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COTSWOLD
DISTRICT COUNCIL

31st January 2023

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PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held at Council Chamber - Trinity Road on **Wednesday, 8 February 2023 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 - 8)**
To confirm the minutes of the meeting of the Committee held on 11th January 2023.
5. **Chair's Announcements (if any)**
6. **Public questions**
A maximum of 15 minutes is allocated for an “open forum” of public questions at committee meetings. No person may ask more than two questions (including supplementary questions) and no more than two such questions may be asked on behalf of one organisation. The maximum length of oral questions or supplementary questions by the public will be two minutes. Questions must relate to the responsibilities of the Committee but questions in this section cannot relate to applications for determination at the meeting.

The response may take the form of:
 - a) A direct oral response (maximum length: 2 minutes);
 - b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
7. **Member questions**
A maximum period of fifteen minutes is allowed for Member questions. Questions must be directed to the Chair and must relate to the remit of the committee but may not relate to applications for determination at the meeting.

Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

The deadline for submitting questions is 5.00pm on the working day before the day of the meeting unless the Chair agrees that the question relates to an urgent matter, in which case the deadline is 9.30am on the day of the meeting.

A member may submit no more than two questions. At the meeting the member may ask a supplementary question arising directly from the original question or the reply. The maximum length of a supplementary question is one minute.

The response to a question or supplementary question may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Schedule of Applications

To consider and determine the applications contained within the enclosed schedule:

8. **Item No 01 - Templis Broadwell Moreton-In-Marsh (Pages 11 - 20)**

Description

Change of use of agricultural land to residential land and addition of boundary fence, hedge and driveway turning area at Templis Broadwell Moreton-In-Marsh Gloucestershire GL56 0TU

Ward Member

Councillor David Cunningham

Case Officer

Amy Hill

Recommendation

Refuse

9. **Sites Inspection Briefing**

Members for 1st March 2023 (if required)

Councillors Ray Brassington, Andrew Maclean, Mark Harris, Steve Trotter, Dilys Neill

10. **Licensing Sub-Committee**

Members for 22nd February 2023 (if required)

Councillors Ray Brassington, Stephen Hirst, Dilys Neill, Gary Selwyn, Clive Webster

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Planning and Licensing Committee
11/January2023



COTSWOLD
DISTRICT COUNCIL

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

Councillors present:

Ray Brassington

Mark Harris

Sue Jepson

Patrick Coleman

Julia Judd

Andrew Maclean

Dilys Neill

Gary Selwyn

Officers present:

Helen Blundell – Interim Head Of Legal Services

David Morren – Interim Development Management Manager

Harrison Bowley – Senior Planning Officer

Caleb Harris – Senior Democratic Services Manager

Ana Prelici – Democratic Services Officer

Wayne Smith – Democratic Services Officer

154 Apologies

Apologies had been received from Councillors Clive Webster, Stephen Hirst and Stephen Trotter.

155 Substitute Members

Substitute Members of the Committee were, Councillors Stephen Andrews, Joe Harris, and David Cunningham.

156 Declarations of Interest

There were no Declarations of Interest from Members

There were no Declarations of Interest from Officers

157 Minutes

The Minutes of the Planning and Licensing Committee meeting from 7 December 2022 were considered

RESOLVED The Committee agreed the Minutes of the Planning and Licensing Committee meeting 7 December 2022 as an accurate record.

Voting Record – For 7, Against 0, Abstentions 4, Absent 0

158 Chair's Announcements (if any)

The Chair announced that the Council had introduced the option for Electronic Voting at Council, Cabinet and Committee meetings, and wanted to discuss whether members of the Planning and Licensing Committee wanted to use this facility.

The Committee commented that Electronic Voting would provide a list of how each Committee Member had voted on each Planning and Licensing Application.

The Committee commented that Planning and Licensing Committee was comparatively small and voting with a 'show of hands' enabled those attending the meetings in person or online to see how Committee Members collectively voted.

The Committee commented that having invested in Electronic Voting technology, it should be used.

The Committee commented that a decision to move to Electronic Voting would only enable it to be used at the subsequent three Planning and Licensing Committees (February, March and April 2023), after which the Administration following the May Election would decide on its future use.

