

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

9TH NOVEMBER 2016

Present:

Councillor SG Hirst - Chairman

Councillors -

AR Brassington	David Fowles
AW Berry	M Harris
Sue Coakley	Mrs. SL Jepson
Alison Coggins	Juliet Layton
PCB Coleman	MGE MacKenzie-Charrington
RW Dutton	(until 1.15 p.m.)
Jenny Forde	Tina Stevenson

Substitutes:

SI Andrews

Observers:

RG Keeling (from 10.55 a.m. until 1.15 p.m.)	SDE Parsons (until 10.15 a.m.)
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Apologies:

Miss AML Beccle

PL.67 DECLARATIONS OF INTEREST

(1) Member Declarations

There were no declarations of interest from Members.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.68 SUBSTITUTION ARRANGEMENTS

Councillor SI Andrews substituted for Councillor Miss AML Beccle.

PL.69 MINUTES

RESOLVED that, subject to the following amendment, the Minutes of the Meeting of the Committee held on 12th October 2016 be approved as a correct record:-

deletion of the first eight lines of the comments by the Ward Member in relation to application CT.8919/A (Minute PL.61, page 84 referred) and their substitution by the following:-

‘The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member referred to two previous applications for single dwellings on similar sites elsewhere in his Ward, which had recently been refused in line with the Officer recommendations. The Ward Member expressed his view that the two applications referred to by the Applicant as examples of other exceptions were very different, and he pointed out those differences on a photograph which had been submitted by the Case Officer. The Ward Member reminded the Committee that the protected trees in the vicinity of this site were deciduous and would, therefore, lose their leaves during the winter months.’

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

Arising thereon:

CD.9360/A - Installation of 2 x 18m Wind Turbines at Withington Estate, Withington (PL.61) (Page 82)

It was reported that the issue of the allocation in the emerging Local Plan of suitable sites for wind farms had been relayed to the Forward Planning Team. To date, no response had been received but, on receipt of a response, it would be notified to all Members of this Committee.

PL.70 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that, due to illness, Councillor Dilys Neill had stood down from the Committee. The Chairman requested that a letter be sent to Councillor Neill on behalf of the Committee, wishing her a speedy recovery.

The Chairman explained that Councillor Jenny Forde had replaced Councillor Neill on the Committee, and he welcomed Councillor Forde to her first Meeting as a Member of the Committee.

PL.71 PUBLIC QUESTIONS

In accordance with Council Procedure Rule 10, questions had been submitted by four individuals, as follows, although three of those questions (items (2), (3) and (4) below) had been submitted after the deadline by which responses could be guaranteed either in advance of, or at, the Meeting. In addition, there was no Constitutional right to any supplementary question. Written responses to those questions would be provided at the earliest opportunity, and copied to all Members.

- (1) From Councillor Richard Harrison of Fairford Town Council to Councillor SG Hirst, Chairman of the Planning and Licensing Committee

'Noting that the Breach of Condition Notice issued on the development on Land south of Cirencester Road (Application ref. 13/03097/OUT) on 25th July has been ineffective in securing full compliance with the planning conditions, that purchasers have continued to move into properties on the estate with sewage apparently being collected and removed from the site by tanker, and that a connection is now apparently due to be made to the main sewage system without the necessary capacity improvements having been made, we would like to know:-

(i) how was it in the public interest for enforcement action to have been delayed so long; why did the Breach of Condition Notice eventually issued not address the second part of the planning condition, i.e. that the drainage scheme should be implemented in accordance with the approved details before the development was first brought into use; and will CDC carry out a detailed inquiry into how this situation has arisen, including lessons learned, and propose measures to ensure that a similar thing does not happen again, so as to help restore confidence in the Planning system in the District (or at least in Fairford)?'

(ii) Will CDC also provide assurance, with evidence, that the revised scheme for foul sewage will not increase the risk or severity of sewer flooding for people living elsewhere in Fairford, and that the development will not be connected to the main sewer before the necessary capacity improvements have been made?'

Responses from Councillor SG Hirst

(i) A condition compliance application was received by the Council on 12th November 2015, which included the details for condition 5 with regard to the disposal of foul and surface water. In view of this application having been submitted, it was not considered to be expedient to issue a Breach of Condition Notice (BCN) at that time.

The decision to serve a BCN was taken when the Council became aware that houses upon the site had been occupied. As the development had therefore been brought into use, it could not include such a requirement within the BCN, as this had to address the situation at that time.

It is not considered that an inquiry is necessary. Notwithstanding the actions taken by the developer, the delay in making a decision upon the condition compliance application has been due to the response time of Thames Water to the consultations that have been sent, in addition to subsequent amendments to the off-site works due to factors outside the Council's control, for example, the archaeological sensitivity of the area where some of these works are to be undertaken.

