

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

11TH JULY 2018

Present:

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

Councillors -

SI Andrews	RW Dutton
AW Berry	David Fowles
AR Brassington	RC Hughes
Sue Coakley	MGE MacKenzie-Charrington
Alison Coggins	LR Wilkins
PCB Coleman	

Substitutes:

JA Harris (until 11.05 a.m.) Ray Theodoulou (until 11.35 a.m.)

Observers:

Mrs SL Jepson (until 11.35 a.m.)

Apologies:

SG Hirst Dilys Neill

PL.16 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor David Fowles declared an 'Other' interest in respect of application 18/00051/FUL as he had a historic acquaintance with the Applicant and the Applicant's mother. Councillor Fowles also declared a Disclosable Pecuniary Interest in respect of applications 17/04706/FUL and 17/04707/LBC as he was acquainted socially with the Applicant; and he left the room while those items were being discussed.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.17 SUBSTITUTION ARRANGEMENTS

Councillor Ray Theodoulou substituted for Councillor Hirst.

Councillor JA Harris substituted for Councillor Dilys Neill.

PL.18 MINUTES

RESOLVED that, subject to deletion of the words ‘such gift/hospitality had been recorded’ and their substitution by the words ‘such gift had been of a value below that required to be recorded’ in the second paragraph of Minute PL.6, the Minutes of the Meeting of the Committee held on 13th June 2018 be approved as a correct record.

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

PL.19 CHAIRMAN’S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.20 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.21 MEMBER QUESTIONS

No questions had been received from Members.

PL.22 PETITIONS

No petitions had been received.

PL.23 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 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:-

18/01869/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, GL56 9NQ -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications in regards to comments received from the Town Council and from the Batsford Estate (who owned the land adjoining the application site); reminded the Committee of the location of the site; and outlined the proposals. The Case Officer also informed the Committee of the Appeal lodged against the refusal, by the Committee, of a previous application at its April 2018 Meeting.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member reiterated her previous concerns regarding the site's location next to the A429 and explained that pedestrian access was not possible for 200 metres on the approach into the Town. Whilst accepting that the eight semi-detached properties and two flats proposed would be appealing to first-time buyers, the Ward Member explained that the safety of any potential residents of the site was of the greatest importance and the potential of developing on a brownfield site could not be weighed against the safety aspects. In conclusion, the Ward Member commented that for these reasons, she and the Town Council could not support the Officer's recommendation of approval.

In response to various questions from Members, it was reported that the legal dimension of requirements for a footpath was 1.8 metres in width and that in places, the verge adjacent to the application site was less than one metre; in granting outline permission, the only means of vehicular access had been determined and Highways Officers had stated on a number of occasions that a pedestrian link did not need to be provided, in full knowledge of accident numbers and average speeds travelled; the Planning Inspector would visit the site as a result of an appeal hearing; the land still retained the established use of a scrapyard; a reduction in the 60mph speed limit on the adjacent Fosseyway could only be implemented by the County Council; and whilst off-road parking and bicycle storage had been provided on site, there were no pavements linking the site to nearby pedestrian walkways.

A Member commented that if the Committee was minded to refuse the application, it would go to appeal and that the site would remain as a scrapyard, which was the site's established use. He also commented that whilst there was an unofficial path behind the trees adjacent to the highway, he was aware the landowners would not permit the use of this land for the installation of a footpath.

Various Members were of the opinion that the Committee should retain its view that it would be too dangerous for development to take place on the site with no requirements of the developer to provide pedestrian access; and expressed disappointment that, whilst having been invited, no Highway Officers were in attendance to respond to questions.

Another Member expressed the view that the land did not sit within the control of the Town Council, instead being in a neighbouring parish, whose representative had previously spoken at a Committee Meeting highlighting that they were keen to see development on the site but did not support a condition being attached.

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

The Ward Member was invited to address the Committee again, but stated she had no further comments to make.

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 14, against 0, abstentions 1, absent 0.

Note:

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

18/00051/FUL

Proposed erection of single dwelling at land at New Covert, Ewen -

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to a computer generated drawing of the proposed build for the site. The Case Officer displayed an aerial photograph of the site and photographs illustrating the entrance into the site and a Google street view showing the point of access.

