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COTSWOLD
DISTRICT COUNCIL

28 February 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 March 2023 at 10.00 am.**

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 - 10)**
To confirm the minutes of the meeting of the Committee held on 8th February
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. **Land Parcel at Woodstock Lane (21/02281/FUL) (Pages 13 - 28)**

Description

Conversion of agricultural barn into dwelling at Land Parcel Easting 387517 Northing 198301 Woodstock Lane Avening Gloucestershire

Ward Member

Councillor Richard Morgan

Case Officer

Andrew Moody

Recommendation

Permit subject to the completion of a S.I.I.I agreement to secure a financial contribution towards mitigating the impact of development upon the Cotswold Beechwoods special area of conservation.

9. **Abbey Grounds (23/00289/TPO) (Pages 29 - 36)**

Description

T32 - London Plane - Crown reduction at Abbey Grounds Dugdale Road Cirencester Gloucestershire

Ward Member

Councillor Mark Harris

Case Officer

Tracey Birch

Recommendation

Permit

10. **Sites Inspection Briefing**

Members for 12 April (if required)

Councillors Ray Brassington, Julia Judd, Stephen Hirst, Mark Harris, Gary Selwyn

11. **Licensing Sub-Committee**

Members for 29 March (if required)

Councillors Julia Judd, Patrick Coleman, Andrew Maclean, Sue Jepson, Steve Trotter

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Planning and Licensing Committee
08/February2023



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting held remotely of Planning and Licensing Committee held on Wednesday, 8 February 2023.

Councillors present:

Ray Brassington (Chair)

Stephen Hirst

Sue Jepson

Julia Judd

Patrick Coleman (Vice-chair)

Andrew Maclean

Dilys Neill

Gary Selwyn

Clive Webster

Officers present:

David Morren, Interim Development Manager

Amy Hill, Planning Officer

Caleb Harris, Democratic Services

Ana Prelici, Democratic Services

I64 Apologies

Apologies were received from Councillor Mark Harris.

I65 Substitute Members

There were no substitute members.

I66 Declarations of Interest

Councillor Dilys Neill declared a pecuniary interest in the application at the land at Templis Broadwell, as the applicant was her husband.

Members highlighted that they knew all knew Councillor Dilys Neill from her role as chair of the council, and questioned whether they needed to declare this interest. The Interim Head of Legal advised that this is for each member to decide. Councillors Patrick Coleman and Clive Webster both declared non-pecuniary interests in this regard.

I67 Minutes

The Committee requested that the list of councillors present be amended to highlight the chair and vice chairs.

RESOLVED: To approve the minutes with amendments.

168 Chair's Announcements (if any)

There were no Chair's Announcements.

169 Public questions

There were no Public questions.

Members discussed the addition of Public questions. It was highlighted that this item was previously a standard agenda item, and that members of the public could attend to ask any questions pertaining to the Committee, provided they were not about a specific application for determination.

The Chair invited any Member who had further questions to get in touch with themselves or Democratic Services.

170 Member questions

There were no Member questions.

171 Item No 01 - Templis Broadwell Moreton-In-Marsh

Having declared pecuniary interest in the application, Councillor Dilys Neill left the room at this point.

The Planning Case Officer introduced the item.

The applicant, Mr. William Neil then made a statement on the item;

"Templis was built 100 years ago on top of a sloping triangular plot. To the North of the house is a driveway, and a boundary hedge. The garden is all to the south and west of the house at the eastern end of the drive is a turning area which is about 8 metres in diameter. While this was adequate for small vehicles in use a century ago, it does not provide room for larger vehicles in use today, such as delivery vans.

If we have one visiting car parked in the drive, even the post van does not have room to turn. This means that many vehicles have to reverse in or out of the driveway which exists near two bends on the Oddington Road. To the left as you exit the driveway, traffic enters the 30 mile an hour zone for the village about 40 meters from the house, and vehicles often come round the corner at speed. The visibility is only slightly better on the other side, with traffic coming in either direction. Over recent years, the volume and speed of traffic have increased dramatically. The road is well used by cyclists, horse riders, pedestrians, farm and general traffic and so the current access to our property presents a hazard, as many road users may suddenly come up on the vehicle reversing in or out of the drive.

The public benefit of this application is clear in terms of improved safety, not just for vehicles entering or exiting our property, but all users on the Oddington Road. The Officer suggests that we create a turning area to the west of the house. This would require the removal of two apple trees planted when the house was built, along with some other trees and lawn. This

would adversely affect the setting of the lawn, giving a more urban appearance as it's viewed from the lane. The current holly hedge is overgrown with brambles on the field side but is clearly a native hedge. Our new hedge would be a mixed native species around a reused metal estate fence and would have a more agricultural appearance. We'd use gravel for the enlarged turning areas and we're not planning any additional lighting. We'd like to plant a strip of meadow inside the hedge, keeping the width of the current gravel drive. We'd keep some of the existing holly trees as well as the healthy apple tree on the new piece of land and remove the tree which has fallen into the hedge. We have no intention of building on the land and are happy to comply with any conditions about these matters which the officer and committee see fit to include, should permission be granted. We would also not be using this area for recreation."

The ward member then made a statement on the application, but first declared that they knew the applicant from their local church, as well as knowing the applicant's wife from the District Council.

"The officer's report refers to potential harm to the AONB and cites several relevant policies within the Local Plan and NPPF to illustrate this. These concerns are shared by the landscape officer; however, that officer was unable to visit the site and has made their recommendation based solely on maps and plans. This is unfortunate as the setting is key to understanding the context.

As per the report, Policy EN2 refers to Design of the Built and Natural Environment: this application includes no plans for any built form and in fact the applicant has confirmed that any agreement to purchase the land will include – at the request of the vendor – a covenant expressly forbidding any type of building to be constructed on the site. The applicant is happy to have a similar condition placed on any potential approval by CDC.

Local Plan Policy EN4 supports development where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside). The application relates to a strip of overgrown, 'vegetated field margin', which represents barely half of 1% of the immediately adjacent surrounding fields (approximately 9 hectares). The proposal is to utilise roughly 10% of this strip of land for a turning circle; this is intended to alleviate serious highways safety concerns. The proposed turning circle will be shingle laid over a sand base, exactly mirroring the existing driveway of which it will become a part. The application does not represent in any way, a 'significant detrimental impact' on the natural landscape.

It should be noted that the sloping nature and mature planting of the gardens to the South and East does not offer an alternative for such an area. In fact, a much larger area of green space would be lost, as the application utilises the existing widening of the driveway to help facilitate the turning circle.

The existing driveway has no lighting, and none is planned for this additional space. Dark skies will not be affected.

