

Item No 06:-

15/02895/FUL (CT.1321/K)

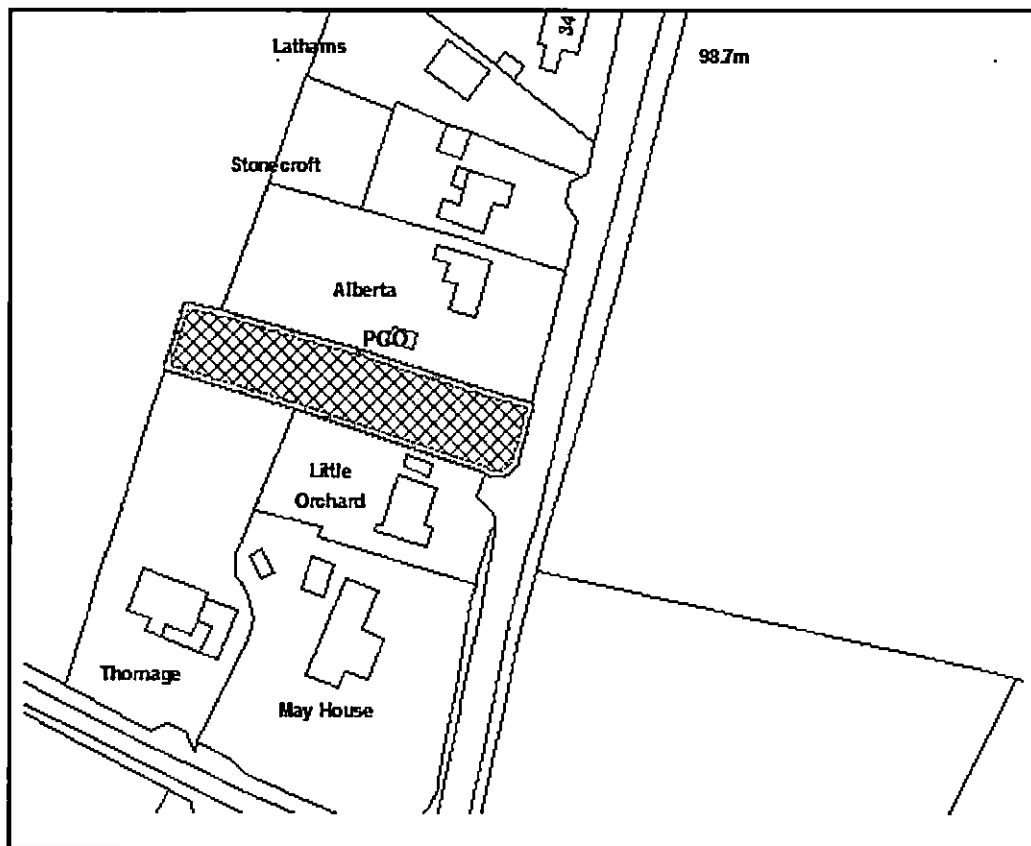
**Land Adj. Alberta
Bell Lane
Poulton
Cirencester
Gloucestershire
GL7 5JF**

Item No 06:-

**Erection of new detached dwelling together with associated ancillary development
at Land Adj. Alberta Bell Lane Poulton**

Full Application 15/02895/FUL (CT.1321/K)	
Applicant:	Mr & Mrs T Wicks
Agent:	Plan-A Planning And Development Ltd
Case Officer:	Katherine Brommage
Ward Member(s):	Councillor David Fowles
Committee Date:	9th March 2016

Site Plan



© Crown copyright and database rights 2011 Ordnance Survey, SLA No. 0100018800

RECOMMENDATION: PERMIT subject to conditions.

Main Issues:

- (a) Principle of Development
- (b) National Planning Policy Framework (NPPF)
- (c) Five Year Housing Land Supply
- (d) Sustainability of Poulton
- (e) Design
- (f) Flood Risk and Drainage
- (g) Impact on Residential Amenity
- (h) Other Matters

Reasons for Referral:

This application is brought before the Planning Committee in consultation with the Ward Member. Whilst it is believed that there is support for a single dwelling on this site, given the concerns raised by the Parish Council and, in particular, the concerns raised in respect of the impact this dwelling will have on the amenity of the two neighbouring properties it is considered prudent for Planning Committee to have opportunity to consider this matter further.

1. Site Description:

The application site is approx. 600 square metres and is located on the northern side of the village off Bell Lane, which is an unclassified road. Poulton does not have an adopted development boundary, as defined in the adopted Cotswold District Local Plan 2001-2011. The application site is however, located between existing residential properties that, together with others, provide a built-up residential frontage of some 400metres along Bell Lane (with the exception of the agricultural land immediately opposite the application site).

Poulton's Conservation Area is located approx. 80 metres south of the site. There is therefore some potential, albeit limited, for the proposals to affect the setting of the Conservation Area. The Cotswolds Area of Outstanding Natural Beauty does not begin until some 3 miles north of Poulton at Ready Token. There are no listed buildings or public rights of way (PROW) near to the site.

The site is currently a vacant grassed area between two existing properties; Little Orchard to the south and Alberta to the north. It is understood that the site was formally used as an orchard in connection with the adjoining dwelling (Alberta) but that use has long ceased and the site separated from the curtilage of that dwelling. The site is not therefore considered to have any planning use, meaning that it could only be used for agriculture without planning permission.

The site has an existing access onto Bell Lane which is intended to be utilised as part of the proposals.

2. Relevant Planning History:

05/02637/OUT New dwelling with domestic garage and access. Refused 19.07.2006 (Appeal Dismissed 10th January 2008)

CT. 1321/C Outline application for the erection of a dwelling and construction of new access. Permitted 28.05.1980.

CT.1321/B Renewal of outline permission for the erection of one dwelling. Permitted 21.08.1975

194/72/0 Outline application for the erection of one dwelling. Permitted 28.07.1972 (CT.1321/A)

3. Planning Policies:

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
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development
 LPR46 Privacy & Gardens in Residential Deve
 NPPF National Planning Policy Framework

4. Observations of Consultees:

Heritage and Design (Conservation) Officer: No objection, subject to conditions (comments incorporated into report).

Drainage Officer: No objections, subject to conditions (comments incorporated into report).

Thames Water: No objection, subject to informative (comments incorporated into report).

5. View of Town/Parish Council:

An initial objection received from the Parish Council raised the following matters:

- i. The orientation of the development needs to be amended so that it is a mirror image to that shown on the plans on grounds of privacy.
- ii. Opaque glass should be used where applicable.
- iii. Use of render should be limited.
- iv. Detail is required regarding the physical and visual separation from Little Orchard.
- v. The proposals do not form an extension to the existing settlement and is genuine infill.

The latest objection received to the amended plans is set out as follows:

'Further to the Council's previous comments, the orientation of the proposed dwelling has still not been altered and therefore the Council still objects to the application.'

6. Other Representations:

Letters of Objection

3 objections have been received in addition to further comments/objections. Initial objections were raised as follows:

- i. The proposals are over-dominant in height, width and site position and should be single storey.
- ii. The design mirrors Little Orchard too closely and does not add to the eclectic mix of dwellings.
- iii. The dwelling should be sited in the centre of its plot, further back from the road creating a larger turning area and varying the building line.
- iv. Loss of light as a result of the proposed two storey element to rear.
- v. Loss of privacy (exacerbated by proposed orientation).
- vi. No screening would be able to maintain privacy to master bedroom of Little Orchard.
- vii. Object to any velux windows in southern elevation on privacy grounds.
- viii. Poulton Sewage infrastructure is already subject to intermittent overload.
- ix. Poulton does not have a Post Office.
- x. There are hedgerows to the north and along Alberta's boundary.
- xi. Permitted development rights should be removed.
- xii. Hours of construction should be restricted.
- xiii. Use of render should be restricted.

In respect of the amended proposals, outstanding concerns remain as per the above and in addition include:

- xiv. Queries regarding the accuracy of the submitted plans which appear to show different separation distances.
- xv. It is to be welcomed that the front elevation is not now a mirror image of Little Orchard.
- xvi. The proposals still do not sit well within the long thin plot and takes up nearly the whole width.
- xvii. The applicant has failed to sufficiently address concerns regarding light and privacy and has not altered the size, layout nor orientation.
- xviii. The trees along the boundary are not poplars but deciduous birch trees and do not provide any privacy.
- xviii. What assurances can the Council make that the boundary will be constructed prior to the commencement of works?
- xx. It is maintained that a single storey dwelling would be better suited to the narrowness of the plot and would be consistent with the type of dwelling granted on appeal adjoining Bluebell Cottage.

Copies of the third party objections received are attached in full to this report.

Letters of Support

There have been no letters of support made to date.

General Comments

There have been no general comments made to date.

7. Applicant's Supporting Information:

Design and Access Statement
 Site Location Plan
 Site Survey
 Proposed Plans

8. Officers Assessment:

Introduction

The application is made in full for the erection of one dwelling. The proposals have been amended in response to designs comments made by the Conservation Officer and to provide further clarification regarding the proposals' impacts on the residential amenity of neighbours. The proposals have been amended as follows:

1. Amendment to the front elevation to provide two principal gables with the fenestration now symmetrical (in accordance with the Conservation Officer's original comments).
2. Provision of a new dormer window to the front and removal of skylight to the rear.
3. Eaves raised to accommodate the revised front elevation with the ridge made slightly lower.
4. A new 2m high Concrete Fence (or similar) proposed to the southern boundary.
5. Amendment to the south elevation to recess the double doors within the plan of the kitchen to increase the separation and mask sight lines from within the working kitchen area.
6. Reduction in the size of the kitchen window to the south elevation.
7. Provision of shading plans.

For the avoidance of doubt it is the amended proposals that are assessed below.

(a) Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan is therefore the starting point. In this case the development plan is the adopted Cotswold District Local Plan 2001 - 2011 and is referred to herein as the 'Local Plan'.

As shown on the Proposals Map to the Local Plan, the application site is located some distance outside of an adopted development boundary. The correct local policy to apply in terms of the principle of the proposed development is therefore Local Plan Policy 19 (Development Outside Development Boundaries).

Local Plan Policy 19 is positively written in that it supports development appropriate to a rural area provided that the proposals relate well to existing development, meets the criteria set out in other relevant local plan policies and results in development that does not significantly compromise the principles of sustainable development. However, Local Plan Policy 19 does explicitly exclude the development of new-build open market housing outside of adopted development boundaries. The Local Plan is however, time expired.

There is a history of previous planning approvals on the application site. It is apparent from the site's planning history that outline planning permission was granted in 1972 for a single dwelling which was renewed in 1975 and then again in 1980. None of which were implemented.

The most recent application for a new dwelling on the application site was submitted in 2005 (ref: 05/02637/OUT). However, given the passage of time local and national policies had moved on significantly. Of particular note was the adoption of the current Local Plan which specifically precluded the erection of new-build open market housing outside of development boundaries which led to a refusal of planning permission on grounds of principle. In absence of sufficient justification for the proposals the Inspector upheld the Council's decision.

It is however, pertinent to acknowledge that since this appeal there has again been a significant change in planning policy, particularly as a result of the publication of the National Planning Policy Framework (NPPF) in March 2012.

(b) National Planning Policy Framework (NPPF)

The NPPF is a material consideration in the determination of planning applications. The NPPF requires local planning authorities to 'boost significantly the supply of housing' (NPPF, paragraph 47) and requires planning decisions for housing to be considered in the context of the 'presumption in favour of sustainable development' (NPPF, paragraph 14 and 49).

As a result of recent appeal decisions within the District and, in particular, the Land east of Broad Marston Road, Mickleton appeal (PINS Ref: APP/F1610/A/14/2228762) it is accepted by the Council that the adopted Local Plan is time expired and that the Local Plan contains no allocations for housing to meet housing needs beyond 2011. The adopted Local Plan is therefore 'out of date'.

