

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

8TH AUGUST 2018

Present:

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

Councillors -

SI Andrews	David Fowles
AW Berry (until 12.50 p.m.)	SG Hirst
AR Brassington	RC Hughes
Sue Coakley (until 1.10 p.m.)	MGE MacKenzie-Charrington
Alison Coggins	Dilys Neill
PCB Coleman	LR Wilkins
RW Dutton	

PL.26 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor David Fowles declared a Disclosable Pecuniary Interest in respect of application [18/01674/FUL](#), because he received a rental from the building currently occupied by the Applicant. Accordingly, he left the Meeting while that item was being determined. Councillor Fowles also declared an 'Other' interest in respect of applications 17/04707/LBC and 17/04706/FUL as he was socially acquainted with the Agent; he left the Meeting while those items were being determined.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.27 SUBSTITUTION ARRANGEMENTS

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

PL.28 MINUTES

RESOLVED that, subject to the following amendments, the Minutes of the Meeting of the Committee held on 11th July 2018 be approved as a correct record:-

(i) the deletion of the number '100' and its substitution by the number '200' in the fourth line of the second paragraph of the preamble in relation to application 18/01869/FUL;

(ii) the deletion of the figures in the record of voting in relation to application 18/01869/FUL and their substitution by the record of voting 'for 14, against 0, abstentions 1, absent 0';

(iii) the insertion of the words ‘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’ after the fourth paragraph in the preamble in relation to application 18/01869/FUL.

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

PL.29 CHAIRMAN’S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.30 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.31 MEMBER QUESTIONS

No questions had been received from Members.

PL.32 PETITIONS

No petitions had been received.

PL.33 AMENDMENT TO LICENCE CONDITIONS FOR HOME BOARDING (DOGS)

The Committee was requested to consider an amendment to Condition 5.8.3 of the Council’s current Licence Conditions for the Home Boarding of Dogs under the Animal Boarding Establishments Act 1963.

The Licensing Officer amplified various aspects of the report. In response to various questions from Members, it was reported that all licensed premises would be inspected by Officers by 31st December 2018 and additional resources were being provided to ensure that this target would be met; all premises were inspected annually by Officers; there was a limit on the number of dogs which could be boarded, to ensure separation could be undertaken if required by the operators in regards to unlicensed premises; Officers could approach those at the address to ensure full compliance was sought; the Conditions stipulated that a person was considered a child up to the age of 16 years; and that the amendment was part of a national scheme to ensure universal agreement.

The Committee supported the proposed amendment.

RESOLVED that:

(a) Condition 5.8.3 of the Council’s Licence Conditions for Home Boarding (Dogs) be amended to read:

‘If any person aged under 16 years resides at the home there must be procedures in place to regulate the interactions between the dogs and that person.’;

(b) the amended Condition be applied to future applications for licences for Home Boarding (Dogs) under the Animal Boarding Establishments Act 1963.

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

PL.34 REVISION TO SCHEME OF DELEGATION

The Committee was requested to consider a recommended revision to the current Scheme of Delegation for the Planning and Licensing Committee.

The amendment related to the exercise of the Council's enforcement powers to prosecute or serve an official caution under the relevant planning, listed building, control of advertisement and tree legislation, and sought to provide a delegated mechanism to pursue proceedings in civil courts where appropriate.

The Principal Solicitor amplified various aspects of the report and responded to various questions from Members.

The Committee supported the proposed revision.

RESOLVED that the proposed revision to section 9.2 of the Scheme of Delegation be approved.

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

PL.35 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:-

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 -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and highlighted the comments received from the Council's Conservation Officer, with the recommendation to refuse the application. The Case Officer displayed an aerial map of the site, highlighting the nearby listed buildings, and photographs of the site from various vantage points.

