

PLANNING AND LICENSING COMMITTEE

13th April 2016

ADDITIONAL PAGES UPDATE

DISTRIBUTED AT THE COMMITTEE MEETING

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

Additional Representations on Schedule Items

Pages 5 - 30

PLANNING AND LICENSING COMMITTEE

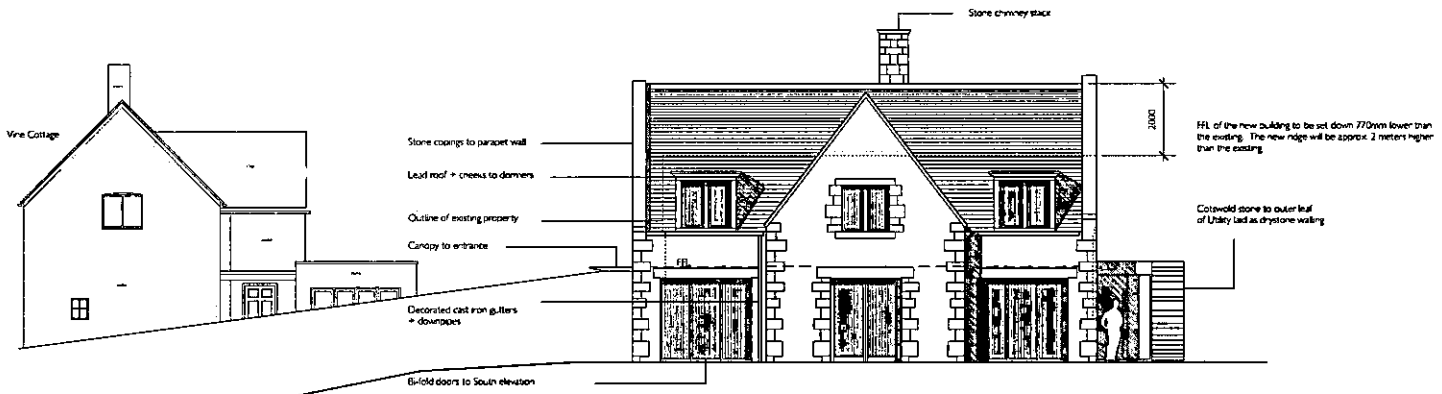
13th April 2016

ADDITIONAL PAGES ON SCHEDULE ITEMS

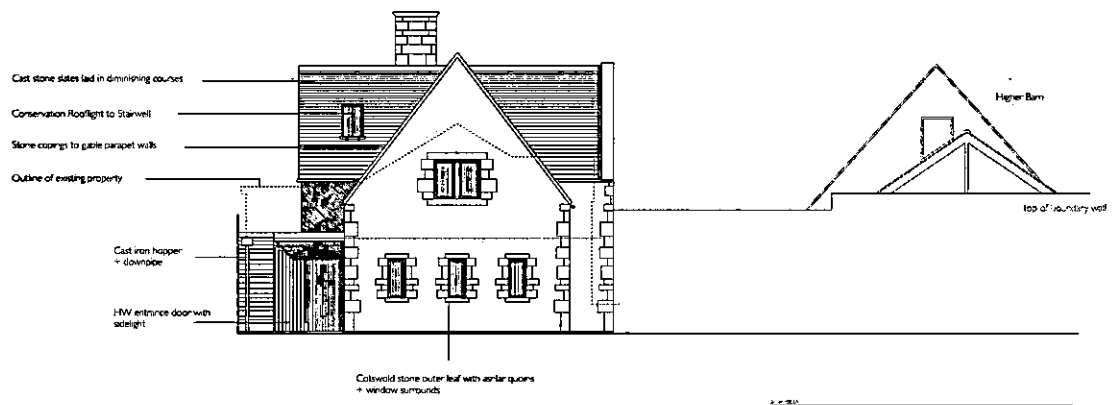
Item	Ref. No	Content
02	15/04833/FUL CD.3125/D	Case Officer – Please see attached proposed elevations.
04	15/03931/FUL CD.8481/J	<p>1 further letter of support has been received</p> <p>1 petition of objection has been received - The head petitioner is Broadwell Parish Council and the petition carries 28 separate signatories, some of whom have also submitted individual objections. The petition does not state the precise nature of the objection other than "this is a retrospective application as this building has already been constructed. Broadwell Parish Council are objecting to this application"</p> <p>The applicant has submitted a rebuttal to the petition stating that it gives no grounds for objection other than the statement highlighted above</p> <p>Officers are aware that members have been sent (directly) the letter from Framptons dated 8 April 2016 enclosing e-mail from Scott Britnell dated 15 March 2016, e-mail from Tara Brook dated 30 March 2016 and a copy of the letter from Kernion Countryside Consultants Limited dated 21 December 2015. A full copy has been attached as a late paper in this case.</p> <p>Update from Environmental Protection (Contamination) Officer - The EPO has advised that they cannot remove their objection to this scheme until the remediation methodology/statement has been received and the works carried out. Should members be minded to grant planning permission for this development officers would seek delegated authority so that the decision is not formally issued until such a time that written confirmation of the remediation works have been agreed with the Council's EHO and the works have been carried out.</p>
05	15/03100/FUL CD.8481/H	<p>Update from Environmental Protection (Contamination) Officer - Has advised that the same requirements for application 15/03931/FUL would be required in respect of this application, should members be minded to approve the proposals.</p>

06	15/04341/FUL CD.8891/C	<p>Further information attached at the request of the applicant -</p> <p>View from South as existing View from South as proposed Analysis of views through the site</p> <p>Conservation Officer's response to the further information – Please see attached.</p> <p>Further information attached at the request of the applicant –</p> <p>View from the North as existing View from the North as proposed</p> <p>One further letter of support - Too much has been made of the significance of the gap and the revised dwelling has addressed previous concerns.</p>
07	15/02459/FUL CT.4436/B	<p>Letter from Applicant's Agent – Please see attached dated 11th April 2016.</p>
10	15/04827/FUL CT.2596/2/Y	<p>Comment from Historic England: The original extensions proposed for this property had been granted scheduled monument consent in July 2014. These amended plans will not change the conditions of that consent and therefore the applicant needs to contact myself and Historic England to agree the changes as a minor amendment. The original extensions proposed for this property had been granted scheduled monument consent in July 2014. These amended plans will not change the conditions of that consent and therefore the applicant needs to contact myself and Historic England to agree the changes as a minor amendment.</p> <p>Parish Council and neighbour update their combined objections -</p> <p>Members objected to the erection of single storey front extension and the insertion of x4 first floor and x1 second floor side-facing windows on the grounds of overdevelopment, it would set an unwelcome precedent in this area, it would be unbalanced with other properties within the terrace of which it is part, cause loss of amenity, intrude upon public enjoyment of green open space and unbalanced appearance. There were also concerns over creating the main entrance to the side end of this property, opening directly on to publicly owned land contrary to other properties in the same terrace, with the attendant risk of the applicant (or successors in title) laying claim to that land through precedent and use.</p> <p>Therefore, notwithstanding the fact that boundary disputes are not a planning issue, the view of the Planning</p>

