Public Document Pack



Tuesday, 4 May 2021

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PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held in the Council Chamber, Trinity Road, Cirencester on Wednesday, 12 May 2021 at 10.00 am.

Rob Weaver Chief Executive

To: Members of the Planning and Licensing Committee (Councillors Ray Brassington, Patrick Coleman, Stephen Hirst, Nikki Ind, Sue Jepson, Julia Judd, Richard Keeling, Juliet Layton, Andrew Maclean, Dilys Neill, Gary Selwyn and Clive Webster)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. Apologies

2. Substitute Members

To note details of any substitution arrangements in place for the Meeting.

3. Declarations of Interest

To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.

4. **Minutes** (Pages 5 - 8)

To confirm the minutes of the meeting of the Committee held on 14 April 2021.

5. Chair's Announcements (if any)

6. Schedule of Applications (Pages 9 - 106)

To consider and determine the applications contained within the enclosed schedule:

To consider and determine the applications contained within the enclosed schedule:

Application No:	Description:	Ward Councillor(s):	Case Officer:
21/00836/FUL	Demolition of existing rear extensions and erection of two storey and single storey extensions to rear and addition of porch to front at 4 London Road, Ampney Crucis, Cirencester, GL7 5RS	Councillor Lisa Spivey	Martin Perks
20/02709/FUL	Change of use of a residential garage to a holiday let and associated external alterations at Garage 15 Main Street, Coln St Aldwyns, GL7 5AN	Councillor Ray Theodoulou	Claire Baker
21/00301/FUL	Conversion to ancillary accommodation at Ampneyfield Farm,	Councillor Lisa Spivey	Andrew Moody

	Ampney Crucis, Cirencester, GL7 5EA		
21/00302/LBC	Conversion to ancillary accommodation at Ampneyfield Farm, Ampney Crucis, Cirencester, GL7 5EA	Councillor Lisa Spivey	Andrew Moody
20/04402/FUL	Single storey side and rear extensions, new porch, and associated ancillary development, and detached double garage at Kernow, Ampney Crucis, Cirencester, GL7 5SA	Councillor Lisa Spivey	Sophie Browne
21/00646/FUL	Erection of an agricultural livestock barn at Church Farm, Little Rissington, GL54 2ND	Councillor Andrew Maclean	Amy Hill

7. Sites Inspection Briefing (Members for Wednesday 2 June 2021

Members appointed to serve on the Sites Inspection Briefing (if required) will be confirmed following the appointment of the Committee for Council Year 2021-22 at the Annual Council Meeting taking place on 26 May 2021.

8. Licensing Sub-Committee (Members for 23 June 2021)

Members appointed to serve on the above Licensing Sub-Committee (if required) will be confirmed following the appointment of the Committee for Council Year 2021-22 at the Annual Council Meeting taking place on 26 May 2021.

(END)



Agenda Item 4



Planning and Licensing Committee 14 April 2021

Minutes of a meeting held remotely of Planning and Licensing Committee held on 14 April 2021

In accordance with relevant legislation, these minutes are a record of decisions taken. They are not intended to be a verbatim account of the meeting. A full recording of the meeting can be accessed at the Facebook link at www.cotswold.gov.uk.

Councillors present:

Ray Brassington - Vice-Chair (in the Chair)
Tony Berry

Patrick ColemanNikki IndDilys NeillStephen HirstSue JepsonGary SelwynJoe HarrisJulia JuddClive Webster

Officers present:

Planning Manager Senior Case Officer
Case Officer

Legal Services Manager Democratic Services

The Chair advised that he wished to appoint Councillor Hirst as Vice-Chair for the meeting to ensure that in the event of technical failure with his technology, the meeting could continue with Councillor Hirst in the Chair.

PL.109 Apologies had been received from Councillors Keeling and Layton.

PL.110 Substitute Members

Councillor Berry substituted for Councillor Keeling.

Councillor Harris substituted for Councillor Layton.

PL. | | | Declarations of Interest

There were no declarations of interest from Members or Officers.

PL.112 Minutes

RESOLVED that the Minutes of the Meeting of the Committee held on 10 March 2021 be approved as a correct record.

Record of Voting - for 9, against 0, abstention 2, absent 0.

PL.113 Chair's Announcements

There were no announcements from the Chair.

PL.114 Schedule of Applications

20/03 I 98/FUL

Erection of Ino. detached dwelling and associated works at Land Parcel Adjacent to 10 De Havilland Road, Upper Rissington

The Case Officer reminded the Committee of the location of the site and then displayed a map of the site and aerial photograph, layout plan showing the designated Tree Preservation Orders on the site, block and floor plans, elevations, a Google virtual street view and photographs of the site from various vantage points.

There were no public speakers.

The Ward Member was not present as he was related to the applicant.

In response to various questions from Members it was reported the applicant had followed the correct CIL process; the proposed dwelling, if approved, would be 79 square metres at ground floor level compared to 10 De Havilland Road which was 88 square metres at ground floor level; the proposals were for a three storey dwelling; replacing trees with the same number of newly-planted trees was considered acceptable mitigation, but some species were likely to be changed to be ensure more suitability for the site; there was no turning circle proposed for the site, though it was considered by Officers that one vehicle could turn within the site if necessary; the site was considered to be within a built-up area; it was not expected that the Applicant would be constructing the property themselves and Condition 8 contained a requirement for an electric vehicle charging point to be installed.

A Member commented that whilst he supported self-build properties, as they were generally more affordable, he was disappointed by the traditional nature of the build and advised that he would be abstaining from the vote.

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

Approved, as recommended.

Record of voting - for 10, against 0, abstentions 1, absent 0.

21/00751/FUL

Proposed two storey extension and single storey extension (renewal of I7/04737/FUL) at The Fennings, Back Ends, Chipping Campden, GL55 6AU

The Case Officer reminded the Committee of the location of the site and then displayed a map of the site and aerial photograph, block, floor and roof plans, elevations and photographs of the site from various vantage points.

There were no public speakers.

One Ward Member was not present at the Meeting as he was the Applicant. The other Ward Member was also not present.

In response to various questions from Members it was reported that no response had been received from the Town Council; the application presented the same plans as the previously approved application; the conservatory was proposed to be removed as part of the proposals; the roof of a single-storey extension was also proposed to be altered; and the application was required to be considered in line with current Local Plan policies.

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

Approved, as recommended.

Record of voting - for II, against 0, abstentions 0, absent 0.

20/04249/FUL

Change of use to beauty salon to include body piercing and tattoos (sui generis) (part retrospective) at Room 28, Moreton Area Centre, High Street, GL56 0AZ

The Case Officer reminded the Committee of the location of the site and then displayed a map of the site and internal layout plan.

In response to various questions from Members it was reported that the sui generis use did not fall into any of the specified use classes within the order and that this was usual for beauty salons; the applicant had made an enquiry to the Property Services Team of the Council and this was why the application was part retrospective; and Officers had not specified operating hours for the salon as this would be dependent upon the opening hours of the Centre.

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

Approved, as recommended.

Record of voting - for II, against 0, abstentions 0, absent 0.

(ii) Public Submissions

No public submissions were made at the meeting.

PL.115 Sites Inspection Briefings (Members for Wednesday 5 May 2021)

It was noted that Councillors Juliet Layton, Sue Jepson, Richard Keeling, Dilys Neill and Clive Webster would represent the Committee at the virtual Sites Inspection Briefing, if required.

PL.116 Licensing Sub-Committees (Members for 19 May 2021)

It was noted that Councillors Juliet Layton, Stephen Hirst, Julia Judd, Dilys Neill and Clive Webster would represent the Committee at the Licensing Sub-Committee on 19 May 2021, if required.

It was also noted that Councillors Brassington, Coleman, Hirst, Jepson and Keeling had agreed to represent the Committee at the virtual Licensing Sub-Committee meeting on 28 April 2021.

PL.117 Other Business

There was no other business.

The Meeting commenced at 2.00pm and closed at 2.53pm.

Chair

(END)

PLANNING AND LICENSING COMMITTEE 12th May 2021

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.
- Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance

The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:

- Planning Permission: Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
- <u>Listed Building Consent</u>: Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
- <u>Display of Advertisements</u>: <u>Town and Country Planning (Control of Advertisements)</u> (England) Regulations 2007 powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

PLANNING AND LICENSING COMMITTEE 12th May 2021 INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule No.
Ampney Crucis	4 London Road Ampney Crucis Cirencester Gloucestershire 21/00836/FUL Full Application	01
Coln St Aldwyns	Garage 15 Main Street Coln St Aldwyns Gloucestershire 20/02709/FUL Full Application	02
Ampney Crucis	Ampneyfield Farm Ampney Crucis Cirencester Gloucestershire 21/00301/FUL Full Application	03
Ampney Crucis	Ampneyfield Farm Ampney Crucis Cirencester Gloucestershire 21/00302/LBC Listed Building Consent	04
Ampney Crucis	Kernow Ampney Crucis Cirencester Gloucestershire 20/04402/FUL Full Application	05
Little Rissington	Church Farm Little Rissington Cheltenham Gloucestershire 21/00646/FUL Full Application	06

Item No 01:-

21/00836/FUL

4 London Road Ampney Crucis CIRENCESTER Gloucestershire GL7 5RS

Item No 01:-

Demolition of existing rear extensions and erection of two storey and single storey extensions to rear and addition of porch to front at 4 London Road Ampney Crucis Cirencester Gloucestershire GL7 5RS

Full Application 21/00836/FUL		
Applicant:	Mr & Mrs H Calvert	
Agent:	Corinium Architectural Services	
Case Officer:	Martin Perks	
Ward Member(s):	Councillor Lisa Spivey	
Committee Date:	12th May 2021	
RECOMMENDATION:	PERMIT	

Main Issues:

(a) Design and Impact on Ampney Crucis Conservation Area

Reasons for Referral:

This application has been referred to Planning and Licensing Committee by Councillor Spivey for the following reason:

I. Site Description:

This application relates to a detached 1.5 storey 19th century stone dwelling located on the southern edge of the village of Ampney Crucis. The front elevation of the property faces onto the A417. The western boundary of the site adjoins the Crown of Crucis hotel. The northern boundary of the site lies adjacent to Ampney Brook and its eastern boundary adjoins agricultural fields.

The site is located within Ampney Crucis Conservation Area.

The front part of the property lies within a Flood Zone I. The rear range lies within a Flood Zone 2. The rear garden beyond the footprint of the existing dwelling is located within a Flood Zone 3.

2. Relevant Planning History:

CT.3445 Extension to existing dwelling to provide kitchen, WC and bathroom. Permitted 1965

^{&#}x27;The revised design still falls far short of the Local Plan EN2 and the Cotswold Design Code with its stated aim of producing a simple design in relation to the vernacular building. The current revised design is still complicated and out of character with the setting. In particular the use of a flat roof on the extension is out of keeping with the majority of the buildings in the conservation area.'

CT.3445/A Outline application for the erection of a new bungalow and a garage. Demolition of existing garage. Refused 1987

CT.3445/B Erection of new cottage and garage, alteration of existing vehicular and pedestrian access, demolition of existing garage. Refused 1988 Dismissed at appeal 1988

3. Planning Policies:

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN10 HE: Designated Heritage Assets

ENII HE: DHA - Conservation Areas

EN14 Managing Flood Risk

4. Observations of Consultees:

Conservation Officer: No objection

5. View of Town/Parish Council:

'The revised design still falls far short of the Local Plan EN2 and the Cotswold Design Code with its stated aim of producing a simple design in relation to the vernacular building.

The current revised design is still complicated and out of character with the setting.'

6. Other Representations:

None

7. Applicant's Supporting Information:

Design and Access Statement

8. Officer's Assessment:

Proposed Development

The applicant is seeking to replace a rendered lean-to extension and a single storey flat roofed stone extension located to the rear of the dwelling with a new part single/part 2 storey rear extension. It is also proposed to erect a front porch.

The proposed 2 storey element will measure approximately 6.5m long by 4.8m wide by 6m high. It will be the same height as the principal part of the existing dwelling. The proposed single storey extension will extend along the rear of the existing dwelling and to the side and rear of the proposed 2 storey extension. It will extend approximately 2m from the rear elevation of the existing dwelling and approximately 1.5m to the side and rear of the 2 storey extension. It will measure approximately 2.8 m in height and will have a flat roof.

The proposed porch will measure approximately 1.2m deep by 2m wide by 2.8m high. Permission is required because it is located within 2m of a site boundary adjoining a public highway.

The external walls of the proposed extension and porch will be finished in natural stone. The pitched roofs will be covered with artificial stone slates. The edge of the flat roof will be faced with a cedar fascia.

The length of the proposed extension has been reduced by approximately Im following discussions with Officers.

(a) Design and Impact on Ampney Crucis Conservation Area

The application site is located within Ampney Crucis Conservation Area (CA).

With respect to any buildings or other land in a conservation area, Section 72(I) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Considerable weight and importance must be given to the aforementioned legislation.

The following policy and guidance is considered applicable to this application:

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 of multi-functional 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

'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 EN10 Designated Heritage Assets states:

- In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 2 Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.

- Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:
- The importance of the asset;
- The scale of harm; and
- The nature and level of the public benefit of the proposal.

Local Plan Policy ENTI Designated Heritage Assets - Conservation Areas states:

'Development proposals, including demolition, that would affect Conservation Areas 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 and/or appearance, and/or allow important views into or out of the Conservation Area.
- d. Have regard to the relevant Conservation Area appraisal (where available); and
- e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'

Paragraph 193 of the National Planning Policy Framework (NPPF) states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.'

Paragraph 194 states 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 196 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

The existing dwelling is an attractive stone property dating from the 19th Century. It faces onto the A417 and its front elevation is therefore readily visible from the public realm. In addition, the eastern side elevation of the property is also visible from the A417 when approaching the village from the east. The existing property is considered to make a positive contribution to the character and appearance of the CA. Notwithstanding this; the property has 2 unsympathetic modern additions to its rear. The western side boundary of the application site also lies adjacent to a number of modern extensions forming part of the Crown of Crucis hotel. The aforementioned extensions are faced in render and extend approximately 30m to the rear of the historic part of the applicant's property. The hotel extensions form a backdrop to the application site when driving westwards along the A417.

The 2 storey element of the proposed development respects the character and appearance of the historic part of the property in terms of design, proportions and materials. The length of the extension has been reduced following discussions with Officers in order to ensure that the development remains proportionate in size and scale to the existing dwelling. The dormer windows in the proposed extension also reflect those present in the front elevation of the dwelling.

The single storey element will lie to the rear of the property. It will be constructed in natural stone and is considered to represent a more sympathetic addition than the existing smooth cream coloured extension. Due to its flat roof form it will appear subservient to the main dwelling and will not be readily visible from public view.

The proposed rear extensions will be viewed in context with the existing extensions located to the rear of the Crown of Crucis. The aforementioned extensions extend significantly further to the north than the proposed extension. The presence of the neighbouring extension will diminish the impact of the 2 storey element of the proposed extension when viewed from the A417. The proposed extension will not therefore appear as a significant or obvious extension of built development to the north of the road.

The comments of the Parish council are noted. However, having regard to the existing extensions which lie to the rear of the dwelling and the size and design of the extensions which lie along the boundary of the application site, it is considered that the proposed development represents an appropriate form of development. In particular, it is of note that the property already has a flat roof addition to its rear.

The proposed porch is traditional in size and design and is similar in appearance to a porch serving the Crown of Crucis to the west of the application site. It is considered to be sympathetic to the character and appearance of the main dwelling and the wider CA.

The Conservation Officer does not consider the property to be a non-designated heritage asset.

Overall, it is considered that the proposed development represents an appropriate addition to the property. The proposed scheme will not have an adverse impact on the character and appearance of the CA and the design of the proposal is considered to respect local character and distinctiveness. The proposal is considered to accord with Local Plan Policies EN2, EN10 and EN11.

Other Matters

The proposed development will not result in overlooking or loss of light to the adjoining property. The neighbouring extension extends along the length of the western site boundary and it does not contain any openings in its eastern elevation. The proposal does not therefore cause a conflict with the amenity enjoyed by occupiers of the neighbouring development. The existing dwelling will also retain a level of garden space commensurate with the size of the extended property. It is considered that the proposal accords with the guidance on residential amenity set out in the Cotswold Design Code.

The site of the proposed extension will be located within a Flood Zone 2. However, it constitutes minor development and is therefore acceptable in principle in such a location. In addition, the proposal will largely be located on the footprint of existing development. It will not therefore result in a significant encroachment of development into the flood zone. It is considered that the proposed development can be undertaken without having an adverse impact on flooding or drainage having regard to Local Plan Policy EN14.

The proposed development is under 100 sq metres in size and is not therefore liable for a payment under the Community Infrastructure Levy.

9. Conclusion:

Overall, it is considered that the proposed development will preserve the character and appearance of Ampney Crucis Conservation Area and will not have an adverse impact in any other respects. It is therefore recommended that the application is granted permission.

10. Proposed 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 carried out in accordance with the following drawing number(s): 2105/1 E

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

3. 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 Policies EN2, EN10 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. 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 and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

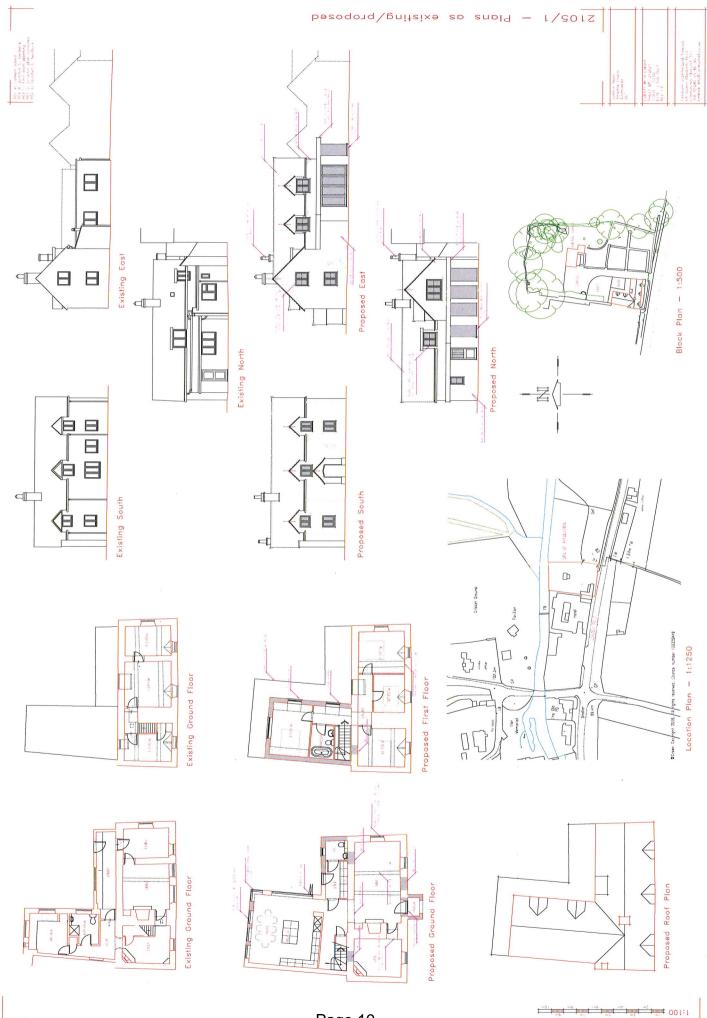
Reason: To ensure that in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

5. All door and window frames shall be recessed to match the existing door and window frames in the existing building and shall be permanently retained as such thereafter.

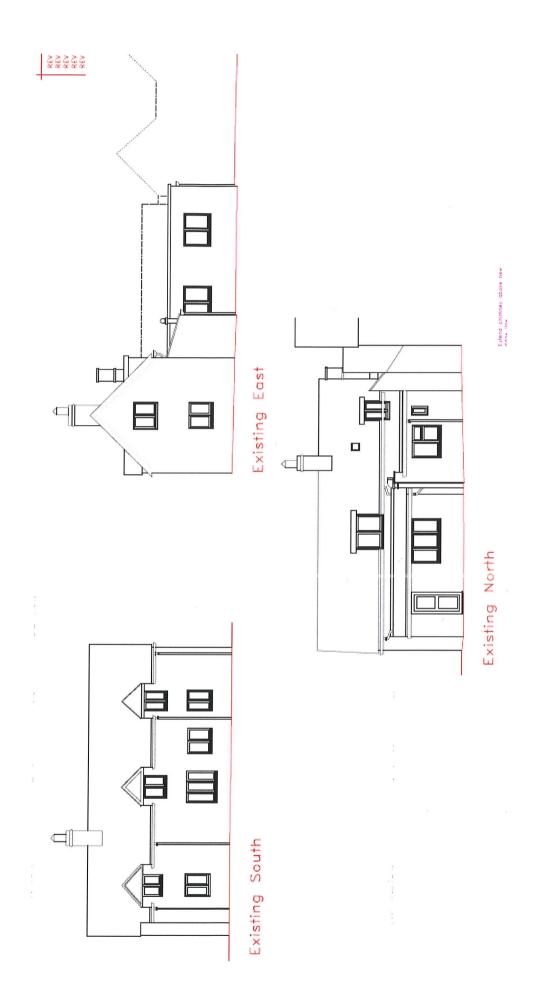
Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

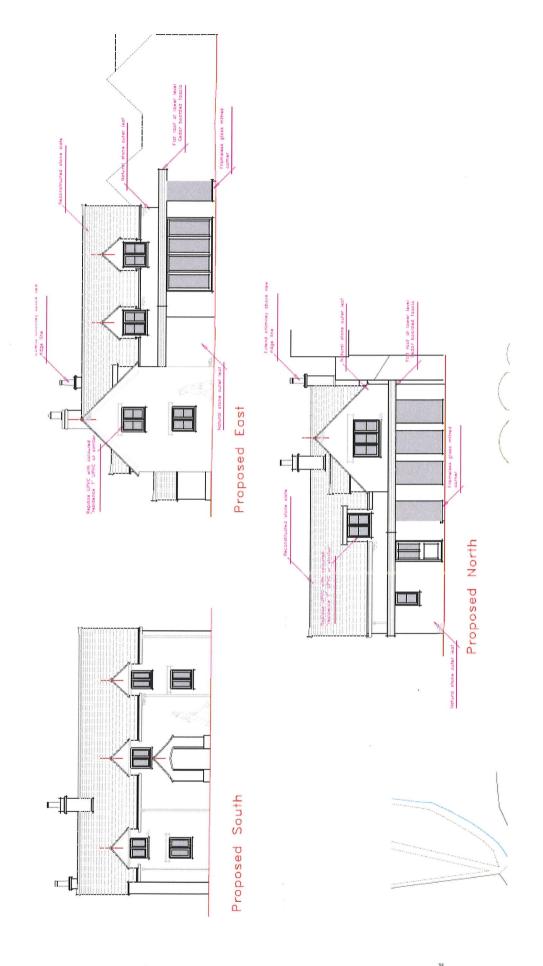
Informatives:

Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m2 of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.



