

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

13TH FEBRUARY 2019

Present:

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

Councillors -

SI Andrews	David Fowles
AR Brassington	RC Hughes
Sue Coakley	Mrs. SL Jepson
Alison Coggins	LR Wilkins
RW Dutton	

Substitutes:

M Harris	TL Stevenson
Maggie Heaven	

Observers:

Jenny Forde (from 9.30 a.m. until 10.50 a.m.)	RG Keeling (from 9.45 a.m. until 11.10 a.m.)
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Apologies:

PCB Coleman	MGE MacKenzie-Charrington
SG Hirst	Dilys Neill

PL.98 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor Fowles declared an 'other' interest in respect of application 18/03670/FUL, as he was acquainted with the Applicant - they having previously resided within his Ward.

Councillor Fowles declared an interest in respect of application 18/03461/ADV, as he was acquainted with the Applicant and left the room while the item was being determined. Councillor Fowles had also previously agreed with the Chairman of the Committee, that the Chairman would act as the Ward Member for this item.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.99 SUBSTITUTION ARRANGEMENTS

Councillor Maggie Heaven substituted for Councillor MGE MacKenzie-Charrington.

Councillor M Harris substituted for Councillor Dilys Neill.

Councillor TL Stevenson substituted for Councillor SG Hirst.

PL.100 MINUTES

RESOLVED that the Minutes of the Meeting of the Committee held on 9th January 2019 be approved as a correct record.

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

PL.101 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.102 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.103 MEMBER QUESTIONS

No questions had been received from Members.

PL.104 PETITIONS

No petitions had been received.

PL.105 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:-

18/03670/FUL

Erection of a detached dwelling, formation of access and associated works at 4 Chavenage Lane, Tetbury, GL8 8JW -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Case Officer displayed an aerial map of the site, proposed plans and photographs of the site from the nearby highway.

The Agent 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 she had referred the item to the Committee for determination as she neither agreed nor disagreed with the Officer recommendation, but wished the decision to be made openly and transparently. She explained that the footpath which ran parallel to the site was very narrow, though had the potential to be increased in width if the boundary hedge on the site was removed. The Ward Member also highlighted that the footpath was regularly used owing to the site's close proximity to the recreational ground and the number of recent developments close to the site. She added that whilst not wanting to appear insensitive to the Applicants, their personal circumstances were not a planning issue; and concluded that the Committee needed to consider the linear aspect of 'garden-grabbing' and the non-reversible nature of the application's proposals.

In response to various questions from Members, it was reported that a Member had contacted the Case Officer regarding the possibility of a Sites Inspection Briefing at the site and that a decision regarding whether to undertake a visit was down to the Committee but, in the view of Officers, there was no reason why a decision could not be made on the application at the Meeting; Highway Officers had raised no objection to the proposals but, as there had been concerns locally, a speed survey had been undertaken and the results were produced within the Meeting Schedule; whilst the proposed access was located close to a junction, the road was within a 30mph limit and the property at number 4 had no provision for parking; Officers were satisfied that the access provided would be safe; the boundary wall at the property was a consistent height and that the Council's Conservation Officer did not consider its removal to be a problem; a 45 degree display would be provided to assist with visibility for vehicles when leaving the site; there were no known listed buildings within the vicinity; and the personal circumstances of an Applicant could be taken into account when determining the application providing the proposals would not be of a permanent nature.

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

A Member commented that, in his view, it was clear from the Officer's report that whilst the site was located within a conservation area, there was a mix of housing types in the area and that the proposals presented were perfectly reasonable and therefore a Sites Inspection Briefing would not be required.

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

The Ward Member was invited to address the Committee again. The Ward Member reiterated her earlier comments regarding the need to assess the linear aspect of the application and commented that there had been ongoing developments within the surrounding area which featured a mix of housing types.

On being put to the vote, the initial Proposition to defer the application to enable a Sites Inspection Briefing to be undertaken was LOST, with the Record of Voting being - for 2, against 11, abstentions 1, absent 1.

Approved, as recommended.

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

19/00087/FUL

Change of use to a mixed use as emergency homeless accommodation (sui-generis) and a House in Multiple Occupation (Class C4) at 22-24 Ashcroft Road, Cirencester, GL7 1QX -

The Case Officer displayed plans of the application site and photographs of the site from various vantage points.

A Member commented that he agreed with the Officer recommendation of approval and explained that support for the application was straight-forward in that it helped to support the homeless within the District; and had only been presented to the Committee as the property was Council-owned.

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

Approved, as recommended.

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

18/03534/FUL

Change of use of land and buildings from agricultural to a commercial equestrian use and conversion of barns to stables, dormitory, staff room, stores, horse walker and all-weather gallops at Ravenswell Farm, Harnham Lane, Withington, GL54 4DD -

At this juncture, the Vice-Chairman took the Chair as the item had been referred to the Committee by the Chairman as the Ward Member.

The Case Officer drew attention to photographs submitted by the Applicant since publication of the Schedule of Planning Applications. The Case Officer displayed a site map, aerial photograph, a proposed site plan and photographs of the site from various vantage points.

A representative from the Parish Council, an Objector, a Supporter and the Agent were then invited to address the Committee.

A Member, whose Ward adjoined the application site, was then invited to address the Committee. The Member explained that she considered that there was wide support for the development of the rural business to which the application was linked, and that those who had objected were not against the application through 'nimbyism' but simply because they felt protective of their surroundings and their villages. She added that the roads surrounding the application site were old and narrow, with high neighbouring hedges and, in her view, Highways Officers had not represented fully the difficulties of the lanes; although she acknowledged that the Council should not readily ignore statutory consultee advice and did so at its own peril.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member explained that he had brought the application to the Committee to ensure an open and transparent decision on the application and informed the Committee that Shipton Oliffe Parish Council strongly supported the application. He added that the Highways Officer had no objection to the proposals subject to parking being provided within the site, and that he understood from the Applicant that the horse boxes that would be using the lanes were of a smaller-than-standard type. The Ward Member continued that the Applicant was well-respected within the industry and that he had, through his own work, requested that all vehicles accessing the site would do so from the A40; thus avoiding the villages of Compton Abdale and Withington entirely. He concluded that the current agricultural contracting business that was based at the site would soon be vacating and that, on balance, the application was acceptable and would help to boost the local economy.

In response to various questions from Members, it was reported that the access route provided by the Applicant did avoid both villages but had not been conditioned as the current access route was acceptable and it would be unreasonable to warrant a condition, though an informative could be added in regard to this; the fall-back of current vehicle movements was 94 trips per day of vehicles up to 32 tonnes; there were six members of staff living permanently on the site, with a further 12 working at the site on a daily basis; all horses would be based on the site; the removal of railings on the public footpath had arisen following a suggestion by the Council's Landscape Officer owing to the railing's visual impact, though the Case Officer had consulted with the Public Rights of Way Officer at the County Council and consequent signing would be erected highlighting the nearby gallop; data provided by the Agent would suggest there would be less car traffic using the site and that upon visiting, the Case Officer had not seen any vehicle movements in or out of the site and, using the route suggested by the Applicant, vehicles would avoid passing a nearby school.

A Member commented that the application was one the Committee should be supporting and that he wished to commend the Applicant on his work to eradicate any potential traffic concerns in addition to his attempts at self-sufficiency on the site, which would also reduce necessary traffic movements.

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

Another Member highlighted the clear support for the business from the nearby communities and explained that there were understandable concerns from nearby residents regarding potential traffic issues. The Member also drew

attention to the large potential permitted vehicle usage of the lanes and explained that the proposals contained within the application were excellent and a much more beneficial solution.

Various Members also expressed their support for the application and Proposition. Those Members highlighted that the National Hunt was a winter sport and therefore traffic in mid-summer should be reduced and that they hoped the application would help to minimise impact for all parties concerned.

The Member whose Ward contained part of the application site was then invited to address the Committee again. The Member explained that objections had not been raised to the development of the business but to the possible vehicle use impact and that the route suggested by the Applicant would help to mitigate these concerns.

The Ward Member was invited to address the Committee again. The Ward Member explained that the application was one of great merit and would bring much into the local community without interfering with local people's lives.

Approved, as recommended.

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

Note:

(i) Members suggested that an informative be added encouraging the Applicant to use the proposed traffic route. The Development Manager outlined a form of wording to the effect that the Applicant should use his best endeavours to ensure all users of the site use the proposed route as suggested by the Applicant. In voting to support the application, Members gave Officers delegated authority to add the informative.

(ii) The Committee wished to commend the Case Officer on the quality of the report presented.

18/04324/FUL

Demolition of existing garage and construction of a two storey extension at Apple Tree Cottage, The Butts, Poulton, Cirencester, GL7 5HY -

The Case Officer drew attention to the extra representations received since the publication of the Schedule of Planning Applications. The Case Officer informed the Committee that the Officer recommendation had now been changed to one of permit, following receipt of the additional information which was considered to be a material consideration. The Case Officer the displayed a site location plan, existing and proposed block plans and elevations of the site.

A representative from the Parish Council, a Supporter and the Applicant were 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 Officer recommendation had been changed to one of permit following the submission of photographs and evidence by the Applicant, in addition to support being expressed from various residents, the Parish Council and a local GP. The Ward Member added

that following the Case Officer's amended recommendation to now permit the application, he had undertaken consultation with the Planning and Development Manager and Chairman of the Committee, and that he had been advised that the application would still be required to be presented at the Committee Meeting. The Ward Member concluded by expressing his apologies to the Applicants for the delay in regard to this application and articulated that in light of the additional information submitted (which was considered to be a material consideration), he hoped the Committee would support the application.

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

A Member commented that whilst she fully supported the approval of the application, she considered that the original reasons for refusal as recommended previously by the Case Officer were not unreasonable and that it was now a material consideration that outweighed the reasons for refusal. She added that the application was a necessity which warranted the Committee's approval and that approval of this application should not set a precedent for future similar applications.

The Planning and Development Manager informed the Committee that the application highlighted a nation-wide social issue and that it was likely similar applications would be presented in the future as the issue became more widespread.

Another Member drew attention to the fact the Council's Local Plan made reference to the 'likely' need for similar accommodation being required in the District in the future. The Member stated that there was no doubt that accommodation such as that included in this application would be needed increasingly in the future and expressed his support for approval of the application.

The Ward Member was invited to address the Committee again. The Ward Member commented that he had originally been apprehensive of the application and that he appreciated the Case Officer's work to amend the recommendation to one of approval. He added that whilst he appreciated the reasons that had been raised in the debate, the proposals, in his view, would be small in scale in comparison to extensions which had been approved and built at a neighbouring property and also wished to thank the Officer for her careful consideration of some confidential papers that had been submitted concerning the Applicant and her family.

Approved, as recommended.

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

18/03461/ADV

Erection of 2 entrance signs (retrospective) at Poulton Hill Vineyard, Poulton Hill Farm, Poulton, GL7 5JA -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and informed the Committee that page 61 of the Schedule of Applications had been inadvertently omitted from the original papers for the Meeting, but had been included in the extra representations. The Case Officer displayed a site location plan, block plan and photographs of the site from various vantage points.

In response to various questions from Members, it was reported that there were some design changes to what had originally been approved but that, largely, the signs were of a similar design and form; Officers accepted the designs were modest but, in consultation with the Council's Landscape Officer, it had been considered that the site lay in rural isolation and the retention of the two signs presented a clutter to the road verge; the Parish Council had not commented on the application; and if the Committee was minded to approve the application, it would result in both signs being kept at the site.

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

A Member commented that the application should be refused as permission had originally only been granted for one sign. She added that approving the two signs could also set a precedent for future applications.

Another Member expressed her disappointment that no comments had been received from the Parish Council and drew attention to the limited potential of advertising and passing trade that could be gained from the signs given modern day advertising online and in various publications. She also added that the Committee should support Officers in managing effective adverts.

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

Upon being put to the vote, the original Proposition was CARRIED.

Approved.

Record of Voting - for 7, against 4, abstentions 2, absent 1.

Note:

This decision was contrary to the Officer's recommendation for the reasons outlined above; and primarily as the Committee considered there to be no harm arising from approval of the application.

18/04146/FUL

Relocate access, demolition of existing garage and erection of car port at 24 Chester Crescent, Cirencester, GL7 1HE -

The Case Officer drew attention to the corrections to the Officer report since publication of the Schedule of Planning Applications. The Case Officer displayed an aerial view of the site, existing site location and block plans, existing and proposed floor plans, existing and proposed elevations and photographs of the site from various vantage points.

The Applicant was then invited to address the Committee.

The Committee Officer then read out comments submitted by the Ward Member. The Ward Member expressed his concern regarding the on-street parking issues faced by residents in Chester Street and that he considered the solution provided by the Applicant was both suitable for the site and would help to contribute to relieving some parking demand in the area. He added that he did not agree with the Conservation Officer's view that the application sufficiently harmed the conservation area and he considered that the existing

wall made a neutral contribution to the street scene and was therefore insignificant. The Ward Member also explained that if the wall was removed, then a degree of harm would be caused, but highlighted that the intentions of the Applicants were to rebuild and relocate the wall which, at present, was in poor repair and required urgent attention. He continued that the relocation of the wall meant that no parking provision was lost on the street whilst also removing two cars from parking on the road and informed the Committee that turning right out of Chester Crescent was already difficult as vehicles often parked right up to the junction, obscuring the view – this issue being eradicated if the application was approved. The Ward Member concluded that the Council had a duty to protect the Cotswolds but that this requirement had to be weighed against the realities and practicalities of modern life and therefore urged the Committee to support the application.

In response to various questions from Members it was reported that the proposals did include the reinstatement of the current stone featured in the existing wall; whilst there was a large mix of housing in Chester Street, Officers considered the historic element to have greater merit than some later additions; the Applicants would be required to retain the current height of the wall; and whilst a survey had not been undertaken to determine if removal of the wall was required, Officers considered that some repair work was required.

A Member commented that he agreed with the comments made by the Ward Member and that the proposals would result in the Cotswold wall being retained, albeit it relocated slightly. He added that the application would also help to provide two parking spaces that were desperately needed and considered that the Committee should support the application.

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

Another Member expressed concern that the Committee had to be mindful not to use any permission previously granted in exceptional circumstances as a reason to allow other development, explaining the main reasons for approval would be the provision of much needed parking and not for the design merits of the application. She also informed the Committee that the Council had to be mindful not to lose many historic aspects for the District through smaller applications that were considered 'necessary'.

Approved, subject to conditions to be specified by the Planning and Development Manager.

Record of Voting - for 10, against 3, abstentions 1, absent 1.

Note:

This decision was contrary to the Officer's recommendation for the reasons outlined above, and primarily as the Committee considered that the proposals did not result in harm to the conservation area; but subject to agreement of the stonework and finish.

19/00025/TPO

T32 London Plane: Prune back to previous crown reduction pruning cuts, and up to 500mm beyond if decay is found, into sound wood a Abbey Grounds, Dugdale Road, Cirencester -

The Case Officer informed the Committee that she had no updates to present in relation to the item and explained that the application had been brought to the Committee owing to subsidence caused by the tree to nearby properties, necessitating pruning work every two years.

The Ward Member explained that he had no comment to make on the application.

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

Approved.