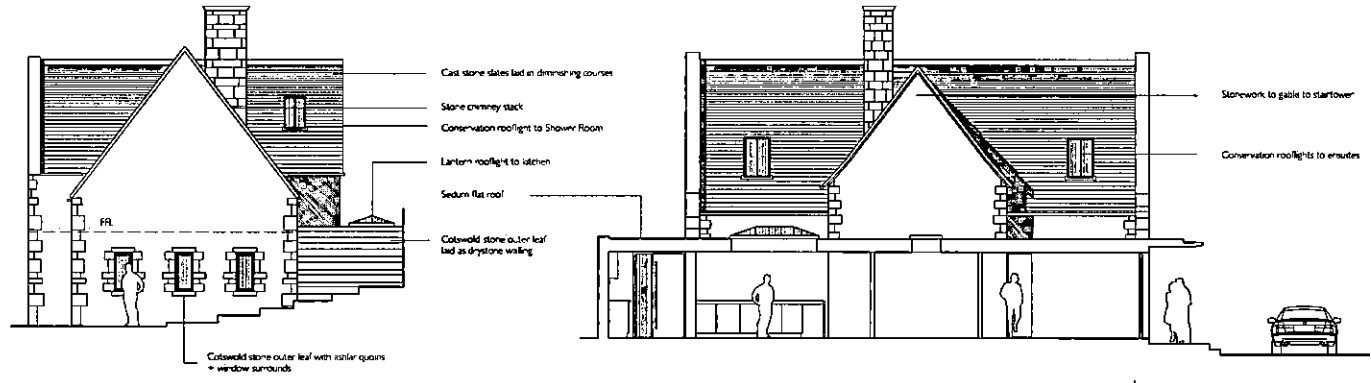
		<p>Committee was that this sort of application that will overbear its neighbours on this particular site, with the complications of land ownership, should not be encouraged. The feeling of the committee was that it would intrude upon the public enjoyment of the green open space, the structural alterations giving the impression that the land is in the ownership of the property owner which it is not.</p> <p>Members would like the District Council Planning Committee to arrange a site visit.</p> <p>A neighbour has also requested that the Environment Agency confirms that building over the large culvert outfall, would not cause flooding implications.</p> <p>Additional Third Party Comments – Please see attached comments dated 11th April 2016.</p>
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1 East Elevation
106/12 1:100 @ A2



2 South Elevation
106/12 1:100 @ A2



3 North Elevation
106/12 1:100 @ A2

4 West Elevation
106/12 1:100 @ A2

REV C: Outline of Vine Cottage + Higher Barn added
REV B: South Elevation Amended
REV A: Conservatory glazing selected rooflights added / outside roof contact for terrace created as roof

Drawing Title
Prop Elevations
Drawing Number
106/12c
Scale
1:100 @ A2
Date
October 2015

Project and Client
Hill Crest
Mr K Windridge
South Lodge
Coppeshill
Lower Slaughter
Cheltenham
GL54 7HZ



8



Our Ref: PJF/nss/PF/9548
(Please reply to Banbury office)

peter.frampton@framptons-planning.com

8th April 2016

By email

Dear Councillor Beccle

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION 15/03931/FUL
THE OLD QUARRY, BROADWELL**

I refer to the above planning application which is being reported to the Planning Committee on 13th April 2016. I act on behalf of Mr and Mrs G. de Thame, the owner-occupiers of Broadwell Manor, whose property abuts The Old Quarry.

I note that the Planning Officer is recommending a refusal of planning permission for the dwelling, and a further grant of temporary planning permission for the caravan. The reasoning for the recommended refusal of planning permission for the dwelling is on grounds of its design and impact upon the AONB.

My Clients consider that there is a substantial objection to the principle of the dwelling, on grounds that the Applicant has not justified the functional need for the dwelling and there is insufficient evidence to establish the lairage is financially sustainable.

Paragraph 55 of the Framework states:

'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside.'*

My Clients have not observed the existing agricultural building holding more than a few sheep for two years. The premises do not hold livestock on a regular basis. The contention by the Applicant's agent that the throughput is now 'over 10,000 animals per annum' is not accepted by my Clients as being a credible claim. My Clients have regularly observed the site as being completely devoid of any livestock. No evidence has been made available by the Applicant to substantiate livestock movements and stock numbers, despite the strict requirement by DEFRA on the identification, tracing and movement of all livestock between place to place.

enquiries@framptons-planning.com
www.framptons-planning.com

Oriel House, 42 North Bar, Banbury,
Oxfordshire, OX16 0TH
T: 01295 672310 F: 01295 275606

Aylesford House, 72 Clarendon Street,
Leamington Spa, Warwickshire, CV32 4PE
T: 01926 831144

Oxford - Area Office, 4 Staplehurst Office Centre,
Weston on the Green, Bicester, Oxfordshire, OX25 3QU
T: 01295 672310

The long established planning practice is that the 'essential need' must be derived from the enterprise operated on the site. An isolated dwelling in the open countryside is not justified by 'special circumstances' because it may suit the domestic aspirations of the applicant. Hence the former planning policy statement (PPS7), which is still relied upon as a basis for considering applications for isolated dwellings, urges Local Planning Authorities to be vigilant for abuse of the planning process.

My Clients have submitted three legal Opinions to the Planning Officer contending that the evidence which is available in the public domain falls short of substantiating 'special circumstances' for this isolated dwelling. These Opinions are helpfully appended to the Report to your Committee. I am grateful to Mr Britnell in attaching these papers for your perusal. However while the Report appends the Fox Rural Planning Report, no reference is made in the Report to the submission of a specialist report by Kernon Countryside Consultants Ltd on behalf of my Clients, which concludes that the evidence submitted with the planning application fails to establish a functional need for the dwelling or address financial considerations regarding the viability of a lairage at The Old Quarry. Viability should be addressed in the context of the use of this small site and not as part of a haulage activity that is based in Bourton on the Water. I attach the Kernon Countryside Consultants report so that you may read the assessment.

