

Item No 08:-

15/05502/FUL (CT.1247/R)

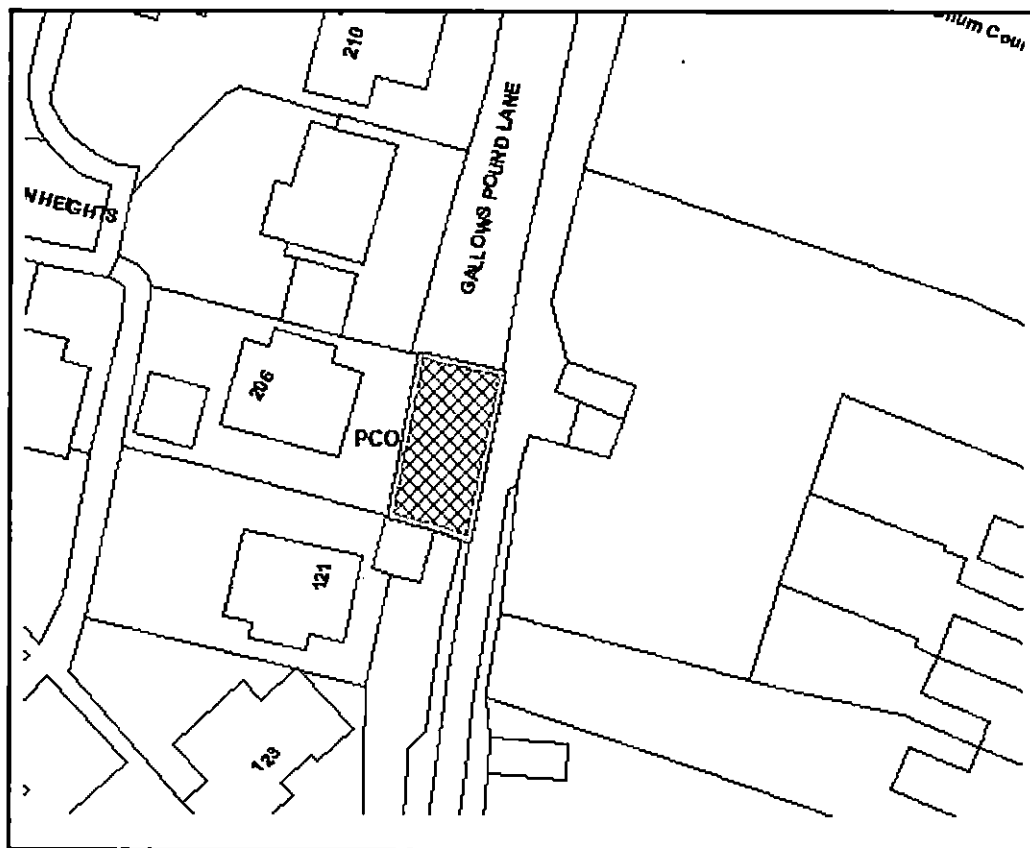
**Valley View
2A Gallows Pound Lane
Stratton
Cirencester
Gloucestershire
GL7 2RJ**

Item No 08:-

**Retention of retaining wall for terraced garden, erection of balustrading
at Valley View 2A Gallows Pound Lane Stratton**

Full Application 15/05502/FUL (CT.1247/R)	
Applicant:	Ms M Milliner
Agent:	Corinium Planning Services
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Patrick Coleman
Committee Date:	9th March 2016

Site Plan



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**RECOMMENDATION: REFUSE AND AUTHORISE ENFORCEMENT ACTION WITH REGARD
TO THE WALL THAT HAS BEEN ERECTED**

Main Issues:

- (a) Impact upon visual amenity
- (b) Residential amenity
- (c) Parking provision and
- (d) Enforcement

Reasons for Referral:

This application has been referred to the Planning Committee for determination at the request of Councillor Coleman for the following reason:-

'I would like this matter to go before the Committee to ensure that any proposal for enforcement action is debated in public by elected representatives.

I have 3 further comments:

- a) It was not possible, due to time constraints, for the Cirencester Town Council Planning Committee to consider this application, and so a response (in the form of an objection) has been made by the Chair on the Committee's behalf.
- b) I would ask that if possible the impact of the visibility of this wall from the public footpaths on the opposite side of the Churn Valley be assessed.
- c) Since refusal and enforcement action is being recommended, I would suggest that a panel Sites Inspection Briefing may be appropriate.'

