

Town Council comments

CDC PLANNING COMMITTEE MEETING 11 NOVEMBER 20 AT 10 AM.

DUNSTALL FARM APPLICATION

Schedule Item No. 1 - 19/02248/FUL - Land At Dunstall Farm Fosseyway Moreton-In-Marsh Gloucestershire, will be heard at a place on the schedule subject to Officer availability

Moreton in Marsh Town Council Statement

Today you see a revised application to be considered which attempts to address two issues and reasons for deferral at the previous meeting held 14 October 20.

New information received from GCC in respect of Primary School place planning suggests a temporary fix of 'bulge classes' until a permanent solution is provided. Is this acceptable? **No** – when will a solution be forthcoming? That is the question parents want answered.

Moreton Council notes the e mail from EFM, the contractor to the applicant; dated 22 October 20 demonstrating the capacity of existing or planned Primary Education provision will meet the needs of primary school age pupils arising from the Development. The need for pre-school provision is not addressed.

GCC has stated that it is actively seeking to consider other site options which cannot be disclosed until a new site is secured and we can only go by the current information. As previously stated, this position is of no comfort to the existing residents of Moreton. The lack of pre-school places and a suitable primary school remain particular concerns.

In our previous statement the Town Council made mention of an incomplete assessment of the sustainable transport requirement to enable access to Further Education and jobs. The e mail dated 21 October 20 illustrates limited thinking by GCC in presuming and calculating a school based provision for this age group.

Whilst not a matter specifically for this meeting, Moreton Town Council wishes it to be known that we intend to seek urgent discussions with those in GCC responsible for Commissioning Learning to seek improved engagement and provision for the growing young 16 plus population in Moreton. Young people living in Moreton in Marsh should not be limited in terms of the education provision, they deserve the equality of opportunity to attend further education at Cirencester, Cheltenham and Gloucester, education based in Gloucestershire, provided by the tax payer.

As a significant amount of development in Moreton in Marsh has taken place from 2011, the start of the current Local Plan period, there is an infrastructure lag at the present time. The Town Council position is still that in effect this large development is occurring too soon and in advance of relevant infrastructure being in place to support it.

Objector's comments in respect of app.
19/02248/FUL

Please see below my written submission for the Planning and Licensing Committee Meeting to be held on the 11th November 2020 at 10 a.m.

Proposed Dunstall Farm, Fosseway, Moreton in Marsh Development by Spitfire Bespoke Homes Ltd. - Comments

I previously wrote a submission for the hearing of this application which I trust will be included in this hearing.

Further I would like to emphasise that there has been no adjustment to the plans to enable safer access to the proposed development. A round-a-bout makes a lot of sense and would facilitate better access to the doctors and hospital. What is proposed demonstrates a lack of concern for people's safety.

In the committee documents for this meeting GCC commenting on St David's primary school suggest increasing capacity by "creating temporary bulge" surely the councillors will not further sacrifice the education of our children by allowing over-sizing of classes, especially at a time when this cohort's education has been disrupted by covid-19.

It also comments that expanding the current site would be unfeasible because of potential flooding and yet, at the same time, about to give permission to build and increase the possibility of flooding, this is hypocritical.

There has been no new plans to adjust the tree planting regime, the current plan would adversely affect homes and gardens in Fosseway Avenue. This further undermines the claim that Spitfire have listened to the concerns of the local people.

The recalculation of the financial contribution seems very suspicious, a reduction of 36%! By any measure of acceptable tolerance, this is not acceptable. Councillors must challenge this figure and calculation. The officers responsible for such inaccuracies should be held to account or explain the pressures they were placed under to revise the figure.

I would also appreciate that my objections and comments previously submitted are also reviewed and acted upon.

Why is good productive agricultural land being taken out of production when, with the current uncertainties of food availability, such land is vital.

Agent's comments in respect of app 19/02248/FUL

I'm Tom Stanley, a Partner at Knight Frank. I am here to provide an update on the planning application from Spitfire Bespoke Homes, following the debate and deferral decision made by members on 14 October 2020.

Members voted to defer the application in order to obtain further information about the strategy to provide primary school places in and around Moreton-in-Marsh and to address the management of open space on site.

