

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

13<sup>TH</sup> JUNE 2018

Present:

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

Councillors -

AW Berry	David Fowles
AR Brassington	SG Hirst
Sue Coakley	RC Hughes
Alison Coggins	MGE MacKenzie-Charrington
PCB Coleman (until 1.06 p.m.)	LR Wilkins
RW Dutton	

Substitutes:

R Theodoulou (until 1.10 p.m.)

Observers:

M Harris (from 11.00 a.m. until 12.55 p.m.)	NP Robbins (until 12.55 p.m.) TL Stevenson
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Apologies:

St Andrews	Dilys Neill
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PL.6 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor AR Brassington declared a Disclosable Pecuniary Interest in respect of application 18/01631/TELEC - Erection of base station and mast at Fowlers Hill, Quenington - as he held shares in the applicant company, and withdrew from the meeting during the consideration and determination of the application.

Councillor PCB Coleman declared 'Other' interests in respect of applications 18/01127/LBC and 18/01126/ADV as he had attended two events at The Barn Theatre by virtue of complimentary tickets. Although he had not attended in an official capacity, such gift had been of a value below that required to be recorded.

Councillor David Fowles declared 'Other' interests in respect of applications 18/01127/LBC and 18/01126/ADV as he had attended various events at The Barn Theatre by virtue of complimentary tickets. In addition, over the previous ten years, he had attended meetings of the Chamber of Commerce at Ingleside

House, Cirencester (which was also owned by the applicant) where facilities had been provided free of charge.

In respect of applications 18/01127/LBC and 18/01126/ADV, Councillor SG Hirst explained that he had socialised with the applicant, and had taken holidays with him. Whilst not a formal Disclosable Interest, it was accepted that such interest could give rise to issues of partiality and, therefore, Councillor Hirst would not take part in the consideration or determination of these items, and would withdraw from the Meeting.

(2) Officer Declarations

Mrs S Gargett, Principal Solicitor, declared an 'Other' interest in respect of application 17/04719/FUL as she had been acquainted with the applicant in professional capacity in a former employment.

PL.7 SUBSTITUTION ARRANGEMENTS

Councillor Theodoulou substituted for Councillor Andrews.

PL.8 MINUTES

**RESOLVED that:**

**(a) subject to the following amendments, the Minutes of the Meeting of the Committee held on 9<sup>th</sup> May 2018 be approved as a correct record:-**

**(i) the deletion of the date '14<sup>th</sup> March 2018' and its substitution by the date '11<sup>th</sup> April 2018' in the resolution of Minute PL.127;**

**(ii) the deletion of the words 'on later' from the third line of the fourth paragraph of the preamble in relation to application 17/03826/REM and their substitution by the words 'later on' (Minute PL.134, page 142);**

**(iii) the deletion of the words 'Ampney Crucis' from the seventh line of the fifth paragraph of the preamble in relation to application 17/03826/REM and their substitution by the words 'Down Ampney' (Minute PL.134, page 143);**

**(iv) the addition of the word 'and' before the word 'highlighted' the first line of the eighth paragraph of the preamble in relation to application 17/03826/REM (Minute PL.134, page 143);**

**(v) the deletion of the full stop from the second line of the eighth paragraph of the preamble in relation to application 17/03826/REM and its substitution by a hyphen (Minute PL.134, page 143);**

**(vi) the deletion of the word 'explained' from the fourth line of the eighth paragraph of the preamble in relation to application 17/03826/REM and its substitution by the word 'felt' (Minute PL.134, page 143);**

**(vii) the addition of the word ‘although’ before the words ‘the Developer’ in the third line of the tenth paragraph of the preamble in relation to application 17/03826/REM (Minute PL.134, page 143);**

**(viii) the addition of the words ‘they had attended that meeting;’ after the date ‘9<sup>th</sup> May 2018’ in the fourth line of the tenth paragraph of the preamble in relation to application 17/03826/REM (Minute PL.134, page 143);**

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

**(b) the Minutes of the Meeting of the Committee held on 15<sup>th</sup> May 2018 be approved as a correct record.**

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

PL.9 CHAIRMAN’S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.10 PUBLIC QUESTIONS

In accordance with Council Procedure Rule 10, questions had been submitted, and responses provided, as follows:-

- (1) From Councillor Ray Jenkins, Chairman of Down Ampney Parish Council to Councillor RL Hughes, Chairman of the Planning and Licensing Committee

‘Down Ampney - the community I represent - has been badly let down by the CDC’s planning system.

