

CS.0691/11

CHARTERED TOWN PLANNING CONSULTANTS

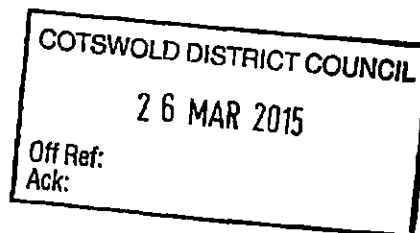
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Our Ref: PJF/nss/PF/9392
(Please reply to Banbury office)

Peter.frampton@framptons-planning.com

26th March 2015

Mr K Field
Planning and Development Manager
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX



Dear Mr Field

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE APPLICATION FOR THE ERECTION OF A BARN, STABLES AND
STORE (ALL MATTERS RESERVED EXCEPT LAYOUT AND SCALE) AT GLEBE
FARM, SAINTBURY
PLANNING APPLICATION REF: 14/00602/OUT**

I write on behalf of Mr and Mrs J Rutherford, owners and occupiers of The Old Rectory, Saintbury in respect of the above application. My Clients OBJECT to the granting of ~~the~~ planning permission for the reasons set out below, and as supported by the specialist statements prepared by Mr Andrew Brown, Woodhall Planning, heritage consultant and Mr Simon Tucker, DTA, transportation consultant (**ENCLOSURES 1 AND 2**).

As you will acknowledge this application is returned to your Authority for determination following the Judicial Review of the decision taken on the 19th January 2015. The Council, recognising that the Decision could not be substantiated with robust planning argument, consented to Judgement in response to the Pre-action Protocol Letter on the 26th February 2015.

The fact that you considered planning permission should be granted is to be set aside in the reconsideration of the merits of this application. When a proper consideration is given to the merits of the application in the context of the provisions of national and local planning policy, I believe that the overall public interest lies firmly in the refusal of planning permission.

The relevance of the planning history

The planning history of these premises is a material consideration. In the grant of planning permission 06/00702/FUL (**ENCLOSURE 3**) for the:

'change of agricultural farm to private equestrian use, conversion of cartshed for grooms accommodation, erection of a stable block, cart port and horsewalker, creation of manège and retention of hardstanding'

Condition 11 specifically limited the activities to be undertaken at Glebe Farm, stating:

'The manège, stables and horsewalker hereby approved shall be for private use only in connection with the equestrian use at The Glebe Farm, Saintbury.'

The reason for imposing this condition is of particular importance, stating:

'It is essential (emphasis added) to restrict the use, because the site is in an unsustainable location. This condition is imposed in the light of Policy 19 of the Cotswold District Local Plan, PPS7 and PPG13.'

The Local Plan remains the statutory development plan. PPS7 and PPG13 have been replaced by the Framework. The Framework emphasises that 'sustainable development should be seen as a golden thread running through both plan-making and decision-taking' (paragraph 14). As such, the underlying basis for the imposition of Condition 11 on planning permission 06/00702/FUL remains as applicable today as a land use planning imperative as it did in 2006.

The Applicant Mrs Phillips purchased Glebe Farm with the benefit of the 2006 planning permission. The details of the farm as sold are enclosed as **ENCLOSURE 4**. The details accurately describe the farm as then existing. The Applicant now seeks to disregard the limitation imposed by Condition 11 and pursue planning permission for a development that is fundamentally seeking to establish a substantial commercial enterprise in an unsustainable location. The land at Glebe Farm extends in total to some 15 acres. Guidance issued by The British Horse Society (**ENCLOSURE 5**) for the provision of pasture and grazing for horses advises that:

'average pasture will maintain approximately two horses per hectare as permanent grazing (1 – 1.5 acres per individual provided that good pasture management is employed).'


If an average of 1.25 acres per horse is applied, a ('private use') of the permitted facilities might serve up to 12 horses managed at Glebe Farm. The Applicant first submitted a planning application under the reference 14/00600/FUL in February 2014 for the 'extension and improvement of existing stud farm (Phase 1)'. This description of development was clearly

misleading and erroneous. This application was subsequently withdrawn. The Agent's correspondence dated 4th September 2014 submitted with the current application is more transparent as to the intentions of the Applicant, stating:

'Mrs Phillips purchased the farm to operate her long established equestrian business, breeding international dressage horses, which was previously operated from another location within the Cotswolds. Currently Mrs Phillips' stock consists of 32 horses of varying ages.'

