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Item No 02:-

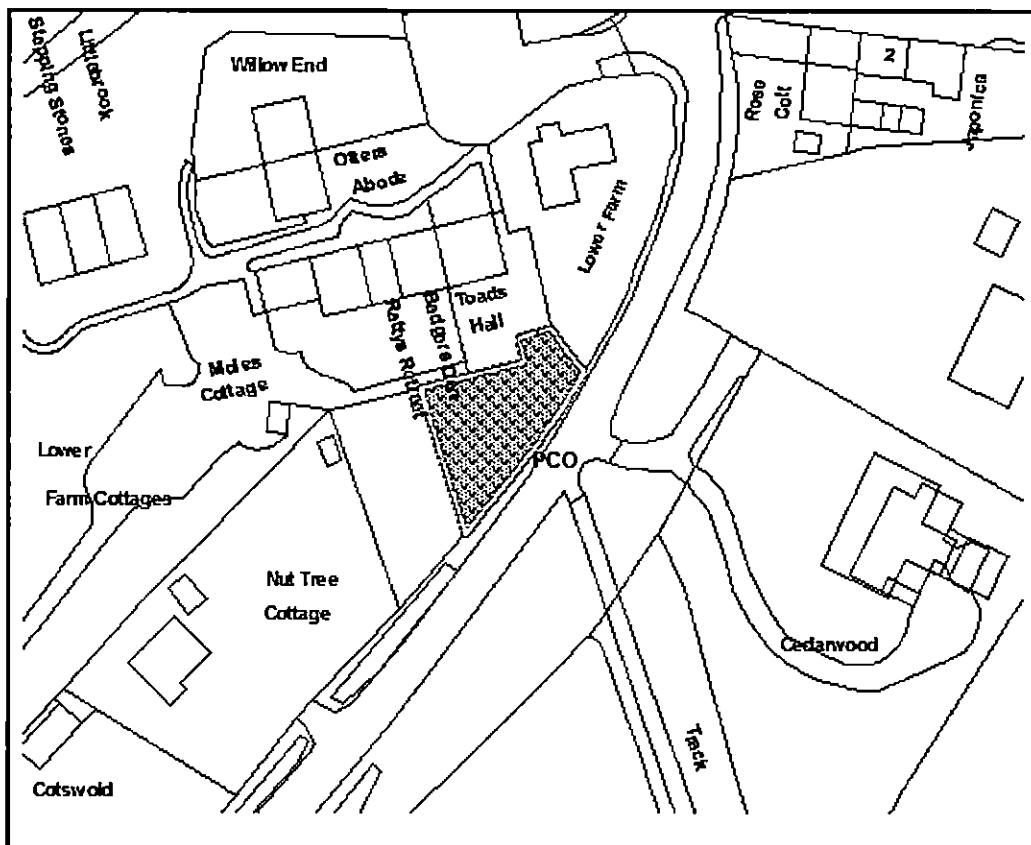
**14/05276/FUL (CD.2395/N)**

**Land Off School Lane  
Lower Farm House  
Blockley  
Gloucestershire  
GL56 9DP**

**Proposed new dwelling and parking structure at Land Off School Lane  
Lower Farm House Blockley Gloucestershire**

<b>Full Application 14/05276/FUL (CD.2395/N)</b>	
Applicant:	Mr & Mrs H Goodrick-Clarke
Agent:	Tyack Architects
Case Officer:	Christopher Fleming
Ward Member(s):	Councillor Mrs Sue Jepson
Committee Date:	19th August 2015

**Site Plan**



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**RECOMMENDATION: PERMIT**

**UPDATE: THIS APPLICATION WAS ITEM 8 AT THE LAST COMMITTEE. A DECISION WAS DEFERRED FOR A SITE INSPECTION BRIEFING FOR MEMBERS TO ASSESS THE SITE IN ITS CONTEXT AND TO UNDERSTAND THE SAFETY ASPECT IN RESPECT OF THE ACCESS.**

The previous report is as follows with any updates highlighted in bold text.

1 further letter of objection has been submitted from the residents of the Lower Farm Estate reiterating previous concerns over the development. The letter is attached in full to this report.

The main concerns raised are:

- (a) Contradictory advice on the relevance of the section 52 Agreement.
- (b) Overlooking, Loss of amenity of neighbouring property
- (c) Access and Highway obstruction
- (d) Civil disputes, loss of view, loss of business during construction
- (e) View from the highway Streetscene
- (f) Drainage and Flooding.

#### Officer Response

The application is for one modest sized two bedroomed open market dwelling, the committee report it explains the tests of sustainability and sets out that the ability of Blockley to accommodate new residential development has been assessed as part of the emerging Local Plan process. The Development Strategy and Site Allocations paper recognises that the village is able to offer a range of services and amenities which can meet many of the day to day needs of the community. Moreover, it also supports a reasonable growth in the village's population to help 'address local affordable housing needs; sustain existing facilities; and maintain Blockley's role as a local service centre.' Blockley has therefore been recognised as a potentially sustainable location for new residential development in terms of accessibility to services, facilities and amenities.

Overall, looking at sustainability of the site, it is considered that the site does represent a sustainable location for new residential development in terms of accessibility to services, facilities and amenities.

- (a) Contradictory Advice on the relevance of the section 52 Agreement.

#### Officer Response

The legal agreement does not prohibit the determination of a subsequent planning application, and indeed failure to determine an application will leave the Council open to an appeal for non-determination. The current application should be determined taking all the normal considerations into account and should be determined within the recommended timeframes. Officers acknowledge that a legal agreement is capable of being a material consideration. The latest advice in the NPPG sets out the tests which must be satisfied. A legal agreement should be used as a positive tool that helps deliver development by providing mitigation that could not be secured through the use of planning conditions.

The agreement in question is some 30 years old and the agreement was drafted prior to the current prevailing advice, it is therefore appropriate to assess its degree of consistency with current tests.

In the consideration of the current planning application officers have been mindful of the purpose of the legal agreement and have made a judgement as to weight to be afforded based upon prevailing circumstances, policy, guidance including the degree of consistency with the NPPF and NPPG.

In conclusion the Council can see no sound planning reason why the Planning Committee cannot proceed to determine the application.

**(b) Overlooking of neighbouring property**

**Officer Response**

Concern has been reiterated in relation to overlooking into neighbouring property and gardens with particularly reference to that of 'Toad Hall'. The proposed dwelling would be set at a right angle to the neighbouring property with no windows proposed on the north west elevation facing the 4 dwellings immediately behind the proposal whilst windows are proposed on the north east elevation, given the orientation of the dwelling in relation to the surrounding area views would be limited with no direct views into neighbouring property, furthermore there are examples of similar relationships within the surrounding area.

Comments have also been made with regard to the property being elevated, however whilst the property would sit in the plot in an elevated position it has been designed so that the overall ridge height would be the same as the converted barns set behind the property consistent with the properties in the surrounding area.

**(c) Access and Highway obstruction**

An objection remains over the concern of safety with regard to accessing the property; the representation maintains the access to the property is off private land. From the information submitted the site does have right of access across the private land, the access point onto the highway from the site would be off School Lane which is an unclassified highway. This access is an existing established access that already provides access to 9 properties including visitors and deliveries. Furthermore the site already has a right of access across the private land to the site that could be used at present. Taking this into account it is not considered that the addition of 1 additional dwelling would result in a severe impact on the safe operation of the highway network or result in a significant impact considering the existing access arrangements.

Concern has also been raised over on-site parking of visitor and deliveries on the private land. The proposed scheme provides sufficient space for on-site turning and manoeuvring for two vehicles, any vehicles that are parked on private land not in ownership of the property would be a civil matter outside the control of planning.

**(d) Civil disputes, loss of view, loss of business during construction**

**Officer Response**

A number of issues raised within the representation relate to potential future civil disputes between the existing property and any potential owner of the proposed dwelling, these matters are not material planning considerations, private issues between neighbouring properties such as, damage to property, trespass, private rights of access, safety issues on private land, loss of business arising during the construction phase and loss of view are issues that are not relevant to any decision that can be made by the Council.

**(e) View from the highway Streetscene**

**Officer Response**

The representations also set so out that the 'fragility of the site has not been adequately addressed within the report. As set out previously the application site lies just within the designated Blockley Conservation Area, and whilst there are listed buildings within reasonably close proximity, there is little visual or functional interrelationship. The site represents a triangular parcel of land within, but at the very edge of the conservation area. The site borders onto Lower Street on the south-east, but is at a higher level. To the north are existing barn conversions, and to the west, early-twentieth-century houses. The site is consequently not identified in the conservation area character appraisal either as a

significant open space, or as a space that contributes to, or falls within any identified views that affect heritage assets.

Consequently, given the modest size and sympathetic design the principle of development in this location should preserve the character and appearance of the conservation area and wider streetscene. Notwithstanding this a landscape condition would be put on any subsequent permission to ensure the maintenance of boundary treatments around the site.

**(f) Drainage and Flooding**

**Officer Response**

The objectors have expressed their concerns over drainage and flooding within the area, incorrectly they state the site lies within flood zone 3, having looked at the environment agency flood maps, I can confirm the site and access to the site are outside both Flood Zones 2 and 3. The site and access is located within a Flood Zone 1 and as such falls within the lowest designation of Flood Zone. Residential development is acceptable in principle on such land.

The additional representation comments on a natural spring within the grounds of 'Moles Cottage' and the problems this has caused previously, Mole Cottage is set at a lower level to that of the application site by approx 1.8m, therefore, given the elevated nature of the site it is considered appropriate to attach a condition requiring details of a surface water drainage scheme should permission be granted. Therefore a condition was recommended for details of surface water drainage arrangements to ensure that this is controlled and not result in a detrimental impact on the surrounding area.

**Main Issues:**

- (a) Residential Development Outside Development Boundaries
- (b) Sustainability of Location
- (c) Impact on Character and Appearance of Blockley Conservation Area and Cotswolds Area of Outstanding Natural Beauty
- (d) Highway Safety and Traffic Generation
- (e) Impact on neighbouring living conditions

**Reasons for Referral:**

This application has been brought to Committee by the Ward Member to allow members to assess the impact of the proposal on highway safety and impact on neighbouring living conditions.

