

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

12TH FEBRUARY 2020

Present:

| | | |
|----------------------------|---|------------|
| Councillor Juliet Layton | - | Chair |
| Councillor Ray Brassington | - | Vice-Chair |

Councillors -

| | |
|-----------------|-----------------|
| Tony Berry | Julia Judd |
| Claire Bloomer | Richard Keeling |
| Patrick Coleman | Dilys Neill |
| Roly Hughes | Gary Selwyn |
| Nikki Ind | Clive Webster |
| Sue Jepson | |

Apologies:

Stephen Hirst

PL.71 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor Webster declared an interest in respect of application 18/03618/FUL, as he was acquainted with the Supporter of the application.

Councillor Neill declared an interest in respect of application 18/03618/FUL, as she was acquainted and had socialised with the Objectors and the Applicant. She left the room while the application was being determined.

Councillor Keeling declared an interest in respect of application 18/03618/FUL, as he was acquainted with the Objectors and had previously met with the Applicant. He left the room while the application was being determined.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.72 SUBSTITUTION ARRANGEMENTS

No substitution arrangements had been put in place for this Meeting.

PL.73 MINUTES

RESOLVED that the Minutes of the Meeting of the Committee of 15th January 2020 be approved as a correct record.

Record of Voting - for 11, against 0, abstentions 3, absent 1.

PL.74 CHAIR'S ANNOUNCEMENTS

There were no announcements from the Chair.

PL.75 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.76 MEMBER QUESTIONS

No questions had been received from Members.

PL.77 PETITIONS

No petitions had been received.

PL.78 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:-

19/02819/FUL

Construction of an additional single-storey dayroom store building at Little Acre, Hartley Lane, Seven Springs, GL53 9NF -

The Case Officer reminded the Committee of the location of the site and displayed a map, aerial photograph, proposed site plan, elevations and roof plan and photos of the site from various vantage points.

The Agent was 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 she wished to commend the Case Officer for the report, explaining that the history of the site was complicated and that she considered it was beneficial to review previous applications at the site to help inform the decision required. The Ward Member informed the Committee that previous Officer recommendations had been to refuse permission at the site in respect of the site being made permanent, but the Committee had voted against these recommendations. She highlighted that the site was in a rural area and accessible only by a narrow lane and that there were also no public services nearby to the site. The Ward Member added that the application details had clearly stated it was not to provide additional accommodation for the residents of the site and that approval of the application as recommended would not have a significant adverse effect and impact to the site.

In response to various questions from Members it was reported that the Case Officer had discussed alternatives to the proposals with the Applicant but these suggestions had not materialised; proposed Condition 6 requires that the building should not be used as a separate unit of accommodation and any breach of this condition would result in the Council considering issuing a Breach of Condition Notice for the use to cease; if the site by the applicants was to cease, the buildings would have to be removed and the site restored to its original condition or an alternative use would have to be applied for; the use of the site, including the pitch to the north, was as an approved permanent gypsy site with permission for three caravans and three mobile homes (as defined by the Caravan Act); a one year temporary period permission had been granted by the Council in 2017 and in 2018 the application had been re-presented with the Officer recommendation of refusal, but a casting vote had resulted in the application being approved permanently; human rights legislation had previously been considered in relation to the application and this related to the right of all individuals to a private life; the site permission had been personalised to three individual members of the family and their dependants; and Policy H7 allows for the potential of gypsy settlements both within or outside of a defined settlement.

A Member commented that, given the recommendations suggested by Officers and the fact the site was hidden within the landscape, the application should be approved.

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

Various Members commented that as the site was already an established gypsy site and the conditions would ensure that any additional rights could not be obtained through successive generations inhabiting the site, the application should be approved.

The Ward Member was invited to address the Committee again. She thanked the Committee for its consideration of the application and highlighted that it was a sensitive site, but one that warranted approval of the application.

Approved as recommended, subject to the inclusion of an additional Condition regarding the removal of the building upon cessation of the use of the site.

Record of Voting - for 14, against 0, abstentions 0, absent 1.

19/03261/FUL

Change of use of barn to dwelling at Land and Barn West of Church Farm House, Naunton, GL54 3AJ -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and displayed a site block plan, internal layout drawings and photographs of the site from various vantage points.

