

COTSWOLD DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE

8TH NOVEMBER 2017

Present:

Councillor RL Hughes - Chairman
Councillor Juliet Layton - Vice-Chairman

Councillors -

| | |
|----------------|---------------------------|
| SI Andrews | David Fowles |
| AW Berry | M Harris |
| Sue Coakley | SG Hirst |
| Alison Coggins | MGE MacKenzie-Charrington |
| PCB Coleman | Dilys Neill |
| RW Dutton | LR Wilkins |

Substitutes:

Andrew Doherty (from 9.45 a.m.)

Observers:

| | |
|-------------------------------|-------------------------------------|
| Jenny Forde | Lynden Stowe (from 11.30 a.m. until |
| NJW Parsons (until 9.40 a.m.) | 12.05 p.m.) |

Apologies:

AR Brassington

PL.61 DECLARATIONS OF INTEREST

(1) Member Declarations

Councillor David Fowles declared a Disclosable Pecuniary Interest in respect of application 17/01689/FUL, because the Applicant advertised in a publication he was involved in, and an interest because the Applicant had sponsored a community event he was involved with. Accordingly, he left the Meeting while that item was being determined.

(2) Officer Declarations

There were no declarations of interest from Officers.

PL.62 SUBSTITUTION ARRANGEMENTS

Councillor Andrew Doherty substituted for Councillor AR Brassington

PL.63 MINUTES

RESOLVED that the Minutes of the Meeting of the Committee held on 11th October 2017 be approved as a correct record.

Record of Voting - for 13, against 0, abstentions 1, absent 1.

PL.64 CHAIRMAN'S ANNOUNCEMENTS

There were no other announcements from the Chairman.

PL.65 PUBLIC QUESTIONS

No public questions had been submitted.

PL.66 MEMBER QUESTIONS

No questions had been received from Members.

PL.67 PETITIONS

No petitions had been received.

PL.68 SCHEDULE OF APPLICATIONS

It was noted that the details of the policies referred to in the compilation of the Schedule did not comprise a comprehensive list of the policies taken into account in the preparation of the reports.

RESOLVED that:

(a) where on this Schedule of Applications, development proposals in Conservation Areas and/or affecting Listed Buildings have been advertised - (in accordance with Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1977) - but the period of the advertisement has not expired by the date of the Meeting then, if no further written representations raising new issues are received by the date of expiration of the advertisement, those applications shall be determined in accordance with the views of the Committee;

(b) where on this Schedule of Applications, the consultation period in respect of any proposals has not expired by the date of the Meeting then, if no further written representations raising new issues are received by the date of expiration of the consultation period, those applications shall be determined in accordance with the views of the Committee;

(c) the applications in the Schedule be dealt with in accordance with the following resolutions:-

17/03352/FUL

Removal of Conditions 1 (temporary use and occupancy) and 3 (restoration of site) of planning permission 15/04432/FUL to allow permanent retention of the site at Land Parcel opposite Windmill Farm, Hartley Lane, Leckhampton Hill -

Consideration of this application was deferred for the 'Identification of Potential Gypsy and Traveller Sites' update to be made available prior to its determination, and the application was withdrawn from the Meeting.

Record of Voting - for 14, against 0, abstentions 0, absent 1.

17/03441/FUL

The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/dayrooms ancillary to that use; formation of a dayroom for an existing gypsy pitch at Hillside View, Hartley Lane, Seven Springs -

Consideration of this application was deferred for the 'Identification of Potential Gypsy and Traveller Sites' update to be made available prior to its determination, and the application was withdrawn from the Meeting.

Record of Voting - for 14, against 0, abstentions 0, absent 1.

17/01218/REM

Reserved Matters application (providing details of appearance, landscaping, layout and scale) pursuant to outline permission 13/05031/OUT for the development of a Continuing Care Retirement Community consisting of extra care accommodation, communal facilities, internal highways, car parking and associated works at Land Parcel adjacent to Bretton House, Station Road, Stow-on-the-Wold -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, and the Chairman allowed a period of time for the Committee to read those representations that had been circulated at the Meeting.

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to an aerial view of the site; access; layout; elevations; section drawings; and its proximity to existing buildings.

