

COTSWOLD DISTRICT COUNCIL

COUNCIL
(SPECIAL MEETING)

(HELD AT CIRENCESTER BAPTIST CHURCH,
CHESTERTON LANE, CIRENCESTER)

26TH SEPTEMBER 2017

Present:

Councillor Julian Beale - Chairman
Councillor David Fowles - Vice-Chairman

Councillors -

SI Andrews	Jenny Hincks
Mark F Annett	SG Hirst
AW Berry	RC Hughes
AR Brassington	RL Hughes
T Cheung	Mrs SL Jepson
Sue Coakley	RG Keeling
Alison Coggins	Juliet Layton
PCB Coleman	MGE MacKenzie-Charrington
Andrew Doherty	Dilys Neill
RW Dutton	SDE Parsons
Jenny Forde	NP Robbins
C Hancock	Tina Stevenson
JA Harris	R Theodoulou
Maggie Heaven	LR Wilkins

Apologies:

M Harris Lynden Stowe
NJW Parsons

CL.25 CHAIRMAN'S COMMENTS

The Chairman thanked Pastor Frost and his team for hosting this Special Council Meeting and for their help in making the arrangements.

The Chairman reminded the Council and members of the public and Press of the purpose of the Meeting.

The Chairman also referred to the recent deaths of Councillor Jim Parsons and Honorary Alderman John Bartlett, and Members and Officers stood in silence in memory of former colleagues and as a mark of respect. Other persons present joined in such tribute.

The Chairman then invited Pastor Frost to give a blessing.

CL.26 DECLARATIONS OF INTEREST

The Head of Democratic Services confirmed that, in accordance with the Council's previous decision (Minute CL.52 (d) of 21st February 2017, interviews had been held with all councillors and relevant officers to assess whether there were any aspects that would prevent participation in this Special Meeting.

As a result, Councillors Mark Harris, Nick Parsons and Lynden Stowe had elected not to take part in the Special Council Meeting. However, this was not due to any specific interest, but related to issues of pre-determination, and perception of apparent bias.

The only other interests identified/declared related to Councillors Patrick Coleman, Mark Harris, Jenny Hincks, Roly Hughes and Nigel Robbins as Cirencester Town Councillors.

All other Members had confirmed that they had not pre-determined the application and were present that day with open minds, and would consider this application solely on its merits, having regard to all material considerations.

(1) Declarations by Members

No Disclosable Pecuniary Interests had been identified by any Member.

Councillor PCB Coleman declared an interest in respect of application 16/00054/OUT, because he was also a Member of Cirencester Town Council.

Councillor M Harris declared an interest in respect of application 16/00054/OUT, because he was also a Member of Cirencester Town Council. Councillor Harris was not present at the Meeting.

Councillor Jenny Hincks declared an interest in respect of application 16/00054/OUT, because she was also a Member of Cirencester Town Council.

Councillor RC Hughes declared an interest in respect of application 16/00054/OUT, because he was also a Member of Cirencester Town Council.

Councillor NJW Parsons declared an interest in respect of application 16/00054/OUT, because he had a pre-determined view having promoted the site in the Local Plan allocation, and have defended its allocation in the Local Plan. Councillor Parsons was not present at the Meeting.

Councillor NP Robbins declared an interest in respect of application 16/00054/OUT, because he was also a Member of Cirencester Town Council.

Councillor Lynden Stowe declared an interest in respect of application 16/00054/OUT because, in his previous role as Leader of the Council, he had been the chief supporter of the Deputy Leader in promoting the site in the Local Plan. Councillor Stowe was not present at the Meeting.

(2) Declarations by Officers

There were no declarations from Officers.

CL.27 OUTLINE PLANNING APPLICATION - LAND TO THE SOUTH OF CHESTERTON, CIRENCESTER (16/00054/OUT)

Following the introduction of Members, Officers and the Council's external Legal Advisor (seated on the dais), and other Officers and Advisors who were present, the Chairman drew attention to a suggested procedure for the Meeting.

The Head of Democratic Services explained that, on this occasion, the Council was sitting as the local planning authority. As such, written confirmation had been received from the two political group leaders that the 'Whip' would not apply to members of their respective groups, and that each member was to consider the application and vote based on the information before them, the various presentations and the subsequent questions and debate.

