time of Committee's site visit; the use would enable a degree of public access to the site; the use would provide local employment; a modest amount of new and well-conceived build was proposed; the proposal involved a number of sustainable features; the removal of the restaurant attached to the Coach House and the link between the Hall and the Coach House would enhance the setting of the listed building; and, by not involving alterations to the listed gate piers, frontage walls or Church Lane itself, the scheme preserved the character and appearance of the Conservation Area and the character and setting of the Hall, gate piers and St Mary's Church.

Additionally, the Committee cited as reasons for approval, the positive implications for the listed building, and the opportunities posed by addressing the highways issues, sustainability matters, and commercial viability. They considered the extent of new build development proposed to be appropriate having regard to the comments of HLL Humberts Leisure and Peters Elworthy & Moore. They also resolved that the planning permission should be subject to a further Condition relating to a Green Travel to Work Plan for staff.

For the avoidance of any doubt, the applications would again be referred to the Secretary of State

Councillor Dr JPR Orme returned to the Chamber and took the Chair following the conclusion of the debate and taking of the vote. He noted that Charmain Hawkins, the Historic Buildings Officer, was leaving the Council, and he conveyed to her the Committee's good wishes for the future.

5. S/1000/05/F - SWAVESEY

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein and to the withdrawal of Permitted Development Rights in respect of the construction of vehicular access to Gibraltar Lane.

6. S/1499/05/F - GREAT ABINGTON

DEFERRED for one month to give the Parish Council an opportunity to provide evidence of actual flood incidents referred to in paragraph 17 of the report.

Councillor NIC Wright took the Chair for this item. Councillor Dr JPR Orme (local Member) remained in the room, contributed to the debate, and voted.

7. S/1377/05/F - PAMPISFORD

DELEGATED APPROVAL as amended by drawings date stamped 4th October 2005 for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein, and to the satisfactory conclusion of negotiations between officers and the agent in connection with the access arrangements in light of the Local Highway Authority's comments on the application.

Councillor NIC Wright took the Chair for this item. Councillor Dr JPR Orme (local Member) remained in the room, contributed to the debate, and voted.

8. S/1133/05/RM - STEEPLE MORDEN

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein and to outstanding drainage issues being addressed satisfactorily.

Mr S Travers-Healy of Steeple Morden Parish Council addressed the meeting.

9. S/1013/05/0 - GREAT SHELFORD

REFUSED contrary to the recommendation contained in the report from the Director of Development Services, for reasons of the length and position of the access and the resultant loss of trees along the boundary with properties in Hinton Way detracting from the character of the area and the use of the access by residents of and visitors to the proposed dwelling resulting in an unacceptable level of noise and disturbance to the occupiers of neighbouring properties, and the occupiers of No.2 Mingle Lane in particular. Members had visited the site on 3rd October 2005.

Councillor CR Nightingale declared a prejudicial interest as owner of the property, withdrew from the Chamber, did not contribute to the debate and did not vote.

Councillor Mrs DP Roberts declared a prejudicial interest and withdrew from the Chamber, did not contribute to the debate and did not vote. As the Council's representative on the Local Government Association, Councillor Mrs Roberts leaves her car outside the property before catching the train to London.

Councillors Dr DR Bard, R Hall and R Martlew did not attend the site visit, and did not vote.

10. S/2283/04/F - GREAT SHELFORD

APPROVAL, as amended by drawing nos. 4.563F and 4.564D date stamped 19th September 2005 and drawing nos. 4.576E and 4.578E date stamped 22nd September 2005, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein.

11. S/1529/05/F - GREAT SHELFORD

APPROVAL as clarified by letters dated 5th and 8th September 2005 and amended by letter dated 14th September 2005, for the reasons set out in the report from the Director of Development Services

12. S/1560/05/F - WATERBEACH

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein.

13. .S/1451/05/F - WILLINGHAM

APPROVAL contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members took the view that a flood risk assessment was not required and that there was sufficient parking and turning on site to avoid a need to widen the access bridge.

Councillor Dr DR Bard did not attend the site visit and did not vote.

14. S/1600/05/F - SHUDY CAMPS

DELEGATED APPROVAL/REFUSAL, Approval if the proposed finished floor level of the dwelling and the roof pitch are lowered to the satisfaction of the Local Planning Authority and provided the Trees and Landscape Officer has no objections and, failing that, Refusal.

Councillors Dr DR Bard and NJ Scarr did not vote.

15. S/1415/05/F - BAR HILL

APPROVAL contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members felt that the window in the side elevation of the proposed extension was not intrusive and that there was no conflict with Policy HG12 of the South Cambridgeshire Local Plan 2004.

Councillor Dr DR Bard did not attend the site visit, and did not vote.

