

Item No 06:-

16/02516/FUL (CT.8919/A)

6 Trewsbury Road Coates Cirencester Gloucestershire GL7 6NT



Item No 06:-

Erection of one house with parking and turning area at 6 Trewsbury Road Coates Cirencester Gloucestershire GL7 6NT

Full Application 16/02516/FUL (CT.8919/A)	
Applicant:	Mr & Mrs Ben Oxley-Brown
Agent:	LPC (Trull) Ltd
Case Officer:	Alison Williams
Ward Member(s):	Councillor Tony Berry
Committee Date:	12th October 2016
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of the Proposed Development
- (b) Impact on the Character of the Surrounding Area and AONB
- (c) Residential Amenity
- (d) Impact on trees
- (e) Parking and highways
- (f) Drainage
- (g) Contamination
- (h) Impact on biodiversity
- (i) None material planning issues raised

Reasons for Referral:

Cllr. Tony Berry has requested that the application be determined at committee for the following:

"Unfortunately I find myself completely at odds with your conclusion and am unable to support recommendation for the following reasons:-

- The location is outside the adopted development boundary.
- Coates is classified as an unsustainable community.
- Numerous recent appeals have accepted that the Council has in excess of a 5% buffer.
- I would still contend that this proposal offends the sight lines of the approach to the village.

I could go on, but believe there is sufficient above for me to ask you to refer this application to the full Planning Committee."

1. Site Description:

6 Trewsbury Road is a semi-detached property located to the north of Trewsbury Road. There are two further sets of semi-detached properties further to the west and woodland to the east.

While there are 3 sets of semi-detached properties along this road that follow a similar building line they have been subject to various extensions some to the front, side and rear which has altered and significantly reduced the character and building line of these properties.

The proposals seek to construct a 2 storey detached property with a room in the roof space to the east of No.6 which would have parking and turning to the front and a modest garden to the rear. The property would be constructed in re-constituted stone in the Cotswold Vernacular.

2. Relevant Planning History:

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12/00405/FUL - Part retrospective access - Permitted

3. Planning Policies:

NPPF National Planning Policy Framework
LPR05 Pollution and Safety
LPR06 The Water Environment
LPR09 Biodiversity, Geology and Geomorphology
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

4. Observations of Consultees:

Environmental Health - No objections in relation to noise

Environmental Health - No objection subject to condition in relation to contamination

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Landscape Officer - No objection

Conservation Officer - Informal comments on design no objections raised

Tree Officer - No objection subject to condition

Thames Water - No objection subject to informative

5. View of Town/Parish Council:

Coates Parish Council - Object to original and amended scheme with same comments

Coates Parish Council objects generally to development in gardens as it increases the density of plots beyond the original intentions of the planners and in this case will lead to the spoiling of the approach to the village. The existing alignment of houses on Trewsbury Road (which is a feature of the village) will be disturbed by this application. Coates is a rural community without any community gardens / allotments and all houses especially ones built to house a family should have their own suitable garden space.

This application, proposed to build on an already small plot, will affect access to views and light and privacy issues for those houses in lower May Tree Close and Trewsbury Road. The application is for a substantially sized house (4 bedroom detached) plot designed for the current semi-detached property and the squeeze on space for the house on the plot already and the proposed plot will also affect residents' quality of life. The Parish Council is aware that some properties in Coates have a right to Daylight and Air around their property written into their Deeds and this may be the case with houses on Trewsbury Road / May Tree Close.

Line of sight figures given in the application are irrelevant as the Applicant and other owners in Trewsbury Road block the line of sight with vehicles at all times of the day. Adding another house will increase the problem this causes. Parking solutions proposed in the application are highly optimistic in suggesting that there will be enough space for 4 cars and a turning circle and the development will increase road safety issues associated with on-street parking. Land abutting the proposed site, where a disused quarry exists, would possibly be laid open for further development if this application is approved which will not fit with the village's 'unsustainable' classification.

We understand that the adjoining disused quarry area was surveyed in the 1980s and found to have unacceptably high levels of Radon Gas; this will need to be resurveyed to ensure public safety. There may be a danger of subsidence for the proposed house if it is built near to the disused quarry.

