

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

8<sup>TH</sup> JULY 2015

Present:

Councillor RL Hughes - Chairman  
Councillor SG Hirst - Vice-Chairman

Councillors -

Miss AML Beccle	David Fowles
AW Berry	M Harris
AR Brassington	Mrs. SL Jepson
Sue Coakley	Ms JM Layton
Miss AJ Coggins	MGE MacKenzie-Charrington
RW Dutton	Mrs. TL Stevenson

Substitutes:

Mrs. JC Forde (until 1.00 p.m.)

Observers:

Julian Beale (until 11.15 a.m.)	BS Dare (until 1.00 p.m.)
T Cheung (until 1.00 p.m.)	Lynden Stowe (until 12 noon)

Apologies:

JA Harris

PL.17 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor David Fowles declared an interest in respect of application CD.2288/M, because he was acquainted with the Applicants, and he left the Meeting while that item was being determined.

Councillor David Fowles declared an interest in application CD.3670/H, because he was a friend of the Agent, and he left the Meeting while that item was being considered.

Councillor Mrs. SL Jepson declared an interest in respect of application CD.2288/M, because she was acquainted with the Applicants.

Councillor Mrs. SL Jepson declared an interest in respect of application CD.2288/N, because she was acquainted with one of the Applicants and because she knew the other Applicant socially, and she left the Meeting while that item was being determined.

Councillor Mrs. SL Jepson declared an interest in respect of application CD.2395/N, because she knew the Father of one of the Applicants socially. Councillor Mrs. Jepson was invited to make comments in respect of this application in her capacity as Ward Member and she left the Meeting while it was being considered.

Councillor MGE MacKenzie-Charrington declared an interest in respect of applications CD.0780/F and CD.6682/H, because he was a patient of the Doctors' practice.

Councillor MGE MacKenzie-Charrington declared an interest in respect of application CD.0193/C, because he was acquainted with one of the Objectors who had registered to speak on this application.

Councillor Lynden Stowe declared an interest in respect of application CD.7315/A, because he was also a Member of Gloucestershire County Council.

Councillor Lynden Stowe declared a Disclosable Pecuniary Interest in respect of application CD.2288/M, because he was related to the Applicants, and he left the Meeting while that item was being determined.

Councillor Lynden Stowe declared a Disclosable Pecuniary Interest in respect of application CD.2288/N, because he was one of the Applicants and he was related to the other Applicant, and he left the Meeting while that item was being determined.

(2) Officer Declarations

The Head of Legal and Property Services declared an interest in respect of applications CT.1787/R and CT.3828/1/N, because she was the Head of the Service with responsibility for buildings in the Council's ownership.

PL.18 SUBSTITUTION ARRANGEMENTS

Councillor Mrs. JC Forde substituted for Councillor JA Harris.

PL.19 MINUTES

**RESOLVED that, subject to the second resolution relating to application CD.3670/H being amended to '(b)' (Minute PL.12, page 15 referred), the Minutes of the Meeting of the Committee held on 10<sup>th</sup> June 2015 be approved as a correct record.**

**Record of Voting - for 13, against 0, abstentions 2, absent 0.**

Arising thereon:

Sites Inspection Briefing - Members for 1<sup>st</sup> July 2015 (PL.15(1))

It was noted that Councillor M Harris had substituted for Councillor AR Brassington at the above-mentioned Sites Inspection Briefing.

PL.20 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman presented a Long Service Award to Miss Pauline Duff, the Technical and Systems Manager in the Development Services Department. Such awards were made to staff who had achieved twenty-five years' service in local government, of which at least ten had been with this Council. The Chairman congratulated Miss Duff on her achievement.

2. The Chairman reminded everyone that the Committee's August 2015 Meeting, previously scheduled to be held on Wednesday 12<sup>th</sup> August 2015, had been postponed and would now be held a week later on Wednesday 19<sup>th</sup> August 2015. This was in order to accommodate a seven-day Planning Inquiry which was due to be held in the Council Chamber, Trinity Road, Cirencester with effect from Tuesday 4<sup>th</sup> August 2015.

PL.21 PUBLIC QUESTIONS

No public questions had been submitted.

PL.22 MEMBER QUESTIONS

No questions had been submitted by Members.

PL.23 PETITIONS

No petitions had been received.

PL.24 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:-**

**CD.0780/F****Erection of a Doctors' Surgery with associated parking (including additional parking for the town) at Tall Trees, Oddington Road, Stow-on-the-Wold -**

The Team Leader drew attention to the extra representations received since publication of the Schedule of Planning Applications and the Chairman allowed a period of time for the Committee to read those representations which had been circulated at the Meeting. The Team Leader reminded the Committee of the location of this site and outlined the proposals, drawing attention to additional land in the vicinity of the site which was in the ownership of the Applicant; existing buildings on the site; a public footpath to the east of the site; site plans; layout; car parking; and cross sections. The Team Leader displayed an aerial photograph, and photographs illustrating views of the existing and proposed accesses; the existing buildings; and views into and out of the site.

