

PLANNING AND LICENSING COMMITTEE

8th November 2017

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 - 15

PLANNING AND LICENSING COMMITTEE

8th November 2017

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
01	17/03352/FUL	<p>Further to the comments made within the report, Counsel has advised that Article 8 of the European Convention on Human Rights ('ECHR') protects the right to a private and family life. It is a qualified right, such that it may lawfully be interfered with in the public interest. To re-iterate the report, there are 3 children under 18 years of age currently residing at the site.</p> <p>Counsel has indicated that the relevant legal principles were codified by Hickinbottom J (as he then was) in <i>Stevens v Secretary of State for CLG</i> [2013] EWHC 792 (Admin). He said at [69],</p> <p><i>"From these authorities, in respect of the approach of a planning decision-maker, the following propositions can be derived.</i></p> <p><i>i) Given the scope of planning decisions and the nature of the right to respect for family and private life, planning decision-making will often engage article 8. In those circumstances, relevant article 8 rights will be a material consideration which the decision-maker must take into account.</i></p> <p><i>ii) Where the article 8 rights are those of children, they must be seen in the context of article 3 of the UNCRC, which requires a child's best interests to be a primary consideration.</i></p> <p><i>iii) This requires the decision-maker, first, to identify what the child's best interests are. In a planning context, they are likely to be consistent with those of his parent or other carer who is involved in the planning decision-making process; and, unless circumstances indicate to the contrary, the decision-maker can assume that that carer will properly represent the child's best interests, and properly represent and evidence the potential adverse impact of any decision upon that child's best interests.</i></p> <p><i>iv) Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. Nor does respect for the best interests of a relevant child mean that the planning exercise necessarily involves merely assessing whether the public interest in</i></p>

ensuring planning controls is maintained outweighs the best interests of the child. Most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise.

v) However, no other consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering any decision he might make (and, of course, the eventual decision he does make), he needs to assess whether the adverse impact of such a decision on the interests of the child is proportionate.

vi) Whether the decision-maker has properly performed this exercise is a question of substance, not form. However, if an inspector on an appeal sets out his reasoning with regard to any child's interests in play, even briefly, that will be helpful not only to those involved in the application but also to the court in any later challenge, in understanding how the decision-maker reached the decision that the adverse impact to the interests of the child to which the decision gives rise is proportionate. It will be particularly helpful if the reasoning shows that the inspector has brought his mind to bear upon the adverse impact of the decision he has reached on the best interests of the child, and has concluded that that impact is in all the circumstances proportionate. I deal with this further in considering article 8 in the context of court challenges to planning decisions, below."

From the above it will be clear that the best interests of the children who live on the Site is a primary consideration and must be at the forefront of Members' minds when determining the planning balance. Therefore, in order to ensure this exercise is properly carried out, consideration should be given to what would be in the best interests of the children currently residing at the site. What is in the best interests of the children is a matter of judgment and Members should assume that the children's parents are accurately representing what is in the children's best interests and the impact of the development upon those interests. On that basis it would appear the best interests of the children in this case would be served if they were able to remain on site.

However, whilst the best interests of the children living on a site is a primary consideration and no other consideration should be given greater weight than the best interests of the child merely by virtue of its inherent nature, the best interests of the child are not determinative of the planning issue. It is ultimately a matter of planning judgment how all of the relevant factors are weighed in the planning balance.

