

PLANNING AND LICENSING COMMITTEE

8th June 2016

ADDITIONAL PAGES

ADDITIONAL PAGES - CIRCULATED TO MEMBERS BY POST

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 1 - 11

PLANNING AND LICENSING COMMITTEE

8th June 2016

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
01	16/00937/OUT CD.7315/B	<p>Three letters of objection received;</p> <p>(1) 'I have already made comments before and they still stand. Further to my objections from before I have been advised that the planning for 40 houses is just the first stage of development. 90 houses were rejected before. 40 houses on half the site applied for before is exactly the same, if this advice is true. The property developers' intentions are not to stop at 40 houses, but to apply for further development down the line. Whilst these further applications could be declined, it is very probable that once the precedent is set that more houses will be built and we will end up with the 90 or so houses that the property developers fully intended to build in the first place - and was rejected!</p> <p>The turning out of the Bratches is already a dangerous one with a bend coming into town. Although it is a 40 - 30mph speed restriction, it is not always adhered to. While this may not be a valid argument as people should drive sensibly, it doesn't necessarily make them drive sensibly! I myself had had near misses with people speeding round the bend and having to break sharply because I am already mid-manoeuve pulling out of the Bratches. Having 40 plus houses will make that junction very dangerous. I remind and plead with the planning committee to remember that this is prime agricultural land. Once it is gone it is gone.'</p> <p>(2) 'a Chipping Campden Design Code being drafted months ago by a group of concerned yet also informed residents, and supported by Martin Davison, which calls for organic development of no more than 10 dwellings at a time, the town councillors have failed to sign this document off yet. If they had then this application for 40 dwellings would have to be rejected. A development of 40 houses anywhere in the townsite of Chipping Campden is too large to be workable in terms of road carrying capacity, flood risk, etc among other considerations. Also the amount of planning permissions already given over the last two years has meant the Chipping Campden has more than fulfilled its annual quota - so if this development was allowed to go ahead then it would lead to over-development - in one of the most culturally sensitive areas in the whole county. There is a very strong case for Chipping Campden to</p>

		<p>seek UNESCO World Heritage Protection and there should be a meeting held involving interested members living in Chipping Campden and the CDC about this issue before planning permission is given for any more multi-dwelling developments in Chipping Campden.'</p> <p>(3) 'The location will destroy valuable, quality and green field agricultural land, which I believe is an County asset that need not be used for housing. There is a brown field site at Springhill Camp which is substantially larger, the houses could be screened by the wooded area surrounding it, allowing for lower density build and provide affordable housing. It also has almost direct access onto the main A44 Broadway/Stow road and therefore will help to reduce congestion in the town, rather than exacerbate the traffic. The Aston road site will be very visible from view points towards the town destroying the beauty of The Cotswolds when it is not necessary and blighting it for the Tourist trade. There is also concern regarding the planner's suggestion that the farm drive could be used for cyclists and pedestrians, I feel that would be dangerous and cause a health and safety hazard. The drive has a very narrow and long length between two residential houses, close to the Aston Road. I am aware that the planner is being very naive with regard to the size of modern agricultural equipment which frequently use this access at all hours of the day. During harvest time the drive is accessed late at night and early hours of the morning which would cause blockading on the Aston Road whilst waiting for pedestrians, including small children and elderly people trying to use the drive. '</p> <p>Petition of objection signed by 187 people received. Petition summary;</p> <p>'We believe that the continued urbanisation of Chipping Campden by large scale housing developments will destroy this Area of Outstanding Natural Beauty and contribute to traffic congestion and increased risk of flooding.'</p>
03	16/01254/REM CD.0780/G	3 further letters of support received
04	16/01418/OUT CD.6682/J	<p>1 further letter of support received</p> <p>Stow Town Council: The Council is aware that the site is not within its parish and wish to make it clear that they are in favour of a new doctor's surgery in the town but not at this location; if the development was to gain approval they would wish to see a turning in lane at the access to the site; object to greenbelt encroachment and ribbon development which are all mentioned in the emerging Neighbourhood Plan; believe development on this site would be contrary to the White Report; the site is within the AONB; members do not like the</p>