**1. Site Description:**

The application site consists of a triangular piece of land, an adjacent to the main approach into the village off the B4479. An earth bank and hedgerow form the southern boundary of the site where it adjoins the road. The southern boundary is defined by a hedgerow and adjoins the Lower Farm Estate. The western Boundary has a number of mature trees and makes up an established boundary treatment.

The use of the lawful use of the land is residential used in connection with a residential property known as Lower Farm which lies to the north east of the application site. The South West corner of Lower Farm adjoins the north east corner of the application site.

The site is also located within the Blockley Conservation Area (CA) and the Cotswolds Area of Outstanding Natural Beauty (AONB).

## **2. Relevant Planning History:**

The application site known as Lower Farm has previously had permission and been subdivided from a farm into 8 residential dwellings known as the Lower Farm Estate the most relevant permissions are set out below:

CD.2395/ A - Planning permission to alter and extend dwelling to convert into two dwellings: Permitted 1979

CD.2395/B - Planning permission to convert building into 4 dwellings: Permitted 1979

CD:2395/D - Planning permission for the erection of a terraced block of three cottages, to be used as additional holiday accommodation: Permitted 1985

CD.2395/E - Planning permission for the erection of a terraced block of three cottages, to be used as additional holiday accommodation. (Revised details): Permitted 1990

CD.2395/F - Planning permission for erection of three cottages, (revised location): Permitted 1991

## **3. Planning Policies:**

LPR42 Cotswold Design Code  
 LPR45 Landscaping in New Development  
 LPR46 Privacy & Gardens in Residential Deve  
 LPR47 Community Safety & Crime Prevention  
 NPPF National Planning Policy Framework  
 LPR05 Pollution and Safety  
 LPR09 Biodiversity, Geology and Geomorphology  
 LPR15 Conservation Areas  
 LPR19 Develop outside Development Boundaries  
 LPR38 Accessibility to & within New Develop  
 LPR39 Parking Provision

## **4. Observations of Consultees:**

Heritage comments included in main body of the report.

Tree Officer comments included in main body of the report.

Biodiversity Officer comments included in main body of the report.

Environmental Protection Officer comments included in main body of the report.

## **5. View of Town/Parish Council:**

No comments at time of writing report

## **6. Other Representations:**

Nine Third Party letters of objection:

Comments in the objection letters are summarised below:

(i) Principle of development  
 (ii) Impact on neighbouring living conditions

- (iii) Impact of proposal on the conservation area
- (iv) Safety, parking and access
- (v) Loss of general amenity
- (vi) Flooding and drainage Issues from the site
- (vii) Damage to communal land
- (viii) Refuse collection
- (ix) Impact on landscape and trees
- (x) The development cannot be built because of a restrictive covenant on the land preventing further development of the site.

## **7. Applicant's Supporting Information:**

Design and Access Statement  
 Tree Survey Assessment  
 Preliminary Ecological Appraisal

### **Proposed Development**

This application is for the erection of a two bedroomed dwelling with a foot print of 74.4m and a maximum height of 6.1m. The proposed materials would be in Cotswold stone and oak boarding for the walling with clay tiles for the roofing. The dwelling the dwelling would be accessed off an unclassified highway with a right of access across a private drive and parking for 2 cars. The application also proposes a car port constructed in timber. The dwelling would sit in a suitably sized plot and would provide ample space for bin storage and general amenity areas.

#### **(a) Residential Development Outside a Development Boundary**

The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan. Development on the site is therefore primarily subject to Policy 19: Development Outside Development Boundaries of the Cotswold District Local Plan 2001-2011.

Policy 19 has a general presumption against the erection of new build open market housing (other than that which would help to meet the social and economic needs of those living in rural areas) in locations outside designated Development Boundaries. The provision of the open market dwelling proposed in this instance would therefore typically contravene the guidelines set out in Policy 19. Notwithstanding this, the Council must also have regard to national policy and guidance when reaching its decision.

Paragraph 47 of the National Planning Policy Framework (NPPF) states that Councils should identify a supply of deliverable sites sufficient to provide five years' worth of housing. It also advises that an additional buffer of 5% or 20% should be added to the five year supply 'to ensure choice and competition in the market for land'. In instances when the Council cannot demonstrate a five year supply of deliverable housing sites Paragraph 49 states that the 'relevant policies for the supply of housing should not be considered up-to-date'.

In such instances the Council has to have regard to Paragraph 14 of the NPPF which states that where the development plan is absent, silent or relevant policies are out-of -date permission should be granted unless;

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.'

The application site is located within the Cotswolds AONB and as such the second bullet point above would be applicable should the Council's 5 year land supply be in deficit. Paragraph 115 of the NPPF advises that 'great weight should be given to conserving landscape and scenic beauty' in AONBs. The application would therefore have to be assessed having regard to the planning

balance and all material considerations should the Council's housing land supply figures fall below five years.

The recent independent analysis of the Council's 5 year supply figures was undertaken as part of the Public Inquiry for 120 dwellings on land to the south of Cirencester Road, Fairford (APP/F1610/A/14/2213318, CDC Ref 13/03097/OUT). In the decision, issued on the 22nd September 2014, the Planning Inspector stated 'I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.' It is evident that the Council's 5 year housing land supply figures have been successfully challenged at appeal and as such the decision of the Planning Inspector represents a material consideration in the determination of this application.

Following the Fairford appeal decision the Council's Forward Planning Section produced an OAN and undertook a review of its land supply figures. The most recent figures, which were published in June 2015, indicate that the Council has a 7.74 year supply of housing land. This figure is inclusive of the 20% buffer.

The Council's position is that it can now demonstrate the requisite 5 year (plus 20%) supply of deliverable housing land. As such, the Local Plan Policies that cover the supply of housing, such as Policy 19, are no longer considered to be out of date having regard to Paragraph 49 of the NPPF.

It is also evident that the continuing supply of housing land will only be achieved, prior to the adoption of the new Local Plan, through the planning application process. Allocated sites in the current Local Plan have essentially been exhausted. In order to meet its requirement to provide an on-going supply of housing land there will remain a continuing need to release suitable sites outside Development Boundaries for residential development. If the Council does not continue to release such sites the land supply will be in deficit and the criteria set out in Paragraph 14 of the NPPF will apply. It is considered that the need to release suitable sites for residential development represents a significant material consideration that must be taken into fully into account during the decision making process.

The site has also been considered as part of the Council's Strategic Housing Land Availability Assessment (SHLAA) process. The SHLAA is prepared to help inform the site allocations made in the Local Plan (although it is not an allocations document in itself). It establishes whether land is suitable, available and economically viable for housing development over the plan period.

The application site was included in the SHLAA Review May 2014 under the reference 'BK\_10 Lower Farmhouse'. At the time, the review stated that the site was not currently deliverable, and therefore was discounted. The site is clearly now deliverable.

The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that 'there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles'. These are an economic role whereby it supports growth and innovation and contributes to a strong, responsive and competitive economy. The second role is a social one where it supports 'strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations'. The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment.

Paragraph 8 of the NPPF states that the three 'roles should not be undertaken in isolation, because they are mutually dependent'. It goes on to state that the 'planning system should play an active role in guiding development to sustainable solutions.'

Paragraph 215 of the NPPF also states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight they can be given).'



Notwithstanding the current land supply figures and the wording of Policy 19 it is necessary to have full regard to the economic, social and environmental roles set out in the NPPF when assessing this application. Of particular relevance in this case is the need to balance the social need to provide new housing against the potential environmental impact of the proposed scheme. These issues will be looked at in more detail in the following sections.

### **(b) Sustainability of Location**

Blockley is not designated as a Principal Settlement in the current Local Plan. However, emerging Local Plan document 'Local Plan Reg 18 Consultation: Development Strategy and Site Allocations' identifies the village as one of 17 settlements that has sufficient facilities and services to accommodate new residential development in the period up until 2031. The village has a primary school, village shop, church, two public houses and is located close to industrial/employment estates at Draycott and Northwick Park. The village is also located approximately 3 miles from Moreton-in-Marsh and 2 miles from Chipping Campden.

Blockley is ranked 12th in the District in terms of its social and economic sustainability. The Development Strategy and Site Allocations paper identifies that Blockley along with Chipping Campden, Mickleton and Willersey are considered to form part of a cluster of settlements that serve the northernmost part of the District. Collectively the aforementioned settlements are considered to have the necessary services, facilities and employment opportunities to provide for the local population. Taken together the settlements are also considered to be able to accommodate sufficient housing to make a reasonable contribution to the overall District requirement of 7600 dwellings without compromising the strong environmental constraints present in the locality. Paragraph 55 of the NPPF states that 'where there are groups of smaller settlements; development in one village may support services in a village nearby.' This is reinforced in the Government's Planning Practice Guidance which states;

'It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.'

It goes on to say; 'all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'

It is evident that the ability of Blockley to accommodate new residential development has been assessed as part of the emerging Local Plan process. The Development Strategy and Site Allocations paper recognises that the village is able to offer a range of services and amenities which can meet many of the day to day needs of the community. Moreover, it also supports a reasonable growth in the village's population to help 'address local affordable housing needs; sustain existing facilities; and maintain Blockley's role as a local service centre.' Blockley has therefore been recognised as a potentially sustainable location for new residential development in terms of accessibility to services, facilities and amenities.

The current application site is located on the southern approach to the village. The distance from the site to the village centre is also consistent with guidance in Manual for Streets (Para 4.4.1) which states that 'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot.'

Bus stops are also located in the centre of the village and are within walking distance of the proposed development. The application site is therefore within reasonable cycling and walking distance of village facilities and amenities and public transport links. Overall, it is considered that the site does represent a sustainable location for new residential development in terms of accessibility to services, facilities and amenities.