No extra traffic will be created by the addition of this land and the current level of 'tranquillity' will be unchanged.

The unutilised land will be sown with wildflowers and apart from a 'border' fence, as prescribed by the vendor, will be little changed from its current state. The land does not fall within the Broadwell Conservation Area and none of the trees in the vicinity have TPO's.

The officer has noted that any potential border hedging should be of a mixed native species, rather than a uniformly beech hedge, as currently shown on the proposed plans. Again, the applicant would happily accept this as a condition.

Policy EN5 deals specifically with development within the AONB. The current dwelling has existing gardens to the South of the plot and as such the proposed area will not be utilised for recreational use, with no introduction of ornamental planting, domestic structures, entertainment spaces, lighting, or any other domestic paraphernalia. In short, the land will appear unchanged to observers from nearby footpaths.

NPPF paragraph 176 notes that for the AONB, 'The scale and extent of development within all these designated areas should be limited'. Given this application proposes no built form, no domestication, and minimal groundworks for just 10% of the area, it clearly satisfies the criteria for limited development.

The Parish Council have raised no concerns over this application, and no neighbours or residents have stated any objection to the proposal. Given these clarifications, I would ask that the committee proposes to permit this application."

Member Questions

Members asked whether it would be possible to apply any conditions that would require the hedgerow to be retained and prevent development, including lighting. Officers advised that whilst the Committee can apply a condition in regard to landscaping, this would only apply for the duration of 5 years after the planting of the wildflower meadow. Officers stated that the residential curtilage of the site would not be extended, so this would limit permitted development rights but not prevent the placing of residential paraphernalia by future residents. Officers explained that conditions on lighting could be placed by the Committee.

Members asked about the species of hedge currently, and whether a future hedge could be conditioned to enhance biodiversity. Officers advised that the current hedge, comprised of predominantly holly, be replaced with a mix of species if the application was permitted by the committee.

Members also asked whether the proportionality of the change was a material consideration they should consider when making this decision, as members stated this seemed a relatively small change with a small harm to the visual amenity of the site. Officers advised that the size was irrelevant if members considered that there was a harm to the Area of Outstanding Natural Beauty (AONB).

Member Comments

Some members had already visited the site, through their existing connection with the applicant's wife. Members therefore discussed whether it would be appropriate to conduct a site inspection briefing, to ensure consistency. This was proposed by Councillor Selwyn, and seconded by Councillor Coleman.

RESOLVED: That a site inspection briefing was not needed

Voting record; For 2, against 4, abstain 2

Members discussed that the main consideration of the proposal was the impact on the AONB, and that a mixed hedgerow would be an improvement to biodiversity, and therefore outweigh the potential damage as well as having a positive impact on highway safety.

The reason for the officer recommendation to refuse the application was impact on the AONB. Members discussed that some any potential impact on the AONB could be mitigated by conditions applied to landscaping, lighting and domestic paraphernalia, and that the benefits of increased highway safety would outweigh the damage to the AONB.

Members highlighted that the usage of roads had changed over recent years, having become more dangerous through heavier and bigger cars, and a perceived rise in intentional speeding combined with more cyclists.

Councillor Clive Webster proposed to approve application subject conditions related to the following, the specific wording of which was delegated to the Interim Development Manager:

1. No lighting be installed, to afford protection to dark skies and the AONB.
2. A landscaping scheme for the wildflower area and native mixed hedging, which is to be planted outside of nesting season to prevent impacts on birds.
3. No domestic paraphernalia, to prevent visual clutter.
4. Details of any replacement fencing to be approved by the Council.

Councillor Julia Judd seconded the proposal.

RESOLVED: That the Committee permit the application, subject to the conditions above.

The conditions were reviewed and permission issued after the meeting.

Voting record; For 5, Against 3, Abstain 0

172 Sites Inspection Briefing

No site inspection briefing was needed.

173 Licensing Sub-Committee

As there were no items on the agenda, the meeting of the Licensing Sub-Committee on the 22nd of February would be cancelled.

The Meeting commenced at 2.00 pm and closed at 3.00 pm

Chair

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PLANNING AND LICENSING COMMITTEE 8th March 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 March 2023
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Parish	Application	Schedule No.
<hr/>		
Avening	Land Parcel Easting 387517 Northing 198301 Woodstock Lane Avening Gloucestershire 21/02281/FUL Full Application	01
Cirencester	Abbey Grounds Dugdale Road Cirencester Gloucestershire 23/00289/TPO Works to trees with a TPO	02

Application Ref: 21/02281/FUL

**Land Parcel Easting 387517 Northing 198301
Woodstock Lane
Avening
Gloucestershire**

Conversion of agricultural barn into dwelling at Land Parcel Easting 387517 Northing 198301 Woodstock Lane Avening Gloucestershire

Full Application 21/02281/FUL	
Applicant:	Mr & Mrs P Moore
Agent:	LPC (Trull) Ltd
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Richard Morgan
Committee Date:	8th March 2023
RECOMMENDATION:	PERMIT SUBJECT TO THE COMPLETION OF A S.I.I.I AGREEMENT TO SECURE A FINANCIAL CONTRIBUTION TOWARDS MITIGATING THE IMPACT OF DEVELOPMENT UPON THE COTSWOLD BEECHWOODS SPECIAL AREA OF CONSERVATION

1. Main Issues:

- (a) Principle of residential conversion
- (b) Design and impact on the character and appearance of Cotswolds Area of Outstanding Natural Beauty
- (c) Residential amenity
- (d) Parking, access and highway safety
- (e) Impact on protected species / Cotswold Beechwoods SAC
- (f) CIL
- (g) Other matter

2. Reasons for Referral:

2.1 The application is referred to the Planning and Licensing Committee at the request of the Ward Member, Cllr Richard Morgan, for the following reason:

"I have spoken to Avening parish council and as you can imagine, they are feeling really frustrated by the decision. They would like me to make the following points on their behalf.

The officer's assessment:

8 (a) refers to conversion of a redundant building. I would contend that since the building was constructed post 2015, the comments about the division of land in 2009 and subsequent related comments are irrelevant and should not be considered here, other than to say that the building was always destined to be converted to a home due to its over engineered design and construction (this was observed and minuted in the PC at the time). Further, it has not been demonstrated that the building is redundant as no attempt has been made to sell it, or re-purpose it. In fact evidence points to it being built for deliberate redundancy and conversion. Therefore a building this new, and of such a high quality solid construction is not detrimental to the immediate setting, so conversion is unjustified (NPPF para 80, C). We do not believe that redundancy has been demonstrated, so the application should be refused.

