

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **4TH NOVEMBER 2014**

ADDRESS/LOCATION : **15 RIVERSLEY ROAD, GLOUCESTER**

APPLICATION NO. & WARD : **14/00722/FUL**

EXPIRY DATE : **6TH OCTOBER 2014**

APPLICANT : **CHRIS WITTS**

PROPOSAL : **RETROSPECTIVE APPLICATION FOR A WEATHER MONITORING STATION COMPRISING A WIND VANE, AND ANEMOMETER MOUNTED ON A 7.4 METRE HIGH POLE WITHIN THE REAR GARDEN.**

REPORT BY : **JOANN MENEAUD**

NO. OF APPENDICES/ OBJECTIONS : **1. SITE LOCATION PLAN
2. FOUR LETTERS OF REPRESENTATION
3. TWO LETTERS FROM APPLICANT**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This retrospective application relates to the erection a 7.4 metre high pole that accommodates a wind vane and anemometer that together comprise a weather monitoring station. At the current time there is also a halyard and three lights on the pole but the applicant has confirmed that these are to be removed.
- 1.2 The pole is located within the rear garden of 15 Riversley Road close to the boundary fence at the bottom of the garden.
- 1.3 Supporting information has been submitted by the applicant and the letters are attached to this report and are summarised below.
- The mast is sited at the bottom of the garden as this is the only place where it can receive sunlight all day. It was designed, constructed and installed professionally and will move during high winds.
 - The anemometer and wind vane are located at the top of the mast and readings from this travel through a cable down the mast to the weather recording instruments located on the wooden mast support. There is also a solar sensor for reading UV levels and the amount of sunshine

per day. A small aerial transmits the readings to the mast console located in my office and these readings are fed into the applicants computer.

- There is no noise from the mast and there is no webcam or CCTV
- The weather station is an official weather recording station and part of a world wide network that has a large following of people and organisations.

1.4 In accordance with the Councils' constitution and agreed scheme of delegation, the application needs to be determined by Planning Committee as the application is submitted by a Ward Councillor.

2.0 RELEVANT PLANNING HISTORY

2.1 No planning history within the last 10 years

3.0 PLANNING POLICIES

3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.

3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

3.3 The policies within the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan policy BE21 is of particular relevance (albeit it relates to buildings and uses)

Planning permission will not be granted for any new building, extension or change of use that would unreasonably affect the amenity of existing residents or adjoining occupiers.

3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Pre-Submission Document which will be submitted to the Planning Inspectorate in autumn 2014. Policies in the Pre-Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The

weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 PUBLICITY AND REPRESENTATIONS

4.1 The application has been advertised with individual letters sent to 24 neighbouring properties in Riversley and Merevale Road. Four letters have been received, three raising objections and one letter raising some concerns but stating support for the proposal and all are attached to this report. In summary the objections relate to:

- The quality of the submission is poor, submitted plans and details are inaccurate/out of date, information is lacking/wrong and the incorrect certificate has been completed.
- The previous weather station located on the back of his garage was not an intrusion to neighbours
- The colours of black and red are not acceptable – it should be powder grey
- It is unclear whether there is a web cam
- Concern about the safety and stability of the pole particularly in windy weather and in the long term.
- The siting does not comply with Government guidance
- The justification for the siting in relation to the trees does not make sense.
- The mast is visible from the public highway
- It is an imposing feature overlooking my garden that visually towers above the houses behind it.
- You can not help looking at it from the house and garden.
- Query the need for the lights which further emphasis its presence at night.

- The reflective nature of the equipment causes flashing lights, strobing and resembles a camera flash.

In summary the letter raising some concerns but stating support states:

- I appreciate the importance of accurate weather forecasts
- The current height of the mast does make it a dominant feature which I understand needs to be high so that it is above the height of the adjacent tree, as this is in my ownership I would be willing to prune it.
- The lights do spoil my view and I am unclear what purpose they serve.

4.2 The full content of all correspondence on this application can be inspected online via the Councils website or at the reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

5.0 OFFICER OPINION

5.1 The main issue for consideration with this application relates to the visual impact of the pole and equipment and its impact upon residential amenity.

5.2 There are no policies specifically relating to a development of this type (ie the erection of a pole to accommodate a weather station) within the City of Gloucester Revised Deposit Local Plan 2002, the Joint Core Strategy or the National Planning Policy Framework. However, the following policies/statements set guiding principles for consideration.

5.3 Within the JCS:

Policy SD5 states that new development should avoid or mitigate against the potential disturbances including visual intrusion, noise, smell and pollution.

Policy SD15 states that new development should not cause unacceptable harm to local amenity or amenity of neighbouring occupants and not result in unacceptable levels of pollution (including light and noise).

5.4 Within the NPPF

Paragraph 17 states that a core planning principle it to seek high quality design and a good standard of amenity for all existing and future occupants of lands and buildings.

Whilst relating specifically to telecommunications development, paragraph 43 states that new equipment should be sympathetically designed and camouflaged where appropriate.

Paragraph 64 states that development of a poor design should be refused.

5.6 Within the Deposit Local Plan 2002

Policy BE21 states that permission will not be granted for proposals that would unreasonably affect the amenity of existing residents or adjoining occupiers.

Although Policy BE20 relates specifically to extensions, it requires an assessment of amenity of neighbouring properties in terms of height, scale, overshadowing, proximity, loss of privacy, a requirement that a proposal does not detract from the existing open area of the site, is sympathetic in scale and from to its surroundings and respects the character and appearance of the area.

Policy FRP16

This policy sets a number of criteria relating to telecommunications development including the requirement for mast and equipment sharing, that the siting and appearance of equipment has been designed to minimise the impact upon residential amenity and that within 25 metres of a dwelling that no alternative more acceptable site is available.

- 5.7 The pole is 7.49 metres high and sited almost centrally across the width of the rear garden of 16 Riversley Road. I note issues raised by the neighbour in relation to the position of the boundary fence. I do not intend to comment on this matter other than to say that on the basis of the fence position as currently exists, the pole is set 1.5 metres away from the fence. The pole is in two sections with the lower section black and the upper section red. At ground level the pole is supported by two wooden posts 2.3 metres high.
- 5.8 Since submission, the applicant has amended the application stating that the three solar powered lights are to be removed, the halyard previously used for the flag is to be removed and the pole is to be repainted in a light grey colour. These measures therefore overcome the concerns that neighbours raise in relation to the lights, the prominence of the pole during hours of darkness and the potential for "flags". I understand that there has been a flag on the pole in the past but this is clearly not in place now.
- 5.9 I have viewed the pole from the applicant's garden, from the garden of 16 Merevale Road and from both Riversley Road and Merevale Road. Photos from the neighbour's gardens and from the street have also been included within the objection letters that are attached to this report. It is clear that the pole is visible from both the houses and gardens of surrounding properties and from both Riversley and Merevale Road. Depending on where it is viewed from, the view of the pole is seen partly against houses or in the gap between the houses. From the rear garden of the houses in Merevale Road and from the pavement the mast appears well above the ridge line of the houses in Riversley Road.
- 5.10 I consider that the repainting of the mast a light grey colour, compared to its current two tone appearance with red for the upper section, is a positive action that will reduce the impact of the pole when seen against the sky, however the pole will still be visible.
- 5.11 Neighbours have raised concerns about the moving weather vane on the top of the pole, stating that it is highly reflective, directs flashing light and resembles a camera flash. This vane is to be painted a matt finish and this should help to reduce the potential for the reflection of light.

