

**PLANNING AND LICENSING COMMITTEE**

**12<sup>th</sup> October 2016**

**ADDITIONAL PAGES UPDATE**

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**DISTRIBUTED AT THE COMMITTEE MEETING**

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Additional Representations on Schedule Items**

**Pages 23 - 38**

**PLANNING AND LICENSING COMMITTEE**

12<sup>th</sup> October 2016

**ADDITIONAL PAGES ON SCHEDULE ITEMS**

Item	Ref. No	Content
01 & 02	15/03597/FUL CT.3366/H  16/03085/FUL CT.1503/X	Email and plans from Agent forwarded to Members of the Planning & Licensing Committee (dated 11 <sup>th</sup> October 2016) – See attached
03	16/00139/REM CD.0070/3/F	Two additional letters received from the Town Council (dated 8 <sup>th</sup> September 2016 and 8 <sup>th</sup> October 2016) and the Applicant's response to the Town Council's query regarding Extra Care accommodation (dated 11 <sup>th</sup> October 2016) - See attached
04	16/02049/REM CD.9438/B	<p><b>Case Officer Update:</b></p> <p><b>Additional conditions:</b></p> <p>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.</p> <p>Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, garages, sheds, outbuildings or means of enclosure shall be erected, constructed or sited in the application site other than those permitted by this Decision Notice.</p>

		Reason: It is in the interests of visual amenity in a accordance with Cotswold District Local Plan Policy 42 and Section 7 of the NPPF.
05	16/01657/FUL CD.9360/A	<p><b>Withington Parish Council object to the proposal for the following reasons -</b></p> <p>This is the second time that a request for a turbine has been put in, this time although by an electricity Pylon it is the other side of a bridle path. At last night's parish council meeting which a number of parishioners attended the concerns were as follows:</p> <p>Concern that it would set a precedent for more than one at a time, also once two have been granted what is there to stop more being applied for, precedent already set at that point. Concern that once one is passed it would open the flood gate and this beautiful area would be covered in them.</p> <p>Concern if it is accepted what is there to stop it being moved to the original site which is nearer the estate.</p> <p>Concern that the original application was below the horizon, this one is above. which is worst.</p> <p>Concern that the applicant has not taken account that the community were against this last time and still very much against it this time, the applicant should have a little thought to the effect this will have on his neighbours and outside the village.</p> <p>Concern as to how far this will be seen, the map shows a large area which it will be visible too. shocked at distance.</p> <p>Do not accept that it is gov policy for renewable energy, if this is the case why have they got rid of subsidies.</p> <p>Concern that if the owner sold up who is responsible for the turbine for repair and long term ownership, there have been cases where they have been left abandoned because of this scenario.</p> <p>Concern to wildlife and Birds</p> <p>Concern for the house which the turbine will be very near.</p> <p>Therefore the Parish Council had no other alternative but to unanimously vote against this planning application.</p> <p><b>Officer Update -</b> The 18 June 20155 Written Statement made by the Secretary of State Greg Clark set out new considerations to be applied to proposed wind energy</p>

		<p>development so that local people have the final say on wind farm applications. This statement sets out that local planning authorities should only grant planning permission for turbines if the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.</p> <p>This approach has been confirmed by a number of recent appeal decisions. In relation to this application the concerns of the affected local communities namely the impact on the landscape impact have not been overcome and as such carry significant weight. While the benefits of renewable energy are noted and carry significant weight the landscape impact and the concerns of the local communities are considered to not be outweighed by the benefits of renewable energy production. Therefore in addition to the refusal reasons already recommended the proposals also do not accord with the transition provisions of the written ministerial statement of 18 June 2015.</p> <p><b>House of Commons Written Statement – Please see attached.</b></p>
06	16/02516/FUL CT.8919/A	<b>Additional comments submitted by the Agent (dated 10<sup>th</sup> October 2016) – See attached</b>

**To:** Claire Baker  
**Sent:** 11 October 2016  
**Subject:** FW: White Horse site Frampton Mansell GL68HZ

Dear Councillors

We would like to draw your attention to two applications on your agenda for Wednesday's planning meeting, the officer reports are attached which recommend refusal in both cases.

