

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

9TH MAY 2018

Present:

Councillor RL Hughes - Chairman

Councillors -

SI Andrews
AW Berry
AR Brassington
Sue Coakley
Alison Coggins
PCB Coleman

RW Dutton
David Fowles
M Harris
SG Hirst
Dilys Neill
LR Wilkins

Substitutes:

A Doherty

Apologies:

Juliet Layton

MGE MacKenzie-Charrington

Absent:

SG Hirst

PL.125 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor David Fowles declared an interest in respect of application 18/00526/FUL, because he was acquainted with the Applicant, and abstained from voting on this item.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.126 SUBSTITUTION ARRANGEMENTS

Councillor Doherty substituted for Councillor Layton.

PL.127 MINUTES

RESOLVED that subject to the following amendments, the Minutes of the Meeting of the Committee held on 11th April 2018 be approved as a correct record:-

(i) the deletion of the word 'Patron' adjacent to the name of Councillor Dilys Neill and its substitution by the word 'customer' in Minute PL.115;

(i) the deletion of the word 'at' in the fourth line of the fifth paragraph of the preamble to Minute PL.122 (page 129);

(ii) the deletion of the word 'Parish' adjacent to the name of Mr. C Kenney-Herbert and its substitution by the word 'Town' in Minute PL.122 (page 137).

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

PL.128 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.129 PUBLIC QUESTIONS

No public questions had been submitted.

PL.130 MEMBER QUESTIONS

No questions had been received from Members.

PL.131 PETITIONS

No petitions had been received.

PL.132 PROPOSED ADMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee was requested to approve an amendment to Annex 3 of the Hackney Carriage and Private Hire Licensing Policy. In this connection, information relating to the revised wording had been circulated within the reports for the Meeting.

Officers amplified various aspects of the report. In response to various questions from Members, it was reported that the new policy was designed to improve standards of taxi and private hire licensing in the District and Annex 3 outlined the Knowledge Test - Dual and Private Hire Drivers were required to achieve a minimum of 80% (16/20) in each section to pass the test. Officers also confirmed that the main Policy had been approved by the Committee at its Meeting in March 2018.

A Member commented that the Policy made 'absolute sense' and emphasised that it was the Council's responsibility to ensure the highest standards of drivers was achieved across the District.

A Proposition, that the Policy be approved in line with the Officer's recommendation, was duly Seconded.

RESOLVED that the revised wording be approved.

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

PL.133 REVISED SCHEME OF DELEGATION

The Committee was requested to consider a revised version of the Scheme of Delegation.

The Planning and Development Manager amplified various aspects of the report. In response to various questions from Members, it was reported that the Scheme represented an alternative approach to the planning process where outline applications were followed by reserved matters, and was an initiative for small residential builds on small sites.

Various Members commented that the Scheme would ensure Ward Members not on the Committee could gain a greater appreciation of planning policy but raised concern that the timetable would be restrictive to parish councils wishing to submit feedback to the Committee on applications. In this connection, they enquired if Case Officers could ensure feedback from parish councils had been sought prior to any request was made for a decision under delegated powers. In response, the Planning and Development Manager informed the Committee that conditions could not be imposed in relation to this and explained that it was not considered a high number of applications would be submitted to necessitate this.

In response to a specific Member's question, it was confirmed that the Council's Brownfield Register was held by the Council's Forward Planning Team and that there were no sites currently listed on the Register.

RESOLVED that the revised Scheme of Delegation relating to the Planning and Licensing Committee be approved and adopted.

Record of Voting - for 11, against 1, abstentions 1, absent 2.

PL.134 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:-

17/03826/REM

Reserved Matters Application in conjunction with outline planning permission reference 15/01567/OUT for demolition of redundant buildings and redevelopment with up to 44 dwellings at Land at Broadway Farm, Down Ampney -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, advised Members that it was the Applicant's intention to appeal against the non-determination of the application but that such an appeal had not yet been lodged, reminded the Committee of the location of the site, and outlined the proposals.

