

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

12 AUGUST 2020

Present:

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

Councillors -

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

Observers:

Stephen Andrews	Richard Morgan
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Apologies:

Patrick Coleman	Julia Judd
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PL.24 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor Webster declared an other interest in respect of application 19/04052/FUL, as he had previously employed Corinium Planning to undertake work to his property.

Councillor Trotter declared an interest in respect of application 19/03648/FUL, as he was a Member of Lechlade Town Council.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.25 SUBSTITUTION ARRANGEMENTS

Councillor Trotter substituted for Councillor Judd

PL.26 MINUTES

**RESOLVED that, the Minutes of the Meeting of the Committee of 8 July 2020 be approved as a correct record.**

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

PL.27 CHAIR'S ANNOUNCEMENTS

There were no announcements from the Chair.

PL.28 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.29 MEMBER QUESTIONS

No questions had been received from Members.

PL.30 PETITIONS

No petitions had been received.

PL.31 STATEMENT OF LICENSING POLICY

The Committee received a report regarding an update on the statutory requirement to review the current Statement of Licensing Policy by January 2021 and was requested to consider that a full review takes place in 2021 due to the COVID-19 pandemic.

In response to a Member's question, the Service Leader - Licensing and Business Support confirmed that emergency licensing matters in relation to the COVID-19 pandemic were dealt with under separate jurisdiction, details of which had been published on the Council's website.

A Proposition, in support of the Officer's recommendation, was duly Seconded.

**RESOLVED that the Committee supports the recommendation that the statutory review should not take place in 2020 and recommends to Council that the existing policy in Annex 'A' is re-adopted until 2021/22.**

PL.32 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:-**

**19/04052/FUL**

**Change of use and alterations to existing agricultural buildings to dog kennels at Scrubbets Farm, Scrubbets Lane, Bagpath, Kingscote, GL8 8YG**

The Case Officer drew attention to additional information including extra representations received since publication of the Schedule of Planning Applications, including a letter received by the Council's Interim Monitoring Officer and explained that owing to further information being required by Officers, the recommendation to the Committee was that the application be deferred, pending receipt of further information.

The Committee Officer then read out comments on behalf of the Parish Council, Objectors and the Applicant.

A Proposition, that the application be deferred, was then duly Seconded.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. He explained that he supported deferral of the application and that he considered a site visit should be undertaken by Members to determine the width of the roads and to better understand the geographical layout of the area. He added that he considered a decision on the application by the Committee today would not have received the appropriate level of scrutiny and that the belief of objectors was that the proposals did not relate to a small scale business.

The Chair and Planning Manager then informed the Committee that current restrictions limited Members' ability to undertake site visits, but that an alternative option was for Members assigned to the visit panel for September 2020 to undertake individual visits to the site.

Some Members supported the suggestion for deferral of the application and for individual Members to undertake solo visits to the site.

Another Member highlighted that whilst sympathetic to the objector's concerns, he considered the advice presented by Highway Officers to be reasonable and that when the application was represented, he considered the Objectors would need to demonstrate suitable evidence regarding their concerns.

On being put to the vote, the Proposition for Members of the Panel to undertake individual site visits was CARRIED, the record of voting was as follows:-

For 8, against 0, abstentions 1, absent 2.

**Deferred, to enable Officers to receive further information in relation to the noise assessment.**

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

**20/01547/FUL**

**Erection of a single new dwelling at the rear of Bantam Tea Rooms at Bantam Tearooms, High Street, Chipping Campden, GL55 6HB -**

The Case Officer reminded the Committee of the location of the site and outlined the proposals. The Case Officer then displayed a site map and outline (showing nearby listed buildings), floor plans, elevations, historic drawings and photographs of the site from various vantage points.

The Agent was then invited to address the Committee.

