

PLANNING AND LICENSING COMMITTEE

9th November 2016

ADDITIONAL PAGES UPDATE

DISTRIBUTED AT THE COMMITTEE MEETING

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 19 - 42

PLANNING AND LICENSING COMMITTEE

9th November 2016

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
01	16/02598/OUT CT.5331/D	<p>Officer Update – The South Cerney Pre-school Playgroup Committee has requested £25,000 from Gladman Developments Ltd. This money would fund the ancillary infrastructure (utilities, weather proofing, etc) that is required for a recently constructed building to accommodate additional playgroup/ pre-school aged children. The South Cerney Pre-school Playgroup is not an establishment operated by Gloucestershire County Council and is therefore not eligible for contributions made to the County Council according to the Community Infrastructure Levy (CIL) regulations. The £25,000 would therefore be an ex gratia payment made by Gladman Developments Ltd. to the South Cerney Pre-school Playgroup Committee. The fact that the payment would not be compliant with the CIL regulations means that Officers cannot consider it as a material consideration in the determination of this planning application.</p> <p>Officer Update – Officers request the authority of the Committee to formulate the final wording of the conditions or any additional conditions that may be added.</p> <p>South Cerney Residents – Please see attached.</p>
02	16/01818/OUT CT.1595/5/Q	<p>Fairford Town Council - Supports the application in principle, subject to the necessary corrections and clarifications being made with regards to the detail - including the Footpath Map being correctly labelled in line with the text in the Unilateral Undertaking – Please see attached.</p>
03	16/03435/FUL CD.5221/A	<p>One further letter of objection received – Please see attached.</p> <p>Officer comments in response to letter of objection;</p> <p>Recent appeal decisions have set out the weight that can be given to the emerging Local Plan.</p> <p>Paragraph 15 of the Mickleton appeal decision (APP/R3650/A/14/2223115, CDC Ref 14/02365/OUT) states; <i>'policy 19 can only be regarded as out-of-date.</i></p>

		<p><i>And, of course, the emerging Local Plan has not yet reached a stage where its mooted policies might reasonably serve as 'replacements'.</i></p> <p>With regard to the Willersey appeal decision (APP/F1610/W/15/3121622), CDC Ref 14/04854/OUT) the Inspector stated ; <i>'However, the new Local Plan remains some way from submission, with examination no earlier than 2017. In accordance with paragraph 216 of the NPPF I attach little weight to its emerging content.'</i></p> <p>With regard to the recent appeal for up to 69 dwellings at Land Off Berry Hill Crescent, Cirencester (APP/F1610/W/16/3144113, CDC ref 15/03539/OUT) the Inspector states <i>'At the time of the Inquiry the emerging Local Plan had not been independently considered at Examination in Public, and the Council has accepted that it carries limited weight. Given the current stage in its preparation and the existence of unresolved objections to it, this approach is in accordance with paragraph 216 of the Framework.'</i></p> <p>The issue of prematurity is also dealt with in the Government's Planning Practice Guidance. Guidance on the weight that can be given to emerging Local and Neighbourhood Plans is set out in Paragraph 014 of the aforementioned guidance. It states;</p> <p><i>'arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:</i></p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and</i></p> <p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.</i></p> <p><i>Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would</i></p>
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		<p><i>prejudice the outcome of the plan-making process.'</i></p> <p>In light of the above it is considered that the emerging Local Plan is not at such an advanced stage that it would be possible to sustain an objection to the application on grounds of prematurity. The Inspectors' decisions in respect of the appeals outlined above also indicate that very limited weight can be given to the emerging Local Plan policies.</p> <p>Draft Policy DS3 has been referred to in the Officer report as this is the policy that would be relevant to development outside the proposed Principal Settlements should the emerging Local Plan be adopted. Policy DS2 relates to development within the Principal Settlements which the application site is not.</p> <p>In response to Paragraph 3b of the objector's letter Paragraph 45 of the Willersey appeal decision states <i>'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'</i></p> <p>The appeal related to a proposal for 71 dwellings and therefore relates to a far larger scheme than the single dwelling now proposed. The appeal Inspector was dealing with the issue of need in the context of a larger development scheme which was very distinct to that now proposed at Blockley. As stated in the Officer report the Council can currently demonstrate a robust 5 year supply of housing land. However, Inspectors have also concluded that Local Plan Policy 19 is out of date in the context of the NPPF. The application therefore has to be determined in the context of Paragraph 14 of the NPPF regardless of the fact that the Council can demonstrate a robust supply of housing land. Whilst emerging Local Plan policies are a material consideration in the determination of the application they are considered to currently carry only minimal weight at the present time.</p>
<p>08 & 09</p>	<p>16/03333/LBC CT.9170/C & 16/03332/FUL CT.9170/B</p>	<p>Case Officer Update - Further to the update provided on late pages, should Members decide to approve application ref: 16/03332/FUL then imposition of the following condition with respect to trees is recommended to overcome Refusal Reason 2:</p> <p>Notwithstanding the approved plans, prior to the use of the parking space(s) hereby approved and following the felling of the silver birch tree, a replacement planting scheme, to include replacement tree planting within land owned by the applicants' and edged in blue on the approved site plan ref: 16/454/05 Rev D, shall be submitted to and agreed in writing by the Local Planning Authority. Replacement tree</p>