A Member of the Town Council, an Objector and the Agent were invited to address the Committee.

The Chairman referred to the advance Sites Inspection Briefing undertaken in respect of this application and invited those Members who had attended that Briefing to express their views. A majority of those Members considered the site to be well-screened by existing planting along the boundary with the Fosse Way. They commented on its proximity to Chamberlayne House and Bretton House, the difference in land levels across the site, and that it was likely that the built development would appear prominent because of the difference in land levels.

The Ward Member, who served on the Committee, was invited to address the Committee. The Ward Member reminded the Committee that outline permission on this site had been granted on appeal in 2015, and that any development should be sympathetic in scale and design. The Ward Member contended that this proposal was not sympathetic because of its scale and massing, and she noted that Officers considered that it still did not fully accord with Local Plan design policies or the Cotswold Design Code. The Ward Member noted that the circulated report acknowledged that the Committee might conclude that, on balance, the design failed to pay sufficient regard to the context of the site and the local vernacular and that, notwithstanding the benefits that would accrue, the application could be refused. The Ward Member further contended that this application had been recommended for approval because, in her view, the Applicant was unlikely to agree to any further amendments. The Ward Member considered that the Applicant had not chosen a 'Cotswold vernacular' design, which had been displayed at the time of the outline application, but had opted for what she considered to be a 1970s style of Eastern European architecture with solid, three-storey blocks and acres of plate glass. The Ward Member questioned who should decide what constituted an 'appropriate' design for what she considered to be a sensitive site in the Area of Outstanding Natural Beauty. The Ward Member commented that part of the reason this design had been deemed to be acceptable was because the development would be screened from the Fosse Way by a band of trees, but she pointed out that a three-storey dementia care home already under construction on the other side of the town had become more visible, and that the loss of a number of old Beech trees along the Fosse Way some years ago had, in her opinion, dramatically altered the view. The Ward Member questioned if it was reasonable to accept what she considered to be a poorly-designed development on the basis that it would be screened by trees for at least part of the year, and she reminded the Committee that forty-two objections had been submitted in response to this proposal but that there had not been any local support for the design. The Ward Member contended that the application should be refused because of its adverse impact on Chamberlayne House and Bartletts Park. The Ward Member referred to comments made by the Planning Inspector that it should be possible to build a scheme that did not cause unacceptable harm to the living conditions of residents through overlooking or overbearing impact, and stated her view that this proposal did not constitute that scheme. The Ward Member expressed the opinion that a two-storey building would tower over those residential developments because the land rose away from them, and that its impact on their quality of life had been largely ignored. The Ward Member urged the Committee to consider those residents whose rural view would be replaced by a mass of two and three-storey buildings less than 50 metres away when reaching its decision, and also how Members would feel if a similar development was proposed for their own Wards. The Ward Member considered that approving this design would set a precedent for the rest of the District, and concluded by stating her view that it should be completely redrawn.

In response to various questions from Members, it was reported that height was a key issue with care home buildings, and that the flat roof element had been suggested in order to mitigate against height issues; it was unlikely that there would be any significant glare from the proposed glazing when viewed from the north; in the opinion of Officers, the potential for light pollution did not constitute a reason for refusal; Bretton House was not a Listed Building; the density of the development, as proposed, would be below the threshold considered to be acceptable by the Planning Inspector at the outline application stage; in the opinion of Officers, the proposed design was acceptable, on balance; there would

be some long-range views of the development, particularly from the south and east; if the Committee was minded to approve this application, additional screening on the boundary with Chamberlayne House could be included as part of the proposed landscaping scheme, although that could have an impact on the layout; the development included 112 parking spaces, 10 cycle racks and submission of a Travel Plan which would provide opportunities for staff to use alternative modes of transport to travel to the site; to date, no agreement had been reached to provide pedestrian access to the site over land owned by the Town Council; and, if the Committee was minded to refuse this application, the developer could lodge an appeal against such decision and/or submit a revised application.

