

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

Date Not Specified

Tel: 01285 623208 or 623210
e-mail - democratic@cotswold.gov.uk

PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held at Council Chamber - Trinity Road on **Wednesday, 15 June 2022 at 2.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Ray Brassington, Patrick Coleman, Mark Harris, Stephen Hirst, Sue Jepson, Julia Judd, Andrew Maclean, Dilys Neill, Gary Selwyn, Steve Trotter and Clive Webster)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**
2. **Substitute Members**
To note details of any substitution arrangements in place for the Meeting.
3. **Declarations of Interest**
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
4. **Minutes (Pages 5 - 12)**
To confirm the minutes of the meeting of the Committee held on 11th May 2022
5. **Chair's Announcements (if any)**
6. **Tree Preservation Order - 22/00003/IND (Pages 13 - 28)**
Purpose
To consider objection and support to the making of Tree Preservation Order 22/00003/IND in respect of a tree at 1 The Laurels, Mawley Road, Quenington.

Recommendation(s)
To confirm TPO22/00003/IND

7. **Schedule of Applications (Pages 29 - 50)**

Application No.	Description	Ward Councillor(s)	Case Officer/Page No.
21/03879/OUT	Erection of a four-bedroom dwelling at Cliffordine House Cheltenham Road Rendcomb Cirencester Gloucestershire	Councillor Jenny Forde	Harrison Bowley
21/04800/FUL	Erection of an agricultural building at Land North Of Draycott Business Centre Draycott Road Blockley Gloucestershire	Councillor Sue Jepson	Harrison Bowley

8. **Sites Inspection Briefing**
Members for Wednesday 22nd July 2022 (if required):
Councillors Ray Brassington, Stephen Hirst, Andrew Maclean, Mark Harris, Clive Webster

9. **Licensing Sub-Committee**
Members for 27 July 2022 (if required):
Councillors Julia Judd, Patrick Coleman, Sue Jepson, Mark Harris, Clive Webster

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Planning and Licensing Committee
11/May2022



COTSWOLD
DISTRICT COUNCIL

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.

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

Planning and Licensing Committee
11/May2022

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)

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Agenda Item 6



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 15.06.2022
Report Number	AGENDA ITEM 6
Subject	TREE PRESERVATION ORDER – 22/00003/IND
Wards affected	Coln Valley
Ward member	Cllr Ray Theodoulou Email: raymond.theodoulou@cotswold.gov.uk
Accountable officer	Justin Hobbs (Tree Officer, Heritage & Conservation) Email: Justin.Hobbs@publicagroup.uk
Summary/Purpose	To consider objection and support to the making of Tree Preservation Order 22/00003/IND in respect of a tree at I The Laurels, Mawley Road, Quenington.
Annexes	Annex A – Tree Preservation Order 22/00003/IND (Plan & Schedule) Annex B – Cotswold District Council Tree Preservation Order Appraisal Form. Annex C – Photographs of the tree Annex D – Objection letter to the making of the TPO.
Recommendation(s)	<i>To confirm TPO22/00003/IND</i>
Corporate priorities	<ul style="list-style-type: none"> • Delivering our services to the highest standards • Responding to the challenges presented by the climate crisis
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Heritage and Design Manager, Chair of the Planning and Licensing Committee and the local Ward Members.



I. BACKGROUND

I.1 A Section 211 Notification to remove an apple tree in the Quenington Conservation Area at 1 The Laurels, Mawley Road, was received by the Council on 24/01/2022. Ref 22/00291/TCONR.

I.2 The public visual amenity of the tree was assessed and it was considered expedient to serve a TPO to prevent the tree from being felled. Cotswold District Council Tree Preservation Order Appraisal Form is included in **Annex B**.

I.3 The reasons for making the TPO were given on the relevant TPO notice as:

A section 211 Notice has been submitted to fell this tree. The tree is worthy of a TPO by virtue of its public amenity value, suitability for its setting, and the old age/veteran tree characteristics.

I.4 Photographs of the tree are included in **Annex C**.

I.5 Following consultation with the Chair of the Planning and Licensing Committee and the local Ward Members, the TPO was served on 07/03/2022.

I.6 Under the provisions of the legislation the TPO takes effect immediately but must be confirmed by the Council within six months if it is to take permanent effect. Prior to confirming a TPO, the Council must thoroughly consider any objections and/or representations that have been made.

2. MAIN POINTS

2.1 There were 4 representations received objecting to the Section 211 Notification (22/00291/TCONR) to fell the tree. The comments objecting to the removal of the tree can be summarised as:

- The potential loss of an attractive tree in a Conservation Area.
- The surrounding area has very few trees and is becoming urbanised.
- The loss of a tree of heritage value.

2.2 The Parish Council did not object to the Section 211 Notification (22/00291/TCONR) to fell the tree.

2.3 1 letter of objection to the making of the TPO has been received (**Annex D**). The objection comments can be summarised as:



- Tree branches and roots causing damage to stone wall.
- The tree is leaning dangerously.
- The tree is a risk to pedestrians using the adjacent pathway.
- Concern about the tree disrupting overhead power lines.
- Overshadowing and light loss in the garden.
- The tree and fruit is diseased.
- The Parish Council has no objections to the Notice to remove the tree.

2.4 Officers response to Objections

- In accordance with Government guidance a TPO was served in the first instance to offer immediate protection to the tree.
- Evidence regarding damage to the wall was not apparent; no structural assessment of the condition of the wall has been submitted.
- Assessment and inspection could find no significant physiological or structural defects with the tree.
- The tree has undergone periodic pruning in the past to ensure it does not interfere with overhead services.
- The making and confirmation of the TPO does not prevent applications for works in the future, and these are likely to be granted consent, if the reasoning for the works are appropriate.
- Being located towards the end of the garden and being a relatively small tree, the overshadowing and light loss issue is not significant when weighed against the public amenity value the tree provides.
- The tree is an aged apple tree, and its setting within the garden of a traditional cottage is in keeping with, and enhances, the Conservation Area.

3. CONCLUSIONS

- 3.1 Assessment of the tree, and public objections to the proposed felling of this tree indicates it is expedient to confirm the TPO.

4. FINANCIAL IMPLICATIONS

- 4.1 None.

5. LEGAL IMPLICATIONS

- 5.1 The TPO is a legally binding document.