**(c) Impact on Character and Appearance of Blockley Conservation Area and the Cotswold Area of Outstanding Natural Beauty**

The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape.

Paragraph 17 of the NPPF states that planning should recognise the 'intrinsic character and beauty of the countryside and support thriving rural communities within it.'

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.

The proposed dwelling whilst it would be elevated above the road is set down within the valley as at the arrival to Blockley along the B4479. As such it would not result in a change to the character and appearance of the locality. Furthermore, the site already has a partly domestic character and appears visually connected to the settlement. The topography of Blockley means that it is not uncommon to see buildings elevated above the highway. The proposal is consistent with this character.

Other than from a PROW opposite the site that would provide glimpsed views into the site, there are very limited public views of the site. The views that are available reveal the site to be seen in context with existing village development. In landscape terms the proposal is considered not to be out of character with its surroundings or to represent the introduction of an incongruous or inappropriate form of development into the AONB. It is considered that the proposal will not have an adverse impact on the character or appearance of the AONB and as such does not conflict with guidance in Paragraphs 17, 109 and 115 of the NPPF.

**Design and impact on the Blockley Conservation Area**

The application site lies within the designated Blockley Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 12 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 132 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also states that significance can be harmed through alteration or development within the setting. Paragraph 134 states that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm should be weighed against the public benefits of those works.

Section 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; and respond to local character and history, reflecting the identity of the surroundings and materials, whilst not stifling innovation. Paragraph 60 states that local distinctiveness should be promoted or reinforced and

Paragraph 61 that connections between people and places, with the integration of new development into the built and historic environment.

Policy 15 of the Cotswold District Local Plan states that development must preserve or enhance the character or appearance of the area as a whole, or any part of that area. It states that development will be permitted unless: it involves the demolition of a building, wall or other structure that makes a positive contribution; new or altered buildings are out-of-keeping with the special character or appearance of the area in general or in a particular location (in siting, scale, form, proportions, design or materials); or there would be the loss of open spaces that make a valuable contribution.

Policy 42 of the Local Plan requires that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

Given the proposed siting of the property, an important consideration is the size and scale of the proposal in relation to the streetscene, surrounding area and its relationship to existing development, the parcel of land historically would have formed a small paddock area in between the farm complex at Lower Farm and the principle access road into the village. Following the conversion of the barns at Lower Farm (ref: CD2395/D) (1985) this area of land was left as an area of open space as part of this development. However since implementation this area has not been maintained and planting and boundary treatments have established themselves in this area providing an element of enclosure and screening from the converted barns from the highway and providing screening to the area from outside views into the site.

The proposal is set on the very edge of the conservation area. The site borders onto Lower Street on the south-east, but is at a higher level, and thus not readily visible. To the north are existing barn conversions, and to the west, early-twentieth-century houses. The site is consequently not identified in the conservation area character appraisal either as a significant open space, or as a space that contributes to, or falls within any identified views.

Consequently, subject to the detailed design, the impact on the conservation area is considered to be minimal and the proposal is considered to preserve the character and appearance of the CA in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, local plan policy 15 and guidance contained within section 12 of the NPPF.

As set out within the supporting statement, the proposed building has been designed to appear as a former agricultural building. Whilst there is no history of an agricultural building in this location, the siting and orientation respects the grain of development on the site and traditional courtyard arrangements. The overall height, size and detailed design of the building would not result in a cramped form of development on this parcel of land and the principle of having a building of the scale and form proposed is considered acceptable subject to the detailed design. Following consultation with the Council's Conservation Officer revised plans have been submitted to overcome some initial design concerns, The revised plans addressed the main concerns raised by the Conservation Officer and the overall design is now considered acceptable and would not warrant refusal on design grounds. The proposal is therefore considered to accord with local plan polices 15 and 42 and the guidance contained within section 7 of the NPPF in this regard.

#### **(d) Impact on Neighbouring living conditions**

Policy 46 of the local plan states that development will only be permitted if the proposal provides adequate space around residential dwellings so to ensure reasonable privacy, daylight and adequate private outdoor living space.

The dwelling has been designed with low eaves along the northern boundary of the property adjacent the neighbouring properties there are no proposed windows in this elevation and the distance between the properties is over 14m away from the application property.

The impact of the proposal upon neighbouring properties has carefully been assessed and whilst there have been a number of objections with regard to the impact of the proposal on neighbouring living conditions in particular with relation to light, noise and overlooking, it is considered that given the orientation, siting and design of the property, the property has been designed so that it would not result in any significantly adverse impact on the neighbouring living conditions of the surrounding residential properties and provide appropriate space around dwellings which would be maintained and that there would not be a material impact upon their amenity in accordance with Policy 46 of the Local Plan.

#### **(e) Highways safety and parking**

Concern has been raised over the access, safety, parking facilities for the new dwelling. The proposed dwelling would be accessed off an unclassified highway using an existing private, shared access for the properties of the Lower Farm Estate. The agent has confirmed that the applicant has right of access along this drive to the property. Whilst a number of properties share this access arrangement, having discussed the application with the Highways Officer, it is not considered traffic generated by the addition of 1 dwelling would result in a severe impact on the safe operation of the highway network.

The property provides adequate access and parking facilities for 2 cars for the proposed dwelling including space to enable vehicles to manoeuvre and exit in a forward gear. There are therefore no significant concerns in terms of impact on the safe operation of the highway network.

A number of objections have been received from local residents with concern over the potential access to the site. Concern has also been raised with regard to who would be responsible should any damages be caused to communal areas and visitors, etc parking on private land. This issue is not directly a planning related matter and any repair or maintenance works required to be carried out could not be controlled through the planning process. However, as part of the application the agent has confirmed that they have right of access to the site in order in to carry out any proposal on the land. Therefore any dispute over damages to this area and cost of repair would be a civil matter outside the control of planning.

#### **(f) Drainage and Flooding**

The application site is located in Flood Zone 1 as designated by the Environment Agency (EA). Flood Zone 1 is the lowest designation of Flood Zone with an annual risk of flooding of less than 1 in 1000 (<0.1%) and as such, there are no concerns in relation to potential flood risk to the site subject to approval of details of the disposal of surface water runoff.

Given that the properties to the north of the site lie in flood zones 2 and 3, it is therefore considered appropriate to attach a condition requiring full details of the proposed surface water disposal strategy to be submitted prior to the commencement of development.

#### **(g) Biodiversity and Ecology**

Following the submission of a preliminary ecological appraisal the Biodiversity Officer has assessed the submission and, subject to a condition showing a replacement provision for nesting birds incorporated into the proposed buildings and replacement trees, raises no objection. The proposal therefore accords with Policy 9 of the Local Plan and guidance contained within section 11 of the NPPF.

#### **(h) Trees**

The Tree Officer has confirmed that given the proximity of the trees to the development, there is no objection with regard to the impact of the proposal on the health of the trees retained and the

impact of the trees on the living conditions of any future occupants of the property He has however recommended a condition requiring tree protection of the trees during any construction phase and details of replanting of trees as part of a landscaping condition.

## **Other Issues**

### **(a) Legal Agreement**

One of the primary concerns relating to the application from neighbouring properties relates to a legal agreement on the land that prevents further development. Having assessed the history of the site, from these documents it is clear that, on the 16th of June 1984, an application was made to Cotswold District Council for planning permission to develop Lower Farm, Blockley by the erection of a terraced block of three cottages to be used as additional holiday accommodation. The Council permitted the application on 27th of November 1985.

In order to make the development acceptable in planning terms the then applicants were required to enter into a Planning Agreement pursuant to section 52 of the Town and Country Planning Act 1971 ( the forerunner of section 106 of the Town and Country Planning Act 1990 ). The Agreement was completed on the 29th of October 1985 in order to limit strictly any further development on the site. Broadly it states that the applicants and their successors in title which now includes a number of properties all under separate ownership, will not at any time carry out any development on the site in addition to the development which was permitted by the Decision Notice of the 27th of November 1985 unless that additional development is permitted development within the provisions of Article 3 and the First Schedule to the Town and Country Planning and Development Order 1977.

Whilst this of course has implications far as the current application, the Agreement dated the 29th of October 1985 runs with the land and would be binding on the present owners of the site. As the current application is clearly not permitted development, it would be in breach of the extant legal agreement.

Whilst the legal agreement was between the landowner and the Local Authority, there is no legal reason why the application cannot be determined by the Local Planning Authority, and the legal issue regarding the agreement can be dealt with after a decision is made on the application. Therefore whilst these concerns over the legal agreement have been taken into account, the legal agreement on the land would not substantiate a valid planning reason to refuse the application, although it would be necessary for the agreement to be varied before any development could be implemented.

### **(b) Refuse bins**

A number of objections have been received relating to issues regarding refuse bins and their storage. The proposed site has ample space for the storage of refuse bins and whilst there is concern over the siting of bins on private land during collection, this would be a civil matter between the interested parties and would not substantiate a planning reason to refuse the application.

## **Conclusion**

Overall whilst small in scale, it is considered that the proposed scheme would make a positive contribution to the Council's on-going need to provide a continuing supply of housing land. The site also lies adjacent to a settlement which has been identified in emerging Local Plan papers as a potential location for future housing. It is therefore considered to represent a sustainable location for the proposed development in terms of accessibility. Consequently, Officers are satisfied that that the proposal accords with Policy 5, 9, 15, 38, 39, 42, 45, 46 and 47 of the Local Plan and, whilst there is some conflict with Policy 19 of the Local Plan, there are material considerations that indicate that planning permission should be granted.

## 10. Proposed Conditions:

The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s): 508A/1, 2447-001, 2447-002B, 24470-005B, 2447-006B, 2447-007A and 2447-009

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

Prior to the construction of any external wall of the development hereby approved samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

No windows, rooflights and doors shall be installed/inserted in the development hereby approved until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 15 and 42

Prior to the first use/occupation of the development hereby approved a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

**Reason:** To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 45.

The entire landscaping scheme shall be completed by the end of the first planting season following the completion of the first building on the site.

