

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

9<sup>TH</sup> OCTOBER 2019

Present:

Councillor Juliet Layton	-	Chair
Councillor Ray Brassington	-	Vice-Chair

Councillors -

Tony Berry	Julia Judd
Patrick Coleman	Richard Keeling
Stephen Hirst	Dilys Neill
Roly Hughes	Gary Selwyn
Nikki Ind	Steve Trotter
Sue Jepson	Clive Webster

Substitutes:

Joe Harris

Observers:

Jenny Forde (until 1.10 p.m.)	Lisa Spivey (from 10.20 a.m. until 1.10 p.m.)
Nick Maunder (from 10.40 a.m. until 1.10 p.m.)	

Apologies:

Claire Bloomer

PL.38 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor Judd declared an interest in respect of application 19/02186/FUL, as she served as a Member of the Council's Parking Board.

Councillor Brassington declared an interest in respect of application 18/04188/FUL, as he and his wife knew the Agent and his wife and socialised with them. He left the room while this item was being determined.

Councillor Brassington declared an 'other' interest of application 19/02226/FUL, as he knew the Agent.

Councillor Harris declared an interest in respect of application 19/02226/FUL, as some members of his family were family friends of the Applicants and also undertook business relationships with them.

Councillor Judd declared an interest in respect of application 19/02226/FUL, as she was Godmother to a member of the Applicant's family and socialised with the family. She left the room while this item was being determined.

Councillor Robin Hughes, whilst not present at the Meeting, had previously declared an interest in respect of application 19/02661/PROWOR, as he was both the Applicant and the Ward Member.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.39 SUBSTITUTION ARRANGEMENTS

Councillor Harris substituted for Councillor Bloomer.

PL.40 MINUTES

**RESOLVED that the Minutes of the Meeting of the Committee held on 11<sup>th</sup> September 2019 be approved as a correct record.**

**Record of Voting - for 11, against 0, abstentions 4, absent 0.**

PL.41 CHAIR'S ANNOUNCEMENTS

The Chair thanked the Team Leader and the Locality Lead Officer (DM) for organising the Member Site Visits which had taken place on 2<sup>nd</sup> October 2019 and which she considered had been very beneficial to all those that had been able to attend.

PL.42 PUBLIC QUESTIONS

No Public Questions had been submitted.

PL.43 MEMBER QUESTIONS

No questions had been received from Members.

PL.44 PETITIONS

No petitions had been received.

PL.45 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:-**

**19/02186/FUL**

**Creation of a car park providing 158 car parking spaces (including three disabled spaces) and associated landscaping for a temporary period of 10 years at Cirencester Rugby Football Club, The Whiteway, Cirencester, GL7 2ER -**

The Team Leader, Development Management reminded the Committee of the location of this site and outlined the proposals. The Officer informed the Committee of a required amendment to the application in relation to Condition 15 as shown on page 22 of the Schedule in regard to the omission of reference to the fact that the car park would also not be used on Saturdays in addition to Sundays. The Officer then displayed a site plan, aerial view, car park plan and photos of the site from various vantage points.

The Agent was then invited to address the Committee.

The Ward Member was not present at the Meeting and had not submitted any comments in relation to the application.

In response to various questions from Members, it was reported that the application should be viewed as proposed as a temporary application for a maximum period of 10 years and not as a permanent application; the application period was intended to not require further applications to be re-presented every two to three years as the need arose; Officers were aware that the Applicant had carried out a sequential site appraisal, but this had not been included within the Officer's report as the information was commercially sensitive, as confirmed by the Council's Solicitor; the site was located in Flood Zone 1 and therefore no flood risk assessment was required, though Officers would undertake investigations in regard to flooding at the site; the area around the current entrance would be tarmac and the remainder of the car park would be surfaced with eco-grid which would be able to drain freely; a full lighting scheme would need to be presented and subsequently approved by Officers to ensure nearby residents were not affected; standard lights were proposed with buffers; the site of the application was not in the town centre boundary but did, in the view of Officers, comply with other policy objectives and Officers were therefore content that the recommendation presented was robust; the Council's Local Plan had identified a shortfall of 350 car parking spaces and whilst the proposed multi-storey car park in the Waterloo would provide a total of 639 spaces, 233 spaces would be temporarily lost during the construction of the multi-storey car park; as the application was for a temporary period, a further application would be

