

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

14TH MARCH 2018

Present:

Councillor RL Hughes - Chairman

Councillors -

SI Andrews
AW Berry
AR Brassington
Sue Coakley
Alison Coggins
PCB Coleman

RW Dutton
David Fowles
SG Hirst (until 12.55 p.m.)
MGE MacKenzie-Charrington
Dilys Neill
LR Wilkins

Substitutes:

Andrew Doherty

Apologies:

M Harris

Juliet Layton

Observers:

NJW Parsons from 10.12 a.m. to
12.40 p.m.

PL.104 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.105 SUBSTITUTION ARRANGEMENTS

Councillor Andrew Doherty substituted for Councillor Juliet Layton.

PL.106 MINUTES

RESOLVED that the Minutes of the Meeting of the Committee held on 14th February 2018 be approved as a correct record.

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

PL.107 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.108 PUBLIC QUESTIONS

No public questions had been submitted.

PL.109 MEMBER QUESTIONS

No questions had been received from Members.

PL.110 PETITIONS

No petitions had been received.

PL.111 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee was requested to consider and adopt a new Hackney Carriage and Private Hire Licensing Policy, for implementation from 1st April 2018. In this connection, details of the feedback received in the consultation carried out in respect of the proposed policy had been circulated

Officers amplified various aspects of the circulated report and, in response to various questions from Members, it was reported that the introduction of a maximum age of 5 years for vehicles to be issued a licence would not immediately impact on those that were currently held licenced and were above the 'age limit' and that the operators of this applied to would be given two years to update their vehicles from the implementation of the new policy on 1st April 2018. It was not mandatory for drivers to carry a first aid kit, as drivers were not expected to perform first aid owing to insurance implications, and the kits could be moved between vehicles.

A Member commended Officers on the production of the report and explained that she considered the Policy to comply well with DVLA requirements. The Member also highlighted that the Council would be the first to hold a shared policy across other Member Councils in the country.

A Proposition that the Policy be approved in line with the Officer's recommendation, was duly Seconded.

RESOLVED that the Hackney Carriage and Private Hire Policy be approved for implementation with effect from 1st April 2018.

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

PL.112 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:-

17/03826/REM

Land at Broadway Farm, Down Ampney, Gloucestershire -

The Senior Planning Officer advised that the Applicant had requested that consideration of this application be deferred to allow further discussion of the drainage issues in consultation with the Lead Local Flood Authority; and that it was expected the application would be presented to the Committee at its Meeting in April 2018.

In response to a Member's question, it was reported that the current application was for reserved matters following the grant of outline permission and that drainage was not a matter reserved under the outline permission. Details of drainage therefore fell to be considered under a separate condition compliance application. It was reported that Officers were nevertheless working in consultation with the Applicant and the Lead Local Flood Authority to resolve the issue of drainage at an early stage as there might be implications for the layout proposed under the current Reserved Matters application.

Deferred at the request of the Applicant.

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

17/04749/FUL

Demolition of existing buildings and the erection of 7 residential dwellings at Stow Agricultural Services, Lower Swell Road, Stow-on-the-Wold-

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, reminded the Committee of the location of the site, and outlined the proposals.

The Case Officer displayed an aerial photograph of the site and photographs highlighting the site from various vantage points and informed the Committee of a previously approved scheme on the site for 13 two-bedroom dwellings, which had been approved at Appeal on 28th July 2016.

A Member of Stow-on-the-Wold Town Council and a speaker on behalf of the Applicant were invited to address the Committee.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member highlighted the objections made by both Stow-on-the-Wold Town and Swell Parish Councils and suggested the Committee undertake a Site Inspection Briefing to consider the proximity of the site to a set of traffic lights on the adjacent main road. The Ward Member also drew attention to the shortfall of one visitor parking space and explained her view of the unsuitability of on-road parking mitigating this need. The Ward Member made reference to the large volume of development less than 100 metres from The Unicorn junction and explained that traffic congestion on the road often extended to the area adjacent to the application site. The Ward Member stated that the front gardens of the proposed properties were too small for the planting of ornamental trees and, in conclusion, expressed the view that the application represented over-development, with the risk of properties being located too close to the road; and a minimum of two parking spaces per dwelling was needed.

