



**Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 14 June 2023.**

**Councillors present:**

Ray Brassington - Chair  
Mark Harris  
Julia Judd  
Andrew Maclean

Patrick Coleman – Vice-chair  
Dilys Neill  
Gary Selwyn  
Daryl Corps

David Fowles  
Michael Vann  
Ian Watson

**Officers present:**

Helen Blundell, Interim Head of Legal Services  
David Morren, Interim Development Manager  
Harrison Bowley, Senior Planning Case Officer  
Andrew Moody, Senior Planning Case Officer  
Hannah Rose, Senior Case Officer  
Cameron Berry, Planning Technician

Caleb Harris, Senior Democratic Services  
Officer  
Ana Prelici, Democratic Services Officer  
Jose Santos, Gloucestershire County Council  
Highways

**Observers:**

Councillors Mike Evely, Clare Muir, Nikki Ind, Angus Jenkinson, Juliet Layton and Joe Harris

**197 Apologies**

No apologies were received.

**198 Substitute Members**

There were no substitute members.

**199 Declarations of Interest**

Councillor Brassington stated that he knew the Agent on the Tunnel House Inn application from his previous employment at the Council but that they were not friends.

Councillors Harris, Judd and Coleman all stated that they knew Lord Bathurst through their roles as ward members but had never worked for the Bathurst Estate.

Councillor Fowles also knew Lord Bathurst socially.

Councillor Harris stated that he had worked with the principal at the surgery, referring to the first application on the agenda.

Councillor Watson declared a pecuniary interest as he had voted for the application in a Town Council meeting.

## **200 Minutes**

A correction was made on line 187 – where it stated “worked for” this was incorrect. Councillor Harris had worked with the estate, not for the estate, and Councillor Judd had not worked with the estate.

**RESOLVED:** That the minutes of the meeting held on the 26<sup>th</sup> April be APPROVED as a correct record

**For – 6 – Against – 0 Abstentions – 5**

## **201 Chair's Announcements (if any)**

The Chair encouraged members of the public to submit objections to the planning portal on the Council’s website instead of directly to Ward members.

## **202 Public questions**

There were no public questions.

## **203 Member questions**

There were no member questions.

## **204 Appointments to Licensing Sub-Committee**

The Chair introduced the report, which was taken as read.

There were no questions or comments.

**RESOLVED:** Planning and Licensing Committee agreed to;

- a) APPOINT five members of the Committee to the Licensing Sub-Committee (Taxi, Private Hire and Street Trading)) in accordance with political proportionality and the wishes of political groups (3 Liberal Democrat, 2 Conservative)
- b) NOTE the Licensing Sub-Committee membership, (Licensing Act 2003)

**For- 11, against- 0, Abstentions 0**

## **205 22/03495/FUL- Land West Of Worwell Farmhouse, Cirencester Road, Tetbury**

The Committee introduced themselves before proceeding.

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 for Delegated Permission subject to;

- i) completion of S106 in respect of Affordable Housing,
- ii) completion of S106 in respect of library contribution, and
- iii) subject to the finalisation of discussions regarding the Highways Officer's conditions and legal arrangements for the payment of Travel Plan monitoring contributions.

Councillor Watson who had declared a pecuniary interest in the proposal left the room before the item began.

The Senior case officer introduced the item, clarified that the site was not within the vicinity of any listed buildings, nor was itself and highlighted the additional public representations received after publication, which were contained within the 'additional pages update' document, as well as a representation from the Lead Flooding Officer.

Councillor Twells, as the ward member for the application had sent his apologies for the meeting and circulated a statement which was included in the additional pages supplement and read out by the Democratic Services Officer. The statement objected to the application, referring to impact on the Conservation Area and a Forward Planning Response dated 9<sup>th</sup> December 2022 objecting to the application.

