

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

11TH APRIL 2018

Present:

Councillor RL Hughes - Chairman
Councillor Juliet Layton - Vice-Chairman

Councillors -

SI Andrews	David Fowles
AW Berry	M Harris
AR Brassington	SG Hirst
Sue Coakley	MGE MacKenzie-Charrington
Alison Coggins	Dilys Neill
PCB Coleman	LR Wilkins
RW Dutton	

Observers:

Julian Beale (until 11.10 a.m.) Maggie Heaven (until 1.15 p.m.)

PL.115 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor AW Berry declared an interest in respect of application 18/00300/FUL, because he was acquainted with the Supporter.

Councillor David Fowles declared an interest in respect of application 18/00300/FUL, because he was a friend of the Supporter, and he left the Meeting while that item was being determined.

Councillor SG Hirst declared an interest in respect of application 18/00300/FUL, because he was a custodial Trustee of the Dolphins Hall.

Councillor MGE MacKenzie-Charrington declared an interest in respect of application 18/00252/FUL, because he was acquainted with the Applicant.

Councillor Dilys Neill declared an interest in respect of application 16/05169/FUL, because she was a customer of the Fosseyway Garden Centre and acquainted with the Applicant, and she left the Meeting while that item was being determined.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.116 SUBSTITUTION ARRANGEMENTS

No substitution arrangements had been put in place for this Meeting.

PL.117 MINUTES

RESOLVED that, subject to the deletion of the word 'licenced' in the fourth line of the second paragraph of the preamble in Minute PL.111 (page 117), and its substitution by the word 'licensed', the Minutes of the Meeting of the Committee held on 14th March 2018 be approved as a correct record.

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

PL.118 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.119 PUBLIC QUESTIONS

No public questions had been submitted.

PL.120 MEMBER QUESTIONS

No questions had been received from Members.

PL.121 PETITIONS

No petitions had been received.

PL.122 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

Demolition of redundant buildings and redevelopment with up to 44 dwellings at Land at Broadway Farm, Down Ampney, 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 informed the Committee of the update to Condition 13, contained within the additional pages, regarding the removal of permitted development rights to create openings in the side elevation of plot 44 to ensure the privacy of the neighbouring property.

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

The Chairman referred to the Sites Inspection Briefing undertaken in respect of this application and invited those Members who had attended that Briefing to express their views. Those Members commented that the visit had highlighted the issue with water drainage on the site and stressed the Sites Inspection had taken place following a relatively dry period with little rain. Members also considered the site to be extremely large and flat and, whilst close to neighbouring housing, the proposed layout was considered to fit in well to the site.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member extended his thanks to the Parish Council for the work in relation to their March 2018 report and explained that he felt the report gave a real sense of life in Down Ampney. The Ward Member added that he considered the application was not just for Reserved Matters and nor, in his view, had it been presented to revisit the decision of the Appeal in 2016. He explained that the village's residents had fully supported the original scheme for 22 houses, but highlighted that, since 2000, 50% of the dwellings within the village had been built and that, consequently, the village had been 'developed out'. The Ward Member also informed the Committee of his concerns in relation to the shared footpaths and roads near to the site and that the Developer had undertaken no real engagement with the community. In conclusion, the Ward Member urged the Committee to consider the Officer's report regarding drainage issues and to consider deferring the application in relation to the exclusion of surface water and sewerage issues for the application.