Some Members expressed the view that the proposed design did not lend itself to the Cotswold vernacular. Those Members referred to a number of other, similar developments within the District which they considered to be successful and to reflect the Cotswold vernacular. They further considered that the three-storey elements would be visible in the landscape, particularly the eastern elevation, and that it would have an adverse impact on Chamberlayne House.

Other Members expressed support for this application. Those Members reminded the Committee that the outline application had proposed 2½ and 3½ storey elements, and that the type of accommodation being proposed required buildings of this scale, density and massing. A Member referred to an appeal which had been allowed on another site in the town which had proposed a similar design, and expressed the view that it was unlikely that an improved design would come forward in the time available before expiry of the outline permission.

A Proposition, that this application be approved subject to the submission of an amended Landscape and Ecology Management Plan, was duly Seconded.

A Member contended that this application represented an opportunity for the Council to make a statement to the Planning Inspector, residents and the developer. The Member referred to a recent award-winning development in Tetbury, and expressed the view that this was not the correct scheme for Stow-on-the-Wold and that, rather, a higher quality design was required.

A further Proposition, that this application be refused, was duly Seconded.

Some Members commented that, as each application should be determined on its merits, there was no issue of precedent; the proposed design was the best that could be achieved within the constraints of the outline permission; the design, as proposed was suitable for this edge-of-town site, which was well-screened; the form, as proposed followed the function of the buildings; and the development would help to satisfy an existing need within the District.

The Ward Member was invited to address the Committee again, and reiterated the comments by the Planning Inspector that the design should be sympathetic and appropriate in scale. The Ward Member contended that the development would be visible from the north during the autumn/winter months and, in conclusion, stated her view that the Travel Plan was optimistic, and that bus services to the site were infrequent.

Approved, as recommended, subject to an additional condition requiring an amended Landscape and Ecology Management Plan.

Record of Voting - for 7 (including Chairman's casting vote), against 6, abstentions 3, absent 0.Note:

An equality of votes was cast in respect of the Proposition to approve this application and the Chairman was invited to consider using his Casting Vote. The Chairman exercised such Vote in favour of the Proposition to approve this application, subject to the submission of an amended Landscape and Ecology Management Plan.

17/01689/FUL**Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works - Variation of Condition 2 (Approved drawings) pursuant to planning permission ref. 15/03052/FUL to revise drawings to include a lift overrun and associated changes to the roof form of the care home and revised eaves height (east elevation) at Stratton Court Village, Stratton Place, Stratton -**

The Team Leader drew attention to the extra representations received since publication of the Schedule of Planning Applications. The Team Leader reminded the Committee of the location of this site and outlined the proposals, drawing attention to its proximity to existing properties in Albion Street; an aerial view of the area; and photographs illustrating views from within the site, into the site from various vantage points, including from the gardens of various properties in Albion Street and from an adjacent private road, and images submitted by a local residents' group illustrating the buildings 'as approved' and 'as built'.

An Objector was invited to address the Committee.

The Chairman referred to the advance Sites Inspection Briefing undertaken in respect of this application and invited those Members who had attended that Briefing to express their views. A majority of those Members considered that the development appeared to have an overbearing impact on existing houses in Albion Street, and that it presented a stark image. However, it was noted that there was some distance between the care home and the existing houses, and it was considered that the development would have less impact on some of the existing houses in Albion Street than others.

The Ward Member, who served on the Committee, was invited to address the Committee and he referred to the long planning history in respect of this site. The Ward Member considered the development to be appropriate under current planning rules but urged the Committee to ensure that standards were maintained. The Ward Member commented that the development matched the height and footprint of the previous non-designated heritage asset which had been demolished, and that it would impact on drainage. The Ward Member noted that the drainage scheme had not yet been approved by the Council, but expressed the view that that was not a material consideration in the determination of this application. The Ward Member stated that the development should have been built in accordance with the approved plan and concluded by suggesting that this application could be refused.

In response to various questions from Members, it was reported that the proposed lift had been relocated within the building; the eaves height had been increased to

gain height for functional reasons; Officers were investigating the Council's response to the complaints by residents; Officers were seeking the best landscape solutions along all the boundaries of this site; a revised landscape scheme application had been submitted and the Council was in the process of consulting residents over that application; residents' concerns over landscaping would be addressed in the determination of that application; the use of render on this site had been approved in 2015; if the Committee was minded to refuse this application and the developer submitted an appeal against such a decision, the Council would have to demonstrate the harm that would be caused over and above the approved scheme; and the issue of additional planting, including on the facing walls, could be considered as part of the submitted landscaping application.

