

PLANNING AND LICENSING COMMITTEE
10 January 2024
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ADDITIONAL REPRESENTATIONS ON AGENDA ITEMS : Page 1 - 7		
Agenda No:	Ref No:	Content:
8	23/02137/FUL <i>(Valley View Chapel Street Maugersbury)</i>	<p>Additional objections received from local resident at Manor Farm, Maugersbury, Glos</p> <p>Objections relate to:</p> <ul style="list-style-type: none"> • Design • Impact on Conservation Area • Impact on Listed Building • Loss of general amenity • Over development • Privacy light and noise <p>Detailed reasons for objection:</p> <ol style="list-style-type: none"> 1. Comments already submitted in July, August and those on the RSP Heritage Statement still stand. 2. Multiple failures of process that have prejudiced a fair and proper evaluation of the Planning Applications including, but not limited to, the following (along with other specific matters detailed in the numbered paragraphs that follow): <ul style="list-style-type: none"> • Failure of either planning application to have been accompanied by a Heritage Statement. • No Heritage Statement was produced for the Applicant until 03.11.23, nearly 4 months after the first Planning Application. • All of which have unfairly caused those seeking to protect the heritage assets a great deal of extra work and expense. <p style="text-align: right;"><i>Cont/.....</i></p>

		<ul style="list-style-type: none"> • Neither the revised Planning Application of August nor the RPS Heritage Statement were followed by a Notice on the Portal notifying all that they each triggered a new Consultation period and providing a Notice of that akin to the Requisite Notice (posted on the Portal on 26.07.23) in relation to the first Planning Application. • Given the wholly back-to-front process followed in relation to the required Heritage Statement, it is essential to allow all parties a proper opportunity to seek advice and comment on the RPS Heritage Statement and clear notice of that. Instead, an attempt is made to shoehorn any further comments into an unannounced Comment period of uncertain duration when many will be absent for the holidays. <p>3. Conservation Officer's Heritage Conservation Response inadequate and one sided. In particular:</p> <ul style="list-style-type: none"> • It has not followed the 5-step process set out in Historic England's Historic Environment Good Practice Guide (GPA 3). • Failed to consider the analysis of issues set out in the Worlledge Associates Reports but relies upon the information provided in the RPS Heritage Statement. • Does not address the impact of the proposals upon Valley View itself (a heritage asset) nor upon the Conservation Area. • Expresses opinion that moving a three-storey gable wall and its two-storey new rear extension to within a metre of the Manor Farm Patio and garden will not diminish the Setting of Manor Farm of which the Patio and garden form part and are thus protected by Policy. <u>Those extensions will loom over Manor Farm's private garden and patio overlooking the ANOB prejudicing the setting and severely prejudicing amenity as a result of their overbearing impact in conflict with EN2 and the Design Code 67.1.o— matters of which there is no mention in her Response.</u> At present the Valley View gable end and current rear extension are some 4.2 metres away from the common boundary and there is no such prejudice. If, in fact, the new extensions will be 2 metres away from the boundary, as indicated (we believe wrongly) in the <p style="text-align: right;">Cont/.....</p>
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RPS Statement—**a fact that needs to be established before any decisions on the Application can be made**—that would reduce the impact. However, an expert assessment would be needed as to whether that was sufficient both for these purposes and to enable the extension to comply with Policies protecting Valley View itself and the Conservation Area (see further below).

4. Case Officer Report needs to provide the Planning and Licensing Committee with full details of the Conservation Officer's first Report which concluded that:

- The scale and massing of the proposals of the side extension would dominate and compete with the cottage (Valley View) reading as a new dwelling rather than as an extension and noted the resulting harm to it and the Conservation Area.
- The rear extensions were considered to be overly dominant and would subsume the historic cottage and damage its character.
- There were no public benefits to outweigh the harm
- The proposals were contrary to Section 72(1) of the 1990 Act, the NPPF, did not meet the planning balance set out in paras 202 and 203 of the NPPF; and were contrary to Policies EN2, EN 10, EN 11, and EN 12 and the Cotswold Local Development Plan.

5. Conservation Officer's findings described above are significant because:

- The proposals in the August Planning Application in terms of width and bulk are essentially the same as in the July Application save for a 1 metre reduction in width above first floor level only. This results in a reduction in GPA of some 10m² (compared to the July plans). But, the extensions are at least 75% of the existing Cottage's width and of its GPA.
- The Conservation Officer comments on the second Planning Application executes a complete U turn in a 3 - line comment without any explanation for so doing.
- Unlike first Response there was no analysis of Policy as applied to the facts of the revised plans. No explanation has been offered to explain the change in response.