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Item No 02:-

20/02709/FUL

Garage 15 Main Street Coln St Aldwyns Gloucestershire GL7 5AN

Item No 02:-

Change of use of a residential garage to a holiday let and associated external alterations at Garage 15 Main Street Coln St Aldwyns Gloucestershire GL7 5AN

Full Application 20/02709/FUL		
Applicant:	Mr Ben Court	
Agent:	Eclipse Planning Services	
Case Officer:	Claire Baker	
Ward Member(s):	Councillor Ray Theodoulou	
Committee Date:	12th May 2021	
RECOMMENDATION:	PERMIT	

Main Issues:

- (a) The Principle of development
- (b) Scale, design and impact on the Colne St Aldwyn Conservation Area and adjacent listed buildings
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB).
- (d) Highway impact
- (e) Impact on residential amenity
- (f) Response to Planning Officer's original report by 14 local residents

Reasons for Referral:

Councillor Theodoulou has referred the application to the Planning and Licensing Committee for the following reasons:

"Highways safety is compromised as visibility upon entering or leaving the property from the narrow road is inadequate contrary to NPPF 2020 para 109.

The provision of more tourist accommodation will have an adverse impact on the local environment and the daily life of local residents contrary to the Local Plan.

Adverse impact on the Conservation Area.

Loss of the privacy of neighbouring Swan Cottage."

I. Site Description:

The application site is located within the non-principal settlement of Coln St Aldwyns. The site comprises a 1.5 storey double residential garage fronting and accessed from Main Street. It is built of Cotswold stone and slates, with a pair of vertically boarded timber doors. Two rooflights are located in the eastern (rear) roof slope. The building is set back from the highway and there are two off-road parking spaces in front of each garage door. Adjoining the site to the south is 16 Main Street and a terrace of eight dwellings, 8-14 Main

Street. The terrace is Grade II listed and located at the back of the footway. The garden of No. 16 abuts the site to the south. To the north is the access drive serving Chance House to the north east of the Site. To the west, beyond Main Street are gardens and a paddock. The site also lies within the Colne St Aldwyn Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

2. Relevant Planning History:

CD.2397/C The erection of a new garage between Chance House and Roasmundi. Permitted 13 February 1991.

20/01490/FUL Change of use of residential garage (C3) to Osteopath Practice (D1). External alterations including installation of glazed doors, rooflights, 2 dormers to front elevation and gable end casement windows. Withdrawn 19 June 2020.

3. Planning Policies:

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN10 HE: Designated Heritage Assets

ENII HE: DHA - Conservation Areas

EN14 Managing Flood Risk

INF4 Highway Safety

INF5 Parking Provision

4. Observations of Consultees:

Drainage Engineer: No objection

Highway Officer: No objection subject to condition

5. View of Town/Parish Council:

Coln St Aldwyns Parish Council objects: If this garage become a holiday cottage, the guests will only have the front of their cars for a view from the ground floor; there is no room for an area to sit outside in apart from the parking/turning area; the original planning permission is only for a double garage, which is needed to alleviate the lack of car parking space on Main Street, not add to it; guests' cars once parked will be reversed onto Main Street where there is no field of vision of oncoming traffic; the turning area, which is a main component of the original permission will be lost; the installation of both of the windows would cause a significant loss of privacy to Swan Cottage.

6. Other Representations:

30 objections received to proposal as originally submitted:

(i) The Main Street of Coln St Aldwyns suffers from a distinct lack of parking in an area of high demand therefore the proposal would create further traffic and parking problems;

- (ii) the proposed development would severely impinge upon the visual and aural privacy of the adjacent property, Swan Cottage at 16 Main Street;
- (iii) the two planned windows in the southerly gable wall of the garage would provide a line of sight at a distance of less than 9 metres into the ground floor sitting room and kitchen, and first floor bathroom and there would be noise pollution from a holiday let through a glass at a distance of no more than I metre from the enclosed private garden;
- (iv) the large single-pane, industrial casement window design at the ground floor is entirely inappropriate for a listed building environment;
- (v) the overall design is inappropriate for a conservation area and area of outstanding natural beauty; the permission was given for a garage in perpetuity;
- (vi) overdevelopment of the site;
- (vii) loss of parking on a street where there are already severe parking issues;
- (viii) occupants of the holiday let would be likely to use the parking spaces of 16 Main Street;
- (ix) the building could be converted to commercial premises in the future;
- (x) it would lead to additional vehicles and increased highway danger on an already congested road;
- (xi) the installation of dormers to the front elevation would be in breach of existing design approach by the Council and also to the setting of neighbouring listed properties;
- (xii) the original planning consent for the garages stipulated that there should be a turning area in front for not only the safety of vehicles but pedestrians and other road/pavement users:
- (xiii) no amenity space for occupants;
- (xiv) already have more than enough holiday lets/AirBNBs in our village and any more would further erode our important community spirit;
- (xv) there are several residents who would be willing to acquire the garages for their approved parking use and if they were retained for that purpose;
- (xvi) there are major difficulties with access and egress to and from the existing garage forecourt and for this reason the original planning permission (90/01359/FUL) required the area in front of the garages to be kept clear for the turning of vehicles, and this provision should be retained;
- (xvii) the design of the conversion breaches design principles insisted upon by the Council on houses and cottages in the row;
- (xviii) the garage would look like a very strange small house quite out of context with the adjoining listed buildings and in a very prominent position;
- (xix) there is no a suitable place for bin storage at the property;
- (xx) Main Street backs onto a seasonally flooded meadow and meadows are a priority habitat;
- (xxi) use of the front area for amenity may cause noise and disturbance;
- (xxii) this will set a precedent for the conversion of other garages;
- (xxiii) the Highway Authority has reversed its position in relation to this application in a remarkable U-turn;
- (xxiv) the Highway Officer has not given consideration to the restrictive conditions attached to the original permission for the garage; and has not addressed serious concerns over highway safety;
- (xxv) no consideration has been given to whether the application complies with Local Plan Policy INF3 and INF4 or paras 108-111 of the NPPF;
- (xxvi) the Highway Authority is wrong to conclude that there has been "severance from the adjoining dwelling" as planning permission runs with the land and in this case, planning permission limits the use of the land;

(xxvii) it is to be used as a garage "only for purposes incidental to the use and enjoyment of [Number 15" therefore, unless and until there is a successful planning application to remove or vary the conditions, the garages and the dwelling at Number 15 are still joined at the hip; (xxviii) there hasn't been severance in a relevant planning sense; the garages cannot lawfully be used for any other purpose;

(xxix) the condition that the Highway Authority has proposed (namely that an area be provided for the purpose of parking a vehicle) would be difficult to enforce and cuts across existing planning conditions;

(xxx) there has been no consideration of whether or not there has been a material change of circumstances to justify varying or removing the existing planning conditions and given the substantial increase in traffic and congestion on Main Street, the considerations which led the planning authorities (rightly) to impose these conditions in 1991 apply with greater force today;

(xxxi) the local bus service runs only once/day and therefore the proposed development would not provide adequate access to public transport for visitors staying in the holiday let, nor does it provide any cycle storage or plug-in facilities for low-emission vehicles;

(xxxii) the site is not in a sustainable location;

(xxxiii) the internal layout, with steep and narrow stairs, would make access to the upper floor difficult and hazardous for some people with disabilities and the site and the existing building is not considered appropriate or sufficient to provide satisfactory holiday accommodation.

6 letters of objection received following the amended proposal raising the following new issues:

- (i) The proposal does not comply with Section D67 I. P of the CDC's own Design Code which requires an interface distance of 22m for facing windows;
- (ii) the revised scheme to alter the window and door arrangement is not sympathetic to the village street scene in this area adjacent to the listed 1700s terraced cottages;
- (iii) the change to large panel glass windows and boarded panels is not sympathetic to the adjacent properties;
- (ix) the new front elevation is now entirely inappropriate to the street scene in Main St; revised design totally out of character with the Cotswold stone and casement windows which are found on every house in the street;
- (x) the Council's Cotswold Design Code indicates that the traditional materials which form the Cotswold Vernacular are limestone walling and casement windows and the revised scheme is completely at odds with this contrary to Local Policy EN2 of the Local Plan;
- (xi) no adequate evaluation of this revised design in the Officer report in terms of the Design Code and the revised proposal fails to preserve or enhance the character or appearance of the Conservation Area or the setting contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies EN10, EN11 of the Local Plan, and Sections 12 and 16 of the National Planning Policy Framework;
- (xii) despite nearly 70 objections this application is not going to Committee which is extremely unusual and one has to ask if the Planning Officer or department has been influenced in some way to bypass usual practices and if this does not go to Committee objectors will have to take the necessary steps to have this entire process investigated by the appropriate authorities;
- (xiii) third parties were not formally consulted on the design change which is significant;
- (xiv) the Highway Officer's about turn is suspicious;

- (xv) no provision for opaque and fixed shut windows in Policy EN2 and it would be difficult to monitor and enforce;
- (xvi) particular concerns have been raised by the owners of 15 Main Street regarding the safety of their 3 small children;
- (xvii) there is no analysis in the Officer report as to why the proposal is 'appropriately located within the development boundary' as required by Policy EC11 and no reference has been made to paragraph 3.09 of the Local Plan which states that tourism if not properly managed could have adverse impacts on the District's environment and the daily life of local people.

A statement in response to the original Officer report from 14 third parties and an addendum has also been received and is attached to this report.

I Letter of support received.

Local plan policy supports the conversion of existing buildings to self-catering holiday accommodation and it also supports tourism; the proposed development would not impact on parking capacity in Main Street as there would be two off road parking spaces and any off street parking associated with an existing dwelling was lost when the garage was sold in 2020.

8. Officer's Assessment:

The Proposal

This application seeks planning permission for the conversion of a residential garage to a two bedroom holiday let. Some external alterations are proposed to facilitate this use including the replacement of garage doors with boarding/windows and a single door. In the rear roof slope two smaller rooflights would replace the existing and would serve the stairwell and first floor bedroom. A further two small rooflights are proposed to serve the ground floor. In the south elevation two windows are proposed to serve the bathroom and living area respectively. Both would have cill heights of 1.7m and be obscurely glazed and fixed shut. There would be no increase in the footprint of the building. Access would continue to be from Main Street and on-site parking for two vehicles would be retained to the front of the building.

(a) The Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the consideration of this proposal is therefore the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

The application site is located within the non-principal settlement of Coln St Aldwyns. The proposal is for a dwelling; albeit for holiday accommodation and therefore Local Plan Policy

DS3 (Small-Scale Residential Development in Non-Principal Settlements) is relevant and states that:

- "I. In Non-Principal Settlements, small-scale residential development will be permitted provided it:
- a. demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally;
- b. is of a proportionate scale and maintains and enhances sustainable patterns of development;
- c. complements the form and character of the settlement; and
- d. does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period."

However, the proposal is specifically for self-catering holiday accommodation and as such is also subject to Local Plan Policy ECII (Tourist Accommodation). Policy ECII states:

- "3. Proposals for self-catering holiday accommodation will only be permitted where it:
- a. is provided through the conservation and conversion of existing buildings, including agricultural buildings; or
- b. is appropriately located within Development Boundaries.
- 4. Exceptionally, proposals for new-build, short, stay, self-catering units that are directly associated on-site with a tourist attraction and required to sustain the viability of the tourist attraction, will be acceptable."

Objectors have made reference to paragraph 3.09 of the Local Plan which states that tourism, if not properly managed, could have adverse impacts on the District's environment and the daily life of local people. Paragraph 3.09 is part of the introduction to the Local Plan which provides the background for the policies contained within it. Policy ECII is intended to manage tourism, in this case, self-catering holiday accommodation, by restricting them to the conversion of existing buildings or within appropriate development boundaries. Coln St Adlwyns does not have a Development Boundary, but the proposal is for the conversion of an existing building and as such it complies with criterion 3a of Local Plan Policy ECII and is therefore acceptable. The issue of the design of the building proposals are addressed separately within this report.

Objectors have asserted that the proposal is contrary to Local Plan Policy DS3 (Small Scale Residential Development in Non-Principal Settlements), due to its cramped and unsatisfactory accommodation and lack of amenity space. Indeed were the proposal for a permanent residential dwelling, Officers would consider it unsuitable in these respects. However, the proposal is for holiday accommodation and as such is subject to Local Plan Policy EC11 rather than Local Plan Policy DS3 and the modest accommodation and lack of amenity space is considered to be acceptable for such accommodation.

(b) Scale, design and impact on the Coln St Aldwyns Conservation Area and adjacent listed buildings

The application site lies within close proximity to, and within the wider setting of 8-14 Main Street which are grade II listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning

authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, in accordance with Section 66(I) of the Planning (Listed Buildings & Conservation Areas) Act, 1990. The site also lies within the designated Colne St Aldwyns Conservation Area, wherein 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(I) of the Planning (Listed Building and Conservation Areas) Act 1990.

Local Plan Policy EN2 states that development should accord with the Cotswold Design Code, and that proposals should respect the character and distinctive appearance of the locality.

Local Plan Policy EN10 reiterates the NPPF's concern that great weight should be given to the conservation of designated heritage assets. It states that proposals that sustain the character, appearance and significance of designated assets will be permitted, but that proposals that would harm the significance of an asset or its setting would not be permitted unless outweighed by mitigating public benefit.

Local Plan Policy ENTI states that proposals that affect conservation areas or their settings would be permitted providing that, amongst other things; it would preserve or where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, and materials; and that it will not result in a loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance of the conservation area. It also states that internally illuminated signage will not be permitted unless it does not have an adverse impact on the Conservation Area or its setting.

Section 12 of the revised National Planning Policy Framework reiterates that achieving a high quality of design for places and buildings is fundamental to the planning process.

Paragraph 127 advises that, amongst other things, development should be: 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

Section 16 of the revised National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets

The application site comprises a modern 1.5 storey double residential garage. It is built of Cotswold stone and slates, with a pair of vertically boarded timber doors. The application as originally submitted proposed dormer and casement windows and a central door to the front elevation giving the appearance of a small cottage. Two windows were also proposed in the south elevation, the ground floor window being a horizontal rectangular in shape. Officers and local residents considered the proposed design of the conversion, which sought to emulate a traditional vernacular cottage, to be inappropriate given the small scale of the garage. Given its scale and lack of curtilage, it was considered more appropriate that the building retained a simple outbuilding appearance rather than a miniature cottage particularly in the context of the conservation area and the setting of nearby listed buildings. Consequently, amended plans were requested and submitted which show a revised design. The dormer windows have been deleted and the central door and casement windows have

been replaced by glazing and boarding to give the appearance of an ancillary building which is considered more appropriate given the size of the garage to be converted. The ground floor horizontal rectangular window has also been replaced with a smaller vertical window to match that proposed for the first floor. When assessing the acceptability of the design, consideration has been given to the current appearance of the garage. The revised scheme proposes modest amendments to the appearance of the existing modern garage, which would have no greater impact on the listed buildings and conservation area than the existing building. As such, officers consider that the setting of the listed buildings and the character and appearance of the conservation area would be preserved. The proposal is therefore considered to accord with Local Plan Policies EN2, EN10, EN11 and Sections 12 and 16 of the NPPF.

(c) Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB)

The site is also within the Cotswolds Area of Outstanding Natural Beauty (AONB).

Local plan policy EN5 (Cotswolds Area of Outstanding Natural Beauty) states that:

"I. 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."

Chapter 15 (Conserving and enhancing the natural environment) of the NPPF recognises the role that planning can play on both contributing to and enhancing the natural and local environment through the protection and enhancement of valued landscapes. Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

The application lies with the existing village envelope and therefore, in respect of the impact of the development on the AONB's natural beauty and landscape, the character and appearance of this part of the AONB is reasonably considered to be determined by the character and appearance of the conservation area, rather than the wider countryside landscape. It therefore follows that if the proposal is considered to be acceptable within the conservation area, it would also not detract from this part of the AONB and its natural beauty and landscape character. As stated above the revised plans are considered to be appropriate. The proposal is therefore considered to accord with Local Plan Policy EN5 and Section 15 of the NPPF.

(d) Highway Impact

Local Plan Policy INF4 (Highway Safety) requires developments to have safe and suitable accesses and be well integrated with the existing transport network.

Local Plan Policy INF5 (Parking Provision) requires that developments should accord with the parking provisions of the Local Plan parking toolkit.

Chapter 9 (Promoting sustainable transport) of the NPPF at paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning permission (CD.2397/C) was originally granted for the garage that is the subject of this application in 1991. Many objections have been received stating that the garage should only be used in association with 15 Main Street and that the following conditions, attached to that permission should still be adhered to:-

Condition 4 states:

"The development should not be brought into use until the turning area shown on the permitted drawings has been permanently implemented. The turning area shall be kept clear at all times.

Reason: To ensure that vehicles can enter and leave the site safely and to ensure that the turning area is always available for that purpose."

Condition 5 states:

"The proposed garage shall only be used for purposes incidental to the use and enjoyment of the dwelling house as such and no trade or business shall be carried on therein.

Reason: To safeguard the amenities of the area."

It should be noted that the decision notice does not specify which dwelling house the condition refers to. It should also be noted that the reason given for Condition 5 is the impact on amenity, not on highway safety.

The current application is for the conversion of the garage to holiday accommodation and the highway impact of the proposal is a material consideration. When originally consulted, the Highway Authority raised an objection to the proposal on the grounds that the proposal would remove a garage, which can house two vehicles and the associated hardstanding that allows for another two vehicles, and that therefore there would be a potential loss of 2 garage spaces and 2 hardstanding spaces, equalling a possible 4 off street parking spaces. In addition the plans did not show how the existing hardstanding would be laid out and what it would accommodate. As a result, the applicant's agent submitted an amended plan which showed the provision of two parking spaces on the hardstanding. Whilst this was welcomed, the Highway Officer maintained his objection due to the loss of parking within the garage and the fact that the occupants of the holiday accommodation would be likely to use the hardstanding as an outdoor amenity area.

The applicant's agent challenged the Highway Officer's objection and as a result a Senior Highway Officer re-considered the response. The Senior Highway Officer stated that clarification made it clear that there is severance from the adjoining dwelling, and as such any displacement issues could only be considered should they be arising from the current application. He stated that the proposal is a single holiday let unit, and that comparison needs to be drawn to what parking demands would exist should the proposal be for a dwelling house. The application site plan shows that 2 spaces can be accommodated, whereas only I external parking space is required, having regard to existing parking standards for a dwelling of this size. Comments have been made that, due to limited external space, the parking area may be used as a social space. However, it is reasonable to seek a planning condition to ensure that I parking space is retained solely for that purpose.

This is to ensure that the holiday let does not result in displacement of parking onto the street.

It is also relevant that the Highway Authority did not raise any objection to application 20/01490/FUL for a Change of use of residential garage (C3) to Osteopath Practice (D1), which could be expected to generate a higher parking requirement. The Highway Officer confirms that the Highway Authority has undertaken a robust assessment of the planning application and that based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. He therefore finds no justifiable grounds on which an objection could be maintained. The proposal is therefore considered to comply with Local Plan Policies INF4, INF5 and Chapter 9 of the NPPF.

(e) Impact on Residential Amenity

Local Plan Policy EN2, Paragraph D.67 I (p) states that to ensure adequate privacy, the minimum distance between facing windows of one and two storey dwellings there should be a minimum distance of 22m between facing windows of one and two storey dwellings. It then goes on to define facing windows as those which can be readily seen into from within the principal rooms in another property.

Chapter 12 (Achieving well designed places) of the NPPF stresses the importance of a high standard of amenity for existing and future users.

Objections have been received on the grounds of loss of privacy due to the overlooking of the ground floor sitting room and kitchen of the adjacent property, Swan Cottage, 16 Main Street, from the two proposed windows in the southern elevation. As the interface distance would be approximately 8 metres between facing windows, it is proposed that the windows on the side elevation would be opaque and fixed shut. Whilst this is annotated on the drawing, a condition is also recommended for the avoidance of doubt and to ensure permanent mitigation.

Objections have also been raised on the grounds that, due to the lack of amenity space, the front forecourt could be used as a sitting out area. As this could be in very close proximity to the windows of the neighbouring property, if this took place, it could have a detrimental impact on the amenity of the owners of that property in terms of noise and disturbance. In order to address this, a condition has been applied to prevent the use of the forecourt as a sitting out area.