- 5.12 It is clear that the pole is visible from neighbouring houses, their gardens and from the public highway and I note the various concerns that have been raised by local residents. My assessment of the application is to determine whether the pole has an unreasonable affect upon the amenity of neighbouring properties. Whilst the pole is visible, this is not in itself, a justified reason to refuse the application. I consider that the steps proposed by the applicant to remove the lights and halyard and to repaint, are factors that will reduce the visual presence of the pole. There is no doubt that neighbours are aware of the presence of the pole, from both their houses and gardens, and it is evident that they consider that it does affect their amenity.
- 5.13 Taking into account the positioning and slim design of the pole I do not consider that the pole can be said to be overbearing or visually prominent to an extent that would warrant refusal of the application. Therefore I recommend that the application should be granted permission with conditions, firstly restricting the installation of any flags and further apparatus and secondly requiring the applicant to remove the lights and halyard and to undertake repainting by the end of November 2014.

Human Rights

- 5.14 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop and use land and buildings in accordance with planning permission and the rights under Article 8 of adjacent occupiers. The issues raised by neighbours have been carefully considered and together with the measures required by and restricted by the conditions to be attached to the permission, the decision to grant permission is considered to be an acceptable balance between the presumption in favour of development and restricting the visual presence of the pole upon surrounding properties.

6.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 6.1 That planning permission is granted with the following conditions to be applied:

Condition 1

The pole shall at no time be used for the display of any flags, banners, bunting or similar such advertisements and no lights or additional apparatus or attachments shall be mounted onto the pole without the prior express permission of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with policy BE 21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 2

The pole and weather vane shall be re-painted in a matt finish light grey colour and the existing lights and halyard shall be removed from the pole on or before the 30th November 2014.

Reason: In the interests of the visual amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Decision:

Notes:

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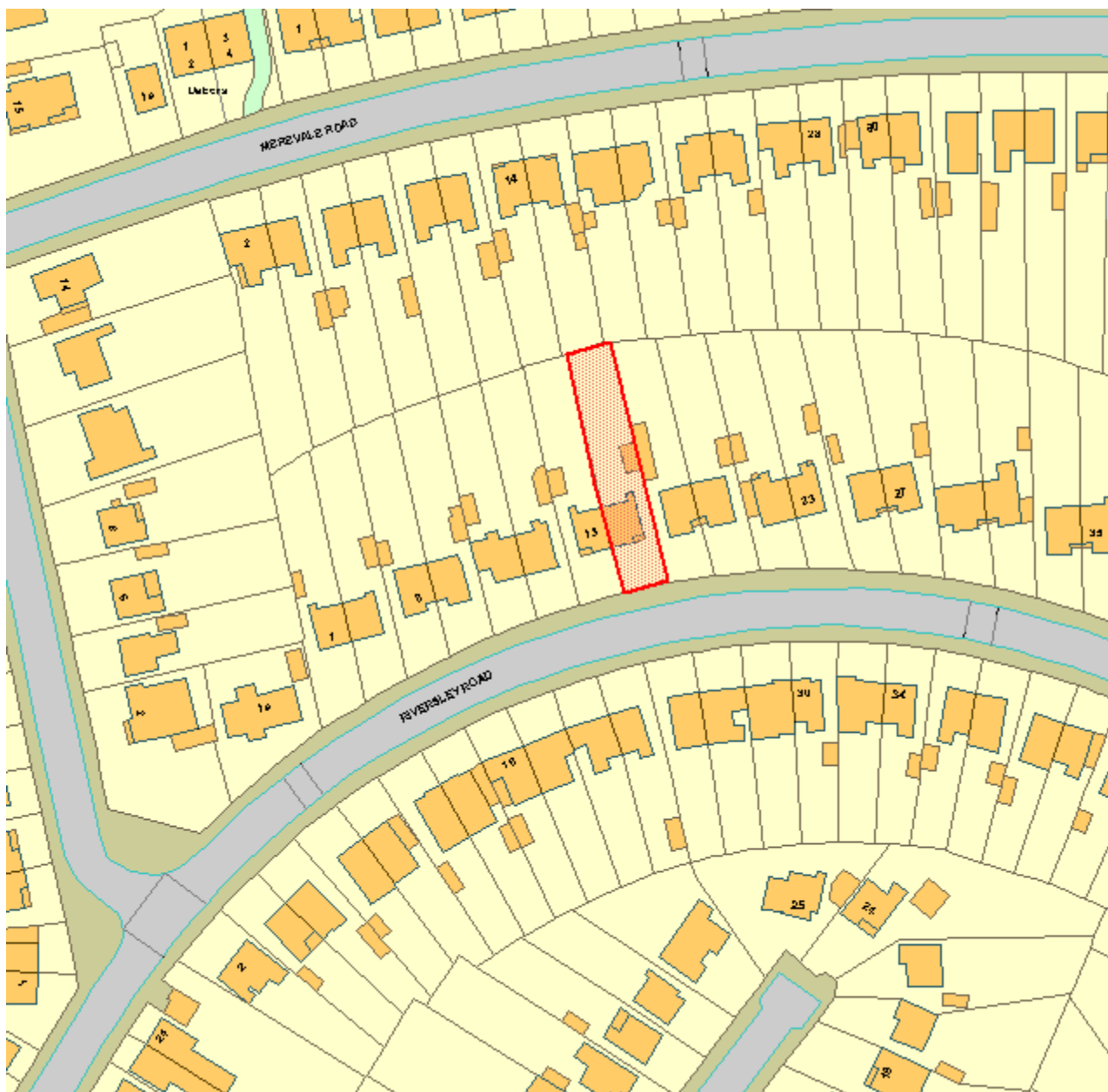
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Person to contact: Joann Meneaud
(Tel: 396787)

14/00722/FUL

15 Riversley Road
Gloucester
GL2 0QU

Planning Committee 04.11.2014





6.9.14

Dear Sir/ Madam

Re: planning application location 15 Riversley Road, retrospective proposal for a weather monitoring station comprising a wind vane, anemometer and 3 lights mounted on a 7.4 metre high pole in rear garden. Reference [14/00722/FUL](#)

Under the terms of the Access to Information Act, 1985 as residents and property owners of 16 Merevale Road our views are being submitted to state our objection to the planning application made for the reasons outlined below.

- The mast was erected on 23.4.14 but planning permission was not applied for until 14.6.14. This was after a concern was raised with Mr Andy Birchley by us and there was no evidence to suggest that planning was intended to be submitted until our concerns were raised.
- At the time of raising concerns with Mr Birchley a request was made from Mr Birchley for the 3 coloured lights to be removed and this has not actioned by the applicant.
- Item 7 on the application is incorrect there are trees on the adjoining property at 16 Merevale road which are within falling distance of the proposed development.
- Item 10 indicates that lighting is not applicable which is incorrect as 3 coloured lights are attached to the top part of the mast.
- Item 10 "Others" section states that this is a 2 inch diameter steel mast made of steel with a length of 24 feet. This information is incorrect as it has 3 component parts consisting of:
 - a wooden base approx. 2 metres
 - a metal pole approx. 2.4 metres with an attached 2nd metal pole approx. 2 metres which appear to be clamped together
 - a further 0.5 metre of thin? metal post with an anemometer situated on top.
- Item 16 is recorded as "the site cannot be not seen from a public road". This is incorrect it can be viewed from Riversley and Merevale road which is public.

