

**16/03435/FUL Blockley Water Works, Bell Bank, Gloucestershire**

**Text of Address on behalf of the Objectors**

**Given by Christopher Walters**

**(Fellow of the Institution of Civil Engineers, Fellow of the Chartered Institute of Water and Environmental Management)**



**Viewpoint 6 – as supplied in the Application's own Landscape and Visual Assessment**

I've sent you all a letter about the Case Officer's Report but I'd like to focus on 3 unsound judgements in it which have profound implications for the District.

**On policies**, the Report says Saved Policy 19's<sup>i</sup> out-of-date. It supports this view referring to an appeal<sup>ii</sup> in Willersey and NPPF 215<sup>iii</sup>. Instead, it gives weight to the Emerging Plan when justifying OAN requirements, Blockley's identification as a principal settlement and housing allocations. As Cabinet approved the Plan, it must accord with the Framework<sup>iv</sup> and should carry considerable weight.

You'd assume the Case Officer's Report favours the Emerging Plan.... but it doesn't. It dismisses Policy DS3<sup>v</sup> saying policies may change following consultation. They may, but that would require further consultation first.

What it should've considered is Policy DS2<sup>vi</sup>: that's the relevant housing allocation policy defining the Development Boundary for principal settlements like Blockley.

**Critically, the report doesn't even mention key Policy DS2!**

Why? Perhaps, because this site lies outside the permitted development boundary.

But just consider: if housing allocation is determined without consistent reference to either Saved or Emerging Plan policies it is, in effect, not spatially governed at all...

... and that signals Open Season across Cotswold District for speculative development.

**On land supply**, the Report wrongly understates Blockley's completed or permitted numbers by 25%<sup>vii</sup> and, despite a recent permission, remaining allocations for the Plan period have a capacity almost 50% higher than the corrected residual requirement<sup>viii</sup>.

The District needs of the Draft Submission<sup>ix</sup> are fully met. CDC can identify<sup>x</sup> 7½ years of land supply against the 5 year requirement. So, housing supply's up-to-date for NPPF 49<sup>xi</sup> and, for the whole Plan, there's a surplus<sup>xii</sup> of 17% against requirement. The Inspector In the recent Willersey Appeal therefore found that NPPF 47<sup>xiii</sup> was met. NPPF 14<sup>xiv</sup> is only engaged when housing policies aren't up-to-date, but your replacement policies are advanced, NPPF compliant, and approved by Cabinet. Also, NPPF 14<sup>xv</sup> shouldn't even apply to AONBs and Conservation Areas.

Finally, The Report says<sup>xvi</sup> the AONB and Conservation Area matter but disparages this site, for example, saying it's hard-surfaced and a parking area. The majority<sup>xvii</sup> of the site has never been built on and over 50<sup>xviii</sup> letters of objection including the CPRE and Cotswolds Conservation Board refute the Report's assessment with its unenforceable conditions.

If you believe the countryside should be cherished not exploited, afford this site the protection it merits and **refuse this application**.

Thank you.

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<sup>i</sup> POLICY 19: DEVELOPMENT OUTSIDE DEVELOPMENT BOUNDARIES

Outside Development Boundaries, and subject to Policy GB.1 and policies for site-specific allocations indicated on the Proposals Map and insets, development appropriate to a rural area will be permitted, provided that the proposal relates well to existing development; meets the criteria set out in other relevant policies in the Plan; and would not:

- (a) result in new-build open market housing other than that which would help to meet the social and economic needs of those living in rural areas;
- (b) cause significant harm to existing patterns of development, including the key characteristics of open spaces in a settlement;
- (c) lead to a material increase in car-borne commuting;
- (d) adversely affect the vitality and viability of settlements; and
- (e) result in development that significantly compromises the principles of sustainable development.

<sup>ii</sup> 14/04854/OUT ("Willersey Appeal") refused February 2016. Section 45: "There is little dispute that the LPA can demonstrate a deliverable supply of 3,045 homes in the five year period. Accordingly, it is my calculation that the LPA can reasonably show a 7.63 year supply of deliverable housing land. I consider on this basis, in light of paragraph 47 of the NPPF, that there is no need for the appeal proposal."