		<p>planting shall then be undertaken in accordance with the approved replacement planting scheme within 6 months of the first use of the parking space(s) hereby approved.</p> <p>Should the replacement trees/planting be removed, die or become severely damaged or seriously diseased, all within 5 years of planting, they must be replaced by a tree/(s) of a similar size and species to that originally planted. Any modifications to the requirements of this condition must be first submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure that the tree cover on the site is maintained for the benefit of the amenity of the area in accordance with Cotswold District Local Plan Policy 45 and the National Planning Policy Framework.</p> <p>Agent Update - See copy of the agent's presentation to Planning Committee attached.</p>
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South Cerney Residents

Objections to planning application for space off Berkeley Close

9th November 2016

Rachel Tolhurst

23

Item 01
16/02598/OUT.
CT.533110.

Objection 1 – access and safety

- The single route for access is a popular route for people to walk their children to and from Ann Edwards' primary school on Berkeley Close.
- The increase of traffic from 92 new homes would increase this risk.
- When the Deer Park, Kings Hill and Stroud High secondary school buses collect and drop off, the pupils are at risk by the on street parking and volume of traffic on Broadway Lane, The Leaze and Berkeley Close



Item 01
16/02/2018/OUT
CT. 530110. 24

Objection 1 – access and safety

- All roads in South Cerney are effectively single track, with the on street parking.
- Placing double yellow lines on the access roads would not counter this issue – it would only move it onto Broadway Lane, where on street parking from houses and the industrial estate is already a safety risk.
- At points, the road is 4.5 metres, narrower than GCC's minimum 4.8

15/01
16/02/2598/OUT
CT: 5331/D.

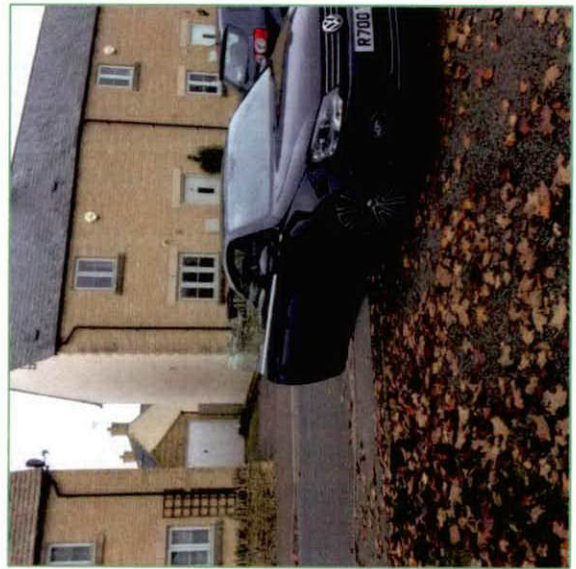
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Objection 1 – access and safety

The access to The Scout Hut, 1 and 4 Wincombe Gardens and several houses on Berkeley Close are significantly impacted by the narrowness of the road and oncoming traffic.

This picture illustrates how the owner of 4 Wincombe Gardens must pull forwards onto the space for the proposed access to be able to reverse onto their narrow driveway (area highlighted green).



Handwritten notes: 26, 16/02/2010, 9:53:10.

Objection 2 - density

- In Gladman's letter to South Cerney Parish Council, dated 23rd August, they admit that the road is as narrow as 4.5 metres in parts – Gloucester County Council's minimum width requirement for a new cul-de-sac is 4.8 metres.

Item 01 28
16/02598/out.
CT.533110.



