

PLANNING AND LICENSING COMMITTEE

9th November 2016

ADDITIONAL PAGES

ADDITIONAL PAGES - CIRCULATED TO MEMBERS BY POST

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

Additional Representations on Schedule Items

Pages 1- 18

PLANNING AND LICENSING COMMITTEE

9th November 2016

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
02	16/01818/OUT CT.1595/5/Q	<p>Case Officer - Due to the finalisation of comments from consultees, officers request the authority of the Committee to formulate the final wording of the conditions and any additional conditions, having regard to consistency with the previous permissions granted for the Coln Park development.</p> <p>MoD updated comments - No objections subject to the approval of a bird management plan to prevent increased risk of bird strike.</p> <p>Biodiversity Officer - Please see attached updated comments with additional conditions.</p>
03	16/03435/FUL CD.5221/A	<p>Further comments received from Blockley Parish Council -</p> <p>'At the last meeting of Blockley Parish Council on October 20th 2016, the Council heard various representations from several members of the public regarding this application.</p> <p>Of particular concern is the potential for the pollution of underground water supplies. We wish, therefore, to emphasize our original comment and stress the need to ensure that full and adequate protection can be provided before any permission is considered.</p> <p>There is a degree of confusion regarding the proposed site boundary and the proposed designated boundary for Green Space. Can we request clarification to ensure that there is no overlap between the two?</p> <p>We have not objected to the principle of this application on an 'arguable' brown field site. However, we wish to make it clear that this should not be considered as a precedent for any other applications in this area of the village.'</p> <p>Four further emails of objection received -</p> <p>i) 'We are grateful to hear that some members have agreed to make the long journey to Blockley to visit this site. May we ask that, as well as entering it from the centre of the village, they ensure they also view it from Chapel Lane/Back Ends where they will see the harsh visual impact any building would have</p>

on this Quiet Lane which is also part of the National Trails Footpath network.

Members will also be able to see how impossible it is to have a 54metre road site line north from the entrance (see photo) since it is barely 30 metres to the blind bend on this single width lane. To achieve a safe site line the hedge and ancient stone wall would have to be demolished and the whole corner of the road straightened, destroying the natural peaceful charm of this unique area.

The visit will also reveal that the biodiversity report on the western hedge is extremely inaccurate since it says it stops at the entrance, when in fact it continues beyond it north down the lane, its correct length of over 50 metres protecting it under the Hedgerow Regulation Act 1997. To the lay person this hedge may appear to have little value, but its environmental importance has been confirmed by your own biodiversity officer who has insisted it should be retained and carefully managed. Presumably this would depend on the good will of the new owner! The biodiversity report also requests two trees be retained as bat roosts, and yet the latest plans imply their destruction. As the report has also recommended safeguards for hedgehogs, reptiles etc. it clearly implies they are at risk and cannot realistically be protected once the wildlife corridor is destroyed.

The impossibility of monitoring all the numerous constraints put on this application is a major concern, whether it be damage to trees and wildlife, control of light pollution, or indeed the very real risk of polluting the natural water courses themselves. (A distant neighbour's accidental spillage of creosote was detected in the water supply quite recently). Once the land is sold, this acknowledged sensitive site, not to mention a national water supply could be at the mercy of unsupervised builders, disinterested tenants - or worse, since numerous large houses in Blockley are now becoming venues for hen and stag parties.

Would members really be happy to see this beautiful corner of such a special Cotswold village destroyed forever, merely to pay lip service to govt. housing quotas, when there are many other viable sites in the area soon to be applied for.

We very much hope you will agree that this important biodiverse site needs to be protected from developers.'

		<p>ii) 'i was interested to read the comments of Mr Richard Hill, Head of Thames Water Property, who is obviously concerned in regard to possible water pollution. He therefore intends to request a restrictive covenant on the use of fertilizers, chemicals, and car maintenance., in regard to both builders and occupier. As this would have to be self regulating and rely on their good will, the only way to be certain is surely not to build at all.'</p> <p>iii) 'I don't understand how this can be considered when the ConeyGree Mill area is in the process of being designated a Local Green Space in order to protect it from unnecessary & unwanted development. How many local people need or can afford a 6 bedroom house & who locally would want to live in a house in a Conservation Area everyone locally is wanting to protect. This is to make lots of money to sell as a second home & destroy another piece of our beautiful village.'</p> <p>iv) Copy of email attached – Please see attached.</p> <p>Further email received from Cotswold Conservation Board - 'The Board has been contacted by local residents requesting a further comment on the Officer's report to Committee as a late item.</p> <p>The Cotswolds Conservation Board notes the Officer's recommendation to approve and wishes to reinforce its original objection as quoted within the Officer's report.</p> <p>In summary the Board could not come to the conclusion that this proposal, that sits outside the settlement boundary, would meet the tests of the CRoW Act 2000 by "conserving and enhancing" the character and special qualities of the AONB. Therefore when applying the "great weight" test of Paragraph 115 of the NPPF, priority should be given to "conserving landscape and scenic beauty" in this case. '</p>
07	16/02944/FUL CT.4316/F	Amended site location plan – Please see attached.
08 & 09	16/03333/LBC CT.9170/C & 16/03332/FUL CT.9170/B	<p>Case Officer Update - Amended plans have been submitted to show replacement tree planting within land owned by the applicants e.g. 'blue land'. See attached amended Site Location Plan (16/454/01 Rev A) and Site Plan (16/454/05 Rev D). It is advised that the receipt of the aforementioned plans, subject to the imposition of an appropriate worded condition controlling details and implementation of the proposed planting, is sufficient for officers to remove Refusal Reason 2. An appropriately worded condition will be agreed with the Council's Tree Officer and presented to members via late</p>

