

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

9<sup>TH</sup> SEPTEMBER 2015

Present:

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

Councillors -

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

Substitutes:

Mrs. JC Forde

Observers:

PCB Coleman (from 10.05 a.m.  
until 11.40 a.m.)

Apologies:

Ms JM Layton

PL.41 WESTERN REGION LOCAL AUTHORITY BUILDING CONTROL BUILDING EXCELLENCE AWARDS

Prior to the commencement of the formal business, the Cabinet Member for Planning and Housing was delighted to report that a local construction project - a barn conversion to create holiday accommodation and a corporate event facility in Cotswold Park, Woodmancote - had recently won the 'best change of use of an existing building or conversion' category at the Western Region Local Authority Building Control (LABC) Building Excellence Awards.

In this connection, the Cabinet Member welcomed to the Meeting Louise and Simon Hanbury (the owners), James Slater (the architect), Andy Nurden and Mike Cahill of AC Nurden (the contractor), and Andrew Jones (CDC Building Control Manager). On behalf of the Committee and the Council, she congratulated everyone involved in the project - which would now be entered into the national LABC awards, to be judged in November this year - and formally presented the award.

The Cabinet Member explained that the project had been very challenging, and had had to balance the needs of the end user with the constraints of a listed

building, as well as the requirements of the building regulations. The LABC judges had all agreed that the resulting design solutions and quality of workmanship were of the highest standard; and had also been impressed by the excellent working relationship between the design team and all elements of CDC's development management and building control services.

The Cabinet Member added that the barn conversion was one of many projects across the District which were a real source of pride to the Council and concluded by expressing the hope that all involved would be able to celebrate the ultimate success by claiming the top prize in the national awards.

PL.42 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor M Harris declared an interest in respect of application CT.8358/B as he rented a property from the land-owner, and he left the Meeting while that item was being determined.

Councillor SG Hirst declared an interest in respect of application CT.4669/U, because he was a friend of the Agent, and he left the Meeting while that item was being determined.

Councillor Mrs. TL Stevenson declared an interest in respect of application CT.4669/U, because she was a friend of the Agent, and she left the Meeting while that item was being determined.

(2) Officer Declarations

There were no declarations from Officers.

PL.43 SUBSTITUTION ARRANGEMENTS

Councillor Mrs. JC Forde substituted for Councillor Ms JM Layton.

PL.44 MINUTES

**RESOLVED that, subject to the deletion of the name 'Miss AM Coggins' from the list of Members present and its replacement by the name 'Miss AJ Coggins', the Minutes of the Meeting of the Committee held on 19<sup>th</sup> August 2015 be approved as a correct record.**

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

PL.45 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.46 PUBLIC QUESTIONS

No public questions had been submitted.

PL.47 MEMBER QUESTIONS

No questions had been submitted by Members.

PL.48 PETITIONS

No petitions had been received.

PL.49 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:-**

**CT.1479/R**

**Redevelopment and conversion of former pig farm buildings to provide f4 light industrial workshops (Use Class B1(c) and Ancillary B8) with associated car parking and access at Bagendon Downs Farm, Perrotts Brook -**

The Team Leader reminded Members that the application had been deferred from the previous Meeting to allow a Sites Inspection Briefing to take place in order to assess the character of the application site within the AONB.

The Team Leader drew attention to the site plan and drawings of the buildings previously approved for the extant equestrian use of the site, which had been circulated as part of the extra representations received since publication of the Schedule of Planning Applications. The Team Leader also drew attention to an error within the Schedule report (on page 32), as the ridge height of proposed Unit 3 should have been shown as approximately 9 metres rather than 7 metres; but confirmed that the correct height had been given within the description of the proposals (page 6 of the Schedule report referred).