<sup>iii</sup> 215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

<sup>iv</sup> 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

v Policy DS3

RESIDENTIAL DEVELOPMENT OUTSIDE THE PRINCIPAL SETTLEMENTS

1. Outside the Development Boundaries of Principal Settlements, small-scale residential development will be permitted provided it:

- a. is within or adjacent to a rural settlement;
- b. demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally;
- c. is of a proportionate scale and maintains and enhances sustainable patterns of development;
- d. complements the form and character of the settlement; and
- e. does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.

vi Policy DS2

DEVELOPMENT WITHIN DEVELOPMENT BOUNDARIES

Within the Development Boundaries and/or sites allocated for development on the Policies Maps, applications for development will be permissible in principle provided, where applicable, the development conforms with the use(s) proposed in site-specific allocations.

6.2.2 The Development Boundaries essentially define the existing built-up areas of these towns and villages, including sites that: are under construction; and have been granted planning permission.

6.2.3 They also include housing and employment sites proposed for development to meet the District's objectively assessed needs to 2031, including the Strategic Site.....

vii Case Officer's Report, page 77. CDC Residential Land Monitoring Statistics Report 2.2 Summary Table shows 41 versus COR's 30 units completed or permitted. (30/41 = c.75%).

viii The Case Officer's Report states 30 out of 59 units are provided for already so leaving a residue of 29 to be found in the allocated sites. As 41 have actually been provided for that means 18 are to be found. One site provides for 13 units and the other for 16 but only c. 80% of the latter remains so c. 13 units capacity remaining. 13+13=26/18.

ix Cotswold District Local Plan 2011-2031: Submission Draft Reg.19 June 2016. Page 28. 6.1.7.

x District Local Plan 2011-2031: Submission Draft Reg.19 June 2016. Page 29, Table 2. 6.1.13.

xi NPPF 49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

xii District Local Plan 2011-2031: Submission Draft Reg.19 June 2016. Page 28.

xiii NPPF 47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable<sup>12</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing

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describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and

- set out their own approach to housing density to reflect local circumstances.

NPPF 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

.....For decision-taking this means:<sup>10</sup>

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

— specific policies in this Framework indicate development should be restricted.<sup>9</sup>

<sup>xv</sup> <sup>9</sup> For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

<sup>10</sup> Unless material considerations indicate otherwise.

<sup>xvi</sup> Case Officer's Report, page 81 (NPPF 17, 109, 115).

<sup>xvii</sup> Refer to Application – Ground Condition Assessment FIGURES. Site Layout Plan Figure 2.

<sup>xviii</sup> 52 letters of objection posted online as at 7/11/16 but 2nd letter from CCB not yet posted.

Thank you.

CD.5221/A - Applicant's Comment

The site is a disused Thames Water depot comprising of hardstanding, and as such constitutes previously developed land.

This application is for a 6 bedroom, 2 storey, detached house with a double detached garage. Access to the site will be taken from the original operational vehicular access off of Chapel Lane.

Due to the land available, and the proposed access, a single dwelling was considered to be most appropriate. Notwithstanding this consideration was given to the overall floor area which totals 235sqm, which is consistent with other dwellings in close proximity to the site.

As the site is located within the Cotswold AONB and the Blockley Conservation Area, in consultation with the Council's Conservation Officer careful consideration was given to the overall design, scale and layout of the proposed scheme.

It is considered that the proposed scheme in terms of appearance reflects traditional Cotswold built form and is located at an appropriate distance and orientation from the boundary of the site therefore the presence of a building at the location in itself would not be out of character with existing surrounding development.

It is considered that the views into the Village, from the AONB are already heavily influenced by the presences of existing dwellings, and that the proposed development would not result in the encroachment of development into the open countryside.

As such it is considered that the proposed development will not have an adverse impact on adjacent residential properties, the character or appearance of this part of the Conservation Area or the views of the village from the AONB.