In addition to the issues raised above we wish to site the following reasons for objecting to the planning permission submitted.

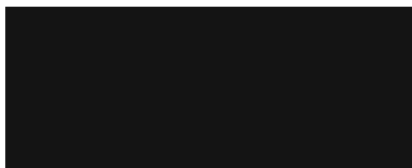
- Health and safety –we consider there is a risk of injury from the structure erected which moves during adverse weather conditions, such as, strong winds which could result in the structure falling onto people or property resulting in injury or damage. If it were to fall in our property it would do so by up to 6 metres. It has been noted that in light winds the structure moves considerably.
- The anemometer is distracting as it has a start stop mechanism and the wind vane reflects bright sunlight which then flashes into our lounge and bedroom. As a medical practitioner we are aware of the potential of damage to the retina of the eye and risk

of photosensitive epilepsy which is known to be triggered by the strobe like effect of flashing sunlight from the weather vane.

- The structure currently has a lanyard as it has previously been also used as a flagpole this information has not been declared and as flags have previously been flown we have concern that it will also be used as a flagpole.
- We are concerned that we would be held liable if damage occurs to the structure. This was highlighted to us by the applicant in a letter dated 17.7.14 (appendix1) when it was alleged a football was kicked into 15 Riversley Road belonging to our children. The letter clearly states that any damage will result in a claim against us. As the structure is situated so close to the boundary fence it is possible that a football may accidentally hit the structure when the children are playing in the garden.
- The lights are not relaxing as stated and only reflect the applicant's personal opinion. The lights are on from dusk to dawn and are of 3 colours, red, blue and green. These lights also alternate between colours every 3 seconds. This is distracting whilst sat in the lounge and bedroom and results in sleep disturbance. The colours are not in keeping with the surrounding environment and are 7 metres high in the skyline and constitutes light pollution.
- The red coloured mast structure is bright and dominates the skyline above roof level and is not in keeping with the general environment. The view is no longer pleasant or satisfactory and has spoilt our enjoyment of our garden which we consider to be an important amenity of our property. Guidance states meteorological masts should be painted powder grey and we can find no evidence that red is an acceptable colour.
- The information submitted in addition to the application is irrelevant and there is no evidence of the claims that have been made and this information should not be considered as part of the application. A photo of the structure from the applicant's house (enclosure 3 of the application) which has also been submitted is misleading as it does not clearly show how close the structure is to the boundary fence. A tree is in front of the structure and it appears it is situated in a different position. A photo sent to us with the letter 17.7.14 showing the picture of a football near the structure appears more accurate for reference (appendix 2).

We would like to be updated on the outcome of our objections and would like confirmation of the timescale when this can be expected.

Yours Faithfully,

A large black rectangular redaction box covering the signature of Thomas Haswell.

Thomas Haswell (Mr)

Cheryl Haswell (Mrs)

MAT. garden 16, November Rd.



Most from 16 Nevada Rd
Garden



wooden base
of 3 part
MAST



April 10 2 M.



View taken from pavement outside 16
Merevito Rd.

CHRIS WITTS



River Sever
Britain's longest river

Mr & Mrs T. Haswell

DATE: Thursday 17th July 2014

MY REF: WP9-187

YOUR REF:

Dear Mr & Mrs Haswell,

Today I was concerned to find a heavy football in my garden in extremely close proximity to my weather station. This is not an isolated case as for many years now I have been subjected to numerous footballs kicked into my garden from your property.

It would be appreciated if your sons ceased kicking footballs into my garden. I feel I must bring to your attention the value of my weather recording equipment, which is currently £1,600.00. Any damage to this equipment caused by a football kicked into my garden will result in a claim being made against you.

On several occasions plants in my garden have been damaged and you are well aware that glass was broken in my greenhouse as a result of a football. This, at the time, you took full responsibility for. On a safety matter it does pose a risk to my wife and myself whilst we are either in the greenhouse or indeed sat at the bottom of our garden should a football be kicked over the fence.

Yours sincerely,

Chris Witts

Attached: photograph of football in garden 17-07-2014

Your reference 14/00722/FUL

Dear Joann,

Please find below my comments in relation to the above planning application.

I fully understand the importance of having accurate weather forecasts and how Chris' weather station contributes to these forecasts. It is also praiseworthy that Chris gives up his free time for this purpose.

On first seeing the mast, to be honest, I was disappointed that I had not been consulted before its installation.

The current height of the mast does make it a dominant feature. I gather the height is so that it is above the height of an adjacent tree. This tree is in my garden and to support Chris I would be willing to prune the tree to reduce its height, which should allow the height of the mast to be reduced.

An additional concern is the changing coloured lights. These each change quickly through a series of colours and spoil the view from the rear of my property in the evening. I am also unsure what purpose they serve.

Despite the concerns raise above, my overriding priority is to maintain good relations with Chris, who is a neighbour with whom I share a building.

I look forward to supporting both the Council and Chris in his planning application.

Regards

Neal Smith

From: T.H.Wilton and V.A. Wilton 7/9/14

Dear Sir/Madam,

Re: Planning application for a mast/antenna at 15 Riversley Road Gloucester.

This mast was illegally erected in early April since which time the occupants at [REDACTED] have had to live with this appalling thing.

As Mr Witts styles himself 'Councillor' on the application, I expect the application, in content and process, to be 'gold plated', and the objections be presented to the committee in their entirety, not 'may be presented'. I would also expect everything on this application to be 100% accurate.

I wish to object on the following grounds:

Firstly the design, appearance and materials. This structure is an amateur erection consisting of a black tube of approximately 4m height surmounted by a vivid scarlet tube that is clamped on to the black tube. The black tube was part of a previous support for the anemometer which is on top of the present structure. The structure sways significantly from side to side even in a moderate breeze. It is not a structure that any professional designer would be proud to acknowledge. The plan contains no design specifications whatsoever and so it is impossible for either objectors or the planning authority to declare it fit or safe. This alone should be sufficient for the application to fail.

As stated above the structure is black and vivid scarlet, an internet search of planning applications for meteorological masts shows that, without exception, they are required to be powder grey. The fact that most of these masts are much higher is irrelevant as

they are a significant distance from housing not at the end of a modest suburban garden. The almost constantly spinning anemometer, weather-vane and the utterly bizarre ever changing solar lamps situated at the top of the pole make an incongruous collection.

The materials of the mast are stated to be of steel, of what grade is unknown, so its resistance to metal fatigue that may be caused by the frequent bending of the mast in the wind is also unknown. The bottom metre or so is secured on barks of timber. The weather collecting part, although black, is highly reflective in all parts (see below). The description of the structure is also factually incorrect. It is not a 24ft mast; it is a mast of some 15ft [4.572m] (approx.) with a further length of piping clamped on to the top of it. It is not a single entity. Clearly the diameter of the top part must be greater than the lower or it would not fit on, so the 2inch [5.08cm] diameter is not constant either.

Secondly, visual amenity. 1. Definition **Visual amenity** (but not loss of private view) caused by the size, siting, design and materials ...