The Parish Council is concerned about approving an application that is for construction of a property in what is a private garden and strongly disagrees that a precedent has been set by the approval of the recent planning application in land adjoining Glebe House (15/00860/FUL). This was not an application to build on someone's garden but a separate paddock area and was not land owned by the owners of Glebe House.

Our comments made on this earlier application (15/00860/FUL) still stand:

...'Coates has been classified as a settlement that is not sustainable under the draft District Plan and consequently without the attributes of a sustainable settlement the presumption should be against further development in the village even though the Plan has yet to be adopted. However, recognising this application (15/00860/FUL) is for a single house it is difficult to argue that the nature of the village will be changed by the development. If there is a decision in favour of this application it should be made clear in the judgement that it is a one off and does not mean that Coates is open for further development. The site itself has restricted access and would involve introducing emerging traffic onto a road that has a history of accidents and a recent fatality.....

Access to the site is at a low point in the road / land gradient and as such is prone to flooding; drainage from the road is bad in winter due to the high water table...'

Coates Parish Council points out that Coates remains classified as an unsustainable village with no facilities associated with Sustainable villages. Our physical, close proximity to Tarlton and Rodmarton does not ameliorate this situation as there are no facilities we can benefit from in these villages either. We also have a very poor and fast disappearing Bus service in Coates. Coates Parish Council strongly objects to being considered in this application (16/02516/FUL) as a sustainable community and expects Cotswold District Council to consider this application on the basis that Coates is unsustainable and in keeping with the terms of its draft local plan.

6. Other Representations:

4 letters of objection have been received that raise objection to:

- 1. Out of character and building line with nearby houses
- 2. Close to No.6 Trewsbury Road
- 3. Impact on amenity of overlooking and loss of privacy of May Tree Close
- 4. Precedent
- 5. Not in accordance with the Development Plan
- 6. Increase in traffic
- 7. Impact on bats

7. Applicant's Supporting Information:

Elevations and site plan

8. Officer's Assessment:

(a) Principle of the Proposed 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 (referred to herein as the 'Local Plan').

As shown on the Proposals Map to the Local Plan, the application site is clearly located outside of an adopted development boundary. The correct 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. Local Plan Policy 19 explicitly excludes the development of open market housing outside of adopted development boundaries, unless specifically supported by other policies contained in the Local Plan i.e. through conversion or as enabling development.

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It would have to be acknowledged therefore, that the proposals are a 'departure' from the adopted development plan.

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).

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 (which would weigh positively in favour of the proposed development) against the environmental and social impacts.

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'.

The Council's land supply position has been subject to scrutiny in recent months. In September 2014 the Planning Inspectorate issued a decision in relation to the erection of up to 120 dwellings on land to the south of Cirencester Road, Fairford (APP/F1610/A/14/2213318). In the decision the Planning Inspector stated 'I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.' He also considered that the Council had not undertaken a calculation of Objectively Assessed Needs (OAN) for the District. The Council could not therefore demonstrate that it had the requisite land supply. However, in October 2014 an OAN Report was finalised. On the basis of the OAN figure contained in this report the Council is able to demonstrate a 7.74 year supply of housing land (inclusive of a 20% buffer).

It has however, recently been found by an Inspector that Local Plan Policy 19, irrespective of land supply, is 'out-of-date' (Land east of Broad Marston Road, Mickleton Appeal Ref: APP/F1610/A/14/2228762). In this decision, while the application's conflict with the adopted development plan was noted, the Inspector relied upon the application of paragraph 14 of the NPPF in his determination of the proposals. There is a significant amount of inconsistency in appeal decisions in respect of this matter. However, it seems that the correct approach is to first consider if policies relating to housing are 'out of date' in the context of paragraph 49 and then consider the degree of consistency that those policies have with the framework in accordance with paragraph 215. Paragraph 215 states that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the policies in the policies in the Framework, the greater the weight that may be given).