required to extend or to make permanent the application's proposals; the Rugby Club would still be able to use the car park for overflow parking at weekends; the car park would be operational between the hours of 7.30 a.m. to 7.30 p.m. Monday to Fridays and would be for use by permit holders, who were considered by Officers to consist largely of commuters; it was understood by Officers the comments submitted by nearby residents had been submitted after public meetings had taken place to consult upon the application; there was currently no final proposed scheme in regard to potential light pollution at the site, but this would be reviewed by the Council's Environmental Health Officers; the current proposals included four Electric Vehicle Charging Points which would be operational at the time the car park opened and there was also a Car Park Management Plan which incorporated the fact that if there was further demand for electric vehicle charging points, these would be increased according to the demand; the Applicant could monitor the use of the car park at weekends and in the event that the car park was being used against the initial aims, appropriate enforcement action could be undertaken; the abbreviations MMQ and PCU as referred to in the report related to Mean Maximum Queue and Passenger Car Unit; a Parking Management Plan was considered a resilience strategy to ensure the appropriate level of parking was achieved at the site; on-street parking on The Whiteway was restricted for the first 100 metres from the junction and it was considered that, increasing this restriction would displace the current levels of parking and this was also a current issue and therefore not linked to the application, and reference to anti-social behaviour, lighting details and Electric Vehicle Charging Points would all be addressed fully in the parking management plan.

A Member expressed that she considered after the 10 year period proposed for the site had ended that the Council would seek to look at other transport systems for the town as opposed to just car travel and parking.

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

Various Members commented that they supported the application as the use of the car park would benefit the Rugby Club who currently faced shortages of parking during weekend matches. Those Members also stated that an out-of-town car park would encourage 'parking and striding' and decrease traffic pressures on the town centre and also drew attention to the fact that only nine objections had been received, following consultation by Council Officers with nearby residents.

Another Member stated that whilst he supported the application and thanked Officers and the Cabinet Member for Town and Parish Councils and Car Parks for their work in relation to the application.

**Approved, as recommended.**

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

**18/04188/FUL**

**Demolition of extensions to rear of cottage and erection of a single storey link to a two storey extension at lower level at Bliss Cottage, Lower Chedworth, Chedworth -**

The Locality Lead Officer informed the Committee that the application had been re-presented to the Committee owing to a lack of clarity at the April 2019 Committee Meeting in relation to one of the public speakers on the application. Also, as the application had been refused by a close margin, Officers had considered it expedient to allow the Applicant to re-present to the Committee.

The Principal Solicitor in addition informed the Committee that, at the April 2019 Committee Meeting, two applications in Chedworth had been discussed and debated and whilst the Agent had been clearly stated for one of these applications, the second, in relation to Bliss Cottage, had not clearly identified the Agent. She added therefore that, as the Member of the Committee was acquainted and socialised with the Agent, the Member had accordingly declared an interest in respect of the first application, but had not recognised the need to on the other application relating to Bliss Cottage. Therefore, in order to progress the application, the opportunity had been offered to the Applicant to re-present the application at a subsequent Committee Meeting.

The Case Officer drew attention to extra representations received since publication of the Schedule of Planning Application. The Case Officer displayed block plans, showing the current and previous proposals, a historic photo of the site, Chedworth Conservation Area Character Map and photographs of the site from various vantage points.

