

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **2ND DECEMBER 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. THREE LETTERS OF REPRESENTATION
3. LETTER FROM APPLICANT DATED 14TH NOVEMBER
4. COMMITTEE REPORT DATED 4TH NOVEMBER 2014
5. LATE MATERIAL AND ATTACHMENTS FROM NOVEMBER COMMITTEE
6. GUIDANCE FROM THE PLANNING PORTAL**

UPDATE REPORT

1.0 BACKGROUND

- 1.1 This application was considered by Members at the November Planning Committee. Members resolved to defer the application to allow for the applicant to consider and propose a solution to reduce the reflection from the wind vane located to the top of the pole. Members also asked for some details of the guidance referred to in the letters of objection.
- 1.2 A copy of the 4th November committee report and its appendices together with the late material and additional neighbour representations referred to in the late material are attached.

2.0 ADDITIONAL REPRESENTATIONS

- 2.1 Since the November Committee three additional representations have been received:
- 2.2 A letter from The Rev'd Ian Calder has been received stating that he has no objection and in summary states:
- As a fairly close neighbour the mast is clearly visible from our house and garden, but no more intrusive than the numerous tv masts on surrounding houses.
 - The fact that this is being used to record valuable weather information and that this is part of a national scheme, is admirable.
 - I really cannot see what all the fuss is about.
- 2.3 A letter from Sheila Richards has been received stating that she has no objection and in summary states
- The mast is no more of an eyesore than the digital tv aerials erected on many of the houses around.
 - Suggests that all these aerials are painted with non reflective paint.
- 2.4 A letter has been received from Neal Smith which is reproduced in full:
As discussed, please find confirmation of my views below. Please only quote from this correspondence and remove all previous correspondence, references and quotes from the Planning Committee Meeting Agenda.

In summary, to be honest, on first seeing the mast I was disappointed not to have been consulted before its installation.

- Unfortunately, the current height of the mast means that it dominates the gardens and views from surrounding properties. This is reflected by the objections raised by owners of 4 of the 5 properties that have adjacent gardens.
- Its design is unsympathetic and not in keeping with suburban gardens.
- Regrettably, a sound justification for the height of the mast was not established in the planning application. I know from my own garden that there are areas that are not cast in shadow and although the anemometer at the top of the mast is currently just above surrounding trees, these trees will continue to grow and by next summer I expect this will no longer be the case.
- Chris' website has the following disclaimer: **"Never base important decisions or events on data from this private weather station, which is offered as a general guide to local conditions only"**. The impact the installation is having on surrounding properties is disproportionate to the value of having data which provides a "general guide" of local conditions. I would expect that there are other sources of data which are fit for this purpose. Data to be used as a "general guide" could be collected in a far less conspicuous way and I understand previously was.

- On Chris' website there appear to be images from a webcam at the top of the mast. I am concerned about this webcam moving and pointing towards my property.
- I am concerned about the detrimental health effects raised by others. I have also observed the anemometer's 'strobing' effect from the rear of my property.
- Claims made in the original application should be substantiated. Who is using the data and how often? An occasional enquiry from someone with a passing interest, who wants a "general guide" of conditions in Elmbridge is insufficient justification for the detrimental effect on neighbouring properties. I also expect that there are probably other sources of data that could be used for this purpose.

I understand Chris would like to enjoy his hobby, but this should not be at the expense of the occupants of surrounding properties enjoying their gardens and the views from their homes. Unfortunately, I cannot support the current height of the mast because I believe that it is unnecessary and does not achieve an appropriate balance between the rights of the interested parties. Please let me know if I can help in any way in reaching a compromise.

3.0 OFFICER OPINION

- 3.1 This application was discussed by Members in some detail however no decision was made. The Committee were concerned about the reflection from the wind vane and resolved to defer the application so that the applicant could address this issue.
- 3.2 Members also asked for some information relating to the guidance referred to in the letters of objection from neighbouring properties. The guidance is information contained on the Planning Portal. It comprises good practice guidelines and also sets down the criteria that must be met for equipment to be considered permitted development and therefore not require the benefit of planning permission.
- 3.3 With this application we have already taken the view that it is not permitted development and does require planning permission. The application must therefore be considered in accordance with our local policy context and the principles of the National Planning Policy Framework and any other material considerations, in the normal way.
- 3.4 A letter from the applicant dated 14th November states that he lowered the mast on 10th November and has now undertaken the following works:
 - Re-painted the mast light grey in colour
 - Removed the three small solar powered lights
 - Removed the halyard
 - Addressed the sun reflection problem on the wind vane by lightly removing the gloss finish

- Painted the anemometer cups and wind vane in an approved non reflective black material.

