

PLANNING AND LICENSING COMMITTEE

10th February 2016

ADDITIONAL PAGES

ADDITIONAL PAGES - CIRCULATED TO MEMBERS BY POST

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

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PLANNING AND LICENSING COMMITTEE

10th February 2016

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
02	15/01700/FUL CT.3955/W	<p>Comments from the Centuria and Corinium Via Residents Association – Please see attached dated 2nd February 2016.</p> <p>Third Party comment dated 1 February 2016 objecting to the application on the grounds of -</p> <p>Impact upon the visual amenity and character of the area Impact upon parking The development would encroach upon public space</p> <p>Third Party comment received 3 February 2016 offering the following comments -</p> <p>The proposed block plan does not include the visibility splay requested by the Highways Officer The report does not clearly explain what is being proposed, which is "the outbuild extension is in fact nearly a doubling of the existing 2 metre high wall".</p> <p>Two further third party comments received -</p> <p>1. The proposal has been difficult to measure without accurate scaling and impossible to envisage without an artists (or computer) diagram of the proposed change. Can these be provided? With the potential submission change, the reviews of earlier diagrams, the scaling issues and lack of artists impression, all required, I suggest that the application be postponed until the above documents are finalised and available.</p> <p>2. I feel this would be out of keeping on the development and would affect the aesthetics of the estate. I believe it would look rather odd and out of place.</p> <p>Photographs provided by Third Party – Please see attached.</p>

06	15/04432/FUL CT.7047/Q	<p>Additional comments from the Parish Council which are referred to in the other comments attached as an appendix – Please see attached dated 17th August 2015.</p> <p>‘Per our conversation just now, I noted that, amongst the Planning Committee documents published on-line in readiness for the above application to be heard, the Parish Council's submission against the earlier application 15/02733/FUL, has been omitted. This is referred to in the PC's responses to 15/04432/FUL (Paragraph 2 on the page numbered 70 and also on page 72 of the on-line Planning Committee documentation relevant to this case) and a copy was submitted with the initial response, highlighted in yellow to indicate those key points which we consider pertinent to the current application.</p> <p>As promised, I attach herewith a further copy for ease of reference.</p> <p>Please would you ensure that Planning Committee members have the opportunity to review this document along with the other documentation which they have’.</p> <p>Additional representation signed by 5 residents of Sandy Lane, Charlton Kings has been received, making the following comments -</p> <ul style="list-style-type: none"> - The site is an AONB and unsuitable for the establishment of a travellers caravan site - If any of use tried to build a dwelling there we would be refused permission - There have been breaches of the existing temporary usage - It appears some provision at this site is inevitable, therefore the establishment of a small well managed site may be acceptable - This would entail the site boundary being re-established and landscaping so that the site blended in with the AONB - Any permission issued should be temporary
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10th February meeting of the Planning Committee: 32 Savory Way, Cirencester 15/01700/FUL: Submission of the Centuria and Corinium Via Residents' Association (CCVRA)

1. View of the Centuria and Corinium Via Residents' Association: The Residents' Association **OBJECTS** to this planning application in response to residents' concerns as having a harmful impact upon the visual amenities of the development that is not in keeping with the street scene.



Figure 1, Photos taken from South and West, 32 Savory Way (Current)

2. Reasons: The proposed outbuild of the existing 2.0 metre, extending an additional 2.5 metres by 0.9 metre and 1.0 metre extending by an additional 2.2 metres to, garden perimeter wall runs counter to the openness of the Corinium Via (Kingshill North) development in plans and design drawings submitted by the developer and approved by Cotswold District Council.



Figure 2 Computer Generated Image of Proposed Walls, South View

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These plans and design drawings were subsequently secured in Transfer Deed restrictive covenants applying to the development. Part 5, paragraph 3, states:

The Transferee covenants with the Transferor to bind the property and each and every part thereof for the benefit of the land remaining in the estate ... Not to erect any walls fences or other structures ... between any building of the Property and the Estate Roads.

It is understood that restrictive covenants are not a material consideration for planning purposes but this covenant clearly demonstrates the intention of the developer, and the acceptance of those intentions by the original purchasers and their successors in title, of the need to preserve the openness of the development. Moreover, should this application succeed, it would create an unhelpful precedent for others to follow in that there are a number of properties which own garden and grass verge strips for which they are responsible which lay between their perimeter garden walls and the estate roads but within the curtilage of their properties. Moreover, the siting of this large corner-detached 5-bedroomed property opens directly on to an extensive public open space and locally equipped children's play area for which retaining the openness of the street scene is of particular value to the Corinium Via development.

