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Planning and Licensing Committee
15/June2022



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 15 June 2022.

Councillors present:

Ray Brassington - Chair

Mark Harris

Stephen Hirst

Julia Judd

Patrick Coleman – Vice Chair

Andrew Maclean

Dilys Neill

Steve Trotter

Clive Webster

Richard Keeling

Officers present:

Helen Blundell – Solicitor

Mike Napper - Major Developments and Appeals Manager

Justin Hobbs – Tree Officer

Caleb Harris – Democratic Services

Wayne Smith – Democratic Services

102 Apologies

There were apologies from Councillors Jepson and Selwyn.

103 Substitute Members

Councillor Richard Keeling substituted for Councillor Jepson

104 Declarations of Interest

Councillor Judd declared that she had been acquainted with the applicant of item 1 some time ago, but they did not currently socialise together.

There were no Declarations of Interest from Officers

105 Minutes

The Committee requested the titles of Chair and Vice-Chair continue to be identified in the Councillors Present list

Minute 99 Application 21/03807/FUL (para 17) “Councillor Webster and Councillor Coleman seconded that the Committee REFUSE...” should read “Councillor Webster *proposed* and Councillor Coleman seconded that the Committee REFUSE...”

RESOLVED: The Committee agreed that, subject to the amendments being made, the minutes were a true and correct record of the meeting held on 11th May 2022.

Voting Record – For 7, Against 3, Abstentions 0, Absent 2,

106 Chair's Announcements (if any)

The Chair announced that the Biodiversity training will be postponed until after the new guidance is issued later in the year.

107 Tree Preservation Order - 22/00003/IND

The purpose of this report was to consider an objection and support to the making of Tree Preservation Order 22/00003/IND in respect of a tree at 1 The Laurels, Mawley Road, Quenington

The Tree Officer, Justin Hobbs, introduced the report and presented a summary of the Tree Preservation Order (TPO) including the tree's age, condition, setting and location. Site and location maps and photographs were also presented for consideration by the Committee

The following people addressed the Committee:

Jill Mockridge – Applicant

The Committee enquired to what extent the tree was overshadowing the garden. The Tree Officer stated that the comparatively small tree was deciduous and was located in the corner of the garden. It was therefore felt that the amenity benefits outweighed any overshadowing and the minimal loss of light.

The Committee enquired whether the fungus on the tree was detrimental and whether the TPO prevented pruning of the tree. The Tree Officer stated that the TPO did not prevent applications for pruning (one had recently been permitted), and although the fungus had not been identified, not all fungi were detrimental, and trees could survive for long periods infected with those that were.

The Committee noted that the tree was probably over 50 years old and although the tree had been leaning for a long time, trees did not generally fall over without showing prior signs e.g. lifted roots. so this was not a concern

The Committee noted that applications to prune the tree needed to accurately indicate what was intended, and that the Council did not recommend tree surgeons as this was the responsibility of the tree owner.

The Committee noted that annual pruning usually took place in commercial orchards and was not required for this tree, although separate permission to prune 2 boughs of this tree had recently been granted.

The Committee noted that TPOs did not preclude the felling of trees that were causing harm or damage to properties, and details of when felling would be permitted were included in the application-to-fell form that had to be completed before this work was undertaken.

The Committee noted that the risk of harm being caused by falling fruit was extremely low, but it was unclear where any liability rested should this occur. If a tree was causing an 'actual legal nuisance' and verifiable harm, the Council would be unlikely to contest an application to fell it.

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Councillor Coleman proposed and Councillor Harris seconded that the Tree Preservation Order is confirmed

RESOLVED: The Committee agreed to confirm the Tree Preservation Order TPO22/00003/IND.

Voting Record – For 10, Against 0, Abstentions 0, Absent 2,

108 Schedule of Applications

21/03879/OUT Erection of a four-bedroom dwelling at Cliffordine House, Cheltenham Road, Rendcomb, Cirencester, Gloucestershire GL7 7ER

The Major Developments and Appeals Manager, Mike Napper, started by stating that all references to 'Rendcomb House' throughout the report should read: '*Rendcomb Manor*'. Also, the recommendation to REFUSE was putative, due to the submission of an appeal against non-determination. Therefore the result of the resolution by Committee would be to forward a 'minded to' recommendation to the Planning Inspector to aid their consideration of the appeal. There was also a small change to the 3rd refusal reason where "The siting of the dwelling in the location proposed will result in a significant change to the existing rural character of this piece of land which would fail to conserve the surviving character of this part of Rendcomb" should read, "The siting of the dwelling in the location proposed will result in a significant change to the existing rural character of this piece of land would fail to conserve the surviving character of this part *of the setting* of Rendcomb"

The Major Developments and Appeals Manager then presented the outline planning application for the Erection of a four-bedroom dwelling at Cliffordine House Cheltenham Road, Rendcomb, Cirencester, Gloucestershire GL7 7ER. The proposed development was summarised, and site and location maps and photographs were presented to provide context for what was proposed.

