

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE
(SPECIAL MEETING)

23RD NOVEMBER 2017

Present:

Councillor Juliet Layton - Vice-Chairman (in the Chair)

Councillors -

AW Berry (until 10.15 a.m.)
AR Brassington
Sue Coakley
Alison Coggins
RW Dutton

M Harris
SG Hirst
MGE MacKenzie-Charrington
Dilys Neill
LR Wilkins (from 9.50 a.m.)

Substitutes:

Julian Beale
C Hancock

JA Harris (until 10.20 a.m.)
RG Keeling

Observers:

Mark F Annett

Apologies:

SI Andrews
PCB Coleman

David Fowles
RL Hughes

PL.71 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor AW Berry declared an interest in respect of applications 17/04552/NONMAT, 17/03494/COMPLY, 17/04454/COMPLY, 17/04090/COMPLY and 17/04091/COMPLY, because he was acquainted with two of the public speakers, and he left the Meeting while those items were being determined.

Councillor David Fowles had previously declared a Disclosable Pecuniary Interest in respect of applications 17/04552/NONMAT, 17/03494/COMPLY, 17/04454/COMPLY, 17/04090/COMPLY and 17/04091/COMPLY, because his Company had commercial dealings with companies either owned by the Applicant or in which the Applicant had an interest. Councillor Fowles was not present at the Meeting.

Councillor C Hancock declared an interest in respect of applications 17/04552/NONMAT, 17/03494/COMPLY, 17/04454/COMPLY, 17/04090/COMPLY and 17/04091/COMPLY, because he was a Member of the

Council's Parking Board and had been a consultee in respect of the disposal of land in the ownership of the Council.

Councillor JA Harris declared an interest in respect of applications 17/04552/NONMAT, 17/03494/COMPLY, 17/04454/COMPLY, 17/04090/COMPLY and 17/04091/COMPLY, because he had previously expressed a view about the Applicant, and he left the Meeting while those items were being determined.

Councillor M Harris declared an interest in respect of applications 17/04552/NONMAT, 17/03494/COMPLY, 17/04454/COMPLY, 17/04090/COMPLY and 17/04091/COMPLY, because he was a Member of the Council's Parking Board; and was acquainted with some of the public speakers and the Applicant, had discussed the development; and had attended a social function in his capacity as a Member of Cirencester Town Council.

Councillor MGE MacKenzie-Charrington declared an interest in respect of applications 17/04552/NONMAT, 17/03494/COMPLY, 17/04454/COMPLY, 17/04090/COMPLY and 17/04091/COMPLY, because he was a Member of the Council's Parking Board.

(2) Officer Declarations

The Team Leader (Mr. Napper) declared an interest in respect of applications 17/04552/NONMAT, 17/03494/COMPLY, 17/04454/COMPLY, 17/04090/COMPLY and 17/04091/COMPLY, because he was acquainted with one of the public speakers.

The Planning and Development Manager (Mr. Field) declared an interest in respect of applications 17/04552/NONMAT, 17/03494/COMPLY, 17/04454/COMPLY, 17/04090/COMPLY and 17/04091/COMPLY, because he was acquainted with one of the public speakers.

The Group Manager Land, Legal and Property (Mrs. Patel) declared an interest in respect of applications 17/04552/NONMAT, 17/03494/COMPLY, 17/04454/COMPLY, 17/04090/COMPLY and 17/04091/COMPLY, because she was the Head of Service with responsibility for the land concerned.

PL.72 SUBSTITUTION ARRANGEMENTS

Councillor Julian Beale substituted for Councillor David Fowles.

Councillor C Hancock substituted for Councillor SI Andrews.

Councillor JA Harris substituted for Councillor PCB Coleman.

Councillor RG Keeling substituted for Councillor RL Hughes.

PL.73 CHAIRMAN'S ANNOUNCEMENTS

There were no other announcements from the Chairman.