		<p>timber cladding proposed and would prefer stone; and there will be an increase in traffic as residents will now have to drive to the surgery and the proposed access point is down a hill near to the end of the 30mph speed limit where traffic tends to speed up.</p>
05	15/02907/FUL CD.6972/C	<p>Amendment to Officer Report:</p> <p>Paragraph 2 on page 103 of the Officer Report is deleted and replaced with the following paragraphs:</p> <p>It must also be noted that even if the Council can demonstrate the requisite minimum supply of housing land it does not in itself mean that proposals for residential development outside existing Development Boundaries should automatically be refused. The 5 year (plus 5%) figure is a minimum not a maximum and as such the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. As a result there will continue to be a need to release suitable sites outside Development Boundaries identified in the current Local Plan for residential development. If such sites are not released the Council's housing land supply will soon fall back into deficit. At an appeal for up to 15 dwellings in Honeybourne in Worcestershire (APP/H1840/A/13/2205247) the Planning Inspector stated 'the fact that the Council do currently have a 5-year supply is not in itself a reason to prevent other housing sites being approved, particularly in light of the Framework's attempt to boost significantly the supply of housing.' In relation to an appeal relating to a proposal for 100 dwellings in Launceston in Cornwall dating from the 8th April 2014 (APP/D0840/A13/2209757) the Inspector stated (Para 51) ' Nevertheless, irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has to be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant. An excess of permissions in a situation where supply may already meet the estimated level of need does not represent harm, having regard to the objectives of NPPF.' In August 2015 a Planning Inspector in allowing a scheme for 32 dwellings near Pershore in Worcestershire (APP/H1840/W/15/3005494) stated 'it is agreed between the parties that the Council can demonstrate a 5 year supply of deliverable housing sites as required by paragraph 47 of the Framework. Under these circumstances, the decision-taking criteria contained in paragraph 14 of the Framework are not engaged. Whilst this is so, the Framework seeks to boost significantly the supply of housing and the ability to demonstrate a 5 year housing land supply should not be seen as a maximum supply. Regardless of such a supply being</p>

		<p>available, the Framework advocates a presumption in favour of sustainable development and the application must be considered in these terms.'</p> <p>It is also evident that the continuing supply of housing land will only be achieved, prior to the adoption of the new Local Plan, through the planning application process. Allocated sites in the current Local Plan have essentially been exhausted. In order to meet its requirement to provide an on-going supply of housing land there will remain a continuing need for the Council to release suitable sites outside Development Boundaries for residential development. It is considered that the need to release such sites represents a material consideration that must be taken into fully into account during the decision making process.</p>
06	15/04899/FUL CT.5679/C	<p>Addendum to Officer Report:</p> <p>Paragraph 8 (Officer's Assessment) on page 130 refers to an appeal decision that was omitted from the appendices. Please see Appeal Decision Notice APP/F1610/A/14/2212964 dated 02/09/2014 attached</p>
07	16/00340/FUL CD.9536	<p>Agents Consultant's Letter – Please see attached dated 23rd May 2016.</p> <p>Conservation Officers comments in relation to Agents Consultant's Letter – 'Despite Nick Doggett's view that the revised proposal would not now cause any harm to the significance of the building as a non-designated heritage asset, it remains my view that there would be harm both to the building, and to the setting of adjacent listed buildings and the surrounding conservation area.</p> <p>As I stated in my comments, the justification that this is to enable the repair of the bell tower is not compelling as the link between the proposal and the repair of the bell tower is too vague and tenuous to be considered serious 'public benefit' ... it falls far short of the clear criteria laid out by Historic England in their guide to enabling development.</p> <p>Consequently the letter does not address my concerns'.</p> <p>Third Party Comment of Support – 'I would like to support the Blockley PCC in its application for permission to develop the Bier House as a one-bedroom cottage. The building is derelict at present and the proposal would enable the building to be brought back to useful life without any detriment to the street scene or the views of the church. It would also generate much needed funds to refurbish the bells and bell frame and to enable renovations to the church and tower'.</p>