		<p>additional pages. Notwithstanding this, Members should note that Refusal Reason 1 (and hence the recommendation for refusal) remains.</p> <p>Agent Update - Comments have been received from the agent in response to the Conservation Officer's comments (see agent comments attached). Whilst the agent's comments are noted they do not alter the officer's recommendation.</p>
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Summary for Additional Pages

Biodiversity Issues

Further information and additional consultation responses have been considered since the preparation of the Committee report. These relate to three key areas of concern

- The SSSI
- Wintering and breeding birds
- Public enjoyment of wildlife

Comments from Natural England are still awaited and these are particularly important in the context of the SSSI.

1. SSSI

As outlined in the Committee report the Cotswold Water Park SSSI is primarily designated for its aquatic plant interest. These important plant assemblages could be impacted by changes in water level or quality. The creation of a new lake next to Whelford Pools, which forms one unit of the SSSI (and is also a Gloucestershire Wildlife Trust nature reserve) has the potential to affect water levels and quality. However these potential impacts were considered in detail at the time of the minerals permission and various safeguards were incorporated within the minerals working and restoration proposals. Much of that has already been completed, and the only safeguards not yet implemented relate to monitoring. It is therefore considered that the proposed development will not cause harm to the aquatic plants within the SSSI, provided that the appropriate conditions are applied to any permission.

The increased access proposals, while welcome in that they enable the public to better enjoy the countryside, could lead to increased recreational pressures on the SSSI / Whelford Pools Nature Reserve, for example to the heronry or the paths on the Reserve. It is therefore suggested that the management strategy should include monitoring of the Nature Reserve and where necessary remedial measures.

2. Birds

The Cotswold Water Park as a whole is recognised for its national importance for wintering and breeding water birds. In acknowledgement of this, Natural England are currently considering the re-notification of the Cotswold Water Park SSSI to better reflect the strategic importance of the inter-related network of lakes for both wintering and breeding birds. If progressed, this is likely to result in additional lakes being included within the SSSI.

Although the current CWP SSSI is primarily designated for its aquatic plant interest, the reasons for notification also make reference to the importance of the CWP SSSI for wintering and breeding birds.

5

Item 02

16/01818/OUT

CT/ENG/10

Within the approved minerals restoration scheme, which is the appropriate baseline against which to assess any potential biodiversity benefits or impacts of the current application scheme, Arkell's Lake was well-designed to support a range of wintering and breeding birds as well as other aquatic species. Although public rights of way would still have passed along the northern and southern edges of the lake, the western end (along the boundary with the adjacent SSSI) and the eastern end of the lake would have remained relatively undisturbed. The current proposals show holiday units located around the eastern end of the lake and the draft unilateral agreement shows a public right of way along the western end. This means that there will be access to almost all sides of the lake, significantly reducing the areas of lake which are undisturbed, if this access is not controlled. Wintering and breeding birds are sensitive to disturbance, particularly from people and dogs.

a. Wintering birds

In order to reduce disturbance to wintering birds it is proposed that the access routes around the new Arkell's Lake could be screened using a variety of interventions; however it is important that the public are still able to view the lake and its wildlife so a series of viewing points, including hides, should be incorporated within any screening scheme. The proposed new footpath that runs along the boundary between Whelford Pools and Arkell's Lake is shown in the draft unilateral agreement as a formal Public Right Of Way, which means that it has to be open at all times. Given the close proximity of the SSSI and the potential of disturbance it is considered that this path should initially be a permissive path, while its impacts on wintering birds are assessed. If it proves to cause no disturbance over a period of 5 years (from the time that it is opened), it could then become an adopted Public Right Of Way. However if it is shown to lead to disturbance to wintering birds, it could then become a summer-only permissive path. The unilateral agreement will have to be changed to accommodate this before permission is given. Other key disturbance factors include dogs entering the water, so fencing may be required at appropriate points; swimming and boating and lighting as wintering birds may use the new lake for night roosting.

b. Breeding Birds

The construction of units on the lake, increased access and the use of the lake by boats and swimmers, is likely to reduce the potential of Arkell's Lake to support breeding birds, as compared with the approved minerals restoration scheme. In the information submitted by the applicant it states—"Summer use of the lake by non-powered water craft and swimmers may well disturb lake edge water birds during the nesting season, but it is hoped that such birds would seek refuge elsewhere ..." However there is no evidence presented that other suitable nesting sites on other lakes are not already occupied. A condition is therefore proposed that prevents the use of this lake for swimming or boating at any time.