A Supporter and the Applicant were 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 originally referred the application to the Committee in relation to the harm to the landscape the application had the potential to cause. She added that, whilst a supporter of modernising historic houses and recognising villages depended upon a good housing mix; Bliss Cottage was a beautiful example and was very noticeable in that the cottage was situated on a bend. The Ward Member informed the Committee that the cottage sat comfortably alongside neighbouring cottages and the Applicant had sought to work with Officers to ensure a satisfactory agreement could be reached, but despite their efforts, this had proved unsuccessful. The Ward Member drew attention to the fact that whilst the previous 1950s extension would be removed as part of the proposals, which would be beneficial and that a number of letters of support had been submitted; the District was in need of smaller rural homes and the application could therefore be considered to go against the public benefit. The Ward Member concluded that, given the size of the proposals, the application in her view potentially presented the right design for the wrong location.

In response to various questions from Members it was reported that the understanding of Officers was that the extensions proposed were to provide additional living space and not to assist with the regeneration of the property; Officers had investigated if the proposals would aid the Applicants with any disability needs but Officers had not been made aware that this was the reasoning behind the application; Officers had considered that, when weighing the harm of the proposals against the public benefit, harm did outweigh the benefit and hence the recommendation of refusal; the previous proposal increased floor space by 263 square metres and the subsequent application had seen a decrease by three percent to 251 square metres; the current proposals would see an increase in property size by 77%; Officers had worked with the Applicant, their Agent and Architect but no satisfactory outcome had been able to

be reached; in the view of Conservation Officers, scale and size of the proposals were the two main issues, whilst some mitigation on height and size had been achieved; and as the previous 1950s extension would be demolished as part of the proposals, Officers had viewed the harm to the original cottage and the fact the extension would be situated further from the house than the previous period extension to warrant refusal.

A Proposition, that the application be deferred to enable a Sites Inspection Briefing to be undertaken at the site to investigate further the extent of the potential harm and the effect on the Conservation Area and to a Designated Heritage Asset, was duly Seconded.

A Member commented that given the fact the Parish Council had made no objection and the letters of support received by the Council, he considered the application should be approved.

A Further Proposition, that the application be approved, taking into account the comments made by the Chedworth Society, was duly Seconded.

Various Members expressed their support for the Proposition in favour of a Sites Inspection Briefing and commented that, whilst the Cotswolds could not be preserved in aspic, the visit would help to understand the size and scale of the proposals. Those Members also stated that whilst the District needed smaller homes, the Council should not seek to limit the opportunity for residents to develop their homes to suit their requirements.

Other Members commented that they considered the Officer recommendation of refusal, which had taken into account the mitigation and the need to separate the personal circumstances of the Applicant from the application, in addition to the requirement to protect historic buildings and to accord with the necessary planning requirements, to warrant that the application to be refused. A Further Proposition, that the application be refused, was duly Seconded.

The Ward Member was invited to address the Committee again and explained that she appreciated the Committee's consideration of the application and echoed her earlier comment in questioning if the application contained the correct proposals for the site.

**Deferred, to enable an all-Committee Member Sites Inspection Briefing to be undertaken to investigate further the extent of the potential harm and effect on the Conservation Area and to a Non-Designated Heritage Asset.**

**Record of Voting - for 7, against 6, abstentions 0, interest declared 1, absent 1.**

Note:

On being to the vote, it was AGREED that an all-Committee Member Sites Inspection Briefing be undertaken at the site. The Record of Voting in respect of that Proposition was - for 7, against 3, abstentions 3, interest declared 1, absent 1.

**19/02226/FUL**

**Erection of additional residential accommodation at Garage Flat, Wiggold Farm, Cirencester, GL7 5HF -**

The Case Officer reminded the Committee of the location of this site and outlined the proposals. The Case Officer then displayed a map and aerial view of the site, proposed site plans, proposed dwelling elevations and photos of the site from various vantage points.

