

PLANNING AND LICENSING COMMITTEE
10th June 2020
ADDITIONAL PAGES – CIRCULATED TO MEMBERS

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

ADDITIONAL REPRESENTATIONS ON SCHEDULE ITEMS : Pages 1 – 5		
Item:	Ref No:	Content:
01	18/02520/FUL <i>(Land South Of Wick House East End Fairford)</i>	<p>GENERAL COMMENT FROM OCCUPIER OF WICK HOUSE:</p> <p>“1. On 6 Dec 2018, I commented that there was a lack of clarity on the plans regarding the distance from the boundary fence with Wick House to the nearest proposed dwelling. This has resulted in misleading information. I am disappointed that this has not yet been clarified as the gable of the house nearest the boundary fence will have a very major visual impact on the amenity of Wick House. Therefore, it is vital there is no ambiguity if permission is granted, as to exactly where the end gable wall is built.</p> <p>2. The section views from Wick House, and the Site Plan detailing the trees and vegetation in Wick House back garden are now out of date (pre May 2018 survey). Unfortunately, due to drought and honey fungus a number of trees in Wick House back garden have died and have had to be removed. Another tree on the applicant's land is dying.</p> <p>The site plan clearly shows 3 circles representing trees and bushes on the boundary between Wick House and the proposed development (currently incorrectly shown as on Wick House land). Only the east circle is a tree (a magnificent Red Norway Maple), the other two are bushes.</p> <p>These changes, due to natural causes, mean that due to its proximity to the boundary, the gable of the development will be in full view from Wick House, contra to what has previously been implied in the correspondence regarding the vegetation screening the development.</p> <p>Two further points I would now like to make:</p> <p>1. In the RRA Heritage statement, in 4.4 Effect of Development, Boundary wall, it states "The wall is unlisted and currently requires a conservation approach, including general repointing, lifting/resetting of coping stones, and some minor repairs". "Currently, parts of the wall are making a minor detrimental impact on the conservation area which will be mitigated and resolved should the application gain approval".</p> <p>If approved, I would hope that the wall repairs are a condition of planning approval and cover the entire length of the wall, including the section adjacent to the developer-owned access track at the edge of the Conservation Zone. As this is a party wall, I would undertake any repairs on our side of this Non-designated Heritage Asset.</p> <p>2. Our low outbuilding at the 90 degree turn in the access track (and our boundary) is also a Non-designated Heritage Asset.</p> <p>I am concerned that it has not yet been demonstrated that construction lorries can safely navigate the corner without hitting the building.</p>

	<p>Furthermore, we are concerned that water run-off and the weight of the lorries and their vibrations could cause damage to the walls / foundations of the building. Please note, the internal floor level is over 0.6m lower than the track, so retainment is reduced.”</p> <p>ADDITIONAL COMMENT FROM FAIRFORD TOWN COUNCIL:</p> <p>“Fairford Town Council Planning Committee has noted your proposal for a planning condition regarding the surface water drainage from the site. However, we are concerned:</p> <p>(1) that the nature and location of the drainage works to be carried out are unclear (or ambiguous) from the applicant's Surface Water Drainage Strategy and other documents provided (Drawing 4953-DR01 appears to show the drainage pipe going away in a completely different direction from that described);</p> <p>(2) as to how such a condition regarding keeping clear a surface water pipe (via Lygon Court and discharging somewhere (of unclear ownership) into the Brook Court) can be enforceable on the owners of the site now or in the future;</p> <p>(3) that the wording of the proposed condition is a requirement on the applicant for the drainage scheme rather than preventing development without this, so that it may be interpreted as unenforceable if development has been started before this being signed off (a situation that we have experienced before) - We would prefer to see this worded as "No development shall take place until ..." (with the usual restriction against occupation before the approved works are completed)</p> <p>(4) that the rights referred to in the Schedule of the Deed of Easement only appear to relate to the supply of water or running water and not drainage from the site;</p> <p>(5) that the identity of the Grantee in the draft Deed of Easement and the Developer in the draft Licence to Carry Out Works and the legal status of the 'Developer'(s) in the draft Option Agreement (deceased?) and the draft Licence to Carry Out Works and the Grantee in the draft Deed of Easement are unclear;</p> <p>(6) that the rights and obligations under the Option Agreement, Deed of Easement and Licence to carry out Works are unenforceable by third parties who may be affected (Third Party Rights are expressly excluded), and may be unenforceable in the event that the Option is not exercised within the Option Period, or the Works are not started within 6 months of the date of the Licence, or any of the other conditions are not met, or the developer and/or the company owning Lygon Court fails (a situation we have experienced on other developments in the past), so that the planning condition may become unenforceable.</p> <p>(5) and (6) are legal issues on which we think the Planning Committee needs to be advised.”</p> <p>EMAIL FROM AGENT'S SOLICITOR TO AGENT IN RESPONSE TO POINTS 5 AND 6 OF FAIRFORD TOWN COUNCIL COMMENT ABOVE:</p> <p>“I am instructed by the owners of the land adjoining Wick House in Fairford, Julian and David George and their respective wives. Mr Julian George has provided me with a copy of the email from Hannah Rose dated 4 June and has asked me to deal with the query concerning</p>
--	---

