

**Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 9 November 2022.**

**Councillors present:**

Ray Brassington – Chair  
Mark Harris  
Sue Jepson  
Julia Judd

Patrick Coleman – Vice-Chair  
Andrew Maclean  
Dilys Neill  
Gary Selwyn

Clive Webster

**Officers present:**

Susan Gargett – Head Of Legal Services  
David Morren – Interim Development Management Manager  
Mike Napper – Major Developments and Appeals Manager  
Justin Hobbs Tree Officer  
Andrew Moody – Senior Case Officer  
Florence Maxwell – Senior Conservation & Design Officer  
Caleb Harris – Democratic Services  
Wayne Smith – Democratic Services

**137 Apologies**

Apologies had been received from Councillor Stephen Hirst and Councillor Steve Trotter

Councillor Mark Harris had given notice that he would be arriving later (11.00am)

**138 Substitute Members**

Councillor Stephen Andrews was substitute for Councillor Steve Trotter and Councillor Ray Theodoulou was substitute for Councillor Stephen Hirst.

**139 Declarations of Interest**

A declaration of interest was received from Councillor Patrick Coleman regarding the Applicant (Newland Homes) of Schedule of Applications item 3. Mr J Drew, a director of Newland Homes was a resident of Councillor Coleman's Ward,

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A declaration of interest was received from Councillor Clive Webster regarding an Objection to a scheduled application by Cotswold National Landscape Board. Councillor Webster was the CDC representative on the Cotswold National Landscape Board.

**140 Minutes**

Minutes of the Planning and Licensing Committee meeting 12 October 2022 were considered

Minute 134 - Application 22/02119/REM (para 9) “The Committee noted that the application had now been referred to the Committee, as Cotswold District Council had now become involved with the development and scrutiny was now required” should read, “The Committee noted that the application had now been referred to the Committee, as Cotswold District Council had *subsequent to the original application's approval* become involved with the development and scrutiny was now required”

**RESOLVED:** The Committee agreed that, subject to the amendment being made, the Minutes were a correct record of the meeting held on 12 October 2022.

**Voting Record – For 7, Against 0, Abstentions 3, Absent 1,**

**141 Chair's Announcements (if any)**

The Chair announced that the Licensing training for Members would be postponed due to the officer not being available for some time.

The Chair announced that due to the number of members of the public and other interested parties attending the Planning and Licensing Committee meeting in connection with: **Schedule of Applications Item no 04, 21/04342/FUL Melcourt Industries Limited, Boldridge Brake, Crudwell Lane, Long Newton, Tetbury, Gloucestershire GL8 8RT** would be considered after the Tree Preservation Order item in the meeting.

**142 Tree Preservation Order 22/00005/IND**

**22/00005/IND Consider comments of objection and support to the making of Tree Preservation Order (TPO) in respect of a tree at Waterfront Tea Room, Victoria Street, Bourton on the Water.**

The Tree Officer introduced the report and summarised the background and context for the requirement of the TPO, the location of the tree in a Conservation Area at the Waterfront Tea Room, Victoria Street Bourton-on-the-Water along with pictures of the site and the wider area around the affected property.

The following people addressed the Committee:

Mr Ken Shepard (written statement read out) – Applicant/Agent

The Committee noted that the tree was around 50 years old and no reports of people being hurt by the uneven paving at the base had been received by CDC, (although other organisations may have received them).

The Committee noted that Gloucestershire Highways had recommended a solution to the ongoing damage to the highway.

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The Committee noted that pruning tree roots would slow the growth of a tree but would not halt it.

The Committee noted that the seating area of the Tea Rooms had been adversely affected by the ground being lifted by the tree roots.

The Committee noted that root deflectors were used to divert roots away from paths to less busy area.

Councillor Neill proposed and Councillor Judd seconded that the Tree Preservation Order is confirmed

**RESOLVED:** The Committee agreed to confirm the Tree Preservation Order TPO22/00005/IND.

**Voting Record – For 10, Against 0, Abstentions 0, Absent 1,**

### **143 Schedule of Applications**

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

The Senior Planning Case Officer introduced the application extend a yard used to store horticultural products, and undertake tree and landscape planting. Locality and site maps and photographs of the proposed development were presented, along with details of both the current road access to the site, and the proposed improvements, including the addition of five passing places.

The following people addressed the Committee:

Diane Thomas – Town/Parish Council

Jamie Lewis – Objector

Susan Hughes – Applicant

Nikki Ind – Ward Member

The Committee noted that the site was not located in the Area of Outstanding Natural Beauty (AONB) although the boundary of the AONB was a short distance away.