Paragraph 14 of the NPPF states that in decision taking the presumption in favour of sustainable development means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission 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 this Framework indicate development should be restricted⁹

With regard to Footnote 9 (page 4 of the NPPF) there are no policies in the Framework that indicate that development should be restricted. The site is not located in a Conservation Area, Green Belt or Area of Outstanding Natural Beauty (AONB).

The NPPF 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."

To this end, it is a necessary requirement to have full regard to economic, social and environmental considerations when assessing proposals for new development. Of particular relevance to this case is the need to balance the social need to provide new housing against the environmental and social impacts. Since the Local Plan is 'out-of-date' in terms of its housing strategy it is the case that all housing applications that engage local plan policy have to be determined by applying the modified balancing test in paragraph 14 of the NPPF, which is a material consideration (subject to Footnote 9).

As the NPPF does not replace the adopted Development Plan it is necessary to consider in the planning balance, the weight to be accorded to any conflict with the adopted development plan. In accordance with Paragraph 215 due weight should be accorded to local plan policies according to their degree of consistency with the Framework. In respect of Local Plan Policy 19 the Mickleton Inspector concluded that:

'15. It follows that the appeal scheme must contravene the requirements of policy 19. But, the policy is time-expired, conforms to a superseded strategy, fails to reflect the advice in the Framework (NPPF) in severely restricting rather than significantly boosting the supply of housing and conflicts with the emerging strategy now identifying Mickleton as one of 17 settlements in the District (other than Cirencester) suitable to accommodate additional dwellings. Moreover, adhering to the provisions of policy 19 in relation to the appeal proposal cannot be consistent with the recent permissions allowing 80 dwellings at Canada Lane and 70 homes at Arbour Close. In those circumstances, policy 19 can only be regarded as out-of-date. And, of course, the emerging Local Plan has not yet reached a stage where its mooted policies might reasonably serve as 'replacements'.

16. The 'legal' suggestion that policy 19 (or some of it) remains 'up-to-date' because elements chime with the Core Principles or other advice in the Framework is, I think, flawed. First, the policy criteria must logically be applied in the context of the policy, rather than as independent requirements unfettered by the carefully scripted scope of the policy itself. Second, the content of those criteria (requiring schemes for open market housing to relate well to existing patterns of development, to add little to car-borne commuting and to be 'sustainable', for example) has relevance not because it relies on the remnants of policy 19, but because it chimes with, and is endorsed by, the guidance in the Framework. Third, I disagree that the policy must imply open market housing to be appropriate to a rural area in order to engage with such development at all. The policy, as written, does engage with open market housing. But it insists that for such development to be 'appropriate to a rural area' it must be created by the replacement, sub-division or conversion of existing buildings; everything else is intended to be encumbered by some form of occupancy condition or to be offered as affordable housing.

17. Given that policy 19, the only policy cited as relevant, is 'out-of-date', the Development Plan can have little direct bearing on the determination of this appeal. Instead, as paragraph 14 of the Framework indicates, the proposal must be considered in the context of the presumption in favour of sustainable development and permission granted unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. Those are the tests that I apply here.'

It is therefore the Council's position that little weight can be accorded to Local Plan Policy 19 in the specific circumstances of this case and that the presumption in favour of sustainable development applies.

(c) Five Year Housing Land Supply

Paragraph 47 of the 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 May 2015 an updated five year housing land supply report was published as part of the Council's annual monitoring. The May 2015 report identifies that the Council is able to demonstrate a five year housing land supply between 7.74 and 8.85 years dependent on the buffer applied. This latest position has been tested at appeal and attention is drawn to the aforementioned Mickleton appeal decision (Ref: APP/F1610/A/14/2228762). In this decision the Planning Inspector confirmed that he preferred 'the estimate, at 380dpa, put forward by the Council as the 'objective assessment of housing need' (paragraph 30) and found that it is 'inappropriate to apply the 20% buffer' (paragraph 33); concluding that:

'With a 5% buffer the agreed supply of housing would be sufficient to satisfy the 'objectively assessed housing need' of 380dpa over almost the next 9 years and the 500dpa requirement suggested by the appellants over a little more than the next 5 years. Hence, I consider that a 5-year supply of deliverable housing land is demonstrated.'

This position has been corroborated by the more recent appeal decision at Land South of Collin Lane, Willersey (CDC Ref: 14/04854/OUT and PINS Ref: APP/F1610/W/15/3121622) published on 23rd February 2016.

The Council's positive land supply position is a material consideration in the determination of this application. However, it is accepted by the District Council that the fact that a 5 year housing land supply can be demonstrated is not, in itself, a reason to prevent granting planning permission for housing in light of the NPPF requirement to boost significantly the supply of housing. It is however, relevant to consider the weight to be accorded to the provision of housing in the planning balance.

(d) Sustainability of Poulton

Poulton does not benefit from a Development Boundary as defined by the adopted Local Plan. It is however, accepted that the adopted Local Plan is 'out of date' in the context of this application and as such, the presumption in favour of sustainable development applies.

Poulton is not identified as a Principal Settlement in the adopted Local Plan and, until recently, has not been recognised as a sustainable location. Poulton does not have a primary school however it does have some employment, a shop, village hall, church and public house, in addition to bus services to Cirencester, Lechlade and Fairford. In addition the village benefits from active sporting teams as well as a Toddler Group, Youth Club and Women's Institute.

The site itself is located within 400m of the local shop, pub and bus stops and is therefore considered to be within comfortable walking distance. The bus stops serve routes 77, 861 and 865. Route 77 provides a frequency and timetable that could be used for travel to work to Cirencester for people working normal working hours. It is not therefore the case that occupants of the proposals would be reliant on the use of the private car.

In accordance with the comments made by the recent Appeal Inspector at Bluebell Cottage and considering the level of facilities within Poulton it is considered that the erection of an additional dwelling on an infill plot such as this would be proportionate and sustainable in the particular circumstances of this case. The proposed scheme will also contribute, albeit in a modest way, to the support of services and facilities that exist in Poulton and adjacent settlements. There is also the benefit of providing additional employment during the construction process but this would of course be temporary.

The proposals would not lead to a material increase in car-bourne commuting since residents of the proposals would not be entirely reliant on the use of the private car. In any event, given the location of nearby primary schools and proximity of Cirencester and Fairford to the application site it is likely that the trips taken by future occupiers would be relatively short and their frequency insignificant. There are also other day to day services available within walking distance of the application site. Having regard to the particular circumstances of this case, it is therefore adjudged that the proposals are sustainable in principle, subject to their compliance with other relevant local and national policies.

(e) Design

The application site lies on the northern approach to the Poulton Conservation Area at a distance of approximately 80 metres.

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.

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.

Local Plan Policy 15 (Conservation Areas) of the Cotswold District Local Plan states that development within or affecting a conservation area must preserve or enhance the character or appearance of the area as a whole, or any part of that area. Uses that create additional traffic, noise or other nuisance, which would adversely affect the character of the area, would not be permitted. But development may be permitted if it can be demonstrated that the proposals can help an area to remain alive and prosperous, without compromising its character or appearance.

Local Plan Policy 15 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. Finally, it states that although minor householder development is likely to be acceptable proposals that cumulatively adversely affect an area may not be permitted, that reinstatement or enhancement of historic features (such as boundary walls)

will be sought, and that new dwellings or other substantial structures (especially those covering more than one plot) are unlikely to be acceptable.

Local Plan 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.

The proposals are sited central within the plot consistent with the existing building line. The proposals are two storeys within a maximum ridge height of 7.375 metres from finished floor level (excluding chimneys) which is comparative to the height of Little Orchard (7.115 metres) and Alberta (7.975 metres). Walls will be of Cotswold stone with reconstructed stone roof tiles. The proposed dormers will have a render finish and external joinery will be of painted hardwood. Details/materials will be conditioned to ensure the use of appropriate and high quality materials throughout.

The dwelling will be 'L' shaped in plan and has been designed so that the living areas are primarily south-west facing thus maximising solar gain which is encouraged. It has been suggested by third parties that the proposals should be of a single storey and set further back into the plot so as to take advantage of the plot's length and to lessen the impact on the residential amenity of neighbours. Whilst the reasoning behind this is understood, unless the proposals result in a significant and demonstrable impact on the residential amenity of neighbours then officers would prefer to see a development that respects the existing building line. Matters relating to residential amenity are dealt with in detail later in this report.

Given the proximity of the proposals to the Conservation Area, the Council's Heritage and Design department have been consulted. Upon initial review of the proposals the Heritage and Design (Conservation) Officer considered that there were some aspects of the design that could potentially benefit from some further thought. This included amendment to the proportions of the proposed gables (which were not considered characteristic of the local vernacular), provision of a catslide roof over the porch which would look less visually awkward and the provision of a dormer to light the landing rather than the rear skylight. On which basis it was concluded that whilst the design would be identical in width (& plan-form) the more vertical emphasis of the façade would visually look less horizontal and thus less wide.

The amendments suggested by the Conservation Officer have been made and it is considered by officers that the proposals are much improved and, on balance, addresses earlier concerns. The proposals are therefore considered to comply with the provisions of Local Plan Policy 15 and 42, the Cotswold Design Code and the relevant parts of the NPPF and, in particular, Section 7 and Section 12.

(f) Flood Risk and Drainage

The application site is located within Flood Zone 1. The planning application form indicates that surface water drainage will be dealt with through soakaways.

The Council's Drainage Engineer was consulted on the application in light of a significant number of concerns/objections raised with regard to flood risk and drainage in respect of another potential housing site along Bell Lane which is in the process of being considered by the District Council.

In respect of this application, the Council's Drainage Officer has confirmed that according to the Environment Agency's flood maps the site is situated within Flood Zone 1 and in an area at very low risk from fluvial flooding. The application site is not understood to be susceptible to surface water flooding and is situated more than 20m from any ordinary watercourse/main river. Furthermore, there is no record showing that the application site has flooded previously and, according to level contours, the application site is relatively flat therefore a surface water drainage proposal should not increase the flood risk to any neighbouring residential, land or highway. Notwithstanding, given the lack of detail provided with the application in respect of drainage

details it is recommended that such details are secured by condition. This is considered reasonable and necessary given the local concern in respect of the issue.

Thames Water has also been consulted on the planning application and has advised that on the basis of the information provided that there are no objections to the planning application in respect of sewerage infrastructure capacity. Thames Water recommends a standard informative that confirm their aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.

With regard to surface water drainage Thames Water advised that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. However, where the developer proposes to discharge to a public sewer, then prior approval from Thames Water Developer Services will be required.

The proposals are therefore considered to be compliant with Section 10 of the NPPF in that the proposals are not at risk of flooding and will not result in the increase of flood risk elsewhere.

(g) Impact on residential amenity

Impact on the residential amenity of the occupiers of Alberta

Occupiers of Alberta have consistently objected to the planning application. Their main concerns relate to loss of light, loss of privacy and disturbance during construction.

Alberta's southern gable is located approx. 5.3 metres away from the boundary with the application site and approx. 6 metres from the proposed dwelling. To assist officers the applicant has provided shadow plans as part of the application. These shadow plans illustrate the shading caused by the existing/proposed boundaries, as well as the proposed property. It is apparent from the shadow plans submitted that, in the summer solstice, there will be no material difference in shadowing as a result of the proposals/boundaries.

During the winter solstice the extent of shadowing is at its worst, as one would expect. It is noted that whilst Alberta and its garden are indeed 'overshadowed' for much of the day during the winter that this is a situation replicated down Bell Lane given the orientation and relationship between properties and is not therefore unusual.

In assessing loss of light it is important to distinguish between shadowing caused as a result of the proposals and that already caused by existing site features/properties. It is only the difference over and above the existing situation that is considered pertinent. It is also the affect upon loss of light to habitable rooms that is considered to be most problematic.

On the basis of the shadow plans submitted it is clear that the habitable rooms of Alberta are not in shadow at either 9am or 6pm. However, it does appear likely that the southern gable end of Alberta would be 'in shadow' for the majority of winter daylight hours but this would be the case anyway due to the location/orientation of Alberta and the height of the existing boundaries.