A Member of the Parish Council 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 the application site was outside the village boundary and that three sides of the application site would adjoin other existing homes and properties; and therefore was most likely to be considered under emerging Local Plan Policy DS3. He added that development on the application site would open up another part of the village to development and that, as the site was also adjacent to a Grade 2 listed building and the AONB, it could be considered that the proposed building's design did not reflect any relation to the Cotswold vernacular. In conclusion, the Ward Member explained that, whilst the application would most likely have a positive social impact on the local economy, he had referred the application to the Committee as he considered the design of the building was of a special status.

In response to various questions from Members, it was reported that the building would be made entirely of sustainable materials and could, given its method of construction, be removed completely without significant impact; the woodland of the proposed location was a mix of conifers and other trees and part of the proposal was an enhancement of the woodland management and as part included a lighting mitigation scheme; any trees felled as a result of the build would be replaced within the site; the entire site was in the ownership of the Applicant and the application only sought the construction of one property; the

woodland was unprotected as previous consideration of the potential issuing of Tree Preservation Orders (TPOs) by the Council's Tree Officers had concluded the woodland did not merit formal protection; there was no legal distance to situate the property from overhead power lines, and the distance proposed was purely for maintenance reasons; and that the garage proposed within the application would be situated within a natural ground dip within the site.

The Planning and Development Team Leader advised the Committee regarding the consideration of the application under existing and emerging Planning Policies. He explained that determining the application under Policy DS3 would result in the Committee considering the application was situated within the village but, by comparison, determining under Policy DS4 would mean the Committee considered the application to be outside of the village, but then assessing the innovative design approach (as described by paragraph 55 of the NPPF).

A Member commented that he considered the application was of a stunning and innovative design, believed that the application would enhance the area and expressed the hope that further applications of a similar design would be presented to the Committee in the future.

Another Member stated that the three previous extant permissions for development on the site had been considered by the Committee not to require the creation of a shared foot and cycle path, but that the Committee considered the proposal for 10 smaller buildings warranted this condition.

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

A second Member expressed her view that it was important to understand the concerns of the Parish Council and that she considered the application was outside of the village boundary and, therefore, that it should be considered under Policy DS4. She added that the application would enhance and protect the woodland and that the building would integrate well against the neighbouring listed building.

The Ward Member was invited to address the Committee again and explained that he considered it correct that the Committee considered both Policies in determining the application. He added that permitted development rights were proposed to be removed in relation the application and that he considered it important for plans to submitted in regards to arboriculture and for relevant TPOs to be imposed in order for the woodland to retain its identity.

Approved, as recommended.

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

Note:

The application was assessed under Planning Policy DS4, Paragraph 55 of the National Planning Policy Framework (NPPF).

18/01267/FUL

Removal of a curving section of dwarf wall carrying railings and two stone gate piers, and the construction of a new dwarf wall and railings and a new

high stone wall with pedestrian gateway flanked by new stone gate piers (Retrospective) at Williamstrip Hall, Hatherop, Coln St Aldwyns -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications with regards to proposed plans omitted from the original papers, reminded the Committee of the location of the site, and outlined the proposals.

The Ward Member, who was serving on the Committee as a Substitute Member, was invited to address the Committee. The Ward Member explained that there had been a serious change to the site and whilst a large volume of effort had gone into the construction, and despite there being diverging views from local residents, he had requested the application to be brought to Committee to hear the reasons for the development from the Applicant. In conclusion, the Ward Member explained it was important for the Committee to compare the 'then and now' and explained that there were a number of issues arising from the development on the traditional estate village.

In response to various questions from Members, it was reported that the Applicant had been informed by Officers that any development would require consent, but Officers had not been informed that any construction would be taking place; the application had been brought to the Committee in order to hear the Applicant's reasons for the works; the application was considered by Officers to be unacceptable as the new entrance design had resulted in a loss of one of the original historic vehicular access to the site; the wall and railings were not considered 'in-keeping' with the site and the design was also uncharacteristic for the area; and whilst another entrance had recently been constructed to transfer the vehicular access from the original amended entrance, the construction had simply been of stone pillars and metal gates, both of which were considered suitable and 'in-keeping' by Officers.

Various Members commented that the Applicant was aware of the importance of the historic entrance and that the construction was not a suitable design for the site. Those Members also praised the Ward Member for bringing the application to the Committee.