RESOLVED The Committee agree to adopt Electronic Voting for future Planning and Licensing Committee meetings until further notice

Voting Record – For 6, Against 2, Abstentions 3, Absent 0,

159 Public Questions

There were no Public Questions

160 Member Questions

There were no Member Questions

161 Schedule of Applications

22/02519/FUL Erection of incidental outbuilding (retrospective) at Grain Store, 5 Old Dowmans Farm, Coberley, Cheltenham, Gloucestershire, GL53 9FF

The Senior Planning Case Officer re-introduced the application that had been deferred from the Planning and Licensing Committee meeting 07 December 2022 to enable a full Committee Member Site Inspection to take place. The application for the (retrospective) erection of an incidental outbuilding on built up land at a site at the western edge of the village of Coberley located within the Cotswolds AONB was summarised, and site and location maps, photographs and illustrations were presented to provide context for what had been constructed and additional photographs and illustrations were presented showing the property in 2017 prior to the start of its development.

The following people addressed the Committee:

Julia Judd – Ward Member

The Chair invited comments from the Committee Members that attended the Site Inspection

The Committee noted that although the original and subsequent development of the site since 2017 had changed the look of the former agricultural setting, the construction of the specific building in the application did not have a significant negative impact.

The Committee noted that the removal of permitted development rights condition would usually be carried forward on subsequent applications but this had not happened at this site and this condition could not now be enforced.

The Committee noted that enforcement officers had determined the change in height of the built up area on which the new structure stands, as 0.3m, using historic topographic surveys and more recent physical measurements.

The Committee noted that existing permission would enable further development of the site with the construction of a four car barns, and this would not be considered 'over-development'.

The Committee noted that 'right to a view' was not a material planning consideration.

Councillor Neill proposed and Councillor Selwyn seconded that the application should be **PERMITTED** for the reasons provided by the Senior Planning Officer.

RESOLVED The Committee agreed to **PERMIT** the application for the reasons provided by the Senior Planning Officer

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

The Committee **PERMITTED** the application in agreement with the recommendation of the Senior Planning Officer

162 Sites Inspection Briefing

The Committee noted that a Sites Inspection Briefing would take place for Members 1st February 2023 (if required). Members would be Councillors Ray Brassington, Julia Judd, Patrick Coleman, Sue Jepson and Clive Webster.

163 Licensing Sub-Committee

The Committee noted that a Licensing Sub-Committee would take place for Members 25 January 2023 (if required). Members would be Councillors Ray Brassington, Julia Judd, Patrick Coleman, Sue Jepson and Clive Webster.

The Meeting commenced at 10.00 am and closed at 11.06 am

Chair

(END)

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PLANNING AND LICENSING COMMITTEE 8th February 2023

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 8th February 2023
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule No.
<hr/>		
Broadwell	Templis Broadwell Moreton-In-Marsh Gloucestershire GL56 0TU 22/03851/FUL Full Application	01

Item No :-

22/0385 I/FUL

**Templis
Broadwell
Moreton-In-Marsh
Gloucestershire
GL56 0TU**

Item No :- 01

Change of use of agricultural land to residential land and addition of boundary fence, hedge and driveway turning area at Templis Broadwell Moreton-In-Marsh Gloucestershire GL56 0TU

Full Application 22/03851/FUL	
Applicant:	Mr William Neill
Agent:	
Case Officer:	Amy Hill
Ward Member(s):	Councillor David Cunningham
Committee Date:	8th February 2023
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Impact on Landscape
- (b) Highways
- (c) Trees

2. Reasons for Referral:

2.1 In accordance with the Scheme of Delegation, the application has been brought to Committee as the applicant is Councillor Neill's husband.

3. Site Description:

3.1 The site comprises a two-storey detached late Arts and Crafts-style dwellinghouse, set in approximately 0.4 hectares of garden, and a strip of currently undeveloped land (approximately 8m wide by 57m long) to the north-west of the dwellinghouse. The site is located approximately 100m to the east of Broadwell Conservation Area along Broadwell Road to Lower Oddington. The house is set back approximately 30m from the road, orientated with the principal elevation facing south-east. The current access to the site is to the south-west of the dwellinghouse and garden to the east.

3.2 The site is surrounded by open countryside, and is located within the Cotswolds Area of Outstanding Natural Beauty (AONB), with the dwellinghouse and existing garden within the Moreton-in-Marsh Surrounds Special Landscape Area (SLA). Along the north-east boundary of the site is a Public Right of Way (Broadwell Footpath 6).