A Member of the Town Council, an Objector, a Supporter and the Applicant were invited to address the Committee.

The Ward Member, who did not serve on the Committee, was invited to address the Committee. The Ward Member acknowledged that there was a need for a new Doctors' surgery in Stow-on-the-Wold and stated that he had received only one communication stating that there was no need for a new surgery. The Ward Member disagreed with that view and suggested that the will of local residents should reflect acceptance of the need. The Ward Member reminded the Committee that this current application was incomplete, particularly in relation to some of the financial information, and that some of the associated financial implications were still not known. The Ward Member suggested that it should not be assumed that the NHS would give an open-ended offer of support and he expressed concerns over issues relating to pedestrian and vehicular access. In conclusion, the Ward Member expressed his support for this application, subject to the issues raised being addressed either through Conditions attached to any Decision Notice or through deferral of consideration of this application for further information.

In response to various questions from Members, it was reported that viability was a material consideration in the determination of planning applications; in determining this application, the Committee should consider all relevant issues, including if it complied with policy and the acceptability or otherwise of any potential landscape harm; in the event that the Committee was minded to approve both this and the subsequent application ([CD.6682/H](#)), it would be up to the Doctors to decide which site to pursue; the availability of potential, alternative sites was a material consideration in the determination of this planning application but the Applicant's supporting information had concluded that other sites were not deliverable; precedent was not an issue in the determination of this application, which should be considered on its merits; the Doctors were not currently engaged in 'meaningful' discussions with the Applicant over this current site; and, it would appear that there was sufficient finance available to deliver the proposed development.

Some Members commented that this current site did not have potential for any future expansion of the proposed surgery. The Members reminded the Committee that this site was not the Doctors' preferred site and they expressed concern over financial aspects.

Other Members considered that the proposed development would cause only minimal harm to the Area of Outstanding Natural Beauty; funding would be available for the development, including from the NHS; the proposed development would be viable without the need for any enabling development; the site was a 'brown field' site; and the issues raised in relation to access and traffic could be addressed through Conditions. The Members suggested that, if the Committee was minded to approve this application as recommended, the materials should be 'appropriate' for the location.

In response to a further question from a Member, it was reported that the appearance of the proposed development was a Reserved Matter.

A Proposition, that this application be approved, as recommended, was duly Seconded.

**Approved, as recommended, subject to amendments to the layout, parking arrangements, landscaping and detailed design, and to additional ecological Conditions to be specified by the Head of Planning, Strategic Housing and Development Services.**

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

Note:

It was requested that any Reserved Matters application(s) relating to this development be referred to the Committee for determination.

**CD.6682/H**

**Erection of a primary health care centre, 5 residential units and associated infrastructure, parking and landscaping at Land Parcel Stow Fair site between Maugersbury Road and A436, Maugersbury Road, Stow-on-the-Wold -**

The Team Leader drew attention to the extra representations received since publication of the Schedule of Planning Applications and the Chairman allowed a period of time for the Committee to read those representations which had been circulated at the Meeting. The Team Leader reminded the Committee of the location of this site and outlined the proposals, drawing attention to pedestrian and vehicular access; a public footpath along the western boundary of the site; car parking; elevations; and design. The Team Leader displayed an aerial photograph of the site and photographs illustrating views of the access; views along Oddington Road; and views across and into the site from various vantage points.

A Member of the Parish Council, a Member of Stow-on-the-Wold Town Council, an Objector, a Supporter and a representative of the Applicant were invited to address the Committee.

The Ward Member, who did not serve on the Committee, was invited to address the Committee and referred to his comments in relation to the need for a new surgery made in respect of the previous application considered earlier in the Meeting (CD.0780/F referred). The Ward Member stated that, while he consistently opposed the 'concreting over' of land in the Cotswolds, he supported this application because of the clear need for, and community benefit that would

accrue from, the proposed development. The Ward Member reminded the Committee that this current application was a detailed one, which had received an overwhelming level of support from the local community, and he concluded by urging the Committee to support this application.

In response to various questions from Members, it was reported that the Officer recommendation in relation to a previous application on this site had been to permit but that application had been refused by the Committee for the reasons stated; the current application sought a reduced floor area for the proposed primary health care centre; the proposed development accorded with current NHS requirements; there was potential within the site for the future expansion of the facility; the proposal included in excess of sixty car parking spaces; as it was unlikely that development of the health care facility would take place without the enabling housing development, the Committee should determine the application as submitted; no reference had been made in the submitted petition to the availability of alternative sites for a Doctors' surgery; a 'primary health care centre' could accommodate other related health care facilities, such as a pharmacy and/or dental surgery; as the Council was currently able to demonstrate a five-year supply of housing land, there was no justification for open market housing on this site; the area of the site proposed for the development of a Doctors' surgery had not been made available for sale in isolation; there was pressure on the outskirts of all the principal towns in the District for further development; the sale of the land was conditional on the granting of planning permission; if the Committee was minded to approve this application as recommended, the Applicant would not be precluded from seeking to vary the terms of any Section 106 Legal Agreement at some point in the future; and in the opinion of Officers, the benefits of the proposed development would outweigh the harm caused by the enabling housing element.