Councillor Ind addressed the Committee as the neighbouring ward member (the boundary was also on her ward) stating that it was a complex local matter, and summarised local views on either side of it. Councillor Ind stated that many residents had responded to the application in support of it, referencing the need for a new GP surgery, but that there were also many objections, referring to the impact on the Area of Outstanding Natural Beauty. Councillor Ind raised concerns about pedestrian safety due to lack of street lighting, and lack of public transport and asked the Committee to include conditions on these if they were to approve the application.

Mr Richard Millbank addressed the committee to oppose the application. He highlighted that the site was within the AONB, and potential damage on this and that he did not believe that this was the only viable site for the GP surgery to relocate.

The Chair invited members who had attended the sites inspection briefing to comment on it. The Committee raised points on the following matters;

- Positioning of the site
- The site was far to travel from a bus stop
- The site was in the AONB and perceived by members to be of significant aesthetic value
- Highway dangers
- The site gave access to the nearby cycling trail
- The development was deemed by members to require a significant social benefit to overturn these factors in its favour

#### Members questions

Members asked what the number of affordable housing and social rented housing would be delivered on the site. The Case Officer provided the figures as follows – eleven affordable houses, of which three were first homes and eight were affordable rent.

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Members asked for further information on the sequential testing undertaken, and asked the Case Officer to clarify whether there were other suitable sites for the development, as there was difference of opinion on this. The Case Officer stated that as there was no legal requirement for sequential testing. The Case Officer stated that following the submitted sequential test, there was insufficient evidence to prove that this was the only potential site for development, therefore lessening the weight of the Public benefit in the Case Officer's view. However, the Case Officer also stated that there was no other application that had come forward or any allocations in the Local Plan.

The Case Officer also stated that the sequential test had been undertaken by Phoenix Healthcare Group, who were not the applicant.

Members stated that they did not believe that the proposal was compliant with INF2, and asked what weight should be given to this. The Development Manager stated that Members could provide this whichever weight they chose, as it was an adopted Local Plan policy.

Members asked about the 25 year lease for the healthcare centre stated in the report, and what the implications of this were. The Officer stated that this was a tenancy that would renew after 25 years. The use class was also restricted by a condition to only be used as a healthcare centre.

Members asked about the number of parking spaces, The Case Officer advised that there were 56 parking spaces and 20 full-time equivalent staff members.

Members also asked whether the decision would set a precedent. The Development Manager stated that planning applications were all considered on their own merit, on a case-by-case basis, with no weight given to precedent.

Members referred to paragraph 10.56 and the comments regarding quality of design. The comments from the conservation officer stated that there was 'unfortunate repetitive monotony', Members asked if there had been successful negotiation with applicant in improving this. The Case Officer stated that the applicant had been engaged and that this was the final submission. While the Case Officer stated that improvements would have been preferred, the site did relate to the existing modern housing development. The Development Manager also added that there is a balance to be struck on all developments, and in this case the merits were the Healthcare centre. Developing on this point, Members also asked what weight should be given to the design. The Development Manager stated that this is not something Officers can advise on beyond the earlier Officer judgement stated.

Members asked whether this site would be considered without the inclusion of the healthcare centre. Officers stated that it was the possible benefit of the healthcare centre that swayed the balance, and without it the scheme would be unlikely to be considered.

Members also asked whether about the condition on the healthcare centre, which stated that it must be built in three years or by the occupation of the 20<sup>th</sup> dwelling, whichever is sooner, and why this was included. The Case Officer advised that this was also a result of negotiating, and that the initial Officer opinion was that this would have been immediately commenced with the first dwelling. Members also asked if this meant that it could be a maximum of 6 years before the healthcare centre was built, which the Case Officer confirmed was correct. Officers also added that additional assurance that the healthcare centre would be built could be conditioned through a section 106 agreement, which would be legally binding.

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Officers also advised that there had been significant negotiation with the developer, and that therefore the development of the healthcare centre was unlikely to be brought forward through a stricter condition without risking the deliverability of the site, which in turn risked being appealed.

