

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

14<sup>TH</sup> OCTOBER 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
Alison Coggins	Juliet Layton
RW Dutton	Tina Stevenson

Substitutes:

RG Keeling

Observers:

Jenny Forde

Apologies:

MGE MacKenzie-Charrington

PL.52 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor M Harris declared an interest in respect of application CT.1958/H as he rented a property from the land-owner, and he left the Meeting while that item was being determined.

(2) Officer Declarations

There were no declarations from Officers.

PL.53 SUBSTITUTION ARRANGEMENTS

Councillor RG Keeling substituted for Councillor MGE MacKenzie-Charrington.

PL.54 MINUTES

**RESOLVED** that the Minutes of the Meeting of the Committee held on 17<sup>th</sup> September 2015 be approved as a correct record.

PL.55 **Record of Voting - for 13, against 0, abstentions 2, absent 0.**  
CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded the Committee of the Local Plan Briefing which was due to take place in the Council Chamber on Thursday 15<sup>th</sup> October 2015 at 3.00 p.m., and he urged as many Members as possible to attend that Briefing.

PL.56 PUBLIC QUESTIONS

No public questions had been submitted.

PL.57 MEMBER QUESTIONS

No questions had been submitted by Members.

PL.58 PETITIONS

No petitions had been received.

PL.59 ENFORCEMENT - ORCHARD RISE, CHARRINGWORTH, CHIPPING  
 CAMPDEN GL55 6NR

**RESOLVED that consideration of this item be deferred until later in the Meeting.**

**Record of Voting - for 7, against 6, abstentions 2, absent 0.**

Note:

Consideration of this item was deferred until later in the Meeting in order to avoid members of the public and Press, who might have been attending the Meeting in order to listen to the debate on items contained in the Schedule of Planning Applications, having to leave the Council Chamber in the event that the Committee decided to exclude the public and Press while it considered confidential information submitted by, and/or on behalf of, the Applicant.

PL.60 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.3694/U**

**Removal of attached garage and erection of a two-storey side extension at Meldrum, Baunton Lane, Cirencester GL7 2LL -**

The Case Officer reminded the Committee that this application had been deferred from the previous Meeting to allow a Sites Inspection Briefing to take place in order to assess the impact of the proposed development on adjoining properties.

The Case Officer drew attention to the location of the site and distances between the existing building thereon and various surrounding properties. The Case Officer also displayed photographs illustrating views of the existing building from various vantage points and its relationship with those surrounding properties.

The Chairman invited those Members who had attended the Sites Inspection Briefing to express their views. The Members considered that the existing dwelling on this site had already been extended extensively and that, whilst it would be almost impossible to avoid overlooking other properties due to the proximity of the buildings in this area, there would be minimum potential for further overlooking from the proposed extension.

The Committee Services Manager read out comments from the Ward Member, who did not serve on the Committee and had been unable to attend the Meeting. The Ward Member expressed the hope that this application would be refused as, in his opinion, the proposed two-storey extension would have an intrusive impact on an adjacent property as the distance between the two structures at first-floor level would be reduced to 'approximately 10 to 11 metres'. The Ward Member contended that, whilst such a small separation might be acceptable in planned high-density urban developments where no reasonable alternative existed, that was not the situation in this case. The Ward Member further contended that there was scope within the plot for a less intrusive way of achieving the same increase in first-floor space. He accepted that the proposal would have a less severe impact on the other neighbouring property but expressed the view that the previous, substantial extension had created a significant degree of overlooking, and was overbearing which, he considered, would be found to be unacceptable by many. The Ward Member concluded by stating that it could be argued that the addition of any further overlooking, as in this current application, tipped the scales into 'unacceptability'.

In response to a question, it was reported that it was not proposed to install any windows in the elevation facing the neighbouring property. Some Members expressed sympathy for the views expressed by the Ward Member. Those Members considered that, whilst the proposed extension would have an impact on surrounding properties, such impact would not be 'significant', and that it was unlikely the Council would be able to successfully defend an appeal against refusal of this application.

