



Minutes of a meeting held remotely of Planning and Licensing Committee held on 11 November 2020

Councillors present:

Juliet Layton - Chair
Patrick Coleman
Stephen Hirst
Nikki Ind
Sue Jepson

Ray Brassington - Vice-Chair
Julia Judd
Richard Keeling
Dilys Neill
Gary Selwyn

Clive Webster

Officers present:

Development and Planning
Enforcement Manager
Legal Services Manager
Democratic Services

Senior Case Officer
Planning Case Officers
Senior Conservation and Design Officer
Gloucestershire Highways Development
Manager

Observers:

Councillors Julian Beale, Richard Morgan, Lisa Spivey and Steve Trotter.

PL.59 No apologies had been received.

PL.60 **Substitute Members**

There were no substitute Members.

PL.61 **Declarations of Interest**

Councillor Webster declared an other interest in respect of application 19/02248/FUL, as he knew and socialised with the Town Council Chair and Vice-Chair and was also a Town Councillor. His mother was also Chair of the Governors at St David's School.

Councillor Webster declared an other interest in respect of application 19/04052/FUL, as he had previously used the Agent for his own application approximately three years previously.

Councillor Neill declared an interest in respect of application 20/02338/FUL, as she was acquainted with the majority of the village's residents and the

Objector was also a close friend of hers. She left the meeting while this item was being determined.

PL.62 Minutes

RESOLVED that the Minutes of the Meeting of the Meeting of the Committee held on 14 October 2020 be approved as a correct record.

Record of Voting - for 11, against 0, abstention 0, absent 0.

PL.63 Chair's Announcements

The Chair advised that there would be a minutes silence at 11am in respect of Armistice Day.

The Chair also advised that application 19/04052/FUL would be heard first on the Schedule owing to Officer availability for application 19/02248/FUL.

PL.64 Enforcement Report - Rossley Cottage, London Road, Dowdeswell, Cheltenham

The Committee was requested to make a decision on the expediency of taking enforcement action.

The Enforcement Officer displayed a site location plan, existing elevations, approved elevations and photographs of the site from various vantage points.

In response to various questions from Members it was reported that the item had been presented to the Committee for consideration by Officers and not at the request of the Ward Member due to the implications of the recommendation; the Applicant advised that they submitted a compliance application and samples prior to any works being undertaken in accordance with Condition 5 of the planning permission; after considerable investigation, no submission application or samples had been found by Officers; the stone used was not considered, in the view of Heritage Officers, to compare sympathetically against natural stone and was harmful to the significance of the Non-Designated Heritage Asset; in addition, it would not weather in a similar way to natural stone; standard practice would be to keep a sample panel of walling on site until works had been completed but it would need to be approved in writing by Officers; it was considered unlikely that rendering would be considered acceptable; the Ward Member was supportive of the Officer recommendation to proceed with enforcement action and it would not have been possible to seek to change the walling material through a compliance application as Condition 3 required natural stone walling.

A Proposition, to accept the Officer's recommendation, was duly Seconded.

Members expressed support for the Proposition but highlighted that timescales were needed to be referenced within the recommendations.

In response, the Enforcement Officer explained that three months would be a suitable timescale to add to the recommendation in this instance, although he added the usual timeframe would be 28 days.

An Amendment, to the Proposition, that the Officer recommendation be supported, subject to required works being completed within three months, was duly Seconded.

On being put to the vote, this Amendment was APPROVED, the record of voting was as follows:-

For 6, against 4, abstentions 1, absent 0.

RESOLVED that:

- a) **authority is given to issue a Breach of Condition Notice under Section 187A of The Town and Country Planning Act 1990 with regard to the breach of conditions 3 and 5 of planning permission 18/04861/FUL which required external walls of the development to be built of natural stone and a sample panel to be provided and approved respectively; and**
- b) **to prosecute any subsequent failure to comply with the requirements of the Notice.**

Record of Voting - for 11, against 0, abstention 0, absent 0.

PL.65 **Schedule of Applications**

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 and then displayed aerial photographs, a map of the site, location plan, proposed site plan, existing and proposed layout, existing and proposed elevations and photographs of the site from various vantage points.

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

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. The Ward Member extended his thanks to those Members that had visited the site and explained that the view of the Highways Officer needed serious cross examination as the lane was in a very poor condition with no passing places or pavements and was also a

dead end. He added that Highways Officers had previously viewed the lane to be unsuitable for the addition of one further house, but that they had not objected to this application which would affect every resident of Bagpath and that the Committee needed to question this. The Ward Member continued that no clarification had been made to the maintenance of the roads nor had a business plan been presented for the operation of the business and that no significant concerns had been raised to the potential noise issues that would arise from the keeping of dogs. The Ward Member also quoted that whilst the dogs were proposed not to be kept outside he considered that this went against the various requirements of keeping such animals and that other biosecurity issues surrounding the keeping of dogs and pigs close to nearby residents. The Ward Member concluded that the application was in a very quiet part of the District and was in the AONB and that all residents considered the application was the wrong application in the wrong place and to approve the application would be a victory for nonsense and would represent a lack of common sense. He urged Members to reject the application.

