

PLANNING AND LICENSING COMMITTEE
12th May 2021
ADDITIONAL PAGES UPDATE

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

ADDITIONAL REPRESENTATIONS ON SCHEDULE ITEMS : Pages 3 - 7

Item:	Ref No:	Content:
02	<p>20/02709/FUL</p> <p>(Garage 15 Main Street Coln St Aldwyns)</p>	<p>Case Officer Update:</p> <p>Response to the Officer report from an existing objector, please see below:</p> <p><u>i) Third Party Comments on Final Draft Report</u></p> <p>These comments reflect the views of many residents affected by this proposal.</p> <p><u>Principle of development</u></p> <p>We agree with the officers report, which states that Policy DS3 (small-scale residential development) <u>is relevant to the consideration of this application.</u></p> <p>Policy DS3 clearly requires that small residential development meets all of the criteria set. In this case it is in conflict with each of the criteria:</p> <p>a) It demonstrably does not support or enhance the vitality of the local community, rather it undermines that vitality by introducing an inappropriate holiday let into a village which already has over 10% of its properties operating as or with permission for holiday accommodation, together with a 15 bedroom hotel and pub. It removes from the village a highly valuable resource in the form of off-street parking.</p> <p>b) It is clearly not of proportionate scale – the planning officer indicates this in her views on design – and it does not support sustainable patterns of development – the HA make this clear in their comments of January 2021.</p> <p>c) It does not complement the form and character of the settlement. The existing building is well designed to function as a garage, but the proposed front elevation would be entirely alien to the Cotswold Vernacular which characterises the village.</p>

d) As in a) above, the proposal has an adverse impact on the local community by introducing a further non-resident property. There is already enough holiday accommodation for a small village to absorb, and this proposal would further undermine the vitality of the resident community.

As the report states, the Council officers consider the scheme to be cramped and unsatisfactory accommodation and lacking amenity space, which does not meet the tests in Policy DS3. We agree, and we submit that, whilst Policy EC11 is intended to identify suitable sites for holiday accommodation, Policy DS3 sets appropriate standards which development must meet. Therefore, in this case, both policy DS3 and EC11 apply, and the many defects of the scheme disqualify it as appropriate holiday accommodation.

The proposal seeks to cram living, dining, cooking, toilet facilities and stairs to the upper floor into the space originally provided to accommodate 2 cars. In addition, the upper floor has limited headroom and floor-space because it lies within the roof space, and would provide unsatisfactory sleeping accommodation. It is doubtful that sufficient headroom exists to accommodate the proposed shower and toilet facilities as shown on the plans. The scheme provides no outdoor amenity space for visitors, which underlines the unsatisfactory nature of the proposal as a holiday let. These factors lead to the inevitable conclusion that this proposal would represent a substantial over-development of this modest building. We do not believe that the Council wishes to approve such substantially sub-standard accommodation for visitors to the Cotswolds!

In addition, we submit that the proposal does not comply with the tests set out in Policy EC11. Local practice indicates that criterion a. of the policy is intended primarily to relate to the conversion of redundant rural and agricultural buildings outside settlements, whereas criterion b. is related to other buildings within settlements.

We disagree fundamentally with the officer's view of paragraph 3.0.9 of the Local Plan. That paragraph has been subject to the full rigours of public examination at a Local Plan Inquiry and, as such it has the status of supporting guidance to inform the application of the policies in the Plan. It should therefore be seen as an additional test setting the context for the application of Policy EC11.

Design and Conservation

We concur with the policy framework set out in the report, as it relates to the Conservation Area (CA) and the listed buildings. However, we challenge the views expressed in the report about the suitability of the building for the proposed use, and the appropriateness of the proposed design of the front elevation. The character of the CA and the adjoining listed buildings echoes closely the guidance contained in the Cotswold Design Code. The Code indicates that buildings should reflect the Cotswold Vernacular of