The fact that the Applicant purchased Glebe Farm which has sufficient land for the management of 12 horses, and planning permission for equestrian use for 'private use' (Condition 11) is of her making. The planning system does not exist to necessarily meet an Applicant's aspirations for more intensive development or to remedy an individual's error in purchasing a property that is not suitable for a particular enterprise.

The flawed decision issued in January 2015 contained a condition (Condition 7) which stated:

 *'The buildings hereby permitted shall be used for private purposes use only in connection with the equestrian use at The Glebe Farm, Saintbury.'*

No definition was provided for the term 'private use'. However it seems to me that the substance of the condition to regulate the scale of activities was wholly inconsistent with the underlying intent of the Applicant to operate a 'long established equestrian business'.

The Council has already seen the serious concerns raised by Counsel as to the effectiveness of the condition which the Council sought to impose, as set out in the pre-action letter and the Judicial Review challenge. To date the Council has failed to provide any meaningful response to the Judicial Review challenge.

This scale of commercial equestrian business will give rise to increases in traffic - cars, OGV and HGV horseboxes – over and beyond the scale of equestrian use approved by the 2006 permission, as explained in the accompanying Transport Statement. The proposal hence is in conflict with Policy 19 of the Local Plan in that it will 'result in development that significantly compromises the principles of sustainable development' (Policy 19(e)). I address the other criteria attached to Policy 19 below.

Impact of Equestrian Related Development

The Notes for Guidance contained with the Local Plan accompanying Policy 31 refer, properly to 'siting, design and landscape'. The text reads:

'Buildings involved in some equestrian enterprises can be very large and out of keeping with the domestic scale of Cotswold villages. Particular attention must

be paid to ground levels and the relationship of the building to the shape and slope of the site and the surroundings, together with the elevations, roof shape, materials and colour of the proposed buildings.'

This requirement for 'particular attention' cannot properly be discharged with an outline planning application as submitted. The building is clearly of substantial size and cannot sensibly be argued as being of domestic scale.

It is noted that in response to Q18 on the application form, the Applicant claims that the 'existing gross internal floorspace' is 2328 sq metres. This is clearly wrong. The submitted sketch plans show a building 72m x 26m (1872sqm) with a second building 24m x 9m (216sqm). There is a substantial discrepancy between the development for which planning permission is sought in the application form and the submitted drawings. Presently, 'particular attention' has not been paid to 'scale'. Notwithstanding the very sensitive location for this building within the Cotswold AONB, no attention has been paid to landscaping.

Indeed for reasons that are more particularly set out in the accompanying statement prepared by Woodhall Planning, the provision of landscaping would be no more than 'putting lipstick on a pig' – a futile attempt to disguise the true nature of this incongruous built form adjoining the Saintbury Conservation Area, and impacting upon the setting of nearby listed buildings. Reference to the photograph on the front page of the Sales Brochure conveys a good reference to the scale of the proposed building. The width of the proposed building is wider than the length of the house and several metres taller. The proposed building would consume most of the lower field that is viewed in the photograph on page 2 of the sales details, and at 10m in height would overwhelm all the existing vegetation and hedgerows. The proposed building would be of a brutal scale in the context of this landscape setting. The proposed building is of a massive size in the context of equestrian activities and is capable of major events being held far beyond any concept of a private use which is the level of activity considered appropriate by your Authority in this unsustainable location. I enclose details (**ENCLOSURE 6**) taken from a draft website for the Applicant which highlight the full commercial nature of the proposed development. These details clearly are directly related to the proposed location at Saintbury.

Impact upon heritage assets

The accompanying Heritage Assessment considers the impact of the development on Saintbury Conservation Area in which the application site is partly situated, and nearby listed buildings. Woodhall Planning state (para 3.30):

'As a result of the location and very substantial size of the larger of the proposed buildings, it is considered that the proposed development would cause harm to the setting of the Saintbury Conservation Area and would harm its significance.'

In relation to the distinctions in the Framework (see 1.11 above), it is considered that this would be 'less than substantial harm'.

