

# Public Document Pack



**COTSWOLD**  
DISTRICT COUNCIL

2 October 2023

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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 October 2023 at 2.00 pm.**

Rob Weaver  
Chief Executive

To: Members of the Planning and Licensing Committee  
(Councillors Ray Brassington, Patrick Coleman, Dilys Neill, Michael Vann, Mark Harris, Ian Watson, Gary Selwyn, Julia Judd, David Fowles, Daryl Corps and Andrew Maclean)

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 - 16)**  
To confirm the minutes of the meeting of the Committee held on 13 September 2023
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.

## **Schedule of Applications**

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

8. **23/01045/FUL - Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire**  
(Pages 19 - 46)

Summary

Change of use of an agricultural grazing paddock to also be used as two secure dog walking fields at Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire

Case Officer

Sophie Browne

Ward Member

Councillor Daryl Corps

Recommendation

PERMIT

9. **23/02137/FUL - Valley View Chapel Street Mangersbury Cheltenham Gloucestershire**  
(Pages 47 - 68)

Summary

Erection of a side and rear extension at Valley View Chapel Street Mangersbury Cheltenham Gloucestershire GL54 1HR

Case Officer

Wayne Campbell

Ward Member

Councillor Dilys Neill

Recommendation

PERMIT

10. **Sites Inspection Briefing**  
Members for 1 November 2023 (if required)

Councillors Ray Brassington, Daryl Corps, Mark Harris, Andrew Maclean, Gary Selwyn

11. **Licensing Sub-Committee**  
Members for Licensing Sub-Committee (2003 Licensing Act Matters) – 25 October 2023, 4.00pm; (if required)

Councillors Ray Brassington (Chair), Daryl Corps, Andrew Maclean

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Planning and Licensing Committee  
13/September2023



COTSWOLD  
DISTRICT COUNCIL

## Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 13 September 2023.

### Councillors present:

Ray Brassington  
Juliet Layton  
Michael Vann  
Mark Harris

Patrick Coleman  
Ian Watson  
Gary Selwyn  
Julia Judd

David Fowles  
Daryl Corps  
Andrew Maclean

### Officers present:

Helen Blundell, Interim Head of Legal Services  
Cameron Berry, Planning Technician  
Harrison Bowley, Senior Planning Case Officer  
Richard Downham, ERS Senior Officer  
David Morren, Interim Development Manager  
Caleb Harris, Senior Democratic Services Officer

Kristina Carter, Career Grade Planner  
Alison Gardner, Licensing Team Leader  
Justin Ayton, Conservation Officer  
Jose Santos, Gloucestershire County Council Highways  
Ana Prelici, Democratic Services Officer

### **237** Apologies

Apologies were received from Councillors Dilys Neill and Gary Selwyn.

### **238** Substitute Members

Councillor Juliet Layton substituted for Councillor Dilys Neill.

### **239** Declarations of Interest

Councillor Mark Harris stated that the application on Swallow's Nest (22/03206/FUL) had previously been to Committee in 2016, and as a result, had determined a previous application. Councillor Harris stated that Councillors Juliet Layton, David Fowles, and Ray Brassington were also committee members at the time.

The Interim Head of Legal Services advised that this did not count as pre-determination, as the members could still keep an open mind in deciding this new application on its own merits.

Councillor David Fowles had stated that he knew the applicant's husband, Ian Woodward-Court on the Birdlip View application (23/01233/FUL) due to Mr Woodward-Court's ownership of Watermoor Point, where the Cotswold Conservatives had their offices. As Deputy Leader of the Cotswold Conservatives, Councillor Fowles was an Officer of the Conservative party, but this did not constitute a pecuniary interest.

The Chair reminded Members that only those in attendance at the previous meeting should vote on the minutes.

**RESOLVED:** To approve the minutes of the meeting held on the 9<sup>th</sup> August as a true and correct record.

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

For	Against	Abstention/ Did not vote
Ray Brassington		Juliet Layton
Patrick Coleman		
Julia Judd		
Mark Harris		
Daryl Corps		
Andrew Maclean		
David Fowles		
Ian Watson		
Michael Vann		

**241 Chair's Announcements (if any)**

The Chair announced that the two applications on the Berry Bank site (22/04337/FUL and 22/04303/FUL) would be dealt with as one item, as the second application hinged on the permission of the first.

**242 Public questions**

There were no public questions.

**243 Member questions**

There were no member questions

**244 Extension to Pavement Licensing Regime Under the Business and Planning Act 2020**

The purpose of the item was to review the draft policy document for approval following the extension of the current pavement licensing regime to 30 September 2024.

The Licensing Team Leader introduced the report and provided an overview of the report's contents and recommendations

Councillor Patrick Coleman proposed the recommendations, welcoming the initiative and stating that the areas that have so far had pavement licenses have worked well.

Councillor Julia Judd seconded.

Councillor Juliet Layton, as the accountable Cabinet Member thanked officers for their work.

**RESOLVED** that:

That the Planning and Licensing Committee considered the draft Policy at Annex A and resolved to;

1. APPROVE the draft policy; and
2. Consider the fee charged for 2023/24

**Voting record: For 10, Against 0, Abstentions 0.**

For	Against	Abstention/ Did not vote
Ray Brassington		
Patrick Coleman		
Julia Judd		
Mark Harris		
Daryl Corps		
Andrew Maclean		
David Fowles		
Ian Watson		
Michael Vann		
Juliet Layton		

**245 22/04337/FUL- Berry Bank, Main Road, Oddington**

The applications 22/04337/FUL and 22/04303/FUL were both dealt with by the committee as one item, due to them being on the same site. At the Chair's discretion, the Public Speakers combined their speaking time and therefore had six minutes instead of three to speak. The Ward Member had a combined speaking time ten minutes instead of five minutes.

The first application (22/04337/FUL) was for the change of use of the land from agricultural to outdoor live performance venue (sui generis), an engineering operation resulting in a sunken amphitheatre, erection of a kitchen pod, installation of a permanent pavilion base, temporary use of part of the site for car parking, laying out of an access track (part retrospective) at Berry Bank, Main Road, Oddington, Moreton-In-Marsh, Gloucestershire, GL56 0XW.

The recommendation by the case officer was to permit.

The second application (22/04303/FUL) was for the erection of a marquee pavilion, installation of outdoor lighting structures and installation of other 'pod' structures for a temporary period each calendar year from 30 April to 1 October to facilitate outdoor leisure events at Berry Bank, Main Road, Oddington, Moreton-In-Marsh, Gloucestershire, GL56 0XW. The recommendation by officers was to permit.

The Senior Case Officer introduced the application. The Senior Case Officer stated that one of the objections had made reference to the land ownership in light of the previous dissolution of the applicant- Berry Bank and Park Events LTD. As Berrybank Park Events Limited had been established in the place of the original applicant, carrying over two of its directors, the Senior Case Officer confirmed that they were satisfied that there was no change in land ownership.

CLlr David Thorpe representing Oddington Parish Council addressed the Committee, objecting to the application.

Mr Gary Johnson addressed the committee to object to the application, making reference to noise and the impact on his equestrian business.

The Ward Member, Councillor David Cunningham addressed the Committee, highlighting community concerns, including concerns over the live event and noise.

It was noted that the Site Inspection Briefing had occurred ahead of the committee in July and the Chair invited those who had attended it to provide their feedback to the committee.

Members highlighted that the road was busy, with the existing structures visible from the road. Members also stated that they perceived applications for such live events to be increasing, making reference to an application decided by the Licensing Sub-Committee for a premises license at the Badminton Estate.

### Member Questions

Members asked for more further details on the noise complaints. The Environmental Health Officer had stated that six complaints had been received between 2022 and September 2023. Environmental Health Officers had been in touch with the complainants and issued them with diary record sheets and a noise recording app. The Environmental Health Officer stated that the next step would be for officers to visit the site to record the noise levels during an event but that Environmental Health officers had not yet visited the site.

A condition had been put in place to require a noise management plan, which would be the Applicant's responsibility to adhere to. The Council would also undertake regular monitoring as part of environmental health processes.

The Interim Development Manager stated that the permission would allow the applicants to hold six amplified events a year, but that there was flexibility to apply for further events.

There had been verbal updates to conditions 10 and 11, which the Senior Case Officer explained;

#### Condition 10:

The music and film noise level emitted from the site shall not within 1m of the façade of any noise sensitive premises, exceed 55dB LAeq,15min and 73db in the 63 and 125 Hz frequency band.

#### Condition 11:

From the date of the permission hereby granted the Berrybank Park Noise Management Plan 2023 dated 30/01/2023 shall be reviewed and updated annually, in response to recorded complaints, identified inefficiencies and any learning undertaken during the lifetime of the consent. A revised Noise Management Plan, including a record of all complaints received, shall be submitted to the Local Planning Authority prior to 31st January each year and shall be *reviewed and determined as appropriate* within 28 days of receipt. The revised Noise Management Plan, shall then be implemented in strict accordance with the details approved each year.

The Interim Development Manager reminded members that though the application was a retrospective application, it must be judged on the application's merit (as they would with a



non-retrospective application), and additional readings from Environmental Health would only be appropriate if members could not otherwise decide the application.

The Interim Development Manager also stated that temporary permission could be granted if members felt it to be appropriate.

The Licensing aspect of the application was discussed, with the interim Head of Legal Services stating that due to the size of the event, it would likely be dealt with under a temporary event notice. As the Senior Case Officer stated that the events were happening approximately every weekend, the Interim Head of Legal stated they would discuss this with licensing, as this may be over the allowed limit without requiring a premises license.

Members discussed the setting of the site, which was confirmed by the officer to be the 7C 'high wold' area, as defined by the national landscape. The Case Officer stated that National Character Assessment described what was typically in the area and was a material planning consideration, as referenced in the report.

Members asked if any parts of the development were considered agricultural works. The Senior Case Officer stated that due to the scale of the work, it would be considered engineering work, and was therefore considered to require planning permission. Members asked if the applicant should have utilised existing buildings in the development. The Senior Case Officer stated that it was regrettable that they did not, but that it may not have been practical due to the scale and nature of development.

Members asked about the cherry orchard, which they highlighted were not fruit bearing nor native. Members also stated that they felt the style the trees had been planted in to be an urban one, which they considered to be inappropriate in a rural area. The Senior Case Officer recognised this as a missed opportunity, but otherwise stated they would need to be removed and replaced, so found them acceptable on balance, though native and fruiting cherry trees would have been preferred. The Senior Case Officer stated that the Committee could place a condition seeking that any replacement be native and fruiting, or to ask the applicant to submit a new landscape plan.

Members asked whether the impact on the objector's equestrian business, was considered an impact on agriculture, therefore contrary to Local Plan Policy EC5. The Interim Development Manager and Interim Head of Legal Services both stated that equestrian use, beyond simply grazing was not considered agricultural use.

Members asked what the speed limit was on the road, and whether the access was safe. The Senior Case Officer confirmed this to be 50 mph. The Highways Officer stated that the access was considered to be safe in terms of visibility.

#### Member Comments

Members stated that they felt that the proposal was contrary to Local Plan Policy EC5, as the scale and design of the development did not contribute positively to the character and appearance of the area. Members stated the proposal was contrary to EC10 as it did not have a functional relationship and special affinity with the historic and natural heritage of the area.

Members raised concerns about the noise and disruption of the proposals, and did not feel that as a tourist attraction the proposal identified an opportunity that was not met by the existing facilities.

Councillor Mark Harris proposed refusing the change of use.

Councillor Julia Judd seconded the proposal.

**RESOLVED:** To REFUSE the proposal

Reasons for refusal:

1. The application proposed a form of development which would be of a scale and design that fails to contribute positively to the character and appearance of the area. The scheme would fail to create a functional relationship or special affinity with the historic and natural heritage of the wider area. The development would therefore be contrary to Local Plan Policies EC5 and EC10.

2. The site was located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 stated that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. The proposed development would result in the introduction of intrusive and incongruous features that would diminish the character and special qualities of the open rural landscape. The development would also result in an intensive use of the site, through additional visitors, vehicle movements and noise, which would harm the tranquillity of the area. The development would therefore fail to conserve or enhance the character and special qualities of the AONB, contrary to Local Plan Policies EN4 and EN5 and Section 15 of the NPPF.

3. The application site lay within close proximity to a number of adjoining residential properties. The proposed development, by virtue of the number and type of events, visitors and traffic movements, would result in an unacceptable risk to public health or safety through the generation of an unacceptable level of noise pollution. The additional noise would be detrimental to the enjoyment of neighbouring properties and would harm the amenity of near by dwellings, and would not be mitigated by the submitted Noise Management Plan. The development would therefore be contrary to Local Plan Policies EN2 and EN15 and paragraphs 174 and 185 of the NPPF.

**Voting Record: For 8, Against 1, Abstention/Did not vote 1**

For	Against	Abstain/ Did not vote
Ray Brassington	Patrick Coleman	Andrew Maclean*
Julia Judd		
Mark Harris		
Daryl Corps		
Andrew Maclean		
David Fowles		
Ian Watson		
Michael Vann		
Juliet Layton		

\*As Councillor Maclean had left the room during the debate, he could not vote

**246 22/04303/FUL- Berry Bank, Main Road, Oddington**

The application had been discussed with the previous item in relation to the change of use.

**RESOLVED:** To REFUSE the application.

1. The application proposed a form of development which would be of a scale and design that fails to contribute positively to the character and appearance of the area. The scheme would fail to create a functional relationship or special affinity with the historic and natural heritage of the wider area. The development would therefore be contrary to Local Plan Policies EC5 and EC10.

2. The site was located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CRWO) Act 2000 stated that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. The proposed development would result in the introduction of intrusive and incongruous features that would diminish the character and special qualities of the open rural landscape. The development would also facilitate an intensive use of the site, through additional visitors, vehicle movements and noise, which would harm the tranquillity of the area. The development would therefore fail to conserve or enhance the character and special qualities of the AONB, contrary to Local Plan Policies EN4 and EN5 and Section 15 of the NPPF.

**Voting Record: For 8, Against 1, Abstention/Did not vote 1**

For	Against	Abstain/ Did not vote
Ray Brassington	Patrick Coleman	Andrew Maclean*
Julia Judd		
Mark Harris		
Daryl Corps		
David Fowles		
Ian Watson		
Michael Vann		
Juliet Layton		

\*As Councillor Maclean left the room, he could not vote

**247 22/03206/FUL- Swallows Nest, Arlington, Bibury**

The application was for the erection of a 1.5 storey extension and other associated works at Swallows Nest Arlington Bibury Cirencester Gloucestershire GL7 5ND

The recommendation was to refuse the application.

The Case Officer introduced the item and highlighted that additional photographs had been provided. The Case Officer explained that the site was within the Area of Outstanding Natural Beauty and the Bibury Conservation Area. The Case Officer also added that the pergola had been omitted from the application.

The Case Officer highlighted the history of the application:

- 14/05466/FUL - Erection of one dwelling, refused on 9 April 2015
- 15/04341/FUL - Erection of one dwelling, refused on 14 April 2016; appealed and refused on appeal on 26 January 2017
- 16/01744/FUL - Change of use from a garage with studio above to one bedroom dwelling, permitted on 18 July 2016
- 17/03060/FUL - Change of use from a garage with studio above to one bedroom dwelling, permitted on 6 December 2017

The Case Officer explained that the 2016 application entailed minimal external works.