I further enclose my email to Scott Britnell of the 30th March 2016. I concur with the observations of your Planning Officer in terms of the incongruous design for the dwelling in this sensitive location. The physical form of the dwelling, its scale and proportions are entirely at odds with local distinctiveness. The building is unsympathetic to its setting within the open countryside and the AONB. Again the Applicant seeks to impose his will, contrary to long established policies at a local level and national level which require good design. Indeed the Framework states at paragraph 56:

'Good design is a key aspect of sustainable development, is indivisible from good planning...'

However, as stated, my Clients' position against the granting of planning permission has a more fundamental aspect, that the essential need for any form of dwelling has not been demonstrated by the Applicant – at least in the context of papers that are publically available for scrutiny. In an email dated 15th March 2016 (enclosed) from Scott Britnell to me it is stated:

'The advice I have received is that those e-mails are privileged and was correspondence between Mr Gilder and Mr Fox not intended for publication.'

My Clients consider, with the support of legal opinion, that documents submitted in support of a planning application should be made available for scrutiny by the public. This is especially pertinent in this case where the evidential burden falls upon the Applicant to demonstrate 'special circumstances' as to why his application should be permitted. The preclusion of access to these documents has denied the public the opportunity to inspect and express an opinion as to whether special circumstances have indeed been demonstrated. You will be aware that my Clients consider the denial of access to papers submitted with this application, where the content may be germane to the thrust of my Clients' objections, is inappropriate and potentially open to legal remedy thorough Judicial Review.

My Clients' position is that the Applicant has not justified 'special circumstances' for the erection of a substantial dwelling in the open countryside and AONB.

My Clients hence conclude the application should be refused for reasoning - in addition to the objection by reason of poor design (form, design and materials) - that the principle of the dwelling is objectionable. I consider that such a reason for refusal should read:

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ITEM 04 - 15103931 / FL

The Applicant has provided insufficient evidence in the public domain to demonstrate that special circumstances exist as required by Local Plan Policy 19 and the Framework paragraph 55 for the retention of a substantial dwelling in an isolated location within the open countryside and the AONB outside adopted development boundaries. The development is contrary to national and local planning policies that avoid new isolated homes in the countryside unless exceptionally justified by special circumstances.

I trust that the above comments assist you in your consideration of this planning application.

Yours sincerely

Peter J Frampton

Enc: Email from Scott Britnell 15th March 2016
Email to Scott Britnell 30th March 2016
Kernon Countryside Consultants Report

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ITEM 04 - 15/03931/AL

Nicki Stockdale-Smith

From: Scott Britnell <Scott.Britnell@cotswold.gov.uk>
Sent: 15 March 2016 15:36
To: Peter Frampton
Subject: FW: The Old Quarry Broadwell - 15/03931/FUL
Importance: High

Dear Mr Frampton,

I refer to my e-mail below in respect of the above matter.

I have now spoken with our legal team regarding your request for the e-mails sent from Mr Gilder and Mr Fox. The advice I have received is that those e-mails are privileged and was correspondence between Mr Gilder and Mr Fox not intended for publication. Mr Fox would have used the information provided therein to prepare his report which is now a public record. The advice from our legal team is that we cannot release the e-mails to you unless the applicant agrees. I will therefore contact the agent today and make that request.

On a separate matter, the agents have provided a further statement in support of the application responding to officer concerns regarding the size and design of the proposed rural workers dwelling. I have asked our support team to upload that document to our web-site and notify your clients. This should be completed in the next couple of days.

Finally, I look forward to meeting with you at your client's property on Friday and wonder if you have a number I can have in the unlikely event that I get delayed on my way up from Cirencester.

I hope this is helpful.

Kind regards,
Scott Britnell
Case Officer
Development Services
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

E-Mail – Scott.Britnell@cotswold.gov.uk
Tel: - 01285 623000

Planning Service Customer Feedback Questionnaire - Have we responded to your enquiry or determined your application? - Please take a few minutes to complete our short tick-box questionnaire at the link below to assist us in our continuous programme to improve standards of service to our customers and service users. Thank you.

<http://www.cotswold.gov.uk/residents/planning-building/planning/customer-feedback/>

Nicki Stockdale-Smith

From: Tara Brook on behalf of Peter Frampton
Sent: 30 March 2016 10:30
To: 'Scott Britnell'
Cc: Gerard de Thame
Subject: The Old Quarry, Broadwell - 15/03931/FUL
Attachments: Cotswold Old Quarry Opinion No3. March 2016.pdf

Our ref: PJF/tb/PF/9548

Dear Scott

Town and Country Planning Act 1990
The Old Quarry, Broadwell
Planning Application: 15/03931/FUL

I write on behalf of my Clients, Mr and Mrs G. de Thame in response to two matters, namely:

- i. The position of your Authority as set out in your email dated 15th March 2016.[15:36] in response to my formal request for the disclosure of emails and documents provided by the Applicant to Mr Fox, the Council's Agricultural Advisor.
 - ii. The Additional Design Commentary dated March 2016 submitted by Moule and Co.
- i. **Disclosure of documents**

As you are aware from earlier submissions, my Clients object to the principle of this application which seeks a *retrospective grant of planning permission for a substantial dwelling (of incongruous scale and design – see below)* in the open countryside which comprises the Cotswold AoNB. I submit that my Clients have provided compelling evidence to demonstrate that there are 'no special circumstances' for this 'isolated dwelling in the countryside.' (Framework 55)

It now appears to be accepted by the Applicant and Mr Fox, that the application does not seek to regularise the construction of an unauthorised permanent dwelling in the 'essential need' of agriculture. A lairage is not within the definition of 'agriculture'. The Applicant has failed to justify the essential need for this activity to be in an open countryside location. Furthermore, compelling evidence has been provided by my Clients as to the very limited extent to which livestock has been observed to be present at this site since the outset of construction of buildings and hardstandings. No documentary evidence has been provided of the extent to which the lairage at the Old Quarry has been used over the past three years.