Could the Chairman please explain to my residents why his committee deferred the planning decision on Broadway Farm at the meeting in April specifically to allow for a dialogue to take place with the developer (which he knows duly took place on 23<sup>rd</sup> April at CDC offices) only to have that same application come back to the committee in May with a recommendation for permission and the Case Officer stating that no engagement had taken place?’

Response from Councillor Robin Hughes

*‘The public record of the resolution made at the April Planning and Licensing Committee is provided by the formal Minutes, which were confirmed by the Committee’s Members at the subsequent Committee Meeting of 9<sup>th</sup> May 2018.*

*The Minutes clearly state that a decision in respect of the Broadway Farm application (ref. 17/03826/REM) was 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”.*

*The reasons for the Committee’s deferral of the application did not therefore require officers to engage further with the Parish Council.*

*Similarly, it is a matter of the public record provided in the updated Officers' report, presented to the May Committee, that the Case Officer had discussed the issues listed in the Minutes with the applicants' agent and that "The applicants' agent has advised the case officer that the applicant does not wish to submit amended plans for this application and that they intend to lodge an appeal against non-determination". This was confirmed by the agent's email dated 3<sup>rd</sup> May 2018 attached to the Additional Pages issued to the Committee Members prior to the Meeting.*

*In this context, it was quite timely and appropriate for the Case Officer to again present the application to the May Committee Meeting to provide an update of her actions. The Case Officer also, very helpfully, reproduced for Members in the same Additional Pages, the minutes of the meeting held on 26<sup>th</sup> April between the applicant and the Parish Council, which was unilaterally facilitated by the Ward Member, Councillor Fowles.*

*On this basis, I am satisfied that there was no lack of clarity in the Committee's understanding of the Case Officer's actions to meet the requirements placed upon her as a result of the resolution at the April Meeting. Equally, the Committee was fully aware of the meeting that the applicant had separately engaged in with the Parish Council.'*

- (2) From Councillor Geoff Tappern, Vice-Chairman of Down Ampney Parish Council Planning Sub-Committee to Councillor RL Hughes, Chairman of Planning and Licensing Committee

*'The history of the Broadway Farm development in Down Ampney over the last five years is characterised by a lack of information of the pre-application meeting with the developer provided to the Parish Council and local residents and no real opportunity for engagement with Sanctuary (until it was too late). This is a game changing development in our community, representing as it does a 20% increase in housing in our village which should never have been permitted.*

*Would the Chairman agree that this is not in keeping with the objective of the 2011 Localism Act which required local authorities to be more accountable and transparent to local residents who fund the CDC though their Council tax?'*

Response from Councillor Robin Hughes

*'The starting point for any questions about this development is, of course, the outline planning permission that was granted by the Appeal Inspector in 2016 (ref. 15/01567/OUT). At the Appeal, the Parish Council, together with this Council, put its concerns before the Inspector who disagreed with them and concluded that permission should be granted.*

*Pre-application advice was subsequently sought by the applicant in Spring/Summer 2017 prior to the submission of the Reserved Matters application, during the process of which officers were informed by the applicants that engagement had been initiated with the Parish Council and the wider local community. From that point onwards, it was for the applicants to decide how much further engagement they wished to*

*undertake and, as such, this Council has no powers to impose that engagement.*

*As ever, the Council is required to determine planning applications on their merits, having regard to all relevant policy considerations, and I am entirely satisfied that the process of determination in this case was appropriately undertaken, fully transparent and properly accountable, as the public record of the Schedule of Applications and Minutes of the April and May Planning and Licensing Committee Meetings show.'*

Parish Councillor Jenkins was not present at the Meeting.

Parish Councillor Tappern was in attendance, and asked the following supplementary question:-

*'What steps will the Chairman now take to enable Down Ampney Parish Council to have access to these pre-application meeting files, and a meeting with the Case Officer as a right on this and any other future application? Surely it must be a more level playing field?'*

The Chairman stated that, given the detailed nature of the question and the associated legal implications, he would provide a comprehensive written response within five working days.