In response to various questions from Members, it was reported that during the site's previous use as an agricultural store, there had been a large volume of on-street parking; 10 allocated parking spaces had been provided on the site, representing 1.5 per dwelling, which in the view of the Case Officer was sufficient; the distance between the properties within the application site was a 13 metres which, as a separation distance across a highway, was considered acceptable; the trees on the site would be removed as the Council's Tree Officer had deemed them not worthy of protection; the implementation of yellow lines was not within the control of the Council and would have to be deemed necessary by Gloucestershire Highways (and the County Councillor had written to Gloucestershire Highways requesting this); the previous permitted application on the site included 13 units with 16 parking spaces in comparison to the current application which consisted of 7 units with 13 parking spaces in total, which, in the view of the Case Officer, would be considered an improvement; the proposed street scene had been suggested by the Conservation Officer to replicate the vernacular of the area and it had been suggested the Applicant locate the properties closed to the highway; the Application had been approved at Appeal as the Planning Inspector had considered the application to represent an appropriate use of the site; and the current application included a mixture of two, three and four bedroom homes.

A Member commented that, on a previous Site Inspection Briefing, the Committee had considered the site to represent over-development. The Member also expressed his concern in relation to the proximity of the properties to the highway in the current application and commented that, in his view, the removal of one proposed property at the rear of the site would enable the application to be moved further into the site, mitigating the issue of closeness to the road.

Some Members expressed the view that, in comparison with the previous application, the application represented a significant improvement and excellent development of a brownfield site. Those Members also considered there to be a good mix of attractive, starter homes which were family friendly and the extant permission enabled a starting point for a new scheme.

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

Other Members commented that the installation of yellow lines upon the adjacent road would merely move parking problems, but explained that the site had

previously witnessed traffic and parking at peak times, in relation to the business that had existed on the site. They also stated residents would always park near to their properties for convenience.

The Ward Member was invited to address the Committee again, and reiterated her desire to see the creation of at least one more parking space at the site and reminded the Committee that the County Councillor had also supported this suggestion. The Ward Member confirmed the County Councillor had requested the installation of yellow lines outside the site and, in conclusion, reminded the Committee of the inability to plant trees in front of the properties and the consequent risks this would entail.

Approved, as recommended.

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

17/04910/FUL

Erection of a bungalow at Land East of Kilkenny Inn, Andoversford, Gloucestershire-

At this juncture, the Chairman vacated the Chair as he had referred the application to the Committee as the Ward Member. In the absence of the Vice-Chairman, Councillor AW Berry was elected Chairman for this item. The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, reminded the Committee of the location of the site, and outlined the proposals.

The Case Officer also displayed an aerial photograph and demonstrated a virtual Google Street-View of the site.

The Applicant was then invited to address the Committee.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member apprised the Committee that the site already contained a large double garage, including the necessary services, which had been granted consent in 2001. The Ward Member commented that the application represented a valuable asset to the community and highlighted the overall shortage of, and consequent need, for bungalows within the District.

In response to various questions from Members, it was reported that the existing garage on the site would form part of the parking area in front of Grove View; the site was considered isolated in regards to services and was classed as a brownfield site, despite being located within the AONB; no view had been submitted by the Parish Council; and whilst school buses stopped at the Kilkenny Inn, the nearest public bus stop was located to the west of the village of Andoversford.

Some Members commented that the Applicant had a long history of building sympathetic buildings within the area and, whilst the site was isolated, felt it existed within a mini-community and that the property proposed was of a modest size and was built as retirement accommodation. Those Members also reiterated the opinion that the application would have no impact on the surrounding AONB and made reference to the fact they considered the application to meet the requirements of emerging Local Plan Policy DS3.

A Proposition that this application be approved, contrary to the Officer's recommendation, was duly Seconded.

The Senior Planning Officer informed the Committee the site was considered unsustainable by Officers as any residents would be dependent upon the use of a car. He also confirmed the site was considered to be situated in an isolated location and that Kilkenny was not considered a settlement in regards to Policy DS3.