1. Site Description:

The application site is located to the eastern boundary of 2A Gallows Pound Lane, and relates to a retaining wall that has been constructed, in addition to steps and a gravel parking area.

The dwelling is a detached property that fronts onto Stratton Heights, despite its postal address referring to Gallows Pound Lane. The site is within the development boundary defined for Stratton in the Local Plan, but is not within an area subject to any landscape designation.

2. Relevant Planning History:

None.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR18 Develop within Development Boundaries
 LPR38 Accessibility to & within New Develop
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

None.

5. View of Town/Parish Council:

Object to the retention of the retaining wall on the grounds of the wall being too high and its appearance has a visual harm to the site and its surroundings.

6. Other Representations:

Two objections have been received, raising the following issues: -

- Does not conform to Policy 42, showing no respect for the character and local distinctiveness in terms of the materials used
- Should be faced with reconstituted Cotswold stone
- Concerns about cracks that have appeared in the wall
- Overbearing impact upon users of the lane
- Insufficient space to turn vehicles

7. Applicant's Supporting Information:

Planning Statement

8. Officer's Assessment:

(a) Impact upon Visual Amenity

The works to construct the boundary wall have resulted in the erection of two sections of wall, with that nearest the lane being 1.58 metres in height. A second wall set back closer to the dwelling, by 0.66 metres, is itself 1.85 metres in height, thereby totalling 3.43 metres. The application also proposes the installation of balustrading 1.1 metres in height on top of the higher wall, although this has yet to be carried out.

The wall has been constructed in blockwork, with planting in between the top of the lower wall and base of the higher wall.

The submitted Planning Statement indicates that the lower block wall would be left in its current state, whereas the higher wall has been painted. A gravel parking area, 2.8 metres in width, has been constructed at the base of the lower wall, immediately adjacent to Gallows Pound Lane, with steps leading up to the upper level which has been flattened to create a terraced area outside the dwelling.

Whilst the painting of the upper section of wall is noted, together with the planting, the height of the entire structure, including the balustrading when installed, would total 4.53 metres. It is considered that the works have created a large expanse of blockwork walling that is harmful to the visual amenities of the area and out of keeping with the character of Gallows Pound Lane. The proposal therefore conflicts with Policy 42 of the Local Plan.

(b) Residential Amenity

Paragraph 17 of the NPPF refers to development proposals seeking to secure a good standard of amenity for all existing and future occupants of land and buildings, whilst Policy 46 of the Local Plan requires the provision of adequate areas of open space around dwellings so as to ensure reasonable privacy and daylight.

The terraced area that has been constructed at the top of the wall would overlook the land on the opposite, eastern, side of Gallows Pound Lane, where planning permission has been granted for the erection of a dwelling on appeal (14/01436/FUL).

The distance from the balustrading to the boundary of this site is approximately 7.5 metres, whilst the dwelling itself would be set down at a significantly lower level and would, at its nearest point, be 16.1 metres from the balustrade. Considering the topography of the land within this adjacent development site, and the boundary treatment along Gallows Pound Lane, it is not considered

that there would be a material loss of amenity to future occupants of the dwelling that has been granted permission.

Therefore, the proposal would accord with Policy 46 of the Local Plan and paragraph 17 of the NPPF.

(c) Parking Provision

Objections regarding parking and turning have been received, and it should be noted that the proposal does include a parking area between the wall and Gallows Pound Lane, which is a private road. Furthermore, the property does have an entrance and off road parking provision off Stratton Heights.

Whilst these concerns are noted, it is not considered that there would be any materially harmful impact upon highway safety. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. Your Officers consider that this would not be the case with regard to this development, such that the proposal would accord with Policy 38 of the Local Plan and Section 4 of the NPPF.

(d) Enforcement

The application is partially retrospective, and as Members will have seen at the Sites Inspection Briefing, the walls and steps have been erected in addition to the gravel parking area. What would remain to be completed is the glass balustrading on top of the higher section of wall.