This harm needs to be considered in relation to the underlying purpose of Policy 15 of the Local Plan, and paragraph 134 of the Framework. The Framework requires any harm to be justified by the public benefit of the proposed development. The equestrian related development that has been approved at Glebe Farm has been permitted for 'private use' only because of the unsustainable location for a more intensive and commercial equestrian enterprise. Properly limiting the scale of activities to a private, non commercial use conveys no public benefits to be placed in a balance with the harm to the Conservation Area.

The Heritage Assessment further establishes that harm would be caused to the setting of a number of listed buildings – particularly to the setting of the Church of St Nicholas and other listed buildings namely Glebe House, Middle Hill Farmhouse, Stable and Pond, Orchard Cottage, The Cottage and Saintbury Cross Farmhouse. Recent Judicial authority has explained the approach to decision-taking in applying the special statutory duty that is provided by Section 66(1) of the Listed Buildings Act. The Court has stated in the 'Forge Field' case that:

'If there is a need for development of the kind proposed ... but the development would cause harm to heritage assets ... the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives.'

In the context of this case there is no need for the development to take place at this location. The proposal is simply a commercial aspiration of the Applicant which is 'footloose'. Secondly there is no locational need for this operation to be undertaken in this location. The Applicant simply seeks to impose her development aspirations into a location where the LPA has previously determined that it is not a sustainable location.

If, as is believed, the term 'private use' on the 2006 planning permission meant for the enjoyment of the occupiers of Glebe Farm in a private, non-commercial capacity then this proposal vastly exceeds the intensity of the level of usage which has been considered acceptable – and in the requirement for massive built structures.

There are other non-designated heritage assets to which this proposal use impacts upon, namely the ridge and furrow of the pastures. It is understood that this ridge and furrow is being filled in – presumably in recognition that the extent of the pastures is not of sufficient scale to accommodate the required number of horses. It is considered that the engineering operation in the filling in of the ridge and furrow does not benefit from the provisions of permitted development rights as the operations are not reasonably necessary for the purposes of agriculture. These unauthorised works should be investigated by your Authority.

My Clients will be pursuing as a separate matter, further complaints regarding unauthorised building works that have been undertaken by the Applicant without a specific grant of planning permission. The complaint was originally made in January 2015. The response from officers that the works amounted to the refurbishment of existing buildings is not credible, as further evidence will demonstrate. In the context of the highly sensitive environmental location, it is indeed curious why the reporting of unauthorised development has been given such a cursory examination by your officers.

Impact upon public footpaths

I enclose a plan (**ENCLOSURE 7**) that identifies the definite route of the public footpath. The Applicant overtly seeks to deter members of the public from using the route of the public footpath. A 'diverted' permissive path has been created. This planning application requires consideration of the impact of the development from the definitive route of the footpath. The public footpath passes between the courtyard at Glebe Farm. The proposed vehicular access will have a substantial amenity impact for users of this footpath. Furthermore for users of the public footpath network to the south of the site, from where the proposed building will be viewed the vast scale of the building will appear as a dominant and visually intrusive feature in the rural scene. The amenity of users of the public footpaths around the site will be harmed.

It is with dismay that it is noted the Planning Officer's previous report on this application was silent as to the potential impact of this development for the amenity of users of the footpath network within this part of the AONB. Clearly 'particular attention' (Policy 19 supporting text) had not been paid to the impacts of this scale of built form.

Conclusions

This proposal is incongruous in its design, scale and location. The past decision making of Cotswold District Council has been to restrict equestrian related development at Glebe Farm to a level that might reasonably be appropriate for the private use of the occupiers of Glebe Farm – the basis of the 2006 planning permission (Ref: 06/00702/FUL).

The current proposal is overtly intended to relocate a 'long standing equestrian business' (Agent's letter dated 4th September 2014). The size of the holding is not sufficient to manage the 32 horses owned by the Applicant. The increased intensity of the equestrian related activity at Glebe Farm is self evident.

The 'private use' condition on the 2006 permission was imposed because the 'site is in an unsustainable location'. Nothing has changed since 2006 to suggest that this location might now be considered a sustainable location for an intensive equestrian enterprise.

The Local Plan properly requires 'particular attention' to be paid to the 'shape and slope of the site and its surroundings, together with the elevations, roof shape, materials and colour of proposed buildings'. When proper considerations is given to these issues it is submitted that this development is located in the wrong place and will be harmful to the landscape qualities of the AONB and to users of the local footpath network.

