

**PLANNING AND LICENSING COMMITTEE**

**13<sup>th</sup> November 2019**

**ADDITIONAL PAGES UPDATE**

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**Additional Representations on Schedule Items**

**Pages 18 - 55**

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
01	18/01681/FUL	<p>Further comments from Wyck Rissington Parish Council – ‘Wyck Rissington Parish Council, despite the new details, continues to object to the proposal to create a 96 bay electric car charging station on the following grounds:-</p> <ol style="list-style-type: none"> <li>1. The new details fail to address our concerns about the impact of the proposed development on what is a busy and dangerous section of the A429 close to the junction with Wyck Lane where visibility is limited.</li> <li>2. The development would have a severe impact on the AONB with light pollution and the removal of the current tree screen and resultant dramatic change to the current rural setting.</li> </ol> <p>As before, WRPC do not object to the principle of an electric car charging station but think that it would be better sited in a more sustainable location such as the Bourton Industrial Park which is within easy walking distance of shops/cafes etc and would not therefore need the use of a shuttle bus service which will only serve to increase traffic on an already busy road’.</p> <p><b>One Additional Objection</b> - Object to the application and support the comments made by Lower Slaughter Parish Council.</p>
02	19/01184/FUL	<p><b>Comments from Highways</b> – Please see attached.</p> <p><b>Letter from the Applicant’s Planning Consultant</b> – Please see attached.</p> <p><b>Chris Mead (Highways Manager) has reviewed the proposals and considers that an additional condition as follows is necessary -</b></p> <p>Prior to the commencement of development hereby permitted, a HGV Routing Strategy (to include measures to prevent HGVs (vehicles over 7.5T) from exceeding 5% of all traffic on Class 3 or below roads) shall be submitted and approved in writing by the Planning Authority. The HGV Routing Strategy shall be implemented and maintained strictly in accordance with the approved details.</p> <p><b>Reason:</b> To ensure that highway safety is maintained in accordance with paragraph 108 and 110 of the National Planning Policy Framework.</p>

		<p><b>Further response from Environmental Regulatory Services Officer requiring a noise assessment</b> - "I think the applicant will need to prove beyond doubt and demonstrate further that the Workshop design and build, will be of a standard, quality and specification which ensures a robust, sufficiently soundproofed building fit for the <i>context/location</i>. The information and level of detail required to achieve this is of a higher technical specification than the detail currently presented. A design scheme of noise mitigation based on a noise assessment report is required. The design approach should draw together all the noise outputs for different items of equipment, machinery and plant, including those of:-</p> <ul style="list-style-type: none"> <li>• attenuated ventilation.</li> <li>• address the type (impact and or airborne noises) of the dust and shavings extraction equipment.</li> <li>• demonstrate how the dust extract fan is to be silenced.</li> <li>• describe the character of the noise associated with power tools and the saws.(planer, saw and bandsaw) and the means to be deployed to minimise noise.</li> <li>• an inventory of the equipment to be used and their respective noise outputs.</li> </ul> <p>The data collated should then be used to formulate a building design envelope which contains industrial noise breakout in the context of the location. The surfaces of walls, floor and ceiling may need to be acoustically treated and glazing will need to be of the appropriate grade. Building elements will need to be sound proofed. This The needs to be brought together in a well- considered professional scheme and based on expertise from an Acoustic Consultant registered with the Institute of Acoustics (IOA)."</p>
03	19/02620/FUL	<b>Amended drawings received</b> – Updates in relation to landscaping annotation - Please see attached.
04	18/04188/FUL	<b>Applicant's Statement</b> – Please see attached.

05	19/02890/FUL	<p><b>Case Officer</b> - Referring to the following paragraph of the section 'Character, Appearance and Impact on Landscape' in the Officer's report -</p> <p>"It is of note that the agent has assessed the impact on views based on the appearance of the site as it was pre-March 2019. Officers visited the site in January 2019 and observed a native tree line along the south-east boundary of the land. On receipt of revised plans relocating the proposed arena, officers re-visited the site in March 2019 and observed that this boundary had been removed and open views of the site were available from the lane to the north. The agent has therefore failed to assess the impact of the proposal within the current landscape. The LVIA has also made its assessment based on outdated photographs, as shown in Appendix 6 of the LVIA, and therefore carries little weight."</p> <p>There has been some confusion regarding the south-eastern hedgerow bordering the site.</p> <p>For clarification, Officers have visited the site a number of times and noticed that a length of hedgerow (the southern section of the hedgerow that runs along the south-east boundary of the site, roughly to the southern corner of the proposed new building), which was present in January 2019, was not there at the time of their site visit in May 2019. <b>It should be noted that the northern section of the hedgerow has not been removed and Officers consider that the photographs within the Landscape Visual Impact Assessment reflect the current position with the southern section of hedgerow removed.</b></p> <p>Please substitute the paragraph above for the following paragraph -</p> <p>"Officers visited the site in January 2019 and observed a native tree line along the south-east boundary of the land. On receipt of revised plans relocating the proposed arena, officers re-visited the site in May 2019 and observed that the southern portion of this boundary had been removed and open views of the site were available from the lane to the north."</p> <p><b>Information from Agent</b> – Please see attached.</p> <p><b>Email from Planning Consultant to Heritage and Design Manager</b> – 'You say that the officer's report did not intend to suggest that the LVIA had not been undertaken correctly or that any of the photographs were incorrectly dated.</p> <p>However that is clearly what the report stated, and must have intended to state. It reads, inter alia:</p> <ul style="list-style-type: none"> <li>• "It is of note that the agent has assessed the impact</li> </ul>
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		<p>on views based on the appearance of the site as it was pre-March 2019”;</p> <ul style="list-style-type: none"> <li>• “The agent has therefore failed to assess the impact of the proposal within the current landscape”;</li> <li>• “The LVIA has also made its assessment based on outdated photographs, as shown in Appendix 6 of the LVIA, and therefore carries little weight”.</li> </ul> <p>Those sentences are on public record and are very clear. They cannot be misinterpreted.</p> <p>I am pleased that having reviewed the matter you are now “quite prepared to agree that” (the photomontages) “reflect the current position with the southern section of hedgerow removed”.</p> <p>Therefore the above sentences are incorrect.</p> <p>It is clear that the southern section of hedgerow, as you describe it but which I understand was bramble and elder scrub, played no part in screening the building from any public viewpoints. It’s clearance has not affected views or screening therefore.</p> <p>I am surprised that officers are maintaining a landscape objection given that when assessing the matter the LVIA, and the photomontages which show what is the key view, has been given little weight. Having accepted that you were wrong to do so, I would have hoped that the officers would then have reviewed that document properly and reappraised the situation.</p> <p>In my opinion you should delete the offending paragraph from the officer’s report. You should also apologise to DLA Ltd and the agent for making incorrect statements and dismissing their views and a very comprehensive LVIA in a public forum’.</p>
11	19/02969/FUL	<p><b>Case Officer</b> - Since the writing of the Committee report, further discussion has been undertaken with the Council’s Environmental Regulatory Service (Noise) Officer (ERS) to ensure that the condition (Condition 4) recommended on page 150 of the Schedule is robust. Whilst the ERS Officer is content that, in itself and cumulatively with the existing units, there would be no harm caused to any residential properties by the proposal due to its siting and specification, a precautionary condition can be attached to provide clarity of noise limitation. In having regard to the equipment specification, the ERS Officer suggests an upper limit of 47 dB(A) Leq (1 hour) at one metre from the plant unit. To provide consistency with the Officer’s report, the initially recommended condition has been amended to remove the reference to operation of the unit outside of the hours of 0700 and 2000 Monday to Saturday. Consequently, Condition 4 has been amended to the</p>

