

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

8 JULY 2020

Present:

Councillor Juliet Layton	-	Chair
Councillor Ray Brassington	-	Vice-Chair

Councillors -

Patrick Coleman	Richard Keeling
Stephen Hirst	Dilys Neill
Nikki Ind	Gary Selwyn
Sue Jepson	Clive Webster
Julia Judd	

Observers:

Richard Morgan	Steve Trotter
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PL.12 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor Hirst declared an interest in respect of application 19/04221/FUL, as he had been in discussions with the Parish Council regarding the application in his capacity as a County Council Member. Councillor Hirst left the virtual Meeting while the item was being discussed.

Councillor Neill declared an interest in respect of application 20/00656/FUL, as she was related to the Applicant. Councillor Neill left the virtual Meeting while the item was being discussed.

Councillor Webster declared an interest in respect of application 20/00656/FUL, as he socialised with the Applicant and their family. Councillor Webster left the virtual Meeting while the item was being discussed.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.13 SUBSTITUTION ARRANGEMENTS

No substitutions arrangements were put in place for this Meeting.

PL.14 MINUTES

RESOLVED that, subject to the amendment of the Record of Voting in relation to application 19/0646/FUL to read 'for 9, against 1, abstentions 0,

interest declared 1, absent 0', the Minutes of the Meeting of the Committee of 10 June 2020 be approved as a correct record.

Record of Voting - for 8, against 0, abstentions 1, absent 0.

PL.15 CHAIR'S ANNOUNCEMENTS

There were no announcements from the Chair.

PL.16 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.17 MEMBER QUESTIONS

No questions had been received from Members.

PL.18 PETITIONS

No petitions had been received.

PL.19 APPEAL AT SCRAP HAULAGE YARD GILDERS, FOSSEWAY, LOWER SLAUGHTER

The Senior Case Officer introduced the report and explained that an appeal had been submitted against the Council's decision to refuse planning permission for an electric car charging service station (18/01681/FUL) at Scrap Haulage Yard Gilders, Fosseway, Lower Slaughter and that the refusal reason relied solely upon the recommendation of the Highway Authority. He added that the Highway Authority had now informed the Council that it was not prepared to defend its recommendation at the appeal and that consequently, the purpose of the report was to seek a decision from Committee as to whether Members wished Officers to pursue the appeal or to withdraw from it.

The Ward Member was invited by the Chair to address the Committee. In doing so, he explained that as there were no public speakers, he represented the concerns of four parish councils and in excess of 60 residents who had lodged objections to the application. The Ward Member explained that when the application had been presented to the Committee in November 2019, he considered, despite the 'green' elements, that the proposal was too big and in the wrong location and this had been supported by the Committee for the Officer's recommendation of refusal. He added that as the Highway Authority had previously recommended refusal given that they did not consider that there was a need for a charging station of this scale or in this location, why a decision taken on 11 June 2020 by Highway Officers had reversed this recommendation and who would now not support the Council. The Ward Member continued that the Minutes of the November 2019 Committee Meeting stated that the proposals for 102 charging points would result in the largest development of its type in the country and equate to 10% of the current national requirement. In addition, the Minutes also stated that there was an absence of cycling and walking routes along the A429; there had been no proposals to reroute existing bus services to the site; a development of this type and scale would fall to be considered as strategic infrastructure and the provision of such a large-scale development as this should, in his view, be strategy-led and based on evidence. The Ward

Member concluded that he considered no matters had changed in regard to the application and that the proposal was too large and in the wrong location and added that, should Members insist that Officers pursue the appeal or withdraw the application, then the Council would be reliant on the judgement of the appointed Inspector.

In response to various questions from Members, Officers reported that there had been no change to the number of parking spaces which was 96 plus six disabled spaces resulting in 102 spaces in total; if the Council decided to continue with an appeal, the Council would be required to appoint a highways consultant to defend its position; the Committee's previous refusal reasons in November 2019 had been based solely on the Highway Officer recommendations at that time and therefore the vulnerability of the Council of not being able to provide a technical response to its decision would, in the view of Officers, give weight to the appellant's case; the concerns raised by parish councils and local residents as submitted during the application process would be taken into account by the appeal Inspector in reaching his/her conclusions; the Council would be required to fund the running of any Public Inquiry and any legal representation it wished to obtain; the decision as to whether a Public Inquiry or an Informal Hearing would take place would be dependent upon the Planning Inspectorate's decision but that all parties would need to agree to a change in appeal process; it was considered that the Council did not have sufficient technical expertise internally to be able to defend the Council's position without the use of professional external experts; the proposal for the site would not see an increase in HGV use at the site or at the access junction and the relevant policies in relation to strategic infrastructure regarding electric vehicle charging points were contained with Policy INF 10 of the Local Plan.

