



**Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 8 November 2023**

Councillors present:

Ray Brassington – Chair  
Dilys Neill  
Michael Vann  
Mark Harris

Patrick Coleman – Vice-Chair  
Ian Watson  
Gary Selwyn  
Julia Judd

David Fowles  
Daryl Corps  
Andrew Maclean

Officers present:

Andrew Brown, Democratic Services Business  
Manager  
Caleb Harris, Senior Democratic Services  
Officer  
Helen Blundell, Interim Head of Legal Services

Harrison Bowley, Senior Planning Case Officer  
Jose Nunes dos Santos  
Justin Ayton

Observers:

Councillor Nikki Ind, Chris Twells, David Cunningham and Juliet Layton

**12 Apologies**

There were no apologies.

**13 Substitute Members**

There were no substitute members.

**14 Declarations of Interest**

Cllr Watson stated that he had voted on a similar application in a Town Council meeting before becoming a member. However, he felt he could make a decision on the application with an open mind.

**15 Minutes**

There were no amendments to the minutes.

The minutes were proposed by Councillor Coleman and seconded by Councillor Neill.

**RESOLVED:** To approve the minutes of the previous meeting.

**Voting record- For 9, Against- 0, Abstentions – 2**

<b>For</b>	<b>Against</b>	<b>Abstain</b>
David Fowles		Mark Harris
Dilys Neill		Andrew Maclean
Gary Selwyn		
Ian Watson		
Patrick Coleman		
Michael Vann		
Ray Brassington		
Daryl Corps		
Julia Judd		

**16 Chair's Announcements (if any)**

The Chair had stated that a training session would be arranged by the Senior Planning Case Officer, on noise.

The Chair stated that the item 'confirmation of an article 4 direction at Land Parcel West of St. Lawrence's Church, Church Street, Weston Subedge' had been added to the Agenda after publication at the Chair's discretion due to the need to urgently deliberate it, due to the risk of reputational damage.

**17 Public questions**

Councillor David Fowles raised a point of order, and asked the Chair whether motions would still be dealt with in the order received, as previously. The Chair confirmed this to be the case.

There were no Public questions.

**18 Member questions**

A member question had been asked by Councillor Mark Harris. The Interim Development Manager stated that there was a table available on the Council's website which would be shared with the minutes.

Question - How many houses and flats in the Cotswold District have planning permission, but have not yet been built and inhabited?

Answer- The number of dwellings that have permission but have yet to be built out yet is 3,792 dwellings at April 2023. Table three of the following report shows 'commitments' (i.e. dwellings that have yet to start construction or are currently under construction) by settlement.

During the meeting, the Interim Development Manager stated that a table showing dwelling figures could be found on the website and a link would be shared with the minutes;

<https://www.cotswold.gov.uk/media/s5ziuklm/1-1-10-residential-land-monitoring-statistics-august-2023.pdf>

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The Interim Development Manager stated that habitation figures for these dwellings were not available.

**19**     **23/02682/FUL - Land West Of Worwell Farmhouse, Cirencester Road, Tetbury**

The application was for a mixed-use development comprising healthcare facility, 27 dwellings (including 11 affordable units), landscaping, site access, internal estate road and associated works at Land West Of Worwell Farmhouse Cirencester Road Tetbury Gloucestershire GL8 8RY.

The officer recommendation was to refuse the application.

The Case Officer introduced the item.

Councillor Stephen Evans from Tetbury with Upton Town Council addressed the meeting, supporting the application.

Mr Warren Hateley addressed the Committee, supporting the application.

Dr Peter Hill addressed the Committee on behalf of Phoenix Healthcare Group and the Applicant. Dr. Hill highlighted the perceived public benefit from the improved healthcare facility.

As the application crossed two boundaries, the Chair allowed two Councillors to speak as ward members.

Councillor Nikki Ind addressed the Committee. Councillor Ind stated that she was a member of Greening Tetbury, and Tetbury Town Council, both of which had submitted representations that she had not been involved in producing. Councillor Ind highlighted public benefit of the application, but equally concerns of some residents over damage to the Conservation Area.

Councillor Chris Twells addressed the Committee. Councillor Twells stated that some residents felt they were intimidated and could not object to the application. Councillor Twells urged the members to consider the application on its own merits.

Member Questions

Members made reference to the statement from NHS Gloucestershire. The Case Officer stated that this confirmed that if the application was refused, it would be unlikely that an alternative site would come forward for several years. Therefore, if the Committee felt it was necessary, the Officer advised that it could attribute more weight to the public benefit of the application as a result of the letter. Officers stated that they felt that the letter received did carry a lot of weight, and had it been received at the time of writing the report, officers stated that they would have recommended the application's approval. Officers stated that it was apparent from the letter that no similar sites were likely to come forward in the short term.

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Later on, it was also stated by Members that the letter had been received only six days before the Committee meeting, and had represented a change in viewpoint from the letter submitted for the previous application.

The Interim Head of Legal Services reminded the Committee that they had refused a previous application on a similar application on the same site, which was also a material planning consideration, which the Committee needed to consider. The Committee would be able to judge how much weight to attribute to the previous application, as it was a relevant material consideration but not legally binding.

Members asked if it was possible to invite NHS Gloucestershire to address the Committee at a future meeting. Officers stated that a representative could be invited but the Committee had no powers to summon them.

Members asked why a nearby hospital site was not used. The Case Officer stated that although the Forward Planning team had requested full details of the sequential test, this had not been put forward by the applicant. The Case Officer stated that the lack of sequential testing caused them to reduce the level of weight attributed to the public benefit to the application when they recommended refusal. However, they stated that the letter from NHS Gloucestershire may mean that members would wish to attribute more weight to the public benefit.

The Case Officer stated that, in planning terms, the housing was not considered to be enabling the surgery due to a lack of a viability statement, but that there was a link between the two regardless.

Members asked what affordable housing meant in relation to this application. The Case Officer stated that there are different types of affordable housing, and the development sought to bring forward first homes (with a price cap of £250,000) and socially rented homes.

Members asked if the developer could reduce the provision of affordable housing later on. The Interim Development Manager stated that if a viability assessment was submitted, this would need to be considered, but that the Council would not need to automatically agree it.

The Interim Head of Legal Services stated that if permission was granted, the Committee would delegate authority to officers to ensure the completion of the necessary S106 agreement.

Members referenced the impact on the Area of Outstanding Natural Beauty (AONB) and asked the officer what would need to be considered as a result. The Case Officer stated that each application needed to be considered on its own merits but development could be allowed on the AONB in exceptional circumstances, and it would be for members to decide on this.

Members discussed the highway safety aspect of the proposal. The Case Officer stated that the application included a S106 agreement which would improve the footpath, and there would be an improvement in the lighting.

Members asked about the parking arrangements, and whether there was sufficient parking, and if the risk that parking would overflow onto the nearby roads had appropriate mitigation measures. The Highways Officer stated that the applicant had submitted a transport

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assessment, which had concluded that there would be on average 26 spaces used at any given time, and that they were satisfied with this.

The Highways Officer also stated they were happy that the bus stops met national guidelines.

Members asked what the Committee could do to ensure that the healthcare centre gets delivered. The Interim Development Manager stated that conditions to do so could be included in the S106 agreement.

Members asked which conditions would be included within a potential permission. The Interim Development Manager stated that these were as in the previous application report.

The Committee took a 10-minute comfort break before they proceeded onto comments to consider the printed recommendations from the previous application report.

Before the members proceeded onto member comments, the Case Officer summarised the conditions which had been copied from the report on the previous application, and provided the following updates;

- Condition 3, 'the twentieth dwelling' would change to 'the sixteenth'
- Condition 32 'three years' would change to 'two years'
- Drawing numbers would be updated to ensure accuracy

Officers confirmed the street lighting and other such matters would be dealt with through S106.

Members asked about condition 38, which would be updated to reflect standard opening hours.

Energy performance was also included within a condition, but the Case Officer stated that BREEAM standards could not be required as there was no such requirement within the local plan.

### Member Comments

Members highlighted the public benefit in enabling improved healthcare provision within Tetbury if the application was permitted, particularly referencing the letter from NHS Gloucestershire. However, it was also stated it was regrettable that a full viability assessment, and sequential testing had not been submitted.

Members also asked whether it was possible to split the application for houses and the healthcare practice. Officers advised that the application should be considered as a whole.

Members stated that great weight should be given to protection of the AONB, and referenced the loss of views but also stated that the letter from the NHS also bore a lot of weight, and the Committee needed to balance these considerations.

Members welcomed improvements to the design of the application since the previous application, which included more vernacular elements amongst other revisions.

Members also stated that the development was to a high environmental standard.

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Councillor Dilys Neill proposed permitting the application and accepting the amended conditions making reference to the public benefit of the healthcare practice.

Councillor David Fowles seconded the proposal.

Members stated that conditions 3 and 32 should be combined due to being dependent on one another. The Interim Development Manager stated that he had no objection to this, and this would be included.