Some Members expressed the view that this application would have an adverse impact on the Area of Outstanding Natural Beauty because of the topography of the site and because they considered that the enabling housing development would be visible in the landscape from the surrounding area. In response, Officers reiterated the view that the application should be determined as submitted and that it would not be appropriate to consider a 'split' decision in respect of this application to allow the primary health care centre but not the enabling housing element, as that would be tantamount to a refusal of planning permission. It was considered that some services ancillary to a Doctors' surgery might be acceptable in this location but that general health care service would not be and it was further considered that, while the reduction in the size of the proposed Doctors' surgery was welcome, such reduction was not sufficient to mitigate against the harm the proposed development would cause to the Area of Outstanding Natural Beauty.

Other Members considered that this application should be approved, as recommended. Those Members contended that there would be significant opportunities for expansion of facilities within this site and they referred to the level of support for the application from within the local community, including support for the enabling housing proposals, and a desire to protect the town from 'creeping development'. The Members further contended that the proposed development would fit into the landscape and that it could be delivered immediately, because all the necessary finance was in place.

The Ward Member was invited to address the Committee again and he urged the Committee to consider the community benefits that would accrue from this

development and the levels of support from local residents when making its decision.

A Proposal that this application be refused for reasons relating to impact on the Area of Outstanding Natural Beauty and the setting of the Conservation Area, was duly Seconded.

**Refused, for reasons relating to impact on the Area of Outstanding Natural Beauty and the setting of the Conservation Area.**

**Record of Voting - for 10, against 5, abstentions 0, absent 0.**

Note:

This decision was contrary to the Officer recommendation for the reasons stated.

**CD.7315/A**

**Outline application for the erection of 90 dwellings with access at land off Aston Road, Chipping Campden -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to its inclusion in the Strategic Housing Land Availability Assessment (SHLAA); access; a public footpath to the east of the site; and layout. The Case Officer displayed an aerial photograph of the site and photographs illustrating views of the access to the site; views into and from the site; and views of existing vegetation.

A Member of the Town Council and two Objectors were invited to address the Committee.

One of the Ward Members, who did not serve on the Committee, was invited to address the Committee. The Ward Member stated that he agreed with the analysis and conclusion contained within the report, and expressed support for the Officer recommendation.

It was reported that the other Ward Member, who did not serve on the Committee and had not been able to attend the Meeting, had expressed support for the Officer recommendation in respect of this application.

In response to a question from a Member, it was reported that, if the Committee was minded to refuse this application as recommended, the suggested refusal reason relating to the Section 106 Agreement would be withdrawn once that Agreement had been submitted.

A Proposition that this application be refused, as recommended, was duly Seconded.

**Refused, as recommended, subject to an additional refusal reason relating to the Section 106 Legal Agreement.**

**Record of Voting - for 15, against 0, abstentions 0, absent 0.**

**CD.0193/C****Outline planning application for a residential development of up to 76 dwellings, public open space, drainage and new access at land at The Leasows, Dyers Lane, Chipping Campden -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to the layout and form of the proposed development. The Case Officer also displayed photographs illustrating views across and into the site from various locations.

A Member of the Town Council, an Objector, a Supporter and the Agent were invited to address the Committee.

*Note - at this juncture, it was pointed out that an Objector had been erroneously included on the list of public speakers as a 'Supporter'. The Objector who had been registered correctly to speak had taken up the allotted three minutes but, in the circumstances, the Chairman invited the second Objector to also address the Committee. However, the second Objector declined to take up that invitation.*

One of the Ward Members, who did not serve on the Committee, was invited to address the Committee. The Ward Member stated that he agreed with the analysis and conclusion contained within the report and contended that any development in this location would have an adverse impact on drainage. The Ward Member concluded by expressing support for the Officer recommendation.

It was reported that the other Ward Member, who did not serve on the committee and had not been able to attend the Meeting, had expressed support for the Officer recommendation in respect of this application.

In response to a question from a Member, it was reported that 121 representations had been submitted objecting to this application and that 167 representations had been submitted in support thereof.

A Proposition that this application be refused, as recommended, was duly Seconded.

**Refused, as recommended, subject to an additional refusal reason relating to the Section 106 Legal Agreement.**

**Record of Voting - for 15, against 0, abstentions 0, absent 0.**

**CD.2288/M****Construction of a new 4-bedroom detached dwelling at Tops Nursery, Broadway Road, Mickleton -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications.



The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to views into the site, views of the access and views of an adjacent, existing residential property.

In response to a question from a Member, it was reported that reconstituted artificial stone tiles were proposed in respect of the roofing materials and that, if the Committee was minded to approve this application as recommended, a Condition relating to the use of natural stone could be attached to any Decision Notice.

A Proposition that this application be approved, as recommended, was duly Seconded.