Members noted that all major development in the AONB should be avoided at all cost, as per the NPPF, which was stated in the Officer's report.

Members asked whether there was room for expansion on the site. Officers advised that this would be speculation, but that the NHS commissioning group were satisfied with the standard of the centre, and that it met their needs for future proofing.

#### Member comments

Members thanked the members of the Public for their patience, and Officers and Colleagues for a thorough examination of the issues.

Members referenced the loss of AONB, and poor architectural merit of the application, and the lack of public transport. Although it was recognised that the not bringing forward a new site for the GP practice could have negative consequences (on patients, recruitment of staff etc.), Members also stated that there would be future opportunities for healthcare practices in the future due to the work of the Gloucestershire integrated care group.

Members stated that the Council should work with the County Council to facilitate an improved proposal for a GP practice to come forward.

Councillor Coleman made a proposal to refuse the application on the premises mentioned in the members questions and comments. The proposal was seconded by Councillor Fowles.

The Development Manager proposed some suggested grounds for refusal based on Members comments;

1. The application site lies within an area of open countryside outside of the defined settlement development boundary for Tetbury with inadequate provision of public transport. The development, consisting of a residential aspect and healthcare centre, would therefore be contrary to Local Plan Policies DS4 and INF2. It is acknowledged that public benefits would arise from the development, most notably the provision of healthcare infrastructure, affordable housing, and high energy performance design, but notwithstanding this, the harm as identified, is considered, in the balance, to outweigh the public benefits of the scheme. The proposed development is contrary to Local Plan Policies DS4 and INF2.
2. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. The development would result in the loss of an open, rural space and would erode the transitional, edge-of-settlement qualities of this part of the town. The development would therefore result in landscape and visual harm to the special qualities of the AONB and would be contrary to Local Plan Policies EN4 and EN5, and Section 15 of the NPPF.

3. The proposed development, consisting of a residential aspect and healthcare centre, would result in a scheme that lacks a contextually sympathetic layout and clear architectural distinction. The development would neither achieve a high quality contemporary design, nor a more traditional vernacular appearance and would lack characterful variety of scale, form and massing. The design of the development would therefore be of a poor quality, out of keeping with the local townscape and inconsistent with the requirements of the Cotswold Design Code. The development would therefore be contrary to Cotswold District Local Plan Policies EN1, EN2 and the Cotswold Design Code; Policy 2 of the Tetbury and Tetbury Upton Neighbourhood Plan 2015- 2030; and Section 12 of the National Planning Policy Framework.

**RESOLVED:** That the Committee REFUSE the application for the reasons set out

**Voting record: for – 8, against 1, abstentions 1, absent 1\***

\*As Councillor Watson had left the room, he did not vote

## **206 21/03698/FUL- Tunnel House Inn, Coates**

The application was for a single storey extension to both Inn and barn, and use of land for the siting of six accommodation units and associated works at Tunnel House Inn Coates Cirencester Gloucestershire GL7 6PW.

The Officer recommendation was to permit the application.

The Senior Case Officer introduced the report. The Senior Case Officer referred to a letter from the applicant as distributed in the additional pages, which confirmed the intention to remove the hot tubs from the application, any reference from kitchenettes, as well as confirming the fact that the units could not be placed to the rear of the inn due to the ancient woodland.

It was highlighted the extension to the inn first, with garden room style extension, to the left side of the inn into the pub garden. The Case Officer stated that the landscaping scheme was very strong and that the design of the 'pods' was of an organic form and low profile and considered to be of high quality and integrated into the woodland. The Tunnel house Inn itself was a non-designated heritage asset.

Councillor Mark Grimes, representing Rodmarton Parish Council addressed the committee to object to the proposal, due to the impact on the Area of Outstanding Natural Beauty, trees and wild life.

Jacqueline Brown addressed the committee to object to the application. Ms Brown stated that the noise mitigation plan was insufficient, and that there would be disruption to local residents and wildlife.