We acknowledge Members' points about the need for a wider strategy for education provision in Moreton-in-Marsh. On this basis, discussions have been on-going with the Officers and Gloucestershire County Council, since the application submission in June 2019.

We should firstly note that Officers are satisfied that there is existing school capacity to accommodate the limited additional pupils arising from this development whilst it is in the construction phase. We have also submitted evidence to demonstrate that St David's can accommodate this proposal.

Through its comments over recent weeks, GCC has confirmed it is working on a strategy for education provision in Moreton. They have now signalled a willingness to work proactively with CDC, and its members, to find an acceptable alternative solution to the expansion of St David's, to meet future needs for primary education in Moreton.

The planning obligations provided by this application will help ensure the primary school spaces are sufficient and will be delivered in a timely manner, either by the expansion of St David's or the building of a new school. Since this application alone does not require a new primary school, this financial contribution is all that can reasonably be requested.

We also note a number of schemes within Moreton have already committed around £1.4 million through developer contributions which are ringfenced for St David's expansion which together with £1.36m from this development will enable expansion of St David's, or alternative provision.

In respect of GCC's most recent comments on secondary school places, we must draw attention to the recently adopted Infrastructure Funding Statement which allows for CIL contributions from this application to be directed towards Chipping Campden school. The dedication of CIL funds is a matter to be addressed between CDC and GCC and therefore is wholly within the Council's control.

Moving on to landscape management now. We have submitted additional information in respect of the landscape proposals for Dunstall Farm, which is based on a resident-led management company. This approach has been successfully adopted on other Spitfire developments and provides residents with full control over the appointment of contractors to manage and maintain the open space on site. Officers agree this to be an acceptable approach.

We hope this update on the future of education provision and open space management at Dunstall Farm is sufficient for Members to support the officer's recommendation to approve this planning application.

Ref: 19/04052/FUL

Submission by Philip Kendell BSc BFP FCA CTA, Hugo Douglas-Pennant BA,
and Nicola Kendell Tech IOSH

COMMENTS FOR PLANNING COMMITTEE MEETING 11 NOVEMBER 2020

We would like to have confirmation that each and all committee members, (with an active comment either in the affirmative or negative), have either visited and travelled ALL the access roads, or have viewed the videos sent showing all roads from both directions.

If any member has not visited or seen these videos we do not believe that those members are able to validly reach a decision. To do so would be doing it blind and leave the Council open to challenge by way of Judicial Review for failing to follow procedure of weighing all the evidence.

We do not believe this is the time to go over the many objections raised save to reiterate that the Highways department do not appear to have provided any evidence to support their changing views, from recommending refusal to recommending approval, via needing further information despite repeated requests and an application under the Freedom of Information Act (FOI). The current recommendation has not explained why their recommendation has changed from earlier established views, embedded in the area plan that this area is NOT suitable for development. The planning officer has refused to consider input from residents and as a public servant this is unacceptable. His comments are "we will no longer be responding directly to interested individuals" Matthew Prince HDM Consultant, GCC – email dated 11/9/20. A simple question – has he done a risk assessment and where is it?

When considering the application please bear in mind that there is a legal requirement to guarantee no noise between 11:00pm and 7:00 in the morning. If the Council cannot ensure this they are party to approving an illegal act.

Ref: 19/04052/FUL

Submission by Philip Kendell BSc BFP FCA CTA, Hugo Douglas-Pennant BA,
and Nicola Kendell Tech IOSH

Whilst contemplating the matter please also address the fact that the planning officer refused to place some comments of my last submission on the public record in contravention of the Human Rights Act 1998 Schedule 1, Part I Article 10 (freedom of expression).

Also under the Human Rights Act 1998 Schedule 1, Part II Article 1 the people living in Bagpath are entitled to peaceful enjoyment of possessions. If you approve the application you will infringe this right by traffic and noise..