In response to various questions from Members, it was reported that the application was a Reserved Matters application and that the Applicant had chosen to comply with the drainage conditions via a compliance application rather than through the reserved matters application and was at entitled to do so; the Lead Local Flood Authority (LLFA) had been consulted as it had been necessary to make them aware of the layout; the LLFA still had concerns regarding drainage issues, believing that the drainage conditions could not be complied with in the current layout; if, when the new compliance application for the drainage had been considered, the LLFA's concerns were found to be correct, the Developer would be required to submit a new reserved matters application for a new site layout; as the Council was the Planning Authority, the Council was required to make the decision, regardless of any demands that had been received; the Parish Council's Design Statement had been considered, and red brick would only be used to construct one agricultural-style building, chimneys and garages; it would be possible to request an

alternative material if Members requested such an option; in the view of Officers, the application could not be refused on the basis of insufficient information regarding drainage and sewerage; if the drainage issues could not be resolved through the future compliance application, a further reserved matters application would be required and brought to the Committee for determination;; the Planning and Development Manager advised that it would prove difficult to prevent work on the site until drainage issues had been finalised, as negotiations were usually ongoing with bodies such as the Environment Agency and the Developer would have the right to appeal on the basis of non-determination, if the Committee was not minded to determine the application.

The Ward Member requested that the future compliance application be brought before the Committee for determination; and in response the Case Officer advised that, whilst unusual, could be done if Members so wished

A Member commented that he considered there was a requirement for the Committee to be presented with the amended plans which incorporated the guidance in the Down Ampney Parish Council Design Statement.

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

A second Member commented that she supported the design and the red brick and urged the Committee to read the advice provided by the LLFA, who had withdrawn their objection. She also explained the Committee should make a decision, to move the application forward in the correct way and expressed that the highway access had to be disregarded.

A further Proposition, that this application be approved, incorporating changes to the design and requesting that any compliance application be presented to the Committee to assess any variation to the revised layout, was duly Seconded.

Some Members expressed the view that only 'half an application' had been presented and that if re-presented to the Committee, it would only result in more time being spent on the application. Those Members also expressed concern at the shared space and lack of pavements, and explained that the Appeal decision permitting up to 44 houses could cause further issues for the already heavily built-up village.

The Ward Member was invited to address the Committee again and referred to the proximity of houses to Linden Lea. He explained that he considered that it would not be unreasonable for the Developer to engage with the community and to relocate the houses to a large area of grass on the site, which was proposed to be vacant. In response to a Member's request, the Ward Member also confirmed he would circulate the Parish Council's Submission Statement to all Members of the Committee.

Deferred, for reasons relating to the lack of adherence to the Parish Council's Design Statement and in particular, the use of red brick; lack of footpaths within the site; and the proximity of the proposed properties at the northern boundary to Linden Lea.

Record of Voting - for 9, against 6, abstentions 0, absent 0.

Note:

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

18/00737/FUL

Removal of condition 30 of planning permission 17/00842/FUL for the provision of a shared footpath and cycleway at Land adjacent to Fosse Lodge, Stratford Road, Moreton-in-Marsh -

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 a site aerial plan, detailed maps of the site and photographs highlighting the site from various vantage points; and informed the Committee that the County Council's Highways Officer did not consider a shared footpath and cycleway to be necessary and that in any event, there was insufficient space for a path to be provided upon either side of the adjacent highway.

The Agent was invited to address the Committee.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member explained that nothing had changed since permission had been granted by the Committee at its Meeting in February 2018 and that the application represented affordable development. The Ward Member reiterated her previous concerns regarding the site's location next to the A429 and explained that pedestrian access was not possible before the bridge. She also highlighted that the business had been dependent on vehicular access. In conclusion, the Ward Member commented that she considered the application 'shoddy and morally flawed' owing to pedestrian access issues.

In response to various questions from Members, it was reported that the use of the old railway track for a shared foot and cycle path presented issues of third party ownership and that Highway Officers did not consider a path necessary, hence the Officer's recommendation to permit; access to the town centre by residents from the proposed site was expected to be made by car or cycle ; if required a combined cycle and footpath would need to be a minimum width of 3.5 metres, in comparison to 1.8 metres for a footpath, both requiring the use of third party land; and that Officers could write to the County Council regarding a reduction in the 60 mph speed limit, but the responsibility for decision and implementation lay with the County Council.

A Member commented that he was aware the County Councillor was currently leading a task force to review safety over the entire route of the Fosse Way and that the intention was to reduce the overall speed limit to 50 mph.