		<p>It is, therefore, advised that the decision regarding whether or not to grant planning permission is one for the Local Planning Authority. Great weight must, for example, also be given to the landscape harm to the AONB. This should not, as a matter of principle, be given greater weight than the best interests of the children. However, Officers are of the opinion that, on the facts of this case, even treating the interests of the children as a primary consideration, the harm to the AONB and other harm caused by the development militates against the grant of planning permission and any interference with the applicants' Article 8 rights is proportionate.</p> <p>Counsel advises that it is for the Local Planning Authority to determine where the planning balance lies. He is satisfied, on the basis of the information available, that it would not be unlawful for the Local Planning Authority, in this case, to reach a planning judgment that permission should be refused, even though to do so would not be in the best interests of the child.</p> <p>Amended Recommendation: REFUSE</p>
03	17/01218/REM	<p>1 additional representation has been received in objection to the proposal. The comments made make reference to: -</p> <ul style="list-style-type: none"> • the scale of development • the design of the buildings • overlooking towards occupants of Chamberlayne House • the impact upon wildlife
04	17/01689/FUL	<p>Further representation received on behalf of the local residents' group – see attached dated 31.10.17 with images</p>
05	17/03180/FUL	<p>Page 62 of the Case Officer Report has been revised. Please see attached plan (site location boundary updated)</p> <p>Response from Mickleton Parish Council;</p> <p><i>At its meeting on 25th October, and having viewed the amended plans, the Parish Council resolved unanimously to object in the strongest possible terms to this proposal.</i></p> <p><i>Having regard to the scale of the building, the proposed use of external timber on the south east elevation would be an alien and incongruous feature in the street scene, wholly out of keeping with its surroundings in the Mickleton Conservation Area. For the same reason, it would harm the setting of the adjacent Listed Building, Garden Cottage. It follows that it would fail to preserve the character and appearance of the</i></p>

		<p><i>Conservation Area.</i></p> <p><i>Therefore, it conflicts with national and local planning policies relating to designated heritage assets. Particular attention is drawn to paragraph 134 of the National Planning Policy Framework, which states that even "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". There is no public benefit in this scheme.</i></p> <p><i>The objective of preserving - let alone enhancing - the character and appearance of the Mickleton conservation Area, and the settings of its many listed buildings, is at great risk from current development pressures. This scheme would further erode the quality of those attributes, and so Cotswold District Council is urged to refuse planning permission.</i></p>
06	17/02515/FUL	<p>2 additional representations have been received in objection to the proposal - see attached, both dated 2 November 2017</p>

From: Colin Forbes [REDACTED]
Sent: 31 October 2017 11:30
To: Mike Napper
Subject: 17/01689/FUL Additional images and comments

Dear Mike,

Further to your email this morning, I now attach four photographs showing two pairs of views of the building at Stratton Court, seen from two Albion Street viewpoints. There are two versions of each image: the first has been adjusted using CAD to demonstrate what it should have looked like had it been built according to the planning consent from November 2015, and the second shows what has actually been built. We believe that these images demonstrate powerfully the extent to which the existing consent has been exceeded, and the consequent overbearing effect on neighbouring properties.

As you will see from these images and from the sit visit, not only has the eaves height been raised by 1 metre, but the addition of the lift shaft overrun effectively adds another storey of height to this part of the building. This adds considerably to the overbearing nature of the building on neighbouring properties. If we had known the true dimensions of the building at the time of the original application we would have objected strongly to the overbearing influence of the proposed building.

The upper view is from the lane off Albion Street (in the public realm) and the second pair is from the garden at #51.

This is in addition to our earlier comments on this application which detailed our many concerns. I would note that the additional information requested at that time has not been provided by the developers.

I would be grateful if you would bring these images and information to the attention of members of the planning committee prior to their meeting on 8th November so that the full effect of what has been built can be considered against what has been previously approved. Please let me know if this can be done. Many thanks for your help.

Best wishes,

Colin
[REDACTED]

Sent from my iPad



Modified photograph to show building 'as approved'