		<p>following wording:-</p> <p>“Noise from operations of the A/C condenser unit shall not exceed 47 dB(A) Leq (30 mins), as measured at one metre from the plant unit, between the hours of 0700 and 2000 Monday to Saturday and at no other time outside those hours.</p> <p>Reason: To ensure that the amenities of nearby residential properties are adequately protected, in accordance with Cotswold District Local Plan Policy EN15.”</p> <p>Officers are also recommending the following condition on a precautionary basis to further mitigate any noise impact:-</p> <p>“Prior to its bringing the plant unit into use, it shall be permanently installed with anti-vibration mounts.</p> <p>Reason: To ensure that the amenities of nearby residential properties are adequately protected, in accordance with Cotswold District Local Plan Policy EN15.”</p>
12	19/02817/FUL	<p><b>Case Officer Update</b> - Page 152 is displaying discrepancies in the header of the report. The application case reference number is <b>19/02817/FUL</b> and the applicant is <b>Mr Brian Forde</b>.</p>



		Highways Development Management Shire Hall Gloucester GL1 2TH	
Alison Williams Cotswold District Council Trinity Road Cirencester Gloucestershire GL7 1PX			
Our Redevcoord@gloucestershire.gov.uk: C/2019/042968		Your Ref: 19/01184/FUL	Date: 8 November 2019
Proposal:	Erection of a Joinery Workshop	Received date:	3 June 2019
Recommendation:	No objection	No objection (Subject to conditions)	X
	Refusal	Further information	
Document(s), drawing(s) and reference(s):	SCP/19737/F01 Speed Survey Data	Planning history ref(s):	
Details of recommendation:	<p>No objection - Subject to conditions relating to visibility, access and layout</p> <p>The conditioned elements represent the mitigation required to ensure that highway safety is not unacceptably impacted by the proposal as visibility is secured corresponding to evidenced speeds in the vicinity of the access.</p> <p>Access and Layout conditions ensure that the layout is able to accommodate turning and as such forwards movement in and out and the bound material reduces residual impacts of maintenance to the roads and drains</p>		
Required consultation:	ITU	Highways Records	
	Rd Safety	Fire Service	
	PROW	Structures	
	LHM	Police	
<p><b>We recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-.</b></p> <p><b>The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays in accordance with plan SCP/19737/F01 extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer</b></p>			

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**carriageway edge of the public road 26m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to 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 avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

**The building hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing no. 212578-02 , and those facilities shall be maintained available for those purposes thereafter.**

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

**Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed broadly in accordance with the submitted plan drawing no. 212578-02 but with a minimum entrance width of 5.2m, with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.**

Reason: - To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

**No above ground works shall commence on site until a scheme has been submitted for the provision of fire hydrants for the benefit of the commercial development in a location agreed with the Council and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 &16 (Fire Hydrants/Water Supplies and Vehicle Access).**

**The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the Council.**

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

**The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works**

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**Agreement (including an appropriate bond) with the County Council before commencing those works.**

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Members of the Planning Committee  
Cotswold District Council  
Trinity Road  
Cirencester  
GL7 1PX

BPA Ref: 19.081

11<sup>th</sup> November 2019

**Agenda Item No.03 (planning reference 19/02620/FUL) of the Planning & Licensing  
Committee Meeting dated 13<sup>th</sup> November 2019 for the conversion of 2 x dwellings at Banks  
Farm, Upper Oddington, Moreton-In-Marsh**

Dear Members

I write in support of the above application and to specifically address the reason this application has been referred to Committee for determination given the **Officer's recommendation for approval** subject to a number of conditions.

As detailed in the Officer's Committee Report, this application has been referred by Councillor Beale for the following reason - *"the Highway access as proposed and already used for existing properties is on a narrow, blind bend whereas there is what would appear to be a preferable alternative on the other side of the farmhouse. I believe it would be to the benefit of all for this option to be considered by Members"*.

The above statement by the Ward Member raises two matters. Firstly, that the access arrangements are possibly unsafe and secondly, that an alternative access should be considered by Members. I shall deal with each point in turn below.

**Proposed Access arrangements**

Planning policy requires a safe and suitable access is provided. Where highway matters are a material planning consideration the Lead Highway Authority – Gloucestershire Highways Planning Liaison (GCC) are a statutory consultee. To demonstrate a policy compliant proposal the applicant submitted a speed survey, a visibility splay plan and site plan detailing parking and turning provision within the application site area. These documents have been reviewed by GCC and no objections are raised i.e. it is the view of highway experts that the proposal will provide a safe and suitable access (including parking and turning provision on-site) for the residential use sought. To ensure adequate visibility is provided and maintained; the access is laid out and constructed in an appropriate manner; and vehicle parking and turning is provide and maintained for those purposes thereafter, GCC have suggested three standard conditions which are available for review in the Officer's Report. In light of the preceding, the proposal **will be served by a safe and suitable access** and is therefore policy compliant in terms of highway safety and should not be refuted for this reason.

**Alternative Access**

Notwithstanding the fact that a safe and suitable access can be provided, it is not the role of this Committee to 'design' or 're-design' planning proposals. With respect, the role of Members is to consider and determine the planning proposals before them, which in this case includes the access as shown on drawing number 6783-03. Further, the Planning Officer in her report clearly

sets out in Section (d) Highways, that the position of the suggested alternative access "**would not be considered acceptable** given the landscape harm that would result by extending the farmhouse drive in relation to the impact on the AONB and conservation area".

I trust the above has adequately addressed for Members the concerns raised by the Ward Councillor in referring this application to this Committee. Furthermore, I would like to endorse the findings detailed in the Officer's Report and the recommendation made to this Committee to approve the proposal:

- *"The building complies with Policy EC6 and the works are considered to fall within the remit of conversion;*
- *The building is considered to be located within the settlement of Upper Oddington and is small scale development in accordance with DS3;*
- *The proposed conversion is considered to be sympathetic to the existing building and the character and appearance of the area (according with Policies EN1, EN2, EN4, EN5, EN10 and EN11);*
- *The proposed conversion has been designed to ensure the proposal would not result in overlooking or loss of privacy of neighbouring properties;*
- *The parking bays are to be enclosed by a 2m high stone wall to the northern and western boundaries which would screen any cars lights when parked. Any light spill when entering or exiting the spaces would be limited to glimpsed views at distance as the cars turned and would not result in an adverse impact on amenity or the character of the area" (compiling with Policy EN2 – The Design Code);*
- *In regard to the suggestion of a speed restriction along the driveway the Officer concludes that given the number of residential units (4 in total including the proposed conversion), the nature of the driveway and the lack of any existing safety issues or speeding events "it is not considered reasonable or necessary to require any speed restriction measures;*
- *The proposals would not result in an increased risk of flooding within the area and that surface water drainage can be suitably controlled by planning condition";*
- *The application is supported by an ecology survey which recommends a number of mitigation measures which are considered "reasonable and acceptable"; and*
- *In conclusion the Officer Report states that "the proposals would sympathetically convert an existing building to create 2 dwellings. The proposals would not give rise to harm to amenity, the AONB, conservation area, highway safety, drainage or ecology. The proposals are considered to accord with national and local policy and therefore **recommended for approval**".*

Yours sincerely

Wendy Hopkins, MRTPI  
Brodie Planning Associates

cc. Mr & Mrs H. Smith

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19/01/24/FUL





Bliss Cottage  
Lower Chedworth  
Glos GL544AN

27<sup>th</sup> October 2019

To the Councillors of the Cotswold Planning Committee.

Thank you for the discussion in respect of our Planning Application 18/04188/FUL at the Planning Committee meeting on October 9<sup>th</sup> for the demolition and replacement of an extension at Bliss Cottage, Lower Chedworth. We truly appreciate the Councillors perspectives and suggestions as we work towards creating our Life Long Living home for retirement in our village.

Following the discussion, the Committee voted to make a site visit in advance of the November Committee meeting. There were several questions/comments raised by individual Councillors that, for various reasons, were not fully addressed within the Committee meeting, and we feel it is useful to answer those in advance of your site visit.

Q. Councillor Trotter and Councillor Judd both asked about the exact comparison of the massing increase to the property from the current situation, rather than a comparison to Bliss Cottage once the existing 1950/1990s extensions have been demolished but without a new extension.

A. The existing volume of Bliss Cottage with current double-storey extension above ground is 564.5 m<sup>3</sup>. The volume above ground of the Proposed Scheme as shown to the October Committee is 773.4 m<sup>3</sup>. This is an increase of 37%.

Q. Councillor Coleman asked about the nature of a Catslide roof.

A. A catslide roof is a roof is one that allows for a greater depth of building without increasing the ridge height and allows the roof to be set at a shallower pitch in order minimise the massing of the projection looking front on. Mrs. Ward (CO) described it as a "lean to on the side of the building".

Q. Councillor Judd asked whether the new extension would be more prominent than the existing one.

A. The Planning Officer answered that it will be "More prominent as it is further down the garden". We do not agree that this is the case and feel this is best visualized during the site visit. The new extension will be lower and more subservient than the existing one, and lower than the surrounding cottage ridge-lines. We also showed this in our visualization, reattached below (Fig 1).

Q. Councillor Webster asked whether for Life Long Living a stairlift was possible as the bedroom is not on the ground floor.

A. The stairs in the new extension have been specifically designed to be wide enough and angled appropriately for a stair lift. In addition, the location of the WC in the entrance way is designed such that it could be replaced with a vertical lift.

Q. Councillor Trotter asked why this application was reverting to Committee when so much consultation had occurred between the Planning team and applicants.



- A. Our perspective is that although the Planning Officer and Conservation Officer co-designed an acceptable revision, ultimately the officers rejected the Application in August on Policy grounds, that "public harm outweighs public good" and the scale of the extension. At that point we wished to continue discussions to abide by the April Committee instructions to resolve the issue between us. Unfortunately, we received a written response from the Planning Officer thus "As far as working on any further amendments, I believe we've come to an impasse on this current scheme ... it's felt that any further discussions around amendments would have to be held through the formal pre-application process which would mean withdrawing this current application and starting again". This was somewhat different from how the way forward was characterized in the Committee meeting.

As Councillor Neill summarized, public good includes a) the improved demographic of an elderly suitable home as supported by the Parish Council, b) the reduction in Carbon Emissions through Energy Efficiency and stopping oil-fired heating c) public views from the Village road to Pancake Hill d) removal of unsightly modern extensions. The harm is deemed to be to the views from the public footpath adjacent and across the valley, and from scale within the plot.

In terms of scale, there are several properties in Chedworth permitted in recent years that are significant in scale, including Chedworth House (directly across the valley from Bliss) and Hills Farm with 8 bedrooms. The most recent large complex approved by CDC, as mentioned in the Committee meeting, is the 32m long glazed swimming pool complex next to Chedworth House, approved in September.

We would respectfully ask that Councillors can decide on the public harm in terms of views as well as scale during the site visit, considering the position of the new extension within the Bliss garden and the scale of that garden.

We are truly sorry that we have needed to come to Committee for a second time.

In terms of the Site visit to take place in advance of November Committee, we can confirm that we grant permission for such a site visit on November 6<sup>th</sup> as requested. We have also secured permission to enter Cobblers Cottage and Keens Cottage gardens, to allow full viewing of the context of the proposed extension and adjacent properties. We believe it would be instructive for the Committee to view the extension to Keens Cottage approved in 2017.

We shall "peg out" the new extension within the garden of Bliss Cottage and mark the ridge line of the extension with rope and pole and ensure that our representative Mr. Andrew Miles is available for any questions arising. We are very grateful that Council are taking the time to visit the site.

Yours Faithfully

Dr Ceri Powell

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Figure 1: Current situation and visualization of proposal



Photograph of existing Bliss Cottage



Visualization of proposed replacement extension





Councillor Tony Berry  
Planning and Licensing Committee  
Cotswold District Council

**Electronic Version**  
Our Ref: KCC2737/hr  
11<sup>th</sup> November 2019

Dear Councillor Berry

**19/02890/FUL: INDOOR ARENA AT CHERRY ORCHARD**

I write following publication of the officer report to Committee for this application, which comes before you on Wednesday.

The officer recommends refusal on landscape grounds, and due to alleged light spill.

The Applicant commission Davis Light Associates, a reputable local firm, to carry out a detailed landscape and visual impact assessment. These are expensive surveys to commission. The assessment, which is on line, includes detailed photomontages. The officer report says that the LVIA "carries little weight". Hence all that work, and expense, is dismissed by the officer as carrying little weight.

Why? It is because, as set out in the planning officer's report, it is considered by the officers that the photomontages were based on photographs taken before vegetation was removed.

That is a false statement. It also implies that the landscape consultants have attempted to misrepresent the real impact of the development as reported in the LVIA.

The falseness of the allegation was pointed out to the planning officer a month ago, immediately that it was first raised. Yet the allegation remains and has since been stated publicly in the officer report. On that basis that an error has been pointed out to the officers and ignored by them, I am therefore justified in accusing the planning officers of attempting to mislead you, which is a serious allegation in itself.

Looking at the officer report, the greatest landscape impact stated in the officer report "would be from local views from the lane / footpath 71, north of the application site". That is the view that we are alleged to have falsified in photomontages by using out of date photographs taken before vegetation was removed.

Please see the two letters attached, which have not (I am advised) been taken into account by the planning officer. You can see that the building is already screened. You can see that the photomontage is correct.

*Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL  
T: 01793 771333 Email: info@kernon.co.uk Website: www.kernon.co.uk*

*Directors - Tony Kernon BSc (Hons), MRAC, MRICS, FBIAC Sarah Kernon  
Consultants - Sam Eachus BSc (Hons) Pippa Glanville BSc (Hons)*

33. Item 05  
19/02890/FUL

As the officer report identifies the view along footpath 71 as the most important, and then claims that the photomontages and LVIA are incorrect, I set out below a photograph taken in July 2019 and compare it to the photomontage based on a photograph taken 30<sup>th</sup> April 2019.



Please compare this July 2019 photo to a zoom in on the photomontage below, from the same position and cropped to the same zoom. You can directly compare the existing vegetation to the vegetation in the photomontage (albeit that was in the spring, so the leaves are not fully out).



The photomontage has gone a bit "blurry" but you can see that the same vegetation is there, just coming into leaf in the photomontage. There has been no subsequent hedgerow removal.

Therefore the LVIA and photomontages are accurate. The allegation to the contrary is false. The LVIA should carry full weight.

You need to decide if this is a significant adverse impact, as this is the greatest impact identified.

The officer's report then mentions glimpsed views through woodland further west along footpath 71. That is not an allegation of a serious landscape impact.

From the south the officer report states that "**it is recognised that the existing conifer belt would help provide screening**". No significant landscape harm is alleged unless these trees were to be removed.

In that context I am surprised that the recommended reason for refusal is that the development is **"highly prominent from a number of important local viewpoints, particularly in the event that the non-mature coniferous trees were removed"**.

I make two key points in response:

- (i) the report identifies only one view, not a number, where it is allegedly highly prominent and that is because the landscape officer has wrongly accused the applicant's consultants of using out of date photographs. You have the true positions in the attached photomontages;
- (ii) there is an allegation of landscape impact if the conifers were to be cut down. Why should the conifers be cut down? Most landscape assessments would find a building visible if it was assumed that the screening vegetation was cut down. That vegetation exists, was (as you will see attached) considered good enough to screen new development at The Stump, and can be controlled by condition.

The Applicant seeks a private-use indoor arena. Her daughter is representing Great Britain, hoping for the Olympics, and needs an indoor arena. See the attached endorsement by Charlie Hutton. She needs an indoor training arena if she is to succeed in her ambitions to represent Great Britain.

### Conclusion

The officer report recommends refusal on the basis that the building is **"highly prominent from a number of important local viewpoints"**. The report then describes only one local footpath where there are viewpoints affected, unless the conifers were to be removed. There is no reason given in the report to indicate that the conifers might be removed. Why should they be? There is no reason, so views from the south are largely screened.

The officer report states that the LVIA is based on out of date photographs taken before some vegetation was removed. That allegation is incorrect. I have pointed this out to the officers but the allegation has nevertheless been set out in the report to you. Therefore officers are, I suggest, misleading you, which is serious.

The building is not highly prominent, it is well screened. It is needed to help a local teenager train for her sport where she represents Great Britain. She cannot train only outside, in the rain, in daylight hours. She needs an indoor school.

I would hope that officers will correct their errors in the report, as I have raised this matter again.

You need to consider whether the landscape harm warrants refusal. You cannot rely upon the officers' views in the report, because they misrepresent the position, and they falsely accuse a professional landscape architect of professional impropriety.

Unfortunately I cannot attend the Committee, if this item reaches you on Wednesday, but I trust that you will consider this very carefully.

With kind regards.

Yours sincerely

**Tony Kernon**  
BSc(Hons), MRICS, FBIAC

Attachments: Letters sent on the 7<sup>th</sup> and 9<sup>th</sup> October  
Endorsement from Charlie Hutton



Electronic Version

Ms Hannah Rose  
Cotswold District Council  
Trinity Road  
Cirencester  
GL7 1PX

Our Ref: KCC2737/hw  
7<sup>th</sup> October 2019

Dear Hannah

**19/02890/FUL: INDOOR ARENA AT CHERRY ORCHARD**

Thank you for agreeing an extension in time to allow us to consider and respond to Katie Smith's report of 26<sup>th</sup> September, which you received on the last day of the original determination period.

The application has now been called to Committee, so there is more time now available to review matters.

**Issues**

As I understand it, there is only one issue on which you are intending to refuse the application, which is the landscape impact.

There are matters within that landscape assessment that can be addressed, and I therefore write to suggest amendments/planting ideas to meet the concerns. There is also a concern I have regarding the level of impact, and the Council's need for consistency of decision taking, which I invite you to reflect upon.

**Katie Smith's Report and Conclusions**

Katie Smith's concerns are that, in her opinion:

- the building would appear as a large mass;
- there would be an adverse impact on views from the south and from the lane to the north and east;
- the conifer belt would help screening from the south, but in her view the Council "**cannot be completely reliant on this planting for screening**". It would be difficult to control the future management of this planting and it is an alien type of planting;
- planting would in time help to provide further enclosure "**but this would take time to establish and again we could not easily control the long-term management and retention of this planting**";
- she has concerns regarding the number of windows and skylights;
- overall "**the proposed scale, siting and design (sky lights) would not respect the character of the Cotswold AONB landscape**".

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## Response

There are three main issues in terms of these concerns:

- the landscape impact;
- the ability of existing and proposed landscaping to mitigate that impact;
- the effect of sky lights on the dark skies.

## Landscape Impact

Katie's report confirms, in her comments on the LVIA, top of page 3, that **"the greatest impact would be in local views from the lane/Footpath 71, north of the site"**. She goes on to note that **"I agree that the impact of views to the south would be less significant, by virtue of the existing conifer belt. However, as noted above, we can't be completely reliant on this planting for screening and if removed the building would be highly prominent from here"**.

Accordingly with the existing and proposed vegetation in place, the concern is really only that of impact on views from the lane to the north.

Firstly we are concerned that Katie has mis-read the plans. Her assessment is based, it states, on a building of 60m by 40m. The application building is in fact half that size, 60m by 20m. That is a big difference, and therefore I worry that her assessment is erroneous.

If it is simply a typing error and not spotted, then her concern is about the building being added into the view from the lane / footpath shown below. This is the building at Year 1 with no additional planting, see the LVIA Viewpoint 4 in the appendices of that document. I show the existing view and the building at year 1.

*Insert 1: Existing View (no building)*





Insert 2: Photomontage (with building built, no planting)



You, and Councillors, will need to consider whether this change to the landscape, visible only to those walking west for a short length along the lane / footpath, significantly harms (or does not respect) the AONB landscape, as Katie claims.

We have striven to make the building agricultural in shape and design, and indeed in materials, and the change to the view is very modest. We do not accept that this is an "industrial building". It is deliberately agricultural in design.

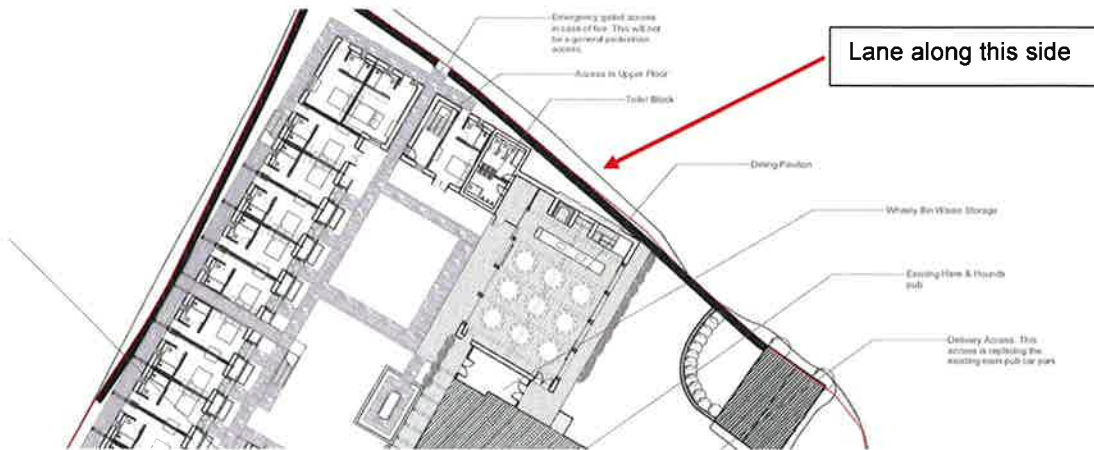
Further you would never see the building like this. The proposals are to plant a new hedge and incidental native trees, both near the building and along the lane, as per the landscaping plan (extract below). It would be possible for the Applicant to further increase the amount of planting proposed. You should not be recommending refusal unless you conclude that this level of harm is incapable of being mitigated. Additional planting could, as noted, be provided. I show the viewpoint of concern.

Insert 3: Extract from the Landscaping Plan



In making your planning judgement and recommendation, I would ask you to reflect upon the recommendation of officers regarding the building of 28 new bedrooms to the immediate east, at the rear of the Hare and Hounds (now "The Stump"). That development was given planning consent on 12<sup>th</sup> December 2018, under reference 17/05211/FUL. An extract from the application plans, below, shows the section of the development that borders the lane/footpath 71.

*Insert 4: Extract from Approved Plan P/110 Rev I*



The development at The Stump will be very much more visible from the lane, as the following extract from the submitted "Landscape Statement for Planning Re-Submission" (Portus and Whitton, 19/02/18) shows. Viewpoint F is shown below, from that document.

*Insert 5: View F from Landscape Report*

**Photo Viewpoint F**

from public bridleway flanking the sites northern boundary



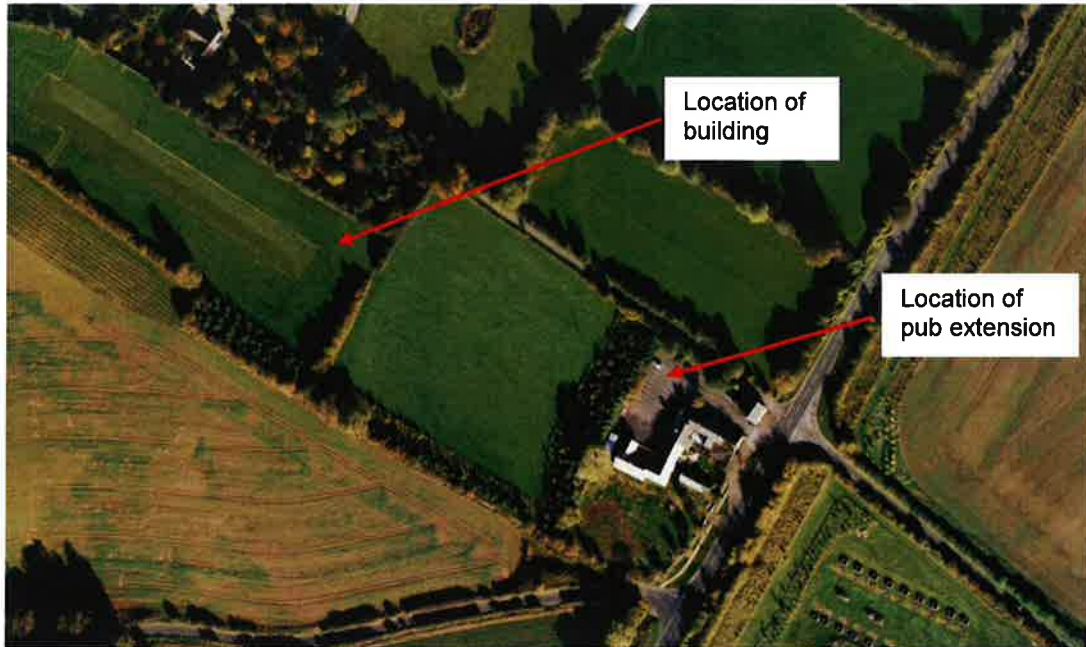
It can be seen that the new building will be adjacent to the footpath, with no screening. The screening will be just a low stone wall. The landscape comments were wrapped up in the Officer's Report to Committee, and I attach excerpts at **Attachment A**. It was noted that the new buildings will rise to 6.5m high (coincidentally the same as the indoor school proposed).

The landscape effect on the lane/FP71 is discussed in the bottom paragraph of page 121. It was considered that the buildings were of "a size, scale, design and proportion that is consistent with traditional rural outbuildings". Whilst the buildings would have "the potential to increase the sense of enclosure experienced by users of the lane", it was concluded that this would not be "an overbearing or intrusive form of development that would have a harmful adverse impact on the character or appearance of the lane".

The Council's landscape officer had no objections to those proposals.

In the application now before you, the building will be set back over 50 metres from the lane, mostly behind trees. This is compared to the public house extension below, which is next to the footpath / lane.

*Insert 6: Location of Application Building*



The size, scale, design and proportion of the proposed indoor riding arena is entirely consistent with modern agricultural buildings. At this location the building would not be overbearing or intrusive, as the photomontage above shows, being set well back from the lane / footpath as shown above, with planting between (and the potential for more planting should you require it).

I fail to understand how the pub extension was considered not be harmful to the AONB, yet this building is considered harmful, which are the two seemingly opposite conclusions of the assessments in the two different developments. That does not seem to be a consistent approach.

You must also bear in mind that the current planning application location is the position within the holding to which the Applicant was advised by Katie Smith to move the building to.

Subject to landscape retention, I would hope that on reflection the Council will take what seems to be a consistent approach, and conclude that the building will not be unacceptably harmful to the AONB.

**Retention of Landscape Planting**

The conifers and deciduous planting around the site is owned by the Applicant, as set out in the information and plans in the Supporting Statement (see 5.24 et seq and Appendix KCC3, for example).

As quoted above, a significant part of your landscape consultee's concern relates to the visual harm from the building in the event that the conifers be removed. She even questions whether you can control the retention of new planting imposed by condition.

In the Hare and Hounds application, no such concern was raised about the conifers. It was stated that **"existing vegetation and buildings will largely screen the proposed accommodation buildings and dining pavilion from the south"**.



The report went on to comment:

**"With regard to the western boundary of the site, it is evident that a belt of deciduous trees measuring approximately 20m in depth lies to the immediate west of an existing line of Leylandii. The tree belt will therefore continue to provide screening of the existing site should the Leylandii be removed. It is considered that there is a sufficient landscape belt to the west of the proposed development to minimise any future impact of the development on the fields/properties to the west. The existing tree belt also helps to provide a landscape buffer between the application site and dwellings located to the west. The proposed buildings will be contained within the site and the proposal will not increase the visual spread of development across open countryside towards the existing group of properties at Fosse Cross. There will continue to be a visual separation between the site and the dwellings as at present. The Council's Landscape Officer has no objection to the proposal."**

It can be seen that the existing landscaping was considered capable of providing long-term screening in the Hare and Hounds application, even if the conifers were removed. That planting was not within the control of the applicants of the Hare and Hounds application, yet the Council was happy that its screening potential was long-term. Why, therefore, in the application now before you, is that planting being largely disregarded on the basis that you cannot control its management or retention, even though the current Applicant owns that landscaping? That is not a consistent approach.

The retention of the planting can be controlled by condition or, if required, by s106.

I look forward to a consistent approach, and to the long-term screening benefits of the existing planting being fully considered.

#### Effect on Night Skies

We addressed this in the Supporting Statement section 5.17 et seq.

The existing stables were approved with rooflights. That stables building is lower than the proposed school. The lights will be on in the stables in the hours of darkness far more than they will be on in the indoor school. The stables did not cause the Council any concern about light spill.

As also set out in the Supporting Statement, cowed lights will shine down, not up, so there will be limited light reaching the roof lights anyway. The roof lights will be typical translucent agricultural roof sheets, such as those shown below, that are incorporated in almost all farm buildings.

*Insert 7: Example of Translucent Roof Sheets*



Rooflight sheets mean that the school can be used in daylight hours without using energy to light the building. Hence there is a real benefit from providing the building with rooflights.

We do not believe that anybody travelling along the lane to the south, or the footpath/lane to the north, will see any harmful light spill out of these sheets given the shallow nature of the roof. However, as the photomontage below shows, the plane of the roof will be visible, so there may be some light visible to viewers from this distance.

*Insert 8: Excerpt from Photomontage*



Accordingly we are happy to remove the translucent sheets from the southern roof should this continue to be a concern that you do not think can be dealt with by condition (eg regarding the cowling on the internal lights). This can be controlled by condition, for example:

**"Notwithstanding the details shown on Plan XX, no translucent roof sheets shall be inserted into the southern-sloping roof".**

**Next Steps**

I trust that you will review these comments carefully.

Following that I think that, if you continue to hold landscape reservations, I would appreciate a meeting.

With kind regards.

Yours sincerely

**Tony Kernon**  
BSc(Hons), MRICS, FBIAC

**ATTACHMENT A**  
**Extracts from 17/05211/FUL**

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**Item No 04:-**

**17/05211/FUL**

**Hare and Hounds  
Fosse Cross  
Chedworth  
Cheltenham  
Gloucestershire  
GL54 4NN**

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**Item No 04:-**

**Erection of 28 hotel bedrooms and dining pavillion, creation of car parking and new access and use of barn as plant room at Hare and Hounds Fosse Cross Chedworth Cheltenham Gloucestershire GL54 4NN**

<b>Full Application 17/05211/FUL</b>	
<b>Applicant:</b>	Cotswolds Inns And Hotels
<b>Agent:</b>	Hunter Page Planning Limited
<b>Case Officer:</b>	Martin Perks
<b>Ward Member(s):</b>	Councillor Jenny Forde
<b>Committee Date:</b>	12th December 2018
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**Main Issues:**

- (a) Economic Development in a Rural Area
- (b) Design and Impact on Setting and Special Architectural and Historic Interest of a Listed Building
- (c) Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty
- (d) Arboricultural Impact
- (e) Access and Highway Safety
- (f) Impact on Protected Species
- (g) Impact on Residential Amenity

**Reasons for Referral:**

This application is a resubmission of a previous application (16/05371/FUL) which was withdrawn in September 2017. The previous application was the subject of an advanced Site Inspection Briefing and was due to be heard at Planning and Licensing Committee on the 13th September 2017. In light of this, Officers consider it appropriate that the current application is also considered by Planning and Licensing Committee.

Clr Forde has also requested that the application be referred to Committee for the following reason;

'Scale of the development in relation to the listed building and surrounding AONB, in particular the size of the dining room and number of bedrooms.

The visual and physical impact on the landscape, the footpath and the small rural hamlet of Foss Cross.'

**1. Site Description:**

This application relates to an existing public house located adjacent to the A429 Fosse Way. The site is located approximately 7km to the south of the settlement of Northleach.

The site measures approximately 0.6 hectares in size and is occupied by a Grade II Listed public house (Hare and Hounds), a 10 room accommodation block and associated stone outbuildings. The public house is located in the northern part of the site and sits side on to the A429 which passes in a roughly north south direction adjacent to the eastern boundary of the application site. The north western part of the application site is occupied by a car park. The southern part of the site (approximately 0.23 hectares in size) is occupied by a grassed paddock/field area.

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from the proposal including encouraging future viability of the listed building for the purpose it was originally constructed, and providing employment and local business'. The Conservation Officer therefore raises no objection to the application.

The Government's Planning Practice Guidance (PPG) states the following with regard to 'public benefits':

'Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation'

(Paragraph: 020 Reference ID: 18a-020-20140306)

In the case of this proposal, the Hare and Hounds is a historic public house. Its use as a public house is a significant part of its historic significance. The current proposal will assist the long term viability of the heritage asset and allow the building to retain its historic use, thereby securing the optimum viable use of the heritage asset. The proposed development will also provide additional income for the premises and provide additional employment. The additional revenue generated by the proposed development will also assist the local economy. It is considered that the public benefits of the proposal outweigh the less than substantial harm caused by the proposed development and as such the proposal does not conflict with Paragraph 196 of the NPPF.

Overall, it is considered that the proposed development respects the character and distinctive appearance of the locality. In addition, the containment of new build development within the car park will significantly reduce the overall impact of development on the setting of the designated heritage asset. Whilst the proposal is considered to have less than substantial harm on the setting of the listed building, it is also considered that the proposal will have a number of public benefits that outweigh the less than substantial harm. On this basis it is considered that the proposal is acceptable having regard to Section 66(1) of the 1990 Act, Local Plan Policies EN2, EN4 and EN10 and Section 16 of the NPPF.

#### **(c) Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty**

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85(1) of the Countryside and Rights of Way Act 2000).

Paragraph 170 of the NPPF states that planning policies and decisions 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'.

Paragraph 172 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'

Local Plan Policy EN1 Built, Natural and Historic Environment states:

'New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. contributing to the provision and enhancement of multi-functioning green infrastructure;
- c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. seeking to improve air, soil and water quality where feasible; and
- e. ensuring design standards that complement the character of the area and the sustainable use of the development.'

Local Plan Policy EN2 Design of the Built and Natural Environment states:

'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'

Local Plan Policy EN4 The Wider Natural and Historic Landscape states:

1. 'Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.
2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.'

Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. '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.
2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.'

The application site and its surroundings are classified in the Cotswolds Conservation Board's Landscape Character Assessment (LCA) as falling within Landscape Character Area 9D Cotswolds High Wold Dip-Slope. This in turn falls within Landscape Character Type High Wold Dip-Slope. Characteristics of this particular landscape are a softly, gently undulating landscape, large scale open arable fields with little tree cover, leading to a more complex mosaic of smaller scale arable and pasture contained within a strong framework of hedges and woodland. It also provides intermittent long distance views towards the High Wold and across neighbouring lowlands and is sparsely settled with intermittent isolated farmsteads and hamlets.

The LCA identifies 'isolated development such as new single dwellings that might compromise rural landscape character and dispersed settlement patterns, including farm buildings converted to residential use' as a Local Force for Change. The Potential Landscape Implications of such development are listed as 'Visual intrusions introduced to the landscape, the upgrading of minor roads and lanes in areas of new development and the introduction of suburbanising features such as lighting, the introduction of 'lit' elements to characteristically dark landscapes, the proliferation of suburban building styles/materials and the introduction of ornamental garden plants and boundary features and the loss of tranquillity.' The Outline Strategies and Guidelines section of the LCA recommends that development in such locations should 'conserve the distinctive rural and dispersed settlement pattern', 'maintain the sense of openness and consider the impact of

built development on views to and from the High Wold and Dip Slope Lowland' and 'control the proliferation of suburban building styles and materials.'

The existing site comprises an 18th/19th Century public house, outbuildings and modern extensions. The roadside elevation of the site reveals the historic form and character of the public house and its relationship with historic outbuildings within the site. In contrast, the land to the north, north west and south west of the principal building has a more modern character and appearance. The aforementioned areas are occupied by a car park and modern extensions. A line of Leylandii also defines the western boundary of the site. The area proposed for the new accommodation and dining buildings is therefore already heavily influenced by modern development and non-native landscape species. It does not exhibit the typical landscape characteristics of the High Wold Dip Slope as set out in the Cotswolds Conservation Board's LCA.

The proposed accommodation buildings will be approximately 6.5m in height. They will therefore be approximately 1m lower in height than the public house. The proposed buildings will also be set within the car park and will lie adjacent to the existing Leylandii. The proposed buildings will be relatively contained within the site and will not result in an encroachment of development into the surrounding countryside. New development will be seen in context with existing built forms and will not interrupt or detract from views across the High Wold Dip-slope.

The principal public views of the site are from the A429 to its east, the lane leading to the recycling centre to the south and the private road/Public Right of Way KCH71 that runs past the northern boundary of the site. From the A429, the proposed buildings will largely be screened by existing buildings. The proposed buildings are not of a size or scale that will appear prominent or obtrusive when viewed from the aforementioned highway. The same is true in respect of views of the site from the lane to the south. Existing vegetation and buildings will largely screen the proposed accommodation buildings and dining pavilion from the south. The proposed car park will introduce parked vehicles into the existing paddock. However, roadside vegetation combined with proposed new planting will reduce the visual impact of the parking area. The car park will be surfaced in a reinforced gravel and the parking spaces will have a reinforced grass surface. The car park will therefore have a relatively informal appearance consistent with its rural location. It will not appear as a large expanse of black tarmac with white lined parking bays. It is also not uncommon to see parking areas adjacent to rural public houses. The proposed parking area will be seen in context with existing development and is considered not to have an unacceptable impact on the character or appearance of the area. New hedgerow planting will also be introduced along the boundary of the site with the A429. It is also noted that the permission granted for the 32 bed hotel development on the paddock in 1995 and 2001 was considered not to have an adverse impact on the character or appearance of the AONB.

The proposed overflow car park is bordered by hedgerows and is therefore reasonably well screened from view. The applicant can also use the area for up to 28 days per year without the need for planning permission. No physical alterations are proposed to the overflow area.

With regard to the impact of the proposal on the lane to the north, it is evident that northern boundary of the site is defined by a drystone wall measuring approximately 1.3m high and a line of vegetation. The existing boundary treatment is relatively informal and does allow some views into the existing car park and to the rear of the public house. The proposed development will introduce a line of buildings along the northern boundary. The proposed accommodation and dining pavilion buildings will extend for approximately 33m along the boundary. A gap of approximately 15m will be retained between the eastern end of the proposed buildings and the existing outbuilding located in the north east corner of the site. The gap will allow for the retention of some views through to the rear of the public house. The entire length of the northern boundary will not therefore be developed. The buildings that are proposed are considered to be of a size, scale, design and proportion that is consistent with traditional rural outbuildings. It is also not uncommon to see the side and gable elevations of such outbuildings extending alongside rural lanes in the District. Whilst it is recognised that the proposed development has the potential to increase the sense of enclosure experienced by users of the lane, it is considered that the design approach is respectful of traditional building styles and is not one that would result in the

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introduction of an overbearing or intrusive form of development that would have a harmful adverse impact on the character or appearance of the lane.

With regard to the western boundary of the site, it is evident that a belt of deciduous trees measuring approximately 20m in depth lies to the immediate west of an existing line of Leylandii. The tree belt will therefore continue to provide screening of the existing site should the Leylandii be removed. It is considered that there is a sufficient landscape belt to the west of the proposed development to minimise any future impact of the development on the fields/properties to the west. The existing tree belt also helps to provide a landscape buffer between the application site and dwellings located to the west. The proposed buildings will be contained within the site and the proposal will not increase the visual spread of development across open countryside towards the existing group of properties at Fosse Cross. There will continue to be a visual separation between the site and the dwellings as at present. The Council's Landscape Officer has no objection to the proposal.

The comments from the CPRE and Cotswolds Conservation Board regarding the size of the proposed development are noted. However, there is no policy requirement for the applicant to justify that a smaller scheme is viable in preference to the current proposal. Each application has to be assessed on its own merits.

Overall, it is considered that the proposed development could be undertaken without having an adverse impact on the character and appearance of the AONB and in accordance with Local Plan Policies EN4 and EN5 and guidance contained in Paragraphs 170 and 172 of the NPPF.

#### **Major Development within the Cotswolds AONB**

The application has been assessed to determine whether it falls under the category of major development as set out in Paragraph 172 of the NPPF. Paragraph 172 states 'planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such an application should include an assessment of:

- i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that can be moderated'.

For the purposes of Paragraph 172, footnote 55 of the NPPF states that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'

In this particular case, the proposed development relates to an existing commercial operation which already generates visitors to the site and a degree of activity. The proposed use is consistent with the established use of the site. The proposed buildings will primarily occupy an existing car park area and will not therefore extend the site into the open countryside. The proposed car parking will be landscaped and will be relatively well screened from public view. The proposed design and materials are also considered to respond sympathetically to local character and distinctiveness. The site lies adjacent to a busy A road and as such the character of the site is already heavily influenced by passing vehicular traffic. Traffic generated by the proposed development is considered not to have a significant impact on the character or appearance of this part of the AONB. Having regard to the proposed use and local context it is considered that the proposed development does not constitute major development in the context of Paragraph 172 of the NPPF.

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Environmental Health Section has examined the proposal and has raised no objection to the proposal. In light of the existing commercial use of the site, its degree of separation from existing residential units and its position adjacent to the A429 it is considered that the proposal can be undertaken without having an adverse impact on the amenity of existing residents in accordance with Local Plan Policy EN15.

#### **Other Matters**

Gloucestershire County Council in their role as Lead Local Flood Authority raises no objection to the proposal in respect of drainage or flood risk. The proposed new buildings will primarily be located on existing hard surfaced areas thereby minimising the level of new hard surfacing on the site. The proposed car park will also have a gravel and grass surface which will allow infiltration. It is considered that the proposed development will not have an adverse impact in respect of flooding and drainage and is in accordance with Local Plan Policy EN14.

#### **9. Conclusion:**

Overall, it is considered that the proposed development will assist the long term viability of a designated heritage asset as well as supporting a local business and contributing to the local economy. The public benefits of the proposed scheme are considered to outweigh the less than substantial harm to the setting and special interest of the listed building. The design, scale and form of the proposed development are also considered to be appropriate for the site and not to have an adverse impact on the character or appearance of the AONB. Gloucestershire County Council Highway Officers are satisfied that the proposal will not have an adverse impact on highway safety and no objections are raised in respect of the impact of the proposal on trees, residential amenity, drainage or ecology. It is therefore recommended that the application is granted permission.

#### **10. Proposed conditions:**

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.

The development hereby approved shall be carried out in accordance with the following drawing number(s): P001 A, P/004, 1560 L 1 H, 1560 L 3, P/101, P/110 I, P/211 B, P/212 B, P/213 B, P/214, P/600, P/700, P/701, P/702, P/710 E, P/711 B, P/712 B, P/713 B, P/714 C, P/715, P/718 A, P/719 A,

**Reason:** For purposes of clarity and for the avoidance of doubt.

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.

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.



Ms Hannah Rose  
Cotswold District Council  
Trinity Road  
Cirencester  
GL7 1PX

**Electronic Version**  
Our Ref: KCC2737/hw  
9<sup>th</sup> October 2019

Dear Hannah

**19/02890/FUL: INDOOR ARENA AT CHERRY ORCHARD**

Thank you for your email of Monday at 17.34.

I am a bit concerned that there might be a misunderstanding about the photomontages. You state that the photograph I used – existing view and photomontage – **“does not portray the site in its current form”**. In particular you state that this photo **“fails to show the development that has taken place on the land in the forefront ... and the removal of the hedgerow to the eastern boundary of the site”**.

I write to be clear what development and which hedge you are referring to as removed.

Since the landscape architect took his photograph, in the foreground of the view the Applicant has erected fencing and has more recently been repairing the stone wall. At Attachment A is a photograph from early July showing the fencing. These works – fencing and wall repair – have not required planning consent.

She has not removed any vegetation or hedgerows.

I attach a photograph I took on the 3<sup>rd</sup> July 2019. I zoom in on the vegetation on the eastern edge of the site (I assume you mean existing vegetation that will screen the building proposed) below, to show what vegetation is there now.

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Chartered Surveyor - **Verity Drewett** BSc (Hons), MRICS, MBIAC  
Consultants - **Sam Eachus** BSc (Hons) **Pippa Glanville** BSc (Hons)*

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I compare that to a zoom in on the photomontage below, from the same position and cropped to the same zoom. You can directly compare the existing vegetation to the vegetation in the photomontage (albeit that was in the spring, so the leaves are not fully out).



The photomontage has gone a bit "blurry" but you can see that the same vegetation is there, just coming into leaf in the photomontage. There has been no subsequent hedgerow removal.

I show that vegetation looking back from just south of the proposed building the other way. The extent of the retained vegetation is clear. This is a 3<sup>rd</sup> July photo.

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Therefore the photomontage is correct and accurate to what is there now. It does show the current position.

Unless you are referring to the removal of a different hedgerow, in which case please can you identify on a plan the hedgerow you are referring to? The very eastern vegetation, between the land and the pub next door, has not been touched.

I appreciate that you have been guided on landscape matters by Katie, and that you cannot now consult her with any questions or to check these matters. I am very concerned about the implication that the LVIA and photomontages are misleading or out of date. I would also very much like an opportunity to discuss possible additional landscaping, or how the existing trees can be conditioned as part of a landscape assessment.

Accordingly would it be possible, please, to meet on site to discuss these matters?

With kind regards.

Yours sincerely

**Tony Kernon**  
BSc(Hons), MRICS, FBIAC

Attachment A: Photographs of 3<sup>rd</sup> July 2019



ATTACHMENT A  
Photographs of 3<sup>rd</sup> July 2019

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Hem 05  
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[REDACTED]

31.10.19

To whom it may concern,

I have been coaching Sophie Morgan for over a year now, Sophie is a dedicated dressage youth rider who has a real talent and in the right environment will thrive. Sophie has already been selected to ride for Great Britain multiple times but her ambitions do not stop there, she is on a trajectory for senior championships and it is essential for elite athletes to have the right facilities to train in, on a day to day basis.

My background in coaching is working with riders at European, World and Olympic level and I have witnessed first hand what "makes" a good rider. Having an indoor school really is key if Sophie has any chance of staying focused in bad weather, to maintain optimal performance all year round, and provide the very best for her horses in this competitive sport. This will ensure we stay on track with Sophie's Targets. Already this year we have had to cancel training sessions due the bad weather, as she only has the outdoor school.

I do hope you will allow this planning application to go through and support this talented athlete.

Yours sincerely,

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Item 05  
19/02890/FUL