The Agent, on behalf of the Applicant, was then 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 the Sites Inspection Briefing had highlighted to Members the poor condition and setting of the application site's building and explained that, having been originally built for cattle, the barn now saw little use. He explained that the roof, which was in a poor state of disrepair, had caused an overall effect on the barn's structure and could, in his view, eventually result in the barn being lost. The Ward Member drew attention to the proposed increase in elevation, shown in the Case Officer's presentation, and explained that he considered the increase in the height of some areas of the building to be notional. The Ward Member also drew attention to the modern bracing supporting the roof and explained that this was causing even more damage to the building and that the existing roof, constructed of 1950s corrugated metal, also featured asbestos sheeting. He highlighted that the neighbouring Brushwood Barn's roof had been replaced with Cotswold stone and that this was considered much more in keeping with the area and, in conclusion, explained that he considered it 'incongruous' that development of the neighbouring Brushwood Barn had been supported but not in the case of this application.

In response to various questions from Members, it was reported that the flood fall was away from the property, but that a condition could be imposed relating to surface water drainage if considered necessary; there was no average size of property for holiday let use, but for a barn conversion the size was 72 metres squared for the ground floor and 90 metres squared for a second floor; in the view of Conservation Officers the impact on the existing roof beams, following an increase in roof height, would be considerable and any disassembly and other movement would most likely cause splitting; Officers considered there would be considerable harm caused by any changes or modifications to the building; use of the building for holiday lets would put less pressure on the building as it was considered the standard would not be required to be as high as a permanent residential building; Officers were happy to work with the developer to find a less intensive scheme of development at the site; and investigations by Officers had highlighted there were no structural problems with the roof at present.

Various Members expressed support for the Officer recommendation of refusal and drew attention to Heritage England's view that, as the barn was listed in its own right, there was a requirement for the work to have regard to the current

state of the building and not to rectify the 'passages of time'. Those Members also expressed their support for the possible conversion of the barn but stressed that the potential benefits from the current application would be outweighed by the harm caused.

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

Other Members expressed support for the application, explaining that Section 16 of the National Planning Policy Framework (NPPF) supported redundant buildings being put to viable use.

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

The Ward Member was invited to address the Committee again, but explained he had no further comments he wished to make on the application.

On being put to the vote, the initial Proposition to refuse the application was LOST. The Record of Voting in respect of that Proposition was - for 6, against 7, abstentions 1, absent 1.

Approved, subject to with conditions to be applied by the Case Officer relating to detailed design issues and car parking.

Record of Voting - for 7, against 6, abstentions 1, absent 1.

Note:

The decision was contrary to the Officer Recommendation as the Committee concluded that, whilst less than substantial harm would be caused to the building as a result of the conversion works, there was public benefit in bringing the building back into a viable use and that this public benefit outweighed the harm identified.

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 Development Manager outlined the application and the Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Case Officer also displayed an aerial map of the site, highlighting the nearby listed buildings, and showed photographs of the site from various vantage points.

The Agent, who had spoken in regards to both applications during the debate on the previous application, explained that she had no further comments to make in regards to this application.

The Ward Member, who served on the Committee and who had also spoken in regards to both applications during the debate of the previous application, explained he had no further comments to make in regards to the application.

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

Approved, subject to conditions to be applied by the Case Officer, relating to detailed design issues and car parking.

Record of Voting - for 7, against 6, abstentions 1, absent 1.

Note:

The decision was contrary to the Officer Recommendation as the Committee concluded that, whilst less than substantial harm would be caused to the building as a result of the conversion works, there was public benefit in bringing the building back into a viable use and that this public benefit outweighed the harm identified.

18/01635/FUL

Erection of new 4 bedroom detached dwelling with detached garage at land to the front of 1 Moorgate, Downington, Lechlade -

The Case Officer displayed plans of the application site, including a site map and the relationship of the application site to nearby listed buildings. The Case Officer also displayed a ground floor plan, front and side elevations, photos from various vantage points and a Google virtual street view of the site.

The Committee Officer then read out comments submitted on behalf of Lechlade Town Council.

The Applicant was then invited to address the Committee.