Policy 15 requires specific consideration to be given to the impact of development proposals on the Conservation Area. Part of the site lies within the Conservation Area where a special statutory duty is engaged. Whilst the proposed buildings are located outside the Conservation Area boundary it is a material consideration of some substance to consider the impact of the development upon the significance of the Conservation Area as a heritage asset. Once harmed it is unrealistic to envisage that such adverse impact will ever be remedied.

Woodhall Planning as specialist heritage consultants have given careful attention as to the impact of the development upon the setting of the Conservation Area and the setting of the nearby listed buildings. Harm is identified to the setting of the Conservation Area and to the setting of a number of listed buildings. The Framework sets out the approach that should be taken – giving considerable importance and weight to the level of harm that is caused. Paragraph 134 of the Framework requires the harm to be 'weighed against the public benefits of the proposal'.


It is submitted there are no public benefits to outweigh this harm. There is no need for this development in this location. The enterprise could clearly be undertaken in other locations without causing harm to the setting of Saintbury Conservation Area, and setting of listed buildings. Put simply, the Applicant has purchased the wrong property in order to fulfil her development ambitions. The Council's position on the scale of equestrian activities that might be allowed are clearly demonstrated by the imposition of Condition 11 on planning permission 06/00702/FUL. The Applicant seeks to introduce an intensive equestrian enterprise requiring large scale operations into a location that is not sustainable for this scale of activity. The adverse impacts of the associated traffic movements are identified in the accompanying Transport Statement – revealing a significant increase in the amount of daily traffic by OGVs which this development would give rise to.

The planning system does not exist to 'bale out' an Applicant for unwise property purchasing. There are no public benefits to outweigh the harm caused to heritage assets and to the valued surrounding landscape (Framework para 109). The wider public interest is served by a refusal of planning permission.

* My Clients will write further to you in the context of unauthorised building operations that have taken place, and unauthorised engineering operations in the filling in of ridge and furrow. My Clients hold a legitimate expectation that having regard to the environmental sensitivity of this site, that these complaints will be properly investigated. It is believed to be expedient for enforcement action to be undertaken.

If this correspondence requires further clarification on any issue, please advise me.

Yours sincerely

 P J Frampton
(signed in absence to avoid delay)

Encl: Enclosure 1 Woodhall Planning Heritage Assessment
Enclosure 2 DTA Traffic and Access Review
Enclosure 3 Planning permission 06/00702/FUL
Enclosure 4 Sales particulars for Glebe Farm
Enclosure 5 The British Horse Society Guidelines for the Keeping of Horses
Enclosure 6 Draft website details for Mrs Sandy Phillips
Enclosure 7 Definitive Footpath Map
Enclosure 8 CV of Peter J Frampton
Enclosure 9 CV of Andrew Brown
Enclosure 10 CV of Simon Tucker

Cc: Mr and Mrs J Rutherford

CD. 2395/N - Objector's Representations

We are extremely disappointed at the manner in which our comments on the previous case officers report have been trivialised or totally disregarded including important omissions and errors of fact.

It is our properties that are in Flood Zone 3 not the applicants and our homes at the risk of flooding not his. These issues are of substantive importance to existing residents.

This one dwelling will raise considerable and difficult on-going issues of safety and potential disputes over access and refuse collection for the ~~nine objectors~~ ^{existing residents} who own property within LFC.

The report refers to the safety issues solely in the context of access to the highway, ignoring safety to the immediate residents.

Yes there is a legal right of way, across what is effectively our back yard but it was only ever expected to provide access to a back garden not daily vehicular access to a separate property. It is unsuitable and dangerous for it to be used in that way. You have seen from the site visit and the photographs sent to you on Friday, that there is zero visibility for the driver as they emerge through the gates.

You will also have seen how severely restricted the access is not only for every day vehicular access but also for construction vehicles. The right of way does not permit stopping or parking on the driveway, and turning room is extremely limited.

The applicant has told us his intention is to load and offload materials over the wall from Lower Street. If this application had requested access from Lower Street, highways would no doubt have refused it on a safety issue basis.

The restrictive covenant prohibiting any further development on this land is, the Council has told us, "an important material consideration in assessing whether or not planning permission

Each of us had every reason to believe that the deed of covenant would indirectly help to preserve the nature of the local environment, an Area of Outstanding Natural Beauty, in which we, and all our neighbours, live.