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		<ul style="list-style-type: none"> • Worlledge Associates Reports reached the same –and additional—conclusions as the Conservation Officer did in her first Response and noted that “any reasonable understanding of her original advice leads to a conclusion that the amended plans do not overcome the concerns raised [by her]” <p>6. In light of the above, what is now required, per the NPPF and GPA 3, in order for the Case Officer to provide the correct advice to the Planning and Licensing Committee is for a heritage expert to evaluate the impact of the proposals on the heritage assets taking into account all information provided in relation to the Applications and the requirements of policy and GPA 3. Absent that, further serious procedural irregularities will occur.</p> <p>7. Conservation Officer’s most recent Response fails to address attempts in the RPS Statement to justify such large extensions in terms of their impact on Valley View itself and the Conservation Area. These include the following:</p> <ul style="list-style-type: none"> • Suggestions that Valley View is uninhabitable and only the proposals can solve the problem. This is not so. It was lived in happily for many years by the prior tenant before her retirement. After which Valley View’s owner decided to sell the Cottage with vacant possession. It has thus been empty for two years or more and will look tired. Any shortcomings in relation to re-doing the stairs, creating a second bathroom etc can and should be accomplished on a more modest scale that do not require widening the Cottage and adding a rear extension of 3.2 metres in width. A smaller extension could accomplish what is required and may be better able to meet Policy requirements. • Suggestions that as the two middle cottages in the Terrace are wider and double fronted, the same should be allowed for Valley View. That is not how Policy works. The size of any extension has to be justified reference to Valley View itself and not by reference to its neighbouring cottages. The objective is to preserve the look and feel of Valley View as a single fronted modest cottage and retain the balance of the Terrace with single fronted cottages at either end. <p style="text-align: right;">Cont/.....</p>
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		<ul style="list-style-type: none"> • A claim that the proposals should be allowed because they are said to have a beneficial impact on the Conservation Area as a result of replacing some upvc windows and a flat dormer. Both of these have been features of Valley View for more than 60 years. The existing single dormer is far less intrusive than the two new proposed dormers. Moreover, under the proposals, much of the Cottage is demolished, including the rear extension, and all new windows are to be made from timber—it's inconceivable that any windows at the front that are to remain unaltered will not be changed to match any new windows. The alleged benefits cannot possibly outweigh the harm and fall well short of the clear and convincing evidence required by Policy. <p>8. Above comments highlight the multiple inadequacies involved in the handling to date of these Planning Applications. To protect the Village's heritage assets from damage it should not be necessary for us to resort to judicial review. Whether, however, that is needed will depend on how matters proceed from now on.</p> <p>9. In the event that planning consent is eventually granted to some form of extension plans, there are Conditions needed to protect neighbours—see Section V of my Comments posted on the Portal on 24.11.23.</p> <p>Case Officer's Response:</p> <p>1. Comments from the local resident and other residents have been taken into account in the consideration of this application and, other than these latest comments, form part of the officer's report and consideration of this application.</p> <p>2. It is accepted that the application was not supported by a Heritage Statement as required and Members may recall this is the reason why the application was withdrawn from the agenda of the Planning and Licensing Committee in October 2023. This allowed the applicant time to provide a Heritage Statement which was received on 3 November 2023 following which a full re-consultation on this additional information was carried out with residents, Parish Council and consultees, allowing 21 days for comments. As such it is considered that all consultees have</p> <p style="text-align: right;">Cont/.....</p>
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		<p>been provided with adequate time and opportunity to review and comment on the Heritage Statement.</p> <p>3. The comments of the Conservation Officer have changed over the course of the application from an initial “objection” to “no objection”. The reason for this is clear in that the applicant amended the design and scale of the development proposed and, as outlined in the officer’s committee report, the changes addressed the concerns raised by the Conservation Officer. It would not be correct for the Conservation Officer to continue to object to a scheme where concerns raised have been addressed in a revised submission.</p> <p>In terms of the distance between the side of the extension and that of the neighbouring property of Manor Farm House, this has been confirmed by the applicant and RPS. The correct distance has been provided as part of the officer’s report before committee. Members will therefore have the full details to consider the impact of the extension in terms of distance on this neighbouring listed building.</p> <p>4. The officer’s report before committee has addressed these concerns raised by the objector.</p> <p>5. The comments of the Conservation Officer relate to the revised plan as outlined in point 3 above.</p> <p>6. Following receipt of the Heritage Statement all consultees and residents were re-consulted and rather than being provided with 14 days to respond, as normally allowed for any re-consultation, in this instance 21 days were allocated.</p> <p>7. The points raised are addressed in the officer’s report before committee, as such there are no further comments to make.</p> <p>8. The threat of Judicial Review is not a matter to which a decision on the application should be made. The decision on this application should be based upon the planning merits of the proposal, the comments received and against National and Local Planning Policy. The officer’s report has provided a detailed approach to the consideration of this proposal with a recommendation for the committee’s consideration.</p> <p style="text-align: right;">Cont/.....</p>
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		9. A list of appropriate conditions is attached to the committee report.
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