Finally the parish argues that this sets a dangerous precedent and will encourage more of these types of applications moving forwards."

3. Site Description:

3.1 The application site includes an existing building and surrounding land located off Woodstock Lane in Avening. The field has a distinctive valley side topography which influences the extent of open views and local visual containment and is surrounded by fields to the north, south and west. The site access, along with a commercial wood yard, is sited to the eastern border. Clear boundaries around the site are delineated by established trees, hedges and shrubs.

3.2 The land is located on the side of the valley, with the entrance situated at the lowest point on the eastern boundary off the adjacent Public Right of Way. The entrance allows access to the lower 1 acre of the field before the bank rises steeply up to the upper 5 acres which are outside the application site, but within the same ownership. The site is located within the Cotswold AONB but sits outside of any Conservation Area.

4. Relevant Planning History:

4.1 15/02522/FUL: Erection of an agricultural building for the purposes of food and implement storage. Granted 06.08.2015

4.2 18/04211/FUL: The material change of use of land from agricultural land to land used for equestrian use, the erection of stables and storage barn and the creation of an access track (part-retrospective). Granted 31.01.2019

4.3 19/03687/FUL: Variation of conditions 3 (approved plans) and 5 (roofing materials of storage barn) of application 18/04211/FUL to allow for the installation of 1 No additional door and 2 No shuttered window openings within the North East and South West elevations of the proposed storage barn and to seek approval for a natural slate roof covering. Granted 31.01.2020

5. Planning Policies:

TNPPF The National Planning Policy Framework

DS4 Open Market Housing o/s Principal/non-Pr

EC6 Conversion of Rural Buildings

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN8 Bio & Geo: Features Habitats & Species

EN9 Bio & Geo: Designated Sites

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

EN14 Managing Flood Risk

EN15 Pollution & Contaminated Land

INF4 Highway Safety

INF5 Parking Provision

6. Observations of Consultees:

6.1 Biodiversity Officer: No objection subject to condition

6.2 Drainage Engineer: No objection subject to condition

6.3 Natural England: Within Cotswold Beechwoods SAC Zone of Influence, mitigation required

7. View of Town Council:

Avening Parish Council strongly object to this application on the following grounds:

- Object - The Parish Council object to this application on the grounds that it is not a suitable development for the area.
- Permission was given for the erection of a barn in 2014/15 The Parish Council raised concerns at the time.
- The structure was far in excess of the dimensions needed for a basic weather- proof secure building for farm machinery
- The materials used for the main structure was both expensive and of superior hard woods. Together with the design is more in keeping with a residential property.
- The design included what should be called decorative gables providing light only, but which could be easily incorporated to form dormer windows to the second floor of a residential dwelling.
- Only last year an application was approved to change window and door layouts which contradict the current application that the storage facility is no longer useful and would be more useful in a residential status.
- The development is along farm tracks and a bridleway not suitable for a domestic traffic. A pillar has been installed that looks as though they are preparing to hang a gate and a concrete path laid.
- There are flower beds and a gravel path leading up to the property all out of keeping with an agricultural building.
- As a new build, the barn has not been unused for the requisite time required for conversion, and as far as we know no attempt has been made to sell it as a storage facility - it is not therefore a redundant building. There doesn't appear to be any evidence that the barn has ever been used for agricultural trading.
- Had the developer requested to build a house in the original application it would have been refused outright as it is agricultural land outside of the residential envelope.
- In the view of the Parish Council these incremental changes and over engineered build indicate that the developer always intended to circumvent the planning rules to convert to a domestic residence.
- It will set a precedent and open up a swath of land for people to develop

8. Other Representations:

32 comments objecting to the proposal have been submitted, raising the following matters:

- too soon after construction for residential conversion
- land has been sold to an equine facility
- building supposed to be for agricultural use
- no business use of the site
- planning policy has been circumvented
- a dwelling would be contrary to policy in this location
- impact upon AONB
- lane is too narrow for additional traffic
- impact upon bridge
- building never intended for use as barn
- impact upon conservation area
- precedent for new build development
- light pollution

4 comments in support have been received, raising the following matters:

- owners have planted trees to enhance biodiversity

- will be a reduction in traffic
- the building was used to store hay and equipment
- will provide an additional dwelling
- various farming options have been tried and tested
- sensible re-use of the building

1 general comment has been received, commenting that the principle is acceptable but raising queries regarding the design.

9. Applicant's Supporting Information:

- Design and Access Statement
- Ecological Report
- Proposed Plans

10. Officer's Assessment:

(a) Principle of Residential Development

10.1 The site is located in open countryside to the west of Avening, where the proposal must be considered in relation to Policy DS4 of the Local Plan. This states 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.' The exceptions listed at paragraph 6.4.3 include the conversion of rural buildings, and cross references to Policy EC6 of the Local Plan.

10.2 With regard to the NPPF, paragraph 80 allows for residential development in open countryside in limited circumstances, including at criterion c) 'the development would re-use redundant or disused buildings and enhance its immediate setting'.

10.3 Policy EC6 states: -

'The conversion of rural buildings to alternative uses will be permitted provided:

- a. The building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building;
- b. It would not cause conflict with existing farming operations, including severance or disruption to the holding that would prejudice its continued viable operation; and
- c. The development proposals are compatible with extant uses on the site and existing and planned uses in close proximity to the site.'

Policy EC6 can be supportive of the conversion of rural buildings to a residential use. However, such buildings should be 'structurally sound, suitable and capable of conversion to the proposed use without substantial alteration'.

10.4 The building was granted planning permission in August 2015, and is therefore a modern building with is structurally sound, and accords with Policy EC6 of the Local Plan in this respect. The supporting statement comments that the land was part of a wider holding between 1999 and 2009, but that following a bereavement the holding was sub-divided, and the remaining land associated with this building is no longer viable, hence the building is now redundant.

10.5 The proposed development is, therefore, considered to accord with both national and local planning policy with regard to the principle of the conversion of an existing rural building to residential use, including the structural condition of the building being considered acceptable to allow its re-use.

(b) Design and Impact on the Character and Appearance of Cotswolds Area of Outstanding Natural Beauty

10.6 The 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 (S85(1) of the Countryside and Rights of Way Act 2000).

10.7 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'.

10.8 Paragraph 176 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'

10.9 Policy EN1 Built, Natural and Historic Environment

New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. contributing to the provision and enhancement of multi-functioning green infrastructure;
- c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. seeking to improve air, soil and water quality where feasible; and
- e. ensuring design standards that complement the character of the area and the sustainable use of the development.

10.10 Policy EN2 Design of the Built and Natural Environment

Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.