The Case Officer reminded the Council of the location of the site and outlined the proposals, drawing attention to an overview of the site; its proximity to the A429 to the west, Spratsgate Lane to the east, two small areas which were adjacent to Somerford Road and Spratsgate Lane, the town centre and various facilities; its context within Cirencester; its landscape and heritage context; various protected trees and man-made constraints; land use parameters; green infrastructure; the phasing of development; an indicative layout, densities and maximum building heights; employment land; public open spaces; a primary school; and a Doctors' surgery.

It was reported that this site was not in the Cotswold Area of Outstanding Natural Beauty and not in a Conservation Area, Special Landscape Area or Green Belt. However, approximately 4.7 hectares of a Scheduled Ancient Monument lay within the site. The application was an outline application, with all matters reserved, apart from access.

The Case Officer displayed an aerial view of the site and photographs illustrating views of Listed Buildings within, and adjacent to, the site, and views across the site. The Case Officer also displayed artist impressions of the proposed development.

A Member of Cirencester Town Council, eight Objectors, two Supporters, and a representative of the Applicant were invited to address the Council in accordance with the previously-agreed arrangements.

Officers and Advisors then responded to various questions from Members, as follows:-

(i) Resolution/Prematurity

It was reported, with reference to the updated conclusions, that the issue of prematurity was unlikely to justify refusal of this application, unless there was evidence that any harm arising from the prematurity would demonstrably and significantly outweigh any benefits, which had been summarised in the circulated report; if planning permission was to be refused, or the application deferred, on grounds of prematurity, Government policy required a detailed explanation of how the development would prejudice the Local Plan process; if the Local Plan Inspector raised issues in relation Policy S2 and its supporting evidence, this application would have to be revisited by the Council before any Decision Notice was issued; if the Council resolved to grant planning permission at this stage, then the discussion as to Policy S2 would be likely to be curtailed at the local plan examination (although, ultimately, the extent of discussion was a matter for the examining inspector); given the proximity of the local plan examination and that the application largely reflected

Policy S2 in the emerging plan, on which there had been a substantial number of representations, the issue of prematurity was a material consideration in the determination of this application and the Council would need to balance the consequences of deferring, on grounds of prematurity, against the benefits; if the application was to be deferred, the Council would need to indicate when it was likely to be reconsidered; the tax arrangements of the Applicant were not a material planning consideration in the determination of this application and were not therefore relevant in the assessment of viability; the non-determination of this application would have an impact on the Council's future five-year supply of housing land as this was a key site in the Emerging Local Plan; if the Committee was minded to refuse this application, it would have to state clearly the harm and adverse impact that would arise, and how those issues outweighed the identified benefits; and current Local Plan policies still carried weight in the determination of this application, to the extent set out in the circulated report.

(ii) Transport

Mr. T Colles of Atkins, the District Council's highway consultant, drew attention to transport issues. In summary, he drew attention to the proximity of the site to the existing road network; mitigation measures proposed at the accesses to the site; the constraints of the Scheduled Ancient Monument; and off-site highway works.