6. RISK ASSESSMENT

6.1 No risks identified.

7. EQUALITIES IMPACT

7.1 None.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

8.1 The retention of old trees has both climate mitigation and ecological benefits.

9. ALTERNATIVE OPTIONS

9.1 To not confirm the TPO.

10. BACKGROUND PAPERS

10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

None

(END)



**COTSWOLD
DISTRICT COUNCIL**

Dated 7th March 2022

**COTSWOLD DISTRICT COUNCIL
TREE PRESERVATION ORDER NO 22/00003/IND**

1 The Laurels, Mawley Road, Quenington, Gloucestershire, 2022

Town and Country Planning Act 1990

**The Town and Country Planning (Tree Preservation)(England)
Regulations 2012**

TREE PRESERVATION ORDER

relating to

1 The Laurels, Mawley Road, Quenington, Gloucestershire 2022

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (TREE
PRESERVATION)(ENGLAND) REGULATIONS 2012**

**COTSWOLD DISTRICT COUNCIL TREE PRESERVATION ORDER
NO 22/00003/IND**

**1 The Laurels, Mawley Road, Quenington, Gloucestershire
2022**

The Cotswold District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

Citation

1. This Order may be cited as TPO Number **22/00003/IND, 1 The Laurels, Mawley Road, Quenington, Gloucestershire, 2022**

Interpretation

2. (1) In this Order "the authority" means the Cotswold District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 7th March 2022



The Common Seal of the COTSWOLD DISTRICT COUNCIL)
was hereunto affixed to this order in the presence of -)



.....
~~Robert Weaver – Chief Executive; Susan Gargett – Interim Head of Legal Services~~
Authorised by The Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the Cotswold District Council without modification on
the _____ day of _____ 20

OR

This Order was confirmed by the Cotswold District Council, subject to the
modifications indicated by

on the _____ day of _____ 20

Signed on behalf of The Cotswold District Council

.....
Robert Weaver – Chief Executive; Susan Gargett – Interim Head of Legal Services
Authorised by The Council to sign in that behalf

SCHEDULE
SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

Reference on map	Description	Situation
T1	Apple	Garden of 1 The Laurels (West of dwelling)

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)

Reference on map	Description	Situation
None		

GROUPS OF TREES (within a broken black line on the map)

Reference on map	Description	Situation
None		

WOODLANDS (within a continuous black line on the map)

Reference on map	Description	Situation
None		



COTSWOLD DISTRICT COUNCIL

Tree Preservation Order

1 The Laurels, Mawley Road, Quenington, Gloucestershire.

Scale: 1:250

Plan No: TPO 22/00003/IND

Date: 02 March 2022

0 2 4 8 12 16 Mtrs



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Cotswold District Council Tree Preservation Order Appraisal

Site: 1 The Laurels, Mawley Road, Quenington Date:01/03/22 Officer: JH

General Description of Tree(s) (or group of trees/woodland):

Old apple tree in front garden of property.

1 Public Visibility

Public places from which the tree can be seen (including future considerations such as development)

Adjacent footpath, road and village pub rear garden.

Is/are the tree/trees a skyline feature?

No

Is/are the tree/trees seen against a backdrop of other trees?

No

Is/are the tree/trees a visual feature in a Conservation Area or AONB?

Yes

2 Arboricultural Quality

Is/are the tree/trees in reasonable arboricultural condition?

Yes

Is/are the tree/trees an appropriate species for the character of the locality and landscape?

Yes – old apple tree in garden of traditional cottage.

Is/are the tree/trees a particularly old or large example of its species and/or does the tree have veteran characteristics?

The tree is old with veteran characteristics.

Does/do the tree/trees have specific cultural, historic or biodiversity interest?

Yes to all three.

3 Life Expectancy and Replaceability

Has/have the tree/trees a biological life expectancy of more than 20 years?

Yes. No significant defects, periodically pruned in past, continued appropriate pruning would be beneficial.

Is/are the tree/trees growing in sufficient space to be allowed to grow for a further 20 years?

Yes. Has reached its full potential.

Could the visual amenity value of the tree/s be replaced by new planting within 10 years?

No

Is there clear evidence of structural damage to property caused by the tree(s) that could only be resolved by removal of the tree(s)?

No

4 Impact of Removal

Would the loss of the tree(s) be noticeable from public places?

Yes

Would the removal of the tree(s) harm or benefit the health or stability of other trees?

N/A

Would the removal of the tree(s) result in loss of screening of an eyesore or poor quality landscape feature?

No

Is/are the tree/trees part of an agreed landscape/ tree retention scheme or replacement planting scheme subject to a planning condition?

No

Conclusions

Would the removal of the tree(a) have a significant negative impact on the local environment and its enjoyment by the public?

Yes

Would protection with a TPO bring a reasonable degree of public benefit in the present or future?

Yes





Jill Mockridge
1 The Laurels, Mawley Road, Quenington, GL7 5BJ

31 March 2022

Mr Justin Hobbs
Case Officer
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

Dear Mr Hobbs

Planning Application 22/00291/TCONR & TPO No. 22/00003/IND

Further to our recent correspondence, I would like to formally object to the temporary TPO placed on the my apple tree.

On 24 Jan '22, AJ Arborist submitted an application on my behalf to fell my apple tree. Alasdair did not add the reasons for the fell, since during his lengthy experience as an arborist he has never had an apple tree fell refused by the CDC. I have also had this verified by another Arborist who works in our local area.

On 03 Mar '22, I submitted my carefully considered reasons for the fell application to the Council planning and to yourself.

On the same day, I was advised by my Arborist that you had already been to inspect the tree and had decided to place a temporary TPO on the tree. This, I understand was decided **prior** to considering the very valid reasons for the application. This is extremely disappointing and completely unfair that the TPO was placed without apparently considering our experienced reasons for the fell.

I've lived at No. 1 The Laurels for three years and have considerable experience of how the apple tree has behaved and over several different seasons.

To summarise the reasons for the application to fell, please see the following:

- Three years ago, I found that the tree branches had caused damage to both my internal stone wall and the boundary wall. The tree roots were and still are disrupting the same stone walls. The branches continue to lean lower each year to the stone walls and the entire tree is leaning dangerously close to the walls and the pedestrian pathway. The tree does not bear edible fruit, it is diseased, full of fungus and the leaves are certainly looking diseased also.
- I receive frequent verbal concerns from; pedestrians, the neighbours and members of the Parish Council that this tree is potentially dangerous and causes a risk to pedestrians on the path alongside the boundary wall. The same are also concerned that the tree is disrupting the power lines and the rotten fruit is a risk to pedestrians on the path, especially when it's raining.
- My garden which is very small and in the shape of a triangle is predominately over-shadowed by the apple tree and year round. There is very little light in my garden, the grass is always in shadow and soaking wet.

- The tree was pruned three years ago in the hope that this would stimulate a healthy crop of apples and new healthy branches and leaves. Unfortunately, the tree and the fruit remains diseased three years later.
- The Parish Council's Tree Inspector has inspected the tree's condition, its environment and its impact on the private property and public pathway. There were no objections to the fell for the stated reasons.

To summarise, I would like to confirm that I completely object to the temporary TPO for the very practical reasons mentioned above. This tree is potentially dangerous and it is diseased, I don't think I can make it any clearer.