A Member of the Parish Council was invited to address the Committee.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member explained that the papers contained within the circulated report represented only an extract of the Parish Council's Design Statement and explained that the Parish Council Minutes contained within the extra representations had only been approved between the Developer and the Parish Council. The Ward Member extended his thanks to the Committee for its decision at the April 2018 Committee Meeting to defer the application as this had resulted in positive dialogue between local residents, the Parish Council and the Agent. The Ward Member explained that he would also be attending a Meeting of the Lead Local Flood Authority (LLFA) in relation to this item later that day alongside a representative from the Parish Council, but explained that they would not be participating in the debate and would be attending as Observers only. The Ward Member explained that he considered that, without a sufficient resolution to the issues of sewerage and water drainage, no decision should take place in relation to the application and was of the view that the application should be brought back to the Committee as a Condition Compliance. In conclusion, the Ward Member urged the Committee to listen to the Parish Council's views and highlighted that engagement from the Agent had only been achieved in the past two weeks. He also drew attention to the fact the proposed development would result in a 20% increase to housing stock within the village since 2010.

In response to various questions from Members, it was reported that further information was required in order for the Developer to comply with the four drainage conditions and that the meeting with the LLFA and Agent later on that day would seek to resolve these issues; once the meeting had taken place and the issues had been resolved, a new compliance application would be submitted, which would aim to meet the needs of the relevant bodies; the Case Officer had previously questioned why the Agent sought to address the drainage conditions through an application and not through the Reserved Matters application, but the Developer had declined to address the drainage issues via the reserved matters application, it was possible to deal with conditions in relation to drainage on an outline application separately to the site layout; the Council, who was responsible for any decision regarding the application, could also be responsible for any costs in regards to legal challenges resulting from a non-determination of the application; if the Committee was minded to approve the application, the site layout would be approved and a compliance application would then be submitted by the Applicant regarding drainage, which would have to be in accordance with the site layout; the Developer would be unable to start

construction on the site until the compliance application had been approved; the Committee could defer the application if minded to do so, but would require sound reasons to support the decision; any development on the site which did not comply with the conditions put in place by the Planning Inspector would fall foul of enforcement and the Council would consequently be in a strong position to challenge the Agent; and, in the view of Officers, it would not prove beneficial for the Agent to appeal against a compliance condition.

A Member expressed the view that the previous deferment of the application by the Committee had led to positive dialogue between the Ward Member, Developer and Parish Council and if the Committee was minded to approve the application, this could lead to the cessation of any future discussions between the parties. He also raised concerns in regards to drainage and the effect on the site layout. He considered the Developer had not had full regard to the Design Statement; but commented that if the Committee approved the application and the drainage was found to be insufficient, any development on the site should cease.

A second Member commented that he considered there were still issues regarding shared road space on the site and expressed the view that the application should be refused and re-presented to the Committee.

A Proposition, that this application be refused, was duly Seconded.

Other Members commented that they supported the application, and highlighted that the application had previously been deferred for three reasons; the use of red brick; the establishment of footpaths; and the proximity of the development to Linden Lea - and felt that these issues had now been resolved by the Developer. Those Members also expressed the view that the compliance condition would enable the application to be brought back to the Committee, and there was therefore no reason to refuse the application.

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

The Ward Member was invited to address the Committee again and referred to the ongoing application which residents had been living with for over five years. He explained that although the Developer had been very reluctant to allow both he and the Parish Council to attend the LLFA Meeting of 9th May 2018 they had attended that meeting and expressed the view that the Committee should consider deferring the application owing to the confusion surrounding the site layout of the application. In conclusion, the Ward Member explained that he considered discussions between interested parties had only taken place because of the Committee's previous deferral decision and stated that if the Committee was in any doubt regarding a decision, a deferral would enable all outstanding issues to be adequately resolved.

On being put to the vote, the initial Proposition to refuse the application was LOST. The Record of Voting in respect of that Proposition was - for 4, against 7, abstentions 2, absent 2.