A Member expressed the view that residents' objections could be overcome by mitigation. Other Members considered that the impact of the development on existing houses in Albion Street appeared to be significant and that significant mitigation would therefore be required. Those Members also expressed concern over the retrospective nature of this, and other similar applications. Another Member commented that it was not unusual for plans to change once building works had commenced, and reminded the Committee that the National Planning Policy Framework (NPPF) made provision for the submission of retrospective applications. The Member stated that the Council could only require removal of unauthorised development if it was considered to be harmful in its current form, and contended that, on this occasion, the unauthorised development was only marginally worse than the approved scheme. The Member expressed the view that the Council had followed the correct procedures in respect of this development and that, in her opinion, the harm resulting from the amendments was unlikely to be so severe as to justify refusal. In expressing support for the Officer recommendation, a Member commented that it was unreasonable for developers to change plans without giving notice.

A Proposition, that this application be approved, was duly Seconded.

The Ward Member was invited to address the Committee again, and commented that those residents who lived in close proximity to this site had experienced a sense of injustice. The Ward Member expressed the hope that additional landscaping to mitigate the retrospective works would be achieved through the consideration of the revised landscaping application.

Approved, as recommended.

Record of Voting - for 9, against 4, abstentions 1, absent 1.

Note:

The issue of additional planting, including on the facing walls, would be considered as part of the submitted landscaping application.

17/03180/FUL

Demolition of existing garage and construction of an ancillary outbuilding with associated hard standing and soft landscaping including new glass house at Garden Cottage, High Street, Mickleton -

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, and the Chairman allowed a period of time for the Committee to read those representations that had been circulated at the Meeting.

The Case Officer reminded the Committee of the location of this site and outlined the proposals, drawing attention to its proximity to the Conservation Area and a Listed Building, and the distance between the proposed ancillary outbuilding and the existing house. The Case Officer displayed photographs illustrating views into the site, views of some adjacent buildings and a virtual Google street view.

The Agent was invited to address the Committee.

One of the Ward Members, who did not serve on the Committee, was invited to address the Committee and explained that he was also representing the views of his fellow Ward Member who had been unable to attend the Meeting. The Ward Member reminded the Committee that this site was situated on a main tourist route, and in close proximity to the Area of Outstanding Natural Beauty, the Conservation Area and a Listed Building. The Ward Member stated that he disagreed with the Officer recommendation, and expressed the view that strict regulations applied to sites in, or within close proximity to Conservation Areas. The Ward Member contended that the proposed development would be alien in this location as, in his opinion, it would have the appearance of a riverside boathouse. The Ward Member reiterated that this site was located within the grounds of a Listed Building and stated that, whilst there was a mix of building materials along the High Street, none of the buildings had timber boarding and that further, no buildings in any of the local villages and only one building in Chipping Campden had timber boarding. The Ward Member commented that that building was not in the Conservation Area, and expressed his view that it was very visible in the street scene. The Ward Member stated that he objected vehemently to this application for reasons of precedent and concluded by suggesting that a refusal could result in the submission of an application which was more in keeping with the Conservation Area.

In response to various questions from Members, it was reported that Garden Cottage was a Listed Building and a heritage asset; notwithstanding this, in the opinion of Officers, the building appeared slightly incongruous when compared to those around it by virtue of its materials and design; if the Committee was minded to approve this application, as recommended, it would result in the replacement of a 1970s garage building; the proposed replacement building would be constructed using natural stone and timber boarding and, in the opinion of Officers, it would represent an improvement over the existing building; it was not considered that the proposed building would have any adverse impact on the Conservation Area or the setting of the adjacent Listed Building; properties which were subject to an Article 4 Direction would require permission to change or repaint windows or doors, but such works could be carried out on other dwellings without the need for planning permission; the adjacent Listed Building had a timber frame and render; in the opinion of Officers, the use of timber boarding in this location would be more in keeping with the adjacent Listed Building than the use of solid stone; the proposed building would be ancillary to the existing house and would have a

degree of dependence thereon, rather than being fully self-contained; planning permission would be required for a new building in the curtilage of a Listed Building; in the opinion of Officers, relocating the proposed building within the site as suggested by one of the Objectors would result in that building being in closer proximity to the Listed Building than currently proposed; and it was not uncommon for roof spaces within buildings to be used for storage.

