

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

12<sup>TH</sup> JULY 2017

Present:

Councillor RL Hughes - Chairman  
Councillor Juliet Layton - Vice-Chairman

Councillors -

SI Andrews	RW Dutton
AW Berry	David Fowles
Sue Coakley	M Harris
Alison Coggins	SG Hirst
PCB Coleman	MGE MacKenzie-Charrington
Andrew Doherty	LR Wilkins

Observers:

Dilys Neill (until 10.45 a.m.) R Theodoulou (until 10.25 a.m.)

Apologies:

AR Brassington

PL.17 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor AW Berry declared an interest in respect of application 16/05366/FUL, because he was a Trustee of the Friends of Corinium Museum.

Councillor David Fowles declared an interest in respect of application 17/01255/FUL, because he was a friend of the Agent, and he left the Meeting while that item was being determined.

Councillor David Fowles declared an interest in respect of application 17/01752/FUL, because he was acquainted with the Agent.

Councillor M Harris declared an interest in respect of application 17/01255/FUL, because he was acquainted with both the Applicant and the Agent.

Councillor M Harris declared an interest in respect of application 17/01752/FUL, because he was a friend of the Agent, and he left the Meeting while that item was being determined.

Councillor SG Hirst declared an interest in respect of applications 17/00220/LBC and 17/00314/FUL, because he was acquainted with the Agent.

Councillor SG Hirst declared an interest in respect of applications 17/01695/LBC and 17/01694/FUL, because he was acquainted with the Agent.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.18 SUBSTITUTION ARRANGEMENTS

No substitution arrangements had been put in place for this Meeting.

PL.19 ELECTION OF CHAIRMAN

The Vice-Chairman invited nominations.

Councillor RL Hughes was Proposed by Councillor M Harris and Seconded by Councillor David Fowles.

In the absence of any other nominations, it was

**RESOLVED that Councillor RL Hughes be elected Chairman of the Committee, to serve until the Annual Meeting of the Council in May 2018.**

Notes:

(i) The Vice-Chairman took the Chair for this, and the previous two items.

(ii) Councillor Hughes then took the Chair, and thanked Members for electing him as Chairman.

PL.20 MINUTES

**RESOLVED that the Minutes of the Meeting of the Committee held on 14<sup>th</sup> June 2017 be approved as a correct record.**

**Record of Voting - for 10, against 0, abstentions 4, absent 1.**

Arising thereon:

Advance Sites Inspection Briefings (PL.15(2))

It was reported that, subsequent to the Meeting of the Committee held on 14<sup>th</sup> June 2017, the Sites Inspection Briefing Panel had undertaken an advance Sites Inspection Briefing in respect of application 17/01568/TPO. It was noted that Councillors AW Berry, Alison Coggins, Andrew Doherty and M Harris had represented the Committee at that Briefing.

PL.21 CHAIRMAN'S ANNOUNCEMENTS

There were no announcements from the Chairman.

PL.22 PUBLIC QUESTIONS

No public questions had been submitted.

PL.23 MEMBER QUESTIONS

No questions had been received from Members.

PL.24 PETITIONS

No petitions had been received.

PL.25 SCHEDULE OF APPLICATIONS

It was noted that the details of the policies referred to in the compilation of the Schedule did not comprise a comprehensive list of the policies taken into account in the preparation of the reports.

**RESOLVED that:**

**(a) where on this Schedule of Applications, development proposals in Conservation Areas and/or affecting Listed Buildings have been advertised - (in accordance with Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1977) - but the period of the advertisement has not expired by the date of the Meeting then, if no further written representations raising new issues are received by the date of expiration of the advertisement, those applications shall be determined in accordance with the views of the Committee;**

**(b) where on this Schedule of Applications, the consultation period in respect of any proposals has not expired by the date of the Meeting then, if no further written representations raising new issues are received by the date of expiration of the consultation period, those applications shall be determined in accordance with the views of the Committee;**

**(c) the applications in the Schedule be dealt with in accordance with the following resolutions:-**

**17/01568/TPO**

**Felling of Sycamore Tree T1 at Arlington House, Arlington, Bibury -**

The Tree Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, and the Chairman allowed a period of time for Members to read those representations which had been circulated at the Meeting.

