

PLANNING COMMITTEE MINUTES

Minutes of a Meeting held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday 5 January 2011 at 2:00pm.

PRESENT

Councillor Philip Read (Chairman)
Councillor John Abbott
Councillor Derrick Beckett
Councillor David Brown
Councillor Christine Bryant
Councillor Anthea Davidson
Councillor Lavinia Edwards
Councillor Jeremy Friend-Smith
Councillor Peter Moakes
Councillor James Palmer
Councillor Jackie Petts
Councillor Gareth Wilson

OFFICERS

Sarah Burns - Senior Legal Assistant
Alan Dover - Principal Development Control Officer
Penny Mills – Planning Officer
Adrian Scaites-Stokes – Democratic Services Officer

ALSO IN ATTENDANCE

2 members of the public

51. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillor Mike Rouse.
There were no substitutions for this meeting.

52. **DECLARATIONS OF INTEREST**

Councillor Derrick Beckett declared a prejudicial interest in agenda item no. 5
and stated that he wished to speak on that item.

53. **MINUTES**

It was resolved:

That the minutes of the meeting held on 1 December 2010 be confirmed
as a correct record and be signed by the Chairman.

54. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the Committee that he had attended a meeting that had discussed the issue of pre-determination and the right of groups to make pre-applications. One observation that was made was that groups could make applications but only if it conformed with local policy and core strategy.

55. **10/00170/FUL – 8 EAST FEN ROAD, ISLEHAM**

The Planning Officer, Penny Mills, presented a report to the Planning Committee, (K220) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies.

The Planning Officer advised the Committee that under Condition 4 the words "driveway, turning and parking areas and all hard boundaries" should be included after the words "These details shall include: " The Committee were reminded that a decision on this application had been deferred to await an Appeal decision. The Appeal had been decided and the proposed design had been changed following that decision. Essentially it was the same proposal as the previous one applied for in May and overall the same scale as before. The key issues now included the Inspector's decision as a material consideration.

The Planning Inspector had decided that, with regard to the application which had gone to appeal, there was not a common building line, there was a lot of development behind neighbouring properties, the design was of a high quality, the scale and massing were sympathetic and it would be in accordance with relevant policies and strategies. Given the Inspector's decision and that the new design overcame the neighbours concerns, this application was recommended for approval.

Councillor Derrick Beckett expressed concern on how the applications had been dealt with. This application was similar to the one decided by the Inspector, so should be dealt with sympathetically.

Councillor Derrick Beckett left the meeting at this point.

Councillor David Brown queried whether a condition could be included relating to protecting the landscaping for five years. The Planning Officer reminded the Committee that such a condition was not usually applied to a single dwelling, though the Committee could add it. The Principal Development Control Officer questioned whether such a condition, if applied, could be enforced for a single dwelling.

Councillor John Abbott asked how the Appeal decision on the previous application would be affected if the application before the Committee was approved. In response the Committee were informed that both applications would be valid. Given the Inspector's decision it would be unreasonable not to approve this application, so a proposal was made and seconded to approve the application including the additional wording to Condition 4.

It was resolved:

That planning application reference 10/00171/FUL be approved subject to the conditions as set out in the officer's report, including the amended Condition 4.

Councillor Derrick Beckett returned to the meeting at this point.

56. **PROCEDURE FOR PRE-APPLICATION DISCUSSIONS**

The Principal Development Control Officer, Alan Dover, presented a report to the Planning Committee, (K221) previously circulated, which gave suggested guidance and an established procedure for discussions between potential applicants and the Council prior to submission of planning applications.

The Principal Development Control Officer tabled a revised Protocol for Pre-Application Discussion. The Committee was advised about the revisions to the Protocol submitted within the report.

The Committee was advised that the Council was entering a new realm with pre-application discussions. It was therefore important to have a protocol, which could be followed to prevent pre-determination of Members or the Council. Various statements had been made relating to the Localism Bill, therefore the Protocol should be reviewed after six months to allow the Localism Bill to go through Parliament. Developers would find the Protocol useful, as it would allow the Council to give them a good indication of what would be required from them. The revised Protocol was recommended for approval.

Councillor James Palmer was uncomfortable with the last bullet point of the revised Protocol. If a Member felt strongly about any application, they should be able to be involved with discussions even if they had a pre-determined view. He agreed that this would affect the decision making on that application, but Members should still be able to partake in the discussions. Where Members had a pre-determined view they are told they cannot speak. The discussions part was where the problem lay.

Councillor Anthea Davidson also thought Members should be allowed to participate but could see why they should not vote on the application. The last bullet point did not state that Members could not take part in the discussions.

The Protocol was intended to streamline applications. It would be a way of encouraging a competent application. This would only be the first part of the process. Members could put forward their concerns as part of the pre-application discussions.

Councillor Peter Moakes thought that the Protocol only related to the pre-application stage, so a decision on the application would not arise. The Protocol was about bringing forward data to help the decision making process. Members may form a view at the pre-application discussions.

Councillor Derrick Beckett thought the last bullet point should be re-worded so that Members should withdraw from a voting at a meeting where the decision was made. Several Councillors concurred with this view.

The Principal Development Control Officer stated that the last bullet point had been worded in such a way that Members would still be entitled to express their views at Planning Committee. The pre-application discussions were intended to be an enquiry meeting and not be confrontational. So this would not deter developers from engaging with the Council. Perhaps officers could reconsider the wording on this bullet point and bring it back to the Planning Committee. He pointed out that the Protocol would not overrule the Council's Constitution.

It was proposed that the revised Protocol, excluding the last bullet point, be approved and this, after being seconded, was agreed.

It was resolved:

That the revised Protocol for Pre-Application Discussion, excluding the last bullet point, be agreed.

57. **UPDATE ON PLANNING SECTION 106 CONTRIBUTIONS**

The Principal Development Control Officer, Alan Dover, presented a report to the Planning Committee, (K222) previously circulated, which updated the Committee on planning Section 106 (S106) contributions for 2010.

The Principal Development Control Officer advised the Committee that the indicative sums for 2010 were shown. The sums related to community infrastructure, open space and commuted sums. The Section 106 contributions were reasonable, so the developers had signed up to them.

It was resolved:

That the information contained within the report be noted.

The meeting finished at 2:59pm.