The occupiers of Alberta have raised concerns regarding the accuracy of the shadow plans provided and question why, at midday in the winter, the shadow length is less than 50% greater when measure from a 7 metre high ridge in comparison to a 2 metre high fence. It is however notable that shadow plan measurements are not taken from the ridge but from half way up the roof (if a pitched roof). There is also a greater separation between the proposed dwelling and Alberta than the boundary hedge and Alberta. Officers therefore have no concerns regarding the shadow plans that have been submitted.

Nonetheless, Officers consider it relevant to undertake their own assessment in accordance with the BRE Guidelines. It is noted by officers that any window on the south elevation of Alberta would conflict with the 25 degree rule of thumb set out in the BRE Guidelines. Whilst it does not automatically follow that daylight and sunlight levels will be below standard it does mean that

further daylight and sunlight tests should be carried out, which include primarily application of the 45 degree tests. On application of the 45 degree test it is noted that whilst the proposals fail marginally on plan that they do not fail in elevation. Accordingly, daylight and sunlight levels are unlikely to be adversely affected because light will continue to be received either over the roof or beyond the proposals (as corroborated by the submitted shadow plans).

The occupiers of Alberta have also raised concerns in respect of loss of privacy. Having considered the plans submitted it is apparent that the only high level (first floor) openings likely to result in any direct overlooking are the rooflights within the northern roofslope. However, it is clear from the section and elevations that these rooflights will be installed at a height above eye level. The only low level window proposed to the north will be screened by the existing boundary hedge. The relationship between the two will therefore be acceptable.

Impact on the residential amenity of the occupiers of Little Orchard

Occupiers of Little Orchard have consistently objected to the planning application. Their main concerns relate to loss of light, loss of privacy and disturbance during construction.

The shadow plans submitted as part of the applications shown that the proposals will not lead to overshadowing of Little Orchard. Officers have applied the relevant BRE Guidelines (in addition to the assessment of the submitted shading plans) and can confirm that the proposals will not result in overshadowing. It is appreciated that there may well be a perception of overshadowing, given the proximity of the proposals, but this will not be the case in reality.

The occupiers of Little Orchard have raised concerns in respect of loss of privacy and, in particular, overlooking. Having considered the plans submitted with the application it is apparent that the only high level (first floor) openings likely to result in any direct overlooking are the proposed rooflights within the southern roofslope. However, it is clear from the sections and elevations provided that the two rooflights will be installed at a height above eye level (to be conditioned).

Intervisibility between ground level windows will be obscured by the proposed boundary treatment. Concerns have however, also been raised regarding the ability for occupiers of the proposed dwelling to look up to the master bedroom of Little Orchard. At a separation distance of approx. 8 metres it is understood why this is a concern.

The applicant has attempted to address this by reducing the size of the proposed kitchen window, re-planning the ground floor layout and setting back the French doors to discourage standing at these openings for a length of time (i.e. whilst washing up). Officers consider that this does go some way in mitigating the issue. It must be accepted however, that if stood at either the kitchen window or french doors that it will be possible to see the dormer window. Some degree of intervisibility can therefore be assumed but this is not considered to be significant. In such case it is the overlooking of private garden area from first floor level from Little Orchard that is usually more of a concern. However, considered the length of the plot this is not considered to be an issue here.

With regard to the potential visibility between ground floor windows of the proposals and the first floor dormer of Little Orchard it is noted that the relationship is consistent with what one would experience when stood in the garden, which would be the case even if the proposals were single storey and set back into the plot. This would equally be the case if the application site were to be used for any other purpose. It is also noted that the separation distance between this dormer and the southern windows within the proposed dwelling is equivalent to the distance between the principal elevation of Little Orchard and Bell Lane - a relationship that is considered acceptable. Furthermore, unless permitted development rights have been removed provision of new ground floor windows are not usually restricted under permitted development rights which indicates a general acceptance in planning terms that ground floor windows do not impinge on privacy.

There is no hard and fast rule in such matters. Impact on residential amenity is therefore a matter of judgement. Officers have however, considered this matter fully and the relationship between the two properties is not perhaps ideal but is acceptable on balance.

The occupiers of Little Orchard have also questioned what assurance can be given to provision of a boundary fence prior to commencement of development. This has been discussed with the agent and it has been agreed that temporary fencing will be installed during the construction phase of at least 2 metres high (to be replaced by a permanent fence following completion of the development, details to be agreed via standard condition).

With regard to hours of work/construction it is considered that given the proximity of the properties involved that it would be reasonable to restrict working hours on site to 7.30am to 5pm on weekdays and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Impact on neighbouring gardens

Whilst overshadowing of gardens is a consideration, garden areas do not have the same level of protection as habitable rooms. In cases where this is likely to be overshadowing it is important to consider the extent of overshadowing in terms of length of time as well as the size of the garden area affected.

In respect to the garden area of Alberta it is acknowledged that the proposed dwelling, given its southwest location, will result in some overshadowing. However, the majority of the garden area will be unaffected as a result of the proposals. The effect of the existing hedge boundary has more of an impact. It is also noted that the proposals will give rise to shading during the winter months only, when the garden is less likely to be used as frequently. On balance therefore the proposals are considered acceptable.

With regard to Little Orchard the shading plans show that there will be no additional shadowing of the garden as a result of the proposals.

Conclusion

Officers are content that the proposals will not result in any significant or demonstrable loss of residential amenity in respect of Alberta or Little Orchard. The proposals are therefore compliant with Local Plan Policy 46 and the relevant provisions of the NPPF, subject to the imposition of the aforementioned conditions. Therefore, despite the objections received officers do not consider it reasonable to insist on any further amendments to the proposals or the refusal of planning permission.

(h) Other Matters

Access and Parking

The site is to be accessed via an existing access onto the unclassified lane. It is noted by officers that planning permission is not required for new residential accesses onto unclassified roads where they are proposed in connection with permitted development. This is not the case here since the proposals clearly require planning permission but is notable.

Given that the proposals relate to the erection of one residential dwelling then GCC's Highways Standing Advice applies.

Bell Lane is subject to a 30mph speed limit but, to the north of the village, the speed limit increases to 60mph. No footways or street lighting is present along the lane, in line with its rural character. In accordance with GCC's Standing Advice, the submitted plans indicate that adequate visibility can be obtained in both directions although part of the roadside hedge will need to be removed to facilitate the proposed access.

The submitted plans confirm that the proposed access will be compliant with the 'Standard access to 1 dwelling over kerbed highway verge' contained in GCC's Standing Advice and will be constructed in accordance with Group 4a footway specifications.

Whilst it is the preference for roads to be lit with designated footpaths flexibility does need to be applied in rural areas. Therefore, given that lack of footpath/lighting reflects the existing situation and that the proposals will not amount to any significant increase in trips (either pedestrian or car) generated over and above the current situation then the proposals are considered to be safe for users. In any event, the residual impacts of the proposals in this regard will not be severe. Paragraph 32 of the NPPF states that: 'Development should only be prevented or refused on transport ground where the residual cumulative impacts of development are severe'

Provision of off-road parking for a minimum of two cars is proposed which is acceptable. Having regard to GCC's Standing Advice there would appear to be adequate space to the front of the property to enable entry and egress in forward gear. The parking proposals are therefore acceptable having regard to the relevant provisions of the NPPF and Local Plan Policy 39.

The access proposals are therefore considered to be compliant with Local Plan Policy 38 and 39, in addition to the relevant provisions of the NPPG and, in particular, paragraph 32 and 35 of the NPPF.

Landscape Impact

The nearest PROW is located at a distance of about 150 metres south west of the site. However, due to existing vegetation and the location of existing residential properties it is not possible to obtain clear views across to the application site.

It is acknowledged by officers that the site is not located near to the Cotswolds AONB or a Special Landscape Area (SLA). Public views of the application site are limited to those from the lane immediately adjacent the application site and dominated by existing residential development along its western edge. Being of a traditional design the proposals are not visually incongruous in this context. Whilst it is acknowledged that part of the roadside hedge will need to be removed to ensure safe access, given the site's context of predominantly residential development, this will not result in any significant change in terms of landscape character along the lane. In any event, a large part of the roadside hedge is shown to be retained.

On balance therefore, it is considered that the proposals will amount to no significant or demonstrable harm in landscape character and visual terms. The proposals are therefore adjudged as being compliant with Local Plan Policy 19 and 42, in addition to the provisions of Section 7 of the NPPF.

Biodiversity

No ecological information has been submitted with the application. However, having visited the site it is considered to have relatively low ecological potential with boundary features being of most significance as an appropriate habitat for nesting birds. Whilst the majority of the roadside hedge is shown to be retained part of it will need to be removed/cut back in order to allow appropriate visibility at the point of access. It is a requirement in accordance with Local Plan Policy 9, as well as paragraphs 109 and 118 of the NPPF, to conserve and enhance biodiversity. Further to discussions with the agent, it is agreed that it is both appropriate and necessary, to impose a condition requiring the provision of a bird box (to mitigate the loss of part of the hedgerow) and an external bat box (as an enhancement) on the property.

It is considered that if the resultant boundary treatments are retained and enhanced with the low level enhancements suggested then the development will not cause any overall harm to bats or birds. The proposals would therefore comply with local and national planning policy and the

requirements of Local Plan Policy 9, the NPPF (including as paragraphs 109 and 118) and the NPPG.

Contamination

There are no serious concerns regarding land contamination given the site's former use as a residential garden. No further information is therefore required in this case. The NPPF does however confirm that where a site is affected by contamination or land stability issues then the responsibility for securing safe development rests with the developer and/or landowner.

Nonetheless, on the basis of the site's history the proposals are considered to accord with Local Plan Policy 5 and the relevant provisions of the NPPF (in particular Section 11).

9. Conclusion

The proposed development would result in the erection of a new-build open market house outside of an adopted Development Boundary and would therefore contravene the provisions of Local Plan Policy 19. Local Plan Policy 19 is time expired and therefore out-of-date. The proposals therefore fall to be considered in accordance with the presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF. In areas such as Poulton where there are no specific policies in the Framework that indicate that development should be restricted this means granting planning permission unless the adverse impacts of doing so significantly and demonstrably outweighs the benefits.

The proposals have been fully assessed in accordance with the policies contained in the Local Plan (that can be accorded weight) in addition to those contained in the NPPF and it is considered that, on balance, the proposals will have no significant or demonstrable adverse impacts. The main impact of the proposals is upon the residential amenity of those occupiers immediately adjacent. Whilst officers understand the objections made and consider some aspects of the relationship between the relevant properties is imperfect, the test is whether the impacts are significant and demonstrable. In this case it is not considered that the impact is significant or demonstrable and certainly not of a level that would outweigh the benefits of the proposals or warrant a refusal.

It is therefore recommended that permission is granted, subject to conditions, in accordance with the relevant provisions of the NPPF (in particular paragraph 14) and the adopted Local Plan so far as it can be accorded weight.

10. Proposed conditions:

1. 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.

2. The development hereby approved shall be implemented in accordance with the following drawing number(s): PP/01 Rev B and PP/02 Rev C.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with National Planning Practice Guidance.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no extensions, structures, buildings or any other means of enclosure shall be erected, constructed or sited within the application site, and no new openings shall be altered or created, other than those permitted by this Decision Notice.

Reason: Given the width of the site and proximity to neighbouring residents it is reasonable to restrict permitted development rights for alterations to the dwelling and for structures or buildings within its curtilage in accordance with Cotswold District Local Plan Policies 42 and 46 in addition to the National Planning Policy Framework.

4. 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 (expressed in m/s) 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. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality in accordance with the Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

5. No construction shall take place including the operation of site machinery or plant, deliveries taken at or dispatched from the site and any other process outside of the following times, unless agreed in advance and in writing with the Local Planning Authority:

07:30 - 17:00 Monday to Friday

08:00 - 13:00 Saturdays

No working on Sundays or bank holidays

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy 5 and provisions of the National Planning Policy Framework. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an impact on residential amenity.