(ii) Thames Water is the Statutory Undertaker for foul and surface water drainage and therefore has a legal responsibility to ensure that adequate provision is made. Considering that technical approval was granted (subject to Legal Agreements being entered into by the developer) for the sewer adoption in November 2015, and that off-site works were scheduled

to commence on Monday 7th November 2016, the Council can only conclude that Thames Water is satisfied with the drainage proposals for this development.'

By way of supplementary questions, Councillor Harrison asked:-

(i) Given that the developer seems to have got around the 'Grampian' style condition that was fundamental to the consent for the development, to prevent increased sewage flooding of properties in Fairford, how do we stop this happening again on the Bovis development in Fairford or on other developments in the District, and ensure that in future essential infrastructure improvements are delivered in time to meet the demands of new developments?

(ii) Will CDC provide assurance that the revised scheme for foul sewage, which now seems to have been signed off despite the lack of detail on capacity upsizing (which is presumably dependant on the results of the gully surveys still being carried out by Thames Water), [that this] will not increase the risk or severity of sewer flooding for residents in Horcott or Fairford, and that the Bloor 2 development will not in fact be connected to the main sewer before the necessary capacity improvements have been made?'

Councillor Hirst confirmed that written responses would be provided.

- (2) From Mr. D James of Cirencester to Councillor SG Hirst, Chairman of the Planning and Licensing Committee

'Accumulating scientific and medical evidence has shown that declining air quality in areas near high density traffic flows is a major cause of increased diagnoses of asthma among children the world over. Detailed published UK work has further shown that areas within 500m of a main road with densities in excess of 24,000 vehicles per day threaten children's health the most. With the proposal at Chesterton to build the largest number of new houses per 100 residents of all comparable UK market towns, there will be an extra 4,000 vehicles on our roads. Given the geography of our relief roads, with no northern link, the 500m danger zone covers practically the whole of Cirencester. The Council is now at risk of making our town the most polluted and unhealthiest market town in England for the very young. What precautions will the Council take to prevent this from happening?'

- (3) From Mr. M Pratley of Cirencester to Councillor SG Hirst, Chairman of the Planning and Licensing Committee

'Does the Council accept that the disproportionately high numbers of motor cars resulting from the Chesterton development, and even allowing for some walking and cycling, will still cause pollution to rise significantly, maybe to illegal levels? Therefore, what would the Committee say to the idea of a change in policy to reduce the numbers at this huge, single, strategic site thereby avoiding the possibility of illegal pollution?'

- (4) From Mr. P Moylan of Cirencester to Councillor SG Hirst, Chairman of the Planning and Licensing Committee

‘Save Our Cirencester are wondering whether last week’s High Court ruling about pollution, against a background of a growing threat to health and alongside the critical ARUP report of BDL’s environment report, has given the Council cause for concern that its Local Plan and the Chesterton application may have to be re-considered. Wouldn’t it now make sense to reduce the number of dwellings there to say, one thousand? Can the Committee let us know why this is not a sensible thing to do?’

PL.72 MEMBER QUESTIONS

No questions had been received from Members.

PL.73 PETITIONS

No petitions had been received.

PL.74 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.5331/D**Outline application with all matters reserved except access for the construction of up to 92 dwellings (with up to 50% affordable housing) and associated works on land off Berkeley Close, South Cerney -**

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 existing dwellings, a business park and a primary school; access; other land in the ownership of the Applicant; proximity to Shire Brook; and the location of the site in 'Flood Zone 1' area. The Case Officer displayed an aerial photograph of the site, and photographs illustrating views of the site from various locations.