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

**Approved, as recommended.**

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

**CT.1958/H**

**Change of Use to park two HGVs, including trailers, at Land Parcel off Witpit Lane, adjacent to the A417, 404918 East 201036 West, Preston -**

The Case Officer reminded the Committee of the location of this site and displayed photographs illustrating views into the site from various vantage points and a view of one of the HGVs parked within the site.

A Member of the Parish Council and an Objector were invited to address the Committee.

In response to various questions from Members, it was reported that no Condition relating to the use of Witpit Lane by HGVs accessing and/or leaving this site had been attached to the previous, temporary permission; in the opinion of Officers, such a Condition did not satisfy the relevant tests and would be difficult to enforce; similarly, a Condition restricting the times HGVs could enter and leave the site would be difficult to enforce and could have an adverse impact on the business, given the potential for variation in operating times; in determining this application, the Committee should weigh any potential harm against the various benefits, including the operation of a business in a rural area; it would not be possible to condition the parking of HGVs outside the application site; and while the existing levels of landscaping at the site were considered to be sufficient, additional low-level landscaping could help to reduce the impact of the HGVs when parked on the site.

A Member expressed concern that the entrance to this site was located on a bend on a narrow lane. The Member contended that HGVs contributed to the damage being caused to the verges along the lane and reminded the Committee that this site was situated in a rural setting. The Member also contended that HGVs driving through the village, and manoeuvring into and within the site, would have an adverse impact on residents' enjoyment of their homes and gardens. Another Member reminded the Committee that temporary permission had been granted in September 2014 in order to test the potential impact of the use of this site by HGVs. The Member contended that, if the Committee was minded to approve this application as recommended, it would be reasonable to attach a Condition relating to the use of Witpit Lane by HGVs accessing and/or leaving the site and, further, that the Parish Council would probably encourage monitoring of such a Condition by residents. The Member suggested that this would allow the business to continue to operate and concluded by stating that any noise issues arising from the operation could be addressed through the issue of a Noise Abatement Order. While those comments were supported by a number of other Members, another Member considered that, if the Committee was minded to approve this application as recommended, a further Condition restricting the times HGVs could arrive at and leave the site should be attached to any Decision Notice in order to avoid disturbance to residents being caused by noise and fumes from such vehicles.

A Proposition that this application be approved as recommended subject to an extra Condition relating to the use of Witpit Lane by HGVs accessing and/or leaving the site, was duly Seconded. It was suggested that, while it would not be appropriate to require additional low-level landscaping by Condition, the Applicant should be advised that such planting would be helpful.

**Approved, as recommended, subject to an extra Condition relating to the use of Witpit Lane by HGVs accessing and/or leaving the site.**

**Record of Voting - for 12, against 2, abstentions 0, interest declared 1, absent 0.**

Notes:

(i) Additional Representations

Further representations reported at the Meeting in respect of applications CT.3694/U and CT.1958/H were considered in conjunction with those applications.

(ii) Public Speaking

Public speaking took place as follows:-

<u>CT.1958/H</u>	)	Councillor Mrs. R Freyne
	)	(Parish Council)
	)	Mr. R Cameron (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.

PL.61 ENFORCEMENT - ORCHARD RISE, CHARINGWORTH, CHIPPING CAMPDEN GL55 6NR

Further to Minutes PL.36 (pages 49-51) of 19<sup>th</sup> August 2015 and PL.59 above, the Committee was requested to reconsider its decision taken under Minute PL.36 relating to the taking of enforcement action in respect of the unauthorised development at Orchard Rise, Charingworth. This issue had been referred back to the Committee because, subsequent to the August 2015 decision, an application to remove an occupancy restriction relating to use of The Apple Store had been refused.

At this juncture, it was

**RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public and Press be excluded from the Meeting for the following item of business on the grounds that it involved likely disclosure of exempt information as defined in paragraphs (1) and (3) of Part I of Schedule 12A to the said Act (Information relating to an individual) and (Information relating to financial or business affairs) and that the public interest in maintaining the exemptions outweighed the public interest in disclosing the information concerned.**

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

PL.62 ENFORCEMENT - ORCHARD RISE, CHARINGWORTH, CHIPPING CAMPDEN  
GL55 6NR (CONTINUED)

The Committee considered confidential information supplied by the Applicant, including additional information which had been circulated at the Meeting.