		<p>the right of drainage. I have copied in the other parties to that email chain for ease.</p> <p>I appreciate that the original documents supplied were drafts only. There were a number of amendments to those documents before the final versions were agreed upon and subsequently completed. I attach for reference a copy of the completed option agreement with agreed deed of easement attached at Annexure 3.</p> <p>The query is whether or not the right for drainage is to or from the subject property. You will note from paragraph 1.2 of Schedule 1 to the Deed of Easement that the right granted states, “the right to free and uninterrupted passage and running of water from the Grantee’s Property...through the Pipes that...at any time may be laid in the Easement Strip for the use and enjoyment of the Grantee’s Property”</p> <p>The Grantee’s Property is the subject property. The Pipes are defined as, “the drainage pipes to be laid in the Easement Strip that shall exclusively serve the Grantee’s Property”. The Easement Strip is the area coloured red on Plan 1 to the Deed. I do hope that this clarifies the position”.</p> <p>CASE OFFICER NOTES IN RESPONSE TO ADDITIONAL COMMENTS:</p> <p>i) There is no discrepancy in the positioning of the dwellings in relation to the northern boundary of the site. The strip of land to the left of the existing tennis courts is located outside of the application site boundary, as shown on the site location plan no. 2596 P[0] 001 A and proposed block plan no. 2596 P(1) 002D.</p> <p>ii) The claim that the trees are no longer present is acknowledged and is considered not to change Officers’ view with regard to amenity.</p> <p>iii) It is recommended that a condition is imposed to agree a method statement for the structural works to the boundary wall including repair, opening and remediation prior to any works to the wall being commenced. This was added as condition 21 after the Committee Schedule was published.</p> <p>iv) It should be noted that a number of conditions relating to materials and conservation referenced incorrect legislation in their reasons. These references have been removed/corrected but the condition wording has not been altered.</p> <p>v) It is recommended that a condition is imposed to agree a construction method statement or plan prior to the commencement of any works on site which would include details and arrangements of turning vehicles and locations for loading and unloading vehicles.</p> <p>vi) The submitted Surface Water Drainage Strategy outlines the strategy. However, a condition would also be imposed to seek a more detailed strategy prior to the commencement of works.</p> <p>vii) Legal agreements Fairford Town Council are referring to are the draft formats. The completed legal agreements are now available to view on the website which have slightly different wording. The Solicitors’ comments on the agreements still stand.</p>
--	--	---

