

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

10<sup>TH</sup> AUGUST 2016

Present:

Councillor SG Hirst - Chairman  
Councillor Miss AML Beccle - Vice-Chairman

Councillors -

AR Brassington	David Fowles
AW Berry	M Harris
Sue Coakley	Mrs. SL Jepson
Alison Coggins	Juliet Layton
RW Dutton	Tina Stevenson

Substitutes:

Julian Beale	RG Keeling
T Cheung	

Observers:

Jim Parsons (from 11.45 a.m. until 3.05 p.m.)	R Theodoulou (from 11.15 a.m. until 3.50 p.m.)
NJW Parsons (from 10.10 a.m. until 12.50 p.m.)	LR Wilkins (from 11.55 a.m. until 3.05 p.m.)

Apologies:

PCB Coleman	MGE MacKenzie-Charrington
RL Hughes	

PL.29 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor AW Berry declared an interest in respect of applications CT.9143/B and CT.9143, because he was acquainted with the Applicant, and he left the Meeting while those items were being determined.

Councillor David Fowles declared an interest in respect of applications CT.9143/B and CT.9143, because he was acquainted with a third party who had an interest in those items.

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

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

Councillor David Fowles declared an interest in respect of application CD.2610/A, because he had a business relationship with the Agent.

Councillor David Fowles declared an interest in respect of application CT.4936/1/B, because he was acquainted with one of the Objectors, and he left the Meeting while that item was being considered.

Councillor M Harris declared an interest in respect of applications CT.9143/B and CT.9143, because he was acquainted with a third party who had an interest in those items.

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

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

Councillor SDE Parsons had declared an interest in respect of applications CT.9143/B and CT.9143, because he was acquainted with a member of the Applicant's team, but he was not present at the Meeting.

Councillor Lynden Stowe had declared an interest in respect of application CD.2288/T, because he was related to the Applicant, but he was not present at the Meeting.

Councillor Lynden Stowe had declared an interest in respect of application CD.2288/U, because he was the Applicant, but he was not present at the Meeting.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.30 SUBSTITUTION ARRANGEMENTS

Councillor Julian Beale substituted for Councillor RL Hughes.

Councillor T Cheung substituted for Councillor PCB Coleman.

Councillor RG Keeling substituted for Councillor MGE MacKenzie-Charrington.

PL.31 MINUTES

**RESOLVED that the Minutes of the Meeting of the Committee held on 13<sup>th</sup> July 2016 be approved as a correct record.**

**Record of Voting - for 11, against 0, abstentions 3, absent 1.**

PL.32 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.33 PUBLIC QUESTIONS

No public questions had been submitted.

PL.34 MEMBER QUESTIONS

No questions had been received from Members.

PL.35 PETITIONS

No petitions had been received.

PL.36 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.9143/B**

**Outline application for the erection of up to 88 dwellings, new vehicular access off Park Way, erection of a new purpose-built school hall and provision of a solar park (resubmission) at land to the south of Love Lane, Cirencester -**

The Team Leader drew attention to the extra representations received since publication of the Schedule of Planning Applications and referred to the advance Sites Inspection Briefing that had been held in respect of this application.

The Team Leader reminded the Committee of the location of the site and outlined the proposals, drawing attention to its proximity to Siddington, the Chesterton Strategic Development site and the Love Lane Industrial Estate; access; the route of the gas pipeline; Listed Buildings in the vicinity of the site; and an illustrative plan. The Team Leader displayed an aerial photograph of the site and photographs illustrating views of the site from various vantage points, views along Spratsgate Lane and Parkway, and views from within the site.

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

In response to various questions from Members, it was reported that Officers were confident a need for 50% affordable housing at this site could be demonstrated; if the Committee was minded to approve this application, such decision would be subject to the prior completion of a Section 106 Agreement in respect of the affordable housing provision and an existing footpath linking the site to Siddington could be made up to an adoptable standard; the Applicant had engaged with Thames Water in relation to drainage and sewage disposal capacity; Gloucestershire County Council did not consider that the proposed contribution towards a new school hall would accord with the Community Infrastructure Levy regulations; there was a desire to retain the 'buffers' between Cirencester and Siddington; the County Highways Officer and Police had objected to the illustrative pedestrian/cycleway access from this site onto Spratsgate Lane; and, if the Committee was minded to approve this application, any financial contribution towards education would be in accordance with the County Council's formulae, although the Applicant's preference was for such a contribution to be used to provide a purpose-built school hall.

It was considered that this application should be refused, as recommended, for the reasons stated. Concern was expressed that this site was outside the Development Boundary for the village; the Council could currently demonstrate a five-year supply of housing land; the proposed development would be an isolated enclave; this was not an environmentally sustainable site; the proposed development would result in the further fragmentation of Siddington and would not integrate with neighbouring communities; and while surrounding parishes were aware of the community benefits that would accrue, they had sustained their objections.

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

**Refused, as recommended.**

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

**CT.9143**

**Outline application for the erection of up to 88 dwellings to include vehicular access off Park Way; new pedestrian and cycle links to the wider area; improvements to Siddington School including improved access facilities and the erection of a new purpose built school hall; a solar park; ecological enhancements; strategic landscaping; and associated infrastructure at land to the south of Love Lane, Cirencester -**

The Team Leader explained that the Committee could only express a 'minded to' resolution in respect of this application, which would inform the Inspector at the forthcoming appeal against non-determination

An Objector, a Supporter and the Agent were invited to address the Committee but they explained that they had made all of their representations in relation to the previous application (application CT.9143/B above referred).

