

PLANNING AND LICENSING COMMITTEE

11th January 2017

ADDITIONAL PAGES UPDATE

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 11 - 20

PLANNING AND LICENSING COMMITTEE

11th January 2017

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
03	16/00833/OUT CD.4714/N	<p>Further comments from third party objector:</p> <p>The recommendation to refuse permission on the grounds of the impact on the AONB is welcomed.</p> <p>Members are asked to consider additionally refusing the application on the grounds of harm to designated heritage assets; specifically the Willersey Conservation Area. Historic England, the authority's own Conservation Officer and objectors have identified 'less than substantial harm' to the conservation area. The officer report considers there to be no harm, but this is flawed (particularly in the face of specific specialist advice to the contrary) and it is not considered that as a consequence 'great weight' has been given to the asset's conservation as required by the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990. This is a readily challengeable position. If Members do agree with the specialist consultee advice and conclude that less than substantial harm arises, this must be outweighed by public benefit if the development is to be found acceptable on this basis. There are no public benefits identified, particularly given Cotswold's housing land supply position. This is not a planning balance issue as the NPPF states that development should be specifically restricted in such circumstances. Harm to heritage assets is therefore a justifiable and defensible additional reason for refusal.</p> <p>Further comments from Willersey Parish Council – please see attached dated 10th January 2017</p>
04	16/03437/FUL CD.1236/1/F	<p>Case Officer Update - Two additional objections have been received. The first raises concerns with regard to the loss of tranquillity and the light pollution that would result from the proposed development.</p> <p>The second objection maintains that the stable building is shown on the drawings to encroach on a neighbouring property boundary, restricting a public footpath in the process. The applicant has responded to this objection clarifying that the proposed stable building sits within the red line denoting the boundary and the lake site. Whilst we</p>

		<p>understand the concern, the issue is caused by inconsistencies between ordnance survey and topographical survey data. This boundary is at the junction of these two data sets which is approximate at best. To alleviate any concerns, the stables will be built on land owned by the applicants and will not encroach on Mr Gurnham's land.</p>
06	16/04270/FUL CT.0807/1/B	<p>Additional Proposed Conditions:</p> <p>External plant shall not be operated between 2300 hours and 0700 hours on any day.</p> <p>Reason: <i>To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and The National Planning Policy Framework.</i></p> <p>Prior to the first use of the mechanical plant hereby approved a verification survey of the installed equipment and machinery shall be provided to demonstrate compliance with condition 3.</p> <p>Reason: <i>To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and The National Planning Policy Framework.</i></p> <p>Officer's Assessment</p> <p>Members attention is drawn to the conditions attached to the planning permission granted for the conversion of the Carted Barn into Class A1 retail use.</p> <p>Condition 9 states <i>"Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction."</i></p> <p>Members should note that the current application proposes a condition limiting this to 28dB LAeq1hour at the façade of residential properties during the night time period.</p> <p>Condition 10 states <i>"Noise levels in gardens and public open spaces should not exceed 55 dB LAeq 1 hour when measured at any period (in accordance with the WHO figure contained in BS8233/2014), unless otherwise agreed in writing by the Local Planning Authority."</i></p> <p>This again is considerably higher than what is now proposed, with a limit of 38dB LAeq1 hour being proposed between 0700 hours and 2300 hours each day at the</p>

		<p>façade of residential properties.</p> <p>The Decision Notice for the change of use of the building to retail use from 2014, ref: 14/02161/FUL is attached.</p>
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WILLERSEY PARISH COUNCIL
From the Clerk to Willersey Parish Council

**Willersey Parish Council Office
Willersey Village Hall
Main Street
Willersey
Nr Broadway
Worcestershire
WR12 7PN**

10th January 2017

Mr Kevin Field,
Planning and Development Manager
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

Dear Sir,

Application Reference Number: 16/00833/OUT
Erection of up to 4 dwellings at land north of Campden Lane, Willersey, Gloucestershire

Willersey PC strongly objects to this application. Objections to this site being built on were stated in the site assessment report submitted by Willersey PC 14th March 2014. The area of "the site should not be considered as it is an AONB and there is extensive wildlife on this site encompassing the possibility of endangered species.

Recently observed wildlife include: Bats, Badgers, Reptiles, Amphibians, Crayfish, Muntjac Deer, Foxes and badgers.

The PC would like to draw to the committee's attention that this approach to the village is now the only approach that remains "landscape sensitive". Therefore, should the planning committee be minded to permit this application the PC asks that only single storey dwellings are permitted built only of natural Cotswold stone.

