

**Item No 01:-**

**15/01376/OUT (CT.9103)**

**Land East Of Bell Lane  
Poulton  
Gloucestershire**

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**Outline planning application for the erection of up to 9 dwellings and associated access (appearance, layout, landscape and scale reserved for future consideration) at Land East Of Bell Lane Poulton**

<b>Outline Application 15/01376/OUT (CT.9103)</b>	
<b>Applicant:</b>	Mr & Mrs Wigram
<b>Agent:</b>	Hunter Page Planning Ltd
<b>Case Officer:</b>	Katherine Brommage
<b>Ward Member(s):</b>	Councillor David Fowles
<b>Committee Date:</b>	14th December 2016
<b>RECOMMENDATION:</b>	<b>PERMIT, subject to conditions</b>

**Main Issues:**

- (a) Residential Development Outside a Development Boundary
- (b) Sustainability of Location
- (c) Access, Highway Safety and Traffic Generation
- (d) Landscape Impact
- (e) Loss of Agricultural Land
- (f) Impact on Biodiversity
- (g) Flooding and Drainage
- (h) Impact on Heritage Assets
- (i) Arboricultural Issues
- (j) Other Matters

**Reasons for Referral:**

This application has been referred to Committee in consultation with the Ward Member and further to the All Member Site Inspection Briefings held in December 2015 and 2016.

**1. Site Description:**

This application relates to a greenfield site measuring approximately 0.98 hectares in size. The application site is currently used for agriculture (arable) but is not actively farmed at present although it does form part of a larger arable field that is.

The site is located within the existing settlement of Poulton to the east of Bell Lane on previously undeveloped/agricultural land. Houses are present on the opposite (west) side of the road, to the north and south of the site but not to the east of the site.

There is currently no eastern boundary which is currently contiguous with the adjacent open agricultural field. The application site is bounded to the north, south and west by a mature hedge and tree belt. The topographical survey submitted with the application shows a level difference of approx. 2 metres between the lane and site (see attached).

There are no Public Rights of Way (PROW) located immediately adjacent or that cross the application site. The nearest PROW is located approx. 154 metres to the south of the site at the Bell Lane junction and runs west alongside 'Elf Meadow' before separating and running south-west and north-east, to Ashbrook Lane.

The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2001-2011. The site is not located within the Cotswold Area of Outstanding Natural Beauty (AONB) the boundary of which is approx. 3km to the north. The edge of Poulton's Conservation Area is approx. 75 metres from the site. The closest listed building is approx. 135 metres away to the south (The Old Forge).

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

There is no known relevant planning history in connection with the application site. It is however, noted that pre-application discussions were held with the District Council in October 2014. A copy of the comments made at the time have been included with the application submission and form part of the submitted Statement of Community Involvement.

Applicants are advised in respect of any advice pre-application advice given by Council officers, whether verbal or in writing, that such views do not indicate any formal decision by the Council as Local Planning Authority. Any view or opinion expressed are given in good faith, to the best abilities and on the basis of the information provided, without prejudice to the formal consideration of any planning application following statutory public consultation, the issues raised and evaluation of all available information.

Officers give no guarantees about the final formal decision. However, the advice note is a material consideration in the determination of the future planning related application(s), subject to the proviso that circumstances and information may change or come to light that could alter that position/advice.

The weight to be accorded to pre-application advice therefore declines over time. In this case it is notable that there have been significant changes in circumstances in respect of the weight to be accorded to adopted planning policy, the conclusions drawn in respect of recent appeal decisions, emerging planning policy and the receipt of comments as a result of formal public consultations. The views held by officers at the time will have therefore moved on in this context.

## **3. Planning Policies:**

- LPR05 Pollution and Safety
- LPR09 Biodiversity, Geology and Geomorphology
- LPR10 Trees, Woodlands and Hedgerows
- LPR15 Conservation Areas
- LPR19 Development outside Development Boundaries
- LPR21 Affordable Housing
- LPR34 Open Spaces & Play Areas in Residential Development
- LPR38 Accessibility to & within New Development
- LPR39 Parking Provision
- LPR42 Cotswold Design Code
- LPR45 Landscaping in New Development
- LPR46 Privacy & Gardens in Residential Development
- LPR47 Community Safety & Crime Prevention
- LPR49 Planning Obligations & Conditions
- NPPF National Planning Policy Framework

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

### **Lead Local Flood Authority:**

No objection, subject to conditions (comments included in 'Officers Assessment').

### **Thames Water:**

No objection, subject to informative (comments included in 'Officers Assessment').

**Landscape Officer/Consultant:**

No objections, subject to reserved matters (comments included in 'Officers Assessment').

**Conservation Officer:** No objection, subject to reserved matters (comments included in 'Officers Assessment').

**Gloucestershire County Council Highways:**

No objection, subject to conditions (comments included in 'Officers Assessment').

**CDC Drainage:**

No comments.

No requirement to consult. LLFA Statutory Consultee.

**Tree Officer:**

No objection, subject to conditions (comments included in 'Officers Assessment')

**Biodiversity Officer:**

No objection, subject to conditions (comments included in 'Officers Assessment')

**Environmental Health Officer:**

No objection, subject to conditions (comments included in 'Officers Assessment')

**Contamination Officer:**

No objection, subject to conditions (comments included in 'Officers Assessment')

**GCC Community Infrastructure Officer:**

No contributions required (comments included in 'Officers Assessment')

**Housing Strategy (verbal consultation):**

No objections (comments included in 'Officers Assessment')

**County Archaeologist:**

No objections (comments included in 'Officers Assessment').

**UBICO (Waste):**

No objections, general comments in respect of access road finish. If block paving proposed then this will need to be suitable for a 26 tonne waste vehicle.

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

Numerous letters of objection have been received on behalf of the Parish Council and are available to view online via the Planning Register. The Parish Council has raised similar grounds to those listed below. As such there is considered to be no merit in repeating that list.

Officers note that the Parish Council have consistently objected to the application, with significant concerns expressed with regard to the proposals impact in respect of flood risk and drainage, including foul sewerage, in which regard the Parish Council has submitted a significant amount of information.

Other concerns including dissatisfaction with the handling of the application, concerns regarding the accuracy and quality of the information submitted with the application, lack of public consultation/community engagement, highway impact, effects on the character and appearance of the village, sustainability of Poulton (or lack thereof), the need for new homes bearing in mind that the Council can demonstrate a five year housing land supply and that there is considered to be other more suitable sites available within Poulton.

It is also noted that the Parish Council has requested a Grampion condition to allow time for the cause of the faults in the foul drainage system to be established and resolved. Matters which are considered by officers in more detail below. Members are however, encouraged to read the Parish Council's comments in full, which can be viewed via the online Planning Register.

## **6. Other Representations:**

### Letters of Objection

184 people have submitted letters of objection to the application. With regard to the advertisement of the revised 9 dwelling scheme it is noted that 142 objectors have submitted letters/comments (although since no objections have been formally withdrawn the total of 184 objections still stand).

A number of letters received are in the form of a standard proforma/letter and therefore raise the same issues.

Set out below is a summary of the matters raised in the objections received to date:

- i. Significant concerns regarding flood risk, surface water and foul drainage.
- ii. Significant concerns regarding lack of sewerage infrastructure capacity and the impact of addition dwellings on the existing sewerage infrastructure.
- iii. Significant concerns regarding the drainage information submitted in support of the application which is considered to be inaccurate and unreliable.
- iv. The development will only exacerbate the existing drainage problems in Poulton.
- v. The site is totally impermeable.
- vi. There is no realistic prospect of Thames Water upgrading the infrastructure in Poulton in the foreseeable future.
- vii. The health issues associated with having raw sewage in homes and gardens is a major problem and needs to be taken seriously.
- viii. It should be noted that 8 of the 18 dwellings in Bell Lane are not connected to the foul drainage system.
- ix. The proposed development is in direct conflict with the adopted development plan.
- x. Poulton is an unsustainable location for new development.
- xi. When the Role and Function of Settlements Study was undertaken Poulton had a post office but it does not any longer, the village would therefore now score lower than it did before.
- xii. There is no requirement for housing in Poulton and the Council can demonstrate a five year housing land supply. The Council should not feel under pressure to approved this development.
- xiii. Poulton has not been identified for growth in the emerging Local Plan.
- xiv. Poulton does not have a school, post office, doctor's surgery or pharmacy.
- xv. There is no evidence that the development would support or enhance the economic viability of the village.
- xvi. Poulton does not have the necessary infrastructure or services to accommodate such a large amount of new-build housing.
- xvii. The 'regular bus service' is unreliable and lack sufficient regularity and no return service from Poulton.
- xviii. Residents will not cycle on the A417 and is known to be one of the worst roads in Gloucestershire for accidents.

