

STRATFORD-UPON-AVON TOWN COUNCIL

PLANNING CONSULTATIVE COMMITTEE

MINUTES (Pages 1-12)

22 March 2022

Held at the Town Hall

Present

Cllr V Alcock	Cllr I Fradgley
Cllr D Curtis	Cllr J Fradgley
Cllr W Dowling	Cllr Jackson
Cllr J Fotjik	

Minutes Clerk: Margo Galvin

Planning Consultant: Mr Neil Pearce, Avon Planning Services

Speakers: Mr Peter Phipps (ref 22/00611/FUL - 80 Tiddington Road)

141. Apologies for Absence

Apologies were received from the Mayor, Cllr K Taylor, and Cllr T Lee.

142. Declarations of interest on items on the agenda

There were none.

143. To receive written requests for dispensation for disclosable pecuniary interests.

None were received.

144. To grant any requests for dispensation as appropriate.

None were received.

145. Consultation Presentation on Pre-Planning Applications.

There were none.

146. Public Participation of non-agenda items on matters under which the Council has control or is a consultative body.

It was noted that members of the public present at the meeting were attending in relation to planning application 22/00611/FUL (80 Tiddington Road - Erection of 1 self-build dwelling).

147. To approve the draft Open Minutes of the Planning Consultative Committee Meeting held on 08 February 2022.

The Minutes of the Planning Consultative Committee meeting held on 08 February 2022 were approved as a correct record.

148. List of planning applications deferred from the Chairman's Actions meeting on 16 March 2022 with any additional items deferred from the Chairman's Actions meeting on 21 March 2022.

The Chairman noted that planning application 22/00611/FUL (80 Tiddington Road - Erection of 1 self-build dwelling) had been deferred from the Chairman's Action meeting on 16 March 2022.

The Ward Councillor for this application is Cllr K Rolfe.

The Planning Consultant made a presentation. The key points are summarised below:

It was noted that two previous planning applications at this site had been refused:

- 1) **14/02689/FUL** - Erection of a two-storey 5+ bedroomed detached dwelling with basement plant room and a detached two storey garage building with a two bedroomed residential annex above, set around a courtyard and all associated site works - Refused 27/11/014
- 2) **18/02381/FUL** - Erection of detached dwelling with integral garage and access driveway - Refused 30/04/2019

The Town Council had objected to the latter application on the grounds of principle, out of character with the settlement pattern, inappropriate backland development and impact on the conservation area and trees. It was felt that nothing had changed from the first application and the objection was maintained.

The current application 22/00611/FUL relates to the proposed erection of a contemporary, flat roof self-build dwelling at the rear of 80 Tiddington Road (there is no building there now). This is very close to the eighteenth hole at the golf course; access would be along the side of 80 Tiddington Road.

The applicant had applied for a Lawful Development Certificate (LDC) for a large ancillary building on this site to accommodate a swimming pool complex. This had been granted on appeal. The Planning Consultant commented that this is a tactic by the applicant to try and demonstrate to Stratford District Council that the principle of erecting a large building on the site has now been established through the LDC process. The proposed application 22/00611/FUL has a similar footprint to that covered by the Certificate.

The Planning Consultant advised that, in terms of the LDC, the test is whether there is a greater than theoretical possibility that the swimming pool complex will be built. The applicant has put a case to the District Council indicating that, if they don't get permission to build the house, they will build the pool complex instead. This would overcome the principle of a building being erected in a backland form and setting. The Planning Consultant commented that the greater than theoretical possibility of the pool complex being erected is in doubt as, for several years, the clear intention has always been to build a house on this site.

The Planning Consultant believes the applicant is manipulating the process by suggesting that there is an alternative.

It was noted that this application is within the town's development boundary.

The Planning Consultant noted that Warwickshire and Stratford have not met their legal duty to provide sufficient self-build plots to meet demand. This has not been tested yet and the applicant has not made a particular point about it. However, it is a material consideration for the Planning Consultative Committee.

Points of clarification

A Councillor asked the Planning Consultant to confirm his understanding that the applicant has applied for planning permission for a dwelling and that, if this application were unsuccessful, the intention would be to erect the alternative building (swimming pool complex). The Planning Consultant confirmed that the applicant would be able to construct a substantial ancillary building to the main house via the Lawful Development Certificate. It seems that the applicant is using the Certificate as leverage to establish a principle and they would see this as grounds for planning permission for the house to be granted in the future. The ancillary building and the proposed dwelling have similar footprints and it is possible that the applicant could, in the future, come back and ask for permission to change the swimming pool complex into a dwelling. The Planning Consultant reminded consultants that, for now, they must consider the current application.