The Ward Members, who both served on the Committee, were then invited to address the Committee. One Ward Member explained that the application site was not a left-over plot of land from a previous development at the site but had been deliberately left-over to ensure a green space to the listed properties neighbouring the site. She added that the previous owners had ensured that Number One Moorgate was not clearly visible from the highway, and the site was in a key part of the conservation area. The Ward Member explained that, in addition to the application gaining no support from either the Parish Council or the community, the site was also never intended for development. The other Ward Member added that development of the plot was a subjective judgement and that the scale and harm from the proposals of the application, weighed up against the benefits, needed to be kept in mind when making any decision. He concluded by urging that if Members were in any doubt about the site, then a Sites Inspection Briefing should be undertaken.

In response to various questions from Members, it was reported that no records had been found clearly highlighting that the site was to be kept vacant and that, as such, it was still to be considered a private garden to Number One Moorgate as it was not a community space for children to access for example; the site did not provide a view in and out of the conservation area, only to the neighbouring property; the Lechlade Neighbourhood Plan did form part of the Development Plan; the Applicant intended to retain all hedges and trees on the site; and that the previous application submitted featured a design not suitable for the site.

A Member expressed his support for the views expressed by the Ward Members, and consequent refusal of the application. He explained that the application site had been deliberately left vacant to 'hide' the 1980s development which had taken place behind the site and that, in his view, by

constructing on the application site, this would only lead to a significant piece of land becoming developed in the town.

Another Member commented that he supported the Officer recommendation of approval. He commented that if the site was intended to be left vacant as a green space, the previous developer would have 'allocated' the site to the Parish Council for the community's benefit. He explained that the hedges surrounding the site were of a height that could not provide a view into the application site and that the application design as submitted conformed to the Cotswold design code.

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

Other Members considered that a Sites Inspection Briefing should be undertaken as they believed that any development on the site would affect the space between two heritage assets within the town and that the application appeared to conflict with the Neighbourhood Plan.

A Further Proposition, that a Sites Inspection Briefing be undertaken, was duly Seconded.

The Ward Members were invited to address the Committee again and explained that the proposals would obscure current views and, as the site was a private garden, there were limited conditions that could be applied to the site. One Ward Member explained she accepted that, with hindsight, the space should have been given to the community, but that the previous development had taken place around 30 years' ago with the intention to be 'camouflaged' by the green space around the application site. The second Ward Member reiterated his earlier comments in regards to the application being a balancing up of harm to heritage assets and of public benefit, and reminded the Committee of the potential benefits of a Sites Inspection Briefing.

Approved, as recommended.

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

18/01708/FUL

Change of use of dwelling (C3) to guest house (C1) and associated works at Merryweathers, 6 Ebrington, Chipping Campden -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, outlined the application, and displayed photos of the site from various points of view and a Google virtual street view of the site.

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

The Committee Officer read out comments on behalf of the Ward Member, who did not serve on the Committee and was unable to attend the Meeting. The Ward Member had explained that the application had caused great concern and worry within the village, highlighted concerns from the Parish Council, and expressed great disappointment that the Highways Officers had not raised any objections to the development. The Ward Member explained that the proposed

B&B, with 6 to 7 sleeping rooms, was unacceptable as the road to the site was very narrow with no pavement on either side. She also expressed concern that the road was used for children to access the nearby school, and parking concerns within the village were leading many residents to believe that an accident would soon occur. In conclusion, the Ward Member expressed the view that the application did not fully demonstrate the Applicant's intentions for the site and urged the Committee to consider undertaking a Sites Inspection Briefing to understand nearby residents' concerns, despite no objection being raised by the Highways Officer.

In response to various questions from Members, it was reported that despite intentions to use the site for a B&B business, the house could be used as a House in Multiple Occupation (HIMO) without the need for planning permission; up to six unrelated individuals could reside in the property and all could own their own car; this represented a material consideration when determining the application; the installation of UPVC windows did not require permission as they could be installed under the property's existing permitted development rights; GCC Highways was a statutory consultee and provided professional advice on highway-related matters; the Council's building control team would be responsible for ensuring adequate fire exits within the building; and that the tree outside of the application building could be removed, but the Applicant would first have to apply for tree works within the conservation area.