Approved, as recommended, subject to condition compliance and any subsequent amendments being brought back to the Committee for consideration of approval.

Record of Voting - for 7, against 5, abstentions 1, absent 2.

18/00526/FUL

Two-storey extension and associated alterations at Hunters Lodge 25, Ampney Crucis, Cirencester -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, reminded the Committee of the location of the site, and outlined the proposals.

The Case Officer displayed a site aerial plan, detailed maps of the site and photographs highlighting the site from various vantage points, and in relation to the adjacent Public Right of Way.

The Applicant and the Ward Member, representing the Parish Council, was invited to address the Committee. The Ward Member explained that the views expressed in the representation were not the same as his own.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member explained that as he was acquainted with the Applicant, he would not be making any representations and would abstain from voting on this item.

In response to a Member's question regarding the Parish Council's objection in regards to overlooking, it was reported that no objections had been received from any neighbours to the site in relation to overlooking; parking would still be available in the area immediately in front of the existing garage; and that whilst no figures in relation to the floor space had been included in the application, the Applicant had confirmed the demolition of 28 cubic metres of existing buildings.

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

One Member expressed his disappointment that a small property could become a larger residential property, but considered that the application was of a sensible design.

Approved, as recommended.

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

18/00694/FUL

Conversion of stable building to a dwelling at Church Corner Stables, Cold Aston-

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, reminded the Committee of the location of the site, and outlined the proposals.

The Case Officer displayed a site aerial plan, detailed maps of the site and photographs highlighting the site from various vantage points, and in relation to the adjacent Public Right of Way.

A Member of the Parish Council and the Applicant were invited to address the Committee.

The Committee Officer read out comments submitted by the Ward Member, who did not serve on the Committee and had been unable to attend the Meeting. The Ward Member considered that the stables were situated in a sensitive position close to the centre of the village and highlighted that the application had resulted in a considerable number of objections from local residents, in addition to those of the Parish Council. The Ward Member concluded that the only way in which the Committee could determine the effect the application would have on the village would be to undertake a Sites Inspection Briefing, and urged the Committee to consider this proposal.

In response to various questions from Members, it was reported that, in the view of Officers, the building was not considered to be in an isolated position, owing to the close proximity to the village; a condition was recommended which stated that no external lighting should be installed/sited on the site; access to the second equestrian building was via the same shared driveway as for the application building; the stables had existed on the site for eight years; and a change in the Applicant's circumstances had resulted in the application being brought forward.

A Member commented that the design would enable the Applicant to remain within the village and considered the application an improvement to the existing buildings.

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

A second Member commented that he considered the building to be in an isolated location and expressed concern at the impact on the surrounding AONB area.

A further Proposition, that this application be refused, was duly Seconded.

Various Members expressed support for approving the application and highlighted that villas constructed to the south of the village were an equal distance from the centre of the village as the application site was to the north.

Other Members reminded the Committee of the comments made by the Ward Member regarding the site's position and considered a Sites Inspection Briefing was required.

A further Proposition, that a Sites Inspection Briefing be undertaken, was duly Seconded.

Approved, as recommended.

Record of Voting - for 7, against 5, abstentions 1, absent 2.

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.

Further representations were reported at the Meeting in respect of applications 17/03826/REM, 18/00526/REM and 18/00694/FUL.

(ii) Public Speaking

Public speaking took place as follows:-

<u>17/03826/REM</u>)	Cllr. G Tappern (on behalf of the Parish Council)
)	
<u>18/00526/FUL</u>)	Cllr. David Fowles (on behalf of the Parish Council)
)	Mr. K Underwood (Applicant)
)	
<u>18/00694/FUL</u>)	Cllr. A Bullock (on behalf of the Parish Council)
)	Ms. C Clarke (Applicant)

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.135 SITES INSPECTION BRIEFINGS

1. Members for 6th June 2018

No applications were deferred for Sites Inspection Briefings.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.136 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 11.10 a.m. and 11.16 a.m., and closed at 12.05 p.m.

Chairman

(END)