The Councils officers have also confirmed that the proposed reopening of the access is considered to represent a betterment in highways safety terms when compared to the existing parking arrangements.

The Councils own technical consultants have reviewed the technical reports which were submitted in support of the application. They have confirmed that they have no objection to the proposed development at the site.

Specifically the Councils Biodiversity officer has confirmed that they consider the impact of the proposed development to be relatively minor due to the proposed dwelling being sited on an area that is of limited ecological value.

The Councils Tree officer has confirmed that as the majority of trees and tree groups are to be retained the overall setting of the village will not be impacted.

A key concern raised is the protection of the raw water source at the site. Thames Waters primary concern is and will remain the protection of this important raw water source. As on other sites, as part of the disposal of the site, Thames Water will impose conditions and restrictions on the sale of the land, which will seek to protect the water source.

A full assessment of the principle of residential development at the site was set out in planning statement. As confirmed by the case officer in his officers report, whilst the proposed development is located outside the development boundary, in accordance with the National Planning Policy Framework, the application is considered sustainable development.

As no other material considerations indicate otherwise, the application is considered to be consistent and in accordance with the presumption of sustainable development and as such we respectfully request that you endorse the recommendation of your Planning Officer and resolve to approve this application.

CLERK: Kate Sales, 5 Okus Road. Charlton Kings Cheltenham. GL53 8DU

Planning Department  
Cotswold District Council  
Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

7-Nov-16

Dear Sirs

Ref: Planning 16/02593/LBC Guiting Power Baptist Chapel

Guiting Power Parish Council wish to object to this planning application of the grounds of lack of vehicular access and parking. The lack of this amenity for this dwelling may result in increased parking congestion on the busy narrow road. This property is situated near the brow of a hill on the main road through the village, so the resulting parking may, the Parish Council believe, result in a Highways safety issue and could increase the likelihood of accidents occurring. Access for emergency vehicles may also be reduced at certain times.

There is also a belief in the parish that the loss of a community facility may be detrimental to village life.

Yours sincerely,



**Mrs Dawn Rimmer**

**Guiting Power Parish Council (Chairman)**

Good morning

I would like to speak on both these applications at the same time as I do not have a great deal to say in view of the comprehensiveness of the planning officer's report.

So far as the application for Listed Building Consent is concerned, my clients have appointed a Historic Building Specialist who has worked with the Conservation Officer and the proposal that is before you has been revised in accordance with her comments.

With regard to the objections of the Parish Council and two local residents, these are not related to the application for Listed Building Consent, which concerns alterations to the fabric and setting of the historic building. The proposed works will enhance both of these elements and the Heritage Asset. Accordingly, I trust that Listed Building Consent will be granted, as recommended.

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Turning to the planning application, the Case Officer, has, again, set out his response to the objections and, in particular, has shown how the proposed conversion accords with the NPPF by making viable use of a Heritage Asset; demonstrating that the building has been unused for some time and has said that as the proposed works accord with your policies for the conversion of such buildings; that residential use would generate less vehicular movements than business use and that the principle of change in the use is acceptable, a matter confirmed by decisions elsewhere throughout the District.

So far as lack of parking provision within the site is concerned, the approach when designing this scheme was to minimise any potential impact on the Listed Building. Breaching the roadside boundary wall to provide a parking area would cause harm. Instead, the course of action that has been adopted is the one that has taken place for many years of parking on-street in the vicinity. I also note that the officer comments that a full congregation attending a service would generate much more parking than would be associated with the use proposed.



The officer has also referred to the fallback position as to what use this building could be put without requiring planning permission and has said that this is a material consideration to be taken into account. He has set out some uses that would generate more traffic than a dwelling and to those I would add a children's nursery; dance school or a veterinary practice, amongst many others.

I therefore concur with the officer's comments that residential use represents the best use of this building in terms of minimising on-street parking and traffic generation.