Other Members expressed the view that, whilst they were sympathetic to the Applicants, the application went against national, existing and future policy and was in a unsustainable location with no footpath linking the site to the village of Andoversford. Those Members also highlighted the consequent dependence of any residents on the use of a car, and explained this did not sit well against the fact the property would be best occupied by residents of a retirement age. Those Members also informed the Committee the existing property would no longer have a garage and that weight needed to be given to the impact of the proposed property upon the existing property on the site.

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

A Member commented that every application had to be judged on its own merits and any reference to the house being used as a retirement home was irrelevant. The Member commented that the Committee should only concern itself with the matter of whether the building was of a suitable size and scale for the site.

In response to a Member's question, the Senior Planning Officer informed the Committee that only moderate weight could currently be given to the emerging Local Plan policies and that any decision reached by the Committee had to rely on the relative consistency of current and emerging Local Plan policies with the NPPF.

The Ward Member was invited to address the Committee again, and confirmed that a public bus could be caught from the Kilkenny Inn. The Ward Member also reminded the Committee the proposed bungalow featured two-bedrooms and could not necessarily be considered solely as a retirement property. The Ward Member concluded that garages were no longer considered a key need in regards to new developments, but re-stressed the continuing need for bungalows within the District.

Approved, contrary to the Officer recommendation, for the reason that, whilst the location was considered unsustainable, the addition of a further single dwelling was not material to its unsustainability, and given the lack of harm caused to the AONB, and the benefit of the social role of the area by adding to the supply of bungalow accommodation.

Record of Voting - for 8, against 6, abstentions 0, absent 1.

Note:

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

17/05032/FUL

Erection of a single storey dwelling at Land to the rear of 8 Roman Way, Lechlade, Gloucestershire-

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to the floor plans and elevations. The Case Officer displayed photographs illustrating views of the existing access to the site and displayed a Google virtual street-view of the neighbouring road.

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

The Ward Members, who both served on the Committee, were invited to address the Committee. The Ward Members informed the Committee that they had brought the application to the Committee following concerns of over-development and access issues. The Ward Members drew attention to the limited parking for houses in Railway Terrace and the fact there was no possible space for on-street parking in Hambridge Lane. One Ward Member contended that the rear access lane had originally been intended for rear access for the keeping of domestic animals only and the track was not intended for vehicular traffic; and that further vehicular use should be strongly discouraged. The Ward Members jointly raised concern at the fact the track could often only be exited by reversing out onto Hambridge Lane and highlighted the possibility of emergency and delivery vehicles having to use the lane. In concluding, the Ward Members highlighted the lack of support for the application, including strong objections from the Town Council.

In response to various questions from Members, it was reported that the Lechlade Neighbourhood Plan was a material consideration; the one parking space provided in the application was considered sufficient by the Case Officer owing to the site being located 700 metres from the town centre; the site was located 65 metres from Hambridge Lane; the occupants of 8 Roman Way would be expected to park on Roman Way; the construction would be a mixture of Cotswold Stone and red brick; the access lane was not an adopted highway and as a result, was classed as a private drive; no comments had been received from the County Council; if the Committee was minded to permit the application, a consultation could be undertaken with the County Council in reference to emergency vehicle access; brown-field sites excluded gardens in settlements; the application could not be refused on issues relating to access during the construction of the site; and a condition could be imposed requesting the Applicant to submit a Construction Management Plan, if there was sufficient policy need.

Various Members commented that they considered the site to be entirely unsuitable for the proposals, for the reasons of over-development and issues relating to access.

Refused, contrary to the Officer recommendation, for the reason of over-development of the site.

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

Notes:

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

17/03563/FUL

Change of use of building of stables (Retrospective) at Agricultural Building Land North of Greenway Lane, Ullenwood, Cheltenham, Gloucestershire-

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, reminded the Committee of the location of the site, and outlined the proposals.

The Case Officer also displayed an aerial photograph, highlighting the nearby Right of Way, photographs of the site from various vantage points and demonstrated a virtual Google Street-View of the site.

