

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

12TH SEPTEMBER 2018

Present:

Councillor RL Hughes - Chairman
Councillor Juliet Layton - Vice-Chairman

Councillors -

SI Andrews	David Fowles
AW Berry	SG Hirst
Sue Coakley	RC Hughes
Alison Coggins	MGE MacKenzie-Charrington
PCB Coleman	LR Wilkins
RW Dutton	

Substitutes:

M Harris

Observers:

Maggie Heaven

Apologies:

AR Brassington Dilys Neill

PL.38 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor David Fowles declared an Interest in respect of application 18/00970/FUL, because he was a founder member of the Action Group in 2008, which had recently objected to the application. He left the Meeting while the item was being discussed.

Councillor AW Berry declared an Interest in respect of application 18/01407/FUL, because the Agent representing the Applicant had previously undertaken a bat survey at his home.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.39 SUBSTITUTION ARRANGEMENTS

Councillor M Harris substituted for Councillor Brassington.

PL.40 MINUTES

RESOLVED that the Minutes of the Meeting of the Committee held on 8th August 2018 be approved as a correct record.

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

PL.41 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.42 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.43 MEMBER QUESTIONS

No questions had been received from Members.

PL.44 PETITIONS

No petitions had been received.

PL.45 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.

The Planning and Development Manager drew attention to the general update provided in the first set of Additional Representations relating to progress with the Local Plan, and the fact that receipt of the Inspector's Final Report meant that the Plan, in its modified form, could now be afforded substantial weight in decision-making, both at Officer level and in the work of the Committee.

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:-

18/00970/FUL**Erection of 20 dwellings (10 affordable and 10 open market) and associated development at Land at Sunhill, Welsh Way, Poulton -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Case Officer displayed a location plan and aerial view of the site, elevations showing the proposed affordable and open market houses, and photographs of the site from various vantage points.

An Objector and the Agent were then invited to address the Committee.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member explained that the application represented a 'long and chequered history' at the site and that this was the reason the current application had been brought forward to the Committee. He added that the site had originally been a quarry in the late 1980s and had then been transformed into a mushroom composting site prior to 2016 when an application for 15 traveller pitches on the, then, redundant site was refused under delegated powers. The Ward Member informed the Committee that the site was a redundant brown-field site and an 'eyesore' on the local area and commented that it would be the ideal site for residential development. The Ward Member highlighted to the Committee that the application was the first major application since the Council's adoption of its Local Plan and that the site lay outside the development boundary and was contrary to the NPPF Paragraphs 8, 67 and 79. In conclusion, the Ward Member expressed his support for the Officer recommendation of refusal; explaining the application did not meet the housing mix required and that it was contrary to newly-adopted policy, despite being an ideal site for residential development.

In response to various questions from Members, it was reported that there was no Meysey Hampton Design Statement; the land currently held a lawful use and Highway Officers, who had considered traffic generated by the lawful use of the land, had raised no objection to the application; the site was considered by Officers to be in a rural location; it was considered that any application for residential development on the site would not be acceptable due to the site's location; the previous Traveller pitch application had received a large volume of objections; there was no footpath access to and from the site and the location was also above the 800-metre walking distance to facilities recommended at the national level and Section 38(6) of the 2004 Act required the Local Plan to be the starting point for decision-making.

A Member commented that the application would be appropriate if the site was next to an existing settlement, but could not be considered suitable for the rural location of the application site. He also commented that the application was not innovative as there was no mix of tenure.

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

Another Member expressed the view that it would be 'foolish' for the Committee to go against the policies as laid out in the Local Plan so soon after its adoption and stated that whilst he was sympathetic that development on the site would be suitable, he expressed that this was not a suitable application.

Refused, as recommended.

Record of Voting - for 13, against 0, abstentions 0, absent 2.

18/01407/FUL

Three residential units at The Kudos, Garricks Head, Andoversford -

At this juncture, the Vice-Chairman took the Chair as the application had been referred to the Committee by the Chairman as the Ward Member.

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and to a model the Applicant had built representing the proposed application. The Case Officer displayed an aerial photo of the site, highlighting the adjacent public footpath, and photographs of the site from various vantage points.

An Objector, Supporter and the Applicant and Agent were then invited to address the Committee.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member explained that the application had created a lot of discussion within the vicinity and that whilst some of the immediate neighbours had concerns regarding the proposals and had objected to the application on the grounds of the modern design and road safety, other neighbours had expressed their support for the application considering the proposals to be in-keeping and unobtrusive on the area. The Ward Member added that Garricks Head could not be considered a rural area as it was well-connected by public transport. In concluding, the Ward Member quoted a submission from the Council's Heritage and Design Officer in which the Officer had stated the application's designs were 'overtly contemporary and comparatively innovative' and the mass of buildings would be 'broken and key elements softened with curved elevations, creating interesting shapes, and with elements of green roof, to help soften them into their context'.