In response to a question from a Member, it was reported that Officers had a good working relationship with the Applicant and Agent; a number of extensions of time had been agreed in order to facilitate consultations in relation to this application; and, following consideration of legal advice, the Applicant had deemed that an appeal against non-determination and the submission of a duplicate application was the correct process to follow on this occasion. In response to a further question, the Team Leader reiterated that the Council was not able to determine an application that was currently subject to an appeal.

A Proposition, that the Committee be minded to refuse this application as recommended, was duly Seconded.

**Minded to refuse.**

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

**CD.8481/J**

**Proposed permanent rural workers' dwelling at The Old Quarry, Broadwell -**

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 proximity to Broadwell and the residential curtilage associated with the dwelling. The Case Officer displayed an aerial photograph of the site and photographs illustrating views of the site from various vantage points, views into the site and views from within the site. The Case Officer also drew attention to the external timber staining proposed in the event that the Committee was minded to approve this application, as recommended.

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

The Ward Member, who was serving on the Committee at this Meeting as a Substitute Member, was invited to address the Committee and stated that, although he had no personal interest to declare, he would leave the Council

Chamber after addressing the Committee while this and the subsequent application relating to this site were being determined (application CD.8481/H below referred). The Ward Member referred to the recent planning history at this site, in relation to development of a livestock lairage, and explained that the current applications sought retrospective permission for a permanent dwelling and residential caravan. The Ward Member referred to an independent agricultural appraisal which had been commissioned by the Council to address issues of functional need and the Applicant's financial status, which had been informed by confidential information provided to the Council by the Applicant. The Ward Member explained that, currently, the lairage accepted sheep and cattle, and he contended that the actual throughput of sheep over the past three years was 13,200, equating to approximately 4,000 per annum. The Ward Member contended that only small vehicles were used at this site, and he questioned where the consolidation of small flocks of sheep into large loads took place. The Ward Member further contended that there had been 385 cattle movements during the three-year period, equating to approximately 130 per annum. The Ward Member referred to correspondence from a supporter in Ireland who claimed that the Applicant's company transported on average 155 bulls each week for them, and questioned where those animal movements had been reported. The Ward Member estimated that, from the figures provided, the lairage could be handling approximately 4,500 animals per annum, which was less than the 10,000 animals claimed by the Agent, who had stated that the number could rise to 14,500, and could exceed 20,000. The Agent had also stated that the Applicant's entire business was responsible for 52,000 animals per annum and the Ward Member suggested that, while some of those animals might have been transported directly to their destination without offloading at the lairage, they might have been included in the statistics presented. The Ward Member contended that, in the absence of vital information, it could not be concluded that the functional need for a dwelling or caravan at this site had been proven.

The Ward Member then referred to the financial aspects of the Applicant's companies and stated that total sales, with unchanged staff levels, had remained static during the years 2012-2014, and that no information had been provided in respect of the contribution made to the enterprise by the lairage. The Ward Member amplified aspects of information about the enterprise which had been obtained from Companies House. The Ward Member contended that the livestock lairage and transport business was regulated to safeguard animal welfare and human health. Both of these current applications sought extraordinary permission which should have been supported by detailed, justifiable and verifiable information and which the Ward Member considered had not been provided by the Applicant, the Agent or the Council's Consultant, and he therefore concluded by suggesting that both these current applications should be refused.

Note:

*At this juncture, the Ward Member left the Meeting while this, and the subsequent application (CD.8481/J), were being determined.*

In response to various questions from Members, it was reported that some of the information on the pages in the extra representations circulated at the Meeting had been redacted as the Applicant considered such information to be commercially sensitive and he had not therefore given consent for it to be disclosed in the public domain; the redacted information formed part of the unredacted, commercially-sensitive material which had previously been circulated

to Members; it was unlikely that stock would be present at the lairage at midday as deliveries tended to be made during the evening and at night; the Consultant was satisfied that there had been 30,000 sheep movements at the lairage during the past three years; the witness had concluded that, although animal movements were sporadic through the year, there was a functional need for a permanent presence on this site to deal with the arrival of animals late at night and for animal welfare reasons; in the opinion of the Consultant, there was no evidence that the business was likely to fold in the foreseeable future; if the Committee was minded to refuse this application, the remedy would be to consider the expediency of taking enforcement action to secure removal of the dwelling from the site; if the Committee was minded to refuse this application, it would need to articulate the harm caused by the development; in the opinion of the Consultant, there was an 80% chance that an appeal against such a refusal would be allowed; if the Committee was minded to approve this application, as recommended, the suggestion was that the timber on the external elevations of the dwelling should be treated to provide a greyer finish, and a condition to that effect would be included in any Decision Notice; the lairage records detailed sheep movements in and out on a given date; as the dwelling was intended to be a permanent home, it would be unreasonable for the Council to seek to restrict the number of rooms therein; in assessing this application, the Case Officer had had regard to the specific needs of the occupant of the dwelling; in the view of Officers, the dwelling had no harmful visual impact; in the opinion of the Consultant, as animals could be delivered to the lairage at any time during the day or night, and needed to be checked and settled as soon as possible after arrival and through the night, there was a need for a permanent presence on this site; in the opinion of the Consultant, the business would not survive without the lairage facility; the Consultant had visited the site when there was livestock there and when no livestock was there; in the opinion of the expert witness, six animals passing through the lairage facility every three/four days would be the minimum number requiring a permanent presence on the site; the lairage facility also handled cattle and pigs, as well as sheep; and foul water drainage from this site was a Building Control, rather than a planning, issue.

