

**PLANNING AND LICENSING COMMITTEE**

**10<sup>th</sup> April 2019**

**ADDITIONAL PAGES**

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**ADDITIONAL PAGES - CIRCULATED TO MEMBERS BY POST**

**AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THE  
LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 1 - 29

**PLANNING AND LICENSING COMMITTEE**

**10<sup>th</sup> April 2019**

**ADDITIONAL PAGES ON SCHEDULE ITEMS**

<b>Item</b>	<b>Ref. No</b>	<b>Content</b>
<b>01</b>	<b>18/01615/FUL</b>	<b>Case Officer</b> – Please see attached list of conditions to supersede those on report.
<b>03</b>	<b>18/04696/FUL</b>	<b>Case Officer</b> - Change of recommendation from 'permit' to 'permit subject to the signing of a legal agreement for an off-site affordable housing financial contribution of £16,458.75'.
<b>04</b>	<b>18/04770/FUL</b>	<p><b>Additional Representations Made</b> - 5 further representations have been received objecting to the proposal, raising the following issues: -</p> <ul style="list-style-type: none"> <li>- proposal is contrary to both Policies DS3 and DS4</li> <li>- damage to the environment, including the grass verges on a single track lane with no passing bays along Backs Lane</li> <li>- impact upon highway safety due to poor visibility at junctions and traffic travelling in excess of the speed limit</li> <li>- health risk from demolition of asbestos buildings</li> <li>- already have approval to convert existing buildings into three dwellings</li> <li>- precedent for further development.</li> <li>- impact upon drainage.</li> </ul> <p><b>Parish Council</b> – Please see attached response to revisions.</p>
<b>05</b>	<b>18/04714/FUL</b>	<p><b>Email from Applicants to Councillor Jephson</b> –</p> <p>'My husband Keith and I own Clematis Cottage, which is the subject of the above application. The property was previously owned by Keith's late parents, who bought it in 1990. No changes have been made to the property since then, and we now need to update the interior and as part of that exercise engaged an architect to advise on how the cottage might be extended.</p> <p>You will have seen from the application papers that our architect has engaged thoroughly with the Council's Planning Officers and dealt with all objections and concerns that were raised by them and others (including arranging an arboricultural survey to confirm that that the copper beech at the foot of the garden would not be damaged).</p> <p>We noted your concerns about the application set out in the draft minutes of the March Planning Committee meeting,</p>

which reflect some of those expressed by the Parish Council and individual objectors. We think these concerns are unjustified, and hoped it would be useful to reiterate personally to the Planning Committee via you the reasons why we say that. These points are not new - they have previously been made through our architect in written submissions to and conversations with the Planning Officers and the Planning Committee. Where the objections are matters of planning consideration, we have addressed them fully and the submitted proposals have been proven to meet the Council's Planning Policy in full.

1. The extension would only be visible by the occupants of 1 Keytes Acre and the listed building adjacent to the cottage and we cannot see how it could have an impact on the Conservation Area. 1 Keytes Acre is set at an angle facing away from our property, and the extension would only be seen from non-habitable spaces and would have no impact on the amenity or outlook of 1 Keytes Acre. From the top floor of the listed building you would see the side of our extension and the top storey of 1 Keytes Acre, as opposed to the current view of two dominant storeys of 1 Keytes Acre - our extension sits well within the outline of 1 Keytes Acre and would not have any more impact on the amenity or outlook of the listed building than 1 Keytes Acre already has.

2. The extension would not be visible from the Keytes Acre roadway, nor from any of the other Keytes Acre houses.

3. The extension would not be visible from the main road at the rear of the property, as the road is significantly lower than the level of our garden. The occupants of the nearby houses on that road might see it, but only from the very tops of their houses when the beech tree is bare (which is presumably why they did not lodge objections).

4. We have submitted a technical report that shows that the extension would cause no loss of light to any other property.

5. The Parish Council is wrong to assert that the garden would be entirely overshadowed by the beech if the extension is built. It is true that the garden has less light than it originally had, but this is as a result of the building of the house at 1 Keytes Acre a few years after my parents-in-law bought the cottage. The Parish Council is also wrong to judge that we would be unable to enjoy our garden with the extension. We would clearly not be making this proposal if we thought that was the case and the proposed extension has been carefully designed to occupy the currently unusable area of garden that is already in shadow from 1 Keytes Acre throughout the day.

6. The extension would not harm the character and appearance of the site. It is professionally designed using a

		<p>structure and materials in keeping with the existing cottage and the neighbouring properties. We are seeking to enhance the property not damage it. We would hardly want to do that to a place we have known and valued for almost 30 years. If the 1990s houses on the Keytes Acre estate are considered to be in keeping with the site's character and appearance, we find it hard to understand why our proposed extension is not.</p> <p>7. The Parish Council has suggested that we do not sufficiently appreciate the historic character of the cottage and the special status of the village. There is absolutely no basis for that suggestion. The opposite is true.</p> <p>Neither Keith nor I can attend the Committee meeting on 10 April because of work commitments, but our architect Kaye Roberts will attend. We trust that the members of the Planning Committee will reach a decision based on Planning Policy rather than unsubstantiated claims of harm to adjoining properties or impact on the Conservation Area.</p> <p>We firmly believe that this application is entirely appropriate and respectful of the cottage and Conservation Area. If the Planning Committee refuses our application, contrary to the recommendations of the Planning Officers, we will be seeking advice to appeal the decision and make an application for costs to be awarded'.</p>
06 & 07	18/04240/FUL & 18/04241/LBC	<b>Objection to the revised plans</b> – Please see attached dated 27 <sup>th</sup> March 2019.
08	18/04188/FUL	<b>Case Officer Update:</b> Owing to an error in the collation of pages for this report, please now refer to the corrected report attached.
11	19/00017/FUL	<p><b>Case Officer</b> - Comments have been received from the Cirencester Civic Society. They welcome the principle of opening up the facade to connect into the street and endorse CDC's opinion that the stall riser inclusion is welcome but the fascia is not.</p> <p>The Cirencester Civic Society comment that, while glazing currently rises to meet the base of the pier capitals, on the proposed elevations there is a large fascia panel to a much lower level to 'conceal false ceiling beams' inside.</p> <p>In The Society's opinion the fascia should be retained as glazing.</p>