A Proposition, in favour of supporting the Officer's recommendation, subject to the replacement of the wording 'Head of Paid Service' by 'Interim Chief Executive' was duly Seconded.

A Member commented that he considered a centralised national policy would prevent such isolated applications being presented in the future.

Another Member commented that she supported the Proposition and that she considered the site would benefit from being located closer to the village.

RESOLVED that delegated authority be given to the Interim Chief Executive to notify the Planning Inspectorate that the Council will not be defending the refusal reason at appeal.

Record of Voting - for 7, against 4, abstentions 0, absent 0.

PL.20 SCHEDULE OF APPLICATIONS

It was noted that the details of the policies referred to in the compilation of the Schedule did not comprise a comprehensive list of the policies taken into account in the preparation of the reports.

RESOLVED that:

- a) **where on this Schedule of Applications, development proposals in Conservation Areas and/or affecting Listed Buildings have been**

advertised - (in accordance with Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1977) - but the period of the advertisement has not expired by the date of the Meeting then, if no further written representations raising new issues are received by the date of expiration of the advertisement, those applications shall be determined in accordance with the views of the Committee;

- b) where on this Schedule of Applications, the consultation period in respect of any proposals has not expired by the date of the Meeting then, if no further written representations raising new issues are received by the date of expiration of the consultation period, those applications shall be determined in accordance with the views of the Committee;**
- c) the applications in the Schedule be dealt with in accordance with the following resolutions:-**

19/02005/FUL

Erection of dwelling house and associated ancillary development (revised scheme) at Land to the Rear of Albion Street, Albion Street, Stratton, Cirencester -

The Case Officer drew attention to additional information including information including the full response of the conservation officer and a drawing of the appeal proposal showing its height and then displayed a site map and plan, floor layouts and sketch perspectives and photographs of the site from various vantage points.

The Committee Officer then read out comments on behalf of the Objectors.

The Chair then invited those Members who had undertaken a virtual Sites Inspection Briefing at the site to express their views. Those Members commented that the application seemed well-suited to the site apart from the issue of access, which Highway Officers had raised no objection to. They added that it had been beneficial to see the height markings at the site which had been arranged by the Applicant to determine issues of the relationship to neighbouring properties, overhanging trees and power cables.

The Ward Member, who served on the Committee, was then invited to address the Committee. He explained that the issue of overhead power lines had been researched and that the Applicant was confident that the existing agreement that permitting the cables had expired and therefore if development was agreed for the site, the cables would be re-routed underground. The Ward Member added that the issue of access to the site was historic given there had never been vehicular access to the site as it had previously been an orchard. He continued that the Case Officer had not supported the previous application that the appeal Inspector had allowed and that he considered the application should be refused owing to the issue of access and that the proposed design did not support that of the surrounding area.

In response to various questions from Members, it was reported that no previous issues had been raised regarding the power cables, though the Committee could

condition their installation underground if considered necessary; if approval was not given by the power companies, development could not take place at the site; the distance between overlooking windows was 22 metres and this was considered acceptable by Officers; a fire engine would not be able to access the site, but Officers had consulted the fire service who had confirmed that a condition requiring the installation of a sprinkler system would be acceptable; permitted development rights had been removed as per Condition 18; the proposed roof lights faced directly onto the rear of properties on Albion Street and 4 Stratton Place would be too high to be looked out of and planning permission would be required to convert these to dormer windows; windows facing neighbouring properties would be obscure glazed; and in the view of Highway Officer's comments, a 'Keep Clear' road marking would not be encouraged given the access was for a single residential property.

A Member commented that he considered an informative should be added requesting the Applicant should liaise with the power companies regarding the power cables.

A Proposition that the application be approved, subject to the following amendments, was duly Seconded:-

- (i) the condition in relation to sprinkler systems be amended to ensure the development was constructed in accordance with the details of the Condition;
- (ii) the degree of opaqueness for the glass within the roof lights to be specified in the relevant condition;
- (iii) an Informative Note to be added to highlight the need for resolution regarding the overhead power cables.

A Further Proposition, that the application be refused, was duly Seconded.

