



Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 10 July 2024

Members present:

Ray Brassington – Chair
Daryl Corps
David Fowles
Mark Harris

Patrick Coleman – Vice-Chair
Julia Judd
Andrew Maclean
Ian Watson

Mike Every

Officers present:

Helen Blundell, Interim Head of Legal Services
Richard McEllistrum, Interim Development
Management Manager
Malcolm Jones, Highways Response Officer
Helen Cooper, Senior Planning Case Officer

Harrison Bowley, Senior Planning Case Officer
Caleb Harris, Senior Democratic Services
Officer
Ana Prelici, Governance Officer
Adrian Harding, Interim Head of Planning

Observers:

Councillor Juliet Layton

13 Apologies

Apologies were received from Councillors Michael Vann, Gary Selwyn and Dilys Neill.

14 Substitute Members

Councillor Mike Every acted as a substitute for Councillor Michael Vann.

15 Declarations of Interest

Councillor David Fowles, stated that he knew the parish Councillor and Objector for item number 8 as well as the agent for item number 9.

Councillor Patrick Coleman also knew the objector for item number 8.

Councillor Ray Brassington stated that he knew the agent for item number 10 as they had previously been employed at the Council.

All three members stated that they were approaching the items with an open mind.

16 Minutes

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There were no amendments to the minutes.

The minutes were proposed by Councillor Watson and seconded by Councillor Coleman.

Voting record- For 7, Against 0, Abstentions 2, Absent/did not vote 2*

RESOLVED: To APPROVE the minutes of the meeting held on 12 June 2024.

*Due to a technical issue there was no recorded vote for the item.

17 Chair's Announcements

The Chair reminded Members that the next meeting would be on the first Wednesday of the month, on 7 August.

There were no other announcements.

18 Public questions

There were no public questions.

19 Member questions

Democratic Services had not received any Member Questions prior to the meeting.

Councillor Mark Harris had submitted a question which he had submitted to planning services. It was explained that a written response to this question would be distributed following the meeting.

20 23/03211/DMPO- Rendcomb Airfield, Rendcomb, Cirencester

The Chair explained that he had previously been employed by the Council as an Environmental Health Consultant between 1986 to 2012 and had dealt with noise complaints relating to flying operations at this airfield. He left the Council in 2012 before being elected as a Councillor in 2015.

The Case Officer introduced the item.

The application was to vary the obligation of the Section 106 Agreement at Rendcomb Airfield Rendcomb Cirencester Gloucestershire GL7 7DF.

The background to the application, as set out in the Officer report was that, upon the original planning permission being granted on 20 June 1989, the approval was subject to a legal agreement, which included "11. Not to use the land or allow or permit the use of the land for commercial purposes with the exception that aircraft used elsewhere for commercial purposes may be kept or stationed upon the land."

The application had been submitted owing to commercial activity at the site, where wing walking had been operating since 1992, resulting in a breach of the condition, and subsequent complaints from residents regarding this.

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Following consultation with an independent noise consultant, The Case Officer had deemed that in legal terms, the condition continued to serve a useful purpose in protecting residents from noise and conserving the tranquillity of the Cotswolds National Landscape, and therefore recommended that the condition not be amended.

Public speakers addressed the Committee.

Councillor Mark Tuffnell, from North Cerney Parish Council, addressed the Committee. Councillor Tuffnell stated that the level of wingwalking flights had increased over the years, and that these were excessively noisy for residents.

Councillor Graham Horwood, from Rendcomb Parish Council, addressed the Committee. Councillor Horwood stated that wingwalking to the general public had been a recent development, leading to the increase of complaints. Councillor Horwood stated that the legal agreement continued to serve a useful purpose, and therefore should be maintained.

Nicholas Arbuthnott, an objector, addressed the Committee. The objector raised issues with the noise created by the proposals being contrary to the quiet enjoyment of the Cotswold Area of Outstanding Natural Beauty, in which the site was situated.

Mike Dentith, a supporter, addressed the Committee. The supporter stated that wing walking flights to the general public had been operating from the 1990s and raised money for charitable causes. They also stated that they did not believe there was an impact on biodiversity.

Vic Norman, the applicant, addressed the Committee. The applicant stated that the aircraft was flying as quietly as possible, and highlighted the support for charitable causes.

The Ward Member had sent his apologies but had distributed a statement within the additional pages.

Members who attended the Sites Inspection Briefing addressed the rest of the Committee, raising the following points;

- The buildings and field were very well maintained.
- Biodiversity was likely unaffected.
- The noise impact was noticeable, particularly once the flight that was operating at the time of the visit had ceased.
- Members stated that the disruption caused by the aircraft was in keeping with the objective of the Cotswold National Landscape.

Member Questions

Members asked questions of the Case Officer, who responded as follows:

- There were 6,300 non-commercial flights permitted a year, permitted on 180 days of the year, with 35 take-offs per day. The application to discharge the legal obligation sought to operate 1000 flights of these as commercial wing-walking flights. Wing-walking flights would stay within the vicinity of the site, following a set route, this nature and character was different from other types of flights.
- The Case Officer believed that the original Section 106 legal agreement had been in breach for 28 to 30 years but explained that there were conflicting views on this.