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy 45.

Two integral bird boxes shall be incorporated within the car port and proposed new dwelling, and a landscaping plan submitted for approval by the LPA to show enhancement planning of fruit trees. All enhancements must be completed before the new dwelling is first brought into use and permanently maintained thereafter.

**Reason:** In line with the National Planning Policy Framework (in particular section 11), Cotswold District Local Plan Policy 9 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Prior to any site development taking place, an arboricultural method statement and Tree Protection Plan shall be submitted to the Local Planning Authority and approved in writing. The method statement and tree protection plan shall be in accordance with the guidance in BS 5837:2012 "Trees in relation to design, demolition and construction. Recommendations, and shall include details of:

- Details of tree protection fencing and excluded activities in accordance with BS 5837
- Details of ground protection measures where access and working space is needed outside the tree protection fencing but within the root protection area of the tree
- Details of any underground services within the root protection areas of the retained trees and how they will be installed along with appropriate arboricultural supervision

**Reason:** To safeguard the retained/protected tree(s) in accordance with Cotswold District Local Plan Policies 10 and 45.

That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

**Reason:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To prevent pollution of the environment in the interests of the amenity. Relevant Policies: Cotswold District Local Plan Policy 5 and Section 11 of the NPPF

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, walls gates, fences, outbuildings or other means of enclosure, shall be erected, constructed or sited in the curtilage of the dwellinghouse, other than those permitted by this Decision Notice.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policies 15 and 42, any future development will be constructed to ensure the design and siting would be in keeping with the character of the property and not result in an adverse impact on the surrounding area and Blockley Conservation Area

The proposed oak boarding shall not be treated in any way and shall be left to weather and silver naturally. unless alternative details are submitted to and approved in writing by the local planning authority

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 15 and 42

Prior to the installation of the windows and door, details of the proposed colour and finish shall be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 15 and 42.

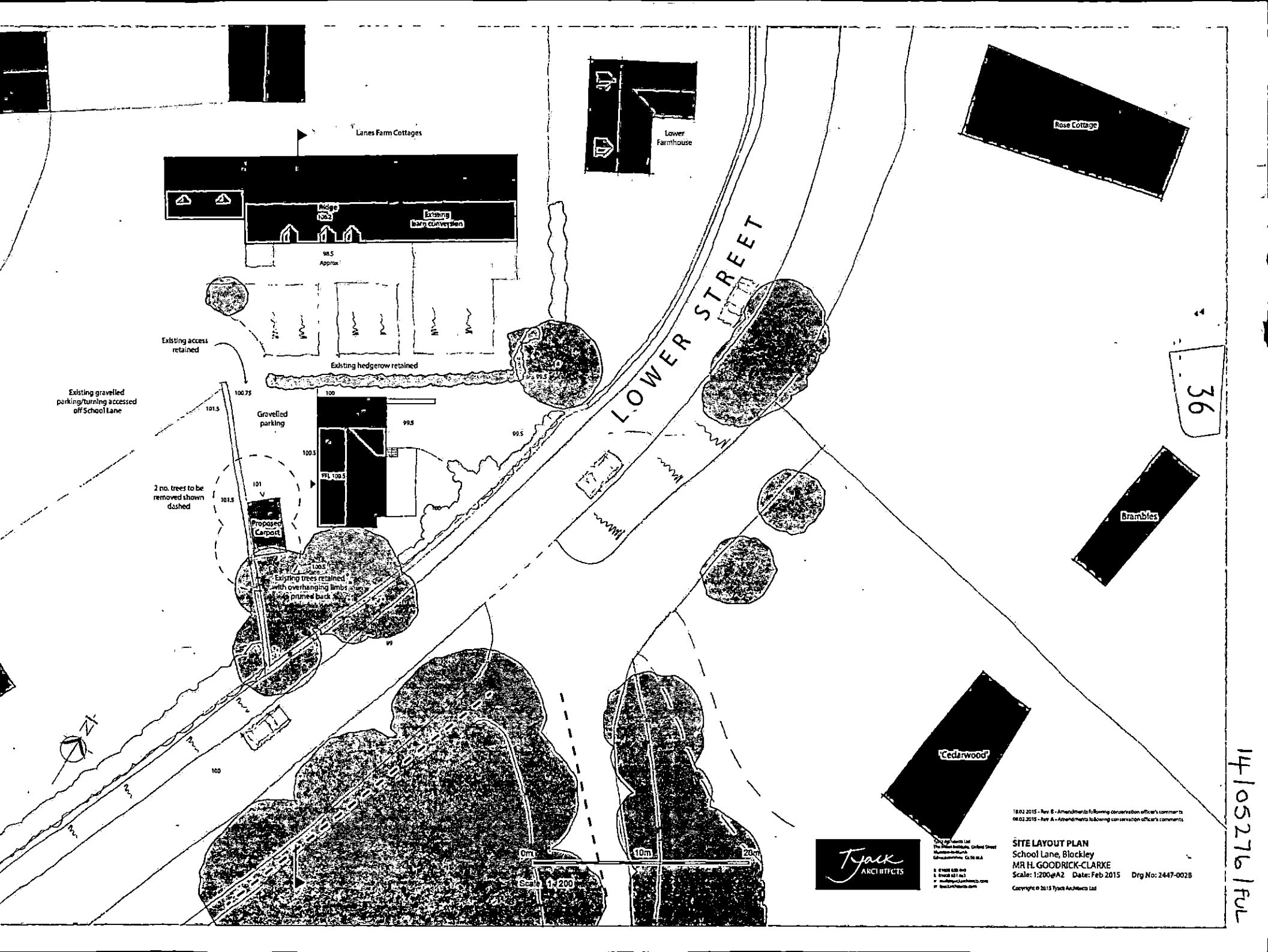
The new rooflight(s) shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflight(s) is/are located.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 15 and 42.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan 15 and 42





Lanes Farm Cottages

Lower Farmhouse

Rose Cottage

Ridge 120.5  
Existing  
lairy conversion

98.5  
Approx

LOWER STREET

36

Existing access retained

Existing hedgerow retained

Existing gravelled parking/turning accessed off School Lane

Gravelled parking

2 no. trees to be removed shown dashed

Existing trees retained with overhanging limbs to be pruned back

Brambles

Cedarwood



Scale 1:200

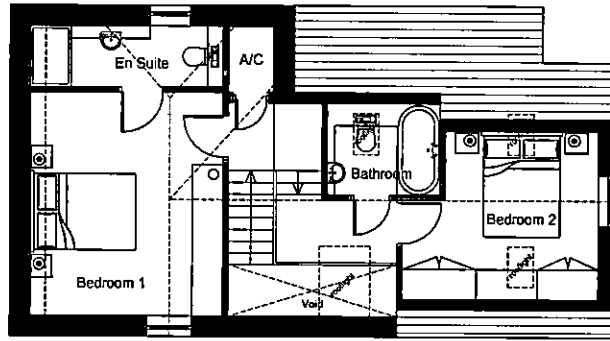


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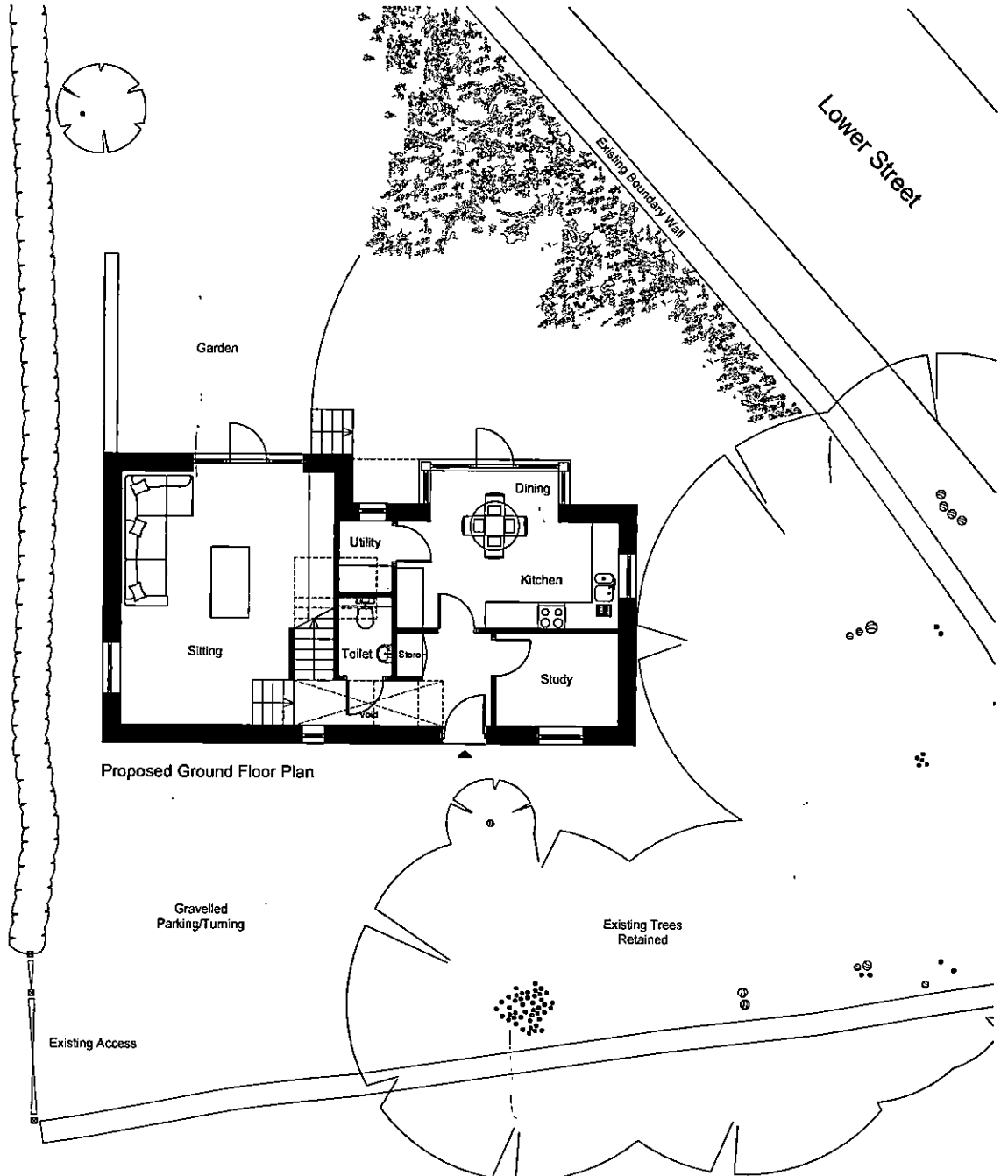
18.02.2015 - Rev B - Amendments following conservation officer's comments  
08.02.2015 - Rev A - Amendments following conservation officer's comments

