

Item No 02:-

15/02907/FUL (CD.6972/C)

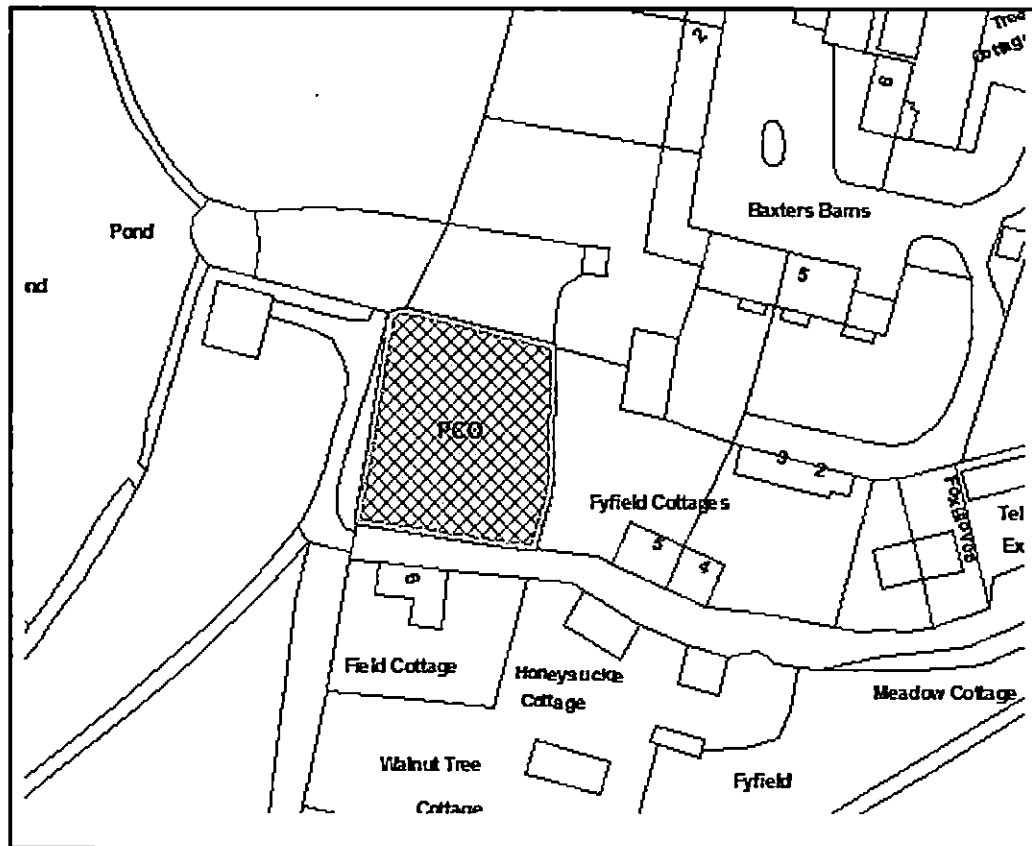
**Land Parcel North Of Field Cottage
Fyfield
Lechlade
Gloucestershire**

Item No 02:-

**Erection of a new detached dwelling and double garage with accommodation over
at Land Parcel North Of Field Cottage
Fyfield**

Full Application 15/02907/FUL (CD.6972/C)	
Applicant:	Mr Mark Hall-Digweed
Agent:	Spirit Architecture
Case Officer:	Claire Baker
Ward Member(s):	Councillor Ray Theodoulou
Committee Date:	11th May 2016

Site Plan



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RECOMMENDATION: PERMIT

Main Issues:

- (a) Background
- (b) The Principle of Development and sustainability of the location
- (c) 5-Year Land Supply
- (d) Scale and Design, impact on the Area of Outstanding Natural Beauty and setting of listed buildings
- (e) Highway Safety
- (f) Impact on residential amenity
- (g) Biodiversity
- (h) Trees and landscaping
- (i) Other Matters

Reasons for Referral:

The application has been referred to Committee by Councillor Theodoulou due to concerns that the proposal would give rise to highway safety issues.

1. Site Description:

The application site is located at the end of a narrow lane that provides access to several residential properties in Fyfield. The settlement consists of mainly Cotswold style houses with several converted agricultural buildings. There are two listed buildings, Walnut Tree Cottage and Honeysuckle Cottage, within the vicinity of the site. There is evidence that at one time the site was occupied by a residential property but for many years it been an open space. To the west of the site is an open field and public footpath and to the north, east and south there are residential properties. The site is not within a conservation area but it is within the Cotswolds Area of Outstanding Natural Beauty.

2. Relevant Planning History:

CD. 6972 Erection of 2 detached cottages and 1 detached house. Alteration to existing vehicular and pedestrian access. Refused 29 July 1987.

CD6972.B Erection of a pair of 3 bedroomed cottages with off road parking. Refused 15 March 2001.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR09 Biodiversity, Geology and Geomorphology
 LPR10 Trees, Woodlands and Hedgerows
 LPR38 Accessibility to & within New Development
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Development
 LPR19 Development outside Development Boundaries

4. Observations of Consultees:

Public Protection Officer: No objection subject to condition
 Biodiversity Officer: No objection subject to condition
 Tree Officer: No objection subject to condition
 County Highway Officer: No objection subject to conditions
 Drainage Engineer: No objection subject to condition

5. View of Town/Parish Council:

Objects: there is a history of refused applications; the access is inadequate and congested; there have been ongoing issues with sewerage and drainage; possible flooding issue; proposed garage is disproportionate in scale.