Some Members contended that the proposed design was not in keeping with this location, the use of timber boarding would be better suited to a more rural location, and the building would have an adverse impact on the street scene. Those Members further contended that a building constructed of more sympathetic materials might be acceptable in this location and that the Listed Building was typical of such buildings in the north Cotswolds.

Other Members expressed support for the application. They pointed out that the site was not located within the Conservation Area, expressed their opinion that the use of timber boarding was appropriate in this instance, and contended that the proposed development would echo the Listed Building and would enhance the street scene.

A Proposition, that this application be approved as recommended, was duly Seconded.

A further Proposition, that this application be refused for reasons relating to the materials proposed, was duly Seconded but then withdrawn and an Amendment, that the Case Officer be authorised to approve this application, in consultation with the Chairman of the Committee and the Ward Members, subject to negotiations to amend the materials, was duly Seconded.

The Ward Member was invited to address the Committee again and urged the Committee to consider the extent of the Conservation Area. The Ward Member suggested that render, Cotswold stone or red brick could be appropriate alternatives to the use of timber boarding in this location.

On being put to the vote, the Amendment was Carried. The Record of Voting in respect of the Amendment was - for 8, against 7, abstentions 0, absent 0.

The Case Officer be authorised to approve this application, in consultation with the Chairman of the Committee and the Ward Members, subject to negotiations to amend the materials.

Record of Voting - for 14, against 1, abstentions 0, absent 0.

17/02515/FUL

Side and rear extensions, timber balustrade to existing amenity space over garage and to render existing property at Pippins, Rookery Lane, Chedworth

-

The Case Officer drew attention to the extra representations received since publication of the Schedule of Planning Applications, and the Chairman allowed a period of time for the Committee to read those representations that had been circulated at the Meeting.

The Case Officer reminded the Committee of the location of this site, and outlined the proposals, drawing attention to the existing and proposed elevations; materials; and fenestration. The Case Officer displayed an aerial photograph of the site, and photographs illustrating views into the site from various vantage points, together with some photographs that had been submitted by the Applicants.

A Member of the Parish Council, an Objector and one of the Applicants were invited to address the Committee.

The Ward Member, who did not serve on the Committee, was invited to address the Committee and explained that the application was for a side and rear extension to a 1960s detached house which shared a drive with a house of a similar design. The Ward Member contended that the house was not a traditional Cotswold stone house, it did not have any architectural or historical merit and it did not contribute to the special character or appearance of the Chedworth Conservation Area. In that context, the Ward Member reminded the Committee that policy required the Council to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area, and reminded the Committee that the Objectors were not against the principle of development on this site, but considered the submitted design to be not in keeping with the surrounding area. The Ward Member suggested contemporary design to be increasingly common, and that it was understandable in the Cotswolds, an area she considered to be 'stunning'. The Ward Member referred to the importance of preserving and enhancing the heritage of the area and stated that extensions and developments which significantly harmed the landscape or had a negative impact should not be allowed. The Ward Member stated that the National Planning Policy Framework (NPPF) required good design and quoted from paragraph 58 thereof in respect to what decisions should ensure. The Ward Member considered this proposal constituted a relatively small extension, which was mainly located to the rear of the property and would involve replacing an existing white conservatory with a simple contemporary extension. The Ward Member stated that this would open up the existing space to make it a useable living space which would allow the whole family to congregate and be together. The Ward Member commented that the neighbouring property had achieved exactly that, albeit through a more traditional Cotswold vernacular, and that the result was it felt like a different house, but in a good way. The Ward Member suggested that this proposal represented 'good' design which referenced the past but used high quality, modern materials to help create a home for the future, and that it would add to an already vibrant community where families could continue to grow and prosper. The Ward Member commented that most of Chedworth was not a quintessential 'chocolate box' Listed Building Cotswold village, although she considered it to be steeped in history, and stated that the lives of people and the characters that lived there had impacted on the architecture and communities over the centuries. The Ward Member considered the diversity of activities in the village to be a reflection of the diverse housing on offer, stating that there was a variety of different styles, heights, finishes and layouts across the village. The Ward Member referred to the Objectors' concerns over the use of larch and zinc, and expressed sympathy for concerns over how their use might impact visually. The Ward Member referred to the appearance of 'traditional materials, and expressed the view that the proposed design would combine traditional and modern finishes. The Ward Member referred to the suggested conditions which, she considered, would ensure the development was completed in a manner which was sympathetic to the site in the event that the Committee was minded to approve this application, as recommended, and that it would not jar with the