**SITE LAYOUT PLAN**  
School Lane, Blockley  
MR H. GOODRICK-CLARKE  
Scale: 1:200@A2 Date: Feb 2015 Drg No: 2447-002B  
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14/1052716/FUL



Proposed First Floor Plan



Proposed Ground Floor Plan

drawing status

revision A description Amendments following conservation officer's comments

date 08.02.2015 by DK



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date February 2015

title Proposed Floor Plans

scale 1:100 @ A3

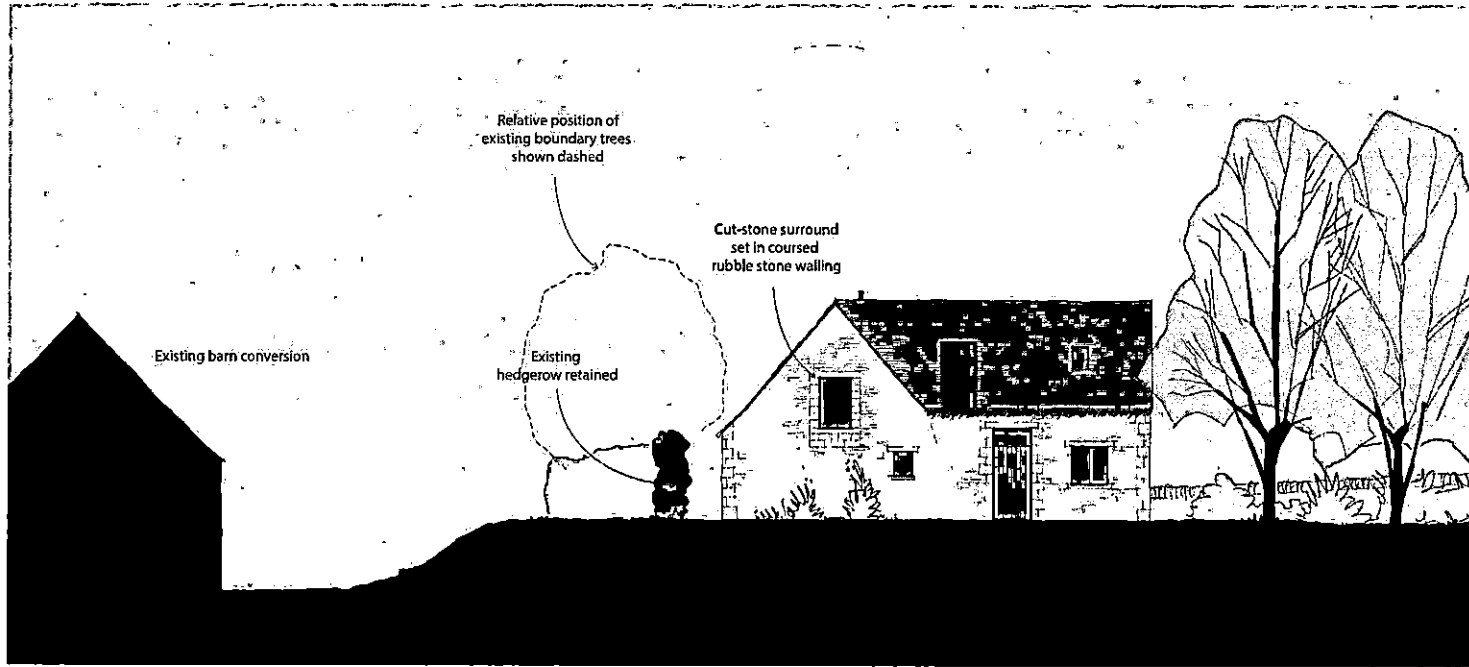
drawn -

project 2447 School Lane, Blockley

number 2447-007A

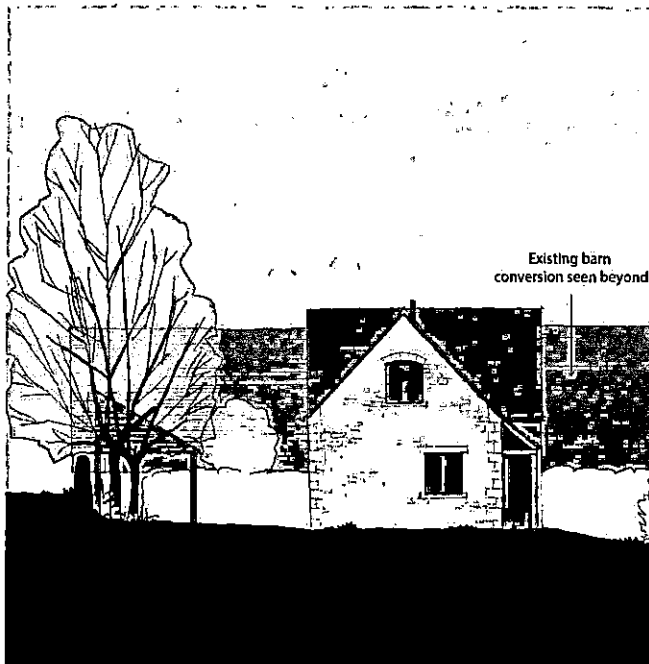
revision

checked



Materials:  
 Walls: Natural stone  
 oak boarding (untreated)  
 Roof: Plain tiles (clay appearance)  
 Windows: Painted flush  
 timber casements  
 Rooflights: Conservation style

South West Elevation  
 Scale 1:100



South East Elevation, facing Lower Street  
 Scale 1:100

0m 5m 10m  
 Scale 1:100



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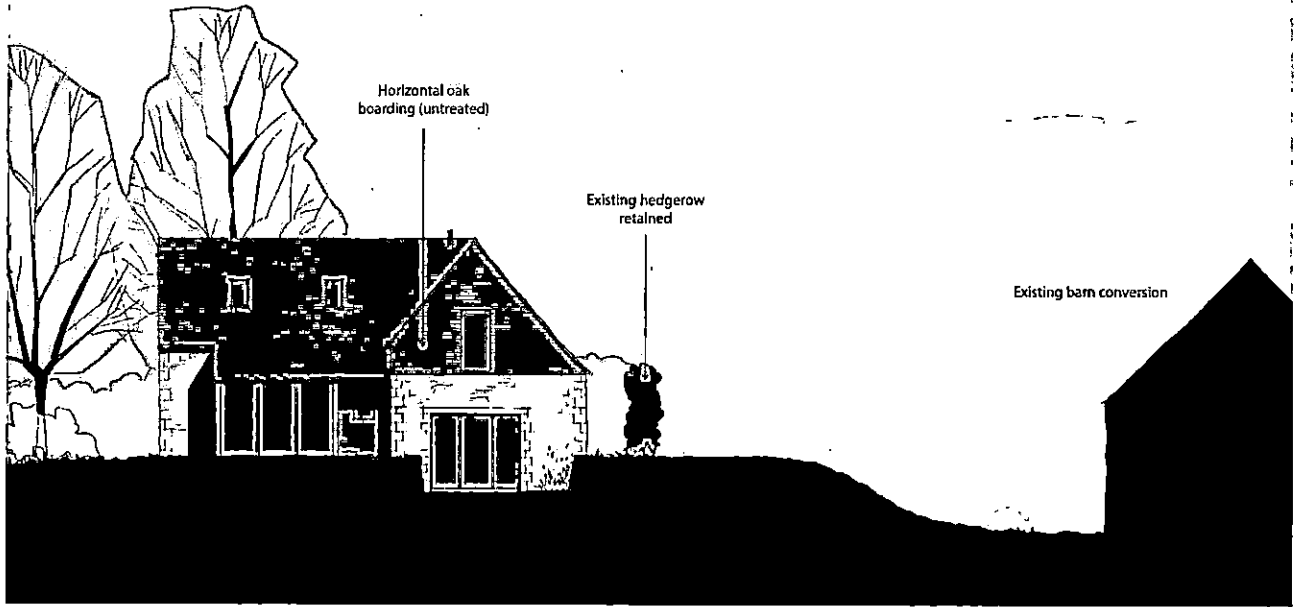
PROPOSED ELEVATIONS SHEET 1  
 South East and South West Elevations  
 School Lane, Blockley  
 MR H. GOODRICK-CLARKE  
 Scale: 1:100@A2 Date: Feb 2015 Drg No: 2447-005B

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18.02.2015 - Rev. B - Amendments following conservation officer's comments  
 08.02.2015 - Rev. A - Amendments following conservation officer's comments