**The Head of Planning and Strategic Housing was authorised to approve as recommended, subject to additional Conditions relating to the use of natural stone.**

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

**CD.2288/N**

**Erection of a 2-bedroom dwelling at Tops Nursery, Broadway Road, Mickleton -**

The Case Officer reminded the Committee of the location of this site and outlined the proposals. The Case Officer reported that, if the Committee was minded to approve this application as recommended, additional Conditions should be attached to any Decision Notice relating to the use of natural stone and to the permission being implemented as an alternative to, and not in conjunction with or in addition to, the approved scheme.

A Proposition that this application be approved, as recommended, was duly Seconded.

**The Head of Planning and Strategic Housing was authorised to approve as recommended, subject to additional Conditions relating to the use of natural stone and to this permission being implemented as an alternative to the approved scheme.**

**Record of Voting - for 13, against 0, abstentions 0, interest declared 1, absent 1.**

**CD.1320/L**

**Demolition of former care home and redevelopment of site with 20 dwellings including garages and associated infrastructure at Ashton House, Union Street, Stow-on-the-Wold -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and the Chairman allowed a period of time for the Committee to read those representations which had been circulated at the Meeting.

A Member of the Town Council, an Objector and a representative of the Applicant were invited to address the Committee.

*Note - the Committee Services Manager read out the comments on behalf of the Objector who, having registered to speak, had not been able to attend the Meeting.*

The Ward Member, who did not serve on the Committee, was invited to address the Committee and explained that he was supportive of the principle of residential development on this site as such development would not impinge on a 'green field' site. However, the Ward Member contended that this application should be refused for reasons relating to materials, density and traffic management, particularly in respect of the impact on Union Street from traffic associated with this site.

In response to various questions from Members, it was reported that the reduction in the number of units proposed had led to a reduction in the sum available in respect of Section 106 Legal Agreement contributions towards affordable housing and education; the site was in private ownership; there was no obligation on the owners to make any area of the site available for community use; the proposed density of 23 units per hectare was considered to be comparable to the densities of surrounding developments; the affordable housing assessment had been based on a recent valuation by the District Valuer; the site was not in a Conservation Area; the proposed design and materials were considered to be appropriate in this location; as the units proposed on the eastern boundary had been moved away from the sensitive archaeological area, the County Archaeologist did not consider it necessary to raise the issue of registering the site as a Scheduled Ancient Monument with Historic England; if the Committee was minded to refuse this application for reasons relating to archaeology and at any subsequent appeal, that was found to be unreasonable, the Council could be liable for costs; the deletion of unit 2 had helped to address a number of the concerns expressed by the owners of 1 East View Gardens; the Applicant could request the County Highways Officer to consider if Union Street should be made a 'one-way' street, although the Council had no indication if this would be favoured by residents; if the Committee was minded to approve this application as recommended, Conditions relating to delivery hours during the construction period would be attached to the Decision Notice; any pedestrian access from this site onto Chapel Street would be subject to land ownership issues and would not provide a direct route to the town centre; and the issue of a 'wheel wash' for construction vehicles had been addressed in the submitted Construction Method Statement.

Some Members expressed support for this application. Those Members considered it would be unreasonable to expect an element of community car parking to be included within this development; the proposed use of timber was appropriate and would help to mitigate against future, inappropriate development within the site; and that 'shared spaces' could be successful in this location.

Other Members welcomed the improvements to the proposed development over the previous application, but expressed concerns over the arrangements for access and car parking and to the issues raised by the Town Council and local residents. A Proposition that this application be approved as recommended subject to additional Conditions, was duly Seconded. On being put to the vote, that Proposition was LOST. The Record of Voting in respect of that Proposition was - for 4, against 7, abstentions 4, absent 0.

It was reported that, if the Committee was minded to refuse this application, that decision should be based on robust refusal reasons and not perceptions. In that

context, it was further reported that there were no grounds to refuse this application for reasons relating to materials, density and/or traffic management as, in the opinion of Officers, those issues had already been adequately addressed. The Committee was reminded that this site was in a principal settlement; had been sold by Gloucestershire County Council because it had been considered to be surplus to that authority's needs; this Council was not in a position to challenge that sale; it had not been registered as a 'valuable community asset'; and that issue would not be sustainable as a refusal reason. The site had been suggested for residential development in the emerging Local Plan and, at a recent planning appeal, the Inspector had considered this site to be an alternative to a site in the Area of Outstanding Natural Beauty. It was also reported that its continued use as a care home would have an adverse impact on other sites in the vicinity.

A Member contended that there were no substantiated reasons to refuse this application and no good reasons to defer it further as all of the issues had been addressed and a Proposition that this application be approved as recommended subject to additional Conditions, including the removal of Permitted Development Rights (PDRs) across the site in relation to extensions and outbuildings, was duly Seconded.