Despite the case officer describing the proposed property as being MODEST it is self evidently NOT in the category of affordable housing – its market value is estimated to be in the region of £350,000 - £400,000 and will be built within – not on the very edge of - the fragile environment of the Conservation Zone. Approval would be inconsistent with the Local Plan ~~and~~ will contravene a long history of careful stewardship of this important piece of old farmland both by the Council and by its owners.

This development will do great harm to our surroundings and our enjoyment of the peace, tranquillity – and safety - of our environment.

This application has still made no satisfactory provision for collection of refuse, yet the matter is dismissed on the basis that another solution will be found. There is no other alternative.

The applicant says he intends to build the house over a prolonged period maybe 2 years or more. This will be intolerable for those of us who reside in LFC and it would without doubt destroy the holiday cottage businesses that some of us operate, losing some 170 visitors to the local area – just for one small house benefitting one person and disadvantaging many.

We ask the Members to look beyond the literal application of the regulations, which are so heavily loaded against our interests, to apply their sense and decency and fair play, and not approve this application.

* Time elapsed here

ENDS

CT. 1787/R - Supporter's Comment

McCarthy & Stone, Tetbury Road – Planning Committee

Application No: 14/05222/FUL

9.30am Wednesday 19th August 2015

Good Morning Ladies and Gentlemen.

Thank you for giving me the opportunity to make a contribution to this morning's proceedings.

If I were to take a straw poll of say 50 people in the Market Place and ask them their views on M&S, words like “reputable”, “quality product”, “value for money” and “professional” would no doubt be amongst those given in their replies and many would assume I was talking about a high street retailer of long-standing.

There is however a new kid on the block which has the same initials and it's fair to say that McCarthy & Stone, the other “M&S”, would receive similar plaudits from those who are familiar with their organisation.

It is perhaps unfortunate therefore that no doubt due to restrictions of space, the photograph chosen by the local paper to accompany the report on the last planning meeting afforded a less than realistic view of the proposed development. The larger spread places the construction within the context of its immediate surroundings where it could be argued it fits in rather well and certainly complements the St James' Wealth Management building, to which I believe consent was granted with little issue.

Members are aware of the different approaches to our lovely town and each has a combination of traditional and contemporary construction, irrespective of the purpose for which they are used.

Many will compare this proposal with that at present underway in Tetbury but there the properties virtually abut older residential

dwellings and this is reflected in the traditional style adopted by the developer. This is not the case in Cirencester and especially in view of the quality of materials proposed, I see no reason why this should not settle well into the landscape in the fullness of time.

We are constantly being reminded of the need to provide for the increasing number of older folks in the coming years and certainly McCarthy & Stone would help fulfil these requirements amongst those of us wishing to downsize but remain within familiar surroundings. A site which encompasses ready access to the excellent Cirencester hospital, a first class food retailer in Waitrose and professional home furnishings shop in Laura Ashley as well as all the other retail outlets we are fortunate enough to have here is a god-send to prospective residents.

A final point; I speak from experience concerning the management of such a development. My late mother bought property in a similar set-up in the town some 30 years ago and although she spent many happy years here, the one problem she had to endure was poor overall property management and this proved a constant source of concern. I understand things have now improved but I cannot stress enough the importance of professional management from the outset – McCarthy & Stone are leaders in this respect.

We should therefore give this development every support and encouragement as without change, we would all still be living in caves – traditional or otherwise!

Thank you.

Neil Cuthbert

CD. 33141A - Supporter's Representation

I represent the views of the neighbours and local community who support this planning application. There have been a number of letters in support, none objecting, and the Parish Council has also raised no objection.

In taking on this role, we have examined the details of the application, comparing the house as it has been built to the approved dwelling house. We have also observed the site from every viewpoint and compared the design of the house itself to the local vernacular so that we were sure my representation was a true and fair one.

With regards to size and scale increases, the footprint of the house is very similar to the approved. The house is not visually significantly larger in size and scale from the approved dwelling, since the extra floor space has been achieved within the structure of the building, using the approved attic space and space under the house. The roof is slightly higher and the lower gables are not as low as approved, but are still submissive to the highest ridge line. Visually there is little difference between this house and the approved.

With regards to the impact on the AONB, this is negligible from Charingworth Road, since the majority of the house is obscured from view by existing buildings and high hedges and trees. The house cannot be seen from nearby Ebrington.