A Councillor asked who had granted the Lawful Development Certificate. The Planning Consultant confirmed that the Secretary of State had granted the Certificate on appeal after the District Council had refused it. It was noted that the Town Council would not normally comment on a Certificate.

A Councillor asked if there is a Neighbourhood Development Plan policy on this kind of development. The Planning Consultant confirmed that the relevant policies are BE.8 (NDP) and H.5 (use of garden land).

A Councillor asked if the Conservation Officer had re-submitted their comments? The Planning Consultant advised that they had not.

A Councillor asked if the Committee should consider this as an application for a dwelling and ignore the Certificate. The Planning Consultant advised that, while this is an application for a new dwelling, the Certificate for the alternative structure should not be ignored. The Committee will need to decide how much weight to give this. It is clear that the applicant has tried to get something built on the site with the intention of reverting to the original concept of building a dwelling there.

A Councillor asked if either of the previous refused applications for dwellings on the site had gone to appeal. The Planning Consultant was not aware of any appeals.

Mr Peter Phipps (opposing the application) was then invited to speak.

He noted the following points:

This garden at 80 Tiddington Road is located at the heart of Tiddington Road, in the Conservation Area. The golf course surrounds the garden on three sides. This is the third attempt to develop this back garden. Previous applications have been refused. Nothing has changed.

This is a standalone application; it is not incidental or ancillary to the main dwelling. The garden would be split into 2 areas, forming a secondary 'curtilage'.

Policy H5 (Use of Garden Land) states: 'A dwelling should preserve or enhance the character of the area ... and ensure that it does not significantly impact on the amenities of the neighbouring properties'. This one does since it does not preserve or enhance the character of the area and will have a significant impact as it will be seen from the public highway. It represents an undesirable form of tandem / backland development and is detrimental to the main dwelling house and neighbouring properties.

The Planning Inspectorate had previously dismissed an appeal for a similar backland development at 52 Tiddington Road on the grounds that the long straight access drive would open up views into the rear garden and indicate the presence of another layer of residential development. Putting a new dwelling at the back of 52 would be at odds with the overriding characteristics and significance to the Conservation Area. He also stated that the build form would be a visually, unwelcome intrusion into a generally open and long garden space. Surely, the same planning rules and principles must apply to 80 Tiddington Road.

The applicants gained approval for a swimming pool complex at 80 Tiddington Road under an LDC. The District Council had refused this application, but it was granted on appeal. The Planning Inspector only allowed the appeal because he considered the swimming pool complex was within the whole 'curtilage' of the main dwelling house, and it was for 'incidental' purposes only, for the enjoyment of the main house, nothing more.

This new application is completely different and cannot be compared with the swimming pool complex. The footprint is 13% bigger and 30% higher than the swimming pool. Also, there is a car port for three cars, and a large parking area, all of which will be seen from the public highway.

Should this application be approved, it will set a precedent for others to follow.

Questions for Mr Phipps

A Councillor asked if the car parking area for the proposed development will be seen from the road. Mr Phipps confirmed that the long driveway would be seen from the road and he believed some trees would be cut down.

The Ward Councillor for this application commented that this proposal for a new dwelling is larger than the two previous applications and is very out of keeping with the street scene. She noted that none of the properties on the Tiddington Road have houses built in the back gardens. If this application goes ahead it will set a precedent for everyone else to create a pathway down the side of their properties and develop their gardens, thereby changing the character of the whole road. This is not right for Tiddington Road and goes against policy.

A Councillor asked if the driveway to the proposed site from the main road would be separate to the current driveway. The Planning Consultant advised that it appears there will be shared access.

There being no further questions or points of clarification, the Committee went into debate.

A Councillor noted that she was uncomfortable about the Lawful Development Certificate setting the precedent that this land could be developed for housing. She felt it had muddied the waters on several policies to which the Town Council has adhered. The proposed dwelling falls outside the curtilage for which the LDC was granted.

A Councillor commented that this is a blatant attempt to get round the system and build at the back of the house.