6. No site works shall commence until temporary fencing details have been submitted to and agreed in writing with the Local Planning Authority. The temporary fencing shall be at least 2 metres from ground level and shall be erected in accordance with the details approved by the Local Planning Authority prior to the commencement of site works. The temporary fence shall only be removed when replaced with the approved permanent boundary treatment(s), unless otherwise agreed in writing with the Local Planning Authority.

Reason: Given the width of the site and proximity to neighbouring residents it is considered reasonable and necessary to require the provision of temporary fencing prior to the commencement of works to ensure neighbour residential amenity in accordance with Cotswold District Local Plan Policy 5 and 46 in addition to the National Planning Policy Framework.

7. Before the development is occupied or brought into use the (permanent) boundary treatment for the site, including a timetable for its implementation, shall be agreed in writing with the Local Planning Authority. The boundary treatment shall then be completed and permanently maintained thereafter in accordance with the approved details.

Reason: In the interest of ensuring residential amenity in accordance with Cotswold District Local Plan 46. The boundary features will also be important in screening the site. This condition is therefore also imposed in accordance with Cotswold District Local Plan Policies 42 and 45 in addition to the National Planning Policy Framework.

8. Provision shall be made for the installation of at least one artificial bird nesting sites/boxes and one artificial bat roosting sites/boxes within the application site. This provision shall be completed prior to occupation and shall be permanently maintained thereafter.

Reason: In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 and to ensure that bats and birds and their habitats are protected and enhanced in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended as well as the National Planning Policy Framework (in particular Section 11) and Cotswold District Local Plan Policy 9.

9. Prior to the construction of any external wall hereby permitted, 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 and the National Planning Policy Framework, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

10. Prior to any rendering being undertaken, a sample panel of render of at least one metre square in size showing its proposed texture and colour shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies 15 and 42 and the National Planning Policy Framework, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

11. All external windows and doors shall be of timber construction and shall be permanently retained as such thereafter.

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

12. All windows hereby approved shall be constructed in accordance with the District Council's 'Traditional Casement Windows Design Guide'. If an alternative is to be used then the details of these windows shall be submitted to and agreed in writing with the Local Planning Authority prior to their installation.

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

13. 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 Policies 15 and 42 and the National Planning Policy Framework.

14. The finish of the proposed windows and doors shall be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour/finish 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 Policies 15 and 42 and the National Planning Policy Framework.

15. Any oak used shall not be treated in any way and shall be left to weather and silver naturally.

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

16. 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 and shall be permanently retained as such thereafter.

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

17. The rooflights hereby approved shall be fitted so that the part of the rooflight which can be opened is more than 1.8 metres above the finished floor level of the room in which the rooflight is to be installed and shall be retained permanently as such thereafter. If an alternative is proposed then details shall be submitted to and agreed in writing with the Local Planning Authority prior to installation and shall be permanently retained as approved thereafter.

Reason: To protect the privacy of the occupants of neighbouring dwellings in accordance with Cotswold District Local Plan Policy 46 and the National Planning Policy Framework.

18. No bargeboards or eaves fascias shall be used in the proposed development.

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

Informatives:

CDC DRAINAGE OFFICER NOTES

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- Gloucestershire SuDS Design and Maintenance Guide (April 2015)

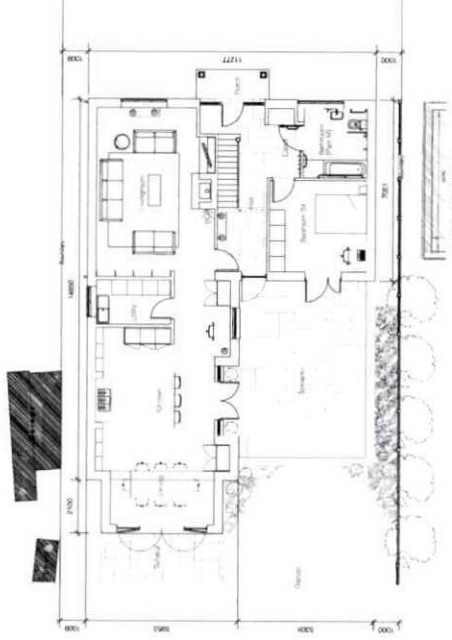
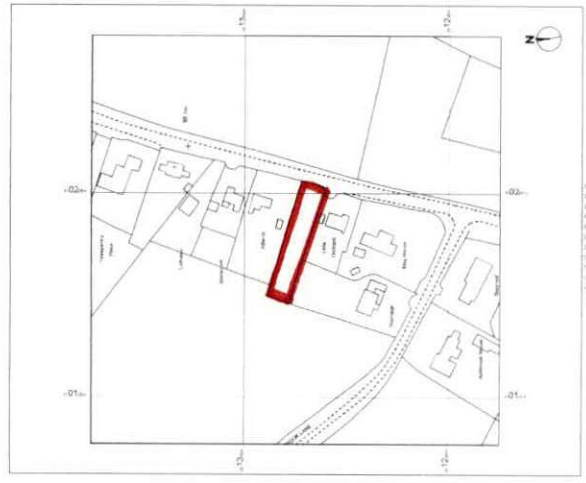
THAMES WATER NOTES

1. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. Thames Water Developer Services can be contacted on 0800 009 3921.

2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

ALBERTA

ALBERTA



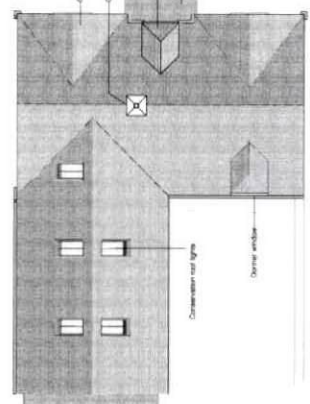
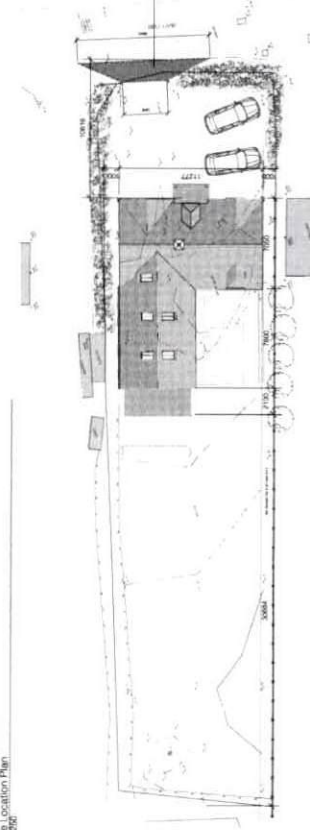
Site location plan
Scale: 1:1000

Ground floor plan
Scale: 1:1000

First floor plan
Scale: 1:1000

LITTLE ORCHARD

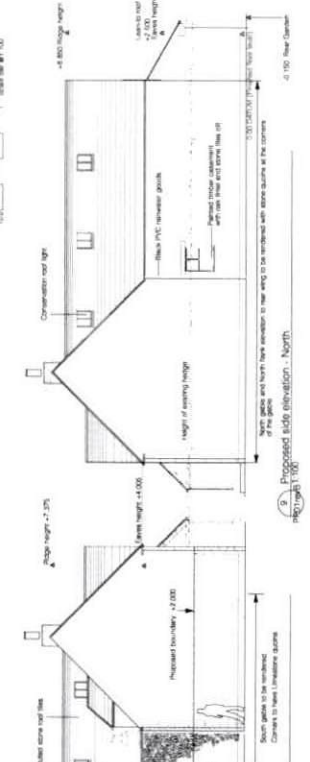
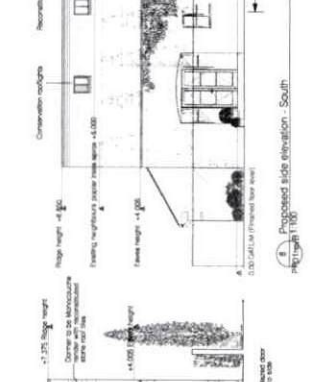
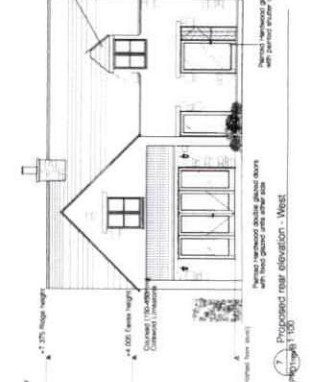
LITTLE ORCHARD

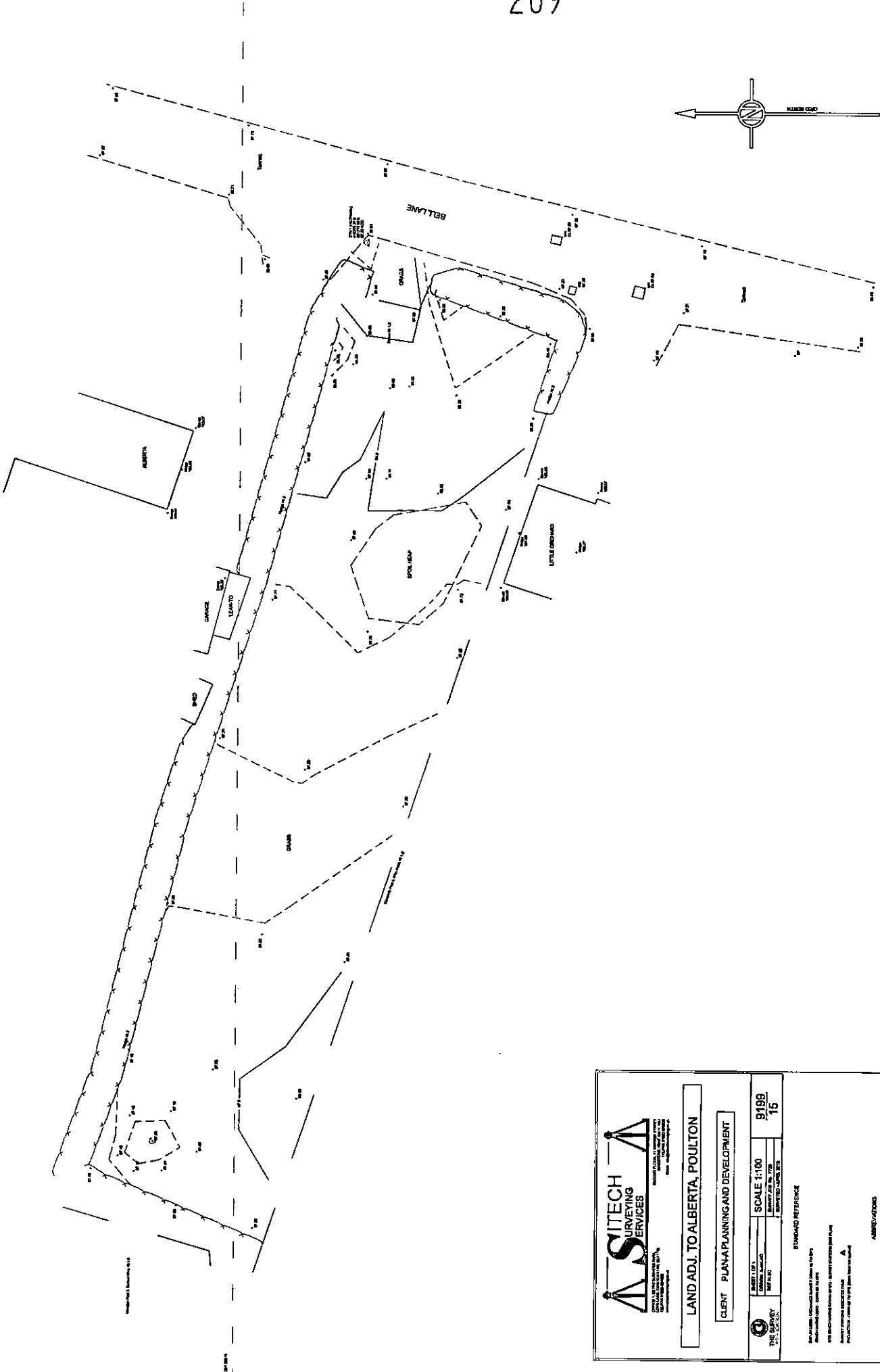
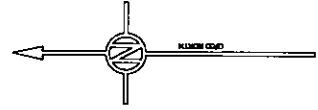