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- The Case Officer explained that unlike a usual planning application, the test to be applied in determining the application was more specific, this was, does the condition continue to serve a purpose, and would modification allow it to achieve the same purpose. Therefore, matters like raising money for charitable causes was not something that the Committee could consider.
- The Noise Officer explained that in the applicant had excluded two sites in their report as they deemed the noise in that environment to be higher than the noise produced by aircraft but that the measurements had not been provided.
- The length of the breach was not relevant in this sort of application.
- The existing planning use was as a grass airfield, so the biodiversity of the site was unlikely to be impacted by a rejection.
- In an appeal against another Authority in a similar case, preserving the quality of the National Landscape was considered a material consideration.
- The noise consultant felt that although the 45dBa noise did not exceed the 55dBA department for transport guidance, the Committee may wish to give special weight to the setting of this site (in the Cotswold National Landscape), as the guidance did not distinguish between rural and urban settings.
- Considerations such as the tone, and other characteristics of the noise should be taken into the consideration as well.

Member Comments

Members made the following comments on the application:

- The nature of the noise felt more disruptive than the volume of it, in their experience on the site visit.
- The history of the site was appreciated and respected, although a balance needed to be struck between this and the quiet enjoyment of the Cotswold National Landscape.
- Flying from point A to B was deemed very different to circling in a set route.

Councillor Mark Harris proposed accepting the officer recommendation, and Councillor Andrew Maclean seconded the proposal.

RESOLVED: That the planning obligation shall continue to have effect without modification.

23/0321 I/DMPO- Rendcomb Airfield, Rendcomb, Cirencester- That the planning obligation shall continue to have effect without modification. (Resolution)		
For	Ray Brassington, Patrick Coleman, Daryl Corps, Mike Every, David Fowles, Mark Harris, Julia Judd, Andrew Maclean and Ian Watson	9
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

21 **23/02066/FUL- Land To The Rear Of South Cerney Surgery, Clarks Hay, South Cerney**

The application was for the erection of single-storey building to provide up to two commercial units (Class E) and associated ancillary development at Land To The Rear Of South Cerney Surgery, Clarks Hay, South Cerney, Gloucestershire.

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The Case Officer introduced the item and explained that negotiations with the applicant had taken place and that they had agreed to reduce the scale of the proposal.

Public speakers addressed the Committee. At the Chair's discretion two objectors were allowed to speak. They had both been registered for the slot due to an administrative error.

Christine Hall, an objector, addressed the Committee. The objector raised concern over parking and highways safety.

Colin Godfrey, an objector, addressed the Committee. The objector raised concerns over decreased parking space, and that the steep design of the roof was not in keeping with the Cotswold Design Code within the Local Plan.

Andrew Pywell, the agent, addressed the Committee. The agent stated that the application was in keeping with Local Plan Policies EC1, EC3, EC7 and EC8. They also addressed the parking concerns and stated that the centre was served by a private car park but that some issues existed with this, which would be ameliorated by the proposal.

Councillor Juliet Layton, the Ward Member, addressed the Committee. Councillor Layton addressed the parking concerns, explaining that she had chosen to refer the application to the Committee due to these reasons.

Member Questions

Councillor Mike Evemy stated that the South Cerney surgery was designated as his local GP surgery but that he did not feel he had a conflict of interest.

Councillor David Fowles also utilised the surgery.

Members asked questions of the Case Officer, who responded as follows;

- Unable to confirm whether comments had been received from the Phoenix Centre as it was not possible to access the comments during the meeting.
- There were no further parking restrictions on the road, but as part of the application, bays would be marked out, with the hopes of issues being alleviated.
- There was no information around trip generation from this use, as it was a broad use class.
- The proposals to resolve tandem parking would include designated employee parking with bollards.
- The application was for the use class E, not for a specified purpose within this.

Member Comments

Members commented on the application as follows;

- Some members felt that parking was not removed by this application, as there was already a lack of parking in the village, however this view was not shared by all.
- Others felt it would exacerbate the existing situation.
- Some felt that the availability of parking was variable.
- The parking was on private land, so the Council's control over it was minimal
- There was considerable cooperation from the agent in revising the application.

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The Interim Development Management Manager felt that the use of all six tandem parking spaces being used for employees was not clear, but the overall scheme including signage would be assessed as part of the conditions being discharged.

Councillor Judd proposed refusing the application, Councillor Fowles seconded this proposal, but later it was withdrawn by the proposer, citing a lack of material planning reasons for refusal.

Cllr Mark Harris proposed permitting the application.
Cllr Patrick Coleman seconded the proposal.

RESOLVED: To PERMIT the application

23/02066/FUL- Land To The Rear Of South Cerney Surgery, Clarks Hay, South Cerney- Permit (Resolution)		
For	Ray Brassington, Patrick Coleman, Mark Harris, Andrew Maclean and Ian Watson	5
Against	David Fowles	1
Conflict Of Interests	None	0
Abstain	Daryl Corps, Mike Evey and Julia Judd	3
Carried		

22 24/00186/FUL- Land South East Of Elkstone Studios, Elkstone

The application was for the siting of six shepherd huts for mixed retail and community use (Class E(a)/(b) and/or Class F2(a)) at Land South East Of Elkstone Studios, Elkstone, Gloucestershire, GL53 9PQ.