I have viewed this site on a number of occasions, both during the day and in the evening. I have not experienced any difficulty parking nearby, especially due to the layby to the north west, where a length of about 60m of localised widening means that there is room for about 10 vehicles to park. This means that there is adequate space for vehicles travelling in opposite directions to pass on the road as the overall width exceeds 8m. It would also be possible and legal to park outside the application site and not block the road as it is 6.6m wide at that point. A parked vehicle would just act as a traffic calming measure, a not unusual situation in a village location.

The test that has to be met is contained within the penultimate paragraph on page 150 of the report and is whether there is a clear and compelling justification that it is necessary to manage this local road network. I say that there is not and that the objections do not stand critical examination as demonstrated by the officer's report. This proposal will not cause highway danger but would be the most appropriate alternative use to ensure the future of this Listed Building.

Accordingly, I trust that you will grant planning permission as recommended.

Thank you.

## CT, 4316/F - Objector's Comment

I represent the overwhelming majority of residents who strongly object, verbally and in writing.

Concerns are both practical and aesthetic. The practical considerations of any infill of this garden need to be addressed. The infill would take place at the narrowest point in an already very narrow road. It would need to be built and serviced from that perilous road. Disruption would have serious consequences. Tetbury suffers from congestion and this building works, from which no-one but the developer stands to benefit, and will not benefit the community in any way, will be intolerably disruptive.

It has been said that residents whose vehicles are displaced (both in the short and long term) should spend £318 a year to park in the CDC car park (if there is a space, which is often not the case). This is high-handed. Displaced vehicles will add to an already over-crowded situation throughout the town.

It is impossible to comment in detail on what I am advised is 'a rough sketch scheme inaccurately drawn'. There are no reliable dimensions for the site or proposed house, no levels for ground, road, or floors, no drawings establishing eaves/ridges/heights of adjacent houses.

BUT come and see West Street for yourselves! It is a road that most accurately reflects Tetbury's character and has a fascinating history. It enjoys an intimate link between town and country which defines the unique nature of the old town. Development over the years has meant that the landscape has been seriously compromised. Views and vistas have been lost forever. Now we know better. The space offers residents and visitors a unique view over the Cutwell Valley, which itself frames the historic edge of Tetbury. Without that space West Street becomes a corridor and loses its intimate visual connection. Spaces matter. The Tetbury Neighbourhood Plan acknowledges the significance of landscape, heritage and ecology and says these should be 'conserved, enhanced, and celebrated.' It speaks specifically about Cutwell. The view from West Street north – the oldest part of West Street by many years – over Cutwell would be lost...and the view from lower Cutwell towards the oldest houses in West Street would also be lost.

As it stands at the moment, residents and visitors alike enjoy an old drystone wall – which would be lost forever – and the joy of a daily appreciation of what Tetbury was, and is, about. Visual sensitivity is what it is called.

We ask that you implement current, existing policy and protect the character and comfort of our special environment by rejecting this application.

Lesley Brain  
9.11.2016

# CT.4163/F - Applicant's Comments

**David Stone's spoken submission,**

**Planning Committee, CDC, 9 November 2016**

Mr Chairman, Members, thank you.

As for the technicalities, I am sure that they are safe in your hands and those of your officers

And particularly so since we've had the benefit of advice and discussion at pre-application stage and made the positive emendations in line with the advice

So, a personal observation, if I may.

From the age of four I was brought up in the village of Leighterton, close to Tetbury, where my great-uncle was village postmaster and registrar. I married into the village. Subsequently my career as violinist and conductor took me to 49 countries – I lived in 6 of them.

And all that time, my heart was in Gloucestershire. The Gloucestershire countryside inspired my music. Indeed, in an effort to acknowledge this debt to Gloucestershire I brought the London Mozart Players to Tetbury parish church to perform with the choir there.

Now, I am back. But I am past 80 and who knows when I shall need a full-time carer, maybe in residence – or when Elizabeth, my wife, will need a rental income or to downsize – when I am recruited to the heavenly orchestra?

That, then, is the personal slant on this subject.

Thank you.

## CT. 9170/B and CT. 0516/C - Applicant's Comments

It is acknowledged that this proposed development will have minimal impact on the current problem with parking in central Cirencester, as any spaces freed up by the development will be immediately filled.