Site plan
Scale: 1:1000

Proposed front elevation - East
Scale: 1:1000

Proposed front elevation - East
Scale: 1:1000







SITITECH
SURVEYING
SERVICES

REGISTERED PROFESSIONAL SURVEYORS
ALBERTA REG. NO. 2010

LAND ADJ. TO ALBERTA, POULTON

CLIENT: PLANA PLANNING AND DEVELOPMENT

SCALE: 1:100

DATE: 11/17/2015

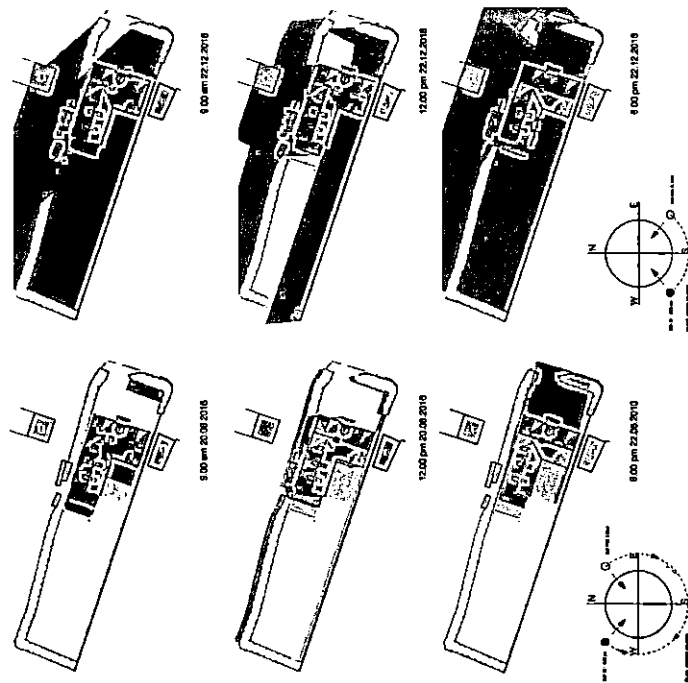
PROJECT NO. 15

STANDARD REFERENCE

NAD 83 / UTM ZONE 18 N
 DATUM: NAD 83
 PROJECTION: UTM
 UNIT: METERS

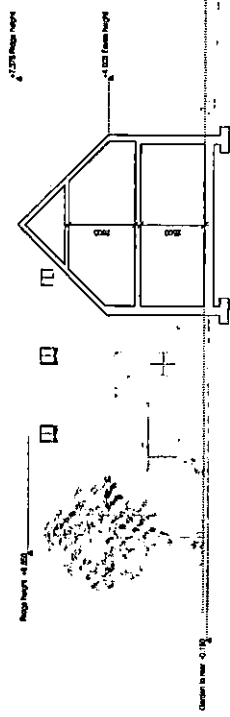
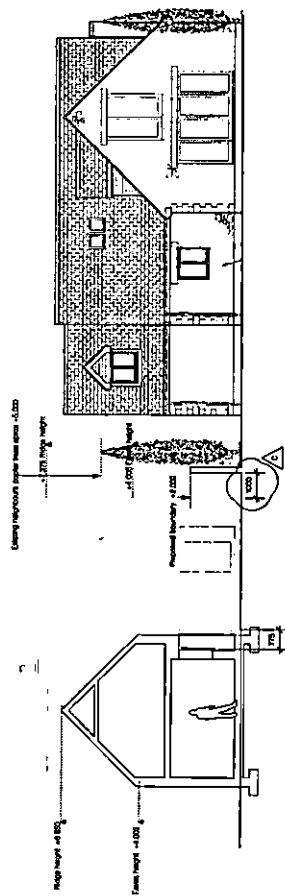
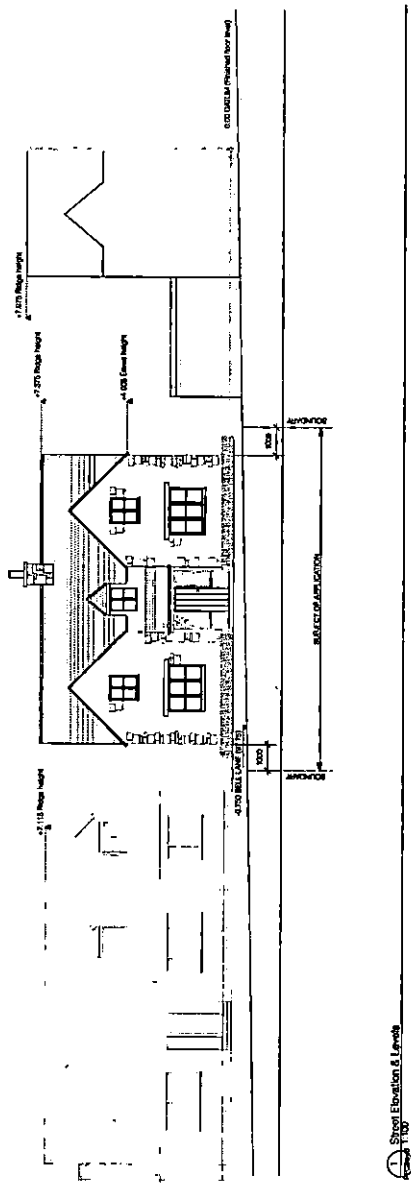
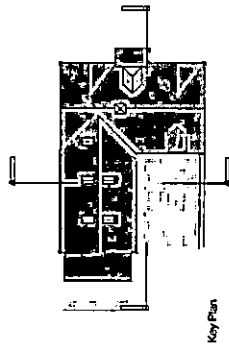
ABBREVIATIONS

- ALL: ALL INFORMATION
- CL: CLIENT
- CON: CONVEYANCE
- ENCL: ENCLOSURE
- INT: INTEREST
- RES: RESERVATION
- RTS: RIGHT-OF-WAY
- SET: SETBACK
- STR: STREET
- TR: TRAIL
- W: WATER
- Z: ZONING



Shadow diagram - Winter Solstice

Shadow diagram - Summer Solstice



<p>As far as the drawings are concerned, the architect is not responsible for the construction of the building or any part of it. The drawings are to be used as a guide only and the contractor is to be responsible for the construction of the building.</p>	
<p>DATE: 15.02.18 BY: H.H.S. CHECKED: H.H.S. SCALE: 1/100 JOB NO.: PP/02</p>	<p>PROJECT: New House, Devon DWG. TITLE: Ground Floor and First Floor DATE: 15.02.18 SCALE: 1/100 JOB NO.: PP/02</p>
<p>Henry Homersham Architect The Mill House, Mill Lane, Mill Lane, Devon, PL16 9JL Tel: 01752 831111 www.henryhomersham.co.uk</p>	

Katherine Brommage

Subject: FW: Comments for Planning Application 15/02895/FUL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:24 PM on 08 Feb 2016 from Not Available.

Application Summary

Address: Land Adj. Alberta Bell Lane Poulton Cirencester
Gloucestershire GL7 5JF

Proposal: Erection of new detached dwelling together with
associated ancillary development

Case Officer: Katherine Brommage

[Click for further information](#)

Customer Details

Name: Not Available

Email:

Address: Not Available

Comments Details

**Commenter
Type:** Objection Comments

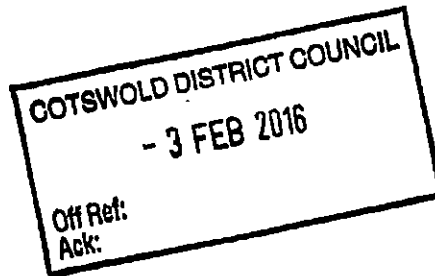
Stance: Customer objects to the Planning Application

**Reasons for
comment:** - Other
- Privacy light and noise
- Trees and landscaping

Comments: The latest submitted plans confirm that the main living room of Alberta will be impacted by shadow all day at the winter solstice, but unsurprisingly of minimal impact at the summer solstice. The provided shadows are somewhat suspect, as the inference is that at midday on the winter solstice, the shadow length is less than 50% greater from a 7 metre ridge height to that from the 2 metre high hedge/new fence ?? Reality is that due to the orientation, more of the windows in un-shown living rooms will be affected for much of the year, and the south facing window on the end of the house will be in permanent shadow for many months as it clearly falls within the 25% criteria.

Alberta,
Bell Lane
Poulton
Cirencester
Gloucestershire
GL7 5JF

3rd February 2016



By hand.
Planning Dept.
Cotswold District Council

Dear Sirs,

Re: 15/02895/FUL

Planning application for the erection of new detached dwelling together with associated ancillary development on Land Adjacent to Alberta, Bell Lane, Poulton, Gloucestershire.

As per our submission on 12/11/15, we have lived at Alberta for 30 years, and as such, were naturally aware of Mr Wicks ownership of the ex orchard of our house for that period, and his eventual anticipation of building on the plot to house his disabled daughter; referenced by previous lapsed outline planning approvals and his last application 9 years ago, which was not approved by the Planning Inspector. We continue to agree with the description of the plot as being an 'infill'.

Viewing the latest application, despite indications that the Applicant was prepared to review the size and orientation of the proposed property, it has been difficult to ascertain any material difference other than redesign of the front aspect, and mythical 'screening' by evergreen Poplar trees mistaken for the existing narrow/deciduous Silver Birch in the neighbouring garden. I'm now advised that even the revised frontage was only in response to Conservation Officer requirements.

Planning and Design Considerations

Bearing mind that the Application is for a single dwelling, I still fail to see any relevance in 6.2 & 6.3 references, other than to highlight the paucity of 'exceptions' within Southwest England ?

The revised plan still shows a large 4 bedroomed detached house occupying the full width of the plot, and as designed as an L shape, it has a significant extension down the plot with a proposed ridge height of almost 7 metres. The Plot is very narrow, so I'm concerned that statements regarding Scale (3.5) Landscaping (6.11) and Design Considerations (6.12) do not reflect reality

As is clearly shown by the shadows in the Applicants Google Earth site photograph at 2.1, that part of the building adjacent to my garage has such a high and extended roofline that it significantly impacts southern facing aspects of our property including light into the bay window of our lounge and garden room, and would result in significant loss of sunshine/light across most of our garden for all but the core summer months. The latest plans continue to show the last conservation rooflight to be halfway down the side of our garage, so clearly visible from 2 of our bedrooms. We therefore unfortunately have to refute the Applicants' assertion in Section 6.12 of the Statement that ' there will be no overlooking or loss of light affecting neighbouring properties or gardens'.

In view of the narrowness of the plot, our expectation over the years, and as per their previous submission, was for a single storey dormer house of a size and height commensurate with the site, which we still consider more logical/appropriate and clearly remains our preference.

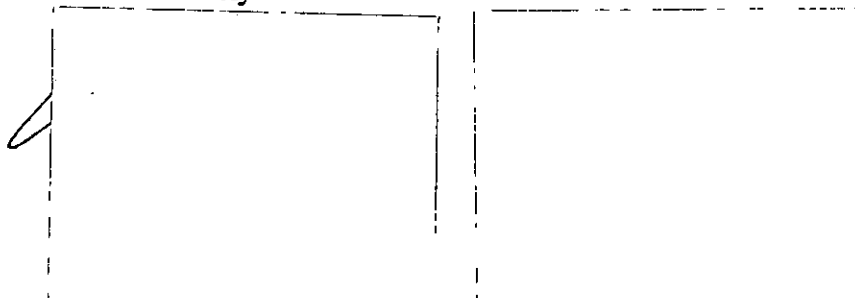
We are fully aware that the other immediate neighbour of the plot has suggested that a reorientation of the plan would alleviate many of their privacy concerns, and we would have no objection to this, as it would slightly lessen the southerly sunshine loss impact but reiterate that we feel that the ridge height still needs to be reduced. We are informed via neighbourly discussion, following a call by them to you, it appears that neither of us has any right to privacy? Proposed 2 metre fencing infers that it is a factor, but we have concern regarding its impact on the existing deciduous hedge, and the indicated boundary line on the application appears to require partial hedge removal? The original boundary fencing between the properties is ours on Deeds, and clearly should not be removed.