Some Members continued to express concerns over issues relating to archaeology, traffic impact, design, materials and density. In response, the Committee was reminded that any decision to refuse this application should be based on sound refusal reasons, rather than concerns and/or preferences. It was correct for Members to express any concerns but such concerns should be qualified and, on this occasion, no harm had been identified. In response to a question on the removal of PDRs, it was reported that current guidance discouraged the application of 'blanket' removals but, as this would be a particularly dense development, it was appropriate to seek a degree of control over future development within this site.

**Approved, as recommended, subject to additional Conditions, including the removal of Permitted Development Rights, and to contributions in a sum of £53,496 towards secondary education and £5,683 towards affordable housing.**

**Record of Voting - for 11, against 2, abstentions 2, absent 0.**

**CD.2395/N**

**Proposed new dwelling and parking structure at land off School Lane, Lower Farm House, Blockley -**

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to a Section 52 Legal Agreement. The Case Officer displayed an aerial photograph of the site and photographs illustrating views of the access, along the road, and into the site.

An Objector was invited to address the Committee.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member reminded the Committee that this site was situated in a Conservation Area and the Area of Outstanding Natural Beauty, and that, in her opinion, it was contrary to Local Plan Policy 19. The Ward Member referred to the Section 52 Legal Agreement which residents had contended held

great weight, and legal advice given to the Council in that regard, and stated that the Committee would need to consider how much weight to attach to that issue. The Ward Member noted that no objections had been received from the County Highways Officer, despite access to the site being achieved along a series of 'tight' lanes, and she commented that Lower Brook Lane was frequently blocked when larger vehicles attempted to negotiate the bends. The Ward Member also referred to the narrowness of School Lane, an unclassified highway she considered to be dangerous given its use by vehicles and pedestrians, particularly school children. The Ward Member commented that this was not a straightforward application and concluded by suggesting that consideration be given to deferring this application for a Sites Inspection Briefing.

*Note: - at this juncture, having previously declared an interest, the Ward Member left the Meeting while this item was being considered.*

In response to various questions from Members, it was reported that the site enjoyed a right of access from School Lane; the Section 52 Legal Agreement dated back some thirty years and reflected the planning policies at that time; the parties to that Agreement could consider its revocation or variation to reflect current planning policy; in the opinion of Officers, it would be unreasonable to refuse this application for reasons relating to that Legal Agreement; the Legal Agreement went with the land and was binding on the relevant parties; it was intended as a positive tool to enable, rather than prohibit, development; determination of this application should be based on the current tests; in its determination thereof, the Committee should be mindful of a restriction in law which could prevent development but did not prohibit the submission of an application; the Committee should take account of the change of circumstances and determine this application in accordance with current policies; the Committee would be able to sustain a refusal of this application in the event that it was considered to be contrary to policy; and refuse collections would take place from the edge of the lane.

A Proposal that consideration of this application be deferred for a Sites Inspection Briefing, was duly Seconded.

**Deferred for a Sites Inspection Briefing to assess the highway safety aspects relating to the proposed new access.**

**Record of Voting - for 9, against 3, abstentions 1, interest declared 1, absent 1.**

**CT.9067**

**Erection of three dwellings including associated landscaping and other works at Fayrecourt, Milton Street, Fairford -**

The Case Officer reported that an appeal against the non-determination of this application had been lodged with the Planning Inspectorate. However, it was not yet clear whether the appeal was valid. If it was invalid, the Committee would be able to determine this application. If it was valid, the Committee would not be able to determine this application but its views thereon would be required in order to process the appeal.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member referred to the recent Sites Inspection Briefing in

respect of this application and expressed the view that the proposed development would appear overcrowded. The Ward Member contended that the existing property would not have any privacy to its frontage and that the proposal would result in the overlooking of that property, as well as the overlooking of the proposed dwellings. The Ward Member reiterated her previous concerns relating to traffic movements along this section of the A417 and reminded the Committee that the Council was currently able to demonstrate in excess of a five-year supply of housing land. The Ward Member concluded by expressing concern over the potential for flooding at this site.

In response to various questions from Members, it was reported that the County Highways Officer had addressed issue of vehicular access and egress; the issue of impact on the amenities of neighbouring properties had been addressed in paragraph (f) of the circulated report; the proposed density had been assessed and was considered to be acceptable as it would not be out of character with surrounding developments; in determining this application, the Committee should have regard to the non-designated heritage asset status of the existing building; it was considered that the proposed development would not have a detrimental impact on the existing building as it would be beyond the boundary wall but within the curtilage of that building; the original building, which had dated from the 1850s had been demolished in the 1920s and re-built from salvaged materials in a different location; in law, once re-built, a building was not considered to be the same building and therefore its original archaeology was lost; in the event that the Committee was minded to approve this application as recommended, the wording of the suggested Conditions relating to vehicular access could be amended in order to ease access by construction vehicles; the Committee was required to determine this application as submitted; as an appeal against non-determination had been submitted, there was no scope for this application to be deferred for further negotiations and, if the Committee was not in favour of the proposed development, it should be refused; and, in the event that the Committee was minded to refuse this application, drainage issues would not constitute an appropriate refusal reason.