Some Members suggested that this application should be refused as they considered there to be insufficient justification for a permanent dwelling on this site, and a Proposition, that this application be refused, was duly Seconded.

Other Members expressed the view that this was a successful lairage facility, which had future capacity to increase throughput. Those Members suggested that it was appropriate for the current buildings on the site to be expanded, and, the dwelling would not have any adverse impact on the site. They also considered that the Consultant had expressed a clear opinion in favour of the proposal. A further Proposition, that this application be approved as recommended, was duly Seconded.

A Member referred to the commercial information submitted by the Applicant and suggested that the Committee should go into private session to consider such application. A Proposition to that effect was duly Seconded.

**Refused, for reasons relating to a lack of information available to justify need.**

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

Notes:

- (i) This decision was contrary to the Officer Recommendation for the reasons stated.
- (ii) The subsequent Propositions, to approve this application as recommended, and to exclude the public and Press were not put to the vote as the first Proposition, that the application be refused, had been supported by a majority of the Members of the Committee and was carried.

**CD.8481/H**

**Retention of residential caravan for overnight accommodation for stock person at The Old Quarry, Fosseyway, Broadwell -**

The Case Officer reminded the Committee of the location of this site and displayed an aerial photograph of the site and photographs illustrating views of the caravan.

An Objector and the Agent were invited to address the Committee but they explained that they had made all of their representations in relation to the previous application (application CD.8481/J above referred).

The Ward Member, who was serving as a Substitute Member on the Committee, had made his comments in relation to the previous application, and had left the Meeting whilst that, and this current application, were being determined.

In response to a question from a Member, it was reported that the use of a caravan would not be satisfactory in the long-term.

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

**Approved, as recommended.**

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

**CT.7047/R**

**Removal of Conditions 2 (temporary use and occupancy) and 3 (restoration of site) of planning permission 12/04857/FUL to allow permanent retention of the site at land adjacent Seven Springs, Hartley Lane, Leckhampton Hill, Coberley -**

The Case Officer reminded the Committee of the location of this site and displayed photographs illustrating views of the site from various vantage points.

A Representative of the Parish Council 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. The Ward Member contended that this application was based on the current use of the site and the fact that it was required to contribute to the



Council's five-year supply of suitable Gypsy and Traveller sites in order to meet targets. The Ward Member expressed the opinion that it was a circular argument because the site only enjoyed its permitted use due to a decision by a Planning Inspector in August 2013 who had allowed an appeal, subject to Conditions granting temporary use on a personal basis to the Applicant. The Ward Member reminded the Committee that the site had been included in the evidence base for the emerging Local Plan as a 'deliverable' site, and he expressed the view that this had come about due to its promotion by the owner and the granting on appeal of the existing temporary, personal use. The Ward Member reminded the Committee of the refusal reason relating to an application on 18<sup>th</sup> December 2012, and pointed out that such decision had been endorsed by the Cotswolds Conservation Board, which had also objected strongly to this current application. The Ward Member further reminded the Committee that the Planning Inspector had agreed with the refusal reason at the subsequent appeal and that, at that time, the Inspector had considered the lack of a demonstrable five-year supply of suitable sites had obliged him to grant a temporary, personal permission, despite the adverse impact on the Area of Outstanding Natural Beauty (AONB). The Ward Member further contended that the structures present on the site continued to cause considerable harm to the AONB and suggested that, in its determination of this current application, the Committee should consider what had changed since the decision in 2012. The Ward Member stated that the same national policies applied, together with the Planning Policy for Travellers, published in August 2015, which had stated that the protection and enhancement of the AONB took precedence over the maintenance of a five-year supply of deliverable sites, and that there was no presumption that the granting of temporary permission should lead to permission being granted permanently. The Ward Member considered that the AONB now enjoyed a higher level of protection in respect of Gypsy and Traveller sites than it had in 2013 and that the Applicant had not provided material planning evidence as to why the 2012 refusal reason was no longer relevant, and he concluded by urging the Committee to refuse this application.

In response to various questions from Members, it was reported that it was likely the Applicant would lodge an appeal against a decision to refuse this application as he was no longer able to live at his former address; the Committee could decide to grant an extension of the temporary planning permission until December 2017 but the Applicant could lodge an appeal against such a decision; this site was considered to be a 'preferred' site in the emerging Local Plan, which would be submitted to the Secretary of State following conclusion of the Reg. 19 consultation; in the event that the Committee was minded to refuse this application, it was unlikely that an existing boundary fence, which was visible from various vantage points within the AONB, would be removed; the roof of the building was also visible; no landscape objections had been received in relation to this application; although the Council was currently able to demonstrate a five-year supply of deliverable sites, a total of twenty-six pitches were required, and an indication of a revised demand up to 2031 was awaited; there were currently seven pitches in the District which had the benefit of temporary planning permission and, if such sites were removed from the calculation, it would be difficult to resist applications for sites elsewhere in the District; and the current gates had replaced gates of a similar height but with a more agricultural appearance.

A number of Members contended that this site did not have any adverse impact on the Cotswold Way and a Proposition, that this application be approved as recommended, was duly Seconded.