Kirsty Peploe, who represented the applicant addressed the committee and discussed the business case and stated mitigations would be made to reduce disruption by the application.

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Councillor McKeown, as the Ward Member sent his apologies for the meeting, his statement was read by the Democratic Services Officer. Councillor McKeown referenced the removal of trees in the area, with reference made to the fact that more trees might be removed than initially anticipated and the resultant impact on the environment.

The Chair invited members to reflect on the Sites Inspection Briefing. Members commented on the following;

- Members thanked the Case Officer for conducting the sites inspection briefing, and stated that they had a very clear view of the prospective development
- The substantial 200 year old woodland
- The visibility of the site, which was masked by the woodland and members hoped would be made even less visible by the planting scheme
- The site was more set back than anticipated
- The impact on the canal would be minimal
- The site had accessibility issues
- The design of the pods and extension was considered sympathetic, with reference made to the sedum roof

### Members Questions

Members asked why the development was considered to have limited impact. Officers responded that the landscaping plan mitigated the impact. There was an Arboriculture condition that minimised the prevented trees from being removed. Officers explained that as the site was in a conservation area, there was a restriction on the amount of work that can be done to trees, the planning permission would allow that works be carried out to trees in contravention to this, but that this would be minimised as much as possible.

Members asked whether there was any accommodation in the main building. Officers confirmed that there wasn't.

Members asked how it was that the biodiversity could be improved on what was already on the existing site. Officers stated that there were various metrics which would be improved upon through the ecology plan

Members asked whether the existence of bats and other species had been assessed. Officers stated that a preliminary ecological assessment had been carried out, and that a construction environmental management plan would be carried, which includes monitoring the site through a designated clerk. Members asked whether the units would be placed on stilts. Officers confirmed that this would be the case, and that animals would be able to exist underneath them.

### Member Comments

Councillor Maclean Proposed to permit the application, due to the biodiversity mitigations and landscaping plan. Councillor Selwyn Seconded the proposal.

Councillor Fowles countered the proposal, and proposed that the site be refused due to biodiversity impacts, and that further detail was required on the business case. Councillor Judd

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seconded this proposal, and added impact on the AONB and proximity to scheduled ancient monuments as a reason.

Members added that they appreciated the issues affecting the sector, and found that the applicants had demonstrated flexibility, particularly referencing the removal of the hot tubs.

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

**Voting record- 8 for, 3 against, 0 abstentions**

**207 21/04539/FUL- Land Off Cricklade Road, South Cerney**

The application was for a Change of use of land to 3 No. Traveller pitches and associated works including 3 No. day rooms, 3 No. mobile homes, 3 No. touring caravans, and hard standing at Land Off Cricklade Road South Cerney Cirencester Gloucestershire GL7 5QE.

The Officer recommendation was to permit subject to the applicant Completing a S.I.I.I legal agreement and making the necessary financial contribution to mitigate the impact of the development upon the north meadow special area of conservation.

The case officer introduced the report, and drew the Committee's attention the revised wording for Condition 3, which was shared with the committee and differed from the wording in the additional pages update –

*“The site shall not be occupied by any persons than gypsies and travellers, defined as persons of a nomadic have of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such”*

A printed copy of this had been circulated to the Committee.

Dr Simon Ruston, who was the agent, addressed the committee. Dr Ruston made reference to the objection comments which had been to the application. The agent stated that there was no contradiction with the neighbourhood plan. The agent had stated that Gypsy and Traveller sites are in keeping with rural sites, and that they did not need to be allocated within the Local Plan. The agent also stated that impact on property values were not a material planning consideration. The agent stated that a landscaping plan was included in the Officer's report. The agent outlined that the Council would be able to meet the need for plans without needing to impact the AONB.

Councillor Every addressed the committee as the ward member. Councillor Every stated that he had referred this decision to committee due to the normal presumption against development outside of principal settlements, but felt that the Committee should decide on whether there were compelling reasons to permit additional Gypsy and traveller locations at this site.