4. Relevant Planning History:

4.1 I3/03559/FUL: Erection of two storey side extension and dormer window, erection of a porch canopy over new entrance and single storey lean-to roof over existing garden terrace. Permitted September 2013

4.2 17/00792/NONMAT: Non-material amendment to application 13/03559/FUL for a revision of solar panel arrangement on carport roof. Permitted August 2017

4.3 20/00656/FUL: Part-retrospective application for construction of single-storey timber frame garden shed. Permitted July 2020

5. Planning Policies:

TNPPF The National Planning Policy Framework

CDCLP CDC LOCAL PLAN 2011-2031

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN6 Special Landscape Areas

EN7 Trees, Hedgerows & Woodlands

INF4 Highway Safety

INF5 Parking Provision

INF7 Green Infrastructure

6. Observations of Consultees:

6.1 Landscape Officer: Views incorporated within the Officer's Assessment.

7. View of Town/Parish Council:

7.1 No comment

8. Other Representations:

8.1 None received at time of writing.

9. Applicant's Supporting Information:

- Planning Statement
- Proposed Plans

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

10.3 The proposal is for the incorporation of a strip of land, currently classed as agricultural, into the residential land associated with the dwellinghouse known as Templis. It would be utilised to provide larger parking and turning facilities on the site. This would include removal of a substantial part of the existing holly hedge and the planting of a beech hedge along the extended boundary, with a post and rail fence (or similar).

(a) Impact on Landscape

10.4 The site is located within the Cotswolds 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.

10.5 Local Plan Policy EN2 (Design of the Built and Natural Environment) supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.6 Local Plan Policy EN4 (The Wider Natural and Historic Landscape) supports development where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. Proposals should take account of landscape and historic landscape character, visual quality and local distinctiveness.

10.7 Local Plan Policy EN5 (Cotswolds Area of Outstanding Natural Beauty) 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 Local Plan Policy EN6 (Special Landscape Areas) states development will be permitted provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the area including its tranquillity.

10.9 Local Plan Policy INF7 (Green Infrastructure) of the Local Plan states that development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).

10.10 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 174 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside and 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.

10.11 The dwellinghouse and existing residential land fall within the locally designated Moreton-in-Marsh Surrounds SLA. Whilst this is noted, the land in question for the change of use is outside of this, and is within the nationally designated Cotswolds AONB. As such, the impact of the proposed change of use on the statutorily protected Cotswolds AONB is considered to take precedence over the impact on the setting of the SLA, and as such the landscape impact on the Cotswolds AONB has been the focus of the assessment below.

10.12 The site falls within the Landscape Character Type 17: Pastoral Lowland Vale of the AONB and the Landscape Character Area 17b: Vale of Moreton as identified by the Cotswold AONB Landscape Strategy and Guidelines (June 2016) produced by the Cotswolds National Landscape Board.

10.13 The site and surrounds share a number of the published key characteristics of this character assessment, with the site located within a deeply rural, agricultural landscape, which is populated by a small number of villages and hamlets linked by winding lanes.

10.14 Within the Cotswold AONB Landscape Strategy and Guidelines (June 2016), a number of potential landscape implications are highlighted that relate to isolated development that might compromise rural landscape character and dispersed settlement patterns. Those of relevance to this proposal are set out below:

- *Visual intrusions introduced to the landscape;*
- *Erosion of the sparse settlement pattern of the Pastoral Lowland Vale;*
- *Introduction of 'lit' elements to characteristically dark landscapes;*
- *Loss of tranquillity;*
- *Suburbanisation and domestication of agricultural landscape by the introduction of gardens e.g. ornamental garden plants and boundary features, parking areas, lighting, and conversion of tracks to manicured drives and ornamental gateways; and*
- *Appearance of 'mini parklands' out of context with the surrounding landscape.*

10.15 The site is separated from the built form of the village of Broadwell by one pastoral field (of which the site is a part). The section of land subject to the proposed change of use comprises a vegetated field margin which, whilst currently does not appear to form part of an actively farmed area, is nevertheless visually perceived as part of the field.