Third parties have asserted that the Officer's conclusion that there would be no detrimental impact on residential amenity is irreconcilable with Condition 5 of permission CD.2397/C, which states that the garage shall only be used as a residential garage for reasons of residential amenity. The condition was attached to prevent any other use which could impact on amenity without further consideration by the Local Planning Authority. The current application for a change of use to holiday accommodation enables the Local Planning Authority to access whether there would be an unacceptable impact on residential amenity in terms of noise or disturbance as a result of the proposal.

Subject to the above condition/s and it has been concluded that there would be no adverse residential impact from the proposed use.

As a result, Officers are of the view that the proposals comply with Local Plan Policy EN2 and Chapter 12 of the NPPF with regard to residential amenity.

(f) Response to Planning Officers original report by 14 local residents.

A response to the Planning Officer's original report to the Ward Member has been submitted on behalf of 14 local residents. The response states that there have been irregularities in the decision making process and the Planning Officer should address the matters raised and review the recommendation and that the application should be referred to the Planning Committee. Many of the comments made have been reported in the third party objections and have been addressed in other sections of this report. The remaining comments are addressed below:

Inconsistency in decision making

Third parties have asserted that there is an inconsistency in decision making as the recommendation to permit this application is at odds with the recommendations made in connection with permission CD.2397/C for the erection of a new garage. This application, as described above, incorporated conditions. The objectors state that Local Planning Authorities can only depart from previous decisions if (a) there is a material change of circumstances and (b) they give cogent reasons for doing so. However, the current application is not for the same development as the previous permission and it should be noted that there has been a material change is circumstances since the 1991 permission in terms of policy, as the National Planning Framework has been introduced and the Cotswold District Local Plan 2011- 2031 has been adopted. In addition, the highway guidance, Manual for Gloucestershire Streets, has been published.

The objectors also refer to the Planning Officer's previous 'decision' to refuse the current application. The Planning Officer made no formal decision regarding this application but considered that, in the light of the objection from the Highway Officer at that time, the recommendation would be to refuse. However, the revised highway response, from the specialist statutory consultee, removing the objection, was a material consideration that led the Planning Officer to reconsider the recommendation, and informed the current recommendation.

Highway Impact

The Highway Officer has responded to the comments contained in the response to the Planning Officer's original report as follows:

"The historic planning condition is not relevant to this proposal in the view of the Highway Authority. The current policy does not require a turning facility on this road based on the published guidance in "Manual for Gloucestershire Streets". This is not a road which is considered to have high levels of traffic; therefore the position is that the application would be acceptable in officer opinion without any turning facilities. A review of accident data does not show any evidence to suggest there is a particular safety concern in this area. Should an application be submitted today for an access in this location is would not need to provide a turning facility based on published guidance, therefore any attempt to retain one would be likely to fail under challenge.

A site inspection was not required for this particular proposal give the anticipated low level of trip forecast compared to the historic use associated with a dwelling house. The previous condition is not considered to be relevant to the proposal in highway terms for the reasons stated above. The Highway Authority has considered the impact of this proposal on its own merits, and considers that the number of movements at the access would be reduced by this proposal compared to historic patterns. This is the case whether the garage was used or not by the former owners. There are not considered to be any additional dangers to other road users considering the established use of the access, the low trip generation and the absence of highway safety data to suggest that there is not an accident trend.

The representation has not correctly interpreted how Manual for Streets / Manual for Streets 2 is applied. Regardless of their interpretation, this is an established access previously associated with a residential use, the proposed use would generate few trips and these are likely to be at off peak times. Again the lack of accident data is a consideration in the application of the splay line.

The Highway Authority can only consider the application before it; that is to say what is within the red line of the application. Given the adjoining dwelling is not in the application site or within any blue line (land within the applicant's control), the matter of potential displacement is not something that can considered as material to this application."

CIL

The proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended

9. Conclusion

Overall it is considered that the proposed development accords with National Planning Policy and guidance. The application site is located within a village, a non-principal settlement, and utilizes an existing building. The proposal would involve minimal changes to the appearance of the existing garage and it is therefore considered that its appearance would not detract from the character and appearance of the conservation area, the AONB, or the setting of nearby listed buildings. Officers also consider that, subject to the recommended conditions, there would be no adverse impact on residential amenity or highway safety for the reasons given above. It is therefore recommended that the application be permitted.

10. Proposed 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 carried out in accordance with the following drawing number(s): 095 03 REV G, 095 01 REV C.

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

3. Notwithstanding Classes C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any other change of use permitted by any subsequent Order, the units shall be occupied as holiday accommodation only and for the avoidance of doubt they shall not be occupied as permanent, unrestricted accommodation, second homes or a principal or primary place of residence.

Reason: This is development which is only permitted at this location because it provides holiday accommodation. This needs to be carefully controlled.

4. Prior to the first occupation of the development hereby approved the windows in the southern elevation shall be fitted with obscure glazing (and shall be non-opening) and shall be permanently retained as such thereafter.

Reason: To protect the privacy of the occupants of the neighbouring dwelling in accordance with Cotswold District Local Plan Policy EN2.

5. All windows/doors shall be of timber construction and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN11.

6. Prior to the first occupation of the development hereby permitted, the windows/door and boarding 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 Policies EN2 and EN11.

7. The development hereby permitted shall ensure an area of dimension $3.3 \text{m} \times 4.8 \text{m}$ is provided for the purposes of parking a vehicle. This area shall be clearly marked and only used for the purpose of parking a vehicle in connection with the development.

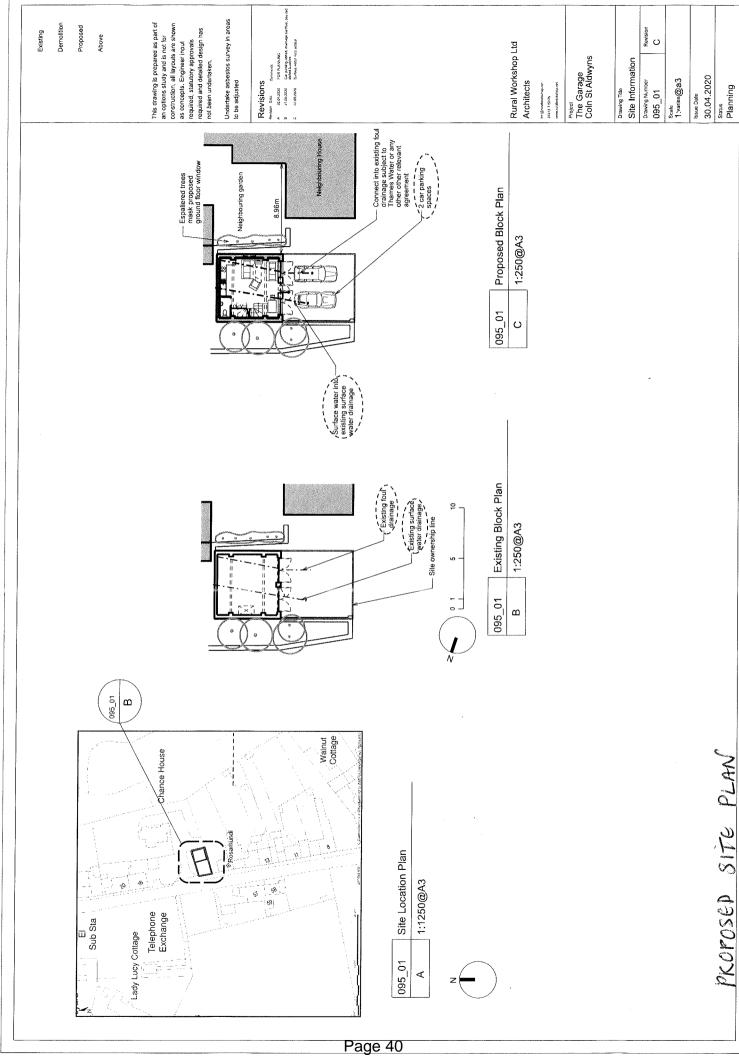
Reason: To protect highway safety and maintain the free flow of traffic in accordance with Local Plan Policies INF4 and INF5.

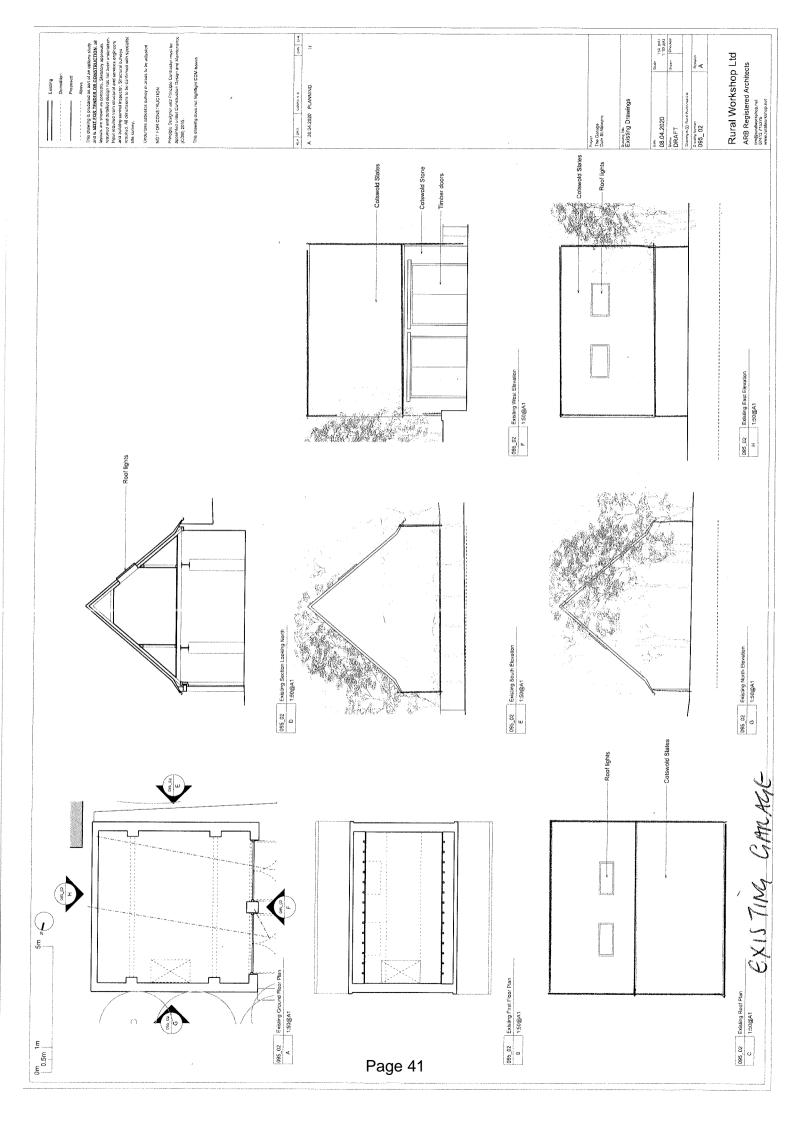
8. The forecourt to the front of the holiday let, hereby approved, shall only be used as a parking area and for the siting of refuse and recycling bins and for no other purpose.

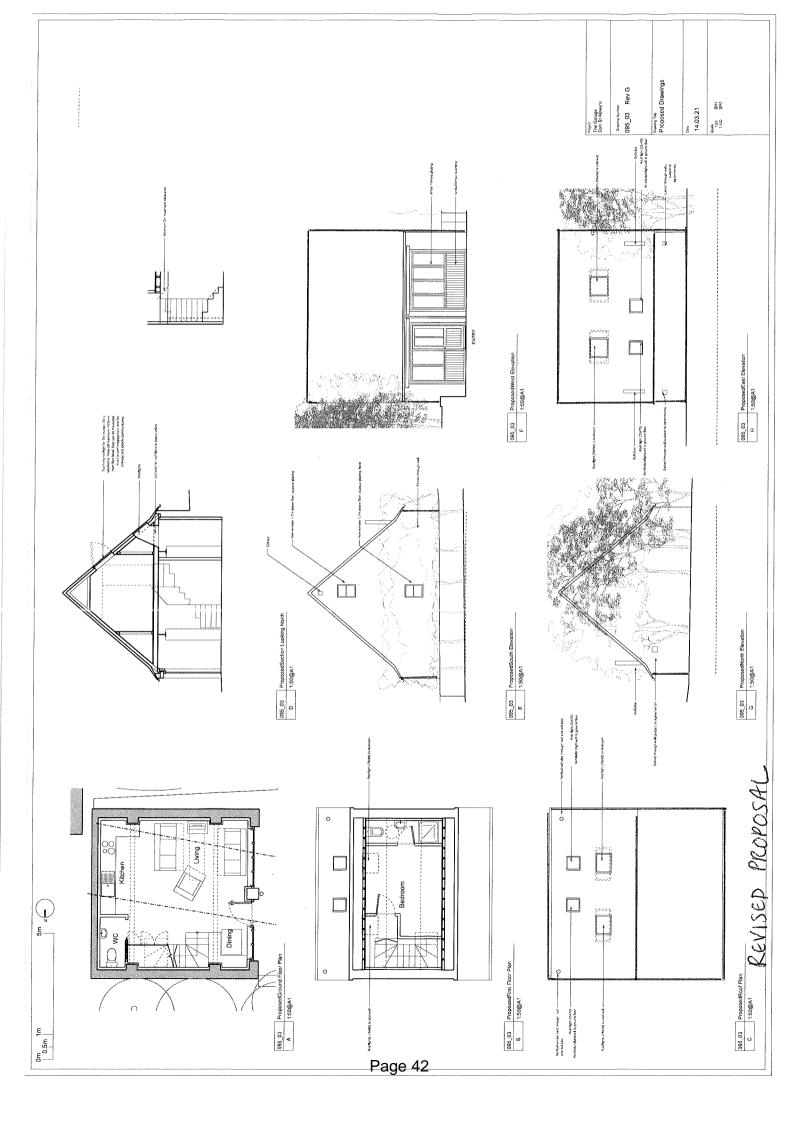
Reason: The use of the forecourt as an outdoor amenity area may give rise to noise and disturbance that would adversely impact on the residential amenity of the occupants of the neighbouring dwelling in accordance with Cotswold District Local Plan Policy EN2.

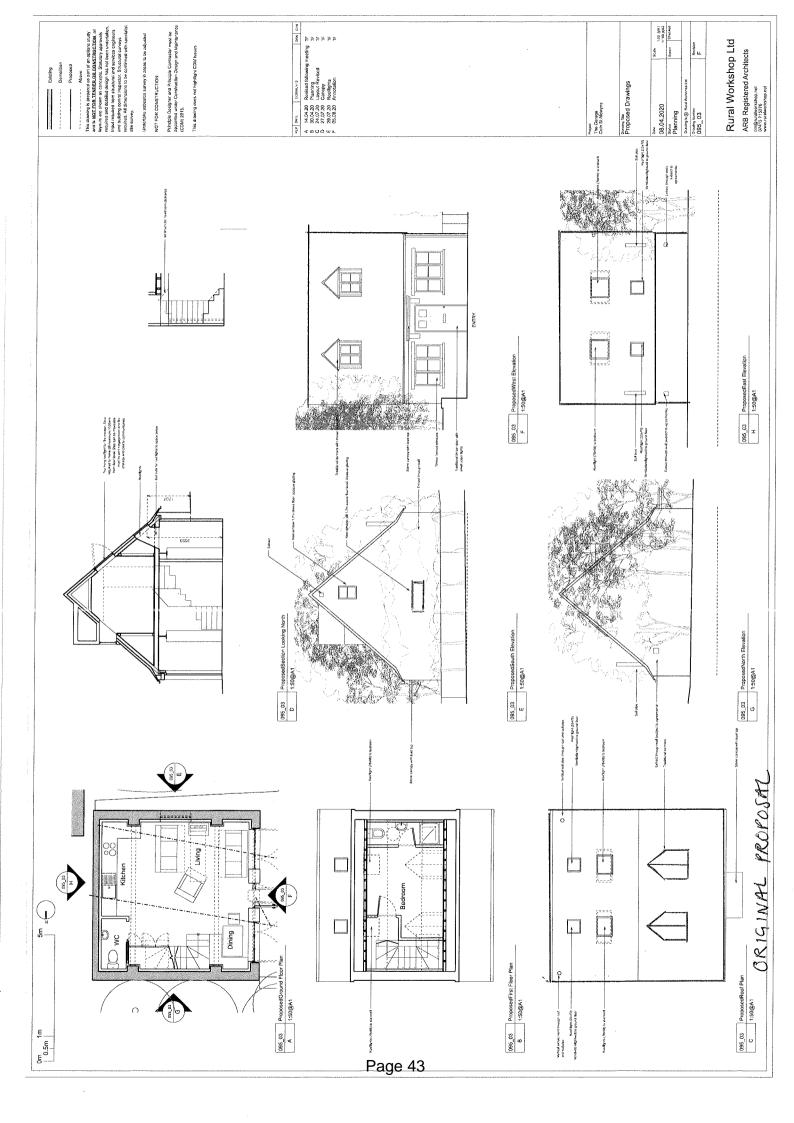
Informatives:

Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL.









DECISION NOTICE

THE APPLICATION

Agent: Plans Plus Ltd, 2 Strouds Hill, Chiseldon, Swindon, Wiltshire. Applicant: Mr. D. Trudgill, Rosamundi, High Street, Coln St. Aldwyns.

APPLICATION FOR FULL PLANNING PERMISSION FOR THE ERECTION OF A NEW GARAGE AT BETWEEN CHANCE HOUSE AND ROSAMUNDI, HIGH STREET, COLN ST.ALDWYNS.

APPLICATION REFERENCE NUMBER: CD.2397/C

The application was dated 20/11/1990

THE DECISION

Date of decision: 13 Feb 1991

In pursuance of their powers under the above Act, the Council

PERMITS

the above development in accordance with the details given on the application form and submitted plans. Permission is given subject to the following CONDITIONS:

- 1. The development shall be started by 13 Feb 1996.

 Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2. The development shall not start until samples of the proposed walling and roofing materials have been approved in writing by the Local Planning Authority and only the approved materials shall be used.

 Reason: To ensure that the development will be constructed of materials of a type, colour and texture and quality that will be appropriate to the site and its surroundings.
- 3. The development shall not start before a sample timber treated with the proposed paint colour for the external woodwork has been approved in writing by the Local Planning Authority. The external woodwork shall be finished and thereafter maintained in the approved colour.

Reason: It is important to protect and maintain the character and appearance of the area in which this development is located. The colour of the finish of the external woodwork will have a significant affect on the appearance of the proposed development.

4. The development shall not be brought into use until the turning area shown on the submitted drawings has been permanently implemented. The turning area shall be kept

clear at all times.

Reason: To ensure that vehicles can enter and leave the site safely and to ensure that the turning area is always available for that purpose.

5. The proposed garage shall be used only for purposes incidental to the use and enjoyment of the dwelling house as such and no trade or business shall be carried on therein.

Reason: To safeguard the amenities of the area.

Your attention is drawn to the NOTES overleaf and to the following:

1. It is very important that the development is carried out exactly in accordance with the approved plans. You are advised to take care to ensure that the work is carefully supervised.

K. COOPER ON Planning, on behalf of Cotswold District Council.

REPRESENTATIONS

IN RESPONSE TO THE PLANNING OFFICER'S REPORT DATED 21.3.21 GARAGES 15 MAIN STREET, 20/02709/ FUL / CHANGE OF USE

- 1. These representations are made by, and on behalf of, a group of 14 residents and homeowners on Main Street who are particularly affected by this planning application ("the Application").
- 2. As set out below, there have been irregularities in the decision-making process. The planning officer is requested to address the matters raised herein and review her recommendation of 21 March 2021 to permit the Application. Further:
 - a. for the reasons set out below, the Application should be referred to the Planning Committee; and
 - b. these representations should be put before (i) the Review Panel and (ii) the Planning Committee.

Essential Background Facts

- 3. The garage at 15 Main Street is subject to extant planning conditions imposed on 13 February 1991 (Application CD.2397/C). Relevantly:
 - a. condition 4 imposes a requirement for a turning area in front of the garages to be "permanently implemented" and "kept clear at all times". The condition is expressly stated to be for reasons of highway safety: "To ensure that vehicles can enter and leave the site safely and to ensure the turning area is always available for that purpose";
 - b. condition 5 states that the "garage shall be used only for purposes incidental to the use and enjoyment of the dwelling house [15 Main Street] as such and no trade or business shall be carried on therein. Reason: To safeguard the amenities of the area."
- 4. On 9 April 2020, the Applicant purchased the garage at 15 Main Street (title number G446271). No application was made at, or prior to, the sale to vary or discharge those planning conditions. At around the same time, the adjoining dwelling house at 15 Main Street was sold separately to the Southey family (who now live there).
- 5. The garage is still bound by the original planning permission in 1991.
- 6. The Application was submitted on 6 August 2020. No reference was made by the Applicant or his agents to the extant planning conditions.
- 7. On 10 September 2020 and again on 21 January 2021 (having looked afresh at the Application) the Highway Authority recommended the Application be refused.
- 8. On 21 January 2021, the CDC planning officer decided to recommend that the Application be refused.
- 9. In a letter dated 4 February 2021, i.e. 9 working days later, the Highway Authority reversed its decision. It provided no, or no proper, explanation for this reversal. Significantly, no reference was made to the extant planning conditions. As set out below, it now appears that the Highway Authority was unaware of those conditions. In her report dated 17 March 2021, the planning officer has now also changed her position: she now recommends that the Application be allowed. She evidently considers herself bound by the decision of the Highway Authority.