Some Members considered that a further temporary permission would be preferable to a refusal. Those Members pointed out that this was an established site which did not appear to be obtrusive in the AONB. While having sympathy with the views expressed by the Objectors, the Members noted that there had not been any complaints of anti-social behaviour relating to this site.

A further Proposition, that the current temporary permission on this site be extended, was duly Seconded.

**Approved, as recommended.**

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

**CD.6316/W**

**Subdivision of property to provide two dwellings at Wycomb Cottage, Syreford, Whittington -**

The Case Officer reminded the Committee of the Sites Inspection Briefing held in respect of this site, and outlined the proposals, drawing attention to the planning history of the site; sustainability; and policy. The Case Officer displayed photographs illustrating views into the site from various locations.

The Committee Services Manager read out comments submitted by the Ward Member, who served on the Committee but had not been able to attend the Meeting. The Ward Member reminded the Committee of the reasons why he had referred this, and the subsequent application (application CD.6316/V below referred), to the Committee for determination. The Ward Member contended that the proposal fitted a niche market, and could be the first rung on the property ladder for a young couple who wished to remain in the village, close to their families and in the area they had grown up in. Alternatively, the Ward Member considered that the property could be suitable for a retired couple seeking to downsize but wishing to remain in a village they had lived in for most of their lives. The Ward Member explained that, although the cottage was situated in its own grounds with sufficient off-road parking for up to three vehicles, occupancy was currently tied to the adjacent larger and more imposing house, thereby restricting ownership of the cottage. The Ward Member commented that those Members who had attended the Sites Inspection Briefing would have seen how much land surrounded the cottage and its distance from the main house. The Ward Member contended that a lot had changed since the original permission had been granted in 1992, not least that the building had been extended to form the current two-bedroom cottage. The Ward Member referred to the appeal decisions detailed in the circulated report which had upheld recommendations of refusal of similar applications elsewhere, and he also referred to appeal decisions forwarded by the Agent where similar applications had been allowed. The Ward Member reiterated his view that this application would give a good start to a young couple wishing to continue to live in this rural location, and he concluded by urging the Committee to support the application.

In response to various questions from Members, it was reported that the starting point for the determination of this, and the subsequent application (application CD.6316/V below referred), should be sustainability and whether the construction of a new dwelling in this location would be reasonable; the current occupation of the building was in compliance with the occupancy condition; the building

currently relied on the adjacent house; an open-market occupation could lead to a net gain in vehicle movement in relation to the property; and there was an existing footpath link to Andoversford, which was located approximately 1.8 kilometres away from the site.

Some Members expressed the view that, while it might be difficult to walk along the footpath to Andoversford during the winter months, that issue was not considered to be materially harmful in the determination of this application. The Members pointed out that there was a bus stop in close proximity to this site, which had ample amenity and parking space. However, it was suggested that, if the Committee was minded to approve this application, consideration should be given to the removal of Permitted Development Rights. In response to that issue, it was reported that it would be unreasonable to seek to remove Permitted Development Rights as there was only potential to extend the building through the rear elevation, which would require the submission of a further planning application in this instance.

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

Other Members expressed support for the Officer Recommendation. Those Members considered that approving this application could set a precedent for similar developments elsewhere in the District, and that the site was not sustainable due to its distance from local facilities. A Member contended that approval of this application would undermine the Rural Development Policy in the emerging Local Plan.

**Approved.**

**Record of Voting - for 12, against 2, abstentions 0, Substitute Ward Member unable to vote 1, absent 0.**

Note:

This decision was contrary to the Officer Recommendation because a majority of the Committee considered that the proposal would not be materially harmful to the sustainability of the location.

**CD.6316/V**

**Removal of Condition 2 of CD.6316/C (90.00218) to allow occupation of annex as a separate dwelling at Wycomb Cottage, Syreford, Whittington -**

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

**Approved.**

**Record of Voting - for 12, against 2, abstentions 0, Substitute Ward Member unable to vote 1, absent 0.**

Note:

This decision was contrary to the Officer Recommendation because a majority of the Committee considered that the proposal would not be materially harmful to the sustainability of the location.

**CT.4734/1/C****Conversion of barn to a single dwelling with extensions, conversion of barn to ancillary accommodation, construction of a detached garage and Change of Use of land to residential curtilage at Summerhill Farm, Naunton -**

The Case Officer reminded the Committee of the location of this site and displayed photographs illustrating views of the barn from various vantage points.

The Agent was invited to address the Committee.

The Ward Member, who was serving on the Committee at this Meeting as a Substitute Member, was invited to address the Committee. The Ward Member suggested that consideration of this application be deferred for a Sites Inspection Briefing to enable Members to gain an appreciation of the proposed development.

In response to various questions from Members, it was reported that, in its determination of this application, the Committee should consider whether the proposals were acceptable in their own right; the proposed extensions would be 6.1 metres high to the ridge; and it would be up to the Applicant to determine the future use of the buildings, provided that they were used as ancillary domestic accommodation

A Proposition, that consideration of this application be deferred for a Sites Inspection Briefing, was duly Seconded. However, such Proposition was subsequently withdrawn by the Proposer in the knowledge of a further Proposition that this application be refused, as recommended. That further Proposition was duly Seconded.

A Member expressed the view that consideration of this application should be deferred for a Sites Inspection Briefing. The Member contended that the proposal constituted more than the use of a games room, and he suggested that the Committee might wish to view the site in the context of its Area of Outstanding Natural Beauty setting and that the proposed development would result in changes to some traditional buildings.