PL.74 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:-

17/04552/NONMAT

Non-material amendment to applications for revisions to wording of conditions 10 (Contaminated Land) and condition 19 (raised platform) of planning permission ref. 14/01529/FUL (mixed use development comprising a four screen cinema, student accommodation, restaurants and cafés, shops and refurbished public toilets, both replacing existing structures) at Brewery Court, Cirencester -

The Team Leader reminded the Committee that the five applications within the Schedule of Planning Applications had been referred to the Committee for determination because, in accordance with the current Scheme of Delegation, delegated powers did not apply as the land was partly in the ownership of the Council.

The Team Leader drew attention to the extra representations received since publication of the Schedule of Planning Applications, and a site plan and a selection of plans which had been included on pages 10-14 of the Schedule of Planning Applications. The Team Leader explained that, if the Committee was minded to approve this application, as recommended, that decision would change the wording of Conditions 10 and 19 of planning permission ref. 14/01529/FUL. The Team Leader reminded the Committee that Condition 10 formed part of the subsequent application, 17/03494/COMPLY, and that Condition 19 was the subject of the third application, 17/04091/COMPLY. The amendments to the Conditions had been suggested for reasons relating to consistency and so that a phased approach could be taken to the development. It was reported that the suggested amendments accorded with current Government guidance and would

ensure consistency with the remainder of the Conditions. The suggested amendment to Condition 10 would enable demolition to take place prior to ground investigation works, and the suggested amendment to Condition 19 would enable the submission of surfacing details relating to the raised parking area prior to construction of that area. It was noted that the suggested amendments would not impact on the Council's ability to enforce any of the Conditions.

A Member of the Town Council, an Objector, a Supporter, the Agent and the Applicant were invited to address the Committee.

Notes:

The comments made by the Town Councillor, the Supporter, the Agent and the Applicant related to all five applications, and the Agent and Applicant shared the allotted time. The comments made by the Objector related to application 17/03494/COMPLY only.

The Ward Member, who did not serve on the Committee, had been unable to attend this Special Meeting due to a prior commitment.

In response to various questions from Members, it was reported that, as the principle of development on this site had been established under permission ref. 14/01529/FUL, the purpose of this Special Meeting was to determine the five applications dealing with amendments to Conditions and technical issues relating to the submission of details, which could not be delegated to Officers as the Council was the landowner; factors preventing the convening of an earlier Meeting included that this was a 'major' development, the late submission of the applications, and the time taken by external parties to respond to the Council's consultation; the Council was not required to consult on these types of applications on a statutory basis; the Council's Estates Section had been consulted and such consultation had been considered sufficient to address the interests of the tenants of the affected properties; the Conditions were technical and the suggested amendments did not have any impact on the principle of development; it was up to an Applicant to decide when to implement a planning permission; and, if the Committee was minded to approve this and the subsequent four applications, the permissions would be granted with effect from the date of the issue of the relevant Decision Notices.

It was considered that approval of these applications would not change the principle of the development, but would give the flexibility required for the development to proceed. A Member commented that the provision of a cinema was supported by a number of people who would also welcome the improvement of this area of the town.

A Proposition, that this application be approved as recommended, was duly Seconded.

Approved, as recommended.

Record of Voting - for 12, against 0, abstentions 1, absent 2.

17/03494/COMPLY

Compliance with conditions 6 (temporary public toilets), 7 (archaeology), 8 (drainage), 10 (contamination), 15 (noise/dust), 16 (construction method statement), 20 (travel plan) and 21 (landscaping) - mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures; at Brewery Court, Cirencester -

It was reported that the Council's Estates Section had been consulted on the submitted Construction Method Statement, in light of its impact on the existing car park and the Council's responsibilities to its tenants. It was further reported that the Highways Officer had also been consulted on safe access and egress for vehicles and pedestrians, and safe access for the emergency services. The Team Leader apprised the Committee of the options for a safe fire escape route from the New Brewery Arts building, and an agreement between the Council and New Brewery Arts relating to the provision of a new means of escape.

A Proposition, that this application be approved as recommended, was duly Seconded.

Approved, as recommended.