Inconsistency of decision-making

- 10. Consistency in decision making is a well-established and fundamental principle of planning law. Local authorities can only depart from previous decisions if (a) there is a material change of circumstances and (b) they give cogent reasons for doing so. The principle of consistency is not limited to the decision but extends to the reasoning underlying the decision.
- 11. In this case, the recommendation dated 21 March 2021 to allow the Application is starkly at odds with two previous decisions:
 - a. The decision of Cotswold District Council in 1991 to impose limitations on the use of the land.

The decision to recommend planning permission is *prima facie* irreconcilable with the 1991 decision. There has been no material change of circumstances to justify varying or removing the existing planning conditions and departing from the decision in 1991. Indeed, the considerations which led the planning authorities to impose these conditions in 1991 apply with greater force today.

b. The decision of the planning officer of 21 January 2021 to recommend that the application be refused.

There has been no material change of circumstances to justify departure from the planning officer's decision of 21 January 2021; nor any proper explanation for this reversal. The planning officer simply repeats the Highways' letter of 4 February 2021 in which the Highway Authority refers to "further clarity" about ownership and also the existence of a "spare space" which could accommodate parking associated with the holiday let. These are not new circumstances. The planning officer and the Highway Authority have been aware, at all material times, that the Applicant owned the garage. Nor was the existence of a "spare" parking space a change of circumstances. This had previously been considered by the Highways Authority and was expressly adverted to their decision of the 21 January 2021 when they (rightly) recommended that the Application be refused.

12. No attempt has been made to distinguish these previous decisions. There is no proper basis to depart from them.

Highway impact

- 13. The planning officer rightly acknowledges that Highway impact is a material consideration. She repeats verbatim (and, it is to be inferred, adopts) the decision of the Highway Authority contained in its letter dated 4 February 2021. However, the planning officer is not bound by it. For the reasons set out below, Highways' decision of 4 February 2021 is manifestly flawed and should form no part of the decision-making process. In particular:
 - a. *First*, as set out above, the decision of 4 February 2021 is inconsistent with previous decisions of the planning authority and of the Highway Authority itself.
 - b. *Second*, there is no consideration by the Highway Authority of the existing planning conditions. In particular, there is no consideration of condition 4. This is a remarkable omission. This condition (the requirement for a turning area to ensure vehicles enter and leave safely in a forward direction) exists for reasons of highway safety. There has been no material change of circumstances which could possibly justify departure from this condition. Indeed, given the substantial increase in traffic, cyclists and pedestrians, the risks to highway safety are greater now.

- c. Third, it now appears that that the representative of the Highway Authority who made the decision of 4 February 2021 was unaware of the planning conditions and did not conduct a site visit. This can reasonably be inferred from the following facts and matters:
 - i. His failure to consider, or even refer to, the extant conditions (notwithstanding that condition 4 was imposed specifically to safeguard highway safety).
 - ii. The condition which he has proposed (namely that an area be provided for the purpose of parking a vehicle) cuts across and is inconsistent with condition 4.
 - iii. Requests have been made in correspondence and under the FOIA of the planning officer, CDC, the Highway Authority and Gloucestershire County Council to establish whether the Highway Authority was aware of and/or had considered the planning conditions and/or had visited the site. The Highway Authority and GCC have stated they hold no such information and that, if any such information existed, it would be held by Cotswold District Council (response 24 March 2021). CDC have provided information in response to FOIA requests but there is nothing in it to suggest that the Highway Authority was aware of and/or had considered the planning conditions and/or had visited the site. When pressed on the point, CDC stated, "The Council has already provided you with all correspondence we hold between the Cotswold District Council case officer, the agent and Gloucestershire County Council and has nothing further it can add to this" (response dated 31 March 2021).
- d. Fourth, the Highway Authority (and, it follows, the planning officer) considers the issue of 'displacement' only, i.e. displacement of parking onto Main Street. It fails to consider other relevant factors. No consideration has been given to the dangers for road users, cyclists and pedestrians arising from reversing onto or out of the site given the narrow street and the poor sight lines in both directions. Many of the objections to the Application (including those raised by the Parish Council) refer to serious concerns over highway safety.
- e. Fifth, there is no consideration of the inadequacy of sight lines for vehicles exiting the site. For access onto a 30mph road, the national requirement is 2.4m x 40m in the 'Manual for Streets' based on the Stopping Sight Distance. This requirement is also set out in the Manual for Gloucestershire Streets. The new residential unit which would be created under this proposal would manifestly fail to achieve such standards since visibility to the north is effectively zero, and to the south it is about 5-10m. This is further reduced if cars are parked along Main Street to the south, as they almost invariably are. Thus, the Application fails to meet the requirements of national, County, and Local Plan policies. This issue of highway safety is not considered at all by the Highway Authority or the planning officer.
- f. Sixth, the Highway Authority adopts an argument put forward by the Applicant, namely, "it is clear that there is severance from the adjoining dwelling, and as such any displacement issues can only be considered should they be arising from this application". This is illogical and contains an error of law.
 - First, so-called "severance" from the adjoining dwelling does not alter the purpose of the building nor its relationship to its surroundings. It is still a double garage on Main Street (for which there is a great need in the village). If it remains a double garage, then the Applicant will have to sell it on as a garage or let it as a garage. Either way,

this will take two vehicles off the street. The displacement problems therefore arise directly from this Application.

Second, the sale of the garage does not 'sever' or otherwise invalidate the planning restraints. As a matter of planning law, planning permission runs with the land. In other words, the garages are still bound by the original planning permission in 1991. The Applicant cannot circumvent those planning restrictions by "salami slicing" ownership. This would subvert planning control and create a troubling precedent.

Impact on residential amenity

- 14. In her assessment of the impact on residential amenity the planning officer has fallen into error:
 - a. First, as noted above, her conclusion is irreconcilable with the authority's previous decision in 1991. Condition 5 (i.e. that the property be used only as a garage, incidental to the use and enjoyment of the dwelling house etc) was imposed precisely because of the impact on residential amenity: "Reason: to safeguard the amenities in the area".
 - b. Second, there is no consideration of whether there has been a change of circumstances. In section (f) of the report, which deals with the impact on amenity, there is no reference at all to condition 5. There has been no change of circumstances which could possibly justify departure from condition 5. For the reasons set out in many of the objections (and which are not repeated herein) the issues surrounding loss of amenity are very much more acute now than they were when the 1991 decision was made. Amongst other things, the increase in on-street parking on Main Street will exacerbate existing parking problems and may prevent residents from parking near their homes. These issues, which are relevant to loss of amenity, are not addressed in the planning report.
 - c. Third, inadequate consideration has been given to the forceful 'loss of amenity' objections raised by the *immediate* neighbours at 15 Main Street and 16 Main Street (aka Swan Cottage). Given their very close proximity to the proposed development, their objections should be given particular weight. Two issues in particular are highlighted:
 - i. The report fails altogether to consider the nuisance and loss of privacy to the owners of 15 Main Street arising from the fact that the proposed parking and "outdoor seating" area is just 2 3m from their living room window. Particular concerns have also been raised by the owners of 15 Main Street about the impact on the safety of their 3 small children.
 - ii. The ground floor and first floor windows in the southern elevation of the proposed development directly overlook the living room and kitchen of Number 16. There is a distance of only 8 metres between the properties. The proposal therefore contravenes Policy EN2 and the Cotswold Design Guide which requires a minimum distance of 22m between facing windows to ensure adequate privacy. The officer proposes that the new windows be opaque and fixed shut. However, there is no provision for this type of mitigation in the Cotswold Design Guide, and in any event a condition to this effect would provide little comfort to the owners of no. 16 because it would be difficult to monitor and enforce.

The principle of development; the scale, design, and impact of the proposal

- 15. The analysis in the report is, with respect, inadequate and omits relevant considerations. In particular:
 - a. The officer addresses the principle of development in section (a) of her report. She (rightly) cites Policy EC11 but does not analyse, or provide any reasons why, the conversion of a small garage building in such close proximity to other residential accommodation in the middle of a Conservation Area 'is appropriately located within development boundaries' as specifically required by the policy.
 - b. No reference is made to paragraph 3.0.9 of the Local Plan, which states that 'tourism is a major and growing part of the local economy. However, if not properly managed, it could have adverse impacts on the District's environment and the daily life of local people.' No consideration has been given to the impact which the proposal is likely to have on local people. There are already some 9 holiday lets in the village, plus the New Inn which has 15 bedrooms. The evidence before the CDC is that more holiday accommodation would further erode the sense of community and character of the village, contrary to the objective above.
 - c. The report indicates that 'officers considered the proposed design to be inappropriate due to the small scale of the garage' in its context in the Conservation Area and setting of nearby listed buildings. The external design has been revised following these comments, but the size and internal layout of the garage has not changed and remains inappropriate.
 - d. The revised design of the front elevation features wood and large rectangular glazing panels. These are alien materials in the area and thus fail to meet the requirements of Policy EN2 and the Cotswold Design Code, which identifies the vernacular as stone walls and small casement windows.
 - e. The design, materials and location of the proposal would be intrusive in the street scene in a prominent location within the Conservation Area. It would not preserve or enhance the character of the Conservation Area, and would not comply with existing legislation, Policies EN10 and 11 of the Local Plan, or paragraph 127 of the National Planning Policy Framework (NPPF).
 - f. The limited building envelope would result in extremely poor and cramped accommodation. The drawings demonstrate an attempt to cram living, dining, sleeping and toilet facilities into a space only designed to house 2 cars, and demonstrate the inadequacies of the internal arrangements, particularly the limited headroom which exists in the first floor accommodation under the steep roof pitch. There is no provision for any outside amenity space, which GCC Highways considered to be grounds for refusal.

Robert and Neha Bailhache, 16 Main Street Nicholas Brett and Judith Miller, 10 Main Street Leon Harris, 12 Main Street Anne and James Jones, 13 Main Street Sir Kevin Leeson, 20 Main Street Nicholas and Jacqueline Medcroft, 58 Main Street Ray Michael and Linda Bolter, 57 Main Street Olivia and Alastair Southey, 15 Main Street

6 April 2021

ADDENDUM TO REPRESENTATIONS SUBMITTED BY NICHOLAS MEDCROFT 6TH APRIL 2021

<u>Application 20/02709/FUL</u>

<u>Change of use of garages at 15 Main St, Coln St Aldwyns to holiday let</u>

Reasons for Refusal

- 1. The garage building is situated in a prominent location in the Coln St Aldwyns Conservation Area (CSACA), adjoining and in close proximity to many Grade II Listed Buildings. Because of its proximity to these designated heritage assets, its scale and unsympathetic design and its prominence in the street scene, the proposal fails to meet the test set down in Policy EC11 of the Local Plan that self-catering holiday accommodation will only be permitted where it is appropriately located within development boundaries.
- 2. The CSACA is characterised by housing in the Cotswold Vernacular as defined in the Cotswold Design Code (CDC) (i.e. Cotswold stone walls and small casement windows). The proposal presents a frontage of vertical timber boarding with large plain-glazed windows and door, which would be an alien element prominent in the street scene. Therefore, it would not meet the requirements of Policy EN2 of the Local Plan which requires that development should comply with the CDC and respect the character and distinctive appearance of the locality, or Policies EN10 and EN11 of the Local Plan, which indicate that development should sustain the character, appearance and significance of designated heritage assets, and should preserve or enhance the appearance of the Conservation Area. In addition, the proposals would not be sympathetic to local character and history, as required by paragraph 127 of the NPPF.
- 3. The proposed holiday let would result in a distance of only 9m between windows on the south elevation and the principal rooms of 16 Main St. It therefore fails to meet the requirements Paragraph D.67.1 (p) of the CDC and Policy EN2, that there should be a minimum of 22m between facing windows in residential properties to ensure adequate privacy. The CDC makes no provision for mitigation measures, and the measures proposed in this case are inadequate to protect the privacy of residents of no. 16.
- 4. Because of the proximity of the holiday let to adjoining properties, it would lead to significant loss of privacy and amenity to the residents of nos. 15 and 16 Main St through overlooking and intrusion, contrary to Condition 5 of the original permission which restricts the use of the building to garages only in order to protect the amenity of the area, and the design and materials proposed would be an alien feature in the street scene of the Conservation Area. The proposal therefore fails to meet the policies set down in paragraph 127 of the National Planning Policy Framework, which stresses the importance of design:
 - (a) providing a high standard of amenity for existing and future users;

- (b) being sympathetic to local character and history, including the surrounding built environment.
- 5. The proposal would result in an over-development of this modest building, resulting in cramped and unsatisfactory accommodation, characterised by the restricted headroom at first floor level and the lack of any private amenity space, contrary to the requirements of Policy DS3 which requires, inter alia, that small-scale residential development outside principal settlements is of a proportionate scale and maintains and enhances sustainable patterns of development.
- 6. The proposal would remove 2 much needed off-street car parking spaces in an area where there is a substantial shortage of parking for residents, and would significantly impact on the life of nearby residents by increasing demand for on-street parking. It therefore fails to meet the requirements of the supporting guidance in Paragraph 3.0.9 of the Local Plan which recognises that, whilst tourism is a major part of the local economy, if not properly managed it could have adverse impacts on the District's environment and the daily life of local people.
- 7. The proposal would lead to the loss of designated turning space in front of the garage which was required for highway safety reasons by Condition 4 of the original planning permission for the garages, which requires that the space in front of the garages be kept clear at all times for highway safety reasons in order to enable vehicles to enter and leave the site in a forward direction. Because of the increased level of vehicles, cyclists and pedestrian using Main St, and the very substandard sight lines available when leaving the site, the proposed change of use would lead to greater danger to all road users, contrary to the requirements of Policy INF4 of the Local Plan which requires that development should provide safe and suitable access, and paragraph 108 of the NPPF which indicates that development should be prevented where there would be an unacceptable impact on highway safety. It also fails to meet the sight line requirements set down in the Gloucestershire Manual for Streets for access onto 30mph roads.

Item No 03:-

21/00301/FUL

Ampneyfield Farm
Ampney Crucis
Cirencester
Gloucestershire
GL7 5EA

Item No 03:-

Conversion to ancillary accommodation at Ampneyfield Farm Ampney Crucis Cirencester Gloucestershire GL7 5EA

Full Application 21/00301/FUL		
Applicant:	Mr Ian Newton	
Agent:	APH Associates Ltd	
Case Officer:	Andrew Moody	
Ward Member(s):	Councillor Lisa Spivey	
Committee Date:	I2th May 2021	
RECOMMENDATION:	PERMIT	

Main Issues:

- (a) Principle and Impact upon Heritage Assets
- (b) Protected Species
- (c) CIL

Reasons for Referral:

Objection reasons given by the Parish Council

I. Site Description:

The building subject to this application is a Grade II listed barn located to the south-east of Ampneyfield Farm, which itself is located in open countryside to the south of the B4425 and accessed from a private drive leading to the south.

The building itself is built from natural stone with stone tiles, and has accommodation in the roofspace accessed by external steps. The proposal includes its conversion into ancillary residential accommodation.

The property is outside any settlement boundary defined in the Local Plan and is within the Cotswolds AONB.

2. Relevant Planning History:

02/00091/FUL: Change of use of agricultural land to residential to allow the construction of a tennis court. Refused 19.08.2002

03/01912/LBC: Alterations to barn to include replacement of asbestos cement roof sheets with natural stone tiles. Granted 15.09.2003

03/01964/FUL: Alterations to barn including replacement of existing asbestos cement roof sheets with natural stone tiles. Granted 15.09.2003

04/00367/LBC: Renovation and conversion of existing derelict cow byre and barn to pool room and staff accommodation. Granted 07.04.2004

04/00368/FUL: Renovation and conversion of existing derelict cow byre and barn to pool room and staff accommodation. Granted 07.04.2004

20/03912/FUL: Change of Use of Barn into Ancillary Accommodation. Granted 12.01.2021

3. Planning Policies:

TNPPF The National Planning Policy Framework

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN8 Bio & Geo: Features Habitats & Species

EN10 HE: Designated Heritage Assets

4. Observations of Consultees:

Conservation Officer: No objection subject to conditions, comments incorporated into the report.

Biodiversity Officer: No objection and recommends conditions and comments incorporated into the report.

5. View of Town/Parish Council:

Ampney Crucis Parish Council wishes to OBJECT to this Application for the following reasons:

- I) The Glazing proposals do not accord with the Local Plan Design Code D47 which suggest that slender metal frames may be suitable within stone mullion surrounds. None of the existing door frames appear from the photographs to have such stone mullions.
- 2) The illustrated glazing also looks to have multiple small panels within them which again does not accord with the Design Code.
- 3) The single Storey Barn will have the 2 stable doors replaced by 2 very large windows with multiple panes with only the single central column being retained. This is a significant amount of wall that will be removed and does not match the Design & Access Statement para 2 page 3, that the numerous existing openings will be used to provide most of the required windows and doors.
- 4) The converted barn located opposite permitted under 20/03912/FUL specifically conditions for the use of timber framed windows. It would be out of character within such a courtyard environment not to use the same materials.
- 5) The assertion in the Design & Access Statement in paragraph 3 on page 3 that the barn retention can only be secured by conversion to residential use is a very contentious statement and could be viewed as a veiled threat. There has been a recent application within the parish that wished to convert a garage and add some further space in order to run a

business that required both storage and workshop/office space which was refused and a property like this within close proximity may well provide a solution.

Similarly, to say that it couldn't provide tourist accommodation seems rash, there is a current application to build a cabin style property specifically for visitor accommodation which measures 6.8mtrs x 11.0mtrs and is single storey so this collection of buildings could certainly be brought into use for other purposes.

- 6) The proposal to retain as screens and repair the large timber doors and frames is very welcome. However there is no indication of how these large doors when in the open position will be restrained so that they are not damaged by wind. This may possibly be resolved by making them bifold, but that would be subject to clever design and approval by the Conservation Officer. There complete loss would be a significant heritage failing.
- 7) There is no detail about the existing floors within these barns and hence it is not possible to determine if the proposed installation of underfloor insulation and heating would destroy heritage assets such as flagstones.
- 8) The proposed use may suggest that it would be appropriate that a shower and toilet facility be provide within this part of the enlarged house. However, because none of the adjoining house plan / details are provided it proves impossible to determine if such facilities are indeed required.
- 9) The roof is to be insulated as per the D & A S page 2 para 6, but it is difficult to determine if the roof has already been fitted with a breathable membrane and if not whether the suggested proposal would lead to deterioration of the roof structure over time.
- 10) At the time of our submission there is still no report from the Conservation Officer which is unacceptable. Please advise when it will be provided.
- II) The Application Form Sec 8 Listed Building Alterations states that there will be no alteration to internal walls, flooring, plaster, etc.. The Design and Access Statement states new floors with heating will be installed; and consequently is at variance with the Application Form.
- 12) There are other notes elsewhere on the drawing(s) which may or may not indicate, amongst other, how effluent from the heating system which have not been provided will leave the converted barn. At the size available to this reviewer, the text of the notes is illegible; consequently, their importance cannot be judged. Will the applicant please make these notes available in a legible format.

6. Other Representations:

None received

7. Applicant's Supporting Information:

Design and Access Statement Heritage Statement Biodiversity Survey and Report Proposed Plans

8. Officer's Assessment:

(a) Principle and Impact upon Heritage Assets

The Barn at Ampneyfield is a Grade II listed building. The Local Planning Authority is

therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the revised National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less-than-substantial harm to its significance. Paragraph 196 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less-than-substantial harm, that harm is weighed against the public benefits of those works.

Historic England's Conservation Principles states that: 'The historic environment is central to England's cultural heritage and sense of identity, and hence a resource that should be sustained for the benefit of present and future generations' (paragraph 18).

Historic England's Making Changes to Heritage Assets advises throughout on the importance of historic fabric, and the need to minimise impact upon it, stating explicitly that 'The historic fabric will always be an important part of the asset's significance' (paragraph 42). It states that 'Original materials normally only need to be replaced when they have failed in their structural purpose. Repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity' (paragraph 11), and that 'Replacement of one material by another may harm significance and will in those cases need clear justification' (paragraph 12).

Historic England's Adapting Traditional Farm Buildings advises 'The interiors of most working farm buildings are very plain, reflecting their functional nature. The walls are often rough and un-plastered and the floors composed of bricks, stone flags or setts. Stables and granaries may still retain their internal plasterwork and be lined out with vertical beaded timber boarding. These 'raw' finishes contribute much to the character of traditional farm buildings and any adaptation should try to retain them'.'

The listed barn at Ampneyfield farm is currently used only for storage; it is not in a poor condition, but would certainly benefit from some sensitive care. Consequently, the principle to convert it to a low-key, ancillary use is considered acceptable.

The current proposal includes no subdivision of the main internal spaces, and no new openings are proposed, although there would be some reopening of formerly blocked doorways (the blockings themselves do not appear to be of any particular significance). It is also proposed to insert metal, Crittal-style windows and doors; within the main threshing doors, the timber doors would be retained as external shutters. These works are considered to also be acceptable.

Several specific queries were initially identified, which included with regard to the flooring, with specific reference to the remains of the characteristic threshing floor. It has now been confirmed that the remains of this would be recorded, lifted, and then reinstated upon a limecrete base which is acceptable. It is important that the legibility of the threshing floor is

maintained in any new flooring scheme; this could be done by using a different stone to the sides, or by coursing the stone in a different direction. However, this is sufficiently a matter of detail that it could be the subject of a condition.

Repointing, inside and out was also queried, as there is very specific, early pointing (common in the 16th, 17th & early-18th centuries; seldom seen after the 18th century), on the main barn itself (a soft, brown, mud-like mortar in the core, and a butter-pointed skim of a lime mortar that is more like plaster, white, with very fine aggregate and a hair binder), which needs to be repaired like-for-like, to match, and not with a generic lime mortar. This has been confirmed, and details of the extent of repointing and samples could be the subject of a condition.