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

The Ward Member, who served on the Committee, was invited to address the Committee, and apprised the Committee of the refusal reasons relating to previous applications on this site which had been submitted in 1977, 1988 and 1991. The Ward Member explained that, while each of the applications had been different, and were different to this current application, the refusal reasons were virtually identical, and she contended that this current application should be refused. The Ward Member referred to the objections put forward on behalf of the Parish Council and by the Objector, and to photographs illustrating incidences of flooding at the site in recent years. The Ward Member reiterated her comments in relation to the current traffic situation, and reminded the Committee that those Members who had attended the recent Sites Inspection Briefing had witnessed and experienced the volume of cars parked on Broadway Lane and The Leaze which, she contended, impeded safe access to and egress from all neighbouring side roads. The Ward Member considered the volume of traffic and its potential impact on the village to be a major concern. The Ward Member explained that in 2012, prior to the completion of The Mallards development, and when there were far fewer businesses on Broadway Lane, Gloucestershire Constabulary had recorded 13,742 vehicle movements over a period of a week, and expressed concern that this proposal for over 90 additional dwellings would only have access onto Broadway Lane. The Ward Member contended that, if the Committee was minded to approve this application as recommended, it would be unlikely to result in up to 50% affordable housing due to the mitigation measures and conditions that the developer would be required to comply with, as such compliance would dramatically reduce the available monies. The Ward Member quoted a letter from Thames Water in respect of the attaching of 'Grampian' conditions and an 'identified inability of the existing water supply to accommodate the needs of the development'. In that letter, Thames Water had also referred to public sewers which crossed, or were close to, this site, and the Ward Member noted the comment that 'Thames Water would usually refuse approval of development' in such circumstances. The Ward Member also reminded the Committee that this site was situated in an area of landfill, and stated that when workmen had laid sewage pipes across the site, they had uncovered many contaminated areas of land and foul ponds. As a result, it had been predicted that a significant amount of decontamination work would be required prior to any development on this site. In conclusion, the Ward Member contended that the proposed development would have a significant detrimental impact on the village, and that the application should be refused because of the history of flooding at this site, its proximity to

Shorncote sewage plant, traffic problems and a potentially dangerously contaminated field.

In response to various questions from Members, it was reported that the Applicant Company did not usually develop sites itself; permission had previously been granted for the development of up to 155 dwellings at The Mallards; the proposal would result in the loss of the nineteen existing garages situated in the location of the proposed access, which would be replaced by a corresponding number of parking spaces within the site; whilst it was not appropriate for the Council to seek to require an Applicant to meet the cost of infrastructure improvements due to a lack of investment, a degree of betterment could be achieved through development; in the opinion of Officers, the submitted parking strategy was satisfactory; the landfill site located to the west of the application site was closed; the industrial units located to the south of the application site were Use Classes B1, B2 and B8; in the opinion of Officers, there were no justifiable reasons to refuse this application on highways grounds; if the Committee was minded to approve this application as recommended, Thames Water would maintain the proposed surface water pumping station in perpetuity; the Committee was required to determine this application based on current information; in such determination, the Committee would need to balance the requirements of Local Plan Policy 19 against the requirements of the National Planning Policy Guidance (NPPF); the County Highways Officer had not objected to the proposed access arrangements; and the proposed access would be wide enough for a car and a refuse vehicle to pass.

Some Members considered that this application should be refused because the Council was currently able to demonstrate in excess of a five-year supply of housing land, and for reasons relating to access, density and flooding, including the discharge of water from the Shorncote sewage plant.

A Proposition to that effect was duly Seconded.

It was reported that, if the Committee was minded to refuse this application, as suggested, the Council would not be able to support the technical arguments in defence of an appeal against refusal for the reasons stated. The Committee was reminded that the issue of land supply was a statement of fact and that, if the application was to be refused, a clear indication of the harm it would constitute would be required. It was further reported that the NPPF supported 'sustainable' development and that the Applicant would have the upper hand at a subsequent appeal against refusal that this was a 'sustainable' application, if it could be demonstrated that this application was 'sustainable'. In response to a question from a Member, it was reported that the issue of land supply could be taken into account in the determination of this application. It was suggested that, if the Committee was concerned that the proposed Chesterton strategic development could have adverse implication for this proposal, consideration could be deferred to allow the Applicant an opportunity to address that issue.

A Member expressed concern over the potential for flooding at this site. The Member commented that the five-bedroomed affordable housing unit proposed as part of this development would be a welcome addition to the District housing stock and considered the figure of 1,481 units which had been granted permission, but not all built, to be compelling.

Another Member suggested that this application could be premature. The Member reminded the Committee that no objections had been submitted by the

County Highways Officer, and contended that Thames Water would not have sufficient resources to resolve the impact of this proposed development until at least 2020. In concurring with these views, a Member suggested that this application should be refused for reasons relating to access, drainage, flooding and highways, and a second Proposition to that effect was duly Seconded.

In response, it was reported that a refusal for reasons of prematurity would be difficult to defend at an appeal as the Council would need to be able to demonstrate that the development would be harmful to the Local Plan Strategy. In the opinion of Officers, this development would not undermine the Local Plan Strategy because of its scale. It was further reported that, at an appeal, highways issues would be assessed using national criteria and, therefore, the Council would need to demonstrate that there would be a 'severe' impact. The Committee was reminded that the County Highways Officer had not raised any objections on highways grounds, and Officers did not know if any independent advice would support a refusal on highways grounds. In respect of the issue of flooding, it was suggested that deferral would allow time for Officers to seek to engage with the Applicant in order to address the concerns raised.

A third Proposition, that consideration of this application be deferred, was duly Seconded.