The following people addressed the Committee:
Hugh Brass (written submission read out) – Objector
Simon Collier – Applicant

The Committee noted that the application had failed the National Planning Policy Framework (NPPF) strategy as there was no exceptional justification for the construction in terms of (for example) exceptional design, high energy performance etc.

The Committee noted that should an application be received that was for an exceptional construction, that met the NPPF criteria, it would be considered on its own merits in respect of that justification approach.

The Committee noted that outline planning applications do not need to be submitted (to determine if development was possible in principle), before submitting a detailed planning application.

The Committee noted that, when arriving at planning application decisions (particularly recommendations to refuse), consideration is given to whether the decision would be upheld, should the applicant choose to take the application to appeal.

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

RESOLVED: The Committee was minded to REFUSE the application for the reasons provided by the Planning Case Officer.

Voting Record – For 9, Against 1, Abstentions 0, Absent 2,

The Committee was minded to REFUSE the application in agreement with the recommendation of the Planning Case Officer

21/04800/FUL Erection of Agricultural Building at Land North of Draycott Business Centre, Draycott Road, Blockley, Gloucestershire

The Major Developments and Appeals Manager introduced the application for the erection of an Agricultural Building in an open agricultural field located north of Draycott Business Park. A summary of the site and proposed construction was provided, and site and location maps were presented to provided context for what was proposed. The site that was split into two separate sections with a larger open field to the south and a narrower one to the north, to which the application related. There were existing and proposed access points to the field in the south-eastern corner of the plot, and a Public Right Of Way (PROW) ran east-west through the northern part of the field. The proposed site was in an Area of Outstanding Natural Beauty (AONB).

The following people addressed the Committee:

The Rural Planning Practice (written submission read out) - Applicant

Elizabeth Davies (written submission read out) – Objector

Councillor Keeling (substituting for Councillor Jepson) – Ward Member

The Committee enquired whether provender from the land could be sold commercially e.g. at farmers' markets and, if this were permitted, whether conditions could be added to prevent it. The Major Development and Appeals Officer stated that the existing use of the land was for agricultural use and therefore produce from the land could be sold commercially, and it would be unreasonable to add a condition to prevent this. Any future proposed change to the current agricultural use would require a further planning application

The Committee noted that the Objector had referred to "... plot holders who have bought numerous smaller size parcels on this field...", however this was not a material planning consideration and the application (and any other future planning applications near the site) should be considered on their own merits.

The Committee noted that construction materials required to build the proposed Agricultural Building were unlikely to be substantial, and it should be possible to take these on site using a pickup truck.

The Committee noted that the total size of the fields appeared to be able to sustain a small flock of sheep, and that changing the use of the land or building to build or convert a workers dwelling would require a further planning application.

The Committee noted that the design of the proposed building was not considered to be harmful to the AONB.

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Councillor Harris proposed and Councillor Hirst seconded that the application is PERMITTED for the reasons provided by the Planning Case Officer

RESOLVED: The Committee agreed to PERMIT the application for the reasons provided by the Planning Case Officer

Voting Record – For 8, Against 1, Abstentions 1, Absent 0,

The Committee agreed to PERMIT the application in agreement with the recommendation of the Planning Case Officer

109 Sites Inspection Briefing

Members for Wednesday 22nd July 2022 (if required) were Councillors Ray Brassington, Stephen Hirst, Andrew Maclean, Mark Harris & Clive Webster.

110 Licensing Sub-Committee

Members for 29th June 2022 were Councillors Hirst plus 2 additional Members, (volunteers please notify Democratic Services)

Members for 27th July 2022 (if required) were Councillors Julia Judd, Patrick Coleman, Sue Jepson, Mark Harris & Clive Webster

Chair

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