It has been confirmed that there would be no reroofing. Consequently, subject to conditions, the proposal accords with Policy ENIO of the Local Plan and Section 16 of the NPPF.

(b) Protected Species

Section 15 of the NPPF seeks to ensure development minimises the impact on and provided net gains for biodiversity.

Local Plan Policy EN8 supports development that conserves and enhances biodiversity and geodiversity, providing net gains where possible.

The Ecological Appraisal report submitted with the application has identified brown long eared bats using the building as a roost, therefore mitigation is proposed in the form of bat boxes. In addition, mitigation for the impact upon swallows is proposed, in the form of nest boxes.

The Biodiversity Officer has considered the submitted proposals and is raising no objection subject to the conditions recommended. Subject to this, the proposal is considered to accord with Policy EN8 of the Local Plan, in addition to paragraphs 170 and 175 of the NPPF.

(c) CIL

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

As this is a residential annex, the applicant may apply for relief.

9. Conclusion:

The proposed development is considered to be in accordance with the policies in the Development Plan and the NPPF, which are not outweighed by other material planning considerations.

The recommendation is for planning permission to be granted.

10. Proposed 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 carried out in accordance with the following drawing number: 09-B.

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

3. The repointing shall not commence until details of the mortar mix, and marked-up elevations indicted the approximate extent of repointing have been submitted and approved in writing by the Local Planning Authority, with a one metre square sample of the proposed repointing to be inspected on site by an Officer of the Local Planning Authority. The repointing shall be carried out as approved and shall be permanently retained as such thereafter.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2 the development will be constructed of 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.

4. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

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.

5. No doors and windows shall be installed/inserted in the development hereby approved until their design, including final colour/finish, has been submitted to and approved in writing by the Local Planning Authority.

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

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

6. No works shall take place to the floor until the record of the remains of the threshing floor, a plan of the proposed floor showing the stone coursing, and samples of any proposed new stone have been submitted to and approved in writing by the Local Planning Authority prior to its/their installation. The works shall be carried out fully in accordance with the approved details.

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.

7. The development shall be completed in accordance with the recommendations in Section 6 of the Protected Species Survey report dated August 2020 prepared by Philip Irving, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and all bat mitigation features shall thereafter be permanently retained.

Reason: To ensure that the bats, swallows and barn owls are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 170 to 175 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 8. Before the occupation of any of the converted building hereby permitted, a "lighting design strategy for biodiversity" [and in particular for brown long-eared bats] shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- i. identify those areas/features on site that are particularly sensitive for bats and bat roosts;
- ii. show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To protect roosting brown long-eared bats and other foraging/commuting bats in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Policy EN8 and EN9 of the Cotswold District Local Plan 2011-2031, paragraphs 170, 174 and 175 of the National Planning Policy Framework, Circular 06/2005 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. The ancillary accommodation hereby permitted shall not be used other than for the purposes ancillary to the residential use of the dwelling currently known as Ampneyfield Farm.

Reason: An additional separate unit of accommodation would not be permitted in this location due to the site being in an unsustainable location in open countryside outside any defined settlement boundary, in accordance with Cotswold District Local Plan Policy DS4 and paragraph 79 of the NPPF.

Informatives:

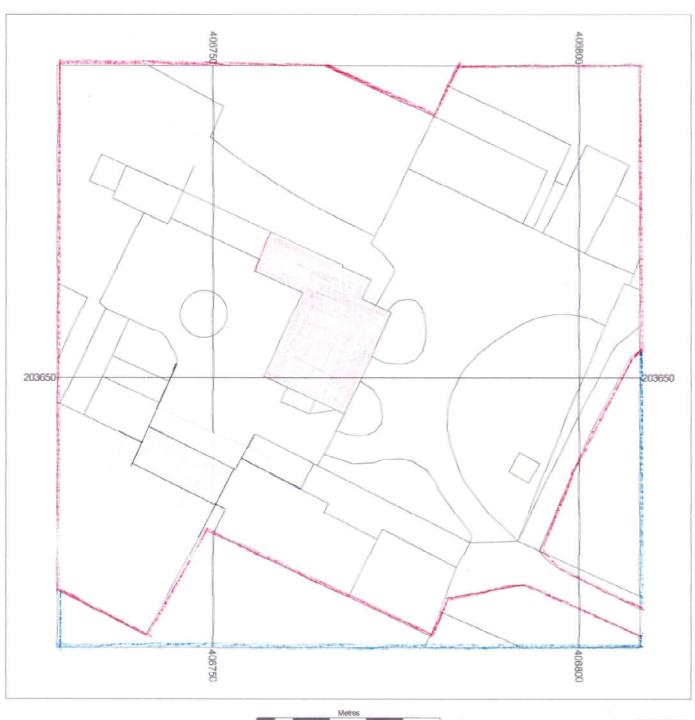
I. Please note that the proposed development set out in this application is liable for a charge

under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL

- 2. Please note that planning permission does not override the statutory protection afforded to bats and their resting places (roosts). All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England is required before any works affecting the areas used by roosting bats [roof structure and interior] are carried out.
- 3. Works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section I of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.
- 4. Barn Owls are protected under Schedule I of the Wildlife & Countryside Act 1981, and under Part I Section 21 (I) the penalty for an offence involving a Barn Owl, its nest, or egg, includes a fine of up to £5,000, or up to six months imprisonment, or both, per bird, nest or egg.
- 5. In relation to the District Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of district-wide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be submitted (if not already) to the Gloucestershire Centre for Environmental Records (GCER).



OS Plan B&W



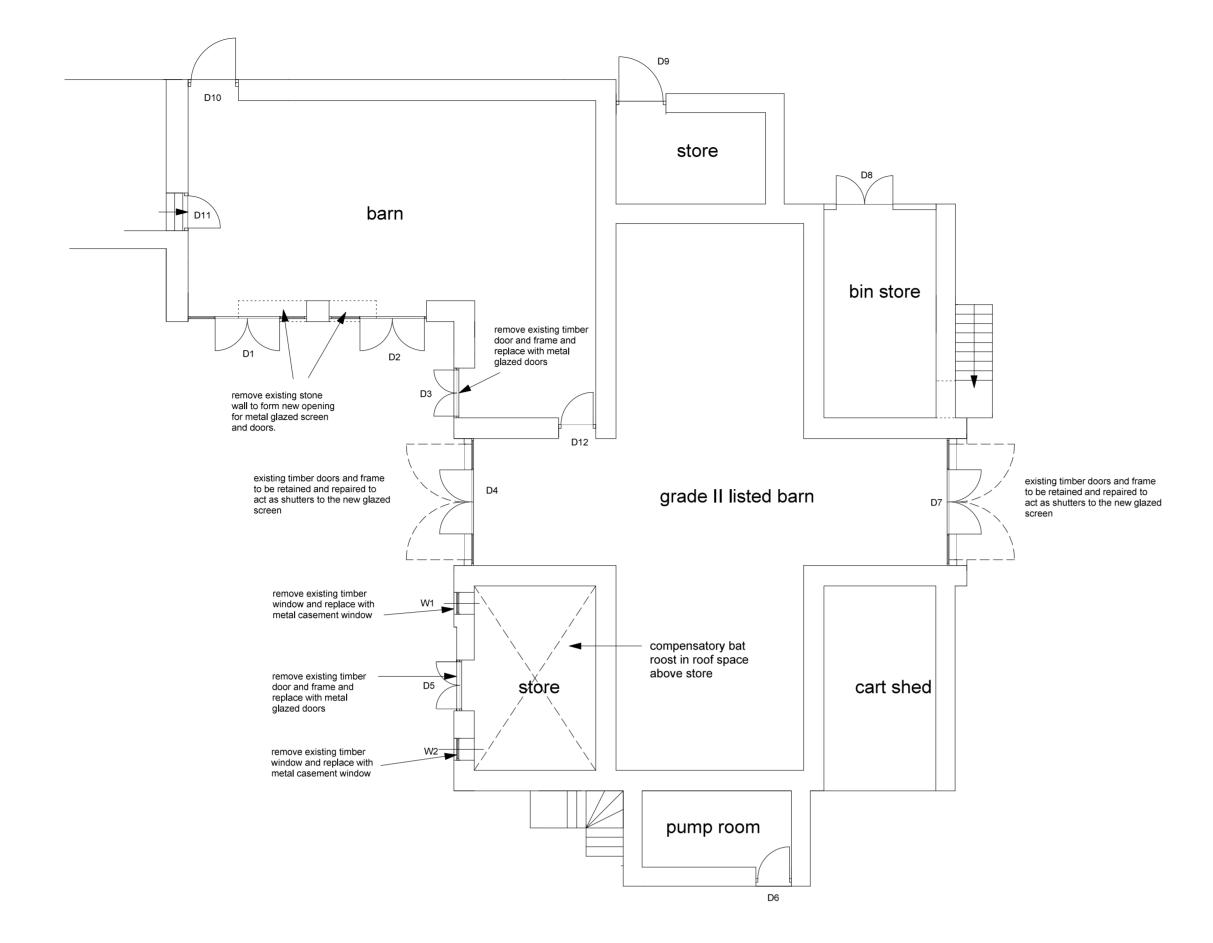




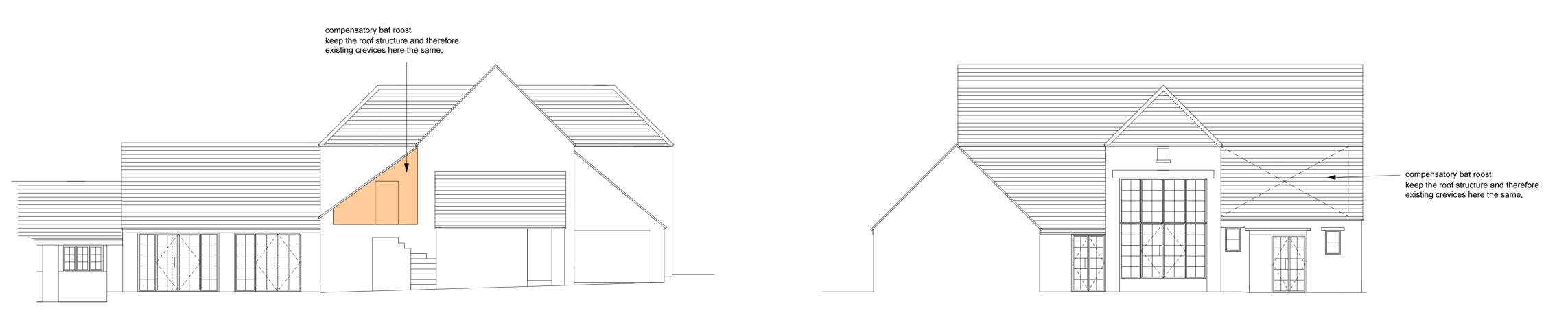


Supplied by: License number: Produced: Serial number: National Map Centre 100031961 29/09/2020 2271160 Ampney Field Farm Ampney Crucis Cirencester GL7 5EA

Plot centre co-ordinates: Download file: Project name: 406769.203653 Ampneyfield Farm 500 z Ampneyfield_Farm_500



Plan



south west elevation north west elevation



south east elevation

WINDOWS & DOORS

Purpose made hot dipped galvanised metal windows and doors with polyester powder coated finish in a colour from standard RAL range as supplied and fixed by The Cotswold Casement Company.

Doors and Windows with trickle vents equiv. to 8000mm2 is required to give secure background ventilation to habitable rooms and 4000mm2 to non habitable rooms situated in head of frame. Opening casements to provide rapid ventilation of 1/20th of the floor area.

Provide weather and draught strips to new external door and window frames where opening casements. Provide secomastic pointing where frame abuts masonry, with

Window & Door double glazing to have a U-value of better than 1.4 W/m2K with 16mm (4:8:4) hermetically sealed double glazed units krypton filled with low 'E' soft coating to glass with an emissivity of 0.1

MATERIALS & WORKMANSHIP

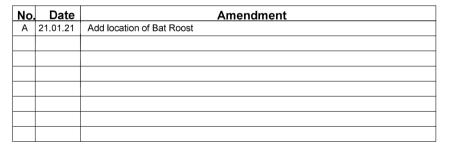
materials should comply with appropriate British Standards or Agrement Certificates and relevant numbers should be quoted. Alternatively, the materials should be marked, stamped, independently certified or otherwise to show their suitability. Materials should generally be in accordance with BS8000 series of documents and other accepted good practice (e.g. Quality assured to ISO 9000)

GENERAL

These notes do not comprise a full specification, they are for general guidance only and their primary function is to assist Local Authority Officers in determining the Building Regulation application.







APH Associates Ltd. Planning and Architectural Consultants

Glebe House, Bampton Road, Curbridge, Witney, Oxon, OX29 7PD Tel./Fax. 01993 775889 E mail: aphackling@hotmail.co.uk

Ampney Field Farm **Ampney Crucis**

Client Mr. Ian Newton

Drawn $_{
m APH}$

Date December 2020

Drawing Title Proposed Improvements

Project No IN/2016

Paper size: A1

Revision A Do not Scale COPYRIGHT











Item No 04:-

21/00302/LBC

Ampneyfield Farm
Ampney Crucis
Cirencester
Gloucestershire
GL7 5EA

Item No 04:-

Conversion to ancillary accommodation at Ampneyfield Farm Ampney Crucis Cirencester Gloucestershire GL7 5EA

Listed Building Consent 21/00302/LBC		
Applicant:	Mr Ian Newton	
Agent:	APH Associates Ltd	
Case Officer:	Andrew Moody	
Ward Member(s):	Councillor Lisa Spivey	
Committee Date:	12th May 2021	
RECOMMENDATION:	PERMIT	

Main Issues:

(a) Principle and Impact upon Heritage Assets

Reasons for Referral

Objection reasons given by the Parish Council

I. Site Description:

The building subject to this application is a Grade II listed barn located to the south-east of Ampneyfield Farm, which itself is located in open countryside to the south of the B4425 and accessed from a private drive leading to the south.

The building itself is built from natural stone with stone tiles, and has accommodation in the roofspace accessed by external steps. The proposal includes its conversion into ancillary residential accommodation.

The property is outside any settlement boundary defined in the Local Plan and is within the Cotswolds AONB.

2. Relevant Planning History:

02/00091/FUL: Change of use of agricultural land to residential to allow the construction of a tennis court. Refused 19.08.2002

03/01912/LBC: Alterations to barn to include replacement of asbestos cement roof sheets with natural stone tiles. Granted 15.09.2003

03/01964/FUL: Alterations to barn including replacement of existing asbestos cement roof sheets with natural stone tiles. Granted 15.09.2003

04/00367/LBC: Renovation and conversion of existing derelict cow byre and barn to pool room and staff accommodation. Granted 07.04.2004

04/00367/LBC: Renovation and conversion of existing derelict cow byre and barn to pool room and staff accommodation. Granted 07.04.2004

04/00368/FUL: Renovation and conversion of existing derelict cow byre and barn to pool room and staff accommodation. Granted 07.04.2004

20/03912/FUL: Change of Use of Barn into Ancillary Accommodation. Granted 12.01.2021

3. Planning Policies:

TNPPF The National Planning Policy Framework

4. Observations of Consultees:

Conservation Officer: No objection subject to conditions, comments incorporated into the report

5. View of Town/Parish Council:

Ampney Crucis Parish Council wishes to OBJECT to this Application for the following reasons.

- I) The Glazing proposals do not accord with the Local Plan Design Code D47 which suggest that slender metal frames may be suitable within stone mullion surrounds. None of the existing door frames appear from the photographs to have such stone mullions.
- 2) The illustrated glazing also looks to have multiple small panels within them which again does not accord with the Design Code.
- 3) The single Storey Barn will have the 2 stable doors replaced by 2 very large windows with multiple panes with only the single central column being retained. This is a significant amount of wall that will be removed and does not match the Design & Access Statement para 2 page 3, that the numerous existing openings will be used to provide most of the required windows and doors.
- 4) The converted barn located opposite permitted under 20/03912/FUL specifically conditions for the use of timber framed windows. It would be out of character within such a courtyard environment not to use the same materials.
- 5) The assertion in the Design & Access Statement in paragraph 3 on page 3 that the barn retention can only be secured by conversion to residential use is a very contentious statement and could be viewed as a veiled threat. There has been a recent application within the parish that wished to convert a garage and add some further space in order to run a business that required both storage and workshop/office space which was refused and a property like this within close proximity may well provide a solution.
- Similarly, to say that it couldn't provide tourist accommodation seems rash, there is a current application to build a cabin style property specifically for visitor accommodation which measures 6.8mtrs x 11.0mtrs and is single storey so this collection of buildings could certainly be brought into use for other purposes.
- 6) The proposal to retain as screens and repair the large timber doors and frames is very welcome. However there is no indication of how these large doors when in the open position will be restrained so that they are not damaged by wind. This may possibly be resolved by making them bifold, but that would be subject to clever design and approval by the Conservation Officer. There complete loss would be a significant heritage failing.
- 7) There is no detail about the existing floors within these barns and hence it is not possible to determine if the proposed installation of underfloor insulation and heating would destroy heritage assets such as flagstones.
- 8) The proposed use may suggest that it would be appropriate that a shower and toilet facility be provide within this part of the enlarged house. However, because none of the adjoining house plan / details are provided it proves impossible to determine if such facilities are indeed required.
- 9) The roof is to be insulated as per the D & A S page 2 para 6, but it is difficult to determine if the roof has already been fitted with a breathable membrane and if not whether the suggested proposal would lead to deterioration of the roof structure over time.

- 10) At the time of our submission there is still no report from the Conservation Officer which is unacceptable. Please advise when it will be provided.
- II) The Application Form Sec 8 Listed Building Alterations states that there will be no alteration to internal walls, flooring, plaster, etc.. The Design and Access Statement states new floors with heating will be installed; and consequently is at variance with the Application Form.
- 12) There are other notes elsewhere on the drawing(s) which may or may not indicate, amongst other, how effluent from the heating system which have not been provided will leave the converted barn. At the size available to this reviewer, the text of the notes is illegible; consequently, their importance cannot be judged. Will the applicant please make these notes available in a legible format.

6. Other Representations:

None received

7. Applicant's Supporting Information:

Design and Access Statement Heritage Statement Proposed Plans

8. Officer's Assessment:

(a) Principle and Impact upon Heritage Assets

The Barn at Ampneyfield is a Grade II listed building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the revised National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less-than-substantial harm to its significance. Paragraph 196 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less-than-substantial harm, that harm is weighed against the public benefits of those works.

Historic England's Conservation Principles states that: 'The historic environment is central to England's cultural heritage and sense of identity, and hence a resource that should be sustained for the benefit of present and future generations' (paragraph 18).

Historic England's Making Changes to Heritage Assets advises throughout on the importance of historic fabric, and the need to minimise impact upon it, stating explicitly that 'The historic fabric will always be an important part of the asset's significance' (paragraph 42). It states that 'Original materials normally only need to be replaced when they have failed in their structural purpose. Repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity' (paragraph 11), and that 'Replacement of one material by another may harm significance and will in those cases need clear justification' (paragraph 12).

Historic England's Adapting Traditional Farm Buildings advises 'The interiors of most working farm buildings are very plain, reflecting their functional nature. The walls are often rough and unplastered and the floors composed of bricks, stone flags or setts. Stables and granaries may still

retain their internal plasterwork and be lined out with vertical beaded timber boarding. These 'raw' finishes contribute much to the character of traditional farm buildings and any adaptation should try to retain them'.'

The listed barn at Ampneyfield farm is currently used only for storage; it is not in a poor condition, but would certainly benefit from some sensitive care. Consequently, the principle to convert it to a low-key, ancillary use is considered acceptable.

The current proposal includes no subdivision of the main internal spaces, and no new openings are proposed, although there would be some reopening of formerly blocked doorways (the blockings themselves do not appear to be of any particular significance). It is also proposed to insert metal, Crittal-style windows and doors; within the main threshing doors, the timber doors would be retained as external shutters. These works are considered to also be acceptable.

Several specific queries were initially identified, which included with regard to the flooring with specific reference to the remains of the characteristic threshing floor. It has now been confirmed that the remains of this would be recorded, lifted, and then reinstated upon a limecrete base which is acceptable. It is important that the legibility of the threshing floor is maintained in any new flooring scheme; this could be done by using a different stone to the sides, or by coursing the stone in a different direction. However, this is sufficiently a matter of detail that it could be the subject of a condition.

Repointing, inside and out was also queried, as there is very specific, early pointing (common in the 16th, 17th & early-18th centuries; seldom seen after the 18th century), on the main barn itself (a soft, brown, mud-like mortar in the core, and a butter-pointed skim of a lime mortar that is more like plaster, white, with very fine aggregate and a hair binder), which needs to be repaired like-for-like, to match, and not with a generic lime mortar. This has been confirmed, and details of the extent of repointing and samples could be the subject of a condition.

It has been confirmed that there would be no reroofing. Consequently, subject to conditions, the proposal accords with Policy ENIO of the Local Plan and Section 16 of the NPPF.

9. Conclusion:

The proposed development is considered to be in accordance with the NPPF, which are not outweighed by other material planning considerations.

The recommendation is for listed building consent to be granted.

10. Proposed 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby granted consent shall be implemented in accordance with the following drawing numbers: 09-B.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

3. The repointing shall not commence until details of the mortar mix, and marked-up elevations indicted the approximate extent of repointing have been submitted and approved in writing by the Local Planning Authority, with a one metre square sample of the proposed repointing to be inspected on site by an Officer of the Local Planning Authority. The repointing shall be carried out as approved and shall be permanently retained as such thereafter.