The Ward Member was invited to address the Committee again and explained he was disappointed with the intention to approve the application. He added that the application failed to accord with Section D Of the Cotswold Design Code and that whilst the access could be considered acceptable by some, the design should be better suited to the surrounding area.

Approved, as recommended.

Record of Voting - for 7, against 4, abstentions 0, absent 0.

19/04221/FUL

Proposed affordable housing development comprising nine affordable dwellings and five shared ownership dwellings, together with associated access road, landscaping, and parking at Land Parcel at The Sunground, Avening, GL8 8NW -

The Case Officer drew attention to additional information including extra representations received since publication of the Schedule of Planning Applications and then displayed a site plan, block plan, proposed elevations and floor plans, a previously approved layout plan (dated 2014) and photographs of the site from various vantage points.

The Chair then invited the Council's Strategic Housing Manager to address the Committee. She explained that rural exception sites played an important part in addressing rural housing need and that a Housing Needs Survey commissioned had revealed that a number of local people had left Avening as they could not afford to live within the village, but wanted to return. She added that the Council had sold part of the access route to Gloucestershire County Council to enable the site to come forward for development and Officers had subsequently worked closely with the local housing association. The Manager concluded that nine of the homes would be social rented and that the increased delivery of social rented homes was a current key policy of the Council.

The Committee Officer then read comments on behalf of the Parish Council and the Agent.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. The Ward Member explained that the Committee should refuse the application as the development was located within the village conservation area and AONB and was outside of any development boundary; the Council had already met its legal obligation to build the number of required affordable homes across the District; there had been numerous objections from local residents; the photographs presented by the Case Officer did not display the current parking situation at peak times; there was little to no public transport within the village; the site was located next to a playgroup; the Parish Council had previously tentatively supported 11 homes at the site and the proposals would equate to increasing the size of the village by 10% from which the local community would gain no benefit. The Ward Member again urged the Committee to refuse the application to enable a revised scheme to be drawn-up and presented which he considered would give reassurance to the residents of Avening that the Council listened to local residents' concerns.

In response to various questions from Members, it was reported that the site had not been designated by the County Council for allocation, any allocation of land for development was the function of the District Local Plan; the Council considered the application was in line with the Council's Local Plan as an exception site; development at the site was considered suitable in 2014, despite the Local Plan being adopted in the interim there was no material change in policy; the Applicant could claim exemption from CIL but would have to first claim liability; the properties were expected to be built to the highest standards possible; the scheme had been reworked and increased since 2014 and there was no other site for affordable housing within Avening; there were currently six people with a local connection to Avening who had expressed a desire to live at the site but this figure did not account for those with family or historic connections to the village who may also wish to live at the site; in an earlier draft of the Local Plan, Avening had been identified as one of the 17 principal settlements, but had since been ranked 18th out of 31 and was therefore comparable with Down Ampney; Officers were aware of the current level of village facilities; Heritage Officers had sought to achieve a basic, but acceptable Cotswolds vernacular design, mindful of the roof forms and views across the valley; reconstituted stone tiles would be used; Condition wording in relation to fires during construction was standard wording but could be removed if Members considered necessary and 28 parking spaces plus two visitor spaces would be provided on site and this was considered acceptable by Officers.

Various Members commented that they supported the provision of social rented homes recognising the District-wide need for them. Those Members however commented that the application had raised significant concern from residents and the Parish Council and was not supported by facilities within the village and was actively encouraging car use as the main form of travel to and from the site.

Another Member stated that he considered the proposals to be suitable and that they satisfied the requirements of the Local Plan and which would hopefully eradicate many residents' concerns once constructed.

A Proposition, that the application be approved with additional conditions to ensure the provision of electric vehicle charging points and opportunity for broadband connection, was duly Seconded.

The Ward Member was invited to address the Committee again. In doing so, he thanked the Committee for its debate and explained that he was concerned regarding the full transparency of the application and the lack of recognition regarding the shortage of facilities within the village. He concluded that the application did not meet the needs of local residents and therefore a better application should be sought.

Approved, as recommended.

Record of Voting - for 6, against 4, abstentions 0, interest declared 1, absent 0.

20/00761/FUL

Variation of Condition 2 (drawing numbers) of permission 19/02186/FUL (Creation of a car park for a temporary period of 10 years) to enable the creation of soil mounds within the southern part of the site at Cirencester Rugby Football Club, The Whiteway, Cirencester, GL7 2ER -

The Case Officer reminded the Committee of the location of the site and outlined the proposals. The Case Officer then displayed a site boundary plan, car park plan, aerial view, drawing of the mounds and photographs of the site from various vantage points.