A Councillor commented that self- and custom-build is a very hot topic currently at District Council planning. He noted there is a Task and Finish group which will report back on 29th April. He has asked for this to cite the piece of legislation that demonstrates that self-build must be in addition to the 5-year plan supply. It may be a question of interpretation of the law as to whether self-build must be in addition to the 5-year plan.

A Councillor noted that nothing has changed although there is now permitted development within the boundary of the property.

A Councillor commented that, while there is a big push to build self-build houses, the Town Council will not give permission for buildings that are out of context with the area. He felt that the application for a self-build property has been made to help it get through planning.

There being no further points, the application was then put to the vote.

It was PROPOSED, SECONDED AND AGREED unanimously vote to Object to the proposed scheme with the following comment:

The Town Council is aware of two previous attempts to gain planning permission for a dwelling on this site, both of which were refused. The subsequent granting of a LDP at appeal for an ancillary building is a clear attempt and tactic to change the planning balance. However, it has always been the clear intention of the applicant to build a house on the site and therefore there is not a 'greater than theoretical possibility that the development will take place' in the opinion of the Town Council.

Consequently, previous objections on the grounds of inappropriate tandem and back land development, contrary to the established linear character of the area are submitted. The proposal is therefore contrary to Policy HS of the NDP. Furthermore, the proposal would cause less than substantial harm to the heritage asset and in the absence of any public benefits to outweigh such harm, the proposal is contrary to NDP policy BE.8.

149. To note action of the Town Clerk after consultation with the Chairman (or their substitutes) and Avon Planning Services on 16 March 2022.

The actions were noted. The Chairman's Actions meeting on 16 March 2022 and the Additional Chairman's Action remote meeting on 21 March 2022 were both attended by Cllr I Fradgley and the Planning Consultant, Mr Neil Pearce.

	Application No	Site	Proposed Development
1	22/00513/TREE	Old Vicarage, Mill Lane, Alveston (Tiddington)	G1 x 2 (T1, T2) – Leylandii – Reduce up to 50% to prevent failure - Reducing height to approximately 7 - 8 metres, spread not being reduced.
2	21/04069/FUL	15 Manor Green (Tiddington)	Demolition of double garage and utility and replacement with a detached dwelling.
3a	22/00491/ADV	Giggling Squid, 23 High Street (Guildhall)	Redecoration of existing signage and replacement canvas to existing awnings.
3b	22/00487/LBC	Giggling Squid, 23 High Street (Guildhall)	Redecoration of adverts and replacement canvas to awning.
4	22/00623/DDT	The Bower House, Alveston Leys, Alveston (Tiddington)	T1 – Sweetgum – Fell. (Partly failed due to storm damage. Replacement planting required).
5	22/00313/FUL	Cedar Lawns, Alveston Leys, Alveston (Tiddington)	Ground and first floor extension of existing dwelling with internal alterations and associated landscaping.
6	21/03559/FUL	1 – 7 Trinity Close (Guildhall)	AMENDED – The elevations have been revised to reduce the size of and remove the number of dormers. The site layout has been revised to amend parking space sizes and the location of the bin store. Cycle storage has been added.
7	22/00530/FUL	9 Banbury Road (Bridgetown)	Proposed single storey and two storey rear extensions, roof extension, porch and garage extension.

8	22/00639/DDT	Helston, 14 Avenue Road (Welcombe)	T1 – Cypress – Prune off large, partly failed limb, to below the failure point and tidy broken branches.
9	22/00510/FUL	11 Oakleigh Road (Avenue)	Demolition of existing garage and car port and construction of new two storey side and single storey rear extensions.
10	22/00576/FUL	70 Bull Street (Guildhall)	Erection of artist studio in garden.
11	22/00558/FUL	70 Bridgetown Road (Bridgetown)	Proposed single storey front/side extension.
12a	22/00538/ADV	8 Henley Street (Clopton)	Replacement lettering to existing fascia and replacement panels to existing projecting sign.
12b	22/00540/LBC	8 Henley Street (Clopton)	Replacement lettering to fascia and replacement panels to existing projecting sign.
13	22/00606/TREE	52 Tiddington Road (Tiddington)	T1 – Walnut – Fell.
14a	21/02321/FUL	33 – 35 High Street, Unit 12 Bell Court (Guildhall)	AMENDED – Revised plans have been received to address concerns raised by officers and Conservation Officer. An addendum to the design and access statement has been provided and a letter explaining the key changes in the planning statement. Revised drawings are as follows: 1426-M-P01A Site Plan 1426-M-P03B Proposed Ground Floor Plan 1426-M-P04A Proposed First Floor Plan 1426-M-P05B Proposed Second Floor Plan 1426-M-P06B Proposed Third Floor Plan 1426-M-P07B Proposed Roof Plan 1426-M-P08C High St & Taskers Way Proposed Elevations 1426-M-P09B North & West Proposed Elevations

			1426-M-P10C Unit 12 Proposed Elevations 1426-M-P11A High Street - Proposed Bay Elevation 1426-M-P12A Internal Courtyard - Proposed Elevations and Sections 1426-M-P13A Proposed Sections DAS Addendum Pages 32-34 - Services Strategy/Materials/Shopfronts 1426-PGB-14_RSC Tower view Photomontage of view from RSC Tower 1426-PGB-15_Car Park view Photomontage of view from Multi-storey Car Park.
14b	21/02322/LBC	33 – 35 High Street, Unit 12 Bell Court (Guildhall)	AMENDED – Revised plans have been received to address concerns raised by officers and Conservation Officer. An addendum to the design and access statement has been provided and a letter explaining the key changes in the planning statement. Revised drawings are as follows: 1426-M-P01A Site Plan 1426-M-P03B Proposed Ground Floor Plan 1426-M-P04A Proposed First Floor Plan 1426-M-P05B Proposed Second Floor Plan 1426-M-P06B Proposed Third Floor Plan 1426-M-P07B Proposed Roof Plan 1426-M-P08C High St & Taskers Way Proposed Elevations 1426-M-P09B North & West Proposed Elevations 1426-M-P10C Unit 12 Proposed Elevations 1426-M-P11A High Street - Proposed Bay Elevation 1426-M-P12A Internal Courtyard - Proposed Elevations and Sections 1426-M-P13A Proposed Sections DAS Addendum Pages 32-34 - Services Strategy/Materials/Shopfronts

			1426-PGB-14_RSC Tower view Photomontage of view from RSC Tower 1426-PGB-15_Car Park view Photomontage of view from Multi-storey Car Park.
15a	21/03700/FUL	27 Bridge Street (Clopton)	Proposed change of use from Class E (retail) to Class C1 (hotel) at first and second floor level with access from ground floor level. Internal alterations and installation of a roof extension (dormer) to link roofs to rear.
15b	21/03701/LBC	27 Bridge Street (Clopton)	Proposed change of use from Class E (retail) to Class C1 (hotel) at first and second floor level with access from ground floor level. Internal alterations and installation of a roof extension (dormer) to link roofs to rear. Fixture of fascia sign and 2x hanging signs.
16	22/00420/FUL	23 Holbrook Road (Bishopton)	Single storey rear extension to create open plan kitchen/living/dining area.
17	22/00452/FUL	Hartlebury House, The Avenue, Bishopton (Avenue)	Two storey side extension to dwelling to provide garden store and en-suite.
18	22/00584/FUL	22 New Street, Tiddington (Tiddington)	Proposed two storey front and rear extension and single storey rear extension.
19	22/00597/FUL	83 Tiddington Road (Tiddington)	Two storey side extension, new rear dormers, demolition of existing garage and new single storey swimming pool.
20	22/00611/FUL	80 Tiddington Road (Tiddington)	Erection of 1No. self-build dwelling.
21	22/00633/FUL	14 Campbell Close (Hathaway)	Single storey rear/side extension.
22	22/00614/LDE	22 Hamilton Road, Tiddington (Tiddington)	Lawful Development Certificate (existing) required for single story extension to rear of original property. Extension built within

			constraints of permitted development rights and building regulations obtained.
23	22/00608/TREE	66 Tiddington Road (Tiddington)	T1 – Lime – Reduce by approx. 3 metres from 15 metres as per annotated pic 1. T2 – Conifer – Reduce by approx. 3 – 4 metres from 12 metres as per annotated pic.
24	22/00676/FUL	175 Banbury Road (Bridgetown)	Proposed internal layout alterations incorporating small extension of ground floor footprint to the rear and additional first floor bedroom extension to the rear.
25	22/00600/FUL	28 Brookvale Road (Guildhall)	Single storey rear extension to form enlarged kitchen/dining room, to replace existing conservatory, utility and wc.
26	22/00680/DDT	5 Thomas Bland Road, Bishopton (Avenue)	T1 – Lime – Fell. (Following detailed assessment, tree found to have extensive basal and stem decay. Replacement tree planting required).
27	22/00033/FUL	Unit 26B, Bell Court (Guildhall)	External air conditioning plant. 3no. outdoor air conditioning condenser units at high level fixed and sat securely to existing brick wall.
28a	21/04087/FUL	4 Guild Street (Welcombe)	Proposed conversion of outbuilding to ancillary accommodation.
28b	21/04088/LBC	4 Guild Street (Welcombe)	Proposed conversion of outbuilding to ancillary accommodation.
29	22/00063/FUL	Land South of The A46 West of The Proposed Western Relief Road, Alcester Road (Hathaway)	Full planning application for the creation of a nature reserve including associated earthworks, drainage, and landscaping.
30	22/00701/FUL	9 Avon Crescent (Tiddington)	Alterations and extensions to existing detached dwelling.
31	22/00640/FUL	Hylands House, Warwick Road (Welcombe)	Proposed second floor extension to create 4no bedrooms, all with en-suites.

32	22/00683/FUL	8 St Martins Close (Guildhall)	Construction of a single storey first floor extension over the existing garage. This space will form a two new bedroom area. The ground floor extension will create a new open plan kitchen, dining and family space.
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1	22/00775/DDT	6 Avenue Road (Welcombe)	T1 – Golden Monterey Cypress – Fell (Large section failed in Storm).
2a	21/03700/FUL	27 Bridge Street (Clopton)	AMENDED – The existing and proposed site plans have been updated to include parking spaces. Please refer to plans zeb1573_PL101_Rev_D – Existing Site and Block Plan and zeb1573_PL102_Rev_D – Proposed Site and Block Plan.
2b	21/03698/FUL	27 Bridge Street (Clopton)	Proposed installation of a flue.
2c	21/03699/LBC	27 Bridge Street (Clopton)	Proposed internal alterations and installation of a flue.
3	22/00749/FUL	14 Jolyffe Park Road (Welcombe)	Construction of a two-storey side extension. At ground floor a new kitchen, wet room and boot room will be created. At first floor, a new master bedroom, with en-suite will be formed. All materials to match the existing property.
4	22/00753/FUL	96 Maidenhead Road (Welcombe)	Proposed single rear extension and internal alterations. Proposed front elevation changes.
5	22/00808/TREE	61 Albany Road (Guildhall)	T1 and T2 – Multi-stemmed common Ash – Fell.
6	22/00701/FUL	9 Avon Crescent (Tiddington)	AMENDED – Amended description.
7	22/00758/TREE	5 Mayfield Avenue (Welcombe)	T1 – Scots Pine – Remove.
8	22/00757/TREE	30 College Lane (Guildhall)	T1 – Silver Birch – Remove 1 branch facing towards the west back to the next growth point approx. 1m in length.

150. Street Trading and Licensing Applications

150a. There were no street trading applications pertinent to the Town Council.

151b. The following licensing applications are pertinent to the Town Council:

Chip Shed Stratford Ltd, 27 Bridge Street – Sale of alcohol on and off the premises only every day from 10am to 10pm. This was noted. There were no comments.

151. Notices of decision

The Chair commented that there had been 28 decisions of which 24 were granted, three refused and one withdrawn.

152. Any Other Business

The proposed renaming of a length of Luddington Road as Luddington Close was noted.

153. Chairman's Verbal Report

The Chairman noted that the District Council had recently granted permission to extend the 'dust bowl' on Waterside for use by the Market.

154. Requests for Alterations of Recommendation

None were received.

155. To register, when necessary, a representative from the Planning Consultative Committee to virtually attend the Stratford District Council Planning Meeting on Wednesday 30 March 2022 and/or Wednesday 13 April 2022, if required.

It was noted that none of the items on the agenda for 30 March are relevant to Stratford. No agenda for 13 April has been published yet.

156. To appoint substitutes for the next Chairman's Actions on Wednesday 6 April, if required.

Both Cllr Ian Fradgley and Cllr W Dowling (Vice Chair) confirmed that they would be able to attend, and that Cllr Taylor would act as substitute if needed.

The meeting closed at 19.19.

Date of next meeting: Tuesday 12 April 2022 at 6.30pm at the Town Hall.

Signed:

Chairman of Planning Committee