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

The Ward Member, who did not serve on the Committee, was invited to address the Committee. The Ward Member informed the Committee that he had referred the application to the Committee as it was a retrospective application and because he considered that the Applicant may have been in breach of the proposed form of development and at least one of the recommended Planning Conditions. The Ward Member drew attention to the adjacent Ullenwood Court site, where an extant permission contained a condition that the Riding School, within the Court site be moved to a different location within the site, prior to the implementation of the residential developments. The Committee was also informed that the Applicant previously ran the Ullenwood Court Riding Centre, but that this had now closed and the business had moved to the adjacent site, which was the subject of the current application. The Ward Member also drew attention to the access to the site via Greenway Lane and explained this was a narrow adopted road, which lacked any passing places and also accommodated a section of the Cotswold Way. In addition, the Ward Member informed the Committee of the objection from the Parish Council regarding the intensification of the site and the junction from Greenway Lane onto Leckhampton Hill Road. The Ward Member explained he had received a high volume of correspondence from local residents, which he considered suggested commercial as opposed to private activity at the site. In conclusion, the Ward Member informed the Committee that, if they were minded to permit the application, subsequent enforcement action would be required, and that the County Highways department had confirmed in writing that they strongly objected to any commercial equestrian use of the site, owing to the inherent highway danger.

In response to various Member questions, it was reported that private use of the site would mean the Applicant would not be used by paying customers; there were no restrictions on horse riders using Public Rights of Way; the Agent had confirmed that no commercial activity was taking place on the site, and Officers were bound to accept such statement as truthful on the basis of the Agent's professional standards; if permission was granted on the site and it was later discovered the site was being used for a commercial use, the Council could issue a Breach of Condition Notice; there was no planning control over the grazing of horses; and it was considered the site would be used regularly by traffic as the adjacent site was used as a wedding venue.

The Chairman read out a letter received from the previous owner of the application site. The representation confirmed the building contained within the application was a previous camp chapel and had previously been used for mushroom growing, prior to being used by a firewood supplier. The representation also highlighted to the Committee that the lane provided access to

four properties and that the field had been used for the grazing of animals for over 20 years by the Applicant, during which time the owner had received no complaints from neighbouring residents.

Various Members expressed their support for the application. Those Members explained that the Applicant was entitled to own as many horses as she wished and that the number the Applicant currently owned would mean that assistance from family and friends would be required to ensure they were properly cared for. Those Members added that horses were could be rode down Greenway Lane and that the Council could provide assurance to the Parish Council that the Council would respond appropriately to any potential need for enforcement action on the site and would take action if required.

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

A Member expressed the view that the application should be refused and referred to the large number of residents' objections alongside those of the Ward Member.

Approved as recommended, subject to Condition 3 being amended to reflect that this was a retrospective application.

Record of Voting - for 10, against 2, abstentions 2, absent 1.

17/04675/FUL

Variation of Condition 8 attached to planning permission 16/01209/FUL at Colt Car Company, Watermoor Road, Cirencester-

The Case Officer reminded the Committee of the location of this site and outlined the application.

A Member commented that as there were no objections from the Environment Agency or the Council's Biodiversity Officer, the application should be approved as recommended.

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

Approved, as recommended.

Record of Voting - for 11, against 1, abstentions 1, absent 2.

18/00184/FUL

Change of use from Class B1 office to a mixed use – office (B1) and Chiropractic clinic room (D1) at Rooms 27 and 28, Moreton Area Centre, High Street, Moreton-in-Marsh-

The Case Officer reminded the Committee of the location of this site and outlined the application.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member confirmed that no objections had been received and that all questions had previously been dealt with by the Case Officer.

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

Approved, as recommended.

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

Notes:

(i) Ward Member(s) not on the Committee - Invited to Speak

Councillor NJW. Parsons was invited to speak on application 17/03563/FUL.

(ii) Public Speaking

Public speaking took place as follows:-

<u>17/04749/FUL</u>)	Cllr. P Day (on behalf of the Parish Council)
)	Mr. R Perrill (Agent)
<u>17/04910/FUL</u>)	Mr. G Swannick (Applicant)
<u>17/05032/FUL</u>)	Cllr. S Trotter (on behalf of the Town Council)
)	Ms. D Brodie (Agent)
<u>17/03563/FUL</u>)	Mr. S Ford (Objector)
)	Mr. N Maddox (Agent)

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.102 SITES INSPECTION BRIEFINGS

1. Members for 4th April 2018

No applications were deferred for Sites Inspection Briefings.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.103 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 11.25 a.m. and 11.30 a.m., and closed at 1.00 p.m.

Chairman

(END)