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

19/00254/TPO

Fell T30 (Red Horse Chestnut) due to decay at Beeches Car Park, Beeches Road, Cirencester -

The Case Officer informed the Committee that she had no updates to present in relation to the item and explained that the application had been brought to the Committee owing to the decaying of the tree and the subsequent necessary felling.

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

Approved.

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

Notes:

(i) Additional Representations

Lists setting out details of additional representations received since the Schedule of planning applications had been prepared were considered in conjunction with the related planning applications.

(ii) Public Speaking

Public speaking took place as follows:-

<u>18/03670/FUL</u>	)	Mr. R Cosker (Agent)
<u>19/00087/FUL</u>	)	Cllr. A Peek (on behalf of the
	)	Parish Council)
	)	Mr. J Griffin (Agent)

<u>17/05212/LBC</u>	)	Cllr. G Webb (on behalf of the Parish Council)
	)	Cllr. K Jordan (Objector - on behalf of the Parish Council)
	)	Mr. F O'Brien (Supporter)
	)	Mr. P Hall (Agent)
<u>18/04324/FUL</u>	)	Cllr. C Davies (on behalf of the Parish Council)
	)	Ms. J Harnsworth (Supporter)
	)	Mrs. C Slight (Applicant)
<u>18/04146/FUL</u>	)	Mr. P Chadwick (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.

PL.106 SITES INSPECTION BRIEFINGS

1. Members for 6th March 2019

It was noted that Councillors AR Brassington, David Fowles, SG Hirst, Jenny Forde (substituting for Juliet Layton) and RL Hughes would represent the Committee at the Sites Inspection Briefing on 6th March 2019.

2. Advance Sites Inspection Briefings

Following the cancellation of the Sites Inspection Briefing originally scheduled for Wednesday 6th February 2019, it was noted that the Sites Inspection Briefing on 6th March 2019 would now include the following applications:-

18/02796/FUL - New dwelling at Land at Hill View, Church Road, Icomb - The planning application and supporting information sought to meet the requirements of Paragraph 79e of the NPPF, which stated: *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; (c) the development would re-use redundant or disused buildings and enhance its immediate setting; (d) the development would involve the subdivision of an existing residential dwelling; or (e) the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.* A site inspection was considered necessary to understand the immediate setting and the defining characteristics of the local area.

18/01756/OUT - Erection of two detached dwellings at Land Parcel to the South of Windrush Edge, Marshmouth Lane, Bourton-on-the-Water - The site was located outside of the development boundary of Bourton-on-the-Water and, therefore, the proposals for the construction of two detached dwellings were

contrary to Policy DS4 of the Local Plan. However, Officers considered that the material benefits of the scheme outweighed the policy conflict in this instance.

The Planning and Development Manager informed the Committee of a further proposed site visit the Committee could decide to visit. This was in regard to application 17/04151/FUL - Land Parcel at Upper Rissington, GL54 2NP - Variation of Condition 1 of reserved matters permission 12/03810/REM dated 23/01/2013 to provide detailed plans and sections of open space provision and to provide amended plans for hard surfacing and planting. A visit could assist Members in their assessment of the need for a vehicular access to the allotments, the suitability of the access route proposed and the impact on the ecological value of the site.

On being put to the vote, it was AGREED that a Panel Sites Inspection Briefing be undertaken in regard to application 17/04151/FUL, with the Record of Voting being - for 9, against 5, abstentions 0, absent 1.

PL.107 LICENSING SUB-COMMITTEES

1. Members for 20th March 2019

It was noted that Councillors Alison Coggins, Dilys Neill, RC Hughes, RL Hughes and MGE MacKenzie-Charrington would represent the Committee at the Licensing Sub-Committee meeting on 20th March 2019.

2. Advance Licensing Sub-Committees

No advance Licensing Sub-Committee meetings had been notified.

PL.108 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 10.50 a.m. and 11.04 a.m., and closed at 12.22 p.m.

Chairman

(END)