The Tree Officer reminded the Committee of the location of this site, and displayed an aerial photograph and photographs illustrating the difference in ground levels inside and outside the site; views along the highway and of the boundary wall; and virtual Google Street views of the area.

A representative of the Applicant was invited to address the Committee.

The Chairman referred to the advance Sites Inspection Briefing undertaken in respect of this application, and invited those Members who had attended that Briefing to express their views. One Member did not consider the tree had much amenity value in its current state and that its location was not ideal. The Member commented that, while there was a low probability that the tree would fall, such an

event would have a high impact in the area. Other Members commented that the tree appeared to be healthy and that its branches were not overhanging the road. There were no signs of its roots having caused damage to either the adjacent grass verge or footpath, but there was evidence that sections of the boundary wall had been rebuilt at some time in the past. Those Members considered the tree to be prominent in the street scene and that its felling would have an adverse impact, and that the roots of a Yew tree growing in close proximity to this tree could cause damage.

The Ward Member, who did not serve on the Committee, was invited to address the Committee and amplified the reasons why he had referred this application to the Committee for determination. The Ward Member referred to the independent advice that had been sought by both the Council and the Applicant in relation to amenity and public safety issues, and concluded by urging the Committee to balance the various arguments in its determination of this application.

In response to various questions from Members, it was reported that both of the Council's Tree Officers were experienced arboriculturists; tree roots developed in response to stimuli; it was expected that trees would move as they grew, which helped to strengthen them; in the opinion of the Council's professional Officers, this tree was not dangerous, nor was it likely to collapse; the tree was estimated to be between 110 and 150 years old; Sycamore trees had a life expectancy of up to 250 years; pollarding had a considerable effect in the reduction of wind stress on trees; in the opinion of Officers, the roots could be expected to extend over an area greater than 6 metres in radius from the trunk and to a depth in excess of 1 metre; the issue of the potential removal of the adjacent Yew tree had not been discussed with the Applicant; if the Committee was minded to refuse this application, as recommended, and the tree collapsed at some time in the future, the Council could be joined as a defendant with the Applicant in any related legal action and, in that event, the Council's defence would be based on the situation that existed at that time; there was evidence to suggest that boundary wall had been repaired in the past; the wall appeared to be of a lesser thickness in the vicinity of the tree; the Applicant did not consider there to be any reasonable, other option to felling the tree; the Tree Officer was not satisfied that a device used by the Applicant's arboriculturalist was an accurate tool for measuring the movement of trees; while it was expected that trees and tree roots would be subject to movement, there was no data available for making informed decisions in that respect and, in the opinion of the Tree Officer, there was no scientific basis for the statement by the Applicant's arboriculturalist; tree roots grew to suit the needs of trees within their environments; there was no evidence to suggest that the roots of this tree had been cut; tree roots grew randomly and proliferated in response to stress and stimuli, and they did not actively seek out moisture; and, in the opinion of the Tree Officers, this tree had a public amenity value.

It was considered that the Applicant's representative had described the proper process for the determination of this application, and that this tree was a healthy specimen which had an amenity value, given its significant visibility on an approach to Bibury. It was further considered that there were alternative options available to the Applicant to protect the boundary wall. It was accepted that the tree had grown in an environment with limited space for root growth, and it was suggested that consent to fell might be granted at some time in the future if there was evidence that the tree had caused damage to the boundary wall. A Member expressed the view that the Council had a duty to protect trees and that, on balance, this tree should not be felled. Another Member commented that dry stone walls had a life expectancy of approximately forty years. The Member

referred to evidence of previous repairs to the boundary wall and expressed the view that there was sufficient evidence to support the Officer recommendation.

A Proposition, that this application be refused as recommended, was duly Seconded.

**Refused, as recommended.**

**Record of Voting - for 14, against 0, abstentions 0, absent 1.**

**17/02066/TPO**

**Removal of Sycamore Tree at Old Mill Barn, Upper Swell -**

The Tree Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications and explained that, while the Applicant had claimed that the amenity value of the tree had been reduced, in the opinion of Officers it was visible from a number of public vantage points and was prominent in the landscape.

The Tree Officer reminded the Committee of the location of this site and displayed an aerial photograph of the site and photographs illustrating views of the tree from various vantage points and virtual Google Street views from 2009 and 2016.

The Applicant was invited to address the Committee.

The Ward Member, who did not serve on the Committee, was invited to address the Committee. The Ward Member explained that this tree was growing in the hedge of what she considered to be a modest garden. The Ward Member expressed the view that the tree had an impressive canopy, which formed part of an archway of branches growing across the road. The Ward Member stated that the only windows in the Applicant's house faced the garden, and that the tree loomed over both the house and garden, resulting in them being shaded for most of the day as the sun did not rise above the tree. The Ward Member contended that this tree would be more suited to growing in rolling parkland than in a small garden, and she reminded the Committee that an application to fell it had been refused twenty years ago. The tree appeared to be flourishing, but the Ward Member referred to evidence of damage caused by previous pruning and expressed concern at the possibility that branches could fall. The Ward Member suggested that further pruning would result in a reduction in both the height of the tree and the spread of the canopy, leaving the tree to appear as a shadow of its former self, and that further pruning would be required in the future as a result of re-growth. The Ward Member explained that a retaining wall in the vicinity of the tree had been repaired previously, and was in need of further repair, and she reiterated her view that further pruning would result in the amenity value of the tree being reduced, giving it an incongruous appearance when viewed against other trees in the vicinity. In conclusion, the Ward Member stated that the Applicant would replace this tree with a species more suited to a garden location in the event that this application was approved.

In response to various questions from Members, it was reported that Officers considered a reduction in the canopy due to pruning could be acceptable; it was likely that further pruning could be required within a period of between five and ten years; in the opinion of Officers, the tree was not diseased, although there was evidence of decay in some wounds which had resulted from previous pruning;

there was an increasing risk that branches might snap in strong winds, due to weak unions around pruning wounds but, in the opinion of Officers, such risk could be managed by further pruning; the impact of shading was a 'significant' consideration in the determination of applications, but Officers had noted 'reasonable' plant growth in the Applicant's garden; and it was likely that the tree had a life expectancy in excess of forty years if further pruning was carried out but, if not, it was likely that its structure could suffer in the longer term.

It was considered that the tree was not in danger and that it did have an amenity value. It was noted that the Applicant could carry out pruning works every five-ten years which, it was considered, would help to address issues of safety and shading.

A Proposition, that this application be refused as recommended, was duly Seconded.

**Refused, as recommended.**

**Record of Voting - for 13, against 1, abstentions 0, absent 1.**

**17/01255/FUL**

**Erection of one dwelling and ancillary works at land adjacent to The Malt House, Perrotts Brook, Bagendon -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to the curtilage of the site; and access. The Case Officer displayed photographs illustrating views into the site from various vantage points.

The Agent was invited to address the Committee.

In response to various questions from Members, it was reported that two objections had been submitted in respect of this current scheme; and there were two existing residential units, and an ancillary building, on the site.

It was considered that this application represented a good example of 'organic' growth in a village, which the Council should encourage in smaller communities.

A Proposition, that this application be approved subject to receipt of a satisfactory archaeological mitigation programme, was duly Seconded.

**Approved, subject to receipt of a satisfactory archaeological mitigation programme.**

**Record of Voting - for 13, against 0, abstentions 0, absent 2.**

**17/01752/FUL**

**Part demolition of existing stables and erection of new stables and horse-walker with associated hard standing and landscaping at Micklands Hill Farm, Stowe Road, Bledington -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to other land in the vicinity of the site which was in the Applicants' ownership, and the proximity of the site to Bledington. The Case Officer displayed an aerial photograph of the site and photographs illustrating views along the highway, and of the existing hedgerow, stables and riding arena.

The Committee Services Manager read out comments submitted by the Ward Member, who did not serve on the Committee and had not been able to attend the Meeting. The Ward Member stated that, following a visit to the site, he agreed with the Officer recommendation.

It was considered that this application represented a logical development.

A Proposition, that this application be approved as recommended, was duly Seconded.

**Approved, as recommended.**

**Record of Voting - for 13, against 0, abstentions 0, absent 2.**

**17/00220/LBC**

**Glazed link extension at The Old Rectory, Ampney Crucis -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to a block plan of the proposed development and the existing and proposed elevations. The Case Officer displayed photographs illustrating views into the site and of an existing stone wall.

A representative of the Parish Council and the Agent were invited to address the Committee and they explained that their comments also related to the subsequent application at this site (application 17/00314/FUL below referred).