- xix. Amenities such as the church, sports facilities, village hall and village pub are located on the other side of the village and can only be accessed via the busy A417.
- xx. Three houses have been permitted in Poulton already.
- xxi. The proposed development is out of scale (almost doubling the number of homes in Bell Lane) and will constitute a suburban development disproportionate and out of keeping with the character and appearance of Bell Lane and the rest of the village.
- xxii. The development of this rural site will completely destroy the village.
- xxiii. This greenfield site provides an important sense of transition between the village fringe and open countryside beyond. It is clearly visible and prominent.
- xxiv. The style and scale of the proposed development is more in keeping with a development you may expect on the edge of a sustainable development centre such as Cirencester.
- xxv. The number of dwellings should have to be reduced to 4 or 5 at most to not be 'estate like'.
- xxvi. The proposals do not constitute "infill" development.
- xxvii. The scheme amounts to over-development of the site.
- xxviii. The houses are too close-together and the plots too small. The surrounding properties have larger gardens. As such the development runs contrary to the established urban grain.
- xxix. Concerns regarding increased traffic generation along Bell Lane and highway/pedestrian safety, particularly at peak times.
- xxx. The Traffic Survey should have been undertaken in the summer, no realistic data can be obtained over one week in November.
- xxxi. Bell Lane is unlit and has no footways.
- xxxii. Reference has been made to the Top Farm Kemble appeal but one cannot compare Poulton to Kemble in terms of transport facilities and sustainability.
- xxxiii. There is no proven need for affordable housing in Poulton.
- xxxiv. Concerns that damage may result to nearby properties/boundaries as a result of construction traffic.
- xxxv. The development is speculative and the only rationale for the proposed development is to make money.
- xxxvi. There are not enough amenities in the area.
- xxxvii. It is disputed that the development will benefit wildlife.
- xxxviii. The application should not be determined until a full Bat Survey has been undertaken.
- xxxix. The contention that there are no 'European protected species on the site' is incorrect.
- xl. The gardens shown are too small with insufficient landscaping.
- xli. The village suffers with poor Broadband and mobile service together with frequent power cuts.
- xlii. The new housing estate would completely alter the outlook from existing properties.
- xliii. Due to the slope of the site the proposals will directly overlook nearby properties.
- xliv. Aggrieved that views were not reported on by Hunter Page in the Statement of Community Involvement; the document is not representative of the view of the community towards the development.
- xlv. The 'exhibition' was insufficient and not a true consultation. No offer of additional consultation was made despite the community's strong desire to be consulted further.
- xlvi. The principle of "infill" between two houses is setting a bad precedent of building on farmland.
- xlvii. The proposals will result in the loss of agricultural land.
- xlviii. The land until recently was under cultivation and is only in its present condition leaving it for development.
- xlix. If the proposal is permitted then it will create an open season for anybody to continue developing on unsuitable sites like this one.
- I. Whilst not adverse to some further development in the village the proposed development is not sustainable.
- ii. The existing field gate has not been used for years. It was just before the 'exhibition' that it was uncovered and cleared. Likewise the hedge was cut and ditch cleared.
- iii. Do not understand why other small and genuine infill sites have been turned down in the past because Poulton was 'an unsustainable village' and now an application for 11 houses has been submitted.
- iiii. The shop is a community shop which the village hopes to keep open but it is on a short lease.
- liv. There is no evidence that small scale development saves facilities or encourages new ones.
- lv. Mention has been made that the development is not dissimilar in number to Elf Meadow but that was a fully functioning garage with forecourt. No comparison.

- lvi. If the proposals are approved and connected to an inadequate sewage system then residents' human rights, under the Human Rights Act could be breached which is a material consideration.
- lvii. Whilst the height of homes to the south have been reduced building heights to the north have been increased where the land rises.
- lviii. Given the site is 2m above the lane car headlights from the road within the proposed development will sweep across the bedroom windows of homes opposite, particularly during the winter months, and will result in a statutory nuisance due to light pollution.
- lix. The proposals will result in overlooking, loss of privacy and loss of light, particularly in respect of Oakwood to the north of the site.
- lx. No provision has been made within the revised layout to enable maintenance of adjacent boundaries.
- lxi. The applicants have not provided site section to show views to/from the north.
- lxii. It is not acceptable that the applicant can submit a vague and unproven drainage plan whose calculations are merely indicative.
- lxiii. The proposals will result in increased levels of pollution as a result of increase traffic generation.
- lxiv. Lack of time to comment on the amended proposals in comparison to the time given to the applicant is neither fair nor reasonable.
- lxv. The reduction in the number of units from 11 to 9 has done nothing to negate the problems/objections associated with the proposals.
- lxvi. The narrow nature of Bell Lane will inevitably lead to congestion at peak times.
- lxvii. Surrounding schools are at capacity.
- lxviii. Affordable housing is required not executive homes.
- lxix. It is questioned whether the Council is acting in the best interests of the village but looking after the interests of the applicant, demonstrated by the number of amendments that the applicants have been allowed to make and the time taken to deal with the application generally. A Judicial Review would have to be a serious consideration.
- lxx. The Council must be prepared to accept that it may face legal proceedings from those affected by flooding when they are on notice of pre-existing problems.
- lxxi. The land has not attracted waste tipping or illegal campers and could perhaps be better used as a nature reserve.
- lxxii. There has been a continued failure of the applicant to answer all of the questions posed by the LLFA.
- lxxiii. The proposals will mount to a 7.8% increase in housing in Poulton and 67% increase in housing along Bell Lane.
- lxxiv. An increase of 7.8% is the same as the target levels that has been set for key settlements, which is to be spread across a period up to 2031 not 3 years.
- lxxv. The cumulative impact of the proposed development has not been taken into account because CDC. Thames water and LLFA have ignored the 26% increase in housing stock in Bell Lane approved since the application was submitted.
- lxxvi. The proposals fail to meet the requirements of Policy DS3 as it does not complement the form and character of the settlement.
- lxxvii. There are other more appropriate sites that would be suitable for development in Poulton.
- lxxviii. The presumption in favour of sustainable development is not triggered in this case.
- lxxix. Concerns that the application has not been assessed properly and that due diligence and duty of care has not been carried out.
- lxxx. The flood risk and drainage information submitted in support of the application should ideally be the subject of an independent review to ensure that the input data is checked.
- lxxxi. The proposals constitute inappropriate ribbon development resulting in a 100m gap from the current village.
- lxxxii. Brownfield development should be a priority not greenfield.
- lxxxiii. Questions whether the same rules apply to the site as per the Humpty Dumps, where the harm to the character, appearance, and setting were the basis for refusal.
- lxxxiv. Despite the Conservation Officer's comments the proposals will be seen from the rear garden's of properties located within the Conservation Area.
- lxxxv. None of the supporters of the application live in the village.

Full copies of the letters of objection received can be viewed via the online Planning Register, including lengthy submissions submitted on behalf of the Poulton Working Group and the Campaign to Protect Rural England (CPRE).

## Letters of Support

10 people have written in support of the proposals, 2 of which have provided further letters of support in response to the amended proposals. Set out below is a summary of the matters raised in the letters of support received to date:

- i. The application will help to ease the housing shortage in the area.
- ii. The site is ideal for development as it is a waste land which is not suitable for agriculture and sits within the curtilage of the village.
- iii. The proposed planting would enhance a scrubby piece of ground which currently has no amenity value.
- iv. Relatively small developments should be permitted around existing villages in order to support and preserve local amenities (eg shop, pub, church, school, garage workshop, bus network etc).
- v. A mix of housing is essential which seems to have been provided.
- vi. There is a mix of housing giving a range of choice to suit different needs.
- vii. The proposals are a reasonable development of infilling in the village.
- viii. More houses are required urgently, especially affordable homes.
- ix. Rainwater from roofs should be saved in underground tanks for garden use, therefore reducing flood risk.
- x. The layout is discreet.
- xi. The proposals will support the village shop.
- xii. Most villages dying from lack of housing so fully supportive.
- xiii. A village cannot remain static so some change is to be welcomed.
- xiv. The retention of the hedge and the addition road will aid privacy for those living in the houses opposite the proposed site. Overall the proposals appear to be well thought out.
- xv. Affordable housing should be subject to nomination rights and retained locally for local young people.

## General Comments

1 person has submitted general comments raising concerns regarding how the Council will ensure that the developer adheres to planning constraints, making reference to another scheme on the junction of Bell Lane and the A417 as an example of the incompetency of Planning in allowing the developer of this structure to seemingly construct without accountability.

Again, full copies of the all third party letters and comments can be viewed via the online Planning Register.

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

The following documents are attached to this schedule:

- Site Location Plan
- Illustrative Plans (DLA.1615.L003.01 Rev D & Master Plan Scheme D)
- Illustrative Sections (Master Plan: Site Section A-A, B-B, C-C, D-D)
- Illustrative Ridge Heights and Levels Plan (Master Plan D: Ridge Heights and Levels)
- Illustrative Plots (Master Plan D: Plots)
- Landscape and Boundary Proposals (DLA.1615.L003.02 Rev D)
- Indicative Drainage Layout (SHF.1109.005.HY.D.009.H)
- Topographical Survey
- Site Access Plan (SK03A)

The following documents have also been submitted on behalf of the applicant and pertain to this application and can be viewed via the online Public Register:

- Flood Risk Assessment, March 2015 (SHF.1109.005.HY.R.001.A)
- Statement of Community Involvement, March 2015
- Planning Design and Access Statement, March 2015
- Ecological Appraisal, October 2014 (as amended)



- Transport Note, September 2015
- Landscape and Visual Baseline Assessment, March 2015
- Design Response to Landscape and Conservation Consultation, September 2015
- Tree Survey and Constraints Plan
- Drainage (Enzygo) Letter, 4th June 2015
- Hunter Page Response to Consultation, 24th September 2015
- Drainage File Note, September 2015
- Drainage Rebuttal Letter to LLFA, 15th October 2015
- Drainage Matters Clarification Letter, 23rd September 2015
- Detailed Design Works File Note, June 2016
- Addendum to Detailed Design Works, August 2016
- Non-Technical Summary & Rebuttal of New Evidence, November 2016

## **8. Officers Assessment:**

### **Proposed Development**

The applicant is seeking outline permission for up to 9 dwellings. Vehicular access is proposed via the existing access off Bell Lane, subject to improvements including the provision of visibility splays and appropriate surfacing.

The application is seeking to establish the principle of development on the site and means of access only. Other matters relating to Landscaping, Layout, Scale and Appearance are reserved matters and fall to be applied for and considered at a later date. Members have the ability to request that any such reserved matters application is brought before Planning Committee in making a decision on this application if they so wish.