Objection 3 - flooding and drainage

- Inadequate drainage: the road in front of 1-4 Winchcombe Gardens already floods with heavy rain.
- In 2000 Berkeley Close flooded, (as shown below).
- This led to a block of flats being condemned, where Winchcombe Gardens now sits



Item of
16/02/99/out.
CT. 533110.

29

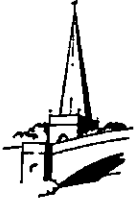
Objection 3 - flooding and drainage

- The upcoming increase of properties in Cirencester by at least 2,300 will have knock on effect on water treatment at Shorncote sewage works.
- Some houses on Beverstone Road are lower than the field, creating an increased risk to them of flooding and poor drainage.
- If the 'River Churn Flood Alleviation' scheme (FWAG) has already undertaken ditch works upstream of South Cerney which will contribute to reducing flow through the village – further exacerbating the risk to flooding from the Shire Ditch to the side of the proposed development.
- The Shorncot water treatment facility near to the development site uses the Shire Ditch – which runs along the side of the proposed development site – as a flood alleviation channel, releasing significant amounts of water next to the field of the proposed development.



15/10/2019
A. B. W. / D.

8



The Town Council Lechlade-on-Thames

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Gloucestershire GL7 3AY

Telephone 01367 252338

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8th November 2016

Kevin Field
Planning and Development Manager
Cotswold District Council
Trinity House
Cirencester
GL7 1PX

Dear Kevin,

RE: Your ref: 16/01818/OUT CT.1595/5/Q - Outline Application for Change of use of land to leisure use following mineral extraction and erection of Country Park and Visitor Centre, 47 holiday homes, 30 hotel bedrooms and 30 apartments, including re-siting of previously approved hotel apartments, apartments and holiday homes associated with landscape/engineering work and infrastructure associated with the existing leisure development (all matters reserved) at Claydon Pike London Road Lechlade Gloucestershire for Coln Park LLP

The above application is due to be considered at the CDC Planning Committee meeting on 9th November 2016. Unfortunately, Lechlade Town Council do not have a member available to attend the meeting, however we would be grateful if the Committee would take the following comments into consideration in its deliberations.

Both Lechlade Town Council and Kempsford Parish Council support this application *in principle* only if the S106 safeguards the existing country park and proposed footpaths as an informal country park. The proposed visitor centre is supported in principle because it does not detract from the informal nature of the Park which is correctly summarised in the report. The Officer's feelings that an anchor building is beneficial are not material as these are not based on any evidence or policies and not supported by the local communities of Lechlade and Kempsford. The community benefits outlined in the report are, other than the enhanced footpath access, similarly not evidenced and can therefore only represent officer conjecture.

Lechlade Town Council in its representations has made it clear that support for this proposal is dependent on the accompanying S106 agreement incorporating the footpaths into an informal country park and that the original aims of the S106 agreement are not changed. The report makes no mention of this nor does it reference the S106 agreement other than in the conclusions. The Town Council would like clarification in the minutes that the S106 will not be modified in such a way as to change the nature of the Country Park. We seek reassurance on this because of the language used in the Officer report regarding an anchor building and " the provision of a visitor centre building has been a longstanding desire to act as a focal point for the Country Park, similar to the facilities available at lakes in the western GWP". This is an officer aspiration not a community one and has no policy or evidential basis. The 106 agreement explicitly provides for an informal Country Park which is contrary to the Officer desire.

Yours sincerely

Mrs Alison Webber
Deputy Town Clerk
Lechlade-on-Thames Town Council

Cc Mrs Teresa Griffin, Kempsford Parish Council
Ward Councillor's – Sue Coakley and Stephen Andrews

31

Item 02
16/01818/OUT.
CT.1595/5/Q.

6th November 2016

Dear Councillor,

RE: 1603435/FUL Blockley Water works, Bell Bank, Blockley, Gloucestershire

1. Introduction

The Case Officer's Report ("COR") recommends you permit this application. There are a number of serious errors and omissions in that report and these make its judgements unsound and unreasonable. Further, the implications of its arguments will have a profound impact on the implementation of policy throughout Cotswold District.

My letter incorporates the views and assistance of many objectors. Blockley does not oppose development per se and, indeed, our community, as has been reported¹, generally determined not to oppose the remaining two sites proposed for Blockley in the Emerging LP. I am a Fellow of both the Institution of Civil Engineers and the Chartered Institute of Water and Environmental Management; my knowledge of water supply and environmental management may be considered expert. We have owned our property, adjacent to the application site, for 13 years and so I have extensive, relevant, personal and professional site knowledge. Consent to this application is also likely to assist the potential development of land on our own property substantially increasing its value. However, I oppose this application because its environmental harms are many and irreversible while arguments advanced in its favour appear superficially plausible but lack real merit.