Appeal Decision

Site visit made on 11 August 2014

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 September 2014

Appeal Reference: APP/F1610/A/14/2212964

Land at 'The Old Barn', 33 Gloucester Road, Stratton, Cirencester, Gloucestershire GL7 2LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Rivar Limited against the decision of Cotswold District Council.
 - The application (reference 13/03679/FUL, dated 22 August 2013) was refused by notice dated 29 November 2013.
 - The development proposed is described in the application form as: "demolition of existing outbuilding and erection of 2 no. dwellings, vehicular access, landscaping, parking and associated works".
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Decision

1. The Appeal is dismissed.

Main issues

2. There are four main issues to be determined in this appeal. The first is the effect of the proposed development on the setting of 'Glebe House', which is a listed building. The second is its effect on the garden space and amenities of 'The Old Barn' (primarily by reason of potential disturbance), while the third is its effect on the residential amenities of various neighbouring properties (notably by reason of its effect on privacy and visual intrusiveness). Fourthly, it is necessary to consider the living conditions that would be achieved for occupiers of the new dwellings themselves.

Preliminary point

3. The proposal drawings were amended during the application and further amendments have been made, for consideration at the appeal stage. The revisions do not fundamentally change the nature of the project (though they make some improvements to it) and they have also been taken into account.

Reasons

4. Stratton is a pleasant village, though it suffers from through traffic on the Gloucester Road, even though Stratton and Cirencester have been by-passed by a new trunk road. The village extends along the main road, which defines its historic development pattern, though there is also a significant amount of
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new development, especially on side roads. The appeal site is located at the junction of Gloucester Road and School Hill, which descends steeply from the main road to the flat bottom of the valley. Outside the built up area of the village the land is more rural in character and a footpath runs along the edge of the fields to the south of the appeal site.

5. The appeal site is occupied by 'The Old Barn', a long single-storey building that is constructed predominantly of roughly coursed stonework under a dominant thatched roof. It is built on the Gloucester Road frontage, close to the road, and it is an impressive and historic feature in the streetscene, although it is not stated to be a listed building. A door appears on the street elevation, but vehicular and pedestrian access to the property is obtained, primarily, from School Hill, close to its junction with the main road.
6. 'The Old Barn' occupies a relatively large plot. The access point on School Hill is somewhat restricted but the site opens out behind the dwelling to form a large and attractive garden, though it is somewhat overgrown. Immediately behind the house there is a more formal area of garden, with elements of an orchard beyond (with some flourishing fruit trees). At the rear of this part of the garden, there are some substantial outbuildings. At the far end of the garden from the dwelling and entrance, there is a further area that is rather separate from the main part of the garden. Here the land is very overgrown indeed, though it appears once to have formed a vegetable garden.
7. The appeal site forms a large part of the grounds of 'The Old Barn'. A relatively small garden area would be retained with the existing dwelling, and the existing access would be adapted to serve both the existing dwelling and the proposed new development.
8. The land slopes down to the south-west, away from 'The Old Barn', behind 'Stratton Hurst', a substantial modern house that faces School Hill. At the end of the main part of the garden, the plot adjoins the back garden of 'Glebe House', which also has its principal elevation facing School Hill. 'Glebe House' is an imposing dwellinghouse, constructed of coursed squared limestone under a hipped slate roof. It dates from the early nineteenth century and is listed (Grade II) as a building of special architectural or historic interest. By contrast, the old vegetable garden adjoins the rear of the plot of number 31 Gloucester Road, a modern bungalow that is architecturally undistinguished.
9. In this case, the ground levels of the various adjoining properties are significant on account of the implications of the levels for both architectural interrelationships and residential amenities. The ground falls away from the main road, generally, towards the valley bottom and number 31 Gloucester Road stands above the furthest part of the appeal site. On the other hand, the long rear boundary of the appeal site is at a significantly higher level than the garden of 'Glebe House', which stands in substantial grounds that provide a good setting for the listed building.
10. The appeal proposals would involve the demolition of existing outbuildings on the site and the construction of two new dwellings, together with ancillary works.
11. The outbuildings stand adjacent to the boundary with 'Stratton Hurst' (though the neighbouring garage would be unaffected of course) and are