A second Member expressed her view that, whilst the Council wished to encourage the use of sustainable transport, it was not possible on every site and added that the creation of a path could not be justified without the support of Highway Officers

A Proposition, that this application be approved as recommended, was duly Seconded. However, on being put to the vote, the Proposition was LOST. The Record of Voting in respect of the Proposition was - for 4, against 10, abstentions 1, absent 0.

In response to a further Member's question, it was reported that 13 parking spaces would be created on the site and that, in the view of Officers, this was deemed acceptable.

Various Members expressed the view that the application should be refused, and that Condition 30 should not be removed in order to enable full research into the availability of land for the construction of a shared cycle and footpath. Those Members also commented that they considered the site unsustainable in its present location.

Refused, by virtue of the fact that safe pedestrian access is required to the town and in the absence of a footpath/ cycle link, the development would not be sustainable.

Record of Voting - for 8, against 5, abstentions 2, absent 0.

Note:

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

17/04950/FUL

Variation of condition 3 of planning approval reference 12/03810/REM to regularise materials used in the construction of the development at Land Parcel at Upper Rissington -

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to the variations in design and materials that had occurred since the original permission for the site had been granted. The Case Officer also displayed photographs illustrating the street scene from various vantage points, and drew attention to the extra representations received since publication of the Schedule of Planning Applications.

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

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member explained that the site had been the location for building works for over five years, despite some residents having been living on the site for the past three years. He explained that the site had been presented with promises by the Developer which had not been delivered and that, even if those promises were delivered now, it would be much too late for the residents. The Ward Member added that, if the Committee was minded to refuse the application, there was no clear solution and that the residents affected would be placed in a difficult position, occupying homes with no planning consent. In conclusion, the Ward Member stated that the Committee could not consider the legal side of the issue, but stressed that lessons must be learnt by the Council. He added that a clear message was needed to be sent to the development market, highlighting that a similar situation could not be allowed to take place again.

In response to various questions from Members, it was reported that the Developer thought they had been working to approved drawings and, as the Council did not have the capacity to visit every development site on a weekly basis, it had proven difficult to monitor compliance; it was understood that each

resident had been aware of the materials used for the house construction prior to purchase, but that was not a matter for the Planning Committee to take into consideration in the determination of the application; whilst the Council had acted as soon as it had become aware of the situation, delays in the submission of the planning application had been as a result of the Developer seeking legal advice; another Developer had been involved in the construction of properties on the site, but had built in accordance with the approved drawings; a Breach of Condition Notice could be issued by the Council for the failure of the Developer to comply with conditions, but any enforcement action could result in residents being forced to move out of the properties currently occupied whilst the breaches were remedied; the Council's Building Control Team would not have been responsible for ensuring the dwellings were being constructed in the approved materials, as they would check on more technical construction details; and whilst the Committee could request that minor changes be undertaken, Officers considered the overall scheme to be acceptable, and that it accorded with relevant policies, and therefore it would not be reasonable to insist upon changes (i.e. there were insufficient grounds to refuse the application).

Various Members expressed sympathy for the residents affected within the application site and considered that supporting the Officer's recommendation was the best option for those residents. Those Members were disappointed with the actions of the Developer and that it was essential for the Council to ensure a repeat of the situation did not occur.

The Ward Member was invited to address the Committee again and reminded the Committee that the application was not just a matter of the use of wrong materials, but more importantly the approach in which the whole development had progressed. He considered that the residents involved had been let down by the Developer and informed the Committee that refusing the application would result in the residents being left in a complex legal position. The Ward Member concluded that, with great reluctance, the application must be approved for the benefit of those residents affected.

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

Approved, as recommended.