The Ward Member was invited to address the Committee again, and stated that there was permanent flooding with effluent from the Shorncote sewage plant in the vicinity of this site. The site had been included in the Strategic Housing Land Availability Assessment (SHLAA), but the Ward Member reiterated her concerns in respect of the delivery of affordable housing, and contended that The Mallards development had resulted in a provision of 25% affordable housing, despite 50% being offered at the outline application stage. The Ward Member quoted the consultation response received from the Environment Agency, and contended that it would be difficult to persuade Thames Water to undertake regular jetting of sewage pipes. The Ward Member concluded by reiterating her view that this proposal would have a massive, adverse impact on the village.

In light of the third Proposition to defer consideration of this application, the Proposer and Secunder of the second Proposition (to refuse the application) confirmed that they would withdraw that Proposition.

In response to a question from a Member, it was reported that Officers had negotiated an extension of time for the consideration of this application until Wednesday 16th November 2016 and that, in the event that the Committee was minded to defer such consideration, a further extension could be sought.

On being put to the vote, the original Proposition that this application be refused was LOST. The Record of Voting in respect of that Proposition was - for 2, against 12, abstentions 0, Ward Member unable to vote 1, absent 0.

Deferred for further information relating to drainage.

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

CT.1595/5/Q**Change of Use of land to leisure use following mineral extraction and erection of Country Park and Visitor Centre, 47 holiday homes, 30 hotel bedrooms and 30 apartments, including re-siting of previously approved hotel apartments, apartments and holiday homes associated with landscape/engineering work and infrastructure associated with the existing leisure development (all matters reserved) at Claydon Pike, London Road, Lechlade -**

The Team Leader drew attention to the extra representations received since the publication of the Schedule of Planning Applications. The Team Leader reminded the Committee of the location of this site and outlined the proposals, drawing attention to other land in the vicinity which was in the Applicant's ownership; the location of the proposed Arkell's Lake in the south-west corner of the site; existing public rights of way; the approved master plan; the proposed amendments to that master plan; the location of the proposed visitor centre and hotel buildings; access; and the amended layout of the lodges.

A Representative of Kempford Parish Council and the Agent were invited to address the Committee.

The two Ward Members were invited to address the Committee. The first Ward Member, who served on the Committee, commended the Town and Parish Councils for engaging with the Applicant. The Ward Member expressed the view that the decision to refuse a previous application on this site in December 2014 had been correct, and that clear community benefit would accrue from this current application. The Ward Member considered the location proposed for the visitor centre to be more appropriate, and that it would enhance the site. The Ward Member stated that the significant level of support from within the local community for this proposal depended on delivery of the footpath network, and concluded by commending the application to the Committee.

The other Ward Member, who was serving on the Committee as a Substitute Member at this Meeting, stated that the footpath network was extensive, and he thanked the Clerk to Kempford Parish Council for her work to ensure that different parts of the network would be opened up as work commenced. The Ward Member concluded by requesting that the legal agreement relating to footpaths be completed in consultation with the local community.

In response to various questions from Members, it was reported that Natural England had not raised any objections subject to the conditions requested by the Biodiversity Officer; Fairford Town Council had expressed support for the proposal, subject to the prior completion of a Section 106 Agreement; the suggestion was that the length of footpath from point E on the plan on page 62 of the circulated report to Dudgrove Lane would be permissive while the biodiversity impacts were assessed, and would be adopted if there were no adverse impacts; the intention was for parking at the visitor centre to be free of charge; if the Committee was minded to approve this application, as recommended, a condition prohibiting the permanent occupancy of the lodges would be attached to any Decision Notice; Gloucestershire County Council was the responsible authority for the adoption of footpaths; and the Applicant had agreed to defer the appeal against refusal of the previous application on this site, pending a decision on this current application.

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

The Head of Planning and Strategic Housing was authorised to approve this application, as recommended, subject to finalisation of the Conditions by the Case Officer, Conditions requested by the Council's Biodiversity Officer, the satisfaction of the County Highways Officer, and the prior completion of a Section 106 Legal Agreement in respect of footpath provision, delivery of the visitor centre and control of the number of lodge units.

Record of Voting - for 13, against 0, abstentions 0, Ward Members unable to vote 2, absent 0.

CD.5221/A

Construction of a single dwelling and detached garage at Blockley Water Works, Bell Bank, Blockley -

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 the draft Development Boundary, as proposed in the emerging Local Plan; the Conservation Area; the proposed local 'green' space; and other land in the ownership of the Applicant. The Case Officer displayed an aerial photograph of the site, and photographs illustrating views of the adjacent highway, existing residences facing the site and the proposed access; views from the nearby public right of way; and views of the existing waterworks building.