Note:

The following response was subsequently provided by the Chairman to Parish Councillor Tappern:-

*'Thank you for your supplementary question, and for taking the time and trouble to attend Committee. My apologies again for not giving a full response to the question at the time, but I wanted to be sure that my answer didn't conflict with legal requirements.*

The Council is aware of recent legal challenges as to the confidentiality of information provided at the pre-application stage. In response, the Council has updated the advice in respect of pre-application guidance provided on its website - see the following extract:-

*"Freedom of Information Act 2000 and Environmental Information Regulations 2004*

*We do not automatically publicise the details of pre-application discussions with potential developers or property owners, however we may receive requests under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 to disclose information about pre-application advice requests and the advice that we have provided. Subject to certain exemptions, we are obliged to provide this information, although personal contact details are protected under the Data Protection Legislation.*

*The exemptions relate to commercially sensitive and confidential information. It is therefore important that you bring to the Council's attention at the outset in writing any information which you consider may, if disclosed, prejudice your commercial interests or which you consider would breach confidentiality. You should also set out the reasons why and*

*for what period you consider the information falls into these categories. If a request to release information is made it is for the Council to decide if it falls into the exempt categories, having given full consideration to the details that you have provided. We may also treat as exempt from disclosure information which, if disclosed, may prejudice the effective conduct of public affairs. This can be particularly relevant at the outset of major applications where a lot of exploratory discussion takes place. If the disclosure of this exploratory information was likely to prejudice the process of leading to a proper determination of the subsequent planning application, then it may not be disclosable."*

Historically, when pre-application advice was provided by this Council there was an expectation by applicants that the advice given would remain confidential. The situation as explained above is now changing and information will be made available if the Council receives a formal Freedom of Information request and the information required is considered not to be exempt. If there is information that you wish to see I suggest that a formal FOI request is submitted, this should be clear as to the documents you wish to inspect.

In respect of Parish Council's being party to any pre-application discussions, this is something which is encouraged by officers as part of the initial pre-application meeting. The Council's website has also been recently updated to reinforce this message, with the following text being included as part of the guidance for pre application advice:-

*"Consultation with Town/Parish Councils*

*If you're going to submit an application for a major or minor development we encourage you to consult with the Town/Parish Councils, whether there is a statutory requirement to do so or not. Your application should give information about any consultation and how the proposals have evolved in response to comments received."*

The above guidance reflects a commitment given by Mr Field at a recent meeting of the Planning and Licensing Committee, and I believe was a direct response to the concerns you have raised.

In respect of your request for inclusion in pre-application discussions - whilst the Localism Act included reference to a statutory requirement for pre-application community engagement, the details as to the extent of that engagement was left to future secondary legislation. There have only been a few development categories since listed, and these are for very major schemes. For the majority of developments, it therefore remains for the developer to determine whether early public engagement is undertaken. An application cannot be invalidated or refused simply because a developer has not undertaken to seek pre-application advice or consult with the local Town/Parish Council.

In all instances, once an application is verified, it is passed onto consultees, which includes the Parish Council, for their input and observations. If the Parish Council wish to question the Case Officer, that could be done directly by email or through the Ward Councillor, who is always ready to assist.

Highways, Drainage, Flooding etc. are dealt with by the Consultees prior to the Case Officer's recommendation.

I am sorry that the Parish Council are not happy with the outcome of this application, but hope that this helps to explain procedure. If I can be of any further assistance, please don't hesitate to contact me.'

PL.11 MEMBER QUESTIONS

No questions had been received from Members.

PL.12 PETITIONS

No petitions had been received.

PL.13 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.

The Chairman apologised for the inferior quality of some for the printed material.

The Planning and Development Manager drew attention to the general update provided in the first set of Additional Representations relating to progress with the Local Plan, and the fact that receipt of the Inspector's Final Report meant that the Plan, in its modified form, could now be afforded substantial weight in decision-making, both at Officer level and in the work of the Committee.

**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:-**

**17/04719/FUL**

**Conversion of barn to dwelling at Dutch Barn at Nesley Farm, Nesley, Tetbury -**

The Case Officer displayed plans of the application site, including the adjacent non-designated heritage asset; an aerial view; existing and proposed site details; existing elevations and the proposed extent of demolition; and the proposed conversion, including elevations and fenestrations.

The Case Officer also displayed photographs of the existing barn and elevations from the road; the non-designated heritage asset in relation to the barn to be demolished/converted; the barn when in operational use; the view from the rear of the site; the view looking from the roadside, giving a general view across the countryside; and the access.

