

Planning Application Ref 16/00092/OUT – Planning Committee item 04

Lechlade Town Council considered the above application at its meeting of 11th July 2016 and formally objects to this on the grounds that it;

1. is an overdevelopment of the site,
2. would lead to a development that would be out of character with the area and
3. is contrary to the Cotswold District Local Plan Policy 42 and Lechlade Neighbourhood Development Plan policy

The Town Council considers that the proposed development of six houses in this location cannot demonstrate compliance with Policy 42 of the Local Plan. In particular, the proposal cannot demonstrate that it is an appropriate form of development in this setting. Neither can the proposal demonstrate that it is in harmony or can be designed to be in harmony with the buildings around the site. The design code requires that new buildings should not be out of keeping with their surroundings. The design code principles are reflected within the Lechlade Neighbourhood Development Plan which has been through Examination

Whilst these might be considered as matters of detail capable of being reserved matters they are also matters that relate to the overall scale and appropriateness of the proposed development site in its context.

The proposal is in outline and therefore there are no details provided that give any certainty or clarity as to how the proposed development might be made to fit within the street scene and local character of the area. The illustrative material provided with the application can only be used as an indication of what might be achieved on the site and as such demonstrates that it does not meet these criteria.

Policy H6 of the Lechlade Neighbourhood Development Plan (Lechlade NDP) supports development on previously developed land provided that the proposed development accords with other policies in the Plan. Critical policies in this respect are Policy H8 Design Principles (which reflect the Cotswold Design Code) and Policy H9 on local character. In particular Policy H9 as submitted for Examination requires that development complies with the Cotswold Design Code, respects local character, scale, mass and architectural rhythm of the immediate area and town as a whole. In so far as a terrace of 6 properties does not reflect the character of the area which comprises large single properties within a garden setting it is contrary to Policy H9 of the Lechlade NDP.

The Examiner in his deliberations on Policies H8 and H9 of the Lechlade NDP did not challenge the intent of either policy but recommended that the two policies (H8 and H9) be incorporated into a single policy with supporting text. This has been accepted by the Town Council and in consultation with the District Council the Town Council has submitted a revised Lechlade NDP and Design Policy that acknowledges the Examiners recommendations. The supporting text to the revised policy reflects that in the submitted version but seeks to clarify the policy intent. The supporting text refers to:

“Any new development whether this be large scale or a small infill plot needs to respect this and take its reference from the best examples of the immediate locality. The loss of openness created by landscaped frontages will be resisted where this is typical of the street scene or creates an important space within the street scene. Equally, good design examples such as Allcourt Meadow need to be seen as benchmarks for future design.”

The application not only fails to demonstrate that it takes its reference from the best examples in the locality by introducing a terrace in an area that is predominantly one of large single dwellings within a landscaped plot, it demonstrates that this is an over development of the site in that local context and out of character with the immediate area. Consequently, it is contrary to Policies H8 and H9 of the Lechlade NDP as submitted for Examination and as suggested to be modified by the Examiner.

The Committee report in seeking to set aside the Lechlade NDP policies not only undermines the Neighbourhood Planning process but is also potentially misleading. The report states that the Lechlade NDP has been through Examination but because it is not yet adopted it does not hold significant weight. This is incorrect.

The weight attached to a policy needs to be considered in terms of the stage that the Plan has reached and in this case it has reached the penultimate stage and is therefore of significance in planning terms. Furthermore, as the Examiner has made recommendations that are broadly accepted by the Town Council it is considered that the Lechlade NDP is a material consideration of considerable weight. The Secretary of State has held this to be the case in a number of decisions since the introduction of neighbourhood plans. At the very least the committee report needs to reference the Examiners recommendations and to set out the weight to be attached in these terms rather than undermining the neighbourhood plan process in this way.

The Town Council has been pressing for an early referendum on the NDP but the District Council has not been able to timetable this until the autumn. The Town Council was at the time reassured that this was not critical because the Lechlade NDP had been through Examination and would be accorded significant weight. The Committee report as currently written is not only misleading but could potentially misdirect Members of the Committee because the case for recommending approval is not properly made.

The Town Council considers the Committee report to be flawed because it fails to properly set out the grounds for recommending that permission be granted.

The Committee report in setting aside the Lechlade NDP policies as relating to design detail and character refers to these as detailed matters yet refers to the illustrative plans as demonstrating that six properties can be accommodated on the site and being reflective of the local character. The Committee report then goes on to reference the Gables as part defining this character without referencing any of the other properties in the immediate area. The Committee report has not only been selective in defining local character (without reference to the work on this in the Neighbourhood Plan) it has used the illustrative detail to demonstrate the site can accommodate six dwellings without referencing how this fits within the character of the area as required by the Local Plan and NDP.

In seeking to demonstrate that the 6 dwellings can be accommodated on the site the Committee report has to refer to this in terms of the proposals impact on the character of the area and its appropriateness in principle. In doing so, the report contradicts the earlier assertion that the Lechlade NDP policies are not relevant because these refer to detail and character. If as the report in effect acknowledges that some detail and character assessment is required to determine the appropriate scale of the development then the Lechlade NDP is also relevant in determining this. To set aside the Lechlade NDP is a significant error in the report and has the potential to mislead Members of the Committee.

The Town Council further identifies that the Committee report in referencing the design of the dwellings as two terraces of three that would be viewed as detached properties not a terrace is an acknowledgement that a terrace is not an appropriate form of development because it has to be disguised as something else. This clearly demonstrates that the character of the area is of large freestanding properties within a garden setting and that the proposal can only be justified by mimicking this. The reality is that two blocks of three terraced properties represents a different form of development to detached properties, represents a different kind of occupancy and car parking needs and potentially undermines the setting of these properties relative to the character of the area.

The report refers to the illustrative material but fails to advise Members that this represents a very different form of development to its immediate neighbours to the north or west. The report also fails to acknowledge that 6 houses on the site can only be accommodated (based on the plans submitted) if the front gardens typical of the area are removed and instead used for car parking. This clearly illustrates that the proposal is an overdevelopment of the site that can only be accommodated if the character of the area is compromised.

The report fails to reference Railway Terrace as the only immediate reference point for terraced housing which also demonstrates that to create a terrace that would meet the Design Code principles requires a larger plot than is available to the applicant.

The Overdevelopment and character argument is also further endorsed within the Committee report where this refers to density considerations. The report accurately refers to housing densities surrounding the site as varied but in referencing small terraces, flats and cul-de-sacs it focuses on single examples as defining the area when in fact the predominant character is larger single properties in a garden setting. The reference to the Gables but failure to reference the nature of the other adjoining properties, creates a false or misleading impression of the area.

The reference in the report to residential amenity further demonstrates that the reports' focus is on garden's reflecting the size of unit rather than being an integral part of the design and an essential element that helps define character in this location.

In conclusion, the Town Council requests the Planning Committee to support the Neighbourhood Plan for Lechlade and to refuse the application on the grounds set out above.