You will be aware of the advice in the former PPS 7 – which is regarded as remaining good practice, including in decisions by the Inspectorate, - for LPAs to be wary of possible abuse of the planning process. *In short form, any attempt by an Applicant to gain planning permission for a new isolated dwelling in the open countryside, contrary to long established national and local planning policies, that imposes strict control on new housing outside existing settlements. In this case, the Applicant has constructed a substantial dwelling in the belief that he can convince your Authority, after the event of construction, that there are 'special circumstances.'*

My Clients are especially concerned that there is evidence of written communications ('24 emails with further documentation' Fox; Post Appraisal Advice) between the Applicant and Mr Fox – presumably seeking to embellish the case for planning permission, which notwithstanding the thrust of my Clients objections, your Authority has declined to release into the public domain. Whatever the content, transparency within this planning process has seemingly been abandoned. My Clients have sought an opinion from Planning Counsel as to the stance taken by your Authority – the Opinion is attached herewith. It is considered that my Clients interest in the application are prejudiced by the non-disclosure of documents submitted by the Applicant to the Local Planning

Authority. Seemingly, I have no other option than to convey to you that if the LPA decides to approve this retrospective planning application, then my Clients will seek to Judicially Review such a decision.

I now turn to respond to the second matter.

ii. **Design and Scale**

The Framework states that 'Good design is a key aspect of sustainable development, is indivisible from good planning....'(Framework, 56). The Framework states:

'Planning policies and decisions should aim to ensure that developments:

- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing appropriate innovation.'*

The Cotswold Local Plan appropriately places significant weight on design quality, having regard to the sensitive environment of the District.

In this case, the scale and design of the dwelling that has been constructed at the top of a hill is wholly alien to 'local character and history'. It would of course be farcical if the Applicant, in response to this criticism, suggested that the ranch style dwelling was 'appropriately innovative'. Fundamentally, there is no suggestion within national or local planning policy that if there are 'special circumstances' to justify an 'isolated home in the countryside' as a matter of principle, then prevailing design policies seeking high quality design can be ignored.

This is a situation where the Applicant has paid scant regard to the planning system, in proceeding to construct a substantial dwelling of the design of his choosing, in an open countryside location in the AoNB. The unauthorised development does not 'conserve' the 'landscape and scenic beauty' of the AoNB (Framework 115). There are no other circumstances to justify incongruous design, even if special circumstances did exist for the principle of the dwelling.

For the reasons explained in the correspondences I have submitted on behalf of my Clients, this application should be refused for reasons relating to the lack of special circumstances to justify an isolated dwelling in the countryside, which is AoNB, and for its poor design. This is a flagrant breach of planning control which should be remedied by prompt enforcement action.

Kind regards,
Peter

Attach: Opinion of Mr. Chris Young, Planning Counsel

Cc: Mr and Mrs G. de Thame



Oriel House
42 North Bar
Banbury
Oxfordshire
OX16 0TH

Tel: 01295 672310 Fax: 01295 275606
Email: tara.brook@framptons-planning.com

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Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

Electronic Version
Our Ref: KCC2131/hw
21st December 2015

Dear Sirs

15/03931/FUL: RURAL WORKER'S DWELLING, THE OLD QUARRY, FOSSEWAY

- 1 I write further to the holding objection submitted on 4th December, to OBJECT to the above development.
- 2 In brief the objection is on the basis that there is insufficient information or evidence of an essential, sustainable need to live on site such that the proposal does not comply with policy.
- 3 This application is on a site where there are or have been three other planning applications:
 - (i) 15/02289: erection of muck store, approved 16th December 2015;
 - (ii) 15/03075: erection of general purpose building, currently undetermined;
 - (iii) 15/03100: retention of residential caravan, also currently undetermined.

The Proposal

- 4 The proposal within application 15/03931/FUL is to build a four bedroomed, single-storey farm dwelling to serve the enterprise.
- 5 It should be noted that the building has actually been built, as shown in the photograph below taken from the adjacent land on 18th December 2015.



*Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL
T: 01793 771333 Email: info@kernon.co.uk Website: www.kernon.co.uk*

*Directors - Tony Kernon BSc(Hons), MRAC, MRICS, FBIAC Sarah Kernon
Chartered Surveyors - Verity Drewett BSc(Hons), MRICS, MBIAC, Sara Compton BA (Hons), MSc, MRICS, MBIAC,
Mark Dugdale MRICS Consultant - Louise Morcom BSc (Hons)*

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ITEM 04 - 15/03931/FUL

Policy

- 6 The application is accompanied by reports from Moule and Co. These refer to the National Planning Policy Framework paragraph 55. Those reports do not refer to the Council's Informal Guidance for agricultural/occupation dwellings. Clearly that informal guidance needs to form part of the Council's considerations.
- 7 Accordingly for a permanent dwelling, as is hereby proposed, the enterprise must have:
- an existing essential functional need;
 - relating to a full-time person;
 - must have been operating for at least three years, been profitable for at least one of them, be financially sound with a clear prospect of remaining so;
 - no other dwelling can meet the need;
 - siting, size etc must be acceptable.
- 8 Dwellings must be of a size commensurate with the functional need.

Reasons for Objection

- 9 The planning application as presented provides inadequate information for the detailed assessment necessary for such applications. Without the information necessary to assess the proposals fully against the policy, it is impossible to reach a conclusion that the proposals comply. In such a situation the only possible outcome is to refuse the application.
- 10 Based on the available and presented information, it is my opinion that the enterprise does not meet the functional or financial tests set out in policy.
- 11 **History of the Site.** The Council permitted a mobile home on the site in 2012, and that is therefore a relevant starting point (ref 12/01922/FUL). That application was to regularise a breach, the mobile home having been moved onto site already.
- 12 It is highly relevant that the application then made was described thus:

"This is not an application for temporary farm workers' accommodation which seeks to establish the long term potential viability of a livestock rearing enterprise over a three year period as a precursor to a more permanent occupationally tied dwelling initially by way of an application for a caravan.

Instead, the application is for the retention of the residential caravan to be the subject of a five year renewable consent, subject to an appropriately worded rural occupancy condition that the qualifying occupant is employed in the day to day management of the proposed lairage (which is also the subject of this application) for regular overnight supervision on animal welfare and security grounds. A third condition would be necessary to ensure the erection of the lairage within a prescribed period, since it is that use which justifies the retention of the caravan in rural planning terms."

- 13 The current applications do not seek a five year renewable consent. Rather the application is for a permanent dwelling, and the Applicant is sufficiently confident of approval that he has built the dwelling. He is applying for a four bedroomed permanent dwelling as well as retention of the mobile home.

16

ITEM 04 - 15/03931/FUL

14 **Functional Need.** In order to conclude that there is an essential need to live on site, the numbers of animals on site at any one time is critical. This information is not provided in the planning application.

15 This information is critical. At the time of the 2012 application, in response to a request for information from Martin Perks, the Applicant stated that **“with regard to stocking levels, I would estimate that the Company would have anything from 50/75 sheep at any one time (these could include in-lamb ewes), or spring lambs or hoggets depending upon the season. With regard to cattle, we could be trading up to 15/20 cattle at any one time depending upon the quality of the trade. We also purchase calves for a calf rearing business based in Brentwood, Essex: about 15/30 per month.”**

16 The agent then confirmed that **“The building will be fully occupied throughout the year based on this evidence.”** See the email from Mr Lowe of 04 May 2012.

17 Initial analysis of the information submitted with the current planning application suggests that the numbers on site are a small fraction of the numbers that the Moule and Co report seems to base its assessment on. For example, Moule and Co at 6.3.4 and 6.3.5 set out possible numbers such as 60 pigs and 62 sheep, or 50 sheep and 12 cattle. They suggest in 6.3.5 that 176 sheep could pass through the facility in a day, or 1,200/week.

18 However, the table in 6.2.1 of actual numbers shows a very different picture. In 2015 it is claimed that there have been an average of 875 sheep per MONTH plus 50 cattle per MONTH and no pigs. There is no evidence to support the claim. Even if the claim is substantiated, simple division of this, assuming all animals are kept overnight, suggests daily numbers as follows on a 30 day month:

- sheep 29.2;
- cattle 1.7.

19 Therefore the numbers being considered now are less than those suggested when the Council allowed the temporary retention of a caravan in 2012. Accordingly it is appropriate to reconsider the functional need.

20 It is also critical that the Council checks the actual numbers. Neighbours report very little if any agricultural animal activity at the yard. When I viewed the yard on the 18th December there was no livestock in the building or on the yard, and no indication that there had been recently as the photographs below show. This is not **“fully occupied throughout the year”** as claimed in 2012.



21 Such non-existent or small numbers do not give rise to an essential need to live on site.

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ITEM 04-15/03931/PLC

- 22 It is imperative that the Applicant provide actual numbers and evidence to back up those numbers. They should provide:
- records and breakdowns of numbers by day or week;
 - records of animals kept overnight, not laired only during the day;
 - movement records that prove the numbers provided.
- 23 They have not done so.
- 24 The Council must obtain and verify data.
- 25 **Other Dwellings.** The Council has previously concluded that no other dwelling could meet the need and that may still be the situation. However, if there is no essential functional need then there are many dwellings off site that could meet the need.
- 26 **Financial Viability and Soundness.** No information is provided on this matter in respect of the enterprise off the Fosseway. In the absence of information a refusal must follow.
- 27 Planning Inspectors have repeatedly required evidence of financial viability before permitting new essential workers' dwellings. The Council's informal guidance requires evidence of three years of economic activity and at least one year's profits for "**the agricultural activity concerned**" (para 3 refers).
- 28 The planning application report provides no such evidence. The only reference to economics is to state that the applicant runs a business with a turnover of in excess of £2 million. There is no evidence that either the enterprise concerned, or even the parent/other business operated by the applicant, are profitable.
- 29 With the very limited numbers of animals stated to be held on lairage, it seems very unlikely to be a profitable business. To achieve a profit before the operator's manager's salary, turnover would need to be significant. The financial evidence needs to include:
- Profit and Loss accounts for the lairage business for the last three years;
 - supporting evidence, eg from the movement records, to substantiate the turnover and income figures from the Profit and Loss accounts.
- 30 No such information is provided. Therefore there is no evidence of financial profitability. Therefore there is no evidence that the enterprise is financially sustainable. The policy tests are failed.
- 31 **Siting and Size.** A substantial dwelling is proposed. As per the Council's guidance, this can only be justified if the enterprise is sufficiently financially sound to be able to afford the dwelling. There is no evidence supplied.
- 32 Without evidence the application should be refused.
- 33 This is a very small site – just 0.4 ha. There are no other agricultural enterprises that could possibly give rise to an essential need. It is for that reason that this application must be scrutinised particularly carefully.
- 34 Additionally, a siting at the back of the yard is far from ideal. It means that visitors and operators have to pass the livestock to get to the house, which presents biosecurity risks. A site by the gate would be much better.

18

ITEM 04 - 15/03931 / FC

Conclusion

- 35 New essential dwellings must be considered very carefully and very thoroughly.
- 36 In this case there is a lack of information, explanation and detail, and no supporting evidence, to enable a full assessment to be made. The application as presented does not accord with the policy and should be refused.
- 37 When applying for a temporary dwelling in 2012 the Applicant stated clearly that he would not be applying for a permanent dwelling in three years. Not only has he now applied for that dwelling, but he has started building it.
- 38 In my opinion there is no evidence that this meets the tests for a permanent dwelling.
- 39 Therefore, on behalf of neighbouring landowner Mr de Thame, we OBJECT to the application.

Yours faithfully

Tony Kernon
BSc(Hons), MRICS, FBIAC

19

ITEM 04 - 15/03931 /FUL



20

Item 06
15/04/24/FUL CD.8891/C.

The Old Post Office. New House.