He also states that the mast was then re-erected on 14th November

- 3.5 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 that have been undertaken by the applicant to remove the lights and halyard and to repaint, are factors that do reduce the visual presence of the pole. However 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.
- 3.6 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. I do consider that the removal of the shiny surface on the wind vane and the resultant black matt finish should reduce the potential for the reflection of light.
- 3.7 Therefore I recommend that the application should be granted permission with two conditions, firstly restricting the installation of any flags and/or further apparatus onto the pole and secondly restricting any future painting of the pole.

4.0 RECOMMENDATIONS OF THE HEAD OF PLANNING

- 4.1 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 not be painted other than in accordance with the details in the applicants letter dated 14th November 2014 and shall thereafter maintained as such .

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:

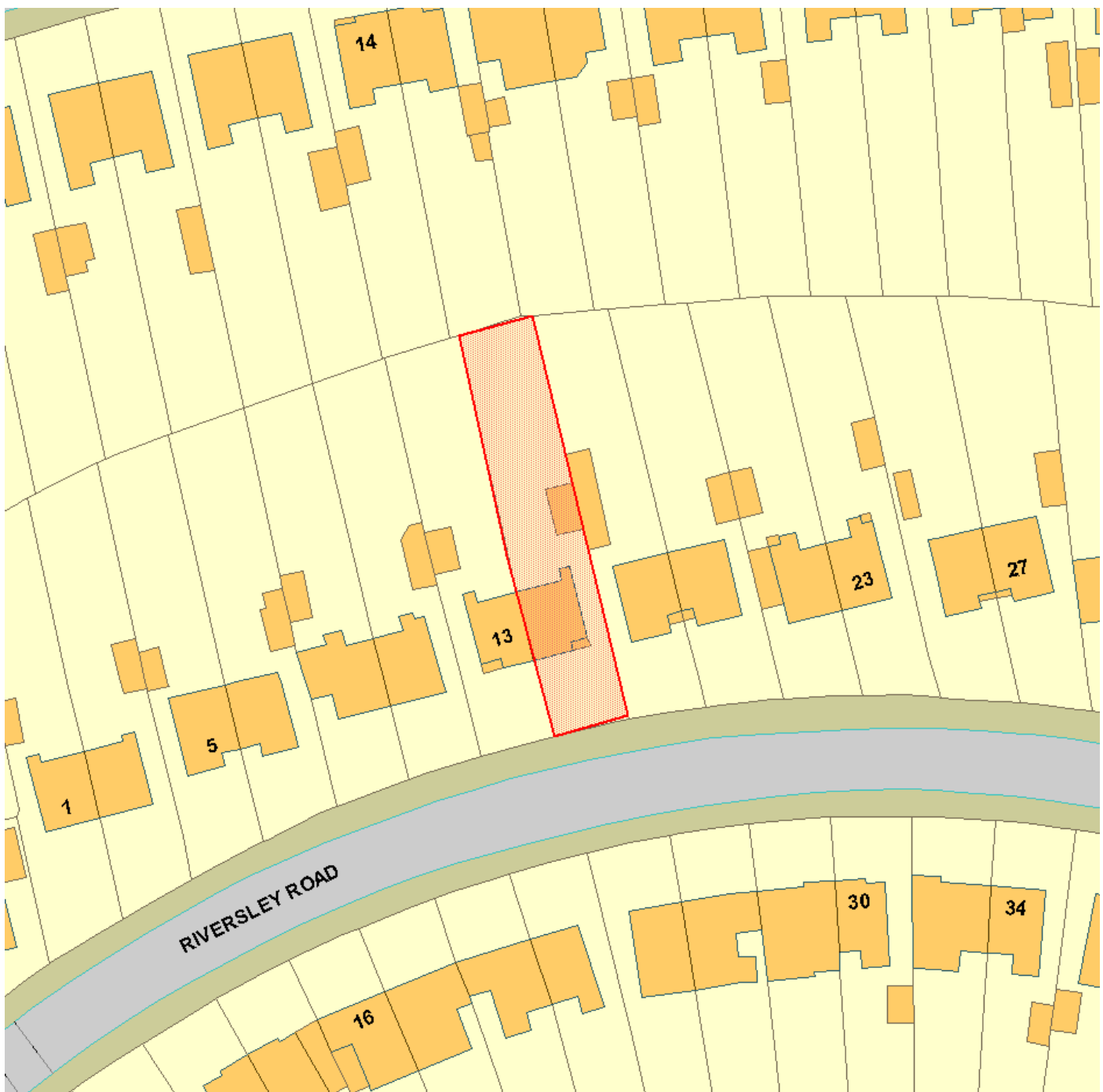
.....

Person to contact: Joann Meneaud
(Tel: 396787)

14/00722/FUL

**15 Riversley Road
Gloucester
GL2 0QU**

Planning Committee 02.12.2014



© Crown copyright and database rights 2011 Ordnance Survey 10019169
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Ref. 14/00722/FUL

Dear Madam,

We are writing to confirm that we have no objections to the weather mast erected in the garden of 15 Riversley Road. It's no more of an eyesore than the digital TV aerials erected on many of the houses around. I suggest that all these aerials are painted with a non-reflective paint.