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

The Chairman referred to the advance Sites Inspection Briefing undertaken in respect of this application, and invited those Members who had attended that Briefing to express their views. Those Members pointed out that this was a 'brown field' site which was situated in the Area of Outstanding Natural Beauty (AONB), and was bordered by existing residential development. They considered that the proposed development would be unlikely to have any adverse impact on the area due to existing screening and proposed landscaping.

The Ward Member, who served on the Committee, was invited to address the Committee, and amplified aspects of her reasons for referring this application to the Committee for determination. The Ward Member contended that the proposed dwelling was large and would have an adverse impact on both the Conservation Area and the AONB; that it would be visible from the public footpath on the opposite side of the road; this site was 'magical', having the appearance of a secret garden; and that such pockets of land could not be replaced. The Ward Member stated that the village supported the principle of housing through infill development within the village, rather than through any extension of the Development Boundary, and that in determining this application, the Committee would need to weigh the perceived harm against the housing need. The Ward Member considered that a single-storey dwelling would have less impact on the

Conservation Area and AONB, and would not disrupt views from the public footpath, and she concluded by welcoming retention of the 'main' trees.

In response to various questions from Members, it was reported that there was no public access to this site; as Policies DS2 and DS3 had been consulted on as part of the Reg.19 consultation on the emerging Local Plan and were potentially subject to change, those policies carried limited weight in the determination of this application; as the site was currently outside the Development Boundary for the village, Policy DS3 would be the relevant policy in the event that the emerging Local Plan was subsequently adopted; there were two potential development allocations elsewhere in the village; in determining this application, the Committee should assess the consistency of the existing Local Plan policies against the requirements of the National Planning Policy Framework (NPPF); as existing Local Plan Policy 19 was out-of-date in the context of the NPPF, it could not be afforded much weight and there was no requirement to demonstrate need for a six-bedroomed house; conversion of the existing building on the Water Works site did not form part of this application; and the existing houses surrounding this site comprised a mix of sizes and house types.

A Member expressed the view that the size and scale of the proposed development did not appear to be disproportionate to other existing houses in the vicinity of the site. Having listened to the concerns expressed, the Member considered that the proposed development would not have any adverse impact, but would result in an improvement of an existing 'brown field' site, and that this application would enhance the area. Another Member commented that, while the area behind this site was 'magical', the site itself appeared to be run-down. The Member contended that it would make a nice, potential development site, and that a single-storey dwelling would appear less intrusive.

A third Member expressed support for the principle of development on this site, but considered the proposed dwelling to be too big.

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

Approved, as recommended.

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

CD.1320/P

Erection of 7 dwellings (amendment to design of Plots 2-8 approved under permission 14/02444/FUL) and erection of 1.8m high boundary wall to rear of Plot 1 at Ashton House, Union Street, Stow-On-The-Wold -

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to the proposed layout, and the elevations, as approved and proposed. The Case Officer displayed an aerial photograph of the site, photographs illustrating views of the site from various vantage points and of the former building, and a photograph submitted by an Objector illustrating the view from their garden.

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

In response to various questions from Members, it was reported that levels within sites were subject to change as site works were undertaken; Officers had been unaware of the change in the ridge heights until construction had reached eaves level; in the view of Officers, the amended height did not have any adverse impact on the amenities of the area; and the amended design was considered to be acceptable.

A Member commented that this was an unfortunate situation. While understanding the concerns expressed by the local community, the Member did not consider that the proposal would have any adverse impact and that, further, the built development was not dissimilar to the approved scheme. Another Member commented that the submission of detailed drawing should be a requirement for all applications, and that the appearance of the amended scheme was an improvement over that of the original one.

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.

Note:

The Committee noted that the Applicant was progressing development of a number of other sites in the District, and expressed concern that this situation had been allowed to develop, and should not be repeated elsewhere.

CD.9183/B

Conversion of Baptist Church into a dwelling at Guiting Power Baptist Church, Guiting Power -

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to an adjacent area of public open space and a curtilage-Listed wall. The Case Officer displayed an aerial photograph of the site and photographs illustrating views of, and from within, the site.

The Agent was invited to address the Committee, and explained that his comments also related to the subsequent application (CD.9183/A below referred).

The Ward Member, who did not serve on the Committee, was invited to address the Committee, and read out a statement on behalf of the Parish Council objecting to this proposal because of a lack of vehicular access to the site, and on-site parking. The Ward Member explained that his comments also related to the subsequent application (CD.9183/A below referred), and stated that he had no objections to the principle of residential use on this site. The Ward Member expressed concern at the lack of on-site parking, and commented that it could result in the obstruction of the highway. The Ward Member reminded the Committee that the site was located on the brow of a hill, and that there was an informal lay-by further along the highway, in the vicinity of an existing public house. The Ward Member contended that it would be dangerous to park vehicles on the highway outside the building, and that use of the informal lay-by did not constitute an appropriate solution to parking associated with this site. The Ward

Member further contended that the Change of Use was a fall-back position to safeguard the future of the building, but that an application for its current use would be likely to be refused for reasons relating to a lack of on-site parking provision. The Ward Member expressed support for the renovation and restoration of this building, but concluded by stating that this proposal would add to existing on-street parking issues in the village.

In response to various questions from Members, it was reported that the building had been closed for over twelve months; its use as a Church had generated some on-street parking; in the opinion of Officers, the restoration of the building outweighed other issues on this occasion; if this application was approved, as recommended, some of the existing pews would be incorporated into the design of the building, the open gallery would remain, and the headstones would be relocated to a memorial garden which would be created at the western end of the site; the headstones were curtilage-Listed; the existing graveyard would become a garden space; people would be able to visit the proposed memorial garden to pay their respects to the deceased who's headstones had been relocated there; and any breach of the boundary wall would be likely to result in restricted visibility for emerging vehicles, as well as the wider issues of the impact on a Listed structure.

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.

CD.9183/A

Conversion of Baptist Church into a dwelling at Guiting Power Baptist Church, Guiting Power -

The Agent was invited to address the Committee but explained that he had made all of his comments in respect of the previous application (CD.9183/B above referred).

The Ward Member was invited to address the Committee but explained that he had made all of his comments in respect of the previous application (CD.9183/B above referred).

In response to various questions from Members, it was reported that the future maintenance of the proposed memorial garden was an issue to be addressed by the owners and the Parish Council; use of the adjacent land to provide parking in relation to this site had not formed part of the consideration of this application; the fall-back position of alternative uses for the site within the same Use Class would not require any reference to the Council; and the building was not currently considered to constitute a 'community' facility.

A Member commented that there were other community facilities within the vicinity of this site, and that the proposal would result in the preservation of the building.

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.4316/F

Erection of a detached dwelling house at 54 West Street, Tetbury -

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to its location within the Conservation Area; proximity to a public car park; and the proposed elevations. The Case Officer displayed an aerial photograph of the site, and photographs illustrating views along West Street, views of the existing historic wall at the site, and views through the site.

An Objector and a representative of the Applicant were invited to address the Committee.

The Ward Member, who served on the Committee was invited to address the Committee, and stated that she would support deferring consideration of this application for a Sites Inspection Briefing. The Ward Member explained that this proposal would infill a garden and 'gap' site in a prominent position in West Street which made what she considered to be a valuable contribution to the character of the Conservation Area as it provided views over and across the Cutwell valley. The Ward Member pointed out that it was the only 'gap view' in this part of West Street where pedestrians could clearly see where the built up townscape began to give way to open space and the countryside beyond, and she considered that it made a significant contribution to the ambience of the area, as well as softening an otherwise 'urban' feel. The Ward Member contended that the loss of this 'gap' was contrary to policy, and she stated that the existing single-storey building on the site was below, and entirely hidden by, the existing wall. The Ward Member referred to Officer advice which had been given in respect of a previous, smaller-scale proposal without the benefit of elevational drawings or a site visit, and she suggested that such advice had been given in the mistaken belief that the existing building fronted onto West Street. The Ward Member reiterated that the existing building was completely hidden by the wall, and stated that the ridge height should not be raised to fill the gap any more than it already did. The Ward Member considered that the ridge height of the existing building was, effectively, the top of the wall, and that the proposal would replace an existing, hidden single-storey outbuilding with a substantial two-storey building which would extend upwards beyond the height of the wall and rearwards significantly beyond the line of the adjacent building. The Ward Member suggested that the proposal did not in any way constitute 'like-for-like' development, and reiterated her view that it would be contrary to both existing and emerging policies. The Ward Member considered the proposed design to be inappropriate in this location because, in her opinion, the building would dominate and stand proud of existing buildings; it would appear out of proportion to the part fronting onto West Street; it would appear visible and prominent in the Conservation Area when viewed from the other side of the Cutwell valley; would not blend in with the existing buildings; and did not accord with the Cotswold Design Code. The Ward Member expressed concerns over traffic impact issues, both during and after construction, and suggested that any acceptable plan should provide details of how such disruption would be minimised and managed. The Ward Member stated that West Street was one of the oldest streets in Tetbury and, as such, she considered that it provided a valuable clue to the understanding of, and taking of pleasure in, its unusual characteristic whereby the houses on the south side faced away from the

street. She contended that this site was in the garden of the only detached house in the street which had retained its original setting as a nineteenth century workers' cottage with a detached space, originally a building for animals aligned with the cottage. The Ward Member considered that it could be argued that its 'settlement appearance' was a key feature of this part of Tetbury and that, as such, formed part of the special character and appearance of the Conservation Area. The Ward Member contended that, in that context, the site was a particular rarity and that, if the space was filled, historic evidence would be lost. The Ward Member reiterated her support for a Sites Inspection Briefing in order to understand the characteristics of the historical setting of the site, and to put the objections into context. In conclusion, the Ward Member stated that, once lost, the special character of this site would be lost forever.