Amenity - the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors.

This is not loss of a private view, this is the imposition of a hideous structure which we cannot avoid looking at every time we are in our lounge or rear kitchen or looking out of the back bedroom window. This top part of this structure is so bright, being vivid scarlet, and because of its proximity to the boundary it visually towers above the houses behind it. (See picture taken from the armchair in my lounge.) I am grateful to Mr Witts for the photograph of the mast taken from an upstairs room as it reinforces how the thing visually towers above the houses in Merevale Road. It certainly qualifies under the reasons for valid planning objection as overbearing. To

make matters even worse, one cannot escape from this monstrosity in the evenings or at night as Mr Witts has installed the three bizarre slow cycling lights 20 odd feet up in the air. Relatively low powered, but strong enough for their light to occlude the stars of the night sky. One, it is true, is now non-functioning. (I have a number of these lights but at less than 18 inches above the ground and if they weren't a present from the father-in-law, I wouldn't have them at all.) These lights of Mr Witts don't seem to have any purpose notwithstanding his strange claim that they are a 'unique identification'. However, as they are powered by solar collectors, I believe that pole mounted solar collectors are limited in height to below 2.5 metres approx. The legislation does not discriminate on size. I am also somewhat surprised that Gloucestershire Airport and the Air Ambulance service have not been notified and asked to comment within 21 days on coloured lights on a 7m+ mast, as we are inside the airport safeguarding zone and a very short distance to the helipad at Gloucester Royal Hospital. The dazzle from the wind vane may also be of interest to them. In any case, as Mr Witts calls the lights 'unique identification' he is breaking the covenant on the land which forbids advertisement especially by lights.

The siting of the structure is also mentioned below. It is a mere 1.5m from the fence (which is not technically the legal boundary, see below). Mr Witts declares this to be essential for reasons that weirdly include collecting rainfall data which are normally taken at ground level. The prime reason seems to be to site it away from trees. Even a brief scan of the site will show that it is now in line with a row of leylandi and a few feet from a lilac tree and a tall cherry tree. In the middle of Mr Witts' lawn it would be much further away from arboreal interference, but then, of course, Mr Witts would have to look at it all day (and night).

The constant movement of the rotating parts is irritating enough but as even the small parts twinkle in the light of the sun like a stroboscope, one's eyes are drawn to it. However, the worst part of this apparatus is the vane and the tube on which it is mounted. This vane is so reflective that as it catches the sun it flashes into my lounge and kitchen. It resembles a dazzling camera-flash going off often many times a minute. (Several videos of this are available with it flashing over 30 times in 40 seconds.) As both of us have several friends who suffer from epilepsy, it would be outrageous if we were expected to tell them not to sit in that armchair or the settee because of this flashing light. Even for those without epilepsy it is extremely irritating and, in very bright conditions, painful to the eyes, more so when one is having a migraine attack, indeed, I have a suspicion that this flashing is precipitating them. Still photographs of this are appended to show how bright this is. One can even observe the flash with one's back to the vane as it lights up a patch on the wall of the room. If this were a BBC news report viewers would be warned of the flashing. Although it is usually noiseless, except when the flagpole accoutrements slap the pole, it certainly fulfils the valid planning objection criterion as causing disturbance. I shall, in due course, be requesting the council to take action on this as a statutory nuisance.

Thirdly, as this structure has multiple functions it needs to be considered from multiple points of view. As it relays a signal it is therefore an antenna. I draw your attention to the Government Planning Portal on the installation of pole mounted antenna: <http://www.planningportal.gov.uk/permission/commonprojects/antenna/guidance#Guidanceonsitingofantenna>. This quite clearly shows that pole mounted installations should be 'inconspicuous, not be visible to neighbours...blending in with the chosen background', the

positioning of this pole is *exactly* where the guidance states it should not be. The quantity of furniture on this pole and its flashing by day and night makes it more unsightly than a Sky dish.

Fourthly, I wish to object on safety grounds. As referred to above, this is an amateur construction and, as there is no proper design statement, one has no idea, or information as to its safety or stability. On the Government Planning Portal for wind turbines (which this is, albeit small), it is very firm about the siting of these pole mounted structures. In order to safeguard neighbours and their property these must be *at least* their own height plus 10% inside the curtilage of the property within which they are erected. This amateur structure, should it fall, could seriously injure or kill a person several metres within their own property. It would be interesting to hear what public liability insurance Mr Witts has.

Fifthly, to deal with Mr Witts' application. There are several aspects that are missing. Mr Witts does tick the box that he is an elected representative, however, he fails to mention that Mrs Witts also is an elected representative. Although, in the text Mr Witts mentions the word 'flagpole', this is not part of the application. The mast is fitted with a pulley and lanyard (which add to the furniture of the pole) and did have flags attached, at first a small flag, but then a much larger one (photo attached). The flag was removed sometime after the planning dept. told Mr Witts he did need planning permission. It is a reasonable assumption that Mr Witts found out that a flagpole may not have additional attachments so he changed the designation to a mast.

Even a brief look at my original email to the planning dept will show that the date of erection of this pole is incorrect. My email, with attached picture, is dated 15.04.14.

On the section about which materials are to be used I notice Mr Witts has ticked lighting as not applicable. As his application specifically mentions 3 solar powered lights I find this lapse extraordinary.

Most importantly, Mr Witts states on the certificate of ownership that he is the sole owner of 15 Riversley Road (..nobody except myself/the applicant was the owner of any part of the land or building to which the application relates..). Mrs Witts, prior to marrying Mr Witts lived there as [REDACTED] so it is entirely possible that not only is Mr Witts NOT the sole owner, but he may not even be technically the householder, depending on the arrangements made on marriage to [REDACTED]. In fact a search of the Land Registry reveals that Mrs Witts is co-owner and actual comes first on the register of ownership ([REDACTED]). As Mr Witts seems to have 'perjured' himself by committing what we shall kindly call an 'untruth' on this certificate then the application must fall.

Contrary to Mr Witts' declaration, there are both hedges and trees within falling distance of this pole. There is a hedge at 16 Merevale road 5ft from the pole (see 'after' photograph), a lilac tree in the same garden within falling distance and a tall tree at 13 Riversley Road also within falling distance.

Mr Witts is also very partial in the disclosure of advice from the local authority. The initial contact followed complaints from the residents in Merevale road and Mr Andy Birchley contacted Mr Witts to tell him that he did need planning permission. Mrs Ravenhill, number 18 Merevale, was assured by Mr Birchley that he told Mr Witts that the bizarre lights should be removed. Needless to say he did not comply. The residents in Merevale Road 14, 16, 18 have contacted the planning dept numerous times in the six months that it has taken for

this planning permission to be sought. My initial complaint was made via email on 15th April. I believe Mrs Ravenhill's predated this. Quite when the contact with Joann Meneaud took place is not stated but I have an email from Mr Andy Birchley saying that he made a night time visit to 15 Riversley Road. It is strange that Mr Witts does not mention this.

The hand drawn map inaccurately shows 15 Riversley Road overlapping 14 Merevale Road. It doesn't.

