



Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 11 October 2023.

Councillors present:

Ray Brassington - Chair
Dilys Neill
Michael Vann
Ian Watson

Patrick Coleman –Vice-Chair
Gary Selwyn
Julia Judd
David Fowles

Daryl Corps
Clare Turner

Officers present:

Helen Blundell, Interim Head of Legal Services

Observers:

Councillor Joe Harris

1 Apologies

Apologies were received from Councillors Mark Harris and Cllr Andrew Maclean.

2 Substitute Members

Councillor Lisa Spivey substituted for Councillor Mark Harris and Councillor Clare Turner substituted for Councillor Andrew Maclean.

3 Declarations of Interest

In regards to Agenda Item 8 (23/01045/FUL - Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire), Councillor Daryl Corps stated that he had on site conversations with the applicants and residents, before and subsequent to his election as the Ward Member. However, Councillor Corps stated that in determining the application, he would approach it with an open mind.

The Interim Head of Legal Services confirmed that they had discussed the matter with Councillor Corps and that they were happy for Councillor Corps to fully take part in the meeting.

4 Minutes

The minutes were amended to specify who was the Chair and Vice-Chair.

The Chair had been contacted by a member of the public after the previous meeting in regards to page 9 of the minutes. After the meeting the Interim Head of Legal Services had found out that a premises license was held and it was not dealt with under a temporary event notice as initially suspected. Having consulted with Licensing Colleagues, the Interim Head of Legal Services confirmed that the minutes were a correct record of the meeting.

RESOLVED: To APPROVE the minutes of the previous meeting subject to the amendments being made.

For	Against	Abstention
Daryl Corps		Clare Turner
David Fowles		Gary Selwyn
Ian Watson		Dilys Neill
Julia Judd		Lisa Spivey
Michael Vann		
Patrick Coleman		
Ray Brassington		

Members who did not attend the previous meeting were advised to not vote on the minutes.

5 Chair's Announcements (if any)

The Chair stated that the item at Agenda Number 9 (23/02137/FUL - Valley View Chapel Street Mangersbury Cheltenham Gloucestershire) had been removed from the agenda by the Interim Development Manager.

The Interim Development Manager explained that the application was invalid due to an outstanding piece of information.

6 Public questions

There were no public questions.

7 Member questions

There were no questions from members.

8 23/01045/FUL - Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire

The Case Officer introduced the item.

The application was for the change of use of an agricultural grazing paddock to also be used as two secure dog walking fields at Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire.

The officer recommendation was to permit.

The Case Officer stated (upon later clarification) that the site was within the Cotswold Area of Outstanding Natural Beauty (AONB) and summarised the contents of the additional pages.

Mr. Matt Beresford addressed the Committee to object to the application.

The applicant, Ms. Christina Oughton, addressed the Committee.

Councillor Daryl Corps addressed the Committee as the ward member. Councillor Corps stated that he had referred the application to the Committee due to the unique nature of the application and strong representation from residents both objecting and supporting the application.

Sites Inspection briefing

The Chair asked members who attended the briefing to summarise their findings.

Members raised the following points;

- There were ample spaces to park a car around the site.
- There were concerns over whether the nearby junction could be impacted.
- The site was in close proximity to the nearby houses.

Member Questions

Members noted that there was no proposed lighting, and asked officers whether this would impact the times the fields would be in use. The Interim Development Manager stated that the intention was for the fields to be utilised only during daylight hours, and that this was reflected in the booking system. There was related discussion over the hours in the associated business plan, which extended into 8/9pm. Officers clarified that these were the operating hours of a different site which had been included in the business plan for illustrative purposes.

Officers also confirmed that no additional structures were to be added to the field (e.g. for dog agility training), and that the conditions reflected this.

Members asked about the fencing and associated landscape works. The fencing was confirmed by the Case Officer as being of an appropriate type and height to contain dogs. It would also be fully contained within the hedging, so as to not be visible from the outside.

Members requested detail on the impact to great crested newts, which were referenced in the Officer report. The Case Officer stated that the mention of the newts was due to the area that the site lay in, but that the Biodiversity Officer was consulted and satisfied that there was no risk to great crested newts from the proposal.

Members discussed the positioning of the hard standing, and whether it could be moved to reduce the noise impact on residents. The Case Officer stated that the positioning of it was to reduce the impact on the AONB and the Interim Development Manager added that the built elements should be kept as close to the site as possible.