In its conclusion² the COR seeks support for its decision by assessing:

- Key policies relevant to this application.
- The District's housing need and land supply.
- The impact of the scheme on amenity, on the landscape and on the character of Blockley.

2. Key policies relevant to this application

- a) It is agreed the starting point for determination is the Saved Local Plan 2001-2011 ("Saved LP") adopted in 2006. That plan's spatial approach did not apply settlement boundaries for villages like Blockley recognising they were not 'principal settlements' where positive growth was planned. While there have been maps describing the extent of rural settlements like Blockley, the concept of its own defined Development Settlement Boundary emerged with the Reg. 18 Policy Consultation document dated November 2015. Saved LP Policy 19 sought to restrictively manage development in 'rural' settlements like Blockley and is now in conflict with NPPF paragraph 14 with its presumption in favour of sustainable development which the COR considers out-of-date.
- b) To support its view, the COR relies upon NPPF 215 where "*due weight should be given to relevant policies in existing plansthe closer the policies in the plan to the policies in the framework, the greater the weight they can be given*". There is no dispute the Saved LP is unaligned with the NPPF. However, the COR's reasoning is insufficient because while the

¹ Cotswold Journal online 1/11/16.

² COR page 85, section 9.

Item 03 32
16/03435/FUL CD.5221/A

Saved LP is the starting point it is by no means the end point and the COR omits to mention the following NPPF paragraph 216³ allowing decision-takers to also give weight to the Emerging Local Plan ("Emerging LP") and, "*the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given*". That the Draft Submission was approved by Cabinet⁴ indicates it was judged to align with the NPPF.

- c) The support of the Emerging LP is critical to both sides of the argument. The COR relies upon it to justify District housing requirements⁵, to identify Blockley as a "Key settlement"⁶ where new development will be supported, and to justify its housing allocation⁷.
- d) The COR also repeatedly seeks support from two recent appeals: 14/02365/OUT ("Mickleton Appeal") allowed September 2015 and 14/04854/OUT ("Willersey Appeal") refused February 2016. In both cases the Inspectors extensively refer to the relevance of the Emerging LP. The relevant⁸ consultation document at the Mickleton Appeal noted "... *the emerging Local Plan has not yet reached a stage where its mooted policies might reasonably serve as 'replacements'*" and, later, where the proposed development "*would not appear to undermine any discernible settlement strategy exhibited in the current version... of the consultation document in the emerging Plan.*" Since that date the Emerging LP has plainly identified policies not only mooted as 'replacements' but confirmed and advanced as policy in the *Submission Draft: Reg. 19*, and approved by Cabinet.
- e) It is unreasonable for the COR to rely upon those policies in the Emerging LP that suit its argument but then seek to overlook the other relevant policies that are less convenient to its cause. For example, it states Policy DS3 may be subject to change and consequently carries minimal weight⁹. This statement is of concern for four reasons:
 - i. Whether this policy changes or not will be revealed in due course. The COR appears to be pre-determining the outcome of a consultation that has not happened when it should be relying upon published guidance.
 - ii. NPPF 216 makes plain that greater weight may be afforded to the Emerging LP, the closer its policies are to those of the NPPF. As Cabinet judged the Emerging LP's policies were consistent with those of the NPPF, the minimal weight afforded by the COR is at odds with NPPF 216. The COR does though give significant weight to NPPF 215 which uses an identical rationale.
 - iii. Policy DS3 is anyway of tangential relevance because it refers to building around rural settlements while it is agreed by all parties that Blockley is denominated a Principal Settlement. So, the COR appears confused as to the proper application of Policy DS3. That may be because the Application's Planning Statement ("PS")

³ Paragraph 216 states: "...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).

⁴ June 2016

⁵ COR pages 75,76.

⁶ COR pages 76, 78

⁷ COR page 77.

⁸ Mickleton Appeal Paragraph 13.

⁹ COR pages 77-78.