Yours sincerely

Mr and Mrs K Richards



Development

18 NOV 2014

Control

17 November, 2014

Dear Mrs. Meneaud,

I am writing with respect to the planning application 14/00722/FUL concerning a weather mast at 15 Riversley Road in Elmbridge. I was concerned that the Citizen gave the impression that all the neighbours were against this mast being put up. As a fairly close neighbour, the mast is clearly visible from our house and garden, but no more intrusive than the numerous television masts which appear on most of the houses around us. The fact that this is being used to record valuable weather information and that this information is part of a national scheme, seems to me to be admirable, and I really cannot see what all the fuss is about. I would just like to put on record that I have no objection at all to this application and I trust that those who have, will soon get used to the mast and think no more of it.

Yours sincerely,



Ian Calder

Dear Joann,

As discussed, please find confirmation of my views below. Please only quote from this correspondence and remove all previous correspondence, references and quotes from the Planning Committee Meeting Agenda.

In summary, to be honest, on first seeing the mast I was disappointed not to have been consulted before its installation.

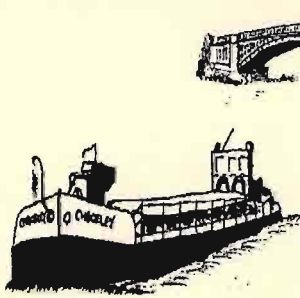
- Unfortunately, the current height of the mast means that it dominates the gardens and views from surrounding properties. This is reflected by the objections raised by owners of 4 of the 5 properties that have adjacent gardens.
- Its design is unsympathetic and not in keeping with suburban gardens.
- Regrettably, a sound justification for the height of the mast was not established in the planning application. I know from my own garden that there are areas that are not cast in shadow and although the anemometer at the top of the mast is currently just above surrounding trees, these trees will continue to grow and by next summer I expect this will no longer be the case.
- Chris' website has the following disclaimer: **"Never base important decisions or events on data from this private weather station, which is offered as a general guide to local conditions only"**. The impact the installation is having on surrounding properties is disproportionate to the value of having data which provides a "general guide" of local conditions. I would expect that there are other sources of data which are fit for this purpose. Data to be used as a "general guide" could be collected in a far less conspicuous way and I understand previously was.
- On Chris' website there appear to be images from a webcam at the top of the mast. I am concerned about this webcam moving and pointing towards my property.
- I am concerned about the detrimental health effects raised by others. I have also observed the anemometer's 'strobing' effect from the rear of my property.
- Claims made in the original application should be substantiated. Who is using the data and how often? An occasional enquiry from someone with a passing interest, who wants a "general guide" of conditions in Elmbridge is insufficient justification for the detrimental effect on neighbouring properties. I also expect that there are probably other sources of data that could be used for this purpose.

I understand Chris would like to enjoy his hobby, but this should not be at the expense of the occupants of surrounding properties enjoying their gardens and the views from their homes. Unfortunately, I cannot support the current height of the mast because I believe that it is unnecessary and does not achieve an appropriate balance between the rights of the interested parties.

Please let me know if I can help in any way in reaching a compromise.

Regards

Neal Smith



River Severn
Britain's longest river

CHRIS WITTS

Joann Meneaud
Gloucester City Council
Planning & Building Control

Tel: [REDACTED]
Mobile [REDACTED]

e-mail: [REDACTED]
web site: [REDACTED]

DATE: Friday 14th November 2014

MY REF: 15R/MAST/003

YOUR REF: 14/00722/FUL

Advisory Comments by Planning Committee

Dear Joann,

I am pleased to confirm that I lowered the mast on Monday 10th November 2014 and carried out work as listed in my letter of 07-11-14 Ref: 15R/MAST/002.

To remind members of the work I did whilst the mast was lowered, it was as listed below.

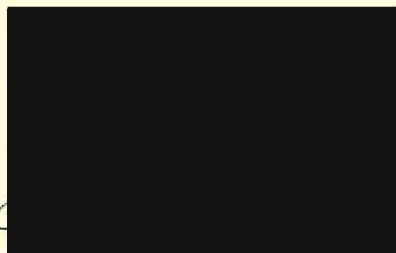
- Re-painted the mast light grey in colour.
- Removed the three small solar powered lights.
- Removed the halyard.
- Addressing the sun reflection problem on the wind vane by lightly removing the gloss finish.
- Painted the anemometer cups and wind vane in an approved non reflective black material.

On the morning of Friday 14th November 2014 the mast was re-erected and I am pleased to confirm that no sunlight is reflected off the wind vane. See pics taken at 11am on 14-11-14 in bright sunlight. I confirm that the photograph submitted was taken with a lens equivalent to the human eye, showing what we see and not what a telephoto lens sees!