I absolutely cannot be liable for any potential danger to pedestrians. If you place a TPO then the CDC will need to be responsible and need to confirm that I will **not be** personally liable for any accidents that might happen. Please advise.

I would kindly appreciate that you re-consider the TPO so that this tree can either be felled or pruned back without the restriction of a TPO both now and in the future.

I look forward to your kind acknowledgement.

Please advise, thank you.

Kind regards

Jill Mockridge

Cc:
Planning at Cotswold District Council
A.J. Arborist

PLANNING AND LICENSING COMMITTEE 15th June 2022

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.**
- **Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.**
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
 - **Planning Permission:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Listed Building Consent:** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

PLANNING AND LICENSING COMMITTEE 15th June 2022
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule No.
Rendcomb	Cliffordine House Cheltenham Road Rendcomb Cirencester Gloucestershire 21/03879/OUT Outline Application	01
Blockley	Land North Of Draycott Business Centre Draycott Road Blockley Gloucestershire 21/04800/FUL Full Application	02

Item No 01:-

21/03879/OUT

**Cliffordine House
Cheltenham Road
Rendcomb
Cirencester
Gloucestershire
GL7 7ER**

Item No 01:-

**Erection of a four-bedroom dwelling at Cliffordine House Cheltenham Road
Rendcomb Cirencester Gloucestershire GL7 7ER**

Outline Application 21/03879/OUT	
Applicant:	Mr Simon Collier
Agent:	PDA
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor Jenny Forde
Committee Date:	15th June 2022
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Principle of Development
- (b) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (c) Design and Impact on listed building
- (d) Impact on Residential Amenity
- (e) Flood Risk
- (f) Highways Safety

2. Reasons for Referral:

2.1 An Appeal has been lodged against non-determination of the application and therefore it is necessary for the Committee's resolution to either confirm or overturn the Officer's Recommendation, which will then inform the Appeal process.

3. Site Description:

3.1 The application site consists of a parcel of land to the north of Cliffordine House within the north-western extent of a pastoral field. The site lies within a remote setting, 0.85km north of the village of Rendcomb. The site is accessed via an existing track to the north that leads to the house to the south.

3.2 Rendcomb House to the south of the site, as well as an associated barn, are both Grade II listed.

3.3 The site also lies within the Cotswold Area of Outstanding Natural Beauty (AONB).

4. Relevant Planning History:

4.1 N/A

5. Planning Policies:

TNPPF The National Planning Policy Framework
DS1 Development Strategy
DS4 Open Market Housing o/s Principal/non-Pr
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
EN14 Managing Flood Risk
INF3 Sustainable Transport
INF4 Highway Safety

6. Observations of Consultees:

- 6.1 Conservation Officer - comments included within Officer's assessment.
- 6.2 Landscape Officer - comments included within Officer's assessment.
- 6.3 Local Highways Officer - no objection subject to conditions.
- 6.4 Drainage Engineer - No objection subject to conditions.

7. View of Town/Parish Council:

- 7.1 No comments received at the time of writing.

8. Other Representations:

- 8. Ten letters of objection have been received raising concerns of:
 - i. Contrary to development plan;
 - ii. Contrary to paragraph 80 of NPPF;
 - iii. Impact on neighbouring dwelling from loss of privacy;
 - iv. Impact on mature trees;
 - v. Highways safety impact from inadequate visibility splays;
 - vi. Loss of light to neighbouring dwelling;
 - vii. Impact on views and open countryside;

9. Applicant's Supporting Information:

- 9.1 Covering Letter, Site Layout Plan.

10. Officer's Assessment:

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

10.4 The application seeks Outline permission for the erection of a four-bedroom dwelling within the north-western corner of the parcel of land, located to the north of Cliffordine House. The application has been submitted with all other matters of detail reserved for future consideration.

(a) Principle of Development

10.5 The site lies 0.85km north-west of the village of Rendcomb, within an area of open countryside. Whilst abutted by a single residential dwelling to the west and Cliffdone House to the south, the area is generally open and undeveloped in character and appearance. Whilst the parcel of land relates to the manor to the south, it does not constitute residential curtilage, taking the appearance of a paddock or pastoral field. The site therefore represents open countryside outside of a Principal or Non-Principal settlement for the purposes of interpretation of the housing strategy policies of the Local Plan, and Local plan policy DS4 is therefore of most relevance.

10.6 Local Plan Policy DS4 outlines that new-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.

10.7 The Local Plan outlines that the other policies referenced in policy DS4 include H3 (Affordable housing on rural exception sites); H5 (Housing for rural workers); H7 (Sites for gypsies and travellers) and EC6 (Conversion of rural buildings). As the application proposes the erection of a new build, open market dwelling, it is not in accordance with any other policies that would potentially allow for certain types of housing development. Consequently, the proposed development is contrary to Local Plan Policy DS4.

10.8 By virtue of the site's distance from the nearest settlement, it is also considered that the site represents an isolated location in the countryside. As a consequence, it is necessary to have regard to guidance in Paragraph 80 of the National Planning Policy Framework (NPPF) when considering this proposal. It states:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; or*

- b) *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- c) *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- d) *The development would involve the subdivision of an existing residential dwelling; or*
- e) *the design is of exceptional quality, in that it:*
 - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise the standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*

10.9 The need to have regard to guidance in the NPPF is set out in paragraph 1.0.13 of the Local Plan which states that '*Given the status of the NPPF, it is unnecessary for local planning documents to repeat its policies. It therefore is important in preparing planning proposals, or in reaching decisions on them, that the provisions of the NPPF are taken into account alongside policies in the Local Plan.*'

10.10 As stated, the scheme proposes a new build dwelling and as such the only Paragraph 80 criterion potentially of relevance is e). Whilst the accompanying covering letter outlines that the design will be *built to the highest standards with best quality vernacular materials*; it is considered that this does not address the requirements of criterion e). Moreover, the development would not lead to any enhancements to the immediate setting of the site, with the scheme considered, in fact, to result in harm to the character and appearance of the landscape.

10.11 Consequently, the proposed development would be contrary to Local Plan Policy DS4 and also NPPF Paragraph 80 and the principle is therefore, considered to be unacceptable.

(b) Impact on the Cotswolds Area of Outstanding Natural Beauty

10.12 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.

10.13 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.14 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.15 NPPF Section 12 requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short

term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

10.16 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.17 The parcel of land subject of this application forms part of a larger open pastoral field which contributes to the rural character of the area. More specifically the site lies within Landscape Character Type (LCT) '8: High Wold Valley' and Landscape Character Area (LCA) '8C: Upper Churn Valley', as defined in the Cotswolds AONB Landscape Strategy and Guidelines (June 2016). Glimpsed views are available of the site from the A435, albeit the existing lodge and roadside vegetation provide some screening. In this location the overriding character of both the land and the adjacent fields surrounding the site, is of open countryside.

