# **Public Document Pack**



22 December 2022

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# PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held at Council Chamber - Trinity Road on Wednesday, 11 January 2023 at 10.00 am.

Rob Weaver Chief Executive

To: Members of the Planning and Licensing Committee (Councillors Ray Brassington, Patrick Coleman, Mark Harris, Stephen Hirst, Sue Jepson, Julia Judd, Andrew Maclean, Dilys Neill, Gary Selwyn, Steve Trotter 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 - 10)

To confirm the minutes of the meeting of the Committee held on 7 December 2022

# 5. Chair's Announcements (if any)

### 6. Public Questions

A maximum of 15 minutes is allocated for an "open forum" of public questions at committee meetings. No person may ask more than two questions (including supplementary questions) and no more than two such questions may be asked on behalf of one organisation. The maximum length of oral questions or supplementary questions by the public will be two minutes. Questions must relate to the responsibilities of the Committee but questions in this section cannot relate to applications for determination at the meeting.

The response may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

# 7. Member Questions

A maximum period of fifteen minutes is allowed for Member questions. Questions must be directed to the Chair and must relate to the remit of the committee but may not relate to applications for determination at the meeting.

Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

The deadline for submitting questions is 5.00pm on the working day before the day of the meeting unless the Chair agrees that the question relates to an urgent matter, in which case the deadline is 9.30am on the day of the meeting.

A member may submit no more than two questions. At the meeting the member may ask a supplementary question arising directly from the original question or the reply. The maximum length of a supplementary question is one minute.

The response to a question or supplementary question may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

# 8. Schedule of Applications (Pages 11 - 26)

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

Application No.	Description	Ward Member	Case Officer
22/02519/FUL	Erection of incidental outbuilding (retrospective) at Grain Store 5 Old Dowmans Farm Coberley Cheltenham Gloucestershire GL53 9FF	Councillor Julia Judd	Harrison Bowley

# 9. Sites Inspection Briefing

Members for Ist February 2023 (if required)

Councillors Ray Brassington, Julia Judd, Patrick Coleman, Sue Jepson and Clive Webster

# 10. Licensing Sub-Committee

Members for 25<sup>th</sup> January 2023 (if required)

Councillors Julia Judd, Patrick Coleman, Andrew Maclean, Sue Jepson, and Mark Harris

(END)



# Agenda Item 4



Planning and Licensing Committee 07/December 2022

# Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 7 December 2022.

Councillors present:

Ray Brassington - Chair

Mark HarrisJulia JuddGary SelwynStephen Hirst - Vice ChairAndrew MacleanSteve TrotterSue JepsonDilys NeillClive Webster

# Officers present:

Susan Gargett – Head of Legal Services
David Morren – Interim Development Management Manager
Mike Napper – Major Developments and Appeals Manager
Andrew Moody – Senior Planning Officer
Harrison Bowley – Senior Planning Officer
John Patey – Highways Development Management (Gloucestershire County Council)
Mark Sweet –Highways Technician (Gloucestershire County Council)
Caleb Harris – Senior Democratic Services Officer
Ana Prelici – Democratic Services Officer
Wayne Smith – Democratic Services Officer

# 146 Apologies

Apologies had been received from Councillor Patrick Coleman (Vice-Chair).

The Chair proposed Councillor Stephen Hirst to serve as Vice Chair for the duration of the Committee meeting and invited Members of the Committee to vote to show their acceptance. Committee Members voted unanimously that Councillor Stephen Hirst should serve as Vice Chair for the duration of the Committee meeting.

Councillor Mark Harris would be arriving later to the meeting.

### 147 Substitute Members

There were no Substitute Members.

#### 148 Declarations of Interest

Councillor Webster declared an interest as a member of the Cotswold National Landscape which had objected to application 21/04342/FUL

Councillor Hirst declared an interest as both himself and Councillor Duncan McGaw (speaking on behalf of Coberley Parish Council on application 22/02519/FUL) were members of Gloucestershire Rural Community Council.

### 149 Minutes

Minute 143 "Councillor Webster proposed and Councillor seconded that the decision was deferred pending completion of an all Committee Member site visit..." should read "Councillor Webster proposed and Councillor Neill seconded that the decision was deferred pending completion of an all Committee Member site visit..."