The Chair invited members to provide feedback following the Sites Inspection Briefing. The Committee reflected on the following;

- The pitch was a spacious site, suitable for this kind of development
- The road was very fast, with potential danger, although recognised that the road was not busy



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- The site was out of the AONB
- The distance was suitable from neighbouring properties and the road

Member Questions

Members asked what the landscaping plan consisted of, and whether there would be any planting between the units. Officers stated that the planting was intended to supplement the existing breaks in the hedgerows, and there would be no planting between the mobile homes.

Member Comments

Councillor Maclean proposed to accept the Officer's recommendation. Councillor Watson seconded the proposal.

There was sentiment by some members that the decision should have been an Officer delegated decision, but the Development Manager stated that it was generally considered good practice to bring such an application to committee.

**RESOLVED:** To Permit the application subject to the applicant Completing a S.I.I.I legal agreement and making the necessary financial contribution to mitigate the impact of the development upon the north meadow special area of conservation.

**Voting record – For- 8, against 2 abstentions- 1**

**208** 22/03307/ADV- John Stayte Services, 82 Chesterton Lane, Cirencester

The application was for the installation of a single illuminated 48-sheet digital advertisement display at John Stayte Services 82 Chesterton Lane Cirencester Gloucestershire GL7 1YD.

The recommendation was to permit the application.

The Case officer introduced the item, and stated that the brightness of the sign would be around 600 candelas. The flats facing the application were about 45 metres away. The site was not in the AONB or conservation area.

Councillor Selwyn, as the ward member addressed the committee and stated that the sign would detrimentally impact on the residential area and cause light pollution to the nearby residents, and that the sign was contrary to the design code. Councillor Selwyn urged the committee to refuse the application.

Member questions

Members asked whether the advertising would be only for the business, or whether the applicant would rent it out to customers. The Officers advised that they were assuming that the applicant would rent it out, and the purpose would not only be for advertising the business.

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Members asked for an approximation of the size of the legs on which the advertisement would be placed, and the overall advertisement. Officers gave an approximate size of 3 metres for the legs, and a height of about 5-6 metres overall.

Members asked whether a mock-up could be included. The Development Manager advised member against requesting this unless it was essential to determining the application.

Members also asked whether there was a consideration of dark skies. The Development Manager stated that as it was a built up area there was not.

### Member Comments

Members stated that the sign was inappropriate with the residential area, and contrary to the design code.

Councillor Coleman proposed to refuse the application, Councillor Maclean seconded.

Councillor Selwyn was advised that he was not able to not to vote on the application, as he had pre-determined it by being strongly opposed to it in his remarks to the Committee

**RESOLVED:** That the Committee REFUSE the application

Refusal reasons;

1. Application did not adhere to the design code in section D77, and the 24 hour lighting would cause harm to amenities to local residents, due to its size and scale.

**Voting Record - For, 10, Against 0 Abstentions 1**

### **209** 23/00892/FUL- Old Farm House, Preston

The application was to relocate and increase the size of the swimming pool and associated landscaping at Old Farm House Preston Cirencester Gloucestershire GL7 5PR.

The recommendation was to permit the application.

The Case Officer introduced the item.

The Ward Member did not speak on the item.

### Members Questions

Members confirmed with officers that the reason for referral was due to the applicant being a ward member. The Case Officer confirmed this, and that the development would otherwise be permissible.

Members asked whether the power supply would need to be upgraded. The Development Manager advised that this was not a material planning consideration.

### Member Comments

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Councillor Harris proposed permitting the application, Councillor Fowles seconded the proposal.

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

**Voting Record - For - 11, Against – 0, Abstentions - 0**

**210 Sites Inspection Briefing**

The item was noted.

**211 Licensing Sub-Committee (2003 Licensing Act Matters)**

The item was noted.

The Meeting commenced at 2.00 pm and closed at 5.38 pm

Chair

(END)