The current layout, as shown on the submitted Illustrative Masterplan, is purely indicative and intended to demonstrate how the site could accommodate the proposed level of development.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the adopted development plan for the District which is the Cotswold District Local Plan 2001-2011.

The application site is located outside a development boundary as designated in the aforementioned Local Plan. Development on the site is therefore primarily subject to Local Plan Policy 19: Development Outside Development Boundaries. Criterion (a) of Local Plan Policy 19 has a general presumption against the erection of new build open market housing (other than those which would help to meet the social and economic needs of those living in rural areas) in locations outside designated Development Boundaries. Provision of the open market dwellings proposed in this instance would therefore contravene Local Plan Policy 19 criterion (a). Notwithstanding this, the Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to the guidance and policies contained in the National Planning Policy Framework (NPPF). Paragraph 2 of the NPPF states that the Framework 'is a material consideration in planning decisions.'

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

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

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

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

- specific policies in the Framework indicate development should be restricted'

In accordance with Footnote 9 (page 4 of the NPPF) the application site is subject to no specific policies in the Framework that indicate development should be restricted. The site is not located within the Conservation Area or the Cotswold Area of Outstanding Natural Beauty.

In May 2016 an updated five year housing land supply report was published as part of the Council's usual annual monitoring. The May 2016 report identifies that the Council is able to demonstrate a five year housing land supply of 7.54 years against an annual Objectively Assessed Need (OAN) of 420 dwellings per annum, plus a 5% buffer. The Council's positive land supply position is a material consideration in the determination of this application

Notwithstanding the above, it must be noted that even if the Council can demonstrate the requisite minimum supply of housing land it does not in itself mean that proposals for residential development outside existing Development Boundaries should automatically be refused. The 5 year (plus buffer) figure is a minimum and, as such, the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. As a result there will continue to be a need to release suitable sites outside Development Boundaries identified in the current Local Plan for residential development. If such sites are not released the Council's housing land supply will fall back into deficit. At a recent appeal for up to 15 dwellings in Honeybourne in Worcestershire (APP/H1840/A/13/2205247) the Planning Inspector stated 'the fact that the Council do currently have a 5-year supply is not in itself a reason to prevent other housing sites being approved, particularly in light of the Framework's attempt to boost significantly the supply of housing.'

In relation to an appeal relating to a proposal for 100 dwellings in Launceston in Cornwall dating from the 8th April 2014 (APP/D0840/A13/2209757) the Inspector stated (Para 51) ' Nevertheless, irrespective of whether the five-year housing land supply figure is met or not, NPPF does not suggest that this has to be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant. An excess of permissions in a situation where supply may already meet the estimated level of need does not represent harm, having regard to the objectives of the NPPF.'

It is also evident that the continuing supply of housing land will only be achieved, prior to the adoption of the new Local Plan, through the planning application process. Allocated sites in the current adopted Local Plan have essentially been exhausted and the emerging Local Plan, whilst indicative of the Council's direction of travel in plan making terms, cannot at this stage be accorded any significant weight. Therefore, in order to meet its requirement to provide an on-going supply of housing land there will remain a continuing need to release suitable sites outside Development Boundaries for residential development. If the Council does not continue to release

such sites the land supply will fall into deficit. It is considered that the need to release suitable sites for residential development represents a material consideration that must be taken fully into account during the decision making process.

Despite the 'in principle' objection to new open market housing outside existing Development Boundaries set out in Local Plan Policy 19 there will be instances, in accordance with Paragraph 14 of the NPPF, where new open market housing outside existing Development Boundaries can constitute sustainable development as required by the NPPF.

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

It is noted by officers that Local Plan Policy 19 was intended to be very restrictive and was devised to conform to a strategy where all new open market dwellings 'beyond development boundaries' were deemed to be unwarranted. Local Plan Policy 19 therefore effectively placed a blanket ban on all development outside of development boundaries; the exact approach that the NPPF seeks to prevent. It is therefore apparent that the policy is time expired, conforms to a superseded strategy and fails to reflect the advice in the NPPF, in severely restricting rather than 'significantly boosting' the supply of housing. Local Plan Policy 19 is therefore 'out-of-date'.

Such an assessment is in line with the Inspector's Decision for the appeal at Broad Marston Road, Mickleton (PINS Ref: APP/F1610/A/14/2228762). Therefore, whilst the site is located outside of an adopted Development Boundary and must therefore be acknowledged to be in conflict with Local Plan Policy 19, Local Plan Policy 19 is 'out of date' and carries only little weight in accordance with Paragraph 215 of the NPPF.

The wider implication of this pertains to Paragraph 14 of the NPPF. Prior to the receipt of the Mickleton Appeal Decision it was the Council's position that the second bullet point of the second limb of Paragraph 14 - 'to grant planning permission where the development plan is absent, silent or relevant policies are out of date unless ....' - only applied in the Cotswolds in the event that a five year housing land supply could not be demonstrated. This however, is no longer the case. Given the wording of Local Plan Policy 19, the implication of the Mickleton Decision is that all applications for new dwellings which engage Local Plan Policy 19 fall to be considered in accordance with Paragraph 14 of the NPPF.

In accordance with Paragraph 14, as the proposals do not accord with the development plan there is no obligation to approve the development 'without delay'. However, relevant housing policy (Local Plan Policy 19) is out-of-date. Therefore, in accordance with Paragraph 14, planning permission should be granted where the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, unless the conditions of Footnote 9 applies (which they do not in this case).

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

Paragraph 55 of the NPPF states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.' This is reinforced in the Government's Planning Practice Guidance (NPPG). The Government's Planning Practice Guidance states;

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

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

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

Poulton is a modest sized village and in the 'Role and Function of Settlements Study' (July 2012) (an evidence base report to the Cotswold District Local Plan) ranked 23rd in the District in terms of its social and economic sustainability; three points behind Siddington and out-performing settlements such as Kempford, Ampney Crucis, Birdlip and Coates. It is noted that whilst the study considered 31 settlements that there are in fact 160+ rural settlements in the District.

Poulton contains a number of services and facilities including a shop, pub, community/village hall, church, sports/play facilities and employment, with the 'Role and Function of Settlements Study' describing the village as a local service centre. However, like many settlements in the District, the self-containment of Poulton is/was considered to be low.

For public transport services, the study graded Poulton as 'Good' (the highest grading); with public transport to Cirencester from Poulton enabling access to both employment and leisure.

The study states that 'The assessment of public transport provision (bus services) provides a good indicator of the opportunity people have to use a more sustainable form of transport for employment and/or leisure purposes. The assessment grading is relative to other settlements in the District.'

With respect to those settlements that were deemed to have a 'good' bus service the study considers that 'these settlements are considered potentially more sustainable than other settlements due to access to more existing sustainable transport opportunities'.

The study identifies that the community service role of Poulton is vulnerable. It is considered that to an extent, the provision of additional dwellings will assist in supporting existing services and facilities that enable Poulton to play this role, which constitutes a benefit of the proposals.

The Cotswold District Local Plan 2011-2031: Submission Draft Reg.19 (June 2016) does not propose any allocations for new residential development in the period up until 2031. As such, the settlement is not included in the list of 17 settlements which makes up the development strategy set out in emerging Policy DS1. With regard to the 17 principal settlements listed under Policy DS1 the subtext states that:

'The Principal Settlements listed in Policy DS1 have been identified as the most sustainable location to deliver future growth, with Cirencester being the District's main centre by a very considered margin. These settlements were selected on the basis of their social and economic sustainability, including accessibility to services and facilities. The availability of suitable land capable of delivering sustainable development during the plan period also helped determine which settlements to include in the Development Strategy'.

The list of 17 settlements is not exclusive and notably does not include settlements such as Siddington which was deemed to be a sustainable location for future growth but was subsequently excluded on the basis that there was considered, at the time of drafting Policy DS1, to be no suitable sites capable of delivering sustainable development.

Critically, Policy DS1 does not impose or infer a blanket ban on development outside of the 17 settlements. Indeed, if it did, then one would have to question its consistency with the NPPF given the conclusions drawn by recent Appeal Inspectors (i.e. the Mickleton Inspector) in respect of adopted Local Plan Policy 19.

To this end it is notable that Draft Policy DS3 (Residential Development Outside The Principal Settlements) confirms support for the erection of small-scale residential development outside of principal settlements. Policy DS3 states that small-scale residential development will be permitted provided it is within or adjacent to a rural settlement; demonstrably supports or enhances the vitality of the local community and the continues availability of services and facilities locally; is of a

proportionate scale and maintains and enhances sustainable patterns of development; complements the form and character of the settlement; and does not have an adverse cumulative impact on the settlement having regard to other development permitted during the Local Plan period.

Policy DS3 also states that for applications for two or more residential units outside of development boundaries will need to complete a rural housing pro-forma. Exactly what this proforma entails however, is not clear from the policy.

The subtext to Policy DS3 explains that due to generally low levels of service provision, job opportunities and public transport availability that many of the 160+ villages and hamlets (rural settlements) are not sustainable locations for residential development. However, some rural settlements have greater sustainability credentials than others and may, for example, have 'everyday facilities' such as a shop/post office, school and/or good public transport access to neighbouring services/employment centres. Accordingly, Policy DS3 applies to those rural settlements in the District that have reasonable access to everyday services, facilities and/or employment opportunities within the rural settlement itself, at a Principal Settlement and /or neighbouring rural settlement (including in adjacent Local Authority Areas).

Notwithstanding the above, the emerging Local Plan is still at a stage where it carries limited weight. Whilst the latest Local Plan document indicates a direction of travel, the policies contained therein are not final versions and allocations and/or policies within them are not therefore cast in stone and could be subject to change or deletion. It is only once the emerging Local Plan has been submitted for Examination in Public that it will carry more weight and will only carry significant weight once approved for adoption. In the interim therefore, proposals such as the current application proposal falls to be considered primarily in accordance with Paragraph 14 of the NPPF.