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

The Ward Member, who did not serve on the Committee but was acting in a substitute capacity, was invited to address the Committee. She acknowledged the general support for the associated residential application at Lyncroft Farm, and intended to restrict her comments to the Bagendon Downs Farm proposal. She reminded the Committee that this was the second application for change of use for this location in recent years, following a permission granted only four years prior for the conversion of the existing pig farm into an equestrian centre. However, she advised that the only evidence of the equestrian centre to date was the erection of what had been described as an office but had all the appearance of a residential home, and cited this as one of a number of examples of the applicant's disregard of planning requirements that had led to a feeling of mistrust of the application among many local residents.

The Ward Member drew attention to the fact that the application site was located in the AONB and in an area of significant historical importance, which should not be underestimated. She stated that the villages of Bagendon and Perrotts Brook comprised small, peaceful residential areas within a beautiful countryside, with recreational opportunities provided by numerous footpaths, including two paths that ran either side of the application site. She believed that the area should be maintained and protected.

In summary, the Ward Member believed that the application compromised the principles of sustainable development by being excessively large, overly industrial, visually unsympathetic, and harmful and out of character with such a historic and beautiful area. She felt that the argued economic benefits did not outweigh the potential harm that the proposal would bring.

In response to various questions and comments from Members, it was reported that 'light industrial use' was defined as being uses which could operate in close proximity to existing residential properties without causing disturbance; the extant permission for the equestrian use had been partially implemented; the Highways Authority was content with the proposals, subject to conditions; no significant change was expected with regard to the type and size of vehicle accessing the site, or movement numbers, given that the proposal was in essence a replacement for adjacent industrial units; given the varying site levels, the proposed buildings would be relatively unobtrusive from public viewpoints, particularly given the landscape enhancements identified; and this proposal would provide an opportunity for the adjacent Lyncroft Farm workshops, the subject of the subsequent application ([CT.2339/1/P](#) referred), to relocate to more modern accommodation on this current site.

There was general concern amongst Members regarding the ridge height of the proposed Unit 3, particularly having regard to the clarification by Officers that this would be 9 metres. Notwithstanding the benefits that would accrue through the provision of improved industrial units, a number of Members considered that the proposals would adversely affect the landscape and local environment, and lead to a loss of residential amenity. However, other Members felt that the proposals provided a significant benefit to local business and that, subject to appropriate conditions and an agreement to ensure the closure of the existing Lyncroft Business Park prior to the occupancy of the new development, permission should be granted.

A Proposition that this application be refused for reasons relating to the adverse effect on the landscape, 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 1, Ward Member unable to vote 1, absent 0.

A Further Proposition that the Head of Planning and Strategic Housing be authorised to approve the application, as recommended, subject to negotiations with the applicant to reduce the height of of proposed Unit 3, in consultation with the Chairman of the Committee and the Ward Member, was duly Seconded.

**The Head of Planning and Strategic Housing was authorised to approve the application as recommended, subject to negotiations with the applicant to reduce the height of proposed Unit 3, in consultation with the Chairman of the Committee and the Ward Member.**

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

**CT.2339/1/P**

**The demolition of existing workshops and erection of 2 detached dwellings and associated works at Lyncroft Farm Workshops, Perrotts Brook -**

The Team Leader reported that he had nothing further to add to the previously-circulated papers.

The Agent was invited to address the Committee.

The Ward Member, who did not serve on the Committee but was acting in a substitute capacity, was invited to address the Committee; but confirmed that she had nothing further to add to the representations that she had made in respect of the previous, linked application.

In response to various questions and comments from Members, it was reported that a legal agreement was proposed in order to link the implementation of any permission to the associated Bagendon Downs Farm development; and the issue of surface water attenuation/storage works could be adequately dealt with by means of a water butt.

A Proposition that that the Head of Planning and Strategic Housing be authorised to approve the application, as recommended, was duly Seconded.

**The Head of Planning and Strategic Housing was authorised to approve the application, as recommended.**

**Record of Voting - for 14, against 0, abstentions 0, Ward Member unable to vote 1, absent 0.**

**CD.6894/H**

**Erection of up to 16 dwellings and associated works (Reserved Matters application relating to appearance, layout, landscaping and scale of development approved under appeal decision APP/F1610/A/13/202439 CDC Ref 13/01538/OUT) at land adjacent to Badgers Field, Chipping Campden -**

The Case Officer reminded the Committee that the site was located outside the Conservation Area but within the Cotswolds Area of Outstanding Natural Beauty.