The Interim Development Manager highlighted the reasons that the Case Officer recommended refusal. These were due to the impact on the setting of a listed building, and encroachment onto the open space with the Bibury Conservation Area, as well as impact on the AONB.

The Interim Development Manager advised members that in considering the application, due regard must be given for the development to preserve or enhance the conservation area.

Cllr Craig Chapman, representing Bibury Parish Council addressed the Committee.

Mrs Ann Haigh addressed the Committee to support the application.

Mr and Mrs Wright, the applicants addressed the Committee.

Councillor David Fowles, the Ward Member addressed the Committee, highlighting that if the Committee permitted the application, it would allow the residents to remain in Bibury.

The Chair then invited members who had attended the Sites Inspection Briefing to share their thoughts.

Members discussed the impact of the site, stating that they could see the visual impact it would have from the roadside though it was concealed by the hilly landscape and the hedge. It was stated that there would be large visual impact from the field side.

Members welcomed that the materials would match the existing, being in natural Cotswold stone, and some members commented that the dormer windows were deemed to be attractive.

Members stated that the pergola would have been of detrimental impact and were pleased it had been removed.

### Member Questions

Before proceeding on to Member questions, the Interim Development Manager mentioned the personal circumstances referenced by several of the public speakers. The Development Manager reminded members that public benefit should not be conflated with personal considerations. Personal considerations were material planning considerations, but did not hold much weight in planning terms.

The Development Manager stated that the application could only be considered on its own merit.

The Development Manager also stated that optimum viable use was not a material consideration in this case, as the building was not a designated heritage asset. The Development Manager advised that members should be looking at the impact on the Conservation Area and AONB, and whether the application preserved or enhances these.

### Member Questions

Members noted that the ancillary building that would be turned into a dwelling was presently a holiday let, and asked officers whether it could be conditioned to not revert to a holiday let if the permission was granted. The Interim Development Manager stated that this could not be conditioned as there was no such policy in the local plan.

The Interim Head of Legal Services added that there would be nothing preventing anyone from using the dwelling as a holiday home in the future.

Members asked whether any design changes could be made to the proposals to make them more in keeping with the Conservation Area. The Interim Development Manager stated that this would be difficult due to the history of the site.

The Conservation Officer made reference to the previous refusals, and particularly noted the application which had been refused at appeal. The Conservation Officer stated that the boundary of the historic development was clear and that the gap that visually maintained this, and would be encroached on by the development was specifically mentioned by the Planning Inspector.

The Conservation Officer also added that the hedge did not reduce the harm of the proposals as it was visually clear that it was intended to screen the site. The Conservation Officer stated that they could not identify any way to extend the building without harming the Conservation Area in direct contradiction to the appeal decision.

Members asked whether the gap delineating the historic settlement boundary of Bibury referenced by the Conservation Officer was a common feature seen in similar developments across the District. The Conservation Officer stated that this varied across the District, as a lot of villages had experienced modern development, but stated that where this gap existed, the Council had tried to preserve it. The Conservation Officer gave the example of a similar gap in Horcott, where the judgement over preserving this had been agreed with at a planning appeal.

Members asked about the weight that Planning Inspectors tend to put on considerations such as Listed Buildings and Conservation Areas. The Conservation Officer stated that legislation put special regard on preserving these, which was also reinforced by case law.

Members asked why the area was considered to be encroaching on open space when the space was a garden. The Conservation Officer stated that this was defined by the planning inspector in the appeal decision, as shown on the diagram on page 2 preliminary view assessment.

Members questioned the wording on paragraph 11.1 of the officer report. The interim Development Manager stated that this should read 'extension' as opposed to 'dwelling'.

Members asked if permitting the application would be contrary to the appeal decision. Both the Conservation Officer and the Interim Development Manager agreed that this was the case.

### Member Comments

Members stated that though they felt sympathy to the applicant's personal circumstances, there were no planning reasons to support the application.

Some members stated that the dormer windows were visually appealing but others felt they were harmful.

While some members felt that the overall dwelling would be of a modest size, it was recognised that the extension was not subservient to the original structure, and members felt that the footprint would be considerable, doubling the size of the building.

Members stated that they did not feel that they could contradict an appeal decision unless there were very strong material planning reasons to do so.

Councillor Coleman proposed refusing the proposal, which Councillor Layton seconded.

**RESOLVED:** To REFUSE the application

**Voting record:** For - 7, Against - 2, Abstention/Did not vote 1

For	Against	Abstain/ Did not vote
Ray Brassington	David Fowles	Andrew Maclean
Julia Judd	Ian Watson	
Mark Harris		
Daryl Corps		
Patrick Coleman		
Michael Vann		
Juliet Layton		

### **248** 23/01233/FUL- Birdlip View, Cirencester Road, Birdlip

The application was for the erection of 1 ½ storey detached double garage annex at Birdlip View Cirencester Road Birdlip Gloucestershire GL4 8JL

The Case Officer's recommendation was to permit.

The Case Officer introduced the report, stating that the site was with the AONB but not within the Conservation Area. The site was also not within a development boundary.

The Case Officer stated that concerns had been raised that the garage would be used as dwelling and that conditions had been applied in light of this.

Cllr Eileen McKay representing Birdlip Parish Council addressed the Committee objecting to the application

Ms Emily Woodward-Court, the applicant addressed the Committee.

Councillor Julia Judd, the Ward Member addressed the Committee, highlighting the local objections to it, and stating that a site visit would have been beneficial.

### Member Questions

Members asked if the site had permitted development rights. The Interim Development Manager stated that the usual permitted development rights applied as the application was not in a Conservation Area. The Interim Development Manager also stated that the impact on the AONB was considered to be small, as the extension was minimally visible from the AONB and is within the built up envelope of the site and its surrounds.

Members stated that the drawings were difficult to interpret and asked if a site visit could be arranged. The Committee had the ability to propose this, but did not, as the Case Officer had advised that the site was difficult to see due to it being overgrown, with construction work taking place.

Members asked if the garden was deemed to be sufficient for a family. The Interim Development Manager stated that the Local Plan did not have many requirements for this, but that in their view it was sufficient garden space, albeit unconventional in layout.

Members asked why there had been so many planning applications on the site. The Interim Development Manager stated that the applications had been comprised of applications for various extensions to the main dwelling, (which had been granted) and applications to build a new dwelling in place of the garage, (which had been refused on principle alone, under Local Plan Policy DS4).

Members asked if the application was refused, whether the applicants would still be able to build the garage, without the extension. The Interim Development Manager, confirmed that this was the case, so long as the use remained incidental to the main dwelling. The Interim Development Manager stated that a condition could be added to prevent sale or let of the building separate to the main house. Although, it was recognised that the local plan states that tourism should be encouraged, so members would need strong planning reasons to add these conditions.

### Member Comments

It was discussed whether a condition that the site could not be sold (but allowing letting) separate to the main site. The Interim Development Manager stated that the condition requiring ancillary use would cover this.

Councillor Mark Harris proposed permitting the application.

Councillor Juliet Layton seconded the proposal.

Some members stated that although the site was visible from a dual carriageway, it did not enhance the AONB and did not support the application.

**RESOLVED:** To PERMIT the application

**Voting Record: For 6, Against 3, Abstentions 0.**

Planning and Licensing Committee  
13/September2023

<b>For</b>	<b>Against</b>	<b>Abstain/ Did not vote</b>
Ray Brassington	Daryl Corps	Andrew Maclean
Mark Harris	Patrick Coleman	
Michael Vann	Julia Judd	
Juliet Layton		
David Fowles		
Ian Watson		

The Meeting commenced at 2.00 pm and closed at 5.41 pm

Chair

(END)



## PLANNING AND LICENSING COMMITTEE 11th October 2023

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### 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.
  - **Listed Building Consent:** 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.
  - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (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 11th October 2023**  
**INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION**

Parish	Application	Schedule Order
Moreton In Marsh	Land Parcel West Of 4 Parkers Lane Moreton-In-Marsh Gloucestershire 23/01045/FUL Full Application	1
Maugersbury	Valley View Chapel Street Maugersbury Cheltenham Gloucestershire GL54 1HR 23/02137/FUL Full Application	2

**Change of use of an agricultural grazing paddock to also be used as two secure dog walking fields at Land Parcel West of 4 Parkers Lane Moreton-In-Marsh Gloucestershire**

<b>Full Application 23/01045/FUL</b>	
Applicant:	Mrs Christina Oughton
Agent:	
Case Officer:	Sophie Browne
Ward Member(s):	Councillor Daryl Corps
Committee Date:	11th October 2023
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**1. Main Issues:**

- (a) Principle of Development
- (b) Character, Appearance and Landscape Impact
- (c) Highway Safety
- (d) Residential Amenity
- (e) Biodiversity
- (f) Other Issues

**2. Reasons for Referral:**

2.1 Objections received.

2.2 The Ward Member has called the application before the Planning and Licensing Committee for the following reasons:

2.2.1 "I request that this application is presented to the Planning Review Panel to be called to the Planning and Licensing Committee. Issues including the Principle of Development, Amenity and disturbance concerns need to be explored further.

2.2.2 This is a very unusual application, certainly one never explored before in Moreton-in-Marsh. The Vice Chair of Moreton Town Council also believes that this application requires deeper scrutiny to expose unforeseen consequences. Change of use from agricultural grazing should not be undertaken lightly and this application will inevitably lead to a peripheral urbanisation.

2.2.3 Local Plan Policy EC5 (Rural Diversification) c. the scale and design of the development contributes positively to the character and appearance of the area. It has not been established adequately that application complies with this policy.

2.2.4 Furthermore, your report only references dwellings to the East of the proposed site. The properties to the North East of the site, Swan Close, back onto

Parkers Lane. It is these properties which would be most affected to regular disturbance from increased traffic and associated noise.

2.2.5 The conditions you suggest are to be welcomed, however I believe that deeper scrutiny from the Planning and Licensing Committee will further develop important conditioning."

### **3. Site Description:**

3.1 The application site comprises a 2.8Ha parcel of agricultural land located to the west of the town of Moreton-In-Marsh, immediately outside the Development Boundary and adjacent to a residential area. The land comprises rough grassland with native hedgerows to the boundaries. The site is surrounded by open countryside to the north, south and west, with the settlement to the east, and is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). It is within a red impact risk zone for great crested newts as identified by District Licence mapping tools.

3.2 The site is accessed via Parkers Lane, a short straight lane which runs west from Stow Road, the main through-road onto the Fosse Way before turning south and running alongside the application site for approximately 100m before terminating at a car park. Parkers Lane is also shared by the adjoining housing development, along with an ambulance station and a fire station that are located approximately 55m and 95m east of the site respectively, and leads onto a Public Right of Way known as Moreton-in-Marsh Footpath 7. The footpath continues south along the eastern site boundary after the termination of Parkers Lane.

### **4. Relevant Planning History:**

N/A

### **5. Planning Policies:**

- TNPPF The National Planning Policy Framework
- EC3 All types of Employment-generating Uses
- EC5 Rural Diversification
- 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
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety
- INF5 Parking Provision

### **6. Observations of Consultees:**

6.1 Environmental and Regulatory Services (ERS) Officer: No objection subject to condition.

6.2 Biodiversity Officer: No objection subject to conditions.

6.3 Newt Officer: No comment response.

6.4 Highways Officer: No objection subject to conditions.

## **7. View of Town/Parish Council:**

7.1 "Moreton in Marsh Town Council objects unless there are agreed restrictions on opening hours, numbers of dogs and vehicles to address concerns of local residents."

## **8. Other Representations:**

8.1 23 objections have been received from 20 members of the public, primarily local residents. In summary, the following concerns are raised:

- Impacts on the AONB: noise and activity disturbing the tranquillity of the site, and of walkers' experience of the PROW along the eastern boundary; adverse impacts on the beauty of the site, from introduction of deer fencing and hardstanding; the 2021 Site Assessments SHELAA identifies the site as sensitive within the AONB on the approach to the settlement; harm to the ancient ridge and furrow landscape
- Impacts on residential amenity: barking could result in a noise nuisance for close residents and no noise assessment has been submitted; adverse impacts arising from increased traffic and associated noise; adverse impacts arising from increased noise associated with site use (opening and closing of gates etc); loss of privacy/overlooking; potential compromise to security
- Impacts on ecology: proposed deer fencing will result in loss of habitat; increased traffic and canine activity will disturb local wildlife
- Impact on highway safety: adverse impacts for other users of the lane, both vehicular and pedestrian, due to increased traffic; potential impacts on emergency vehicle access to/from fire and ambulance station on the lane; no indication of how parking would be monitored; increased congestion through the town
- Lack of need: no requirement for a dog-walking facility in the town as there are a number of parks and numerous PROWs in the countryside; several existing secure dog-walking fields in the District so an additional one is unnecessary; no business case has been presented to evidence the likely success of the venture
- Drainage: the field floods in the winter; the proposed use may affect the nearby ditch and culvert and thereby increase flood risk to the town
- Air ambulances land on the field, and would not be able to do so should the development be permitted
- The development could be a pre-cursor for future housing or other development at the site

- Proposed hardstanding is unnecessary as there is an under-utilised car park approximately 75m south of the proposed site entrance, further along Parkers Lane
- Potential introduction of further associated paraphernalia in future (e.g. tyres/tunnels/etc, running water, electricity) that would further degrade the rural character
- Site management, including control of access and how anti-social behaviour and disputes between users would be managed
- Other similar facilities approved within the District are further away from residential properties, and are smaller

8.2 17 comments have been received in support of the application, including one duplicate submission. These are from a mixture of residents of, and visitors to, Moreton-in-Marsh. In summary, these express the following:

- No other secure dog-walking facilities in Moreton-in-Marsh to allow nervous/easily spooked dogs off lead
- Development would provide a useful facility for safely doing off-lead training
- Reduction in potential for livestock attacks/worrying
- Other secure facilities in the area are often fully booked
- Dogs are meant to be kept on leads in the public parks, which in any case are not secure and many have roads nearby
- Useful facility for professional dog-walkers to safely manage multiple dogs off-lead
- Would provide safe space for people with special needs who do not cope well with unknown dogs or people to walk and/or play with their dogs
- Improvement to general amenity of town by encouraging better behaved dogs
- Additional asset to town for residents and visitors

8.3 A letter of support has also been received from the NFU, on the following grounds:

- Diversification of farm businesses helps them to survive in a volatile climate such as the present one (post-pandemic, rising inflation, cost of living crisis)
- Diversification is often crucial to the viability of modern agricultural businesses;
- Dog attacks on livestock have increased in recent months, with both financial and emotional ramifications for farmers, and the provision of secure dog-walking facilities can help to address this.

## **9. Applicant's Supporting Information:**

- Proposed plans
- Planning Supporting Statement
- Noise Management Plan
- Supporting information regarding use of the site

## **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.' 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.

10.2 The Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the National Planning Policy Framework (NPPF).

### **Proposal and Background**

10.3 This application seeks the change the use of the application site from agricultural land to be used as two dog-walking fields (Sui Generis), with associated development. The existing 1.4m post and wire boundary fence would be supplemented by 1.8m high post and wire stock fencing with two metal field gates and two self-closing pedestrian gates. The new fencing would be sited 3-4m in from the site boundary, with a wider margin along the northern edge to allow access to the western field from the parking area. 1.8m high fencing would subdivide the site roughly in half on a north-south axis, along the line of an existing hedgerow that partially divides the site.

10.4 Two vehicular parking spaces would be provided on new hardstanding in the north eastern corner of the field, at the western end of Parkers Lane, with surrounding timber post and rail fencing.