A Member expressed the view that any development in Fairford would have an adverse impact on the flood plain in the town, particularly along this section of the A417. The Member also suggested that the proposed development would have an adverse impact on the A417 in terms of access, egress and the potential for additional on-street parking.

A Proposition that this application be approved as recommended, was duly Seconded. On being put to the vote, that Proposition was LOST. The Record of Voting in respect of that Proposition was - for 5, against 7, abstentions 1, Ward Member unable to vote 1, absent 1.

A further Proposition, that this application be refused, was duly Seconded.

**Refused, for reasons relating to the impact on the Conservation Area and the setting of the existing building.**

**Record of Voting - for 10, against 3, abstentions 0, Ward Member unable to vote 1, absent 1.**

Note:

This decision was contrary to the Officer recommendation for the reasons stated.

**PL.25**      DURATION OF MEETING

Attention was drawn to Council Procedure Rule 9, and a vote was taken as to whether the Meeting should continue.

**RESOLVED that the Meeting be continued.**

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

**PL.26**      SCHEDULE OF APPLICATIONS (CONTINUED)

**RESOLVED that the remaining applications be dealt with in accordance with Minute PL.24 above.**

**CD.3670/H**

**Erection of a new detached dwelling at Buttress House, Queen Street, Chedworth -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and the Chairman allowed a period of time for the Committee to read those representations which had been circulated at the Meeting.

An Objector, a Supporter and the Agent were invited to address the Committee.

The Committee Services Manager read out comments from the Ward Member, who did not serve on the Committee. The Ward Member had been present at the Meeting as a Substitute Member earlier in the day, but had had to leave prior to consideration of this application. The Ward Member considered that this application demonstrated a sensitive approach to the area and was an example of exemplary architecture in terms of the materials proposed and its low carbon credentials. The Ward Member considered that the proposal would provide a unit of fully-accessible living accommodation for the elderly and/or physically disabled persons, which would enable older generations to remain in their own home and in the village for longer than more traditional layouts would allow. The Ward Member stated that the benefits associated with the application would outweigh any harm, and she concluded by expressing her support for the application.

In response to various questions from Members, it was reported that the site was located in a central, open space within the village and, in the opinion of Officers, was not part of the established pattern of development in the village; the response from the Parish Council had been detailed in the circulated report; if the Committee was minded to approve this application, Officers would suggest gravel or grass as being appropriate materials for the drive, rather than tarmac; and, in the opinion of Officers, the proposal would have an adverse impact on the Area of Outstanding Natural Beauty as the development would be located in a space which was currently uninterrupted and not heavily built on.

Some Members expressed the view that, while this application did not accord with policy, the proposed development would be sustainable, with a low carbon

footprint, was supported by local residents and the Ward Member and would, in their opinion, be a 'positive' development.

Other Members considered the proposed design to be acceptable but did not agree that there would be sufficient benefits to outweigh the policy objections. Those Members also expressed concern over the multiple uses at this site, the length of the proposed driveway and the location of the site outside the established pattern of development. The Members contended that the development would have a significant landscape impact as it would be visible from within the surrounding area.

A Proposition that this application be refused as recommended, was duly Seconded. On being put to the vote, that Proposition was LOST. The Record of Voting in respect of that Proposition was - for 5, against 8, abstentions 0, interest declared 1, absent 1.

A further Proposition that this application be approved subject to Conditions, was duly Seconded.

**Approved, subject to Conditions, including materials and landscaping.**

**Record of Voting - for 8, against 5, abstentions 0, interest declared 1, absent 1.**

Note:

This decision was contrary to the Officer Recommendation because a majority of the Committee considered that the proposed development would cause minimal harm to the Conservation Area and the Area of Outstanding Natural Beauty; the site was located on the edge of the established pattern of development for the village; the proposed development would not undermine the character and appearance of the designated open space; and the proposed design was appropriate in this location.

### **CT.2165/Y**

#### **Proposed external swimming pool with pavilion at Birch House, Ampney Crucis -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications.

An Objector was invited to address the Committee.

The Ward Member, who served on the Committee, was invited to address the Committee and he expressed the view that this application was important to the immediate neighbours of the property and the Parish Council. The Ward Member reminded the Committee that the original scheme had proposed a more modest development but that it had been amended to its current form in light of advice from Officers. The Ward Member contended that this current form was not supported by the local community for reasons relating to its height which, he considered, would be obtrusive, and he concluded by expressing his support for the original design.

In response to various questions from Members, it was reported that the current scheme proposed a building of 5.2 metres to the ridge, and 6 metres including the chimney; the building proposed in the original scheme would have been visible in the surrounding area as it would have been 4 metres to the ridge, with a separate chimney; the site was in close proximity to a Listed Building, and an existing barn and another building; and the current proposal was considered to be in keeping with traditional roof forms.