38

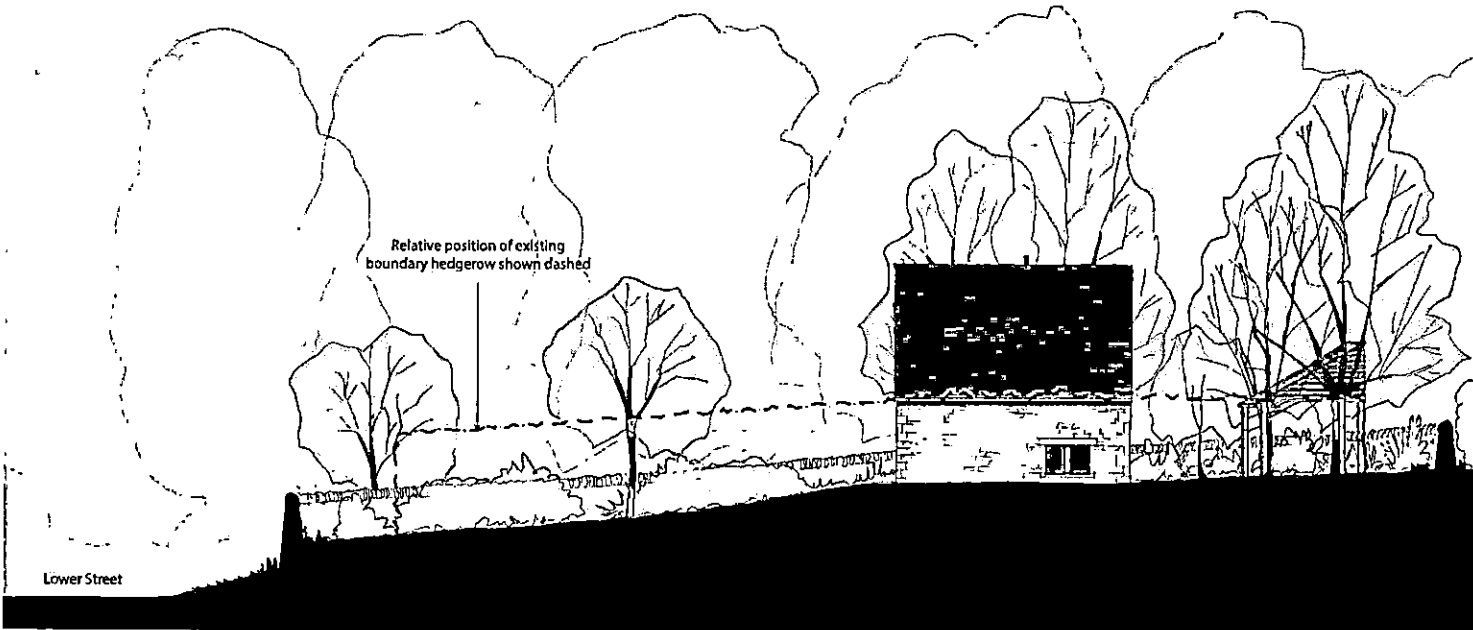
14105276 | Full



North East Garden Elevation  
Scale 1:100

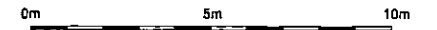
- Materials:  
 Walls: Natural stone  
           oak boarding (untreated)  
 Roof: Plain tiles (clay appearance)  
 Windows: Painted flush  
            timber casements  
 Rooflights: Conservation style

39



North West Elevation (Facing existing barn conversion boundary)  
Scale 1:100

18.02.2015 - Rev B - Amendments following conservation officer's comments  
 06.02.2015 - Rev A - Amendments following conservation officer's comments



Scale 1 : 100



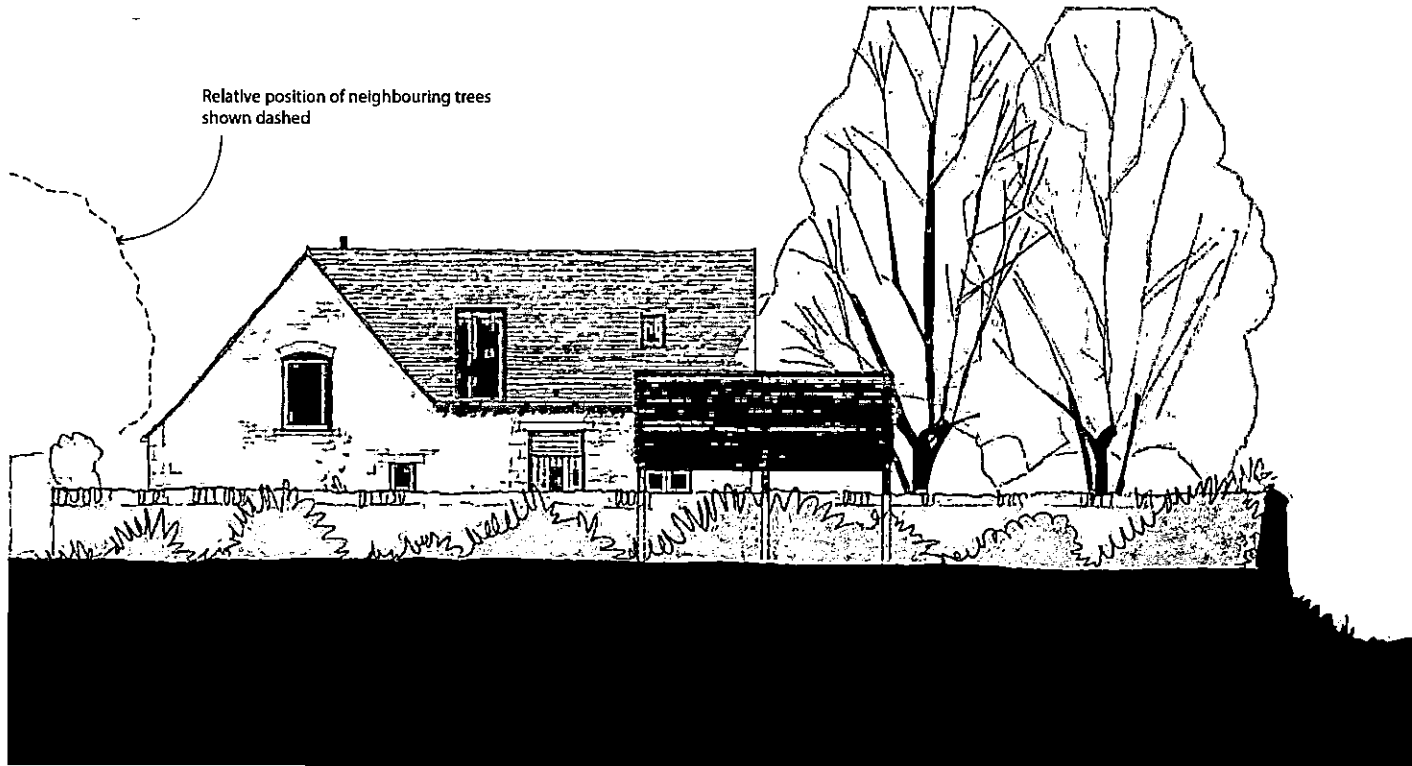
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PROPOSED ELEVATIONS SHEET 2  
 North East and North West Elevations  
 School Lane, Blockley  
 MR H. GOODRICK-CLARKE  
 Scale: 1:100@A2 Date: Feb 2015 Drg No: 2447-006B

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141052761FVL

Relative position of neighbouring trees shown dashed

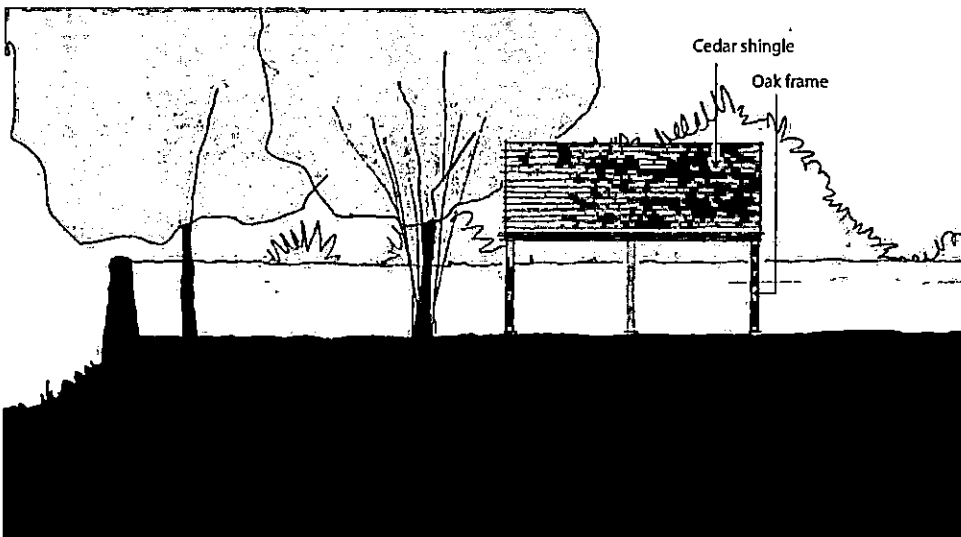


Car Port Materials:

- Oak posts
- Cedar shingle roof
- Timber slots to SW Elevation (hit and miss)

40

South West Elevation  
(seen from neighbouring property)  
Scale 1:100



Lower Street

5m 10m

North East Elevation  
Scale 1:100



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**PROPOSED CARPORT ELEVATIONS**

School Lane Blockley  
MR H. GOODRICK-CLARKE  
Scale: 1:100@A3 Date: Nov 2014 Drg No: 2447-009

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18 | 05276 | FULL

Date: 30 July 2015

Mrs L Penman  
8 Prince Edwards Close  
Evesham  
Worcs  
WR11 4NX

Mr C Fleming  
Planning Department Cotswold District Council  
Trinity Road  
CIRENCESTER  
Gloucester  
GL7 1PX

Dear Mr Fleming

Planning Application 14/05276/FUL

I am writing to you on behalf of myself and the owners of 7 other properties from Lower Farm Cottages, Blockley in light of the forthcoming site visit.

We are extremely concerned that there were several matters in your Report to the Committee that were either incorrect or misleading and that we did not have sufficient opportunity to correct during the speaking slot. We feel most strongly that these must be addressed before the application is considered again and respectfully request reconsideration of these points in light of several inconsistencies and clarifying information that is provided.