I have also attached a line drawing of a pair of semi detached houses as the type at the rear of my garden in Merevale Road, showing my 7.4m mast in relationship to these dwellings. As I have said before, the mast does not rise above the roofs of houses in the vicinity of my home.

Best wishes,

Chris Witts



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/ : **1. SITE LOCATION PLAN**
OBJECTIONS : **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 Council's 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 is 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 form 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:

.....

.....

Person to contact: Joann Meneaud
(Tel: 396787)

Joann Meneaud

From: Chris Witts
Sent: 25 October 2014 10:28
To: Joann Meneaud; Lloyd Griffiths
Subject: Weather vane

Dear Joann,

I was rather concerned to hear of allegations that my weather anemometer and vane are causing a strobing effect. I believe that the wrong word is used to describe what is in effect a small reflection off the 3 small egg cup sized anemometer cups and weather vane.

Today as the sun shone I made particular note of this and it reflects the size of an inch, not like the reflection I note from surrounding aerals and glazing of which is a far more surface area to reflect!

It would be impossible to paint the equipment as this would invalidate my certificate for the equipment and in affect would add weight to the equipment thus giving a false reading. I must stress that this equipment is not a toy but professional kit used throughout the world. Today I trawled the Internet for mention of strobing from the likes of my equipment and found nothing.

I would hope therefore that any objections mentioning strobing from my kit is ignored and treated as ignorance on their part.

Best wishes,

Chris

Sent from my iPad

GL2 0QY

28th October 2014

Ms Joann Meneaud
Gloucester City Council
Development control
Herbert Warehouse
The Docks
Gloucester, GL1 2EQ

Dear Ms Meneaud

Your Reference : 14/00722/FUL

Thank you for your letter of 22nd October 2014 and we were pleased to note that Cllr. Witts, the applicant, intends to remove the three solar lights, the halyard and repaint the mast. Cllr Witts has stated that it is his intention for these "works" to be undertaken by the end of November 2014, after the date of formal consideration by the Planning Committee. Should the Committee approve his application, we trust this 'work' will be monitored, as back in April 2014, we received an e-mail stating that the owner would be asked to 'switch off' the lights – no action was taken.

We are still of the opinion that a very visible, unscreened 7.4+ mtr high mast/pole, situated within a metre or two of neighbouring properties in a purely residential area, is not acceptable. As noted in our original correspondence of 5th September, should this application be approved it will set a precedence for 7.4+ mtr high mast/poles in residential areas, where there are no such masts/poles.

The remedial work offered to be undertaken does not take into consideration the pulsing, flashing, light generated by the sun against the wind vane. This can happen on a daily basis, when the sun is low, particularly early morning or evening, and can be quite disturbing. We note that Cllr Witts refers to this as being similar to light reflecting from windows or solar panels. Reflective light from such sources is static, not flashing, and I believe medical personnel would be able to provide you with information connecting flashing lights to epilepsy. Indeed televised news programmes warn viewers that their news cast contains images of a flashing nature. We do not have the luxury of such a warning from Cllr Witts' wind vane and are therefore unable to avoid the images whilst going about our activities of daily living.

We look forward to receiving further information regarding date and time of when consideration will be taken by the Planning Committee.

Yours sincerely

CR & MJ Ravenhill

Sent via e-mail 28.10.14

Re: Mr C.Witts application for retrospective planning permission for a mast.

Dear Ms Meneaud,

May I comment on Mr Witts notes in which he claims to identify 'inaccuracies' in the objections to his retrospective planning application,

1. Mr Witts declares there is no movement of the mast in normal weather conditions. As I sit here 23/10/14 in my lounge it is clearly moving in a range of about 4 inches (10cm). It is quite breezy but hardly a gale.

2. Mr Witts says the mast was designed and installed 'professionally' but gives no details of either the designer or the installer. The 'large wooden posts' are bog-standard 3" fence posts. The comment about television aerials is priceless, how many 7.5m TV aerials does one see? Does Mr Witts appreciate the leverage exerted by 7.5 m of steel? The recommendations (see below) for other masts are that they are at least their own height plus 10% from property boundaries (falling height) . Probably if Mr Witts had conformed to this standard there would be little to complain about provided the nuisance flashing was dealt with.

3. The UV detector could be simply attached to Mr Witts' television aerial or roof to collect readings throughout the day.

4 Whereas there no recommendations for hobbyist meteorological masts Gov.uk does recommend that similar masts be unobtrusive and not visible to neighbours. Likewise in the case of home turbines that they be non-reflective.