10.18 The proposed dwelling would abut the existing lodge, set 10m from the existing boundary to the site which would form a shared boundary to the proposed dwelling. The site would be adjoined by the driveway to the north, with the south and east adjoining open agricultural land. The site is sensitive to change by virtue of the rural and isolated AONB location.

10.19 It is considered that the change of use to residential with the introduction of a new dwelling, associated garden, domestic paraphernalia and activity, along with the introduction of lighting, car movements and parked cars would fundamentally harm the rural character of the site, the natural beauty of the AONB and the tranquillity of the landscape. The proposed dwelling would be out of keeping with the historic grain of development and would harm the prevailing rural character of the wider area. While the site is located in close proximity of Cliffordine House and the Lodge, this would not provide justification for the new development, with the existing built form comprising standalone dwellings, detached from any settlement. The changes to the landscape would be perceived locally from the nearby carriageway.

10.20 Overall, it is considered that the proposed development would harm the character and tranquillity of the Cotswold Area of Outstanding Natural Beauty, contrary to Local Plan Policy EN5 and Section 15 of the NPPF and is therefore unacceptable in this regard.

(c) Design and effect on a Listed Building

10.21 The plot lies within the setting of Rendcomb House, a Grade II listed building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.22 Cotswold District Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their

settings), and that put them to viable uses, consistent with their conservation, will be permitted. Proposals that lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

10.23 The site lies within the setting of Rendocmb House, a Grade II listed dwelling, and its associated Barn also listed. The two listed buildings date from the C17 and C18 respectively. The setting of the buildings is formed by the open fields which separate these buildings from Cliffordine Lodge and contribute to the open, rural character of the site. The proposed dwelling would result in harm to the setting of the listed building through the erosion of the surviving rural context which contributes positively to the setting of the listed buildings. The level of harm identified is 'less than substantial'. This harm would not, however, be outweighed by the modest positive benefits of providing a single residential dwelling to the Council's housing supply or local economy. The Council can currently demonstrate a robust housing land supply and the potential economic benefits to local tradesmen and services in the construction of a single dwelling would be insignificant when compared with the harm explained within this report.

10.24 Overall, it is therefore considered that the proposed development would fail to preserve the wider rural setting of the nearby listed buildings, and the significance of the heritage assets will be harmed as a result, with no public benefit demonstrated in this case to outweigh that harm.

(d) Impact on Residential Amenity

10.25 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

10.26 The application has been submitted with a site layout plan, showing the proposed dwelling situated within 10m of the property boundary. Details of the design of the building have not been supplied and would form part of future reserved matters. The indicative layout demonstrates that the proposed dwelling could be positioned in a manner that would not result in inadequate levels of light or privacy to existing residents of the neighbouring property. This would depend on the height and exact positioning of the final proposal, however. The site is of a sufficient size to enable the provision of a reasonably sized garden for the proposed dwelling, with adequate private amenity space.

10.27 It is therefore considered that the site could be developed in a manner that would accord with the guidance on residential amenity set out in the Cotswold Design Code.

(e) Flood Risk

10.28 Local Plan Policy EN14 states that 'the design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS)'.

10.29 Paragraph 159 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether

existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

10.30 The site lies within Flood Zone 1 and is not within 20m of a mapped watercourse. Moreover, there is no history of flooding at the site. The Council's Drainage Engineer has raised no objection to the scheme subject to the submission of a full surface water drainage scheme being submitted. Drainage and detailed design forms part of the reserved matters of the development. It is considered that the site could be developed in a manner that would take account of flood risk and could accommodate an appropriate Sustainable Drainage System including soakaways.

(f) Highways Safety

10.31 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucester Streets.

10.32 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:

"(a) appropriate opportunities to promote sustainable transport modes can be - or have been taken up, given the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users; and

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."

10.33 The application proposes utilising the existing access running to the north of the site. The Local Highways Authority have confirmed that there are no recorded injury collisions at the site in the last five years, and only a slight collision north of the access. Detailed access arrangements form part of the reserved matters of the application, however, appropriate visibility splays would be required to be demonstrated at that stage. The proposed curtilage is adequate in size to accommodate off street parking.

10.34 Overall, it is considered that the site could be developed in a manner that would support sustainable modes of transport and provide safe and suitable access.

Other Matters

10.35 The proposed development is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

11. Conclusion:

11.1 The proposal is considered to be contrary to Local Plan Policies DS4, EN2, EN4, EN5 and EN10 and the guidance outlined within the National Planning Policy Framework and as such is recommended for refusal.