#### Background

The estate of Lower Farm Cottages was formed in its current state in 2006, although the land and buildings have existed in Blockley as a farm for more than 200 years. Between us, we own and manage the land which comprises individually owned properties and gardens, each with their own parking spaces, the communal gardens including a section of the Blockley Brook, and the driveway. We have formed the Lower Farm Cottages Management Company, which is a formally registered entity, to manage the property. Each property owner is a Shareholder and Director of the Management Company, and we work together to ensure that the integrity of Lower Farm Cottages, both in the communal gardens and land as well as in each of our individual gardens, is preserved as attractive open space and respectful of the fragile environment in which we are situated. As you know, Lower Farm Cottages is in the Conservation Zone and also of course in the Area of Outstanding Natural Beauty. When we purchased, we covenanted to preserve its character and accepted the stated position of the Cotswold District Council (CDC) that no further development on that land would be permitted.

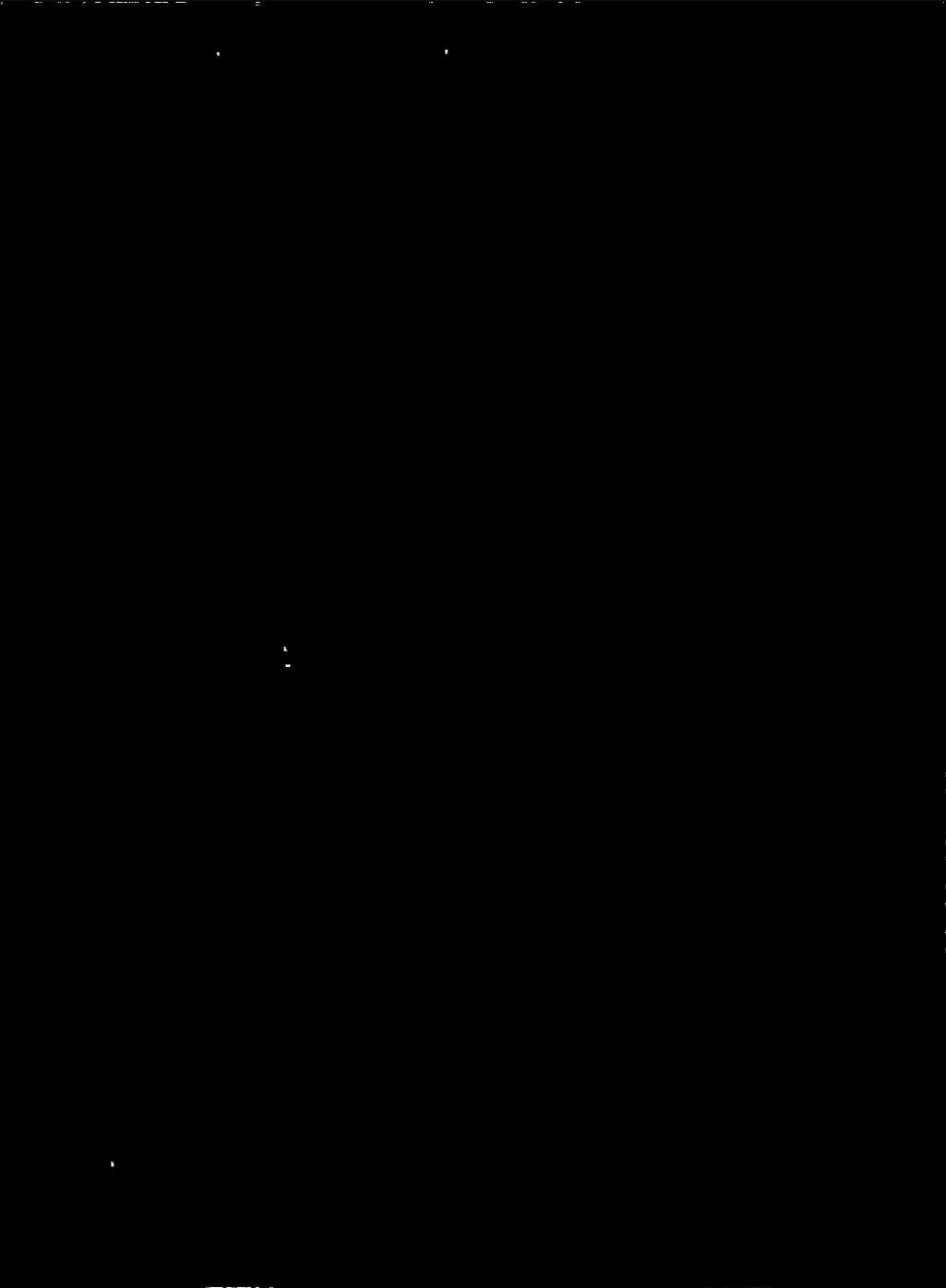
Because the entire Lower Farm Estate, before it was subdivided into the property belonging to the Applicant (Lower Farm House) and our properties (Lower Farm Cottages) comprised one property, the Deed of Covenant prohibiting further development of this historical site is binding on the Applicant. In separate communications we are seeking clarification of the Council's intention to enforce its rights under this Covenant, but the Covenant is relevant here. We understand you maintain it is not a planning issue as shown in the Planning Officer's report to the Planning Committee prior to its 8 July meeting which included (on page 217) the statement that "...there is no legal reason why the application cannot be determined by the Local Planning Authority, and the legal issue regarding the agreement can be dealt with after a decision is made on the application". However, your subsequent reply to a letter from our Barrister to the Council regarding the deed of covenant includes the following statement: "The restriction in this agreement is an important material consideration in assessing whether or not planning permission should be granted." These contradictory statements demonstrate that the legal position of the deed of covenant is unclear and that there is a risk that the Planning Committee may not have been given the correct advice. Indeed on a number of occasions you have told me personally on the telephone that I should not be too concerned about the planning permission because we always had this deed that would need to be varied. Thus inferring that we would have some reassurance that the building could not go ahead without our agreement.

### Objections

We set out below comments and questions about specific sections of the Planning Officer Report to the Council Planning Committee<sup>1</sup> which are misleading or inconsistent and correct these statements in detail, but, in summary, we believe that if this application is approved the **harm far outweighs any benefits** to be derived from an additional two-bedroom house, which does not even appear to be intended as affordable housing, in the Conservation Zone on land that forms an important part of Blockley's history and has been appropriately adapted to reflect changing times while respecting and preserving its heritage. We further note that many of the objections, which we have made previously, appear to have been dismissed on the basis that they are not planning matters, or have been glossed over as civil issues. These 'civil issues' will inevitably fall to us as the affected neighbours to resolve. We are likely to find ourselves embroiled in potentially lengthy and costly legal disputes that will ultimately affect the day to day enjoyment of our properties and ultimately the properties' values. However, we firmly maintain that they are planning issues in that they interfere with the general amenity and that there are serious additional planning considerations which in themselves warrant a denial of planning permission; see in the comments that follow

<sup>1</sup> Item No. 08, 14/0527/FUL (CD 2395/N), Land Off School Lane, Lower Farm House, Blockley, Gloucestershire GL56 9DP. This report was presented and discussed at the Planning Committee meeting held on July 8, 2015. We refer to it in this letter as the "Planning Officer Report."

Adverse Impacts Outweigh the Benefit

HARMS	BENEFITS
	One house – positive , but insignificant, contribution to planning targets utilising 'infill'
	Windfall profit for the Applicant



## REPRESENTATION OF THE COLLECTIVE OBJECTORS FROM LOWER FARM COTTAGES

The description of the position of the land described in the Planning Officer's report and recommendations to the committee is misleading in itself. The site is actually 'off Lower Street', which is patently unsuitable for entry into the property. The site has no boundary on or entrance from School Lane whatsoever. The site is accessed only through a right of way granted through private property. It is the private property that is accessed from School Lane.

The plans on pages 208 and 221 are both misleading. Firstly they are both quite different from each other. Moreover, neither is accurate nor does either illustrate the limited extent of the actual right of way across what is private land.

The planning history in the Planning Officer's Report not only appears to have some errors in the order or the dates but it omits to mention the Deed of Covenant that was entered into by the council covering the entire parcel of land in 1985, which is an integral element in the Planning history as the planning permission at that time was granted only on the basis of the restrictions on development contained therein.

The report states that there is no comment from the Parish Council but fails to mention that Blockley Parish Council published its update on local housing need and found **little to no need for any additional affordable housing**. Even if there were a requirement for affordable housing, the design of this property would not meet those criteria.

The report and the photographs provided to the committee at the meeting were wholly misleading and by omitting the photographs provided by the objectors it failed to present key evidence.

The final paragraph on page 210 states that the dwelling would be accessed off an unclassified highway. This is incorrect. The dwelling is accessed off private land not directly from a highway. This paragraph also states that the application provides ample space for bin storage. Although the day to day storage may be available within the boundary of the land in question, there is no satisfactory solution for the bins for collection purposes. We will come back to this matter later.

On page 211, the report states that Policy 19 has a **general presumption against the erection of a new build other than that which would meet social needs**. The design of this property would have a market value, we estimate, in the region of £350,000 to £400,000. This cannot therefore be considered a property that would meet the need for affordable housing. In its Consultation Portal, the Cotswold District Council website makes reference to the Lower Farm House site and designates it as "undeliverable" for housing under its Strategic Housing and Land Assessment (SHLAA). "Difficult site to develop at present. H&D advice: Careful design should be made with regard to Lower Farm's yard, which is an important part of the conservation area. The road frontage also has an important hedge bank or wall and forms the conservation area boundary and should be untouched." The fragility of the site has been inadequately addressed. But, fundamentally, the

site is not large enough for more than 1 dwelling so **will not significantly benefit the Strategic Housing process even if it were a design that provided affordable housing.** The Local Plan which must be accepted until the emerging plan is finalised states that the council have demonstrated its ability to meet housing needs and therefore **there is no need to utilise this 'infill' even were the design to be appropriate for meeting affordable housing.**

Paragraph 14 of the NPPF states that 'where the plan is absent .....or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.' We emphatically believe and have demonstrated that the harm would greatly outweigh the benefits.