It was reported that, in the opinion of Officers, the assessment of the impact of vehicle movements on the existing network, which had been carried out by the developer, was robust; peak hour trip rates had been calculated at 0.6 per household while car ownership was typically 1.5 vehicles per household; consideration had not been given to the issue of a relief road for the proposed development, between the A429 and A417, and the analysis demonstrated that it was not required; the cost of such a relief road could be in the region of £30m, and between 15,000 and 20,000 houses would be required to deliver such a scheme; different use classes generated different trip rates; the assessment had estimated that this development would have a low impact on the peak hour use of Kemble Station; no modifications were proposed in respect of the A429/A433 junction as traffic impact and personal injury accident rates did not warrant it; it was considered that the mitigation measures proposed in respect of junctions on the ring road would lead to a reduction in traffic speeds on the approaches to those junctions; in the opinion of Officers, the trip rates were considered to be robust and would support a higher level of development than was likely to be generated by the proposed development; there were likely to be significant increases in the number of vehicles in and around Cirencester without this development but, if the development did not proceed, the suggested mitigation measures would not be introduced and congestion would be worse; the suggested mitigation measures had taken into account improvements along the entire road network; two kilometres was considered to be a reasonable distance for people to walk to a town centre and other facilities but it would be unreasonable to expect all developments to be within walking distance of town centres; there was an opportunity on this site to provide sustainable modes of transport to education, medical and other facilities within this site; the Transport Plan was aiming for a 10% reduction in sole vehicle occupancy, but this was not taken into account in the capacity analysis; the assessment had been tested on the full development as at 2021, and at 2031 with mitigation measures being tested at 2021; all Local Plan allocations had been subject to a transport assessment; a new car park had been introduced at Kemble Station, which would alleviate existing problems with on-street parking in the vicinity of the Station; the removal of the pedestrian subway at the Fire Station roundabout had been proposed in order to accommodate highway improvements at that roundabout; it was proposed that public transport services would be introduced in three phases; no

Sunday public transport services were being proposed in relation to this development; it was proposed that no dwelling would be more than 800 metres from a bus stop (during the phasing of transport services); traffic signals would be introduced to enable vehicles to turn right out of Chesterton Lane onto Tetbury Road; footbridges and subways were considered to represent engineering solutions from the 1960s and 1970s and pedestrians often encountered access problems; at grade crossings, such as Toucan crossings, were current best practice and were DDA compliant; and a road linking the eastern and western parts of the site had not been tested, but was not considered to be acceptable because of its potential impact on the area of Scheduled Ancient Monument and because it could result in the creation of a 'rat run' through the site between the A429 Tetbury Road and Spratsgate Lane.

(iii) Air Quality and Pollution

It was reported that, in the opinion of Officers, the Air Quality Assessment accorded with Government guidelines and that Arup, the Council's consultants, were satisfied with the re-work; pollution hotspots would improve, and emissions would reduce, as older vehicles were being replaced; it was considered that this would not impact on air quality to an extent to require the establishment of air quality management areas; Officers undertook air quality monitoring around the site and in the town centre, and additional monitoring sites had been introduced; air quality was affected by inversions, fog and bad weather; recent monitoring had indicated that air quality was improving in the area away from Burford Road and in Lechlade; and the contaminants identified to date by the developer could constitute buried organic matter.

(iv) Affordable Housing and Viability

It was reported that a Housing Needs Survey had not been carried out in respect of Cirencester; evidence of housing need had been compiled using a number of sources, and a snapshot of the Housing Waiting List; New Homes Bonus received in respect of this development would not be ring fenced for spending in Cirencester; the Council sought rent levels for affordable housing which were below local housing allowances; a detailed assessment had established that 30% affordable housing was viable for this site; each site was considered on its merits and according to its viability when the affordable housing provision was set, with some sites achieving up to 50% affordable housing and some not achieving any; affordable housing was one of a number of planning obligations which were considered, and Officers sought to achieve the best options; financial contributions to education, libraries and car parking also constituted planning obligations; the Council had released the viability figures, which had previously been considered to be 'confidential', in light of recent case law and following agreement by the Applicant; nationally, there were issues with housing affordability and this development would make a valuable contribution of 705 affordable units; the provision of affordable housing was a priority for the Council; if the Council was minded to approve this application as recommended, the Section 106 Agreement would include a 'local priority cascade' for the allocation of the affordable housing; account had been taken of the build costs associated with the provision of affordable housing, and the requirements of a higher quality development in the viability assessment; no mechanism was proposed to review the affordable housing provision in relation to this development as the Council had sought to maximise such provision at the outset; not having a review mechanism would add certainty at the early stage, which would assist viability; under the provisions of the Town and Country Planning Act, the developer could apply to vary the obligations under the Section 106 Agreement after a period of five years; in assessing the level of affordable housing which could be delivered by a development, Officers had to balance the need and viability against a desire for other planning obligations, such as

contributions towards education provision; 'green field' sites tended to have poor infrastructure, which had implications for viability; and, in the opinion of Officers, 30% affordable housing on this site represented a good achievement.