Planning Portal - Good Practice Guidance for installing antennae

<http://www.planningportal.gov.uk/permission/commonprojects/windturbines>

Relevant selection from the latter site:

use non-reflective materials on blades. An installation is not permitted if any part of the stand alone wind turbine (including blades) would be in a position which is less than a distance equivalent to the overall height of the turbine (including blades) plus 10 per cent of its height when measured from any point along the property boundary.

5. I find Mr Witts description of the reflection nuisance from his wind vane outrageous. This wretched thing flashes into my kitchen and lounge at a rate, sometimes of about 50 times a minute. Although early evening is worst, because the wind direction changes it may give off blinding flashes at various times. How can he aver that this is something that his neighbours should have to put up with because of his hobby? As stated before, my wife and I have several friends who suffer from epilepsy, should Mr Witts' hobby preclude them from visiting us? I can show video of this flashing if required. The videos were taken on different days and at different times and have a count of flashes of 37 flashes in 44 seconds.

6. I should like to be informed in advance of the meeting at which this application is to be heard. I expect that, as Mr Witts is a councillor and therefore the procedures should be beyond reproach, that the committee are shown ALL documents submitted by the objectors, in particular the photographic evidence of the flashing nuisance, and if possible, provision be made that the members can be shown the video evidence of this

flashing. I would not consider photographs of this structure, taken by officers, to be sufficient unless they show this flashing.

7. I would like to register a protest that this application is being considered at all. I cannot believe that normally an application that contained as many errors, inaccuracies, omissions, and failed to conform to the required formats should make it to committee.

Your faithfully,
Timothy Wilton



28.10.14

Dear Ms Meneaud

Your Reference: 14/00722/FUL

We are responding to your letter dated 22.10.14 in which you informed us that Mr Witts of 15 Riversley Road, has stated his intention to remove the solar lights, halyard and repaint the mast in a light grey colour by the end of November as part of his retrospective planning application. We note that there is some progress however, we continue to have some concerns as the planning application will be considered on November 4th yet Mr Witts has until the end of November to complete these changes. We would need some reassurance of how this would be monitored by your department and the action taken if this does not happen as Mr Witts has previously not complied with a request for the lights to be removed by your department.

With the changes proposed we still have the following concerns

- The close distance to our immediate boundary fence. Mr Witts has stated that he will hold us liable for any damage to the mast if our children should accidentally hit this with a football.
- The safety of the mast which does move in the wind.
- The flashing of sunlight into our living room and bedroom from the wind vane in the morning and evening
- The mast continues to dominate the end view of our garden and if approved will set precedence for other people to erect structures like this in a residential area.

It is our intention to attend the planning and speak about this application

Yours sincerely



Thomas Haswell (Mr)

Cheryl Haswell (Mrs)

Joann Meneaud

From: Fiona Ristic
Sent: 03 November 2014 10:14
To: Joann Meneaud
Cc: Gavin Jones
Subject: late material

From: Development Control
Sent: 30 October 2014 13:00
To: Fiona Ristic
Subject: FW: Officer email failure

From: development.control@gloucester.gov.uk [mailto:development.control@gloucester.gov.uk]
Sent: 30 October 2014 12:06
To: Development Control
Subject: Officer email failure

Hello

Comments have been submitted regarding proposal [Erection of two bedroomed chalet bungalow on land to the rear of 84, 86 and 88 Falkner Street at 84 Falkner Street Gloucester GL1 4SJ](#). The following objection was made today by Mr Steve Peake.

Parking/Traffic: We are concerned there is no parking provision with this development. A 2 bed property could potentially add 4 vehicles (plus visitors) to an already overcrowded area. The parking survey attached to the original application doesn't reflect our experience of living in the street for 8 years. The parking survey also didn't cover weekday evenings (the latest photos were 5pm). As the majority of residents on Grove Street commute by car, vehicles are absent until after normal working hours. By 7pm all parking spots are usually taken – any extra vehicles habitually park on double yellow lines. It's a myth that proximity to the City Centre means you don't need a car – most employment opportunities around Gloucester will require access to personal transport. Similarly, most shopping venues around the City are difficult to access without a car. Useful public transport options are limited. Traffic (especially at peak hours) is already confrontational due to amount of legal/illegal parking. Cars regularly mount pavements without slowing down (most prevalent on Falkner Street, but also regularly seen on Grove Street).

Infrastructure: We are especially concerned about drainage issues – losing a garden and adding extra water usage to the existing Victorian/Edwardian sewers. Similarly, water pressure is already marginal.