The Case Officer displayed photographs illustrating the site location and views of the public context of this site, from various aspects and locations; together with artist impressions of the proposed house types.

A representative of the Applicant was invited to address the Committee.

In response to various questions and comments from Members, it was reported that fencing would be provided, where necessary, between parking spaces and garden areas; and that street lighting would be provided in accordance with highway requirements in relation to adopted roads. Attention was drawn to the LED lighting now used by the County Council, which would reduce light pollution.

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

**Approved, as recommended.**

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

**CT.7047/P**

**Variation of Conditions 2, 7 and 10 of planning permission 14/02614/FUL to revise the site layout, foul drainage, landscaping and external lighting at Land Parcel opposite Windmill Farm, Hartley Lane, Leckhampton Hill -**

The Chairman explained that, following the publication of the Government's revised 'Planning Policy for Traveller Sites' in late August, this item had been withdrawn from the agenda to enable Officers to fully consider the implications of the revised national Policy with regard to this proposal.

**CT.8358/B**

**Proposed development of solar photovoltaic modules including access, temporary construction compound; single and double inverter platforms; transfer station; collecting station; security fencing; CCTV cameras and poles; landscaping; and associated works and infrastructure including underground cable along London Road verge and Witpit Lane verge and related equipment to allow connection to the electricity distribution network at Land Parcel east of Witpit Lane, Preston -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, in the form of (i) a summary of an independent review commissioned by the applicant regarding the agricultural land quality of the application site; (ii) additional third party representations; (iii) the consultation response from Historic England, confirming that any impact on heritage assets would be extremely limited; and (iv) revised conditions relating to drainage and the Arboricultural Method Statement. In the light of the additional information and representations, the Case Officer reported that the Officer Recommendation was now one of permit, subject to appropriate conditions.

The Case Officer outlined the proposals and drew attention, through photographs, drawings and comments, of other land in the applicant's ownership; the location of the site in relation to nearby listed buildings, conservation areas, and villages; the site as layout plan; examples of the solar panels to be used; the landscape

mitigation plan, which comprised mature specimens; the proposed CCTV scheme, including configuration; the haul routes and holding bays, which avoided Preston village. Photographs were also displayed of various views from/into the site.

The Parish Council, an Objector and the Agent were invited to address the Committee.

The Ward Member, who did not serve on the Committee, was invited to address the Committee. He drew attention to the scale of development proposed and referred to the tightening of Government guidelines in respect of future solar farm renewable energy provision. The Ward Member still questioned the agricultural grading of the land, believing it to be of a higher quality than stated, and maintained his view that the proposals were contrary to policy given the impact on the character of the landscape and its visual impact. He did not support the proposal.

In response to various questions and comments from Members, it was reported that a comprehensive scheme of hedgerow and tree planting was proposed, which would minimise any adverse visual impact; the change to the landscape would not be permanent, given the expected lifespan of the facility, and would be totally reversible; there were no on-going noise concerns, but conditions were recommended during construction, operation and decommissioning; highway issues in terms of glint and glare would be off-set by the landscaping measures; the site would be enclosed by a two metre high fence and monitored by CCTV cameras; the solar panels would be raised off the ground to allow sheep to graze underneath, which maintained the agricultural use of the land; the independent review of the agricultural land quality had confirmed the robustness of the original evaluation, and a grading of 3b to 4; the adverse visual impact on users of the public rights of way would be reduced by mitigation measures; none of the trees within the site were the subject of Tree Preservation Orders; and no financial contributions were being sought directly from the development, although it was understood that Preston parish Council had negotiated a financial contribution for the parish, by way of a unilateral undertaking direct with the applicant.

A Member stated that the need for power was accepted by all, and that most people saw renewable energy sources as a vital element of power provision moving forward. However, the scale and location of any facility of this type would always be an issue, particularly for those living nearby. He believed that there was a presumption in favour of sustainable development and, notwithstanding the scale of the development, considered that any adverse impacts could be addressed by way of condition.