The NPPF advises that great weight should be given to conserving landscape and scenic beauty and yet the development of this land would adversely impact the views from the adjoining 4 Lower Farm dwellings, Mole's Cottage, Ratty's Retreat, Badger's Den and Toad Hall, and change the landscape establishing an inappropriate built environment to natural landscape ratio that is not in keeping with the context. It would impact our efforts to maintain an open feel to the estate which as can be seen from the picture below is relatively uncrowded, maintaining the open space of the old farm and its outbuildings.



Land marked yellow = Lower Farm Cottages. The drive is marked in black.

Land marked red = Proposed site of new dwelling

Land marked pink = Lower Farm House belonging to applicant

On page 213 the second paragraph states that it is a core principle of the NPPF to support a prosperous rural economy. We submit that this proposal will in fact harm the local economy. There are currently 4 properties within Lower Farm Cottages which are offered as holiday lets to tourists throughout the year. Approximately

160 separate bookings bringing upwards of 320 tourists to the village will be harmed during the build process. The Cotswolds is a destination that attracts tourists all year round and is not just a summer long season. The applicant has informed us that the build itself may spread over a 2 year period. During this time, to avoid adverse reviews, these properties are likely to remain closed, with the consequential loss of revenue to the area. In the Bradt guide '*Slow Cotswolds*' published in 2011, Blockley is described as a "celebration of what makes the region special – an invitation to slow down and enjoys its beauty. It needs an insider to dig this deep into the soul of an area". It adds: "The village of Blockley is, to my mind, one of the most compelling destinations within the North Cotswolds. Lying on the side of a steep hill and running into a small valley carrying Blockley Brook, it has all the classic Cotswold village elements – a charming collection of houses to look at...plenty of good scenic walks...". The potential harm to tourism in Blockley, as a result of the disruption caused during a prolonged building process, as well as the longer effects that may result from the impact on the landscape, should be an important consideration.

Under the section (c) Impact on Character and Appearance of Cotswolds Area of Outstanding Natural Beauty, on page 213, the third paragraph states 'the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes' and the next paragraph states 'great weight should be given to conserving landscape and scenic beauty'. We believe that approving this application would achieve the opposite of this aim. This was surely one of the reasons why the Council required the Deed of Covenant entered into in 1985.

The final paragraph on page 213 points out that the proposed property would be elevated. This would fundamentally change the character and appearance of the locality as it is higher than the other properties within Lower Farm Cottages and will not have the appearance of an historic farm building. This style is not consistent with the other converted barn and farm buildings, which *are* historic farm buildings, adjoining this land. It will be visible from the road and will replace the existing view of the 200 year-old farm buildings.

Section (e) of the report offers a cursory comment on the impact on neighbouring living conditions. It is important to state here that whilst there are no windows on the elevation facing Lower Farm Cottages the windows on the north-east elevation will overlook several of the gardens of the barn and the bedroom and living room of Toad Hall. The views from the 4 barn properties will be forever changed detrimentally, not to mention the impact of the traffic that would have to use our driveway in order to access the new property and the resulting safety hazards this will cause (see later). We categorically refute the statement that 'there will be no material impact upon the amenity'. In the wider context in terms of day to day living the Council will be inflicting upon us a whole raft of 'civil issues' and potential liabilities that are of no consequence to the Council but are of huge consequence to us; primarily, the issues of safety, trespass, unlawful parking, etc.

Page 215 section (f): we dispute your assessment of the current arrangement for the access. All of the 9 properties have JOINT OWNERSHIP of the driveway, the parking areas, communal land and gardens and riparian rights. This proposed dwelling would ONLY have right of access along the private driveway. This is a fundamental misunderstanding of the property and therefore of the planning permission being sought.

The matter of safety has been completely ignored purely and simply because this IS private land. We have grave concerns about the safety of existing residents and their children/ grandchildren both during the construction period and afterwards due to the unsuitability of the access over the right of way. The access point from the proposed property is narrow and with an impeded view. The access point intersects directly with a well used pedestrian path and is next to the bin enclosure which is frequented at all times of the day. Even exiting the proposed property in a forward gear would necessitate driving several feet beyond the boundary hedge before the driver had visibility of any pedestrians using the footpath, which serves the rear access to 3 properties and is the ONLY access to Ratty's Retreat. The hedge on the boundary of the proposed property is of such a height that a car driver would not have sight even of an adult walking along the path, let alone a small child. This is an accident waiting to happen and we believe that the Planning Officer has a duty to highlight these serious safety matters to the Committee.

Although the design provides for on-site parking for 2 cars this would be insufficient for visitors. There are no suitable alternative options because parking on the driveway outside the boundary would be on private land and there is no option for parking in School Lane. Further photos are included here to illustrate the limited space available on exiting the property and its proximity to the open gardens used by the families living there. The photos given to the committee do not provide an accurate picture of the access and the limited space for vehicles to access the site. In addition, no mention has been made of the problems that would be faced by construction vehicles on site due to the extremely steep incline of the drive at the entrance to Lower Farm Cottages. The applicant has stated that he would plan to load/offload as much as possible over the boundary wall with Lower Street but we suggest this would cause a safety issue for highways not to mention possible damage to the hedgerow that marks the boundary of the Conservation Zone and which the SHHA report on the site stated could not be altered. The report mentions briefly the matter relating to damage and repairs to our property but again this would be a matter for us to deal with and if it is not done satisfactorily or in a timely manner such that the driveway was impacted detrimentally for a period of time it would become yet another civil matter for us to contend with. It is an unfair burden not offset by any social, economic or environmental benefit.

Page 216 (g) Drainage and Flooding. We have expressed our concerns that building on this land could increase our risk of flooding. The increased risk being caused by the additional hard standing and foundations that by design reduce the area for surface water to drain away. The Report fails to mention that there is a natural spring in the garden of Mole's Cottage, which had significant impact on neighbouring properties until the water table subsided but for a period of many weeks the water had to be pumped away to prevent property damage. The report mentions that there would be a condition for the requirement of a detailed plan for the proposed surface water. We respectfully request that this report is provided before any application is considered rather than after since the existence of the spring has a material impact on the potential for flood damage. Moreover, as the property is within a Flood Zone 3, we question why an environmental assessment has not been required.

Page 217 (j) Other Issues (a) Legal Agreement. This is one of the areas where the statements in the Planning Officer's report are confusing. The report states the Deed would need to be varied. Why then has this not been varied before considering planning approval? The reason is likely to be that it is more likely that a Deed will be varied if planning permission has been granted already which in itself would seem to undermine the basis for the Covenant. We contend that such a Deed of Covenant cannot be subject to "changing policy" (especially not unspecified changed policy and we would request specifics if this were to prevail) since the entire point of such restrictions is to preserve the landscape and AONB for the longer term and not to subject it to short term gain. We have further noted that these Deeds of Covenant were still being suggested to appease objections to other planning applications being considered at the last Planning meeting. How much comfort should these objectors and indeed any of us take from such planning tools if when their enforcement becomes necessary, the enforcement becomes a matter of choice rather than of obligation. As one councillor asked, 'Are these worth the paper they are written on?'. What is the point in a legal agreement which states that this development would not be permitted if the Council are just going to ignore it? While we are now being told that the Council may or may not choose to exercise its right to enforce the Deed of Covenant, we have previously been given different information. You yourself told us 'not to worry because you have this Deed which would have to be varied before work could commence'. Now we are hearing a different story and are concerned that the Council would just vary the Deed unilaterally without our agreement and we are therefore not able to rely on the protections we were led to believe it provided, and the assurances subsequently received from the planning office.

Page 217 (j) Other Issues (b) Refuse Bins. This is yet another instance of where the Council is prepared to offload a matter of objection to the individuals who have to live there to deal with it as a civil matter. This is a planning matter. It is not acceptable for this situation to be left unresolved. There is no provision in the application for the placement of bins for collections. There is no option to place them on any area of the private land which extends to the highway. This leaves the only option being to place them on School Lane which would create a hazard and be totally unacceptable from a safety perspective.

**In conclusion**

The proposed development makes no significant contribution to the overall planning supply of affordable housing as it is just 1 house and is not of the right character or design to be suitable for affordable housing. The harm that would be caused greatly outweighs any social, economic or environmental benefits. The serious planning issues of safety and highway access as well as environmental impact concerns, including its location in the Conservation Zone and Flood Zone 3, and disruption of the overall harmony with the existing privately held, greatly valued tranquil old farmland landscape that exists as an oasis within the village of Blockley. The numerous civil ramifications would invite civil disputes ranging from liability to vehicular accident or injury claims, risk and liability of accident injury from the watercourse and unwary trespassers, parking disputes from trades and visitors, safety hazard from insufficient planning for refuse collection, unsatisfactory reparation to the driveway issues, detrimental impact on the tourist industry and local economy over a lengthy period of disruption. These all would have an adverse impact on our enjoyment of the amenity. We hope that we can rely on the Planning Committee to carefully consider our concerns and refuse planning permission.

Yours sincerely,

Linda Penman

For and on behalf of

Mr & Mrs L Penman	Mr & Mrs H Kelly
Mr & Mrs P Hartley	Mr & Mrs C Buckley
Mr & Mrs K Ogilvie	Miss J Crossland
Mr J Kindell	

cc

Mr Neudegg	Cllr D Fowles
Ms Phillippa Lowe	Cllr J Harris
Cllr S Jepson	Cllr M Harris
Cllr A. Beccle	Cllr S Hirst
Cllr A Coggins	Cllr R Hughes
Cllr T Berry	Cllr J Layton
Cllr R Brassington	Cllr M Mackenzie-Charrington
Cllr S Coakley	Cllr T Stevenson
Cllr R Dutton	Cllr B Dare



Sweeping path of drive up to the gates and into the proposed new dwelling.



View of gates and access to the proposed new dwelling from the footpath



View of footpath from the gated entrance to the land of the proposed new dwelling



This picture highlights the lay of the land and the different levels around the entrance to the proposed new dwelling, the footpath and the LFC storage area