

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

10<sup>TH</sup> JUNE 2020

Present:

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

Councillors -

Patrick Coleman	Richard Keeling
Stephen Hirst	Dilys Neill
Nikki Ind	Gary Selwyn
Sue Jepson	Clive Webster

Substitutes:

Steve Trotter

Observers:

Stephen Andrews	Andrew Maclean
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Apologies:

Julia Judd

PL.1 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor Keeling declared an interest in respect of application 19/03646/FUL, as he socialised with the Chairman of the Parish Council who had submitted a representation to be read to the Committee on behalf of the Parish Council and who was also a former Member of Cotswold District Council. Councillor Keeling left the virtual Meeting while the item was being discussed.

Councillor Brassington declared an interest in respect of application 19/03585/FUL, as the Agent was a former Officer of the Council, but he confirmed he did not socialise with her.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.2 SUBSTITUTION ARRANGEMENTS

Councillor Trotter substituted for Councillor Judd.

PL.3 MINUTES

**RESOLVED that the Minutes of the Meeting of the Committee of 11<sup>th</sup> March 2020 be approved as a correct record.**

**Record of Voting - for 9, against 0, abstentions 2, absent 0.**

PL.4 CHAIR'S ANNOUNCEMENTS

The Chair informed the Committee that the parish and town council planning training was currently on hold due to the Covid-19 virus outbreak and the fact that the Council offices remained close to members of the public. She advised that the training would be reorganised to take place as soon as possible.

PL.5 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.6 MEMBER QUESTIONS

No questions had been received from Members.

PL.7 PETITIONS

No petitions had been received.

PL.8 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:-**

**18/02520/FUL**

**Erection of two dwellings at Land South Of Wick House, East End, Fairford, GL7 4AP -**

The Case Officer drew attention to additional information including extra representations received since publication of the Schedule of Planning Applications and then displayed a map, aerial photograph, elevations and photographs of the site from various vantage points.

The Committee Officer then read out comments on behalf of the Town Council, an Objector and the Agent to the Committee.

The Ward Members, who did not serve on the Committee, though one Ward Member was attending the Meeting as a Substitute, were then invited to address the Committee. The first Ward Member explained that the site had previously been subject to a Sites Inspection Briefing in July 2019 and that concerns were raised in relation to the heritage aspects, access to the site and drainage. He added that whilst he was keeping an open mind to the application, 18 neighbours and six other residents had objected to the application alongside the Town Council. The Ward Member continued that the site did flood as evidenced by local residents and the proposed shared access was an issue with a sharp, narrow 90 degree bend needing to be negotiated, which would be difficult for larger or emergency vehicles. The Ward Member concluded that the Committee needed to consider the potential impact on the nearby listed building and ensure no harm would be caused by approving the application as detailed in the submission from Heritage England.

The second Ward Member was then invited to address the Committee. He displayed further photographs of the site which he had taken and highlighted that these demonstrated access issues for waste collection as the photographs had been taken on the day of a collection. He added that there was a gully between the existing house and track and the area currently used for parking was directly opposite where a hedge had been removed. The Ward Member also displayed an aerial photograph taken in September 2019 which he considered highlighted that vegetation had grown on the site and therefore the issues of biodiversity and water run-off should also be considered by the Committee.

The Chair then invited those Members who had attended the Sites Inspection Briefing at the site to express their views. Those Members commented that providing the track was kept clear; there was no reason why it should not be used for access and also highlighted the need for sufficient management constructions methods in relation to this. The Members also highlighted the issue of fencing that existed by the adjacent property.

In response to various questions from Members it was reported that Condition 21 in relation to the boundary wall was requested by the Conservation Officer requesting a repair and method statement be produced for the wall, specifically stating that 'no opening shall be made to the boundary wall until details of the repair have been submitted and approved by the Council'; Officers had not received details for emergency vehicles being able to travel around the bend, but it had been confirmed that a fire engine could access via the narrowest point of the track and Highway Officers had raised no concerns; the Committee could place a condition requiring sprinklers if it considered this necessary; reference to the lighting strategy had been missed from the original Committee report; the

official records the Council held in relation to flooding at the site did not show any record of flooding at the site, as the records were not managed by the Council at that time; works to a hedgerow had been undertaken at the site, but the Applicant had signed Ownership Certificate D to confirm that this land was not in their ownership and the Council would seek a permeable surface for the access route providing it met the requirements requested by Highway Officers, but these Officers had informed the Case Officer they would only be requesting a bound, not permeable, surface in relation to this application.