At this juncture, a minute's silence was then held in respect of Armistice Day by all attendees.

In response to various questions from Members it was reported that the proposed treatment for the conversion of the existing buildings meant that the buildings would remain almost unchanged at the site; there was no intention from the Applicant for the dogs to be kept outside or to offer any day boarding service; there had been no proposals made for any living accommodation at the site; Highway Officers confirmed that there had been no change of opinion on the application since its submission and it was considered that the number of vehicle movements along the lane would be sporadic and whilst some vehicles could be expected to travel simultaneously, it was not considered there would be an adverse safety impact arising from this; Officers were satisfied that all information presented by the Applicant would meet the required levels for mitigating any potential noise problems; in regard to the comments made by the Objector, any person could apply to the Court for leave to commence a Judicial Review of a public body's decision, but to succeed, they would have to show that the Council had acted unreasonably or irrationally in arriving at its decision on the information before it; Policy EC5 Rural Diversification did not require a Business Plan to be submitted with the application; Highways Officer did not consider it necessary for the business' operational hours to be reduced as it was considered unlikely that these hours would cause significant traffic issues or have an impact on the area; the speeds predicted that could be travelled on the road was between 20-25 mph and the risk of conflict was considered to be exceptionally low; a Noise Assessment had been undertaken and which had taken account of the topography of the area; if the Applicant was minded to offer dog beauty treatments, this would require a

further application owing to the predicted increase traffic usage of the lane and Officers could define the occupancy and use of the site only as kennels.

Various Members commented that they considered the road was unsuitable for any increase in traffic levels without significant improvements and investment. They added that they considered the time zones for the drop off and collection of dogs would increase traffic congestion and that the Committee should take account of the level of public opposition to the application and the requirement to protect the AONB area.

Other Members expressed that whilst they recognised there was public objection to the application, Officers had considered the proposals to be acceptable and there were therefore no sound planning reasons to refuse the application.

A Proposition, that the application be approved, subject to the inclusion of a condition that the kennels only be used for the boarding of dogs with no ancillary development, was duly Seconded.

The Ward Member was invited to address the Committee again and explained that the local community had been vocal in their objection to the application with good reason. He urged the Committee to refuse the application and it was considered to be the wrong application in the wrong location.

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

For 4, against 5, abstentions 2, absent 0.

Various Members commented that they considered the application was contrary to Policy EN5 and would harm the tranquillity of the AONB, which would be significantly affected by the proposals. Those Members also highlighted the increased risk of noise to neighbouring residents from increased vehicle movements and from the animals proposed to be kept at the site.

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

Refused, owing to the harm to the character of the AONB due to noise and traffic movements.

Record of Voting - for 6, against 3, abstentions 2, absent 0.

Note:

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

19/02248/FUL

Erection of 250 dwellings (to include 150 Market Housing and 100 Affordable Housing) with associated vehicular access, landscaping, drainage and public open space (phased development of 146 dwellings in phase 1, 92 dwellings in phase 2 and 12 dwellings in separate phases thereafter) at Land at Dunstall Farm, Fosseyway, Moreton-in-Marsh.

The Case Officer drew attention to additional information and then displayed a Local Plan map, aerial photograph (highlighting nearby Public Footpaths), character area plan, amended and superseded proposed frontages, affordable housing layout and photographs of the site from various vantage points.

A representative from the Town Council and the Agent were invited to address the Committee. The Committee Officer read out comments on behalf of an Objector.

The Ward Member who served on the Committee was then invited to address the Committee. He explained that the land had been allocated for housing following the Council's adoption of its current Local Plan in 2018 and that the decision that building should take place on the land was historic. He added that whilst there had been dissatisfaction with the designation of the site for building, the decision now required was how, what and when development should take place on the site. The Ward Member continued that the application had previously been deferred to enable the presentation of pre and primary school strategies and that an objection had now been received from the County Council education department as they were unable to find a suitable site for the creation of such a facility. The Ward Member concluded by urging that all tiers of local government come together to help support the young people of Moreton-in-Marsh.