3. Related considerations: It is perhaps worth noting that, as recently as 7th December 2015, planning case officers REFUSED an application at nearby 96 Partridge Way (15/03338/FUL) on grounds that *The proposed ... fencing would encroach into the pleasant open green space which makes a significant contribution to the character of the area ... that would be out of keeping with the street scene ... that would have a harmful impact upon the visual amenities of the area ... contrary to Cotswold District Local Plan Policies 18, and 42 and the design considerations contained in Section 7, Paragraphs 56, 57, 58, 60 and 64 of the NPPF.*

4. Recommendation to the Planning Committee

To REFUSE this planning application as having a harmful impact upon the visual amenities of the development that is not in keeping with the street scene.

Paul Maidens

Chairman – Centuria and Corinium Via Residents' Association.

2nd February 2016

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Photographs attached (it is noted that photographs and/or computer-generated images to show the impact of the repositioned garden wall on the street scene have been omitted from the application – an omission remarked upon by Cirencester Town Council's Planning committee at its meeting of 2nd July 2015 namely: **Members declined to make a comment due to insufficient information.**

END

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Coberley Parish Council

Planning Application 15/02733/FUL: Land Parcel opposite Windmill Farm, Hartley Lane, Leckhampton Hill, Coberley, Gloucestershire, - Variation of conditions 2, 7 and 10 of planning permission 14/02614/FUL to revise the site plan, layout, foul drainage, landscaping and external lighting

Coberley Parish Council opposes this application.

In 2014, the Parish Council opposed the original application 14/02614 predominantly on the grounds of harm to the AONB, The Cotswold Way National Trail and unacceptable suburbanisation. **The variations now applied for to the approved plan would exacerbate the harm to the rural landscape resulting in increased suburbanisation.**

Having been granted temporary planning permission for a period of 3 years by the Planning Committee in December 2014, the applicants have increased the size of the development from that indicated upon the originally approved drawing, by 26% (according to the applicants' agent's own calculation in the Supporting Statement).

When the current temporary consent was granted, both planning officers and committee members acknowledged that at the end of the temporary period it would be appropriate to re-visit the need for a gypsy site in this sensitive location and that your authority would be able to withhold consent for extension of the temporary period or indeed permanent consent. (Assuming that sufficient gypsy sites are allocated through the emerging local plan).

This parish council, whilst objecting to the temporary consent (on the grounds identified above), reluctantly accepted the assurances provided by officers and members at face value. What has transpired however supports this council's fears, namely; that the site would be developed to a greater extent than permitted in the terms of the consent and conditions attached thereto.

The planning consent explicitly (condition 2) requires that the December 2014 temporary consent be implemented in accordance with the submitted plans. The applicant has not complied with the conditions imposed in December, fencing and laying to hard surfacing a significantly larger area than that indicated upon the approved plans. The enlargement of the site exacerbates the harm to this important rural landscape.

Whilst acknowledging that your authority cannot control the size, type or design of the 3 permitted mobile homes (subject to the size limitations defined within the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968), this council accepted that the size of the mobile homes brought to site would be physically restricted by the dimensions of the approved site and the position of the stables (as indicated upon the approved plans). **This revised application re-positions the stable blocks which would now allow for the siting of 3 much larger twin unit mobile homes on the enlarged application site.**

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Coberley Parish Council

The size of the mobile home indicated upon the submitted revised plans on the southern pitch has been increased in size by what appears to be 100% (indeed scaling from the plans it appears that the width at 7.0m exceeds the size limitations set out in the aforementioned acts). The applicants' stated intention to bring to site larger mobile homes has clearly contributed to the movement of the southerly stable block in an easterly direction. The symmetrical movement of the northerly stable block in an easterly direction could permit a larger mobile home on the northern part of the site. However, the result of these moves is that both stable blocks would now be sited partially outside the approved development area. This would allow all of the mobile homes to be increased in size, again increasing the extent to which the completed development will be visually detrimental to the area.

Thus whilst at first review this proposal to enlarge the site and reposition the two stables may seem to the casual observer relatively minor in extent, the reality is that the development (if permitted) would allow for a form of development which will cause serious harm to The Cotswold AONB and the nationally recognized Cotswold Way.