undistinguished in architectural terms. Their loss need not be regretted. The scheme would also require the removal of various trees on the site but, again, the trees to be removed are not of particular importance in the setting, bearing in mind that replacement trees could be planted.

12. The proposed two new dwellinghouses would be constructed on the rear part of the existing property, close to its south-west boundary. It is envisaged that each would enjoy the benefits of a small private garden and that additional planting would be incorporated into the scheme, including new tree and hedge planting on the boundaries. The most significant of the existing trees would be protected and retained.
13. These new houses have been designed in a traditional style, in a "barn-like" image, and they would be constructed with Cotswold rubble stone walls under Cotswold stone tiles on the roofs. They would be arranged around an open area (providing access for cars), adjoining the retained rear garden of 'The Old Barn'. Although the new buildings would be grouped around a "courtyard area", however, the rear garden of 'The Old Barn' would be screened by new boundary planting, subdividing the space.
14. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission for development that would affect the setting of a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the setting.
15. That statutory framework is reinforced by the 'National Planning Policy Framework', especially at Section 12, which emphasises the importance of conserving and enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use".
16. More generally, national planning policy, as expressed in the 'National Planning Policy Framework' (notably at Section 7), also lays emphasis on the importance of good design in the broadest sense. It is aimed at achieving good design standards generally, which includes protecting residential amenities and achieving good standards of accommodation. Indeed, paragraph 17 of the NPPF identifies as a "core planning principle" the need to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
17. Local planning policies also reinforce these underlying principles. In particular, Policy 18 and 42 of the Cotswold District Local Plan are concerned with design issues generally, while Policy 46 focusses on the need to achieve reasonable standards of privacy.
18. The new buildings would stand high above the neighbouring property at 'Glebe House', even though, in the revised scheme, the main two-storey element of the proposed house on Plot 1 would be further set back from this boundary. In visual terms, the new buildings would have a noticeable effect on the setting of the listed building. The impact would be reduced by locating lower buildings on this boundary but, nevertheless, the setting of the listed building would be adversely affected, to some degree. In itself, however, the impact of the proposed buildings on the setting of the listed building would not be so serious

as to justify the refusal of planning permission for a scheme that had real planning benefits.