In the event of planning permission being refused, authority is also requested for enforcement action to be taken. There would, however, be a range of options that could be considered in this respect, which could include the following: -

- Removing the entire wall and regrading the bank
- Cladding the wall in reconstituted stone or rendering
- Removing the upper section of wall, and regrading the bank down to the top of the lower wall

This list is not exhaustive, but if Members are minded to refuse planning permission, it is requested that a steer be provided as to what remedial action would be considered appropriate in the circumstances.

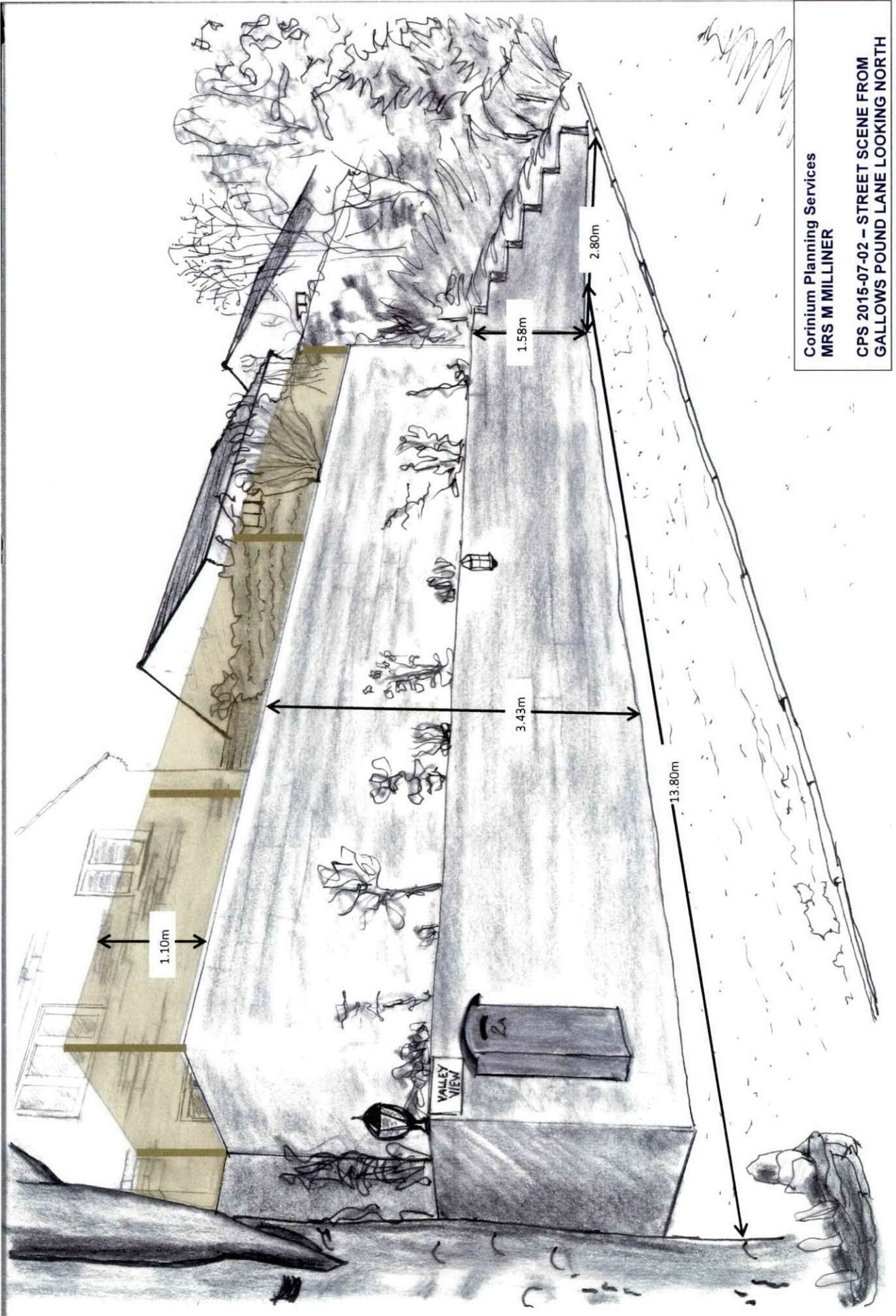
9. Conclusion:

The retention of the retaining walls and terracing, in addition to the balustrading, is considered to be contrary to the policies in the Development Plan and National Planning Policy Framework, which are not outweighed by other material planning considerations.