Other Members, however, did not feel able to support the scheme. They considered that the scheme was unduly large, and would have an adverse effect on visual amenity and the character and appearance of the area. They also felt that the location was inappropriate, given that there were other similar operations nearby; and remained to be convinced that there were no noise issue associated with the proposal.

A Proposition that the application be approved as recommended, subject to (i) the revised drainage condition recommended by Officers; (ii) the revised condition recommended by Officers to replace the Arboricultural Method Statement; and (iii) the additional conditions recommended by the Environmental Health Officer, was duly Seconded. It was also suggested that the final conditions should be subject

to consultation with the Chairman of the Committee, the Ward Member and Councillor Brassington (relating to environmental health issues).

**Approved, as recommended, subject to revised/additional conditions relating to drainage, the Arboricultural Method Statement, and noise mitigation measures, such conditions to be specified by the Head of Planning and Strategic Housing in consultation with the Chairman of the Committee, the Ward Member, and Councillor AR Brassington (relating to environmental health issues).**

**Record of Voting - for 10, against 4, abstentions 0, interest declared 1, absent 0.**

Note:

(i) In accordance with Council Procedure Rule 16.6, a request was made for a Recorded Vote to be taken in respect of the Proposition and this was supported by the requisite number of Members. The Record of Voting was as follows:-

For: - Councillors AW Berry, AR Brassington, Sue Coakley, Miss AJ Coggins, Mrs. JC Forde, JA Harris, SG Hirst, RL Hughes, Mrs SL Jepson and MGE MacKenzie-Charrington - Total: 10;

Against: - Councillors Miss AML Beccle, RW Dutton, David Fowles and Mrs TL Stevenson - Total: 4;

Abstentions: - Nil;

Interest Declared: - Councillor M Harris - Total: 1;

Absent: - Nil.

**CT.7528/J**

**Amendment to planning permission 11/00819/FUL for the erection of a dwelling to include a double garage, wood pellet boiler plant room and oak framed sun lounge at land at Ham Cottage, Ham Lane, South Cerney -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, in the form of a statement from the applicant responding to the objections received. The Case Officer reminded the Committee of the planning history of the site and displayed photographs of the site as existing, and one which showed the site in 2010 at the time of the original permission.

An Objector was invited to address the Committee.

The Ward Member, who served on the Committee, had been unable to attend the Meeting. However, it was confirmed that the Ward Member maintained her original objection to the application, which had formed the basis of her decision to refer the application to the Committee for determination.

In response to various questions and comments from Members, it was reported that the approved dwelling was smaller in scale than that dismissed on appeal; an

extant permission existed; and other extensions had been constructed in the locality.

Some Members felt that the proposals were acceptable. However, other Members, while raising no objections to the proposed sun lounge and pellet boiler, expressed concern about the scale and location of the proposed double garage, considering that it would have an over-bearing and adverse impact on neighbouring properties. A Proposition that the application be refused on such grounds was duly Seconded.

An equality of votes was cast in respect of the Proposition and the Chairman was invited to consider using his Casting Vote. The Chairman exercised such Vote against the Proposition, which was therefore LOST; with the record of voting being - for 8 (including the Chairman's casting vote), against 7, abstentions 0, Substitute for Ward Member unable to vote 1, absent 0.

**Approved as recommended.**

**Record of Voting - for 8 (including the Chairman's casting vote), against 7, abstentions 0, Substitute for Ward Member unable to vote 1, absent 0.**

**CT.3694/U**

**Removal of attached garage and erection of a two-storey side extension at Meldrum, Baunton Lane, Cirencester -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, in the form of two additional third party representations. The Case Officer reminded the Committee of the location and extent of the site and the location of surrounding properties; explained that the proposed extension would be built on the floor-print of the existing single-storey garage; and was of the view that the second-storey element would not have an unacceptably adverse impact on neighbouring properties, subject to the imposition of conditions.