19. Turning to the impact on neighbours' residential amenities, it is plain that the effect of the proposed development on 'The Old Barn' would be very marked. The existing dwelling would be left with a relatively small garden, in its context, and part of that would be taken up by a new parking area. Moreover, the new access, to serve the proposed new properties (as well as the existing dwelling), would run very close to the rear of the house. Although the retained garden would be shielded to some extent from the impact of the drive and the turning area to serve the garages for Plots 1 and 2, these would have a considerable impact on it. Users of the garden would be subject to disturbance and to intrusion on their privacy, in spite of the proposed planting and stone wall. The effect of the drive at the constricted access point would be especially severe.
20. In short, the proposed development would have a wholly unacceptable impact on the residential amenities of 'The Old Barn', due to the disturbance and the reduction in privacy that would be caused, contrary to the aims of the 'National Planning Policy Framework' and of the Development Plan.
21. The proposed development would also have some impact on the residential amenities of 'Glebe House' and 'Stratton Hurst'. The garden of Plot 1 would be at a higher level than both its neighbours and there would be some scope for overlooking or causing disturbance to the neighbours, especially by contrast with the current very quiet environment. Visually, too, the proposed development would have an intrusive impact on its neighbours. Nevertheless, the effect of the new properties on neighbours' residential amenities would not, in itself, be so significant as to amount to a serious planning objection in this case, bearing in mind that conditions could be imposed, to prevent overlooking.
22. Plot 2 is located at a lower level than the dwelling at number 31 Gloucester Road and would not have a significant adverse impact on it.
23. On the other hand, the new dwelling on Plot 2 would be likely to suffer from overlooking by its neighbour, though this could be mitigated to some degree by new planting and fencing. Though the proposed new dwellings would have relatively smaller gardens than others in the immediate vicinity, however, they would not be unacceptably small by modern standards more generally.
24. In short, the proposed development would have some impact on the residential amenities of certain neighbouring properties and would provide living conditions for the new occupiers of the development that would be less than ideal in some respects. Nevertheless, these objections in themselves, again, would not be so serious as to justify the refusal of planning permission for a scheme that had real planning benefits.
25. The traditional or "barn-like" style of the proposed buildings and the courtyard grouping of the buildings offer some attractions but the site is too cramped and awkward for the design approach to work well in all respects and the impact of the proposed development on 'The Old Barn' would be clearly unacceptable in planning terms. Although other objections individually do not clearly and demonstrably outweigh the benefit of providing two new dwellings, they are symptomatic of a scheme that is awkward and seeks an overdevelopment of the site, irrespective of its impact on 'The Old Barn'.

26. Evidently, the appeal site lies within an established built-up area and the creation of new dwellings weighs in favour of the appeal. Nevertheless, the impact of the proposed development on 'The Old Barn' (reinforced by the cumulative impact of other objections to the scheme) clearly and demonstrably outweighs its benefits. Hence, I have concluded that the scheme before me ought not to be allowed and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR



specialist independent advisers in the historic built environment

conservation & listed buildings | heritage planning matters | expert witness | audits | research
listed buildings | conservation management and advice | archaeology | historic interiors

By e-mail only

Nigel Moor

23 May 2016

Dear Nigel,

RE: The Bier House, Blockley: Application Reference- 16/00340/FUL

I am writing as requested in connection with the above application and the revised drawings which have been submitted in connection with it as a response to the Conservation Officer's comments dated 30 March 2016.

Having read these comments, which were made before the drawings were amended by the scheme architect, I note that the Conservation Officer refers to the degree of harm that my Heritage Appraisal & Impact Assessment of December 2015 acknowledged would be caused 'to the significance of Bier House as a non-designated heritage asset'.

The revised drawings however take full account of the Conservation Officer's concerns and now show the envelope of the original Bier House structure retained, with the existing east wall maintained and the south, west and north walls, together with the roof (which was noted in my Heritage Report as being in particularly poor condition), being rebuilt to their original lines and profile.

An appropriately modest new build section is discreetly added behind the original structure to provide the extent of accommodation necessary to make the proposed building usable and viable.

In this way the contribution made by the existing Bier House to the attractive view from Lower Street towards the church up the steep, stone-walled lane alongside which the building sits is maintained in the revised proposals.

As before, the application proposals will help to secure the funding necessary to repair the Georgian bell tower of the parish church and, as stated in my report,

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this clearly remains an important 'public benefit' of the type identified in the NPPF and the accompanying (N)PPG.

What is different now however is that, while the original application proposals did, in my view, cause a small degree of harm to the significance of the Bier House as a non-designated heritage asset and thus to the character and appearance of the conservation area in which it is situated, no such harm is caused by the revised proposals.

I therefore hope you find this letter helpful in persuading the Conservation Officer that the situation is indeed now different and that, as his concerns have been addressed, he will therefore be able to support the amended scheme.

Yours sincerely

Dr Nicholas Doggett, MCIFA, IHBC
Managing Director

Email: