



**MINUTES OF THE PLANNING COMMITTEE MEETING
HELD on TUESDAY 5th March 2024**

Present: Cllr Harrison Cllr Foxall Cllr Thornhill
Cllr Shankland Cllr Rymer

In attendance: Vanessa Lawrence (Clerk), 6 members of the public

PL182 23/24 To note Apologies for absence.
Apologies were received from Cllr Stroud.

PL183 23/24 Declarations of Interest in items on the agenda.
None received.

PL184 23/24 To confirm the minutes of the meeting held on 20th February 2024
It was **RESOLVED** to confirm the Minutes of the meeting held on the 20th February 2024 are a true and accurate record of the proceedings. Proposed Cllr Foxall, seconded Cllr Shankland – all in favour.

It was agreed to bring forward PL186 & PL187 – all in favour.

PL186 23/24 To agree to adjourn the meeting for Public Participation - there is a 5-minute time limit.
It was **RESOLVED** to adjourn the meeting for Public Participation. Proposed Cllr Shankland, seconded Cllr Foxall – all in favour.

6 residents of Faulkner's close attended the meeting to voice their continuing concerns regarding the application (listed below under New Planning Applications - 24/00325/FUL | Erection of 3no. dwellings with associated works | Land Parcel E415213 N200428 Faulkner's Close. Concerns raised are as follows:-

- Proximity to neighbouring houses, where there should be a distance of 22 metres between, but the plans are showing a distance of 12.7 metres. This would mean in the case of one resident that there would be clear view into their living room.
- Loss of public amenity space, where children currently play which has already been fenced off even though approval has not yet been given to this application.
- Loss of natural light
- Impact on drainage- when there is already a problem in this area with sewage overflow

The Chairman and other Cllrs confirmed that objections have been made and that the Council is opposed to this planning application in its entirety. Residents were aggrieved that the area used as a play area has already been fenced off and the Chairman recommended that residents contact the developers directly. A further objection will be sent to CDC which is detailed below.

PL187 23/24

To agree to reconvene the meeting following Public Participation.

It was **RESOLVED** to reconvene the meeting following Public Participation.
Proposed Cllr Foxall, seconded Cllr Shankland – all in favour.

Members of the public left the meeting.

PL185 23/24

Matters Arising.

- **Update on meeting with District Councillors regarding scheme of delegation and other planning matters.**

Cllr Harrison had circulated an e-mail sent to James Brain (CDC), regarding concerns over the scheme of delegation and other matters.

- **Update on situation at lake 103, 3a and 105. Questions have been put to the EA regarding the situation at Lake 103, 3a, 105.**

-Does EA/Natural England agree that s.4 of the WIA 1991¹ only applies if the discharge is directly to the SSSI?

-What modelling (if any) has been carried out of the impact of the increased emphasis on retaining flood water in upstream areas (ref Thames Catchment Flood Management Plan Dec 2009²) and of changing flow resistance and hence river levels due to reduced riparian maintenance particularly on flooding from the river upstream of lake 104 and hence on flood risk in the Court Brook catchment downstream?

-Is this the responsibility of the EA or the LLFA, given that the source of the increased flooding is the River Coln?

-Details of any EA model* for the River Coln catchment, including lakes and ordinary watercourses feeding into the lower section (Dudgrove Brook, Court Brook, Thornhill Brook) inc.

- LIDAR ground levels map for Horcott?

- [3D] Groundwater model for Fairford and Horcott area?

(* distinct from that referred to in the Flood Risk Assessment section of the Environmental Statement for 09/00882/OUT)

-How can the impacts in ii) above be mitigated by different use/management of the lakes, river and ordinary water courses?

-Is a catchment management scheme required? (How would this be implemented/enforced?)

- Implications for the flood risk assessments of the Fairford Lakes and other developments?
- Is a new Flood Risk Assessment needed for changes to the approved design of spill arrangements between the lakes and watercourses?
- **Update on Fairford Water and Sewage Issues Joint Working Group**
The next meeting of the joint working group is to be held on the 25th March. Further information has been requested prior to this meeting which relates to the following:-
 - Lakeside sewage flooding problems: 'Bung-gate', tankering and possible solutions for roof drainage on nos.26-31
 - Questions for TW and EA: What is important now and what could be left to later meetings

¹ <https://www.legislation.gov.uk/ukpga/1991/56/section/4>

²

https://assets.publishing.service.gov.uk/media/5a7c7f4fed915d6969f454a4/Thames_Catchment_Flood_Management_Plan.pdf

- Potential letter to Natural England re application of s.4 of the Water Industry Act 1991 – NB The ‘operations’ would seem to ‘affect’ the SSSI downstream.

ACTION: Cllr Harrison to draft a letter and circulate for approval.
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PL186 23/24 To agree to adjourn the meeting for Public Participation - there is a 5-minute time limit.
See above

PL187 23/24 To agree to reconvene the meeting following Public Participation.
See above

PL188 23/24 To note decision notices for PERMITS / CONSENTS received:
24/00373/COMPLY | Compliance with condition 2 (colour of containers) and 5 (lighting scheme) of permission of 23/00568/FUL- regularise use of land for B8 (Storage and distribution) purposes (part retrospective) | Land Parcel At E417506 N200533 Whelford Industrial Yard Whelford Road Fairford Gloucestershire GL7 4DT - **PERMIT**
(Received CDC 06.02.24. Validated 06.02.24. Decision Issued 20.02.24)

24/00232/TCONR | Clearing self set trees through area leaving planted standards of silver birch, fell self set multi-stem ash in close proximity to the bus shelter building, formal prune/crown raise remaining specimen trees and clear away ground scrub to clear old footpath | Land West Of Clifford House Milton Street Fairford Gloucestershire – **NO OBJECTION**
(Received CDC 24.01.24. Validated 24.01.24. Decision Issued 23.02.24)

23/03860/FUL | Internal and external alterations (retrospective) | Spaldings 4 Market Place Fairford Gloucestershire GL7 4AB – **PERMIT**
(Received CDC 06.12.23. Validated 06.01.24. Decision Issued 23.02.24)

23/03323/FUL | Erection and extension of a class (B2) light industrial building and use as furniture manufacturers (Partially Retrospective) | Lady Lamb Farm Meysey Hampton Cirencester Gloucestershire GL7 5LH – **PERMIT**
(Received CDC 20.10.23. Validated 08.11.23. Decision Issued 22.02.24)

23/00553/FUL | Erection of two storey side extension with single storey porch and single storey rear extension (amendment to 20/02826/FUL) (retrospective) | 2 Thornhill Farm Cottages London Road Lechlade Gloucestershire GL7 3DX – **PERMIT**
(Received CDC 17.02.23. Validated 20.02.23. Decision Issued 22.02.24)

23/01963/FUL | Alterations to detached garage, including erection of first floor flat roof dormer extension to rear and external staircase entrance and relocation of roof lights | Merton Cottages Cirencester Road Fairford – **REFUSED**
This was refused on the ground that the dormer extension was disproportionate and out of character (although enabling the bedroom + gym on the first floor to be made into a proper flat) and that there could be no guarantees the screening vegetation would not be removed at a later date, leaving the dwelling in a prominent position.
(Received CDC 20.06.23. Validated 29.06.23. Decision Issued 29.02.24)

23/03626/OUT | Variation of condition 7 (Water network upgrades) of permission 22/03770/OUT - Outline planning application (all matters reserved except means of access) for residential development up to 87 dwellings including the creation of new vehicular access, public open space, landscape planting, surface water attenuation and associated infrastructure | Land West Of Hatherop Road Fairford - **PERMIT**
(Received CDC 16.11.23. Validated 17.11.23. Decision Issued 27.02.24)

The decision has been made without waiting for the promised explanation from Thames Water of the reason for the change from the original 35 to 50 dwelling limit. Also, the reason for the condition has been

aligned to the water supply issue which relates. The sewage constraint, which really requires a binding commitment to the STW uprating, remains to be dealt with at the Reserves Matters stage.