To the North East along the little used single track gated road, Orchard Rise can be seen nestling under the hill, through the only area of farmland which has no hedgerow. At present, only the first floor and the roof can be seen clearly through the gaps in the new trees. These newly planted trees sit on a long raised bank and already almost reach the top of the first floor windows. With maturity, this planting would obscure the view of this elevation of the house. The dormer windows are painted to blend with the reclaimed stone roof, and already fuse with the backdrop of mature trees behind the house.

Orchard Rise is beautifully crafted from local stone and reclaimed materials. The design is similar to other properties in the immediate area. The house and its dry-stone walls, blend with the local vernacular and as the stone mellows and the landscaping matures will provide a valuable architectural legacy to the area.

The house that has been built and the approved dwelling are so similar visually in terms of scale and design that there is local concern about why the planning officer is seeking to both turn down the application and to demolish the house entirely. This is a house built by a local family and this would be considered as a serious over-reaction to what are viewed by the local people to be minor transgressions.

Finally, we would like to point out that most of the extra space, which has been created during the building of this house, would have been acceptable to the planning office once the applicants had moved into the property.

We obtained permission for a substantial house in Charingworth in 2012. The officer describes this as a 'modest, 3 bedroom cottage'. However, the house was 23m long by 5.5m wide, on 2-storeys with ample capacity in the roof space to create further bedrooms. We therefore don't feel this is a fair description of the approved dwelling.

During the build we decided to convert the attic, because we understood that permission would not be required once we moved in. The void under the house, due to the sloping nature of the site, has been utilised to house our biomass and other plant equipment.

The eaves heights were also altered, but the overall height of the house, including the chimneys, is actually 9 inches lower than the permitted house, with the highest ridge height being only 1 foot 11 inches higher than permitted. There is some confusion over the heights in question, which we believe have been miscalculated to our detriment.

The extra floor space has been gained entirely within and below the house. The footprint is almost identical as permitted.

The visual mass of the house is actually only nineteen point nine per cent larger than the authorized house. The officer describes this as being far greater than approved, but this is an unfair conclusion - compared to permitted development right allowances for instance this increase is actually minimal.

Now we are living in Orchard Rise and allowed to convert the attic without permission, the extra floor space we have gained would not seem relevant. Further, the rigid implementation of a planning policy to protect the supply of affordable small to medium sized dwellings, is not really applicable in this case, given the site size and number and scale of ancillary buildings. The fact that such a large house and buildings were permitted in 2012 would seem to endorse this.

The officer has based his concern regarding the AONB solely on the view from the north-east boundary. We have comprehensive

landscaping in progress, which we hoped the committee would view from this viewpoint when they visited the site. We purchased mature trees and some interim simulated planting to illustrate how the landscaping would look given the benefit of a few years maturity. Unfortunately, the committee did not view the house from this viewpoint, which is of concern given this is a crucial part of the officer's recommendations.

We realize now that we made a terrible decision when we decided to go ahead with the attic conversion before taking residence. We simply did not envisage that this would be considered so seriously, given once we were in residence it would not require permission.

Although there are some height differences, the mass of the house is only slightly different from the authorized house. In fact the planning officers had not noticed any variations until they were brought to his attention. The increase in floor space is entirely due to the utilisation of space in the attic and basement.

The local view is that we have built a well-crafted house, with traditional materials in the Cotswold vernacular, which has enhanced the area. We've received a gratifying amount of support from our neighbours, some of whom have written in support of our application. There have been no objections to this application and the Parish Council has also not objected. Even the person who originally informed about the transgressions, has not objected.

We are very, very sorry we misread the situation so disastrously when making these decisions.

We have lived in the village for 22 years and are not building this house for profit, but to live in with our family. We have poured all our resources into this project and would implore you not to turn down our application or to recommend the demolition of our home.

CD.3048/D - Parish Council Representations

BOURTON-ON-THE-WATER PARISH COUNCIL

The George Moore Community Centre
Moore Road
Bourton on the Water
Glos GL54 2AZ

e-mail:

CDC Planning (Reg) Meeting 19th August 2015

Ref: 15/02202/FUL The Old Police House, Moore Rd, Bourton on the Water

The site was originally the policing point for Bourton on the Water but since the Police now operate from a Police Point inside the George Moore Community Centre just a few metres away, the semi-detached "house" has no further use by the police. It is not a large site and most of the rear garden has been converted to garaging and parking for the former police vehicles.