Notwithstanding the large amount of detail on the file, the time has come for the planning committee to make their position known. Councillors are appointed to make hard decisions not simply rubber stamp recommendations. You are democratically appointed by a simple majority to act for the good of the people, not be partisan and not act for the interest of one individual where that interest conflicts with the majority. We have a situation here where there is one in favour (the applicant) and many against. If democracy is believed to be a good thing, then this must have bearing on your decision today. Simply because highways do not object (an unfathomable conclusion) does not mean you need to approve. You can do what is right for the majority, including those who visit to walk this beautiful AONB, and refuse to allow the creeping desecration of our countryside.

It is noted that there is no case officer report on file, a breach of procedure which can lead to judicial review

**YOU CAN MAKE A DIFFERENCE TODAY AND WE URGE YOU TO REJECT
THE APPLICATION FOR THE GOOD OF THE MAJORITY**

Parish Council comments in respect of app.
20/02285/FUL

Dear Planning Committee,

The Parish Council has already submitted a lengthy objection along with more than 35 other objections from village residents and summarizes our views below and requests that you refuse this application on the following grounds.

1) The addition of 3 Open Market Houses does not accord with your own Local Plan Policy **DS3** relating to sustainability at any level for the village.

The lack of any good transport links to Cirencester means that car travel is the primary means of access to work or shopping etc for anyone who lives in the village, so adding more houses with the same needs just exacerbates the current poor status.

2) Policy **DS4** is not met in any way either.

There is nothing about the proposed development that fits any of the criteria within this particular policy and the affordability of these properties is unlikely to be within the reach of anyone with connections to the village, particularly younger people.

3) The Site in question is open countryside apart from one small single story industrial style building located on its western side and provides an important rural aspect to the lane and edge of the village.

The inclusion of a further 3 new dwellings will only extend an Urban scene that is gradually being created along this lane with an onward invitation and justification to land owners to extend that even further.

This urbanisation has quiet rightly been one reason for the recent **refusal** in the adjacent application 20/02591/Ful immediately to the north of this site on the other side of the lane for the erection of a single dwelling in an Orchard.

4) The Highways reports for this site and 20/02591/Ful differ in their approach with one specifically drawing on the flawed, in our opinion, recommendation dating back to 2016 when development along this lane was first permitted despite significant objections at the time over traffic safety and impact at the blind junction with Butchers Arms Lane but **THIS** was ignored.

The 2nd report makes no mention at all of any possible road traffic impacts or safety.

Subsequently every application on this lane tries to draw on that stance of **NO Objection** from Highways and hence being OK to allow.

That now leaves a situation that as every house is added the accumulative impact just grows and yet the overall accumulative impact is totally overlooked.

Should this application be granted this would add 9 new houses along this lane over a period of 4 years from a base of 5, which with a minimum of 2 cars per household gives 18 additional vehicles and their subsequent daily movements all having to exit onto a blind junction.

5) There are no Passing Bays provided by the development which runs along the narrowest part of the lane, which also has no footpath provision, so the lane is shared between pedestrians and vehicles, never an ideal arrangement, particularly considering this is a very popular walking route for many villagers and visitors to our village.

6) There is the continued risk over poor drainage in the area and how the existing ditches along with run off from these new houses coupled with Foul Water disposal will cope. The plans do not make any mention of how these matters will be dealt with.

7) The provision of Hedgerow schemes does not offer any onward protection from removal by future occupants.

Douglas Crook

Chair Ampney Crucis PC

Cotswold District Council Planning Meeting 11 November 2020

Ref:20/02285/FUL: Objection submission from Mr M Bryan, neighbouring property

This proposed development would adjoin our property on three boundaries.

The so called cottages and barn are really large executive homes. They would be over twice the height of our bungalow and have a significant massing effect on the surrounding, mature properties of bungalows and cottages. Contrary to the case officer's report, they **will** overlook us, our amenity space and that of our neighbours, resulting in loss of privacy.

The three dwellings would add further to the traffic using the narrow Back Lane where even now vehicles have had to reverse its length because they can't turn around and further exacerbate issues at its blind junction with the narrow village streets.