A Member commented that the Committee had previously reviewed the technicalities of the application and that the Officer's opinions all indicated that the application was workable. He therefore stated that the Committee had no option other than to approve the application, with an amendment to Condition 20 that the reference to impermeable surfaces was removed within the condition.

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

The Ward Members were invited to address the Committee again. They explained that having listened to the debate the concerns in relation to drainage, access and heritage concerns remained and that the issue of flooding had not been resolved. The Ward Members added that only remedial works had been made to the site with no evidence of maintenance or works plans.

**Approved, as recommended.**

**Record of Voting - for 6, against 5, abstentions 0, absent 0.**

**19/03585/FUL**

**Change of use of agricultural land for the siting of 7 no. shepherds huts at Sheafhouse Farm, Draycott Road, Blockley, Moreton-In-Marsh, GL56 9DY -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and then displayed a site map, aerial photograph, site plan, hut drawings, waste tank details and photographs of the site from various vantage points

The Committee Officer then read out comments on behalf of an Objector and the Agent.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member explained that her view had not changed from the original reason she had brought the application to the Committee. She added that whilst she was pleased a panel of Members had conducted a virtual Sites Inspection Briefing at the site, she did not consider this to give the same information as if visiting the site in person. The Ward Member added that objections had been raised to noise levels, but that these could be controlled via conditions, but that the harm to the AONB if the application was approved could not be mitigated in the same way. The Ward Member highlighted that the Committee had a duty to protect the AONB and that this application would not set to achieve this. In concluding, she highlighted the value of agricultural land within the District and which she considered should therefore be protected.

The Chair then invited those Members who had undertaken a virtual Sites Inspection Briefing at the site to express their views. Those Members explained that they considered the application would be largely unobtrusive and that the site was well-screened and would therefore not be visible from the village. Those Members added that the situation of current noise at the site was as a result of the existing gymnasium at the site, which was not part of the application being determined.

In response to various questions from Members, it was reported that, in the view of Officers, the size of huts proposed was small and of a design that was suitable for the rural location proposed; and the huts would only be in position at the site for six months of the year. The amended wording for Condition 16 stated that 'There shall be no external amplified or acoustic, live or recorded music on site'; the Council's Environmental Health Team suggested conditions in relation to the audible levels of continuous sound at the site; the Council's Landscape Officer considered that the proposals would not cause harm to the AONB or affect views from the public walking on paths adjacent to the site; there was no hard surfacing proposed for the huts; hard surfacing was proposed for the parking area, details of which is secured by condition; it was not possible for the Committee to restrict activities at the site which did not necessarily result in harm as any matters not relating to development could not be controlled; there was a housing allocation within the Council's Local Plan for the site adjacent to that of this application but the housing allocation was located within the Development Boundary; Condition 10 stated that 'samples of the walling and roofing materials (including their proposed colour) shall be submitted to and approved in writing by the Local Planning Authority'; the Committee should not consider the noise complaint made against the other business at the site, despite it being within the same ownership of the Applicants; there would potentially be electricity cabling that ran across the site ground but Officers understood this would be removed once the huts were removed from the site, it was expected that some form of paraphernalia in the form of chairs and tables would be used outside of the huts when they were in use.

A Member explained that he felt there were many constraints to the application and that he wished to commend the author of the representation from neighbouring residents which he considered had been a carefully prepared response. He added that the gymnasium business at the site was already having an impact and that it would be difficult to enforce noise controls in future.

Another Member questioned if there was a potential for all huts at the site to be booked by one party and if a condition could be imposed to prevent this. In response, Officers confirmed that the harm that would relate from this issue would already be covered by the proposed enforceable conditions.

A third Member expressed that he considered the noise conditions proposed by Officers covered the concerns raised and therefore expressed that the application should be approved.