Application 20/02798/FUL "Voting – For 6, Against 5, Abstentions 0, Absent 2," should read "Voting Record – For 6, Against 5, Abstentions 0, Absent 0,

Applications 21/00549/FUL "Voting – For 11, Against 0, Abstentions 0, Absent 0," should read "Voting Record – For 8, Against 0, Abstentions 0, Absent 3,

Application 22/02837/FUL "Voting Record – For 10, Against 1, Abstentions 0, Absent 0," should read "Voting Record – For 7, Against 1, Abstentions 0, Absent 3,"

RESOLVED: The Committee agreed that, subject to the amendments being made, the Minutes were a correct record of the meeting held on 9 November 2022

Voting Record – For 5, Against 0, Abstentions 4, Absent 2,

# 150 Chair's Announcements (if any)

The Chair congratulated Caleb Harris on his promotion to Senior Democratic Services Officer and announced that Susan Gargett the Head of Legal Services, who had provided legal advice and support to the Committee for over 15 years, was retiring. The Chair thanked the Head of Legal Services on behalf of the Committee for all her clear and concise advice that was always to the point and, when required, assertively delivered.

The Head of Legal Services addressed the Committee and stated that she had enjoyed the variety and challenges of the cases that the Committee had considered and that it had been a privilege to work with Councillors and Officers over the years.

# **I51** Schedule of Applications

21/04342/FUL Extension to yard used for the storage of horticultural products at Melcourt Industries Limited, Boldridge Brake, Crudwell Lane, Long Newton, Tetbury Gloucestershire GL8 8RT

The Senior Planning Case Officer introduced the application that had been deferred at the November Planning & Licensing Committee meeting to allow for a Site Inspection to take place, to assist Members in their consideration of the application with regard to viewing the local road network, and also to request attendance at the meeting by the Highway Authority.

The Senior Planning Case Officer summarised the application and re-presented locality and site maps and photographs of the proposed development along with details of both the current road access to the site, proposed improvements, and additional illustrations showing the location of the Area of Outstanding Natural Beauty (AONB), nearby conservation areas and photographs of roads taken during the Site Inspection.

The following people addressed the Committee:
Diane Thomas – Town/Parish Council
Jamie Lewis – Objector
Paul Greatwood – Agent
Nikki Ind – Ward Member

The Chair invited comments from Committee Members following the Site Inspection.

The Committee noted that the roads viewed during the visit were very narrow and any vehicular passing (HGV/HGV, HGV/car, HGV/tractor, car/tractor) appeared to cause issues and lead to vehicles being driven onto verges.

The Committee noted the width of the road near to the church was particularly narrow and difficult to pass for any motor vehicle.

The Committee noted that Melcourt Industries had suspended HGV deliveries to and from its site on the day of the site visit for Health and Safety reasons.

The Committee noted that the location and length of some of the proposed passing places would appear to be 'wholly inappropriate' adjacent or cutting into an AONB. It was however recognised that the Highways Authority had the authority to build passing places without consideration of AONBs.

The Committee noted that Gloucestershire County Council Highways Authority had moved on from a previous position where it had not opposed the application, to recommending a refusal, for the following reasons:

- When the original application had been submitted it was understood that there would be an off-setting of HGV movements that would give nil detriment, and one Passing Place had been proposed to improve congestion
- It then transpired that the off-setting could not take place and the 10 HGV movements that had been considered, applied to an adjacent ancillary commercial site, and not the proposed application site, and an additional 12 HGV movements per day would be created from the application
- An improved form of mitigation had been offered in the form of 5 Passing Places within the application, and this had initially been considered reasonable.
- Following referral to the Planning and Licensing Committee, the Site Inspection, and communication with both the Applicant and the Planning Authority, it had become clear that the application site was intrinsically linked to the adjacent ancillary commercial site and, should the application be approved, it would fall under B2 commercial use and potentially increase (double) the number of HGV movements.
- This led to the Highways Authority concluding that "...after undertaking a robust assessment of the planning application and based upon the analysis of the information submitted, the highway authority concludes that there would be an unacceptable impact on the safety and operation of the public highway. The proposed development would fail to provide and maintain safe and suitable access for all users contrary to INFI and INF 4 of the Local Plan and NPPF paragraphs 110 and 112. It is therefore recommended that this application is refused."

The Committee noted that The Freight Route Map appeared to indicate that the area round the application site was not recommended for HGV movements.

The Committee noted that the formal written notification from the Highways Authority recommending a refusal was received after the Site Inspection had taken place.

The Committee noted that the Planning and Licensing Committee did not have the authority to specifically restrict the use of HGV movements to or from the application site as part of this (or any future) planning application.

Councillor Neill proposed and Councillor Jepson seconded that the application was REFUSED for the reasons provided by the Highways Authority

RESOLVED The Committee agreed to REFUSE the application for the reason provided by the Highways Authority

Voting Record - For 9, Against 0, Abstentions 1, Absent 1,

21/00549/FUL 45 residential dwellings with associated garages/parking, including demolition of existing petrol filling station and other existing buildings at Northfield Garage, London Road, Tetbury, Gloucestershire, GL8 8HW

The Major Developments and Appeals Manager introduced the application that was deferred by Committee at the meeting of 9th November 2022 to allow further negotiations to take place in relation to the potential provision of additional on-site Public Open Space(s). Negotiations had been completed and updates had been provided in the relevant sections of the report, including in respect of items that had been reported to the November Committee in the Additional Pages to the latter.