Ullenwood 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 numbers:

PL001 - Site location Plan  
PL003 Rev C - Proposed Block Plan  
PL005 Rev I - Proposed Site Layout  
PL006 Rev E - Proposed Levels  
PL007 Rev B - Nolli Comparison plans  
PL008 Rev C -Hard surface comparison plans  
PL009 Rev D - Boundary Plans  
PL010 Rev E - Proposed Fencing Plans  
PL015 - Indicative retaining wall details

APLT01001 - Plot 01 plans and elevations  
BPLT02001 Rev C -Plot 02 plans  
BPLT02002 Rev A - Plot 02 elevations  
HPLT03001 Rev A - Plot 3 Plans  
HPLT03002 Rev A - Plot 3 Elevations  
DPLT04001 Rev A - Plot 04 plans and elevations  
CPLT05001 - Plot 05 Plans  
CPLT05002 Rev A - Plot 05 Elevations  
BPLT06001 - Plot 06 Plans  
BPLT06002 - Plot 06 Elevations  
BPLT07001 Rev A - Plot 07 plans  
BPLT07002 - Plot 07 Elevations  
APLT08001 - Plot 08 plans and elevations  
FPLT09001 - Plot 09 Plans  
FPLT09002 - Plot 09 Elevations  
FPLT10001 - Plot 10 Plans  
FLPT10002 - Plot 10 Elevations  
CPLT11001 - Plot 11 Plan  
CPL11002 Rev A - Plot 11 Elevations  
DPLT12001 - Plot 12 plans and elevations  
G2PLT13001 - Plot 13 plans  
G2PLT13002 - Plot 13 Elevations  
G1PLT14001 Rev A - Plot 14 plans  
GLPLT14002 Rev A - Plot 14 elevations  
BPLT15001 Rev A - Plot 15 Plans

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BPLT15002 - Plot 15 Elevations  
APLT16001 - Plot 16 Plans and elevations  
CPLT17001 - Plot 17 Plans  
CPLT17002 Rev A - Plot 17 elevations  
DPLT18001 - Plot 18 plans and elevations  
FPLT19001 - Plot 19 Plans  
FPLT19002 Rev A - Plot 19 elevations  
EPLT20001 - Plot 20 Plans  
EPLT20002 - Plot 20 elevations  
DPLT21001 - Plot 21 plans and elevations  
APLT220001 - Plot 22 plans and elevations  
EPLT23001 - Plot 23 plans  
EPLT23001 - Plot 23 elevations  
APLT24001 - Plot 24 plans and elevations  
EPLT25001 - Plot 25 plans  
EPLT25002 Rev A - Plot 25 elevations  
CPLT26001 - Plot 26 plans  
CPLT26002 Rev A - Plot 26 elevations

PL PLT 01 02 Rev C - Plot Plan - Plots 01 02  
PL PLT 03 04 05 06 Rev C - Plot Plan -Plots 03 04 05 06  
PL PLT 07 08 09 10 Rev B - Plot Plan -Plots 07 08 09 10  
PL PLT 11 12 Rev A - Plot Plan -Plots 11 12  
PL PLT 13 Rev A - Plot Plan - Plot 13  
PL PLT 14 Rev B - Plot Plan - Plot 14  
PL PLT 15 16 23 24 Rev A - Plot Plan - Plots 15 16 23 24  
PL PLT 17 18 Rev A - Plot Plan - Plots 17 18  
PL PLT 19 20 Rev A - Plot Plan - Plots 19 20  
PL PLT 21 22 Rev B - Plot Plan - Plots 21 22  
PL PLT 25 26 Rev C - Plot Plan - Plots 25 26

17065.101 Rev I – Landscape Strategy  
17065.102 Rev H – Landscape proposals (1 of 6)  
17065.103 Rev H – Landscape proposals (2 of 6)  
17065.104 Rev H - Landscape proposals (3 of 6)  
17065.105 Rev H - Landscape proposals (4 of 6)  
17065.106 Rev H - Landscape proposals (5 of 6)  
17065.107 Rev H - Landscape proposals (6 of 6)  
17065.108 Rev C – Lighting Strategy  
17065.201 Rev D – Entrance Levels  
17065.205 Rev A – Site open Space Boundary & Amenity Area to be communally managed

17065.203 Rev E – Trees to be retained and removed (1 of 2)  
17065.204 Rev E - Trees to be retained and removed (1 of 2)

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

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3. 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 alterations to the residential dwellings hereby approved shall be made including the erection, construction or siting of extensions, means of enclosure, containers, walls/fences, hard standings or outbuildings within the curtilage of the dwellings hereby approved, other than that permitted by this Decision Notice or subsequent Reserved Matters approval(s).

**Reason:** To ensure that the character of the buildings and the appearance of the site is conserved in accordance with Cotswold District Local Plan Policy EN2, EN4 and EN5 and the provisions of the National Planning Policy Framework given the site's location in the Cotswold AONB and Cheltenham-Gloucester Green Belt.

4. a. No development shall take place until additional site investigation works to fully characterise the site have 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 report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

b. 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 Cotswold District Local Plan Policy EN11 and Section 15 of the NPPF.

5. No development shall take place (with the exception of demolition only) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 (with an allowance for climate change)

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critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Prior to occupation the scheme shall be implemented in accordance with the approved details. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

**Reason:** To prevent the increased risk of flooding in accordance with the provisions of the National Planning Policy Framework. It is important that these details are established prior to the commencement of development so that it can be shown that such measures can be satisfactorily accommodated within the approved scheme thereby reducing the risk of flooding in the locality. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

6. The development hereby permitted shall not be commenced (with the exception of demolition only) until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding and pollution in accordance with Cotswold District Local Plan Policy INF15 and the provisions of the National Planning Policy Framework. This site is located over the Birdlip Limestone (Principal Aquifer) and groundwater feeds the springs at the source of the Ullenwood Stream located to the South East of the site. Whilst it is appreciated that sewage is currently treated on site by a private system that discharges to a reed bed the Local Planning Authority need to ensure that the current system has capacity to deal with this proposed residential development. The Local Planning Authority also need to know what management scheme will be in place to deal with ongoing maintenance of a reed bed system. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

7. Prior to the commencement of development (apart from demolition) an exceedance flow routing plan for flows above the 1 in 100+40% climate change event and overland flows shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details prior to first occupation.