**Access application (Agenda item 2)**

Firstly, I note there is an error and the Officer has attached the wrong approved plan to the report (14/03774/FUL). We will clarify this with the Officer before the Committee.

We made a planning application to alter the car park last year, the submitted plan is attached (Access submitted block plan). I was asked to change the red line area (Access approved block plan attached) which was approved in September 2015 (15/01307/FUL). The approved plan is 105 Revision A which supersedes the plan attached to the officer report. The access through the site onto the Rodmarton lane is therefore already approved.

Furthermore, the only difference in the current application is that it turns the corner into the overspill car park further along the paddock than approved under 15/01307/FUL and allows two vehicles to pass, the latter being a requirement of Mrs Gray at county highways.

Approval of this current access application will allow continued highway safety improvements and will allow for vehicles entering from the Rodmarton lane to pass safely when on site at the request of the highway authority.

**Dwellings application (Agenda item 1)**

In terms of the dwellings application, since a previous application for four new dwellings (14/03775/FUL) was refused in February 2015, we have been working with officers to resolve the two reasons for refusal. One was that the design was out of keeping in the AONB and the other was regarding highway safety on the A419. You will note that there is no objection now from the landscape officer or from the highway officer for the current dwellings application.

The only LPA objection to the current dwellings proposal (15/03597/FUL) is one of sustainability, although Miss Baker has conceded in her conclusion that the case for the sustainability is finely balanced. Many of the hundreds of houses being built in Tetbury and Cirencester are not within walking distance of schools and doctors surgeries with young children and older children can get to school on a bus as they can do from our site.

In our view, the balance for current application for two dwellings is in favour of approval because:

- The development site is previously developed land.

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ITEM 02 - 16/03085/FUL - CT.1503/X

- The site benefits from planning permission for 4 flats in the former White Horse Inn (now implemented). The proposals will not therefore result in an increase in new build open market residential dwellings in the countryside.
- The site adjoins Jolly Nice (sustainability benefits) and is within a short walk of bus stops providing access to Cirencester, Minchinhampton and Stroud. School busses and college busses collect and drop off children at the site itself.
- Officer's raise no objection to the proposals in terms of harm to the character or appearance of the AONB.
- Officers and local people agree that the derelict former White Horse Inn is an eyesore and in need of restoration. It remains derelict because it is uneconomic to convert given the relatively low market value due to its location on the main road. Additional development (the two new proposed dwellings) is therefore necessary to subsidise it's restoration and conversion.
- The development will allow investment into Jolly Nice and therefore continued employment of many local young people (latest count is 41 employees) many of whom walk or cycle to work from nearby villages. Jolly Nice is an important social hub for lots of local people.