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

Deferred for a Sites Inspection Briefing, to be undertaken by the Sites Inspection Briefing Panel, to assess the impact of the proposed development on the character and appearance of the Conservation Area.

Record of Voting - for 7, against 1, abstentions 4, Ward Member unable to vote 1, absent 1, did not vote 1.

PL.75 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 12, against 0, abstentions 2, absent 1.

PL.76 SCHEDULE OF APPLICATIONS (CONTINUED)

RESOLVED that the remaining applications be dealt with in accordance with Minute PL.74 above:-

CT.9170/C

Partially demolish existing boundary wall and create off-street parking for 50, 52 and 54 Gloucester Street at 50 Gloucester Street, 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 its proximity to the Conservation Area, various Listed Buildings, an area of Scheduled Ancient Monument and various protected trees; and land in the ownership of the Applicant. The Case Officer displayed an aerial photograph of the site and photographs illustrating views along Trafalgar Road, of the rear boundaries, the Gloucester Street frontages and the protected tree which was proposed for removal.

The Applicant was invited to address the Committee, and explained that his comments also related to the subsequent application (CT.9170/B below referred).

The Ward Member, who served on the Committee, was invited to address the Committee, and explained that his comments also related to the subsequent application (CT.9170/B below referred). The Ward Member amplified aspects of the reasons why he had referred these applications to the Committee for determination, and reminded the Meeting that the resolution of current parking issues in Cirencester was a top priority for the Council. The Ward Member explained that regular complaints were received from residents in respect of on-street parking in Gloucester Street, and he stated that no objections had been received from residents in respect of these applications, which did not propose any alterations to the Grade II Listed Buildings. The Ward Member quoted advice from Historic England in relation to alterations to Listed Buildings, and suggested that, in its determination of these applications, the Committee should balance the historic significance of those buildings against the public benefit that would accrue from the proposed development. The Ward Member pointed out that the curtilage-Listed wall, which was proposed for demolition, would be re-built further back within the site, and that the Trafalgar Road aspect of the buildings did not demand a high level of conservation. The Ward Member contended that the proposal would result in the removal of three parked vehicles from the highway, and concluded by stating that the public benefit which would accrue would outweigh any harm caused by the loss of the existing wall.

In response to various questions from Members, it was reported that Trafalgar Road could be used for the parking of vehicles overnight and at weekends, but that on-street parking was restricted during weekdays; Trafalgar Road was one metre wider than Gloucester Street; the re-built wall would be a stone-faced retaining wall and would not be Listed; if the Committee was minded to approve this application, a Condition requiring a sample of the proposed walling materials would be attached to any Decision Notice(s); and some excavation works would be required to make the current garden area level with the existing roadway.

Some Members considered that the proposals would not have any adverse impact on the rear elevation of the buildings, and that the residents should be able to achieve vehicular access to their rear gardens.

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

Another Member considered that this application should be refused, as recommended, because, in her opinion, no significant public benefit would accrue, the proposal would result in the loss of at least two overnight, on-street parking spaces, and the proposal would have an adverse impact on the setting of the Listed Buildings and visual amenity of the wall and it would result in views being opened up onto an occasionally-busy road.

At this juncture, the Planning and Development Manager reminded the Committee of the appropriate tests to be applied, if the Committee was minded to approve this application, contrary to the Officer recommendation.

A Member contended that the setting of the Listed wall had already been compromised and that, in the event that the Committee was minded to approve this application as proposed, a significant percentage of that wall would remain on the site and be visible. The Member further contended that there was a shortage of parking available in the town, and suggested that, as the residents of the properties could use the off-street spaces to park during the day, they might be encouraged to walk or use other forms of transport, thereby reducing the use of

cars in this area, thereby potentially freeing-up parking spaces elsewhere in the town.

Approved, subject to Conditions to be specified by the Case Officer, including the prior submission of a sample of the materials proposed.

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

Note:

This decision was contrary to the Officer recommendation because a majority of the Committee considered that the less than substantial harm to the curtilage-Listed wall would be outweighed by the public benefit that would accrue from the proposed development.