**Reason:** To ensure satisfactory drainage of the site and avoid flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

8. Prior to first occupation a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, shall be submitted to and approved in writing by

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the Local Planning Authority. The plan should fully detail the access that is required to reach surface water management components for maintenance purposes. It should also include a plan for safe and sustainable removal and disposal of waste periodically arising from drainage system, detailing the materials to be used and standard of work required including method statement. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

**Reason:** To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

9. No development hereby permitted (other than demolition) shall be commenced until details have been submitted to and approved in writing with the Local Planning Authority illustrating two-way inter-visible passing across the site layout between the area refuse vehicle and an estate car (minimum 1.715m x 4.223) on the estate roads. No dwelling shall not be occupied until the site layout streets have been completed in accordance with the approved details.

**Reason:** To reduce potential highway impact by ensuring that adequate visibility and street space is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework and Local Plan Policy INF4.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

**Reason:** To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with the National Planning Policy Framework and Local Plan Policy INF4.

11. The driveway vehicular accesses onto the estate roads hereby permitted shall not be brought into use until visibility splays extending from a point 2m back along the centre of the access measured from the shared estate road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 15m distant in both directions (the Y points) have been provided. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to

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provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

**Reason:** To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework and Local Plan policy INF4.

12. No development shall commence on site (other than demolition) until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants / fire water supply system (served by mains water supply) and no dwelling shall be occupied until the hydrant / water supply system serving that property has been provided in accordance with the approved details.

**Reason:** To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

13. Prior to first occupation, details of the proposed arrangements for future management and maintenance of the streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

**Reason:** To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework Framework.

14. No building on the development shall be occupied until the shared surface carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and any street lighting) providing access from the nearest public highway to that dwelling have been completed and to surface binder course level and the footway(s) to surface course level.

**Reason:** To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

15. The dwellings(s) hereby permitted shall not be occupied until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

**Reason:** To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

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16. The works shall be completed in accordance with the arboricultural recommendations laid out in the Tree Protection and Arboricultural Method Statement Plan - Site Clearance and demolition drawing number 1805.501. REV A and Tree Protection and Arboricultural Method Statement Plan - Construction Drawing Number 18085.502 Rev A. All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7.

17. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on the Protection and Arboricultural Method Statement Plan - Site Clearance and demolition drawing number 1805.501. REV A and Tree Protection and Arboricultural Method Statement Plan - Construction Drawing Number 18085.502 Rev A, shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority. No services shall be installed within the root protection areas or canopies of retained trees.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

18. The landscaping scheme shall be completed and managed in accordance with the submitted landscape proposal plans (17065.101 Rev I and , 102, 103, 104, 106 and 107 all Rev H) and the 10 Year Landscape Management Plan (17065 V3).

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

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19. The existing hedgerow on the north eastern boundary shall be gapped up as per the approved plans by the end of the first planting season following the commencement of development. The hedgerow must be fenced off in its entirety during construction to protect against construction activity.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

20. The approved landscaping scheme shall be completed in full by the end of the first planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

**Reason:** To ensure that the landscaping is carried out thereby achieving the objective of Cotswold District Local Plan Policy EN4.

21. 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 10 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.

**Reason:** To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

22. A 10-year Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 10 year period);
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the

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management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

**Reason:** To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), policies EN1, EN2, EN7 and EN8 of the Cotswold District Local Plan 2011-2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

23. Prior to the commencement of development (apart from demolition), a Homeowner Information Pack shall be submitted to, and approved in writing by, the local planning authority. The Pack shall include, but not necessarily be limited to, the following details:

i. Descriptions of the sensitivities of designated nature conservation sites in the local area, including the Cotswold Beechwoods Special Area of Conservation and Crickley Hill Site of Special Scientific Interest (SSSI);

ii. Methods to minimise recreational impact on these sensitive sites, including details of alternative recreational opportunities in the local area (e.g. site names, locations and facilities); and

iii. Confirmation of how the pack will be made available to residents.

The Homeowner Information Pack shall be made available to the residents of the development as approved before occupation.

**Reason:** To ensure adequate mitigation for recreational impact on the Cotswold Beechwoods Special Area of Conservation (SAC) in line with the Habitats Regulations Assessment of the application in accordance with Policy EN9 of the Cotswold District Local Plan 2011-2031, The Conservation of Habitats and Species 2017 and the EC Habitats Directive.

24. The development shall be completed in accordance with the details of bat boxes shown in Plan 2 contained within the Dusk Emergence and Pre-Dawn Re-entry Surveys for Bats dated June 2018 prepared by All Ecology Ltd. All the bat boxes shall be installed according to the approved details, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

**Reason:** To ensure that compensation for roosting bats is delivered in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in

particular Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

25. The development shall be completed in accordance with the amended landscaping drawings (17065.101 REV I , 17065.102 REV H, 17065.103 REV H, 17065.104 REV H, 17065.105 REV H, 17065.106 REV H , 17065.107 REV H), external lighting details (17065.108 REV C) and the recommendations in the following reports prepared by All Ecology Ltd:

Section 6.3 and 6.5 to 6.12 (inclusive) of the Dusk Emergence and Pre-Dawn Re-entry Surveys for Bats dated June 2018;

Section 6 of the Reptile Survey dated April 2018;

Section 5 of the GCN e-DNA Analysis dated April 2018; and

Section 4 of the Ecological Appraisal dated April 2018

The approved landscaping drawings and all the report recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

**Reason:** To ensure that protected and priority species and habitats are protected, and to ensure the implementation of specific mitigation for the Cotswold Beechwoods Special Area of Conservation (SAC) in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15) and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- v. The times during construction when specialists ecologists need to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);

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- viii. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** To ensure that protected and priority species (including bats, birds, reptiles, badgers, amphibians and hedgehogs) and priority habitats (including hedgerows and woodland) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

27. A report prepared by a professional ecologist or the Ecological Clerk of Works (if applicable) certifying that the required mitigation and/or compensation measures identified in the CEMP: Biodiversity have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

**Reason:** To ensure compliance with the approved CEMP: Biodiversity and the effective implementation of habitat retention, creation and restoration measures.

