



Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 11 May 2022.

Councillors present:

Ray Brassington
Stephen Andrews
Patrick Coleman
Stephen Hirst

Julia Judd
Sue Jepson
Juliet Layton
Andrew Maclean

Dilys Neill
Gary Selwyn
Clive Webster

Officers present:

Deborah Smith – Planning Manager
Martin Perks – Senior Planning Officer
Harrison Bowley – Senior Planning Officer
Susan Gargett – Head of Legal Services
Caleb Harris – Democratic Services Officer
Wayne Smith – Democratic Services Officer

94 Apologies

There were apologies from Councillor Stephen Trotter.

95 Substitute Members

Councillor Stephen Andrews was substituting for Councillor Stephen Trotter

96 Declarations of Interest

There were no declarations of interest.

97 Minutes

The Committee requested that with immediate effect, in the minutes, the full title of the planning application should be put at the top of each application along with the application number.

The Committee also requested that with immediate effect, in addition to the voting record and decision, a statement confirming whether the decision agreed or disagreed with the officer's recommendations should be added.

RESOLVED: The Committee agreed that with the inclusion of the two recommendations, the minutes were an accurate record of the Committee held on 13th April 2022.

Voting Record – For 9, Against 0, Abstentions 2, Absent 1

98 Chair's Announcements (if any)

The Chair stated that a 30 minute training session on Biodiversity will be held immediately before a future Committee meeting. This will take place in the next couple of months and an invitation will be extended to all Members as it is important that everyone has an understanding of this important subject.

99 Schedule of Applications

Application 21/03807/FUL - Erection of Four Dwellings and Associated Works at Land at Sandy Lane Court, Upper Rissington, Gloucestershire

The Planning Case Officer, Martin Perks, introduced the application and described the location of the proposed development of 4 one and two bedroomed properties and associated parking provision. The site and relevant planning history was also described.

The following people addressed the Committee:
Councillor Sandy Garret (Upper Rissington Parish Council)
Jackie Palmer (Objector)
Samuel Brooks – Tyack Architects (Agent)
Councillor Andrew Maclean (Ward Member)

The Committee noted the location maps of the application, plans and photographs of the site and illustrations of the proposed properties.

The Committee commented on the use of obscured glazing on windows that appear to provide light to living areas and bedrooms of the properties. The Officer stated the obscured glazing windows were secondary windows and both of the rooms served by the windows also had other non-obscured windows.

The Committee commented on the ownership and upkeep responsibility for both the green space that would be reduced within the site and a new green space amenity that was being provided nearby. The Officer stated that the applicant owned part of the land within the site although this had been maintained by existing residents. Responsibility for future maintenance could be conditioned within in the application.

The Committee commented on the proposed properties being built in an Area of Outstanding Natural Beauty (AONB) that did not appear to enhance or preserve the special qualities of the area. The Officer stated that the AONB applied to the wider landscape of the area and the proposed development was in a more built up site within the AONB area where development was acceptable

The Committee commented on how access would be guaranteed to the new open green area that is being developed nearby. The Officer stated the new open green area would have public access (covered by 106 agreements) and no further access specific rights would be required.

The Committee commented on the whether the obscured glazed windows would be fixed or opening. The Officer said this was not currently specified, but a condition could be added to the application.

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The Committee commented that, as the development would reduce a green space amenity, was the application aligned with the Council's biodiversity ambitions. The Officer stated the green land that would be lost was mown grass and therefore had little ecological value.

The Committee commented that Thames Water had not responded to the application in connection with the sewerage removal provision. The Officer stated water & waste connections would be a matter for the developer to agree with the water company which had already agreed to other connections nearby and were not able to refuse connection to the water mains supply.

The Committee commented on the local design principles used for the new properties and asked whether 'local' applied to the specific site or wider village or district. The Officer stated the design of the new properties had the same scale and size of nearby properties and their design matched the 26 houses that were being built to the south of this site.

The Committee commented on 2 parking spaces currently in use by non-residents of the site and the size and use of the amenity green space. The Officer stated the 2 parking spaces would be reclaimed by the applicant and there wasn't a defined minimum size that applied to green amenity land.

The Committee commented that the substation had been incorrectly been considered to be part of the bungalow and because of this, the building line that was being applied to determine the front of the proposed dwellings had been brought substantially closer to the road. The Officer stated that although it was now recognised that the substation (and the fence beside it) were not part of the bungalow, it was still acceptable to use them to determine the building line.

The Committee commented on the loss of the footpath that runs through the centre of the proposed building location. The Officer stated there were other paths that provided access to all parts of the sites.