Construction: We are concerned about disruption during construction. There is limited access for large vehicles, and nowhere on Grove street for a skip. Overdevelopment: We are concerned with the increase in population density. This part of Tredworth has already been adversely affected by the number of single family dwellings that have turned into multiple-occupancy rental properties. This has increased problems with litter, noise, traffic & parking. Information for applicants: The next two points are not part of our objection. We felt it was sensible that the applicants are aware of the following information: The metal structure at the end of our garden is a vehicle garage for our motorcycles. Whilst we are considerate of our neighbours (standard, road-legal exhausts on our motorcycles, maintenance kept to sociable hours) we can both work irregular hours, so could be leaving/returning outside normal commuting times. These motorcycles are our main form of work transport. Proposed development would put at least one bedroom above our garage. Also, our compost bins are at that end of the garden (we picked the location furthest

away from any existing dwellings). Applicants should be aware of potential smell & insect issue adjacent to their front door and front windows.

However, there has been a problem with the automatic email notification of the case officer. Please check that the case officer email address for case 14/01161/FUL is still valid.

The officer currently associated with the case is Fiona Ristic and the registered email address is .



Wind Turbines

Planning Permission

Under permitted development rights in some cases it is possible to install domestic wind turbines without the need for an application for planning permission, so long as specified limits and conditions are met (see below).

In other cases you will need to apply for planning permission from your local authority to add a domestic wind turbine to your house, or grounds surrounding your home.

Always check with your local planning authority about planning issues before you have a system installed.

[Wind turbine: building mounted](#)

[Wind turbine: stand alone](#)

Wind turbine: building mounted

The installation, alteration or replacement of a building mounted wind turbine can be considered to be permitted development, not needing an application for planning permission, provided ALL the limits and conditions listed below are met:

Limits to be met:

- Permitted development rights for building mounted wind turbines apply only to installations on detached houses (not blocks of flats) and other detached buildings within the boundaries of a house or block of flats. A block of flats must consist wholly of flats (e.g. should not also contain commercial premises).
- Development is permitted only if the building mounted wind turbine installation complies with the [Microgeneration Certification Scheme Planning Standards](#) or equivalent standards. [Read more about the scheme.](#)
- The installation must not be sited on safeguarded land. [An Aviation Safeguarding Tool](#) can be used to check whether the installation will be on safeguarded land.
- Only the first installation of any wind turbine would be permitted development, and only if there is no existing air source heat pump at the property. Additional wind turbines or air source heat pumps at the same property requires an application for planning permission.
- No part (including blades) of the building mounted wind turbine should protrude more than three metres above the highest part of the roof (excluding the chimney) or exceed an overall height (including building, hub and blade) of 15 metres, whichever is the lesser.
- The distance between ground level and the lowest part of any wind turbine blade must not be less than five metres.
- No part of the building mounted wind turbine (including blades) must be within five metres of any boundary.
- The swept area of any building mounted wind turbine blade must be no more than 3.8 square metres.
- In Conservation Areas, an installation is not permitted if the building mounted wind turbine would be on a wall or roof slope which fronts a highway.
- Permitted development rights do not apply to a turbine within the curtilage of a Listed Building or within a site designated as a Scheduled Monument or on designated land* other than Conservation Areas.

In addition, the following conditions must also be met. The wind turbine must:

- use non-reflective materials on blades.
- be removed as soon as reasonably practicable when no longer needed for microgeneration.
- be sited, so far as practicable, to minimise its effect on the external appearance of the building and its effect on the amenity of the area.

* Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, and World Heritage Sites.

You may wish to discuss with the Local Planning Authority for your area whether all of these limits and conditions will be met.

Wind turbine: stand alone

The installation, alteration or replacement of a stand alone (not building mounted) wind turbine within the boundaries of a house or block of flats can be considered to be permitted development, not needing an application for planning permission, provided ALL the limits and conditions listed below are met.

A block of flats must consist wholly of flats (e.g. should not also contain commercial premises).

Limits to be met:

- Development is permitted only if the stand alone wind turbine installation complies with the [Microgeneration Certification Scheme Planning Standards](#) or equivalent standards. [Read more about the scheme.](#)
- The installation must not be sited on safeguarded land. The [Aviation Safeguarding Tool](#) can be used to check whether the installation will be on safeguarded land.
- Only the first installation of any wind turbine would be permitted development, and only if there is no existing air source heat pump at the property. Additional wind turbines or air source heat pumps at the same property requires an application for planning permission.
- The highest part of the stand alone wind turbine must not exceed 11.1 metres.
- The distance between ground level and the lowest part of any wind turbine blade must not be less than five metres.
- An installation is not permitted if any part of the stand alone wind turbine (including blades) would be in a position which is less than a distance equivalent to the overall height of the turbine (including blades) plus 10 per cent of its height when measured from any point along the property boundary.
- The swept area of any stand alone wind turbine blade must be no more than 3.8 square metres.
- In Conservation Areas, development would not be permitted if the stand alone wind turbine would be installed so that it is nearer to any highway which bounds the curtilage (garden or grounds) of the house or block of flats than the part of the house or block of flats which is nearest to that highway.
- Permitted development rights do not apply to a turbine within the curtilage of a Listed Building or within a site designated as a Scheduled Monument or on designated land* other than Conservation Areas.