CT.9170/B

Partially demolish existing boundary wall and create off-street parking for 50, 52 and 54 Gloucester Street at 50 Gloucester Street, Cirencester -

The Case Officer reported that a replacement tree-planting scheme had been negotiated with the Applicant and that, if the Committee was minded to refuse this application as recommended, such refusal should therefore only be for reasons relating to impact on the Conservation Area.

The Applicant was invited to address the Committee, but explained that he had made all of his comments in respect of the previous application (CT.9170/C above referred).

The Ward Member, who served on the Committee, was invited to address the Committee and he commented that, in practice, people did not generally park their vehicles on the side of the road adjacent to the rear boundaries of these properties. The Ward Member concluded by expressing his opinion that views into the rear gardens of those properties along the road which already had rear parking spaces were attractive.

In response to questions from a Member, it was reported that any works to the carriageway would require permission from the County Highways Officer, and that the Applicant would have to meet any associated costs.

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

Approved, subject to Conditions to be specified by the Case Officer, including the prior submission of a sample of the materials proposed.

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

Note:

This decision was contrary to the Officer recommendation because a majority of the Committee considered that the less than substantial harm to the curtilage-Listed wall would be outweighed by the public benefit that would accrue from the proposed development.

CT.0516/C

Proposed garden room (amendment to planning permission 15/05367/FUL for proposed extensions and alterations) at Glebe Cottage, Notch Road, Winstone -

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 property from various vantage points.

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

Approved, as recommended.

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

Notes:

(i) Additional Representations

Lists setting out details of additional representations received since the Schedule of Planning Applications had been prepared were considered in conjunction with the related planning applications.

Further representations were reported at the Meeting in respect of applications CT.1595/5/Q, CD.9183/B and CD.9183/A.

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

Councillor RG Keeling was invited to speak on applications CD.9183/B and CD.9183/A.

(iii) Public Speaking

Public speaking took place as follows:-

<u>CT.5331/D</u>	)	Councillor P Nicholas (Parish Council)
	)	Miss R Tolhurst (Objector)
	)	Mr. J Tait (Agent)
<u>CT.1595/5/Q</u>	)	Mrs. T Griffin
	)	(Kempsford Parish Council)
	)	Mr. P Duncan (Agent)
<u>CD.5221/A</u>	)	Mr. C Walters (Objector)
	)	Miss C Bell (Agent)
<u>CD.1320/P</u>	)	Councillor P Day (Town Council)
	)	Ms E Evans (Applicant)
<u>CD.9183/B</u>	)	Mr. A Miles (Agent)
<u>CD.9183/A</u>	)	Mr. A Miles (Agent)

<u>CT.4316/F</u>	)	Ms L Brain (Objector)
	)	Mr. D Stone (on behalf of the Applicant)
<u>CT.9170/C</u>	)	Mr. K Angus (Applicant)
<u>CT.9170/B</u>	)	Mr. K Angus (Applicant)

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.77 SITES INSPECTION BRIEFINGS

1. Members for 7th December 2016

It was noted that Councillors Miss AML Beccle, AW Brassington, Jenny Forde and David Fowles, together with the Chairman, would represent the Committee at the Sites Inspection Briefing on Wednesday 7th December 2016.

Note:

In the event that Councillor Miss Beccle was unable to attend the above-mentioned Sites Inspection Briefing, Councillor AW Berry would attend instead.

2. Advance Sites Inspection Briefings

It was noted that advance Sites Inspection Briefings would take place on Wednesday 7th December 2016 in respect of the following applications:-

15/01376/OUT - outline planning application for the erection of up to 9 dwellings and associated access (appearance, layout, landscape and scale reserved for future consideration) at land east of Bell Lane, Poulton - to assess the impact of the proposed development on the character of Bell Lane, the setting of the Conservation Area, landscape, highway safety, residential amenity and drainage, and to observe the site's levels, biodiversity and arboricultural features.

Note:

All Members of the Committee were invited to attend this Sites Inspection Briefing as an approved duty, because it was considered to be a controversial application and that the Committee needed to obtain an appreciation of the context, including in relation to drainage, and the impact on the village.

16/03127/OUT - outline planning application for residential development (up to 16 dwellings), all matters reserved except access, at land south of Gloucester Road, Andoversford - to assess the potential impact of the proposed development on the character and appearance of the Area of Outstanding Natural Beauty, the setting of the village, views from nearby public rights of way, access and the setting of nearby Listed Buildings.

Note:

All Members of the Committee were invited to attend this 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.78 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 again between 1.15 p.m. and 1.35 p.m., and closed at 2.35 p.m.

Chairman

(END)