#### **Conclusion (both applications)**

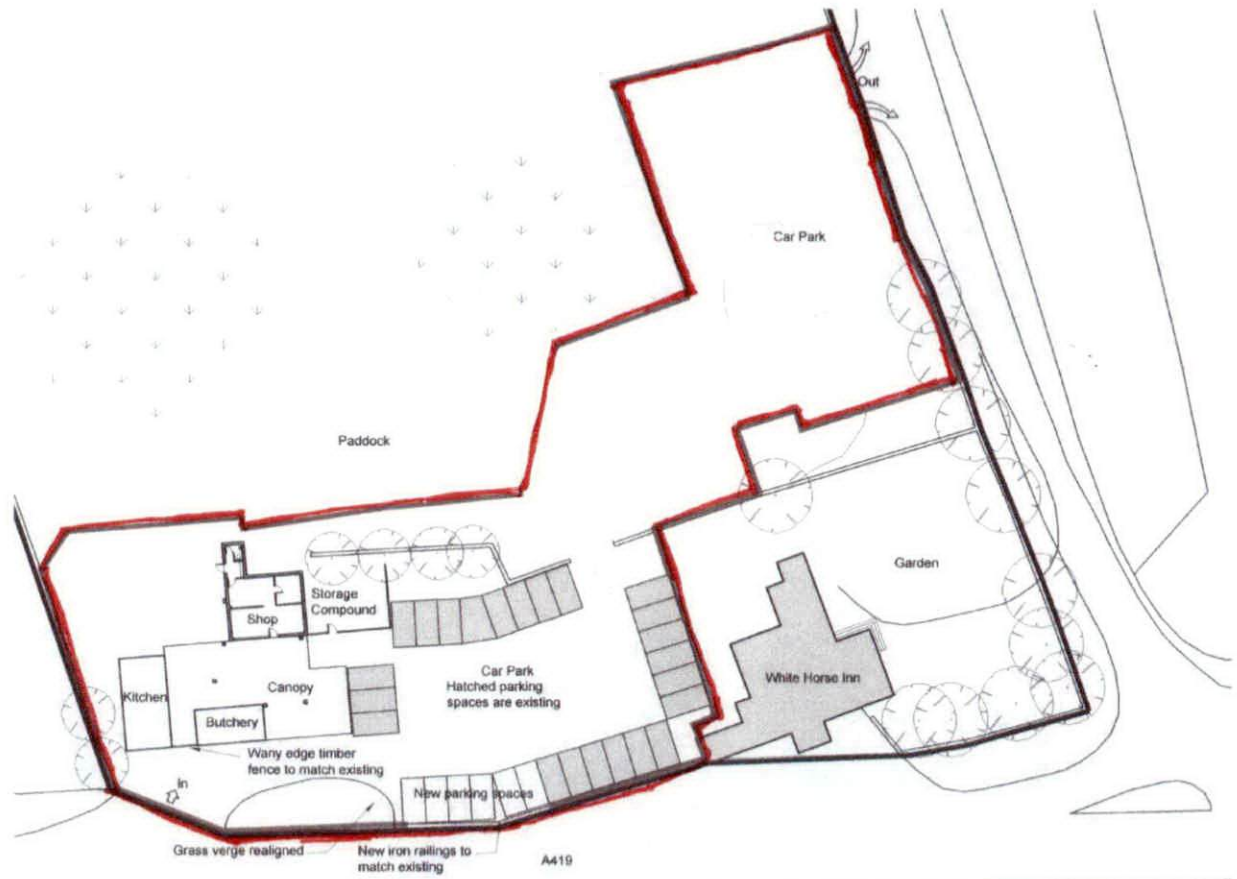
In conclusion, we already have planning permission for the access route out onto the Rodmarton road. The current access application is similar to that already approved (15/01307/FUL) but now allows an easier route to drive and for two delivery vehicles to pass at the request of county highways. In terms of the dwellings application this is a previously developed site that already benefits from planning permission for four flats and the Council's only objection is that two of the proposed units would be family units rather than flats which for the reasons above is not considered to be sufficiently significant to refuse the application given the rural economic and visual benefits.

Best regards,

Rebecca Wilson  
Director

#### **Jolly Nice Farm Shop & Takeaway**

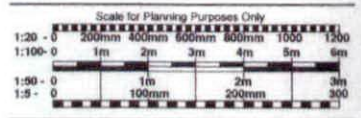
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 The Contractor is to ensure that all building work is completed in accordance with the contract and to comply with all applicable regulations, codes of practice and standards. The Contractor is to ensure that all building work is completed in accordance with the contract and to comply with all applicable regulations, codes of practice and standards. The Contractor is to ensure that all building work is completed in accordance with the contract and to comply with all applicable regulations, codes of practice and standards.  
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Proposed Block Plan  
 Scale 1:500

APPROVED ACCESS AND PARKING ARRANGEMENTS (15/01307/FUL)  
 SHOWING ENTRANCE FROM A419 AND EXIT ONTO  
 RODMARTON LANE

Revisions



Client: **Harriet's Jolly Nice**

Project: **Former Petrol Filling Station  
 Kiosk Hot Food Takeaway  
 Conversion  
 GL6 8HZ**

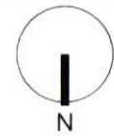
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Status: **Planning**

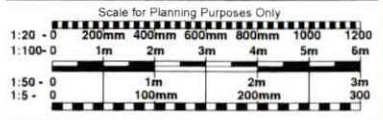
Scale: 1:500 Date: 17/03/14 Dwg No: 105 Rev: A

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 15/03597/FUL - CT3366/H  
 16/03085/FUL - CT1503/X

1:500 - 0 10m 20m 30m



B Red line amended 02/09/16  
 A Notes amended, detail added 28/07/16  
 Revisions