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

16/05169/FUL

Extension to garden centre shop; new open sided canopy; soft play facility; new events space building; new office and staff facilities; mezzanine storage area; new storage building; change of use of existing storage area to retail; relocated outdoor sales area; extension to car park; new service area; new store entrance and exit and relocation of existing polytunnel at Fossey Garden Centre, Stow Road, Moreton-in-Marsh -

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 a site aerial plan, detailed maps of the site, photographs highlighting the site from various vantage points and a Google virtual street-view of the adjacent highway.

A Member of the Parish Council, an Objector and 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 explained that she supported the comments made by Moreton-in-Marsh Town Council and explained that the proposed application would have a significant impact on the town centre's businesses. The Ward Member drew attention to the Garden Centre's 30,000 square foot retail area, of which 4,000 square feet was currently allowed for the retail of restricted items, which gave a degree of protection to town centre businesses. The Ward Member informed the Committee that the proposed increase in retail space represented a 350% increase and the development would only increase the use of the car, contrary to the Council's Local Plan in regards to sustainable transport. Whilst she commended the Applicant and family on their successful enterprise, the Ward Member added that the increase in car parking would combine to offer more spaces than in the town centre and expressed her disappointment that no response had been received from the County Council's Highways Officers. In conclusion, the Ward Member drew attention to the site's location next to the A429 and reiterated her concerns in regards to the impact on local business, if permission was to be granted.

In response to various questions from Members, it was reported that the County Council's Highways Officers had not yet issued a formal response; the provision of a safe crossing to the site would be a matter for the County Council; the Applicant was not required to provide any evidence of need; owing to a drainage ditch and a verge on the site's side of the A429, it would be difficult to create a footway along the western side of the A429; the proposed increase in restricted items floorspace was approximately 1,300 square metres as opposed to the existing 362 square metres, allowing the Applicant to sell more items over a greater area, though the Case Officer confirmed each restricted item category would be limited to 100-300 square metres; a list of restricted items was contained within the original permission; and a Retail Impact Assessment had been undertaken and had found that 45% of pet related expenditure 'went' outside the District or was spent online.

A Member commented that the application reflected current trade situations, where 'all in one' sites outside of town centres were currently attracting the largest visitor numbers. He also drew attention to the fact that visitors from outside the District to the Centre may also be interested in visiting the town centre and that the application represented a good example of helping to attract visitors to the District's market towns.

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

Another Member informed the Committee that he considered that the Council had a duty to protect independent shops within the District and highlighted the risk that people could access the Garden Centre without visiting the town centre.

Approved, as recommended, subject to any comments/ conditions from the County Council.

Record of Voting - for 8 (including Chairman's Casting Vote), against 7, abstentions 0, absent 1.

Note:

An equality of votes was cast in respect of the Proposition and the Chairman was invited to consider using his Casting Vote. The Chairman exercised such Vote in favour of the Proposition to approve the application.

18/00252/FUL

Use of land for the siting of 'safari tents' at The Sports Field, Notgrove -

Prior to the introduction of this item, the Chairman vacated the Chair as he had referred the application to the Committee as the Ward Member. The Vice-Chairman, Councillor Juliet Layton was to the Chair for this item.

The Case Officer reminded the Committee of the location of this site and outlined the proposals. The Case Officer also displayed detailed maps and photographs illustrating the site from various vantage points and displayed a Google virtual street-view of the site from the adjacent highway.

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 explained that the application presented an opportunity to encourage more visitors to the village and to help the local economy. He informed the Committee that the tents would be aimed at young people and would help to preserve the village cricket field, next to the application site; and whilst situated close to the walled garden of a listed building, previous caravan rallies had been held on the Sports Field with revenue going towards the maintenance of the Village Hall. In concluding, the Ward Member read out comments submitted by the Parish Council which explained that, whilst the site was clearly visible from the neighbouring village of Turkdean and was of great importance, the character and appearance of the village was preserved; and that the Parish Council recognised the benefit that the application, if approved, would bring to the Community.

In response to various questions from Members, it was reported that the tents would be situated on a stone base and would have a wooden floor, but that it was possible to disassemble them; the maintenance and consequent appearance of the exterior of the tents was for the Applicant to manage and would be in the best interest of the Applicant to maintain, given the intended use of the tents for holidays; if Members were minded to approve the application, a Condition could be added which restricted the number of tents situated on the site to five; other items associated with camping could also be brought onto the site on an 'as and when' basis; the Committee could, if minded, grant temporary seasonal permission for up to six months; there was no defined area for barbeques on the site; toilets for use by any visitors would be situated in a separate stone building on the site; any permission granted by the Committee would be for the use of the land, and the Applicant could therefore potentially replace tents that were in a state of disrepair with new tents without the need for a further planning permission; a condition could be attached requiring the removal of the tents within three months of the cessation of their use.

A Member commented that she considered there to be an expected 'shelf-life' for the tents and suggested that the Committee set a fixed period for permission on the site and that the Committee review the permission at the end of this fixed period.

A second Member expressed his support for the application and praised the Ward Member for bringing the application to the Committee. He did not believe there would be any harm to the AONB or surrounding area, and urged the Committee to permit the application.

A Proposition, that this application be approved, subject to permission being granted for a temporary period of 5 years and the site being permitted to contain five tents only, was duly Seconded.

Other Members expressed their concern over the permanence of the site and suggested the tents be erected for only six months of the year and be dismantled and stored for the remaining six months. Those Members also enquired if other additional tents could be erected alongside and in addition to the five proposed tents. In response, the Case Officer informed the Committee that the Applicant could site tents on the remainder of the sports field for up to 28 days per annum without the need for planning permission.

The Ward Member was invited to address the Committee again and reminded the Committee that the Applicant had submitted the application to ensure the site could be maintained and continue to be used. The Ward Member concluded by reiterating the benefit he considered the application would bring to the local economy.

Approved, contrary to the Officer recommendation, for a maximum of 5 tents in the locations shown on the submitted plans and for a temporary period of five years, following which the tent structures be removed; or, in the event of the operation ceasing prior to the end of the permission period, the structures be removed within three months of the cessation of their use for camping purposes.

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

Note:

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

18/00300/FUL

Proposed extensions and alterations to Dolphins Hall community centre (Revised Scheme) at Dolphins Hall, New Church Street, Tetbury -

The Case Officer displayed a site aerial plan, detailed drawings and photographs highlighting the site from various vantage points. The Case Officer also informed the Committee that the initial application had been presented to the Committee at its Meeting in April 2017.

A Supporter was invited to address the Committee.

In response to a Member's question, it was reported that the Town Council's objection in relation to the siting of the kitchen and bar was not a matter which would affect the use of the building; and the Case Officer confirmed that any mention of a Right of Way was the subject of a legal matter.

A Proposition, that this application be approved, 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 17/03826/REM, 18/00737/FUL, 17/04950/FUL and 16/05169/FUL.

(ii) Public Speaking

Public speaking took place as follows:-

<u>17/03826/REM</u>	)	Cllr. A Matthews (on behalf of the Parish Council)
	)	Mr. G Tappern (Objector)
	)	Mr. M Jones (Agent)
<u>18/00737/FUL</u>	)	Mr. M Jones (Agent)
<u>17/04950/FUL</u>	)	Mr. M Buffery (on behalf of the Parish Council)
	)	Mr. J Griffin (Agent)
<u>16/05169/FUL</u>	)	Mr. C Kenney-Herbert (on behalf of the Town Council)
	)	Mr. M Stimson (Objector)
	)	Mr. T Godwin (Applicant)
<u>18/00252/FUL</u>	)	Mr. H Acland (Applicant)
<u>18/00300/FUL</u>	)	Mr. J Townsend (Supporter)

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.123 SITES INSPECTION BRIEFINGS

1. Members for 2nd May 2018

No applications were deferred for Sites Inspection Briefings.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.124 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 11.12 a.m. and 11.22 a.m., and closed at 1.30 p.m.

Chairman

(END)