The Committee was also reminded of a proposal for 7 dwellings in Stow-on-the-Wold, with no on-site parking, which had been refused contrary to the advice of GCC Highways but had subsequently been allowed at appeal.

A Member commented that he was against the Officer recommendation of approval as the proposals were, in his view, out of keeping with the surrounding area, in addition to concerns he had regarding over-development of the site and over-intensification of the building.

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

Another Member explained that the Council did not have any powers to remove the UPVC windows and, as the property was of a large size already, there was the potential for there to be more cars than mentioned if the building was used only residentially. The Member also commented that there were no grounds on which to refuse the application.

Various Members explained that whilst they could not support refusal, they considered a Sites Inspection Briefing would be beneficial to further examine the proposals for the site.

A Further Proposition, that a Sites Inspection Briefing be undertaken, was duly Seconded.

The Case Officer informed the Committee that a Sites Inspection Briefing would not accurately portray the parking concerns raised in the objections to the application site proposal; and the Development Manager reminded the Committee that there was no requirement of any development to provide parking on site.

Refused, for reasons relating to over-development and over-intensification of the site, lack of on-site parking leading to additional on-street parking along a narrow section of road.

Record of Voting - for 9, against 4, abstentions 2, absent 0.

Note:

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

18/02070/FUL

Erection of single dwelling house, detached garage and associated works, formation of new access and erection of a garage to serve Windy Ridge (amendments to size and design of dwelling approved under permission 16/03900/FUL) at Windy Ridge, Station Road, Stow-on-the-Wold -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, displayed photos of the site from various points of view, and outlined the application.

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 then invited to address the Committee. The Ward Member highlighted the objections to the application contained within the circulated report and explained that the neighbours had not expected the height of construction that had taken place. The Ward Member also drew attention to the fact that the Applicant had removed all trees from the site, which she felt had created a view for himself, but conversely had resulted in the property being clearly visible from the public right of way; and concluded that the many applications put forward by the Applicant had left many neighbours being overlooked by the Applicant's property.

In response to various questions from Members, it was reported that a condition could be imposed by the Committee in relation to landscaping if considered necessary; there were no planning reasons to refuse the application, despite the number of complaints; the trees had been removed from the site in 2015 prior to any application and following an inspection by the Council's Tree Officer, which had highlighted only one sycamore worthy of protection; the southern gable window highlighted by the Objectors did not look directly into any habitable rooms of Four Gables and, whilst it looked towards the conservatory to the rear of the aforementioned property, it was situated approximately 30 metres from the aforementioned structure and was therefore in excess of the minimum 22 metres distance set out in the Cotswold Design Code.

A Member commented that the reason the property stood out currently was owing to the new stone used in the construction when compared to neighbouring properties. He also commented that he supported the Officer recommendation of approval, provided a condition was attached regarding the landscaping of the site.

A Proposition, that this application be approved as recommended subject to the addition of a landscape condition, was duly Seconded.

The Ward Member was invited to address the Committee again and reiterated her earlier comments that the main reason for the objections was the approach in which the Applicant had carried out the works and that the application should not have been dealt with retrospectively. She concluded that the trees and windows had also caused ill-feeling between the Applicant and the neighbours.

Approved, as recommended.

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

18/01674/FUL

Erection of a single-storey café building at Priory Court, Poulton -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, namely two further objections and a letter from the Agent; displayed photographs from various points and an aerial map of the site; and outlined the application.

A Member of the Parish Council and the Agent were 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 the Applicant had designed the building to service the needs of Poulton Priory but explained that he considered the design of property not to be in keeping with the Park site. The Ward Member added that the site was highly visible from the village and that the re-presented Application only involved the same building being moved within the site. He highlighted that the Parish Council and residents had no objection to the installation of the café, but there was a need to build in an appropriate structure which was suitable to the exposed location. In conclusion, the Ward Member highlighted the view that the proposals were out of keeping with the location and urged the Committee to refuse the application to enable the Applicant to return with a more suitable design.