10.11 Policy EN4 The Wider Natural and Historic Landscape states:

1. Development will be permitted 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.
2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

10.12 Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. 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.

2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.

10.13 The building subject to the application is located within a secluded location, set back approximately 290 metres from the highway. Land levels to the west and east also rise, such that the site is not considered to be prominent in the landscape, particularly taking into consideration the existing tree and hedgerow planting nearby. The site is also not visible from any Public Right of Way.

10.14 The Landscape Strategy and Guidelines for the Cotswolds AONB by the Cotswold Conservation Board (CCB) identify 'isolated development such as new single dwellings and conversion of farm buildings that might compromise rural landscape character and views to and from the Farmed Slopes, including farm buildings converted to residential use' as a local force for change in the area. The Strategies and Guidelines section of the Landscape Character Assessment make the following recommendations in relation to development such as that proposed;

- Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated;
- Protect the undeveloped, open, unlit character of much of the Farmed Slopes;
- Oppose new housing on the Farmed Slopes (unless special circumstances apply in accordance with Paragraph 55 (now Paragraph 80) of the NPPF and development conserves and enhances the AONB as required by the CROW Act 2000;
- Avoid conversion of isolated farm buildings;
- Conserve the distinctive rural and dispersed settlement pattern;
- Restore existing stone farm buildings and structures in preference to new built development;
- Existing buildings should be carefully conserved and where converted to new uses buildings must retain their historic integrity and functional character. Sound conservation advice and principles must be sought and implemented;
- Maintain the sense of openness and consider the impact of development proposals on views to and from the Farmed Slopes, including the impact of cumulative development;
- Control the proliferation of suburban building styles and materials;
- Landscaping schemes accompanying development should encourage the planting of appropriately sized native trees, shrubs and traditional fruit varieties, whilst discouraging large alien tree species such as eucalypts and conifers and inappropriate forms and cultivars of native species, particularly on fringes of open countryside;
- Respect traditional position of agricultural buildings and their relationship to the surrounding land.

10.15 The proposal is to convert the existing barn into a single residential dwelling. The site is sensitive to change given the AONB location and it is essential that development of this site can be suitably integrated into the surroundings.

10.16 The barn is stated to have been used for the storage of hay and equipment, and is a modern building constructed from timber with a tiled roof. The proposal is for its conversion into a two-bedroom dwelling. With regard to the external appearance, the design is considered acceptable, subject to condition requiring the rooflights to be flush to the roofslope, which is considered to be more sympathetic to the character and appearance of the building, and in accordance with the above mentioned policies and the Cotswold Design Code.

10.17 Therefore, the design of the conversion is considered to be acceptable, and would accord with Policy EN2 of the Local Plan, and Section 12 of the NPPF.

(c) Residential Amenity

10.18 Paragraph 130(f) of the NPPF refers to planning policies and decisions ensuring that developments create places that are safe, with a high standard of amenity for existing and future users.

10.19 Policy EN2 and Appendix D of the Local Plan state that proposals should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect.

10.20 The building is currently either vacant or used for storage, and the nearest residential property is approximately 90 metres to the east. Considering the distance between this dwelling and the building proposed for conversion, the design of the conversion would not result in any loss of amenity through overlooking, and it is considered that the conversion to residential would be acceptable having regard to the above Policy and the NPPF.

(d) Parking, Access and Highway Safety

10.21 The proposed development would utilise an existing entrance which has been used to access the field since at least July 2015 when the application site was visited in connection with the application that granted permission for the building subject to this application. The objections raised have commented upon the amount of traffic using the site, and the use of a Bridleway by vehicles.

10.22 Considering the established use of the land, the use by traffic associated with a two bedroom property would not impact upon highway safety. The comments regarding the Bridleway are noted, however this would appear to follow the route of the highway.

10.23 There is sufficient space within the site for the parking and manoeuvring of vehicles, and the provision of three spaces is considered commensurate with the size of the proposed dwelling and is acceptable having regard to Policy INF5 of the Local Plan.

10.24 Therefore, it is considered that the proposal accords with Local Plan Policies INF4 and INF5, in addition to Section 9 of the NPPF.

(e) Impact on Protected Species

10.25 The Ecological Report submitted with the application found no evidence of either bats or nesting birds, but makes reference to measures already undertaken including bat boxes, native tree and wildflower planting. As an enhancement, it is proposed to install a barn owl nesting box. The Biodiversity Officer considers that this is acceptable, and that the proposed development could be undertaken without having an adverse impact on protected species in accordance with Local Plan Policy EN8.

10.26 The site is within the Cotswold Beechwoods SAC Zone of Influence, which therefore means that a financial contribution will be required to mitigate the impact of visitors upon this internationally designated wildlife site. The applicant has agreed to make this contribution, which will be secured by way of a legal agreement. The planning permission cannot, however, be issued until the completion of this agreement.

(f) CIL

10.27 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

(g) Other matters

10.28 The representations received have referred to the proposal impacting upon the Avening Conservation Area. However, at its nearest point, the building subject to this application is approximately 80 metres distant from this designation.

10.29 It is also screened by vegetation, whilst the building is in existence and can be converted with only limited alteration to its external appearance. It is not, therefore, considered that there would be any material impact upon the setting of the Conservation Area.

11. Conclusion:

11.1 The proposal is considered to accord with the policies in the Development Plan and NPPF, which are not outweighed by other material planning considerations.

11.2 The recommendation is for planning permission to be granted.

12. Proposed conditions:

1. The development shall be started by 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 approved shall be carried out in accordance with the following drawing numbers: LPC.5087.21.01; LPC.5087.21.03; LPC.5087.21.05 and LPC.5087.21.06.

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

3. All windows and doors shall be of timber construction 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 new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located 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.

5. Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

6. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

7. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

8. The development shall be completed in accordance with the recommendations in Section 4 of the consultancy report (Protected Species Report for Bat and Nesting Birds, prepared by Cotswold Environmental, dated July 2021). All the recommendations shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained.