Item 03 33
16/03435/FUL CD.5221/A

would also seem confused. While encouraging¹⁰ decision-makers to favour the Emerging LP in recognising Blockley as a Principal Settlement, the PS ignores¹¹ the fact that Blockley cannot simultaneously be both a Principal Settlement and also a Rural Settlement. On page 10 at 7.9 it critically misquotes and so shows the application to be inconsistent with Policies DS2 and DS3 in saying "Notwithstanding the above and in accordance with annex 1, paragraph 216 of the NPPF, emerging Policy DS3 of the Cotswold New Local Plan supports small-scale residential development outside the Development Boundary of Principle Settlements which are: "adjacent to the Settlement." That is not what the policy says and the correct wording is: "*within or adjacent to a rural settlement*". (My bold and underline).

- iv. The Emerging LP policy that the COR should be considering is DS2 which confirms the boundaries of defined Principal Settlements like Blockley as described on the relevant map¹². Such boundaries contain those sites, built, agreed or necessary to meet the District requirements to 2031. The COR simply fails to weigh DS2 at all in its assessment of this application. In this respect the COR is fatally flawed and its judgement unsound. Failure to consider or give weight to Settlement Development Boundary policy DS2 renders that policy concept as meaningful as a rubber band and, consequently, has profound implications for speculative development elsewhere throughout the District. The COR's assessment therefore directly conflicts with sources¹³ it has itself put forward to support its case and also with the discernible settlement strategy¹⁴ in the Emerging LP that defines the applicable boundaries for Principal Settlements like Blockley.
- f) In addition to consideration of the relevant sections of the Saved and Emerging LPs and their relationship to NPPF 215 and 216, the COR has made plain that there are several other key policies. These are discussed in the following sections and relate to:
 - i. Housing land supply and the presumption in favour of development. They include NPPF paragraphs 14, 47 and 49.
 - ii. Harm to heritage assets. They include NPPF 17, 109, 115, 132, 134, 135 and S85 of the CRoW Act 2000.

3. The District's housing need and land supply.

- a) *Local Need.* Recent Blockley Parish Council ("BPC") surveys have confirmed that there is no pressing local housing need¹⁵ among Blockley residents. The COR states¹⁶ 59 dwellings are allocated to Blockley for 2011-2031 and some 30 have been delivered or approved, leaving 29 to be found. This statement conflicts with CDC's Residential Land

¹⁰ Planning Statement 6.13, 6.14 6.15

¹¹ Planning Statement 6.26

¹² Draft Submission, Inset 14 -- Blockley page 91.

¹³ Mickleton Appeal

¹⁴ Submission Draft Reg.19; Policy DS2.

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..."

¹⁵ BEAG Submission on Colonel's Piece Final 21/6/16: Pp. 2-5

¹⁶ COR page 77.

34

Ham 03
16/03/16/FUL
CD. 5221/A.

Monitoring Statistics Report published April 2016 which shows¹⁷ that at the time of publication 41 dwellings were delivered or approved, so leaving 18 to be found. The remaining allocated sites, BK_8 and BK_14A, have a notional capacity of 13 and 16 dwellings respectively. The COR states a part of site BK_14A has been granted permission for one single dwelling and that consequently alternative sites will need to be considered. That permitted development 16/03027/FUL incorporates a Site Location Plan drawing¹⁸ indicating that permission has been granted to a parcel of land representing approximately 20% of BK_14A. In turn, that suggests the residual parcel of BK_14A has a potential capacity of 12-13 more dwellings. The allocated sites would therefore appear to have a residual capacity of 25-26 more dwellings against a residual requirement of 18 dwellings. Furthermore, such figures do not take into account the admitted conservative estimates of notional capacity or any infill that might occur within the village before 2031. There does not therefore appear to be any need, on the basis of the advanced evidence, to consider alternative sites as stated in the COR while Blockley is delivering dwellings far ahead of its annual average requirement in the Emerging LP.