In response to various questions from Members, it was reported that if the building contained a pitched roof this would not be considered by Officers to be in-keeping with the Cotswold vernacular; the opening hours of the café would be from 7 a.m. to 6 p.m. Monday to Friday and there was no restriction of the use of the café being solely to workers from the Priory; and whilst the Ward Member had objected to the application in regards to views, the Case Officer did not consider that the application would cause any harm to viewpoints from the village.

A Member commented that the application presented a good opportunity to exercise a different design within the area, and that the application would solve current problems regarding the village shop, which was to close by the end of 2018.

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

Approved, as recommended.

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

18/01332/FUL

Reconstruction of boundary retaining wall off new foundations at St Thomas Church, Todenham -

The Case Officer displayed plans of the application site, an aerial map and photographs of the site from various vantage points, and outlined the application.

A Member of the Parish Council was then invited to address the Committee.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member informed the Committee that the church dated from the 14th century and the adjacent Grade 2 Listed Forge dated from the 17th century but had remained unused since 1964. The Ward Member explained that the Forge had been purchased by a Todenham resident to convert into a holiday home but, owing to personal circumstances, any development on the site had been halted. He explained that the church wall had collapsed and had only been supported by the Forge wall but that, whilst an eyesore, no action could be taken as access permission through the Forge was required from the Forge's owner. The Ward Member stated that rebuilding the church wall was in everyone's interest though the craning in of equipment over graves within the churchyard would be a costly and time-consuming process. He added that pile-driving on the site would cause the wall to collapse further and there was a need to also consider the impact to the Listed Forge. The Ward Member concluded that there was a need to pay significant attention to preserving the conservation area, but that it was important to safeguard the village if the application was not permitted. In conclusion, the Ward Member expressed that it was in everyone's interest that the church wall was rebuilt but that he wished the Committee to consider voting against the application, to enable a way forward to be found to work on the wall from the side, resulting in there being no need to access through the Forge itself.

In response to various questions from Members, it was reported that the site had last been inspected by the Council's Building Control Team in August 2017 and whilst designated a dangerous structure, there was no immediate danger posed to members of the public as the area was fenced off; the two options for the site were either for the Council to serve notice on the owner of the Forge requiring its demolition or for the Council to use its emergency powers to demolish; the Committee should only consider the application before them and not seek to remedy the issues associated with the forge building as part of the planning application; it was believed by Officers that costs for the re-building of the wall would be claimed on the church's insurance; and whilst the wall could be repaired without removing the Forge, it would be likely to be a slower and more expensive option, in the view of Officers.

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

Approved, as recommended.

Record of Voting - for 10, against 1, abstentions 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>17/04707/LBC</u>	)	Ms. F Martin (Agent)
<u>17/04706/FUL</u>	)	Ms. F Martin (Agent)
<u>18/01635/FUL</u>	)	Mrs. C Campbell (Applicant)
<u>18/01708/FUL</u>	)	Cllr. H Elison (on behalf of the Parish Council)
	)	Mr. J Draper (Objector)
<u>18/02070/FUL</u>	)	Cllr. P Day (on behalf of the Town Council)
	)	Mrs. S Jones (Objector)
	)	Mr. D Morris (Applicant)
<u>18/01674/FUL</u>	)	Cllr. C Davies (on behalf of the Parish Council)
	)	Ms. C Smart (Agent)
<u>18/01332/FUL</u>	)	Cllr. E Ayres (on behalf of the Parish Council)

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.36 SITES INSPECTION BRIEFINGS

1. Members for 5th September 2018

No applications were deferred for Sites Inspection Briefings.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.37 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 9.55 a.m. and 10.05 a.m., again between 11.00 a.m. and 11.07 a.m., and closed at 1.35 p.m.

Chairman

(END)