The Ward Member, who did not serve on the Committee, was invited to address the Committee. He explained that the property had already been extended significantly, and referred to genuine concerns regarding the impact on two neighbouring properties in terms of overbearing, overlooking and loss of light/over-shadowing. The Ward Member acknowledged that it was sometimes difficult to assess such concerns based on drawings and photographs alone, and expressed support for the site visit suggested by the objectors.

A Proposition that the application be deferred for a Sites Inspection Briefing, to assess the impact of the development on adjoining properties, was duly Seconded.

**Deferred for a Sites Inspection Briefing, to assess the impact of the development on adjoining properties.**

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

**CT.4669/S****Proposed double garage at Pear Tree Cottage, 169 Kemble -**

The Team Leader drew attention to the extra representations received since publication of the Schedule of Planning Applications, and reminded the Committee of the planning history of the site. The Team Leader also displayed photographs of views to the site from the neighbouring property.

The Ward Member, who served on the Committee, was invited to address the Committee. He explained that he had referred this application to the Committee for determination in order that the Committee could assess the appropriateness of the design. He drew attention to the previous, and continuing, objections made by the occupants of the neighbouring property, and of their acceptance that the proposed orientation of the garage was significantly improved to that previously approved. He also expressed his support for the offer made by the applicant to construct the front (north elevation) in stone.

In response to various questions and comments from Members, it was reported that the principle of development had been established through the previous permission; Officers did not believe that the proposal would cause any material harm to the neighbouring property; but that the proposals, as submitted, would fail to preserve the character and appearance of the conservation area due to the orientation of the garage, the timber-clad design, and the garage door design.

The majority of Members were content with the proposed orientation of the garage, particularly having regard to the comments of the occupants of the neighbouring property. In addition, there was no strong objection to the garage door design, on the basis that an up-and-over design was considered to be more practicable than side-hung doors. Members also welcomed the offer of the applicant to construct the front elevation in stone and felt that, subject to this requirement, permission should be granted.

A Proposition that the application be approved, subject to the front elevation being constructed in natural stone, was duly Seconded.

**Approved, subject to the front elevation being constructed in natural stone.**

**Record of Voting - for 11, against 1, abstentions 0, Ward Member unable to vote 1, interests declared 2, absent 0.**

**Note**

This decision was contrary to the Officer Recommendation because, on this occasion, a majority of the Committee was satisfied that the proposed development would not cause any significant harm to the character and appearance of the conservation area, particularly if the front elevation was to be constructed in natural stone.

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 application CT.8358/B.

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

Councillor SDE Parsons was invited to speak on application CT.8358/B.

Councillor PCB Coleman was invited to speak on application CT.3694/U.

(iii) Public Speaking

Public speaking took place as follows:-

<u>CT.1479/R</u>	)	Mrs. J Hall (Objector)
	)	Mr. G Godwin (Agent)
<u>CT.2339/1/P</u>	)	Mr. G Godwin (Agent)
<u>CD.6894/H</u>	)	Ms E Evans (Applicant)
<u>CT.8358/B</u>	)	Councillor R Freyne (Parish Council)
	)	Mr. M Goodliffe (Objector)
	)	Mr. P Holdcroft (Agent)
<u>CT.7528/J</u>	)	Ms V Greenhough (Objector)

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.50 SITES INSPECTION BRIEFINGS

1. Members for 7<sup>th</sup> October 2015

It was noted that Councillors Miss AML Beccle, AR Brassington, RW Dutton, SG Hirst and RL Hughes would represent the Committee at the Sites Inspection Briefing on 7<sup>th</sup> October 2015.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings were notified.

Note:

Subsequent to the Meeting, it was confirmed that efforts were being made to reschedule the previously-agreed all-Member Sites Inspection Briefing at Bell Lane Farm, Poulton (zero carbon family home and studio annex) for the Briefing on 7<sup>th</sup> October.

P.51 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 11.05 a.m. and 11.15 a.m., and closed at 11.55 a.m.

Chairman

(END)