The Major Developments and Appeals Manager then re-presented the planning application for the erection of 45 residential dwellings with associated garages/parking. The proposed development was summarised, and the application site and location maps, photographs and illustrations were presented to provide context for what was initially proposed along with new illustrations showing the new proposed green spaces.

The Committee noted that the inclusion of the green spaces had resulted in the loss of three of the 100 parking original spaces, although this would not reduce the 91 parking spaces that would be allocated to properties.

The Committee noted that management of the Public Open Space by a private management company had been proposed by the Applicant and this would require residents to make small contributions for the upkeep and management of green spaces.

The Committee recommended that the management of the green spaces should first be offered to Tetbury Town Council for a nominal sum as a preferred solution.

The following people addressed the Committee: Catherine Sheppard – Applicant Nikki Ind – Ward Member

The Committee noted that the Local Lead Flood Authority (LLFA) assessment, the applicant has provided a plan to deal with this flooding, which is to incorporate two underground attenuation tanks to store surface water. This strategy was acceptable, subject to a detailed design condition.

Councillor Webster proposed and Councillor Harris seconded that the application was APPROVED for the reasons provided by the Major Developments and Appeals Manager.

RESOLVED The Committee APPROVED delegated permission subject to completion of \$106 in respect of Affordable Housing, completion of \$106 in respect of library contribution, and confirmation of Lead Local Flood Authority satisfaction.

Voting Record - For 8, Against I, Abstentions I, Absent I,

Erection of incidental outbuilding (retrospective) at Grain Store, 5 Old Dowmans Farm, Coberley, Cheltenham, Gloucestershire, GL53 9FF

The Senior Planning Case Officer introduced the application for the (retrospective) erection of an incidental outbuilding on built up land at a site at the western edge of the village of Coberley located within the Cotswolds AONB. The site comprised historic vernacular farm buildings with more modern farm buildings to the north, which had been the subject of permission for conversion to residential use. No. 5 Old Dowmans Farm, was set centrally within the latter development, along the eastern boundary of the site and the building constituted a historic barn, now converted to a dwelling, with a modest garden and off street parking to the front. The application was summarised, and site and location maps, photographs and illustrations were presented to provide context for what had been constructed.

The following people addressed the Committee:
Duncan McGaw – Town/Parish Council
Rebecca Murphy – Objector
Richard Greenwood – Agent
Julia Judd – Ward Member

The Committee noted that the host building had been identified as a non-designated heritage asset.

The Committee noted that the original planning permission (2017) included a condition to remove permitted development rights and bring the construction of further structures under the Planning Services control.

The Committee noted that the removal of permitted development rights condition would usually be carried forward on subsequent applications but this had not happened at this site.

The Committee noted that enforcement officers had determined the change in height of the built up area on which the new structure stands, as 0.3m, using historic topographic surveys and more recent physical measurements.

The Committee noted that absence of the condition removing permitted development rights and existing permission would enable further development of the site with construction of a car barn, and this would not be considered 'over-development'.

Councillor Jepson proposed and Councillor Judd seconded that the application should be DEFERRED to enable a full Committee member Site Inspection to take place.

RESOLVED The Committee agreed to DEFER the application to enable a full Committee Site Inspection to take place.

Planning and Licensing Committee 07/December2022 Voting Record – For 5, Against 4, Abstentions I, Absent I

# 152 Sites Inspection Briefing

The Committee agreed to a full Committee Member Site Inspection 4 January 2023 to Grain Store, 5 Old Dowmans Farm, Coberley, Cheltenham, Gloucestershire, GL53 9FF

# 153 Licensing Sub-Committee

A provisional Licensing Sub-Committee had been arranged for 21 December 2022 (if required).

The Meeting commenced at 2.00pm and closed at 4.00pm

Chair

(END)

# PLANNING AND LICENSING COMMITTEE 11th January 2023

# 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: Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990</u> 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> (<u>England</u>) 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 11th January 2023 INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule No.
Coberley	Grain Store 5 Old Dowmans Farm Coberley Cheltenham Gloucestershire GL53 9FF 22/02519/FUL Full Application	01

# Item No 01:-

22/02519/FUL

Grain Store
5 Old Dowmans Farm
Coberley
Cheltenham
Gloucestershire
GL53 9FF

#### Item No 01:-

# Erection of incidental outbuilding (retrospective) at Grain Store 5 Old Dowmans Farm Coberley Cheltenham Gloucestershire GL53 9FF

Full Application 22/025   9/FUL		
Applicant:	Claire Lewis	
Agent:	Benchmark Development Planning Ltd	
Case Officer:	Harrison Bowley	
Ward Member(s):	Councillor Julia Judd	
Committee Date:	7th December 2022	
RECOMMENDATION:	PERMIT	

UPDATE: This application was deferred at the December 2022 Planning & Licensing Committee Meeting to allow for a Sites Inspection Briefing, to assist Members in their consideration of the application with regard to viewing the potential harm resulting from overdevelopment in the AONB, and view the potential harm from land level changes at the site.

#### I. Main Issues:

- (a) Design and Impact on Non-designated Heritage Asset
- (b) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (c) Impact on Residential Amenity

### 2. Reasons for Referral:

2.1 This application has been referred to the Planning and Licensing Committee by the Ward Member (Councillor Judd) for the following reasons:- "I request that this application be put forward to the Planning Review Panel for consideration for the Planning Committee.

The report does not accurately represent the true situation.

# **Ground level**

- 2.2 The report states that "The raised land levels that accommodate the outbuilding are at most 0.3m, and as such, would not have constituted development in planning terms"
- 2.3 Included with the documents under application 17/04117/FUL is a Topographical Survey dated 8 May 2017. A gate is shown across the driveway which existed at that time. The ground levels were similar on both sides of that gate. The infill therefore measures about 1.5 metres in depth. Indeed it is evident with the naked eye that the new stone wall stands some 1.5 metres high and is infilled behind almost to the top. Photographic evidence can be provided to illustrate this if required. This massive raising of ground level magnifies the dominating and awkward presence of the building and its incongruity of place.

# Permission for additional structures

- 2.4 The decision notice for the original application 17/04117/FUL included at paragraph 3, a condition that "no extensions, openings, structures or means of enclosure shall be erected, constructed or sited in the buildings/application site other than those permitted by this decision notice"
- 2.5 This is an important condition and it has not been explained why it was omitted from the decision notice for application 18/02120/FUL yet it should still be applied. The omission of this condition leaves the development open to inappropriate expansion and cluttering subsequent to 22/03399/FUL.
- 2.6 This should be reviewed urgently to correct the omission so that this condition can be applied, together with a reassessment of this application.

# Impact on adjacent residential amenity

- 2.7 The Officer refers to the impact on Dowmans Farm, stating that "the development abuts an open paddock which does not constitute formal amenity space or residential curtilage". However, it also adjoins a residential driveway and other buildings belonging to Dowmans farmhouse.
- 2.8 The existing drystone wall (leading North from the gateway) and possibly also the new drystone wall across the former gateway were not designed as retaining walls. They are now supporting ground built up to 1-1.5m and are at high risk of failure as the built-up ground settles over time.
- 2.9 The landscaping scheme is lacking. Mature shrubs or bushes should be planted along the boundary wall to afford greater privacy to Dowmans Farm.

### Other matters

- 2.10 No reference has been made to the applicant's declaration that the car barn (21/02051/FUL) would be abandoned with the advent of the gym building.
- 2.11 It should be clarified whether the car barn permission would remain and, therefore, that it may also still be constructed, adding further building density and cluttering of the site. Clarity and possibly further conditions are required here."

# 3. Site Description:

- 3.1 The application site lies at the western edge of the village of Coberley and comprises historic vernacular farm buildings with more modern farm buildings to the north, which have been the subject of permission for conversion to residential use. The current application relates to No. 5 Old Dowmans Farm, set centrally within the latter development, along the eastern boundary of the site. The building constitutes a historic barn, now converted to a dwelling, with a modest garden and off street parking to the front.
- 3.2 The host building has been identified as a non-designated heritage asset. The application site is also located within the Cotswolds Area of Outstanding Natural Beauty.

# 4. Relevant Planning History:

- 4.1 12/01348/FUL Change of use from a grain store to a micro-brewery: Permitted 11/05/2012;
- 4.2 17/02764/FUL Formation of new access, stopping up of existing access, erection of wall and change of use to residential garden land: Permitted 31/08/2017;
- 4.3 17/04117/FUL Conversion and partial demolition of agricultural barns to form 4 no. dwellings with access, car parking and landscaping: Permitted 20/12/2017;
- 4.4 18/02120/FUL Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping: Permitted 02/10/2018;
- 4.5 I8/02686/COMPLY Compliance with condition 3 (boundary fencing) of planning permission I7/02764/FUL (Formation of new access, stopping up of existing access, erection of wall and change of use to residential garden land): Permitted 27/7/2018;
- 4.6 20/02387/FUL Variation of Condition 2 (approved drawings) of application 18/02120/FUL (Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping) Revisions to internal layouts and fenestration: Permitted 17/12/2020:
- 4.7 21/02050/FUL Variation of Condition 2 (approved drawings) of application 20/02387/FUL (Variation of Condition 2 (approved drawings) of application 18/02120/FUL (Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping) Revisions to internal layouts and fenestration) Revisions to internal layouts and fenestration: Permitted 27/08/2021;
- 4.8 22/02475/FUL Variation of condition 8 (Landscaping scheme prior to first use), 9 (Time end of planting season) and 15 (Lighting scheme) of permission 21/02051/FUL (Variation of Condition 2 (approved drawings) of application 20/02387/FUL (Variation of Condition 2 (approved drawings) of application 18/02120/FUL Conversion and partial demolition of agricultural barns to form 7 no. dwellings with access, car parking and landscaping) Revisions to internal layouts and fenestration Addition of four car barns) to update landscaping and lighting scheme: Permitted 04/10/2022.

# 5. 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

EN12 HE: Non-designated Heritage Assets

EN13 HE:Conv'n of non-domestic historic bldgs

### 6. Observations of Consultees:

6.1 None.

# 7. View of Town/Parish Council:

7.1 Coberley Parish Council: Strongly Objects:-

# First Comment (30/08/2022):

- 7.2 "Coberley Parish Council strongly objects to this application and requests that it be refused and removal of the building enforced. The ground level of the garden to No.1 (Grain Store 5) has clearly been raised by in-filling to the top of the new wall which has replaced the old gateway between Dowmans Farmhouse and the old farmyard area (now garden of No. 1). This raise in level appears to be some 1.5metres.
- 7.3 We note the comments made by James Murphy of Dowmans Farm in his objection letter against current application 22/02475/FUL regarding landscaping conditions, which have bearing on this application.
- 7.4 On top of this raised ground level has been placed the gym building, which is the subject of the application 22/02519.
- 7.5 As a result, viewed from the east (the Dowmans Farm yard and fields further east), the building, with its black, container-like appearance, casts a dominating, ominous presence over the Dowmans Farm property, it is incongruous in the beautiful rural setting and is harmful to the AONB. It is offensive to the eye.
- 7.6 Viewed from the west, the style and appearance of the building is completely out-of-keeping with the buildings on the development. It is in a prominent position in front of the principal facade of the property, Unit 1.
- 7.7 We note that the decision giving permission to 18/02120/FUL stated at item 8 c) Officer's Assessment, second paragraph on page 6 of 8 that "Permitted development rights will be removed ......"
- 7.8 There appeared no mentions of additional buildings being permitted, referring only to conversion of the existing buildings."

# **Second Comment (30/08/2022):**

- 7.9 "Coberley Parish Council wishes to submit a further comment to the comment submitted earlier today.
- 7.10 The following condition has been found in the earlier decision and permit, ref Application 17/04117/FUL of 20/12/2017 for Conversion and partial demolition of agricultural barns to form 4 no. dwellings with access, car parking and landscaping | Dowmans Farm Coberley Cheltenham Gloucestershire GL53 9QY
- 7.11 This decision applies to the unit which is subject of the application 22/02519/FUL
- 7.12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, openings, structures or means of enclosure shall be erected, constructed or sited in the

buildings/application site other than those permitted by this Decision Notice. Reason: To retain the character and appearance of the buildings and their setting in accordance with the National Planning Policy Framework, Cotswold District Local Plan Policies 14, 28 and 42."

# 8. Other Representations:

- 8.1 Two letters of Objection have been received raising concerns of:
- i. Link to separate application 22/02475/FUL;
- ii. Out of keeping design with surrounding environment and buildings;
- iii. The scale is disproportionate to the plot;
- iv. Materials' are out of keeping;
- v. The aesthetic is not in keeping with the AONB;
- vi. Impact on neighbours outlook and privacy;
- vii. Impact on views from footpath;
- viii. Unauthorised nature of the works.

# 9. Applicant's Supporting Information:

9.1 N/A

### 10. Officer's Assessment:

- 10.1 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.'
- 10.2 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.
- 10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

# **Background and Proposed Development**

- 10.4 The application seeks retrospective permission for the erection of an outbuilding within the garden of the converted barn. The outbuilding is positioned to the front of the building, on land raised by 0.3m. The building itself covers a footprint of 7.5m  $\times$  3.5m, with a flat roof 2.5m in height.
- 10.5 The building has been constructed in larch cladding and Marley Eternit Cedral click boarding; however, during the course of the application the materials have been amended to incorporate larch cladding on all elevations.

# (a) Design and Impact on a Non-designated Heritage Asset

10.6 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

- 10.7 Local Plan Policy EN12 requires development affecting a non-designated heritage asset to be designed sympathetically, having regard to the significance of the asset, its features, character and setting. Where possible, development should seek to enhance the character of the non-designated heritage asset. Proposals for demolition or total loss of a non-designated heritage asset will be subject to a balanced assessment taking into account the significance of the asset and the scale of harm or loss. This policy also sets out criteria for assessment of whether a site, feature or structure is considered to be a non-designated heritage asset.
- 10.8 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 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.
- 10.9 Section 14 of the NPPF addresses climate change. Paragraph 153 of the NPPF states that, 'in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. Development should also take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'
- 10.10 Section 16 of the NPPF (2018) seeks to conserve and enhance the historic environment and is consistent with Policies EN10 and EN11.
- 10.11 The host dwelling has been identified as a non-designated heritage asset by virtue of its historic nature and characteristic agricultural appearance. Whilst the conversion of the barns has led to some domestication, the approved scheme sought to preserve the agricultural character through the use of sympathetic fenestration and limited extensions and external alterations.
- 10.12 The current proposal, seeks to introduce a residential outbuilding within the established residential curtilage of the dwelling. It is noted that the implemented conversion scheme (18/02120/FUL) did not include a condition removing permitted development rights for outbuildings, and that the scheme included a number of open timber car ports within the site. Subsequently, the principle of an outbuilding is not considered objectionable.
- 10.13 The current design seeks to introduce a simple, partially open, outbuilding into the front of the plot. The building would be somewhat prominent in views to the north-west and in some glimpsed views from the south-east. Within these views, the building would appear as a subservient residential outbuilding with a simple design that achieves an unassuming appearance. Whilst flat roofs are not generally associated with the wider site, the roof form distinguishes the building as a clearly modern addition that does not compete with the host dwelling. Moreover, the incorporation of a flat roof achieves a lower ridge height than could otherwise be achieved by a more traditional pitched roof. The use of larch cladding on all elevations is considered appropriate, achieving a sympathetic appearance in keeping with the barn conversions to the north of the plot. This will lead to an integrated appearance within the site that will not detract from the retained agricultural character of the host dwelling. The building will be fitted with double glazed UPVC windows and an EDRM roofing system which

are appropriate in terms of their design and will contribute towards the energy performance of the building.

10.14 Overall, it is considered that the proposed development would preserve the significance of the Non-designated Heritage Asset and is acceptable in this regard.

# (b) Impact on the Cotswolds Area of Outstanding Natural Beauty

- 10.15 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.
- 10.16 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.
- 10.17 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.
- 10.18 The application site contains a collection of converted farm buildings. The buildings have been converted to seven dwellings, which has changed the character of the site from an open agricultural area, to a more domestic setting. The wider area retains an open character.
- 10.19 The proposed outbuilding would be located within the established residential curtilage of the host dwelling and as such, would not result in any encroachment of urban built form into the open countryside. As noted, the existing character of the site is, in part, derived from its openness and layout. Whilst the introduction of an outbuilding would result in an increase in built form, it would share a close relationship with the existing buildings within the site. The building will be visible from public footpaths, most notably to the north-west, but also in some glimpsed views to the south-east. Whilst visible, the building will be viewed within its residential context and would not obstruct any key or long range views into or from the wider countryside. The applicants have proposed that the proposed outbuilding would be erected in lieu of the previously approved car barn. Officers do not, however, consider that the incorporation of both buildings would be objectionable. Both buildings would have a generally open character and would closely relate to the host dwelling and associated curtilage which is considered appropriate.
- 10.20 Within its plot, the addition would be of a proportionate scale, and would not result in a cramped or overdeveloped appearance, including when considered cumulatively with the approved car barn. The outbuilding would not incorporate excessive glazing and as such, will not lead to any harm to the local dark skies.
- 10.21 Overall, it is considered that the proposed development will preserve the special qualities of the AONB and is acceptable in this regard.