In response to various questions from Members, it was reported that with regard to management of the public open space, this would be addressed in the Section 106 Agreement and a provision giving the option to manage first to the District Council or its nominee and then to the Town or Parish Council could be incorporated and only if they did not wish to take it on would the management fall to a management company; the current issue regarding primary school provision was regarding the County Council choosing to either invest in an expansion scheme for the existing school or to invest in a new school; Officers had expressed a willingness to engage with the County Council to assist; the Town Council was entitled to approach the County Council separately regarding their plans; the Committee was supportive of Officers and the community working proactively with the County Council to secure a site for a new primary school; Highway Officers had identified a weakness in the commuter bus based service and that the intention was for more public transport to be promoted; the condition regarding no occupation beyond 50 dwellings was a standard condition imposed by Thames Water as the site's current sewage capacity was predicted to be able to accommodate a further 50 dwellings without further works being undertaken; no healthcare contributions had been requested of the Applicant; the inclusion of water butts was considered to be reasonable given the size of the proposed

dwellings and the associated plots; the current road situation was considered by Highway Officers to be suitable for the predicted increase from the site and that a mini-roundabout, if it had been proposed, would have needed to comply with national design standards; the final agreement regarding the open space management would be contained within the Section 106 agreement; as the site had previously been allocated, the current Local Plan did not include policies which could insist on the inclusion of solar panels; officers also considered that the Applicant had provided green infrastructure in accordance with the Design Code.

A Member commented that the Committee was required to make sound material decisions and that whilst there was widespread dissatisfaction with the application; there were no planning reasons to refuse the application.

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

Another Member commented that it was disappointing that despite the Committee's previous deferment, the Council was still awaiting information from the County Council after many months.

The Ward Member was invited to address the Committee again and thanked the Case Officer for his work on the application and the Committee's consideration.

Approved, as recommended, subject to the inclusion of the option of Town Council management in POS Section 106 provisions.

Record of Voting - for 7, against 4, abstention 0, absent 0.

20/02285/FUL

Demolition of existing Class B1 building an erection of 3 no. dwellings together with associated ancillary development at Land South of Back Lane, Ampney Crucis.

The Case Officer drew attention to additional information and then displayed a site location plan, block plans, proposed 'barn-style' dwelling and proposed cottage layouts and photographs of the site from various vantage points.

A representative from the Parish Council, an Objector and the Agent were then invited to address the Committee.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. She explained that a detailed response had been made by the Parish Council which made clear her reasons for referring the application to the Committee. The Ward Member requested that the Committee closely examine the conflict in policies DS3 and DS4 and also review the objections to biodiversity, highways and drainage that had also been raised. The Ward Member continued that the Council's Local Plan stated that there should be no new market housing unless it was in accordance with the Council's policies and that she considered the application instead represented three expensive market homes. She added that whilst the village was keen to encourage new, younger residents to the community, the proposals did not relate to small, family homes which the

village was short of. The Ward Member concluded that the village was short of facilities and the application was on a narrow track which did not represent sustainable development of the site.

In response to various questions from Members it was reported that the cumulative effect on the highway had been considered by Officers but as the proposals related to two additional dwellings and a dwelling in replacement for an existing commercial building, there was not considered to be any adverse impact on the wider highway network; Officers had previously met with the Parish Council on site to discuss highway concerns, however with regard to this application Highway Officers had visited the site and did not consider the proposals would be harmful; passing bays had been included within the proposals; the Committee could remove permitted development rights as a condition and this would restrict any future potential occupants from adding extensions or outbuildings to the properties; the site currently had one existing building adjacent to which was a gap and then existing development; the proposed development was closer to an existing development on the opposite side of the lane that an Inspector had allowed on appeal and stated that Policy DS3 was applicable in this location, the site was not considered to be in open countryside and there had been no objections from any technical consultees.

A Member commented that as the application failed to complement the character of the area and would have an adverse impact on Back Lane, and encourage increased car journeys, he considered the application should be refused.

A Proposition, that the application be refused, was not Seconded.

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

A Member requested if the Committee could add a condition to remove the permitted development rights on the basis of footprint, massing, scale and upright extensions.

A third Proposition, that a condition be added to remove the permitted development rights, was also duly Seconded.

The Ward Member was invited to address the Committee again and commented that she agreed that the site was not in open countryside but considered there were still issues with the form and character of the area being affected by the proposals. She highlighted that there had been smaller developments in the village and that the proposals would see an increase of seven houses and that the definition of sustainable development still needed to be clarified.

On being put to the vote, the Proposition to add the condition in relation to permitted development rights was APPROVED. The record of voting was as follows:-

For 6, against 4, abstentions 1, absent 0.

Approved, as recommended, subject to the addition of the condition in relation to permitted development rights for extensions and additional buildings.

Record of Voting - for 10, against 1, abstention 0, absent 0.

20/02806/FUL

Proposed conversion of existing stable to form one holiday let at Stable off Wyck Road, Lower Slaughter, GL54 2EY.