10.5 The site would be available for booking 0730-2000 Monday to Friday and 0900-1800 Saturday, Sunday and Bank Holidays, with reduced hours during the winter in line with available daylight hours (no external lighting is proposed). Bookings would be in 50 minutes blocks to stagger user arrival/departure times, with bookings for one field starting on the hour and for the other at half past the hour. An access code would be provided on booking, which would be changed regularly to ensure that the site remains secure and used only when booked.

10.6 The proposed development would provide part-time employment of approximately 17 hours per week.

**(a) Principle of Development**

10.7 The proposal would only generate a minor level of employment but would comprise a rural enterprise and would be a form of rural diversification. Local Plan Policy EC3 (Proposals for All Types of Employment-Generating Uses), clause two, is therefore of relevance, which states:

*"2. Outside Development Boundaries, and outside established employment sites, proposals for small-scale employment development appropriate to the rural area will be permitted where they:*

- (a) do not entail residential use as anything other than ancillary to the business; and*
- (b) are justified by a business case, demonstrating that the business is viable; or*
- (c) facilitate the retention or growth of a local employment opportunity."*

10.8 Local Plan Policy EC5 (Rural Diversification) is also of relevance, which states:

*"Development that relates to the diversification of an existing farm, agricultural estate, or other land-based rural business will be permitted provided that:*

- (a) the proposal will not cause conflict with the existing farming operation including severance or disruption to the agricultural holding that would prejudice its continued viable operation;*
- (b) existing buildings are reused wherever possible; and*
- (c) the scale and design of the development contributes positively to the character and appearance of the area."*

10.9 With regard to national policy, paragraph 84 of the NPPF states that planning policies and decisions should enable *inter alia* the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.

10.10 The site is currently a small unproductive low input permanent pasture field currently used for occasional livestock grazing. The proposal would comprise a small scale rural enterprise, diversifying the applicant's wider mixed farming enterprise. The submission package confirms that the loss of the field would not conflict with an existing viable farming operation. Furthermore, no intensive operational development or new buildings are required to facilitate the development, operational development at the site being limited to the erection of fencing and a small section of hardstanding. As such, the proposal is considered to represent a viable opportunity for a rural enterprise and would accord with Local Plan Policies EC3 and EC5 and paragraph 84 of the NPPF. The proposed use is therefore acceptable in principle, subject to compliance with other established policies and guidance.



## **(b) Character, Appearance and Landscape Impact**

10.11 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.

10.12 Local Plan Policy EN1 seeks, where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment.

10.13 Local Plan Policy EN2 states that *"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."*

10.14 Local Plan Policy EN4 states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

10.15 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.

10.16 Section 12 of the NPPF seeks to achieve well-designed places, highlighting that good design is a key aspect of sustainable development and creates better places in which to live and work.

10.17 Section 15 of the NPPF seeks to conserve and enhance the natural environment, specifying that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. It also seeks to limit the impact of development on tranquil areas that have remained relatively undisturbed by noise, and to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

10.18 In order to facilitate the proposed development, 1.8m high deer fencing is proposed along the perimeter of the field, set in from the existing hedgerows. Additional timber post and rail fencing is also proposed to create a secure parking area within the site. While the extent of the proposed fencing would indicate some sort of activity taking place on the site, its appearance would be in keeping with the rural character of the site and is considered to be commensurate to the proposed use. A condition would be imposed to ensure fencing is no higher than 2m and that any additional fencing requires planning permission, to ensure that the rural character is retained. Furthermore, additional planting along the existing hedgerows is proposed to reinforce the existing boundaries, which is likely to screen much of the proposed fencing from street level.

10.19 Objections have been received raising concerns that the proposed use, fencing, and potential noise from barking and owners calling to dogs would harm the rural character and

tranquillity of the AONB. It is noted that a public footpath (Moreton-in-Marsh Footpath 7) runs along the eastern boundary of the site, which forms a popular walking route, and users of the path would be afforded some limited views into the site through the hedgerow and access point. Dog walking is considered to be a common activity in rural parts of the District and along public footpaths, and so the proposed use is considered not to be out of character with existing activities in the AONB and would not adversely impact other users' experience of the AONB in the near vicinity. It is noted that the existing tranquillity of the site is already affected by road noise (likely primarily from the A44, approximately 105m north of the site), which is clearly audible at the site. Nevertheless, a condition would be imposed to ensure that no more than two parties with a maximum of six dogs could utilise the site at any one time, thereby limiting potential levels of activity and associated noise.

10.20 The proposed additional fencing would be sited adjacent to native hedgerows and would comprise timber posts with wire mesh, which would be visually recessive and is considered not to result in unacceptable adverse impacts on the natural beauty of the AONB - similarly, the proposed hardstanding would be limited to a roughly 8m x 10m area in a corner of the site that is already periodically utilised to park farm vehicles, and the proposed fencing and formalisation of this as a parking area is considered minimally intrusive. A condition would be attached to any grant of permission to ensure that no further development can be undertaken at the site without the express permission of the Local Planning Authority (LPA).

10.21 No external lighting is included in the proposal, and so no light pollution would result from the development and the valued dark skies of the AONB would be protected. Concerns have been expressed regarding the impact of the proposal on the ancient ridge and furrow landscape, however the physical alterations to the site would be limited to the fencing and hardstanding and the physical form of the land would not be altered.

10.22 Overall, it is considered that the physical alterations and proposed change of use would be small scale and in keeping with the edge of settlement, semi-rural character and appearance of the site and wider area and would therefore accord with Local Plan Policies EN2, EN4, and EN5 and Sections 12 and 15 of the NPPF.

### **(c) Highway Safety**

10.23 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets.

10.24 Local Plan Policy INF5 relates to parking provision, and requires that developments make provision for residential and non-residential parking where such provision is necessary to manage the local road network.

10.25 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and

- (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.26 Paragraph 111 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.

10.27 The proposed development would be accessed via Parkers Lane, which serves a number of residential properties as well as fire and ambulance stations, and terminates at a small car park at the southern end. Owing to the restrictions on the site use that would be secured by condition, the proposal would generate a maximum of four additional vehicular trips per hour during the permitted hours of use; however, it is noted that the site location and nature of the proposed use makes it likely that many users would walk to the site rather than arriving by car. It is therefore considered that concerns expressed in third party objections in relation to adverse impacts on highway safety and residential amenity owing to increased traffic movements, and contributions to the existing congestion through the town, are unfounded. Concerns have also been raised that the proposals may cause delays to emergency vehicles exiting the fire and ambulance stations, with associated queries regarding the monitoring of parking at the site to ensure that the road is not blocked by on-street parking. It is noted that there are double yellow lines along both sides of Parkers Lane from Stow Road up to and just beyond the fire and ambulance stations, and that the road along this stretch is two lanes wide. The small number of additional vehicle movements would not therefore adversely impact emergency vehicle movements, and on-street parking would be monitored and enforced by traffic wardens as it is currently. Whilst it is accepted that the road narrows closer to the western end, there remain ample passing opportunities for vehicles moving in opposite directions.

10.28 The need for on-site parking has been queried given the existing car park approximately 75m south of the site entrance, which appears to offer unrestricted parking. It is the applicant's understanding that this is not a public car park and that it is for the use of nearby residents, and on-site parking is therefore included in the proposal to reduce the likelihood of future users of the site parking on the street or making unauthorised use of the car park.

10.29 In light of the above, the proposed development is considered to accord with the relevant requirements of Local Plan Policies INF4 and INF5 and Section 9 of the NPPF.

#### **(d) Residential Amenity**

10.30 The Design Code (Appendix D) referred to in Policy EN2 of the Local Plan sets out guidance with regard to residential amenity. A key principle set out at paragraph D.66(e) is that the interface between new development and existing properties should ensure that the amenity of existing residents is respected

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

10.32 Section 12 of the NPPF seeks to achieve well-designed places. In part, paragraph 130 of the NPPF ensures that development has a high standard of amenity for existing and future users.

10.33 Third party objections received have highlighted concerns regarding the potential impacts of the development on nearby residential amenity, particularly in relation to increased noise levels associated with the proposed site use. The applicant has submitted a Noise Management Plan (NMP) that details proposed measures to address anti-social behaviour and noise at the site, including pro-active monitoring of the site via CCTV with remote noise monitoring equipment triggering an alert to the site owner when limits are exceeded. A mechanism for neighbours to be able to call the site owner if there is any unacceptable noise is also included, and the NMP includes a noise level logging procedure to allow the owner to keep a record of customers in order to monitor for repeat offenders, whose use could be restricted or who could subsequently be prevented from making future bookings. A document entitled 'Supporting information regarding use of the site' has also been submitted that details the proposed limited hours of use and staggered timings of arrivals and departures from the site in order to minimise spikes in activity and noise levels, and the manner in which access to the site would be controlled.

10.34 Whilst the immediate environs have a tranquil, rural character, it was noted during the site visit that noise from nearby A-roads is clearly audible. As previously noted, it is considered that the additional noise generated by the proposed site use would be in keeping with expected rural or edge-of-settlement activity. The ERS Officer has advised that the nature of the proposed site use and varying associated levels of activity make potential noise impacts on neighbours difficult to assess. Notwithstanding this, it is considered that the submitted Noise Management Plan and 'Supporting information regarding use of the site' document provide sufficient detail in relation to proposed site monitoring and noise control measures to ensure that the site will be well managed and any emergent adverse noise impacts addressed promptly. Subject to conditions to secure adherence to the Noise Management Plan, as well as to control the number of site users and dogs on site at any given time, and the hours of use, the proposed development is therefore considered unlikely to generate levels of noise and disturbance that would result in unacceptable adverse impacts on the residential amenity of nearby properties. It is further noted that any grant of planning permission would not in any way indemnify the site owner or operator against action being taken under the Environmental Protection Act 1990 for noise amounting to a statutory nuisance.

10.35 Concerns have also been raised in relation to potential loss of privacy for nearby residents, as gardens and/or rear elevations of their properties would be overlooked by the site. However, given that a public right of way runs along the eastern site boundary, between the site and the nearest dwellinghouses, and the site itself is bordered to the east by an established native hedgerow that effectively blocks views between the site and the dwellinghouses, it is considered that there would be no material reduction in privacy in comparison to the current situation. Similarly, concerns regarding potential compromises to security are considered unfounded as the site is separated from any nearby residential properties by existing public accesses in the form of the highway or the Moreton-in-Marsh Footpath 7.

10.36 Given the limited physical development proposed on site, the development is considered not to impinge upon nearby residential amenity having regard to overbearing or loss of light.

10.37 In light of the above, the proposal is considered to meet the relevant requirements of Local Plan Policies EN2 and EN15 and Section 12 of the NPPF.

#### **(e) Biodiversity**

10.38 Local Plan Policy EN8 states that *"Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible."*

10.39 Paragraph 174 in Section 15 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of ecological value and minimising impacts on and providing net gains for biodiversity.

10.40 The site comprises unimproved grassland with trees and has an area of a former pond which has since dried up. Although the site is within a red impact risk zone for great crested newts, the Council's Biodiversity Officer has assessed the scheme and considers that no survey work is necessary given the low impact of the proposal on the physical condition of the land. An informative is requested to ensure that the applicant is aware of their responsibilities should great crested newts be encountered during the development works. A condition is also requested to ensure that the LPA retains control over the installation of any lighting at the site, in order to ensure that this does not result in any adverse impacts on nocturnal wildlife, and this is considered reasonable. The submission package indicates that the existing hedgerows will be reinforced with additional planting, and part of the site will be turned into a wildflower meadow, providing interest for users and ecological enhancement. Concerns expressed by third party objectors in relation to the impacts of the fencing and increased activity on local wildlife are noted, however given the baseline ecological conditions and proposed planting enhancements it is considered that there would not be an overall detrimental impact to wildlife. On this basis, it is considered that the proposed development accords with the relevant considerations of Local Plan Policy EN8 and Section 15 of the NPPF.

#### **Other Issues**

10.41 The submission package sets out the proposed management strategy for dog waste from the site, which will be managed by an external licenced waste collection company with small caddy bins provided for on-site use.

10.42 A number of additional concerns have been raised by third party objectors, which are addressed below.

10.43 Several comments contend that there is no requirement for a secure dog-walking facility in the town owing to various existing parks and public rights of way providing ample dog-walking areas, and that several existing secure dog-walking fields already exist in the District making an addition facility unnecessary. Objectors also note that it is the responsibility of dog owners to train their dogs so that secure fields are not necessary. Whilst it is noted that no business plan has been submitted demonstrating the viability of the proposed business, the applicant has indicated that informal market research has demonstrated a demand for the proposed facility, and this is supported by a number of comments received in support of the application, which state that other such facilities (the nearest of which appear from an internet search to be at least a 20 minute drive away at Chadlington or Ettington) are often fully booked. Support comments also highlight the value of secure dog-walking fields for off-lead training, exercising young or nervous dogs that are

easily spooked, reducing the potential for dog to worry or attack livestock by being walked off-lead in the open countryside, and supporting professional dog-walkers by providing a space where multiple dogs can safely be managed off-lead. Other support comments further note that dogs should be kept on leads in public parks, and that the proposed facility would provide a safe space for people who do not cope well with unknown dogs or people to safely walk and interact with their dogs. Objectors have also noted that other similar facilities approved within the District have been located further away from residential properties and are smaller. Whilst there may well be differences between the current proposal and other similar proposals that have been considered elsewhere in the District, any differences between this and other proposals do not automatically constitute grounds to refuse the current proposal as each application must be assessed against adopted policies and legislation on its own merits.

10.44 Concerns have been raised that the field floods in the winter and that the proposed use may affect the nearby ditch and culvert and thereby increase the flood risk to the town. The application site is located within Flood Zone 1 and there is no recorded history of flooding at the site. The proposed development would not result in any increase in built form, and the surfacing material for the proposed parking area can be controlled by condition to ensure that this remains permeable. Given this, there would be no material change to the existing situation, and there is no evidence to suggest that the proposals would affect the management of the nearby culvert or drainage ditch.

10.45 Third parties have advised that air ambulances currently land on the field, and would not be able to do so should the development be permitted. It is noted that there are numerous alternative open spaces in the near vicinity that could be utilised by air ambulances, including the fields immediately to the north and south of the site.

10.46 Concerns have also been raised that the proposed development could represent a precursor for more intensive development of the site, from the introduction of additional paraphernalia associated with the proposed use (e.g. tyres, tunnels etc. and the introduction of running water and electricity) to potential future development for housing. Future development in association with the permitted use could be restricted by a condition attached to any grant of permission in order to safeguard the rural character of the site. Any future application for alternative development of the site, such as for housing, would require an application for planning permission and be subject to a full assessment on its own merits.

## **11. Conclusion:**

11.1 Overall, it is considered that the proposed development accords with the relevant requirements of the Cotswold District Local Development Plan and other material considerations, and is therefore recommended for approval.

11.2 The CIL rate for this type of development is zero and therefore no CIL is payable.

## **12. 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: 'Site plan' and 'Landscape plan'.

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

3. No hardstanding shall be installed/inserted/constructed in the development hereby approved, until details of the surfacing materials, which shall be permeable, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2, and will not increase flood risk in accordance with Cotswold District Local Plan Policy EN14.

4. The development shall not be occupied for the permitted use until the parking and access arrangements have been completed in full in accordance with the approved 'Site Plan' and shall be retained as such until the permitted use ceases. The parking spaces and access shall be clear and available for dog walkers of the facility at all times, until the permitted use ceases.