c. Bird Strike

Given the location of Arkell's Lake in the proximity of RAF Fairford, consideration has been given to the risk of bird strike and the MOD have been consulted on the proposals. Provided that an

6 Item 02
16/01/19/OUT
AT 15:15/15/19

appropriate condition is applied to include bird management, there should not be any additional bird strike risk, as compared to the approved minerals restoration scheme

Summary

In summary, there are potential impacts on biodiversity from the proposals as compared with the approved minerals restoration scheme, for example disturbance to wintering and breeding birds. However these should be balanced against the proposed habitat creation measures and the potential for the scheme to deliver more nuanced and certain long term management of the site, as well as wider nature conservation gains in terms of increased public access to nature and the countryside. Provided that the appropriate conditions are implemented in full, the potential impacts should be minimised.

Proposed Conditions

Protection of Site of Special Scientific Interest –

Within two months of the date of this permission, a water level monitoring and management scheme shall be submitted to the Local Planning Authority. The scheme shall include details of –

- Locations of monitoring points
- Frequency of monitoring
- Submission of monitoring reports to the Local Planning Authority
- Details of mitigation measures that will be taken if the monitoring shows that the water levels have changed to an unacceptable degree.

Once approved in writing by the Local Planning Authority, this monitoring scheme will be implemented in full.

REASON: To ensure that aquatic macrophyte assemblages within the adjacent SSSI (Whelford Pools) are protected, in accordance with the Wildlife and Countryside Act 1981 as amended, the National Planning Policy Framework (in particular section 11), policies 9 and UT1 of the Cotswold District Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

Wintering and Breeding bird protection and public access measures

Prior to completion of the final phase of the Restoration Phasing Plan (drwg. Ref...), a detailed scheme for wintering and breeding bird mitigation and enhancement and the provision of opportunities for the public to view the wildlife on Arkell's Lake will be submitted and approved in writing by the LPA. The plan shall include:

1. Details of screening, fencing, bunding and planting that will ensure that wintering and breeding birds on Arkell's Lake are not disturbed by users of the footpaths (both public rights of way and permissive paths) and their dogs.
2. Details of viewing points, including hides, that will ensure that the public are able to view the wildlife on Arkell's Lake
3. Details of lighting around Arkell's Lake.
4. Details of the monitoring of wintering and breeding birds at Arkell's Lake, including

HEM 02 7
16/01/18/OUT
AT 15:00/16

that monitoring required to assess the impacts of the footpath along the boundary of Whelford Pools and Arkell's Lake.

The approved scheme shall be implemented in full according to the timescales laid out in the plan, unless otherwise agreed in writing by the LPA.

REASON: To ensure that the biodiversity of the site is protected and enhanced, in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, the National Planning Policy Framework (in particular section 11), policies 9 and UT1 of the Cotswold District Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

Boating and swimming

No boating or swimming to be undertaken on Arkell's Lake at any time and no boating or swimming to be undertaken on Cleanwater or New Found Lakes between 1st October and 31st March inclusive; except for emergency or management purposes. (Where possible this should be agreed in advance with the Local Planning Authority; where this is not possible the LPA should be informed of the use of boats on the lake immediately afterwards)

REASON: To ensure that the biodiversity of the site, and in particular nesting and wintering birds, is protected and enhanced, in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, the National Planning Policy Framework (in particular section 11), policies 9 and UT1 of the Cotswold District Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

Landscape and Ecological Management Strategy

Prior to the submission of any reserved matters application, a detailed landscape and ecological strategy for the site shall be submitted (including the application site, the Conservation Lake and the area between the application site and the Conservation Lake) and approved in writing by the Local Planning Authority. The plan shall include:-

1. The long-term aims and objectives for landscape creation, ecological habitat creation, mitigation, management and monitoring (including baseline species and habitat information);
2. Details of landscape and ecological features to be retained;
3. Details of how these features will be protected during construction;
4. Details of structural planting (NB planting to be of native species), hard landscape proposals (including fencing, surfacing and boundary treatments) and habitat creation;
5. Details of long-term management and monitoring for at least 10 years post completion of the development
6. Details of management responsibilities.

8 Hem 02
16/01/2018/OUT
AT 15:25:15/10

7. Details and justification for the selection of baseline data and any thresholds that if occurring, or reached, will trigger remedial measures; and the details of those remedial measures

8. Details as to how this strategy will be implemented in more detail in subsequent reserved matters, full and condition compliance applications.

9. Details of a monitoring regime and potential remedial measures to assess any recreational pressures that are demonstrably causing detrimental impacts on the nature reserve at Whelford Pools.

10. Submission of an annual report on the management and monitoring of the site to the Local Planning Authority.

The approved strategy shall be implemented in full according to timescales laid out in the plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the long-term provision of landscape and ecological mitigation and enhancement of the application site and adjacent areas, in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, the National Planning Policy Framework (in particular section 11), policies 9, 19, 45 and UT1 of the Cotswold District Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

Bird strike management plan

Prior to completion of the final phase of the Restoration Phasing Plan (drwg. Ref...), a detailed bird strike management plan will be submitted and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full according to timescales laid out in the plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of bird strike causing harm to aircraft using RAF Fairford.