An Objector 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 reiterated the reasons for her referral of the application to Committee, namely that she believed that the NPPF provided for the conversion of rural buildings to be treated as an exception to the restraint on new isolated homes in the countryside, particularly where the re-use of redundant buildings would lead to an enhancement of the immediate setting. In addition, she did not consider the site to be remote or isolated, with access to amenities available by car or bicycle. The Ward Member felt that the proposals would enhance the appearance of the AONB, and would fit in well with surrounding dwellings given that the original design and structure would be maintained. She drew particular attention to the findings of the structural survey, which had confirmed that the existing structure of the building could be retained and incorporated within the conversion scheme; and the support from the Parish Council. In conclusion, the Ward Member suggested that, if Members had concerns, then a site visit might prove beneficial.

In response to Members' questions, it was reported that the adjacent stone barn did not appear to be in use; although the dutch barn and pole barn were in separate ownerships, all of the outlined site was within the applicant's ownership; access arrangements remained as existing; the traditional barn was considered to be a non-designated heritage asset and it was entirely appropriate for this to be considered as part of the assessment of the application; the NPPF stated that isolated new homes should be avoided unless there were special circumstances, including the re-use of buildings and the enhancement of the setting of the building and area; and the availability of public transport was a legitimate consideration in relation to sustainability.

With particular reference to the issue of isolation, the Planning and Development Manager drew attention to a recent High Court decision which reinforced a distinction between isolation from surrounding buildings and isolated in the countryside away from recognised settlements. The argument/judgement should be based on reinforcing sustainability, and when hamlets were isolated from any services, it reinforced a dispersed settlement arrangement which would be unsustainable.

Some Members had sympathy with the proposals, being of the opinion that the removal of pole barn would improve the immediate setting, and create a far more open aspect. In addition, the removal of the pole barn would assist to preserve and improve the setting of the stone barn.



Other Members, however, believed that the proposals were contrary to both current and emerging Local Plan policies; the barn was not capable of conversion without significant alteration; the proposed fenestration, design and residential paraphernalia would fundamentally change the character of area; the proposals would give rise to light pollution which would impact on the character and appearance of the AONB rather than, necessarily, individuals and properties; and that whilst the removal of the more modern lean-to was of benefit, the proposals would detract from the setting of the adjoining barn and this rural location in the AONB.

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

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

On being put to the vote, the initial Proposition was CARRIED.

**Refused, as recommended.**

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

Note:

Following the vote having been taken, but before moving on to the next schedule item, the Chairman realised that he had not invited the Ward Member to speak again on the application before the vote had been taken, and apologised to the Ward Member for not having done so.

The Head of Democratic Services advised that, although having moved to the next item, the Committee was legally and technically in the same meeting, and that the Chairman could therefore invite the Ward Member to comment again if she so wished (with the inference, albeit not stated at the time, that the vote could be revisited).

In response, the Ward Member stated that the decision had been made, and that she would find it uncomfortable to comment again. The Chairman apologised again. The Ward Member then stated that the only comment that she would make was that she was disappointed with the outcome, as she believed it was an excellent opportunity for that part of Hookshouse Lane to be tidied up, and for the whole barn to be removed; but reiterated that the decision had been made.

In the circumstances, the Chairman then moved to the next application.

N.B. Whilst it was custom and practice for the Chairman to give the Ward Member an opportunity to speak again in advance of the vote being taken, it was not a constitutional or legal requirement.

### **17/04021/FUL**

**Erection of one and a half storey house at 79 The Sunground, Avening, Tetbury -**

The Case Officer displayed plans of the application site, and its location; access and parking proposals; an aerial view of the locality; and floor plan, elevations, and site levels.

The Case Officer also displayed photographs of the adjacent property that had been converted into flats, and neighbouring properties; the parking area at the front of the property; the proposed access location; and ground levels.

There were no public speakers; and the Ward Member (who had referred the application to the Committee for consideration) was neither present nor had submitted further comments.

In response to questions, it was reported that an affordable housing development had been approved in the locality but not adjacent to the site; the benefits of a chimney and potential harm from smoke had not been discussed with the applicant; the access was considered to be contrived and constrained; and the application site was in the same ownership as the adjacent flats.

Members were not supportive of the proposals, particularly given its location in the AONB; and a Proposition, that this application be refused as recommended, was duly Seconded.

**Refused, as recommended.**

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

Note:

Members were disappointed that the Ward Member had not been present at the Meeting, having referred the application to the Committee for consideration. The Chairman agreed to write to all Members stressing the importance of attending meetings to speak to any application which they had referred to Committee.