**Reason:** To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with Local Plan Policy INF4 and paragraph 108 and 110 of the National Planning Policy Framework.

5. 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 fencing, walls, gates, buildings or any other structures shall be erected, constructed or sited within the development hereby approved other than those permitted by this Decision Notice.

**Reason:** To maintain the rural character and appearance of the site, in accordance with Cotswold District Local Plan Policies EN2, EN4 and EN5.

6. The 1.8m high fencing shown on the approved plans shall be installed in accordance with the details shown in section 2.1 of the submitted Planning Supporting Statement (dated March 2023), unless otherwise first approved in writing by the Local Planning Authority.

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

7. The development shall not be occupied for the permitted use outside the following hours:

0730-2000 Monday to Friday

0900-1800 Saturday, Sunday and Bank Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policies EN2 and EN15.

8. The development shall only be occupied for the permitted use by two parties (one per field enclosure) and for no more than six dogs at any time across the two field enclosures, and no dogs shall be left unattended at the site at any time.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policies EN2 and EN15.

9. No external lighting shall be installed at the site without the express prior permission of the Local Planning Authority.

**Reason:** To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

11. The entire landscaping scheme shall be completed by the end of the first planting season following the completion of the development hereby approved, and shall be retained as such for the lifetime of the development unless otherwise first agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

#### **Informatives:**

1. 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.

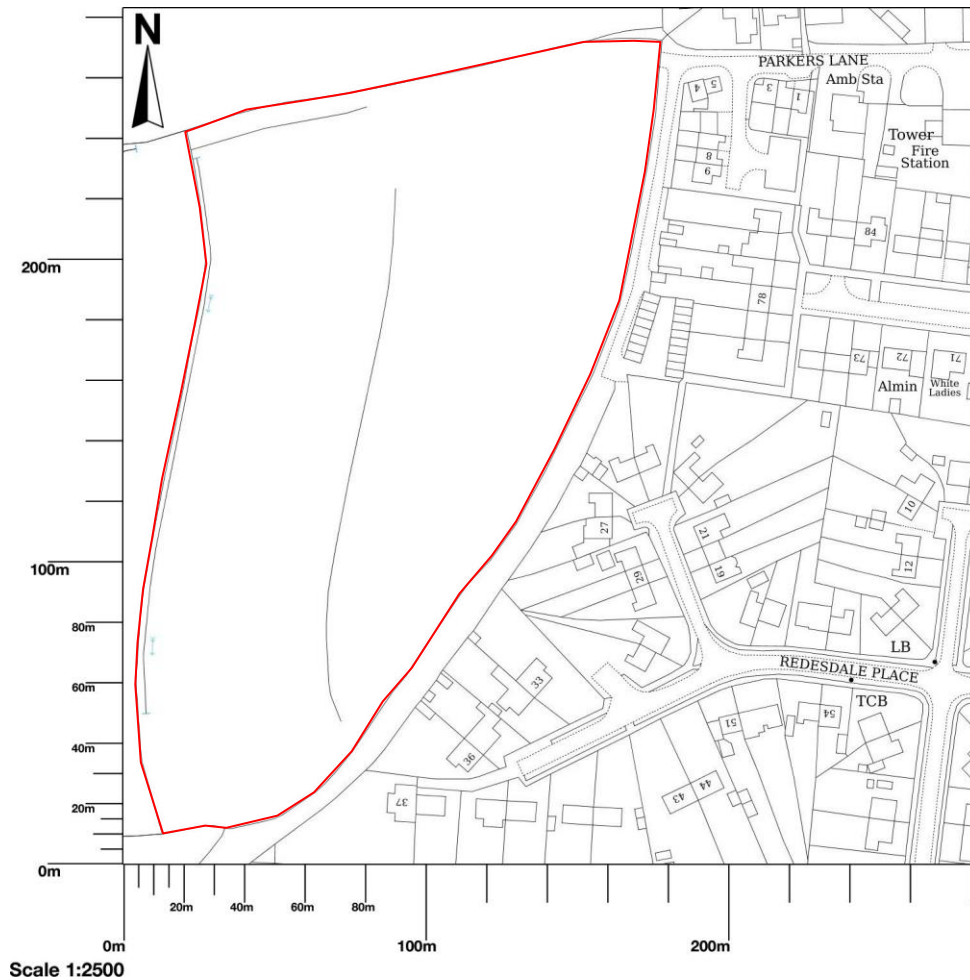


2. There is a risk that great crested newts may be present at the application site. The Council considers it would be unreasonable to require the applicant to submit a great crested newt survey because this could be considered disproportionate to the scale of development. Nevertheless, anyone undertaking this development should be aware that great crested newts and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. Therefore, if a great crested newt is discovered during site preparation/enabling or construction, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

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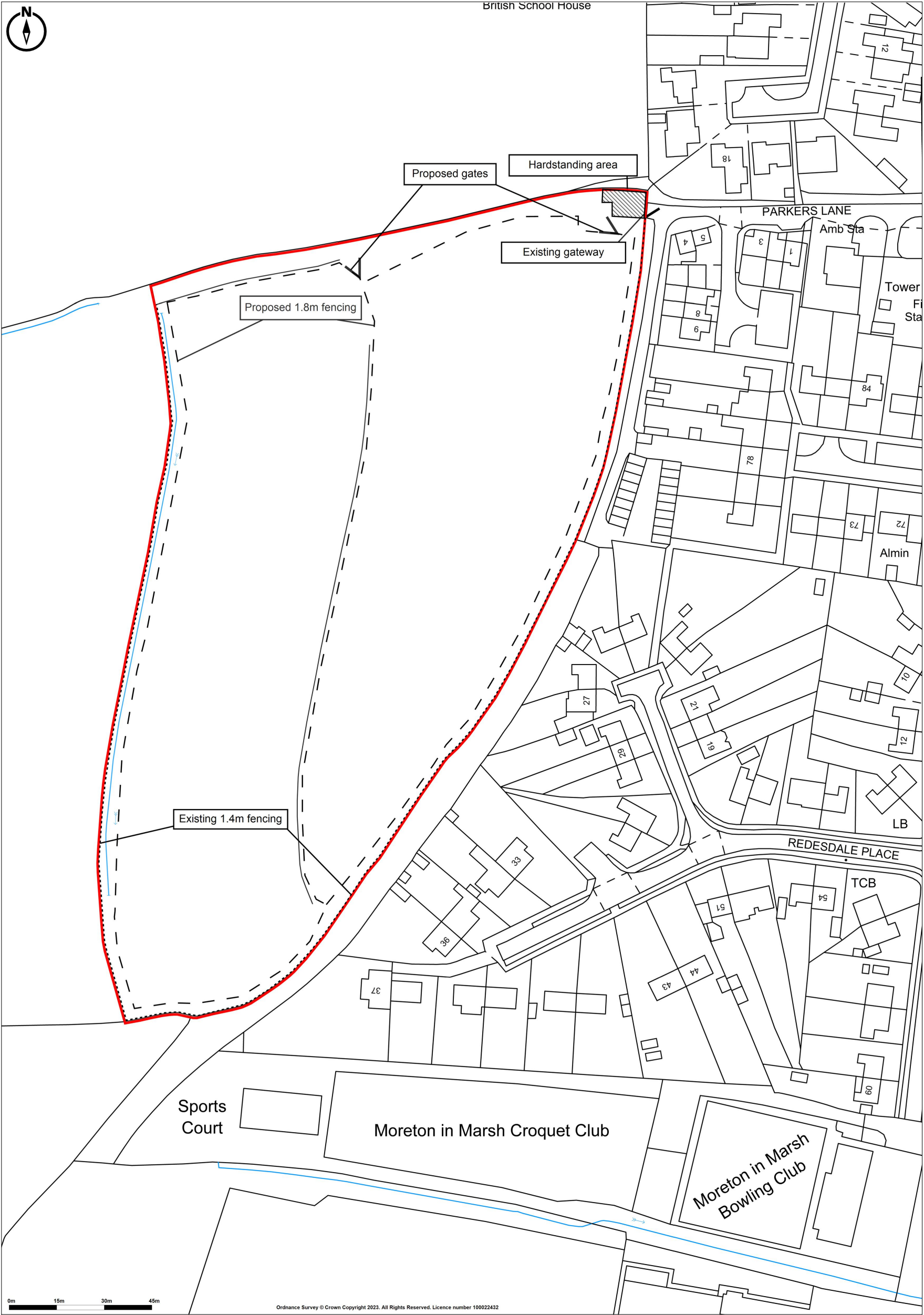
## Parkers Lane Field



© Crown copyright and database rights 2023 OS 100054135. Map area bounded by: 420040,231896 420322,232178. Produced on 24 March 2023 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: p8b/uk/926274/1249827



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## **Parkers Lane Secure Dog Walking, Moreton in Marsh**

### **Supporting information regarding use of the site**

The fields will be open for bookings seven days a week from 7.30am to 8pm or any reduced time depending on daylight hours.

Traffic flow and user crossover will be managed by one field commencing bookings at half past the hour (e.g. first entry 7.30am) the other field commencing bookings on the hour (e.g. first entry 8am).

Users of the site will pre-book 50-minute sessions online there is a 10-minute changeover time to avoid people arriving when existing users are still on site.

Users will be asked not to arrive any more than five minutes before their slot and be asked when leaving to be ready to leave at the allocated time (50 minutes after booking commenced) to minimise disruption for the next customers arrival. (Failure to do so could result in cancellation of future bookings).

After securing their booking users will be provided with a code which will change regularly so only users with booked slots can access the secure site.

If the previous user has breached their booking time other users will be advised to contact the owners via phone to notify them. The owner will contact the booker and resolve or attend site if necessary.

The owner of the site will be on call with attendance possible within five minutes to resolve any issues identified. Contact details will be provided to residents so that any antisocial issues can be reported, with recurring offenders prevented from booking.

There will be a booking charge for the 50-minute slot based on two dogs, with bookings up to six dogs accepted by prior agreement.

It is anticipated that larger bookings will be predominantly professional dog walkers whose use will be in the middle of the day rather than morning and evenings, this will be encouraged via subscription systems.

Discount will be available for residents of Moreton in Marsh (managed via postcode confirmation).

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# **Noise Management Plan**

**For change of use of an agricultural  
grazing paddock to also be used as  
two secure dog walking fields**

**Land West Of 4 Parkers Lane  
Moreton-In-Marsh Gloucestershire**

**23/01045/FUL**

**July 2023**

## Contents

1	Introduction .....	3
1.1	Background to Planning Application .....	3
1.2	Noise Regulations and Standards.....	3
1.3	Noise Identification.....	3
1.4	Noise Control.....	3
1.5	Appendices.....	5

# **1 Introduction**

## **1.1 Background to Planning Application**

This management plan is submitted to support the application ref 23/01045/FUL for change of use of an agricultural grazing paddock to also be used as two secure dog walking fields.

The proposal is to create two secure paddocks which will provide 50-minute sessions for members of the public to hire the spaces to walk and exercise dogs in enclosed and fenced areas that complement the fields existing use as a permanent pasture grazing.

## **1.2 Noise Regulations and Standards**

The applicant is familiar with the Noise Policy Statement for England issued by DEFRA and will use this guidance when managing the development. Particular attention has been paid to the Noise Policy Aims.

## **1.3 Noise Identification**

The applicant acknowledges that there is a risk of noise omitting from the use of the proposed development because of the increase in number of dogs in the area. This may include, excessive dog barking and owners shouting their dogs. This will be monitored and controlled using the following mechanisms.

## **1.4 Noise Control**

### ***Sound Control***

The development includes proposals to increase planting and habitat across the site. This will include increased planting around the boundaries adjacent to residential properties.

This habitat enhancement will provide a natural sound barrier between the site and the residential properties adjacent, the provision of these planted areas on the boundaries closest to the residential properties will also naturally move likely noise sources (dogs and their owners) away from these areas and further into the fields away from the neighbouring properties.

### ***Limited Opening Hours***

The site opening hours will be daylight hours, limited to 7.30am to 8pm Monday to Friday and 9am to 6pm Saturday, Sunday, and Bank Holidays. This will ensure there is no disturbance in early morning or later evenings.

### ***Operational Practices***

Users of the site will agree a usage policy upon booking, this will also be displayed on site, see Appendix 1. The site will contain two noise management panels as seen in Appendix 2. This will monitor noise in two locations on the site closest to residential properties and alert users as to when noise becomes unreasonable.

This will also provide for remote noise monitoring which provide alerts to the owner when limits are exceeded. Noise readings will be logged so patterns can be established and reviewed against bookings. Alongside this the site will be covered by CCTV cameras which will capture noise and enable the owners to review usage and noise sources live.

The outcome of this monitoring will enable the owner to engage with users identified as being high noise producers to make them aware of this and discuss mitigation such as, only bringing one dog, methods for them to personally reduce noise omission or booking at less noise sensitive times.

### ***Complaints Procedure***

If any neighbours wish to contact the owners to raise a complaint this can be done via phone or e-mail. Should an urgent issue arise such as a breach of the terms of use a phone call is recommended and the manager will call the hirer or attend site immediately to resolve the matter.

Neighbours will be asked to provide details of their complaint and make a note of the time and which field is being used so the owners can identify the hirer in question and review their use going forward.

### ***Resolving Noise Issues***

Should noise levels from the monitoring be unreasonable or a complaint arise from a neighbouring property this can be cross referenced against the noise monitoring equipment and the owner will contact the hirer to advise of issues with noise levels and recommend changes to future use.

This would include but is not limited to; only bringing one dog per booking, booking the field farther from the residential properties or the hirer will not be permitted to book in the future.

## 1.5 Appendices

### Appendix 1: Example Terms of Use

#### **Parkers Lane Secure Dog Walking**

##### **Terms of Use**

Opening Hours:

7.30am to 8pm Monday to Friday

9am to 6pm Saturday, Sunday and Bank Holidays

- If you are the last booking of the day, please ensure you vacate at the end of your session.
- Please not arrive to your session any more than five minutes before your slot commences and ensure you have vacated at the end of your session.
- If the previous user is still in the field when your slot commences, please remain in the car, and contact us on the below number.
- Please ensure you pick up all dog mess and put in the bins provided.
- Do not allow your dog to dig holes, particularly around the boundary.
- Should you notice any damage during your visit please report this to us at the earliest opportunity.
- If your dog (or another pet residing in your house) is sick (e.g. diarrhoea, vomiting, kennel cough) you must reschedule your booking and not come to the field. If this becomes apparent during your use, please leave immediately.
- Dogs should not be left unattended at any time.
- Slots cannot be shared; each field can only be occupied by one party at a time.
- If your dog is unsettled and begins barking excessively, please make every effort to distance them from the trigger.
- Please monitor the noise measuring devices fixed around the boundaries, if the display goes above yellow please recall your dog and curtail any shouting/whistling.
- We suggest if your dog is prone to barking you book the field farthest from the residential properties.
- Failure to adhere to the above rules will result in future bookings being refused.
- We reserve the right to terminate any booking during the session should any of the above rules not be adhered to.
- For any other matters please contact us on the below number.