The Committee Officer then read out comments on behalf of the Ward Members. The Ward Members statement reported that the application represented overdevelopment of the site within an AONB and conservation area; was a new build for holiday lets and would therefore not add to the supply of residential housing in the area; the Town Council in addition to many residents had objected to the application; the Town previously suffered serious flooding in 2007 and remained a flood risk; there was no public benefit to be gained from approval of the application; the Council's Conservation Officer had expressed concerns regarding the changes to the character of one of the very few remaining burgages in Chipping Campden and stated that the application would be harmful to the setting of a listed building; the neglect of the site could not be considered a reason to build on it; earlier planning permissions for a similar development in 1980 and 1975 were now 45 and 50 years old and since then much had changed and the issues of lack of parking spaces would only add to the existing parking issues in Calf Lane.

In response to various questions from Members, it was reported that applications often resulted in displacement of parking but this could only be considered if the displacement was expected to be harmful or have an impact on the highway; the setting of the listed building had been taken into account by Officers; the burgage plot was part of the historic interest of the building and the fragmentation of it could be considered to have an effect on the listed building; a parking survey had been undertaken by the Applicant in addition to one undertaken by the Town's Business Forum which both suggested there was not a parking capacity problem on side roads; in 2013 much work had been undertaken to alleviate previous flooding problems and the Applicant had also undertaken flood modelling and a Council Drainage Engineer and Environmental Agency Officer had both confirmed they were satisfied; the previous application had been refused on design grounds and the Applicant had since overcome these matters in presenting the most recent application; there was no method to guarantee the property would not be used as a holiday home as the use for such means did not require planning permission and if the building was used for such means for over 160 days per year, the building was liable for business rates.

Various Members commented that the parking survey conducted only provided a snapshot in time and possibly did not fully represent the parking problems and that as parking was on the High Street there were also issues relating to regular deliveries.

Another Member commented that the application had decreased in size over time and therefore should be supported.

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

**Approved, as recommended.**

**Record of Voting - for 7, against 2, abstentions 0, absent 2.**

**20/01886/FUL**

**Erection of two-storey rear extension, single-storey side extension and replacement of front dormer with gable end at Barnbrook, School Lane, Blockley, GL56 9HU -**

The Case Officer reminded the Committee of the location of the site and outlined the proposals. The Case Officer then displayed a site map and location plan, aerial photograph, proposed block plan, front, side and rear elevations, existing and proposed floor plans 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 the application was located in a conservation area and did not comply with the relevant policies. She added that she considered the objector's comments were sound reasons for refusal of the application and that the Council had a duty to protect and enhance the character and appearance of the AONB and this had formed the basis of her reasons for referring the application to the Committee. The Ward Member added that she considered a site visit to the site would enable Members to better understand the street scene and to highlight the amount of building that had taken place in the area. The Ward Member concluded that the village's residents were passionate about keeping the heritage of the village owing to its location within the AONB and conservation area.

In response to various questions from Members, it was reported that Officers had considered whether a condition to restrict construction times should be applied but this was considered unusual for a development of this scale, but notwithstanding this, the applicant had indicated that he was agreeable to that condition; Officers had considered the application would not harm listed buildings in the locality; views from the conservation area were limited; there were modern properties to the south of the site; and the majority of objections had been from residents of the High Street who could view the site from their properties but this was not considered to be harmful to these properties and therefore the application did comply with policies EN10 and EN11.

A Member commented that he considered the application's design was sympathetic to the proposal and was screened by a garage and therefore the impact was not severe. He added that he did consider a condition should be attached to any permission regarding permitted construction hours.

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

The Ward Member was invited to address the Committee again and in doing so, explained that excavation work had already commenced at the site. She added that she considered that any construction work at the site should be limited to the hours of 08:00 -17:00 hours with no weekend work and that Members would still benefit from undertaking a visit to the site.

The Planning Manager responded that it was unusual for a restriction on operating hours to be placed on a permission for an extension to a dwelling as it might not be considered to be reasonable or necessary but given that the applicant was agreeable to such a condition, the model condition would be appropriate in this instance which allowed working on Saturdays. She added that there was an additional benefit in allowing extended working hours, in that the duration of the build period would be reduced.