(v) Community Infrastructure

It was reported that some capacity at Cirencester College had been identified at the time of the assessment of educational need arising from the proposed development; the triggers for delivery of the community infrastructure benefits associated with this development would be detailed in the Section 106 Agreement; Gloucestershire Social Services had been consulted on this application but, to date, no response had been received; the developer would be required to deliver GP provision to meet the need arising from the proposed developer; in the event that the Council was minded to approve this application as recommended, consideration could be given to finding an alternative site in order to provide larger premises; in the assessment of the educational needs arising from this development, account had been taken of the range of existing provision in Cirencester and the proposed provision of elderly and one-bedroom flat accommodation; the educational provision associated with this development would be phased in line with the development, with initial requirements being met through the taking-up of capacity at existing schools in Cirencester; the data had suggested that the development would generate approximately 40 pupils who would attend Cirencester College; the development of community facilities was considered to be critical and would be addressed through the Section 106 Agreement; it would be appropriate to establish some temporary facilities in the early stages of development and a cross-party Working Group would be tasked with setting up a Community Management Organisation to help establish community facilities; the planning obligations included a requirement for broadband infrastructure to be provided but discussions would need to take place to establish the future position; the building of the GP surgery would depend on discussions with the Doctors; the issue of burial space would be addressed by a wider corporate project; and new residents would be encouraged to apply for their children to attend the new school.

(vi) Design and Layout

It was reported that the issue of access to the proposed GP surgery would be addressed at the reserved matters stage; the proposal was to locate a surgery in the vicinity of the community hub; the issue of internal roads was a reserved matter, with the exception of the bus link; the Council would consider applications for small shops/cafés within the site; and access to the site was to be approved as part of this outline application and could not form a reserved matter.

(vii) Employment

It was reported that the Council was mindful of the need to protect areas of designated employment land; a Business Implementation Delivery Plan had been prepared in support of the Emerging Local Plan, and a marketing scheme was a requirement of this current application, providing serviced plots to ensure that the obligations were met; the Council had been proactive in working with the business community; the delivery of employment sites would continue up to 2031; some existing businesses might seek to extend, which would meet some of the employment requirements, and some employment needs would be met through the proposed school and community facilities; the issue of restrictions on working hours would be

addressed through reserved matters applications once the location of buildings was known; and the proposed B1 office uses would be located next to existing business uses.

(viii) Heritage, Landscape, Trees, Biodiversity and Archaeology

It was reported that an 'amphibian underpass' would be created beneath the bus link to enable the Great Crested Newts in the breeding pond at The Cranhams to access the new ponds in the southern area of POS; the maintenance of connectivity between terrestrial and aquatic habitats was vital to the mitigation strategy for newts; the proposed development would result in the loss of some young trees from existing tree belts, and nine mature trees; if the Council was minded to approve this application as recommended, strategic avenues of trees would be sought along the main thoroughfares; the impact of a link road crossing the area of Scheduled Ancient Monument would have to be evaluated; consent would be required from Historic England for the construction of such a link road; and part of the mitigation measures proposed included areas of planting to meadow.

(ix) Drainage

It was reported that no objections had been received from Thames Water in respect of the Shorncote sewage works; Officers were aware of capacity concerns in respect of Shire Ditch and, in that respect, there were controls in place which were outside the planning process; Thames Water had confirmed that the issue of a clean water supply to this site could be resolved; and Thames Water and the developer were discussing the details of how the development would be connected to the main drainage network.

(x) Pipelines and Overhead Cables

It was reported that a plan was to be submitted in respect of the distribution of affordable housing; no objections had been submitted by the National Grid in relation to the overhead cables crossing the site; an initial inaccuracy relating to the route of the gas pipeline crossing the site had subsequently been corrected; and the Council did not currently have a policy relating to reducing the impact of overhead power lines.