The Officer explained that, should the application be refused, enforcement action would most likely take the form of a notice requiring the removal of the unauthorised works and re-instating the site to the condition it was in prior to the works being carried out.

A Member commented that the cost of these works would be at the risk of the Applicant and stated that if the design had been security related, requested that conversations should take place between the Applicant and Officers to find a suitable alternative.

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

A second Member expressed the view that the application could be considered differently if a site visit was undertaken.

A Further Proposition, that the application be deferred to enable a Sites Inspection Briefing, was duly Seconded.

Other Members commented that the application would require Listed Building Consent and enquired if an offence had already therefore been committed by

the Applicant. Those Members also requested that Officers take decisive action and thanked Officers for their responsiveness in relation to the application.

The Ward Member was invited to address the Committee again and expressed his disappointment that the Applicant was not present at the Meeting to provide reasons why the development had taken place without the necessary permission.

Refused, as recommended.

Record of Voting - for 15, against 0, abstentions 0, absent 0.

18/01268/LBC

Removal of a curving section of dwarf wall and two stone gate piers, and the construction of a new dwarf wall and railings and a new high stone wall with pedestrian gateway flanked by new stone gate piers (Retrospective) at Williamstrip Hall, Hatherop Road, Coln St Aldwyns -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications with regards to proposed plans omitted from the original papers, reminded the Committee of the location of the site, and outlined the proposals.

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

Refused, as recommended.

Record of Voting - for 15, against 0, abstentions 0, absent 0.

Note:

Members were advised that relevant enforcement action would now be pursued in accordance with the Scheme of Delegation, given that both the full and listed building consent applications relating to this site had been refused.

18/01313/FUL

Erection of two bedroom dwelling with amenity space at 40 Park Road, Blockley, Moreton-in-Marsh -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications with regards to additional comments received from a resident who had previously objected, and photographs of the application site submitted by the Ward Member. The Case Officer reminded the Committee of the location of the site, and outlined the proposals, displaying an aerial map and proposed plans of the application.

The Agent, on behalf of the Applicant, was then invited to address the Committee.

The Ward Member, who did not serve on the Committee, was then invited to address the Committee. The Ward Member explained that Park Road consisted of historic terraced cottages which made a positive contribution to the Blockley Conservation Area and were a designated heritage asset. She

explained that the road suffered from major traffic problems in relation to parking and that a 20mph speed limit had been introduced as a result of the parking issues. With reference to the application itself, the Ward Member explained that the application would contravene the guidelines as set out in Planning Policy 19 and would also be detrimental to the street scene, filling in historic gaps which provided views and the design format of the road. The Ward Member drew Members' attention to issues highlighted in the circulated report with regards to increased car usage and parking on the road and, in conclusion, explained that the photographs did not fully indicate the parking issues residents of the road had to endure.

In response to various questions from Members, it was reported that the Planning Inspector had considered a previous application for a side extension at the site, which Officers had refused; whilst the Appeal had been dismissed, in her Appeal decision the Inspector had indicated what would be acceptable, and this had resulted in an application for a three-storey side extension being permitted (by Officers); no comments had been received from the Parish Council; the previously permitted side extension would result in the application site becoming a three bedroom property; a two bedroom dwelling was now proposed, whilst number 40 would remain a two bedroom property; and that the application could be considered acceptable under Planning Policy DS2.

Various Members agreed with the Ward Member that parking was an issue in the area and stated that there was no logical reason to permit the application.

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

A Member commented that the proposed building would result in a new two bedroom property, which could be considered affordable, and that the parking arrangements were sufficient for the proposals. He also highlighted the difficulties of creating affordable housing in the village, owing to the fact the village was within and encircled by the AONB.

The Ward Member was invited to address the Committee again and commented that she was disappointed that the majority of Members had supported the Officer recommendation of Permit.

Approved, as recommended.

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

17/04706/FUL

Conversion and alterations of barn to form residential dwelling at barn to the rear of Porch Cottage, Little Rissington, Bourton-on-the-Water -

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 a map highlighting the surrounding AONB area to the application site and a Google virtual street view of the site.