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In respect to Local Plan Policy 19 this assessment has already been undertaken by the Inspector at paragraphs 13 to 17 of his decision. Accordingly, it is therefore considered to be the case that Local Plan Policy 19 can be accorded only little weight, and such little weight that it is therefore relevant to determine applications for housing in accordance with paragraph 14. However, in this case, the site is located in the AONB which would indicate that development should be restricted. Nonetheless, it remains pertinent for a decision maker to consider whether adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole and the need to boost significantly the supply of homes.

In the emerging local plan, Policy DS3 sets out the principles of residential development outside of the principal settlements. It states:

1. Outside the Development Boundaries of Principal Settlements, small-scale residential development will be permitted provided it:

(a) is within or adjacent to a rural settlement;

(b) is of a proportionate scale and maintains and enhances sustainable patterns of development;

(c) complements the form and character of the settlement;

(d) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period; and

(e) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.

2. Applicants proposing two or more residential units on sites outside Development Boundaries should complete a rural housing pro-forma and submit this with the planning application.

The above draft policy may be subject to change as a result of the current consultation process and as a result carries minimal weight at the present time.

Whilst Coates does not have a shop, or a primary school, it does benefit from a village hall, pub and church. Its relative sustainability is boosted by its proximity to Cirencester and bus links to both Cirencester and Stroud. It is not therefore considered reasonable to refuse an application for one residential dwelling on the basis of principle in this particular location. Villages, including Coates, should expect to receive their proportionate share of new development in the period up to 2026. Provision of one dwelling is considered proportionate in this case and would not conflict significantly with the principles of sustainable development set out in either Local Plan Policy 19 or the NPPF.

(b) Impact on the Character of the Surrounding Area and AONB

The site is not located within a Conservation Area however it is located within the Cotswold AONB. Para 115 of the NPPF affords great weight to conserving the landscape and scenic beauty of the AONB. The site is located within the village of Coates and would be bounded by housing to the west and north. A mature woodland bounds the site to the east that acts as a natural edge to the built development of Coates in this area. The road bounds the site to the south.

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The design has been amended from the original submission. The original submission attempted to take design reference from the adjacent properties, which are of limited architectural value and are semi-detached. The amended design proposes a more proportionate dwelling that reflects the Cotswold vernacular. The proposals include a rear two storey gable, which is proportionate with a roof pitch reflective of the Cotswold vernacular. The dwelling is proposed to be constructed in reconstituted Stone with plain roof tiles and render to the sides. The adjacent properties are fully rendered. It is considered that the use of stone and render is acceptable given the materials surrounding properties and variation in materials used within the village of Coates.

It is considered that while the design and detailing varies from the adjacent properties these are not of any particular architectural merit being constructed in the 1970's and are not in keeping with the Cotswold vernacular. The proposed dwelling would be more traditional in design and while different from the adjacent properties it is reflective of the varied character of the built development within Coates. The dwelling would be stepped back from the building line of the adjacent semi-detached properties which emphasises its subservience.

It is considered that given the scale, location and design of the proposed dwelling that the proposals would not result in harm to the character or appearance of the area which while semidetached properties they have been significantly altered and do not establish a character or building line. The property would be located within an existing developed part of the AONB and as such would not harm the landscape or scenic beauty of the AONB in this location.

It is considered that subject to conditions requiring samples of the materials that the proposed dwelling would provide a well-designed dwelling within the existing built up area of Coates that would maintain the character and appearance of the AONB.

(c) Impact on neighbouring amenity

Concerns have been raised from neighbouring properties at May Tree Close located to the north of the site in relation to overlooking, loss of privacy and loss of light. The proposed dwelling would have a garden extending approximately 22m in length. A path then runs between the rear garden of May Tree Close and the application boundary. The rear elevation of the nearest property is approximately a further 12m from the rear boundary of the site resulting in a 34m separation distance. While there is no set minimum or maximum separation distance requirements the general guidance is that windows to habitable rooms should be 21m apart. As the rear elevation of the proposed dwelling and the rear elevation of May Tree Close would be 34m separation it is considered that overlooking or loss of privacy would not result. The gardens of May Tree Close are also more than 21m away and again loss of privacy or overlooking would not result. Likewise given the separation distance the proposals would not result in loss of light or overshadowing to May Tree Close.