## Appendix 2: Noise Management Device



## Erection of a side and rear extension at Valley View Chapel Street Mangersbury Cheltenham Gloucestershire GL54 1HR

<b>Full Application</b> <b>23/02137/FUL</b>	
Applicant:	Mrs Ruby Eady
Agent:	Guiding Light Architecture Ltd
Case Officer:	Wayne Campbell
Ward Member(s):	Councillor Dilys Neill
Committee Date:	11th October 2023
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

### 1. Main Issues

- (a) Design and Impact on Heritage Assets
- (b) Impact on Residential Amenity
- (c) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)

### 2. Reasons for Referral:

2.1 Objections received.

2.2 Following consideration and discussions with the Parish Council and local residents this application is referred to the Planning and Licensing Committee for the following reasons:

2.2.1 This is a very large extension, making a very modest cottage about 75% larger

2.2.2 There will be an impact on the neighbouring listed building, the listed wall will be only a metre away from the extension.

2.2.3 There will be an impact on the conservation area.

### 3. Site Description:

3.1 The application site Valley View, Chapel Street in Mangersbury is an end of terrace dwelling with Cotswold stone elevations and timber windows and doors under a pitched slate tiled roof. The property is three storeys in height with the third floor located within the roof space and served by a flat roofed dormer window on the front elevation. The rear elevation maintains a two storey rear projection which is located on the shared boundary with the neighbouring property of Gray Cottage, 2 Chapel Street. To the side of the application property is a series of single storey flat roofed storage buildings.

3.2 The site is within the Stow on The Wold with Mangersbury Conservation Area and within the Cotswolds Area of Outstanding Natural Beauty. To the immediate east, and on the shared

boundary, is the Grade II listed property known as Manor Farmhouse with the Grade II listed property of Manor Farm Barn located to the north corner boundary of the rear garden.

#### **4. Relevant Planning History:**

None listed

#### **5. Planning Policies:**

- EN1 Built, Natural & Historic Environment
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN12 HE: Non-designated Heritage Assets
- EN2 Design of Built & Natural Environment
- EN5 Cotswolds AONB
- TNPPF The National Planning Policy Framework

#### **6. Observations of Consultees:**

6.1 Conservation Officer: *“Further to my previous comments dated 27th July 2023 and the amended plans submitted on the 11th August 2023, I have the following comments to make:*

*It is considered that the proposed amendments have addressed the concerns raised in my original comments, and on balance, the proposed side and rear extensions will sustain the appearance of the building and its contribution to the Conservation Area. It is recommended that detailing of the windows and doors, stone walling, roofing materials and the use of lime render on the dormers to ensure that the materials and detailing are in keeping with the character of the building and the Conservation Area.”*

#### **7. View of Town/Parish Council:**

7.1 Mangersbury Parish Council (MPC) is pleased that the applicants have been amenable to making changes to reflect most of the concerns of the village and thinks the revised design is an improvement. However, MPC recognises that there are still concerns within the village in regards the size of the side extension and the impact on the conservation area and surrounding listed buildings and defer to CDC to determine the suitability.

7.2 MPC requests, in particular, a clause be put in place to ensure as much effort as possible is taken to ensure the adjacent listed wall is preserved intact and not destabilised during the demolition and construction. MPC suggests a requirement for a Structural Engineer's report confirming the suitability of plans for protecting the wall during construction works, before work starts, and a requirement that the wall be monitored by a Structural Engineer during construction. MPC also requests that if there are privacy concerns from neighbours, a planning condition be included stipulating obscure glass in the rear bathroom windows.



## **8. Other Representations:**

8.1 Two objections received from local residents. On the initial design areas of concern related to the following:

- Design
- Impact on Conservation Area
- Impact on Listed Building
- Overdevelopment
- Privacy, light and noise
- Loss of general amenity

8.2 Following receipt of an amended design, neighbours were re-consulted and two objections were received stating that previous objection is maintained. In addition to this the following further comments were made:

- amended version still constitutes the creation of a mock vintage Cotswold extension that is an addition of some 75% of the size of the existing heritage building surely contrary to the Listed Building rules and the Conservation Area rules that apply more generally to the village;
- revised plans do little to reduce the width and bulk of the side and rear extensions;
- limited changes do not address the comments and objections in relation to the original plans in the Conservation Area Report or those of Mangersbury Parish Council;
- revised plans still result in adding a second false cottage to the original cottage;
- plans set dangerous precedent and request Council refuse the application;
- Dormer windows are out of character along this part of Chapel Street;

## **9. Applicant's Supporting Information:**

- Plans as amended
- Biodiversity Self-Assessment Form
- Energy Statement

## **10. Officer's Assessment:**

### **(a) Design and Impact on Heritage Assets**

10.1 The neighbouring properties of Manor Farm and Manor Farm Barn are both Grade II Listed Buildings and are located to the immediate east and to the north of the application site. 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 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.2 In addition, the site is located within the Stow on the Wold 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(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.3 Local Plan Policy EN1 covers the Built, Natural and Historic Environment and states that *"new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by: ensuring the protection and enhancement of existing natural and historic environmental assets and their settings, proportionate to the significance of the asset; and ensuring design standards that complement the character of the area and the sustainable use of the development."*

10.4 Local Plan Policy EN2 covers the Design of the Built and Natural Environment and states that *"development will be permitted which accords with the Cotswold Design Code and that proposals should be of a design quality that respects the character and distinctive appearance of the locality."*

10.5 Local Plan Policy EN4 covers the Wider Natural and Historic Environment and states that *"development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside), and that proposals will take account of landscape and historic landscape character."*

10.6 Local Plan Policy EN10 'Historic Environment: Designated Heritage Assets' states that *"in considering proposals that affect a designated heritage asset or its setting, great weight should be given to the asset's conservation. 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 lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm."*

10.7 Local Plan Policy EN11 'Historic Environment: Designated Heritage Assets - Conservation Areas' states that *"development proposals that would affect Conservation Areas and their settings, will be permitted provided they will 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."*

10.8 Section 16 of the National Planning Policy Framework (NPPF) requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 199 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. Paragraph 200 states that any harm to, or loss of, the significance (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.9 Paragraph 202 of the NPPF states that *'where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* Paragraph 203 also highlights that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

10.10 Section 12 of the NPPF also seeks to achieve well-designed places, and considers good design to be a key aspect of sustainable development.

10.11 Valley View is located at the end of a terrace of four which are visible on the First Edition OS Map, therefore are at least 19th century in date. The buildings are set back from the road with small front gardens. Built as an in line terrace, the dwellings do not have an entirely uniform appearance. Valley View differs most and it is considered that the site contributes positively to the character and appearance of the terrace and the wider Conservation Area. Although, at present, the side of the application property currently only contains small single storey outbuildings, it is noted that scarring on the gable end of the building suggests that there may have been another structure with a lower roofline attached to Valley View in the past. As stated above the building contributes positively to the character and appearance of the Conservation Area, and is considered to be a non-designated heritage asset for the following reasons:

- Age
- Architectural Interest
- Architectural Merits
- Aesthetic Merits

10.12 The application is for a three storey side extension where the third floor accommodation will be located within the roof area, with the addition of a second dormer window, and the replacement of the existing flat roofed dormer with a pitched roof dormer. In addition to this, the application also seeks permission for the corresponding demolition of an existing two storey rear projection and its replacement with a two storey rear extension with a dual pitched roof. The design of the extensions and alterations has been altered by the applicant following concerns being expressed by Council Officers, the Parish Council and local residents. The initial design showed the side extension positioned on the shared boundary wall with the neighbouring property, the Grade II listed Manor Farm House, and due to the scale, design and position of the side extension, concern over the impact of the proposal on the heritage assets was expressed.

10.13 In order to address the concerns expressed by Officers the Applicant submitted a revised scheme which reduced the width of the side extension by 1.0m to bring the extension off the shared boundary and allow a footpath link to the rear of the property, as well as to the neighbouring property. The change also included the replacement of the chimney which was previously removed, the re-design of the front dormer windows to a more appropriate pitched roof design, and the removal of a proposed rear dormer window.

10.14 In considering the principle of an extension on the side of the property, as already outlined, it is considered that the scarring on the side wall suggests that some form of build had been maintained along this gable wall in the past and, therefore, the principle of an extension is considered acceptable. The Conservation Officer has confirmed that the proposal will lead to less than substantial harm to the significance of a designated heritage asset, however, the initial concerns expressed are now addressed and no objections are raised subject to conditions. Although it is accepted that the current proposal is for a taller extension, the reduced width of the extension will be in line with the width of other properties along this terrace row and as such will not appear out of place or character in this part of the Conservation Area.

10.15 The comments / objections raised by the local residents are noted, and it is accepted that the adjoining neighbouring property at Manor Farm House and Manor Farm Barn are both Grade II listed buildings and as such, the setting of these heritage assets is a material consideration. Paragraph 202 of the NPPF highlights 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, where appropriate, securing its optimum viable use.'* In this instance, it is accepted that the proposal will result in a less than substantial harm to the heritage assets and that the public benefits of the development is that this small cottage will be improved to a modern standard of living and be brought into an active use as a family home.

10.16 It is accepted that the proposed side extension will be closer to the boundary with the Listed Building, however, Officers are of the view that the development will not result in any adverse impact on the setting of the Listed Building. This view is supported with no objections to the revised design being raised by the Conservation Officer. It is also acknowledged that the gap between the application site and that of this Listed Building, is a particularly strong feature in this part of the streetscene. Paragraph 203 of the NPPF highlights that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'* With this point in mind, although it is accepted that this gap will be reduced as a result of the proposed side extension, a noticeable and significant gap will still be maintained between the extension and the neighbouring property of Manor Farm House. As such, and in line with Paragraph 203 of the NPPF, although the gap between the application property and that of the neighbouring property is reduced, the benefits of the improvements to the application property, and the active use of the dwelling as a family home together with the retention of a gap in the street scene, will ensure no harm to the heritage asset.

10.17 The proposal is therefore, in accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The significance of the designated heritage

assets will be sustained, in accordance with Section 16 of the NPPF and Policies EN1, EN2, EN10 and EN11 of the Local Plan.

10.18 In terms of the overall design of the proposal, the Cotswold Design Code (Appendix D) emphasises that development should either follow an authentic vernacular and traditional approach or be of a high quality contemporary and innovative approach. Paragraph D67 highlights the key design considerations include the following;

- D.67.1.a - which emphasises that extensions should respect the scale, proportions, materials and character of building,
- D.67.1.b - extensions should not diminish the quality or integrity of the building and they should not detract from the surroundings
- D.67.1.c - modern extensions should not compete original building either individually or accumulatively
- D.67.1.n - the gaps between buildings may be important to the rhythm of the street scene, contributing to the character of the area.

10.19 It is accepted that the scale of the side extension, in terms of height, is still greater than the possible historic side addition, however, the design of the extension is considered by Officers to be acceptable and will not give the appearance of a further separate dwelling at the end of this terrace as suggested by the objectors to the proposal. As highlighted in the paragraphs above, although it is accepted that the gap between the side elevation of the application property and that of the neighbouring property will be reduced, the remaining gap with the extension will still be significant and will maintain this feature in this part of the street scene. It is also noted that in terms of width, the host property, along with the extension, will be the same as that of the neighbouring property at number No2 Rock Cottages which is in the middle of this terrace row. The width of the application property with the extension is therefore considered appropriate and will not appear out of scale or proportion within this terrace. The rhythm of the terrace as a row of dwellings will, therefore, not be disrupted in a detrimental way to warrant a refusal.

10.20 With regards to the alterations to the rear, in considering the proposal alongside the Cotswold Design Code guidance, the rear extension will follow the same depth and scale of those on the neighbouring property. Furthermore, rather than adopt a flat roof approach as used on the neighbouring property, the proposed extension will incorporate a double / dual pitch roof which will have a better appearance than that of the neighbouring property. The overall height of the rear extension is lower than that of the main dwelling which will ensure that the extension appears as a subservient structure on the rear of the property as required by the Cotswold Design Code.

10.21 It is noted from the comments received from local residents that the revision to the design does not address their objections and the residents' question why the changes have resulted in a 'no objection' from the Conservation Officer. The comments and objections made by the local residents are noted and they have been taken into account in the consideration of

this application. It is accepted that on the initial design, an objection was raised by the Council's Conservation Officer, however, following receipt of an amended plan these concerns were addressed to a point that the impact of the development on the character / appearance of the Conservation Area and the setting of the Listed Buildings would not warrant a reason to refuse the application. The impact of the development on the setting of the nearby listed buildings has been taken into account, with the Case Officer noting the position of these heritage assets on site and as with the impact on the Conservation Area, it is now considered that the revised design will not result in any significant impact on the setting of the listed buildings.

## **(b) Impact on Residential Amenity**

10.22 Local Plan Policy EN2 refers to The Cotswold Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects development to respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. A key element in the Design Code is paragraph D67 (o) which highlights that extensions should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect.

10.23 Similarly, Section 12 of the NPPF explains planning decisions should ensure developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

10.24 The main impact of the proposal is upon the neighbouring properties of Manor Farmhouse to the east and the adjoining neighbouring property in the terrace at Gray Cottage, 2 Chapel Street. With regards to Manor Farmhouse, the side extension would be approximately 1.0 m off the shared boundary, which is currently marked by a stone wall, which also forms the side wall to the applicant's single storey outbuildings and is in the region of 2.5 m in height. In terms of this neighbouring property, the applicant has amended the design of the scheme to remove the side extension off the shared boundary wall to allow a 1.0 m wide access route from the front of the property to the rear and to the rear of the neighbouring property of Gray Cottage. The gap between the side of the proposed extension and that of Manor Farmhouse would be approximately 12.0 m which is approximately 3.0 m less than currently exists. Paragraph D.67 (o) of the Cotswold Design Code highlights that *'extensions should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect.'* Officers consider that due to the 12.0m distance between the proposed extension and the side elevation of the neighbouring property, the proposal will ensure that the development will not appear overbearing nor result in any loss of light or outlook currently enjoyed by the occupiers of this neighbouring property.

10.25 In terms of the adjoining property of Gray Cottage, as this property maintains a large two storey rear extension to the same depth to that of the proposed rear extension the development will not result in any loss of light or outlook enjoyed by the occupiers of the neighbouring property. It is accepted that the first floor windows in the proposed extension will be in line with the neighbours extension and potentially allow a clearer view into the neighbour's rear garden however, as the windows are to a bathroom and an en-suite and do not have a direct view over the neighbours rear garden it is not considered that the proposal will result in any significant loss

of privacy. It is also considered that due to the length of rear garden the distance between the proposed rear extension and that of the surrounding adjoining rear gardens is such that adequate distance will be maintained to ensure no adverse impact in terms of any significant loss of privacy.

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

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

10.27 Local Plan Policy EN4 (the Wider Natural and Historic Landscape) states that *“development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) and that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.”*

10.28 Local Plan Policy EN5 of the Cotswold Local Plan highlights 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."*

10.29 In considering this particular application it is clear that the proposed development is contained within the clear residential curtilage of the site and is situated within a built up area of the village. It is not considered that the development impacts the open countryside and hence does not harm the character or appearance of the Cotswolds AONB. The proposal therefore complies with Policy EN5 of the Cotswold Local Plan 2011 - 2031.

## **11. Conclusion:**

11.1 Overall, it is considered that the development is in accordance with established policies and guidance. It is therefore recommended that the application is granted planning permission.

11.2 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

## **12. 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): Location Plan, 2303-129-05 - Rev A, 2023-129-07 Rev B, 2023-129-08 Rev B, and 2023-129-09 Rev A.

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

3. The external walls of the development hereby permitted shall be built of natural Cotswold stone with the same stone colour and size, coursing bonding, use a lime mortar to match the colour of the stonework and shall be permanently retained as such thereafter. In addition, the pointing shall have a marginally recessed finish and shall be brushed or bagged to match the existing.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2, EN10, EN11 and EN12 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, EN10, EN11 and EN12.