However there will be a major impact on the lives of the three households in question

Resident of 52 Gloucester Street

"Parking along Gl Street is an ongoing issue, there is no residents only parking (as there is in Coxwell St) residents find it hard, sometimes impossible, to be able to park in their own street let alone near their own house.

There are cars parked daily on double yellow lines along the street, including those visiting the hairdressers or transporting children to and from Powells school. (yet we only usually see traffic wardens early on a Sunday morning when it is residents of Gl St who could not find a space and have had to park on the double yellows)

People who work in town are regularly seen waiting in the mornings along Gl St for a resident to leave their house so they can park their car and then walk into work, giving them free parking each day."

Resident of 54 Gloucester Street

"Living here, we see this first hand, experience it each day and can see how much of a difference it would make if all of those properties with longer gardens or usable space absorbed their personal parking back onto their land, so many other residents have done similar."

As the case officer's report notes of the consultees only the Conservation officer objects.

The tree officer has no objection subject to conditions

The County archaeologist has no objection subject to conditions

The Drainage officer has no objection subject to conditions

The Town Council has no objection

The planning officer's assessment is that there are no objections in principle.

The objection arises from the fact that the three properties are listed, and lie within a conservation area.

The planning authority has a duty to take into account the desirability preserving the buildings, their settings and any features of special architectural or historic interest that they possess, and preserving or enhancing the character or appearance of the area.

The case officer's report does acknowledge that the proposals should be viewed as causing "less than substantial harm" and that in such a case the harm caused is weighed against the public benefit arising from the works. The judgement of the officers is that public benefit does not outweigh the harm caused and that the loss of the boundary wall is also seen as having a negative effect on the setting of the Listed Buildings.

Part of the argument put forward by the conservation officer to demonstrate the lack of public benefit to the proposals is the presence of a parking sign indicating that time limited parking is allowed immediately adjacent to the boundary wall in question. The officer's conclusion is that two spaces will be lost with the demolition of the wall, so that only one additional space will be created.

It may be factually true that time limited parking is allowed adjacent to the site boundary but anyone familiar with Trafalgar Road would know the option could never be exercised as the existing rear entrances to 55 - 66 Gloucester Street cause vehicles to park on the opposite side of the road. This means that if anyone tried to park alongside the boundary wall Trafalgar Road would effectively be blocked.

Resident of 50 Gloucester Street notes "As regards to two cars parking alongside the rear boundary, we have never seen anyone park there, and having spoken to the gentleman who owns the Dental Laboratory on the corner, he too has never seen anyone park there."

From inspection it is clear that parking is not possible in this location and consequently two parking spaces will not be lost with the demolition of the boundary wall.

The Heritage Statement put forward the argument that the rear of the gardens to 50, 52 and 54 Gloucester Street, while technically being within the Gloucester Street Conservation Area, are experienced more as part of the Trafalgar Road street scene and the proposals should be judged against the character and appearance of Trafalgar Road. The fact that all the Gloucester Street houses to the west of the site with a rear boundary onto Trafalgar Road have already taken advantage of the situation to create off-street parking means that the current proposals cannot act as a precedent. There are no houses remaining in this stretch of road to follow the example of 50-54 Gloucester Street.

The applicants struggle to understand the conservation officer's view that the boundary wall makes a positive contribution to the setting of the listed buildings, and the photographs in the Heritage Statement seem to support their view. It is hard to agree with the conclusion that the proposals "would fail to preserve the listed buildings".

The proposal for a new stone retaining wall, railings and hedges will create a clear dividing line across the three properties, with the parking bays associated with Trafalgar Road and the raised gardens, railings to match those recently approved on the Gloucester Street frontage and hedge combine to protect the setting of the listed terrace.

The coordinated approach to providing off-street parking for the three properties gives some coherence to the proposal in keeping with the character of the houses as a terrace of three.

The way the parking has been designed means that there will be no adverse impact on the setting of the listed buildings, and no impact on the character of the conservation area.