While the Parish Council raise the issue of covenants on properties these are private matters between landowners and are not material planning considerations. However the issue of light and overshadowing have been considered above.

While the applicants own the adjacent property No.6 it is still necessary to consider the implications of the proposal on the amenity of this property. The proposed dwelling would be located to the east with mature woodland further to the east. The dwelling has been designed so that the only windows in the western side elevation serve a bathroom and hallway (non-habitable rooms). As such overlooking would not result. The rear elevation windows would overlook the proposed properties own garden.

While there would be the potential for some loss of light or overshadowing it is considered that given that this would be only early in the morning and would likely be no greater impact that the overshadowing than results for the existing adjacent woodland. As such it is considered that due to the scale of the dwelling proposed, separation distance between the proposed dwelling and No.6 of approximately 3.5m and the easterly aspect that the proposals would not result in an adverse loss of light or overshadowing.

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The proposed dwelling would be served by a modest garden that would be commensurate to the 4 bedroom property proposed.

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It is therefore considered that the proposals accord with Policy 46 of the Cotswold District Local Plan.

(d) Impact on Trees

The Council's Tree Officer has been consulted on the proposals and raises no objections. The application site is not within a conservation area, and there are currently no Tree Preservation Orders at the site. As such no tree specific policy of the Local Plan applies to the site. Adjacent to the site is an area of woodland protected by a Tree Preservation Order (TPO number 406). The existing ground to the front is garden and compacted hard surfacing. Whilst there are no significant trees within the front garden area, the retention of some of the larger shrubs or new planting would be desirable if the proposal is approved.

Within the existing hard surfacing that is the current car parking area there is a walnut tree and a sycamore. The walnut tree is leaning to the north east and the sycamore has a potentially poor union at approximately four metres above ground level. Whilst the trees are shown to be retained, neither tree is considered to be a fine specimen.

To the east and southeast of the site is an area of woodland protected by a Tree Preservation Order. The nearest tree within the woodland to the proposed development is at a lower level than the ground level on the development site. Due to the difference in ground levels and the distance of the tree from the proposed development it should be possible for the proposed development to be achieved without significant harm to the tree.

To ensure that the tree and woodland are fully considered and that appropriate protection measures are put in place an arboricultural will be required by condition.

(e) Parking and highways

No.6 is served by an existing access that was approved under planning reference 12/00405/FUL. This existing access would be utilised with two parking spaces and turning provided to serve each dwelling No.6 and the proposed dwelling. There are no minimum or maximum parking standards within the Cotswold District Local Plan and the NPPF also does not set minimum or maximum standards. It is considered that two parking spaces per dwelling is sufficient and the turning area allows for vehicles to enter and exit the site in a forward gear.

While concerns have been raised regarding traffic it is considered that the limited additional vehicle movements from one house would not undermine highways safety in this location.

Each parking space and turning area meets with the Gloucestershire Highways guidance and as such the proposals are considered to be acceptable in relation to highways and parking.

While the parish raise concern regarding lack of visibility due to vehicles parking on the highway the road is not restricted by yellow lines or other forms of parking restriction. In addition this proposals would provide sufficient off street parking to serve the dwelling utilising an existing access therefore it is considered that the proposals would not result in harm to highway safety.

(f) Drainage

Thames Water would advise that with regard to sewerage infrastructure capacity and water infrastructure capacity they raise no objection to the proposals.

The site is not located within floodzone 2 or 3. In relation to surface water drainage this can be secured by condition and it is therefore considered that the small increase in potential surface

water drainage can be controlled/mitigated through condition and would not result in an adverse impact or increase in flooding.

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(g) Contamination

The site is situated adjacent to a former quarry which has been filled with material from an unknown source. Therefore, there is the potential for ground gas generation. The Environmental Health Officer raises no objection subject to a condition requiring contamination assessment and if required mitigation being carried out.