### **18/01631/TELEC**

#### **Erection of base station and mast at Fowlers Hill, Quenington –**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, and explained that the reason for the Ward Member referral had been superseded by the receipt of comments from the Parish Council.

The Case Officer reminded the Committee of the location of the site, and displayed elevation drawings and floor plans; and photographs highlighting the site from various vantage points, and in relation to the historic park and garden and associated public paths.

There were no public speakers.

The Ward Member, who did not serve on the Committee but was in attendance as a substitute member, was invited to address the Committee. The Ward Member confirmed that he had originally referred the application to the Committee in the absence of any views from the Parish Council, and a belief

that the Parish Council might support the proposal; and expressed support for the Officer Recommendation.

In response to questions, the precise location of the proposed mast was identified, and it was confirmed that the mast would abut the road. The Ward Member confirmed that the applicant had pursued potential alternative sites with the Parish Council.

It was suggested that, for future similar applications, drawings should identify not only location and height, but also details of any antennae/dish/paraphernalia that was likely to be attached.

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

**Refused, as recommended.**

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

#### **17/04141/FUL**

**Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works (Variation of conditions 2 and 5 of 15/3052/FUL to amend the approved landscaping scheme) at Stratton Place, 42 Gloucester Road, Stratton, Cirencester -**

*Note: Prior to the Committee's deliberations on this item, Councillor David Fowles explained that he had previously declared a Disclosable Pecuniary Interest in relation to an application for this sites, because the Applicant advertised in a publication he was involved in, and an 'Other' interest because the Applicant had sponsored a community event he was involved with. Accordingly, he wished to declare similar interests again, and left the Meeting while the item was being determined. A similar arrangement would apply in relation to the ensuing application (17/04658/COMPLY).*

The Team Leader drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Team Leader reminded the Committee of the location of this site and outlined the proposals, displaying plans which illustrated residential densities and adjacent properties; an aerial view of the site, illustrating the protected trees; and the approved and proposed landscape schemes, including the various boundary treatments.

The Team Leader also displayed photographs illustrating views into the site from various vantage points, including from the gardens of various properties in Albion Street and from an adjacent private cul-de-sac road; and images submitted by a local residents' group illustrating the existing planting.

An Objector and the Applicant's Agent were invited to address the Committee, it being noted that a further Objector who had registered to speak had been unable to attend the Meeting.

*Note: At this juncture, Councillor R Theodoulou explained that he was acquainted with the Objector, a fact that he had not appreciated until Mr Forbes had spoken. As such, he declared an 'Other' Interest in this application.*

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member referred to the substantial nature of the site, with its dense form of development; commended the dedication and efforts of residents in securing an acceptable and workable landscaping scheme; and highlighted the lack of mitigation provided through the proposed scheme, despite the Committee's previous comments.

In response to Members' questions, it was reported that the Applicant could submit further revised proposals at any time, although the submitted scheme had been through a number of iterations; different options were available to the Committee should it wish to seek further amended proposals, including a delegated arrangement if an agreed way forward between the applicant and residents had been agreed; existing planting would mature over time, albeit that this would take a number of years; and the alternative proposals identified by the residents' group would be likely to soften the impact of the development.

Members reiterated their gratitude to local residents for seeking to secure an acceptable solution to the issue of landscaping. Members were also pleased that a further modified scheme, acceptable to local residents, appeared to have been positively received by the Applicant (albeit that confirmation, or otherwise, of this had not been made known to Officers).

A Proposition, that delegated authority be given to the Planning and Development Manager to permit the application, in consultation with the Chairman of the Committee and the Ward Member, subject to securing the alternative scheme (or a further improvement thereon) set out within the submission of the residents' group, was duly Seconded.

**Delegated authority to the Planning and Development Manager to permit, in consultation with the Chairman of the Committee and the Ward Member, subject to securing the alternative scheme (or a further improvement thereon) set out within the submission of the residents' group set out within the Additional Pages (and including improvements on the Laurels side of the development).**

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

Note:

This decision was contrary to the Officer Recommendation as the Committee supported the amended proposals identified by the residents' group at the Meeting, but needed confirmation that the Applicant would agree to implement such revised scheme to the satisfaction of local residents/objectors.