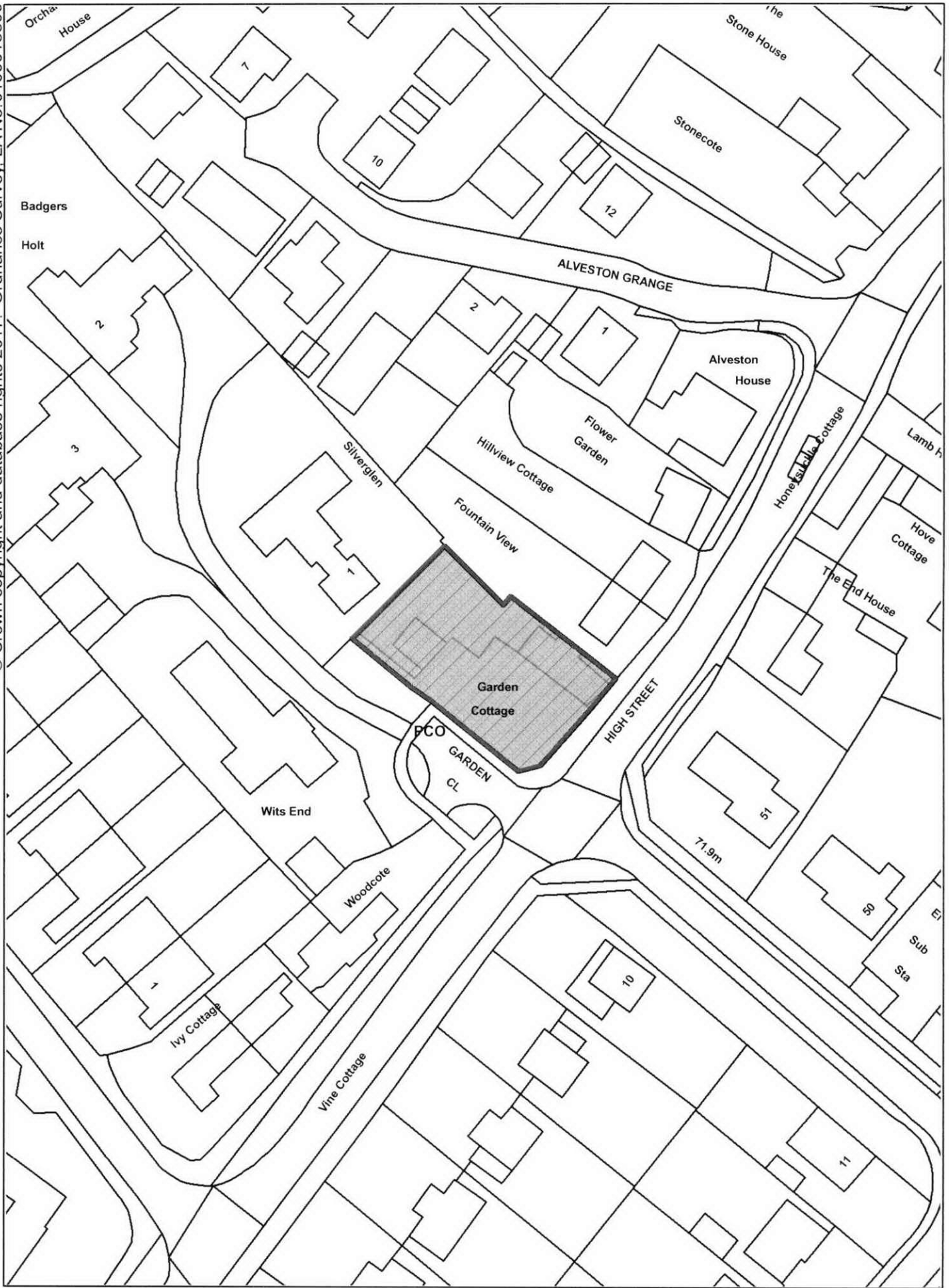
Actual photograph as built



ITEM 04 17/01689/FUL

Modified photograph to show building 'as approved'

Actual photograph as built



GARDEN COTTAGE HIGH STREET MICKLETON

Scale: 1:750

Organisation: Cotswold District Council

Department:

Date: 03/11/2017



COTSWOLD
DISTRICT COUNCIL

7

ITEM 05
17/03/180/FUL



-----Original Message-----

From: ann jackson [REDACTED]

Sent: 02 November 2017 21:57

To: Planning mail

Subject: Your Ref. 17/02515/FUL Objection Letter - Ann Watt - In advance of the Planning and Licensing Committee meeting 8/11/17

Dear Sirs,

Objection to Plans for Pippins, Rookery Lane, Chedworth. Yr Ref 17/02515/FUL

I live at The Haven in Rookery Lane on the opposite side of the road to Pippins. It appears I am on the brink of living in the shadow of a trendy Cotswold folly. I continue to object to this construction. This house will be seen quite clearly from the lanes and footpaths.