(h) Impact on Biodiversity

The site is currently garden to No.6. While there is a mature woodland to the east it is considered that the construction on the dwelling would not impact on the flight path of bats using the woodland. While a small window serving a bathroom and two small rooflights are proposed serving the en-suite it is considered that the limited light spill from these windows would not impact on the use of the woodland for wildlife.

(i) Impact on Biodiversity

The Parish Council have raised concerns regarding precedent. However each application is taken on its own merits and therefore precedent cannot considered.

The Parish have raised rights to light and air contained within neighbouring properties deeds. These covenants are a private matter outside of the planning system and do not impact upon the planning decision process. However the applicant is aware and therefore if there are any private covenants that would affect this proposal these would need to be investigated prior to construction.

9. Conclusion:

While the proposals are contrary to the Cotswold District Local Plan Policy 19, this Policy as confirmed at a recent appeal is considered out of date. The principle for development is therefore taken from the NPPF which seeks to direct new housing to sustainable location. While Coates is not identified as one of the 17 settlements for growth it does benefit from a village hall, pub and church. Its relative sustainability is boosted by its proximity to Cirencester and bus links to both Cirencester and Stroud. It is therefore considered unreasonable to refuse an application for one residential dwelling on the basis of principle in this particular location. Villages, including Coates, should expect to receive their proportionate share of new development in the period up to 2026. Provision of one dwelling is considered proportionate in this case and would not conflict significantly with the principles of sustainable development set out in either Local Plan Policy 19 or the NPPF.

The proposals would provide a well-designed dwelling in the Cotswold vernacular in traditional materials. The dwelling would be stepped back from the neighbouring property and in conjunction with the adjacent mature woodland would screen views when entering the village and emphasise its subservience when leaving the village. The character and appearance of the AONB in this location would result in a dwelling with housing to the west and north and a mature woodland to the east. It is therefore considered that the proposed dwelling in this location would maintain the character and appearance of the AONB in this village location in accordance with Policy 42 of the Cotswold District Local Plan and para 115 of the NPPF.

The proposals would provide 2 off street parking spaces to serve the dwelling and a further 2 spaces for No.6 with sufficient turning area to ensure that cars would enter and exit the site in a forward gear. The access would remain as existing which was approved in 2015 and as such sufficient visibility would be achieved and the proposals would not result in any harm to the highway or highway safety.

Due to the scale, design and location of the proposed dwelling an adverse impact on neighbouring properties would not result in accordance with Policy 46 of the NPPF.

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It is therefore considered that the proposals would provide a well-designed dwelling within a sustainable location that is in accordance with the principles of the NPPF and Policies 09, 38,39, 42, and 46 of the Cotswold District Local Plan. As such the proposals are recommended for approval subject to conditions.

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):

LPC,3943,16,01, LPC,3943,16,02A, LPC,3943,16,03A

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

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

Reason: To ensure that, in accordance with Cotswold District Local Plan 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.

Prior to the construction of any external wall of the development hereby approved, 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 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 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.

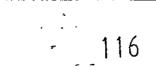
All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

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.

The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights 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.

