



PLANNING COMMITTEE

MINUTES of the meeting of the Planning Committee held on Thursday 31 January 2019 commencing at 10.00 am.

**PRESENT
MEMBERSHIP:**

Cllr Phil Awford (Chairman)	Cllr Graham Morgan
Cllr Robert Bird	Cllr Shaun Parsons
Cllr David Brown	Cllr Steve Robinson
Cllr Dr John Cordwell	Cllr Pam Tracey MBE
Cllr Bernard Fisher	Cllr Robert Vines
Cllr Terry Hale	Cllr Simon Wheeler
Cllr Stephen Hirst	

Substitutes:

Apologies: Cllr Alan Prest and Cllr Keith Rippington

1. DECLARATIONS OF INTEREST

Cllr Awford, Cllr Vines & Cllr Bird declared they were members of Tewkesbury Borough Council. Cllr Vines added that he was a member of the TBC Planning Committee but had no involvement in the application before the Committee today.

2. MINUTES OF PREVIOUS MEETING

Resolved

That the minutes of the meeting held on 22nd November 2018 be approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTIONS

No public questions had been received.

4. MEMBERS' QUESTIONS

No Members questions had been received.

5. MEMBERS SITE VISIT

Resolved:

Minutes subject to their acceptance as a correct record at the next meeting

That the notes of the Members' Site Visit on the 24th January 2019 be received as a correct record.

**6. LAND TO WEST OF WINGMOOR FARM, STOKE ROAD, BISHOPS CLEEVE.
APPLICATION NO:18/0032/TWMAJW**

Ms Denness, Principal Lawyer advised the committee that an unregistered area of land included within the application boundary had been brought to the attention of the planning authority at the last minute. Unfortunately the correct notices (under the Town and Country Planning (Development Management Procedure) (England) Order 2015) had not been served prior to the submission of the application as is required by law. Members were advised that the ownership of the unregistered land had not been confirmed, therefore the committee were asked to defer the application at this stage, in order for the applicant to confirm the ownership (being within the ownership of the parties declared to the planning authority previously) or to allow the Applicant to remedy the anomaly by meeting the notice requirement. In response to a question, members were advised that the unregistered piece of land related to the access to the application site and was subject to visibility concerns from the Local Highway Authority.

The Committee were advised that the Applicant had asked for the application to be considered at the meeting and issue a resolution in principle whilst the land ownership issue was resolved. However, the Principal Lawyer reiterated the need for openness and transparency in the decision making process, stating any decision made at this stage could prejudice the Committee in considering the application at a later date should new information be brought before them. The advice given by officers was clear that it was necessary to defer rather than determine the application at this stage.

Councillor Cordwell proposed a deferral of the application; this was seconded by Councillor Morgan.

Councillor Vines added that he preferred to debate the application; he referred to the fact that there were numerous parcels of land that were unregistered and referred to other past applications. The Principal Lawyer explained that the issue was not about the unregistered piece of land, it was the fact that there was a potential that the incorrect notice had been served as part of the planning process. Members were informed that if this was the case, the correct notice needed to be served in order for the application to be valid. In essence, the impropriety of the application needed to be resolved before determination of the application.

Once again, Councillor Vines asked if there was a route to debate the application. The Principal Lawyer reiterated that it would be improper to determine the application without the Committee having all the facts before them in relation to the application. To do so could prejudice the Committee from debating the application at a later date, therefore for the sake of transparency the best course of action at this stage was to defer the application.

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Councillor Bird questioned the purpose of the certification. The Principal Lawyer explained that you did not need to be the land owner in order to submit a planning application however, an applicant was required to serve notice on the respective landowner(s) to advise as to the proposed application. This was required as part of the planning process. Councillor Bird requested to know what was the timescale involved. The Committee were advised that this was 21 days notice.

Once again, it was stated that this information only had come to light at the last minute, planning regulations require that the correct notice has been served in order for the application to proceed. If the requirements are not complied with then it could render the application to be null and void.

Councillor Parsons felt there was no option but to defer at this stage it was explained that the onus was upon the landowner to check that the correct notices had been issued in relation to unregistered land.

The Principal Lawyer reiterated her advice numerous times, in relation to the reasons for deferral and the need for transparency and probity.

The Chairperson reminded members that they were straying into debate, and that this was purely an opportunity to ask questions in respect of the reason for the proposed deferral as this was a matter of procedure.

Councillor Tracey asked if the application could be delegated to officers, it was explained that this was not possible at this stage.

The Principal Lawyer informed the committee that they could be prejudicing themselves from debating the application at a later date if heard in part today therefore, it was best to defer the application and debate at a future meeting.

Councillor Bird asked if the applicant could present to the Committee. Members were advised that this was not possible.

The Chairperson reiterated the proposal by Councillor Cordwell and seconded by Councillor Morgan to defer the application based upon the legal advice given. On being put to the vote, it was agreed to defer the application at this stage (8 in favour, 3 against and 1 abstention).

The Planning Committee therefore:

Resolved

To defer the application until the 21 March 2019 Planning Committee meeting.

7. PLANNING ENFORCEMENT PLAN AND CASELOAD PROGRESS REPORT

Andy Birchley, Enforcement Officer presented the report in detail. The report identified the level and nature of enforcement activity undertaken by the Planning

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Enforcement Team. The Committee also received an update on the progress on the Planning Enforcement Plan.

Resolved

That the report be noted

8. DELEGATED DECISIONS BETWEEN 14TH NOVEMBER 2018 & 18TH JANUARY 2019.

The Committee received the report.

Resolved

That the delegated decisions made between 14th July 2017 - 10th January 2018 be noted.

9. ANY OTHER BUSINESS

The Chairperson kindly asked members to switch mobile phones to silent and refrain from answering whilst on the Site Visit meeting. In addition, members were requested to not to engage with members of the public while on a site visit, as this could be perceived as pre-determination, which would prejudice members from taking part in the Committee meeting.

In response to a question, it was explained that members of the public were invited to attend the site visit, however, it was at the Chairperson's discretion if they were permitted to address the committee or not and they could only address the committee on factual matters relating to the site.

Officers explained that members of the public could ask factual questions of officers and were able to make representation at the formal committee meeting or via their Parish Council or County Council representative.

Members were advised that the Site Visit guidance was available via the GCC website www.gloucestershire.gov.uk/planning-and-environment/speaking-at-planning-committee/

The Chairperson reiterated the need for professional conduct and transparency at all times.

CHAIRPERSON

Meeting concluded at 10.51 am

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