28. Prior to the first occupation of the development hereby approved, details of the provision of integrated nest boxes for house sparrows and swifts, externally mounted nest cups for house martins and other bird boxes (e.g. as specified in the Ecological Appraisal report dated April 2018 prepared by All Ecology Ltd), in/on the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. At least 5 boxes/cups for each species shall be provided (total of 15) on the north and/or east-facing elevations of the dwellings. The details shall include a drawing showing the locations and types of features and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved features shall be retained in accordance with the approved details thereafter.

**Reason:** To provide compensation for existing nesting birds and additional nesting sites as a biodiversity enhancement, in accordance with the Directive 2009/147/EC (the "Wild Birds Directive") paragraphs 170 and 175 of the National Planning Policy Framework, policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

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29. A programme of historic building recording and an archaeological watching brief, shall be carried out in accordance with the Written Scheme of Investigation (Oxford Archaeology, June 2018) and the resulting historic building record report will be submitted to the Local Planning Authority within 3 months of completion of the on site recording being undertaken.

**Reason:** To make provision for a programme of mitigation so as to record and ensure advanced understanding of any heritage assets that would be lost and to maintain adequate records of the heritage assets on the application site, in accordance with Section 16(para 199) of the NPPF.

30. In the event that Plot 16 is sold as a custom build plot in accordance with the terms set out within the legal agreement, prior to the commencement the above ground works the design and details of the custom build unit shall be submitted to and approved in writing with the Local Planning Authority. The development thereafter shall only be carried out in accordance with those approved details.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2, EN4 and EN5, the development will be constructed in a design and materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

31. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be 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 EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

32. Prior to the construction of any external wall of the development hereby approved, 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 shall be 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 EN2, 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.

33. Prior to the construction of any external wall of the development hereby approved, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same

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way as the approved panel and shall be permanently retained as such thereafter. 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 EN2, 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.

34. Prior to the first occupation of the development hereby permitted the windows and doors, shall be finished in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

**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 EN2.

35. No external woodwork shall be installed in the development hereby approved, until a sample of the external woodwork finished in the proposed finish has first been submitted to and approved in writing by the Local Planning Authority. The external woodwork shall be finished fully in accordance with the approved details within one month of its installation and shall be retained as such thereafter unless a similar alternative is first agreed in writing by the Local Planning Authority.

**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 EN2. The colour of the finish of the external woodwork will have a material effect on the appearance of the proposed development.

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# AMPNEY CRUCIS PARISH COUNCIL

Clerk: Mrs J E Webster, Grove House, Daglingworth, Cirencester, GL7 7AW. Tel: 01285 654727

e-mail: ac.parish.clerk@btinternet.com

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

5th April 2019

Dear Mr Field

**Re: Application Ref 18/04770/FUL – Demolition of agricultural buildings and the construction of three new dwellings on Back(s) Lane, Ampney Crucis**

Thank you for your letter received by the Parish Council on 27<sup>th</sup> March 2019 regarding amendments to the above planning application.

The last full meeting of the Parish Council was held on the 14<sup>th</sup> March and we are not due to meet again before 9<sup>th</sup> May. Therefore and in accordance with established practice, I have canvassed the views of all other members of the Parish Council before preparing this response.

Please note that this response should be read in conjunction with our more detailed response dated 29<sup>th</sup> January 2019, the content of which remains wholly relevant, notwithstanding recent revisions to the application.

Ampney Crucis Parish Council has given careful consideration to this application and its revisions and unanimously wishes to **OBJECT** for the following summarised reasons.

***The application is contrary to current local and national planning policy:***

- 1. Policy DS3** in the adopted Local Plan does not support the provision of new, open market housing in an isolated position in open countryside.  
The proposed development as originally proposed and also as revised is therefore contrary to CDC's Development Plan, a point acknowledged by the applicant in the submitted Planning Statement and also by CDC in their published Requisite Notice.
- 2. Policy DS4** in the adopted Local Plan prohibits new build open market housing unless it is in accordance with other policies that expressly deal with residential development in such locations. This application does not qualify under any of the suggested exceptions listed in the Local Plan and is therefore contrary to CDC's Development Plan, a point also acknowledged by the applicant in the submitted Planning Statement.
- 3. The National Planning Policy Framework 2018 (NPPF)**, specifically Paragraphs 11, 12, 77, 78 and 79 refer. The proposed development does not satisfy any of the relevant

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Chairman: Councillor Neil Holt, Oakdale House, Ampney Crucis, Cirencester, GL7 5RZ.

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NPPF tests or circumstances listed in Paragraph 79 of the NPPF and is therefore contrary to the NPPF.

In addition, Paragraph 12 of the NPPF is specific in referring to the statutory status of the development plan and that the planning authority may only take decisions that depart from an up to date plan if “...material considerations in a particular case indicate that the plan should not be followed.”

**4. The applicant claims that there is a material consideration using the following arguments in his application:**

- a. Permission already exists to convert two redundant agricultural buildings into three new dwelling houses at the same site (Planning Statement paras 7.4 – 7.6). That was approved on 5<sup>th</sup> September 2017 following an application under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015;
- b. He claims that the above Class Q approval (17/03018/OPANOT)  
“...is a material consideration of sufficient magnitude to override the planning policy presumption against the provision of new build open market dwellings in this location such that the proposed new dwellings are acceptable in principle.” (Para 7.6)  
He goes on to say that pre-application discussions with CDC had been “...conducted on the basis that the principle of demolishing the existing agricultural buildings and the erection of three new houses is appropriate given the fallback position created by the Class Q Prior Approval.” (Para 7.9);
- c. He cites “numerous” appeal decisions but listing specific details of only one potential precedent (Para 7.7); and finally
- d. He cites (Para 7.8) the Officer’s written delegated report that recommended Refusal of the previous application (17/05092/FUL) by saying that CDC did not raise an ‘in principle’ objection and quotes from his report, saying “... it is not considered that the refusal of planning permission as a matter of principle could be substantiated at appeal.”