When tested against CDC Policy DS3 and relevant sections of the NPPF this application fails just as the application for an additional property on the opposite side of Back Lane was refused by the **same** officer just last month. The reasons being:

- A loss of agricultural character to the lane
- It would result in a cramped form of development, minimising views and connection with the open countryside.
- A further dwelling would fail to preserve the agricultural character of the lane and rural setting of the village.
- It would have a harmful impact on the setting of the conservation area due to its cramped and suburban dominance in the landscape resulting in the loss of openness.

All of these reasons apply to the application under discussion as this proposes **three** properties to be built on predominantly agricultural land.

Only a quarter of the proposed site is currently B1 use. The so called cottages would be in a separate field next to the B1 use and on land that is and always has been agricultural with no structures of any kind. Together with the two storey barn - which would replace the small, single height B1 workshop and encroach into the agricultural land behind it – these properties would dominate the south side of Back Lane totally destroying its agricultural character and removing views.

They would produce a cramped development as they would be higher than those being built on the north side and have longer, continuous frontage of at least 28 metres.

The position of the two storey barn would minimise views and connection with the open land beyond.

They would clearly extend the village into the countryside, so fail to preserve the agricultural character of the lane and rural setting of the village.

The development would have a harmful impact on the setting of the conservation area by replacing open vistas and a small B1 workshop with a crowded suburban street scene.

In conclusion I and my 33 fellow objectors – a record response, demonstrating the village's significant strength of feeling against this development - ask that this application be **refused**.

Agent's comments

COTSWOLD DISTRICT COUNCIL - PLANNING AND LICENSING COMMITTEE 11TH NOVEMBER 2020
ITEM 7/3: APPLICATION REF. NO. 20/02285/FUL LAND SOUTH OF BACK LANE, AMPNEY CRUCIS

Thank you Chair,

I speak to you today on behalf of the applicant in support of the recommendation for approval, as set out within the officer's report. Whilst the report comprehensively addresses all relevant issues and planning considerations associated with the proposal, I note the reasons for referral of the application and would like to take this opportunity to highlight a number of points that are relevant to your consideration today.

I would first like to remind Members that, through positive engagement with officers, the proposed development scheme has been amended and refined to ensure that it has addressed all issues raised by them. This process has resulted in the scheme before you today to which you will note there are now no objections from any of your professional officers.

In contrast, a number of objections have been submitted by local residents and by the Parish Council. However, as is clear from the content of the officer's report, none of the grounds upon which these are based stands up to scrutiny.

Firstly, the report confirms that the proposals fall within the remit of Local Plan Policy DS3 and that there is no conflict with any of the policy criteria, in that:-

- any increase in the population of the village can only serve to support and enhance vitality and the continued availability of local services and facilities;
- the cumulative impact of development has to be considered on a village-wide basis and, in the case of Ampney Crucis, is not excessive; and
- in terms of the form and character of the settlement, officers are satisfied that the proposals are consistent with the pattern of development associated with much of the historic settlement.

As to other objections which have been raised, the design of the dwellings has been amended in consultation with the conservation officer and, as they either involve the replacement of an existing commercial unit or sit opposite the two dwellings granted in 2017 that are currently under construction, they do not represent an incongruous addition to the landscape. Furthermore, there are no biodiversity or overriding drainage constraints and, with no overlooking of neighbouring gardens, there will be no loss of amenity to existing residents.

In terms of the various concerns which have been raised with regard to highway safety, Members should note that Backs Lane is a short stretch of highway which has a straight alignment with good forward visibility. It is not a through road and traffic speeds are low. The Transport Statement submitted in support of the application confirms that there have been no collisions recorded in the area within the last five year period which demonstrates that the village, and Backs Lane in particular, has an excellent road safety record. Consequently, the Highway Authority have raised no objections and there is therefore no reasonable basis on which to refuse the proposals on highway grounds.

In conclusion, this proposal represents a balanced and carefully designed scheme which your officers confirm to be in full accordance with all relevant planning policy. Accordingly, on behalf of the applicant, I would urge Members to accept the officer's recommendation for approval.

Thank you.

Parish Council's comments in respect of
app 20/02806/FUL

Lower Slaughter Parish Council wish to object to above application for a change of use from a stable block to a holiday let for the following reasons.