What is the purpose of The Cotswold Design Code if not to deter buildings of this kind? I understand The Planning Department may feel Pippins "couldn't look any worse". However, it must be considered that when this house was originally altered, fancy white plastic double-glazing was all the rage. Would we, therefore, in a decade or two, when the proposed wood cladding is shabby, the zinc sad and the render stained, be faced with yet another whim of fashion being inflicted on the village.

Why not down-date, not up-date. Follow the code and build a house worthy of its position in a conservation area of a Cotswold village of outstanding natural beauty. Such an opportunity.

Furthermore it seems The Planning Department may have linked Pippins as a Tweedledee for the Tweedledum currently under construction, and creating havoc in the midst of the rookery bungalows. These houses could only ever be viewed together from way, way across the other side of the valley. Many in Chedworth will remember the two tired such named wooden-clad houses and their fate a few years back.

Inexperience and a heavy workload within The Planning Department is not an excuse for opening the floodgates to the building of inappropriate house designs within Chedworth.

So, Planning Committee, could you please decide. Does The Cotswold Design Code stand for anything or not? In addition, do you recognise and consider the voice of The Chedworth Parish council, who on the whole, represent the village of Chedworth and it's future interests?

Yours faithfully,

Ann Watt

8

ITEM 06
17/02515/FUL

SUMMARY OF OBJECTIONS TO THE PLANNING
APPLICATION AT PIPPINS, ROOKERY LANE,
CHEDWORTH – 17/12515/FUL

My name's Graham Simmons – my wife Maria and I live at 'Half Moon House', which is next door to 'Pippins'. This is a summary of the objections lodged to the original plans and to the later revisions of this application – if you like, a one-stop shop for members of the Committee to save wading through a yard of previous submissions.

We welcome the redevelopment of this property; scale, scope, we have absolutely no issue. But the plans simply aren't in keeping with the neighbourhood - immediate or otherwise - which is why we, local residents, the Parish Council and the Chedworth Society, who've some 100 members, have all objected to the application.

Rookery Lane is a No Through Road in the heart of the Conservation Area of Chedworth. Aside from 'Pippins', there are six homes, all of them different yet ALL in the Cotswold vernacular. Each retains the distinctive, honey-coloured hue; windows and doors are timber-framed with single horizontal bars and proportionate spacing; every house has steep pitched roofs, natural stone slates in diminishing courses and is capped with stone ridges. (Photographs are attached at the end of this summary.)

In other words, there are no flat roofs, no larch cladding, no white render and black windows, no fully glazed sliding doors to the front elevation and no zinc standing seam, all of which, in its place, might well look fabulous. But this isn't its place.

The Council's own Design Code couldn't be any clearer on the fundamental issue of 'in-keeping'. Developments, it says, ... 'should reflect the distinctive Cotswold style ... should be in harmony ... they should not clash visually with neighbouring buildings ... and should be constructed of materials typical of

... those traditionally used in *the immediate surroundings.*'
None of these four conditions is met in this application.

The Planning Officer's Delegated Report – if I may say so – is perplexing, not least on the subject of the vast, flat-roofed, two-storey, zinc-clad, box extension to the rear and side. She fully accepts it's not in the Cotswold vernacular but she passes it because, in her words, it's 'entirely hidden from public view.'

But on the contrary, and as 'Google Earth' clearly shows, it's slap bang in the eye-line of anyone coming down Old Well Hill in Cheap Street and – if built - it'd dominate the view from the rear gardens of both neighbouring properties. (Again, see the photograph at the end of the summary.)

Equally mystifying is the fact that Planning Officer's report permits the two, flat roof extensions by referencing them to flat roofed garages 'commonly seen' nearby. Presumably this means the garages round the corner and down the road in Cheap Street, which this Council's Conservation Area Statement for Chedworth says, and I quote, 'damage the traditional appearance of the conservation area'. Indeed, the statement goes on to urge the owners of these garages to consider incorporating 'more appropriate pitched roofs.'

So, according to the Planning Officer, the proposed, box, flat-roof extension at 'Pippins' is – supposedly - acceptable thanks to a row of flat-roofed garages in a different street, which Cotswold District Council has already condemned as a blight on the landscape. As I said, it's perplexing.