5. Within one month of their installation, all new timber windows and doors shall be painted in a white/off-white paint colour to match the existing external joinery and shall be flush fitting, and shall be retained in the approved colour 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, EN10, EN11 and EN12, and the National Planning Policy Framework.

6. The materials to be used for the roof of the development hereby permitted shall match those used in the existing building and shall be permanently retained as such thereafter.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2, EN10, EN11 and EN12, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

7. New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority 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, EN10, EN11 and EN12.



8. New render on the front dormer windows shall be of a smooth type and be of a mix containing sharp sand, stone dust and lime unless an alternative mix is agreed in writing by the Local Planning Authority. The render shall finish flush with all stone dressings and shall not be belled outwards over the heads of doors, windows or any other opening.

**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, EN10, EN11 and EN12.

9. The outbuildings attached to the stone wall on the shared boundary with Manor Farmhouse shall be removed by hand and any damage to the shared boundary wall shall be made good in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Upon the removal of the outbuildings and any necessary repairs, the stone wall shall be protected during the whole construction phase of the side and rear extensions in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** Cotswold stone walls are a characteristic, traditional feature of the Cotswolds and this part of the Conservation Area and the setting of the adjoining listed building. The wall identified on the drawing contribute(s) to the character of the area in accordance with Cotswold District Local Plan Policy EN2 must be retained as part of the development and repaired and made sound for the future.

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## Location Plan

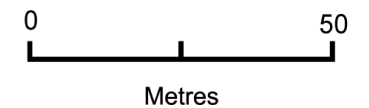
Site Address: Valley View, Chapel Street, Mangersbury, GL54 1HR

Date Produced: 05-Jul-2023

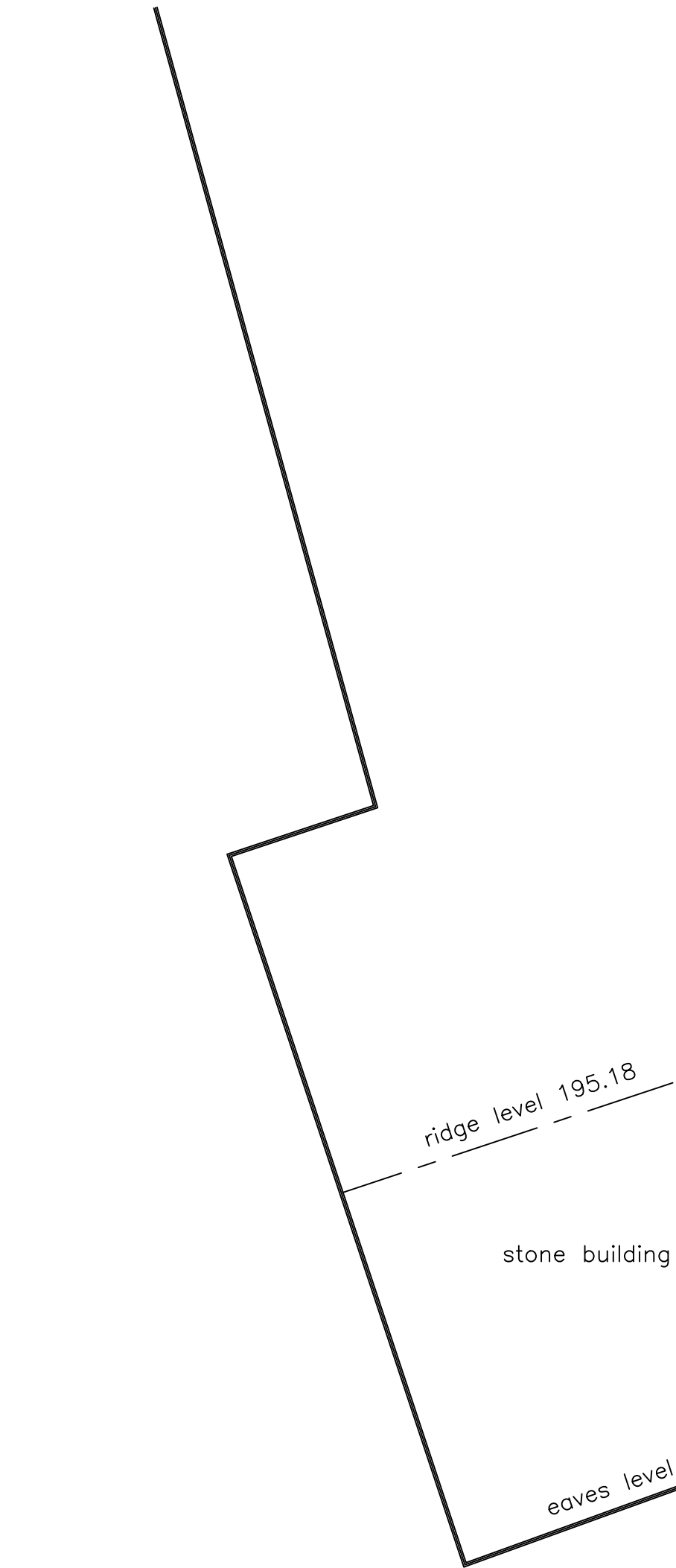
Scale: 1:1250 @A4



Planning Portal Reference: PP-12133025v1



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# PLANNING ISSUE

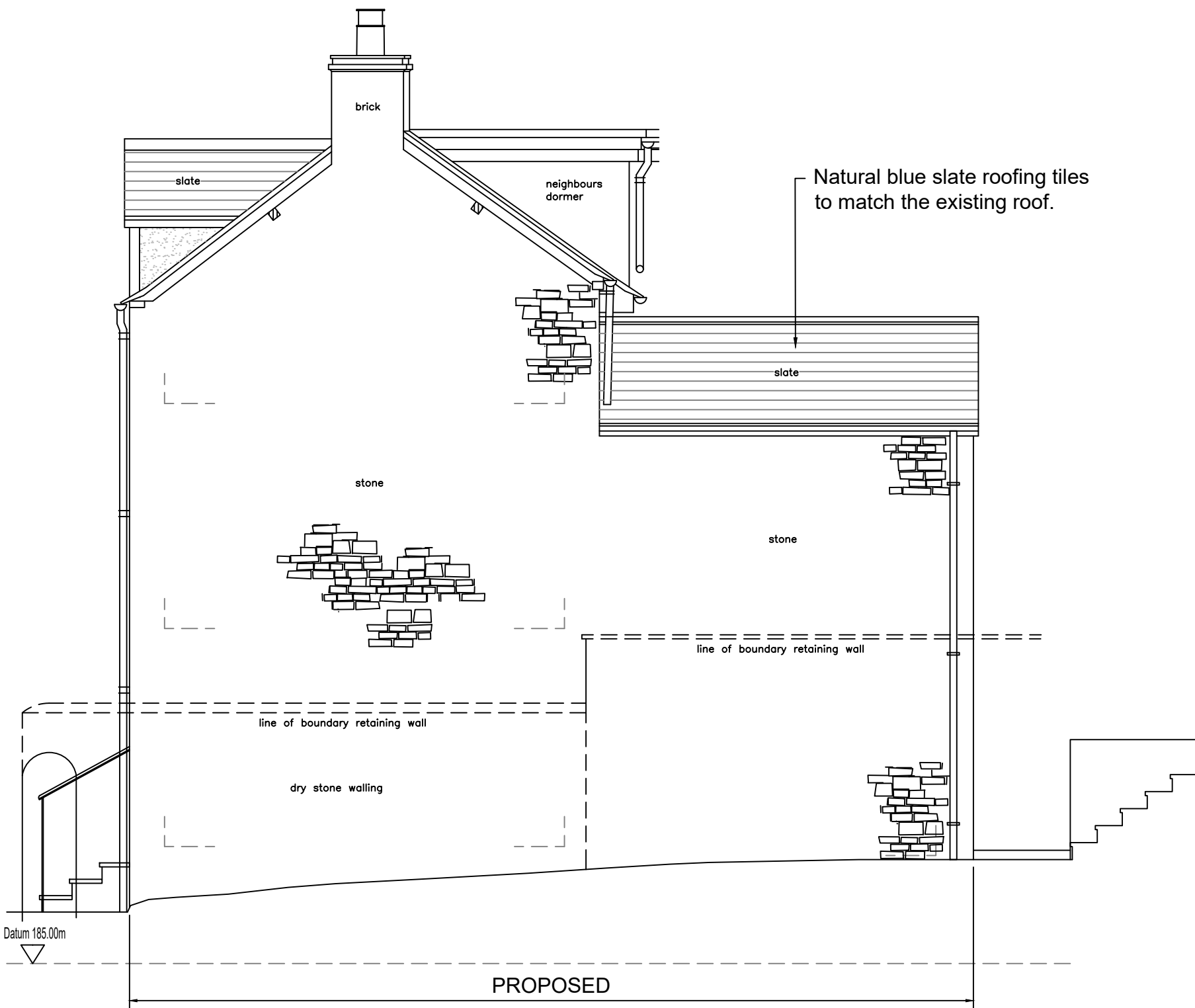
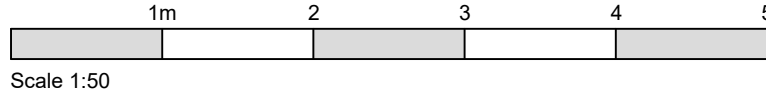
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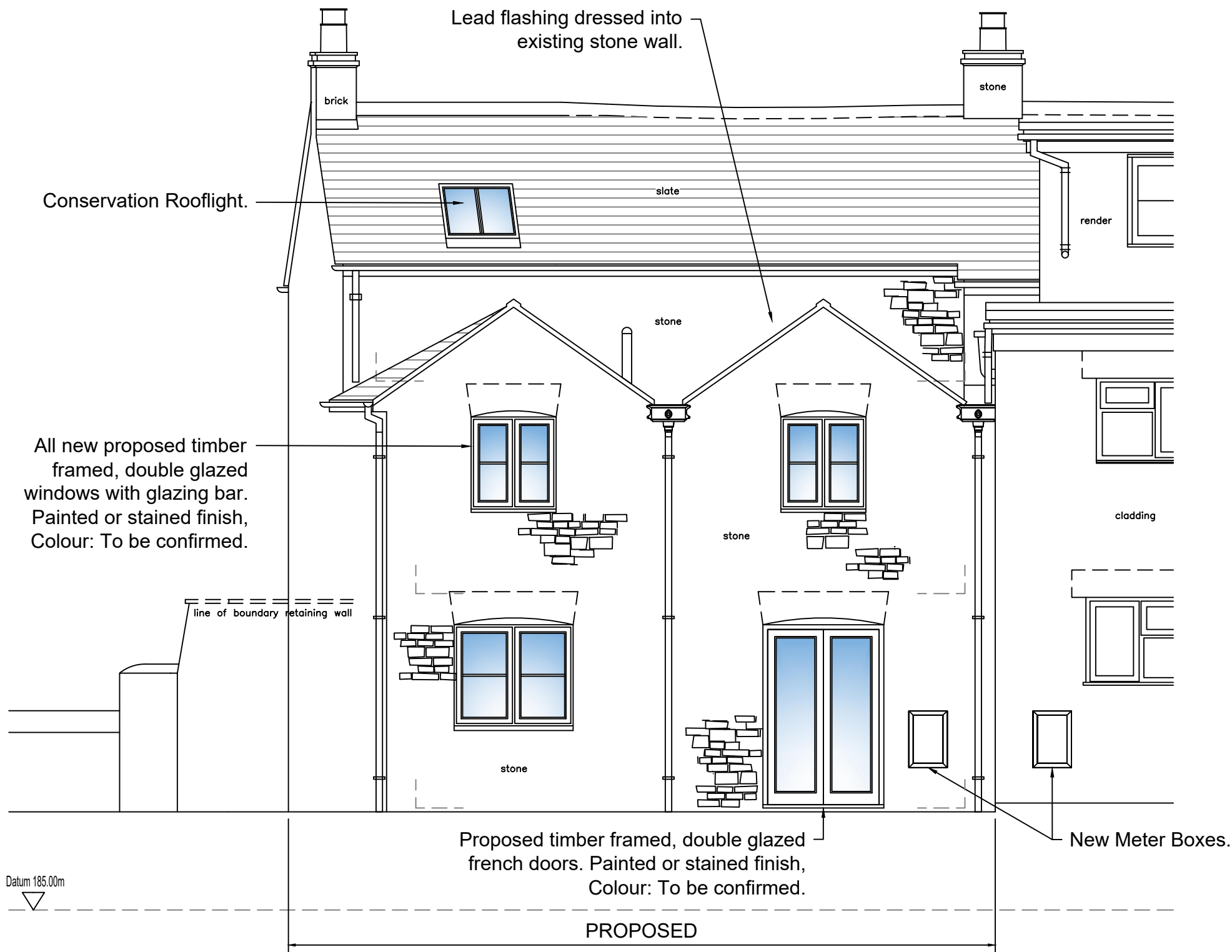
PROPOSED ELEVATIONS:



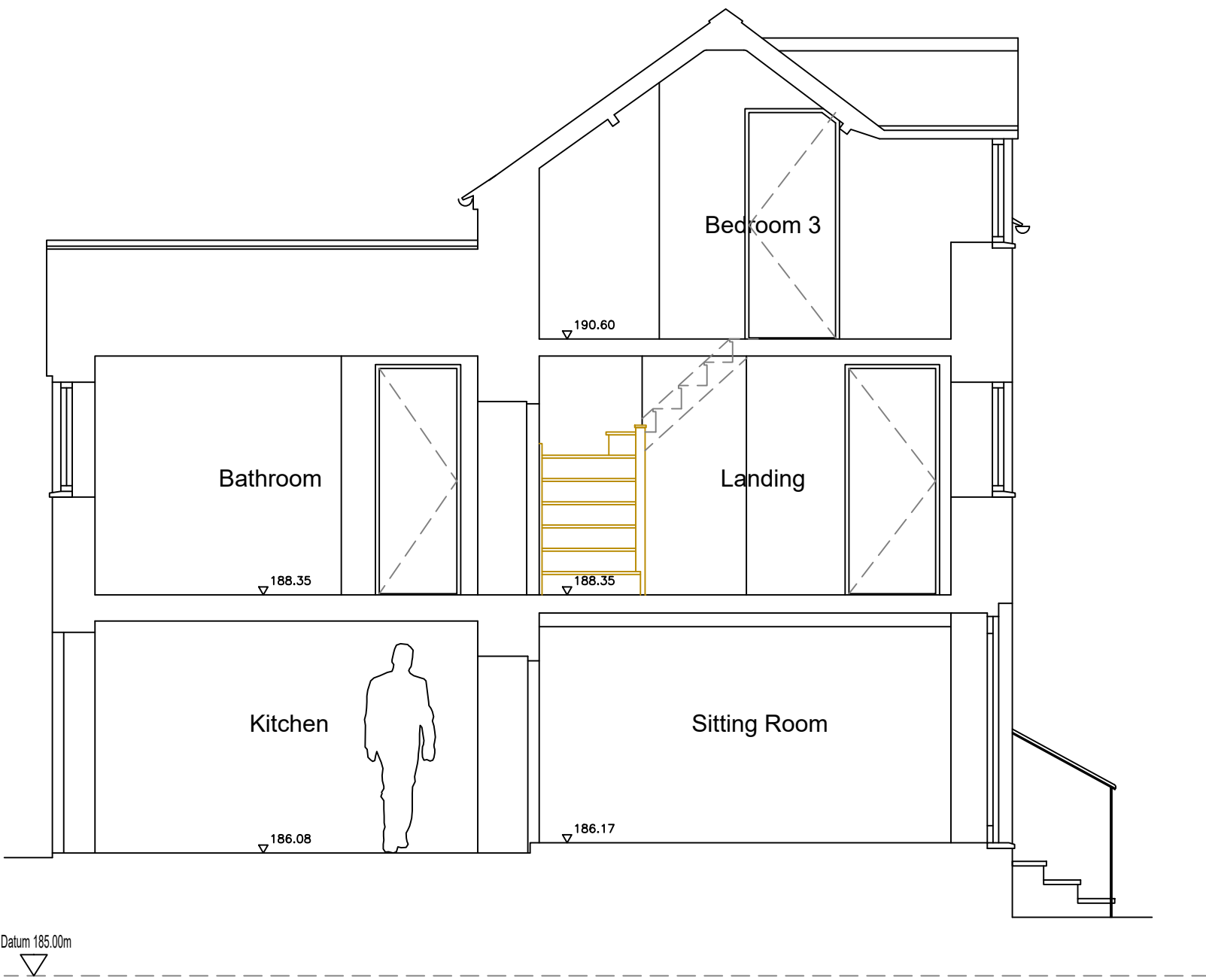
SOUTH ELEVATION (1:50)