Standard lighting condition.

Details of all external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and only the approved details shall be implemented thereafter.

Reason - To safeguard the character and appearance of the area and to ensure that potential disturbance to birds, bats and other biodiversity is minimised in accordance with Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, the National Planning Policy Framework (in particular section 11), policies 9, 19, 45 and UT1 of the Cotswold District Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

9 Hem 02.
16/01/2018/OUT.
CT:1595/5/Q.

Phasing

No reserved matters applications will be submitted until such time as a detailed phasing plan for the development is submitted and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. The plan should include phasing for

- The holiday and hotel units
- The landscape and biodiversity mitigation, management and enhancement proposals
- The public access proposals

Reason: To ensure that the public and biodiversity benefits of the development are delivered in parallel with the built developments, in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, the National Planning Policy Framework, policies 9, and UT1 of the Cotswold District Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10

HEM 02
16/01/2019/OUT.
CT. 1595/5/Q.

Martin Perks

From: Christopher Walters <
Sent: 27 October 2016 20:33
To: Cotswold DC
Cc: Martin Perks
Subject: Planning Application 16/03435/FUL Blockley Water Works

For the attention of the Planning Department/ Martin Perks

Planning application 16/03435/FUL Construction of a single dwelling and detached garage at Blockley Water Works.

Further letter of objection.

I refer to the Applicant/ Agent Correspondence from Mr Hill of Thames Water dated 5th October and posted on your website on 10th October, about which I have some concerns.

Firstly, the letter is from Thames Water Property, who are not those responsible for the operation of the site as a groundwater source, but who maintain all the water utility's properties and also work with Savills to identify possible sites for development on Thames Water sites around the country, maximising the value of their property portfolio and "*... maximising development opportunities through the planning process*", a very different and potentially conflicting objective to that of Thames Water's operational team. Despite this, the letter very clearly illustrates the reason why this application does not make sense from a practical, operational viewpoint. To me, it does not address the valid concerns about groundwater protection, but instead appears to reinforce them.

The letter states that "*Thames Water's primary concern is and will remain the protection of this important raw water site*" and yet it goes on to list all the constraints, conditions and back-up facilities that building a property within the highest possible category of groundwater protection would require in order to reduce the very real risk of contamination of the groundwater source. All of this is at odds with Thames Water's primary concern to protect this important raw water site, as risk of groundwater contamination can't realistically be totally eliminated, only reduced.

The comprehensive Ground Condition Assessment report from Peter Brett Associates states that the ground in the proposed development area has "*High Leaching Potential (H1) - soils which readily transmit liquid discharges because they are either shallow or susceptible to rapid flow directly to rock ravel (sic) or groundwater*" (3.10), also that "*downward and lateral migration of contaminants within this stratum is possible given the permeable nature of the formation*" (4.4), implying that any surface pollution not caught up and retained or disposed of through the sewerage system will readily soak into the substrata and is therefore potentially able to contaminate the groundwater.

As also stated in the Peter Brett report (4.8), "*in a SPZ1 zone (which this is) the EA (Environment Agency) will only agree to proposals for infrastructure developments of non-national significance where they do not have the potential to cause pollution or harmful disturbance to groundwater flow or where these risks can be reduced to an acceptable level*". Clearly, what is critical here is whether the risk of contamination is acceptable and to whom, noting that pollution of groundwater

11

1

Mem 03
16/03435/FUL
PERKSA

sources is not permitted under Saved Policy 6 of the Local Plan (2006) and EN11 of the Emerging Local Plan.

Is it realistic to expect that the required restrictive covenants both during construction and subsequent occupation of the dwelling, including "*but not limited to control of pesticide, herbicide & fertiliser; no bulk storage of chemicals, fuels, etc; and no vehicle maintenance at the site.*" can be enforced for as long as the Coneygree Mill site remains an operational water source? Also, what does the term "*but not limited to*" imply - additional covenants?

The proposals for surface water drainage are not clear. It is impractical to provide surface water drainage for the whole development site and so, presumably, the surface drainage will just apply to any permeable hardstanding and paving, where it must all be discharged into "*the adopted system*" via a sealed system using a petrol interceptor. What about the inevitable incidents of pollutants entering the ground over the non-drained remainder of the site, eg when using garden machinery, paints or creosote, as reportedly occurred some years ago from a garden adjacent to the site, but much further from the spring source than the proposed development?

Also, who will be responsible for the mandatory maintenance, regular inspection and emptying of the proposed petrol interceptor, which is in itself quite a large container, and where will it be located so as to be accessible and also able to drain into the appropriate sewer?

Will responsibility lie with the occupier or with Thames Water, who I assume would be responsible for the sewerage serving the site location?

As I have pointed out in a previous objection comment, this type of contaminant can't presently be removed at the downstream Sheaf House treatment works and, given the current low frequency of raw water sampling at the site (weekly), it could conceivably occur in the water going into public supply for some time before being detected.