16. S/1588/05/F - BARTON

APPROVAL contrary to the recommendation contained in the report from the Director of Development Services. Members felt that there would be no adverse impact on the character of the Conservation Area. Relocation of the panels to the rear of the cottage would not reduce their visual impact, as they would then be clearly visible from an adjacent public footpath. Additionally, the panels needed to be south facing and close to the water tank for maximum efficiency. The Committee deemed it important to support such a contribution to renewable energy, subject to agreement being reached on the panels' colour.

17. S/1630/05/F - LITLINGTON

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein.

18. S/6309/05/F - CAMBOURNE

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Condition referred to therein.

19. S/6286/05/RM - CAMBOURNE

APPROVAL of Reserved Matters, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein.

20. S/1520/05/F - COMBERTON

REFUSED contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members considered that the siting, bulk and extent across the site conflicted with Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE4, SE9 and HG10 of the South Cambridgeshire Local Plan 2004 and adversely affected the amenities of the adjoining property to the north.

Councillor Dr DR Bard did not attend the site visit and did not vote.

Dr Howard Roscoe, a member of Comberton Parish Council, addressed the meeting.

21. S/1612/05/F - COTTENHAM

REFUSED for the reasons set out in the report from the Director of Development Services, and for the additional reasons of the narrowness of the access and adverse impact on the Conservation Area.

22. S/1610/05/F - FULBOURN

The Committee was **MINDED TO APPROVE** the application, contrary to the recommendation contained in the report from the Director of Development Services, subject to it being advertised as a departure from the Development Plan, referred to the Secretary of State, and called in for determination by him. Members considered that, in view of the special circumstances of the case, service to the community, need to preserve customer base, sustainability, employment opportunities, and removal of an existing building, the proposal should not be viewed as inappropriate development in the Green Belt. Accordingly, they deemed there to be no conflict with Policies P1/2, P2/6 and P9/2a of the Cambridgeshire and Peterborough Structure Plan 2003, or Policies GB2 and GB3 of the South Cambridgeshire Local Plan 2004.

23. S/1626/05/0 - FULBOURN

REFUSED for the reasons set out in the report from the Director of Development Services.

24. S/0691/03/RM - GIRTON

RESOLVED that South Cambridgeshire District Council raises no objections to the plan for the open space at the south eastern end of the site but that further negotiations, to include the Drainage Manager and local Members, be conducted to finalise an acceptable Management Plan.

RESOLVED to authorise officers to serve Breach of Condition Notices in respect of Conditions 9, 14 (not 13 as in the report) and 15 of Planning Consent S/0691/03/RM should more than 50 dwellings be occupied.

25. S/1573/05/0 - MILTON

APPROVAL, as amended by letter dated 8th September 2005 and plan H4321 date stamped 9th September 2005, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein.

Councillor Dr DR Bard did not attend the site visit and did not vote.

26. S/1622/05/F - WIMPOLE

REFUSED for the reasons set out in the report from the Director of Development Services.

Councillor SGM Kindersley informed Members that he was County Councillor for the Electoral Division of Gamlingay, which covered the Parish of Wimpole.

Mr Richard Hoole, Chairman of Wimpole Parish Council, addressed the meeting.

27. S/1539/05/F - CROYDON

REFUSED for the reason set out in the report from the Director of Development Services.

Councillor Dr DR Bard did not attend the site visit and did not vote.

28. S/1273/05/F - GAMLINGAY

DEFERRED for further information.

29. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **NOTED** the following from the report prepared by the Director of Development Services:

- Decisions notified by the Secretary of State
- Summaries of recent decisions of interest

In connection with the appeal allowed at Golden Gables, Fulbourn, Councillor SGM Kindersley expressed disappointment at the outcome, especially in view of the value for money estimate that the Council had given in relation to repairing the structure.

- Appeals received
- Local Inquiry and Informal Hearing dates scheduled before the next meeting on 2nd November 2005
- Advance notification of Local Inquiry and Informal Hearing dates (subject to postponement or cancellation)

Members noted that no appeals had been withdrawn or postponed since the last meeting.

On behalf of the Committee, the Chairman conveyed Members' appreciation of the professionalism and dedication of the Appeals team.

30. ENFORCEMENT ACTION - INDEX AND DETAILED REPORTS

Members **NOTED** the Enforcement Action Progress Report dated 5th October 2005.

On behalf of the Committee, the Chairman conveyed Members' appreciation of the professionalism and dedication of the Enforcement team. He noted that Shelley Bidwell, one of the Assistant Enforcement Officers, was leaving the Council, and he conveyed to her the Committee's good wishes for the future.

31. TREE PRESERVATION ORDER - FULBOURN

The Committee considered a report seeking its authority to make and serve a Tree Preservation Order in respect of land at 35 Pierce Lane, Fulbourn.

RESOLVED that the Committee authorise officers to make and serve a Tree Preservation Order in respect of a horse chestnut tree at 35 Pierce Lane, Fulbourn and, subject to there being no formal objection, which is not withdrawn and which therefore triggers a site visit, to confirm the Order in due course.

The Meeting ended at 4.10 p.m.