Client **Harriet's Jolly Nice**  
 Project **Former Petrol Filling Station  
 Kiosk Hot Food Takeaway  
 Conversion  
 GL6 8HZ**  
 Title **Proposed Block Plan**  
 Status **Planning**

Proposed Block Plan  
 Scale 1:500

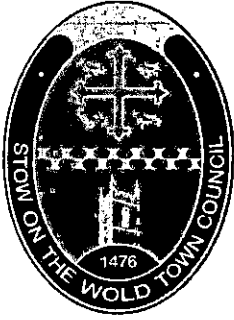
*CURRENT APPLICATION*

ITEM 01 - 15/03/2016/HC - G.3366/H  
 MEMO 2 - 16/03/2016/HC - G.3366/H  
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# Stow-on-the-Wold Town Council

Stow Youth Centre, Fosseway,  
Stow-on-the-Wold, Gloucestershire GL54 1DW



Town Clerk & RFO: Heather Siphthorp

8<sup>th</sup> September 2016

Ms D Smith  
Planning Officer  
Cotswold District Council  
Trinity Way  
Cirencester  
Gloucestershire  
GL7 1PX

Dear Deborah

**REFERENCE PLANNING APPLICATION NO 16/00139/REM – New Details – Reserved Matters pursuant to Outline permission granted under planning application no 13/05360/OUT for the erection of 44 extra care apartments, green open space, car parking and landscaping, Land North of Tesco, Fosseway, Stow-on-the-Wold, Gloucestershire**

Extra Care Housing (ECH) is purpose-built or adapted buildings that are age and/or disability-friendly in design and decor and which generally comprise:

- Fully self contained properties where occupants have their own front doors and tenancies or leases which give them security of tenure and the right to control who enters their home
- A range of communal or shared facilities enabling group and community social activities
- A restaurant or dining room where at least one meal a day is available in many models
- Office suites for use by staff serving the scheme and sometimes the wider community
- A back up alarm service and other assistive technologies
- Safety and security often built into the design with fob or person-controlled entry, and “progressive privacy” which separates the private properties from the communal parts

A commonly accepted key defining feature of ECH is the availability of care and support around the clock, usually provided by on-site care staff. This feature is becoming less immutable.

ITEM 03 - 16/00139/REM - CD.0570/3/F  
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It is questionable whether the proposed McCarthy & Stone development adequately meets these criteria. In Stow Town Council's view it does not. Given the highly technical nature of what constitutes Class C2 and Class C3 we urge Cotswold District Council to seek the advice of Counsel before considering this application further.

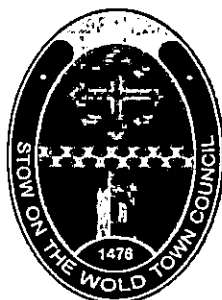
Council continue to doubt whether the offer of one and a half hours care a week and the provision of a single staff sleepover room adequately meets the availability of care and support around the clock. The applicant should be pressed to provide decision letters or the case law on which they rely to justify their proposal.

Yours sincerely

Heather Siphthorp  
Clerk & RFO of the Council

## Stow-on-the-Wold Town Council

Stow Youth Centre, Fosseway,  
Stow-on-the-Wold, Gloucestershire GL54 1DW



Town Clerk & RFO: Heather Siphorp

3<sup>rd</sup> October 2016

Cllr M Mackenzie-Charrington & Members of the Planning Committee  
Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

Dear Cllr Mackenzie-Charrington & Members of the Planning Committee

**PLANNING APPLICATION NO 16/00139/REM – LAND NORTH OF TESCO, FOSSEWAY, STOW ON THE WOLD GL54 1WH – Reserved Matters pursuant to Outline permission granted under reference 13/05360/OUT for the erection of 44 extra care apartments, green open space, car parking and landscaping**

As you are aware the above application comes before the Planning Committee on the 12<sup>th</sup> October 2016.

The Council have asked me to write on their behalf to make one final plea to the Committee to ask that the decision on this application be deferred.

The Council strongly believe that this application does not fall within the scope of the original permission and continue to doubt whether the offer of one and a half hours care a week and the provision of a single staff sleepover room adequately meets the availability of care and support 24/7.