The Committee noted that the majority of objections to the proposed development applied to the impact of additional traffic to and from the site rather than the extension to the yard.

The Committee noted that the current site has unrestricted use and unrestricted movement of HGV and other sized vehicles to and from the site with the potential for the current volumes of traffic to increase. This cannot be retrospectively restricted or removed.

The Committee noted that the number of daily HGV movements captured by villagers and the Town & Parish Council was significantly different to the number captured by the Applicant.

The Committee noted that a representative from Gloucestershire Council Highways had not been available to attend the Committee meeting.

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Councillor Webster proposed and Councillor Neil seconded that the decision was DEFERRED pending completion of an all Committee Member site visit to view the surroundings of the site and to see whether the mitigation suggested would work and was in keeping.

RESOVED: The Committee agreed that the decision was DEFERRED pending completion of an all Committee Member site visit.

**Voting Record – For 10, Against 0, Abstentions 0, Absent 1,**

**20/02798/FUL Demolition of single storey lean to, fenestration alterations and landscaping (part retrospective) at Middle Hill Farm Saintbury Broadway Gloucestershire WR12 7PX**

The Senior Conservation & Design Officer introduced the report that had been considered by the Planning and Licensing Committee on 12 October 2022 and deferred to this Committee meeting, pending completion of an all Committee Member site visit 30 November 2022.

Application details were re-presented seeking planning permission for the demolition of a single storey lean-to, fenestration alterations, internal alterations including new mechanical and electrical works both of which were part-retrospective. The site location, maps, photographs and illustrations were also presented to provide context for the proposed works.

The following people addressed the Committee:

Mr John Everts – Applicant

The Chair invited Committee members that attended the site visit to share their comments.

Members commented that the site visit had been very thorough covering both storeys and inside and outside of the property.

Members thanked the planning officers that accompanied them for their in situ expert comments and advice.

Members commented that high quality restoration work had been completed at the property, but there were also a number of examples of inappropriate restoration work and materials being used.

The Committee noted that the application was looking at ‘harm’ that had been caused to the building from the work that had been completed, and not whether the work had been authorised or not authorised.

The Committee noted that ‘harm’ can be done physically to the fabric of the building e.g. using breeze blocks in place of stone during re-construction, or more theoretically harm the ‘story’ of the building across time periods e.g. removal or alteration of authentic features in order to create a more cohesive, consistent or ‘pleasing’ look to the building.

The Committee noted that a refusal of the application would refuse permission for all completed work. However the applicant would then have an opportunity to re-apply to retain elements of the work to which the Planning officer had no objection.

The Committee noted that there was an ongoing enforcement investigation at the property relating to a number of unauthorised works that had been undertaken at the property which were considered unacceptable, and some of which formed part of the two applications. A listed building enforcement notice had also been served.

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Councillor Webster proposed and Councillor Neill seconded that the application was REFUSED for the reasons provided by the Senior Planning Officer

RESOLVED: The application was REFUSED for the reasons provided by the Senior Planning Officer.

**Voting – For 6, Against 5, Abstentions 0, Absent 0,**

**20/02799/LBC Demolition of single storey lean to, fenestration alterations, internal alterations to include new mechanical and electrical works, and landscaping (part retrospective) at Middle Hill Farm Saintbury Broadway Gloucestershire WR12 7PX**

The Senior Conservation & Design Officer introduced the report that had been considered by the Planning and Licensing Committee on 12 October 2022 and deferred to this Committee meeting, pending completion of an all Committee Member site visit 30 November 2022.

Application details were re-presented seeking Listed Building Consent including fenestration alterations, internal alterations including new mechanical and electrical works both of which were part-retrospective. The site location, maps, photographs and illustrations were also presented to provide context for the proposed works.

The Chair invited Committee members that attended the site visit to share their comments.

Committee commented that the fire surround was not an overpowering element of the panelled room and the new mullioned window enhanced the look of the rear wall even though it was not in its original location.

Committee commented that the gradual increasing formality of the building from one end to the other was very subtle and made any assessment appropriateness of building elements very subjective. Other harm such as the removal of the stairs and the dividing of the hall into two rooms were far easier assess.

Committee noted that the harm done by the six issues listed in the application were collectively 'less than substantial harm' to the listed building

Committee noted that 'substantial harm' would be harm that was significant enough potentially to remove the property from the listing.

Councillor Webster proposed and Councillor Neill seconded that the application was REFUSED for the reasons provided by the Senior Planning Officer

RESOLVED: The application was REFUSED for the reasons provided by the Senior Planning Officer.