The ancient ordnance survey map has no scale and is not accurate, showing neither the extensions to 13 and 15 Riversley Road, nor the fact that the previous owner of 15 Riversley Road appropriated a triangle of land from 16 Merevale Road. Mr Witts uses a bizarre mixture of metric and imperial measurement. I was under the impression that planning documents are supposed to be in metric measurements. In fact the Government Planning Portal states this as a fact. It also states that ordnance survey maps MUST acknowledge the copyright MUST be up to date and MUST show a metric scale, needless to say none of these provisions have been met. These are statutory requirements, not minor errors that the authority may overlook. Taken in addition to the false information on the certificate of ownership, if it turns out that this application is validated as correct, rather than as is, I shall, of course, report this to the local authority ombudsman as maladministration.

Mr Witts' 'report' is bizarre in the extreme, as virtually none of it has any bearing on a planning application. Rainfall is, of course, measured at ground level by a rain-gauge, sunshine can be measured at any level in any spot that is not overshadowed, as his front garden faces south I would think that ideal. I think Mr Witts rather gives you

the right idea when he says his mast is 'tall enough so as to be above neighbouring trees' i.e. it's huge. Ironically, his next door neighbour's cherry tree has grown considerably this year and is only about 18ft away from the mast. A little further away to the left, level with the mast, can be seen (photo 'before') a line of tall leylandi so this position is not exactly tree free. In fact there are far fewer trees nearer the house.

If one studies the 'before' photo, one can make out the previous position of this 'weather station', as it did not protrude high into the sky and was against the background of a neighbouring roof, it didn't cause any problem. Previous to this position, the 'weather station' used to be on the end of the workshop in his garden for years; it recently emigrated up to the very top of the garden onto the black pole and then suddenly towered into the sky with the addition of the vivid scarlet extension. Is it going higher and higher as the trees grow? As to the expense he has incurred, I'm reminded of cases where entire houses have had to be demolished because they had no planning permission, so this, again, is entirely specious. The entire section on how wonderful his station has been in the past rather supports the objections not the application. None of these events cited occurred since the mast has been erected, so Mr Witts' point is rather lost. Mr Witts states that some neighbours (?) and visitors find his lights in the sky hypnotic and relaxing, I can assure you that others find them bizarre and annoying. It is a great shame Mr Witts did not abide by the guidance of the Government Planning Portal – Your Neighbours. Whether or no Mr Witts has joined a weather club should have no bearing on his ability to impose this horrible piece of industrial pipework on his neighbours and set a precedent for such erections in this area and throughout the city, as if allowed here,

masts with or without flashing lights could hardly be opposed for businesses or other purposes.

Summary of main points.

- No design statement, appearance of vivid industrial pipework high into the skyline.
- No information on: the suitability of the materials or the construction of the composite mast, stability of the structure, possible metal fatigue owing to frequent bending in the wind.
- The siting fails to comply with Government Guidance on various forms of similar masts, being conspicuous, sited in falling distance of neighbours' property and not blending with the chosen background. Similar masts are expected to be their own length + 10% inside the owner's property.
- The reflective nature of the 'weather station' and its explosive flashing prevents the neighbours normal and expected enjoyment of their property, not only outside the house, but deep into their lounges, kitchens and bedrooms.
- The flashing causes a health and safety risk for visitors (and possible future residents) who suffer from epilepsy. It also exacerbates migraines.
- This flashing will be the subject of a statutory nuisance investigation, it would be invidious if it were given planning permission.
- The pole is also equipped as a flagpole for which planning permission has NOT been sought.
- The siting is justified as being the only place away from trees. Evidently not true as it is only a few feet from two and a little

10/16

- further from many. The middle of Mr Witts lawn would be much clearer from trees.
- The application does not fulfil statutory obligations on site or location maps. It does not fulfil statutory obligations on the use of measurements. It does not fulfil the statutory requirement for use of up to date maps.
- Mr Witts has certified that he is the sole owner of the land, this is an 'untruth', he is not. (Land registry cert [REDACTED]) This should invalidate this application.
- The dates given for the construction of this structure are incorrect, leading to the possible conclusion that the retrospective aspect of this application is considerably less than it really is.
- The hand drawn map is wildly inaccurate.
- Mr Witts has failed to indicate that his wife is an elected member.
- The details of Mr Witts' contact with the officers are extremely partial – this contact is the subject of an FOI request.
- He stated that there are no hedges or trees within falling distance – there are.
- He has failed to acknowledge the lighting on the mast despite it being part of the application.
- The information he appends is of no relevance to this application e.g. rainfall is not measured 7.4m up a mast, rain-gauges are typically on the ground. The other data he collects can either be collected at ground level or in other less conspicuous ways. The previous data that he claims was so valuable was collected in a far less conspicuous site.

11/16

View prior to mast arrival. Amaryllis in foreground.



12/16



After, with flag, towering above the line of sight 4.4.14 16:22

13/14



The vane flashing like camera. 12.06.14 Also below, different date.

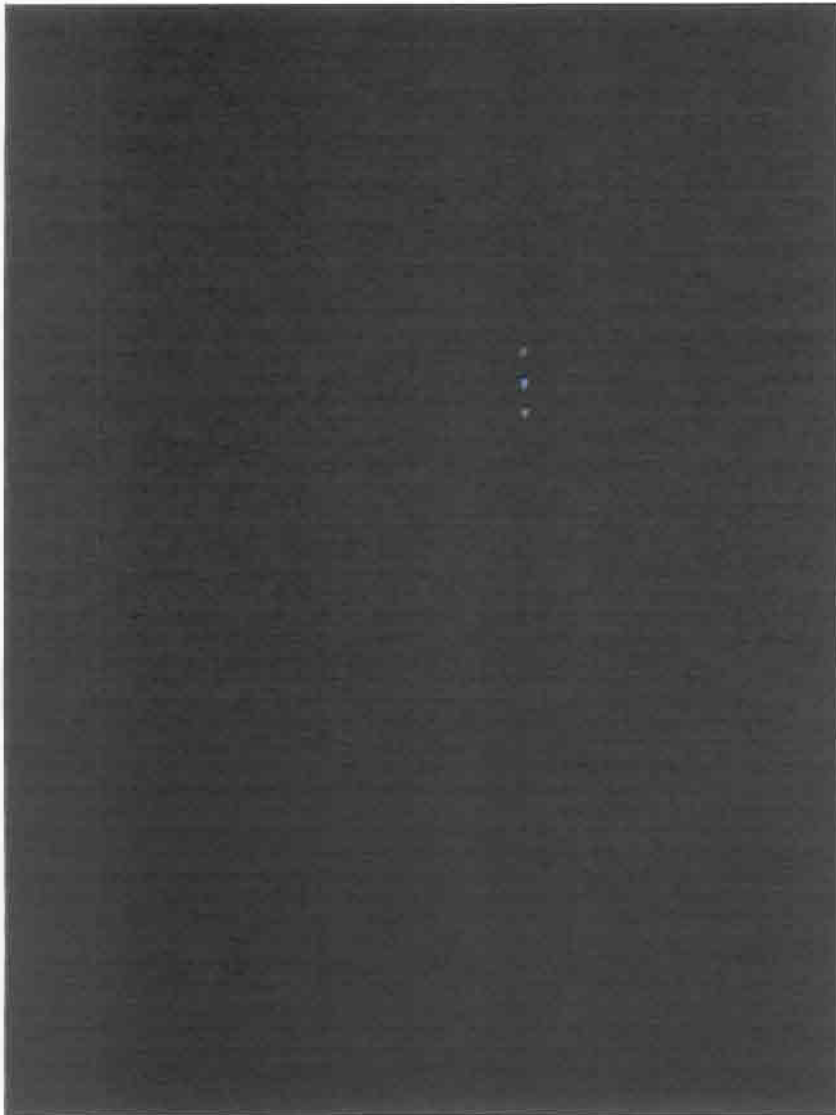


14/16



Yet again.11.08.14

At night, compare with house lights, again right up in sky. Picture taken at eyelevel just outside my patio doors. Very intrusive.