This last comment strongly supports the Parish Councils belief that notwithstanding CDC’s assurances to the contrary, the Officer (and presumably the authority) have accepted the applicant’s claim that use of the “fallback” is justification to override the existing Development Plan as well as national policy.

**5. The Parish Council believes that the claimed “fallback” position created by the Class Q Prior Approval is not a material consideration in this application and does not justify a breach of the Development Plan.**

In reality, this is still a new build, open market development in open countryside, trying to utilise the Class Q regulations as a “back door” to facilitate development that would not otherwise be permissible.

The applicant still has approval to undertake the conversion as originally requested under 17/03018/OPANOT and would not therefore be disadvantaged as a consequence of the current application being refused, unless for financial, practical or other reasons, there was never any intention to convert the agricultural buildings.

The Parish Council has serious doubts whether there has ever been any such intention.

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## AMPNEY CRUCIS PARISH COUNCIL

Furthermore, the applicant's Planning Statement says that pre-application discussions with CDC had been "...conducted on the basis that the principle of demolishing the existing agricultural buildings and the erection of three new houses is appropriate given the fallback position created by the Class Q Prior Approval." (Para 7.9).

If this is indeed the view expressed by CDC in those discussions, it indicates that the outcome of this application has been pre-determined.

In addition to the above clear planning reasons for refusal, the Parish Council is very concerned that other legitimate concerns expressed by us and by residents in least 25 formal objections to CDC have been deliberately ignored.

These can be summarised as follows:

### **Transport & highways safety concerns:**

The Planning Statement submitted with this application (Para 7.41) states that "There will be no undue impact on the amenity of nearby residential occupiers or the safety of road users as a consequence of the scheme proposals."

There has been no independent assessment undertaken by a suitably qualified and experienced person to support that statement, and active engagement with County Highways has been avoided.

Our earlier response dated 29<sup>th</sup> January provides further detail on this matter, together with the applicant's failure to adequately address the need for passing bays or off road parking that reflects the size and nature of the proposed housing.

In addition:

- a. All traffic entering or leaving Back(s) Lane must use a blind junction onto the Pound at its junction with Butcher's Arms Lane, both of which are single track. That road junction with the adjacent single track lanes has been independently acknowledged as being very dangerous, not least by two current members of CDC's Planning Committee.
- b. The Village Street is effectively single track for large parts of its length and is heavily used by pedestrians, especially young children. There few roadside footpaths and there is no potential to add more.

### **Contamination and environment risks on the site:**

- c. This application includes the demolition of two redundant agricultural buildings.  
All of the buildings on that site are believed to contain significant amounts of asbestos and demolition of any or all of those buildings will therefore create a significant health risk for residents in that end of the village and along the Village Street when the site is being cleared and demolished materials are being removed from site. The Parish Council has repeatedly requested strong, monitored and enforced controls on its handling and removal from site.
- d. Proposed sewage disposal using a Package Treatment Plant takes no account of local environmental considerations, including very poor drainage and a propensity of the adjacent field to flood, especially during autumn and winter.

The applicant has failed to address any of the above and the Case Officer appears singularly uninterested in either the risks or the concerns of residents.

This calls into serious question the value placed by CDC on the local consultation process.

## AMPNEY CRUCIS PARISH COUNCIL

### **Conclusion:**

In his written delegated report that recommended refusal of the earlier application on this site (17/05092/FUL), the Officer said that "... it is not considered that the refusal of planning permission as a matter of principle could be substantiated at appeal."

That clearly indicates that previously cited "fallback" precedents would have been influential in any recommendation by the Officer to override local and national planning policy and 'Permit' the earlier application, presumably because of fear of the potential consequences of any appeal.

This latest application acknowledges that the Officer's recommendation to 'Refuse' the earlier application resulted from the negative comments and recommendations of the Landscape Officer and the Conservation & Design Officer.

As a consequence of those comments and recommendations, the applicant has clearly made some efforts address their concerns.

It is also clear that those efforts were not extended to or even deliberately disregarded the legitimate concerns and views of village residents and the Parish Council.

The Parish Council has repeatedly been told that planning applications are primarily determined on the basis of planning policy. **This application, including its revisions is directly contrary to national and local planning policy, including CDC's own Development Plan.**

If the Committee accepts the Officer's recommendation to Permit, it will be consciously going counter to those national and local policies and will be setting a precedent for other applications throughout the Cotswold District.

The Committee will also be confirming that Cotswold District Council does not consider all applications solely on their own merits but instead pays considerable regard to precedents set by other, unrelated applications.

This is presumably out of concern that if an application is refused on policy grounds, the applicant may be successful at appeal and would incur costs for CDC.

Any such decision could also then be cited in development applications elsewhere in the District, which if successful, would rapidly erode the controls introduced in the only recently adopted current Local Plan.

Accordingly we invite CDC to **REFUSE** the application.

Yours sincerely,

ORIGINAL LETTER SIGNED & HAND DELIVERED TO CDC OFFICES, TRINITY ROAD

Councillor Neil Holt

Chairman, Ampney Crucis Parish Council

cc: Clerk, Ampney Crucis Parish Council;  
Cllr David Fowles

Greenhill Farm  
Green Lane  
Chedworth  
Glocs GL54 4AP

Amy Hill,  
Case Officer  
Cotswold District Council Planning department  
Trinity Road  
Cirencester  
Glocs GL7 1PX

27<sup>th</sup> March 2019

Dear Miss Hill

**Ref: The Summer House, Chedworth, 18/04240/FUL**

Further to previous correspondence regarding the above application, having given careful consideration to the revised plans that have subsequently been submitted, I remain of the view that the application is unacceptable and object on the following grounds.