Yours faithfully

Mrs C Twigger
Clerk to Willersey Parish Council



COTSWOLD DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Agent
Allen Planning Ltd
21A New Street
SALISBURY
Wiltshire
SP1 2PH

Applicant
Mr D Roberts
C/O Agent

Conversion of existing building to a Class A1 use including new shop front and demolition of outbuilding to the rear. Erection of two dwellings, garages and associated works to the rear including car parking and landscaping at Carted Barn High Street South Cerney Cirencester

APPLICATION REF: 14/02161/FUL
FILE REF: CT.0807/Y

DATE OF DECISION: 24th November 2014

DECISION NOTICE

In pursuance of their powers under the above Act, and in accordance with the requirements of the Town and Country (Development Management Procedure) (England) Order 2010, the development has been fully considered and assessed to comply with the relevant policy(ies) contained within the Development Plan as detailed in the section called "**Relevant Policies**", on this certificate.

The Council therefore **PERMITS** the above development in accordance with the details given on the application form and submitted plans which are subject to the following conditions:

1 The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby approved shall be implemented in accordance with the following drawing number(s): 14.2001.100. Rev P6, 14.2001.101 Rev P3, 14.2001.102 Rev P2, 14.2001.103 Rev P2, 14.2001.104 Rev P1, 14.2001.121 Rev P4, 14.2001.122 Rev P4.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

3 The development shall not start until samples of the proposed walling and roofing materials have been approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4 The development shall not start until a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar has been erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

5 All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

6 No development shall commence until the design and details of the windows, external doors, rooflights, eaves, verges, ridges, chimneys and garage doors have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

7 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality in accordance with the Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance.

8 The internal noise levels to be achieved in bedrooms and living rooms in the dwellings hereby approved, post construction, shall be 30 dBLAeq T (where T is 23:00 - 07:00) and 35 dBLAeq T (where T is 07:00 - 23:00).

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and The National Planning Policy Framework.

9 Noise from individual external events typical to the area shall not exceed 45dBLAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and The National Planning Policy Framework.

10 Noise levels in gardens and public open spaces should not exceed 55 dB LAeq 1 hour when measured at any period (in accordance with the WHO figure contained in BS8233/2014), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and The National Planning Policy Framework.

11 The hours of working on site during the period of construction shall be restricted to 0730 to 1800 hours Mondays to Fridays, 0800 to 1400 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of construction vehicles within the curtilage of the site.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and The National Planning Policy Framework.

12 All development works must be carried out in accordance with the recommendations in sections 6 of The Phase 1 and 2 Surveys produced by ecosupport dated August 2014. All proposed mitigation and enhancements must be completed before the conversion of the existing building is first brought into use and permanently maintained thereafter.

Reason: To ensure that bats and birds and their habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), Cotswold District Local Plan Policy 9 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

13 i) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

ii) The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated in accordance with the National Planning Policy Framework and Cotswold District Local Plan Policy 5.

14 The use hereby permitted shall not be open to customers outside the following times:

Monday to Saturday inclusive: 07:00 to 20:30.

Sundays: 08:00 to 20:00 if the opening hours are not restricted by the Sunday Trading Act 1994 or any other statutory instrument amending or replacing it.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and the National Planning Policy Framework.

15 Before the development commences a scheme shall be submitted to and agreed in writing by the local planning authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution including measures to control internal lighting when the retail unit is not in operation. The scheme should be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy 5.

INFORMATIVES :-

1 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
-Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
-Code for sustainable homes - A step-change in sustainable home building practice
-The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
The FWMA requires the drainage system for each new development or re-development (subject to exemptions) to be approved, adopted and maintained by the unitary or county council for the area before construction starts. The drainage system must take account of National Standards for the design and construction of sustainable drainage systems. These will set out the criteria on which the forms of drainage appropriate to any particular site or development can be determined. GCC and the districts have commenced preliminary discussions with respect to the delivery model and procedures for implementing the SuDS Approval Body (SAB). However, the National Standards and commencement order for the implementation of SuDS have yet to be released. Until this is done the resources and actions, or operational timetable needed cannot be confirmed. (9.1.11 of GCC Local Flood Risk Management Strategy February 2014).

2 This permission is subject to, and must be read in conjunction with, a legal agreement under Section 106 of the Town and Country Planning Act (1990) as amended.

RELEVANT POLICIES & GUIDANCE :-

The following policies contained within the Development Plan and guidance from National Policies were taken into consideration in the assessment of this proposal:

NPPF National Planning Policy Framework
LPR09 Biodiversity, Geology and Geomorphology
LPR15 Conservation Areas
LPR18 Develop within Development Boundaries
LPR24 Employment Uses
LPR21 Affordable Housing
LPR25 Vitality & Viability of Settlements
LPR46 Privacy & Gardens in Residential Deve
LPR42 Cotswold Design Code
LPR05 Pollution and Safety

Statement in respect of the positive and proactive approach undertaken by the Local Planning Authority

In accordance with the requirements of paragraphs 186 and 187 of the NPPF, the Local Planning Authority has worked with the applicant(s) in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area.

Your attention is drawn to the NOTES overleaf.

Kevin Field
Planning and Development Manager on behalf of Cotswold District Council