Reason: To ensure that European protected bat species are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

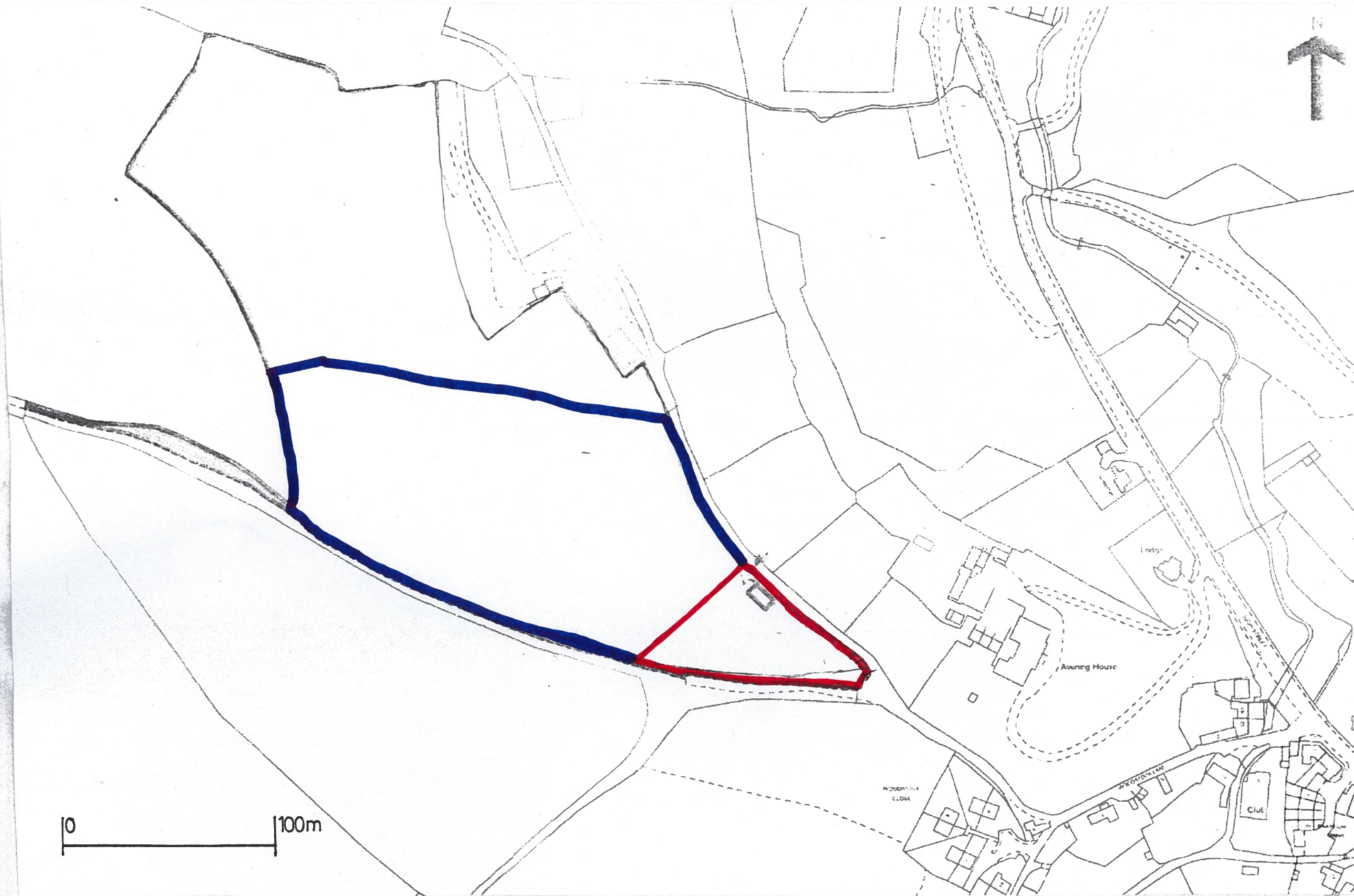
Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

10. Before first occupation, the dwelling hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the Local Planning Authority. The EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other statutory instrument amending or replacing it, no extensions, structures, hardstandings, openings, buildings, fences, walls or other means of enclosure shall be erected, constructed or inserted in the buildings the subject of this permission, other than those permitted by this Decision Notice.

Reason: To ensure that the character and appearance of the existing building and the site is maintained in the interests of the conservation of the scenic beauty of the AONB in accordance with Cotswold District Local Plan Policies EN2 and EN5 and the National Planning Policy Framework.



RUDGE WAY BARN
WOODSTOCK LANE
AVENING

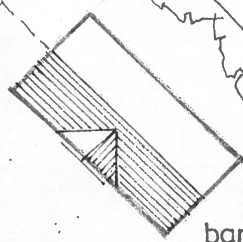
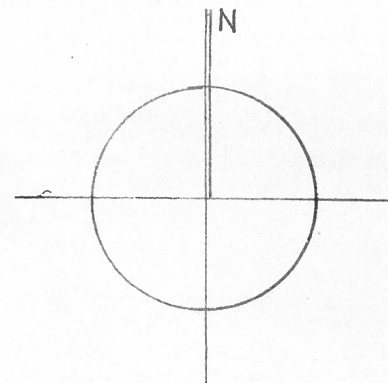
SCALE
DRG No
DATE

1,2500 /A4
LPC.5087,21,01
18 MAY 2021

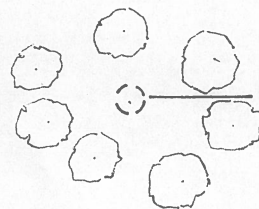
lpc

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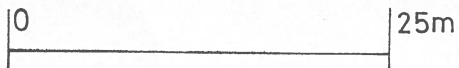