It is considered by officers that it is not appropriate to accommodate strategic residential development in Poulton and that there will inevitably be a limit as to the number of dwellings that Poulton can sustainably accommodate in accordance with local and national planning policy - which is a matter of judgement. In this case, the proposals will constitute a 5% increase in the number of households within the Parish (based on ONS 2011 household data). Taking into account the three dwellings approved in Poulton since 2011 then the percentage increase is approx. 7 %. Given the services/facilities available within Poulton and Poulton's accessibility to Cirencester, a percentage increase of this level is judged by officers to be reasonable on balance.

**Note: A number of third parties have raised concern regarding the loss of the Post Office within the village shop and suggest that Poulton would now rank lower than in 2012. Officers can confirm having studied the methodology that 3 points would have been awarded to Poulton in connection with the Post Office thereby reducing the total number of points awarded to Poulton to 21. On which basis Poulton would rank 24th below Kempsford but above Ampney Crucis, Birdlip and Coates which does not materially alter the conclusions drawn under this section.**

It is noted that there are concerns locally, given the land that is known to be in control of the applicant, that the current application will be a pre-cursor to further development. Whilst this concern is appreciated by officers it is not a sound planning reason to refuse a planning application. If another application were to come forward either as an alternative on this site or another site then any such proposal would fall to be assessed on its own merits. Although, if a further application were to be submitted in addition to the current proposals (if permitted) then it would be appropriate to consider the cumulative impact.

It also remains prudent to assess, in accordance with Paragraph 14 of the NPPF, whether there are any adverse impacts related to the proposals that would significantly and demonstrably outweigh the benefits. Assessed in more detail under the following sections.

### **(c) Access, Highway Safety and Traffic Generation**

The site is located within the existing settlement of Poulton to the east of Bell Lane on previously undeveloped/agricultural land. Houses are present on the opposite (west) side of the road, to the north and south of the site but not to the east of the site.

The site is located within 400m of the local shop and bus stops. The bus stops serve routes 77, 861 and 865. Route 77 does provides a frequency and timetable that could be used for travel to work in Cirencester for people working normal working hours. Therefore it is considered that opportunities for sustainable transport have been taken up.

Bell Lane is rural in character but subject to a 30mph speed restriction to the north of the settlement the speed limit increases to 60mph. No footways are present in line with the rural character of the road. In the vicinity of the site Bell Lane is narrow with a width of 4.1m, no street lights are present. South of the site Bell Lane narrows further such that oncoming vehicles would need to establish priority. Research published by TRL and TAL2/04 indicates that single lane roads with passing places could be used without causing excessive delays with two way vehicle flows up to 300 vehicles per hour. The ATC recorded significantly fewer vehicles than the 300 that could be accommodated without excessive delay.

The characteristics of Bell Lane fall within the definition of a Quiet Lane as set out in TAL 3/04. Quiet Lanes are 'Minor rural roads which are appropriate for shared use by walkers, cyclists, horse riders and motorised users. They should have low traffic flows travelling at low speeds'. Bell Lane forms a junction with the A417 to the south of the application site.'

The A417 traverses Poulton providing links to Cirencester to the west and Fairford to the east, the A417 also links to the A419 which enables access to the wider highway network and locations further afield. An ATC on Bell Lane revealed the peak hour to be 08:00 - 09:00 where 35 vehicle movements were recorded. 29 vehicles were recorded between 15:00 - 16:00 and again between 16:00 - 17:00. Bell Lane is considered to be lightly trafficked. A review of the recorded personal injury collision data indicates that there have been no reported incidents in the last 5 years.

Following discussions with the applicant's Transport Consultant, a further ATC has been undertaken to differentiate between cars and HGVs. A Technical Note has been submitted with the application that details the technical aspects of calculating the visibility splays. The Technical Note is accepted and the resulting visibility splays have been demonstrated and are considered to be acceptable.

A Stage 1 Road Safety Audit has been undertaken and has raised no safety problems in respect of the proposed access onto Bell Lane. Furthermore, the site access has been subject to a Swept Path Analysis using a 11.51m long refuse vehicle and is considered to be acceptable.

The trip generation arising from the proposals is not considered to be severe and therefore the proposal is considered to comply with paragraph 32 of the NPPF.

Matters related to internal site layout are not for consideration at this stage however, Gloucester County Highway Authority has set out within their response advice which should be considered when a full or reserved matters application is made, including details of junction visibility throughout the layout, Emerging and forward visibility, parking, details of all carriageway, footways/cycleways and shared surface widths, junction radii's, turning heads and vehicle tracking.

On this basis, Gloucestershire County Council (GCC) Highway Authority has confirmed that they have no objections to the amended proposals, subject to conditions (See list at the end of this report).

#### **(d) Landscape Impact**

The site is located on the eastern side of Bell Lane towards the northern edge of the village of Poulton. It is located in a small section of an agricultural field which fronts the lane with a native species boundary hedge on a low (1.5m) bank forming the boundary. To the north there are single depth dwellings fronting the lane on both the east and west sides. To the west single depth housing, predominantly detached and set in large gardens fronts the lane. To the south, towards the village centre a belt of trees separates the site from a small paddock and beyond that there is housing on both sides of the lane.

Views into the site are limited by landform, tree cover and the existing built form, however, there are close views that will be affected by development proposals on the site. In terms of character, the site is currently used as pasture with a road side boundary hedge of approximately 2.5 metres in height set on a 1.5 metre bank. There are a few small trees in the hedge but they are not dominant features. The site rises gently to the east from the lane. To the north an existing hedge with trees separates the site from the modern housing beyond, and to the south a hedgebank with trees forms the boundary between the site and the adjacent paddock. The eastern boundary is open. Access to the site is through a field gate with trees on either side. The site does not contain any key landscape features. Bell Lane itself is characterised by a low density ribbon development form with a mixture of boundary treatments including: stone walls, fencing and hedges.

Core Planning Principles include ones that state that the intrinsic character and beauty of the countryside should be recognised and that planning should contribute to conserving and enhancing the natural environment. Paragraph 109 adds that valued landscapes should be protected and enhanced. The site is not considered to fall within a protected or valued landscape. As such, in landscape terms, there is no objection in principle to the development of the site with low density housing fronting the road.

With regard to the revised (9 unit) application, the Council's Landscape Consultant has advised that:

'The latest amended plans have removed the two plots to the north of the access (formerly Plots 1 & 2) and the garage on the most northerly plot (formerly Plot 11 and now Plot 9), all of which constituted uncharacteristically prominent features in their elevated locations on the Bell Lane road frontage. This and the reduction in dwelling numbers from 11 to 9 are of benefit to the scheme and its setting on Bell Lane. Likewise, the provision of a maintenance access to the rear is beneficial for the management of the field boundary hedge although the width of this could be reduced to allow pedestrian access only, as it is clear that no vehicles could turn into it without damaging the planting.

2. The visibility splays will not have a significant impact on the roadside hedge, which is to be welcomed. The ridge heights of the buildings are acceptable and commensurate with the character of Bell Lane. The proposed landscape proposals will integrate the development into its surroundings and create an interesting and verdant setting for the housing, softening the appearance of the development.

3. However, there remains a problem on Plots 5 & 6 in that the built form abuts the plot boundaries and will give the appearance, from some angles, of an unbroken stretch of development. As stated in my previous response (8th October 2015), there needs to be space for access around the dwellings and garages, and this also applies between Plots 8 & 9. At present there is no access for maintenance and the proposed hedging will have limited chance of success being too close, or up against, the buildings.

4. To conclude: I consider that the proposals are an improvement on the previous schemes, but that the issue of the location of the buildings on the plots discussed in Paragraph 3. remains to be addressed. If this is resolved and there is shown to be a requirement for housing in this area I consider that the proposals will be acceptable. Full landscape detail, planting specifications, landscape maintenance and management will need to form a Reserved Matter in any future application.'

It should be noted with regard to point 3. that such comments relate to matters of layout and therefore detail. The issue raised could simply be resolved by reducing the size of the aforementioned units and do not therefore go to the heart of the acceptability of the proposals in principle. Such matters however, fall to be considered at the reserved matters stage, along with the detailed landscape proposals.

#### **(e) Loss of Agricultural Land**

The application site comprises approximately 0.98 hectares of agricultural land. Paragraph 112 of the NPPF states that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in preference to that of a higher quality.' The best and most versatile (BMV) land is classed as that falling within Grade 1, 2 and 3a.

Natural England Agricultural Land Classification (ALC) maps based on 1960s/1970s data identify the site as Grade 3. However, the maps do not distinguish whether the Grade 3 land is Grade 3a or Grade 3b. Natural England advises that 'These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading.' The applicant has not submitted an Agricultural Land Classification report with the application. It is not therefore possible, at this time, to conclude if any of the application site is in fact Grade 3b and therefore not BMV. Accordingly, as a precaution, it is considered appropriate to have regard to Paragraph 112 of the NPPF.

Paragraph 112 of the NPPF does not provide a definition of what is meant by 'significant development' and as such this element of the aforementioned Paragraph is open to a degree of interpretation. However, it is of note that the threshold for consulting Natural England in relation to proposals for the loss of BMV land is 20 hectares. The application site is substantially below this threshold. The land around Poulton is recognised as being of equal quality. It is not therefore the case that what is to be lost as a result of the development is an isolated area of higher quality agricultural land in an area that is of generally lower quality. It is understood that the application site is not currently under any agricultural tenancy.

On balance, it is considered that the proposals would not constitute the significant development of agricultural land and as such the proposal could be undertaken without conflicting with guidance in Paragraph 112 of the NPPF.