neighbouring architecture. The Ward Member contended that the increased height of the property would not appear out-of-keeping in terms of its scale, and that it would not materially impact on the amenities of the occupants of the adjoining properties. In conclusion, the Ward Member requested the Committee to consider the objections and to establish on balance if any significant harm would accrue or if the suggested conditions addressed concerns around a more contemporary design and, if so, should the Officer recommendation be approved.

In response to various questions from Members, it was reported that the site fronted Cheap Street and was accessed via Rookery Lane; the proposed extensions would be constructed using essentially the same materials as used on the neighbouring property; the proposed extensions would be visible from various vantage points but, as the site was in an elevated position, there would only be limited views from the highway; the use of zinc was favoured in contemporary designs; and the zinc would weather to grey over time.

A number of Members expressed support for this proposal. One Member commented that the Objectors had put forward compelling arguments against the development, and that the Ward Member was supportive of the proposal.

A Proposition, that it be approved as recommended, was duly Seconded.

Approved, as recommended.

Record of Voting - for 14, against 0, abstentions 1, absent 0.

Notes:

(i) Additional Representations

A list setting out details of additional representations received since the Schedule of Planning Applications had been prepared was considered in conjunction with the related planning applications.

Additional representations were reported at the Meeting in respect of application 17/03180/FUL.

(ii) Ward Member(s) not on the Committee - Invited to Speak

Councillor Jenny Forde was invited to speak on application 17/02515/FUL.

Councillor Lynden Stowe was invited to speak on application 17/03180/FUL.

(iii) Public Speaking

Public speaking took place as follows:-

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| <u>17/01218/REM</u> |) | Councillor A White (Town Council) |
| |) | Mr. P Day (Objector) |
| |) | Mr. J Sneddon (Agent) |
| <u>17/01689/FUL</u> |) | Mr. J Drew (Objector) |
| <u>17/03180/FUL</u> |) | Mr. A Robinson (Agent) |

17/02515/FUL) Councillor G Broad (Parish Council)
) Mr. G Simmons (Objector)
) Mr. D Rotherford (Applicant)

Copies of the representations by the public speakers would be made available on the Council's Website in those instances where copies had been made available to the Council.

PL.69 SITES INSPECTION BRIEFINGS

1. Members for 6th December 2017

It was noted that Councillors SI Andrews, AR Brassington, RW Dutton and M Harris, together with the Chairman, would represent the Committee at the Sites Inspection Briefing on 6th December 2017.

2. Advance Sites Inspection Briefings

It was noted that an advance Sites Inspection Briefing would take place on Wednesday 6th December 2017 in respect of the following application:-

17/01351/REM - Reserved Matters Application in conjunction with outline planning permission reference 14/00176/OUT for the erection of up to 39 dwellings and associated works at Land Parcel to the South of Berrells Road and to the West of Bath Road, Tetbury - to assess the impact of the development on the residential properties to the north and west.

Note:

This advance Sites Inspection Briefing would be undertaken by the Sites Inspection Briefing Panel.

PL.70 OTHER BUSINESS

There was no other business that was urgent.

The Meeting commenced at 9.30 a.m., adjourned between 10.45 a.m. and 10.50 a.m., and closed at 12.44 p.m.

Chairman

(END)