(xi) Implementation and Phasing

It was reported that the issue of the phasing of development would be addressed as part of a future 'condition compliance' application which would be submitted to the Council for consideration of approval; the issue of completion of infrastructure at the point of delivery could be addressed at the reserved matters stage; there was an obligation for the management of open spaces within the development to be undertaken by the Community Management Organisation; the provision of a bond to ensure completion of works would have an impact on the viability of the proposed development; the Council had sought 'up-front' funding for the set-up of community facilities; the intention was for such facilities to be managed by the Community Management Organisation, with service charges being levied on residents of the development; if the Committee was minded to approve this application as recommended, the Head of Planning and Strategic Housing would be authorised to amend the suggested draft conditions, in consultation with the Chairman and Vice-Chairman of the Council; and, if the Council was minded to approve this application

as recommended, it could require a management scheme for open spaces to be submitted prior to the commencement of development, which could give the Town Council the opportunity to offer to undertake the management of open spaces within the development.

At this point, having completed the question stage, the Ward Members representing the three Wards which would be directly impacted by the development were invited to address the Council.

Councillor AR Brassington, the Member for the Four Acres Ward, commented that he respected the conclusions detailed in the comprehensive report which had been circulated, and he thanked the Case Officer and support staff for that report. Councillor Brassington referred to the Local Plan examination process, which was due to commence within the next three weeks, and expressed the view that the Council should not be seeking to determine this application in advance of that process. Councillor Brassington expressed concern over various issues, including in relation to traffic impact and air quality and pollution, and he emphasised his view that the Council should be certain of the impacts before it approved an application which would, in his opinion, change Cirencester forever. Councillor Brassington stated that many of his constituents favoured some development, but on a smaller scale than was being proposed by this current application, and added that 2,350 units would equate to an increase in the population of between 4,000 and 5,000 people. Councillor Brassington referred to the representations and a petition submitted opposing this development and, in conclusion, he urged the Council to refuse this current application in order to achieve a smaller development.

Councillor Jenny Hincks, the Member for the Watermoor Ward, commented that although only a small area of her Ward would be directly impacted by the development in comparison to the Four Acres and Chesterton Wards, it would suffer from the same problems if the development proceeded. Councillor Hincks expressed concern that access to and egress from the site onto Wilkinson Road and Spratsgate Lane would have an adverse impact on people seeking access to Cirencester town centre, leading to an exacerbation of existing peak-time problems. Councillor Hincks expressed concern that there were no proposals to create bus links or cycle paths through the site which, she contended, would result in effectively closing off that area of the site in the vicinity of Wilkinson Road from the remainder of the development. Councillor Hincks also expressed concern over the proposed removal of an existing subway in the vicinity of the Kingsmead roundabout, commenting that the proposed 'Toucan' crossing would lead to an increase in traffic problems and cause problems for pedestrians, particularly the elderly and people with small children. Councillor Hincks reiterated her concerns over the lack of access from the eastern side of the site to facilities which were proposed to be located on the western side of the site, and expressed concern that reliance on existing facilities during the initial construction phases would not be sustainable. Councillor Hincks contended that the proposed affordable housing allocation would not meet identified needs as the waiting list in Watermoor was already in excess of the number of affordable houses being proposed; the proposed elderly persons' accommodation should be located closer to community facilities in order to facilitate access; and that social care provision should be ensured. In conclusion, Councillor Hincks expressed concern that children living on the eastern side of the development would have to cross Somerford Road in order to gain access to the play facilities which were proposed for location in the western side.

Councillor RC Hughes, the Member for the Chesterton Ward, stated that this proposal for 2,350 new homes would increase the number of homes in Chesterton to

3,950. Councillor Hughes referred to four developments which had been built in Chesterton since the 1970s, and contended that this current proposal should be reduced in size in order to avoid traffic problems at peak times. Councillor Hughes also suggested that a reduction in the size of this development would present an opportunity for development to be spread across the District, and he concluded by expressing concern over the impact of the proposal on existing facilities.

The Council then considered the application.

Some Members expressed concern at the suggestion that the Head of Planning and Strategic Housing be authorised to make any necessary amendments to the conditions, notwithstanding that the Chairman and Vice-Chairman of the Council were to be consulted over any such amendments. Some Members considered that the Chairman of the Planning and Licensing Committee should be included in the consultation while other Members considered that any amendments should be reported back to a future Meeting of the Council, together with the terms of the Section 106 Legal Agreement.