#### **(f) Impact on Biodiversity**

Paragraph 109, Chapter 11, of the NPPF states that 'The planning system should contribute to and enhance the natural and local environment by: '.....minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity'.

Paragraph 118 states that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying three principles. The first principle states that:

'..if significant harm resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, the planning permission should be refused.'

The development plan position in respect of biodiversity matters is set out in saved Local Plan Policy 9. Local Plan Policy 9 states that the Council will not permit development that harms, either directly or indirectly, a site supporting any legally protected species or its habitat unless safeguarding measures can be provided. Where development is permitted, the Council will require the retention and management of any significant species, their habitats and features and opportunities, where possible, should be taken to enhance, or create, habitats and populations of species identified as priorities. Local Plan Policy 9 is therefore considered to be consistent with the aforementioned aims of the NPPF.



The Biodiversity Officer has confirmed that having looked through all the submitted documents and revised plans/documents, including The Ecological Appraisal, it is apparent that the main habitats identified are poor semi-improved grassland, species poor hedgerows, scrub and boundary trees.

Throughout the whole application process the boundary hedgerows has been retained with the exception of the removal required to facilitate the proposed access works. The majority of the trees, including the mature Ash in the corner of the north eastern boundary, are to be retained.

The Biodiversity Officer considers that the revised layout allows for better protection and connectivity of the existing trees and existing hedgerow, as well as further wild flower features to be created alongside the new native hedgerow to be provided along the eastern boundary which is considered to be of benefit. The most recently submitted illustrative master plans and landscape drawings (attached to this report) show how the identified important habitats hedgerows and trees can be retained and the areas enhanced to compensate for the minimal loss of habitats (species poor hedgerow and young trees) including a new traditional spaced orchard and wild flower meadow planting. The landscape plan also shows how ecological enhancements can be achieved.

Nonetheless, it is considered necessary to condition the submission of a Ten-Year Ecological Enhancement and Landscape Management Plan to ensure that appropriate ecological enhancements are indeed achieved and achieved within a reasonable timescale, which is considered to be reasonable given the relevant legislative/planning policy requirements and the Biodiversity Officer's comments.

Members should note that the Ecological Appraisal Oct 2015 has been revised (submitted on 26.09.16) and now includes an amended 'Plan 2' that reflects the revised illustrative layout in accordance with the Biodiversity Officer's comments.

On this basis, the Biodiversity Officer has confirmed that if all the recommended mitigation, enhancements and conditions are implemented/imposed, then the development will not cause harm to any protected species and therefore the policy and guidance requirements of Local Plan Policy 9 of the Cotswold Local Plan, the NPPF (including paragraphs 109 and 118) and the NPPG would be met.

### **(g) Flooding and Drainage**

#### Surface Water Drainage

Paragraph 103 of the NPPF states that 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including a safe access and escape routes where required.'

The application site is located in Flood Zone 1 as demonstrated by the Environment Agency's (EA) interactive web based mapping service. Flood Zone 1 is the lowest designation of Flood Zone with an annual risk of flooding of less than 1 in 1000 (<0.1%). Since the application site is located in Flood Zone 1 then neither the Sequential or Exception Test is required however, there remains a requirement to ensure that flood risk is not increased elsewhere. Despite being less than 1 hectare in size a Flood Risk Assessment (FRA) (dated March 2015) was submitted with the application.

The Lead Local Flood Authority (LLFA) have been consulted throughout the application process. With regard to Flooding and Drainage matters it should be noted that the LLFA originally objected to the proposals and raised, in particular, concerns about the proposed use of the cut-off land drain along the rear of the site, to maintain the existing drainage arrangement for the wider catchment of land to the east. In short, it was considered at this time, by the LLFA, that the site was prone to overland flow and that the new development and proposed surface water drainage system could intercept this overland flow, leading to concerns that a significant amount of runoff could cause flooding. Such matters were considered to require further consideration/resolution. A request for additional information and a revised drainage strategy to show how a drainage system would cope with the runoff from land to the east was therefore made.

Further to receipt of these comments, the applicant's consultants and agents have undertaken further consultation with the LLFA and significant site investigations culminating in the submission of A Detailed Design Works File Note in June 2016. The Detailed Design Works File Note (June 2016) reported on the detailed design carried out up to that point and included:

- A capacity check of the highway drain
- Capacity check of the watercourse between the highway drain and downstream road bridge
- Capacity check of downstream road bridge and
- Hydraulic drainage model of a piped system to attenuate the overland flows from the western hillside across the site.

The applicant's drainage consultant's (Enzygo) confirmed that, on the basis of this information, the drainage strategy is designed to attenuate surface water from the site, up to the 100yr+40%CC (climate change) and to intercept and attenuate surface water runoff from the 1.37 hectare catchment to the east, which falls towards the site. The conclusion being that management of the surface water in the way proposed will lead to a betterment over and above the existing conditions, where surface water from the site and receiving catchment would flow freely into the adjacent land/highway drain. Thus, resulting in an overall reduction in surface water flooding.

Whilst the LLFA required some further clarification from the applicant, leading to the submission of Enzygo's Letter dated 23rd September 2016, the LLFA has since confirmed that there are no objections subject to conditions and that the strategy submitted is of sufficient detail for outline status.

This view is not however, accepted by those who have objected to the application on this basis. Numerous comments have been made regarding the (perceived) inadequacy of the information submitted on behalf of the applicant, with the majority (if not all) of third party objectors remaining of the view that the proposals will unacceptably increase the risk of flooding both on and off site in conflict with the National Planning Policy Framework. A view which has been supported through the submission of a rebuttal drainage assessment, prepared by PFA and commissioned by the Poulton Working Group, which was submitted and discussed with officers at a meeting held on the 16th November 2016. The PFA Report, Questions and Minutes of this meeting are attached to this report for Member's perusal.

In response to the PFA Report and questions raised by the Parish Council/Poulton Working Group (which have been shared with both the applicant and the LLFA) the applicant has provided a Non-Technical Summary/Rebuttal Statement (prepared by Enzygo and dated November 2016) to provide formal explanation behind the amendments made to the drainage scheme and a response to the questions raised by the Parish Council/Working Group. For Member's ease of reference a copy of this Non-Technical Summary can be found attached to this report. Attached to that Rebuttal is the most recent version of the Indicative Drainage Scheme SHF.1109.005.HY.D.009 Rev H.

At the time of writing the Non-Technical Summary was in the process of being consulted on. Further comments on the document will therefore be provided to members on Additional Pages.

The LLFA has however, formally commented as follows:

'I refer to the above application previously responded as No objection subject to condition on 5th September 2016, by the lead local flood authority (LLFA) . LLFA position remain unchanged as no comment / observation to make after reviewing the information submitted by Poulton working group and Enzygo Non- technical summary rebuttal.

It is also observed that latest Enzygo rebuttal answered all queries raised by Poulton working group. This is an outline application and some queries raised by third parties can be resolved at detail design stage. LLFA recommends the proposed swale should be outside the fence line but inside the site boundary.

It is also mentioned that later at detail design stage attenuation is proposed in manholes along with oversized pipes and manholes /gullies will need to be accessible for maintenance and included in a full maintenance schedule for all of the drainage /SuDS.'

From the information available at the time of writing this report, officers are satisfied that the proposed development will not create any increased risk of flooding in the village or elsewhere with regard to surface water drainage in accordance with the National Planning Policy Framework. Drainage details and future management of the SUDs are matters to be dealt with by the Local Planning Authority which will be controlled/secured by condition.

Officers will take account of all further representations received prior to Planning Committee and will provide an update on such matters at the meeting.

#### Foul Drainage

Thames Water has confirmed that they have no objections to the proposals with regard to sewerage/foul infrastructure capacity. Officers have however, sought further clarification from Thames Water given the nature and strength of the local objections received in this regard.

It is understood that that existing foul drainage system was installed in 1960s. It is apparent from the comments submitted with the application, including but not limited to those provided by the Parish Council, that the existing foul drainage system is frequently overwhelmed, particularly during peak rain events, leading to issues for some occupiers within Poulton being unable to flush their toilets as well as issues of the system 'backing' up, with occasions where the ingress of raw sewage into properties and gardens experienced. It is understood that the issues extend beyond Poulton and also affects Ampney St Peter. Naturally therefore, there are significant local concerns regarding the impact of an additional 9 residential units on the existing foul drainage network.

Thames Water has confirmed that the sewerage system in Poulton is formally a foul only system and not combined. It has been explained that the reason for Thames Water not raising capacity concerns is because the foul flow from a proposed development of 9 new dwellings will take up only a fraction of the pipe capacity (less than 1%) and as such the impact on existing customers is considered to be negligible. Also, flows of this size are too small to model hydraulically, which is normally the way detriment is assessed.

Nevertheless, Thames Water has confirmed that they are aware that Poulton has experienced problems during wet weather in the past. For this reason Thames Water are undertaking a drainage strategy study for the whole of Ampney St Peter catchment area, of which Poulton forms part. It is understood that the first stage of the study has been completed with the 'solution development stage' programmed to be completed by the end of next year.

Stage 1 of the study explains that the existing issues within the catchment area may relate to problems arising as a result of infiltration of broken pipes, causing blockages, and unauthorised surface water connections to a foul only mains having been made. This however, is a list of what may be causing issues at Poulton either cumulatively or in isolation. Until Thames Water have

been able to complete their Stage 2 study it cannot be known exactly what or where the issues is and/or how such matters can be best resolved.

It is understood that the drainage strategy study is a four stage process and that whilst Thames Water will endeavour to fix any issues as they find them that a catchment solution may not be forthcoming for at least another two years. Correspondence with Thames Water is attached to this report for information.