Basically, this letter from Thames Water Property is an admission that on-site contamination will occur, which is wholly realistic, especially as a six-bedroom property may well end up as holiday lets, as has happened elsewhere in Blockley. In my opinion, the system proposed to avoid any contamination of the groundwater is by no means foolproof: the only way to eliminate this risk is by not building a property in this location at all, a view which in my opinion may well be shared by some of Thames Water's operational staff.

There is also a wider issue to this. There are several potential building plots or areas of land not owned by Thames Water which are immediately adjacent to the Coneygree Mill site or are located close to the west of the site and which are popularly believed to have constraints on any development owing to their location in the less-critical SPZone 2 groundwater protection area. Clearly, should this particular development go ahead, the precedent will have been established for the owners of these other potential sites to assume that they too will not be prevented from development in relation to this particular aspect. This could put the groundwater source at even greater risk of pollution, from additional development, which cannot be in the interests of either Thames Water or their customers. Would Thames Water try to impose similar, restrictive and potentially unenforceable covenants on these developments too?

It all comes back to the same conclusion: apart from the many other valid reasons for rejection of this application, this is the wrong site for any property development so long as it remains a public water source or until local water treatment technology is upgraded to cope with surface water contamination incidents, whatever the perceived risk.

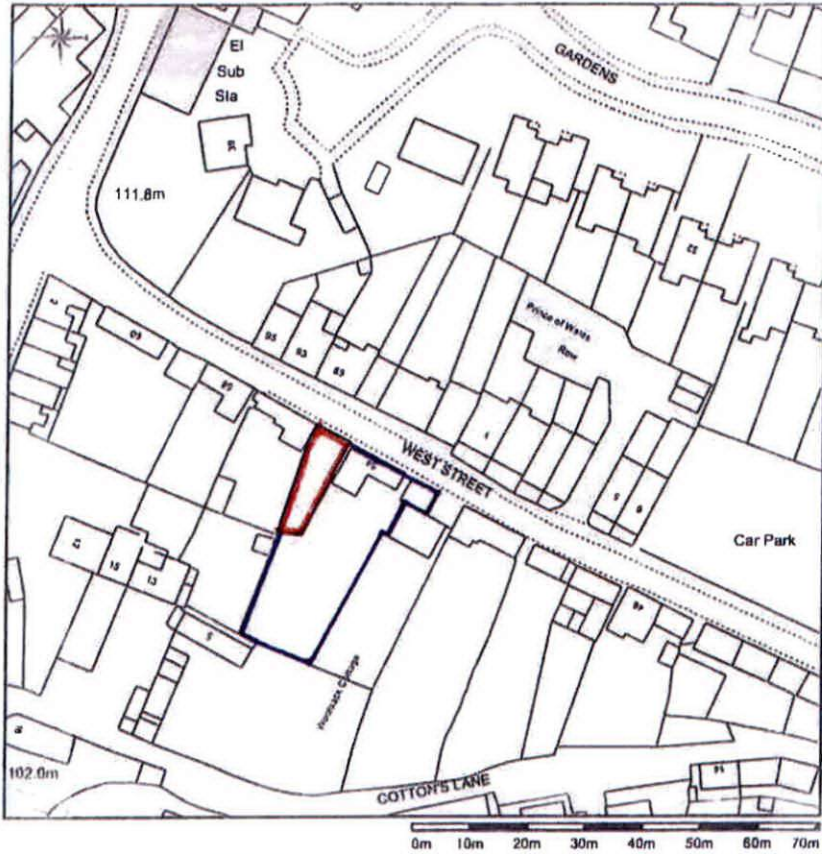
Item 03
16/03435/FUL

12

2

CT.5221/A

SITE : 54 West Street
Tetbury
GL8 8DR
PROPOSAL: Erection of dwellinghouse
SCALE 1:1250
DRG NO. 880/16/1A
DATE September 2016