JACOB POT BA (Cantab) RIBA

9 Lansdown Place Lane Cheltenham GL50 2JZ

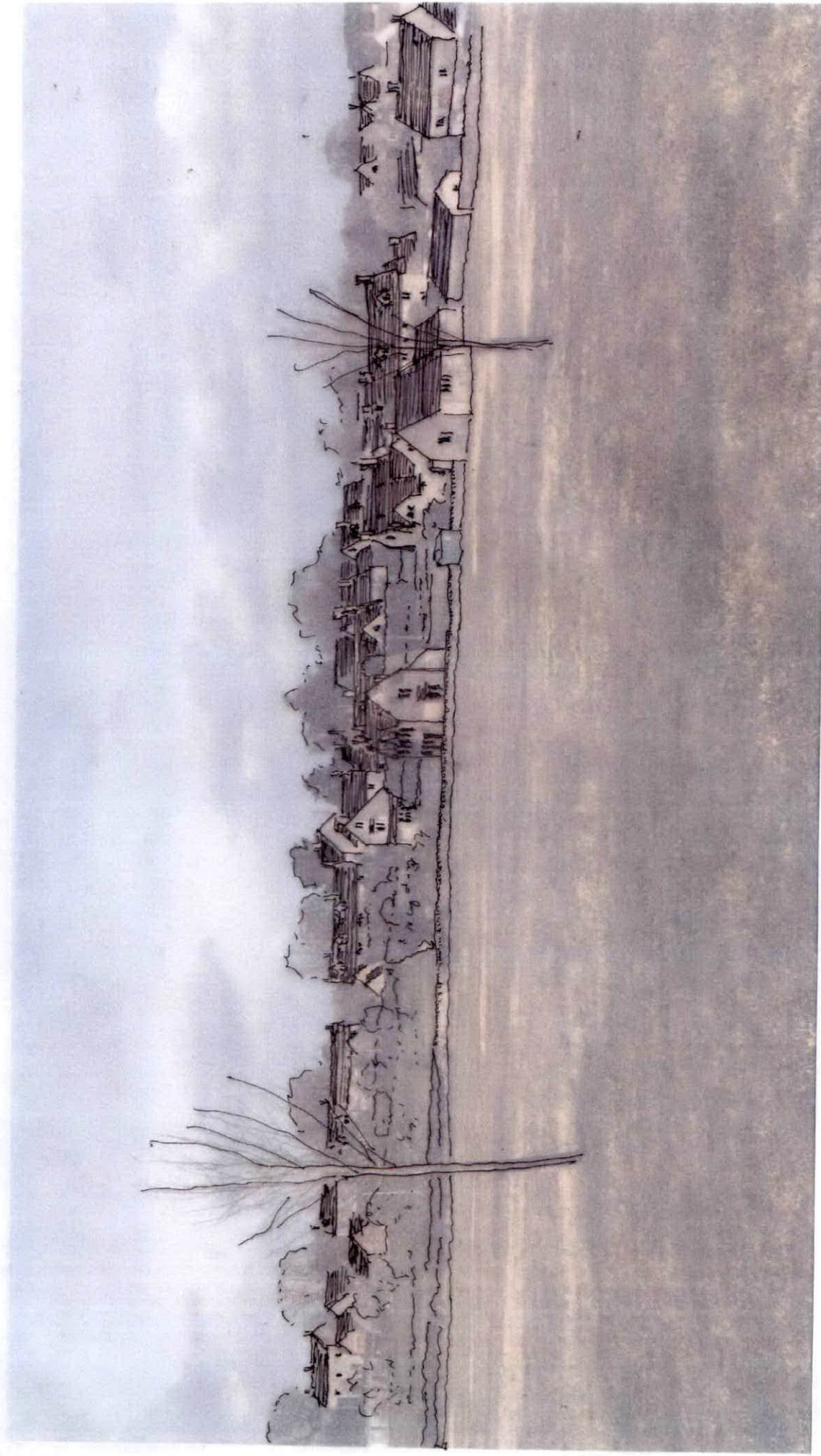
01242 519615

info@jacobpotarchitect.co.uk

View from South. As Existing.

N.T.S.

1602.13



The Old Post Office. New House.

View from South. As Proposed.
N.T.S.
1602.14

JACOB POT BA (Cantab) RIBA

9 Lansdown Place Lane Cheltenham GL50 2JZ

01242 519615

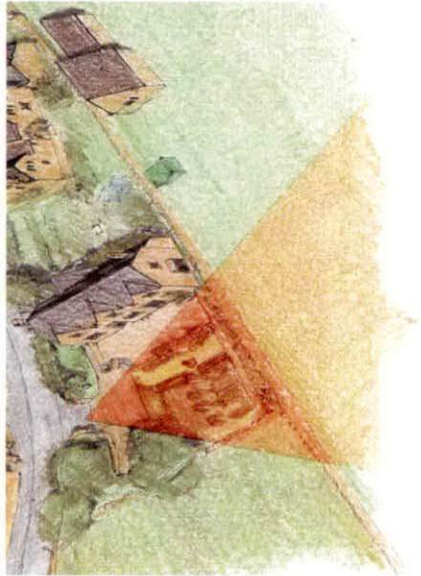
info@jacobpotarchitect.co.uk

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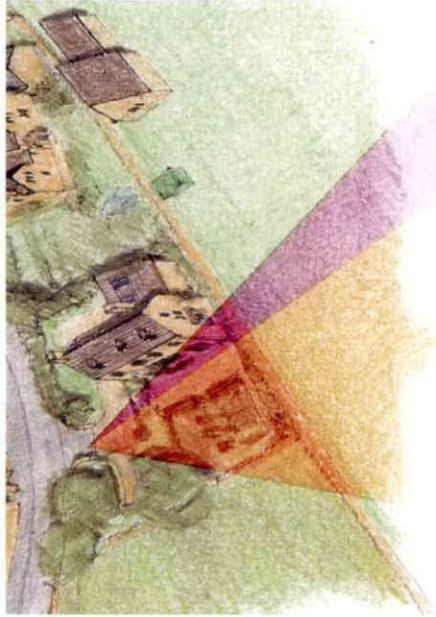
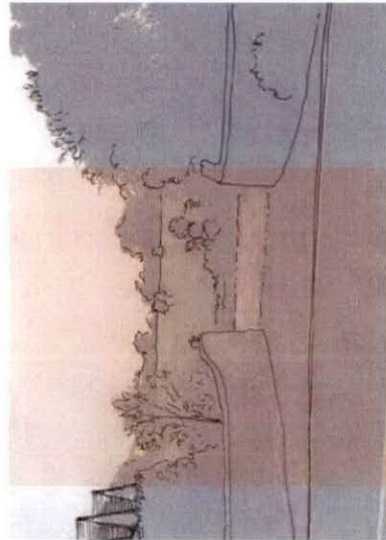
Item 00.
15/04/34 | FUL CD 8891/C