This failed to print as desired as the houses and house lights are not discernable. I will make the original available at the planning meeting and also the flashing light videos. TW.

18/16

The majority of photos showing the flashing were taken from the far armchair in my lounge (blue bowl of gooseberries on the arm).
Sitting here or on the settee may mean being dazzled by the flashing vane.



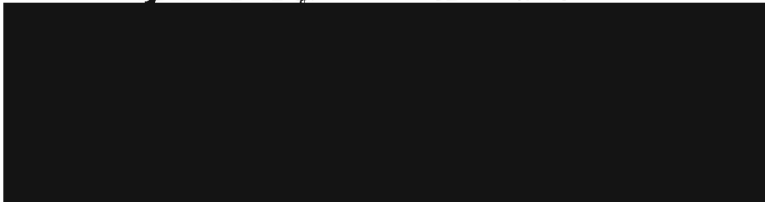
Detail of flash. You can see reflection off all parts, anemometer, and black lump, to compare the high intensity of this flash. Photo taken from the armchair in my living room.

16 / 16



Showing right-hand cup of anemometer
with the strobing light coming off highly reflective curved cup.
Because these cups are curved they reflect all day.

T.H.Wilton and V.A.Wilton 7/9/14





5th September 2011

Your Reference : 14/00722/FUL

Planning Committee
Gloucester City Council
Development Control
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Dear Sir/Madam

Re: 14/00722/FUL - 15 Riversley Road, Gloucester GL2 0QU

Proposal: Retrospective application for a weather monitoring station comprising a wind vane, anemometer and 3 lights mounted on a 7.4 metre high pole within the rear garden.

We note from your communication of 20th August that our views 'may be reported to the Planning Committee'. We hereby request that they definitely are reported to the Planning Committee for their consideration.

Please note that we strongly object to the installation of this pole and its fittings

From review of information provided by Cllr Witts it would appear that the only reason for the structure to be of such a great height within a suburban area is to house lights which he states are required as he personally chose to collect UV information. Weather information to monitor rainfall, which the applicant says was of use during 2007 floods etc., can be adequately collected from far closer to the ground than 7.4 mtrs, as is the ability to record wind speed, and we therefore suggest that a pole of this height is not only unreasonable but unnecessary.

Should this application be approved it will set a precedence for 7.4+ mtr high masts/poles in an area where there are no mast/poles of any height.

Point 1.

We were under the impression that all applications should be in metric units and are therefore very surprised that you, as a Planning authority, have accepted this as a valid application. *Front page refers to 2" dia mast and 86' long garden - Section 10 refers to 2" dia and length of 24'.* Should this application receive approval, it may be necessary to seek legal advice on these grounds.

Point 2

We are also concerned that a Planning authority believes it acceptable to rely on a General Survey Map of Gloucester some 50 years old, as a correctly submitted site location. We understand that any site location plan should be of a metric scale and by the very fact that it is 50 years old would be imperial and as submitted as a copy would not be to the 1/1250 scale identified on this survey map. It does not include a scale bar for verification of the scale.

Point 3

Nowhere within his application/submission has Cllr Witts identified:

- (i) the composition of the pole. - The fact that it sways with the wind will be causing stress to the metal.
- (ii) the construction of the pole - The fact that the pole is made up of two sections, joined by a plate held together with four bolts brings with it the potential for a "weak" area.
- (iii) the appearance of the pole - The fact that the base of the pole is grey with the upper section red.
- (iv) the mechanism by which the pole is fixed to the ground. - Would appear to be 'strapped' to a wooden support.
- (v) the size or materials of the attached wind vane and anemometer. No design statement is available to support his application. - In fact the composition of the wind vane is such that it is highly reflective and directs pulsing, flashing, intermittent sunlight, directly into windows at the rear of our property.
- (vi) any technical requirement for a wind vane and anemometer to be mounted so high.
- (vii) the fact that there is attached the mechanism from which to hang a flag. - The jangling of the rigging disturbs the tranquillity of suburban gardens.
- (viii) the requirement for the solar lights to be of a constantly changing nature.

Point 4

Section 3 The applicant states "official Elmbridge weather station". Officially affiliated to whom?

Point 5

Cllr Witts states work commenced on 23.04.2014 and that he received pre-application advice on 10.04.2014. (Thirteen days before commencement of work).

Why was he not advised at that stage (10.04.2014) that planning permission was required - *Department for Communities and Local Government 'Plain English guide to flying flags' states that 'flags or flagpoles must not display any other subject matter'.*

Could it be that Cllr Witts was not completely transparent in his explanation of the intended use, as he states the advice given was for flagpoles. Indeed he did fly a flag from this pole in addition to the weather station equipment for a while, ceasing when enquiries were being made by the Planning Department following erection of the pole. (03.05.2014)

Point 6

Section 10 He states there are no lights - Yet in other areas of the application he clearly refers to three lights. If as is stated later by Cllr Witts, these lights are for the recording of UV levels, why the requirement for them to be coloured and constantly changing colour. These can only be seen within the neighbourhood, therefore one cannot perceive that they are part of his invaluable weather station information as suggested.

Point 7

Section 16 It is stated that the site cannot be viewed from a public highway, however the installation at its current height, can clearly be seen from the public footpath and public road. The constant changing colours of the lights attached may, on occasion, distract drivers.

Point 8

His additional submissions -

We were under the impression that all drawings submitted should be accurate, of a recognisable scale and contain a scale bar for verification purposes.

Page 1. free hand drawing of properties in Riversley Road and Merevale Road *again all in imperial measurements.* The drawings are completely inaccurate as the garden of 15 Riversley Road intersects the garden of 18 Merevale Road by 1.2 metres. - By the very nature of this 'overlapping' of gardens this brings his pole 1.2 metres nearer to our property and not as shown by Cllr Witts. Attached please find Cllr Witts drawing with intersection noted.

Point 9

Within his additional submissions - Page 2 - is an "aerial view of site" - Presumably he has obtained copyright from Google to use such image.

Point 10

Within his additional submissions - Page 3 - Due to the angle this photograph has been taken it could be misconstrued that the base of the pole is situated within his lawn, when on closer inspection this is indeed a tree, and the pole is situated well behind, at the bottom of the garden.

Point 11

Within his additional submissions - Page 4 - The coloured lights are clearly shown as being above roof height of properties 16 & 18 Merevale Road.

Point 12

Within his letter he states:

'Tall enough so as to be above neighbouring trees' although within section 7 of the application when required to indicate whether or not there are any trees that could fall within the site, he has noted NO. If not close enough to fall onto proposed site why the necessity for it to be tall enough so as to be above neighbouring trees.