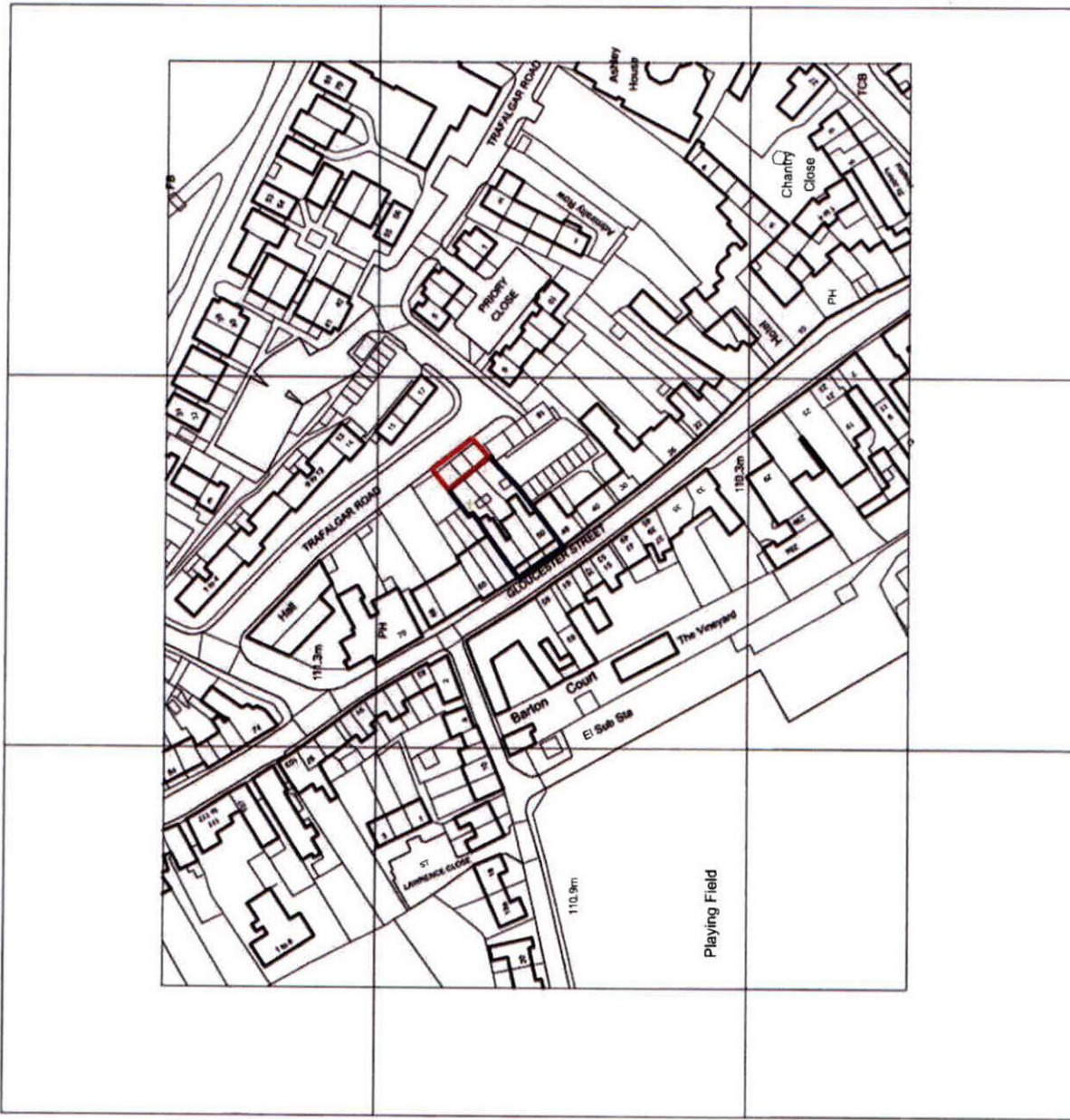


CROWN COPYRIGHT RESERVED
BRADBEER PLANNING LIMITED
Licence No. AL100027256

Scale: 1:1250, paper size: A4

Item 07
13 16/02/2014/FUL
CT.113111F

401900m 402000m 402100m 402200m 202600m 202500m 202400m 202300m



Items 08 + 09. 14
160322311 RC (07/17) + 160322315 ST/16

PROJECT

PROPOSED CAR PARKING AREA TO SERVE 50, 52 AND 54 GLOUCESTER STREET, TRAFALGAR ROAD, CIRENCESTER, GLOUCESTERSHIRE GL7 2DH

DRAWING TITLE
LOCATION PLAN

402100m

402000m

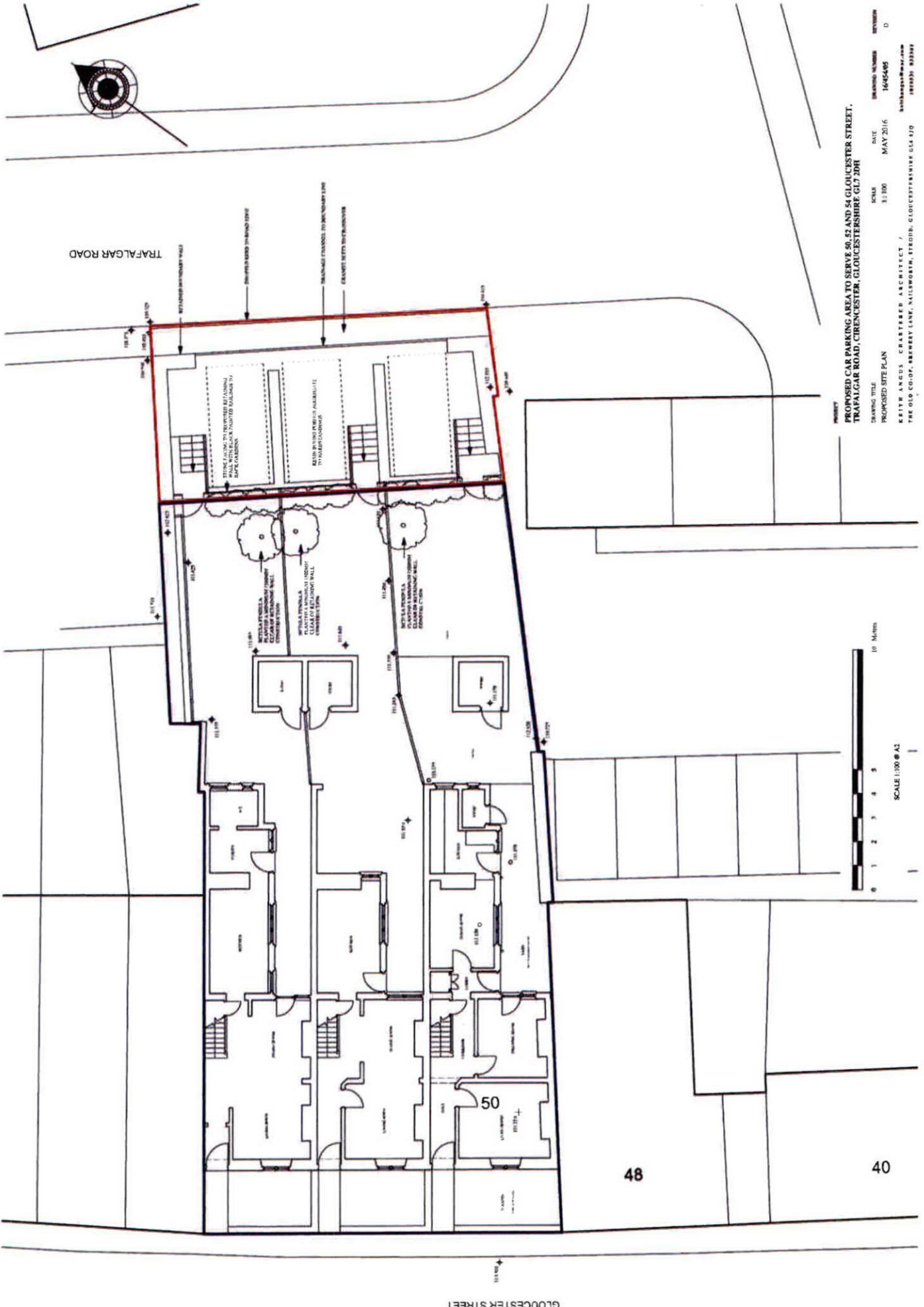
401900m

SCALE 1:1250
DATE MAY 2016
DRAWING NUMBER 16/454/01
REVISION A

©Crown Copyright. All rights reserved. Licence no. 100041040

KEITH ANGUS CHARTERED ARCHITECT / THE OLD CO-OP, BREWERY LANE, NAILSWORTH, STROUD, GLOUCESTERSHIRE GL6 9JQ

keithangus@mac.com (01453) 835341



PROPOSED CAR PARKING AREA TO SERVE 50, 52 AND 54 GLOUCESTER STREET,
 TRAFALGAR ROAD, GLOUCESTER, GLOUCESTERSHIRE GL1 2DH
 DRAWING TITLE
 PROPOSED SITE PLAN
 KEITH ANGUS - CHARTERED ARCHITECT /
 THE OLD COOP, BREWERY LANE, NAILWORTH, STAFFS, GLOUCESTERSHIRE GL14 3JQ (01929) 33399
 SCALE 1:100
 DATE MAY 2016
 DRAWING NUMBER 16/03332
 D

GLoucester STREET

Items 08+09.

15

16/03333/LBC CT.9170/C + 16/03332/FOL CT.9170/B

In response to the assistant Conservation and Design officer's report prepared in response to the applications 16/03332/FUL and 16/0333/LBC, with a draft recommendation for refusal I would wish to make the following comments.

The report notes that

"Numbers 50, 52 and 54 Gloucester Street are listed as being of special architectural or historic interest and the Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings or their settings or any features of special architectural or historic interest they possess. "

and points out

"that the site is located within the Cirencester Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality."