6. Other Representations:

18 letters of objection raising the following issues:

- (i) previous applications for a dwelling were refused on highways grounds
- (ii) the access to the lane is a blind spot and the lane is congested with nowhere for vehicles to turn around
- (iii) it would be impossible for construction traffic to access the site
- (iv) the site is next to a watermeadow which regularly floods each winter
- (v) there is not the capacity to deal with sewage from an additional dwelling
- (vi) the garage is out of keeping and could be converted to a further dwelling
- (vii) the mature Ash tree should not be lost
- (viii) any increase in traffic would add to congestion
- (ix) the hamlet should not grow any bigger
- (x) the development would spoil the character of the hamlet
- (xi) the site has not been residential for many years
- (xii) many buildings are listed or of traditional stone and the ancillary building would be out of keeping
- (xiii) there are inaccuracies in the application
- (xiv) lack of privacy to 3 Baxters Barns
- (xv) loss of uninterrupted view from 3 Baxters Barns
- (xvi) Fyfield has been identified as unsuitable for further housing due to lack of facilities
- (xvii) it would be situated adjacent to a public right of way
- (xviii) there has been enough residential development in Lechlade and Fairford
- (xix) it is contrary to the current Local Plan
- (xx) the traffic survey was not carried out properly
- (xxi) the garage would be visible from Field Cottage
- (xxiii) the scale and materials of the proposed garage are out of keeping
- (xxiv) introduction of more vehicles would be dangerous for, in particular, animals and children
- (xxv) it would adversely affect the setting of listed buildings in the vicinity
- (xxvi) the site has significant wildlife
- (xxvii) there is a septic tank in the plot which belongs to Field Cottage
- (xxviii) the site is within the Area of Outstanding Natural Beauty
- (xxiv) the development would take away parking spaces and the option to turn
- (xxv) the proposed concrete roofing tiles for the garage are unacceptable
- (xxvi) the rooflights for the house and garage do not match
- (xxvii) construction traffic will cause disturbance to residents
- (xxviii) the biodiversity report is incorrect as bats, owls and grass snakes are on the site
- (xxix) there is no existing hard standing as shown on the plans
- (xxx) access is required for agricultural vehicles to the field at the end of the land and a further dwelling would make this more difficult
- (xxxi) the dwelling could be used as a holiday let which would exacerbate congestion
- (xxxii) the applicant would be likely to apply for a bigger house if this is granted
- (xxxiii) there is no vehicular right of access to the site

7. Applicant's Supporting Information:

Design and Access Statement
Ecology Report
Speed Survey

8. Officer's Assessment:

(a) Background

There have been two refusals of planning permission for the development of two dwellings at the application site. The decision notices are attached to this report. However, it is important to note that both refusals pre-dated the introduction of the National Planning Policy Framework in the light of which all new development must be assessed.

(b) Principle of Development and sustainability of the location

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 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 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).

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 restricted. (Guidance in this respect is provided by footnote 9.)

With regard to footnote 9 (page 4 of the NPPF), the site is within the Cotswolds Area of Natural Beauty. There are therefore specific policies in the NPPF that indicate that development should be restricted. A recent High Court Decision in March this year between Forest of Dean District Council, the Secretary of State for Communities and Local Government and Gladman Development Ltd confirmed that the first consideration should be given to the impact on heritage assets and the Area of Outstanding Natural Beauty and if it is considered that there is harm, planning permission should be refused unless public benefits outweigh that harm.

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, the assessment of the application will have full regard to economic, social and environmental considerations. 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, unless the circumstances as described by Footnote 9 are applicable.

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, subdivision 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.

The NPPF confirms that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 55 states that where there are groups of smaller settlements, development in one village may support services in a village nearby. Whilst Fyfield itself has no facilities, it is located only 1.4 miles from the village of Southrop which has a school, pub, post office and shop and a village hall. In view of the proximity of Southrop and its facilities and the fact that there was previously a dwelling at the site, Officers are of the view that the Fyfield site would be a sustainable location for the erection of a single dwelling.

(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) Scale and Design, impact on the Area of Outstanding Natural Beauty and setting of listed buildings

The application site is within the Cotswolds Area of Outstanding Natural Beauty and there are two listed buildings, Walnut Tree Cottage and Honeysuckle Cottage, in close proximity. Section 11, paragraph 115 of the NPPF states that : 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.' 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.

The application site is within the settlement of Fyfield. There is evidence that in the past it was occupied by a dwelling. The current proposal is for a single two storey, two bed roomed house with a single garage and store with accommodation over. The proposed dwelling would be of a traditional design and use of materials. The walling would be natural Cotswold stone with some timber boarding on the rear elevation and the roofing would be reconstructed stone tiles. The doors and windows would also be of timber. The proposed garage would be of timber construction with reconstructed stone tiles to the roof. Since the original submission, the height of the garage has been reduced from 5.5 metres to 5 metres. The timber garage/store would be located to the rear of the site and would therefore not be prominent in the street scene. Officers have carefully considered the impact of the development on the character and appearance of the settlement, the Area of Outstanding Natural Beauty and the setting of the listed cottages. The proposed dwelling is considered to be of a scale, design and use of materials that would not detract from the character and appearance of the settlement or the Area of Outstanding Natural Beauty or adversely affect the setting of the listed cottages. In the view of Officers, the proposal would give rise to neither substantial nor less than substantial harm to the significance of the two designated heritage assets

(e) Highway Safety

The development of a single dwelling on a non-classified road would normally be dealt with by the Local Planning Authority under the County Highways Standing Advice. However, due to the objections received on Highway safety grounds County Highways were consulted and it was requested that a speed survey be undertaken. Following the results of the speed survey County Highways raised no objection subject to the provision of an adequate visibility splay and provision of parking and turning being required by condition. Local Plan Policy 38: Accessibility to and Within New Development states that traffic arising from development should not have an unacceptably detrimental effect" on the highway network in respect of the movement of traffic and road safety. Similarly, paragraph 32 of the NPPF maintains that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The impact of the proposed new access and traffic movements arising from the development of a single dwelling are not considered to be unacceptably detrimental or severe. Thus, the proposed vehicular access would not contravene the relevant local or national planning policies in this regard. The comment of the Highway Officer is attached to this report.