In response to various questions from Members, it was reported that the ecological improvements were not sufficient to outweigh the conflict with the development strategy; the application was contrary to Policies DS3 and DS4; residential sites in the countryside, such as gardens, were considered brownfield land; The Kudos was granted as a replacement dwelling for a previous farmhouse on the site; the application site had been granted a certificate of lawfulness as residential curtilage to The Kudos; if the Committee was minded to approve the application, a condition could not be imposed upon the permission to prevent an application for a fourth property on the site; the footpath across the site had been re-directed prior to the application submission; the Council's Tree Officer had assessed the site and determined that none of the trees required protection by virtue of a Tree Preservation Order as they were largely non-native conifers; the Parish Council had since withdrawn their objection to the application; the Andoversford development boundary was located 450 metres away from the application site; Officers considered that the design of the proposal did not meet the tests set out in paragraph 79 of the NPPF which allowed for isolated homes in the countryside and the application could not be considered a principal settlement as it was located outside of the development boundary.

A Member commented that the application represented open-market development outside of the development boundary and contended the Committee had to be consistent with the recently adopted Local Plan. As a result, she stated there was therefore no reason for the application to divert from the Plan guidelines and to warrant approval.

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

Various Members expressed their support for the Officer recommendation of refusal explaining that the Council had a duty to protect the AONB and that the Local Plan policies were 'open and shut' in regards to development outside of the boundaries; to which this application did not comply.

A Member expressed his support for the application, explaining that the elements of design were subjective and that he considered the designs were innovative. Whilst he would have preferred the application to have contained two houses, he felt that the proposals fitted in well with the existing dwelling on the site.

The Ward Member was invited to address the Committee again and explained that he knew the site well and that it was not possible to see into the site from the adjacent highway or footpath. He added that the Applicant had contributed a good plan and that he did believe the application was a small settlement that would benefit from more houses.

Refused, as recommended.

Record of Voting - for 10, against 3, abstentions 1, absent 1.

18/02840/COMPLY

Compliance with Conditions 7 (Foul drainage strategy); 8 (Scheme of drainage); 9 (Scheme of surface water attenuation) and 19 (Programme of archaeological work - part) of permission ref. 15/01567/OUT (Demolition of redundant buildings and redevelopment with up to 44 dwellings (all matter reserved except for access) 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 and explained that she had, since publication of the Schedule, received a formal consultation response from Thames Water; and a construction programme, which formed part of the drainage plan, from the Agent. The Case Officer displayed a location plan of the site, an aerial plan, and drawings showing the proposed site layout.

The Ward Member then read out comments submitted by, and on behalf of, the Parish Council.

The Planning and Development Manager, by right of a response, drew attention to the arguments against the comments made by the Parish Council in its submission. He explained that, whilst the Council encouraged Members to consult with town and parish councils on all applications, regardless of size, the Council was not empowered to deliver the level of consultation expected by the Parish Council in regards to this application. The Planning and Development Manager added that the Council could not insist on Agents consulting with town and parish councils and concluded that only in exceptional circumstances could the Council insist on pre-application engagement on applications.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member reminded the Committee that the first application at the site had been presented to the Committee at its Meeting in April 2018, but had been deferred to enable further engagement with the Agent to take place. The Ward Member added that this had since successfully taken place and that he was now aware that residents of Down Ampney were seeking a positive ending in regards to the application. He explained that he was hopeful that further, continued dialogue and support from Officers would result in a successful resolution but expressed his concern in regards to Thames Water and their record of poor delivery. In conclusion, the Ward Member stated that if the Committee was minded to approve the application, it should be compliant that if any issues arose, all residents' properties would be properly dealt with.

In response to various questions from Members, it was reported that Thames Water had confirmed to the Case Officer that the upgrades would be delivered in time to meet the deadline; the Council had made an appropriate consultation and had since received responses from Thames Water, and if the application followed the proposed programme, Officers did not consider there would be an issue; Thames Water would also be responsible if there was any pollution issues at the site; if the Committee was not minded to approve the application, the Agent would be entitled to appeal, and it was confirmed that the expert witness would be Thames Water themselves; the future management of the SUDs would be the responsibility of a private, management company; the wording of condition 7 could only be altered by a variation of the condition and it was no longer necessary to do this as Thames Water was now satisfied.

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

The Ward Member was invited to address the Committee again and explained that if the Committee was minded to approve the application, the Committee had to be content that it could trust Thames Water in ensuring the works were carried out correctly and on time. He added that the site layout was appropriate, but the site was a large area and, consequently, there was still an opportunity to move approximately half of the houses without compromising the overall development.

Approved, as recommended.

Record of Voting - for 12, against 0, abstentions 1, absent 1, did not vote 1.

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 Speaking

Public speaking took place as follows:-

<u>18/00970/FUL</u>)	Mr. A Singh (Objector)
)	Mr. P Barton (Agent)
<u>18/01407/FUL</u>)	Mrs. L Newman (Objector)
)	Mr. G Phipps (Supporter)
)	Mr. Deacon (Applicant)
)	Ms. Wilder (Agent)
<u>18/02840/COMPLY</u>)	Cllr. David Fowles (on behalf of the Parish Council)

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.46 SITES INSPECTION BRIEFINGS

1. Members for 3rd October 2018

No applications were deferred for Sites Inspection Briefings.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.47 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 11.20 a.m., and closed at 12 noon.

Chairman

(END)