Existing view



Revised siting and lowered form results in no loss of gap as currently proposed

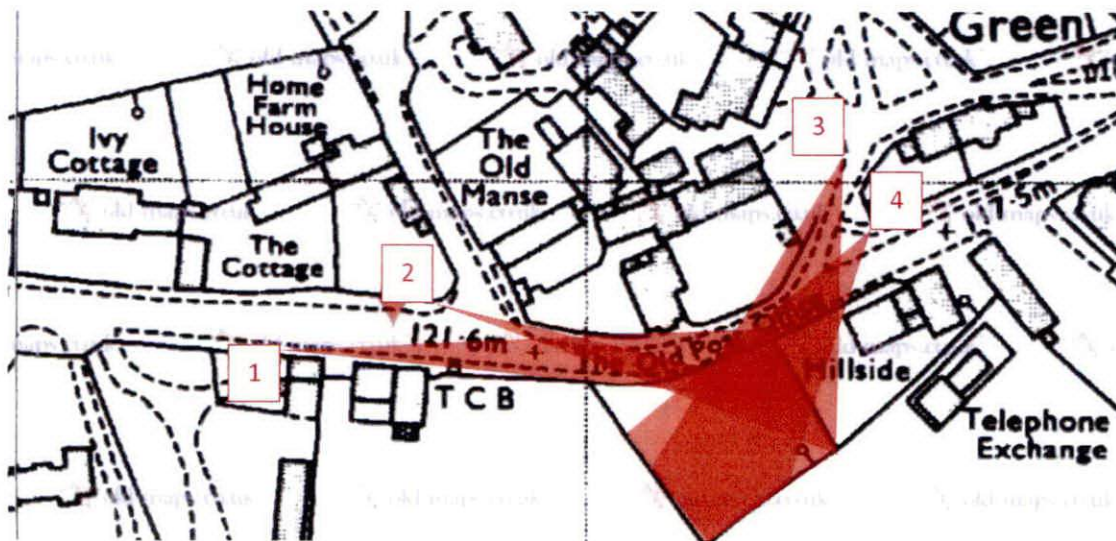
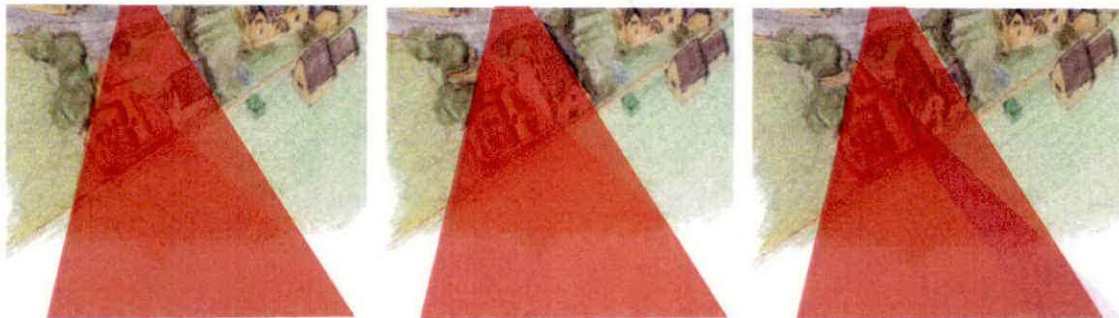


Previous refusal with indicated loss



- The submitted views analysis assesses the views from a single point only, standing in the present gateway.
- It relies entirely on the present hedge to contain the view and to screen the proposed building.
- However the present hedge does not fall under any statutory control, and could be removed at any time without the need for any permission.
- Consequently it cannot be relied upon as a screening feature that would contain the views, and screen any proposed development.
- Furthermore, the views analysis makes no attempt to assess the potential impact of the development in views east along the road as one heads into Bibury from Cirencester, or in views south from the raised green to the north, or south-west as one heads out of Bibury.
- The views back across the field to the site are the least sensitive, as the site is seen against the backdrop of the historic settlement; they are not representative of the potential impact from the north or west.

The added red cone below represents the visibility from the other side of the road were the hedge to be removed. This does not take into account potential views from the raised green to the north, or views east along the Cirencester road (indicatively shown on the lower diagram).





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Hemob 15/04341/FUL CO.89911C.

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2b
Hem 06 15/04341/FUL CD. 8891/c.

The Old Post Office. New House.

View from North. As Existing.
N.T.S.
1602.15

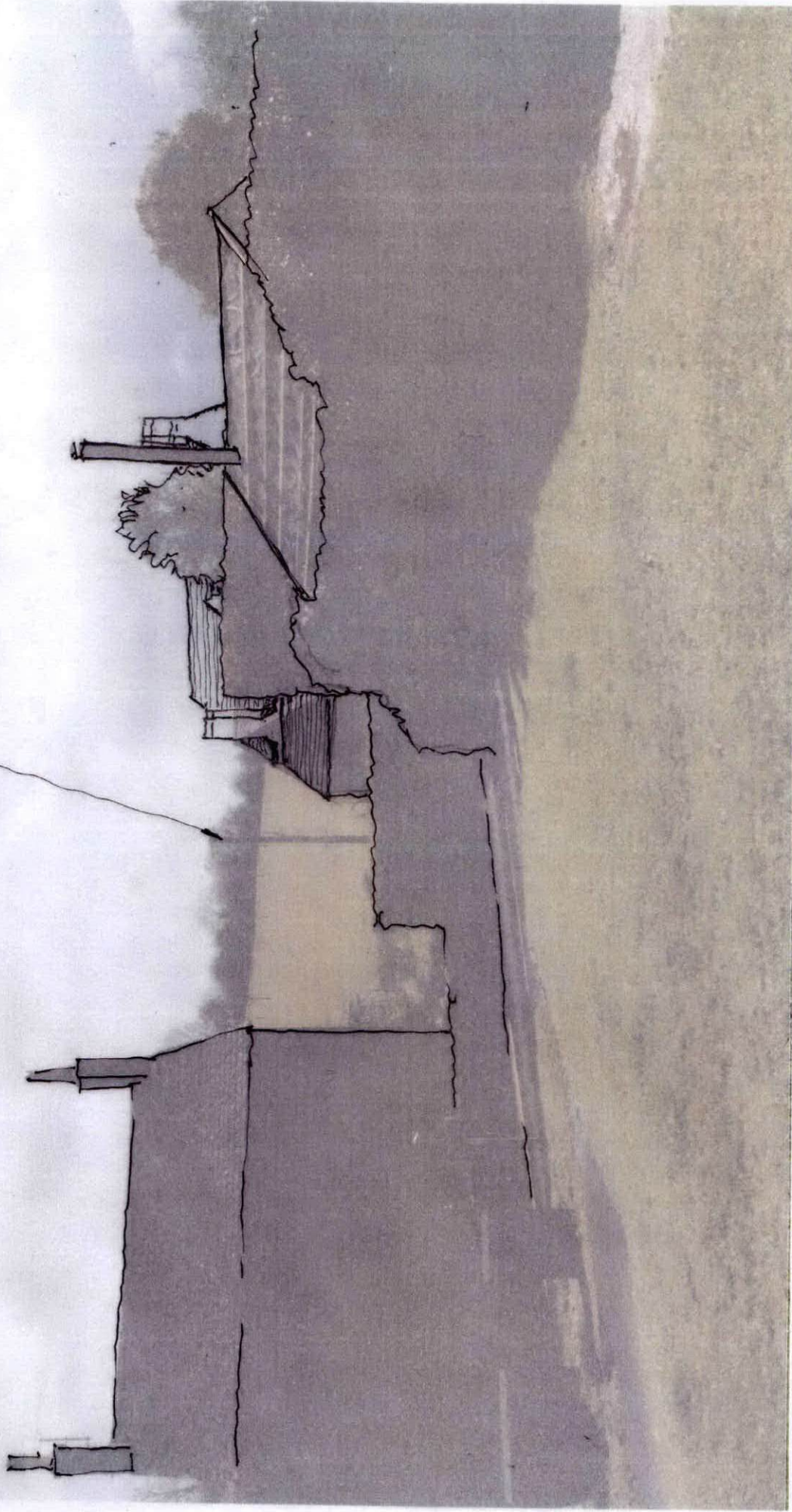
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9 Lansdown Place Lane Cheltenham GL50 2JZ