The building was constructed in breach of the previous planning approval for a stable block being significantly larger than permitted by the approval.

In June 2020 when a retrospective application 20/01934/FUL was submitted to allow the retention of the enlarged stable block the parish council stated the following:-

5. View of Town/Parish Council:

Lower Slaughter Parish Council would like a "stable only restriction" applied to this retrospective application to restrict any future development and change of use to a residential dwelling.

The July 2020 decision notice confirmed

5 The stables are only to be used for equestrian purposes for the personal enjoyment of the owners of the site or a single agricultural tenant of the field.

The planning history of the site confirms that there have already been a number of historical approvals for a change of use from stables to residential and this persistent abuse of planning regulations must not be allowed to continue.

Examples of these modification are as follows

13/02691/FUL: Change of use of 1st floor to holiday let. Granted 14.08.2013

16/04867/FUL: Change of use and conversion of ground floor stable to additional living accommodation in association with the flat above. Granted 22.02.2017

The Parish Council note the short timescale since retrospective approval was granted for the enlarged stable and are concerned that this pattern of creeping development followed by a change of use of buildings on the applicant's land has the potential to create a "holiday camp" by stealth. This application would set an unacceptable precedent for further uncontrolled development in the Cotswolds AONB and therefore should not be permitted.

Lower Slaughter Parish Council.

Agent's comments

Bulleted Statement to be read by Mark Wildish MCIAT (ArchiWildish Ltd) in support of Planning Application 20/00934/FUL

- Both the Parish Council and Cllr Keeling are wasting Council time and resources at a time when they are particularly stretched.
- The Parish quote policy DS4 as a reason for refusal, but this policy refers to new dwellings in the open countryside and is a totally irrelevant policy in respect of a conversion proposal.
- As confirmed by the Case Officer's report Andrew Moody states that the proposal complies with conversion policies EC6, EN11, EC11 and EN2 and he confirms within his report that DS4 is not a relevant policy to this proposal.
- Cllr Keeling referred the application because of claims by local residents that the building has not been used as a stable, apart from those claims being purely speculative because the building sits on private land and it is not possible to see the stables without trespassing. Andrew Moody confirms that there is no test requirement for a building having been used for its approved use prior to conversion and despite this point being explained to Cllr Keeling on more than one occasion he still saw fit to refer this application for the wrong reason.
- Claims by the Parish that it would be dangerous for waste vehicles to service the site are wild exaggerations that apart from being dismissed by Andrew Moody in his report are completely exposed as fraudulent as the Parish Council's submitted plan (attachment 3) indicated the size of a waste collection lorry as being twice the size they actually are in reality.
- The existing access already serves both The Grafters and The Stables whose waste has been collected from this location without incident for many years and with consent for storage of a horse lorry next to the existing stable building the existing access has consent for multiple safe use and the conversion to a holiday let would represent a lesser use of the existing than currently exists.
- Over the past 5 years there have been 4 approved conversion to holiday applications in the Lower Slaughter Parish none of which were subjected to the same misunderstanding of the policies (DS4) and so ignorance of conversion policies cannot be claimed as a reason for the wrongful referral of this application.
- There is much local objection to my client's appeal for the electric car charging station and some of the objections to that appeal even make reference to this application as a further reason to object to the appeal which is a totally unrelated application and the wrongful objections to this application appear to be based on local bias and not sound planning reasons.
- Quite simply this application should have been dealt with by officer's delegated powers and it is unfortunate that both the Parish Council and Cllr Keeling have abused their positions of power to force this application before Committee for no good reasons wasting everybody's time and Council resources.



Picture showing earthworks lorry (which is bigger than a waste lorry) comfortably sat safely within the existing access (off the highway) contrary to the exaggerated plan (attachment 3) submitted by the Parish Council.

Approved Holiday Let Conversions in Lower Slaughter Parish.