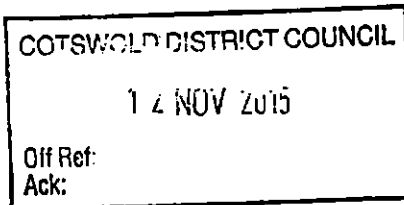
We also note that the site plans continue to inaccurately represent the proximity of Alberta to both garage and boundary, with subsequent impacts as referenced in previously submitted photographs. Again, during the neighbourly discussion, it appears that we have no right to light either (unless such loss conforms with a 'formula'. Has this already been calculated? and if so, was it just based on the inaccurate site plan drawings provided? If not by an actual site visit, I would certainly request that one takes place prior to any final decision/recommendation.

Clearly it for the Council to consider the appropriateness of Sustainability to any dwelling on this site as evidenced in the emerging Local Plan, but would ask the Council to also fully consider the impact on our home of such a high, dominant and block rendered structure. We are not against an eventual Approval, but strongly feel that a revised Application featuring a single storey dormer would much better balance the narrow width and length of the plot while simultaneously addressing our concerns over the significant loss of light.

In view of the rural location and construction impact if permission was granted, we would request that any boundary fencing was erected prior to commencement and based on past ground maintenance experiences on the plot, that no work should be undertaken before 8 or after 5 on weekdays and none at the weekend or on Bank Holidays.

Yours sincerely





Alberta,
Bell Lane
Poulton
Cirencester
Gloucestershire
GL7 5JF

12th November 2015

By hand.
Planning Dept.
Cotswold District Council

Dear Sirs,

Re: 15/02895/FUL

Planning application for the erection of new detached dwelling together with associated ancillary development on Land Adjacent to Alberta, Bell Lane, Poulton, Gloucestershire.

As we have lived at Alberta for almost 30 years, we are naturally aware of Mr Wicks ownership of the ex orchard of our house for that period, and his eventual anticipation of building on the plot; referenced by previous lapsed outline planning approvals and his last application 9 years ago, which was not approved by the Planning Inspector. We also do not disagree with the description of the Application as being an 'infill' on Bell Lane.

Before commenting further on our concerns regarding light and privacy, I would like to point out apparent inaccuracies in the Application.

- Town and Country Planning Act document – Q15 states that there are no trees or hedges on land adjacent to the plot that could influence the development - almost the whole border on the north of the plot (and my southern border) consists of hedgerow which is regularly home to nesting birds. The error is however contradicted within 2.3.
- Reference within the Planning, Design and Access Statement to 14/04850/FUL yet again repeats the erroneous claim that Poulton has a Post Office when quoting the Inspector's view of what constitutes a Sustainable Development.

In addition to the somewhat naïve comment at 4.10 that Applicants could cycle to/from Cirencester or Fairford employment/Doctor/Pharmacy if there was no bus service (last bus from Cirencester at 1800), perhaps most concerning from a Planning perspective, was the statement that the Inspector approved the appeal because at 4.11, she didn't consider Poulton to be 'highly unsustainable'. I was under the impression that 'Sustainable' was the criteria, so surely that is just a personal and subjective exception and not a precedent ?

While appreciating that one additional property will have significantly less impact than the already submitted major development application with a proposed entrance immediately opposite this application, the Poulton sewerage/drainage infrastructure is already subject to intermittent overload, so every new approved property potentially adds to the distress for those unfortunate householders.

Planning and Design Considerations

Bearing mind that the Application is for a single dwelling, I fail to see any relevance in references made in 6.2 and 6.3, other than to highlight the paucity of 'exceptions' within Southwest England ?

The plan shows a large 4 bedroomed detached house occupying the full width of the plot, and as designed as an L shape, it has a significant extension down the plot with a proposed ridge height of almost 7 metres. The Plot is very narrow, so I'm concerned that statements regarding Scale (3.5) Landscaping (6.11) and Design Considerations (6.12) do not reflect reality

As is clearly shown by the shadows in the Applicants Google Earth site photograph at 2.1, even though part of the building is adjacent to my garage, such a high and extended roofline adjacent to the current hedgerow and pond would both dominate the skyline and have a dramatic impact on both the biodiversity and established plantings developed over many years, as well as creating significant loss of sunshine/light for all but the core summer months. We therefore unfortunately have to refute the Applicants' assertion in Section 6.12 of the Statement that ' there will be no overlooking or loss of light affecting neighbouring properties or gardens'.

In view of the narrowness of the plot, our expectation over the years was for a single storey house of a size and height commensurate with the site, which we still consider more logical/appropriate and clearly remains our preference.

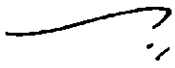
We are aware that in addition to concerns regarding significant design similarity, contra to 2.3, the other immediate neighbour of the plot has suggested that a reorientation of the plan and partial set back would alleviate many of their privacy concerns. We would have no objection to re-siting a little further down the plot as this was included in the caveats attached to the original deed of transfer, but only if the ridge height was significantly reduced to minimise the significant loss of both our southerly light and the consequent extended privacy erosion.

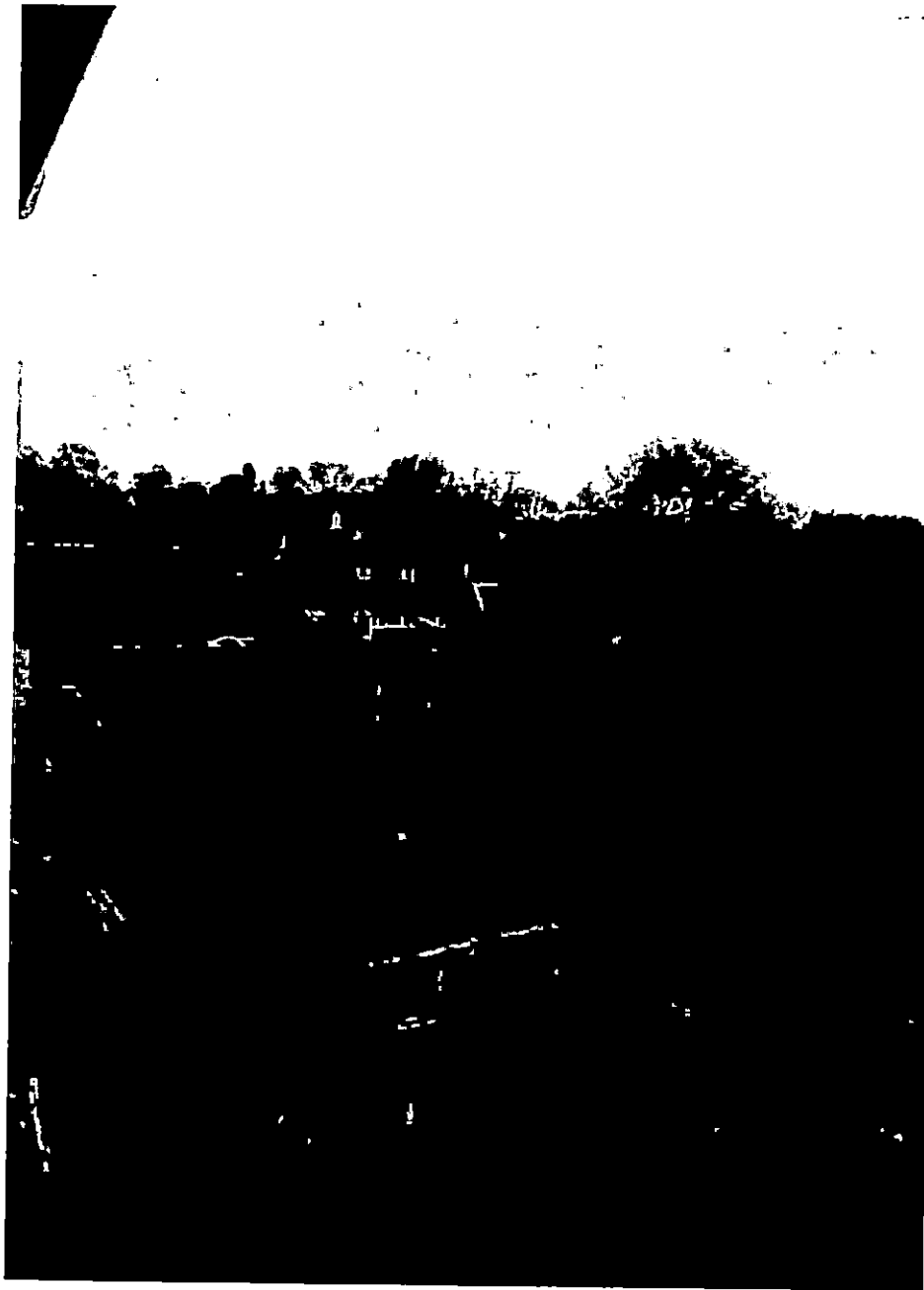
Please see the enclosed photographs which show the impact at both roof height and ground level.

We fully appreciate that it is clearly for the Council to consider the appropriateness of Sustainability to any dwelling on this site as evidenced in the emerging Local Plan, but would ask the Council to fully consider the impact on our home of such a high and dominant structure. We are not against an eventual Approval, but strongly feel that a revised Application featuring a single storey would much better balance the narrow width and length of the plot while simultaneously addressing our concerns over both light and privacy.

In view of the rural location, we would also request that for any permission granted, no work should be undertaken before 8 or after 5 on weekdays and none at the weekend and on bank holidays.

Yours sincerely







Little Orchard
Bell Lane
Poulton
Cirencester
Gloucestershire
GL7 5JF

4 FEB 2016

Ms K Brommage
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

2 February 2016

Dear Ms Brommage

Proposal for the erection of a new dwelling on the land adjacent to Alberta, Bell Lane, Poulton

Further to our telephone conversation yesterday, we object to the revised proposal on the same grounds as set out in our original objection letter of 8 November 2015 a copy of which is attached for ease of reference.

It appears that the Applicant has failed to sufficiently address our concerns regarding light and privacy. He has not altered the size, layout nor orientation of the proposed dwelling.

We note that the Applicant has now drawn poplar trees on the boundary of our property. They are, in fact, deciduous silver birch trees and they do not provide us with any privacy. They were planted to soften the impact of neighbouring buildings. We further note that the Applicant has again chosen not to accurately show the full length windows to the rear of our property which will be overlooked by the new dwelling.

The revised plans show a proposed boundary structure 2 metres in height but gives no further detail. What assurances can the Council give us that this will be constructed prior to the commencement of work on site and maintained thereafter? Please also bear in mind that no structure will provide us with any privacy to our principal bedroom.

We maintain that a single storey dwelling would be better suited given the narrowness of the plot and would be consistent with the type of dwelling granted on appeal on the plot adjoining Bluebell Cottage, Bell Lane (ref: 13/04850/FUL).

Yours sincerely



copy 220

Little Orchard
Bell Lane
Poulton
Cirencester
Gloucestershire
GL7 5JF

Ms K Brommage
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

8th November 2015

Dear Ms Brommage

**Proposal for the erection of a new dwelling on the land adjacent to Alberta, Bell Lane,
Poulton**

Thank you for taking the time to meet with us last week. We hope that we conveyed some of the issues we have with the above proposal and have taken on board the comments you made with regard to what would constitute reasonable grounds for objection.

Size Scale and Layout

The plan shows a 4 bedroomed detached house occupying the full width of a VERY NARROW plot with adjacent houses already extending to the edges of their boundaries. The Applicants in Section 3.5 of their Planning, Design and Access Statement (the Statement) state that 'the scale and form of their design is sympathetic to that of their neighbouring dwellings' and in Section 3.7 that the 'traditional design and appearance will complement the overall mix of house types and designs'. We dispute this wholeheartedly in relation to our property. We believe that it would dominate our house both in height, width and site position. In our opinion the current design mirrors ours too closely. In Section 2.3 of the Statement the Applicants acknowledge that the 'dwellings on *Bell Lane* are of varying heights and sizes'. This design would not add to this eclectic mix of dwellings.