barn



mini sewage
plant

SITE PLAN - PROPOSED



RUDGE WAY BARN
WOODSTOCK LANE
AVENING

SITE PLAN - PROPOSED

SCALE 1,500/A4

DRG No LPC.5087.21.03

DATE 18 MAY 2021



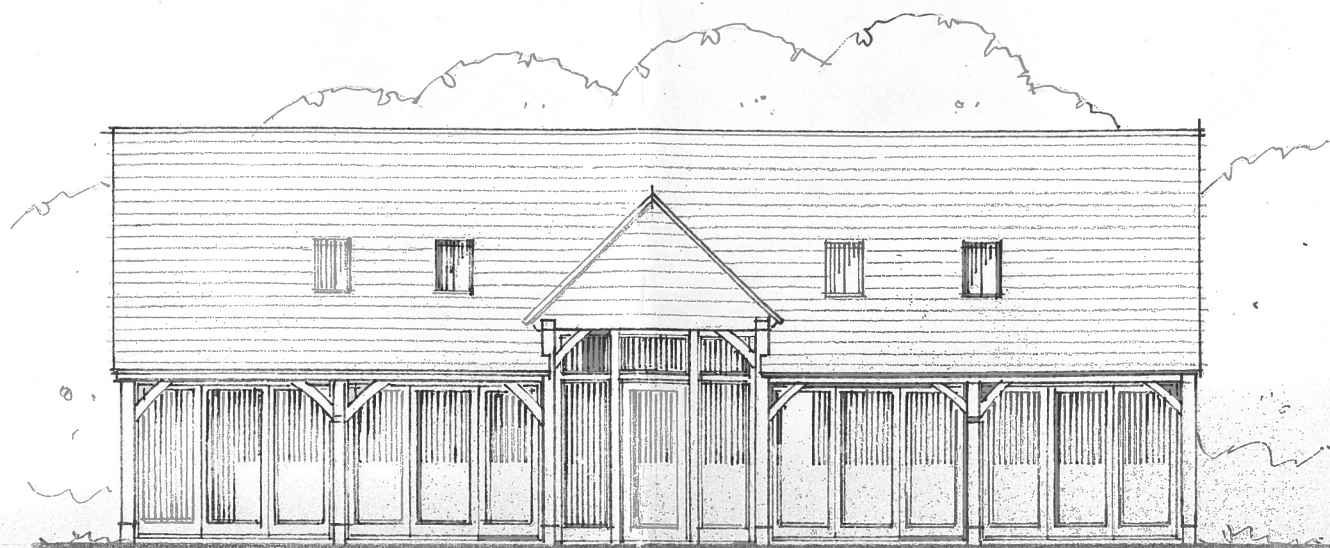
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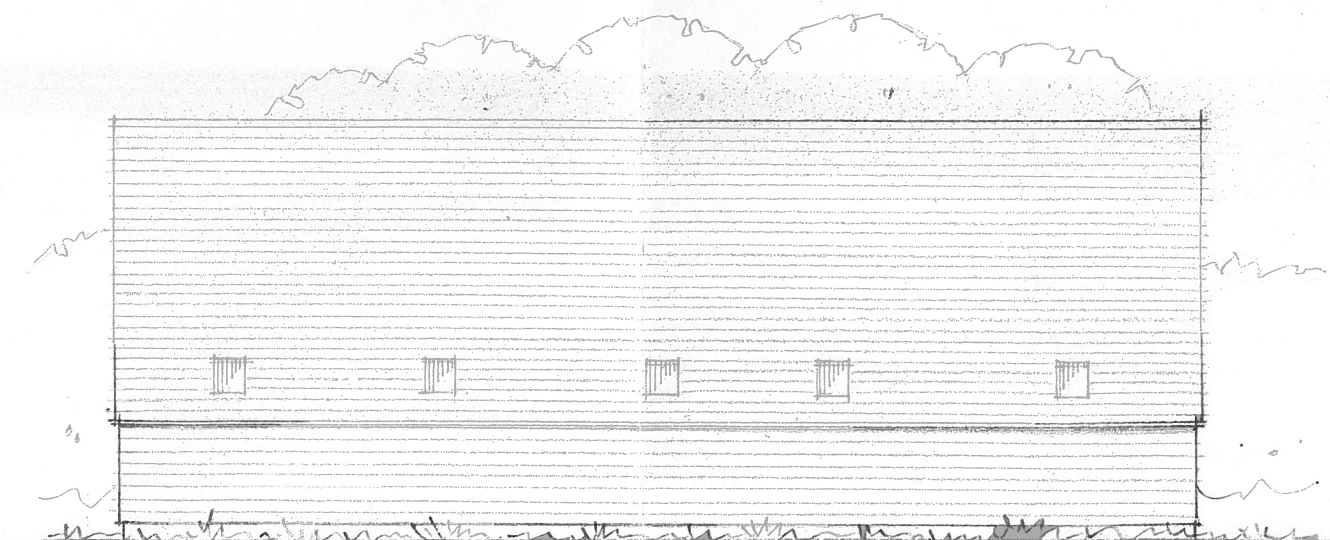
NORTH WEST



SOUTH WEST



SOUTH EAST

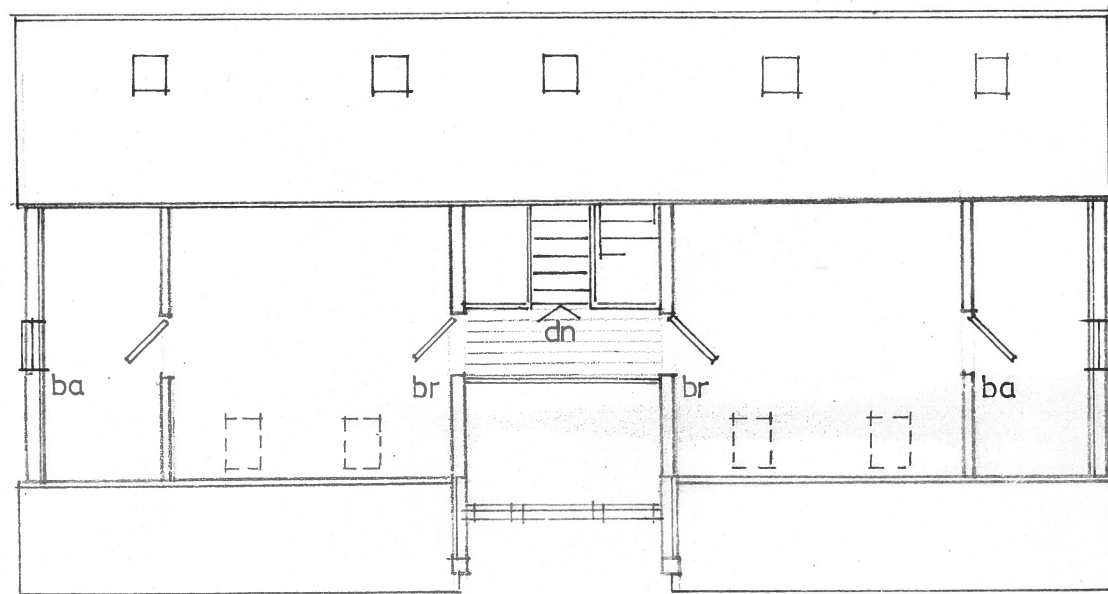
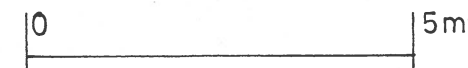
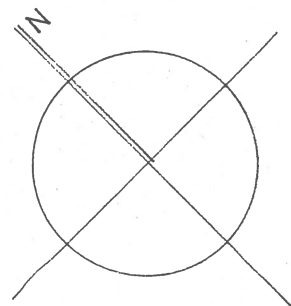