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

The Ward Member was invited to address the Committee again and explained that, if the application was approved, a number of issues would subsequently be raised. She added that her concerns regarding noise at the site remained and that the harm to the AONB should result in the application being refused.

**Approved, as recommended.**

**Record of Voting - for 8, against 1, abstentions 2, absent 0.**

**19/02005/FUL**

**Erection of dwelling house and associated ancillary development (revised scheme) at Land to the Rear of Albion Street, Albion Street, Stratton, Cirencester -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and then displayed a site map and plan, floor layouts and sketch perspectives and photographs of the site from various vantage points.

The Committee Officer then read out comments on behalf of the Town Council, an Objector and the Agent to the Committee.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member explained that the decision of the Committee in March 2020 had been to undertake a panel Sites Inspection Briefing at the site. He added that the site had a complicated planning history. The Ward Member continued that the Planning Inspector at the appeal against refusal of a previous application on highway grounds, had not agreed with the Highway Officer's view, but that he, as Ward Member, agreed with the comments he had received from an objector. The Ward Member then informed the Committee that the access track was once used by gardener's to access a vegetable and fruit tree garden many years ago, but had never served as vehicular access to a dwelling with regular vehicle trip generation and that it therefore would not allow for the efficient delivery of goods, and access by service and emergency vehicles. He continued that the new proposed dwelling of this application showed the new eaves height at 120.25m, over 1 metre higher than 4 Stratton Place and which would therefore result in the occupants of the proposed dwelling looking down on the occupants of 4 Stratton Place and 7 Albion Street. The Ward Member concluded that there had also been an issue of late publishing of reports, with documents being published only eight days before the Committee Meeting.

The Team Leader - Development Management then responded to the comments made by the Ward Member with regard to the Sites Inspection Briefing. She explained that there had been a number of reasons why the Sites Inspection Briefing had not taken place and that the Committee had recently trialled its first virtual Briefing at another site. She added that the Committee, having received all the relevant information, was able to make the decision as to whether a Briefing still remained necessary and that the proposal made at the March 2020 Committee Meeting was as a result of a request by the Ward Member, and not a formal Committee decision.

In response to various questions from Members, it was reported that Officers had recommended the previous application for the site be refused partly due to the impact on 4 Stratton Place which was due to issues of an overbearing, not overlooking, nature which the Inspector had agreed to; there was now a proposed distance of 22 metres between the proposed dwelling and 4 Stratton

Place which was the distance required within the Council's Local Plan, which had not existed at the time of the previous application; Officers were now satisfied that the application would not have an impact on neighbouring dwellings; a distance of 20.1 metres was also now proposed between the application and 7 Albion Street but there would be no overlooking windows; Highway Officers had raised no objection to the application; other rights of access in regard to the track accessing the site were not matters for the Committee to determine; all neighbouring residents had been consulted on the proposals in relation to the revised design; the only change to the recently submitted plan was the annotation showing a sedum roof had now been updated to a green roof; no previous complaints had been raised in regard to a flu connected to a nearby public house.

A Member commented that, as the site was almost surrounded by development and the reasons for approving the application did not outweigh those for a Sites Inspection Briefing, the application should be deferred to enable a Briefing to be undertaken to consider the suitability of access to the site, the design and impact on neighbouring residents in regard to levels at the site.

A Proposition, that the application be deferred to enable a Sites Inspection Briefing to be undertaken, was duly Seconded.

The Chair requested that, should a Briefing be approved, that height posts be arranged for the Briefing to assist Members determining the height of the proposals.

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

**Deferred, to enable a Sites Inspection Briefing to be undertaken to consider the suitability of access to the site, the design and impact on neighbouring residents in regard to levels at the site.**

**Record of Voting - for 9, against 2, abstentions 0, absent 0.**

**19/0646/FUL**

**Conversion of barn to four dwellings and all associated works at Church Farm, Little Rissington, Cheltenham, GL54 2ND -**

The Case Officer reminded the Committee of the location of the site and then outlined the proposals. The Case Officer then displayed an aerial photograph, block plan, proposed elevations and floor plans and photographs of the site from various vantage points.