An Objector and the Applicant 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 he had approached the conversion of the disused barn with an open mind but that he considered the application was on the cusp of suitable levels in regards to living space, amenity and site location. He added that he also did not feel confident to accept the Officer recommendation of approval as he considered the site to be unsustainable owing to its location outside of the village. The Ward Member commented that the internal dimensions had already been 'maxed-out' and final measurements, once insulation had been added to the internal walls, would reduce this space further and he also had concerns regarding the levels of natural light that would be available to the property. He concluded by highlighting to the Committee the risk of the nearby crossroads and asked the Committee to consider all of the issues in turn when determining the application.

In response to various questions from Members, it was reported that the adjacent Church Farmhouse is Grade II listed; the proposed shower room did not require natural daylight and therefore no window had been included within the proposals; Highway Officers had confirmed that the nearby crossroads was an area of concern as there were no traffic lights at the junctions, only stop signs, and there had been one recorded accident over the past 20 years in 2014; traffic counts taken 10 metres from the junction had revealed that the speed of vehicles entering southbound were between 10 and 15 miles per hour; whilst the lane was narrow with no passing spaces, Highway Officers had raised no objection to the application on the basis that the Barn's existing use would generate some level of farm traffic and there was also existing dwellings adjacent to the site; the creation of formal cycle storage at the site would require an additional extension or storage building and a further building on the site may not be acceptable, though Members could consider conditioning the installation of a free-standing cycle rack; a Construction Method Statement would require the creation of a residents' association and, as there were only four other properties at the site, this was also considered unreasonable by Officers; Condition 8 required the Applicant to submit a lighting scheme to the Council for approval prior to installation and this lighting would also be of a low-level owing to bats at the site; the Applicant would not be required to retain the hedge and wall if the application was approved; the need to meet the Nationally Described Space Standards was a requirement of Local Plan Policy H1, though this could be relaxed if there was a good justification to do so, e.g. in the event that the conversion of a listed agricultural building would ensure its future survival; the insulation of the building was primarily a matter for Building Control, but in the event that providing sufficient insulation to meet Building Regulations would result in a significant

reduction in the usable internal floor area and would consequently mean that the proposed development would not meet the minimum Nationally Described Space Standard, that could result in a recommendation to refuse the application - if Members wished to clarify this matter, it would be reasonable to defer a decision on the application; Policy EC6 requires, inter alia, that a rural building is capable of conversion without extension; Members needed to be mindful of the overall size of the building when considering the proposed sizes of the windows; there was little merit in engaging in pre-application discussions with the applicant at this stage as any outstanding matters could be addressed during the consideration of this current planning application; the Applicant had not presented any alternative use for the site and, in the view of Officers, alternative uses other than residential would be limited due to the size and location of the building.

A Proposition, that the application be deferred to enable Officers to clarify if the application proposals (following the installation of the required insulation and walling) met the required minimum standards for internal space, was duly Seconded.

A Further Proposition, that the application be deferred to enable a panel Sites Inspection Briefing, to assess the sustainability of the building, impact on nearby buildings and the road traffic issues, was duly Seconded.

The Ward Member was invited to address the Committee again but explained he had no further comment he wished to make.

On being put to the vote, the Proposition to defer this application was CARRIED. The Record of Voting in respect of that Proposition was - for 14, against 0, abstentions 0, absent 1.

On being put to the vote, the Further Proposition to undertake a Sites Inspection Briefing at the site was LOST. The Record of Voting in respect of that Proposition was - for 5, against 9, abstentions 0, absent 1.

Deferred, to enable Officers to seek clarification over floor space and natural lighting.

Record of Voting - for 14, against 0, abstentions 0, absent 1.

18/03618/FUL

Retrospective change of use and extension of two agricultural barns to conference hall and function suite (D2) at Hill Barn, Lower Swell, GL54 2JR-

The Case Officer informed the Committee of an amendment to Condition 7 in regard to the removal of the word 'regulated' and of clarification to the hours stated in Condition 9 so as to read '8 a.m. until midnight'.

The Case Officer then reminded the Committee of the location of the site and displayed a map, aerial photograph dated 2014, floor plans, elevations and a Google virtual street view and photos of the site from various vantage points.

A representative from the Parish Council, an Objector, a Supporter and the Applicant 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 village of Lower Swell was disadvantaged by a main road which ran through the village and which was regularly used as a 'rat run' to travel between Stow and Cheltenham and Gloucester. She explained that she sympathised with many residents local to the site who had expressed anger at this application being built, when they in turn had had many smaller applications refused by the Council. The Ward Member informed the Committee that the first retrospective application had done little to alleviate concerns and whilst no one regretted the loss of the former barn buildings which occupied the site, there were concerns that the proposed use of the site would bring about increased traffic. She added that many people praised the Applicant for attempting to run an environmentally-friendly farm and the Applicant was seeking D2, not business use. She concluded that she wished to compliment all those involved in the application for their attempts to reach a compromise decision and explained that she had referred the application to the Committee owing to the strong feelings from both sides for the application.