12. Reasons for Refusal:

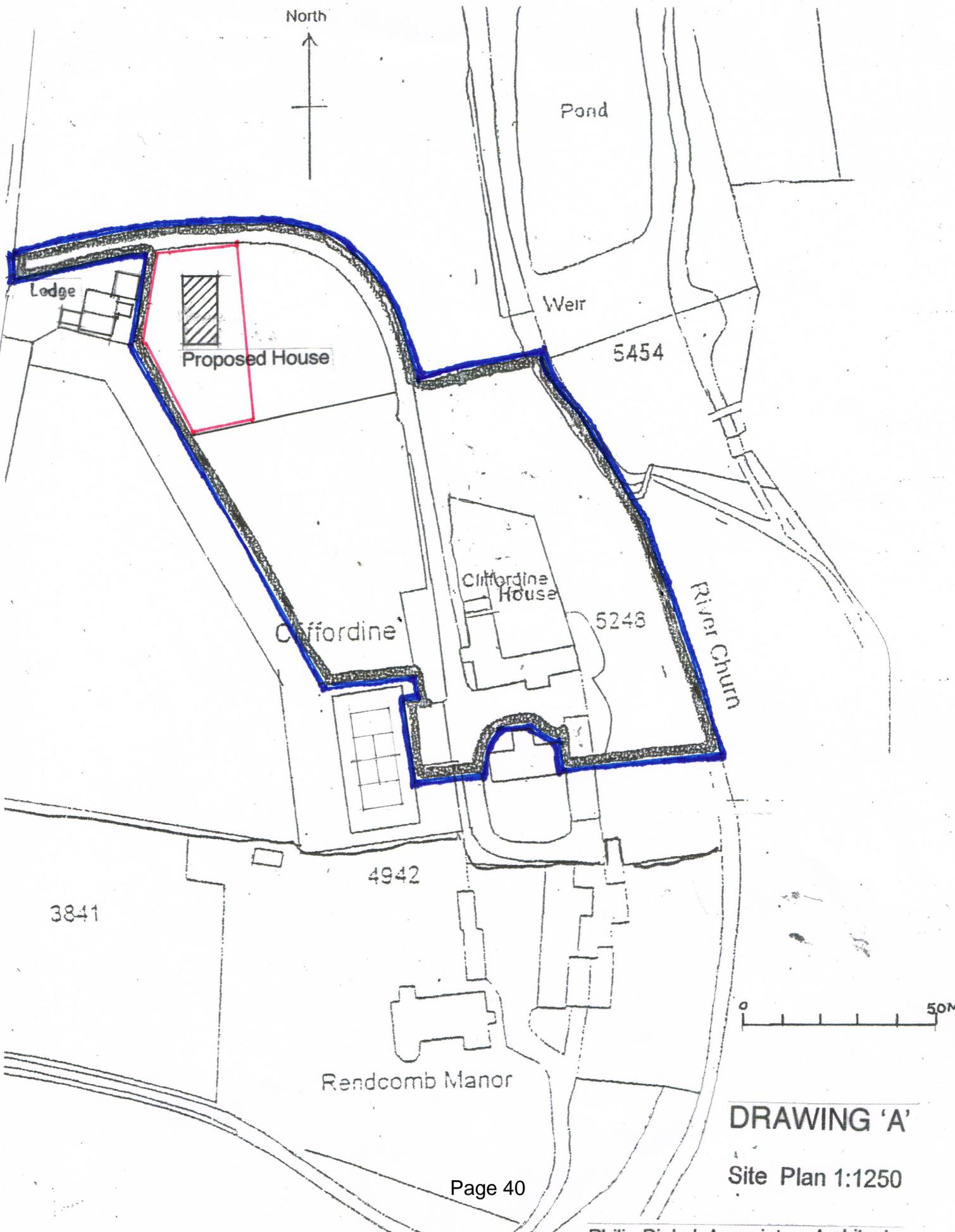
1. The application site forms a pastoral field located 0.85km from the nearest village of Rendcomb. The proposed development would result in the erection of a new-build open market dwelling in an isolated location outside a Principal or Non-Principal Settlement, contrary to Cotswold District Local Plan Policy DS4 and Paragraph 80 of the NPPF.

2. The site lies within the Cotswolds AONB, wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The site is located in an isolated rural location in the Cotswolds AONB. The proposed development, by virtue of the encroachment of built form, associated garden area, domestic paraphernalia and activity, along with the introduction of lighting, car movements and parked cars would fundamentally harm the rural character of the site, the natural beauty of the AONB and the tranquillity of the landscape. The changes to the landscape would be perceived locally from the local carriageway. It is considered that the proposal would fail to conserve or enhance the natural beauty of the AONB and would be contrary to Section 85 of the Countryside and Rights of Way (CROW) Act 2000, Cotswold District Local Plan Policies EN1, EN2, EN4 and EN5 and NPPF paragraph 174 and 176.

3. The erection of a dwelling in the location proposed is considered to be out of keeping with the character of the area and would fail to retain the green and open character of the site. The siting of the dwelling in the location proposed will result in a significant change to the existing rural character of this piece of land which would fail to conserve the surviving character of this part of Rendcomb. The proposals will fail to preserve the wider rural setting of the nearby listed buildings, and the significance of the heritage assets will be harmed as a result, with no public benefit demonstrated in this case to outweigh that harm. The proposals would therefore be contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Central Government policy in the NPPF - sections 12 and 16 and Policies EN1, EN2 and EN10 Cotswold District Local Plan.

Informative:

1. Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.



North
↑

Pond

Weir

Lodge

Proposed House

5454

Cliffordine House

5248

Cliffordine

River Churn

4942

3841

Rendcomb Manor

0 50M

DRAWING 'A'

Site Plan 1:1250

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Philip Dinkel Associates Architects

Item No 02:-

21/04800/FUL

**Land North Of Draycott Business Centre
Draycott Road
Blockley
Gloucestershire**

Item No 02:-

Erection of agricultural building at Land North Of Draycott Business Centre Draycott Road Blockley Gloucestershire

Full Application 21/04800/FUL	
Applicant:	Mr Alexander Garstang
Agent:	The Rural Planning Practice
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor Mrs Sue Jepson
Committee Date:	15th June 2022
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Design and Impact on Stow-on-the-Wold Conservation Area
- (b) Impact on Residential Amenity
- (c) Highways Safety
- (d) Biodiversity and Geodiversity

2. Reasons for Referral:

2.1 Councillor Jepson has requested that the application be determined by the Planning and Licensing Committee for the following reason: "Building causing harm on the AONB which we are meant to be protecting site area the building is planned to be built in the field. Entrants dangerous on this lane. I know highways have no objection but I really must question their comments. Overall bulk of building right up against the field hedge onto road."

3. Site Description:

3.1 The application site consists of an open agricultural field located north of Draycott Business Park. The site is split into two separate sections including a larger area of open field to the south and a narrower section to the north, to which the application relates. There is an existing access to the field in the south-eastern corner of the plot, and a Public Right Of Way (PROW) runs east - west through the northern part of the field.

3.2 The site is located within the Cotswold Area of Outstanding Natural Beauty, however, is not subject to any heritage designations.

4. Relevant Planning History:

4.1 N/A

5. Planning Policies:

TNPPF The National Planning Policy Framework

EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
INF4 Highway Safety

6. Observations of Consultees:

- 6.1 Local Highways Authority - No objections subject to conditions.
6.2 Landscape Officer - No objections to amended scheme.

7. View of Town/Parish Council:

- 7.1 No comments received at the time of writing.

8. Other Representations:

- 8.1 One general comment has been submitted raising concerns of:
- i. Dangerous access onto T-junction;
 - ii. Poor visibility from access.

9. Applicant's Supporting Information:

- 9.1 N/A

10. Officer's Assessment:

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

10.4 The application proposes the construction of a single storey barn set along the eastern boundary of the northern section of field. The barn will cover a footprint of 10m x 6m and will be abutted on two sides by a 3m wide area of compressed aggregate. The building will incorporate a gabled design, with eaves of 2.9m in height and a ridge of 5.3m. The building will

be constructed of vertical timber cladding with Onduline corrugated sheet roofing and timber fenestration.

(a) Impact on the Cotswolds Area of Outstanding Natural Beauty

10.5 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.