Another Member pointed out that reference to a games room had been made by the Agent and that there was no such reference in the circulated report.

**Refused, as recommended.**

**Record of Voting - for 9, against 5, abstentions 0, Ward Member unable to vote 1, absent 0.**

**Note:**

A further Proposition, that consideration of this application be deferred for a Sites Inspection Briefing, was duly Seconded following the withdrawal of the original Proposition. However, such Proposition was not put to the vote as the Proposition that this application be refused, as recommended, was duly carried.

**CD.9547**

**Erection of a single storey dwelling at land south-west of Firs Farm, Todenham -**

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.

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to its proximity to a number of Listed Buildings and a public footpath. The Case Officer displayed photographs illustrating views of the access, views into the site and views of the existing settlement.

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

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member stated that this application was important to the village, and that the Applicants and their family were third generation farmers, who had become inseparable from the village as they farmed land around and within the village. One of the Applicants was still actively involved in the farm and the Ward Member expressed the view that it would be cruel to force him to move away from the village. The Ward Member referred to the medical condition of one of the Applicants and stated that he was satisfied they had a genuine need for the development proposed as there was currently no alternative, suitable accommodation available in the village. The Ward Member explained that the sale and subsequent repair of the Applicants' current property would ensure that an important Listed Building in the village would be safeguarded and restored to an acceptable condition. The Ward Member considered the location of the proposed bungalow to be 'tucked away' in a field already in the family's ownership, and that the building would have a minimal visual impact on the setting of the village. It would be situated some distance from the adjacent Listed Building at Firs Farm, and the Ward Member pointed out that the siting had changed following a recent amendment to the plans in order to overcome objections submitted by a neighbour. The Ward Member did not concur with the comments by Historic England that the bungalow could have an adverse impact on the setting of the Listed Church and he contended that the village was the most sustainable place for the bungalow, and that it was highly unlikely to become a holiday or second home in the future as it would be built on land which was owned by the family and would continue to be occupied by family members. The Ward Member accepted that the application was contrary to policy but he considered there to be overriding community benefits which outweighed any policy objections, and he concluded by urging the Committee to support this application.

In response to various questions from Members, it was reported that, if the Committee was minded to approve this application, it would not be reasonable to attach an occupancy condition to any Decision Notice; the site was considered to be in a sensitive area in the context of the Special Landscape Area and Conservation Area; Officers had not discussed any alternative sites within the village with the Applicants; there were no approvals for new dwellings during the period of the emerging Local Plan; three or four sites within the village had previously been identified as being potential locations for affordable housing developments but those sites had not been progressed; there was concern that the proposed dwelling could have an adverse impact on the setting of the Listed

Church and the Conservation Area; in the view of Officers, the public benefit accruing from this development did not outweigh the potential harmful impact; the bungalow, as proposed, would be situated on the higher part of the site, near to Firs Farm; and, in the opinion of Officers, it would have a significant adverse impact as there was a clear delineation between the urban settlement and open countryside and the fields were considered to make a positive contribution to the setting of the Listed Church and the character and appearance of the Special Landscape Area.

Some Members contended that this was a sustainable site, which should be approved as an exception to policy in view of the specific circumstances of the Applicants and the level of support for the application within the local community. Those Members suggested that the proposal would have a less than substantial impact on views of the Listed Church, and that there was a clear need for the Applicants to remain in the village, in close proximity to their family and farm. Those Members considered that the Applicants had taken time to ensure that the proposed development would have a minimal impact on the village as it would be situated on the least intrusive part of the site, and were seeking a modest dwelling which had been designed to meet their specific needs. It was further considered that the future retention of an existing farm constituted a 'public' benefit. They also pointed out that there were no suitable alternative sites or properties currently available and that there were some modern houses in the vicinity of the Listed Church.

Other Members expressed support for the Officer recommendation. Those Members recognised the family's role within the community over a long period of time, their desire to remain, their genuine need for more appropriate accommodation, and the importance of farming to a rural district. However, the Members contended that this was not the correct location for the proposed dwelling, which could possibly be accommodated on one of the sites previously identified by the Parish Council as being appropriate for affordable housing. The Members expressed concern that the adverse impact of the dwelling would be exacerbated by the introduction of fencing and a domestic garden in this location, and they considered that a 'precious' area of the village should not be compromised.

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 3, against 11, abstentions 0, Ward Member unable to vote 1, absent 0.

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

It was reported that, if the Committee was minded to approve this application, as proposed, there was no justification for limiting occupation to the Applicants for reasons of functional need or personal circumstances, and that it should be considered as another dwelling in the village as it could eventually be occupied by people outside the Applicants' family.

**Approved, subject to conditions to be suggested by the Case Officer, to include removal of Permitted Development Rights, the scale and form of development, boundary treatments and landscaping.**

**Record of Voting - for 11, against 3, abstentions 0, Ward Member unable to vote 1, absent 0.**

Note:

This decision was contrary to the Officer Recommendation because a majority of the Committee considered that, in this instance, the proposal would not be materially harmful to the sustainability of the location, and because they did not consider it would have an adverse impact on the setting of the various heritage assets or the Special Landscape Area.