20/00461/FUL & 20/00886/LBC Land North West Of Lower Farm Workshop Upper Slaughter Gloucestershire

18/00361/FUL & 18/00362/LBC Church Farm House Copse Hill Road Lower Slaughter Cheltenham Gloucestershire GL54 2HR

16/04867/FUL The Stable Fosseyway Lower Slaughter Gloucestershire

15/01745/FUL Rear Of Perryfield Wyck Rissington Road Lower Slaughter Bourton On The Water Gloucestershire GL54 2HW

Parish Meeting's comments in respect of
20/02338/FUL

Members of the Planning Committee

I have been Chair of the Donnington Parish Meeting since 2015. We are an active community holding meetings every 6 months with over half the village attending regularly.

I've met and welcomed Mr Daniel and Ms Steel as I do with all newcomers.

I am very much involved in the community and the opinions I am expressing today are on behalf many of its residents.

Firstly, I would like to make clear that we are only going to object to the two-storey rear extension.

I have spoken to the residents whose objections focused on the front of the property and in the spirit of compromise they are willing to accept these without further objection.

If you could please view photograph 1.

This gives members an overview of the site.

As you will see Dalarna is situated in the of the centre of the village and I would like to draw your attention to the close proximity of the houses in this area. The Old Orchard, Middle Ground and Dalarna were all built as dormer bungalows, but whereas the first two properties sit well within their curtilage, Dalarna was built right up to the boundary against Middle Ground and almost to the boundary with Morningside. It is clear the extent of the development that has already taken place on this property and we feel that the proposals represent an overdevelopment of the site.

Donnington is a hamlet of 34 houses of which 4 are either empty or holiday lets. Over the past 10 years there have been 57 planning applications within the village alone, reflecting changing demographics.

To my knowledge only one of these received any objections.

I cannot stress enough that we are not a community who habitually object, in fact in 2018 planning was passed on Dalarna, with no objections. To have over 50% of households objecting to the present application of Dalarna is unprecedented and demonstrates the strength of feeling withing this small

community. It shows how much they care about this conservation area and it shows how much they care about each other's residential amenity.

The part of the application we would ask you to focus on is the two-storey rear extension and the detriment it would have on surrounding properties.

Patrick Moon who is speaking next will expand on this on behalf of all those who objected especially those who must live with its impact.

Thank you very much for your time.

Objector's comments in respect of app 20/02338/FUL

Good morning everyone.... I'd like to show you 3 photos please, all sent to the Case Officer during the Consultation Process - starting with No. 2 – a Street View at the heart of this **Conservation Area**.

Most of the village objections focus on the sheer enormity of the proposed rear extension. In our view, it's seriously out of scale and proportion.

The report describes what you see in the photo as an "oblique view" from the village road, as if you'd have to strain to spot the extension. But really, it socks you in the eye, doesn't it? And what's more, this is a photo taken right outside a **Listed Building**!

The report says the impact is "neutral". We think it's highly detrimental.

Turning now to **Residential Amenity**, could we look at photo 3? It's taken from the Middle Ground Kitchen/Dining Room, next door to Dalarna and shows how just much sky would be lost. The living room and conservatory are similarly affected.

To all of us the loss of light and overbearing effect look devastating. Yet – despite the lack of a site visit to Middle Ground – the report dismisses these as "not materially harmful".

We're not planning experts but shouldn't there have been a proper Light Evaluation in a case like this?

I'd now ask you to look at the last photo, No. 4. It's taken from upstairs at Hill Cottage – my own property – and again shows the overbearing effect. Morningside next door is similarly affected.

Both properties lie downhill of Dalarna. And, while the report acknowledges a change of levels, it omits to say how great that is. In the case of Hill Cottage, it's more than 3 metres! It makes a 2 storey extension FEEL like 3 storeys.

Yet - without a site visit, even to our gardens – the report judges this acceptable.

Sadly, there's no time for more examples. However, there are countless occasions where the report admits a degree of damage but judges each of them - "item by item" – to be small enough to ignore. This "whack a mole" approach never adequately addresses the totality of the situation. Lots of small damage adds up to big damage.

Moreover, each of these single judgements is the judgement of one – admittedly experienced - individual.

The majority of the village passionately disagrees. The Parish Meeting and its Chair disagree. As we'll hear shortly, our elected District Councillor disagrees. The only voice of support appears to be the Case Officer. We urge the committee to form its own view and rescue this Conservation Area by opposing it.