**Approved, as recommended.**

**Record of Voting - for 6, against 1, abstentions 2, absent 2.**

**19/03648/FUL**

**Retention of fencing with a section to be reduced in height and proposed planting at Manor Fields Court, Burford Road, Lechlade, GL7 3ET -**

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

There were no public speakers.

The Ward Members, who both did not serve on the Committee (though one Ward Member was in attendance at the Meeting as a Substitute Member) were then invited to address the Committee. The first Ward Member explained that the application had been on-going since September 2014 and he then displayed diagrams showing the approved landscaping at the site from 2014, an advertised indicative layout from 2016 and photographs of the site from 2018 and 2020. He added that the planting consisted of invasive leylandii hedging and the photographs showed how the site had been developed over time.

The second Ward Member then explained that the fence had been erected on the boundary of the site as approached from Burford on the A361 and had been opposed by local residents and the Town Council. He added that the enforcement team had looked into the case in 2018, but no action taken and in January 2019, permission had been given for the land to be used as residential curtilage. The Ward Member added that the Lechlade Neighbourhood Plan stated that development should conform with the Cotswold design code and that the Lechlade Neighbourhood Plan also stated that an application for new development should only be approved where it respects the Plan. The Ward Member continued that the application would not receive permission if requested today and Policy D1 aimed to stop any further fencing of the type at the site. He concluded that development should not require hiding behind hedging and urged the Committee to support the local community and refuse the application.

In response to various questions from Members, it was reported that an enforcement case had been opened in 2018; the leylandii hedge was never considered to be unauthorised; the hedging would remain if the fencing was removed; if a fence is over 1 metre in height and located next to a highway, this would require planning permission; an application submitted in 2019 included condition 3 which related to the removal of permitted development rights for fencing and therefore the fencing did require planning permission.

A Member commented that if the fencing was removed, the leylandii hedging would remain and that it was regrettable the Council could not take any further action.

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

The Ward Members were invited to address the Committee again. They explained that development rights had been removed to ensure the application was brought to the Committee regarding how the entrance was treated and that a decision had been made to opt for high fencing and hedging as opposed to a knee-high sensitive boundary as had previously been agreed. They added that the application did also not solely relate to an unauthorised fence but to a breach of the Cotswold Design Code and the Lechlade Neighbourhood Plan, both of which had closely been followed by recent applications in the town and which suggested were not considered important by the Council as the planning authority.

On being put to the vote, the Proposition to approve the application was LOST, the record of voting was as follows:-

For 2, against 6, abstentions 2, absent 1.

A further Proposition, that the application be refused on the basis that the fence is not in keeping with the locality and is harmful to the approach into the town, and thus contrary to the Cotswold District Local Plan and the Lechlade Neighbourhood Plan, was duly Seconded.

**Refused, against Officer recommendation**

**Record of Voting - for 7, against 0, abstentions 3, absent 1.**

Note:

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

**19/00053/FUL**

**Erection of two storey and single storey rear extensions at 23 Westonbirt, Tetbury, GL8 8QT -**

The Case Officer reminded the Committee of the location of the site and outlined the proposals. The Case Officer then displayed an aerial photograph, property outline and photographs of the site from various vantage points.

The Applicant was then invited to address the Committee.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. He explained that the application related to what he considered subjective weight placed on certain aspects of this application by Officers and commented that he would urge the Committee to read the report carefully and conclude that the Heritage Officer's view is overly subjective. The Ward Member added that the Case Officer had considered the benefit against any potential harm and had not recommended refusal owing to the construction, but due to the demolition that would be required to take place if approved. The Ward Member continued that he considered the existing extension at the property contributed little to the dwelling and that the proposed development would enable a historic property to be converted for modern living and drew attention to numbers 21 and 25 Westonbirt which already had extensions. He also informed the Committee that whilst the front elevations of the property should be preserved, the fact the extensions would not be visible from the front meant that he considered the benefits outweighed any potential harm from the application and that the increased amenity space would benefit the applicant and any future owners of the property. He concluded by stating that he felt the Officer views were preservation for preservation sake.