# (c) Impact on Residential Amenity

- 10.22 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.
- 10.23 The application site sits within a development of seven barns, within which it lies to the east. Around 24m to the north sit three additional barn conversions, currently under construction (No's 2 4 Old Dowmans Farm). The property adjoins No. 6 Old Dowmans Farm to the south and No. 1 Old Dowmans Farm lies around 25m to the west. To the southeast lies Dowmans Farm around 23m from the application site. The development abuts an open paddock associated with Dowmans Farm to the immediate east.
- 10.24 The proposed development would benefit from reasonable separation from adjoining properties and as such, would not result in any overbearing impact, overshadowing or loss of light. Whilst concerns have been raised with regard to the impacts on Dowmans Farm, it is noted that the development abuts an open paddock which does not constitute formal amenity space or residential curtilage. The building is located between 2.5m and 4m from the shared boundary and around 23.4m from Dowmans Farm and 26m from its associated amenity space. Owing to the level of separation, there would be no loss of light or overbearing impact. Concerns have also been raised regarding the loss of outlook from Dowmans Farm. Right to a view does not form a material planning consideration, and the impact on the wider landscape has been addressed in previous sections.
- 10.25 Concerns have also been raised with regard to loss of privacy and overlooking. It is noted that this in part, relates to raised ground levels within the easternmost corner of the garden, which fall outside of the red line development boundary. Subsequently, this would not form part of the current application. With regard to the outbuilding, the building does not contain any windows within its eastern elevation and as such, will not result in any overlooking of the adjoining land and paddock. The proposed development will have some views towards the three dwellings to the north of the site. The views will be obscured by the angle and separation distances of around 27m. Moreover, the additional facing window will not be dissimilar to the existing building frontage of No. 5 Old Dowmans. The level of overlooking will not therefore be increased as a result of the development. It is therefore considered that the proposed development will not result in any increase in overlooking, and there will be no loss of privacy as a result of the development.
- 10.26 Overall, it is considered that the proposed development will preserve the amenity of adjoining neighbours and is acceptable in this regard.

#### Other Matters

10.27 Concerns have been raised with regard to raised land levels within the site. The raised land levels that accommodate the outbuilding are at most 0.3m, and as such, would not have constituted development in planning terms. The impact of the increased land levels when considering the overall height have been considered as part of the assessment of the applications. Further land level changes have occurred to the east of the existing building. This land falls outside of the identified red line development boundary, however, and as such form a separate planning matter. Whilst the total extent of the land level changes have resulted in

the levelling of the eastern part of the plot, it is noted that the building works associated with the outbuilding would not have been reliant on the additional raised land levels. The building could have been constructed without the requirement for the further land level increases, through the levelling at up to 0.3m immediately below the building. At the time of writing, the 10.28 Local Planning Authority are investigating the breach in planning regulations. Any potential unauthorised land level changes that fall outside of the red line development boundary do not form part of the consideration of this application.

10.29 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is 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.

### II. Conclusion:

11.1 The proposal is considered to comply with Local Plan Policies and as such is recommended for permission.

# 12. Proposed conditions:

I. The development hereby permitted shall be implemented in strict accordance with the following approved plans: Front and Left View (Drawing No. A 03 REV A); Rear and Right View (Drawing No. A 04 REV A); Materials List (Drawing No. A 01 REV A).

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

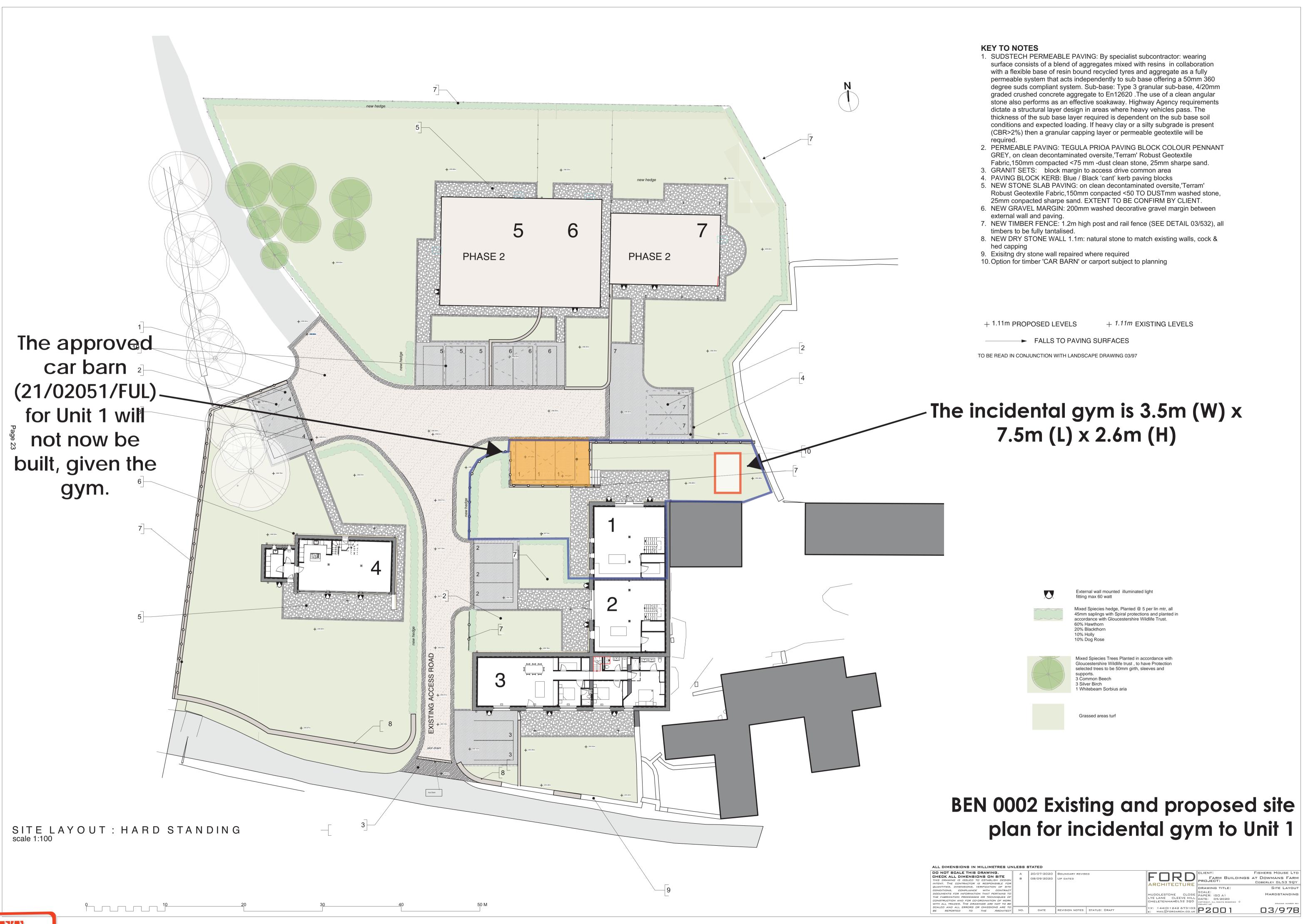
2. Within 3 months of the permission hereby approved, the external walls of the development shall be built of Larch cladding and shall not be treated in any way and shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

