

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 7 December 2022.

Councillors present:

Ray Brassington - Chair

Mark Harris

Stephen Hirst - Vice Chair

Sue Jepson

Julia Judd

Andrew Maclean

Dilys Neill

Gary Selwyn

Steve Trotter

Clive Webster

Officers present:

Susan Gargett – Head of Legal Services

David Morren – Interim Development Management Manager

Mike Napper – Major Developments and Appeals Manager

Andrew Moody – Senior Planning Officer

Harrison Bowley – Senior Planning Officer

John Patey – Highways Development Management (Gloucestershire County Council)

Mark Sweet –Highways Technician (Gloucestershire County Council)

Caleb Harris – Senior Democratic Services Officer

Ana Prelici – Democratic Services Officer

Wayne Smith – Democratic Services Officer

146 Apologies

Apologies had been received from Councillor Patrick Coleman (Vice-Chair).

The Chair proposed Councillor Stephen Hirst to serve as Vice Chair for the duration of the Committee meeting and invited Members of the Committee to vote to show their acceptance. Committee Members voted unanimously that Councillor Stephen Hirst should serve as Vice Chair for the duration of the Committee meeting.

Councillor Mark Harris would be arriving later to the meeting.

147 Substitute Members

There were no Substitute Members.

148 Declarations of Interest

Councillor Webster declared an interest as a member of the Cotswold National Landscape which had objected to application 21/04342/FUL

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Councillor Hirst declared an interest as both himself and Councillor Duncan McGaw (speaking on behalf of Coberley Parish Council on application 22/02519/FUL) were members of Gloucestershire Rural Community Council.

149 Minutes

Minute 143 “Councillor Webster proposed and Councillor seconded that the decision was deferred pending completion of an all Committee Member site visit...” should read
“Councillor Webster proposed and Councillor **Neill** seconded that the decision was deferred pending completion of an all Committee Member site visit...”

Application 20/02798/FUL “Voting – For 6, Against 5, Abstentions 0, Absent 2,” should read
“Voting **Record** – For 6, Against 5, Abstentions 0, **Absent 0**,

Applications 21/00549/FUL “Voting – For 11, Against 0, Abstentions 0, Absent 0,” should read
“Voting **Record** – For 8, Against 0, Abstentions 0, Absent 3,

Application 22/02837/FUL “Voting Record – For 10, Against 1, Abstentions 0, Absent 0,”
should read “Voting Record – For 7, Against 1, Abstentions 0, Absent 3,”

RESOLVED: The Committee agreed that, subject to the amendments being made, the Minutes were a correct record of the meeting held on 9 November 2022

Voting Record – For 5, Against 0, Abstentions 4, Absent 2,

150 Chair's Announcements (if any)

The Chair congratulated Caleb Harris on his promotion to Senior Democratic Services Officer and announced that Susan Gargett the Head of Legal Services, who had provided legal advice and support to the Committee for over 15 years, was retiring. The Chair thanked the Head of Legal Services on behalf of the Committee for all her clear and concise advice that was always to the point and, when required, assertively delivered.

The Head of Legal Services addressed the Committee and stated that she had enjoyed the variety and challenges of the cases that the Committee had considered and that it had been a privilege to work with Councillors and Officers over the years.

151 Schedule of Applications

21/04342/FUL Extension to yard used for the storage of horticultural products at Melcourt Industries Limited, Boldridge Brake, Crudwell Lane, Long Newton, Tetbury Gloucestershire GL8 8RT

The Senior Planning Case Officer introduced the application that had been deferred at the November Planning & Licensing Committee meeting to allow for a Site Inspection to take place, to assist Members in their consideration of the application with regard to viewing the local road network, and also to request attendance at the meeting by the Highway Authority.

The Senior Planning Case Officer summarised the application and re-presented locality and site maps and photographs of the proposed development along with details of both the current road access to the site, proposed improvements, and additional illustrations showing the location of the Area of Outstanding Natural Beauty (AONB), nearby conservation areas and photographs of roads taken during the Site Inspection.

The following people addressed the Committee:

Diane Thomas – Town/Parish Council

Jamie Lewis – Objector

Paul Greatwood – Agent

Nikki Ind – Ward Member

The Chair invited comments from Committee Members following the Site Inspection.

The Committee noted that the roads viewed during the visit were very narrow and any vehicular passing (HGV/HGV, HGV/car, HGV/tractor, car/tractor) appeared to cause issues and lead to vehicles being driven onto verges.

The Committee noted the width of the road near to the church was particularly narrow and difficult to pass for any motor vehicle.

The Committee noted that Melcourt Industries had suspended HGV deliveries to and from its site on the day of the site visit for Health and Safety reasons.

The Committee noted that the location and length of some of the proposed passing places would appear to be ‘wholly inappropriate’ adjacent or cutting into an AONB. It was however recognised that the Highways Authority had the authority to build passing places without consideration of AONBs.