Matters of surface water and drainage are quite understandably a very serious concern locally and there is a clear perplexity surrounding how, where an existing issue has been acknowledged, it could be permissible to add to the existing sewerage system. Whilst the local concern and frustration with regard to this matter is understood and noted it remains the case that for the Local Planning Authority to be in a position to refuse a planning application then it must be satisfied that there is sufficient evidence to substantiate a reason for refusal. In this case, the Council's technical consultee in respect of this matter (Thames Water) considers that the impact of the development in respect of foul drainage will be negligible. On this basis, officers are of the view that, despite the local community's serious concerns, that there is insufficient evidence to substantiate a reason for refusal on grounds of drainage.

Furthermore, it is to be noted that, in accordance with Paragraph 14 of the NPPF, which applies in this case, that planning permission should be granted unless the impacts significantly and demonstrably outweigh the benefits. It is not considered in this case that a negligible drainage impact (as advised by Thames Water) would significantly and demonstrably outweigh the benefits.

The Parish Council has requested, in their capacity as a statutory consultee, in the event that the application is approved, imposition of a 'Grampion' condition to prevent commencement of the development until such time that a drainage solution is found and is resolved. In the particular circumstances of this case the Parish Council considers that such a condition would comply with the relevant tests set out in the NPPF for the following reasons (as set out in comments dated 17.10.16):

1. It is necessary in view of the sewage ingress issues and restricted toilet use already being suffered by residents.
2. It is relevant to planning because of the impact of any new development on the broken and insufficient sewage system in Poulton and on the Ampney St Peter works especially in view of the deficiencies that currently exist.
3. It is relevant to the development to be permitted because of the impact of the Local Road/Bell Lane junction where sewage issues arise and towards where sewage from the development will flow which affects the lives of the residents and the enjoyment of their own properties.
4. It is enforceable because Thames Water have already started a process to establish the issues involved, thereby admitting the faults which need to be corrected. There will therefore be no change in the procedure which they have already proposed to follow.
5. It is precise because Thames Water has already admitted that there are problems which need to be investigated under their drainage strategy.
6. It is reasonable in all other respects in that neither this council nor the planners can expect, nor should we and they, allow, residents to live under such adverse conditions which impacts on their quality of life and the saleability of their properties. In this respect we, and they as individuals would not accept such a situation if we, or they, were similar affected.

The reasoning behind the Parish Council's request is understood and the suggestion is appreciated as a proactive way of attempting to alleviate the issue to enable planning permission to be granted, in the event that Members are minded to do so. However, unfortunately officers do

not agree with the Parish Council's assessment with regard to the reasonableness of a Grampion condition. Whilst similar Grampion conditions may well have been used successfully elsewhere, in the particular circumstances of this case, it is not considered to comply with the relevant tests.

Firstly, it is to be noted that it is not reasonable to require contributions or works from a development so as to rectify historic deficiencies. The existing drainage issues within Poulton are historic and it is the responsibility of the statutory undertaker i.e. Thames Water to resolve such issues. The only matter to be assessed in respect of the current application is the impact of the proposals over and above the existing baseline situation. In this case the impact has been deemed, by the relevant statutory consultee, to be negligible. Officers are not therefore in a position to conclude that preventing development on the site through condition, for the same reasons that it is not considered possible, in the particular circumstances of this case, to substantiate a reason for refusal on flood risk/surface water drainage grounds. Fundamentally, Grampion conditions should only be imposed on a planning permission where, without such a condition, a proposal would be refusable.

Furthermore, Thames Water are unable to advise exactly where and what the issues are in respect of drainage issues in Poulton and will unlikely be in a position to do so until the end of next year. The Local Planning Authority will therefore be unable to specify in any Grampion condition the specific works that are required to be undertaken and in what timeframe; effectively embargoing the development of the site for an unspecified period of time. It is also considered unreasonable to grant planning permission where the ability to commence a development relies upon a third party/statutory undertaking works that the developer is neither involved in nor in control of, in the same way that it is considered unreasonable to require developers to deliver development (i.e. provision of footpaths etc.) through land not controlled by the application. A Grampion condition, as suggested, will therefore lack the necessary precision required to meet the tests which will in turn result in an inability to enforce it.

In conclusion therefore, whilst the condition may well be relevant to the concerns that have been raised, in the particular circumstances of this case, it is not necessary, precise, enforceable or reasonable and, as such, fails to meet the relevant tests. It is the view of officers that imposition of any such condition could put the Council at risk of challenge/appeal.

On balance therefore, whilst the serious concerns raised by third parties have been carefully considered by officers, in the particular circumstances of this case, officers are not content that, for the reasons above, there would be sufficient evidence to substantiate a refusal of the application on flood risk and drainage grounds in accordance with Section 10 of the NPPF.

#### **(h) Heritage and Design**

The site lies at a little distance beyond the boundary of the Poulton Conservation Area (approx. 75 metres), wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Development outside of the boundary can have the potential to impact on character and appearance, and the setting of a conservation area is agreed to be a material consideration.

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 is weighed against the public benefits of those works.

Section 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; and respond to local

character and history, reflecting the identity of the surroundings and materials, whilst not stifling innovation. Paragraph 60 states that local distinctiveness should be promoted or reinforced and Paragraph 61 that connections between people and places, with the integration of new development into the built and historic environment.

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

The main heritage consideration in respect of this application is the setting of the Conservation Area.

With regard to the proposed layout it is to be noted that the layout shown on the submitted drawings are illustrative only, their purpose being to indicate how a development of up to 9 residential homes could be accommodated on the application site. Matters of Landscaping, Layout, Scale and Appearance fall to be considered at the reserved matters stage once the principle has been established. Having said that however, access is applied for and, as shown on the submitted plans, only one point of access has been shown into the site.

A number of third parties have expressed concerns regarding the impact of the proposals on the character of Bell Lane, expressing the opinion that the 'urban' 'cul de sac' nature of the proposals are not reflective of the existing pattern of development along Bell Lane which all benefit from separate private drives. There also appears to be an assumption that alternatives have not been considered by officers.

In response to such comments officers wish to note that there are often numerous ways in which a site can be developed. It is generally encouraged that developers seek to use existing points of access wherever possible, rather than introduce new accesses. Although in some circumstances stopping up an existing access in favour of a new access could be beneficial depending on visibility etc. It is not therefore unusual for new developments to be assessed via a single point of access such as this.

Officers did explore the option of having more than one point of access with the applicant's consultant team, in consultation with the Landscape and Conservation Officer, but it was clear that individual access points would be difficult to achieve in this location in part because such works would require the removal of the entire boundary hedge (which was considered to be an existing landscape feature worthy of retention in landscape and biodiversity terms) and concerns that sufficient visibility would not be able to be demonstrated along the entire frontage of the site due to being on the wrong side of the bend. Whilst such matters have been explored and amendments made to the application in response, officers are not of the opinion that Bell Lane is so sensitive that the proposals, in their illustrative form, particularly now that they have been amended to include a reduction in units and more linear form of development, would on balance have a significant impact on the character and/or appearance of Bell Lane. Moreover, matters of landscaping, layout, scale and appearance are reserved.

Notwithstanding the outline nature of the proposals, the Council's Heritage and Design Officer has been consulted on the application. In a response to the amended scheme it is noted that the previously problematic units closest to the lane have been omitted. These were a particular concern in relation to their placement, prominence and height (given the higher levels within the site). It is also noted that the units adjacent the southern boundary have been reduced from a terrace of three and one detached, with a restricted ridge height. Both changes are considered to have reduced the potential impact on views out of the Conservation Area and set a clear parameter for the proposals going forward.

It is recognised by officers that the relationship between the proposed dwellings and the lane is somewhat unusual but that this has been designed as such in order to maintain the existing hedgerow and bank, both of which are considered important rural qualities of the site. The proposals indicatively show green open space and orchard planting behind which is a positive in

reducing visual impact from the lane. Essentially the dwellings do now all address the lane and an attractive open space has been created, which is positive in design terms.

Cotswold vernacular dwellings could be negotiated at reserved matters stage if appropriate, ensuring simple massing, restricted gable widths, steep roof pitches, convincing composition of elevations and scaling of windows, as well as suitable design of features such as porches and chimneys. However, it is recognised that the vernacular would be less easy to reconcile with single storey dwellings. It is therefore suggested that perhaps agricultural references and something of a more contemporary appearance could be explored at reserved matters. In the event that outline planning permission is granted, officers would recommend that further pre-application advice is sought prior to any reserved matters stage submission.

In conclusion, it is considered that the setting of the conservation area is preserved, sustaining its significance as a designated heritage asset, and therefore being in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1987, Section 12 of the NPPF and Policy 15 of the Local Plan. With a high quality of design, materials and landscaping ensured at reserved matters stage, it is also considered that the scheme will meet the requirements for high quality design as set out in Section 7 of the NPPF and Policy 42 of the Local Plan.

### **(i) Residential Amenity**

A number of concerns have been raised by third parties regarding the impact of the proposed development on residential amenity, particularly during construction. Environmental Health has been consulted on the application. The Environmental Health Officer has assessed the application and has recommended a condition restricting hours of construction in recognition of the proximity of existing residential development (the wording of which has been updated to ensure enforceability).

The Environmental Health Officer has also assessed the application against the WHO (World Health Organisation) standards for noise and have advised the imposition of conditions to ensure the protection of the new dwellings against external noise nuisance. It is however, considered by the Environmental Health Officer that given there are already a number of residential properties in the area with no known complaints against traffic noise that it would be onerous to request the submission of any noise surveys to verify compliance, as would usually be required for schemes adjacent major roads. With that in mind, officers consider it pertinent to test the need for the acoustic/noise design condition and will update members in this respect at/prior to the meeting.