02	<p>19/03585/FUL</p> <p><i>(Sheafhouse Farm Draycott Road Blockley)</i></p>	<p>ADDITIONAL REPRESENTATION RECEIVED (OBJECTION LETTER CO-SIGNED BY 8 NEIGHBOURS:</p> <p>We are mindful that Cotswold Planning Authority received many objections to the above application. We are eight objectors who have recently met to discuss this proposal. We write to express our considered views, which we ask that you take into account in your deliberations on this matter when this application is taken back to committee on the 10th June 2020.</p> <p>The argument in favour of this application on the grounds of farm and rural diversification and the support this might give to the sustainability of an agricultural business, is a strong one. This coupled with the aim of supporting local employment and the wider rural economy are equally strong arguments for approval. These arguments are outlined in Brodie Planning Associates letter dated the 9th March. We also cannot ignore the level of support this application has had from Freestyle 360's client base, both local and from further afield.</p> <p>Brodie Planning Associates letter on behalf of the applicant, does however acknowledge that the NPPF, in support of the growth of sustainable rural economy, requires any proposed development to "respect the character of the countryside". It is this that lies at the heart of our objections.</p> <p>As acknowledged in the draft 11th March committee minutes, 19 out of the 23 objections received by the council at that time, focused on noise generated by Sheafhouse Farm's Freestyle 360 business as a reason for objection. We do not believe that the level of disturbance caused by this business can be considered to "respect the character of the countryside" in this rural setting. In addition, noise or disturbance to local residents is not considered in Brodie Planning Associates letter. Consequently, their concluding assertion that their letter "has adequately addressed for Members the concerns raised by Counsellor Jepson and neighbouring residents" is simply not true.</p> <p>Considerable noise and local disturbance is generated by this business. Noise not only emanates from Freestyle 360 premises, subject of Planning Approvals 14/00744/FUL and 14/00731/OPANOT, but also significantly, from gym activities on adjacent land including the field surrounding Sheafhouse Farm to the east and south, part of which is subject to this current application. Externally generated sounds from this area are known to reverberate around the locality, possibly due to the valley topography. This enhances the nuisance still further.</p> <p>Freestyle 360 business activities have expanded since the approvals of 2014 and have extended to very significant outside gym facilities and activity, not detailed in the previous planning applications. Expansions over the last three to four years have included outside gym facilities close to the consented fitness studio and has during this time included an extensive obstacle course and "mud run" on the field to the east and south. This has been advertised to include over fifty individual obstacles, including many large fixed structures and to cater for stag and hen parties, kids' parties, corporate events, school outings and the like.</p> <p>Frequently these activities were accompanied by external public address systems providing motivational encouragement to clients, further exacerbated by sizeable events where external amplified recorded or live music entertainment was provided.</p>
----	---	---

	<p>None of these activities were described in the previous applications, nor could their impact have been considered by the council when granting the previous consent.</p> <p>Our fear is that this current application will intensify the disturbance caused and increase the frequency of parties and other noise generating events. We believe this is a clear breach of Planning Policy EN15, which includes provision for the control of disturbance due to noise.</p> <p>We have given great consideration to the arguments in favour of this application and on balance would sympathise with many of the reasons given for approval, including those made in the planning officer's initial recommendation in respect to Policy EC3 and EC11. We do however maintain our objection for the reasons stated above, which could be summarised by saying that the considerable noise disturbance is not in keeping with this location and does not show "respect to the character of the countryside" as required by NPPF. The proposal is therefore in breach of Policies EN15 and EN5.</p> <p>We have a proposal, which if acceptable to the Council would mitigate some part of the objection we have to this application. We would ask, if the council is minded to approve, that a condition be imposed to control noise generated by this application.</p> <p>We appreciate that the previous committee considered the addition of noise conditions to a possible consent and we also note that the Council Environmental Health Officer, Mr Richard Downham BSc MCIEH MIOA, has already commented on possible conditions in his consultation response dated 18th March. He proposed three conditions and suggested that all could be applied to this application.</p> <p>We would request that all of his suggested conditions are applied to any consent and ask that the conditions be amended to include any public address systems to cover the issue of client motivational coaching.</p> <ul style="list-style-type: none"> • There shall be no external amplified public address, music or entertainment on site. • There shall be no amplified public address, music or entertainment on the site that may or may not require a licence from the Local Authority. • No sound from a speaker, radio or similar device, originating within a hut, shall be audible at the boundary of the site. <p>I hope you agree that this constitutes a reasonable compromise and that our suggestion should reasonably satisfy both applicant and local objectors.</p>
--	--