**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.

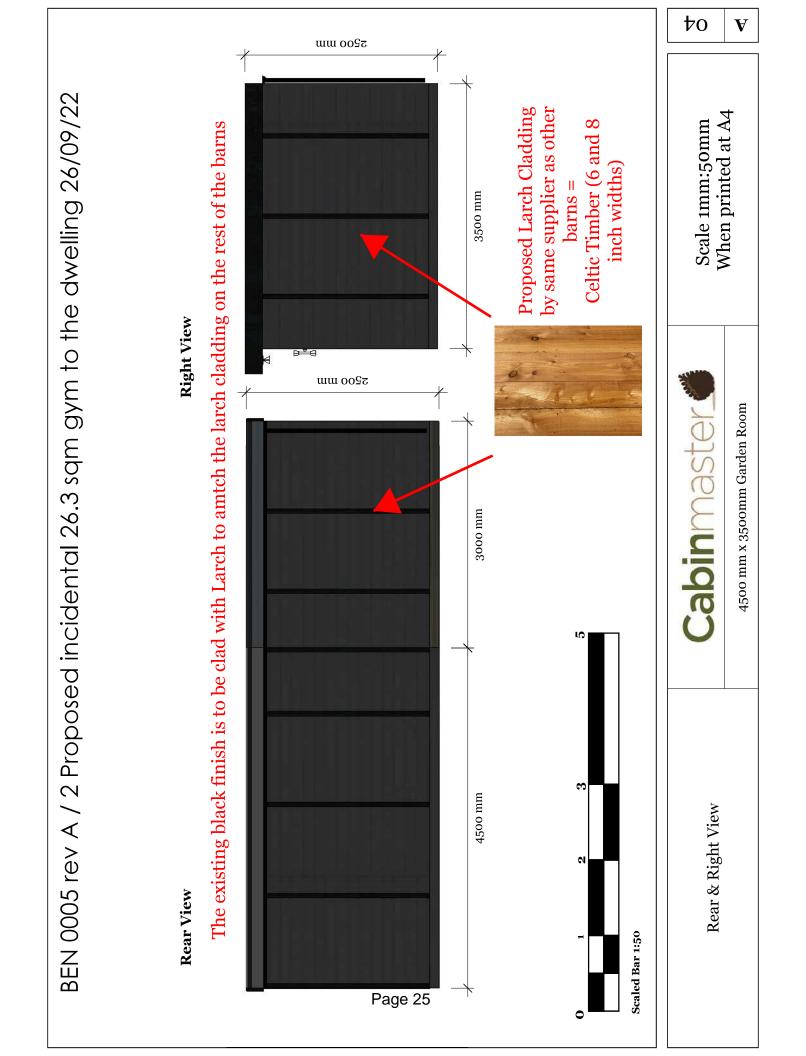
### Informatives:

I. 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.









Claire Lewis Drawings 4500mm x 3500mm Garden Room



July 11, 2022