1. The roof pitch of the proposed extension is unacceptably shallow and not in accordance with the Cotswolds Design Code and will cause harm to the Heritage Asset, the Conservation Area and AONB.
2. The length and massing of the extension whilst less than was originally proposed, nevertheless remain excessive and out of proportion with the original building and will cause harm to the Heritage Asset, the Conservation Area and the AONB.
3. The extension is in a highly prominent position which will impact on protected views identified in the Conservation Area as well as encroach onto a boundary identified in the Conservation Area Plan as being "important" and also encroach into an area shaded green in the Conservation Area Plan as being an "Area of landscape value, important green open space and significant verges". The application will therefore cause harm to the Conservation Area.
4. The exposed southern elevation of the proposed extension will inevitably constitute a significant source of light pollution across the valley which is unacceptable and will cause harm to the Heritage Asset, the Conservation Area and the AONB.

The comments in my previous letters on policy remain relevant and should be referred to in conjunction with this letter.

I have also not had a response from you on the penultimate paragraph of my letter to you of 21<sup>st</sup> January 2019 with regards to access.

Yours sincerely

Mark Booth

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+ 18/04241/LBC

**Item No 08:-****Demolition of extensions to rear of cottage and erection of a single storey link to a two storey extension at lower level at Bliss Cottage Lower Chedworth Chedworth Gloucestershire GL54 4AN**

<b>Full Application 18/04188/FUL</b>	
Applicant:	A Shah & C Powell
Agent:	LPC(Trull) Ltd
Case Officer:	Lisa-Marie Evans
Ward Member(s):	Councillor Jenny Forde
Committee Date:	10th April 2019
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**Main Issues:**

- (a) Affect on the Character and Appearance of the Designated Heritage Asset - Conservation Area
- (b) Affect on the Cotswold AONB
- (c) Residential Amenity
- (d) Highway Safety & Parking Provisions

**Reasons for Referral:**

Cllr. Forde wished to refer this application to Committee so that Members can consider the extent of the harm to the landscape and whether or not this is a sensitive design in relation to the surrounding buildings.

**1. Site Description:**

The application site comprises a two storey detached cottage located within the Chedworth Conservation Area and the Cotswold AONB. As well as forming part of the significance of the Chedworth Conservation Area as a Designated Heritage Asset, Bliss Cottage is also considered to be a Non-Designated Heritage Asset in its own right, by virtue of its age, architectural and historic interest and aesthetic merits. The cottage dates back to the mid Victorian period and has seen the addition of an extension and conservatory in the C20th. The existing cottage (and extension) is constructed of a mix of traditional Cotswold and reconstructed stone, with both imitation and natural stone slates and painted timber windows.

**2. Relevant Planning History:**

- 92.02083 - Relocation of wall and demolition of part of dry stone wall to alter vehicular access - PERMIT - 11/01/1993
- 92.02084 - Erection of an extension and alteration of a vehicular access - PERMIT - 11/01/1993
- 93.00529 - Minor works to existing garage - PERMIT - 08/07/1993
- 95.00909 - Erection of 9ft x 6ft x 6ft 10' gardenedshed/greenhouse - PERMIT - 17/07/1995
- 96.00326 - Fitting 2 Victorian skylights and converting wash house to painting studio (domestic) annexe across road - PERMIT - 01/04/1996
- 98.02353 - Conservatory to add living space to dwelling - PERMIT - 05/03/1999

07/00807/FUL - Erection of single storey extension - PERMIT - 16/05/2007

07/02322/FUL - Replacing natural Cotswold stone slates on outbuilding with Marshfield artificial tiles - PERMIT - 09/10/2007

17/01300/FUL - New vehicular access and parking area and change of use of part of field to residential curtilage - PERMIT - 15/06/2017

**3. Planning Policies:**

- NPPF National Planning Policy Framework
- EN2 Design of Built & Natural Environment
- EN5 Cotswold AONB
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- INF4 Highway Safety
- INF5 Parking Provision
- EN12 HE: Non-designated Heritage Assets

**4. Observations of Consultees:**

Conservation Officer - Objects. Comments incorporated within Officer's Assessment.

Environmental Health (Contamination) - No objection subject to the addition of a condition.

County Public Rights of Way Officer (PROW) - No objection.

**5. View of Town/Parish Council:**

Chedworth Parish Council - No objection.

**6. Other Representations:**

Chedworth Society - General comments received, stating that although the revised design is much improved on the original proposals, Chedworth Society cannot fully support the application at this stage. The removal of the original extension will allow views from the road over to Pancake Hill and its replacement by a low-level link will retain that passing view. However, the Society still have reservations about the possible light emissions and suggest that perhaps a tinted glass may overcome these issues. The Society is also concerned that the gable end onto the valley bottom will affect residents up on the other side of the valley.

Although amendments have resulted in a reduced footprint, the Chedworth Society continue to have concerns over the subservience of the additions in relation to the original building.

Chedworth Society state that care must be taken with the choice of materials permitted.

From the sketches submitted, the Society has found it difficult to compare the proposed roof heights with those of the existing neighbouring properties and have suggested that relative actual heights should be shown.

The Chedworth Society welcome the way, in which the proposal utilises the topography of the land to limit the height of the new roofline, however they feel the height of the single storey element remains excessive compared to the original cottage.

The Society considers that the extension is not unacceptable but this application still needs work to fit in the conservation landscape and the low-key clusters of old buildings.

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CPRE South Cotswold District - Object due to the fact that they deem the extension remains a significant building which will be seen separately from Bliss Cottage and dominant in the landscape.

Furthermore, they are concerned that the proposed 'link' (constructed of plate glass) will be a major source of light pollution after dark and therefore obtrusive when approaching along the road from the west.

Additionally, they feel that the fundamental problem is that the proposed extension is misaligned with the surrounding buildings and the landscape. The grain of building in this group of buildings is either to front onto the road or to have its axis aligned north south which fits better with the lie of the land.

Neighbour comments - 5 comments of support and 1 general comment made.

Comments of support included:

- i) The development has been design with the topography of the land in mind;
- ii) The development has been designed to future-proof the property;
- iii) The design is an improvement to the current extension and will enhance the existing property;
- iv) Good design, with elements constructed underground;
- v) The development will sit nicely within the landscape and is sympathetic to it;
- vi) The development will not detract from its rural surroundings.

The one general comment stated:

- i) The current proposal is an improvement on previously submitted plans;
- ii) However, the proposal could still be reduced in size;
- iii) Reduce the amount of glazing to reduce the visual impact on the opposite side of the valley;
- iv) The development should be in-keeping with its environment, with room for some contemporary features which will not dominate.

## 7. Applicant's Supporting Information:

Planning Statement  
Design & Access Statement

## 8. Officer's Assessment:

The scheme proposes the demolition of the modern C20th addition to the rear of the original dwelling as well as the existing conservatory, and the construction of a new single storey link and two storey extension.

### (a) Affect on the Character and Appearance of the Designated Heritage Asset - Conservation Area

The Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the updated NPPF reflects this and requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets. In particular, paragraph 193 states that when considering the impact of a proposal on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation. It also states that the significance of a designated heritage asset can be harmed through alteration or development within its setting. Paragraph 196 states that where proposals will cause harm to the significance of such an asset that is less than substantial harm, that harm should be weighed against the public benefits of those works.

Local Plan Policy EN11 (Conservation Areas) states:

Development proposals, including demolition, that would affect Conservation Area and their settings, will be permitted provided they:

- a) preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;
- b) include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;
- c) will not result in the loss of open spaces, including garden areas and village greens which make a valuable contribution to the character or appearance, and /or allow important views into or out of the Conservation Area; and
- d) have regard to the relevant Conservation Area Appraisal (where available) - (Chedworth Conservation Area Appraisal- March 2001)

As well as forming part of the significance of the Chedworth Conservation Area as a Designated Heritage Asset, Bliss Cottage is also considered to a non -designated heritage asset in its own right, by virtue of its age, architectural and historic interest and aesthetic merits.

Local Plan Policy EN12 (Non-Designated Heritage Assets) states:

1. Development affecting a non-designated heritage asset will be permitted where it is designed sympathetically having regards to the significance of the asset, its features, character and setting; and
2. Where possible, development will seek to enhance the character of a non-designated heritage asset.

Local Plan Policy EN2, requires development to be sustainable and designed in a manner that respects the character and distinctive appearance of the Cotswold District in accordance with the Cotswold Design Code (Appendix D). Section 12 of the updated NPPF also requires good design.

Bliss Cottage appears to date from the late C18th to early C19th and is a modest stone-built Cotswold vernacular cottage.

Bliss Cottage also contributes greatly to the significance, character and appearance of the Conservation Area, due to its architectural and historic merits. It is a modest agricultural cottage of vernacular construction, fronting the village road, with its garden plot behind dipping away into the valley thereby forming a characteristic part of the topography, settlement pattern and landscape of the village.

The Chedworth Conservation Area Appraisal states that,

"Chedworth is a straggling, long village set dramatically in a narrow, steep sided valley. It is not an estate village, rather a sporadic pattern of buildings with many modest cottages erected by independent freeholders. Developed in a dispersed way, the village is one of many contrasts. The conservation area is intended to conserve the very special contrast between the landscape and its building, as well as the houses, cottages and outbuildings, which are all united by their valley setting."

The Appraisal also states that "Chedworth is a quiet unassuming agricultural settlement" and "while there are imposing buildings and large farm complexes; Chedworth is essentially a village of modest vernacular cottages and houses of the Cotswold tradition" (P6). It continues, "between buildings, extensive views across the valley are enjoyed" and "the buildings on the opposite side of the valley often provide important landmarks" (P6). "There is a constant dialogue between buildings and the open valley landscape. This relationship of buildings and open spaces is critical to the appearance and character of the village" (P5).

Based upon the assessment of the character of the Conservation Area, the Appraisal states, "...it is essential that the historic architectural hierarchy is preserved. Much of the character of the village would be lost with the enlargement of these small cottages."

The current scheme has undergone a number of revisions since the submission of the original proposal. The supporting information provided with the revised proposals identifies that alterations, following feedback from Officers, have been made to seek to mitigate some areas of harm in the scheme. However, the proposals are still considered to cause considerable harm to the character and appearance of the Chedworth Conservation Area and the character and significance of the cottage as a Non-Designated Heritage Asset. As a result, Officers consider that the proposal continues to fail to accord with both the historic environment policies and design policies within Local Plan and the NPPF.

The overall scale of the proposed extensions has been reduced from those previously submitted, but the footprint and (slab level to ridge) height remains significantly greater than that of the historic cottage. Although the mass of forms has been mitigated minimally by reducing the overall height to be lower than the ridge height of the historic cottage, this is partially achieved by digging into the slope of the valley side. The visual mass of the gable remains larger than that of the cottage, albeit being set further down the slope. The proposal still essentially introduces an additional building of greater mass and form to the rear of the modest cottage, which harms the settlement pattern of the Conservation Area and the characteristic density and form of buildings, which are mainly 'modest cottages' with subordinate later additions. The proposed extensions will be seen as you approach the cottage from the west along the highway as well as from across the valley. Although they will be against the back-drop of existing buildings, they will nevertheless result in substantial additional bulk within the site.

The current setting of Bliss Cottage, with views to the side and through the garden and across the valley is, in the view of Officers, an important part of the special character and significance of the Conservation Area.

Although proposed to be set away from the rear elevation of the historic building, with the aim to better reveal the earliest form of the cottage, the proposed extension causes greater harm by introducing what is perceived to be another house to the rear of the building - this being contrary to the historic environment and design policies found within the Local Plan.

The justification for the proposal presented largely relies on the existence of an historic barn to the side/rear of the cottages prior to the designation of the Conservation Area. Having considered historic maps, the barn disappears between 1912 and 1949, and potentially could have been demolished at a similar time to when Rose Cottage was dismantled from the adjoining site and taken to the USA, by Henry Ford to be rebuilt there. The barn was clearly no longer in existence at the time of the designation of the Chedworth Conservation Area in April 1977. The footprint on the historic maps shows this barn to be set largely to the side/rear of Bliss Cottage, rather than directly behind. The barn appears to have had two forms from the map evidence which is also shown in the submitted historic photograph (attached to the report), with a smaller lower section only projecting directly behind part of Bliss Cottage.