#### **17/04658/COMPLY**

**Compliance with Condition 29 (external lighting) of application 15/03052/FUL - Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works at Stratton Place, Stratton -**

*Note: The Committee was reminded of the Disclosable Pecuniary Interest and 'Other' Interest declared by Councillor David Fowles under the previous application (17/04141/FUL), which also applied to this application.*

The Team Leader reminded the Committee of the location of this site and outlined the proposals, displaying plans which illustrated the various components of the site and the approved and proposed landscaping/lighting schemes; together with a 3D model plan submitted by the Applicant which showed the position and effects of the lighting. The Team Leader also drew attention to the non-directional up/down light which had given rise to most concerns from local residents.

The Team Leader also displayed photographs provided by residents which showed the impact of the various forms of lighting, both within and outside the site.

An Objector was invited to address the Committee.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member believed that the ground level lighting on its own was likely to be sufficient; questioned the need for extensive wall-mounted lighting, and proposed hours of use; and fully supported the comments and suggestions made by the Objector.

In response to Members' questions, it was reported that the light operating curfew (8 p.m. to 7 a.m.) was regarded to be sufficient to minimise harm, and only applied to those lights attached to the buildings; the scheme included different lighting types; internal lighting within buildings could not be controlled; officers had conducted on-site and off-site surveys on an early winter evening; the curfew hours were longer than that originally envisaged by the Environmental Protection Team; the landscaping works would, in due course, assist in reducing the lighting impact; the Applicant wished for a decision to be taken on the proposals as submitted; the scheme provided for 57 cylinder wall-mounted lights and 39 brick lights, and the wall-mounted lights each delivered 3,300 lumens (although lumens value/impact did drop off considerably over relatively short distances).

Members had significant concerns about the need for, and impact of, the wall-mounted lights; and its harm on neighbouring properties. However, the ground-level lighting was considered to be acceptable and justified from a safety perspective.

A Proposition, that the application be refused due to the detrimental and negative impact of the wall-mounted lighting, was duly Seconded.

**Refused, due to the intrusive nature of, and detrimental environmental impact in terms of light pollution caused by, the wall-mounted external lighting; and consequent negative impact on the amenity of neighbours and the area.**

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

Note:

This decision was contrary to the Officer Recommendation for the reasons stated.

### **18/01127/LBC**

#### **Proposed illuminated displays on one elevation at Barn Theatre, Beeches Road, Cirencester -**

At the request of the Chairman, Councillor NP Robbins explained that he had referred this application, and the subsequent one, to Committee as he did not consider that the building was the significant heritage asset that it had been made out to be.

The Case Officer displayed plans of the application site, and its location; the locations of the listed building and curtilage listed building; the street-view perspective; and the differences between the current proposals and those previously approved.

The Case Officer also displayed photographs/images/slides provided by the Applicant which sought to demonstrate the nature and impact of the current proposals, both in day-light and darkness; and highlighted signage at similar establishments.

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

The Head of Democratic Services read out comments submitted by the Ward Member, who did not serve on the Committee and had been unable to attend the Meeting. The Ward Member had expressed his support for the two related applications, and opposition to the Officer Recommendation of refusal. In summary, the Ward Member believed that any negligible harm was clearly outweighed by the public benefits of the proposals, including the ability to secure the optimum viable use of the Barn Theatre complex and the curtilage listed building. The Ward Member had also drawn attention to the fact that no third party objections had been received, and that the Town Council was supportive.

In response to Members' questions, it was reported that the four advertising signs were proposed to display static advertising; the lighting for the current sign was subject to a timing restriction which required no illumination after 2300 hours; and the building on which the signs were to be displayed was curtilage listed.

Members were of the opinion that the proposals could give rise to a level of harm to the curtilage listed building, but it was felt that the public benefit significantly outweighed such harm. In this connection, it was reported that a restriction on hours of illumination was not appropriate in relation to the listed building consent application, but could be relevant in respect of any advertisement consent.

A Proposition, that the application be approved subject to appropriate conditions, was duly Seconded.

**Approved subject to conditions to be specified by the Planning and Development Manager requiring that (i) the advertising material displayed**

**on the permitted signs shall only relate to the business activities of The Barn Theatre complex; and (ii) the permitted signs shall be removed in the event that the theatre use is discontinued.**

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

Note:

Whilst Members were of the view that the proposals would give rise to a degree of harm, it was considered that that harm was less than substantial and was outweighed by public benefit. The decision was contrary to the Officer Recommendation for this reason.