		<p>limestone walls and roofs with small, well-spaced window openings (D.25 a and h). The revised design of timber boarding and large plain-glazed window openings is at odds with this guidance. In respect of outbuildings, the Code indicates that these are generally of stone construction (D67.2 h), but accepts that timber sheds are permissible in garden settings (D67.2 i). The application site is prominent in the street scene and clearly not in a garden setting, and is therefore in conflict with the Code. As such it fails the tests in Policies EN10, EN11, and the NPPF. The design ignores the guidance in the Code, and therefore does not preserve or enhance the Cotswold Vernacular character and appearance of the CA or preserve the setting of the adjoining listed buildings.</p> <p>For similar reasons, the design fails to meet the requirements of Policy EN5.</p> <p><u>Highway impact</u></p> <p>Residents have expressed concern that many of our objections on parking and highway safety grounds have not been communicated to the Highway Authority (HA), despite requests to the Planning Department for this to be done. Notwithstanding the further revised comments from the HA contained in the report, local residents are very conscious of the parking and highway safety problems in Main St, and the hazardous nature of the exit from this site, due to its very substandard sight lines. It is a source of some concern to us that no Highways officer has taken the trouble to visit the site and witness the local difficulties in parking and highway efficiency which exacerbate the danger of this manoeuvre. We are aware of regular non-reportable accidents which result in damage to residents' cars and property walls, and the near misses which often occur when pulling out into Main St.</p> <p>It is clear from the comments on 10th September and 21st January that the HA had significant objections on the loss of off-street parking, the sustainability of the location, the detrimental impact on highway safety and the operational effectiveness of the network and, had the report been written during that 5 month period, the recommendation before members would be to refuse this application. The same problems exist today, notwithstanding the technical issue concerning severance which brought about the change of mind by the HA. We say that the HA was wrong in law to accept the assertion of the applicant that displacement had taken place with the change of ownership. The only lawful use of the building remains as a garage and that can only be changed by this Committee. If members refuse this application, the building would have to revert to its approved use and would continue to provide much needed off-street parking.</p> <p>There is a substantial need for off-street parking for residents, not visitors, in our village, exacerbated by the success of the New Inn and the popularity of the village with walkers, and several residents have expressed an interest in acquiring the building for that use.</p>
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Conclusion

National planning guidance from the UK government is given on the Planning Portal. There is pertinent advice about the procedure for the sale of land which is subject to restrictive planning conditions. The guidance says:

Occasionally, however, planning conditions may limit the use or occupation of land or premises If you wish to sell or let a building or land which is subject to such a conditional permission you will need to apply to the LPA to remove or vary the condition.

It's clear that the vendor of the garages should have applied to the Council before selling the site. If that proper procedures had been followed in this case, and the application had been made before the sale of the land took place, the original HA recommendation would have stood, and the application would certainly have been refused. The vendor and the applicant should not be allowed to profit from this abuse of the planning system, which seeks to circumvent the Council's proper planning function. We therefore submit that this Committee could properly decide to refuse this application for the reasons that we have laid out and, in so doing, prevent:

- i) the loss of the off-street parking which is sorely needed in our village;
- ii) the creation of a sub-standard holiday let;
- iii) development which is harmful to the CA and the adjoining listed buildings, and;
- iv) the loss of privacy and amenity to the adjoining owners.

Should members allow this application to succeed it will open the door to anyone with a suitable garage or outbuilding to follow the same path to avoid having to comply with conditions imposed by this Council. That cannot be in the interest of planning control in the Cotswolds.

ii) 12 late representations received from existing Objectors raising the following new issues:

(a) Concerned that there has been no proper engagement with villagers, together with a lack of transparency in the way the application has been handled by Officers;

(b) If the application is successful there is already an agreement for it to be sold to the owner of the New Inn to provide more accommodation to his wedding business which is situated some way from the village.

		<p>iii) The reason for condition 3 has been amended as follows:</p> <p>Reason: This is development which is only permitted at this location because it provides holiday accommodation. Further consideration would be required for an alternative occupancy or use via a further planning application.</p> <p>iv) Addition to Section (E) Impact on Residential Amenity of the Officer report:</p> <p>Objections have been received from the owner of 15 Main Street regarding the possible overlooking of the downstairs window in the north elevation of the property from the front windows of the proposed conversion to holiday accommodation. Officers have considered this impact and are of the view that the overlooking at an oblique angle would not be significant particularly as the side window is exposed to greater overlooking from passers by using the footpath. In addition D.67 .P of the Design Code specifically states that the required interface distance excludes windows on front elevations.</p>
<p>05</p>	<p>(Kernow Ampney Crucis)</p>	<p>Case Officer Update following discussion with Agent:</p> <p>The proposed phasing of the development, should permission be granted, would involve the construction and occupation of the extensions to the dwellinghouse in the first instance, followed by the construction of the garage at a later date. In light of this, the agent has requested an amendment to the proposed condition relating to the parking provision (Condition 8) to accommodate this sequencing. The wording of the Condition is therefore amended to read as follows:</p> <p>The garage hereby permitted shall not be brought into use until the car/vehicle parking area (and turning space) shown on the approved plan 'Proposed Block Plans Option 28x', dated 09/01/2021, has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.</p> <p>Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.</p>