

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

12<sup>TH</sup> JUNE 2019

Present:

|                            |   |               |
|----------------------------|---|---------------|
| Councillor Juliet Layton   | - | Chairman      |
| Councillor Ray Brassington | - | Vice-Chairman |

Councillors -

|                 |                                |
|-----------------|--------------------------------|
| Tony Berry      | Julia Judd                     |
| Patrick Coleman | Richard Keeling                |
| Stephen Hirst   | Dilys Neill                    |
| Roly Hughes     | Gary Selwyn (until 12.25 p.m.) |
| Nikki Ind       | Steve Trotter                  |
| Sue Jepson      | Clive Webster                  |

Substitutes:

Rachel Coxcoon (until 1.15 p.m.)

Observers:

|                 |              |
|-----------------|--------------|
| Stephen Andrews | Julian Beale |
|-----------------|--------------|

Apologies:

Claire Bloomer

PL.5 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor Brassington declared an interest in respect of application 19/01115/OUT, as he socialised with the Agent. He left the room while the application was being determined.

Councillor Berry declared an interest in respect of application 18/02520/FUL, as he was a friend of the Objector. He left the room while the application was being determined.

Councillor Hirst declared an interest in respect of application 19/00086/OUT, as he was a Member of Gloucestershire County Council who was the Applicant.

Councillor Webster declared an interest in respect of application 19/00086/OUT, as had been involved in the application as a Member of Moreton-in-Marsh Town Council. He left the room while the application was being determined.

Councillor Judd declared an interest of application 18/02520/FUL, as she was acquainted with the Applicant, but did not socialise with him.

Councillor Neill declared an interest in respect of application 19/01288/FUL, as she was acquainted with various Members of the Parish Council who had objected to the application. She left the room while the item was being determined.

(2) Officer Declarations

Ms. D Smith, Team Leader, Development Management, declared an interest in respect of application 19/01288/FUL, as she was acquainted with a family member of the Applicant. She left the room while the item was being determined.

PL.6 SUBSTITUTION ARRANGEMENTS

Councillor Coxcoon substituted for Councillor Bloomer.

PL.7 MINUTES

**RESOLVED that:**

**(a) the Minutes of the Meeting of the Committee held on 10<sup>th</sup> April 2019 be approved as a correct record;**

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

**(b) the Minutes of the Meeting of the Committee held on 14<sup>th</sup> May 2019 be approved as a correct record.**

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

PL.8 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.9 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.10 MEMBER QUESTIONS

No questions had been received from Members.

PL.11 PETITIONS

No petitions had been received.

PL.12 SCHEDULE OF APPLICATIONS

It was noted that the details of the policies referred to in the compilation of the Schedule did not comprise a comprehensive list of the policies taken into account in the preparation of the reports.

**RESOLVED that:**

**(a) where on this Schedule of Applications, development proposals in Conservation Areas and/or affecting Listed Buildings have been advertised - (in accordance with Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1977) - but the period of the advertisement has not expired by the date of the Meeting then, if no further written representations raising new issues are received by the date of expiration of the advertisement, those applications shall be determined in accordance with the views of the Committee;**

**(b) where on this Schedule of Applications, the consultation period in respect of any proposals has not expired by the date of the Meeting then, if no further written representations raising new issues are received by the date of expiration of the consultation period, those applications shall be determined in accordance with the views of the Committee;**

**(c) the applications in the Schedule be dealt with in accordance with the following resolutions:-**

**19/00086/OUT****Erection of up to 67 dwellings, open space, and landscaping (Outline application) at Land to East of Evenlode Road, Moreton-in-Marsh -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and displayed a map and aerial photograph of the site, an indicative site layout and photographs of the site from various vantage points.