In response to various questions from Members, it was reported that the extension at 21 Westonbirt had been assessed in 1999 and replaced a 1930s extension; the extension at 25 Westonbirt had a modern flat roof but was pre-listing and a further extension had been added in 2006; the property had three bedrooms with a bathroom on the ground floor, though Officers considered a bedroom could be converted to a bathroom; Officers considered the property was of historic and social historic interest; the three criteria used to assess by Officers was if the property was listed, located in a conservation area and if there would be some level of harm caused by the proposals; as the proposals include total demolition of the existing extension, Officers had consulted Historic England who had supported the view of Officers.

A Proposition, that the application be deferred to enable a Sites Inspection Briefing to be undertaken to enable Members to assess the context of the site and specifically to quantify the harm caused by the extensions to the adjoining listed buildings, was duly Seconded.

The Ward Member was invited to address the Committee again and in doing so explained that the properties were listed owing to their front elevations and that the extension proposed was required by the Applicant. He added that he considered the impact would be minimal and that there would be no impact on the conservation area.

**Deferred, to enable a Sites Inspection Briefing to be undertaken to enable Members to assess the context of the site and specifically to quantify the harm caused by the extensions to the adjoining listed buildings.**

**Record of Voting - for 5, against 4, abstentions 0, absent 2.**

**19/00644/LBC**

**Erection of two storey and single storey rear extensions at 23 Westonbirt, Tetbury, GL8 8QT -**



A Proposition, that the application be deferred to enable a Sites Inspection Briefing to be undertaken to enable Members to assess the context of the site and specifically to quantify the harm caused by the extensions to the adjoining listed buildings.

**Deferred, to enable a Sites Inspection Briefing to be undertaken to enable Members to assess the context of the site and specifically to quantify the harm caused by the extensions to the adjoining listed buildings.**

**Record of Voting - for 5, against 2, abstentions 2, 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.

(ii) Public Submissions

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

19/04052/FUL	)	Jon Bowers (on
	)	behalf of the
	)	Parish Council)
	)	
	)	Philip Kendell,
	)	Hugo Douglas-
	)	Pennant, Nicola
	)	Kendell (Objector)
	)	
	)	R Hazell
	)	(Applicant)
	)	
20/01547/FUL	)	Thea Osmund
	)	Smith (Agent)
	)	
20/01886/FUL	)	Duncan Wilkinson,
	)	Lynn McCulloch
	)	(Objector)
	)	Stephen and Lucy
	)	Clarke (Applicant)
	)	
19/00053/FUL	)	Natasha Drury
	)	(Applicant)
	)	
19/00644/LBC	)	Natasha Drury
(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.33 SITES INSPECTION BRIEFINGS

1. Members for 2 September 2020

It was noted that Councillors Ray Brassington, Stephen Hirst, Juliet Layton, Richard Keeling and Gary Selwyn would represent the Committee at the virtual Sites Inspection Briefing.

2. Advance Sites Inspection Briefings

There were no advanced Sites Inspection Briefings.

PL.34 LICENSING SUB-COMMITTEES

1. Members for 30 September 2020

It was noted that Councillors Patrick Coleman, Nikki Ind, Juliet Layton, Dilys Neill and Gary Selwyn would represent the Committee at the virtual Licensing Sub-Committee Meeting, if required.

PL.35 OTHER BUSINESS

There was no other business.

The Meeting commenced at 2.00 pm, adjourned between 3.05 pm and 3.20 pm, again between 4.45pm and 4.50pm, and closed at 5.33 pm.

Chair

(END)