A representative from the Parish Council and the Agent were 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 there had been a clear objection from the Parish Council to the application in regard to the fact that if the Council permitted the application, this would go against the Local Plan Policy DS3 and DS4 and National Planning Policy Framework (NPPF). She added that the application was for a replacement dwelling and not for an additional dwelling at a site which was not part of Down Ampney village. The Ward Member informed the Committee that she had undertaken a site visit to assess the site and this had revealed that the current property was very small for a family to live in and that there was a need for the family to stay on site, but with additional living space. She continued that whilst the fall-back position was to remove the existing house, the design for the additional property had been amended following discussions by the Applicant with Officers and thanked the Committee for its consideration of the application.

In response to various questions from Members it was reported that the application was not for a rural workers' dwelling, as this had not been applied for, and was intended for additional residential accommodation; the existing building would be ancillary and used as an annex, though the Applicant would be entitled to present a future application to subdivide the property, but in the view of Officers, this would be unsuitable and would result in intensification of the site; the application did not need to meet exceptional justification as the application was not adding to the unsustainability of the location; there had been no other objections to the application, other than that of the Parish Council; reference had been made to Policy DS4 as this was considered by Officers to be the most relevant policy, despite the application not being a new-build; a Certificate of Lawfulness had been properly issued upon the existing house as the development had remained unidentified for longer than, the legally required, four years and this had been assessed fully by the Council's Legal Officers and the Council had to generally be reactive to any complaints and reports of disturbance or harm as the Council had a general reliance upon Parish and Town Councils, and the wider community, to assist with reporting issues.

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

A Member commented that whilst he appreciated the objection of the Parish Council, the Council was required to have a presumption in favour of development and, as there had been no objections from neighbouring villages or neighbouring residents, the application should be approved.

The Case Officer informed the Committee of an additional required condition in relation to a Tree Protection Order (TPO) on the trees located to the north of the site to ensure no damage to the roots was caused during construction. This Condition was agreed to by the Proposer and Secunder of the Proposition.

Another Member expressed his concern that given the large amount of glazing on the southern elevation, there could be a potential for overheating in the property.

The Ward Member was invited to address the Committee again. The Ward Member explained that the questions raised by the Committee had highlighted her reasons for referring the application to the Committee and thanked the Committee for giving due consideration to the objection raised by the Parish Council.

**Approved, with additional condition, as recommended.**

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

**19/02556/FUL**

**Construction of ancillary guest accommodation and garden room at 56 Roman Way, Bourton-on-the-Water, GL54 2EW -**

The Case Officer drew attention to additional information received since publication of the Schedule of Planning Application. The Case Officer displayed an aerial view of the site, block plan, proposed extension, outbuilding elevations and photographs of the site from various vantage points.

A representative from the Parish Council and the Applicant were 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 wished to commend the Case Officer for her work on the application and explained that his objection concerned the fact that the garden room had been described as ancillary accommodation. He informed the Committee that, whilst he had no objection to the extension proposed for the rear of the property, his concern surrounded the fact that the front extension would be constructed adjacent to a Thames Water sewage pumping station and that the company had raised concern regarding issues should the pumping station require maintenance. The Ward Member highlighted that the accommodation would be used mostly as an art studio and for occasional accommodation for visitors, though the proposals were for a relatively large construction for this use. He explained that the original application had included a separate bedroom, bathroom and kitchen but the interior proposals had been simplified once the application had been referred to the Committee to include a studio and bathroom, though the construction size remained the same. The Ward Member continued that other issues around the selling of the property, should the application be approved; the location at the end of a cul-de-sac and the relevant objections raised and the fact the question remained why the proposals for the front of the property could not have been contained into the application to extend the rear of the property, were key reasons why he considered the application should be refused.

In response to various questions from Members it was reported that the Applicant wished for the studio to be located in the front, and not the back garden; the Applicant had not chosen to convert the existing garage; in the view of Officers, there was still considered enough outdoor space for both front and rear extensions to be accommodated at the property; the Committee would require



sound reasons for any split decision on the application; the Case Officer had also consulted with Environmental Health Officers in relation to the objection raised by Thames Water, but they had raised no objections to the scheme other than advising informatives were added to any approval; Officers had not consulted with the Applicant in regard to development options that would not require planning permission due to the degree of change this would have made to the proposed scheme; Officers had not been made aware of any historical issues of odour from the pumping station and if such issues did arise, these would be a matter for Environmental Health and the garden room required planning permission in its own right.