In preparing the proposals for the onsite parking it was decided to examine separately the need protect the special architectural and historic interest of Listed Buildings and their setting, and the need to preserve or enhance of the character of the Conservation area.

The Listed Buildings.

The assistant Conservation and Design officer's report makes reference to various paragraphs in the National Planning Policy Framework highlighting the need to sustain or enhance heritage assets, and that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and that significance can be harmed through alteration or development within the setting.

The report does acknowledge that NPPF paragraph 134 that points out that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The Listed terrace is of no particular architectural merit and its interest lies mainly in that fact that the original design of 1902 has largely survived intact due largely minimal maintenance over the years.

The main bulk of the houses faces on to Gloucester Street while to the rear each house was built with a narrow two storey section alongside a narrow external yard. Set behind each house, across each plot, are brick built outhouses which effectively separate the plots into two.

Because of the arrangement of the buildings on the plots the rear of the site where the parking area is proposed is largely screened from the three houses and that rather than causing "less than substantial harm to a designated heritage asset" the proposed parking area will have no impact on the three Listed terraced houses.

Hems 08 + 09

16

16/03333/LBC CT. 9170/C + 16/03332/FUL CT. 9170/E

The Conservation Area

The proposals also have to be sensitive to the aims and requirements of the local Conservation Area and the report makes reference to a number of policies that address this issue.