The Committee asked about the disruption and noise levels. There would be staggered start times to the 50 minute slots, but there would be a maximum of four cars arriving an hour.

Members asked about the 'sui generis' use class, and what this entailed. The Interim Development Manager and Case Officer both explained that this use class essentially entailed no permitted change of use from anything other than a dog walking field without further planning permission being required. The Interim Development Manager highlighted that if the application was granted, there would be no material change to the planning context of the site since it would remain a field.

The Case Officer confirmed that the larger dog waste bins would be located off site, with the smaller caddies included in the landscaping plan.

Members asked the ERS officer about the noise management plan;

- Officers had raised concerns, but due to the restrictions on the number of dogs and operating hours were satisfied with the plan for managing noise levels.
- Onsite management of noise levels was discussed, but overall it was decided that this was not practical.

Member Comments

Members discussed the application, with the main debate taking place being regarding the noise and disruption;

- Some members felt that the noise from the potential barking, gates, and cars would be disruptive, while others disagreed and felt this would be minimal, due to the restrictions and booking system and because not all dogs are prone to excessive barking.
- It was also stated by some members that the noise e.g. cars, gates and barking, would ordinarily already exist in a residential area.
- Discussion was also had over whether the proposal was necessary due to other dog walking amenities existing in the Cotswolds. Some members welcomed the proposal due to a lack of enclosed dog walking amenities, while others disagreed and were concerned over its location. However, the Interim Development Manager stated that under Policy EC5 of the Local Plan there was no reference to need, so cautioned members about putting too much weight on this element.

After discussing the application, three proposals were made by members;

1. Councillor Ray Brassington stated that the noise management was not satisfactory and therefore proposed a temporary two year permission to allow the Council to monitor the noise levels.

The proposal was seconded by Councillor Coleman, who welcomed Councillor Brassington's argument but felt confident that the applicant could prove the business was minimally disruptive to the surrounding area.

2. Councillor David Fowles proposed to refuse the application. Councillor Fowles raised concerns about the noise and disruption but stated that he couldn't see the applicant investing the money for the temporary application, as it would be prohibitively expensive to do so without certainty.

Councillor Julia Judd seconded the proposal stating that the application was against policies EN1, EN4 and EN5.

3. Councillor Lisa Spivey proposed to permit the application due to similar cost concerns, but welcomed the proposal and did not think it would cause disruption.

Councillor Dilys Neill seconded the proposal, welcoming the application and stating that there were significant checks and balances to ensure that the application was not overly disruptive.

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The Committee voted on the proposals in the order that they were proposed.

Proposal 1: Temporarily permit for a two year period.

The proposal was not passed.

Voting record – For 2, Against 6, Abstain 3

For	Against	Abstention
Patrick Coleman	Clare Turner	Daryl Corps
Ray Brassington	Ian Watson	Gary Selwyn
	Julia Judd	Dilys Neill
	Lisa Spivey	
	Michael Vann	
	David Fowles	

Proposal 2: Refuse.

The proposal was not passed.

Voting record- For 3, Against 7, Abstain 1

For	Against	Abstention
Ray Brassington	Clare Turner	Daryl Corps
David Fowles	Dilys Neill	
Julia Judd	Ian Watson	
	Gary Selwyn	
	Lisa Spivey	
	Michael Vann	
	Patrick Coleman	

Proposal 3: Permit.

RESOLVED: To PERMIT the application

Voting record- For 7, Against 3, Abstain 1

For	Against	Abstention
Clare Turner	Ray Brassington	Daryl Corps
Dilys Neill	David Fowles	
Ian Watson	Julia Judd	
Gary Selwyn		
Lisa Spivey		
Michael Vann		
Patrick Coleman		

9 23/02137/FUL - Valley View Chapel Street Maugersbury Cheltenham Gloucestershire

The application was removed from the agenda due to it being invalid and was therefore not considered.

10 Sites Inspection Briefing

A Sites Inspection Briefing was to be held on the 1st of November at 10am, if needed.

11 Licensing Sub-Committee

The Democratic Services Officer stated that a Licensing Sub-Committee was due to take place on 1 of November. It was noted that a follow up email would be sent to all Members to clarify the timings.

The Meeting commenced at 2:00pm and closed at 3:30pm

Chair

(END)