The Case Officer introduced the application. The uses would be for goods, hot food and essential goods.

The Interim Head of Legal Services stated that Cllr Judd had referred the application into the Committee but could partake in the debate. The legal test in this case was whether a fair-minded observer would think that the member was approaching the application with a sufficiently open mind so as to not predetermine it.

The agent, Wendy Hopkins, addressed the Committee, reading a statement on behalf of the applicant. The statement made reference to the lack of objections and small footprint of the scheme.

Member Questions

Members asked questions of the Case Officer, who responded as follows;

- The existing uses at Elkstone Studios were considered by officers to be town centre uses, inappropriate for the open countryside, contrary to policies EC7 and EC8. Although they would be small, they would be additional structures.
- The application would be more likely to be supported by officers if it was reusing pre-existing farm buildings, however as these were new structures officers did not feel these were appropriate.
- No Retail Impact Assessment was provided due to the small footprint.

Member Comments

Members made the following comments

- Some members felt that the business should be encouraged to diversify, however it was felt that this application was a 'tipping point' for overdevelopment, and this was contrary to Local Plan policies EC7 and EC8.
- Other members felt that the shepherd's huts did not change the nature of the business, and were small.

Councillor Patrick Coleman proposed refusing the application, stating that the application was not appropriate as it was not reusing existing rural buildings.

The proposal was seconded by Councillor Ian Watso

24/00186/FUL- Land South East Of Elkstone Studios, Elkstone- Refuse (Resolution)		
For	Ray Brassington, Patrick Coleman, Mike Evely, David Fowles, Mark Harris, Andrew Maclean and Ian Watson	7
Against	Daryl Corps and Julia Judd	2
Conflict Of Interests	None	0
Abstain	None	0
Carried		

23 **22/02749/REM- Employment Land East Of Spratsgate Lane, Cirencester**

The application was for the approval of appearance, landscaping, layout and scale of the employment area to the east of Spratsgate Lane, Cirencester, Gloucestershire.

Case Officer introduced the item. The Case Officer explained that the application was part of the Steadings development, which required sustainable, high-quality mixed use development. This application was the first phase of the employment development, were it to receive permission. At the meeting in March 2024, members delegated authority to officers to approve the scheme subject to a number of caveats, including a satisfactory scheme to mitigate noise. The applicants did not agree to the noise mitigation proposed by the Council, and having sought advice from a noise consultant, officers no longer felt they were able to recommend approval of the application.

James Hicks, the agent, addressed the Committee. The agent stated that the application had been referred to the Committee over a difference of opinion in the acceptability of condition 68. The agent did not feel that the officer's assessment was correct, stating that he believed that the limit should be 55dBA. The agent stated that the application was not permitted, the applicant would be appealing it.

Member Questions

The Interim Head of Planning summarised the position, as members felt it was very technical and detailed. In March 2024, delegation was given to officers, in consultation with the Chair to

agree a noise scheme. The applicant had originally agreed to the scheme but withdrew due to the prospective occupier's objection.

The Case Officer explained that the difference of opinion was due to two methodologies being utilised, namely the difference between the BS 4142 standard, which suggests that if the background level of 37db is exceeded by 10dBA, it would have significant impact. The second aspect set out the acceptable level to be under 55dBA, which conflicted with the first methodology. The Case Officer believed that the first aspect should take primacy to avoid adverse impact, while the applicant felt that the second aspect (55dBA) should take primacy.

Members asked questions of the Case Officer, who responded as follows:

- The existing noise levels were based on measurements taken on site. The Council's officers relied on the measurements given by the Council.
- The Interim Head of Legal explained that until the application was determined, the Committee could reach a different conclusion to the one they came to in March.
- The two areas of the scheme were proposed to be treated differently, with different mitigations required from the areas furthest away from housing.
- It was not believed that there was scope for further dialogue with the applicant, as the applicant was not deemed to be willing to do so.
- Such a condition had not been tested in court, but there had been case law on how to read planning conditions, which the Case Officer believed supported their interpretation of it.

Councillor Fowles left the room at 17:40.

Member Comments

Councillor Patrick Coleman proposed refusing the application.

Councillor Andrew Maclean seconded the proposal.

22/02749/REM- Employment Land East Of Spratsgate Lane, Cirencester - Refuse (Resolution)		
For	Ray Brassington, Patrick Coleman, Daryl Corps, Mike Evey, Mark Harris, Julia Judd, Andrew Maclean and Ian Watson	8
Against	None	0
Conflict Of Interests	None	0
Abstain	None	0
Carried		

24 Sites Inspection Briefing

A Sites Inspection Briefing would take place on 31 July 2024 with Councillors Ray Brassington, Patrick Coleman, Julia Judd, Dilys Neill and Michael Vann

25 Licensing Sub-Committee

No Licensing Sub-Committee would be required at present.

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The Meeting commenced at 2.00 pm and closed at 6.00 pm

Chair

(END)