PL.37 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 13, against 2, abstentions 0, absent 0.**

PL.38 SCHEDULE OF APPLICATIONS (CONTINUED)

**RESOLVED that the remaining applications be dealt with in accordance with Minute PL.36 above.**

CD.2288/T

**Erection of a bungalow at land adjacent to Harbourlow, Broadway Road, Mickleton -**

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.

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to its situation beyond the edge of the existing settlement and the proposed layout. The Case Officer displayed photographs illustrating views of the adjacent dwelling, the access and along the highway.

In response to various questions from Members, it was reported that there would be concern over the cumulative impact of any further development on a site in the Applicant's ownership at Broad Marston Road; this was a large site, where three dwellings had previously been permitted; the access could accommodate the three dwellings previously permitted, this current dwelling and the dwelling proposed under the subsequent application (application CD.2288/U below referred); any further development on this site would require provision of an alternative access; and, in the event that any further applications were proposed in respect of this site, an holistic layout would be sought.

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

**Approved, as recommended.**

**Record of Voting - for 11, against 1, abstentions 1, interest declared 2, absent 0.**

**CD.2288/U**

**Erection of a bungalow at land adjacent to Harbourlow, Broadway Road, Mickleton -**

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to the elevations and layout of the proposed bungalow. The Case Officer displayed photographs illustrating views along the highway.

In response to a question from a Member, it was reported that the issue of lighting had been taken into account.

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

**Approved, as recommended.**

**Record of Voting - for 11, against 1, abstentions 1, interest declared 2, absent 0.**

**16/02696/TPO**

**T32 London Plane -Crown raise to 4m above ground level, T41 Horse Chestnut - crown raise to 4m above ground level, T2 Horse Chestnut - crown raise to 3m above ground level, T3 Yew - remove all growth from trunk to 5m above ground level at Abbey Grounds, Dugdale Road, Cirencester -**

The Case Officer displayed a photograph illustrating a view of the trees in question.

The Ward Member, who served on the Committee, was invited to address the Committee and expressed support for the Officer recommendation.

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

**Approved, as recommended.**

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

**CD.7643/J**

**Two-storey extension to rear, first floor link and new canopy at 39 Hatherop, Cirencester -**

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 as proposed and as existing. The Case Officer displayed



an aerial photograph of the site and photographs illustrating views of the existing building from various locations, and views of the neighbouring property.

One of the Applicants was invited to address the Committee.

The Ward Member, who did not serve on the Committee, was invited to address the Committee. The Ward Member stated that people often sought to extend their homes in order to accommodate their growing families, and to avoid incurring removal costs and causing emotional upheaval. The Ward Member considered that the Council should look favourably on such applications where there were no adverse impacts and he reminded the Committee that some of the other properties in this particular terrace had similar extensions to that being proposed under this application. The Ward Member explained that this site was within the Conservation Area but that the property was not a Listed Building, and he expressed his opinion that there would not be any 'obvious' views of the proposed extension from the highway. The Ward Member concluded by suggesting that it might be helpful to defer consideration of this application for a Sites Inspection Briefing to consider its social, historical and architectural contexts.

In response to various questions from Members, it was reported that the eight-week period for determination of this application had already been exceeded; the Case Officer had discussed the potential for a perpendicular, rear extension with the Applicants, who had stated that such an extension would not meet their needs; in the opinion of Officers, the proposed development was too large in its current form and would not therefore be proportional to the size of the existing building; there would not be any public benefit accruing from this proposal to outweigh any harm to the Conservation Area.

A Proposition, that consideration of this application be deferred for a Sites Inspection Briefing to assess the impact of the proposed development on the street scene, was duly Seconded.

Some Members suggested that a Sites Inspection Briefing was unnecessary on this occasion, because they considered that the proposed extension was not a 'mirror image' of the extension on the adjoining dwelling and would therefore have a detrimental impact on the street scene.

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

Some other Members contended that the amended plans offered an improved design over that originally proposed, and those Members expressed support for this application. A further Proposition, that this application be approved, was also Seconded.

**Refused, as recommended.**

**Record of Voting - for 9, against 5, abstentions 1, absent 0.**

Note:

On being put to the vote, the first Proposition, that consideration of this application be deferred for a Sites Inspection Briefing, was LOST. The Record of Voting in respect of that Proposition was - for 5, against 7, abstentions 3, absent 0.

The third Proposition, that this application be approved, was not put to the vote as the second Proposition, that the application be refused, as recommended, was duly carried.

**CT.5795/X**

**Alterations and extension to dwelling at Elmleaze Farm, Westonbirt Road, Westonbirt -**

The Case Officer reminded the Committee of the location of this site, and outlined the proposals, drawing attention to the proximity of the site to Westonbirt Park and School; and existing and proposed site plans and elevations. The Case Officer displayed an aerial photograph of the site, and photographs illustrating views of the existing property and barn and the link between those buildings.

A Member of the Parish Council, one of the Applicants, and a representative of the Applicants, were invited to address the Committee.

The Ward Member, who did not serve on the Committee, had been present at the Meeting earlier in the day but had not been able to be present for the consideration of this, and the subsequent application (application CT.5795/W below referred). Accordingly, the Committee Services Manager read out comments which had been submitted by the Ward Member.

The Ward Member explained that the applications had been referred to the Committee because of a difference in opinion between the Council's Conservation Officer and the Applicants' representative. The Officer recommendation was to refuse both applications and the Ward Member was hoping that a satisfactory conclusion could be reached.