It was considered that the Sites Inspection Briefing undertaken in relation to this proposal had enabled Members to view the site as a cluster of buildings, which was screened from the nearby public right of way by some existing vegetation. It was also considered that the proposed development would be sited in front of, and would be significantly lower than, the existing barn, would fit into the surroundings when viewed from a distance, and would not appear imposing, given the pitch of the roof.

A Proposition that this application be approved as recommended, was duly Seconded.

In response to various questions from Members relating to the original scheme, it was reported that the assumption was that the Applicant was supportive of this scheme; Officers had had reservations about the original design; while the Committee was required to determine this application as submitted, it could take a contrary view to the Officer Recommendation although in the opinion of Officers there were no justifiable reasons to resist this proposal; and the Applicant could decide to re-submit the original scheme for consideration.

The Ward Member was invited to address the Committee again and reiterated that the Applicant had followed advice from Officers in relation to the design of this proposal. The Ward Member also reiterated that this proposal was an issue for the immediate residents and contended that a number of Members of the Committee would have supported the original scheme.

**Approved, as recommended.**

**Record of Voting - for 12, against 1, abstentions 0, Ward Member unable to vote 1, absent 1.**

**CT.1787/R**

**Demolition of existing garage and redevelopment of the site to form 34 Retirement Living apartments with communal facilities and associated car parking and landscaping at TH White Ltd., Tetbury Road, Cirencester -**

The Team Leader drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Team Leader reminded the Committee of the location of this site and outlined the proposals, drawing attention to the constraints of the site and surrounding buildings. The Team Leader displayed an aerial view of the site and photographs illustrating views across the site towards the Listed station building and views into the site together with slides showing images of the proposed development.

An Objector and the Agent were invited to address the Committee.



The Ward Member, who served on the Committee, was invited to address the Committee and contended that, while the proposed design might be in keeping with the office building on the opposite side of the road, it was not an appropriate design for residential units. The Ward Member also contended that safe, direct pedestrian accesses were required to the town and to the existing supermarket in close proximity to this site.

In response to various questions from Members, it was reported that, in assessing this application, the County Highways Officer had taken account of the nature of the proposed occupancy and had not raised any highways objections; pedestrian access onto Hammond Way was not considered to be ideal but did not warrant alterations; the safest pedestrian route to the town was considered to be via an existing pedestrian crossing on Tetbury Road and an existing crossing point on Sheep Street, close to the supermarket; no objections had been raised by the Environmental Health Officer in relation to noise issues subject to noise attenuation measures within the proposed development; the Local Plan allocation for the Island Site allowed for an element of residential use; in assessing this proposal, Officers had sought good quality architecture which made specific reference to the context of the site and adopted a contemporary approach having regard to its proximity to the St. James Place building, which was considered to be of a high quality in terms of design and materials and had been well-received; it was considered that the proposed development would not have a harmful impact on the adjacent heritage assets; no objections had been received from Historic England who had a sound knowledge of the site; the use of natural stone was being proposed in this location; in the opinion of Officers, it would be difficult to achieve 'traditional' architecture on this site with the amount of development currently being proposed; thirty-one parking spaces were being proposed for this development; as there was no master plan for the development of the Island Site, any application would be assessed on its merits and this application has been assessed as providing an opportunity to improve the visual aspect of this area of the site; no comments had been made by Cirencester Town Council in respect of the proposed design; the Civic Society was not a statutory consultee; the County Highways Officer had assessed the access arrangements and had not raised any objections in that respect; the Applicant should be aware of the requirements in relation to lifts within the development, given the nature of the Company's marketing and sales; and the issue of a footbridge was a matter for the Applicant and the County Highways Officer.

Some Members commented that this was not the correct site for this type of development and expressed concerns over the proposed design. Concern was also expressed over the potential 'piecemeal' development of the Island Site which was considered to be a 'gateway' site on this approach to the town. Concern was also expressed that this application had not taken account of the requirements of 'saved' Local Plan Policy CR3. In response to this latter issue, it was reported that Policy CR3 related to the whole of the Island Site, and not solely to the site which was the subject of this current application. The policy allowed for a mixed development, including residential use, and this proposed development would have to sit compatibly with any adjacent developments.

Another Member contended that the proposed design was appropriate for the location and would be an improvement over the current buildings on the site. The Member welcomed the use of natural stone in this location and reminded the Committee that, while there was an identified need for this type of accommodation in the town, there were no other suitable sites. Another Member supported the

proposed design but expressed concerns over the use of mobility scooters and a lack of outdoor amenity space

A Proposition that consideration of this application be deferred for further negotiations, was duly Seconded.

A Member gave notice of a further Proposition, that this application be refused, in the event that the Proposition to defer was not carried, and this further Proposition was duly Seconded.

**Deferred, for negotiations over the design of the scheme.**

**Record of Voting - for 10, against 1, abstentions 2, Ward Member unable to vote 1, absent 1.**

**CT.3828/1/N**

**Part retrospective Change of Use for Rooms 2 and 4 - currently listed as B1(a) office use - to 'other' sui generis use for a beauty salon and pilates classes/massage at 44 Black Jack Street, Cirencester -**

The Applicant was invited to address the Committee.