We, as a council, were pleased to see that it was sold with the object of conversion to residential accommodation again. However the scheme put before us is over-ambitious and is creating a much overcrowded site with what appear to be a mixture of two residential and two holiday lets. This mix of accommodation does not sit well together in a very crowded site where the likely exuberance of holiday clients will constantly disturb the permanent residents' quiet enjoyment of their accommodation.

Take first the houses at the front: their rooms are very small, and in order to squeeze in a three and four bed conversion, the building line at the front has been extended well past the existing line. We feel that a two and three bed unit would be far more suitable and in keeping with the plot dimensions.

The holiday lets created at the rear comprise two bed units and accommodation has been maximised at the expense of comfortable living space. Sadly this village needs one and two bed accommodation for its young people who are finding it difficult to buy or rent, and are having to move away from the village. We would like to see this site as residential accommodation only.

The parking scheme is a nightmare where eight cars are attempting to park and turn in a very confined space so that they can exit the site in a forward direction. Whatever clever schemes are drawn, they will not work in practice and cars will inevitably reverse onto a very busy thoroughfare, Moore Road.

This scheme is well over-ambitious and needs a re-think. We would like to see two and three bed accommodation at the front and a two bed unit at the back for residential use. With parking spaces (including garage space) for six cars maximum, and a little more generous garden space for three units.

I would urge councillors to reject this scheme for a re- think.

Bryan Sumner, Chairman of Bourton on the Water Parish Council

Ref no 15/01048

This is further to the Parish Council's **letter of objection** dated 7.8.15

We are concerned with the impact of additional volume of goods vehicles will have in this rural area

1. Access lanes

DOWERS LANE

The wider parts of Dowers lane are about 4.6m with some stretches no more than 4m

Passing goods lorries with a combined mean width of 5m have to mount the verge. Articulated 16.5m long lorries 2.55m wide completely block the road.

Due to the topography lorry drivers cannot see beyond about 200m that a lane is clear of other large vehicles before entering.

The Welshway has similar restrictions plus the dangerous blind crossing of Cutham Lane and the difficult junction with the A435.

2. Traffic

The Highways authority count in 2009 recorded an average of over 1100 vehicles per day passing this site. Obviously now higher.

The proposed industrial site trebling the size of Lyncroft will inevitably attract 3 times the daily number of goods vehicles.

The original application has since been amended to accommodate the huge 16.5m long articulated lorries

The workforce clocking on at 8am together with early scheduled goods vehicles would all be using the access lanes at the peak

rush hour periods coinciding with commuters using the A435 - A417 rat run for Swindon M4 and Gloucester M5 and with school runs. The lanes are popular to avoid congestion in Cirencester

3.Safety

The access lanes are used by country folk, horse riders, cyclists,, hiking parties, and pedestrians. There is no footpath along the entire length and few spaces to step away from traffic. These together with the volume of traffic, where there is no speed restriction, already present extremely dangerous situations.

4.Environment

Dowers lane is a typical Cotswold lane, lined by dry stone walls. Verges have been be eroded and heaved up against the walls which gradually topple. Additional heavy traffic will accelerate and eventually ruin these Cotswold features

The proposed site is in an elevated rural position. Noise, lights and traffic fumes from the associated activities would be a very intrusive nuisance to houses alongside the site access and to Bagendon village

A visit to appreciate the traffic problems, and environmental damage that would result from this change of use proposal, is earnestly requested.