If the Planning Committee defer their decision this would allow CDC to take legal advice as to whether the above application is within the parameters of the outline permission granted as this Council strongly believe that a fresh new application should be sought from the applicant.

The Council has the full support of Ward County Cllr Nigel Moor who has a distinguished background in planning. The Council also consulted with a healthcare professional who confirmed that one and a half hours a week does not amount to the provision of "extra care".

Council would also like to me to thank Ms Deborah Smith for including all the Council's correspondence/comments within her Officer's Report. This is much appreciated.

Council is also sending a copy of this letter, as requested, to the Secretary of State for Communities and Local Government and the Local Authority Ombudsman.

ITEM 03 - 16/00139/REM - CD 0070/13/F

Thank you on behalf of Council for taking the time to read this letter and wait to hear the decision of the Planning Committee next Wednesday.

Yours sincerely

Heather Siphthorp  
Clerk of the Council

Copied to:-

Mr Geoffrey-Clifton Brown MP  
Mr S Javid, The Right Honourable Communities Secretary  
Local Authority Ombudsman  
County Cllr N Moor  
Ward District Cllr D Neill  
Mr K Field, CDC Head of Planning  
Ms D Smith, CDC Planning Officer

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**From:** Lisa Matthewson  
**Sent:** 11 October 2016 09:41  
**To:** Deborah Smith  
**Subject:** RE: Planning Application no 16/00139/FUL

Deborah

Further to the most recent letter received yesterday from the Town Council I can respond as follows;

- Units of accommodation, whereby the Estate manager will have a key to the individual front doors for safety and security reasons, which is one of the benefits of living in extra care accommodation. Units are access via a central corridor and lift if required. Corridors are wide enough to allow wheelchairs and mobility scooters if needed.
- The units are all on a leasehold basis.
- All visitors will have to enter the building via the main entrance which is controlled by an intercom system and has a fob entry. All other entrances are security controlled. There will also be CCTV on the entrance.
- The communal facilities include a dining room, and commercial kitchen whereby residents get one hot meal a day (lunch) provided
- Other facilities include the residents lounge and a fully staffed facility as previously advised (18 members of staff in total)
- Staff are on site 24 hours a day, at night should someone raise the alarm this will go through directly to the staff member present who can attend immediately. A back up alarm is in place.

The criteria above are those contained in RTP1 practice note 8 which we are content are met.

All of this information is contained within the comprehensive Extra Care Statement previously provided to you.

I also re-iterate that terms of the S106 attached to the outline permission will be complied with as previously advised. The provision of meals and daily checking of all residents is a feature of the development in addition to the 1 ½ hours stated in the S106.

Kind regards

Lisa

**Lisa Matthewson**  
**Principal Planning Associate**

**The Planning Bureau Ltd**  
a: Ross House, Harry Weston Road, Binley Business Park, Binley, Coventry CV3 2TR

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**From:** Deborah Smith [i]  
**Sent:** 10 October 2016 14:30  
**To:** Lisa Matthewson

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ITEMS - 16/00139/RESM - CP00013/F  
34

**Subject:** FW: Planning Application no 16/00139/FUL  
**Importance:** High

Lisa,

The Town Council continues to question your client's proposals, please see attached, and I would be grateful for your further comments on this issue ahead of Wednesday's Committee meeting.

Regards,

Deborah Smith MA, MRTPI  
Team Leader (Development Management)

Planning Service Customer Feedback Questionnaire - Have we responded to your enquiry or determined your application? - Please take a few minutes to complete our short tick-box questionnaire at the link below to assist us in our continuous programme to improve standards of service to our customers and service users. Thank you.

<http://www.cotswold.gov.uk/residents/planning-building/planning/customer-feedback/>

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**From:** Heather Siphthorp  
**Sent:** 10 October 2016 13:00  
**To:** Kevin Field  
**Cc:** CLIFTON-BROWN, Geoffrey; 'Geoffrey'; 'Nigel Moor'; Dilys Neill; Richard Keeling; Deborah Smith  
**Subject:** FW: Planning Application no 16/00139/FUL  
**Importance:** High

My apologies this time with attachment.