The Committee commented on the applicant's statement that low cost housing was required in the area and how this was arrived at. The Officer stated that although no specific needs analysis had been completed, there was a general acceptance that more open market, affordable housing, was needed across the area to provide an alternative to joining the housing register.

The Committee commented that parking for existing residents would be lost and asked for clarification on where residents would be able to park in future. The Officer stated that 1 space would be lost but 10 communal spaces would be created within the site, and that the Highways department was content with the proposal.

The Committee commented on the inclusion of air source heat pumps that meets the minimum requirement for the proposed buildings and whether they take up more room inside houses than traditional boilers. The Officer stated there was nothing in the minimum space requirements that stated the space taken up by the heat pumps should be discounted.

Councillor Webster and Councillor Coleman seconded that the Committee **REFUSE** the application on the grounds that:

- The decorative style of the new properties was incongruous with the surrounding area and not in keeping with the Local Plan Policy EN2

- The proposed development would deprive the existing residents, with small properties and small gardens, of a valued green amenity land that had been enjoyed for 30 year
- The proposed development would have a harmful impact on neighbouring properties due to the loss of the amenity

Voting Record - For 9, Against 2, Abstention 0, Absent 1,

The application was **REFUSED**, and was contrary to the recommendation of the Planning Officer

Application 19/01916/FUL – Two Storey Extension and Addition of Dormer Window at 84 Watermoor Road, Cirencester, Gloucester, GL7 1LF

The Planning Case Officer, Harrison Bowley, introduced the application and described: the location at 84 Watermoor Road in Cirencester, the property as a late 19th century, two storey mid-terrace dwelling of historic interest, and the proposed construction of a two-storey extension to the rear of the dwelling and the construction of a flat roof dormer.

The following people addressed the Committee:

Sonya Wardlaw (Objector) - Written submission read out by Democratic Services

Mr Theo Jones – (Applicant)

Councillor Gary Selwyn (Ward Member)

The Committee noted the location maps of the application, plans and photographs of the site and illustrations of the proposed constructions.

The Committee noted that as the recommendation is to refuse the application, there were no conditions, and that should the committee be minded to approve the application could these could be added.

The Committee asked whether the Council had a policy regarding residents with properties with unauthorised development along this street and the wider area. The Officer stated that there was a general policy to engage with residents when unauthorised development was brought to the attention of the Planning Enforcement team. There was also a specific open enforcement case for 82 Watermoor Road where a dormer window was not built in accordance with plans.

The Committee commented that it was unclear whether the proposed building materials complied with the design code for the area. The Officer described the building materials and building method in more detail and stated that although some elements e.g. the zinc roof, did not comply, the proposed design did follow the general vernacular for the area.

The Committee enquired whether an assessment of reduced energy usage following the completion of the construction had been completed. The Officer stated there was no requirement for this to be completed in the application process so it had not been requested or completed.

The Committee enquired to what extent the unauthorised development of other properties along the road had influenced the decision to recommend a refusal of this application. The Officer stated that the development of nearby properties had been taken into consideration within the context of the overall site, but that it was not a specific consideration for this application.

The Committee noted that this was the latest of a series of applications and enquired whether a 2-storey building would ever be acceptable at this property. The Officer stated that guidance had been provided to the applicant throughout the application process and although it wasn't the case that no development would be acceptable, a construction mirroring 86 Watermoor Road (and similar properties in the road) would be more acceptable.

The Committee commented that the addition of a new ensuite shower room, within the rear flat roof dormer, did not appear to be an essential part of the application and enquired whether an application for smaller single or doubled pitched dormers would be more acceptable. The Officer stated it would be difficult to make an assessment without seeing new drawings showing the proposed construction.

The Committee commented that the diagrams showing daylight-availability and the series of seasonal overshadowing illustrations showed different amounts of light reaching neighbouring properties and asked whether one of these 'light availability' measures had precedence. The Officer stated that both measures had equal weight but for different reasons. The Cotswold Design code is usually used to identify light restriction from developments using the 25 degree/45 degree criteria.

The Committee enquired to what extent the need to accommodate a growing family affected a decision to permit or refuse the extension of a town centre property. The officer confirmed that this was not a material planning consideration

The Committee commented that overshadowing did not appear to be a significant factor in this planning decision. The Officer stated that overshadowing was limited however, during certain times in April and July, the currently clear side (kitchen) window of the neighbouring house would become completely overshadowed. The Case Officer explained the distinction between a loss of natural light and loss of daylight

The Committee noted that the proposed construction would be to the rear of the property and would not affect the front of the property or the street scene and that the existence of a large industrial building to the rear of the properties had been considered when arriving at the planning recommendation.