The Case Officer reminded the Committee of the location of the site and displayed a site location, location and blocks plans, existing and 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 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 he agreed with the comments of the Parish Council in relation to the fact that planning issues appeared to have been ignored. The Ward Member outlined the planning history of the site and explained that in May 2017, permission had been granted for a single storey stable for the personal use of the owner or a single tenant, which had then been followed in October 2017 for a two-storey building containing stabling. He continued by explaining that in June 2020, a third application had been made seeking retrospective consent for a stable, which he added was at significant variance with the plans identified in previous permissions. The Ward Member explained that the current application now sought to provide a self-catering property on both floors which also lay outside of the village development boundary. He urged Members to refuse the application to enable the stable to remain 'for the personal enjoyment of the owners or a single agricultural tenant' as had originally been required.

In response to various questions from Members it was reported that the previous application made in July 2020 had been dealt with under delegated powers; as the footprint of the building had not been increased with only an increase at eaves and ridge height it was not considered by Officers to be harmful to the AONB; if the current proposal had been presented as an application at the outset it would not have been recommended for approval as it would have been contrary to the Local Plan; there was no evidence available to suggest the building had been used frequently as a stable;; the application site was separated from the main village by the A429, and there was no required length of time from the completion of previous applications prior to the submission of further change of use applications.

The Chair and Members commented that they considered the comments made by the Agent to be disrespectful to the Ward Member and the Committee. They also considered the Applicant had shown a lack of respect for the planning process and that they considered the Ward Member was justified in referring the application to the Committee.

Various Members stated that the application could serve as a lesson for future consideration of similar applications going forward, but regretfully, there were no planning reasons to refuse the application.

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

The Ward Member was invited to address the Committee and thanked Members for their support for him on referring the application. He advised

that the Committee should refuse the application to ensure the site remained for the enjoyment of the owner or single tenant for equestrian use only.

Approved, as recommended.

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

20/02338/FUL

Erection of first floor front extension, two-storey rear extension, replacement rear dormer window and widening access with replacement gates at Dalarna, Donnington, Moreton-in-Marsh, GL56 0XZ.

The Case Officer drew attention to additional information and then displayed a site location plan (showing nearby listed building and Public Rights of Way), an aerial photograph, existing, previously approved, and superseded proposed plans, photographs provided by neighbouring residents, gates and entranceway, a Google virtual street view and photographs of the site from various vantage points.

The Chair of the Parish Meeting and an Objector were then invited to address the Committee.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. The Ward Member explained that the village, whilst always keen to see newcomers, had seen considerable development over the years. He added that the application in current form of a rear extension would have an adverse impact on the village and would not conserve the Conservation Area and that with further time and effort, a better solution could be brought forward for consideration. He concluded by urging the Committee to refuse the application.

In response to various questions from Members it was reported that the proposal was subject to complying with the Cotswold Design Code but that there was some tolerance to the application as it was for extensions to a post-war dwellinghouse and the Case Officer had not measured against the proposed drawing photographs submitted by the Objector.

A Member commented that on the basis of the inappropriate design and impact to the conservation area, the application should be refused.

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

Various Members expressed support for refusal of the application.

The Ward Member was invited to address the Committee again and thanked the Committee for its consideration and to the Objector for the photographs they had submitted to help determine the application.

Refused, owing to the failure to preserve the character and appearance of the Conservation Area.

Record of Voting - for 6, against 2, abstention 2, absent (as interest declared) 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 and were considered in conjunction with the related planning applications.

(ii) Public Submissions

Public submissions were made or read to the Committee as follows:-

19/02248/FUL	)	Cllr. Eileen Viviani (Town
	)	Council)
	)	Rodney Lee (Objector)
	)	Tom Stanley (Agent)
19/04052/FUL	)	Philip Kendell (Objector)
20/02285/FUL	)	Cllr. Douglas Crooks (Parish
	)	Council)
	)	Michael Bryan (Objector)
	)	Andrew Pywell (Agent)
20/02806/FUL	)	Cllr. Stuart Thomas (Parish
	)	Council)
	)	Mark Wildish (Agent)
20/02338/FUL	)	Cllr. Maggie Turner (Parish
	)	Meeting)
	)	Patrick Moon (Objector)

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.66 Sites Inspection Briefings (Members for 2 December 2020)

It was noted that Councillors Juliet Layton, Patrick Coleman, Nikki Ind, Richard Keeling and Gary Selwyn would represent the Committee at the virtual Sites Inspection Briefing, if required.

PL.67 Licensing Sub-Committees (Members for 16 December 2020)

It was noted that Councillors Ray Brassington, Patrick Coleman, Sue Jepson, Richard Keeling and Clive Webster would represent the Committee at the virtual Licensing Sub-Committee, if required.

PL.69 **Other Business**

There was no other business.

The Meeting commenced at 10.00 am, adjourned between 12.10 pm and 12.25 pm, and 2.15 pm and 2.25pm, and closed at 3.45 pm

Chair

(END)