Officers consider that should the barn have still existed, it could have also been considered to form part of the historic and architectural interest and character of the Conservation Area, but it does not, and as such this historic and architectural interest has been lost and cannot be reinstated. Should a building in the form of a barn be introduced, this would of course have no historic value and in enclosing the space around Bliss Cottage it would be a dominant form which would diminish the characteristic views across the valley and would not, in our view, preserve or better reveal the character or appearance of the Conservation Area in accordance with Paragraph 200 of the NPPF.

In addition, it would not preserve the typical character of the settlement pattern in this part of the Conservation Area today, which is of modest cottages, in often extensive plots with views from the village roads across the valley. The current setting of Bliss Cottage, with views to the side and

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through the garden and across the valley is, in the opinion of Officers, an important part of the special character and significance of the Conservation Area. Currently, when approaching Bliss Cottage from the west, the eye initially gazes over an open field and then onto a mixed tree/hedgerow boundary which lines the east side of the current driveway, beyond which lies the residential garden. Running along the eastern boundary, a public right of way (PROW) exists, which again offers views east to west across the residential garden and beyond, and south to north across the valley. Within the Chedworth Conservation Area Character Map (which will be available to view during the presentation), it's noted that important views can be seen from further north along the PROW which runs to the east of the property, with these views stretching north-east to south-west across the plot where the development is proposed. The Conservation Area Appraisal finds the relationship between buildings and spaces to be critical to the appearance and character of the village.

### **(b) Affect on the AONB**

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN5 relates specifically to the Cotswold AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

The updated NPPF (paragraph 170) states that planning should contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes... and recognising the intrinsic character and beauty of the countryside". More specifically, paragraph 172 of the Framework advises that great weight should be given to conserving the landscape within the AONB (amongst other sensitive areas), which has the highest status of protection for its scenic beauty.

Although the proposed extension will be located within the existing residential curtilage of the historic Bliss Cottage, as already identified above, the siting, form and scale of the development will harmfully alter and detrimentally affect the open landscape of the valley. It is therefore considered that the proposed development will have an unacceptable impact on the character of the Cotswold AONB.

### **(c) Residential Amenity**

Policy EN2 of the Local Plan refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity in line with the NPPF.

One of the core planning principles of the NPPF (paragraph 127) states that, "Planning policies and decisions should ensure that developments:... create places that are safe, inclusive and accessible... with a high standard of amenity for existing and future users...".

Owing to the scale, siting and relationship to neighbouring properties, the proposed development is considered not to impinge any further on the residential amenities of the neighbouring properties having regard to loss of light or overlooking. The proposed development is therefore considered to accord with the objectives of the Cotswold District Local Plan Policy EN2 and The Design Code (Appendix D) and the residential amenity considerations contained in Section 12 of the NPPF.

### **(d) Highway Safety & Parking Provisions**

The Cotswold District Local Plan Policies INF4 and INF5 are concerned with highway safety and parking provisions respectively. Policy INF4 states that development will be permitted where it "creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians..." and "provides safe and suitable access and includes designs, where appropriate,

that incorporate low speeds". INF5 states that "development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary...".

Section 9 of the NPPF promotes sustainable transport. Paragraph 108 advises that when assessing sites or specific applications for development, it should be ensured that ..."safe and suitable access to the site can be achieved for all users". Paragraph 105 states that local planning authorities should take into account the following when setting parking standards; the accessibility of the development, type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Although the original scheme detailed the construction of a lower ground floor garage, the proposal has been amended to omit this. Notwithstanding this, the current proposal will not reduce the amount of parking provision within the site.

It is therefore considered that the proposed development will not have an effect on highway safety as the scheme will not affect current access to the site or existing parking arrangements.

### **9. Conclusion:**

Officers believe Bliss Cottage to be in a good state of repair - they have not been informed otherwise within any of the submitted supporting documentation. As a result, it is understood that the proposed extensions are solely to provide additional living space for the current residents and to allow them to continue to enjoy the property and reside within Chedworth in future when they enter into their old age, rather than to facilitate any maintenance or repair works. The proposal would also address any concerns the applicants have in relation to access in/out and through the property in their old age, although Officers have not been informed of any health concerns or specific disabilities that should have been taken into consideration throughout this application process. Although Officers appreciate that Bliss Cottage is of a modest size, which is expected of historic agricultural cottages within the area, they are also minded that the current owners have lived in the property for over twenty years which would suggest that the cottage is capable of facilitating and suitable for 'modern' living. As a result, Officers do not believe that the proposal, if permitted, would result in any public benefit. It has therefore been assessed that the harm which would be caused to the Conservation Area and to this Non-Designated Heritage Asset would not be outweighed by any public benefit, as it has been concluded that there is none. The proposal is considered not to comply with national guidance and the relevant policies of the Development Plan due to the demonstrable harm that would be caused to the character and appearance of the Conservation Area, and to the Non-Designated Heritage Asset itself. As such, planning permission should be refused.

### **10. Reason for Refusal:**

Bliss Cottage lies within the Chedworth Conservation Area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The current proposal, by virtue of its location, size, form, arrangement and design (to be over dominant and not in character), would neither preserve nor enhance the character and appearance of the Chedworth Conservation Area, nor sustain its significance as a designated heritage asset. The harm would be less-than-substantial albeit considerable, but would not be outweighed by any resultant public benefits. As such the proposal conflicts with paragraph 196 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 72(1) of the 1990 Act. The proposal is also contrary to Policies EN2 and EN11 of the Local Plan. Bliss Cottage has

been identified as a Non-Designated Heritage Asset. The National Planning Policy Framework requires Local Planning Authorities to take into account the effect of an application on the significance of a Non-Designated Heritage Asset and to come to a balanced judgement regarding the scale of any harm or loss and the significance of the heritage asset. The current proposal, by virtue of its location, size, form, arrangement and design (to be over dominant and not in character with the parent building), would cause a level of harm disproportionate to the significance of the building as a Non-Designated Heritage Asset. As such the proposal conflicts with paragraph 197 of the Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework. The proposal is also contrary to Policies EN2 and EN12 of the Local Plan.

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