The Ward Member, who served on the Committee, was invited to address the Committee and explained that his comments also related to the subsequent application. The Ward Member amplified his reasons for referring this application to the Committee for determination. The Ward Member contended that this application was innovative and sensitive. He referred to what he considered to have been an extensive dialogue between Officers, the Applicants and their Agent. He stated that, on this occasion, he disagreed with the Officer recommendation and he concluded by urging the Committee to approve the application.

In response to various questions from Members, it was reported that Officers had taken the amended plans into account in their consideration of these applications; it had not been suggested that the glazed link should be situated in front of the

existing stone wall; the existing buildings were considered to be separate, with their characters being linked by the existing wall; in the opinion of Officers, the glazed link would be representative of a garden room rather than a functional yard; the Committee should consider the adverse impact of this proposal against the public benefit that would accrue from the development in its determination of the applications; the buildings were originally constructed as two separate buildings, with one being an ancillary building and, in the opinion of Officer, joining them in the manner suggested would have a harmful impact on their historic legibility; if Listed Buildings were not maintained to a reasonable standard, the public could become liable for such maintenance; these buildings were not in a state of disrepair but, if they were uninhabited, a clear public benefit would accrue from their repair; the proposal to link the buildings would result in the loss of some historic fabric; and, in the opinion of Officers, it would not be possible to achieve a link between these buildings without any harmful impact.

A number of Members expressed the view that similar links had been successfully created between other buildings elsewhere in the District, and they contended that this proposal would not result in any demonstrable harm being caused to the buildings in question. In expressing support for this application, a Member commented that the site was not located in the Area of Outstanding Natural Beauty. Another Member commented that the proposed development constituted a simple glazed attachment, which would not be out of keeping in this location, and which could be removed at some time in the future. The Member further commented that the remaining area would give an indication of the original purpose of the yard.

A Proposition, that this application be approved subject to Conditions to be specified by the Case Officer, was duly Seconded.

Other Members disagreed with that view. Those Members considered that a glazed element situated in front of the existing wall, with the wall being retained at the same height or made higher, would be a better solution. The Members did not support the current design, and commented that there were other solutions available to the Applicants to make it easier to move between the buildings in question, without creating a physical link. A Member contended that people should accept that they were custodians of Listed Buildings and that, further, the proposed design was not good enough for this site, and that no public benefit would accrue.

A further Proposition, that the application be refused as recommended, was duly Seconded.

**Approved, subject to Conditions to be specified by the Case Officer, including in relation to materials.**

**Record of Voting - for 12, against 2, abstentions 2, absent 1.**

Note:

This decision was contrary to the Officer recommendation because a majority of the Committee was persuaded that this development would not result in any demonstrable harm being caused to the buildings in question.

**17/00314/FUL**



**Glazed link extension at The Old Rectory, Ampney Crucis -**

The Case Officer stated that she had nothing to add to the circulated report.

A representative of the Parish Council and the Agent were invited to address the Committee but they explained that they had made all of their representations in respect of the previous application (application 17/00220/LBC above referred).

The Ward Member, who served on the Committee, was invited to address the Committee but explained that he had made all of his representations in respect of the previous application (application 17/00220/LBC above referred).

A Proposition, that this application be approved subject to Conditions to be specified by the Case Officer, was duly Seconded.

**Approved, subject to Conditions to be specified by the Case Officer.**

**Record of Voting - for 12, against 2, abstentions 0, absent 1.**

Notes:

(i) This decision was contrary to the Officer recommendation because a majority of the Committee was persuaded that this development would not result in any demonstrable harm being caused to the buildings in question.

(ii) The Chairman commented that this would be the last Meeting of the Committee at which the Case Officer, Mrs. Alison Williams, would be present as she was due to take extended leave from the Council. On behalf of the Committee, the Chairman wished Mrs. Williams well for the future.

**17/01695/LBC****Extension to existing dwelling at The Stables, Laines Farm, Down Ampney -**

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to its status as a curtilage Listed Building; a site plan; and proposed and existing elevations. The Case Officer displayed photographs illustrating views into the site and of the existing building.

A representative of the Parish Council and one of the Applicants were invited to address the Committee and they explained that their comments also related to the subsequent application at this site (application 17/01694/FUL below referred).

The Ward Member, who served on the Committee, was invited to address the Committee, and he referred his reasons for requesting that this application be determined by the Committee.