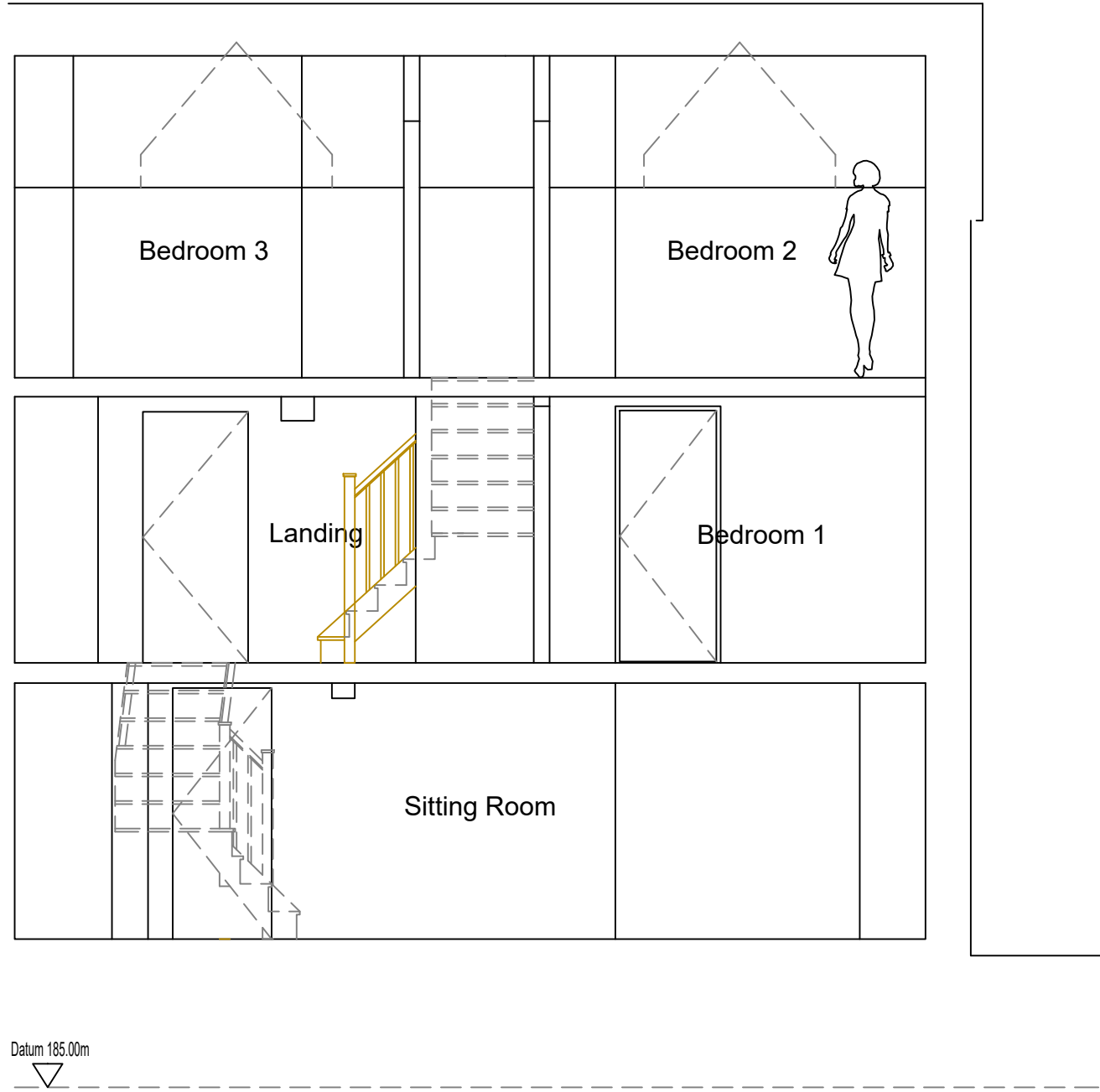
EAST ELEVATION (1:50)



NORTH ELEVATION (1:50)



TYPICAL SECTION (1:50)



TYPICAL LONGITUDINAL SECTION (1:50)

PLANNING ISSUE

B	Elevations & Sections revised following comments from the local authority planning officer & conservation officer.	Drawn	DMM	08/08/23		
A	Kitchen extended and en-suite added to master bedroom.	Drawn	DMM	13/06/23		
Revision	Description	Drawn	DMM	Date	Checked	Approved
Revisions						
0 100 This drawing may have been reduced original scale 100mm						
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Project	MRS R. EADY VALLEY VIEW, CHAPEL STREET, MAUGERSBURY, STOW ON THE WOLD, GLOS, GL54 1HR					
Title	PROPOSED SIDE & REAR EXTENSION. PROPOSED ELEVATIONS AND TYPICAL SECTION.					

Scale	Drawn	DMM	Checked	-	Approved	-
1:50 @ A1	Date	02/05/2023	Date	-	Date	-
CAD Ref						

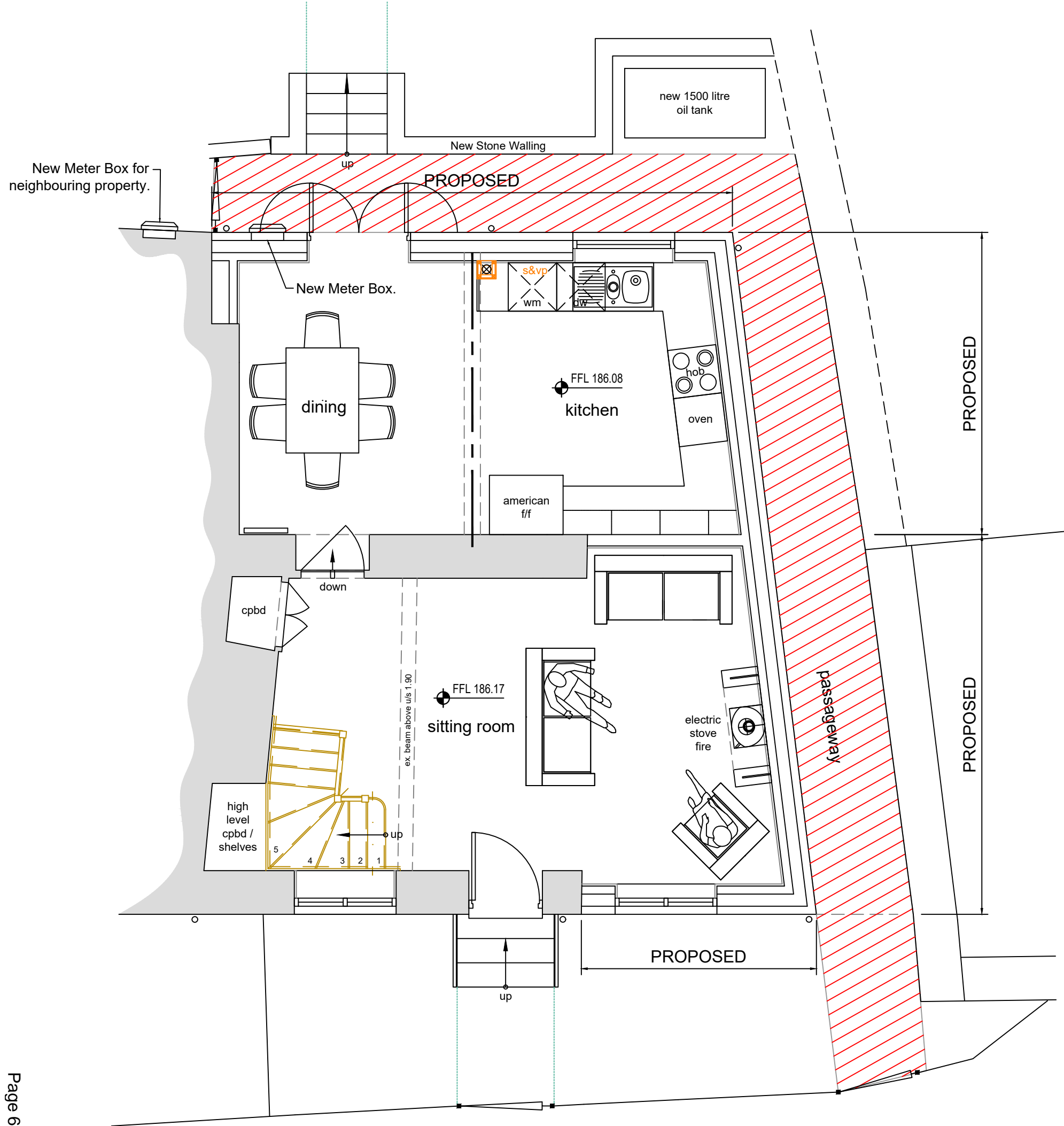


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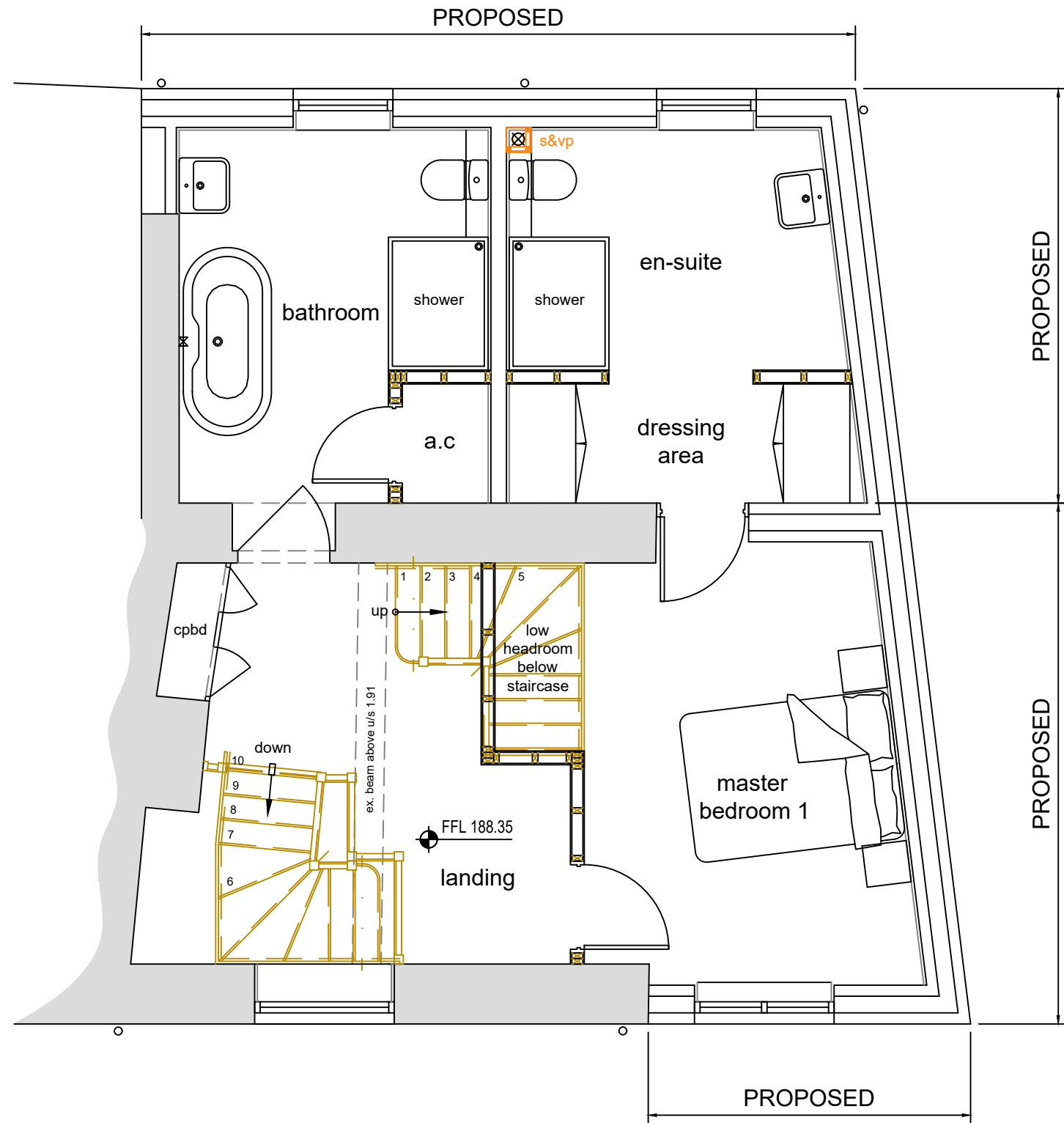
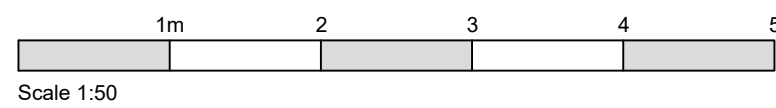
Project number	Drawing number	Revision
2303-129	2303-129-08	B