Advertisement



In addition, the following conditions must also be met. The wind turbine must:

- use non-reflective materials on blades.
- be removed as soon as reasonably practicable when no longer needed for microgeneration.
- be sited, so far as is practicable, to minimise its effect on the external appearance of the building and its effect on the amenity of the area.

* Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, and World Heritage Sites.

You may wish to discuss with the Local Planning Authority for your area whether all of these limits and conditions will be met.

The microgeneration certification scheme

To support the development of the microgeneration industry and to drive the quality and reliability of installations a Microgeneration Certification Scheme has been developed in partnership with the industry and other organisations representing consumer interests.

The Microgeneration Certification Scheme includes clear standards to support the installation of wind turbines and air source heat pumps. The main purpose of the scheme is to build consumer confidence in microgeneration technologies and to help move the industry to a sustainable position.

It includes certification for products and installer companies, and a code of practice based on The Office of Fair Trading Consumer Code. Permitted development rights for wind turbines and air source heat pumps will only be accorded for equipment installed by an installer who has been certificated through the scheme using a certificated product. The installer is therefore responsible for ensuring that the installation meets permitted development noise standards at the time of installation. For further details, see the microgeneration certification scheme's website at:

<http://www.microgenerationcertification.org/>

Building Regulations

If you wish to install a wind turbine which will be attached to your house building regulations will normally apply.

Size, weight and force exerted on fixed points would be considerable.

Building regulations also apply to other aspects of the work such as electrical installation. It is advisable to contact an installer who can provide the necessary advice.

You could use an installer registered with the relevant competent person scheme (as listed in [Row 17 of Schedule 3 of the Building Regulations](#)). A registered installer may be authorised to self-certify the work to comply with this aspect of the building regulations without involving local authority building control.

If the wind turbine is not attached to your house, then only the electrical installation and connection will be captured by the requirements of the building regulations.

If the electrical work is of the type listed in [Row 12 of Schedule 3 of the Building Regulations](#) and your installer is a member of a competent person scheme listed against that row, then the installer may be authorised to self-certify the work to comply with this aspect of the building regulations without involving local authority building control.

Disclaimer

This is an introductory guide and is not a definitive source of legal information. [Read the full disclaimer here.](#)

This guidance relates to the planning regime for England. Policy in Wales may differ. If in doubt contact your Local Planning Authority.



Good Practice Guidance for installing antennae

This guide aims to:

- Offer guidance on the most appropriate places to site antennas to try to help protect our environment.
- Help retailers and installers provide appropriate advice and service to you on where to place antennas.

This information is provided on the following pages:

- [Checklist](#)
- [Good practice / Things to consider](#)
- [Guidance on siting of antenna](#)
- [The effects of poor positioning](#)
- [Alternatives](#)
- [Suppliers and installers](#)

Checklist

1. Check if you need planning permission or listed building consent.
2. Check if you need the landlord's or owner's permission.
3. Use reputable and authorised suppliers and installers.
4. Try to choose an antenna that is:
 - no larger than that needed for good reception; and
 - within the specified size/volume limits for your area and property.
5. Try to place the antenna where it will be:
 - inconspicuous and, if possible, where it will not be seen by neighbours or the general public;
 - unseen from the front of the house (preferably); and
 - blending in with the chosen background.

Respect the environment. The cheapest option may not always be the most appropriate one for you or the environment.

Don't forget that you are responsible for installing the antenna. If you do not place the antennas in the most appropriate position, the council may demand that you position it elsewhere (at your own expense).

Satellite and antenna technology continues to change: you should be aware of the wide range of systems available so that you can make an informed choice.

Good practice / Things to consider

When installing a dish or other antenna, you must position it in such a way so that its effect on the outside appearance of the building is reduced as far as possible. You must also remove it when you no longer need it.

What you need to consider

If an antenna is not positioned in the most appropriate place, this can make it more noticeable, or (depending on its colour and appearance) make it stand out from its background.

Remember, you are responsible for:

- choosing the type of antenna; and
- positioning the antenna on the building or in the garden.

When deciding on an antenna and where to position it, you should take into account its effect on neighbours, the public, and the environment. The retailer or installer may be able to give you advice on these matters. If there is any doubt, you should contact your local planning department.

Things to think about

For dish antennas, you should be aware of the importance of colour. For example, a white dish may blend against a white background but may be more obvious against darker backgrounds, such as brick, or stone.

The materials or the design can also affect how suitable a particular antenna is. For example, a mesh or transparent dish may be less obvious than a solid one.

Guidance on siting of antenna

This is general guidance only. It shows the possible positions of antennas and **does not** apply to properties in designated areas.