**Voting – For 6, Against 5, Abstentions 0, Absent 0,**

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

The Major Developments and Appeals Manager introduced the report and summarised several additional updates that had been received and provided to the Committee.

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The Chair provided time for the additional updates to be read and understood by the committee.

The Major Developments and Appeals Manager summarised two very late representations, and read out an amendment to Proposed Condition 11 (page 81) which should now read:

"The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions) These standards currently require:

- i) Resting (Living Room) 35 dB LAeq, 16 hour (0700-2300)
- ii) Dining (Dining Room Area) 40 dB LAeq, 16 hour (0700-2300)
- iii) Sleeping (Bedroom) 30 dB LAeq, 8 hour (2300-0700)

45dB LAFmax (external to any bedroom window 2300-0700 and no more than 10 occurrences in any period) and any external amenity space(s) should achieve 50dB LAeqT where T is a time period

Reason: To protect those living in the dwellings from traffic or other external noise sources in accordance with Cotswold District Local Plan Policy EN15"

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

The Committee noted that the overall site was 0.85HA, was a site allocated for housing in the Local Plan and was within the town's development boundary and within the AONB.

The Committee noted that of the 45 Carbon Zero proposed properties, eight would be affordable housing units, four would be 1-bed social rent flats, two would be social rented properties, two would be affordable rent houses and two would be properties in shared ownership.

The Committee noted that 100 parking places would be provided across the site, 91 would be allocated and all properties would have access to EV charging points.

The following people addressed the Committee:

Judith Taylor – Town/Parish Council

Tom Shepperd – Applicant

Nikki Ind – Ward Member

The Committee noted that the original indication that twelve properties were to be built on the site was an indicative minimum amount and was not an estimate or a target.

The Committee noted that although there is a stated requirement for an additional GP Surgery this site was not allocated for that development as part of the delivery of the current housing strategy.

The Committee noted that none of the proposed properties were bungalows.

Councillor Jepson proposed and Councillor Harris seconded that the application was DEFERRED to enable officers to speak to the developer to investigate the inclusion of a public open space within the site.

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**RESOLVED:** The application was DEFERRED to enable Officers to speak to the applicant to investigate the inclusion of a public open space within the site.

**Voting – For 8, Against 0, Abstentions 0, Absent 3,**

The Chair noted comments from Members and those observing that the Committee meeting had reached 4 hours.

The Chair adjourned the meeting for 15 minutes to enable the Head of Legal Services to refer to the Council's Constitution on the matter which was determined by the Head of Legal Services, in consultation with the Democratic Services Officer that the Committee was exempt under the Constitution from any time limits which would apply to other Committees

The Chair reconvened the Committee meeting and confirmed that the Head of Legal Services had confirmed that the meeting could continue.

**22/02837/FUL Variation of condition 8 (timber windows) of permission 16/03602/FUL  
(Demolition of existing buildings and erection of four dwellings) to replace warped timber windows with new PVC-U at 77 Victoria Road Cirencester  
Gloucestershire GL7 1ES**

The Planning Case Officer introduced and presented the planning application to replace warped timber windows with new PVC-U at 77 Victoria Road Cirencester Gloucestershire GL7 1ES. The proposal was summarised, and the location of the affected windows was described, with location maps, photographs and illustrations providing context for what was proposed.

The following people addressed the Committee:

Earle Ludlow – Applicant

Joe Harris – Ward Member

The Committee noted the properties were within the Cirencester South Conservation Area.

The Committee noted the usual requirement would be to replace wooden windows with new wooden windows in a similar style although a number of neighbouring properties had been fitted with UPVC windows.

The Committee noted that the affected windows were at the rear of the properties and the front of the properties and the 'street scene' would not be affected. The windows could only be seen at a distance and could not be seen closely enough to determine whether wood or appropriately coloured wood grain UPVC had been used

Councillor Jepson proposed and Councillor Judd seconded the proposal to PERMIT the application to use UPVC windows because:

- the windows were at the rear of the properties and the 'street scene' would not be significantly affected,
- the windows could only be seen at a distance, and not closely enough to determine whether wood or appropriately coloured wood grain UPVC had been used in their construction,
- as neighbouring properties had been fitted with UPVC windows the potential additional harm was not considered sufficient for a refusal.

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**Voting Record – For 7, Against 1, Abstentions 0, Absent 3,**

**I44 Sites Inspection Briefing**

All Members of the Committee were invited to a Site Visit 30 November 2022

**I45 Licensing Sub-Committee**

If required, the Next Licensing Sub-Committee would take place 23 November 2022

The Meeting commenced at\_10.00 am and closed at 3.40 pm

Chair

(END)