*Note - the Committee Services Manager read out comments on behalf of the Applicant, who had been present earlier in the Meeting but had been unable to stay until this application was considered.*

A Proposal that this application be approved as recommended, was duly Seconded.

**The Head of Planning and Strategic Housing was authorised to approve, subject to no new objections being received.**

**Record of Voting - for 13, against 0, abstentions 0, Ward Member unable to vote 1, absent 1.**

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.

Further representations were reported in respect of applications CD.0780/F, CD.6682/H, CD.7315/A, CD.0193/C, CD.1320/L and CD.3670/H.

(ii) Ward Members not on the Committee - Invited to Speak

Councillor BS Dare was invited to speak on applications CD.0780/F, CD.6682/H and CD.1320/L.

Councillor Lynden Stowe was invited to speak on applications CD.7315/A and CD.0193/C.

(iii) Public Speaking

Public speaking took place as follows:-

<u>CD.0780/F</u>	)	Councillor AM White (Town Council)
	)	Mr. H Wolton (Objector)
	)	Mr. C Turner (Supporter)
	)	Mr. A Eastabrook (Applicant)
<u>CD.6682/H</u>	)	Councillor R Fisher (Parish Council)
	)	Councillor AM White (Town Council)
	)	Mr. G McPherson QC (Objector)
	)	Mr. R Warmington (Supporter)
	)	Mr. H Wolton (Agent)
<u>CD.7315/A</u>	)	Councillor Dr. B King (Town Council)
	)	Mr. Deardon/Mr. T Rose (Objectors)
<u>CD.0193/C</u>	)	Councillor J Ellis (Town Council)
	)	Mr. S Wielebski/Mr. Hammond*
	)	(Objectors)
	)	Ms W Brodie (Agent)
<u>CD.1320/L</u>	)	Councillor AM White (Town Council)
	)	Mrs. H Monteith (Objector)**
	)	Miss E Evans (Applicant)
<u>CD.2395/N</u>	)	Mr. L Penman (Objector)
<u>CD.3670/H</u>	)	Mr. Turner (Objector)
	)	Mr. P Sibbald (Supporter)
	)	Mr. A Pywell (Agent)
<u>CT.2165/Y</u>	)	Mr. Vessey (Objector)
<u>CT.1787/R</u>	)	Mr. Prewett (Objector)
	)	Mr. G Bendinelli (Agent)
<u>CT.3828/1/N</u>	)	Ms M Payne (Applicant)**

\* Declined to speak (see note under application CD.0193/C on page 28 above).

\*\* Not present.

Copies of the representations by public speakers would be made available on the Council's Web Site in those instances where copies had been made available to the Council.

P.27 SITES INSPECTION BRIEFINGS1. Members for 5<sup>th</sup> August 2015

It was noted that Councillors Sue Coakley, Miss AJ Coggins, David Fowles, RL Hughes and MGE MacKenzie-Charrington would represent the Committee at the Sites Inspection Briefing on 5<sup>th</sup> August 2015.

2. Advance Sites Inspection Briefings

It was noted that advance Sites Inspection Briefings would take place on Wednesday 5<sup>th</sup> August 2015 in respect of the following applications:-

15/0296/FUL - retrospective amendments to dwelling and ancillary domestic stable building approved under permission 12/04267/FUL, including the erection of a basement, insertion of roof lights and dormer into roof void to convert loft space to provide three bedrooms and an en-suite, erection of new entrance porch, together with minor amendments and associated works and alterations to outbuilding at Orchard Rise, Charingworth - to assess the impact of the development on the character and appearance of the Area of Outstanding Natural Beauty and to understand its size, scale and context.

14/00602/FUL - equestrian building, Glebe Farm, Saintbury - to assess the impact of a large new building in respect of the Area of Outstanding Natural Beauty, nearby Listed Buildings and the Conservation Area.

14/05629/OUT - outline planning application for a residential development of 57 dwellings with all matters reserved except access at land to the rear of Templefields and Crossfields, Andoversford - to assess the likely impact of the proposed development on the character and appearance of the Area of Outstanding Natural Beauty, the setting of the village, views from nearby public rights of way, access and the setting of nearby Listed Buildings.

15/01412/OUT - outline planning application for the erection of up to 30 residential units and associated infrastructure (all matters reserved except access) at land south of Gloucester Road, Andoversford - to assess the likely impact of the proposed development on the character and appearance of the Area of Outstanding Natural Beauty, the setting of the village, views from nearby public rights of way, access and the setting of nearby Listed Buildings

Note:

It was considered to be appropriate for all Members of the Committee to attend these advance Sites Inspection Briefings on this occasion, as an approved duty, because (i) the first two items could result in the taking of enforcement action and (ii) because of their potential impact on the Area of Outstanding Natural Beauty.

P.28 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.35 a.m., adjourned between 11.15 a.m. and 11.25., and again between 1.00 p.m. and 1.25 p.m., and closed at 3.50 p.m.

Chairman

(END)