The Committee noted that Gloucestershire County Council Highways Authority had moved on from a previous position where it had not opposed the application, to recommending a refusal, for the following reasons:

- When the original application had been submitted it was understood that there would be an off-setting of HGV movements that would give nil detriment, and one Passing Place had been proposed to improve congestion
- It then transpired that the off-setting could not take place and the 10 HGV movements that had been considered, applied to an adjacent ancillary commercial site, and not the proposed application site, and an additional 12 HGV movements per day would be created from the application
- An improved form of mitigation had been offered in the form of 5 Passing Places within the application, and this had initially been considered reasonable.
- Following referral to the Planning and Licensing Committee, the Site Inspection, and communication with both the Applicant and the Planning Authority, it had become clear that the application site was intrinsically linked to the adjacent ancillary commercial site and, should the application be approved, it would fall under B2 commercial use and potentially increase (double) the number of HGV movements.
- This led to the Highways Authority concluding that “...after undertaking a robust assessment of the planning application and based upon the analysis of the information submitted, the highway authority concludes that there would be an unacceptable impact on the safety and operation of the public highway. The proposed development would fail to provide and maintain safe and suitable access for all users contrary to INF1 and INF 4 of the Local Plan and NPPF paragraphs 110 and 112. It is therefore recommended that this application is refused.”

The Committee noted that The Freight Route Map appeared to indicate that the area round the application site was not recommended for HGV movements.

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The Committee noted that the formal written notification from the Highways Authority recommending a refusal was received after the Site Inspection had taken place.

The Committee noted that the Planning and Licensing Committee did not have the authority to specifically restrict the use of HGV movements to or from the application site as part of this (or any future) planning application.

Councillor Neill proposed and Councillor Jepson seconded that the application was REFUSED for the reasons provided by the Highways Authority

RESOLVED The Committee agreed to REFUSE the application for the reason provided by the Highways Authority

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

21/00549/FUL 45 residential dwellings with associated garages/parking, including demolition of existing petrol filling station and other existing buildings at Northfield Garage, London Road, Tetbury, Gloucestershire, GL8 8HW

The Major Developments and Appeals Manager introduced the application that was deferred by Committee at the meeting of 9th November 2022 to allow further negotiations to take place in relation to the potential provision of additional on-site Public Open Space(s). Negotiations had been completed and updates had been provided in the relevant sections of the report, including in respect of items that had been reported to the November Committee in the Additional Pages to the latter.

The Major Developments and Appeals Manager then re-presented the planning application for the erection of 45 residential dwellings with associated garages/parking. The proposed development was summarised, and the application site and location maps, photographs and illustrations were presented to provide context for what was initially proposed along with new illustrations showing the new proposed green spaces.

The Committee noted that the inclusion of the green spaces had resulted in the loss of three of the 100 parking original spaces, although this would not reduce the 91 parking spaces that would be allocated to properties.

The Committee noted that management of the Public Open Space by a private management company had been proposed by the Applicant and this would require residents to make small contributions for the upkeep and management of green spaces.

The Committee recommended that the management of the green spaces should first be offered to Tetbury Town Council for a nominal sum as a preferred solution.

The following people addressed the Committee:
Catherine Sheppard – Applicant
Nikki Ind – Ward Member

The Committee noted that the Local Lead Flood Authority (LLFA) assessment, the applicant has provided a plan to deal with this flooding, which is to incorporate two underground attenuation tanks to store surface water. This strategy was acceptable, subject to a detailed design condition.

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Councillor Webster proposed and Councillor Harris seconded that the application was APPROVED for the reasons provided by the Major Developments and Appeals Manager.

RESOLVED The Committee APPROVED delegated permission subject to completion of S106 in respect of Affordable Housing, completion of S106 in respect of library contribution, and confirmation of Lead Local Flood Authority satisfaction.

Voting Record – For 8, Against 1, Abstentions 1, Absent 1,

Erection of incidental outbuilding (retrospective) at Grain Store, 5 Old Dowmans Farm, Coberley, Cheltenham, Gloucestershire, GL53 9FF

The Senior Planning Case Officer introduced the application for the (retrospective) erection of an incidental outbuilding on built up land at a site at the western edge of the village of Coberley located within the Cotswolds AONB.. The site comprised historic vernacular farm buildings with more modern farm buildings to the north, which had been the subject of permission for conversion to residential use. No. 5 Old Dowmans Farm, was set centrally within the latter development, along the eastern boundary of the site and the building constituted a historic barn, now converted to a dwelling, with a modest garden and off street parking to the front. The application was summarised, and site and location maps, photographs and illustrations were presented to provide context for what had been constructed.

The following people addressed the Committee:

Duncan McGaw – Town/Parish Council

Rebecca Murphy – Objector

Richard Greenwood – Agent

Julia Judd – Ward Member

The Committee noted that the host building had been identified as a non-designated heritage asset.

The Committee noted that the original planning permission (2017) included a condition to remove permitted development rights and bring the construction of further structures under the Planning Services control.

The Committee noted that the removal of permitted development rights condition would usually be carried forward on subsequent applications but this had not happened at this site.

The Committee noted that enforcement officers had determined the change in height of the built up area on which the new structure stands, as 0.3m, using historic topographic surveys and more recent physical measurements.

The Committee noted that absence of the condition removing permitted development rights and existing permission would enable further development of the site with construction of a car barn, and this would not be considered 'over-development'.

Councillor Jepson proposed and Councillor Judd seconded that the application should be DEFERRED to enable a full Committee member Site Inspection to take place.

RESOLVED The Committee agreed to DEFER the application to enable a full Committee Site Inspection to take place.

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Voting Record – For 5, Against 4, Abstentions 1, Absent 1

152 Sites Inspection Briefing

The Committee agreed to a full Committee Member Site Inspection 4 January 2023 to Grain Store, 5 Old Dowmans Farm, Coberley, Cheltenham, Gloucestershire, GL53 9FF

153 Licensing Sub-Committee

A provisional Licensing Sub-Committee had been arranged for 21 December 2022 (if required).

The Meeting commenced at 2.00pm and closed at 4.00pm

Chair

(END)