The Applicants state in Section 3.3 of the Statement that the proposed dwelling is sited toward the centre of the plot. It is obvious from the plans that it is not but agree that it should be. This would be beneficial for several reasons. If the house was set further back from the road it would not only

look better aesthetically (in that it would vary the building lines along this stretch of the lane) but would offer a larger turning area for cars. This is particularly relevant given that this site may be adjacent to the entrance to a housing development.

The double storey part of the proposed dwelling to the rear will affect our light. In 2012 we had to accept a single storey triple garage being built in the grounds of May House abutting our southern boundary. This dramatically affected the amount of light we enjoyed. We fear any further infringement of this type. Please see the attached photos (labelled B,C and D) taken from our kitchen living and bedroom areas respectively.

Privacy

We refute the Applicants' assertion in Section 6.12 of the Statement that ' there will be no overlooking or loss of light affecting neighbouring properties or gardens'. The two storey nature of the proposal inevitably has huge consequences for our privacy. This is exacerbated by the proposed orientation. It is obvious that windows will overlook our patio, garden, principal living and sleeping areas. Please see the attached photo (labelled A) which has been taken from the approximate location of their proposed patio window in the southern elevation. (You will see clearly two patio windows in our house which the Applicants' have failed to show on their drawing no. PP/02). No screening would be able to maintain privacy to our master bedroom. We further object to any velux windows in the southern elevation which would again compromise our privacy.

We would like to think that the Council would be sympathetic to our concerns in this regard given the difficulties we recently experienced in obtaining planning permission for what will be an occasionally used external staircase fully screened from May House and where there were NO objections.

Conclusion

In our view if the Council is minded to grant planning permission it should consider the following alterations to the proposal.

1. It should be single storey which better balances the width and length of the plot and addresses concerns over our privacy.
2. It should be re orientated so that their layout does not mirror ours. This would mean that no windows would overlook our property and the patios would not be adjoining. This is an easy amendment for the Applicants to make which would show consideration for our situation.

3. It should not extend to the full width of the plot and make better use of its length.

Furthermore we would ask that the following conditions are attached to any permission:

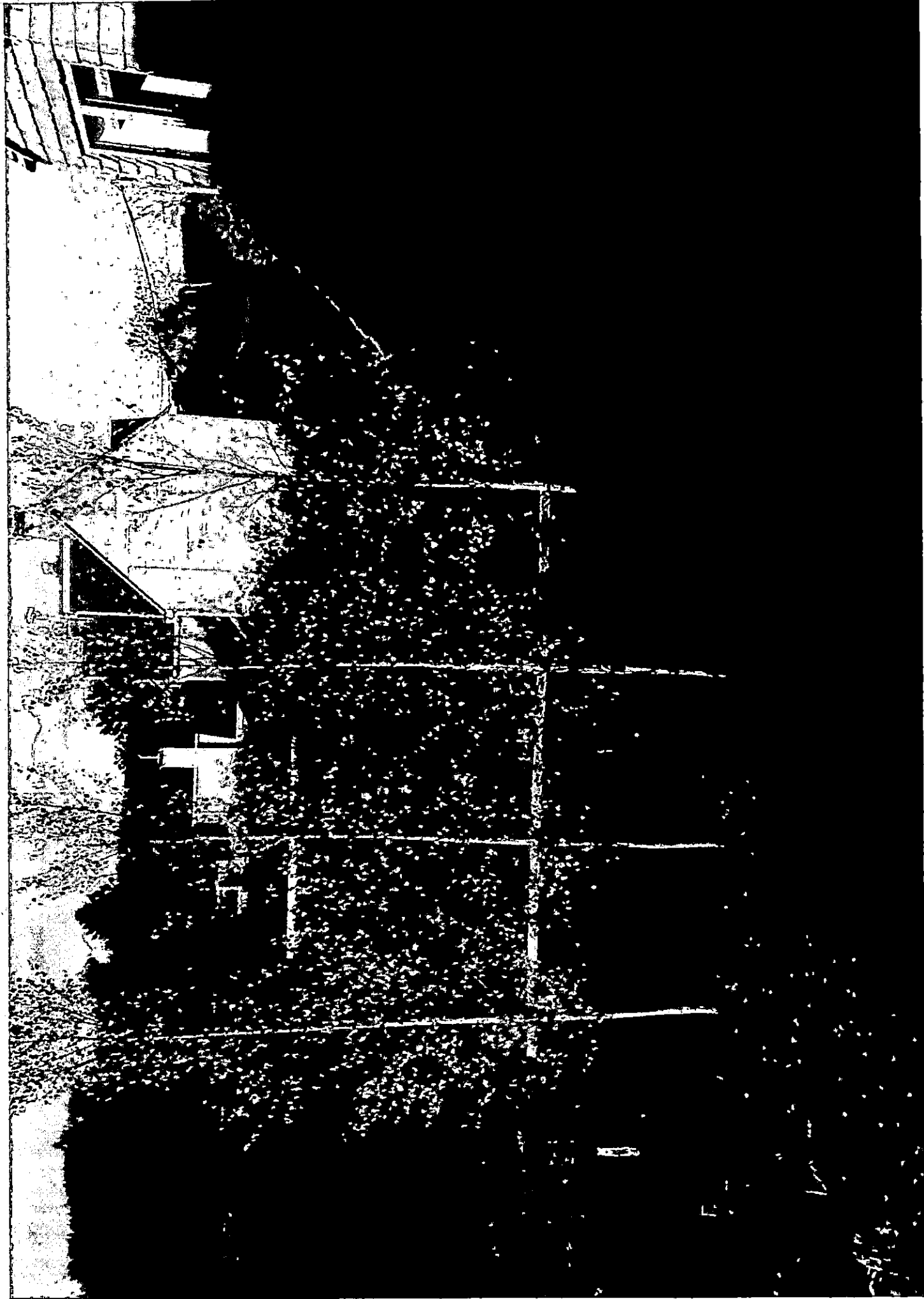
- A. No rendering to walls visible from our property.
- B. Exclusion of permitted development rights
- C. No work to be undertaken before 8 or after 5 on weekdays and none at the weekend and on bank holidays.

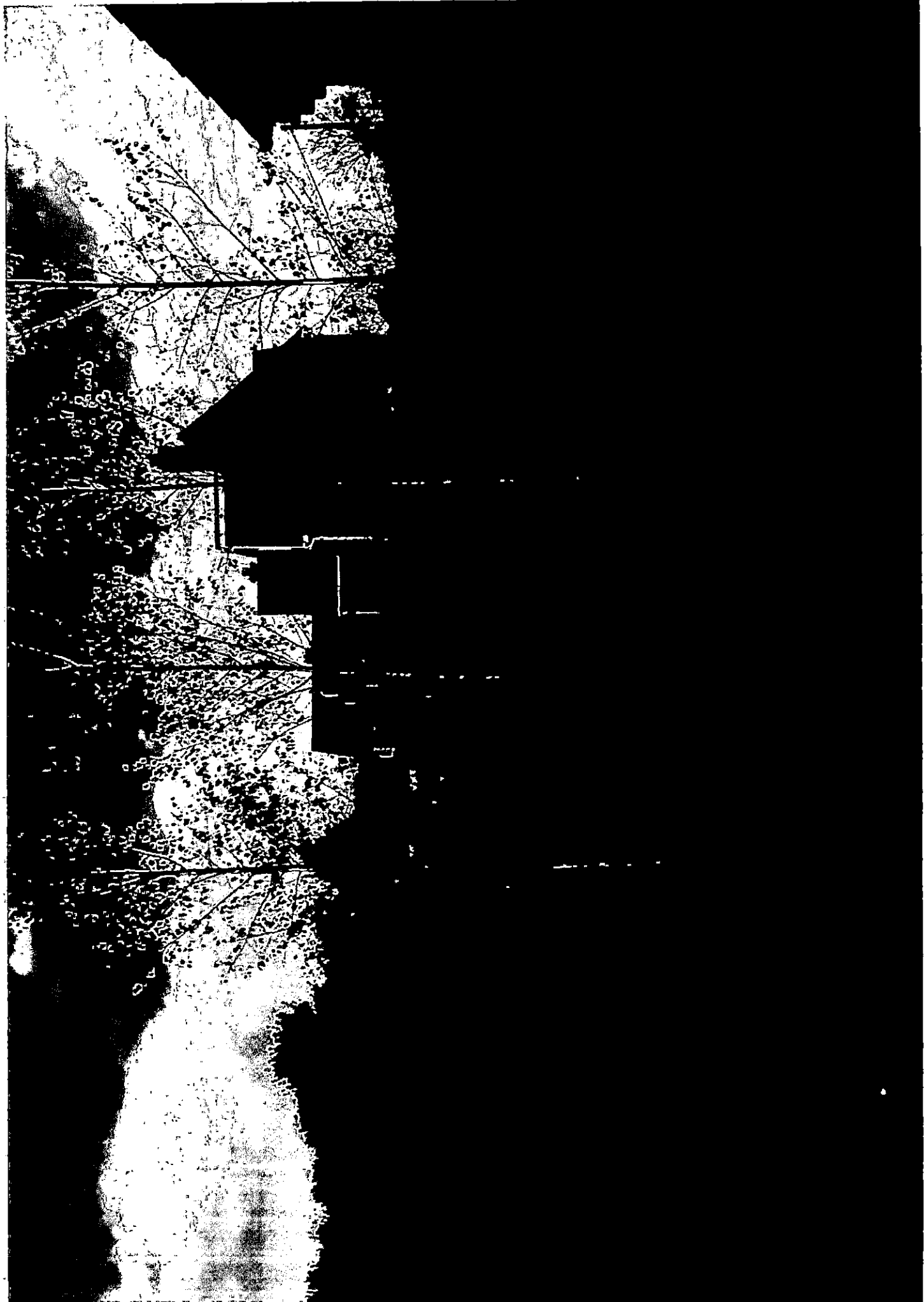
It is for the Council to consider the appropriateness of any dwelling on this site having regard to the issues of Poulton's sustainability and matters evidenced in the emerging Local Plan. For our part we would ask the Council to be mindful of allowing a two storey structure which would so obviously impact on our home.