The Agent, on behalf of the Applicant, was invited to address the Committee.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member explained that it was of vital importance for

the building to be saved as, if allowed to continue to deteriorate, there were fears the building could lose its Grade 2 listed status. The Ward Member informed the Committee that both roofs were currently in a poor state and that the building also featured corrugated asbestos from the 1950s. He also drew Members' attention to reference within the circulated report that the sinking of the front timber wall may have been the cause of the spread of the roof and he also made reference to NPPF Policy that 'great weight should be given to heritage conservation'. In conclusion, the Ward Member explained that no conversion would be permitted if the proposals involved any extensions and alterations to the building and that the proposals presented did not include any significant alterations - the most significant being the opening of a doorway.

In response to various questions from Members, it was reported that whilst Officers had been in consultation with the Agent, no further proposals had been presented; whilst there were no apparent structural problems with the building, the continuing lack of maintenance could result, in the opinion of Officers, in the building losing its Grade Listed status; with regards to converting to a residential property, it was considered the height of the roof trusses were too low and therefore the only option would be to lower the existing flooring; and that increasing the height of the door was considered unnecessary in respect of conservation considerations.

A Member commented that the risk of losing the historic interest of the building would be greatly increased by approving the application, and would cause substantial harm. She also highlighted that the barn was suffering from a lack of maintenance and did not have any urgent structural issues.

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

Various Members stated that they were sympathetic to the owners of the building, but highlighted that owning a listed building brought necessary responsibilities and restrictions. Those Members also explained that whilst some barns were suited to conversion, others were not, and highlighted that the key issue was that of the conversion needed to suit the barn and not the other way round.

Other Members expressed that the barn was no longer of any fit purpose and required another use to ensure its continued existence.

A Further Proposition, that this application be deferred to enable further consideration, was duly Seconded, but was later withdrawn.

A Member commented that refusal of the application did not stop the Agent returning with alternative designs, and expressed the view that deferring the item put Officers under unnecessary pressure, should the application then be taken to appeal.

A Further Proposition, that the application be deferred for a Sites Inspection Briefing with the Conservation Officer in attendance, was duly Seconded.

The Ward Member was invited to address the Committee again and explained that he understood the Applicant was born in the adjacent Porch Cottage and whilst the barn had originally been included within an active farmyard, it was now redundant and surrounded by other properties. The Ward Member also explained that the property was the most run-down property within the village and whilst the historic interest was accepted, a Sites Inspection Briefing would

highlight the urgency for action. In conclusion, the Ward Member explained the Applicant did not have the resources to preserve the building as it was and commented that the application provided a sensible solution for small-scale accommodation within the village.

On being put to the vote, the initial Proposition to refuse the application was LOST, with the Record of Voting being - for 3, against 7, abstentions 2, interest declared 1, absent 2.

Deferred for a Sites Inspection Briefing, with the attendance of all Members of the Committee (as an approved duty) and a Conservation Officer, to view the historic structure and consider the potential for conversion.

Record of Voting - for 10, against 0, abstentions 2, interest declared 1, absent 2.

17/04707/LBC

Conversion and alterations of barn to form residential dwelling at barn to the rear of Porch Cottage, Little Rissington, Bourton-on-the-Water -

Officers and Members had nothing further to add to their deliberations under the previous item.

Deferred for a Sites Inspection Briefing, with the attendance of all Members of the Committee (as an approved duty) and a Conservation Officer, to view the historic structure and consider the potential for conversion.

Record of Voting - for 10, against 0, abstentions 2, interest declared 1, absent 2.

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>18/00051/FUL</u>)	Cllr. Roger Petit (on behalf of the Parish Council)
)	Mr. D Mussell (Applicant)
<u>18/01313/FUL</u>)	Mr. J Collinge (Applicant)
<u>17/04706/FUL</u>)	Mr. A Pywell (Agent)
<u>17/04707/LBC</u>)	Mr. A Pywell (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.

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

Councillor Ray Theodoulou was invited to speak on applications 18/01267/FUL and 18/01268/LBC.

Councillor Mrs. SL Jepson was invited to speak on application 18/0313/FUL.

PL.24 SITES INSPECTION BRIEFINGS

1. Members for 1st August 2018

It was noted that all Members of the Committee, together with the Chairman, would represent the Committee at the Sites Inspection Briefing on Wednesday 1st August 2018.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.25 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 11.07 a.m. and 11.15 a.m., and closed at 12.20 p.m.

Chairman

(END)