Reason: To ensure that the building is repointed using materials and a finish that is appropriate to the building which is listed as being of architectural and historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

4. All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

Reason: To ensure that the window and door frames are suitably recessed in a manner appropriate to the design of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. Traditionally door and window frames in the locality are recessed, so creating building elevations with a character and texture which respect the building.

5. No doors and windows shall be installed/inserted in the development hereby approved until their design, including final colour/finish, has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the design of the aforementioned details are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. These are important details which need to be undertaken in a manner which ensures that they serve to preserve the special merit of the building.

6. No works shall take place to the floor until the record of the remains of the threshing floor, a plan of the proposed floor showing the stone coursing, and samples of any proposed new stone have been submitted to and approved in writing by the Local Planning Authority prior to its/their installation. The works shall be carried out fully in accordance with the approved details.

Reason: It is important to ensure that the items listed above are designed in a manner which is appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby serving to preserve the special architectural or historic interest which is possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning Policy Framework.

Item No 05:-

20/04402/FUL

Kernow
Ampney Crucis
Cirencester
Gloucestershire
GL7 5SA

Item No 05:-

Single storey side and rear extensions, new porch, and associated ancillary development, and detached double garage at Kernow Ampney Crucis Cirencester Gloucestershire GL7 5SA

Full Application 20/04402/FUL		
Applicant:	Mr and Mrs M. Kirby	
Agent:	Plan-A Planning And Development Ltd	
Case Officer:	Sophie Browne	
Ward Member(s):	Councillor Lisa Spivey	
Committee Date:	12th May 2021	
RECOMMENDATION:	PERMIT	

Main Issues:

- (a) Design and Impact on Heritage Assets
- (b) Impact on Residential Amenity
- (c) Impact on Highway Access and Safety
- (d) Other Matters

Reasons for Referral:

The Ward Member (Councillor Spivey) referred the application to the Schedule Review Panel with the following comments:- "I would like the review panel to read the Conservation Officer's report along with your revised report to ensure that the objector's issues have been fully addressed as that was the outcome of the last review". The Panel concluded that, having reviewed the Conservation Officer's comments, there were sufficiently specific and substantive planning reasons to require determination by the Planning and Licensing Committee.

I. Site Description:

'Kernow' is a three-bedroomed dormer bungalow dating from the 1960s, constructed of reconstituted stone with a concrete tiled roof. It features a small pitched-roof dormer to the front roofslope, and a box dormer to the rear, both of which are clad in timber. It has an existing flat-roofed side extension to the east and a pitched-roof gable-end extension to the front (south). The dwellinghouse is sited in the centre of a substantial plot, on elevated ground rising steeply from the east and more gently from the south. The size of the original plot was increased following the demolition of the Methodist Chapel and amalgamation of its land in the 1990s. It is located towards the middle of the village, with part of the western side of the plot within Ampney Crucis Conservation Area.

2. Relevant Planning History:

CT.2887 - Erection of bungalow and garage. Withdrawn: 24.4.1963

CT.2887/A - Erection of one bungalow. Permitted: 30.5.1963

CT.2887/B - Outline planning application for the erection of a garage. Permitted: 20.2.1975

CT.2887/C - Outline application for the erection of a garage. Permitted: 17.3.1978 Page 74

93.01130 (CT.2887/D) - Extension to provide garage, drawing room with bed and bath over. Permitted: 27.9.1993

93.01129 (CT.2887/E) - Demolish Methodist Chapel and build extension. Permitted: 23.8.1993

20/00797/FUL (CT.2887/F) - Two storey rear/side extension, single storey side extension, porch and detached double garage. Withdrawn 22.6.2020

3. Planning Policies:

TNPPF The National Planning Policy Framework EN1 Built, Natural & Historic Environment EN2 Design of Built & Natural Environment EN10 HE: Designated Heritage Assets

ENII HE: DHA - Conservation Areas

INF4 Highway Safety INF5 Parking Provision

4. Observations of Consultees:

Conservation Officer: No objection subject to conditions, and comments incorporated into Officer's Assessment.

5. View of Town/Parish Council:

Ampney Crucis Parish Council objects to the proposals on the following grounds:

- Design is out of keeping, replicates existing "poor design", has excessive bulk, is out of scale with the existing property, use of "non-traditional materials" is uncharacteristic, does not respect the space between and around buildings.
- The part of the plot on which the development is proposed is within the conservation area: it "seriously affects the setting of the Conservation Area...and it does not reflect the character or appearance of the Conservation area or the views in or out or the gaps of that area."
- Elevated location of site makes it prominent in the village and highly visible from the road in both directions, and would result in loss of privacy and overbearing to adjacent properties.
- Planting scheme could result in roots damaging boundary walls and loss of sunlight to neighbouring properties.
- Garage to front would be prominent in the streetscene and does not respect the local context, forming an uncharacteristically high, blank façade beside the highway.
- Turning space for vehicles to exist in a forward direction restricted by the positioning of the garage on a steeply rising driveway, and may further be restricted if garage were not used for its intended purpose and vehicles were parked on the drive.
- "Previously Gloucestershire County Highways had imposed restrictions in relation to the garage aspect of the proposal and nothing in this iteration does anything to fully address the concerns they had and hence why they had placed such restrictions and the spirit in which they were to be observed."
- Proximity of garage to adjacent 'Clover Cottage' may impact footings of the property and would restrict access for maintenance.
- Land to the north is the garden of Gorston House, not "just some random open space".
- No reference to mitigating climate change or making the property into a 'lifetime home' by improving accessibility

If the LPA is minded to permit the development, the Parish Council request:

- That the Ward Member refer it to the Planning and Licensing Committee for determination.
- That a condition be attached to any permission requiring a Construction Method Statement to address the access and parking arrangements during construction.

6. Other Representations:

Seven objections have been received from five partied on the grounds of design and impact on the conservation area, over development, privacy, highway access and parking, trees and landscaping. Some of these are re-iterations of previous comments following the receipt of revised drawings. The concerns expressed are largely very similar to those expressed by the Parish Council, and can be summarised as follows:

The submitted plans suggest that the land to the north of the site is fields, but it is the garden
of Gorston House.

Extensions to dwellinghouse

- Excessively large footprint: overdevelopment of plot and imposing in relation to surrounding properties.
- Design out of keeping with the village.
- Elevated location of site increases prominence/visibility in the streetscene.
- Replacement UPVC timber effect cladding on existing dormer would stand out in local landscape.
- Disparate ground levels create overlooking and block light to the properties to the east of the site (particularly 'Mallory' and 'Little Mead'), and will make the proposed extension highly visible from their gardens.
- Overbearing, overlooking and loss of light to adjacent property to the west ('Clover Cottage').
- Planting proposals to eastern boundary could damage boundary walls and reduce sunlight to neighbouring gardens.
- Drawings suggest greater screening foliage on the eastern boundary than is the existing case.
- Established trees and shrubs would need to be removed to facilitate works.

<u>Garage</u>

- Positioned too closely to adjacent property ('Clover Cottage') to allow access for maintenance.
- Excavations related to development could undermine foundations of Clover Cottage.
- Steep driveway with limited room to accommodate a double garage: multiple manoeuvres would be necessary to exit the driveway in forward gear.
- Further excavation would be required to create sufficient turning space, consequently making the front garden steps shorter and steeper and therefore not 'accessible to all' for present and future occupiers.
- Only one car could occupy the driveway at a time to allow sufficient manoeuvring space, others would have to be garaged.
- Timber cladding would stand out in local landscape.
- Contributes to overdevelopment of site.

A further objection has been received in response to the submitted Construction Management Plan, relating to the likelihood of construction vehicles parking on the highway, increased traffic

through the village during construction, and concerns regarding the mud and water from on-site wheel washing making its way onto the highway and causing a hazard.

7. Applicant's Supporting Information:

Proposed plans.

Design and Access Statement.

Construction Management Plan.

8. Officer's Assessment:

As the development site is partly within Ampney Crucis 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(I) of the Planning (Listed Building and Conservation Areas) Act 1990.

Proposed Development

The proposed development is for a rear and side extension to the west of the main dwellinghouse, a small flat-roofed side extension to the east, a flat-roofed porch, and a detached double garage.

The proposed porch would sit in the crook of the front-facing L-shape of the existing building and have a footprint of 5.15sqm. It would stand 3m high, including a parapet wall with a rooflight in the centre of the flat roof. The single-storey side extension to the east would have a footprint of 4.4sqm and extend the existing flat-roofed utility room to this elevation, continuing the existing roofline.

The proposed rear and western side extensions would have a total footprint of 137.2sqm. This would consist of a flat-roofed rear element of 38.7sqm, standing 2.9m high and spanning the width of the main body of the dwellinghouse. It would feature two sets of patio doors to the rear (north) elevation, a casement window to the east side elevation, and two roof lanterns, which would be largely concealed behind a parapet wall. The western side/rear extension would measure 6.4m wide across the front (south), with the south elevation set back 4.5m from the main front elevation of the dwellinghouse and 10m back from the south elevation of the existing gable end extension to the front. The southern-most part of the side extension would be almost square, extending back 6.15m, with the front roofslope parallel to that of the main building and rising to a ridgeline of 4.6m. A slimmer gable-end wing would extend to the north of this, measuring 6.15m wide and 9.4m long, stepped in from the flank wall of the southern-most element by 0.5m. The 4.6m ridgeline of the dual-pitched roof would run perpendicular to that of the main building. The western side extension would feature glazed double doors to the front (south) elevation, with patio doors and a casement window to the east elevation. The walls of the west and south elevation would be blank, with additional natural light provided via five round rooflights in the gable-end wing to the north.

The materials for the various elements of the extensions would be reconstituted stone and concrete tiles to the pitched roofs, to match the existing, and grey single ply membrane to the flat-roofed elements. The windows and doors would be UPVC and aluminium.

The proposed development also includes the re-cladding of the existing dormers with natural larch.

The proposed double garage would be sited at the western side of the existing driveway. It would be roughly square, with a footprint of 36.45sqm. It would have a dual-pitched roof with

the gable end facing the highway and the doors situated beneath the eaves to the east. The ridgeline would be 4.2m high and the eaves 2.3m. It would be constructed of natural Cotswold stone with a concrete-tiled roof.

The proposed materials for the garage and re-cladding of the dormers have been amended over the course of the application in response to Officer comments.

The current proposal represents a re-working of the withdrawn scheme considered under application 20/00797/FUL. The proposed porch and utility room extension remain unaltered from the previous submission. The position of the proposed garage is also unaltered, but the overall size of the structure has been reduced, setting the southern elevation approximately 0.4m further back from the property boundary. The main side and rear extensions are a substantially different proposition to the previous submission, in response to Officer comments.

(a) Design and Impact on Heritage Assets

Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality. This conforms to the design considerations of National Planning Policy Framework (NPPF) Section 12.

Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets.

Local Plan Policy ENTI seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas.

NPPF Section 16 states that historical 'assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. Specifically Paragraph 192 states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The existing dwellinghouse is of modern construction and limited architectural or aesthetic interest. The site is located on the main road towards the centre of the village, in a gap between two sections of the conservation area, with further modern development in the immediate vicinity to the south and east. The western part of the plot lies within the conservation area, and it is likely that the boundary was set here to encompass the now-demolished Methodist Chapel within the conservation area. Owing to the amalgamation of the Methodist Chapel's plot with that of Kernow, the dwellinghouse is now of a modest size in relation to its plot. It is set some 16.9m back from the front boundary, behind a gravelled driveway and parking area and sloping front garden.

The small extension to the east and the proposed porch are minor additions of a typical design for this type of dwelling. The side extension falls within permitted development rights, as would the porch with a slight reduction in footprint and eaves' height. These elements are therefore considered acceptable.

The footprint of the existing dwellinghouse is 99.6sqm, and it is acknowledged that the size of the main side and rear extensions would more than double the footprint of the building. However, the resultant structure would sit comfortably within the plot without creating a sense of crowding or overdevelopment. Where the previous submission sought to extend the main ridgeline and southern elevation of the host building to the west, emphasising the length of the building, the current proposal steps the ridgeline down by 1.55m and sets the southern elevation of the proposed side extension well back from the principal elevation of the host building, with the resultant visual recession of the development avoiding the problematic appearance of density and overdevelopment of the previous scheme. The rhythm of the area's built form, and the openness and sense of space between buildings that are characteristic of the village, would thereby be retained.

The overall design of the main side and rear extensions are considered acceptable. The materials would match those of the host building, and the differing roof forms allow the two elements to be read as distinct features. The flat-roofed rear extension with glazed patio doors and roof lanterns is a common design for this type of addition, and in itself is only marginally outside what could be achieved under permitted development rights by virtue of the height of the eaves. In and of itself, therefore, it is considered uncontentious. The side/rear extension to the west of the host building would have a long, low form, with the ridge height sitting below that of the main building and the existing front extension, and eaves in line with those of the existing extension. Combined with the set-back from the principle elevation, this demonstrates the clear subservience of this element to the host building. Despite the large footprint, therefore, the side and rear extensions are considered to respect the host building in terms of scale and proportions, and are considered not to dominate or compete with it.

The Parish Council has raised concerns that the proposals "merely replicate poor design quality" that does not reflect the character of the area and is "not Cotswold vernacular". However, the imposition of traditionally vernacular design on extensions to a building that is not of this style would appear incongruous and awkward. The design of the proposed extensions is considered to be in keeping with the host building and, by virtue of their siting in relation to it as set out above, they are considered not to have a harmful impact on the streetscene.

The proposed siting of the garage is the same as in the previous scheme, but the overall size of the building has been reduced. Whilst it is acknowledged that a garage forward of the principal elevation of the building is not typical of the streetscene, there are examples of such positioning elsewhere in the village, where houses are similarly set well back in their plots. Given that the dwellinghouse is considered to be of limited architectural or aesthetic merit, the forward positioning of the proposed garage is considered not to detract from the streetscene by competing with or detracting from a dwellinghouse that makes a valuable contribution to the character of the area. The southern elevation of the garage would be set 2.9m-3.4m back from the front boundary (not being entirely parallel to it), and read very much in the context of the adjoining property, Clover Cottage, a side elevation of which rises directly from the southern boundary of its plot. In this context, the blank façade of the garage wall adjacent to the highway would not appear out of keeping. The proposed walling material for the garage was initially timber cladding, but is now natural Cotswold stone in response to Officer feedback, which allows the proposed structure to better fit in with the streetscene. Objections to the siting of the proposed garage cite its contribution to the overdevelopment of the plot. positioning close to the western boundary reduces its prominence within the plot, and its setback from the street-facing façade of the adjoining property helps to break up the built form immediately adjacent to the highway. As stated elsewhere, the plot is spacious in relation to the existing development it supports, and is considered capable of comfortably supporting the proposed development.

The proposed development site is partially situated within the Ampney Crucis Conservation Area, and the western side/rear extension and garage would both be situated within the conservation area. Several of the objections received relate to the impact of the proposals on the conservation area, with the Town Council stating that the development "seriously affects the setting of the Conservation Area...and it does not reflect the character or appearance of the Conservation area or the views in or out or the gaps of that area." However, by virtue of their siting and relationship to the host building, the proposed extensions would have limited public visibility, with the majority of the development screened by the existing dwellinghouse. Much has been made of the elevated position of the development site increasing its prominence in the streetscene, but views of the proposed development on approach from both the east and west are severely restricted by existing development, and the visual prominence of the building from the south is greatly reduced by its setback from the highway. The impact of the proposals on public views in and out of the conservation area is therefore very limited. For these reasons, as well as those set out previously in relation to the design and positioning of the proposed extensions, the impact of the proposed extensions on the conservation area are considered acceptable. Similarly, the design, scale and siting of the proposed garage are considered to have an acceptable impact on the conservation area, for the reasons detailed above.

In light of this, the proposed development is considered to accord with the relevant requirements of Local Plan Policies EN2, EN10 and EN11, and Sections 12 and 16 of the NPPF.

(b) Impact on Residential Amenity

Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect.

NPPF Section 12 requires good design with a high standard of amenity for existing and future users.

The main elements of the proposal would be located to the west and north of the existing building. The adjacent property immediately to the west of the long side/rear extension is a business premises, CP Jefferies Heating and Plumbing Engineers Ltd, with a blank side wall and part of the driveway immediately adjacent to the proposed development site. To the north are the substantial gardens of Gorston House, with the boundary heavily screened by mature trees and bushes. The proposed development would have no material impact on the amenity of either of these properties and is therefore considered acceptable.

The objections received include concerns regarding the impact of the proposals on the amenity of both Clover Cottage to the west and the dwellinghouses to the east, especially Mallory and Little Mead. Regarding the amenity impacts on Clover Cottage, the southern elevation of the main side/rear extension would be set marginally north of the rear boundary of the garden of Clover Cottage. Whilst this element of the proposed development would be visible from the garden, therefore, it is in no part immediately adjacent to it and the existing openness of the front garden of Kernow, directly adjoining the boundary with Clover Cottage, would remain unaltered. The side/rear extension would be located 2.4m from the western boundary at the point nearest to Clover Cottage, and its low ridge height would reduce its prominence. It is a single storey structure and therefore has no upper floor windows that may cause overlooking. It is therefore considered that this element of the proposals does not impinge on the residential amenity of Clover Cottage with regard to overbearing, loss of light, or loss of privacy. The other alternations to the dwellinghouse are separated from Clover Cottage by virtue of this element of the proposal or by existing development, and are therefore considered not to have any material impact on the amenity of Clover Cottage. The proposed garage would be located close to the western boundary of the site, immediately adjacent to the blank side façade of Clover Cottage, in

light of which positioning it is considered not to impinge on the residential amenity of Clover Cottage with regards to overbearing, loss of light, or loss of privacy.

Concerns have been expressed that the elevated position of the development site in relation to the properties to the east would create overlooking/loss of privacy, overbearing, and block light to the properties (particularly Mallory and Little Mead), and that the proposed extensions would be highly visible from their gardens. Whilst the extensions would be visible from these gardens, the loss of a private view is not a material planning consideration and cannot, therefore, form part of this assessment. With regard to overbearing and blocking light, the main length of the side/rear extension would be set some 13m from the eastern boundary line of the development site, have a low form, and be positioned in line with the northern-most end of the gardens to the east. The side elevation of the flat-roofed rear extension would be set 2.7m from the eastern boundary, but again would be situated towards the end of the adjacent gardens and present a single storey wall of only 4m width on this elevation. The eastern side extension similarly presents a short, low profile on the eastern elevation. By virtue of their size, scale, and positioning, therefore, the proposed extensions are considered not to have a material impact on the properties to the east with regard to overbearing or loss of light. The existing dwellinghouse has an upper storey window on the eastern gable end, approximately 2.3m from the boundary, with further ground floor windows in the existing flat-roofed extension below, immediately adjacent to the boundary. The proposed development would have new openings in the eastern elevations of both the flat-roofed rear extension and the long side/rear extension: however, these would be at ground floor and set back from the eastern boundary by 2.7m and 13m respectively. The proposed development is therefore considered not to materially increase the existing overlooking from Kernow to the gardens of the properties to the east.

Given the above, the proposals are considered to accord with the amenity requirements of Local Plan Policy EN2 and Section 12 of the NPPF.

(c) Impact on Highway Access and Safety

Local Plan Policy INF4 relates to Highway Safety and seeks to ensure that development creates safe and secure layouts that minimise conflict between traffic and cyclists or pedestrians, avoids street clutter, and provides safe and suitable access, having regard where appropriate to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede this. This conforms to Section 9 of the NPPF.

Local Plan Policy 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 to manage the local road network.' The guidance notes from this policy support the considerations of Paragraph 105, Section 9, of the NPPF.

The proposed garage and access arrangements do not materially differ from those submitted under application 20/00797/FUL, to which Gloucestershire County Council Highways Department raised no objection, subject to condition. It was therefore considered unnecessary to re-consult the Highways Department for this application, as the comments in response to the previous application - that "the applicant proposes no changes to the vehicular access to the highway" and "there is sufficient space within the applicants curtilage for a vehicle to access in a forward gear, turn, park and leave in a forward gear" - remain applicable.

A number of objections to the proposed garage have been received, relating to the manoeuvring space and ability of vehicles to exit in a forward direction: however, as stated above, GCC Highways Department is satisfied that sufficient manoeuvring space would be retained. Notwithstanding this, the road onto which the driveway leads is not classified, has a 30mph speed limit, and has a number of other properties along it with insufficient turning space for vehicles to

ingress and egress in forward gear. As there are frequently parked vehicles along this road, traffic generally travels at restricted speeds and it is therefore considered that vehicles reversing into or out of the driveway at Kernow would not materially alter the present situation nor create an unacceptable hazard. Concerns have also been expressed that manoeuvring space would be further restricted if vehicles were parked on the driveway rather than in the garage, and that the garage may be used for other purposes. However, this assessment is restricted to the proposals submitted, which are considered acceptable in this regard subject to the requested Highways Department condition. One objection also stated that further excavation of the front garden would be required to create sufficient turning space, making the front steps shorter and steeper and therefore not 'accessible to all' for present and future occupiers: the proposals do not include any enlargement of the existing driveway or associated excavation work.

In light of the above, the proposals are considered to accord with Local Plan Policies INF4 and INF5 and Section 9 of the NPPF.

(d) Other Matters

A number of other matters have been raised in the objections received, which are addressed in turn below.

Concerns have been expressed regarding the close proximity of the proposed garage to Clover Cottage, which could result in difficulties accessing the dwellinghouse for external maintenance purposes and may impact the foundations of the building. These are civil matters between the parties involved, not material planning considerations, and so cannot form part of this assessment.