- b) *District Need.* The COR advises the need to continually seek to ensure the housing supply stays above the minimum plus 5% requirement lest it fall back into deficit. The Emerging LP has increased the OAN requirement up to 2031 from 7,726 units to 8,400 units and identified a supply of 9,842, some 17% above the newly identified OAN. The COR also refers to NPPF 47 which encourages housing supply through the identification of deliverable sites and to NPPF 49 that requires 'need +5%' over five years to be identified for housing supply policies to be considered up-to-date. The Emerging LP meets these needs by stating a Five-year Housing Land Supply of 7.54 years which it describes as "*sufficient to provide ample flexibility and choice over the next five years*"¹⁹. The COR refers again to the irrelevance of the Saved LP but fails to observe the relevance of the Emerging LP. The COR quotes the Mickleton Appeal yet again to show Saved LP 19 is out-of-date but doesn't quote the Inspector in the later Willersey Appeal who found that, with in excess of 7½ years land supply, the requirement of NPPF paragraph 47 - the need to significantly boost housing supply – was met²⁰. As housing supply is up-to-date in relation to NPPF 49, NPPF 14 is not engaged for decision-taking. Further, NPPF 14 does not apply²¹ where specific policies indicate development should be restricted including AONBs and designated heritage assets including Conservation Areas.
- c) *Any need?* The provision of a 6-bedroomed house likely to cost over £1 million is not affordable in any reasonable meaning of the term. Nor will it create other than such incidental and marginal growth brought about by the economic impact of any additional dwelling anywhere, and, as I go on to show, it will negatively impact on Blockley's environment with economic consequences. Among the challenges noted in CDC's Housing Plan 2016-2020 is "*High prices in the Cotswold district are supported by the attractiveness of the area to people moving from more expensive areas which encourages speculative development. The Cotswold housing market is the 5th most expensive outside London...*" This application appears to be a prime example of that speculative development and flies in the face of the priorities of CDC's Housing Plan in

¹⁷ CDC Residential Land Monitoring Statistics Report 2.2 Summary Table.

¹⁸ Site Location Plan and Block Plan Drawing no. 2497-1-001

¹⁹ Submission Draft Reg.19; P.29, Table 2 and 6.1.14.

²⁰ Willersey Appeal paragraph 45

²¹ Refer Footnote 9.

35

Item 03
16/03435/FUL
CD.5221/A

meeting relevant and appropriate needs for housing and is inconsistent with two of its three stated priority aims²².

4. Impact of the scheme on amenity, on the landscape and on the character of Blockley.

- a) The COR begins its section on the contextual impact of the scheme by stressing the importance of key protective policies. At the same time it describes the proposed site in a manner that denigrates its environmental value. It also states the site is "hard surfaced"²³ whereas the Application²⁴ advises 60% "was surface by tarmacadam and concrete which was highly weathered and in poor condition. The site area was densely vegetated." The application's aerial photograph²⁵ however suggests, as does local knowledge, that the hard surface area is less than 40% of the development site. As advised in objection comments, PPG disqualifies "land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time" from being classified as Previously Developed Land. The COR defends its assessment by saying the site is managed by Thames Water and compound walls are still evident. As for walls being evident, the same could be said for much more ancient temples in South America but that didn't stop them being reclaimed by jungle. There is no visible evidence of any management by Thames Water and the site has been abandoned for at least 13 years if not much longer. You will decide but we suggest the existence now of a 30 ft high Silver Birch directly in front of the mentioned storage bays is a sound indication that nature has reclaimed the site.
- b) The COR states²⁶ that either there is no adverse impact on views or else views are heavily influenced by the presence of existing buildings. I, alongside over 50 letters of objection, the Cotswold Conservation Board and the CPRE refute that assessment. Following is Viewpoint 6 from near the footpath in the Application's *Landscape and Visual Assessment* and it doesn't show the compromised setting the COR describes.



The CCB has written²⁷ to the Case Officer following his report to reiterate its original objection saying it "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

²² • To protect the local environment whilst supporting economic growth. • To champion issues important to local people.

²³ COR page 69.

²⁴ Ground Condition Assessment 2.3.1

²⁵ Ground Condition Assessment FIGURES. Site Layout Plan Figure 2.

²⁶ COR page 82.

²⁷ Email dated 3/11/16.

36

Item 03

16/03/15/FUL.

CD.5221/A

the "great weight" test of Paragraph 115 of the NPPF, priority should be given to "conserving landscape and scenic beauty" in this case."

- c) The COR states the proposal "is considered not to have an adverse impact on the character or appearance of the AONB when viewed from the adjacent green and highways." The CCB wrote²⁸: "Development on this site would harm the character of this immediate part of the village as visible both from Chapel Lane and from the public footpath to the west by introducing new development into a gap where no development exists. The proposed development of this site would result in a negative impact on the character and special qualities of an area of land that currently positively contributes to the AONB and Conservation Area." The application fails to provide any images in that context and so I have made as reasonable an impression as is feasible with the given materials to illustrate the transformative impact of this development.



The CCB's objection comment also says "this area of land is where the countryside comes into the village and this has been recognised in the location of the settlement boundary. The objection by the CPRE²⁹ further reinforced the importance of considering both the immediate visual impact of the proposed building and also its impact on the wider landscape of this heritage asset, noting it would suffer "major visual impact" via its views from the National Trail and along Chapel Lane. I also take note of the Inspector in the Willersey Appeal who found the rural context compelling when he said that "site still retains a largely rural context which means it makes a positive and valuable contribution to ...the wider AONB." And I take note of NPPF 109 and 115 that seek to protect and enhance valued landscapes and afford them the highest status of protection.