Advertisement





Location	Guidance
Front elevation - garden	Not suitable - security concerns.
Front of the house - 1st floor level	Not suitable - highly visible from the street.
Front of the house - 2nd floor level	Suitable - less visible from the street.
Side of the house - front	Not suitable - visible from the street.
Side of the house - back	Recommended - not visible from the street.
Roof-mounted - behind parapet	Recommended - not visible from the street.
Roof-mounted - over ridge tiles	Suitable - less visible from street. Must only be installed if the premises has a chimney-stack.
Eaves-mounted pole	Recommended - not visible from the street.
Chimney-mounted pole	Not Suitable - higher than the chimney.
Chimney-mounted	Suitable - not higher than the chimney.
Flat roof - front	Not suitable - visible from the street.
Flat roof - back	Recommended - not visible from the street.
Side of the garage	Recommended - not visible from the street.
Rear extension - side of the house	Recommended - not visible from the street.
Rear extension - roof	Recommended - not visible from the street.
Back garden - behind trees	Not Suitable - tree may block signal.
Back garden - floor mounted	Recommended - not visible from the street, but check that a signal can be obtained.
Back garden - pole mounted	Not Suitable - visible to neighbours.

[Click here to download a larger, printable version of the above image and table](#) (PDF 350 Kb).

The effects of poor positioning

If your planning department thinks your antenna is in a poor position and could reasonably be moved to make it less noticeable, they may ask you to move it (at your own expense). You would not have to apply for planning permission.

If you refuse this request, your planning department may:

- demand that you apply for planning permission (for which you must pay a fee) based on the fact that the antenna's effect on the outside appearance of the building has not been reduced as far as possible; or
- send you an enforcement notice demanding that you move the antenna.

You are entitled to appeal if planning department refuses your application for planning permission, or sends you an enforcement notice. Reasons for an appeal could include that you think the chosen position of the antenna is appropriate, or that the measures you would need to take to move it are excessive, perhaps causing you unreasonable costs.

It is an offence not to follow an enforcement notice. You could have to pay a fine unless you have successfully appealed against it.

If your planning department asks you to move the antennas they should use these guidelines to show, on a diagram, what reasonable measures you can take. The council cannot use this power to deny you the right to install an antenna.

Alternatives

If you live in:

- a tower block;
- a small block of flats;
- a terrace of houses; or
- a semi-detached house;

it may be possible to use shared antenna systems without the need for each household to install an individual antenna. There are several main alternatives to an individual antenna.

Shared Reception Systems

Shared antenna systems are worth considering if:

- planning permission is unlikely to be granted for several antennas on a single building;
- a shared system would be more environmentally friendly than for each home to have its own antenna;
- landlords or owners have banned individual antennas.

If you live in a tower block or a large group of flats or houses, you should first check what arrangements, if any, have already been made for a shared system.

You should always get professional advice to make sure the system you have chosen offers the best choice of programmes at a reasonable price and with the ability to accommodate future services.

If you live in a semi-detached or terraced house, it may be possible to develop a shared system, although this may be more expensive than installing individual antennas. You may also need legal advice on the conditions for sharing. In any event, you should make sure that any shared system provides access to all the programmes everyone wants.

The same planning regulations apply to shared antennas as apply to individual antennas.

The landlord or the building owner is responsible for deciding whether or not to allow the installation of a shared system and to get any licence. Guidelines on licensing are available from the Department of Trade and Industry and OFCOM. Addresses are at the end of this document.

Cable Networks

Cable networks can be another way of bringing satellite TV or broadband to your home. You may want to ask your council whether your area is served by cable television.

This is particularly important if:

- your home or building does not have a line-of-sight with the relevant transmitter;
- planning permission for an antenna is not granted;
- a shared system is not practical;
- you do not want to have an antenna on the outside of your property.

Line-of-sight - Many antennas and all satellite antennas need to be able to receive signals from the transmitter without the signal being interrupted by trees or buildings etc. Antennas which do not have line-of-sight to the transmitter will not receive signals correctly and will not function properly.

Suppliers and installers

Suppliers and installers should be familiar with the planning and environmental aspects of installation.

We strongly advise you to get your antenna equipment from a reputable supplier, such as members of the [Radio, Electrical and Television Retailers' Association \(RETRA\)](#), other established companies or, where appropriate, from the broadcaster.

We also advise you to use installers who are members of the [Confederation of Aerial Industries Limited \(CAI\)](#) or other professionally qualified installers who follow an appropriate Code of Practice in line with this Planning Guide.

Reputable installers should have agreed standards for their work, in some cases guaranteed by their company; they should also be covered by public liability and employer's liability insurance.

You should get quotes for alternative siting options and costs (such as installing at the back) before installing the antenna.

Disclaimer: This is an introductory guide and is not a definitive source of legal information. [Read the full disclaimer here.](#)

Note: This guidance relates to the planning regime for England. Policy in Wales may differ. If in doubt contact your Local Planning Authority.