10.16 Beyond the northern and western boundaries is a continuation of the pastoral field network of which the parcel of land forms a part. Views of the site are gained from the neighbouring public footpath to the north and also from Broadwell Road to the south-west and Chapel Street to the north-west. Visibility of the site is generally limited to the local area, rather than long distance views.

10.17 In consultation with the Council's Landscape Officer, officers have concerns regarding the proposed change of use of the strip of land, and proposed associated works, as follows.

10.18 The site and surrounding fields are characteristic of the agricultural character of the area. A change of use to residential garden would be to the detriment of this character. The proposal would erode the field pattern present within the area and increase residential encroachment. This would be to the detriment of the dispersed settlement pattern of the area.

10.19 It is also considered that the introduction of additional hardstanding and the potential introduction of ornamental planting, domestic structures, entertainment spaces, lighting and other domestic paraphernalia to the site would be detrimental to the rural landscape.

10.20 Perceptual impacts also need to be considered. There is a level of sound, activity and potentially light associated with gardens. The encroachment of increased noise and activity into the rural landscape should be limited.

10.21 Officers therefore consider that the landscape impacts of the proposed change of use would be harmful to the rural character of the Cotswolds AONB. The encroachment would be clearly visible from public views, thus also harming the appearance of the Cotswolds AONB.

10.22 The proposal therefore fails to conserve and enhance the natural beauty of the AONB, and is therefore contrary to the requirements of Local Plan Policies EN2, EN4, and EN5 and Section 15 of the NPPF.

(b) Highways

10.23 Local Plan Policy INF4 relates to Highway Safety and seeks to avoid location where cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation and having regard where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it. Local Plan Policy INF5 states that 'Development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.' The guidance notes from this policy support the considerations of Paragraph 107 of the NPPF. Section 9 of the NPPF promotes sustainable transport.

10.24 The main rationale for the proposed change of use of land is to provide an improved parking and turning on the site, to avoid vehicles reversing onto the road. Whilst the applicant's concerns regarding the ability to turn on the site are noted, especially for larger vehicles, this is a long established situation on the site, and the public benefits accrued from improving this are considered insufficient to warrant the harm to the Cotswolds AONB.

10.25 Additionally, it is also noted that the dwellinghouse benefits from a generous existing garden area, and information has not been provided to illustrate that a turning bay could not otherwise be provided within the existing residential garden; notably to the south of the dwellinghouse and to the east of the access drive.

(c) Trees and Hedgerows

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

10.27 There is an existing holly hedge purported to be contemporaneous with the erection of the dwellinghouse (circa. 100 years old) which is proposed to be substantially removed. The hedge appears to be of some age, and as such this seems a reasonable assumption. The Woodland Trust advises that a holly tree can live to around 300 years old, and as such, the hedge in question could remain a feature of the landscape for years to come if not interfered with.

10.28 Although the removal of the hedge is not in itself development for the purposes of planning control, as it nevertheless forms part of the current proposals, the re-planting of a hedge along the boundary of the site with the field would have been sought if the change of use were otherwise acceptable. A mixed native species hedge, rather than a uniformly beech hedge, as currently shown on the proposed plans, would however have been requested.

10.29 The trees within the hedge and elsewhere within the application site are not protected by a Tree Preservation Order and are not within a conservation area. The trees to be directly affected by the proposal appear to be of limited amenity value and, as such, it is considered that any loss of trees on the site could be satisfactorily mitigated by conditions to require replacement planting within the extended garden area.

11. Conclusion:

11.1 The proposal is considered to fail to accord with the above Local Plan Policies and national policies. As such, it is recommended the application is refused.

12. Reason for Refusal:

12.1 The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The site is located in a visually isolated rural location in the Cotswolds AONB separated from the nearest settlement by open fields. A change of use of the agricultural land to residential garden would be to the detriment of this character and appearance of the Cotswolds AONB, eroding the field pattern present within the area and increasing residential encroachment within the area. This would be to the detriment of the dispersed settlement pattern of the area, which would be perceived locally from Broadwell Footpath 6 and Broadwell Road. As such, the proposal is contrary to Cotswold District Local Plan Policies EN2, EN4 and EN5 and NPPF Paragraphs 174 and 176, and to permit the application would therefore be contrary to the requirements of Section 85 of the Countryside and Rights of Way (CROW) Act 2000 to conserve and enhance the natural beauty of the landscape.