- d) CDC's Emerging LP³⁰ notes how within Conservation Areas; "infilling of visually important spaces has harmed the traditional character of settlements." Irrespective that it lies outside the Settlement Development Boundary, this application begins a process of landscape transformation from a distinctive and unusual linear development, characteristic³¹ of Blockley, to the commonplace clustered development form contrary to NPPF-132³² which emphasises the importance of avoiding harm to heritage assets in their setting and states "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification." Disregard here sets a precedent for dismissal elsewhere in the District contrary to policy in the Emerging LP³³.

²⁸ As posted on CDC website 9/11/2016.

²⁹ Posted to CDC website on 25/11/16.

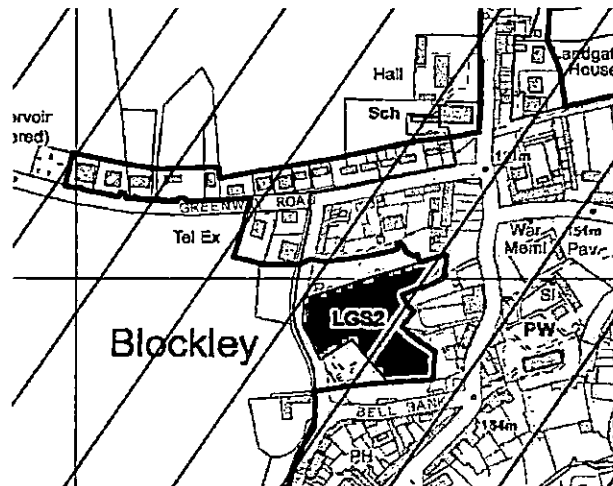
³⁰ Policy, DS2, paragraph 6.2.4

³¹ Blockley Conservation Area Statement

³² NPPF 132 ..

³³ Qualifying paragraphs of DS2.

- e) As the following illustration from the Draft Submission demonstrates, this proposed area to the south of LGS2 should be protected from development as it is outside the development boundary, within one heritage asset (Blockley Conservation Area) that is itself also inside another (the Cotswolds AONB). Commonsense indicates that consent to the current application will bring forward another to the north of LGS2 citing precedence and, further, encourage more to the west, creating ribbon development along both sides of Chapel Lane. So encouraged, similar creeping incremental urbanisation processes could be used anywhere in the District.



- a. Disregard for the protection of LGS2 imperils its very purpose as an undisturbed wildlife haven. The proposed site and its setting have considerable environmental and amenity value to our community as recognised by two heritage asset designations as well as the LGS designation. It has wider value to tourists for its landscape setting and the business that they and film companies bring to our relatively unspoiled village. This proposal is as likely to discourage economic growth through landscape degradation as it is to support it. It harms the environment, is thereby inappropriate and meets no defined relevant housing need priority that might justify its consent against the several serious harms it causes.

4. Other Matters

The COR addresses other constraints by setting conditions that we believe in some cases are wholly unrealistic. Most notably:

- a. Conditions will be set so as to maintain the hedgerow and wall in Chapel Lane. No practicable measures can be taken to regulate and enforce such a condition. On-site trees should have been afforded a TPO within the proposed conditions.
- b. A "lighting design strategy for biodiversity" is to be agreed but wildlife including bats cannot be protected from loud music or TV and internal lighting emanating from within the building.
- c. The adjacent water extraction site requires a boundary fence between it and development site. The revised *Proposed Site Plan - 1006509* shows an eastern boundary that runs in some cases through the trunk of retained trees and in others within inches of them and for the majority of its length (on undulating uneven ground) directly

38

HEM 03

16/03/25/FUL

CD.5221/A

through the root protection areas of numerous trees. We suggest the erection of a secure (deer-proof) fence where shown is impossible without causing serious tree harm within and beyond the site.