Hannah Minett's report also says that 'when viewed from Half Moon House to the east (our house), the proposed side extension would serve to partly screen and break up the bulkiness of the two storey extension' an argument which seems to suggest that we won't notice the wood because it'll be hidden by the trees. And with respect, how would the Planning

Officer know what can or can't be viewed from Half Moon House, given she's never set foot on the property?

Then there's the issue of the full frontal render. The Delegated Report accepts that there are no other rendered finishes in the immediate vicinity, pointing instead to two properties more than a mile away - 'Apple Cottage' and 'The Firs' - which have an off-white, rendered finish. Locally, both are widely considered to be the sore thumbs of the parish and - with respect - a house 1.2 miles away is not in the immediate surroundings. That's the same as referencing a house in Cirencester with a cottage in Siddington. And if that's as close as you can get, I'd suggest you're struggling.

The Ward Councillor, Jenny Forde, seems to think that the proposal is acceptable because 'it's an improvement on what's there now', a comment which, perhaps, says more about Jenny Forde than it does about 'Pippins'. Frankly, I could name umpteen people who'd consider 'what's there now' - a half million pound plus, four bedroom, half acre property with a garage and a loft conversion in the middle of the Cotswolds - to be little short of a palace.

And again, since when has 'it's better than what's there now' been the criterion for permitting planning applications? If I applied to knock down 'Pippins' and build a four million pound Andalucian hacienda in its place, this - presumably - would be considered 'better than what's there now'. But would it be in keeping? No, it wouldn't. And would I get planning permission for it in a Conservation Area? Put it this way, I wouldn't be holding my breath.

And then there's - literally - the wider view. The Delegated Report accepts that 'Pippins' 'can be seen in far-reaching views across the valley' and that 'the proposed render finish ... will make the dwelling more prominent' but - again, bizarrely - concludes that this won't 'intrude upon long-range views or be detrimental to the character of the landscape'. So, in other words, it'll stick out from half a mile away but it won't spoil

the view? I'm not sure that the word 'oxymoronic' has a better definition than this.

The support for this application has come from two people – neither of whom live in this postcode - who offered their thoughts two days apart, three months after the application was first made and who happen to be close friends of the applicants. Draw your own conclusions. No one in the immediate vicinity has supported the application; on the contrary, everyone we've spoken to - either publicly or privately – opposes it.

Four and a half months in, we're still – at the time of writing – waiting to see samples of the colour and texture of the render. We've tried three times to talk to the applicants about this proposal with no success; two emails, which have been ignored, together with a face-to-face offer of a discussion, which was – explicitly – rejected, all very much in keeping, it should be said, with an application which has no respect for the views of the neighbours or the visual impact of the neighbourhood.

This application is – emphatically – a square peg in a round hole. It conflicts head on with The Chedworth Conservation Area Statement – 'the general design guidance for any work requiring planning permission in the Conservation Area is that the character and appearance of the area should be preserved' and with the Cotswolds Conservation Board which insists that 'building style should respect the local tradition' and that 'inappropriate, particularly suburban, styles and materials should be avoided.'

And, as mentioned earlier, there's the District Council's own Cotswold Design Code - style, setting, harmony, street scene – which is supposed to be 'a material consideration' in the determination of planning applications. Either those words mean something or they don't and if they don't, then we're all wasting our time.

This application is fundamentally out-of-keeping with its habitat. We would have no objection whatsoever to plans which respect the character of the neighbourhood; indeed, virtually every property in this lane has been modernised or extended in recent years but in designs which have respected the immediate vicinity and the people who live in it. Sadly, this application does neither.

Maria/Graham Simmons
Half Moon House, Chedworth
02 November 2017

These are the other six properties in Rookery Lane, Chedworth, all of which are highly individual yet all of which are in the distinctive Cotswold style. There is also the Google Earth view down Cheap Street and an illustration of a zinc standing seam/wood cladding combination.



The Haven



Rookery House



Half Moon House



Rookery Cottage



The Rookery and Little Corvus



This is the Google Earth view walking down Cheap Street, Chedworth's main thoroughfare. Pippins is to the right; the two-storey, zinc-clad, flat-roof extension will be clearly visible where indicated.



This is an example of zinc standing seam and cladding. It's a random illustration of how these materials appear in combination.