(f) Impact on residential amenity

An objection has been received on the grounds that the proposal would have an adverse impact on 3 Baxters Barns in term of noise, privacy and loss of a view. Officers do not consider that the proposed development would give rise to the overlooking of or be overbearing on the adjacent residential properties including 3 Baxters Barn. The rear elevation of the proposed dwelling would be approximately 42 metres from the nearest elevation of 3 Baxter's Barn and the garage would be located approximately 27 metres from the nearest elevation. As this is an existing residential area, Officers do not consider that an additional dwelling would give rise to significant noise or disturbance. In addition there is no right to a view.

(g) Biodiversity

An ecological report was submitted with the application. The Biodiversity Officer has raised no objection subject to condition. The report includes mitigation in respect of grass snakes. As a result of third parties raising the issue of owls and bats at the site, the Biodiversity Officer requested that boxes for owls and bats be shown on the submitted plans and accordingly amended plans have been received.

(h) Trees and landscaping

The Tree Officer has considered the Ash tree that is proposed for removal and does not consider that it is worthy of a Tree Preservation Order. It could therefore be removed at any time. He has therefore raised no objection subject to a landscaping condition to provide details of the proposed trees and boundary hedgerow reinforcement.

(i) Other Matters

There is a septic tank belonging to a neighbouring property on the site and third parties have referred to the lack of main sewer capacity. The applicant has discussed possible options with the owner of the septic tank including installing a new septic tank for the neighbour away from the proposed dwelling, installing a new septic tank that would have the capacity to serve the neighbouring and new dwelling and to connect the neighbouring dwelling and new dwelling to the main sewer. The applicant has confirmed with Thames Water that the main sewer has capacity. Officers are satisfied that a satisfactory solution to the issue of sewerage can be achieved, however it is considered reasonable to attach a condition requesting details of the sewage arrangements prior to the commencement of development.

9. Conclusion:

The application is recommended for permission as the site is considered to be a sustainable location for a single dwelling. Officers are of the view that the dwelling would not detract from the character or appearance of the settlement, the Cotswolds Area of Outstanding Natural Beauty or the setting of nearby listed buildings. It is also considered that the proposal would not have a severe impact on highway safety nor would it adversely impact on the residential amenity of the occupiers of adjacent properties.

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): 1293 02 Rev D, 05, 06, 07 REV B, 08 Rev B.

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

Work to the walling and roofing shall not start until samples of the proposed walling and roofing materials have been 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 Policy 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.

Work on the walling shall not start until a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar has been 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 Policy 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

All 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 Policy 42.

All casement windows hereby approved shall be constructed in accordance with the District Council's 'Traditional Casement Windows Design Guide'.

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

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 Policy 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 Policy 42.

The windows shall be finished in a colour to 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 Policy 42.

The oak 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 Policy 42.

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 (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.

Reason: This detail is required prior to the commencement of the development 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).

The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries are reduced where necessary in level and thereafter existing or proposed boundaries are maintained so as to provide clear visibility at a height of 600mm about the adjacent footway level.

Reason: To reduce potential highway impact by ensuring that adequate, pedestrian/vehicle visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted block plan and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 35 of the National Planning Policy Framework.

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to , and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i) specify the type and number of vehicles
- ii) provide for the parking of vehicles of site operatives and visitors
- iii) provide for loading and unloading of plant and materials
- iv) provide for the storage of plant and materials used in constructing the development.
- v) provide for wheel washing facilities
- vi) specify the intended hours of construction operations;
- vii) measures to control the emission of dust and dirt during construction.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with paragraph 35 of the National Planning Policy Framework.

All development must be carried out in accordance with the recommendations in Section 4 of the Phase One Habitat Survey Report (Windrush Ecology July 15 as amended April 2016). All proposed mitigations and enhancements, (Sparrow Terrace boxes etc) must be completed before the new dwelling is first brought into use and permanently retained thereafter.

Reason: To ensure that bats, birds, reptiles and amphibians are protected in accordance with The Conservation of Habitats & Species Regulation 2010, The Wildlife and Countryside Act 1981, as amended, and in line with Section 11 of the National Planning Policy Framework, Cotswold District Council 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 the completion of the development, a comprehensive landscape scheme shall be submitted and 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.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy 45.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other statutory instrument amending or replacing it, no extensions outbuilding, garages or sheds shall be erected, constructed or sited within the application site other than those permitted by this Decision Notice.

Reason: It is in the interest of visual amenity in accordance with Cotswold District Local Plan Policy 42 and Sections 7, 11 and 12 of the NPPF.

Prior to the commencement of development, details of the arrangements for the disposal of foul sewage for the dwelling hereby permitted and the neighbouring dwelling shall be submitted to and approved in writing by the Local Planning Authority.