PL189 23/24 To consider NEW PLANNING APPLICATIONS:

24/00408/CLEUD | Certificate of Lawful existing use of development under section 191 of the town and country planning act 1990 for an extension and alterations to existing residential dwelling and erection of greenhouse | Waterloo Cottage Waterloo Lane Fairford Gloucestershire GL7 4BP

(Validated 09.02.2024 FTC Notified 09.02.2024, Deadline for response 14.03.2024)

NO COMMENT

24/00325/FUL | Erection of 3no. dwellings with associated works | Land Parcel E415213 N200428 Faulkners Close Horcott Fairford Gloucestershire

(Received by CDC 01.02.24 Validated 23.02.24 FTC Notified 27.02.24, Deadline for response 19.03.24)

The Committee discussed this application taking into account the feelings of the residents as noted above at Public Participation.

ACTION: Clerk to submit objection as follows:-

Fairford Town Council OBJECTS to this application on the following grounds:
principally

- 1) Loss of what has been a public recreational space within the estate for the best part of 60 years (until it was recently fenced off by the owner/developer) – contrary to part 2 of CDLP policy INF2 and section N1 of the National Design Guide
- 2) Overlooking and insufficient separation from the neighbouring property, 'The Nook', and consequent loss of privacy to the occupiers – contrary to section D.67 1.p. of the Cotswold Design Code in the Local Plan and paragraph 139 of the NPPF (December 2023)
- 3) Lack of a proper drainage strategy and site specific flood risk assessment, given known issues with high ground water levels in the locality and consequent likely increased surface water flood risk to other properties in Faulker's Close – contrary to Fairford Neighbourhood Plan Policy FNP4
- 4) The proposed disposal of surface water to main sewer is clearly unacceptable given known current serious problems with water infiltration/inundation of foul sewers in this part of the town giving rise to sewage flooding of properties.

The principle of development

The site is within the Fairford development boundary and therefore permissible in principle in accordance with policy DS2, although this is of course subject to other planning policy considerations, including the design of the development.

An outline application (23/00435/OUT), with all matters reserved except access, was approved in August 2023 under delegated authority, which we questioned because of these policy conflicts.

A similar application in 2003 was refused on the grounds of the status as a play area but successfully appealed. FTC complained to the Planning Inspectorate about this decision at the time (letter dated 7/7/2004), citing evidence from residents about the importance of the play area/community open space.

However, there is no record of steps having been taken to meet conditions to commence the development and the permission therefore lapsed in 2009. The current use is therefore considered to be still as a local community open space (falling within Use Class F2(c)). It is only 'disused' now because it has been fenced off by the owner/developer.

The site was not included in the 2021 SHELAA.

The site was shown on the original plans approved 28/2/1963 as 'play area' (with equipment indicated) and on plans for a subsequent development of 2 additional houses on adjacent land approved on 26/5/1966. Since the 2004 permission has lapsed, the current approved use must now be considered to be as the original, i.e. a local community open space, which falls within use class F2(c) - Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms). As a local community open space, its loss to residential development may be considered contrary to part 2 of policy INF2, notwithstanding that it lies within the development boundary, in the absence of appropriate alternative/replacement provision consistent with part 1 d and f. Under the current policy the onus is on the applicant to demonstrate that the

space is not needed (contrary to what seems to have been the position in 2004) - This has not been done. Also, it is not clear what public benefit there might be to justify this in the present circumstances, with new families with children having recently moved into the estate and no other public play areas within easy safe walking distance and the proposed market housing development being purely for private benefit.

The question may arise whether the long grass area in the estate could be considered as a reasonable alternative. However, earlier correspondence indicates that play use on this was previously restricted and, with cars parked on the roadway adjacent to it (no doubt due to the building on additional houses on part of the site originally allocated for garages), it would appear not to meet the safety/enclosure standards for a LAP and it is probably unsuitable for informal playing of football etc. without some form of fencing. See also section N1 of the National Design Guide and NPPF chapter 8. There are no other public play areas even close to being within the 1 minute walking distance standard for a LAP.

Other issues including drainage

The proposed Site Layout appears to show the NW elevation of unit 3 only about 12.7 metres from facing windows on the bungalow at The Nook. This is clearly less than the 22 metres minimum specified in section D.67 1.p. of the Cotswold Design Code in the Local Plan, giving rise to a significant infringement of privacy. This is not 'good design' and the application should therefore be refused in accordance with NPPF paragraph 139 (December 2023). The applicant has failed to demonstrate that an acceptable layout is feasible for 3 houses on the site, which is essentially 'over-development'.