Therefore, it is also requested that authority be given to take enforcement action in respect of the unauthorised works that have been undertaken within 3 months of the issue of an Enforcement Notice.

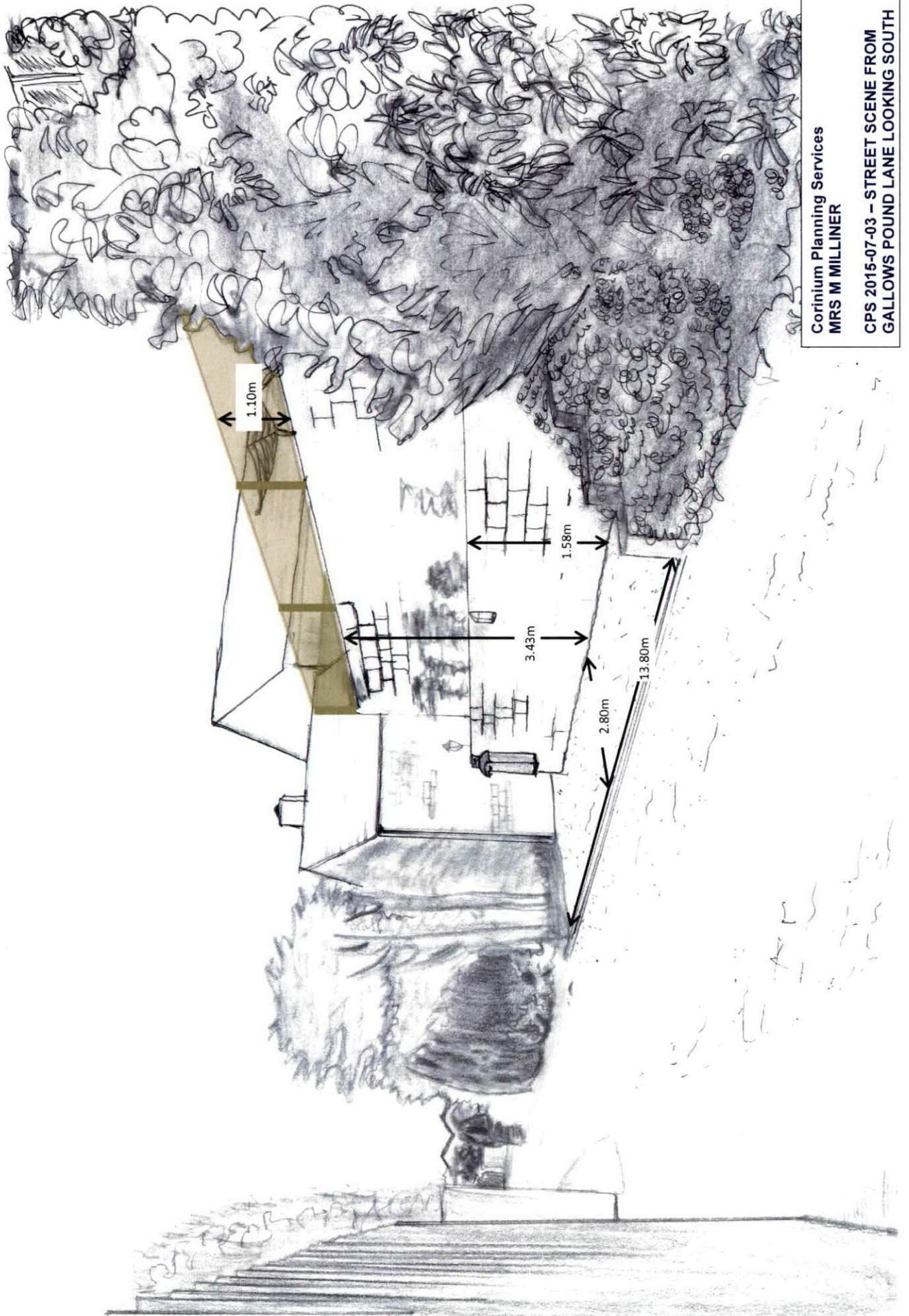
10. Reason for Refusal:

Having regard to the expanse of blockwork, in addition to the proposed balustrading, the height and massing of the retaining wall, together with the materials used, would have an adverse impact upon the visual amenities of Gallows Pound Lane. The proposal fails to respect the character, appearance and local distinctiveness of the area, and is therefore contrary to Policy 42 of the Cotswold District Local Plan.