In one case we consider the conditions are potentially dangerous to the public:

- d. While the applicant is not obliged to consult the EA although the site is within a Groundwater Special Protection Zone 1 and despite Thames Water licence to extract 3 million litres of water per day from the adjacent spring, there still remains a duty to avoid contamination at the site and beyond it through contamination of the spring sources that lie nearby to the north of the proposed car parking area. The letter from Thames Water Property³⁴, by listing a number of onerous conditions during and after construction, in effect recognises the real risk of contamination from the high leaching (H1)³⁵ soils at the site. I consider it will be impossible to eliminate significant risk during construction and entirely impracticable to impose preventative actions thereafter. However, even these measures haven't been incorporated in the proposed conditions.
- e. With respect to site access no conditions at all have been set. Previously, the development site was only occasionally used for storage and associated vehicular access as advised by a Blockley resident who worked on the site. GCC Highways have advised me the default visibility splays are 54 metres. It is admitted in the COR that the achievable splays are non-compliant but it asks you to accept them on the basis that one unsafe measure is preferable to another. This is a dark road at night, is without footpaths, bounded by hedges and much used nowadays by hikers, dog-walkers and vehicular traffic: the proposed access is plainly unsafe.

5. Conclusions

- a. The proposed site lies outside CDC's Settlement Development Boundary (policy DS2) which has not been assessed in the COR and that neglect would reverberate across the District. The council's housing land supply is up-to-date and all relevant NPPF provisions are met. Blockley has identified and delivered more than sufficient sites to meet the allocations described in the COR. Numerous residents, the CPRE and CCB have demonstrated the real harm that would be caused to the AONB and Conservation Area by your consent and there are numerous conditions that might be described as a triumph of hope over expectation and where human safety is at risk. Meanwhile, as required by the NPPF, no compelling evidence has been put forward to demonstrate the benefits of this 6-bedroomed house that offset its many real and irreversible harms.

Finally, I would draw your attention to the '*curious incident of the job in the night*' where at the end of last week a 25 metre swathe of protected verge and hedgerow, so troublesome to northwards visibility splays but necessary for wildlife, was entirely and quietly removed. A strange coincidence.

Yours sincerely,

Christopher Walters FICE, FCIWEM (retired)

Bell Bank, Blockley, GL56 9BB

³⁴ Posted on the website 10/10/2016.

³⁵ Ground Condition Assessment "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".

39

Item 03
16/03/14/35/FUL
CD.5221/A

This application proposes the creation of 3 off-street parking spaces to serve three dwellings in Gloucester Street.

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.

As has been proposed by the council the demolition of the old cottage hospital along sheep street to provide (I think) 19 parking spaces didn't seem to worry them that an old historic and locally loved building would be lost for less than 20 car park spaces.

We are merely hoping to rebuild a wall slightly further back into our gardens, replant trees as requested, neaten up the outlook for Trafalgar Road and provide parking spaces for ourselves at our homes and be able to maintain the wall and parking areas in excellent condition.

Several of the other Gl St houses that back onto Trafalgar Road have rear access parking already."

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.

It would take so little for the parking to become palatable again for everybody - we've already had two parking tickets this quarter right outside this house because of the shortage of available parking and we live here. It is exacerbated by the fact we live opposite Powell's school, so there is a lot of parent traffic."

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

Hemo 8+9
16/03331/LBC CT.9170/C
+
16/03332/FUL CT.9170/E

40

The planning officer's assessment is that there are no objections in principle. The problems arise with the observations of the Conservation Officer.

The three houses in question form a Grade II Listed terrace facing Gloucester Street and 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.

The site also falls within a conservation area and the planning authority is obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

As is noted in the report the Conservation Area Appraisal identified as a negative characteristic of the Conservation Area being "occasional off-street parking involving the loss of traditional boundary walls" - so on the face of it there is a problem with the proposal.

In addition Local Plan Policy 15 states that development within of affecting a Conservation Area must preserve or enhance the character or appearance of the area as a whole, or any part of that area. It does state that development will be permitted within a Conservation Area unless, amongst other things, the work involves the demolition of a building, wall or other structure that makes a positive contribution to the area.

The 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.

41
Items 8 + 9
16/03333/LBC CT.9170/C
+
16/03333/FUL CT.9170/B.

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 create 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 existing houses 50 - 54 Gloucester Street are very similar in layout and appearance to one another with the main block of three storey accommodation built as a terrace along Gloucester Street and, to the rear each house, a two storey addition built along each property's north west boundary.

Set some three metres clear of the rear wall of the houses, each property has a brick built outhouse dividing each of the plots into two with the houses to the south and gardens to the north, and with the outhouses screening one area from the other, effectively separating the listed terrace from the rear gardens.

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.

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.

42

Hems 08 + 09.
16/03333/LBC CT.9170/C
+
16/03332/FUL CT.9170/B