Reference is made in the report to Cotswold District Plan Policy 15 which states that

POLICY 15: CONSERVATION AREAS

1. Construction of, alterations to and changes of use of buildings or land, and the display of advertisements within or affecting a conservation area, must preserve or enhance the character or appearance of the area as a whole, or any part of the designated area. Uses that create additional traffic, noise or other nuisance, which would adversely affect the character of a Conservation Area will not be permitted. However, development may be permitted if it can be demonstrated that a proposal can help an Area to remain alive and prosperous without compromising its character or appearance.
2. Proposals for development requiring planning permission and/or Conservation Area Consent will be permitted unless:
 - (a) they result in the demolition or partial demolition of a wall, structure or building, or the replacement of doors, windows or roofing materials, which make a positive contribution to the character or appearance of the Area;
 - (b) the siting, scale, form, proportions, design, colour and materials of any new or altered buildings or advertisements, are out of keeping with the special character or appearance of the Conservation Area in general, or the particular location; or they would result in the loss of open spaces, including garden areas and village greens, which by their openness make a valuable contribution to the character or appearance, or allow important views into or out of the Conservation Area;
3. Existing trees, hedgerows and other features, which are important to the character or appearance of a Conservation Area, will be protected. Within a Conservation Area, any new tree planting or other landscaping work, including surfacing and means of enclosure, shall be in character with the appearance of the Area.
4. Minor householder development that does not adversely affect or obscure historic property boundaries, such as burgage plots, is likely to be acceptable in principle, although cumulative development that adversely affects the area as a whole may not be permitted. Where appropriate, the local authority will seek the reinstatement or enhancement of historic features, such as boundary walls, in association with acceptable development. New dwellings or other substantial structures, particularly those that cover more than one plot, are unlikely to be acceptable.

Policy 15 allows for development that involves the demolition or partial demolition of a wall where the wall does not make a positive contribution to the character or appearance of the Area. In this case it is a matter of dispute as to whether the existing boundary wall makes a positive contribution to the area.

The assistant Conservation and Design officer takes the view that the boundary wall "appears" to represent "part of the integral historic boundary feature of the listed buildings" without presenting any evidence to support the assertion and he claims that it "is a notable positive feature of the character of this particular part of the conservation area" - which is a matter of opinion, I suppose.

The report states that parking is permitted immediately adjacent to the rear wall between 6:30pm and 8am and that two public parking spaces here will be lost as part of the proposals. This is misleading. There may be no formal parking restrictions during that period but it has become established practice for local residents to park on the opposite side of Trafalgar Road, and the road cannot accommodate parking on both sides of the road. The fact that the west side of Trafalgar Road is already dominated by a series of vehicular entrances into the Gloucester Street dwellings reinforces current on-street parking arrangement.

The report also draws attention to the adopted Conservation Area Appraisal (CA2: Part 1: Section 3.9, p70) which assesses the negative features and issues affecting Character Area 1 (Gloucester Street)

HEMS 08 + 09. 17
16/03333/LBC CT.9170/C + 16/03332/FUL CT.9170/E

The adopted Conservation Area Appraisal did draw attention to the inappropriate development of the "the creation of private car parking spaces in place of gardens and involving the loss of boundary walls", but the Appraisal also commented on "the dominance of parked vehicles in Gloucester Street which detracts from the visual appeal of the the street as well as creating pedestrian safety issues".

The Gloucester Street and River Walk Conservation Area appraisal identifies the spatial character of the conservation area "as a long, narrow, gently winding and intimately-scaled urban space defined by predominately two- and three-storey almost continuous historic building frontages, built off the back edge of the pavement on both sides, and with the occasional narrow front or side garden".

According to the appraisal the architectural character of the area is determined by the existence of 'many good examples of the Cotswold vernacular style, mostly from the seventeenth and eighteenth centuries' and by the fact that a "very large proportion of the buildings and structures within the Conservation Area which are listed as being of special architectural and historic interest and which contribute significantly to its character".

In addition "there are several good examples of the Cotswold Arts and Crafts style and a number of Buildings of Townscape Merit which enhance the special architectural and historic character" of the area.

While technically the rear gardens of 50 - 66 Gloucester Street fall within the Gloucester Street Conservation Area none of the characteristics of the Conservation Area quoted above could be said to be descriptive of the spatial or architectural character of Trafalgar Road. Indeed, as noted in the appraisal, where the Trafalgar Road development does intrude into the Conservation Area it is identified as prejudicial to the character of the Conservation Area.

There is in fact a very clear boundary between Gloucester Street and Trafalgar Road and a definite difference in character between the two streets.

It is argued 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 are in accord with the neighbouring properties.

The existing brick outhouses with the gardens of 50, 52 and 54 Gloucester Street already create a division within each of the three plots, effectively separating the listed terrace from the rear half of the back gardens. Rather than "less than substantial harm" this buffer zone ensures that there no harm to the Listed terrace or its setting from the proposed development.

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 and hedge protecting 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, and an improvement on the rather more relaxed approach adopted by the adjacent properties.

Hems 08 + 09.

18

16/03333/LBC CT.9170/C + 16/03332/FUL CT.9170/E