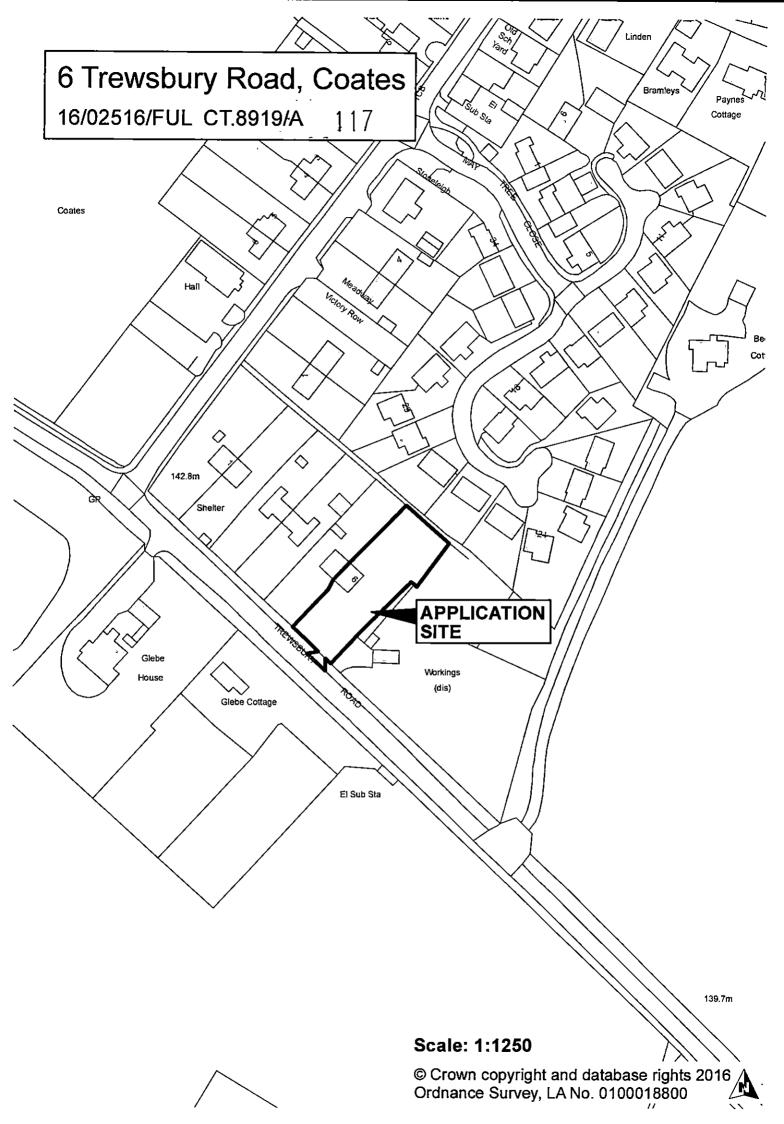
The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

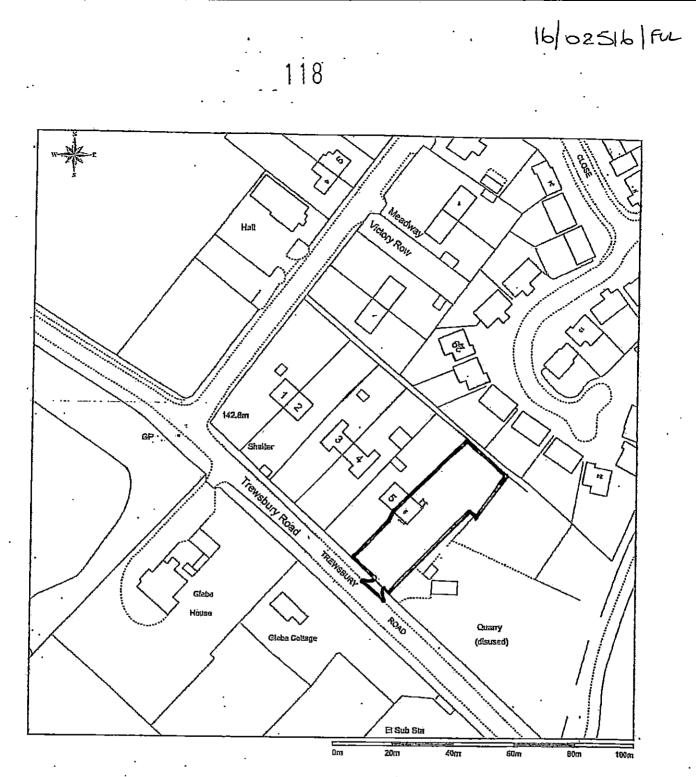


Reason: In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy 39.

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.





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COUNTRY PLANNING DEVELOPMENT CONSULTANTS

6 TREWSBURY ROAD COATES, CIRENCESTER SITE LOCATION LPC, 3943, 16, 01

TREWSBURY ROAD

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REVISION 'A' 19 AUGUST 2016

6 TREWSBURY ROAD, COATES CIRENCESTER

PROPOSED NEW HOUSE

SCALE 1,100/A3 DRG.No LPC, 3943,16,02A ; DATE 26 MAY-2016

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