ORDNANCE SURVEY
PLAN REFERENCE

SP 2027

SP 2127

Scale
1:2500

COUNTY GLOUCESTERSHIRE

DISTRICT COTSWOLD

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**Land at Templis, Broadwell,
Moreton-in-Marsh GL56 0TU**

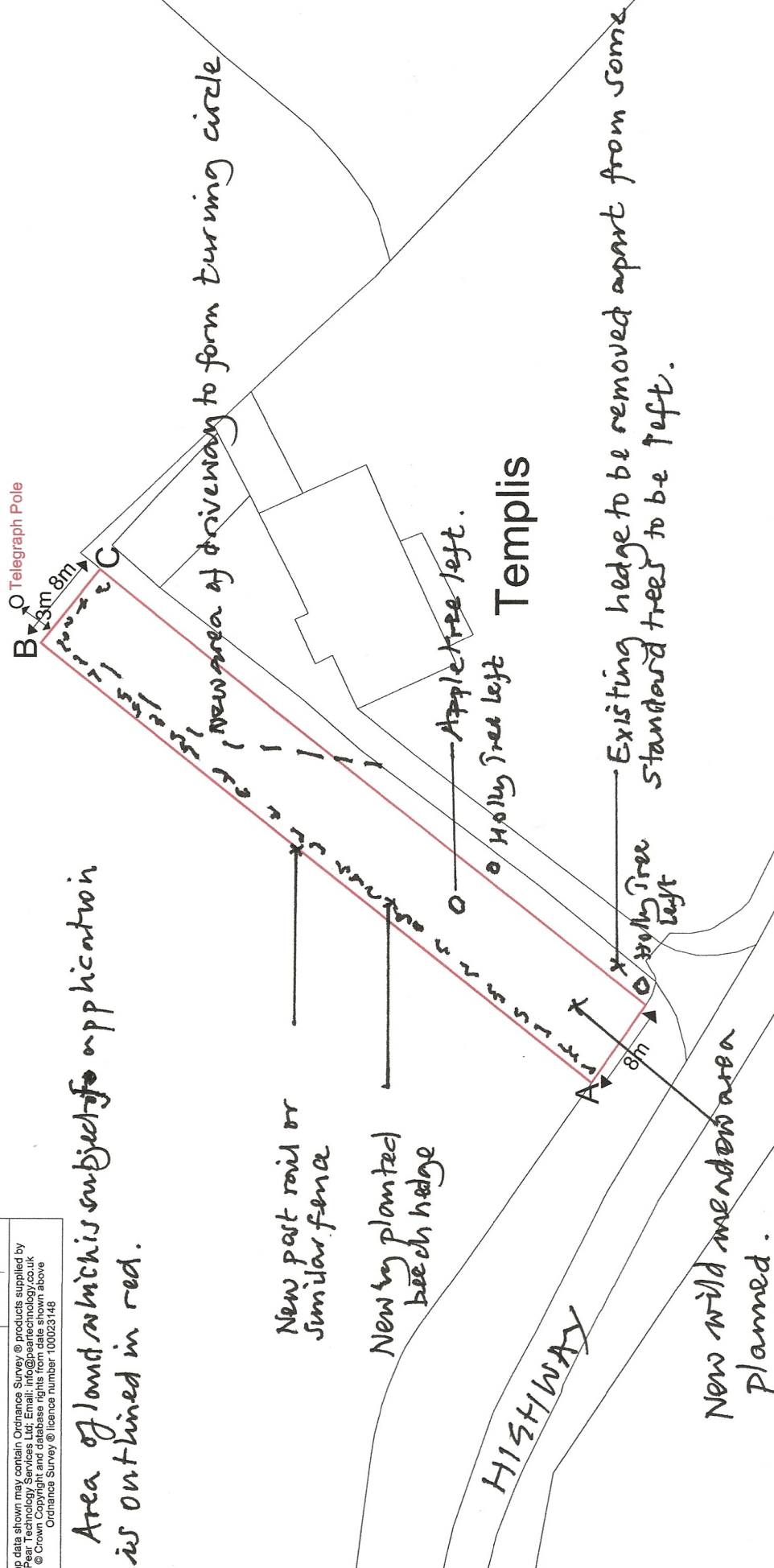
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PROPOSED BLOCK PLAN

Area of land which is subject to application is outlined in red.



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