These variations to that which was approved are too significant to be permitted and we ask CDC to refuse permission for the requested variations.

Approval of this application would make a mockery of the planning system and the imposition of conditions.

We believe that should approval be granted, it would establish a totally unacceptable precedent for others in the future wishing to follow a similar route and deviate from planning permission conditions.

In December 2012 Cotswold District Council served enforcement notices (3) upon the adjoining land owner. The reason for issuing the notices was as follows:-

"The site forms part of attractive and predominantly undeveloped countryside located outside of any settlement or recognised development boundary. The use of the Land as a caravan site along with associated structures, equipment, operational development and domestic paraphernalia would result in an urbanising effect to the detriment of the rural landscape character and beauty of this part of the Cotswolds Area of Outstanding Natural Beauty (AONB)."

It should be noted that, in August 2013, appeals were considered by the Planning Inspectorate with regard to the adjoining site to the south of the subject site, and land to the north of that. (Appeal A: APP/F1610/C/12/2190154; Appeal B: APP/F1610/C/12/2190155; Appeal C: APP/F1610/C/13/2191310; Appeal D: APP/F1610/A/13/2192673). The inspector made clear that he was preventing any residences, hard standing, ancillary structures and domestic paraphernalia from being located further north on the site.

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Coberley Parish Council

He made it clear in paragraph 11 that development beyond the site in Appeal D caused considerable harm to the AONB. On these grounds, the decision by CDC Planning Committee on 10 December 2014 (which one must assume was made with full knowledge of all the case documentation and related history) to grant temporary permission to the development on the site, now referred to in application 15/02733/FUL, which also lies north of the Appeal D site and to the west of the northern part of the site on which the Inspector dismissed Appeals A, B and C, clearly went against the ruling made by the Inspector.

In our submission to CDC prior to determination of the grant of temporary consent, the parish council expressed concern that the proposed development would be severely detrimental to the visual amenities of the nationally significant Cotswold AONB (both close and distant views)

Our concerns have regrettably been fully realised, the development is very visible within the landscape. The unauthorized extension of the site has exacerbated this issue.

It is notable that the mobile home upon the adjacent site is clearly visible from public vantage points (see fig 1 below). Please thus be mindful that the 3 additional larger mobile homes which could be brought onto the enlarged site if this application were permitted would only add to the severe harm and detriment to the visual amenities of the area enjoyed by both the settled community and also thousands of visitors to the area each year.



Figure 1 - Photograph taken from Hartley Lane

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Coberley Parish Council

We are very sorry and saddened to read of the poor health of Mr Norris' son. However, the case put forward with this application, in particular paragraph 27 of the Supporting Statement, with regard to Human Rights, relates to the granting of a temporary permission for a home for the child.

However, as the temporary consent for the site to be used for residential purposes has already been granted by the Planning Committee in December 2014, the outcome of the present application, relating only to variances of conditions of that permission, will have no impact on the permission already granted. The Human Rights issue is not therefore, a relevant consideration in determining this application.

We have considered the matter of cost and affordability of changing back to the approved plan (Paragraph 7 of Supporting Statement). As the scale of deviation from the approved plans is so large, this would surely have been quickly apparent to the applicants, such that the errors could have been corrected at the outset. Similarly, the doubling in size of a mobile home from the approved plan, which has clearly had impact on the location of the stable block, is a very obvious change.

Responsibility to ensure that the site was developed in accordance with the terms of the temporary permission granted must lie with the applicants and therefore, the issue of cost and affordability cannot be a consideration in this matter.

The quality and accuracy of the submitted plans is of remaining concern. The site block plan and Landscaping plan is not based upon an accurate measured survey, no level datum is identified and the site is not shown in relation to any fixed or known feature.

The proposal plans look to be nothing more than rough sketches, the accuracy of which is questioned by this council. In view of the alleged difficulties the applicants had in implementing the scheme to the approved plans it would seem reasonable that in assessing any revision that such revisions be based upon professional prepared land survey plans referenced to ordnance datum and properly coordinated and dimensioned, so that the site set out can be accurately determined and policed by your authority. This we believe is the basic information required for any residential scheme and this council must thus ask why this applicant should be treated differently from other applicants who would be required to provide an accurate up to date land survey together with an up to date ordnance survey extract, identifying the site by reference to its wider environs.

This council respectfully requests that the application for variation of condition be refused consent.

Coberley Parish Council

17th August 2015

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