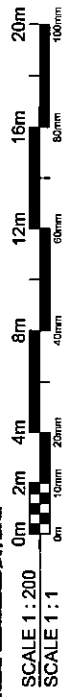
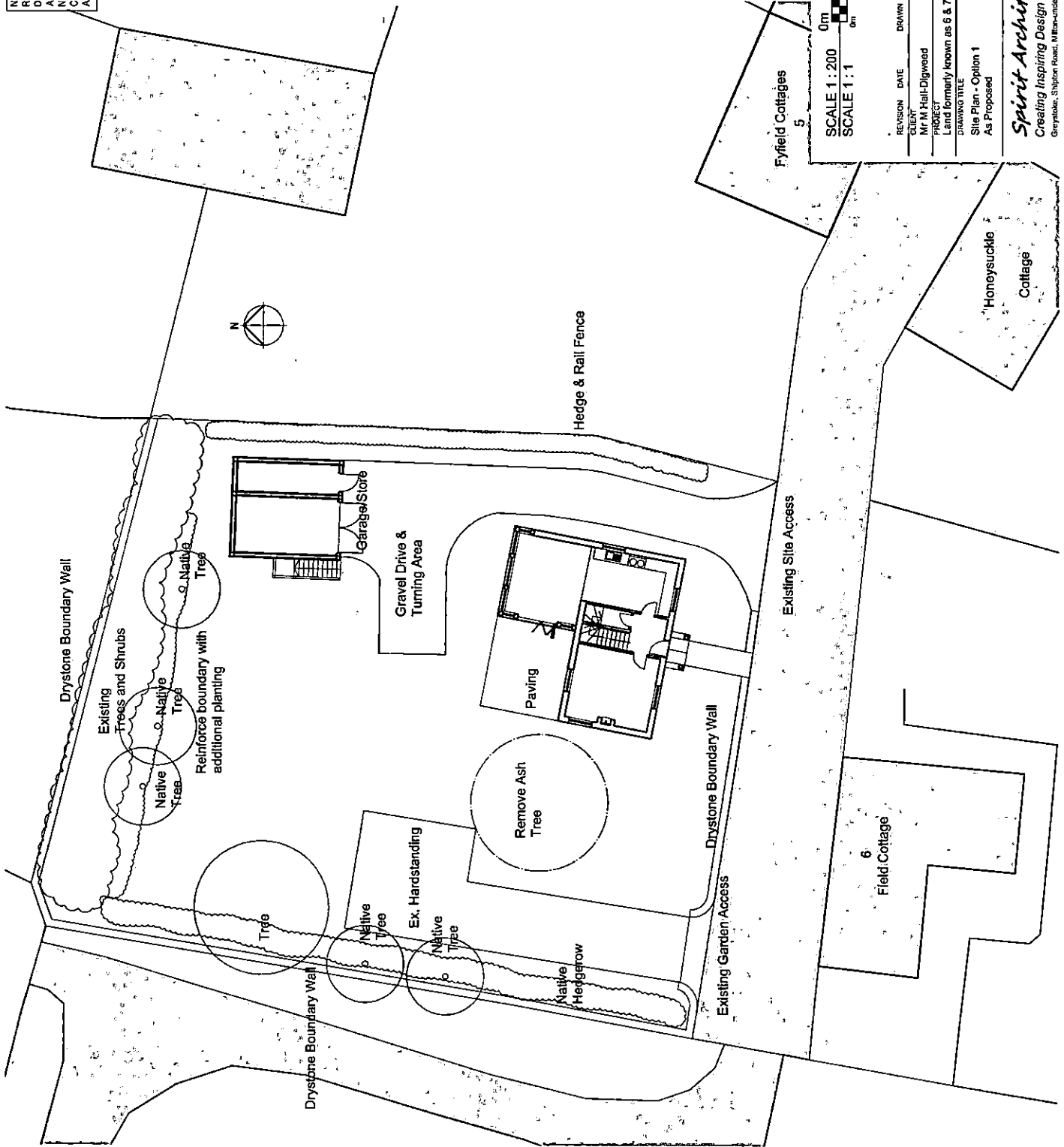
Reason: These details are required prior to the commencement of development to ensure the proper disposal of foul sewage for both dwellings.

Informatives:

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 (November 2015)
- CIRIA C753 SuDS Manual 2015

NOTES:
 RESPONSIBILITY IS NOT ACCEPTED FOR ERRORS MADE BY OTHERS IN SCALING FROM THIS DRAWING.
 ALL CONSTRUCTION INFORMATION SHOULD BE TAKEN FROM FIGURED DIMENSIONS ONLY. NO WARRANTY AS TO THE PRECISION OF THIS DRAWING IS GIVEN NOR SHOULD BE INFERRED.
 CONSTRUCTION DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, SCHEDULES AND DRAWINGS FROM STRUCTURAL AND MECHANICAL ENGINEERS.



REVISION	DATE	DRAWN	CHECKED	DESCRIPTION
1	12/01/2014	Mr M Hall-Digweed		SCALE 1:200 @ A3
2	12/01/2014			DATE
3				PROJECT
4				DESIGN
5				SECTION
6				REVISION
7				DATE
8				PROJECT
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75				SECTION
76				REVISION
77				DATE
78				PROJECT
79				DESIGN
80				SECTION
81				REVISION
82				DATE
83				PROJECT
84				DESIGN
85				SECTION
86				REVISION
87				DATE
88				PROJECT
89				DESIGN
90				SECTION
91				REVISION
92				DATE
93				PROJECT
94				DESIGN
95				SECTION
96				REVISION
97				DATE
98				PROJECT
99				DESIGN
100				SECTION

Site Plan - Option 1
 As Proposed

JOB NUMBER 1293
DATE 02
REVISION D

SCALE 1:200 @ A3
DATE January 2014
PROJECT Land formerly known as 6 & 7 Fyfield Cottages
DESIGN MH
SECTION MH
REVISION MH

REVISION 02
DATE 02
PROJECT 1293
DESIGN MH
SECTION MH

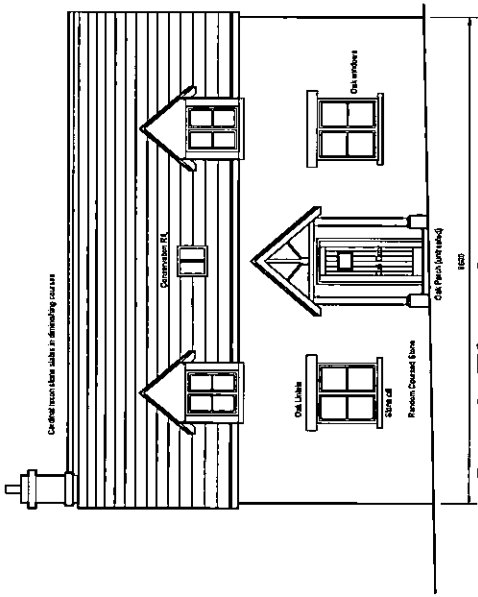
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DATE 02
PROJECT 1293
DESIGN MH
SECTION MH