'Large following' - numbers are proportional, so a large following could be 6 out of 10. He does not expand on this. He does mention Glos City Council, BBC, Reading University, but there is no evidence to support this. It would however be hoped that Flying Clubs would rely on information from a far more sophisticated source. Information regarding water collection can be measured from far nearer the ground than 7.4 mtrs.

He also mentions that the information was used during the floods of 2007. UV and hours of sunshine were not and will not be relevant to flooding.

'Unique identification of 3 coloured, low power solar lights fitted near top of mast'. By the very nature of these being solar lights, they are only alight between dusk and dawn yet visible to neighbours 24/7. The information he attaches relating to what is available on his weather station site, does not show any lights, therefore one would question the requirement for the identification of "unique" lights.

"Neighbours and friends are fascinated by the lights, stating that they find them both hypnotic and relaxing". (No supporting evidence made available). By this statement he is acknowledging that the lights are visible by neighbours and could thus be classed as light pollution. Hypnotic could be detrimental to health in a certain percentage of the population.

Point 13

General

Cllr Witts is not required to provide background information to 'support' his application, as he has done within his "To Whom It May Contain Letter". If he felt his application needed such support, should he not have provided a bonafide Design and Access Statement stating all the relevant facts such as a brief description, proposed use, size, layout, scale in reference to the site, landscaping, the appearance including all materials to be used.

He notes that the weather station is positioned on top of the pole, which makes the overall height of the development in excess of his noted 7.4 mtr height.

Cllr Witts had previously sited his fully functional weather station on the rear of his garage. This provided information for the Elmbridge Weather Station site, and was not an intrusion on any neighbours enjoyment of their garden, inner rooms or indeed bedrooms. As detailed in his own statement he personally chose to replace his

equipment to include solar sensor for reading UV levels and chose to site this in his rear garden where he perceived the maximum amount of sunshine was available, though in a garden of such length as detailed by Cllr Witts it is difficult to accept this reasoning.

Cllr Witts details that Experts continue to mention climate change and global warming. He himself is adding to global warming phenomenon as he readily admits that information is being downloaded to his computer and as such he is using electricity, unless of course he is generating sufficient power from the anemometer for this purpose, in which case it then technically is a wind turbine.

Cllr Witts has added a screen capture from the weather station which shows images of trees and appears to be taken from a height. As he has not provided official support / information for the equipment housed on the top of the pole, it could be assumed that the camera is situated on the pole. Nowhere in his application has he stated where this image is generated from, neither has he requested permission to house an unmonitored web cam.



Mr C & Mrs M Ravenhill

Enclosures:

Cllr Witts' own submitted plan - details of correct positioning of boundaries added.

Photographs x 8

- 1 x showing structure from middle of Merevale Road
- 1 x showing structure from public footpath on opposite side to 16 & 18 Merevale
- 1 x showing boundary fence between 15 Riversley Road and 18 Merevale Road, together with view of pole.
- 1 x showing structure from patio area of 18 Merevale Road
- 1 x showing feature atop pole in close up.
- 1 x showing wind vane 'glowing' with reflective light
- 1 x showing close up of vane 'glowing' 5 minutes later.
- 1 x showing close up of illuminated colour lights together with flag.

①

↑ NORTH

Details superimposed on
Cllr Witts drawing.

MAST IS 5' FROM REAR
GARDEN FENCE

indicates boundary

if as noted by Cllr Witts
MAST position in middle of
garden.

X indicates position of
mast. ie 1.2mtrs closer
to our property.

4/12/11

NOT TO SCALE
C. WITTS 13.6.14

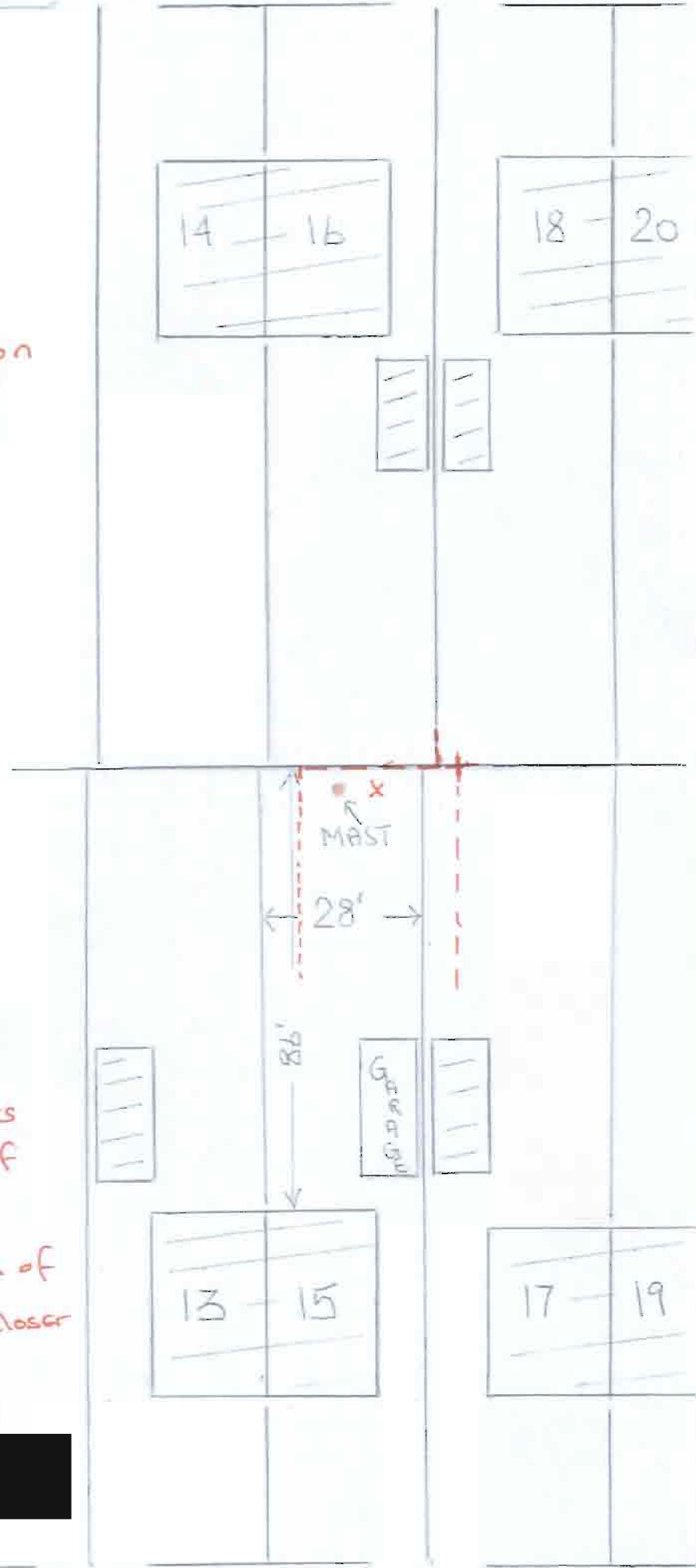
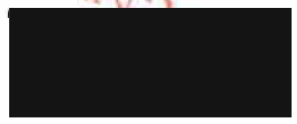


Photo taken from
middle of MERVALE RD
outside No's 16 & 18.
showing weather station
structure on pole



Photo taken from
opposite side of road.
shows structure.