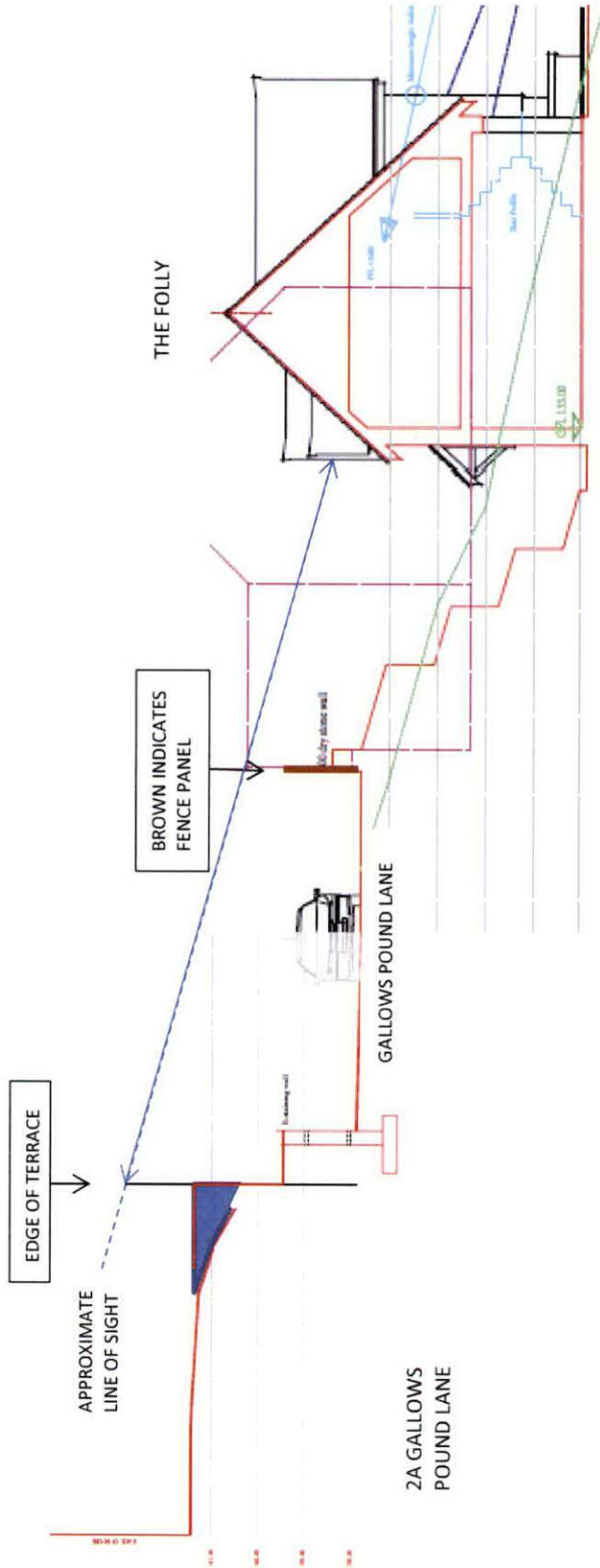
Corinium Planning Services
MRS M MILLNER

CPS 2015-07-02 - STREET SCENE FROM
GALLOWS POUND LANE LOOKING NORTH



Corinium Planning Services
MRS M MILLNER
CPS 2015-07-03 - STREET SCENE FROM
GALLOWES POUND LANE LOOKING SOUTH

ILLUSTRATION SHOWING RELATIONSHIP OF TERRACED GARDEN WITH RECENTLY APPROVED DWELLING AT THE FOLLY, GALLOWES POUND LANE (14/01436/FUL)



PART EXTRACT FROM SITE SURVEY DRAWING 1407-2
2A GALLOWES POUND LANE

PART EXTRACT FROM APPROVED DRAWING 1401-1 Rev.1 HOUSE AT THE FOLLY

BOTH DRAWINGS BY CORINIUM ARCHITECTURAL SERVICES.