Councillor Coleman proposed and Councillor Judd seconded that 'with the exception of the changes to the rear of the 2nd storey construction', the application should be **PERMITTED**.

Voting Record - For 3, Against 5, Abstentions 3, Absent 1

This proposal was lost.

Councillor Webster proposed and Councillor Brassington seconded that the application should be **REFUSED** for the reasons stated by the Officer in the application.

Voting Record – For 6. Against 5, Abstentions 0, Absent 1,

The application was therefore **REFUSED**, in agreement with the recommendation of the Planning Case Officer

Application 21/04496/FUL – Proposed Agricultural Barn to Replace Existing Stables at Land and Stable North West Of Willow House, Cowley, Gloucestershire

The Planning Case Officer, Harrison Bowley, introduced the application and described: the location of the proposed development within the Cotswolds Area of Outstanding Natural Beauty (AONB), the proposed construction of an agricultural barn with roof lights to replace existing wooden stables, and the relevant planning history of the site.

The following people addressed the Committee:

Councillor Tim Knox (Parish Council)

Beverley Ayling -Smith (Objector) – Written submission read out by Democratic Services

Andrew Pywell – Plan A Planning (Agent)

Councillor Julia Judd (Ward Member)

The Committee commented that hay is considered to be a combustible dry food and as such should be stored in a conventional barn, and not one with roof lights where sunlight could ignite it. The Officer stated that there is no Planning regulation preventing the inclusion of roof lights, but there may be Building Regulations that require the building to be fit for purpose.

The Committee enquired whether there would be concerns with glinting from the glass in the roof lights. The Officer stated that the modest proportion of glass within the overall size of the roof was not significant enough to cause concern.

The Committee commented on the Use Class of the site. The Officer confirmed it had established Agricultural Use and that would encompass all forms of agricultural usage including storage of feed, agricultural equipment etc.

The Committee noted the ecological damage caused during the construction of a zig zag path from the bottom to the top of the steeply inclined adjacent field, and enquired if enforcement action was still ongoing. The Officer stated that remedial work had been completed to repair the damage caused by the construction of the path and the enforcement team considered the case closed.

The Committee commented that the application mentioned 'lighting' at the site, but there was not currently an electricity supply. The Officer stated that a separate application would be required if an electricity supply or lighting was required at the site.

The Committee commented that only agricultural use was permitted and enquired whether converting the building into a dwelling would not be permitted. The Officer confirmed that any request to change the use of the proposed building would need a future planning application.

The Committee commented on the proposed materials and construction of the barn as only 'timber cladding' was provided. The Officer stated that the construction and integrity of the building was a Building Regulations issue, and the Planning Department was principally concerned with the size, appearance and appropriateness of the proposed structure.

The Committee commented on whether the applicant was a farmer and whether the proposed barn would be used for storing equipment from elsewhere. The Officer stated that the occupation of the applicant was not a material planning consideration and stated that an agricultural building was being proposed for Agricultural Use.

The Committee noted that the current wooden stables could not be used to store agricultural vehicles but the proposed construction could and enquired whether consideration been given

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to the potential increase in traffic along the adjacent restricted lanes. The Officer stated that Agricultural Use was not changing and therefore consideration of the type of agricultural use (e.g. wood, hay, vehicles storage), was not required.

The Committee enquired as to whether, if the application was permitted would the construction need to be completed before any change of use was considered. The Officer stated yes, it would need to be completed before change of use could be considered.

The Committee noted that the construction of agricultural buildings often required a notification to the Council to build and enquired why planning permission was required for this building. The Officer explained that permitted development rights for agricultural buildings only apply to land over 5 hectares.

Councillor Jepson proposed and Councillor Hirst seconded that the application be **REFUSED** as there was no reasonable need for the building and its harmful impact on the character and appearance of the Cotswolds AONB

Voting Record – For 7, Against 4, Abstentions 0, Absent 1

The application was **REFUSED**, contrary to the recommendation of the Planning Officer.

100 Sites Inspection Briefing

The Committee noted the rota for attendance at the Sites Inspection Briefing on Wednesday 8th June 2022. No site inspections were listed.

101 Licensing Sub-Committee

The Committee noted the rota for attendance at the Licensing Sub-Committee on

Members for 1 June 2022 (if required):

Councillors Julia Judd, Stephen Hirst, Dilys Neill (or a substitute), Juliet Layton and Clive Webster

The meeting commenced at 10:00am and closed at 12.32pm

The Meeting commenced at Time Not Specified and closed at Time Not Specified

Chair

(END)