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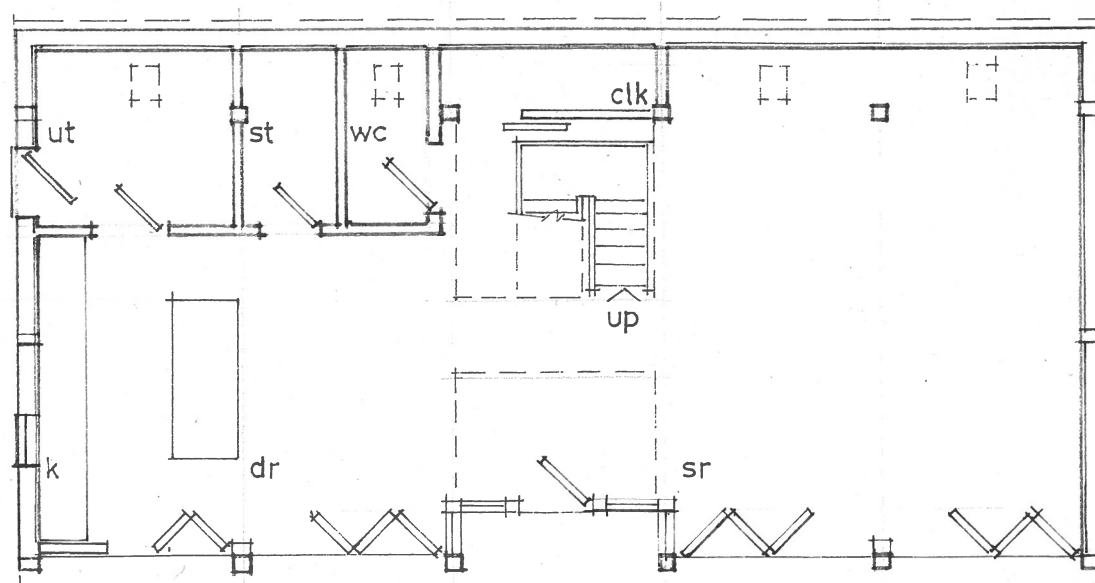
RUDGE WAY BARN
WOODSTOCK LANE
AVENING

PROPOSED ELEVATIONS

SCALE 1,100/A3
DRG No LPC,5087,21,06
DATE 18 MAY 2021



FIRST
FLOOR



GROUND
FLOOR

PROPOSED

RUDGE WAY BARN
WOODSTOCK LANE
AVENING

PROPOSED FLOOR PLANS

SCALE 1,100 /A3
DRG No LPC, 5087, 21,05
DATE 18 MAY 2021



TOWN AND
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Application Ref: 23/00289/TPO

**Abbey Grounds
Dugdale Road
Cirencester
Gloucestershire**

T32 - London Plane - Crown reduction at Abbey Grounds Dugdale Road Cirencester Gloucestershire

Works to trees with a TPO 23/00289/TPO	
Applicant:	Cotswold District Council
Agent:	Publica
Case Officer:	Tracey Birch
Ward Member(s):	Councillor Mark Harris
Committee Date:	8th March 2023
RECOMMENDATION:	PERMIT

1. Main Issue:

- (a) The potential loss of amenity

2. Reason for Referral:

2.1 This application has been referred to the Planning and Licensing Committee for determination because it involves works to protected trees on Council-Owned land.

3. Site Description:

3.1 This application relates to a tree that lies within a parcel of land at Abbey Grounds, Cirencester, which is located to the front of 13 Blake Road, Cirencester. The land is a public open space used as an amenity park.

3.2 The site lies within the Corinium Roman Town Scheduled Ancient Monument (SAM).

3.3 The site is covered under TPO 06/00118/TPO. Cotswold District Council became responsible for the TPO in 1974, which was previously under an Area Tree Preservation Order (TPO 1964) served on the land by Gloucestershire County Council in 1964.

4. Relevant Planning History:

- 4.1 14/05063/TPO - T.32 - London Plane prune back to the 2013 pruning cuts, and upto 500mm beyond if decay is found, into sound wood: Permitted 13.11.2014
- 4.2 16/02696/TPO - T32 London Plane - Crown raise to 4m above ground level, T41 Horse Chestnut - Crown raise to 4m above ground level, T2 Horse Chestnut - Crown raise to 3m above ground level, T3 Yew - Remove all growth from trunk to 5m above ground level: Permitted 11.08.2016.
- 4.3 16/05272/TPO - T32 London Plane. Prune back to the previous crown reduction pruning cuts and upto 500mm beyond if decay is found, into sound wood. Pruning to prevent reoccurrence of subsidence: Permitted 12.01.2017.
- 4.4 19/00025/TPO - T32 London Plane: Prune back to previous crown reduction pruning cuts, and upto 500mm beyond if decay is found, into sound wood: Permitted 14.02.2019.
- 4.5 20/03941/TPO - T32 on plan, London Plane. 1. Reduce tree back to previous pruning points, and upto 1m beyond to ensure cutting into sound and solid wood. Reason: Prevent recurrence

of subsidence, insurance request; 2. Reduce back from houses to give 4m clearance from building, including gutter and roof. Reason: General maintenance and prevent encroachment; 3. Remove epicormic growth. Reason: General maintenance; 4. Crown raise to give 5m clearance between ground and tree by removing drooping secondary and tertiary branches only. Reason: Improve shape of tree to blend in with crown reduction: Permitted 13.01.2021.

- 4.6 22/00421/TPO T3 (Yew) - Remove deadwood; T26 (Snakebark Maple) - remove dead limb; T32 (Plane) - Crown lift; and T37 (Turkey Oak) - reduce weighted limbs: Permitted 03.03.2022.

5. Planning Policies:

TNPPF The National Planning Policy Framework

6. Observations of Consultees:

6.1 The Council's Tree Officers have submitted the application on behalf of the Council, and as such, the works proposed are as they have advised. Given the Tree Officers are the agents for the application and are recommending the proposed works, they have not been consulted as part of the application process.

7. View of Town/Parish Council:

7.1 No objections.

8. Other Representations:

8.1 No comments received at time of writing report.

9. Applicant's Supporting Information:

Location of Tree

10. Officer's Assessment:

10.1 Paragraph 090 of the Planning Practice Guidance (PPG) states that when considering an application for works to a tree protected by a Tree Preservation Order the Local Planning Authority should:

"assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;

- consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
- consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
- consider whether any requirements apply in regard to protected species;
- consider other material considerations, including development plan policies where relevant; and
- ensure that appropriate expertise informs its decision."

10.2 National Planning Policy Framework (NPPF) Paragraph 174 requires decisions to:

"contribute to and enhance the local environment by ... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland."

10.3 Local Plan Policy EN7 (Trees, Hedgerows and Woodlands) stated:

"1. Where such natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance:

- a. trees of high landscape, amenity, ecological or historical value;
- b. veteran trees;
- c. hedgerows of high landscape, amenity, ecological or historical value; and/or
- d. woodland of high landscape, amenity, ecological or historical value."