Hugh Purkess 18.8.2015
Bagendon Parish Council

CT. 1479/2

- Objector's Representation

1. Guidance to LPAs that in addition to normal considerations any proposed development should take into account "Impact on occupiers of adjacent properties [7.34], suitability of access to site and impact on residential amenity [7.31]. At no stage has anyone from the PA or the developer approached us regarding this application or the proposed equestrian facility.
2. The site size at Lyndcroft is adequate for purpose and I gather not fully utilised. The entrance to that site does not have a private house and therefore no disturbance to residents. Our house is only 8feet away from the entrance to BDFarm and the proposed traffic of lorries [up to 15.5metres long], vans and cars which could be a considerable number will have detrimental affect with vibration, noise and loss of privacy. The application to increase the access lane width to allow vehicles to pass will further increase the problem.
3. We are having to sell our house and already the property value is affected and possible buyers have withdrawn their interest because of the possible impact of this development.
4. If the Council feel that the development should proceed I contend that a new entrance to the site could be provided down Welsh Way 100/150 yards east of the current lane on land owned by the developer. This is a straight stretch of road which would be safer and would relieve pressure on the corner site and create less disturbance to nearby properties. Approval should also be conditional on the purchase of this property or adequate compensation.
5. Apparently the Highway Authority do not raise any objection to the additional traffic on the 435/417 link road. We have been in this house for 11years and have seen a steady increase in the volume and speed of traffic. Further traffic from this development will make the road chaotic and dangerous. At the present time when vehicles pass there is barely enough room for 2 cars, if a large van or lorry pass one vehicle has to stop pull onto the verge or the entrance to a nearby property. The verges are being damaged and boundary walls are at risk.
6. If the workshops are approved they would be "Use Class B1[c]. one assumes there would be restrictions on the type of business using the units, hours of use, noise, pollution etc. Who will monitor the site use to avoid abuse? I would recommend extreme caution as Formal Holdings have a record of not always fully complying with regulations. Such as [a] a single storey equestrian office which turned into a large Cotswold house, [b] horse boxes on a small site facing onto the A435 which turned into stables with access, subsequently part dismantled and [c] a building erected on Peewits House land without planning permission and which resulted in an expensive formal Inquiry.

* Time elapsed here RP Hall

PLANNING APPLICATION 15/01048/FUL

REDEVELOPMENT AND CONVERSION OF FORMER PIG FARM BUILDINGS TO PROVIDE 4 NO LIGHT INDUSTRIAL WORKSHOPS (USE CLASS B1 (C)) AND ANCILLARY STORAGE WITH ASSOCIATED CAR PARKING AND ACCESS

BAGENDON DOWNS FARM, WELSH WAY, PERROTT'S BROOK.

SUMMARY STATEMENT ON BEHALF OF THE APPLICANT

**Prepared by: Glenn Godwin, Dip TP, MRTPI
Pegasus Planning Group**

This application follows extensive detailed discussions with your officers. The application is intrinsically linked to the next application on the agenda (15/01407) for re-development of Lyncroft Farm Workshops (some 500m away) for 2 No. new dwelling houses.

Bagendon Downs Farm was previously operated as an intensive pig rearing farm. Planning Permission was subsequently granted in 2011 for its re-development to provide an equestrian centre, including indoor riding arena, ménage, stables and office building. The development has commenced by the erection of the office building and is therefore the permission is extant.

It is now proposed to part re-develop the site and convert some existing buildings to provide accommodation for rural workshops and replacement premises for existing businesses at Lyncroft Farm. The office building would provide administrative and financial support to the businesses, including low rent start up schemes.

There are currently 4 local businesses operating from within 2 buildings at Lyncroft Farm, which are converted chicken sheds of very basic construction. Details have been provided by the Property Agents as to how the buildings are no longer fit for purpose (see attached). Bagendon Farm provide the opportunity to provide improved premises in the same locality.

The proposals accord with the NPPF, Local Plan and emerging policies which encourage the growth of rural businesses and to sustain the resilience of the local economy.

The Local Plan considers it important to have a choice of Employment Sites, in order to:

- Allow flexibility in the market
- Provide a continuing supply of job creating opportunities
- Ensure a geographic spread of businesses (para 3.5.3).

The application site is ideal to meet these objectives without offending other policies. The scale, range and agricultural style of the buildings is similar to the approved equestrian use and would be similarly screened from views.

Whilst concerns have been expressed over intensification of traffic, this has been fully assessed by comparing the combined traffic generation of the 2 applications, including reduced traffic from Lyncroft Farm, with the established and permitted uses at both sites. The technical reports have demonstrated to the satisfaction of the Highways



Authority that the traffic flow across the two sites would not be materially different. Access to the site and visibility splays have been confirmed as technically satisfactory.

It is agreed with officers that a S106 Agreement could ensure that the Lyncroft Workshops are not re-developed until the replacement workshops are available ~~within the same timeframe.~~

We respectfully submit that the officer recommendation is entirely justified by policy and the circumstances of these sites.