10.6 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.7 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.8 NPPF Section 12 requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

10.9 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.10 The site currently comprises a large, open agricultural field set within a rural context. The proposed position of the barn has limited visibility from surrounding highways, however, will be visible in views from the Public Footpath to the north. The proposed building will be of a proportionate scale, set along the existing eastern boundary and not result in significant encroachment into the otherwise open field. Whilst there will be an introduction of built form into the currently undeveloped field, the building will have a distinctly agricultural character and appearance and has been sensitively located. The addition will therefore appear fairly typical of the agricultural landscape and will not appear incongruous within its setting. The structure will incorporate a simple gabled design with minimal fenestration resulting in a functional appearance. The proposed materials will be high quality and sensitive within its setting. The building will be relatively discreetly positioned in the context of the field, and will not harm the overall openness of the site. Proposed planting in the form of a new hedgerow, wildflowers and tree copse will enhance the appearance of the site. Overall, it is considered that the proposed development will preserve the character and tranquillity of the Cotswold Area of Outstanding Natural Beauty and is acceptable in this regard.

(b) Impact on Residential Amenity

10.11 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to

garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

10.12 The proposed development is located with significant separation from the nearest residential properties and will not lead to any loss of light, overshadowing or overbearing impact. The level of separation combined with the modest scale will similarly mitigate any potential increases in noise arising from the development. Overall, it is considered that the proposed development will preserve the amenity of neighbouring dwellings and is acceptable in this regard.

(c) Highways Safety

10.13 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucester Streets.

10.14 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be - or have been taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.15 The scheme originally proposed to make use of the existing access in the south-eastern plot of the southern field. The Local Highways Authority (LHA) raised concerns with this proposal as it would lead to the intensification in use of a substandard access directly onto a junction. The scheme has therefore been amended in order to propose a new access along the unnamed road approximately 85m north of the junction with Draycott Road. The new access is able to demonstrate visibility splays of 2.4m x 215m to the north and 2.4m x 90m to the south which will be acceptable. The proposed access will therefore negate the need for the intensification of the existing access onto Draycott Road, offering a safe and practical means of access to the proposed building. Whilst the LHA have recommended that the existing access is closed up prior to the commencement of use, it is noted that this access also serves the southern section of land which is in separate ownership. A condition will be included requiring the means of access to be installed prior to the proposed building being brought into use, and as such the use of the new access will be secured through condition.

10.16 Overall, it is therefore considered that the proposed development will provide a safe and suitable access and is acceptable in this regard.

(d) Biodiversity and Geodiversity

10.17 Local Plan Policy EN7 requires development to conserve and enhance natural assets likely to be affected, including trees, hedgerows, and woodland of high landscape amenity, ecological or historical value as well as veteran trees.

10.18 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.

10.19 Section 15 of the NPPF also outlines that development should conserve and where possible enhance biodiversity and geodiversity and should not result in the loss or deterioration of irreplaceable habitats and resources.

10.20 The application will see the hard surfacing of a modest area of open agricultural fields. Whilst this will introduce built form into an otherwise wild area, the impact on biodiversity is likely to be modest. The scheme has been submitted with a number of enhancement measures, including the provision of two bat boxes on the existing building, seven bird boxes on existing trees within the wider site as well as planting of a new hedge and tree mix of native indigenous species, a local native copse of trees and an area of wildflower seed mix to the north. The proposed planting and boxes will result in an enhancement to the biodiversity of the site, in accordance with policy EN8.

Other Matters

10.21 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

11. Conclusion:

11.1 The proposal is considered to comply with Local Plan Policies and as such is recommended for permission.

12. Proposed conditions:

1. The development shall be started within 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in strict accordance with the following approved plans: Site Location Plan (Drawing No. 4996 01 A); Proposed Site Plan (Drawing No. 4996 03 B); Proposed Building (Drawing No. 4996 04 A).

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. The timber shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

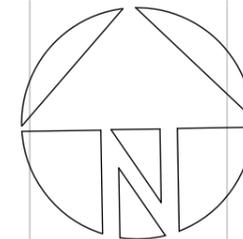
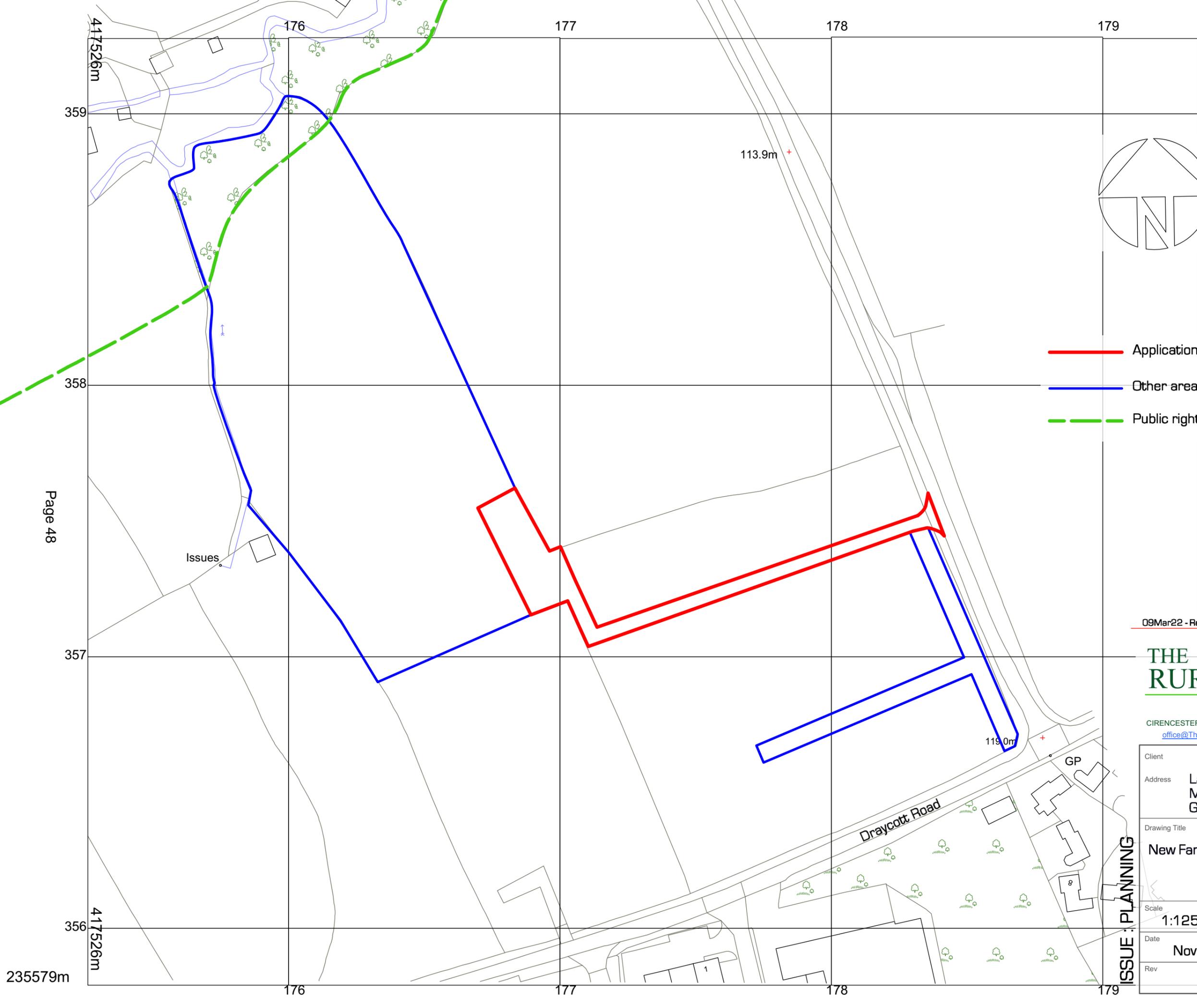
4. The development hereby approved shall not be brought into use until the means of access for vehicles, has been constructed and completed as shown on Proposed Site Plan (Drawing No. 4996 03 B) with the first 12m of the access from the highway being surfaced in a bound material. The development hereby approved should be accessed only from the newly created access.