**18/01126/ADV**

**Proposed illuminated displays on one elevation at Barn Theatre, Beeches Road, Cirencester -**

The Case Officer explained that she had nothing further to add to the presentation made in respect of the previous application (18/01127/LBC above referred).

A Member of the Town Council, a Supporter and the Applicant were invited to address the Committee, but explained that they had made all of their representations in respect of the previous application (18/01127/LBC above referred).

The Head of Democratic Services confirmed that the comments read out from the Ward Member in respect of the previous application (18/01127/LBC above referred) had also covered this application.

Members were of the opinion that the proposals could give rise to a level of harm to the curtilage listed building, but it was felt that the public benefit significantly outweighed such harm. In addition, no harm was envisaged to general public amenity.

A Proposition, that the application be approved subject to appropriate conditions (including a restriction on hours of illumination), was duly Seconded.

**Approved subject to conditions to be specified by the Planning and Development Manager requiring that (i) the permitted signs shall only be illuminated during the operating hours of the theatre; (ii) the advertising material displayed on the permitted signs shall only relate to the business activities of The Barn Theatre complex; and (iii) the permitted signs shall be removed in the event that the theatre use is discontinued.**

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

Note:

Whilst Members were of the view that the proposals would give rise to a degree of harm to the curtilage listed building, it was considered that that harm was less than substantial and was outweighed by public benefit. In addition, the

Committee did not feel that the proposals impacted on general public amenity. The decision was contrary to the Officer Recommendation for these reasons.

### **16/02808/LBC**

#### **Proposed replacement single-storey rear extension at 50 Chester Street, Cirencester -**

The Case Officer displayed plans of the application site, and its location; an aerial view of the locality; the historic street pattern and form of the building; and exiting off-shoots to neighbouring properties. The existing plan form of the building and the proposed extension, together with existing and planned elevations, were also displayed.

The Case Officer also displayed photographs of views of the building from the surrounding area, including from the street scene at the front and St Michael's Park at rear, given the conservation area location. A Google Map view of the St Michael's area was also shown.

There were no public speakers; and the Ward Member (who had referred the application to the Committee for consideration) was neither present nor had submitted further comments.

In response to questions, it was reported that the proposed extension abutted the main body of the house, with a light-weight conservatory attachment; the proposals still provided for there to be a reasonable garden area; a number of unauthorised alterations had been carried out to the building; the existing extension was the original fabric, albeit now rendered, and contributed to the building's significance and listing; and the building could be changed to accommodate modern living, without detriment to the fabric of the listed building.

Whilst sympathetic to modern extensions that reflected the aesthetics of the time, and were habitable for modern day living, Members were of the opinion that the removal of the entire off-shoot was harmful to the fabric and plan-form of the listed building.

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

**Refused, as recommended.**

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

### **16/02807/FUL**

#### **Proposed replacement single-storey rear extension at 50 Chester Street, Cirencester -**

The Case Officer had nothing further to add to his presentation from the previous, associated item.



There were no public speakers; and the Ward Member (who had referred the application to the Committee for consideration) was neither present nor had submitted further comments.

Members of the Committee also confirmed that they had nothing further to add to their debate and consideration of the issues relevant to the previous, associated application.

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

**Refused, as recommended.**

**Record of Voting - for 12, against 0, abstentions 0, absent 3.**

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.

(ii) Public Speaking

Public speaking took place as follows:-

<u>17/04719/FUL</u>	)	Mr S Joyce (Objector)
	)	Mr D Morris (Applicant)
<u>17/04141/FUL</u>	)	Mr C Forbes (Objector)
	)	Mr M Tompkins (Agent)
<u>17/04658/COMPLY</u>	)	Mr A Brandwood (Objector)
<u>18/01127/LBC</u>	)	Councillor NP Robbins (Town Council)
	)	Mr M Harris (Supporter)
	)	Mr I Carling (Applicant)
<u>18/01126/ADV</u>	)	Councillor NP Robbins (Town Council)
	)	Mr M Harris (Supporter)
	)	Mr I Carling (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.

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

Councillor Tina Stevenson was invited to speak on application 17/04719/FUL.

1. Members for 4<sup>th</sup> July 2018

No applications were deferred for Sites Inspection Briefings.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.15 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 10.45 a.m. and 10.55 a.m. and again between 12.57 p.m. and 1.00 p.m., and closed at 1.12 p.m.

Chairman

(END)