01242 519615

info@jacobpotarchitect.co.uk

ELECTRICITY Pylon TO BE REMOVED AS PART OF RESTORAL



The Old Post Office. New House.

View from North. As Proposed.
N.T.S.
1602.16

JACOB POT BA (Cantab) RIBA

9 Lansdown Place Lane Cheltenham GL50 2JZ

01242 519615

info@jacobpotarchitect.co.uk



TOWN AND
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CONSULTANTS

11th April 2016

Our Ref: ADM.LPC3684

Your Ref: 15/02459/FUL

Ms C Baker
Senior Planning Officer
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

Dear Ms Baker

Item No 07 – Planning Committee Meeting 13th April 2016
Erection of a dwelling at The Long House, Tarlton

I am writing to you to address several of the concerns raised by the Parish Council and local residents on the above planning application as I shall not have the opportunity to address all the points within the time period allowed at the Committee Meeting. In particular, I wish to comment upon highway safety and residential amenity issues and I would be grateful if these comments could be presented to the Planning Committee.

Highway Matters

The applicants have been criticised for undertaking speed readings at a time when the weather was wet and agricultural vehicles had been using the roads. However, the speed survey was carried out after it had been requested by the planning officer and was undertaken for a period of seven days, in accordance with the national requirement. It was confirmed by the local highways authority as being an appropriate survey.

The speed readings were also taken at a point some 65 metres west of the access position, where traffic speeds are likely to be higher than at the proposed access point, which is closer to the road junction.

The visibility splays have been calculated by the local highways authority and are achievable, as suggested by one of the recommended conditions.

Traffic speeds along this section of road are not high as the survey revealed that the average speed was 26 – 27mph, on a road that is subject to the national 60mph limit.

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Trull Tetbury
Gloucestershire
G L 8 8 S Q
Tel: 01285 841433
Fax: 01285 841489
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I should also mention that the vehicular access could be constructed at this position without even needing the benefit of planning permission, provided that a hardstanding is provided within the garden.

The position of the access was chosen so that it would be in the safest position, with the best visibility in both directions as it is on the outside of a bend. There is no need for it to be relocated, as suggested.

Residential Amenity

Comments have been made that the proposed dwelling would be detrimental to the amenities of existing properties in the locality. Whilst there would be a change to the setting of the buildings, as a new house is proposed near to them, it will be sufficiently distant and orientated in such a way as to not cause any sustainable amenity objections such as overlooking, loss of daylight or overshadowing. Furthermore, the dwelling has been sited in order to retain trees between the proposed house and the neighbouring properties, which will soften the impact of the proposal from those properties.

With regard to the impact of the garage on The Long House, a property that is owned by the applicants, the proposed garage will be over 30 metres from that property, will be set amongst trees and will also be beyond the double garage of The Long House.

I shall be addressing the elected members on the other objections that have been raised at the Planning Committee Meeting.

Yours sincerely

Andrew Miles
Director

Firstly it seems that there has been a continuous stream of planning applications for number 8. This gives the impression that it is a coordinated planned staged process to confuse, mislead and overwhelm the neighbouring residents and planning committee.

The total sum of these plans and the proposed changes is undoubtedly out of keeping with the character and surrounding area that is the Abbey Grounds estate.

Because the proposer is aware the building is so out of keeping with the other dwellings, the process appears to be stage managed, contrived and devious to achieve their ultimate objective.

The local community are fortunate to live in such a well-kept and attractive environment in the Abbey Grounds. The open grassed area between and to the sides of every building throughout the Abbey grounds is valued, appreciated and something that is very rare and reflects the Cotswold way of living. This layout impacts positively on visitors and residents alike and is something we all believe we must not lose.

Therefore it is surprising that the proposed inclusion of a Main door to the side of the building and accompanying path or access way is not commented upon in the statement by the Planning Officer nor is it mentioned in the latest proposed planning application.

It is difficult to understand how this significant planning objective was omitted. By excluding this it would seem disrespectful to some and convenient for the proposer.

It is acutely obvious that this main entrance will undoubtedly attract further planning applications to build a porch, an access path and more likely car parking ports.

The issue of car parking on the grassed area is relevant as there is an extreme shortage of car parking in the roads and streets around the Abbey grounds estate. These properties were built in the early 1960s and did not allow for the modern life of 2/3 Cars per family.

The shortage of car parking in Abbey Grounds estate was highlighted in the last Gloucestershire County Council consultation on the parking situation in Cirencester. In their draft findings they recommended that the Abbey estate be a red zone restricted to resident parking only.

With the removal of a driveway to this property there is strong possibility that he will park his cars and campervan, (as he has previously done), on the grassed area either side of the proposed main door. This will undoubtedly create precedence for others to abuse and misuse the open green grassed areas.

Finally I like many of other Blake Road residents have lived in Blake Road for nearly 30 years and in that time have been subject to the floods of 2007 and 2012. These floods caused backdraft of sewage and excessive water that flowed into houses and gardens opposite side to rear of number 8.

Therefore it is alarming that a permanent extension to the rear of the building will be above the troublesome offending culvert. This flooded culvert was the main exporter of excessive volumes of water and sewage into the properties.

John Morris
11 April 2016

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