Reason: In the interest of highway safety.

5. Prior to the first use/occupation of the development hereby approved, two bat boxes and a seven bird boxes, as shown on Proposed Site Plan (Drawing No. 4996 03 B), shall be installed fully in accordance with approved details and retained as such thereafter.

Reason: To ensure that biodiversity are protected and their habitat enhanced. (All species of bats are protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2010.

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0 50 m
 1:1250 SCALE on A3

- Application area and access
- Other area in same ownership
- - - Public right of way

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09Mar22 - RevA - access changed

THE RURAL PLANNING PRACTICE

CIRENCESTER 01285 323200 | CRANBROOK 01580 201888
office@TheRPP.co.uk | www.theruralplanningpractice.co.uk

Client	Mr A Garstang	
Address	Land off Draycott Rd Moreton - in - Marsh Gloucestershire GL56 9JU	
Drawing Title	New Farm Building to Serve Smallholding Site Location Plan	
Scale	1:1250 on A3	Drawing No.
Date	Nov 2021	4996 01
Rev		A

ISSUE : PLANNING

235579m

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Rainwater from roofs to be collected in butts for re-use with excess discharging to soakaway

-  Existing trees, shrubs and hedges, all to remain. Existing hedgerows to be reinforced as required by interplanting with species listed below
-  New hedge and tree planting in a mix of native indigenous species. All plants are to be 2-3ft (60-90cm) transplants / seedlings, evenly spaced. Hedges to the following percentages in a mix of -
2.5% Dog Rose - Rosa canina
5% Dogwood - Cornus sanguinea
10% Hazel - Corylus avellana
60% Hawthorn - Crataegus monogyna
10% Field Maple - Acer campestre
2.5% Holly - Ilex aquifolium
10% Guelder Rose - Viburnum opulus
Planted in two staggered rows 300 - 400mm apart at a density of not less than five plants per metre and interspersed with trees.
-  Trees to be planted in small copse of native local species evenly spaced at 1.5m centers in a mix of Hazel, Blackthorn, Crab Apple, Silver Birch, Rowan, Wild Cherry
-  Area planted with wildflower seed mix
-  Cider Orchard
-  Logs, deadwood and brash habitat piles to encourage hedgehog nesting
-  Several bird boxes to be installed across wider site on existing trees to accommodate species such as Sparrows, Starlings, Swifts, House Martins etc.
-  2 no. bat boxes to be installed on proposed building, one each to be positioned at the ridge at each gable end, either 1FR Schwegler Bat Tube or Eco Kent Bat Box
-  2 no. Slimline floodlights, fixed to building @ 2.1m above ground. 30W LED 2700K. Oriented down to only illuminate the area directly in front of them. Manually controlled between 8am - 5pm and outside of these hours controlled by PIR movement sensor with 30 second cut-off during dusk to dawn

113.9m +

2.15m

Visibility splay at proposed entrance 2.4 x 2.15m to the north and 2.4 x 90m to the south

-  Existing trees and hedgerows
-  Existing hedge removed to create opening
-  Proposed new hedge in native indigenous species lining entrance
-  Proposed 1.2m high timber post and rail fence lining set back entrance

358

New 5.5m wide access created, double gates set-back 12m from highway edge. First 5.5m of entrance to be formed in a bound material.

Rev B - 11Mar22 - compost loo removed, hardstanding changed to stone, lighting added
Rev A - 09Mar22 - access changed

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office@TheRPP.co.uk | www.ruralplanningpractice.co.uk

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Client	Mr A Garstang	
Address	Land off Draycott Rd Moreton - in - Marsh Gloucestershire GL56 9JU	
Drawing Title	New Farm Building to Serve Smallholding GP Site Plan Proposed	
Scale	1:500 on A1	Drawing No.
Date	Nov 2021	4996 03
Rev		B

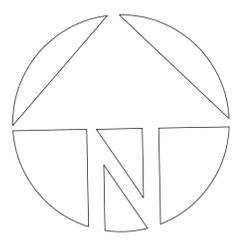
Min. 10m radii at entrance

119.0m

Issues

3m wide apron on two sides of building to be locally sourced compressed Costwold Stone

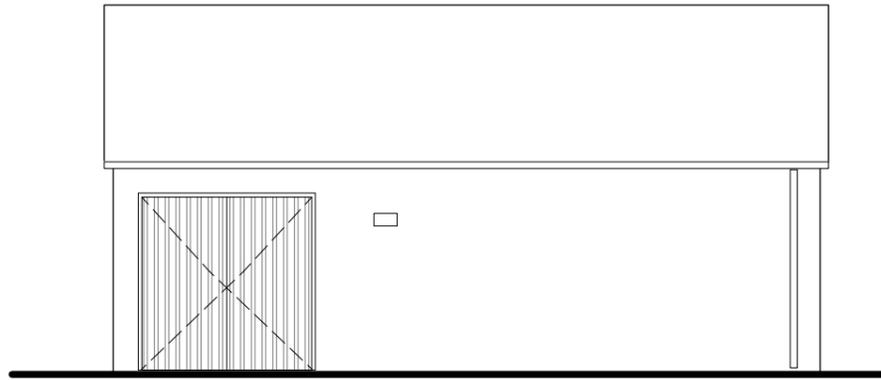
Proposed 10x6m agricultural building to support the smallholding