Councillor JA Harris PROPOSED that consideration of this application be deferred, and that Proposition was subsequently SECONDED by Councillor RW Dutton.

In support of his Proposition, Councillor Harris expressed concern that the application was being determined in advance of the Local Plan Examination and that, further, he considered there to be a lack of clarity over key issues including responses from Social Services and Thames Water, the future management of green spaces, highways, alternative transport options, affordable housing, and phasing. Councillor Harris expressed the view that the developer would seek to engage with the Council to address the issues raised.

In response, the Council was reminded that Officers had consulted Social Services but no response had been received; Thames Water had confirmed that fresh water could be supplied to the development and that the issue of capacity would be addressed by condition; the issue of the green space management could also be addressed; up-front funding in respect of the proposed public transport services had been agreed; the affordable housing contribution had been set at the maximum level required to achieve the social infrastructure required for the site; and a contribution of 705 affordable housing units was considered to be a significant contribution.

Notwithstanding this, Councillor Harris reiterated that he was not comfortable determining this application without the additional information. A number of other Members expressed support for that view, stating that they would welcome the opportunity to ask some searching questions on the issues. Another Member suggested that the issue of connectivity across the site should also be addressed as, in his view, no facilities were being proposed in relation to the first phase of development, and that occupiers of that phase would not have direct access through the site to such facilities once they had been constructed.

At this point, the Head of Planning and Strategic Housing reminded the Council that, as local planning authority, it had a duty to determine this application. The Head of Planning and Strategic Housing reiterated that a number of the issues raised had been addressed in the circulated report and commented that, whilst further information could be sought in respect of those issues, they did not constitute a justifiable reason for deferral.

Some Members then expressed the view that the benefits associated with this development would outweigh any adverse impact. Those Members contended that the application would result in the creation of a community, and that a reduction in the number of houses would result in fewer benefits accruing from the development and a greater reliance on existing facilities within the town. They pointed out that the Council had put forward this strategic site as part of the Emerging Local Plan submission; that the purpose of this Meeting was to determine the principle of development; stated that the development would present an opportunity for some significant mitigation and other infrastructure improvements which would not accrue from a number of smaller developments; expressed concern over the lack of a through route across the site, but suggested that issue should be balanced against the potential to create 'rat runs' across the site; pointed out that access could be achieved by travelling around the site; and welcomed the establishment of a Community Management Organisation and the provision of a good range of housing, including for students and elderly residents.

The Members who supported deferral of this application reiterated their concerns over connectivity across the site and their view that the Council should not determine this application until further information had been provided in respect of the issues raised. Those Members suggested that any such deferral should be for a maximum period of three months to allow time for the engineering implications of a through route across the site to be investigated.

At this point, a further Proposition that this application be approved as recommended, was PROPOSED by Councillor Mrs. SL Jepson and SECONDED by Councillor Alison Coggins.

The Principal Solicitor drew attention to the risks associated with deferring this application, and the need for sound planning reasons to justify deferral, and it was suggested that the issue of connectivity across the site constituted a sustainable reason for deferral.

On being put to the vote, it was

RESOLVED that consideration of application 16/00054/OUT (Outline Application - Land to the South of Chesterton, Cirencester be deferred for a maximum period of three months to enable the issue of connectivity across the site to be investigated.

Record of Voting - for 17, against 13, abstentions 0, absent 3, vacancy 1.

Note:

Public Speaking

Public speaking took place as follows:-

Councillor S Tarr	)	Cirencester Town Council
Ms A Sysum	)	Objector
Mr. M Pratley	)	Objector
Mr. T Golics	)	Objector
Mr. P Dernie	)	Objector
Mr. S Forecast	)	Objector
Mr. T Buxton	)	Objector

Mr. D Broad	)	Objector
Mr. P Moylan	)	Objector
Mr. S Large	)	Supporter
Ms A Morris	)	Supporter
Mr. D Jackson	)	On behalf of the Applicant

The Meeting commenced at 1.00 p.m.; adjourned between 2.55 p.m. and 3.25 p.m., between 5.35 p.m. and 5.50 p.m., and between 7.35 p.m. and 7.40 p.m.; and closed at 9.17 p.m.

Chairman

(END)