**RESOLVED:** That the Committee PERMIT the application

**For 7, Against 3, Abstain 1**

<b>For</b>	<b>Against</b>	<b>Abstain</b>
David Fowles	Andrew Maclean	Mark Harris
Dilys Neill	Daryl Corps	
Gary Selwyn	Julia Judd	
Ian Watson		
Patrick Coleman		
Michael Vann		
Ray Brassington		

**20 23/02283/FUL - Gardners Cottage, Back Lane, Upper Oddington**

There was a 10-minute adjournment before proceeding onto the item.

The application was for the demolition of existing reconstituted stone dormer bungalow and replacement with new build dwelling and associated works at Gardners Cottage Back Lane Upper Oddington Moreton-In-Marsh Gloucestershire GL56 0XL.

The Officer recommendation was to permit.

The Case Officer introduced the item.

Councillor David Cunningham read a statement from a resident, who had objected to the application but had to leave the meeting early.

Mr. Martin Chandler, the agent for the application, addressed the Committee.

Councillor David Cunningham addressed the Committee as the ward member. Councillor Cunningham stated that the application would cause harm to the conservation area if permitted.

Site visit

Members who had attended the site visit summarised their comments.

Members raised concerns over the scale of the development, and stated it was not subservient to the main dwelling, but others stated that the extension would not be very noticeable from the road.

Members stated there was a mix in age of properties in Oddington, and a mix of materials.

Members stated that existing construction was not of historic interest and had minimal architectural merit.

#### Member Questions

Members asked the Conservation Officer for their view on the application. The Conservation Officer stated that the walls had been kept low to look like garden walls, and incorporated brickwork from the adjacent house. In their view it was a quality piece of contemporary vernacular, which enhanced the conservation area by improving the existing dwelling.

The Conservation Officer stated they did not think that the height would cause harm.

Members asked if the building should all be in stone. The Conservation Officer stated that the more visible portion would be in stone, and the brick broke up the massing, softening the appearance.

Members asked if the angle of the roof was in keeping with the vernacular. The Conservation Officer stated that the design was a contemporary interpretation of 17<sup>th</sup> Century design, which added to the quality of the design, setting it apart from an average contemporary construction.

Members asked whether this would be the first contemporary extension in the area, The Conservation Officer made reference to a few examples they were aware of.

The Conservation Officer stated that they did not think that the proposals harmed character and appearance of the conservation area.

Members stated it was regrettable that energy efficiency details were not included. The Case Officer stated that they had asked for them, but could not mandate them as they were not currently part of the validation checklist. There were conditions included in regard to this.

#### Member comments

Councillor Mark Harris proposed permitting the application, referencing the Conservation Officer's advice.

Councillor Gary Selwyn seconded the proposals.

Councillor David Fowles had to leave the meeting early and did not vote.

Some members referenced objection comments from the Parish Council and neighbours, and the ward members comments.

**RESOLVED:** That the Committee PERMIT the application

**Voting record- For 8, Against 2, Abstain 0**

For	Against	Abstain	Absent/ Did not vote
Andrew Maclean	Daryl Corps		David Fowles
Dilys Neill	Julia Judd		
Gary Selwyn			

Ian Watson			
Mark Harris			
Michael Vann			
Patrick Coleman			
Ray Brassington			

## 21 Sites Inspection Briefing

The Sites Inspections Briefing was subject to the next review panel.

## 22 Licensing Sub-Committee

The Senior Democratic Services Officer stated that no notification had been received of needing a licensing sub-committee.

## 23 Confirmation of an Article 4 Direction at Land Parcel West Of St. Lawrence's Church, Church Street, Weston Subedge.

The purpose of the report was for the Committee to confirm the proposed Article 4 Direction, which entailed removing the permitted development rights on the site.

The Interim Development Manager introduced the item, stating that there was a scheduled ancient monument in the middle of the site, which was a historical asset.

This would allow the Council to protect the monument by restricting development, while still allowing livestock to continue to graze on the site

The Interim Development Manager stated that the Ward Members were aware of this, and in favour of the proposal. The proposal came about following concerns raised by local residents and the Parish Council.

Councillor Dilys Neill proposed, Gary Selwyn seconded the recommendations.

**RESOLVED:** That the Committee AGREED to confirm the Article 4 Direction

For	Against	Abstain	Absent/ Did not vote
Andrew Maclean			David Fowles
Dilys Neill			
Gary Selwyn			
Ian Watson			
Mark Harris			
Michael Vann			
Patrick Coleman			
Ray Brassington			
Daryl Corps			
Julia Judd			

The Meeting commenced at 2.00 pm and closed at 5.30 pm



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Chair

(END)