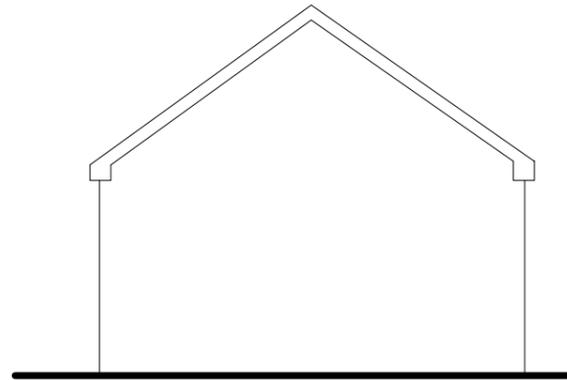
0 50m

1:500 SCALE on A1

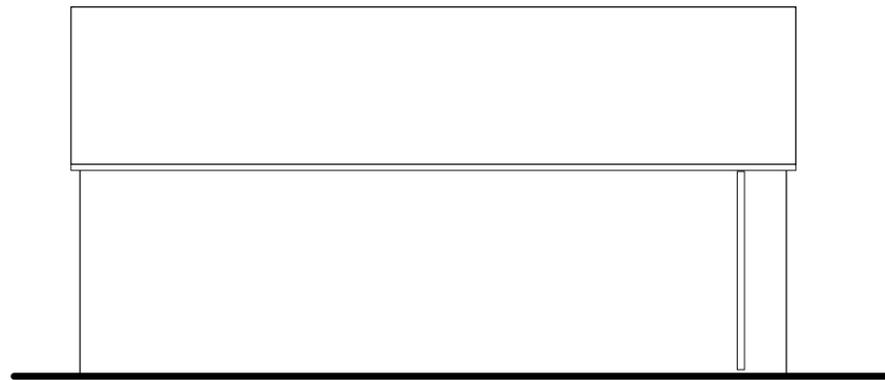
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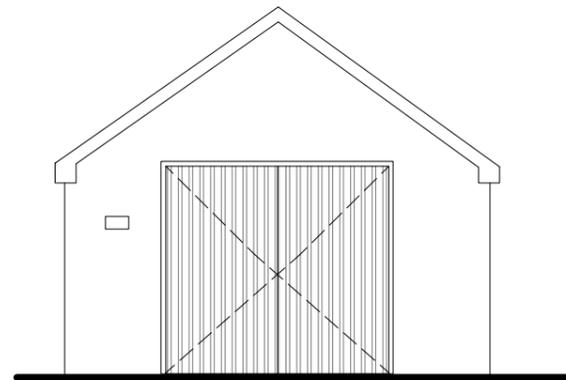
View A



View B



View C



View D

New 6 x 10 metre agricultural building, 3 metre high eaves.

Roof - Onduline corrugated sheets. Colour : Grey

Walls - vertical timber cladding left untreated to weather naturally, hit and miss where ventilation is required and board on board in all other areas.

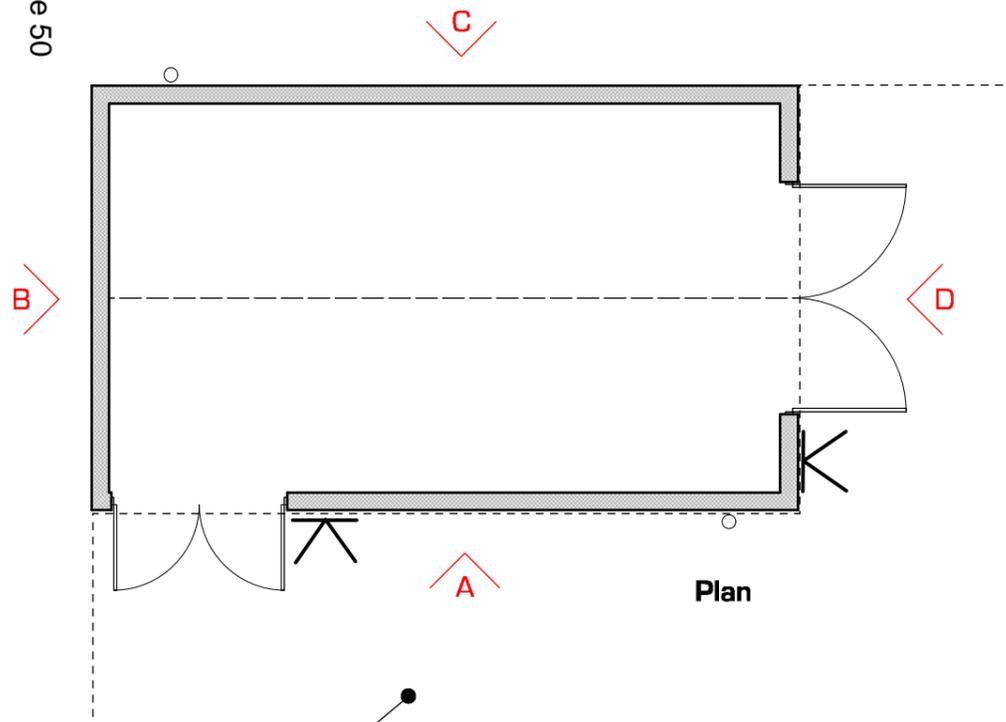
External joinery - timber

Rainwater goods - galvanised

Internal floor - compressed aggregate

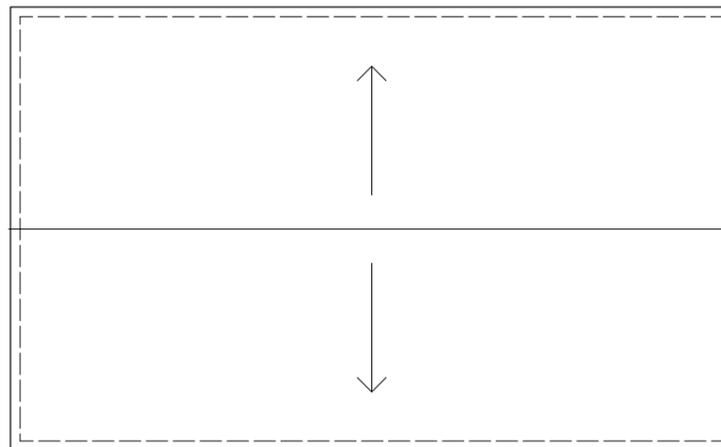
2 no. Slimline floodlights, fixed to building @ 2.1m above ground. 30W LED 2700K. Oriented down to only illuminate the area directly in front of them. Manually controlled between 8am - 5pm and outside of these hours controlled by PIR movement sensor with 30 second cut-off during dusk to dawn

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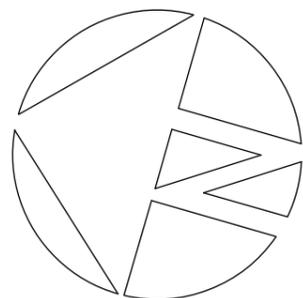


Plan

3m wide apron on two sides of building to be locally sourced compressed Costwold Stone



Roof Plan



1:100 SCALE on A3

Rev A - 11Mar22 - apron changed to stone, lighting added

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office@TheRPP.co.uk www.theruralplanningpractice.co.uk

Client	Mr A Garstang	
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Rev		A

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