REVISION D
DATE 02
PROJECT 1293
DESIGN MH
SECTION MH

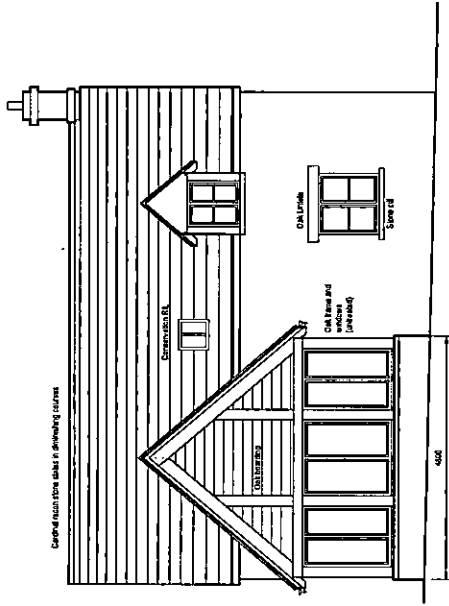
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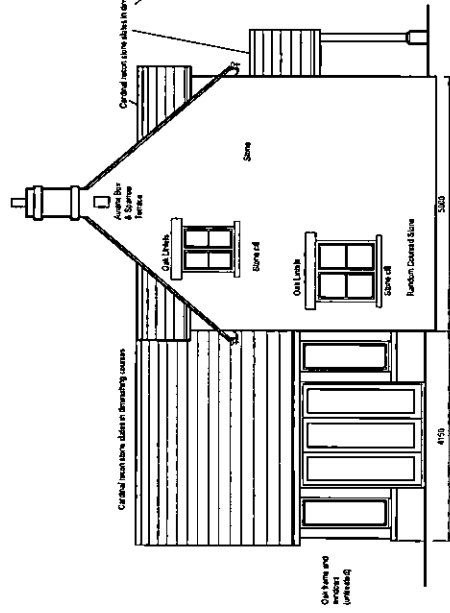
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 SCALE 1:1