No Flood Risk assessment or Drainage strategy has been provided for this application, despite known serious issues with this in the vicinity.

The applicant's Drainage Strategy for the previous application (23/00435/OUT) states (p4):

"2.10 Planning applications 20/04147/FUL & 22-03770-OUT in Cotswold District Council, both of which are located within a 1000m radius of the proposed development, have taken forward discharge to ground for their surface water management, utilising rates between 9.02×10^{-4} m/s and 3.3×10^{-5} m/s. [sic]

2.11 Based on these localised rates it is assumed infiltration is feasible. In the absence of infiltration testing being undertaken on site, the rate of 1×10^{-5} m/s will be used as the design rate, as per the SuDS manual table 25.1."

This is incorrect and inappropriate. 22/03770/OUT is more than 1km away and both sites are in areas of different geology.

The applicant should refer to the "Groundwater Monitoring and Review of Flood Risk at Fairford" Final report (Water Resource Associates, October 2018), available from Fairford Town Council. Given, the relatively low level of the site and sometimes high ground water level, discharge to ground may not be suitable (in accordance with CIRIA guidance for soakaways) or development may disrupt local groundwater flow potentially affecting flood risk to neighbouring properties, contrary to NPPF guidance, and is likely to add to the surface water flood risk shown on the map at the far (lower) end of Faulkner's Close. The proposed hard surfacing of the driveways will lead to run-off from the site and is almost certain to contribute to this problem. This requires more detailed assessment, in accordance with Fairford Neighbourhood Plan policy FNP4.

The proposed disposal of surface water to main sewer is clearly unacceptable. Recent problems in nearby Lakeside have highlighted this issue.

Thames Water have said the proposed 3 additional houses would not impose a significant additional burden on the sewerage network. However, it is acknowledged that this is already operating at the margins of capacity, and the Fairford STW has been 'dry storming' (illegally) for long periods recently.

The site is relatively distant from local schools, which are on the opposite side of the town, and other community facilities.

Alternative provision for market and affordable housing in a better location closer to the local schools and other facilities is included in the Fairford Neighbourhood Plan, which was 'made' in June 2023.

Conclusions:

Permission should be refused on the basis of

- (A) conflict with part 2 of CDLP policy INF2, since no suitable alternative community open space provision is offered, and the loss of the community open space contrary to section N1 of the National Design Guide
- (B) poor design that is contrary to section D.67 1.p. of the Cotswold Design Code in the Local Plan and paragraph 139 of the NPPF (December 2023) and
- (C) lack of an appropriate Flood Risk Assessment as required by policy FNP4 together with an unacceptable proposal for the surface water drainage.

24/00443/CLPWL B | Certificate of Lawfulness of Proposed Works to a Listed Building for a soft strip of the buildings | Coln House School Horcott Road Fairford Gloucestershire GL7 4DB

(Received by CDC 13.02.24 Validated 22.02.2024 FTC Notified xxxx.2024, Deadline for response xxxx.2024) – **NO COMMENT**

24/00479/COMPLY | Compliance with condition 14 (biodiversity enhancements) of 23/01217/FUL & 23/01218/LBC - Refurbishment and alterations to the listed Building and external landscape works including a new swimming pool and pavilion | Morgan Hall London Road Fairford Gloucestershire

Received by CDC 15.02.24, validated 23.02.24 FTC Notified xxxx.2024, Deadline for response xxxx.2024
This relates to bird box details and locations – **NO COMMENT**

PL190 23/24 Items the Chairman considers urgent.

Representation re. application 23/01048/FUL, going to CDC Planning Committee on Wednesday 13th March. The Chairman has discussed with the landowner and he was happy to put forward 2 drawings with part wall and with bollards as alternatives to the Highways requirement for the Planning Committee to consider.

ACTION: Clerk to notify CDC that Cllr Harrison would speak at the Planning Committee

PL191 23/24 Date of next meeting 19th March 2024

There being no further business the meeting closed at 7.30pm

Chairman.....

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