In response to various questions from Members, it was reported that Officers' principal concerns related to the proposed removal of a rear stone rubble wall, the visual impact of the proposed link on the Listed barn, and the proposal to create a new doorway in that barn at first-floor level; pre-application discussions had taken place over the proposed scheme; the Applicants were seeking removal of the wall in order to enlarge the kitchen and to create a link between the barn and the existing house; and the house, which dated back to 1882, had a long history of numerous extensions and additions.

A Member suggested that there might be room for some compromise through minor amendments to the proposed scheme to remove the proposed external stairway and additional opening in the barn, and to include some wood framing in the glazing element. In response, it was reported that Officers had not discussed such amendments in detail.

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

**(a) Deferred for a Sites Inspection Briefing to assess the impact of the proposals on the historic fabric of the Listed Building;**

**(b) all Members of the Committee be invited to attend this Sites Inspection Briefing as an approved duty.**

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

Note:

It was considered that all Members of the Committee should be invited to attend this Sites Inspection Briefing because of the contentious nature of the proposals.

**CT.5795/W**

**Alterations and extension to dwelling at Elmleaze Farm, Westonbirt Road, Westonbirt -**

A Member of the Parish Council, one of the Applicants, and a representative of the Applicants, were invited to address the Committee, but they explained that they had made all of their representations in respect of the previous application (application CT.5795/X above referred).

The Committee Services Manager confirmed that the comments submitted by the Ward Member in respect of the previous application had also related to the current application.

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

**(a) Deferred for a Sites Inspection Briefing to assess the impact of the proposals on the historic fabric of the Listed Building;**

**(b) all Members of the Committee be invited to attend this Sites Inspection Briefing as an approved duty.**

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

Note:

It was considered that all Members of the Committee should be invited to attend this Sites Inspection Briefing because of the contentious nature of the proposals

**CD.2610/A**

**Outline application for one dwelling (with appearance, landscaping and scale reserved for subsequent consideration) at The Orchard, Gasworks Lane, Bourton-on-the-Water -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, and reported that the Officer recommendation had been amended to one of permit, subject to three additional conditions.

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to the Bourton-on-the-Water Flood Zones. The Case Officer displayed an aerial photograph and photographs illustrating views of the intersection of Gasworks Lane and the access track leading to this site; the nearby Broadlands Court development; existing landscaping on the northern boundary; and from within the site.

A Member of the Parish Council and the Agent were invited to address the Committee. In the absence of the Parish Councillor, the Committee Services Manager read out the comments submitted on behalf of the Parish Council.

The Ward Member, who did not serve on the Committee, had been present at the Meeting earlier in the day but had not been able to be present for the determination of this application. Accordingly, the Committee Services Manager read out comments which had been submitted by the Ward Member.

The Ward Member contended that the proposal would extend development of the village beyond its current southern boundary, contrary to Policy 19 which had a general presumption against the erection of new buildings. The Ward Member pointed out that, in considering the appeal in Honeybourne referred to in the circulated report, the Planning Inspector had stated that it was not a reason to prevent an application, and not that it was a reason to approve one. The Ward Member referred to the number of local residents who had taken a contrary view to that expressed by Officers on the acceptability of the application, and he commented that there was already sufficient housing in the village. The Ward Member expressed concern that access to the site would have to be achieved along an existing, unadopted single-lane road, which was poorly surfaced, and he suggested that it might be appropriate for this application to be deferred for a Sites Inspection Briefing in order to assess the suitability of the access. The Ward Member reminded the Committee that this was a 'green field' site, which was adjacent to the Conservation Area, and he stated that residents did not agree with the Officer assessment that the proposal would not be harmful to the scenic beauty of the Cotswolds. In conclusion, the Ward Member also reminded the Committee that the site was prone to flooding, as evidenced by local residents.

In response to various questions from Members, it was reported that, although a Flood Zone Appraisal was not required for sites in Flood Zone 1, the Applicant could be requested to submit one but could not be obliged to do so; Officers were satisfied with the revised ecological survey that had been submitted, subject to the additional conditions suggested; and the Council's five-year supply of housing land was not a ceiling above which further development would not be permitted.

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

**Approved, as recommended, subject to additional conditions to be specified by the Case Officer.**

**Record of Voting - for 11, against 3, abstentions 0, interest declared 1, absent 0.**

**CT.4936/1/B**

**Demolition of existing conservatory and bay window, first floor extension and re-modelling and partial loft conversion at The Close, The Croft, Fairford -**

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 access and the proximity of the site to a Listed Building. The Case Officer displayed an aerial photograph of the site and photographs illustrating views of the existing building and into the garden of the adjacent property.

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

The Ward Member, who served on the Committee, was invited to address the Committee, and explained that The Close had been built in 1973 as discrete ancillary accommodation for the former Croft School (now Linden House). The connection with Linden House was severed when The Croft and its associated garden were sold. The Ward Member contended that there was an insufficient supply of single-storey accommodation in Fairford, and that the single-storey dwelling on the other side of Linden House had been built to avoid detracting from the setting of the Listed Buildings they were surrounded by. The Ward Member had visited the site, and expressed concern at the proximity of The Croft and the other building to Linden House which, she considered, resulted in The Croft being overbearing in relation to Linden House. The Ward Member stated that she was not against the principle of development at this site, but suggested that an increase in the footprint of the building might be more acceptable than any increase in the height thereof. The Ward Member considered that this current proposal would have an overbearing effect on Linden House, as well as on other neighbouring Listed Buildings, and she contended that, if the Committee was minded to approve this application, The Close would not remain discrete in its setting, as it had been intended to. The Ward Member concluded by suggesting that this application should be refused, or that consideration deferred for a Sites Inspection Briefing.