*Heather*

Heather Siphthorp  
Clerk & RFO  
Stow on the Wold Town Council

Disclaimer: All letters and email sent to the council are in the public domain and are open to the public and press to view

Please indicate if you wish to withhold your personal details

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**From:** Heather Siphthorp [m]  
**Sent:** 10 October 2016 12:56  
**To:** [redacted]  
**Cc:** CLIFTON-BROWN, Geoffrey; Dilys Neill; Nigel Moor  
**Subject:** Planning Application no 16/00139/FUL  
**Importance:** High

Dear Kevin

I have seen an extract of your email reply reference above application to Mr Clifton-Brown's office.

ITEM 03 - 16/00139/FUL - CP007013/F  
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# House of Commons: Written Statement (HCWS42)

## Department for Communities and Local Government

Written Statement made by: **Secretary of State for Communities and Local Government (Greg Clark)** on 18 Jun 2015.

### Local planning

I am today setting out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications, fulfilling the commitment made in the Conservative election manifesto.

Subject to the transitional provision set out below, these considerations will take effect from 18 June and should be taken into account in planning decisions. I am also making a limited number of consequential changes to planning guidance.

When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.

Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.

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Item 05 16/01657/FUL CD.9360/A.



TOWN AND  
COUNTRY  
PLANNING  
DEVELOPMENT  
CONSULTANTS

10<sup>th</sup> October 2016

Our Ref: ADM.LPC3943

Development Management  
Cotswold District Council  
Trinity Road  
Cirencester  
GL7 1PX

Dear Sir/Madam

**Item No 06, Planning Committee Agenda, 12<sup>th</sup> October 2016**  
**Proposed erection of a dwelling at 6 Trewsbury Road, Coates –**  
**Reference 16/02516/FUL**

I am writing to address some of the objections raised to the above application and the applicant, Ben Oxley-Brown, will be attending the Planning Committee and wishes to speak, addressing the Members of the Committee.

**1. Outside the Adopted Development Boundary**

The Planning Officer has made it clear in her report that Appeal Inspectors have held that the adopted Local Plan is out of date so far as policies regarding the supply of housing are concerned. Planning decisions throughout the District have been taken on this basis in rural locations, including Coates. It is also the Council's policy, as set out in the emerging Local Plan, that small scale development can be permitted within or adjacent to existing villages.

**2. Unsustainable Community**

Whilst Coates may not be the most sustainable of villages within the District, it accords with one of the requirements for permitting new development in the emerging Local Plan in that there are bus services which allow people to journey to and from work by modes of transport other than the car. Furthermore, Coates, Tartton and Rodmarton are closely linked villages that, together, provide the range of services referred to by National Planning Policy.

**3. Supply of Housing Land**

There is no dispute that the Council has an adequate supply of housing. However, as the Inspector at Mickleton confirmed, this is not a reason to

LPC (Trull) Ltd  
Trull Tetbury  
Gloucestershire  
GL8 8SQ



refuse permission for proposals that otherwise are acceptable as there is a need to significantly boost the supply of housing.

#### **4. Increase in Density**

This proposal will equate to 20 dwellings per hectare, which is appropriate for this location and is half the density of the adjoining houses in May Tree Close. The plot is not small as the garden sizes and distances between dwellings outlined in the Officer's report confirms.

#### **5. Visibility Distances**

The visibility distances referred to within the application submission are not irrelevant, as alleged by the Parish Council. They were undertaken to accord with nationally recognised guidelines and is the appropriate way to assess the suitability of visibility at a junction and relating it to the speed limit. The visibility attainable is more than double the maximum visibility required, which provides a strong indication that the means of access will be safe.

#### **6. Parking**

This complies with recognised Parking Standards and turning will also be provided within the site, something that currently does not take place. As the officer states, this meets the requirements and there will be a highway benefit, as a result.

#### **7. Precedent**

The outcome of this application will not create a precedent for further development elsewhere as other applications will have to be considered on their merits. An objection in principle to any further development is not the approach advocated by the National Planning Policy Framework and, if adopted, would soon lead to Cotswold District being in the same situation as it was a couple of years ago when there was a shortfall in the supply of housing.

I trust that the Members of the Committee will take these points into consideration when determining this application.

Yours faithfully

Andrew Miles  
Director