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

The Ward Member, who did not serve on the Committee but who was attending as a Substitute Member, was then invited to address the Committee. The Ward Member explained that she had received a large amount of correspondence regarding the application and that whilst local people recognised that the site had been allocated as part of the Council's Local Plan, explained that there was more debate required in regard to if the Local Plan had already delivered or over-delivered the required number of houses within the town. She questioned as to whether the application represented sustainable development and drew attention to the large number of objections received by the Council to the application. She informed the Committee that the original proposal had been for 67 houses but that this had been reduced to 63 houses following a decision by the Planning Inspector who considered that this reduced number was required to protect the Public Right of Way on the site; and that the reduction would also help to increase the space between the site and the County Council Highways depot situated next to the site. The Ward Member added that if the Committee was minded to approve the application, she would request that a large space be set aside for flood management and that the number of houses currently set at 63 be upheld. She was pleased to see a management condition in regard to noise, but as the nearby Highways depot would be used mostly at night and in the winter, she was concerned that sealed boxes and non-standard walls which were proposed to help

mitigate the noise concerns could lead to overheating of the properties. The Ward Member concluded that, owing to the public concerns regarding highways, the numerous errors which she had been noted within the Highway Officer's report, the proposed suitable walking distances and the potential increase to parking to the current residents of Evenlode Road, the Highways Authority should reconsider their judgement of the application to enable the application to be more welcomed by the community in the future.

In response to various questions from Members, it was reported that despite the Highways Authority being the Applicant for this application, they were able to comment given their obligation as a statutory consultee and their requirement to be unbiased; the number of proposed properties within the Local Plan was a guide and the proposed increase in properties by four was not considered by Officers to be materially harmful; the proposed new access for the site would be on to Evenlode Road adjacent to the public footpath and as the road had a 30 mph limit, this proposal met the necessary safety requirements; not all of the conditions recommended within the Highway Officer's report had been taken up by Council Officers; parking arrangements and covered cycle storage at the site would be considered as part of the reserved matters application; if the Committee was minded to request a further traffic survey to be undertaken by the Highway Authority, the earliest this could occur would be in September 2019 owing to the current seasonal increase in traffic; Highway Officers could only respond to applications on capacity grounds if the current situation would be 'significantly worsened' by approving the application; there was no history of accidents at the site and therefore the increase was not considered to be harmful by Officers; there was no limit for housing in the town within the Council's Local Plan and the application presented formed one of three sites put forward; with regard to garages not being taken into account when calculating living space, this could only be looked at during the reserved matters stage and garages were required to measure six by three metres to be considered as a usable space; two Highways Officers had visited the site and whilst merit could be given to issues with the current parking problems on Evenlode Road, the current application could not be considered to be exacerbating this issue as parking would be provided on the application site; the accepted walking distance in rural areas was two kilometres and 400 metres in urban areas and improvements were being sought to existing footways to ensure encouragement of walking to and from the site; the Highway depot was active 12 months of the year and primarily stored road grit for use in winter months and therefore saw night time activity; a Traffic Regulation Order was considered by Highway Officers to only reduce the opportunity for residents who currently parked on Evenlode Road; negotiations with landowners to address the current parking problems could only commence if the landowner approached the Highway Authority in the first instance; land considered suitable for parking at Cornish Circle was in third party ownership and therefore could not be considered available unless the landowner was willing to offer this land; Thames Water had made no objection to the application and concerns relating to surface water would be dealt with by the Lead Local Flood Authority; and if the developer was willing to fund the sewage connection from the site this could be implemented quickly though otherwise the task would fall into the work-stream of Thames Water.

A Member commented that he considered there to be no reason why the application should not maintain the number of houses of 63 as recommended within the Local Plan. He added that there was a general expectation that some development would take place on the site and that he felt by ensuring the

Committee's expectations were fulfilled, the development could be considered acceptable, despite there being issues of access which needed addressing.

Another Member commented that the town had seen a large increase in the number of developments since 2011 which had placed a strain on the town's infrastructure. She added that, in her view, an urgency to develop the site since it had been allocated had meant that key infrastructure elements had been missed within the application's proposals and, consequently, she would not be supporting approval of the application.

Various Members supported refusal of the application but acknowledged that deferring the application would enable a revised application to be submitted which they hoped would include better provision for green space, noise screening and improved access.