The Committee Officer then read out comments on behalf of the Parish Council and the Agent.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. The Ward Member explained that he had referred the application to the Committee due to the strong objection made by the Parish Council. He explained that the Parish Council had made no objection to the barn conversion itself and whilst not against development, had raised objection to the access to the site from a 90 degree bend. The Ward Member continued that the

road had originally served Church Farm and as the start of a bridleway, but would now be required to serve an expected 13 properties that were currently in the pipeline for permission and issues of gridlock and safety were expected by residents. The Ward Member concluded that, as a result of separate permissions being obtained for smaller applications over time, no one developer would be responsible for a comprehensive overhaul of the lane which was soon required.

In response to various questions from Members, it was reported that a previous application related to the conversion of a barn immediately to the north of the application site into four dwellings and that Highway Officers had at that time raised no objection; there was a current chevron indicating the tight bend on Church Lane and a 20 mph speed limit on Rissington Road; a pedestrian survey undertaken on 5<sup>th</sup> March 2020 had revealed a much higher usage of the Lane by pedestrians than in December 2019 when a similar survey had been undertaken; there were a number of informal passing places on the lane and, as part of the approved developments, additional passing places would be added to the Lane, in addition to additional signage and footpath; the current application had resulted in the Highway Authority now requesting a major change to the Lane following the March 2020 survey and in recognising the comments made by the Parish Council; eight of the proposed units would be barn conversions and an application in 2018 for three holiday lets on a different site had now been superseded by an application for a single dwelling; prior to a previous application at the site in May 2019, no request had been made to pool S106 funding; consultation had been undertaken with the Council's Landscape Officer whose main concern in relation to the current application was in regard to external lighting for which proposed Condition 10 referred; the policies of the Cotswold Conservation Board in regard to the avoidance of conversion of isolated buildings, had been considered by the Landscape Officer; the proposal was considered to accord with Policy EC6 of the Local Plan, whilst the external cladding would be replaced the core structure of the barn would be retained, providing it was in a sound condition.

A Member commented that as there were no valid reasons to refuse the application, the application should be approved.

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

The Ward Member was invited to address the Committee again and thanked the Committee for its consideration of the application. He advised the Committee that the survey had been undertaken when traffic was light and that the main traffic flow was during the summer with traffic travelling to and from nearby Bourton-on-the-Water and that action needed to be taken soon to ensure safety at the junction.

**Approved, as recommended.**

**Record of Voting - for 9, against 1, abstentions 0, interest declared 1, absent 0.**

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 Submissions

Public submissions were submitted and read to the Committee as follows:-

18/02520/FUL	)	Fairford Town Council
	)	Margaret Bishop
	)	(Objector)
	)	Paul Jenkins (Agent)
19/03585/FUL	)	Mr. P Enschede (Objector)
	)	Lorelie Davies (Agent)
19/02005/FUL	)	Cirencester Town Council
	)	Rachel Vincent (Objector)
	)	Andrew Pywell (Agent)
19/03646/FUL	)	Cllr. MacKenzie-
	)	Charrington (on behalf of
	)	the Parish Council)
	)	Jayne Cashmore (Agent)

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.9 SITES INSPECTION BRIEFINGS

1. Members for 1<sup>st</sup> July 2020

It was noted that Councillors Stephen Hirst, Nikki Ind, Julia Judd, Juliet Layton and Clive Webster would represent the Committee at the virtual Sites Inspection Briefing.

2. Advance Sites Inspection Briefings

There were no advanced Sites Inspection Briefings.

PL.10 LICENSING SUB-COMMITTEES

1. Members for 22<sup>nd</sup> July 2020

It was noted that Councillors Stephen Hirst, Nikki Ind, Richard Keeling, Juliet Layton and Gary Selwyn would represent the Committee at the virtual Licensing Sub-Committee Meeting, if required.

PL.11 OTHER BUSINESS

There was no other business.

The Meeting commenced at 10.00 a.m., adjourned between 11.05 a.m. and 11.20 a.m., 1.03 p.m. and 1.15 p.m., and closed at 2.02 p.m.

Chair

(END)