An objection to the removal of trees and shrubs to facilitate the development has been received. However, there is no indication that any trees are to be removed in any of the submitted documents, the Design and Access Statement states that the existing boundary planting is to be retained, and the application form indicates that no trees are to be pruned or felled as part of the works.

Several parties expressed concerns in relation to the proposed planting to the eastern boundary damaging the existing boundary walls and blocking sunlight to the adjacent properties. However, no indication has been given that a planting scheme forms any part of the proposal, and additional planting would not, in any case, require planning permission. These are therefore civil matters to be addressed between the interested parties.

The Parish Council expressed concerns that the proposals include no reference to mitigating climate change or making the property into a 'lifetime home' by improving accessibility. Whilst such elements are to be encouraged within new development, there is no policy provision that mandates their inclusion at present.

It has been highlighted that the land to the north of the development site has been misidentified as 'orchard and fields', whereas it is in fact the gardens of Gorston House. This assessment has taken this into account.

The Parish Council requested that, should the development be approved, a Construction Method Statement should be required to address access and parking arrangements during construction. A Construction Management Plan has been submitted, detailing the measures that will be taken to minimise the short-term impacts of the proposed development on nearby residents and the local community, including specification that deliveries to site will enter the village via the B4425 (Barnsley Road) and Butchers Arms Lane, rather than the A417. An objection has subsequently been received in relation to this, expressing concerns regarding the impacts of construction

traffic on the village and of on-site wheel washing as detailed in under 'Other Representations'. However, the disruption caused by any potential on-street parking and vehicular movements of construction traffic through the village would be temporary and subject to the same laws and restrictions as other highway users. The concerns regarding wheel washing relate to run-off of mud, water and other waste onto the highway causing a potential hazard, particularly through freezing should development take place in colder months. The purpose of the inclusion of wheel washing measures in a Construction Management Plan is, however, to reduce the spread of mud and other potentially hazardous waste onto nearby roads, and it is therefore expected that the process would be undertaken in a manner appropriate to this end. The Construction Management Plan is therefore considered to appropriately address the short-term impacts of construction on the local community and, should the development be approved, a condition would be attached to the permission to ensure adherence to this document.

9. Conclusion:

The proposed development is in accordance with the relevant requirements of the Cotswold District Local Development Plan and other material considerations, and is therefore recommended for approval.

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. As this is a residential extension, the applicant may apply for relief.

10. Proposed 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 carried out in accordance with the following drawings: 'Proposed Block Plans Option-28x', dated 09/01/2021; 'Proposed Floor Plans Option-28x', dated 09/01/2021; 'Proposed Elevations Option-28x Rev 1', dated 18/02/2021; 'Proposed Garage Option-28x Rev 2', dated 24/02/2021.

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

3. The provisions of the Construction Management Plan (ref Ap/P/K-008 Rev A) shall be adhered to throughout the construction of the development hereby permitted.

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 to ensure safe and suitable access for and during the construction stage is provided.

4. 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 Policies EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

5. 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 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 Policies EN2 and EN11, 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.

6. No windows or doors shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and EN10.

7. The timber cladding and garage doors of the development hereby approved shall not be treated in any way and shall be left to weather and silver naturally.

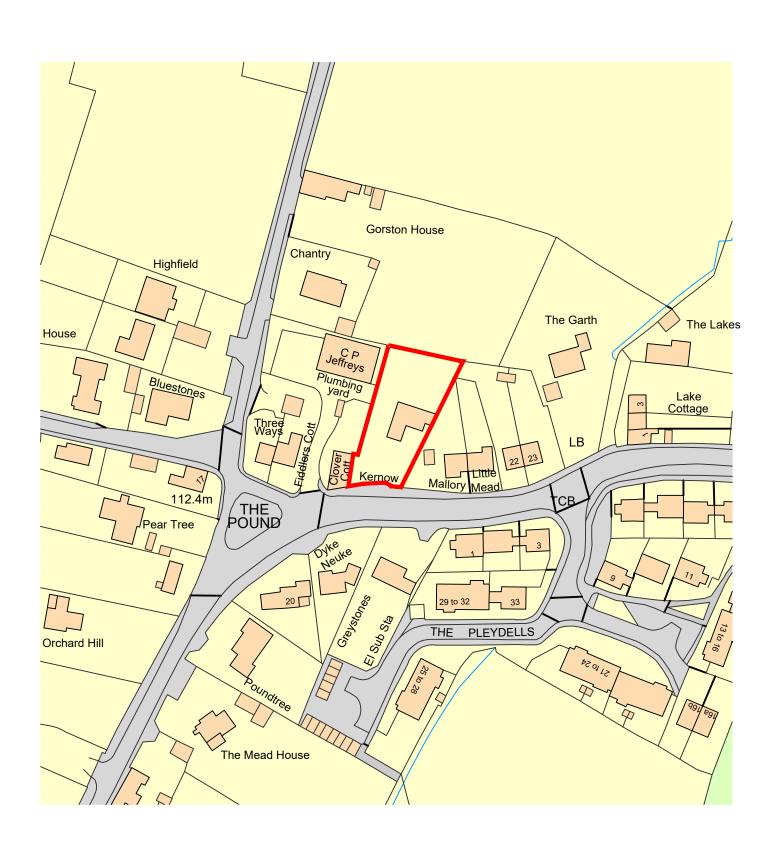
Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2 and EN11.

8. The development hereby permitted shall not be occupied or use commenced until the car/vehicle parking area (and turning space) shown on the approved plan 'Proposed Block Plans Option 28x', dated 09/01/2021, has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

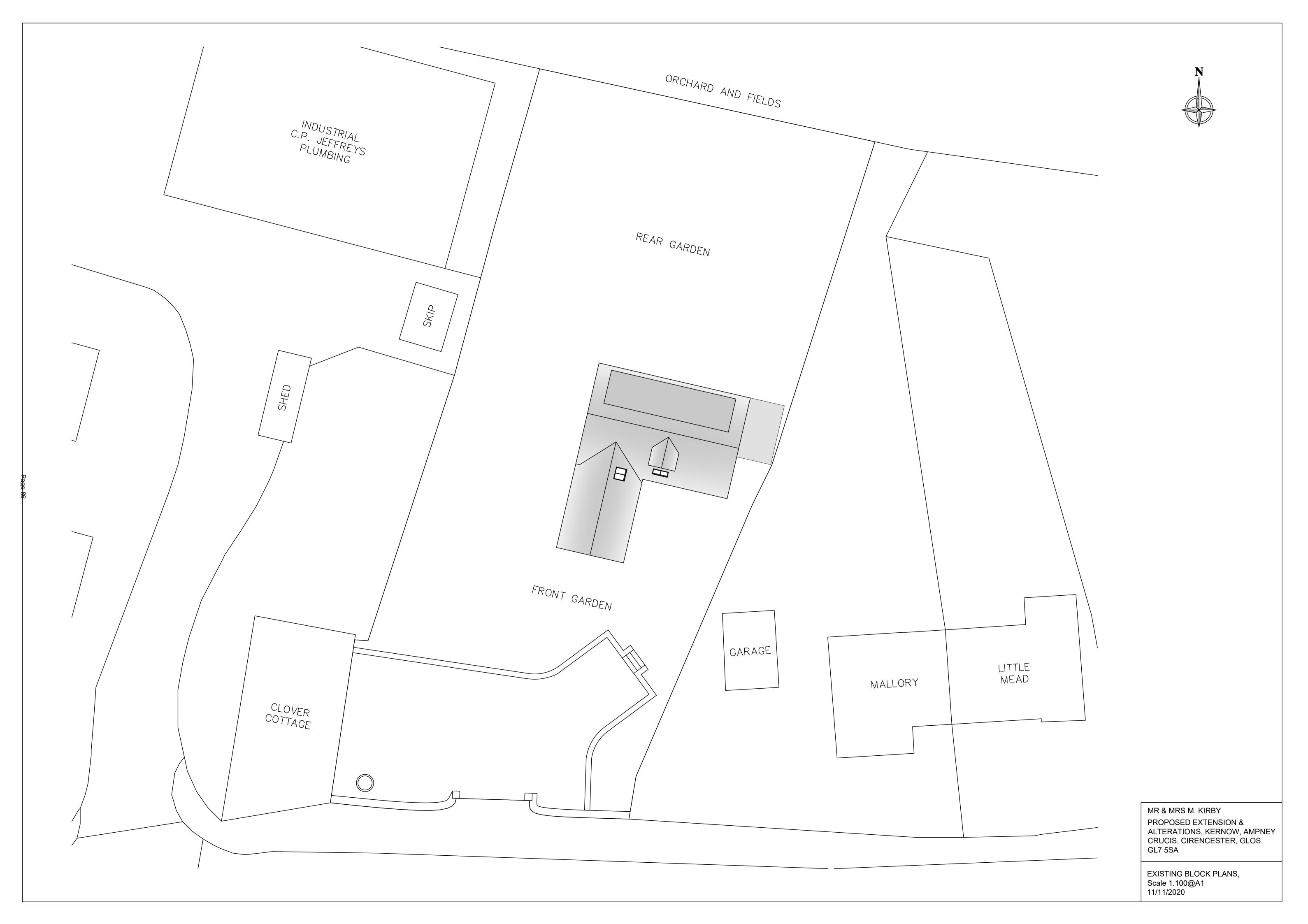
Informatives:

Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL



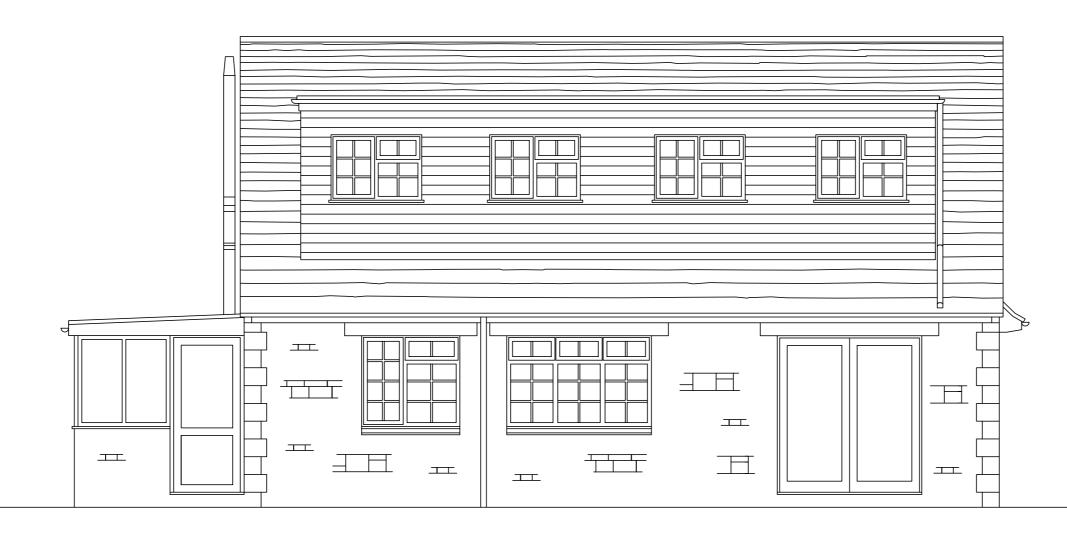
MR & MRS M. KIRBY
PROPOSED EXTENSION &
ALTERATIONS, KERNOW, AMPNEY
CRUCIS, CIRENCESTER, GLOS.
GL7 5SA

SITE LOCATION PLAN Scale 1.1250@A3 12/11/2020





SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION





SOUTH ELEVATION



MATERIALS:

GLAZED

ROOF TILES - PLAIN TILES TO MATCH EXISTING TO PITCHED ROOF AND GREY SINGLE PLY MEMBRANE TO FLAT ROOF

WALLS - RECONSTRUCTED STONE TO MATCH

EXISTING

EXISTING DORMA — TO BE RENEWED WITH

WINDOWS - ALL NEW WINDOWS WHITE AND BLACK UPVC OR ALUMINIUM DOUBLE GLAZED

DOORS - ALL NEW DOORS WHITE AND BLACK COMPOSITE, ALUMINIUM OR UPVC DOUBLE

<u>GUTTERING</u> - BLACK PVCu TO MATCH EXISTING

NORTH ELEVATION



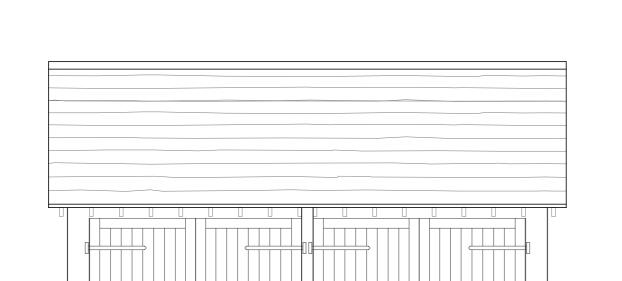
EAST ELEVATION



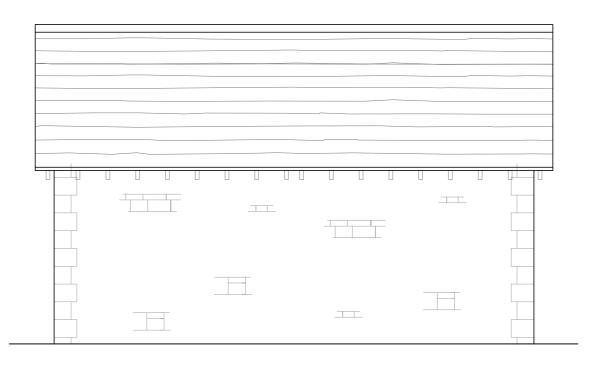
WEST ELEVATION

MR & MRS M. KIRBY
PROPOSED EXTENSION &
ALTERATIONS, KERNOW, AMPNEY
CRUCIS, CIRENCESTER, GLOS.
GL7 5SA

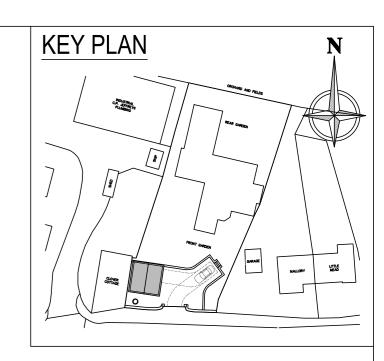
PROPOSED ELEVATIONS, OPTION-28x Rev 1, Scale 1.50@A1, 18/02/2021



EAST ELEVATION

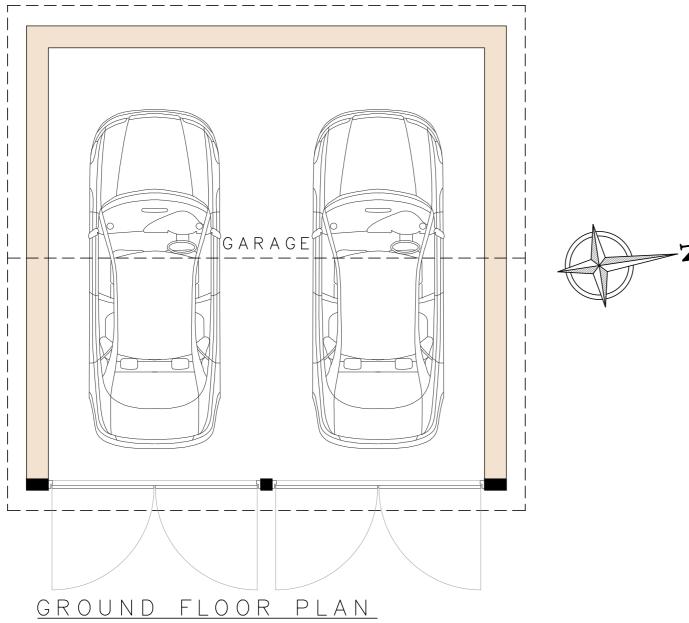


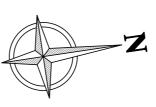
WEST ELEVATION

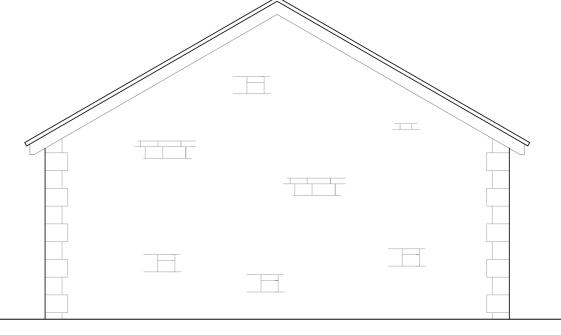


MATERIALS:

NATURAL STONE OR HIGH QUALITY RECONSTRUCTED STONE, NATURAL TIMBER DOORS AND TILED ROOF







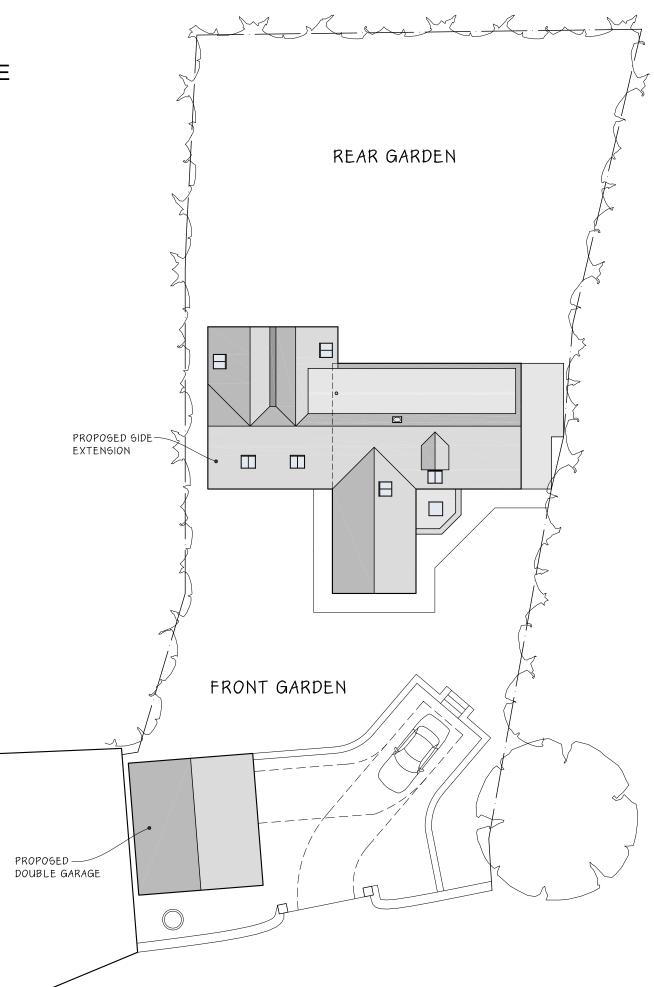
NORTH AND SOUTH ELEVATION

MR & MRS M. KIRBY PROPOSED EXTENSION & ALTERATIONS, KERNOW, AMPNEY

CRUCIS, CIRENCESTER, GLOS. GL7 5SA

PROPOSED GARAGE, OPTION-28x Rev 2, Scale 1.50@A2 24/02/2021





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Large scale drawings to have $\underline{\text{preference}}$ to small scale drawings.