18 MERRVALE

16 MERRVALE

BOUNDARY FENCE
15 RIVERSIDE

A

18 MEDEVILLE

BOUNDARY FENCE
16 | 18 MEDEVILLE



imposing feature overlooking garden
of 18 Metewale

NB This is our "relaxing" area of garden.
"working area" ie vegetable section extends
beyond greenhouse + trellis on left.



12.47 hrs

taken 17.6.14

Close up showing feature at top of pole together with additional height caused by wind vane + anemometer.

pully and ropes clearly visible as "flag" support



12.43 hrs.

Taken 17.6.14

19.30 hrs

Taken 6.5.14

Shows "glowing"
light from wind vane.

Shows two sections
of pole, differing
colours, and held
together with bolted
piece.

Shows additional
height added to
? 7.4 mtr pole.



Additional flashing
of light from wind
vane.



19.35 hrs

Taken

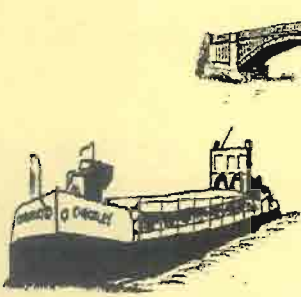
6.5.14

21.02 hrs

taken 29.4.14

Coloured lights +
flag.

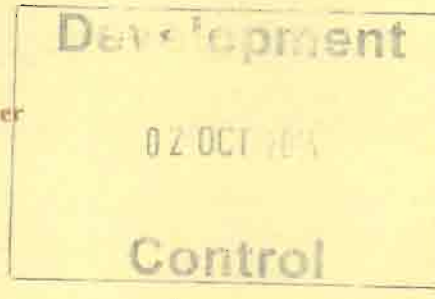




River Severn
Britain's longest river

Joann Meneaud
Gloucester City Council
Planning & Building Control

CHRIS WITTS



DATE: Monday 29th September 2014

MY REF: 15R/MAST/001

YOUR REF: 14/00722/FUL

Addressing Inaccuracies in Letters of Objection to Planning Application

Before I erected the mast I sought clarification during a telephone conversation with Gloucester City Planning Department and was told that there was neither Policy nor Guidelines for this type of application. It was suggested that I erect the mast and await any comments. I did not mislead the Planning Officer as we discussed the difference between a mast and a flag pole.

Soon after the mast was erected a Planning Officer visited my home twice,(once during the day and again at night).

The mast was designed, constructed and installed professionally. Two large, wooden posts support a 2" steel post with the correct jointer as used in the scaffolding industry. The construction of the mast is stronger than that used to support the numerous TV aerials fitted to most chimneys.

The term 'mast' maybe misleading to some as it conjures up the idea of some great structure with guy wires and large aerials at the top. This doesn't apply to mine, the term 'pole' would be a better description.

There is no recommended colour for a mast with an anemometer and wind vane fixed to the top. The Internet shows weather masts of all colours, including a Met Office one coloured white with day-glow orange stripes.

If the mast was placed against the side of my house, it would not reach the top of my roof. Indeed it would only reach midway between the guttering and the roof top.

The reason the mast is sited at the rear end of my garden, is that this is the only location in my garden, where I can receive sunlight all day. This is required for an accurate reading for the UV sensor.

There is no movement of the mast during normal weather conditions. Since first erected there has only been one occasion when a Force 10 gale was recorded. At these exceptional high winds the mast has been designed to move a little. It is the same principle as a suspension bridge, which must be allowed to move during high winds.

There is no noise from the mast. I did at first have a small flag flying from the top but removed this as I felt it was interfering with the wind speed readings. The lanyard remains in place, but it causes no noise.

The anemometer **does not have** a start/stop mechanism fitted. The wind vane only moves with a change of wind direction. As the earth rotates, there is obviously a short period when there could be reflection from the

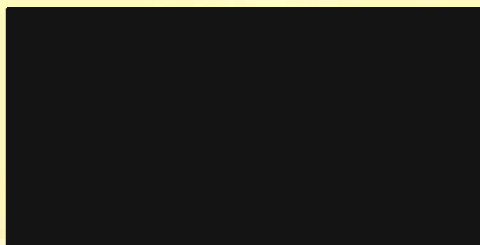
sun from the anemometer. This is normal to all things reflective, including car windows, house windows and solar panels.

I fitted three small, low powered, coloured solar garden lights to the top of the mast for no other reason than to be different. I have had numerous people, who live close to me, say how they like to see them subtly changing colour. They do not flash and do not cause light pollution.

There is no CCTV fixed to the mast. There never has been and never will be such a feature. Only a small anemometer and a wind vane are located at the top of the mast and three small solar lights lower down. Readings from this unit travel through a small cable down the mast to the Weather Recording instruments located on the wooden mast support. A small aerial similar in shape and size to that used on walkie talkies, transmits the readings to the master console located in my office. These readings are fed into my PC, where intricate software makes the data readable for me to send through to my web site at www.severntales.co.uk and to the Weather Channel at <http://www.wunderground.com/personal-weather-station/dashboard?ID=IGLOUCES6>

During the year I receive many emails from around the world commenting on my weather readings and occasionally receiving requests from researchers and contractors for specific weather data from my weather station at Elmbridge.

Other users of my readings include: Heron Primary School
Shropshire Flying Club
Reading University
The BBC



Chris Witts

To whom it may concern

Planning Application for Mast in rear garden of:
15 Riversley Road, Elmbridge, Gloucester, GL2 0QU

I realise that this is an unusual planning application therefore I feel justified in providing you with some background information.

We are all aware of the British obsession with weather. Indeed, throughout the day and night weather forecasts are continually updated on the media e.g. websites, TV and radio.

Since the age of ten I have been interested in recording the weather. Ten years ago I built a fully functional, electronic weather station, which is live on the Internet. This year I realised I had to replace my equipment so I invested a considerable sum on new equipment, which included a solar sensor for reading UV levels and the amount of sunshine per day.

There is only one position in my rear garden, which receives the maximum amount of sunshine each day so this is where I have erected the mast. The Met Office has strict guidelines for the siting of weather recording equipment, including the height of a mast for measuring wind speed and direction. My mast is tall enough so as to be above neighbouring trees.

All readings taken are fed into my PC where software converts the figures into data, which goes live on the Internet. I have a large following of people and organisations, who visit my weather station web site (www.severntales.co.uk) to view readings on a regular basis: Gloucester City Council (especially during times of heavy rain), the BBC, flying clubs, ex pats from around the world and Reading University. My weather station was invaluable during the floods of 2007 and since then many people monitor the rainfall locally.

Indeed, the City Council and the Environment Agency used my rainfall data for certain heavy rainfall events for their calculations during the planning of the flood alleviation schemes for both the Horsbere Brook and the Wotton Brook.

My weather station is an official weather recording station and part of a worldwide network with the code name: IGLOUCES6. Reading University is recognised by most as the world leading authority on weather and regularly monitor my readings to note changes in weather patterns, etc.

The station has a unique identification with three coloured, low power solar lights fitted near the top of the mast. Some neighbours and visitors are fascinated by the lights stating that they find them both hypnotic and relaxing.

We live in the 21st century, an electronic and technical age, and I would like to think that I am at the forefront of modern technology. Experts continue to mention Climate Change and Global Warming and my weather readings help give an accurate statement regarding the patterns of our weather here in Gloucester.