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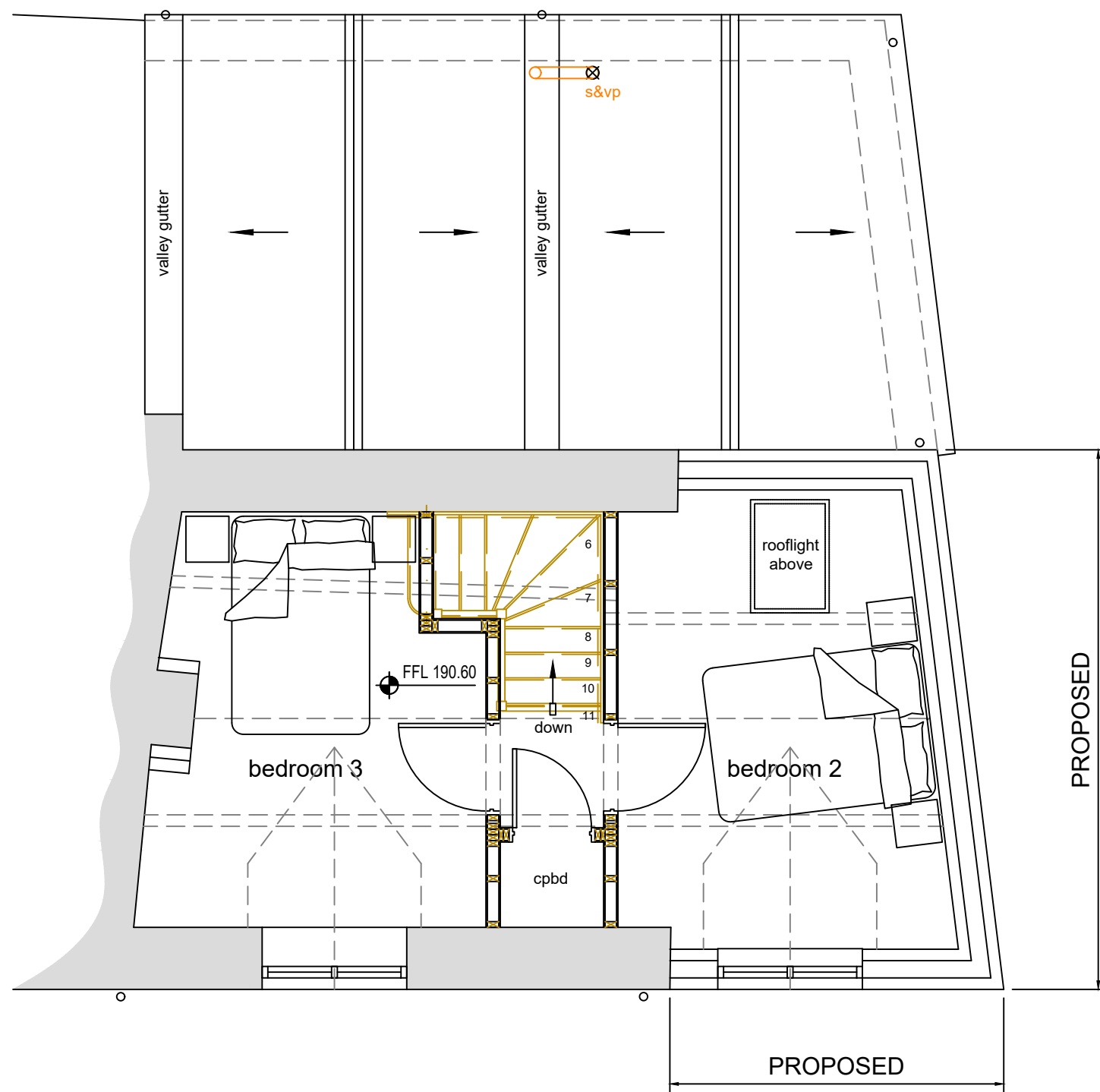
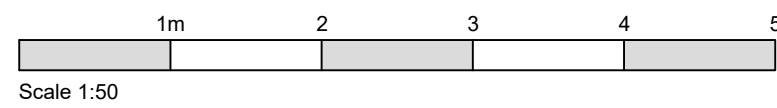




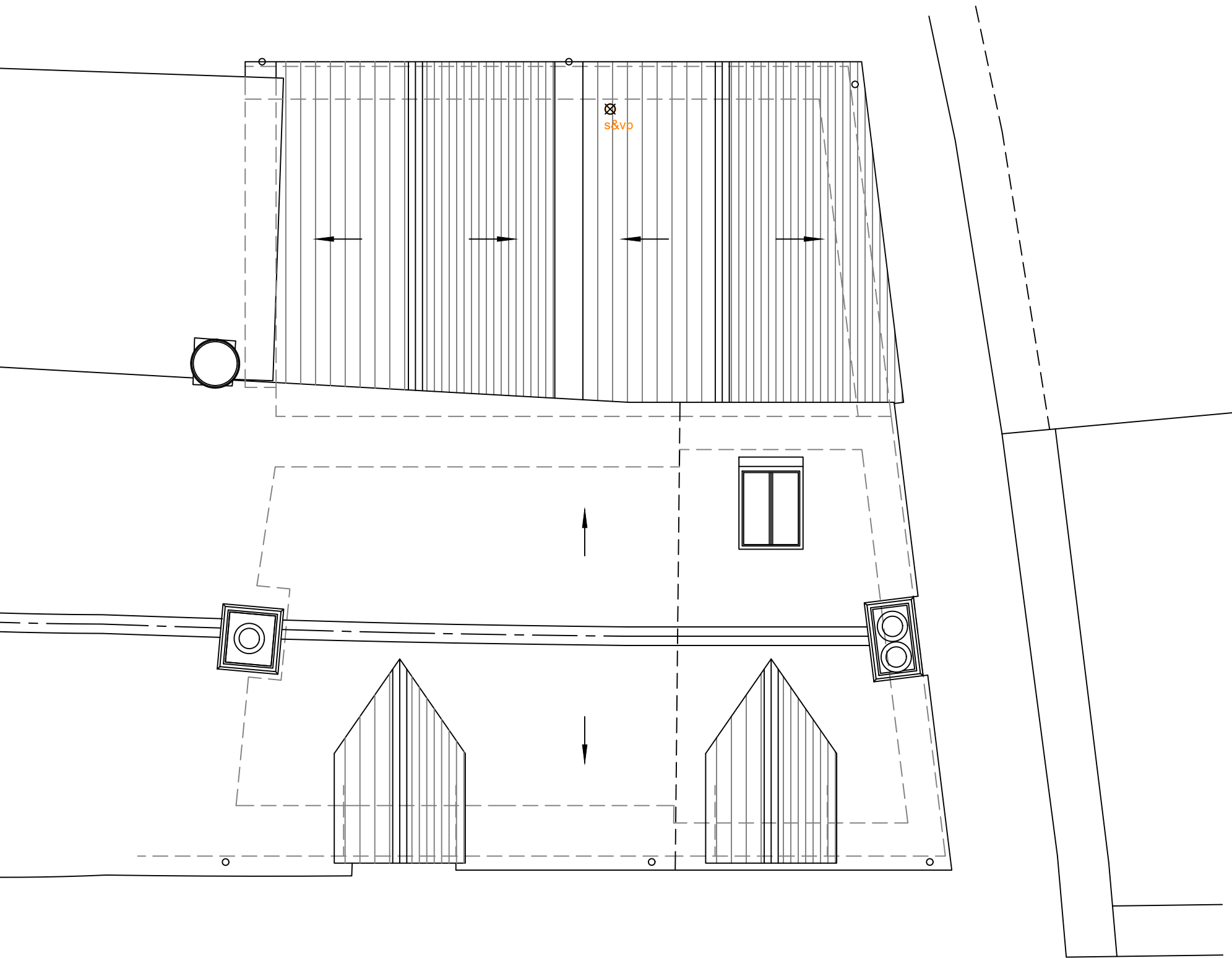
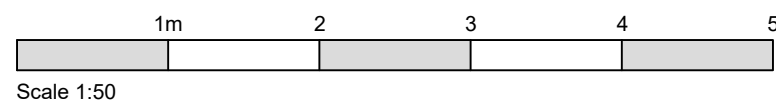
GROUND FLOOR PLAN (1:50)



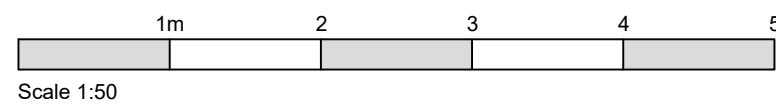
FIRST FLOOR PLAN (1:50)



SECOND FLOOR PLAN (1:50)



ROOF PLAN (1:50)



GENERAL NOTES:

RESIDENTIAL DWELLING - EXISTING GROSS EXTERNAL AREA  
GROUND FLOOR (GEA): = 60.8m<sup>2</sup>

PROPOSED MATERIALS:

ROOFING: NATURAL BLUE SLATE ROOFING TILES TO MATCH  
THAT OF THE EXISTING.

WALLS: NATURAL STONE WALLING WITH STONE HEAD DETAIL  
TO WINDOW AND DOORS.

DOOR & WINDOWS: TIMBER FRONT ENTRANCE DOOR &  
FRAME, TIMBER FRAMED DOORS & WINDOWS WITH DOUBLE  
GLAZED UNITS, COLOUR: TO BE CONFIRMED.

GUTTERING & RWP: GUTTERS BRETT MARTIN CAST IRON  
EFFECT CASCADE 112MM GUTTERING SYSTEM, COMPLETE  
WITH OUTLETS, STOP ENDS & FIXING BRACKETS.  
68MM ROUND RAIN WATER PIPES, COLOUR: TBC.

Proposed 3 Bedroom Dwelling:

GIA Ground Floor = 46.7m<sup>2</sup>  
GIA First Floor = 47.5m<sup>2</sup>  
GIA Second Floor = 24.9m<sup>2</sup>  
Total GIA = 119.1m<sup>2</sup>  
(1282 sq ft)

B	Floor & Roof plans revised following comments from the local authority planning officer & conservation officer.	DM	07.08.23	I
A	Kitchen extended and en-suite added to master bedroom.	DM	13.06.23	I
Revision	Description	Drawn	Date	Checked
		DM	13.06.23	I
		Approved		
Revisions				
0 100 This drawing may have been reduced original scale : 100mm				
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Project	MRS R. EADY VALLEY VIEW, CHAPEL STREET, MAUGERSBURY, STOW ON THE WOLD, GLOS, GL54 1HR
Title	PROPOSED SIDE & REAR EXTENSION. PROPOSED GROUND, FIRST & SECOND FLOOR PLANS AND ROOF PLAN.

Scale	Drawn DMM	Checked -	Approved -
1:50 @ A1	Date 29/04/2023	Date -	Date -
CAD Ref -			



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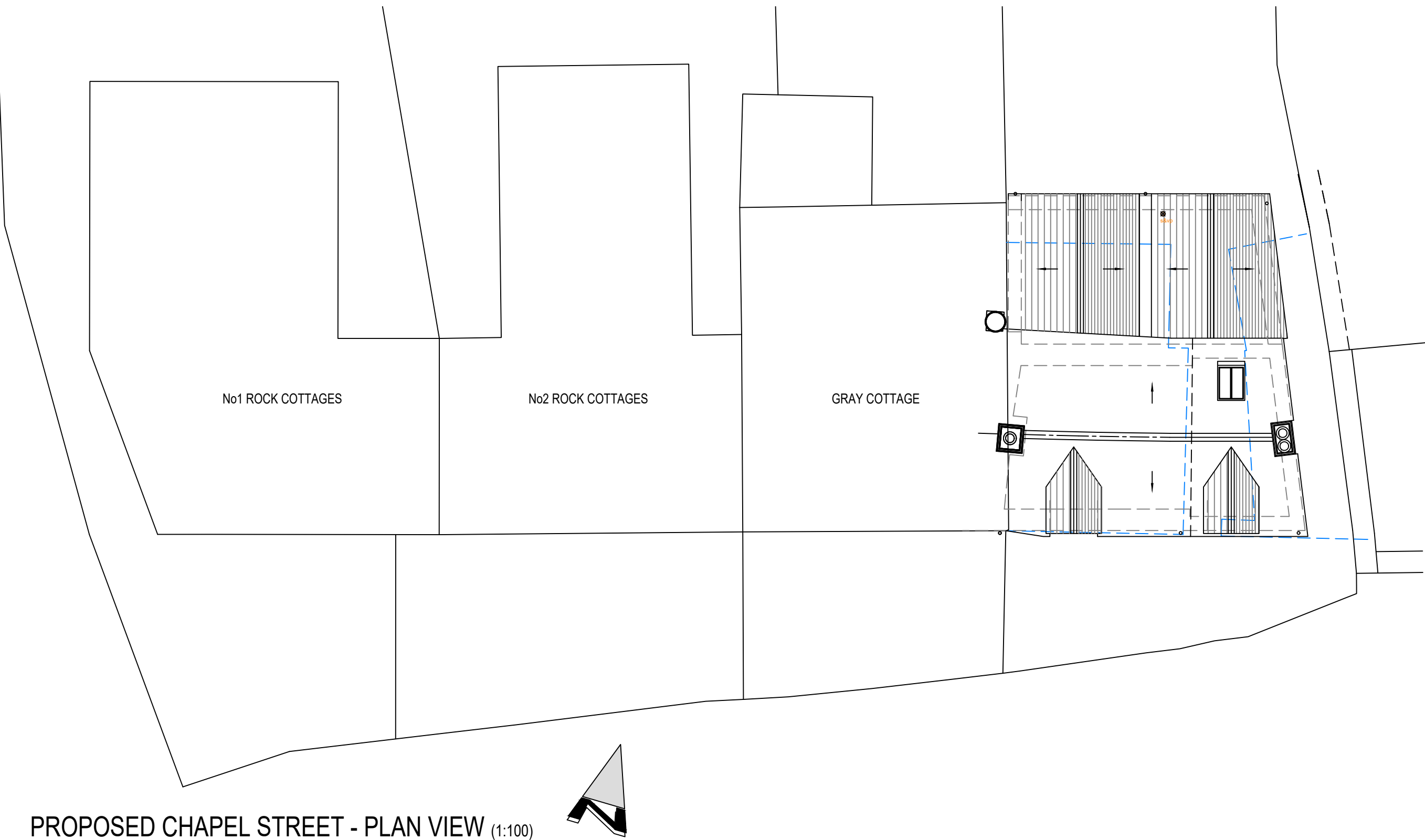
Project number	2303-129	Drawing number	2303-129-07	Revision	B
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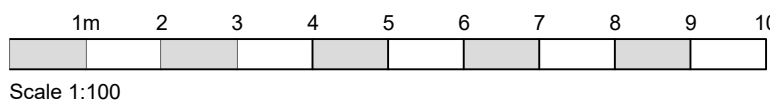
EXISTING CHAPEL STREET - PLAN VIEW (1:100)



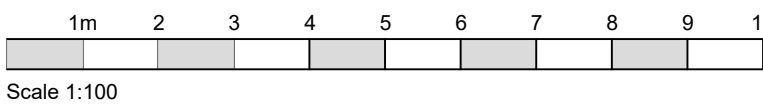
PROPOSED CHAPEL STREET - PLAN VIEW (1:100)



EXISTING CHAPEL STREET - SOUTH ELEVATION (1:100)



PROPOSED CHAPEL STREET - SOUTH ELEVATION (1:100)



CHAPEL STREET - AERIAL VIEW (NTS)



VALLEY VIEW - REAR PHOTOGRAPH

PLANNING ISSUE

B	–					
A	Revised following comments from the local authority planning officer & conservation officer.	DM	08/08/23			
Revision	Description	Drawn	Date	Checked	Approved	
Revisions						
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Project MRS R. EADY VALLEY VIEW, CHAPEL STREET, MAUGERSBURY, STOW ON THE WOLD, GLOS, GL54 1HR						
Title PROPOSED SIDE & REAR EXTENSION. EXISTING & PROPOSED CHAPEL STREET PLAN VIEW & STREET ELEVATION.						
Scale	Drawn	DM	Checked	–	Approved	–
1:50 @ A1	Date	01/08/2023	Date	–	Date	–
CAD Ref	–					
GUIDING LIGHT ARCHITECTURE LTD 17 Fosseyway Drive, Moreton in Marsh, Gloucestershire, GL56 0DU TEL: 07905 292415 EMAIL: info@guidinglightarchitecture.co.uk www.guidinglightarchitecture.co.uk						
Project number	Drawing number		Revision			
2303-129	2303-129-09		A			



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