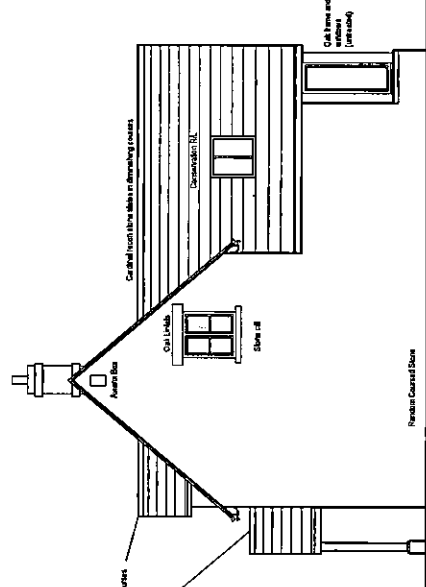
South Elevation



North Elevation



West Elevation



East Elevation

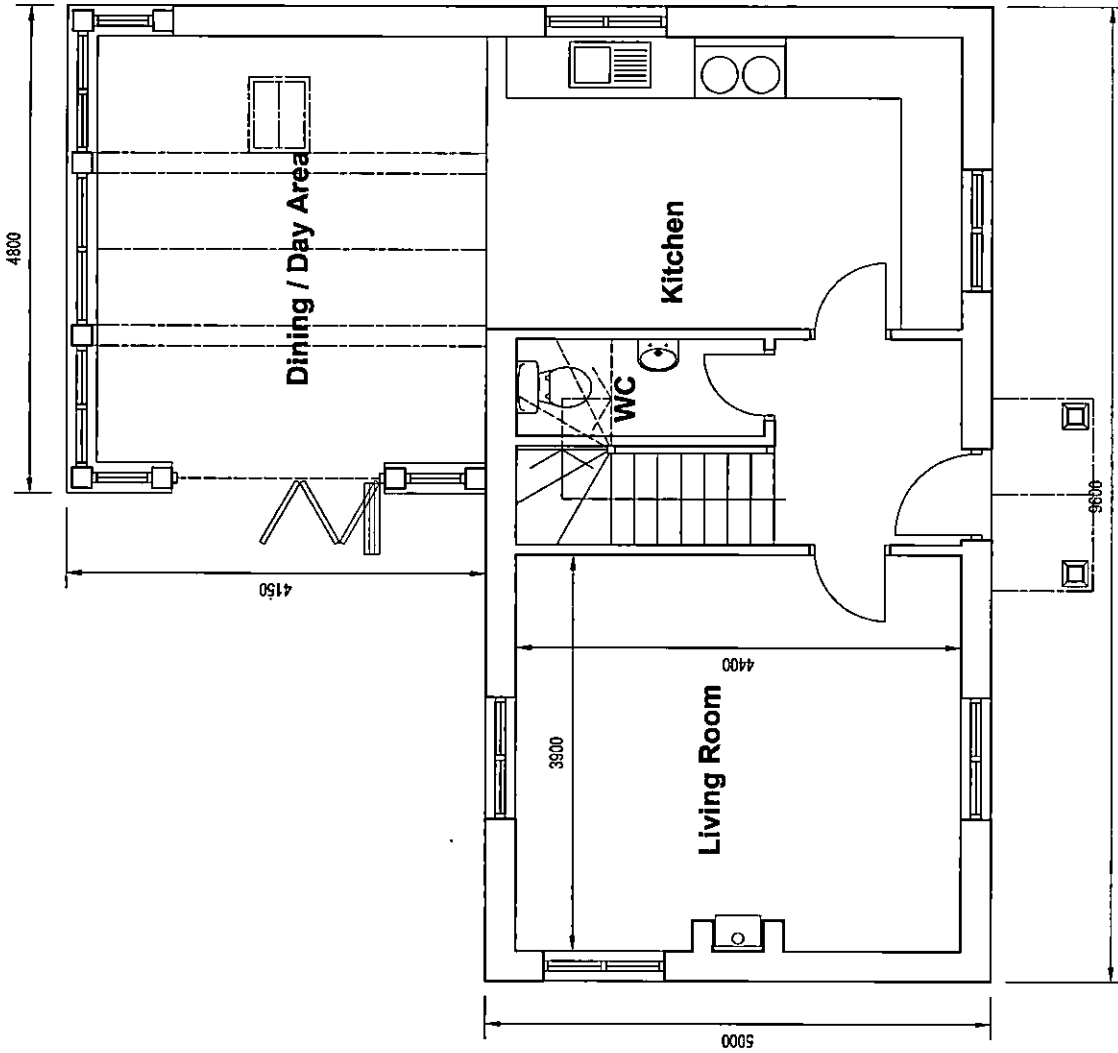
REVISION	DATE	DRAWN	CHECKED	DESCRIPTION

CLIENT	Mr. M Hall-Digweed	SCALE	1:100 @ A3	DATE	January 2014
PROJECT	Land formerly known as 6 & 7 Fyfield Cottages	DRAWN	MH	CHECKED	MH
DRAWING TITLE	Elevations	JOB NUMBER	1293	DRAWING NO.	07
	As Proposed				B

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Ground Floor Plan
57sqm



REVISION	DATE	DRAWN	CHECKED	DESCRIPTION
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2	14/01/2014	MH	MH	As Proposed

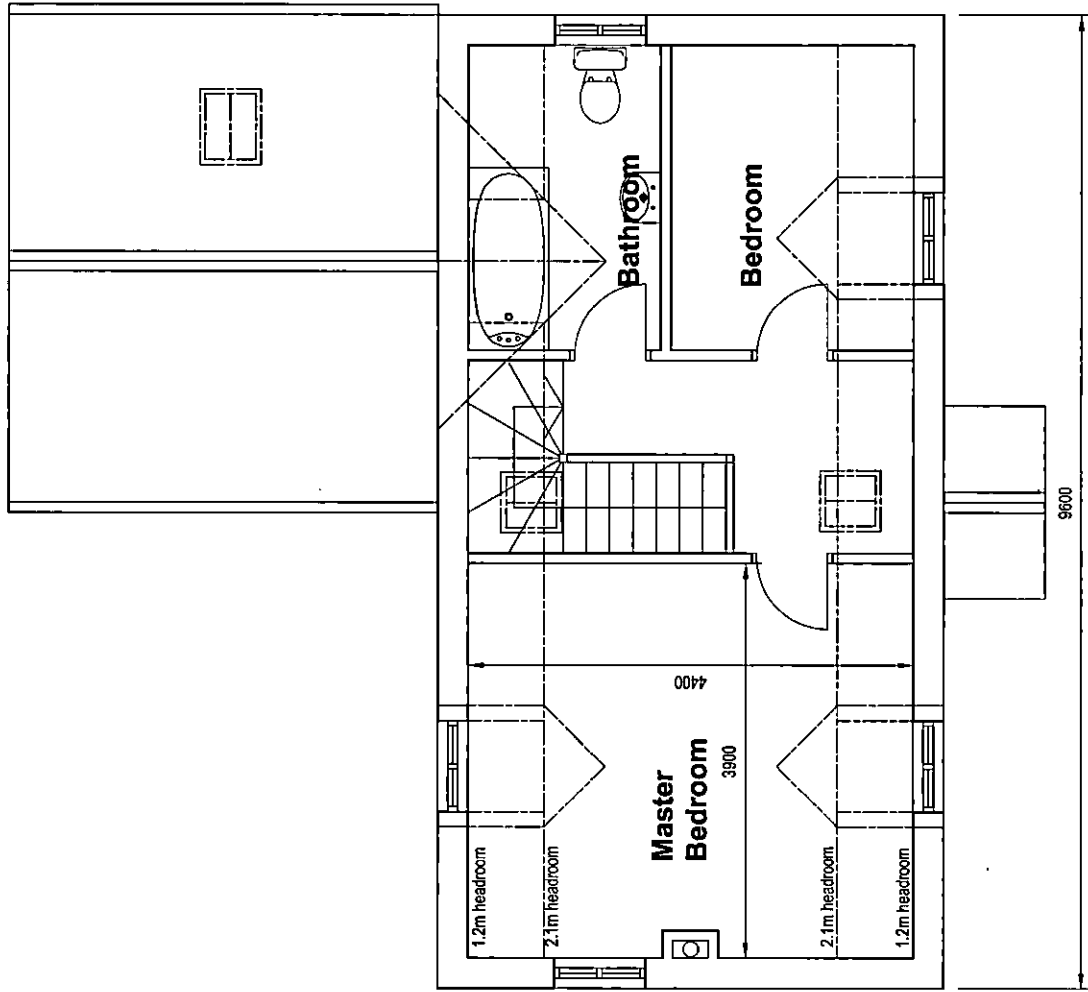
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14/01/2014	MH	14/01/2014	03
14/01/2014	MH	14/01/2014	04

JOB NUMBER	DRAWING NO.
1293	05

PROJECT	DESCRIPTION
Land formerly known as 6 & 7 Fyfield Cottages	Ground Floor Plan