Record of Voting - for 12, against 0, abstentions 1, absent 2.

Note:

It was noted that this application related to the revision of Condition 10 of permission ref. 14/01529/FUL.

17/04454/COMPLY

Compliance with Condition 19 (raised parking area) - mixed use development comprising a four screen cinema, student accommodation, restaurants and cafés, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures; at Brewery Court, Cirencester -

The Team Leader drew attention to the extra representations received since publication of the Schedule of Planning Applications relating to the proposed raised parking area, and reminded the Committee that surfacing details would be agreed at a later date, in accordance with the decision taken earlier in the Meeting in relation to application 17/04552/NONMAT.

A Proposition, that this application be approved as recommended, was duly Seconded.

Approved, as recommended.

Record of Voting - for 12, against 0, abstentions 1, absent 2.

Note:

It was noted that this application related to the revision of Condition 19 of permission ref. 14/01529/FUL.

17/04090/COMPLY

Compliance with conditions 9 (Piling Method Statement), 13 (noise), 14 (noise), 24 (wall details), 25 (roof materials), 26 (samples), 27 (sample panels), 28 (fenestration), 29 (timber) and 30 (fenestration) - Mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures; at Brewery Court, Cirencester -

The Team Leader reminded the Committee that this application confirmed that no details needed to be submitted under phase 1 demolition works as the conditions related to the subsequent construction phase. As a result, the details could be submitted at a later date, prior to commencement of the construction phase.

A Proposition, that this application be approved as recommended, was duly Seconded.

Approved, as recommended.

Record of Voting - for 12, against 0, abstentions 1, absent 2.

17/04091/COMPLY

Compliance with conditions 3 (samples), 4 (roofing), 5 (walling), 6 (sample panels), 7 (fenestration), 8 (timber) and 9 (design plans) - Mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures; at Brewery Court, Cirencester -

The Team Leader reminded the Committee that this application confirmed that no details needed to be submitted under phase 1 demolition works as the conditions related to the subsequent construction phase. As a result, the details could be submitted at a later date, prior to commencement of the construction phase. The Team Leader also reminded the Committee that this application related to the Listed Building Consent.

In response to a question from a Member, it was reported that the Town Council had withdrawn its objection in relation to this application.

A Proposition, that this application be approved as recommended, was duly Seconded.

Approved, as recommended.

Record of Voting - for 12, against 0, abstentions 1, absent 2.

Notes:

(i) Additional Representations

A list setting out details of additional representations received since the Schedule of Planning Applications had been prepared was considered in conjunction with the related planning applications.

(ii) Public Speaking

Public speaking took place as follows:-

<u>17/04552/NONMAT</u>	)	Councillor S Tarr (Town Council)
	)	Mr. A Lennard (Supporter)
	)	Mr. D Hutchinson (Agent)*
	)	Mr. M Booth (Applicant)*
<u>17/03494/COMPLY</u>	)	Councillor S Tarr (Town Council)
	)	Ms B Alden (Objector)
	)	Mr. A Lennard (Supporter)
	)	Mr. D Hutchinson (Agent)*
	)	Mr. M Booth (Applicant)*
<u>17/04454/COMPLY</u>	)	Councillor S Tarr (Town Council)
	)	Mr. A Lennard (Supporter)
	)	Mr. D Hutchinson (Agent)*
	)	Mr. M Booth (Applicant)*
<u>17/04090/COMPLY</u>	)	Councillor S Tarr (Town Council)
	)	Mr. A Lennard (Supporter)
	)	Mr. D Hutchinson (Agent)*
	)	Mr. M Booth (Applicant)*
<u>17/04091/COMPLY</u>	)	Councillor S Tarr (Town Council)
	)	Mr. A Lennard (Supporter)
	)	Mr. D Hutchinson (Agent)*
	)	Mr. M Booth (Applicant)*

* - these speaking slots were shared.

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.

The Meeting commenced at 9.30 a.m. and closed at 10.26 a.m.

Chairman

(END)