The Ward Member then left the Meeting for the remainder of the item as she had declared an interest in respect of the application.

In response to various questions from Members it was reported that the nearest residential property to the site was located 600 metres away; the Committee, if minded to approve the application, could add a specific requirement for the installation of a noise-limiting device; the application if approved, would still be subject to approval of the access by Highway Officers; the Conditions would enable only 5 evening events to take place out of a total of 15 permitted events per year, as requested by the Applicant; no family events were expected to take place at the site and if they did, they would be required to be included within the maximum permitted number of events; and a noise 'traffic light system' would essentially be included as part of the noise-limiting device element within Condition 6 of the permission.

A Member commented that given the Conditions recommended by Officers and the fact that the permission would only grant a maximum of 15 events per year, he considered the application should be approved, as recommended.

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

Another Member commented that she considered there was an existing level of mistrust between local residents and the Applicant. She therefore suggested that the Applicant communicate with the Parish Council and local residents giving prior notice of any of the events planned for the site.

Approved, as recommended, subject to the varying of the wording of Condition 6 to include a noise limiting device.

Record of Voting - for 12, against 0, abstentions 0, absent 3.

19/03947/FUL

Erection of outbuilding (retrospective) at 39 Tinglesfield, Stratton, Cirencester, GL7 2JL -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and displayed a location plan, aerial photograph, elevation plan, Google virtual street view and photographs of the site from various vantage points.

There were no public speakers.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member explained that the site was located on a period 1960s estate, of which three quarters of the properties were bungalows. He added that there had been a number of unobtrusive extensions that had been made to many of the properties over the years and these had largely managed to maintain the properties' original appearances. He informed the Committee that, having visited the site, he considered the application should be refused on the basis that the outbuilding was both unneighbourly and out of keeping with the character of the area.

In response to various questions from Members it was reported that a development is considered to be acceptable in terms of its design and siting, it shouldn't require planting or screening to mitigate its appearance; the majority of the outbuilding was hidden behind an existing prefabricated garage; the outbuilding was considered of a modest size for this type of building and Officers did not consider the outbuilding would result in a loss of residential amenity, as the garden was considered large enough to accommodate the building.

A Member commented that she considered the application should be refused on the basis of height, bulk of structure, and the building being uncharacteristic to the area. She also considered that enforcement action should require the building to be removed within three months.

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

Various Members expressed their support for refusal of the application stating that if approved, this would send a wrong message out to neighbouring properties as to the permitted sizes of outbuildings.

Other Members expressed that, given the outbuilding was located behind an existing garage, they felt the Officer recommendation of approval should be supported.

The Ward Member was invited to address the Committee again. He thanked the Committee for its consideration of the application and for the indicated support of refusal and removal of the outbuilding within three months, but also drew attention to the risk of appeal to the Council.

Refused, on the grounds that the design of the building was contrary to Policy EN2 of the Local Plan and to grant authority to initiate enforcement action to have the outbuilding removed within three months.

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

Note:

This decision was contrary to the Officer recommendation for the reasons outlined above.

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:-

| | | |
|--------------|---|----------------------------|
| 19/02819/FUL |) | Mr. M Hargreaves (Agent) |
| 19/03261/FUL |) | Mr. Keating (Objector) |
| |) | Mr. T Williams (Applicant) |
| 18/03618/FUL |) | Cllr. Joylon-Gray (on |
| |) | behalf of the Parish |
| |) | Council) |
| |) | Mr. T Barker (Objector) |
| |) | Mr. P Holden (Supporter) |
| |) | J Parker (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.79 SITES INSPECTION BRIEFINGS

1. Members for 4th March 2020

It was noted that Councillors Ray Brassington, Juliet Layton, Dilys Neill and Steve Trotter would represent the Committee at the Sites Inspection Briefing, if required.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.80 LICENSING SUB-COMMITTEES

1. Members for 18th March 2020

It was noted that Councillors Ray Brassington, Nikki Ind, Julia Judd, Dilys Neill and Gary Selwyn would represent the Committee at the Licensing Sub-Committee Meeting of 18th March 2020, if required.

PL.81 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 10.03 a.m., adjourned between 11.30 a.m. and 11.40 a.m. and closed at 12.54 p.m.

Chair

(END)