The Team Leader informed the Committee that the site allocation was for up to 67 houses which would also yield Community Infrastructure Levy (CIL) funding for the local community, 15% of which would be passed to the Town Council. The CIL payment was calculated at £80 per square metre of qualifying dwelling floorspace. Officers also informed the Committee that with regard to any request to mitigate the parking issues in Evenlode Road, a new application could not be 'used' as a reason to address existing problems, unless the application was considered to exacerbate the issue further, which in this instance it was not considered to by Officers as sufficient parking would be provided on the application site.

A Member commented that providing (i) the Case Officer undertook discussions with the Developer regarding the Committee's concerns and (ii) the application be referred back to the Committee at the reserved matters stage, he was minded to approve the application as recommended.

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

The Ward Member was invited to address the Committee again. She explained that residents of the town were tired of continuing development without the necessary supporting infrastructure and she drew attention to the increase in the town's size since 2011. The Ward Member reminded the Committee that concerns relating to noise, smells, climate change and the lack of substantial green space and screening all required improvement within this application and concluded that sufficient parking allocations would need to be confirmed if the application was approved and re-presented at the reserved matters stage.

**Approved, as recommended.**

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

**19/01115/OUT**

**Land to Rear of Ashlar, Coppers & Wyldlands, Broad Campden, Chipping Campden, GL55 6UR -**

The Case Officer reminded the Committee of the location of this site and outlined the proposals. The Case Officer displayed a map and photographs of the site from various vantage points, including a nearby Public Right of Way.

An Objector and the Agent were then invited to address the Committee.

The Committee Officer then read out comments on behalf of the Ward Member, who did not serve on the Committee. The Ward Member explained that the application site sat within the Cotswolds Area of Outstanding Natural Beauty (AONB) which the Council was required to protect against development, unless there was a very strong argument for social and humanity reasons or the application featured an outstanding design, neither of which the Ward Member considered applied to this application. He added that he felt the application would not enhance the AONB or benefit the population of the village and that the building of two houses was not needed. The Ward Member explained that the application site backed onto open fields which were farmed all year round and, if approved, the application would set a precedent for back garden infilling. He informed the Committee that the village was not a principal settlement and had more than reached its capacity; and that the application did also not meet the NPPF policy framework for reasons to build on garden land within the AONB. The Ward Member concluded that the village was also a popular route for visitors walking the footpaths and enjoying the tourism aspects of the village; and urged the Committee to consider a site visit, as this would enable the Committee to appreciate the harm the application would make to the village if it was approved.

In response to various questions from Members, it was reported that Policy DS3 covered the village which permitted this type of development in principle; a Rural Housing Proforma had been submitted by the Applicant, and which detailed to the Case Officer if the site could accommodate the proposed development; in the view of Officers, the application was not considered to be harmful as the development site was located within close proximity to the nearby town of Chipping Campden and if approved, could be seen to provide a benefit to both Broad Campden and Chipping Campden; the application contained an outline indicative layout and the final site layout would be considered at the reserved matters stage; and Broad Campden had approximately 70 dwellings in total and the addition of two further properties within the village was not considered, in the view of Officers, to be harmful to the village.

A Member commented that she considered it important that a Sites Inspection Briefing be undertaken to the site as she considered the site to be located within a quiet village which did not require any further large properties to be built.

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

Another Member commented that he supported the Proposition and considered that an all Member Sites Inspection Briefing would be beneficial, given the number of new Members which had been elected to the Council and consequently appointed to the Committee.

In response, the Team Leader informed the Committee that usually only for exceptional reasons was a site visit undertaken by all Members of the Committee, but explained that she recognised the benefit of an all Member visit in this instance and in light of the fact that this was a new Committee.

**Deferred, to enable Sites Inspection Briefing to be undertaken to assess the impact of the development on the character and appearance of the AONB**

**and the amenity of the neighbouring property, with all Members of the Committee being invited to attend, as an approved duty.**

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

**18/02520/FUL**

**Erection of two dwellings at Land South of Wick House, East End, Fairford, GL7 4AP -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and then displayed a map showing the conservation area and adjacent listed buildings, an aerial photograph of the site, building plans, proposed elevations and site layout, and photographs of the site from various vantage points.

A representative from the Town Council and the Agent were then invited to address the Committee.

The Ward Members were then invited to address the Committee. One of the Ward Members explained that there had been concerns in regards to flooding within the town since flooding had occurred in 2007 and that the application presented made the assumption that there would be flood alleviation, despite in his view there being no evidence provided. He added that emergency access would require access to the site and that he considered this would be difficult via the proposed narrow access lane. The Ward Member also drew attention to the close boundaries to existing neighbouring properties and the fact that hedge trimming would be required on a regular basis and that he felt debate could ensue as to whose responsibility this would fall under. In conclusion, he stated that with regard to this application, there was a responsibility of the Committee to consider if the mitigation was sufficient to deal with any harm caused and if this harm would be outweighed by the public benefit.

The other Ward Member was invited to address the Committee but explained he had no further comments to make.

In response to various questions from Members, it was reported that whilst tracking for a large estate car had been provided by the Applicant in their Transport Statement, no tracking had been undertaken on the proposed access route for emergency vehicles; there was considered by Officers to be sufficient turning space on the site for vehicles; if the Committee was minded, the Case Officer could request the Applicant to omit the garages from the proposals and to submit revised plans, though the Council would need to be able to demonstrate harm in retaining the garages within the application proposals; the existing wall at the site was not listed; a condition would require details of structural works, repair and methodology for the opening and remediation to be submitted and approved; the Conservation Officer confirmed that it was standard practice to build directly up to an existing wall; the WRA report had been sent to the Environment Agency who had made no further comments; there was not considered to be any required maximum distance for residents to move bins in preparation for collection; there was only one parking space and a single garage proposed for each property; and it was assumed visitor parking would need to be on the nearby highway; and if minded, the Committee could defer a decision on this application if they

considered that further information was required in relation to the access and specifically, emergency vehicle access.

A Member commented that owing to the potential flood risk and concerns regarding emergency vehicle access, in addition to the fact that vehicles required to maintain drainage and SUDs may also not be able to access the site, he considered a Sites Inspection Briefing would be beneficial. A Member also questioned whether there was a mistake in the report in relation to the conditions suggested by the EA and Drainage Officer; these would be confirmed by the relevant Officers.

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

Various Members expressed their support for the Proposition and explained that they also considered it beneficial that the Council's Drainage Engineer attend the next Committee Meeting when the application would be re-presented. A request was also made for the Highways Officer to attend the SIB.

The Ward Members were invited to address the Committee again but explained that they had no further comments to make on the application.

**Deferred, to enable Sites Inspection Briefing to be undertaken to assess the suitability of the proposed access.**

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

**19/01288/FUL**

**Change of use of existing building from ancillary use to independent dwelling at Brae Croft, Upper Oddington, Moreton-in-Marsh, GL56 0XJ -**

The Case Officer reminded the Committee of the location of this site and outlined the proposals. The Case Officer displayed an aerial photograph of the site, location plan and photographs of the site from various vantage points.

An Objector 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 he agreed with the views of the Parish Council who had raised concerns regarding the proposed access to the site which was in the ownership of the neighbouring property. He explained that he did not consider the application presented to be the Applicant's final plans for the site and that he felt that if an option for a new access route was proposed, that this could lead onto the narrowest part of a lane on the outskirts of the village. In concluding, the Ward Member urged the Committee to defer a decision on the application to enable more clarity to be provided by the Applicant for the genuine proposals for the site.

In response to various questions from Members, it was reported that most recently, amendments to the design and internal layout in January 2019; and should an application be presented featuring an alternative access route, the application would be required to be considered on its merits.

A Member commented that with regard to Policy DS3, the application in his view did not complement the area and, as a new dwelling, was not appropriately designed for the area. He added that as the building fell outside of the main village, which was not a principal settlement, the application was considered to be in the countryside and therefore should be refused.

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

Another Member expressed his support for the Proposition and explained that whilst the application could, in his view, be argued to fall in the non-principal development, he considered there to be no doubt that the existing building did not meet the DS3 criteria for a new dwelling.

The Development Manager informed the Committee that the building had previously been considered to be visually acceptable as an annex. If Members considered the site to not fall within the village, then it could apply Policy DS4 and the public benefit of providing an additional dwelling to the Council's supply of housing needed to be weighed against the harm.

The Ward Member was invited to address the Committee again. He explained that he would be happy to see the application refused, but as there was a high risk of appeal, urged the Committee to consider deferring the application to enable the application to be re-presented to the Committee to invite the applicant to address the Committee. He added this would enable the current proposed access route to be investigated further, given the potential for other access routes to be proposed for the site.

**Refused, owing to inappropriate design and failure to meet the criteria of Policy DS3.**

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

Note:

This decision was contrary to the Officer's recommendation for the reasons outlined above.

**19/00996/FUL**

**Erection of garage/car port with storage over and garden store at Colmans Colman, Temple Guiting, GL54 5RT -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and displayed a site location and aerial map, block plans, proposed elevations and floor plans, and photographs of the site from various vantage points.

There were no public speakers for this item.

The Ward Member, who served on the Committee, was then invited to address the Committee. The Ward Member explained that he had referred the application to the Committee when the garage had been proposed for a previous location and to

which one objection had been received. He informed the Committee that, following consultation with the Case Officer, the moving of the garage back by four metres had resulted in the one objection being withdrawn and that had the application previously received no objections, the application would have been dealt with under delegated authority.

In response to a specific Member's question it was reported that no lighting had been included within the proposals and that Officers considered that any conditions imposed in regard to motion-sensored lighting would be unreasonable, given the options available to other properties already in the vicinity.

A Member commented that as there were now no objections, and given the application would have been dealt with under delegated authority, the Committee should be minded to approve the application.

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

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

**Approved, as recommended.**

**Record of Voting - for 13, against 0, abstentions 0, 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:-

|              |   |   |
|--------------|---|---|
| 19/00086/OUT | ) | Cllr. M Berry (on behalf of the<br>Town Council)    |
|              | ) | Mr. R Firkins (Objector)                            |
|              | ) | Mr. M Godson (Agent)                                |
| 19/01115/OUT | ) | Mr. D Hughes (Objector)                             |
|              | ) | R Burrige (Agent)                                   |
| 18/02520/FUL | ) | Cllr. R Harrison (on behalf of the<br>Town Council) |
|              | ) | Mr. D George (Applicant)                            |
| 19/01288/FUL | ) | Mr. P Davis (Objector)                              |

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.13 SITES INSPECTION BRIEFINGS

1. Members for 3<sup>rd</sup> July 2019

It was noted that all Members of the Committee had been invited to attend the Sites Inspection Briefing with regard to application 19/01115/OUT, on Wednesday 3<sup>rd</sup> July 2019 as an approved duty.

It was noted that Councillors Claire Bloomer, Stephen Hirst, Juliet Layton and Steve Trotter would represent the Committee at the Sites Inspection Briefing with regard to application 18/02520/FUL, on Wednesday 3<sup>rd</sup> July 2019.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.14 LICENSING SUB-COMMITTEES

1. Members for 18<sup>th</sup> June 2019

It was noted that Councillors Tony Berry, Ray Brassington, Julia Judd, Juliet Layton (substituting for Dilys Neill) and Steve Trotter would represent the Committee at the Licensing Sub-Committee Meeting of 18<sup>th</sup> June 2019.

2. Members for 17<sup>th</sup> July 2019

It was noted that Councillors Claire Bloomer, Stephen Hirst, Nikki Ind, Richard Keeling and Juliet Layton would represent the Committee at the Licensing Sub-Committee Meeting of 17<sup>th</sup> July 2019.

PL.15 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.32 a.m., adjourned between 11.15 a.m. and 11.25 a.m., and closed at 1.20 p.m.

Chairman

(END)