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**First Floor Plan
 39.6 sqm**



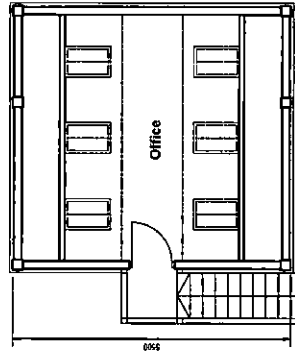
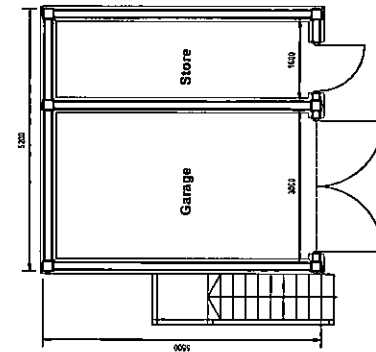
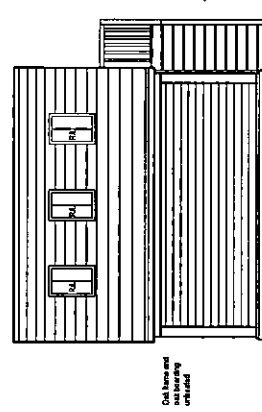
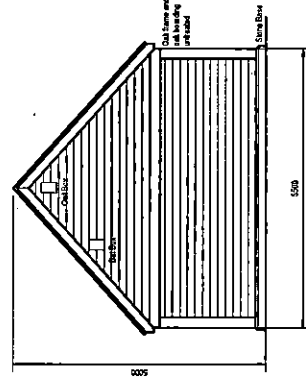
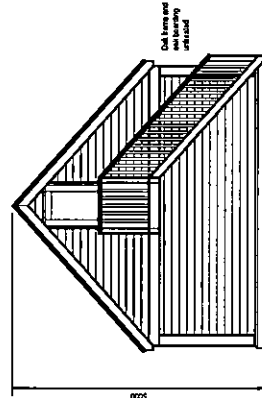
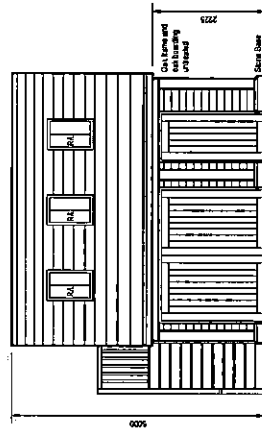
REVISION	DATE	DRAWN	CHECKED	DESCRIPTION	SCALE	DATE	REVISION
		Mr M Holt-Digweed			1:50 @ A3	January 2014	
		Land formerly known as 6 & 7 Fyfield Cottages			1:50 MH		
		First Floor Plan			JOB NUMBER	DRAWING NO.	REVISION
		As Proposed			1293	06	

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SCALE 1:100
SCALE 1:1

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Created from these data in drawing format



36

REVISION	DATE	DRAWN	CHECKED	DESCRIPTION	
CLIENT	Mr. M Hall-Digweed	SCALE	1:100 @ A3	DATE	January 2014
PROJECT	Land formerly known as 9 & 7 Fyfield Cottages	DRAWN	MH	CHECKED	MH
DRAWING TITLE	Garage Plans and Elevations	JOB NUMBER	1293	DRAWING NO.	08
	As Proposed			REVISION	B

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**COTSWOLD DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990**

REFUSAL OF PLANNING PERMISSION

Agent
Wood Frampton
Aylesford House
70-72 Clarendon Street
Leamington Spa
CV32 4PE

Applicant
Mrs G H Kinch
C/o Agent

Erection of a pair of three bedroomed cottages with off road parking at Former Site Of 6 And 7 Fyfield Cottages Fyfield Lechlade Gloucestershire

APPLICATION REF: CD.6972/B

DATE OF DECISION: 15th March 2001

A copy of this decision has been sent to the following Parish Council/Meeting or Town Council: Eastleach

DECISION NOTICE

In pursuance of their powers under the above Act, the Council **REFUSES** permission for the above development for the following reason(s):

- 1 The site is located at the end of a narrow lane which provides access to several residential properties within Fyfield. Fyfield consists of a small cluster of residential properties, remote from community facilities without employment opportunities and not well served by public transport. The settlement has a rural atmosphere, consisting of traditional Cotswold style houses and several converted agricultural buildings. Open spaces within the settlement and the countryside which provides its setting, contribute to the character of Fyfield. Due to the lack of facilities, the character of the settlement and the quality of its landscape setting, the Cotswold District Local Plan does not identify Fyfield as a settlement suitable for further housing development. The development of the application site would result in the loss of a pleasant open area on the edge of the settlement to the detriment of its character and appearance and that of the landscape. Furthermore, development within the settlement would reinforce scattered patterns of development which is incompatible with the Government objective of providing more sustainable forms of development. The proposal is therefore contrary to PPG3, PPG7, PPG13, Structure Plan Policies NHE1, NHE4, NHE6, H6, S4, S6, T1 and Cotswold District Local Plan Policies 2 and 19.

- 2 The site is located in close proximity to a road junction where visibility is restricted and the increased use of the junction likely to be generated by the proposed development would increase highway dangers and hazards contrary to the interests of highway safety.

Your attention is drawn to the NOTES overleaf.



K. Cooper
Director of Development and Heritage on behalf of Cotswold District Council

Cotswold District Council

TOWN AND COUNTRY PLANNING ACT, 1971**REFUSAL OF
PERMISSION FOR
DEVELOPMENT**

In pursuance of their powers under the above mentioned Act and Order the Council as Local Planning Authority hereby REFUSE to approve the development described hereunder.

TO:-

H E Kinch
Baxters Farm
Southrop
Glos.