10.4 Within the supporting text to this Policy, Paragraph 10.7.3 advises:

"For the avoidance of doubt, clause (a) of part one of the policy includes trees protected by a Tree Preservation Order or located within a conservation area;"

10.5 This application seeks to carry out various works to T32, of which is a London Plane tree located within the park, works include

- Reducing the crown to previous 2013 reduction points;
- Thinning the remainder of the crown by 10%.

10.6 The works are proposed to leave the crown even and balanced. These works are part of ongoing management of the tree to ensure it does not pose a risk to members of the public and to limit any damage to properties, directly or via subsidence.

10.7 The works would not significantly reduce the size of the tree, nor should they harm the tree. The positive amenity contribution the tree currently makes to the park would be conserved by the proposed works.

10.8 The works are therefore considered to accord with the guidance within the PPG, NPPF Paragraph 174, and Local Plan Policy EN7.

11. Conclusion:

11.1 The works are considered acceptable and as such, the application is recommended for approval.

12. Proposed conditions:

1. The tree work that is the subject of this application is permitted and must be carried out within two years of the date of this notice after which consent lapses and a new application must be made.

Reason: To ensure that works to trees that are protected by Tree Preservation Orders within Cotswold District are effectively controlled and monitored.

2. Climbing spikes/irons must not be used whilst undertaking any form of works on living trees, except on those that are to be felled.

Reason: Climbing spikes can cause extensive and long term damage to tree health

3. Works subject to this application must be carried out in accordance with the British Standard for tree works BS3998:2010



Reason: To ensure that works are carried out to an industry pre-defined standard, in the interests of the health, safety and appearance of the preserved trees.

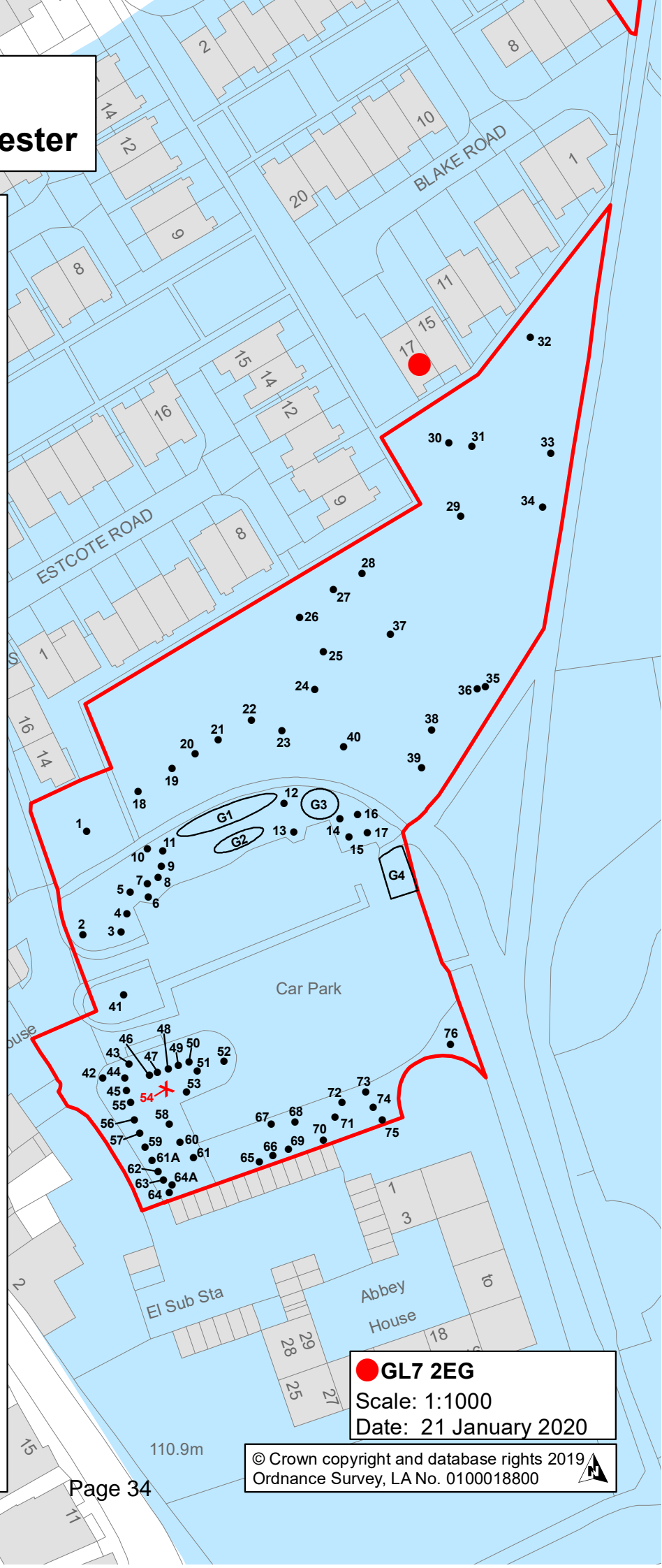
CDC TREES

Abbey Grounds, Cirencester

Tree Schedule

T1 - Yew
T2 - Horse Chestnut
T3 to T4 - Yew
T5 - Box
T6 to T9 - Yew
T10 - Lawson Cypress
T11 - Yew
T12 - Western Red Cedar
T13 - Yew
T14 to T18 - Yew
T19 - Lawson Cypress
T20 to T23 - Yew
T24 - Purple Plum
T25 - Walnut
T26 - Snakebark Maple
T27 - Acer
T28 - Blue Cedar
T29 - Beech
T30 to T31 - Hawthorn
T32 - London Plane
T33 - Birch
T34 - Whitebeam
T35 to T36 - Apple
T37 - Turkey Oak
T38 to T39 - Prunus
T40 - Beech
T41 - Horse Chestnut
T42 - Sycamore
T43 - Corsican Pine
T44 - Sycamore
T45 to T51 - Yew
T52 - Coast Redwood
T53 - Western Red Cedar
T54 - Robinia (Stump)
T55 to T57 - Yew
T58 - Thuja
T59 - Yew
T60 - Thuja
T61 - Sycamore
T61A to T63 - Yew
T64 - Sycamore
T64A - Sycamore
T65 - Hawthorn
T66 - Lime
T67 to T75 - Yew
T76 - Japanese Maple
G1 - Linear group of 7 Yew beside path
G2 - Linear group of 3 Yew
G3 - Group of 6 Yew
G4 - Group of 5 Yew

 Ownership Boundary
 Scheduled Ancient Monument



 **GL7 2EG**
Scale: 1:1000
Date: 21 January 2020

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Ordnance Survey, LA No. 0100018800