*Note - at this juncture, the public and Press were re-admitted to the Meeting.*

The Ward Member, who served on the Committee, was invited to address the Committee and expressed her support for the Officer Recommendation. The Ward Member contended that the further confidential information which had been supplied by the Applicant was not relevant to what she considered to be a gross abuse of the planning system that had occurred on this occasion, and she commented that the Applicant had submitted a number of planning applications to both this Council and other Councils in the area. The Ward Member concluded by expressing the view that the period for compliance with any Enforcement Notice, as suggested by Officers, was adequate for the Applicant to find alternative residential accommodation.

In response to various questions from Members, it was reported that use of The Apple Store was for holiday use, ancillary to the use of Orchard Rise; in the event that Orchard Rise became unfit for habitation, or was demolished, the Council could decide to not instigate enforcement action in relation to the occupancy of The Apple Store by the Applicant for the duration of such works; subsequent to the Committee's decision on 19<sup>th</sup> August 2015, an initial meeting had been held with the Applicant and her advisors and further information was awaited; relevant additional information supplied by the Applicant since the Committee's decision on 19<sup>th</sup> August 2015 had been contained in the confidential papers circulated earlier in the Meeting; the Applicant could appeal against the Committee's decision to refuse application CD.3314/D and/or the service of an Enforcement Notice; in the event that the Applicant did appeal against the service of an Enforcement Notice, the period for compliance with such Notice would commence from the date on which the Inspector dismissed the appeal, if that was the outcome; and, in the event that an appeal was dismissed, the Council would not be able to consider any request to extend the period for compliance detailed in the Notice.

A Member expressed support for the comments made by the Ward Member. The Member contended that a flagrant breach of planning laws had occurred and that the Committee had made a clear decision on 19<sup>th</sup> August 2015 in relation to the taking of enforcement action and suggested that the Committee should re-affirm that decision. The Member concluded by stating that he was 'comfortable' with the suggestion in relation to alternative accommodation. Another Member referred to comments he had made on 19<sup>th</sup> August 2015 in relation to the Applicant seeking redress from her advisors. The Member noted that the advisors' Web Site referred to them having taken out indemnity insurance and expressed the view that the Applicant had been poorly advised.

A Proposition that enforcement action be taken, as recommended, was duly Seconded.

**RESOLVED that enforcement action be taken under Section 172 of the Town and Country Planning Act 1990, as amended, to secure:-**

**(i) the demolition of the unauthorised building at Orchard Rise, Charingworth, Chipping Campden, and its associated features such as retaining walls, steps and landscaped areas, within a period of ten months of the date on which the Notice takes effect;**

**(ii) the permanent removal from the land of the materials resulting from such demolition within a period of eleven months of the date on which the Notice takes effect;**

**(iii) the reinstatement of the land where the unauthorised dwelling stood to its original levels and profile within a period of twelve months of the date on which the Notice takes effect.**

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

PL.63 SITES INSPECTION BRIEFINGS

1. Members for 4<sup>th</sup> November 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 4<sup>th</sup> November 2015.

2. Advance Sites Inspection Briefings

15/00786/FUL - Change of Use from agricultural use to car park, providing 333 spaces; associated landscaping, lighting and fencing; new access road from A429 and new pedestrian access route to station at land adjacent to The Tavern Public House, Station Road, Kemble - to assess the impact of this proposal on the surrounding area.

Note:

All Members of the Committee were invited to attend this Sites Inspection Briefing as an approved duty because it was considered to have substantial economic benefits and landscape impacts.

15/03215/FUL - Erection of external racking at The Colt Car Company, Watermoor Road, Cirencester GL7 1LF - to assess the impact of the proposal on a nearby residential property

Notes:

(i) All Members of the Sites Inspection Briefing Panel were invited to attend this Sites Inspection Briefing as an approved duty.

(ii) It was noted that, following the all-Member Sites Inspection Briefing at Bell Lane Farm, Poulton (zero carbon family home and studio annex), some further all-Member Sites Inspection Briefings would be undertaken to that site in the future as works progressed.

P.64 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m. and closed at 11.00 a.m.

Chairman

(END)