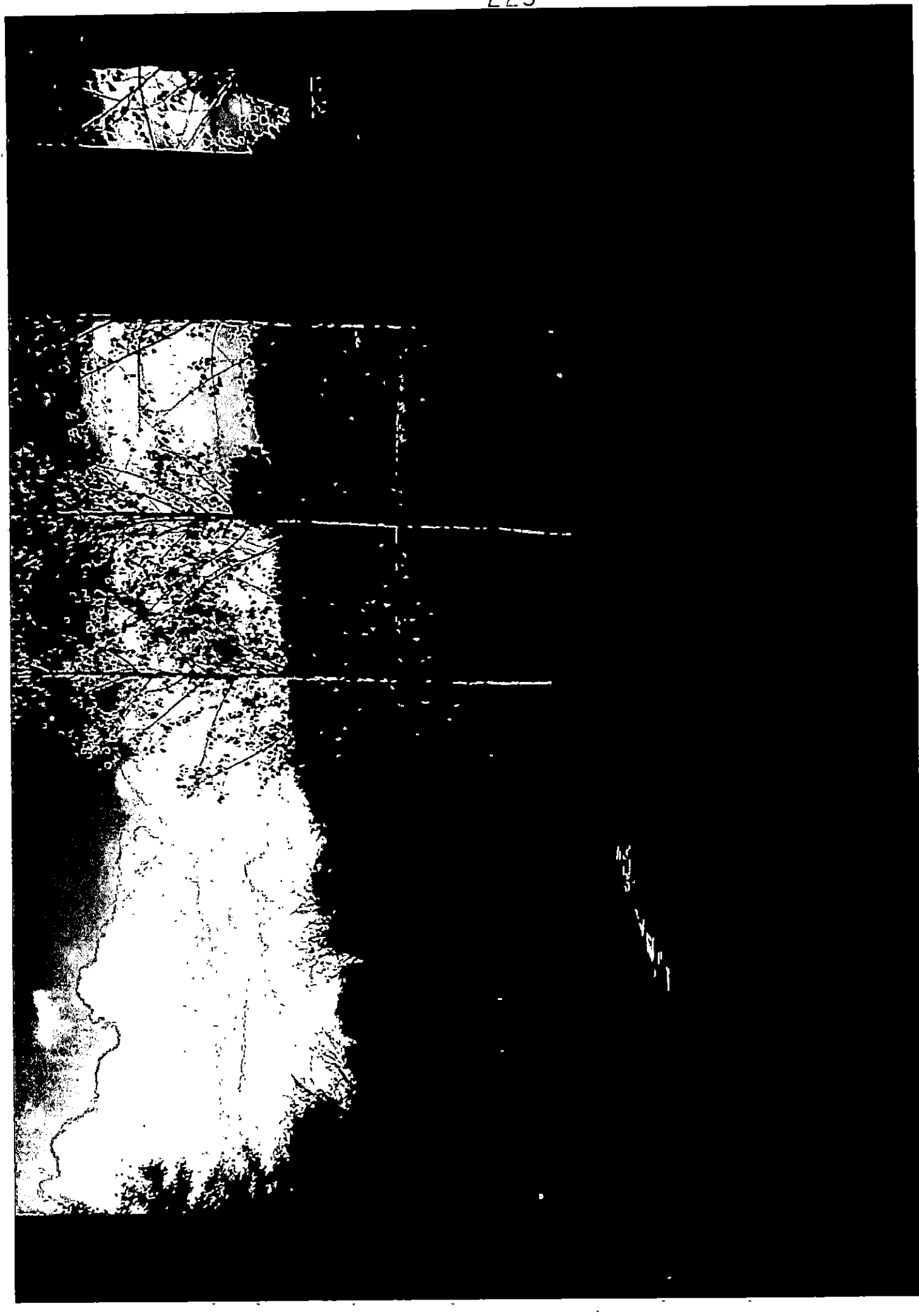
We had hoped to enjoy a greater degree of privacy in a rural location which is often not achievable in an urban setting.

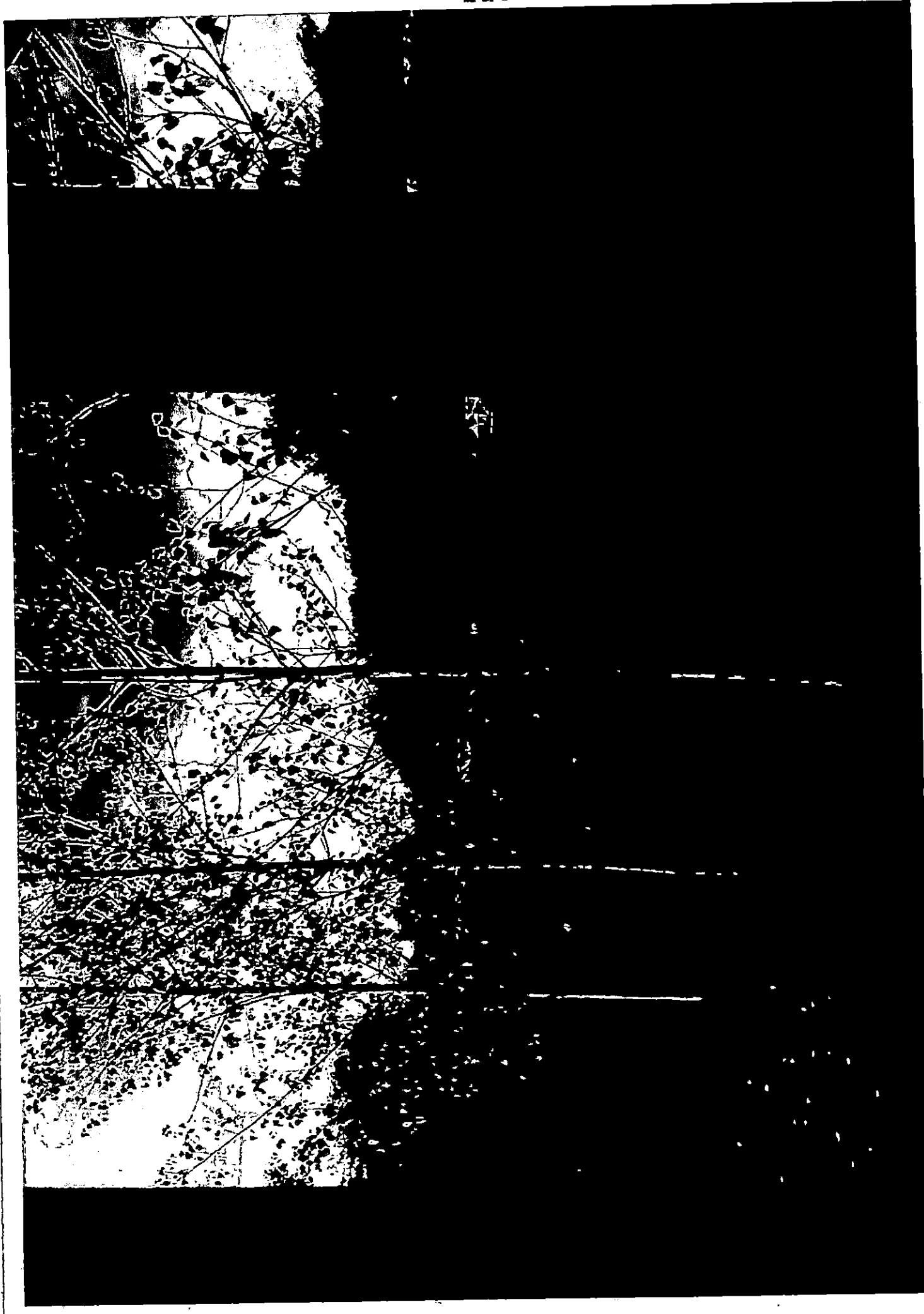
Yours sincerely

Simon & Margaret Smith









Oakwood
Bell Lane
Poulton
GL7 5JF

Mrs K Brommage
Planning Dept
Cotswold District Council
Trinity Road
Cirencester
GL1 1PX

9th February 2016

Dear Mrs Brommage

Re: 15/02895/FUL Land adjacent to Alberta, Bell Lane, Poulton

We are writing to comment on the revised plans for the proposed development on land adjacent to Alberta, Bell Lane, Poulton.

From the documents submitted online, it would appear that new details have been submitted for the site plan and elevations, therefore our previous comments on Sustainability (7.8 year housing supply, Poulton is not a sustainable location in CDC's own Sustainability Appraisal, lack of public transport, parking/access, impact on sewerage network etc - see our later dated 23rd November 2015) still stand.

The revised plans are pertinent regarding the second point in our previous letter, which was about the size, scale and layout of the proposed dwelling. We note the front elevation is not now a mirror image of Little Orchard which, given the diversity of the designs in Bell Lane, is to be welcomed.

We previously commented on the fact that, due to the size and scale of the proposed property, it takes up nearly the whole width and does not sit well within a long thin plot. Having studied the architect's revised drawings for the front, rear and side elevations, we would point out an apparent discrepancy in the drawings of the front and rear elevations. The gap between Little Orchard and the proposed property when seen from the front elevation (labelled Street Elevation and Levels) measures 0.7cm, but when seen from the rear elevation (labelled Section AA), the same gap (complete with poplar tree) now measures 1.0cm. This is despite the fact that both drawings are on a scale of 1:100. Clearly we do not know which drawing, if either, is correct. Given that the proposed dwelling already has the appearance of being 'shoe-horned' into a narrow plot, we feel it is very important to make sure that these drawings are corrected before any decisions are made.

We trust that you will take these comments into account when reaching your decision.

Yours sincerely

Oakwood
Bell Lane
Poulton
GL7 5JF

23rd November 2015

Ms K Brommage
Planning Dept
Cotswold District Council
Trinity Road
Cirencester
GL1 1PX

Dear Ms Brommage

Re: 15/02895/FUL Land adjacent to Alberta, Bell Lane, Poulton

We are writing to comment on the proposed development on land adjacent to Alberta, Bell Lane, Poulton.

1) Sustainability

In the Planning, Design and Access Statement (PD&AS) the Applicants go to great lengths to argue that there should be no objection to building on this plot. Since this Application was submitted the Planning Inspector has found (APP/F1610/A/14/2228762) that the Cotswold District has a 7.8 year supply of housing. Therefore we would argue that that NPPF Para 14 on sustainable development is not triggered and that there is no presumption that the proposal should be permitted. Thus the Council should not feel under pressure to approve a proposal in a settlement which has clearly been as defined as unsustainable by its own detailed Sustainability Analysis (Dec 2014).

The Applicants' PD&AS contains inaccuracies regarding the facilities available in the village as well as the availability of public transport which the Council should be made aware of. Poulton does not have the minimum of a daily return bus service meaning that the private motor car would be the only transport option available. It is thus contrary to the Local Plan as well as the NPPF (Paras 17, 95, 99). Given the dangerous nature of the A417, to suggest that residents might access necessary services and amenities by cycling to the two nearest towns is frankly laughable.

We would point out that currently there is no vehicle access to this site. Since the Applicant is proposing to put parking at the front of the property, the application (6. Pedestrian & Vehicle Access) is incorrect in stating that new access is not being proposed to/from the public highway. This is particularly important given that the plot is adjacent to the narrowest part of Bell Lane where parking on the lane itself would cause an obstruction.

We are also extremely concerned about the impact on the sewerage network. There are several new houses and significant extensions being built in and around Bell Lane, all of which will be connected to the sewerage system. Existing properties in Poulton and Ampney St Peter suffer from sewage overspill because of the inadequate network. Adding another new property with four bathrooms to an inadequate network must result in harm to other properties on the network. This is contrary to the Local Plan and the NPPF. Previous applications on this site were for smaller properties.

Additionally as the Council will be only too aware, it is not possible to guarantee that building work would be carried out by local builders and tradesmen, and therefore to argue (PD&AS 6.11) that the proposal would contribute to the local economy is purely fanciful.

2) Size, Scale & Layout

The proposed property takes up nearly the whole width of what is an extremely narrow plot of land (PP/02). The Applicants state (PD&AS 6.6) that it is in keeping with its surroundings in terms of scale and layout. We would suggest that the design is completely out of scale and does not sit well within the plot, nor does it contribute to the eclectic mix of properties already in Bell Lane.

The PD&AS states (3.3) that the property is situated towards the centre of the plot whereas the site plan clearly shows that it is positioned at the front. Additionally the illustration of ridge heights shows the ridge height of the proposed property to be only 0.5m lower than Alberta. However, not only is Alberta a full 2 storey property with eaves (not 1.5 built into the eaves like the proposed property), but also it is built on higher ground – the driveway to Alberta slopes significantly upwards from Bell Lane. The proposed plot is lower – this is not correctly shown on the Street Elevations and Site Sections drawings. To build the proposed property to almost the same height as Alberta would make it extremely tall and thin, and not at all in keeping with the surrounding properties.

Notwithstanding the fact that the District has already identified a 7.8 year land supply, if the proposal is accepted, it should be on condition that the property is 1) sited further back in the plot; 2) the design is altered: it should be proportionate to the size and layout of the site and either designed side on to the road, along the lines of 13/04850/FUL (land next to Bluebell Cottage) or the design reversed such that the rear terrace is on the opposite side; 3) the ridge height should be no higher than Little Orchard i.e. its ground level should be taken into account in the design. The proposal would then comply with existing Policy 46, ensuring 'reasonable privacy, daylight and adequate private outdoor living space' for all.

We trust that you will take these comments into account when reaching your decision.

Yours sincerely



Mr & Mrs N Ashley