AGENT Woodminster Ltd.
29 Castle Street
Cirencester
Glos.

PLANNING REFERENCE No.
AND DATE OF APPLICATION

CD.6972
29.07.87

Description of Land

End of telephone exchange road, Fyfield.
Description of Development

Erection of two detached cottages and one detached house and garage. Alteration to existing vehicular and pedestrian access.

REASONS :

- a) The proposed site is in the Cotswold Area of Outstanding Natural Beauty, where priority is given to the protection of the landscape, in accordance with General Policy L5 of the County Structure Plan, and development of the type proposed would be likely to prove detrimental to the visual amenity of the area.
- b) The site lies outside the anticipated limits of the groups of buildings known as Fyfield which is not an identified settlement in the Council's Adopted Rural Settlement Policy of April 1984, and is therefore contrary to the approved Gloucestershire County Structure Plan. The proposed development does not comprise either infilling or rounding off.
- c) In accordance with General Policy H7 of the County Structure Plan it is considered that sufficient land has been identified so as to ensure a five year supply of land available for house building within the Policy Area of :- (North Cotswolds)
- d) In the opinion of the Local Planning Authority there is no overriding reason for treating exceptionally an application which would be open to objection on the general planning grounds above referred to.

T. Ridge.

DIRECTOR OF PLANNING
duly authorised in that behalf

Dated
04.11.87

40

Highways Development Management

Shire Hall
Gloucester
GL1 2TH

Claire Baker
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

Please ask for: Mark Sweet

Our Ref: C/2015/034937

Your Ref: 15/02907/FUL

Date: 21 April 2016

Dear Claire Baker,

TOWN AND COUNTRY PLANNING ACT 1990 HIGHWAY RECOMMENDATION

**LOCATION: Land Parcel North Of Field Cottage Fyfield Lechlade
Gloucestershire**

**PROPOSED: Erection of a new detached dwelling and double garage with
accommodation over**

I have the following revised response.

Site Location:

As previously stated the site is located to the cul-de-sac end of the class 5 lane adjacent to the public footpaths. The letters of objection vary as to the description of the lane and the availability of a turning facility, as well as raising issues of additional traffic, access constraints including for construction traffic and highway impact. As per the site visit it is clear that an area is physically available for turning although legal status of the land is not specifically established.

The lane is predominantly single width with on street parking, although was accessible at the time of the site visit.

Fyfield is a small village that appears to have grown around the farm. National speed limit applies although the geometry of the roads including limited forward visibility in places is likely to restrict the speed of vehicles.

Proposal:

As previously stated the proposal seeks permission for a single dwelling with a detached garage with accommodation over. The plan shows two vehicular accesses, the eastern access appears to be approximately in the location of the current area used for turning, the western access did not appear to be evident on site. It is unclear what the western access is for in relation to the proposal.

The parking and turning facilities proposed for the dwelling are acceptable, providing adequately for the proposed dwelling so as not to result in any significant increase in existing on-street parking.

The proposal could generate an increase in pedestrian trips in addition to the existing pedestrians accessing the public footpaths.

Local Road Network, Visibility Splays & Turning Space:

The development is not considered to significantly increase the use of the lane over the existing level of use. The junction of the site access lane is north of a sharp bend resulting in restricted emerging visibility. The speed survey carried out was not of a large sample of vehicles, however does illustrate that vehicle speeds are low with 85th percentile wet weather speeds of 20.2 northbound on the main lane towards the site lane junction and 23.7mph southbound. This would result in calculated visibility splays based on MfS2 standards of 2.4m x 24.62m south and 2.4 x 30.14m splays north of the junction. Therefore the visibility splays shown of 2.4m x 27m south are suitable and 2.4m x 91m north exceeds that necessary for the junction shown on the visibility assessment plan area for the survey taken. Given also the low recorded vehicle movements, and that movements generated by one dwelling would not be significantly greater than that currently generated by existing vehicle movements associated with users of the lane it is concluded the development would not result in a severe residual cumulative impact warranting refusal according to paragraph 32 of the NPPF. As per the previous response since the 2001 refusal for 2 cottages on the site, the NPPF has been published stating in paragraph 32 that development should only be refused where the residual impacts would be severe.

Visibility from the site access has not been demonstrated, however as the site access is at the gated end of the cul-de-sac lane where vehicles will be stopping and/or turning, and according to objection comments the existing western access is already used for vehicles using the lane to turn it is considered that subject to front boundaries being no more than 600mm high site access visibility is acceptable.

As stated there is an informal turning area currently on the west side of site, objectors describe large vehicles reversing along the lane, but also that it has been used by vehicles accessing the lane to turn for some time. Therefore without evidence to the contrary this space within the site may be in use for highway purposes as a turning area. The proposed site layout generally maintains this area for vehicle access to the dwelling parking and garage on site.

Objections are noted regarding construction traffic access with existing on-street parking and access issues along the lane, however this can be managed by a construction management plan condition.

Therefore I recommend no objections subject to the following conditions;

1. The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries are reduced where necessary in level and thereafter existing or proposed boundaries are maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason:- To reduce potential highway impact by ensuring that adequate pedestrian/vehicle visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

2. The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework 35.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;**
- ii. provide for the parking of vehicles of site operatives and visitors;**
- iii. provide for the loading and unloading of plant and materials;**
- iv. provide for the storage of plant and materials used in constructing the development;**
- v. provide for wheel washing facilities;**
- vi. specify the intended hours of construction operations;**
- vii. measures to control the emission of dust and dirt during construction**

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Note: The implementation of this permission may require the stopping up of established highway rights or dedication of land as highway by separate Order before works can

commence and the Applicant/Developer is advised if necessary to instigate that process as soon as possible. This is a separate process outside of planning permission.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

Mark Sweet

Senior Technician