Corinium Planning Services
MRS M MILLNER

CPS 2015-07-04 – RELATIONSHIP WITH
THE FOLLY GALLOWES POUND LANE

264

18/01/2016



VALLEY VIEW

2A



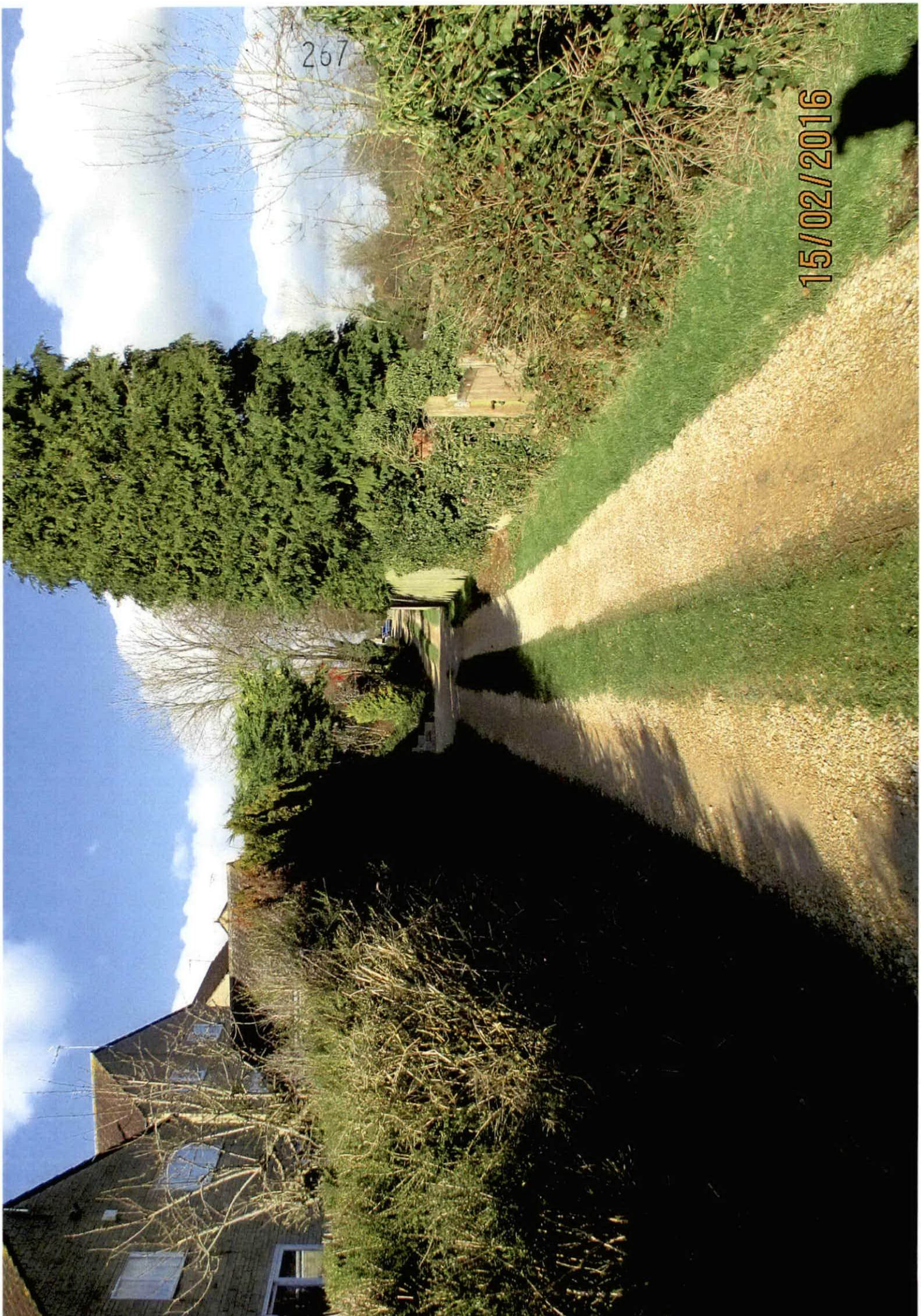
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