A Member commented that whilst she had sympathy for the Applicant, she considered a better design could be achieved for the site.

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

Another Member expressed her support for the Proposition, explaining that whilst she supported the extension to the rear of the property, the extension was too large for the site at the front of the property.

The Ward Member was invited to address the Committee again. The Ward Member explained that he hoped the Committee, following consideration of the application, would realise that there could be other, more-suited, proposals for the site and he urged the Committee to therefore refuse the application.

**Refused, due to the impact of the adjacent sewage pumping station on the proposed detached ancillary accommodation.**

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

Note:

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

#### **19/02661/PROWOR**

**Proposed diversion - Shipton Oliffe Footpath KSN7 at Little Paddocks, Kilham Lane, Shipton Oliffe, GL54 4HX -**

The Case Officer reminded the Committee of the location of this site, displayed a site location plan and aerial view, and explained that the application had been referred to the Committee solely as the Applicant was a current Member of the Council. The Case Officer informed the Committee that the application was for a Public Path Diversion Order, and that the application was referred to Members to seek authority from Members for public consultation to be undertaken. If no objections were received, then the Order would be confirmed. He added that if any objections were received, then the application would be considered by the Secretary of State by way of a Public Inquiry. The Case Officer added that the Officer recommendation to the Committee was to grant authority to enable the Order to be made and to carry out any statutory consultation.

A Proposition, that authority be granted, was duly Seconded.

In response to a specific Member’s question, it was reported that the proposed route had been suggested, as opposed to the current informal route, owing to the Applicant using the field for the production of hay.

**RESOLVED that authority be granted.**

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

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:-

19/02186/FUL	)	Mr. O Neagle (Agent)
18/04188/FUL	)	S. Bradbury (Supporter)
	)	Dr. C Powell (Applicant)
19/02226/FUL	)	Cllr. D Crook (on behalf of
	)	the Parish Council)
	)	Mr. A Pywell (Agent)
19/02556/FUL	)	Cllr. B Sumner (on behalf
	)	of the Parish Council)
	)	Mrs. D Allam (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.46 SITES INSPECTION BRIEFINGS**

1. Members for 6<sup>th</sup> November 2019

It was noted that all Members of the Committee would represent the Council at the Sites Inspection Briefing of 6<sup>th</sup> November 2019 in respect of application 18/04188/FUL.

It was noted that Councillors Claire Bloomer, Stephen Hirst, Julia Judd, Juliet Layton and Dilys Neill would represent the Committee at the Sites Inspection Briefing of 6<sup>th</sup> November 2019 in respect of application 19/01184/FUL.

2. Advance Sites Inspection Briefings

It was noted that an advance Sites Inspection Briefing would take place on Wednesday 6<sup>th</sup> November 2019 in respect of the following application:-

19/01184/FUL - Erection of a Joinery Workshop, Land Parcel E419306 N21293, North of Midford House, Windrush - owing to a high level of local interest in the application both in objection and support, and the context of the site which has been subject to previous planning refusals and an appeal in 2013/2014; it is considered beneficial by Officers for Members to view the site to understand its context within the village, Conservation Area and AONB.

PL.47 LICENSING SUB-COMMITTEES

1. Members for 20<sup>th</sup> November 2019

It was noted that Councillors Claire Bloomer, Roly Hughes, Julia Judd, Gary Selwyn and Steve Trotter would represent the Committee at the Licensing Sub-Committee Meeting of 20<sup>th</sup> November 2019, if required.

PL.48 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 10.00 a.m., adjourned between 11.45 a.m. and 11.55 a.m., and closed at 1.15 p.m.

Chair

(END)