A GARAGE AND DRIVE AMENDED
B HOUSE EXTENSION REVISED

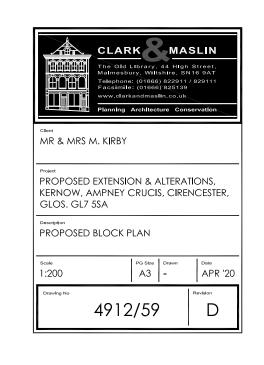
- C HOUSE EXTENSION REVISED

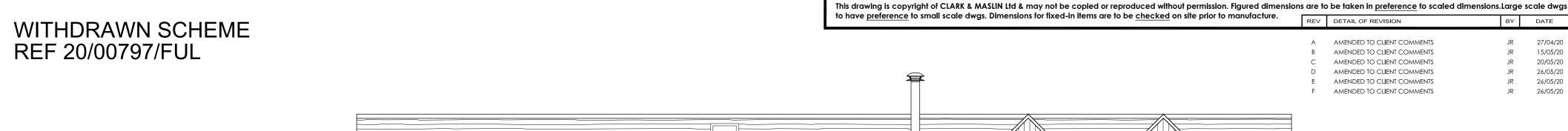
 D HOUSE EXTENSION REVISED

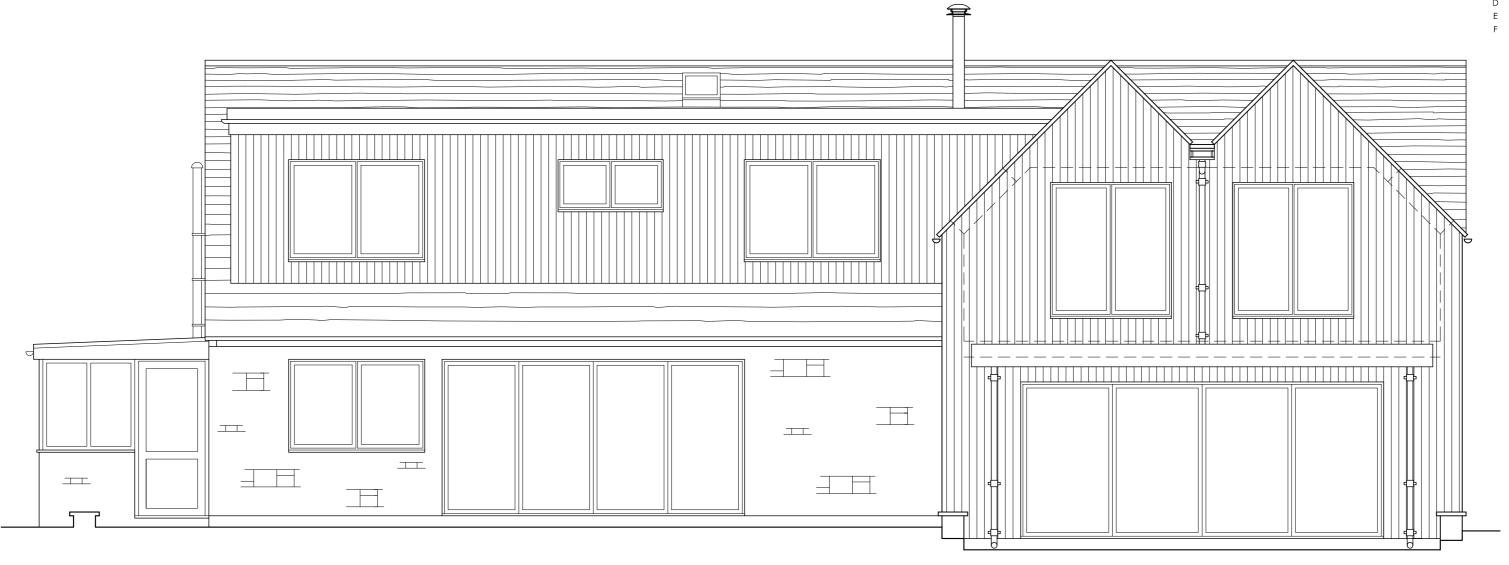
18/05/20 21/05/20 26/05/20 26/05/20



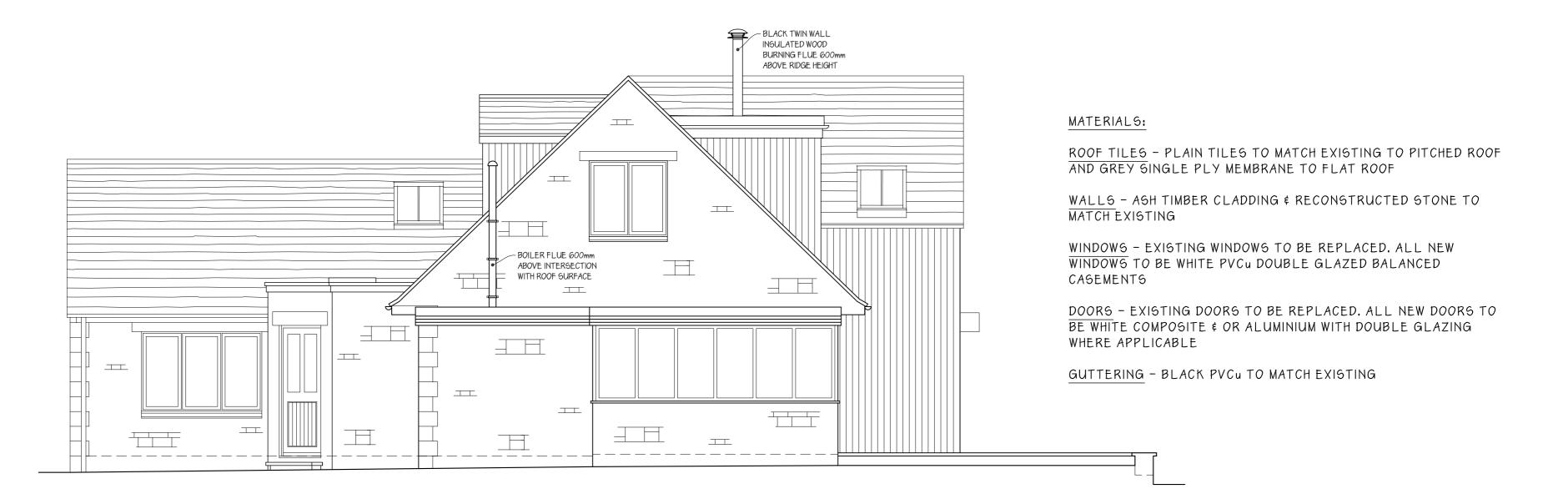
PLANNING DRAWING







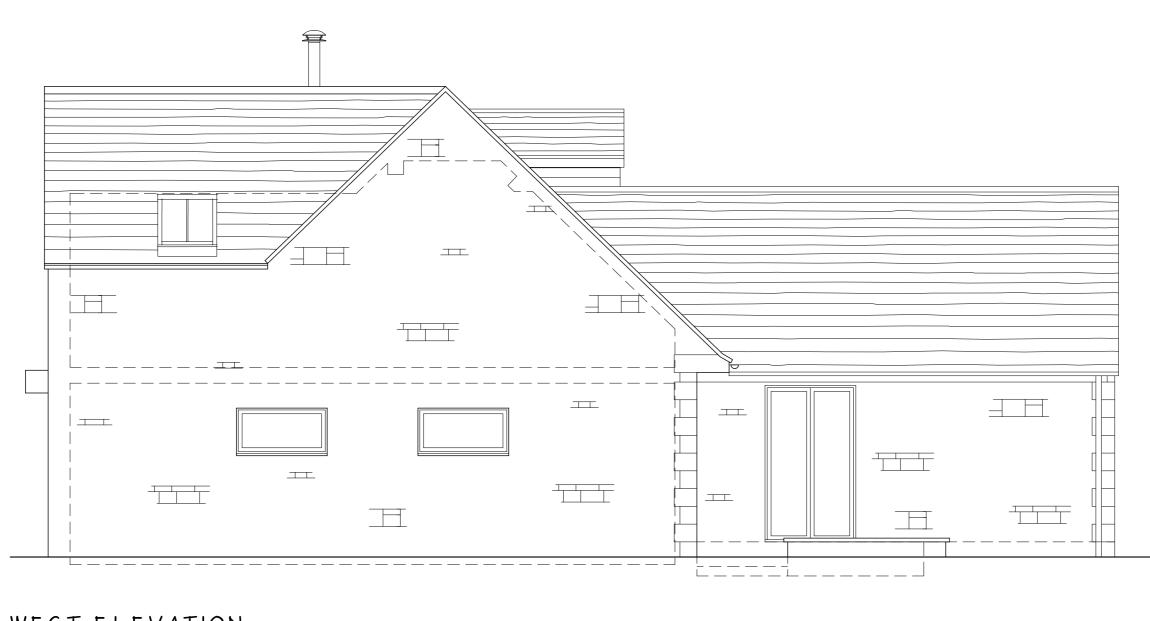
NORTH ELEVATION



EAST ELEVATION

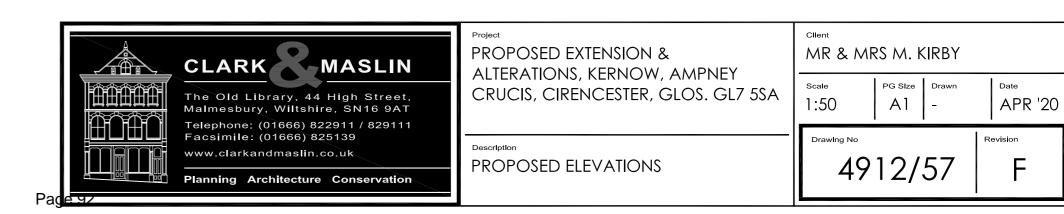


SOUTH ELEVATION

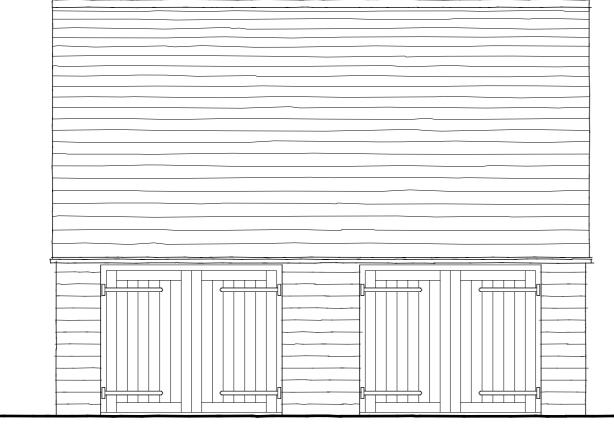


WEST ELEVATION

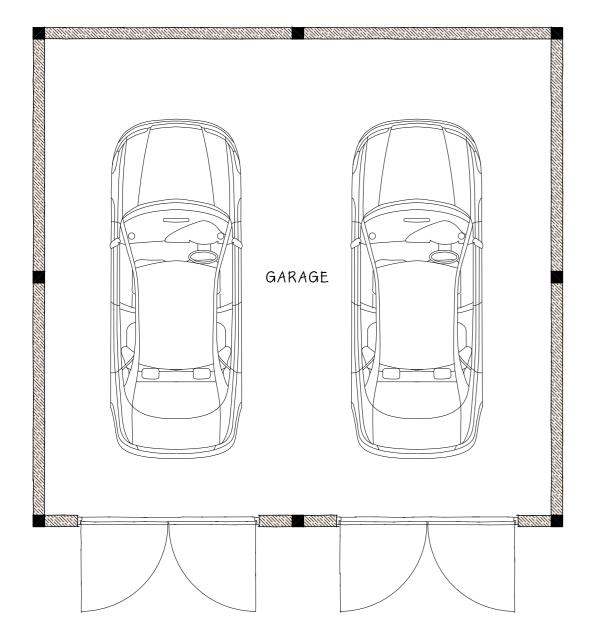
PLANNING DRAWING



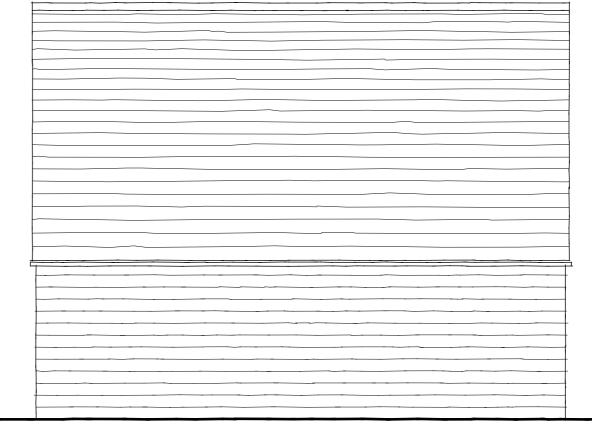
WITHDRAWN SCHEME REF 20/00797/FUL



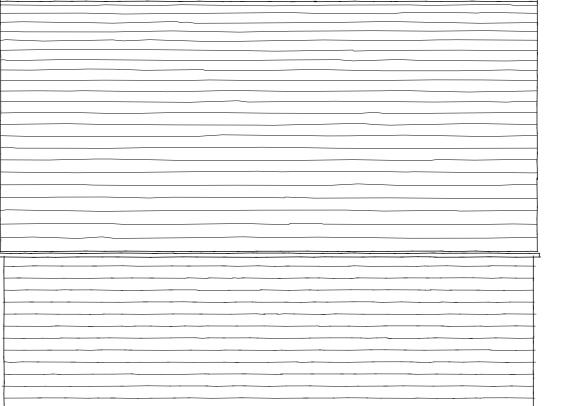




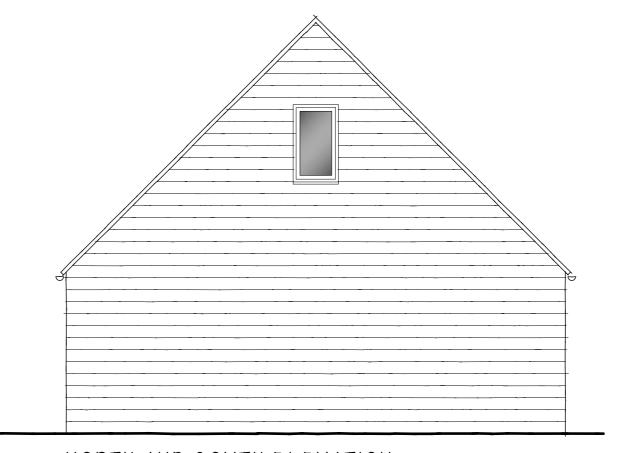
GROUND FLOOR PLAN



WEST ELEVATION



PLANNING DRAWING



NORTH AND SOUTH ELEVATION

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Figured dimensions are to be taken in <u>preference</u> to scaled

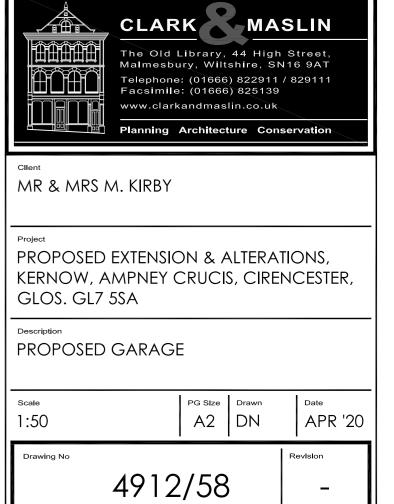
Large scale drawings to have <u>preference</u> to small scale

Dimensions for fixed-in items are to be <u>checked</u> on site prior to manufacture.

REV DETAIL OF REVISION

BY DATE





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Item No 06:-

21/00646/FUL

Church Farm Little Rissington Cheltenham Gloucestershire GL54 2ND

Item No 06:-

Erection of an agricultural livestock barn at Church Farm Little Rissington Cheltenham Gloucestershire GL54 2ND

Full Application		
21/00646/FUL		
Applicant:	Mr & Mrs Firth	
Agent:	Mr Duncan Macleod	
Case Officer:	Amy Hill	
Ward Member(s):	Councillor Andrew Maclean	
Committee Date:	12th May 2021	
RECOMMENDATION:	PERMIT	

Main Issues:

- (a) Principle of Agricultural Development Outside a Development Boundary
- (b) Design and Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)
- (c) Impact in Setting of Conservation Area
- (d) Impact on Residential Amenity
- (e) Highway Safety

Reasons for Referral:

Parish Council Objection received clearly contrary to the proposed recommendation that to Permit, which cannot be resolved by condition or negotiation regarding "impact on Conservation Area and note that the building is prominent in the AONB." The Planning Committee Review Panel concluded that they were not capable of resolution by negotiation of condition and therefore it is necessary to require determination by Planning Committee.

I. Site Description

The application site is located within an agricultural holding which covers an area of approximately 16 hectares. It is located around 280m to the north of Little Rissington Conservation Area within open fields. There are Public Rights Of Way (PROWs) to the south and west of the site (Little Rissington Footpath 4 and Little Rissington Brideway 3 respectively). The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The barn would be located approximately 200m from the farmhouse associated with the farming unit. Alongside the house are two agricultural buildings, which have been permitted to change use to residential.

2. Relevant Planning History:

19/00188/FUL: Conversion of barn to four dwellings and all associated works. Permitted May 2019

19/03319/FUL: Variation of Conditions 2 (drawing numbers), 6 (colour of window and doors), 11 (landscaping scheme), 14 (contamination), 15 (surface water drainage), 17 (biodiversity enhancement), 18 (passing bays/junction works), 19 (signage), 23 (external illumination) of planning permission 19/00188/FUL for the conversion of barn to four dwellings and all associated works. Permitted November 2019

19/03646/FUL: Conversion of barn to four dwellings and all associated works. Permitted March 2020

20/02390/FUL: Change of Use of Land to Keeping/Grazing of Horses and Erection of Stables Complex. Permitted September 2020

21/00258/FUL: Equestrian riding arena to include earthworks to level the site. Permitted March 2021

21/00558/AGFO: Agricultural Machinery Barn. Permitted March 2021

21/00559/AGFO: Hay barn. Permitted March 2021

3. Planning Policies:

TNPPF The National Planning Policy Framework

CDCLP CDC LOCAL PLAN 2011-2031

DSI Development Strategy

ECI Employment Development

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

ENIO HE: Designated Heritage Assets

ENII HE: DHA - Conservation Areas

INF4 Highway Safety

4. Observations of Consultees:

Environmental Health Officer - Air Quality: No objection

Environmental Health Officer - Noise: No objection

5. View of Town/Parish Council:

Little Rissington Parish Council: Concerns raised over impact on Conservation Area and note that the building is prominent in the AONB.

6. Other Representations:

I letter of objection received raising concerns over the following:

- Impact on Conservation Area
- Over development
- Requirement of new buildings given allowance of conversion of existing buildings near the site to residential

- Location of building in the AONB
- Ancient ridge and furrow landscape

7. Applicant's Supporting Information:

Proposed Plans
Design and Access Statement

8. Officer's Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031. The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

The proposal is for an agricultural barn approximately 18.6m wide, by 13.4m deep (with an additional 1.5m overhang). It would have eaves and ridge heights of approximately 5.3m and 6.6m respectively. It would be constructed with Yorkshire Boarding and block walls, and the roof will consist of fibre cement panels with roof lights.

(a) Principle of Agricultural Development Outside a Development Boundary

Local Plan Policy ECI: EMPLOYMENT DEVELOPMENT supports development where it maintains and enhances the vitality of the rural economy. Due to the personal circumstances of the applicants and their family, Lower Marsh Farm, which previously formed the agricultural holding together with Church Farm, has been sold off. As such, the applicants no longer have access to the buildings at Church Farm to house their livestock. Given the above, the provision of the building would allow the continuation of the agricultural business, supporting the rural economy, thereby according with the requirements of Local Plan Policy ECI.

A Third Party concern has been raised about the existing permissions for the conversion of existing buildings associated with Church Farm to residential; however, as referenced above the circumstances for the applicants have changed since the previous permissions were granted. At the time of the previous applications it was accepted that the existing buildings were not required for agricultural use.

(b) Design and Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)

The site is located within the Cotswolds 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 EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality. Local Plan Policy EN4 supports development 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. Local Plan Policy EN5 relates specifically to the Cotswolds 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. These policies accord with the requirements of NPPF Section 15, which seeks to conserve and enhance the natural environment.

Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 127 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

The proposed building would be in the open countryside, but alongside an existing track and located a reasonable distance from the village. It would be visible within the landscape, but as an agricultural building serving an existing holding. It would form a courtyard with two recently allowed buildings. The Parish Council have noted that it is prominent within the Cotswolds AONB, and it would be near, and clearly visible from, a public footpath, as well as long distance view within the wider landscape.

A Third Party representation has also highlighted that the field has ridge and furrows. This is noted, however, the barns would result in only a modest section of the field being levelled, and the overall character and appearance of the field and the ridge and furrows landscape would remain. This aspect is therefore considered not to result in material harm to the character and appearance of the AONB.

Given the agricultural nature of the structures proposed and their use, and the farmed landscape which they would be within, the proposal is considered to have an acceptable impact on the character and appearance of the Cotswolds AONB. As such the proposal is considered to accord with Local Plan Policies EN2, EN4 and EN5, and Section 15 of the NPPF.

(c) Impact on setting of Little Rissington Conservation Area

Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. It supports proposals that sustain and enhance the character, appearance and significance of designated heritage assets and their setting, which put them in viable uses, consistent with their conservation.

Local Plan Policy ENTI seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas.

The site is located approximately 280m to the north of the Little Rissington Conservation Area. Given the degree of separation and structures between the site and the village

(namely Church Farm and the neighbouring barns), the building would be have limited visual impact upon the setting of the Conservation Area. Additionally, it would be an agricultural building near a small rural village, which would be an anticipated feature in the surrounding rural landscape. As such, whilst concerns have been raised over the impact on the setting of the Conservation Area, it is considered that the impact would not be harmful. The proposal would therefore comply with Local Plan Policies EN10 and EN11.

(d) Impact on Residential Amenity

Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

Local Plan Policy EN15 states development will be permitted if it will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through pollution of the air, land, surface water, or ground water sources and/or generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

Given the degree of separation between the site and any residential properties of approximately 170m to the barns to be converted and 360m to unrelated buildings, the impact with regard to loss of light or overbearing is considered to be unharmful. The building is proposed to be used to house livestock, as such a degree of noise and disturbance is a material consideration. Nevertheless, the separation between the building and any neighbouring properties, including the barns permitted to be converted, is sufficient that the residential amenity would not be harmed. The specialist Environmental Health Officers with responsibility for both noise and air quality have been consulted and raised no objections to the proposed barn, or its use.

It is noted that traffic movements may increase along the lane, due to the siting of the barns; however, the site is in a rural location, wherein traffic movements from tractors and similar are expected. As such, the noise generated from these is considered to be at an acceptable level.

The proposed development is considered to accord with the residential amenity considerations of Cotswold District Local Plan Policies EN2 and EN15, and Section 12 of the NPPF.

(e) Highways

Local Plan Policy INF4 relates to Highway Safety and seeks to avoid location where cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation and having regard where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it.

Paragraph 108 of the NPPF requires that all development ensures safe and suitable access to the site can be achieved for all users. Paragraph 109 states that 'Development should only

be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

It would be anticipated that traffic movements may increase to a modest and proportionate degree along the access lane as a result of the new barn. The site is, however, in a rural location, and farm traffic is common along such lanes, or within rural villages. As such, users of the lane, including walkers, should anticipate farm traffic may be using the tracks, and the presence of this should not result in an unacceptable impact on highway safety nor a severe impact on the road network. The proposal is therefore considered to comply with the aims of Local Plan Policy INF4 and Section 9 of the NPPF.

9. Conclusion:

The proposal is considered to accord with the above Local Plan Polices and material considerations, as such, it is recommended for permission.

10. Proposed 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 carried out in accordance with the following drawing number(s): 16; 17 C; and 18 C.

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

Informatives:

Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cotswold CIL Charging Schedule gives this type of development a zero rate. However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.