In response to various questions from Members, it was reported that the intention of the glazed link was to reflect the original layout of the site; the simple form of the building in question was considered to be an important characteristic, and the extension had sought to follow that form; it was considered that the use of timber boarding in this location would help to differentiate the separation between this and the main building; in the opinion of Officers, the timber boarding would

weather in time and would match the existing stone work; the Down Ampney Design Statement was a material consideration in the determination of this application; in the opinion of Officers, new stone and clay pantiles would weather over time; and the question of fire safety was a Building Control issue.

Some Members considered that the restoration of the building had been undertaken carefully in order to maintain its functional use, and that the use of timber boarding was acceptable in this location. One Member commented that the use of stone for the proposed extension would result in the building appearing as being linked to the adjacent building.

A Proposition, that this application be approved as recommended, was duly Seconded.

**Approved, as recommended.**

**Record of Voting - for 14, against 0, abstentions 0, absent 1.**

**17/01694/FUL**

**Extension to existing dwelling at The Stables, Laines Farm, Down Ampney -**

The Case Officer stated that she had nothing to add to the circulated report.

A representative of the Parish Council and one of the Applicants were invited to address the Committee but they explained that they had made all of their representations in respect of the previous application (application 17/01695/LBC above referred).

The Ward Member, who served on the Committee, was invited to address the Committee but explained that he had made all of his representations in respect of the previous application (application 17/01695/LBC above referred).

A Proposition, that this application be approved as recommended, was duly Seconded.

**Approved, as recommended.**

**Record of Voting - for 14, against 0, abstentions 0, absent 1.**

**16/05366/FUL**

**Provision of a shipping container for storage purposes ('new' details received 02/06/2017) at Resource Centre, The Old Prison, Fosse Way, Northleach -**

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, including an objection from the Town Council in relation to the amended plans. The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to an aerial view of the site and to a virtual Google Street view.

In response to various questions from Members, it was reported that it was proposed to situate the container away from the immediate foreground of the

adjacent Resource Centre; it would not be possible to situate it on the other side of that building because of access issues as a result of land levels; if the Committee was minded to approve this application as recommended, the container would be painted dark green to match the Resource Centre; the container would be a permanent building; it would be screened by existing landscaping; and a Condition that timber be used to clad the container would have to satisfy the appropriate tests.

A Proposition, that this application be approved as recommended, was duly Seconded.

**Approved, as recommended.**

**Record of Voting - for 14, against 0, abstentions 0, absent 1.**

Notes:

(i) Additional Representations

Lists setting out details of additional representations received since the Schedule of Planning Applications had been prepared were considered in conjunction with the related planning applications.

A further representation was reported at the Meeting in respect of application 17/01752/FUL.

(ii) Ward Member(s) not on the Committee - Invited to Speak

Councillor Dilys Neill was invited to speak on application 17/02066/TPO.

Councillor R Theodoulou was invited to speak on application 17/01568/TPO.

(iii) Public Speaking

Public speaking took place as follows:-

<u>17/01568/TPO</u>	)	Ms V Charlesson (representing the Applicant)
	)	
<u>17/02066/TPO</u>	)	Mr. D Helliwell (Applicant)
<u>17/01255/FUL</u>	)	Mr. A Pywell (Agent)
<u>17/00220/LBC</u>	)	Councillor David Fowles (representing the Parish Council)
	)	Mr. M Dyer (Agent)
<u>17/00314/FUL</u>	)	Councillor David Fowles (representing the Parish Council)
	)	Mr. M Dyer (Agent)
<u>17/01695/LBC</u>	)	Councillor David Fowles (representing the Parish Council)
	)	Mr. R Smith (Applicant)
<u>17/01694/FUL</u>	)	Councillor David Fowles (representing

) the Parish Council)  
) Mr. R Smith (Applicant)

Copies of the representations by the public speakers would be made available on the Council's Website in those instances where copies had been made available to the Council.

PL.26 SITES INSPECTION BRIEFINGS

1. Members for 2<sup>nd</sup> August 2017

No applications were deferred for Sites Inspection Briefings.

2. Advance Sites Inspection Briefings

No advance Sites Inspection Briefings had been notified.

PL.27 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 10.45 a.m. and 10.55 a.m., and closed at 12.25 p.m.

Chairman

(END)