In response to various questions from Members it was reported that Condition 2 of the application related to the former condition of the site being reinstated after the end of the 10 years temporary permission; the reason the Applicant had sought to keep the soil on site was to avoid the cost of removing it from the site; the mounds at the site would be part of the Landscape Plan and would be grassed over and no comment had been made by the Ward Member.

No public submissions had been received and the Ward Member was not present at the Meeting.

A Proposition, that the application be approved, was duly Seconded.

Approved, as recommended.

Record of Voting - for 11, against 0, abstentions 0, absent 0.

20/001194/FUL

Retrospective permission for the infilling of a natural hole with spoil from the construction of the car park to the south of the site at Cirencester Rugby Football Club, The Whiteway, Cirencester, GL7 2ER -

The Case Officer reminded the Committee of the location of the site and outlined the proposals. The Case Officer then displayed a site boundary plan, cross sections, an aerial and other photographs of the site from various vantage points. In response to a Member's question, it was reported that a handrail and steps would be installed to retain and improve the safety of an existing pedestrian access.

No public submissions had been received.

A Proposition, that the application be approved, was duly Seconded.

Approved, as recommended.

Record of Voting - for 11, against 0, abstentions 0, absent 0.

20/02403/FUL

Variation of Condition 4 of planning permission 19/02186/FUL (Creation of a car park for a temporary period of 10 years) to allow for the visibility splay lines/distances at the access point to be reduced at Cirencester Rugby Football Club, The Whiteway, Cirencester, GL7 2ER -

The Case Officer drew attention to additional information including extra representations received since publication of the Schedule of Planning Applications and explained that the revised wording as shown on page 6 of the Additional Pages would now supersede that of Condition 3 as published within the Schedule. The Case Officer then displayed a site boundary plan, aerial and other photographs of the site from various vantage points.

No public submissions had been received.

In response to a question from a Member, it was reported that the calculation of visibility displays did not need to meet a specific standard but various thresholds such as volume and accident rate, relating to the local highway characteristics, had to be considered and hence why the Applicant had suggested between 91 and 95 metres - on-street parking adjacent to the site was also considered to be a contributory factor.

A Proposition, that the application be approved, was duly Seconded.

Approved, as recommended.

Record of Voting - for 11, against 0, abstentions 0, absent 0.

20/00656/FUL

Part-retrospective application for construction of single-storey timber frame garden shed at Templis, Broadwell, Moreton-In-Marsh, GL56 0TU -

The Case Officer reminded the Committee of the location of the site and outlined the proposals. The Case Officer then displayed a site plan and aerial and other photographs of the site from various vantage points.

No public submissions had been received. The Ward Member was not present at the Meeting.

A Proposition, that the application be approved, was duly Seconded.

Approved, as recommended.

Record of Voting - for 9, against 0, abstentions 0, interest declared 2, absent 0.

Notes:

(i) Additional Representations

Lists setting out details of additional representations received since the Schedule of planning applications had been prepared were considered in conjunction with the related planning applications.

(ii) Public Submissions

Public submissions were submitted and read to the Committee as follows:-

19/02005/FUL)	Edward Wilkinson/Julian Tucker (Objector)
)	
19/04221/FUL)	Cllr. Tony Slater (on behalf of the Parish Council)
)	Chris Ryder (Agent)

Copies of the representations by the public speakers would be made available on the Council's Website in those instances where copies had been made available to the Council.

PL.21 SITES INSPECTION BRIEFINGS

1. Members for 5 August 2020

It was noted that Councillors Patrick Coleman, Sue Jepson, Juliet Layton, Dilys Neill and Clive Webster would represent the Committee at the virtual Sites Inspection Briefing, if required.

2. Advance Sites Inspection Briefings

There were no advanced Sites Inspection Briefings.

PL.22 LICENSING SUB-COMMITTEES

1. Members for 26 August 2020

It was noted that Councillors Ray Brassington, Patrick Coleman, Sue Jepson, Julia Judd and Clive Webster would represent the Committee at the virtual Licensing Sub-Committee Meeting, if required.

PL.23 OTHER BUSINESS

There was no other business.

The Meeting commenced at 10.00 am, adjourned between 11.05 am and 11.15 am, 1.30 pm and 1.40 pm, and closed at 2.15 pm

Chair

(END)