A Member explained that this site was immediately adjacent to a Grade II Listed Building, and was surrounded by a number of Listed Buildings and other important buildings. The Member contended that the impact could best be assessed on site.

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

**(a) Deferred for a Sites Inspection Briefing to consider the impact of the proposed development on the Listed Building and Conservation Area, and to consider its impact on the amenity of Linden House;**

**(b) all Members of the Committee be invited to attend this Sites Inspection Briefing as an approved duty.**

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

Note:

It was considered that all Members of the Committee should be invited to attend this Sites Inspection Briefing because of the sensitive location and because it was considered that this proposal could set a precedent, due to the number of single-storey buildings in the Conservation Area.

**CT.2003/S**

**Single storey side and rear extensions at 2 The Old School, School Lane, South Cerney -**

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.

The Case Officer reminded the Committee of the location of this site and displayed an aerial photograph of the site and photographs illustrating views of the existing building on the site and the adjacent building.

The Applicant was invited to address the Committee.

The Committee Services Manager read out comments received from the Ward Member, who did not serve on the Committee and had not been able to attend the Meeting. The Ward Member considered the proposed extension to be too large and out of keeping with both the building and the neighbourhood. The Ward Member reminded the Committee that this site was in the Conservation Area, and he concluded by urging the Committee to refuse this application.

In response to various questions from Members, it was reported that the proposed extension would be 3 metres from the wall of the adjacent property; and the proposed garage would be constructed from natural stone with an artificial stone slate roof.

It was considered that the revised scheme which had been submitted had addressed the concerns expressed by the Parish Council, and 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.**

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 at the Meeting in respect of applications CD.6316/W, CD.6316/V, CT.5795/X, CT.5795/W, CD.2610/A and CT.2003/S.

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

Councillor NJW Parsons was invited to speak on application CT.7047/R.

Councillor R Theodoulou was invited to speak on application CD.7643/J.

(iii) Public Speaking

Public speaking took place as follows:-

<u>CT.9143/B</u>	)	Mr. D Vernon-Smith (Objector)
	)	Mr. M Pratley (Supporter)
	)	Mr. M Chadwick (Agent)
<u>CT.9143</u>	)	Mr. D Vernon-Smith (Objector)
	)	Mr. M Pratley (Supporter)
	)	Mr. M Chadwick (Agent)
<u>CD.8481/J</u>	)	Mr. T Kernon (Objector)
	)	Mrs. H Moule (Agent)
<u>CD.8481/H</u>	)	Mr. T Kernon (Objector)
	)	Mrs. H Moule (Agent)
<u>CT.7047/R</u>	)	Mr. D Jones (Parish Council
	)	Representative)
	)	Mr. N Green (Agent)
<u>CT.4734/1/C</u>	)	Mr. P Marshall (Agent)
<u>CD.9547</u>	)	Councillor Mrs. C Clifford
	)	(Parish Council)
	)	Mr. S Ross (Objector)
	)	Mr. C Duckett (Applicant)
<u>CD.7643/J</u>	)	Ms A Winter (Applicant)
<u>CT.5795/X</u>	)	Councillor C Baber (Parish Council)
	)	Mrs. S Fitzpatrick (Applicant) *
	)	Mr. N Worledge
	)	(Applicant's Representative) *
<u>CT.5795/W</u>	)	Councillor C Baber (Parish Council)
	)	Mrs. S Fitzpatrick (Applicant) *
	)	Mr. N Worledge
	)	(Applicant's Representative) *
<u>CD.2610/A</u>	)	Councillor R Hadley (Parish Council) **
	)	Ms H Loos (Agent)
<u>CT.4936/1/B</u>	)	Councillor R Harrison (Town Council)
	)	Mr. R Barry (Objector)
<u>CT.2003/S</u>	)	Mr. A Richardson (Applicant)

\* these speaking slots were shared.

\*\* Councillor R Hadley was invited to speak but was not present at the Meeting at this juncture.

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

PL.39 SITES INSPECTION BRIEFINGS

1. Members for 7<sup>th</sup> September 2016

It was noted that all Members of the Committee had been invited to attend the Sites Inspection Briefing on Wednesday 7<sup>th</sup> September 2016 as an approved duty.

2. Advance Sites Inspection Briefings

It was noted that an advance Sites Inspection Briefing would take place on Wednesday 7<sup>th</sup> September 2016 in respect of the following application:-

16/01603/FUL - erection of office and workshop facility for the promotion of technology in agriculture and to support Agritech start-up and developmental companies (mixed B1/D1 use) at the RAU Rural Innovation Centre, Lower Farm, Harnhill - to assess highway safety and visual impact issues.

It was considered appropriate for all Members of the Committee to attend this advance Sites Inspection Briefing as an approved duty because of the need for Members to obtain an insight into the challenges that would be faced by the Council over the next twelve months in light of policy changes proposed in the emerging Local Plan.

PL.40 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 11.55 a.m. and 12.05 p.m., 1.10 p.m. and 1.40 p.m., 3.05 p.m. and 3.10 p.m., and 4.55 p.m. and 5.00 p.m., and closed at 5.30 p.m.

Chairman

(END)