With regard to privacy and overlooking, it is noted that the distance between existing residential properties opposite and those proposed (having regard to the illustrative layout) will be approx. 45 metres at their closest, which is considerably more than the recognised '21 metre' standard for distance between windows to habitable rooms. Notwithstanding, such matters fall to be assessed in detail at the reserved matters stage.

Concerns regarding the difference in height between the road and the site have been raised. In response, indicative site sections have been submitted to illustrate the difference in height between the land and site and shows a reasonable relationship between existing residential properties along Bell Lane (opposite) and those proposed (see Site Sections attached).

It is clear from the submitted illustrative layout that the proposed site is of a sufficient size to accommodate 9 units plus adequate sized gardens. Whilst the illustrative layout is not 'set in stone' given the point of the proposed vehicular access and the necessary highway requirements in play then there is likely to be a separation distance of in excess of 21m between the frontage of the proposed dwellings and existing properties along Bell Lane, opposite the application site.

Concerns have been raised by occupiers on the north side of the site who consider that their residential amenity will be significantly at risk as a result of loss of privacy (due to overlooking across a higher vantage point and through the indicate pedestrian access shown on the landscape drawings), loss of light and disturbance as a result of the proposals.

Such matters are not however, considered to be insurmountable and can be adequately dealt with through design at the reserved matters stage. Officers are satisfied that the proposals are acceptable in residential amenity terms, subject to the imposition of conditions and an appropriate scheme being submitted at reserved matters, and as such is capable of complying with the provisions of Local Plan Policy 5 and 46 and Section 7 of the NPPF.

**(j) Other Matters**

Affordable Housing

Local Plan Policy 21 of the adopted Local Plan states that the Council will seek a proportion of affordable housing on any significant sites in Cirencester, Tetbury, Moreton-in-Marsh, Bourton-on-the-Water and any site elsewhere. Where affordable housing is provided then this shall be integrated, in terms of design and layout, in a 'tenure blind' form.

Planning applications for single residential dwellings fall under the threshold for the provision of affordable housing. However, applications for more than one dwelling, outside of the settlements listed under Policy 21 (such as Poulton), would ordinarily be expected to provide 50% affordable housing, subject to viability.

Notwithstanding this, the National Planning Practice Guidance (NPPG) has recently introduced a small sites threshold which make provision for specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and is a material consideration in planning decisions. These specific circumstances are that:

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm
- in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty
- affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home

Since the proposals will have a total gross floorspace of less than 1,000 square metres (to be conditioned) it would be exempted from the need to provide affordable housing (see NPPG, 'Planning Obligations', paragraph 031). On this basis, the applicant does not propose any affordable housing contribution, although a condition will need to be imposed to restrict the total size of the development to ensure compliance with the NPPG.

The NPPG is a material consideration that should be given significant weight in the determination of applications as the most up to date form of guidance from the Government. It is also important to acknowledge the primary purpose of this particular part of the NPPG which seeks specifically to make the delivery of small residential developments, such as this, easier. Reinforcing the Government's support of housing delivery in supporting economic growth.

Therefore, whilst it must be acknowledged that the proposals are in conflict with Local Plan Policy 21 and therefore, the development plan that there are material considerations in play that indicate that this particular policy conflict should be set aside in favour of the guidance contained in the NPPG.



Notwithstanding this, officers consider that the mix of housing, which currently includes smaller 2 and 3 bedroom homes, would be of benefit to the range and mix of housing available in the village and have therefore agreed with the applicant that it would be appropriate to condition not only the total floorspace of the eventual development but also the size of the individual units in order to reduce the potential for exceptionally large residential units coming forward at reserved matters stage, in the hope of ensuring a more appropriate mix.

### Education Contributions

With regard to financial contributions Gloucestershire County Council has examined pre-school, primary and secondary education provision and projections. Having regard to updated forecast data, it has been advised that there is insufficient capacity within Meysey Hampton Primary School and Farmor's School to accommodate the primary (2.4) and secondary (1.26) pupils arising from the proposed development.

Meysey Hampton is currently at capacity (Capacity = 105, with 108 on roll and forecast to reduce to 103). Farmor's School has a small surplus at present but is within the 5% recommended surplus places. It is forecast to be at or over its building capacity from 2019 onwards.

This gives rise to the need for financial contributions totalling £57,092 to accommodate the additional places. Calculated as follows:

- Meysey Hampton Primary:  $2.4 \times \pounds 13,211 = \pounds 31,706$
- Farmor's Secondary:  $1.26 \times \pounds 20,148 = \pounds 25,386$ .

The County Council's S106 Community Infrastructure Officer has confirmed that the above contributions will be spent at the specific facility/school named. The contribution is considered necessary to make the development acceptable in planning terms (there is insufficient capacity at the local schools), directly related to the development (because the developments generate the need for 1.26 secondary, and 2.4 primary aged places, and fairly and reasonably related in scale and kind (because the contributions reflect the number of places needed).

The S106 Community Infrastructure Officer has confirmed that in his view the contributions sought comply with the relevant provisions of the NPPF and Regulation 122 of the CIL Regulations 2010. The S106 Community Infrastructure Officer has also provided justification to demonstrate that, in his opinion, the NPPG small sites threshold would not apply to education contributions in this case, essentially because in each case, where there is evidence to support a contribution, the contribution will be spent at the specific facility/school.

A recent appeal decision at Havering (Appeal Ref: APP/B5480/W/16/3156253) has come to officers attention indicating otherwise. In the Havering case the Inspector considered that the education contributions sought met the PPG definition of tariff-style contributions being a contribution pooled to a funding 'pot' intended to fund the provision of general infrastructure in the wider area, and what was being asked for was not a necessary site specific infrastructure requirement.

There has not been sufficient time, at the time of writing this report, to confirm the County's position in this regard. Officers are not therefore currently in a position to advise members whether the education contribution in this case is indeed reasonable in the context of the NPPG. Officers will therefore update Planning Committee in this regard either before or at the meeting and will update the officer's recommendation if required (i.e. to include agreement of a S106).

### Open Space

The Local Planning Authority no longer adopts areas of open space. A Landscape Management Plan (including management/maintenance in perpetuity) will therefore need to be secured via condition (incorporated into the suggested Landscape and Ecological Management Plan below).

### Archaeology

The County Archaeologist has checked the proposed development area against the County Historic Environment Record. No archaeology is known at this location. It is therefore the view of the County Archaeologist that the development proposal has low potential to have an adverse impact on any significant archaeological remains. It is therefore recommended that no archaeological investigation or recording should be required in connection with this development proposal in accordance with the NPPF.

### Contamination

The Council's Contamination Officer has provided comments on this application and has confirmed that there are no serious concerns in relation to contamination land and the proposed development. Whilst it is noted from the Design and Access Statement that the site is used for grazing/agriculture, given the proposed residential end use then it is recommended that the Council's standard 'unexpected contamination' conditions is imposed on any grant of planning permission. On the basis that the proposals are for a more sensitive end use of the land then officers are satisfied that the imposition of the condition recommended is both reasonable and necessary and complies with Local Plan Policy 5 and the relevant provisions of the NPPF and NPPG.

### Benefits of the Proposals

A number of benefits of the proposals have been referred to in the report above, the most significant benefit being the delivery of housing which is recognised by the Government as being a key social and economic benefit. There is a requirement for Local Planning Authorities to boost significantly the supply of homes, and as part of that requirement, provided a continued supply of housing. In this case it is acknowledged by officers that the proposals present an opportunity to develop a mix of housing on a small site in accordance with national planning guidance.

In addition, to the delivery of housing are a number of other social and economic benefits including, investment in construction and support to local businesses and services as a result of increased expenditure/increased number of households. Environmental benefits of the proposals include the enhancement of biodiversity, in addition to public open space (subject to reserved matters and conditions).

It is acknowledged by officers that apart from the delivery of housing, the additional social, economic and environmental benefits are somewhat 'run of the mill' and, in part, required in order to comply with planning policy. Such benefits are not therefore accorded significant weight but are pertinent positive benefits that should be assessed cumulatively in the planning balance.

### **9. Conclusion:**

Following careful consideration of the site and its context, it is considered by officers that the provision of 9 additional dwellings in Poulton on the site is acceptable in principle. The site is located within the limits of the village and does not extend into open countryside. The village itself contains 'everyday facilities' including a shop, pub, community/village hall, church, sports/play facilities and employment. Whilst the village does not have a school, which is to its disadvantage, it does have public transport facilities to Cirencester which are deemed to be good.

Local Plan Policy 19 is out-of-date as such only limited weight can be accorded to it. As set out in the NPPF, there is a presumption in favour of sustainable development unless specific policies in the Framework indicate that development should be restricted. The application site is not located within the Cotswold AONB or Poulton Conservation Area. As such, there are no specific policies in the Framework that indicate development should be restricted, and given that relevant policies are out-of-date, then, in accordance with Paragraph 14 of the NPPF, planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

It is acknowledged above that the proposals will provide social (provision of market), economic (increased expenditure and construction jobs which would contribute to supporting existing services and facilities in the village) and environmental (biodiversity enhancement) benefits. Whilst the Council is able to demonstrate a five year housing land supply, for the reasons discussed above, it remains a requirement for the Council to continue to prioritise the delivery of housing to ensure a continued and rolling supply.

Despite the objections received from third parties and the Parish Council it is considered by officers that the proposals will not give rise to any significant adverse impacts, subject to conditions. Furthermore, it is not considered, in the particular circumstances of this case, that the proposals would significantly and demonstrably outweigh the benefits. Accordingly, whilst finely balanced, it is recommended that the proposals are approved in accordance with Paragraph 14 of the NPPF, subject to conditions.

#### **10. Proposed conditions:**

The development shall be started either by five years from the date of this decision notice or before the end of 2 years from the date that the last of the reserved matters is approved, whichever is the later.

**Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

Application for the approval of the reserved matters shall be made to the Local Planning Authority by three years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

The development shall not be started before approval of the details relating to Appearance, Layout, Landscaping and Scale have been given in writing by the Local Planning Authority.

**Reason:** These are "reserved matters" and were listed in the application for later approval. This is only an outline planning permission and these matters require further consideration by the Local Planning Authority. This condition is imposed to comply with the requirements of the Town and Country Planning Act 1990 as amended.

The development hereby approved shall be implemented in accordance with the following drawing number(s): Site Location Plan and SK03A.

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

Development shall not take place until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Also it should include a strategy to show how the overland flow drains to oversized pipes inside property boundary and measures to ensure overland flow routes and interception drainage will be kept clear from any obstructions. The maintenance plan should set out appropriate means of access. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

**Reason:** To reduce the impact of this development on the surrounding surface water infrastructure. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality in accordance with the National Planning Policy Framework.

No development shall be put in to use/occupied until a SUDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

**Reason:** To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding in accordance with the National Planning Policy Framework.

Prior to the erection of any external wall of the development hereby approved, details of a scheme to protect the dwellings from external noise and the means to provide adequate ventilation to the dwellings shall be forwarded to the local planning authority for approval. Such a scheme shall achieve the following standards in accordance with BS 8233:2014:

- The internal noise levels to be achieved in bedrooms and living rooms in residential properties post construction is 30 dBLAeq T (where T is 23:00 - 07:00) and 35 dBLAeq T (where T is 07:00 - 23:00).

- Noise levels in gardens and public open spaces should not exceed 55 dB LAeq 1 hour when measured at any period in accordance with the WHO figure BS8233:2014.

**Reason:** To protect people within the development from noise in accordance with Cotswold District Council Plan Policy 5 and PPG 24.

The following construction times shall be observed:

07:30 - 18:00 Monday to Friday

08:00 - 14:00 Saturdays

No working on Sundays or bank holidays

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy 5 and PPG 24.

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

**Reason:** To prevent pollution of the environment in the interests of the amenity in accordance with Cotswold District Local Plan Policy 5 and Section 11 of the National Planning Policy Framework.

The building(s) hereby permitted shall not be occupied until the parking and turning facilities approved at reserved matters stage have been provided in accordance with the approved plans and shall be maintained available for those purposes for the duration of the development.

**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 paragraph 35 of the National Planning Policy Framework and Policy 38 of Cotswold District Council Local Plan.

No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

**Reason:** To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework and Policy 38 of Cotswold District Council Local Plan.

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

**Reason:** To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 of the National Planning Policy Framework and Policy 38 of Cotswold District Council. It is important that these details are agreed prior to the commencement of development to ensure safe, suitable and secure means of access is provided during construction and the earliest practical stage.

. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 46m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

**Reason:** To reduce potential highway impact by ensuring that adequate 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.

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 with paragraph 35 of the National Planning Policy Framework and Policy 38 of Cotswold District Council Local Plan. The Construction Method Statement will need to be submitted to the Council and approved prior to construction in order for it to be effective.

15. The development shall not be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

**Reason:** To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

16. No works shall begin on site until a Ten Year Ecological Enhancement and Landscape Management Plan based on the recommendations in the amended Ecological Appraisal (All Ecology Oct 14) and illustrated in drawing no DLA-1615-L003-02 Rev D is submitted to and approved in writing by the Local Planning Authority.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

All the works must be carried out as per the approved Ten Year Management Plan and there after permanently maintained.

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

No development shall take place until a full Tree Protection Strategy has been submitted to and approved in writing by the Local Planning Authority.

The Protection Strategy (to be prepared by a suitably qualified arboriculturalist and in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - recommendations') shall include where appropriate -

1. Arboricultural Implications Assessment
2. Arboricultural method statement
3. Tree Protection Plan
4. A timetable of arboricultural site inspections (to be carried out by a suitably qualified Arboriculturalist and all findings reported in writing to the Local Planning Authority).

The approved strategy shall be implemented in full according to the timescales laid out in the strategy, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policies 10 and 45. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

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 any other approved plans shown on any outline planning permission, any reserved matters application shall show the existing and proposed ground levels on the site and on neighbouring land, the slab level(s) of the proposed building(s) and the slab level of adjacent buildings. Such details shall be agreed in writing and any works shall only be carried out in accordance with the agreed details.

**Reason:** It is important to clarify the height of the development in relation to existing levels and structures both on and off the site. The information is necessary to allow the impact of the development to be accurately assessed.

Prior to the development being brought into use, surface water attenuation/storage works for the dwellings hereby permitted shall be provided by the installation of a functioning water butt (minimum capacity 200 litres) in accordance with positions to be shown on plans that have been submitted to and agreed in writing by the Local Planning Authority. The water butt(s) shall thereafter be permanently maintained in working order in the agreed positions unless an alternative siting is submitted to and approved in writing by the Local Planning Authority.

**Reason:** To enhance water conservation and as a precautionary measure to reduce the possible increased risks of flooding associated with water runoff.

**Informatives:**

LLFA Notes to applicant/developer:

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through [suds@gloucestershire.gov.uk](mailto:suds@gloucestershire.gov.uk) e-mail address. Please quote the planning application number in the subject field.

GCC Highways notes to applicant/developer:

The applicant is advised that to discharge condition 15 the Local Planning Authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Note to applicant/developer regarding biodiversity:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the following websites:

Cotswold District Council website:

<http://www.cotswold.gov.uk/residents/planning-building/wildlife-biodiversity/biodiversity-development-management/>

<http://www.cotswold.gov.uk/residents/planning-building/wildlife-biodiversity/ecological-consultants/>

Biodiversity

Planning

toolkit:

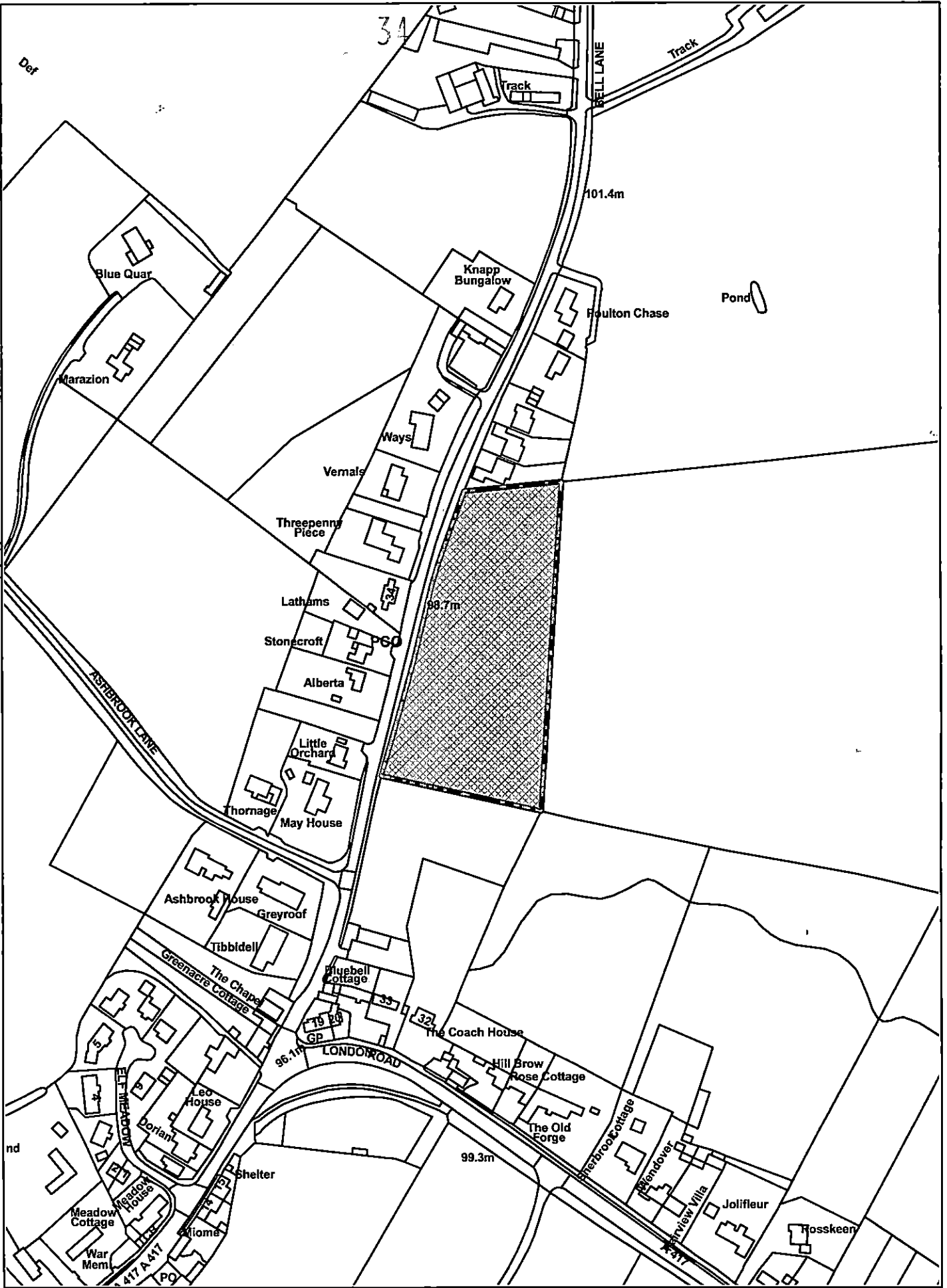
[http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621\\_what\\_are\\_nationally\\_protected\\_species](http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621_what_are_nationally_protected_species)

Bat Conservation Trust:

<http://www.bats.org.uk/>

Natural England:

<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>



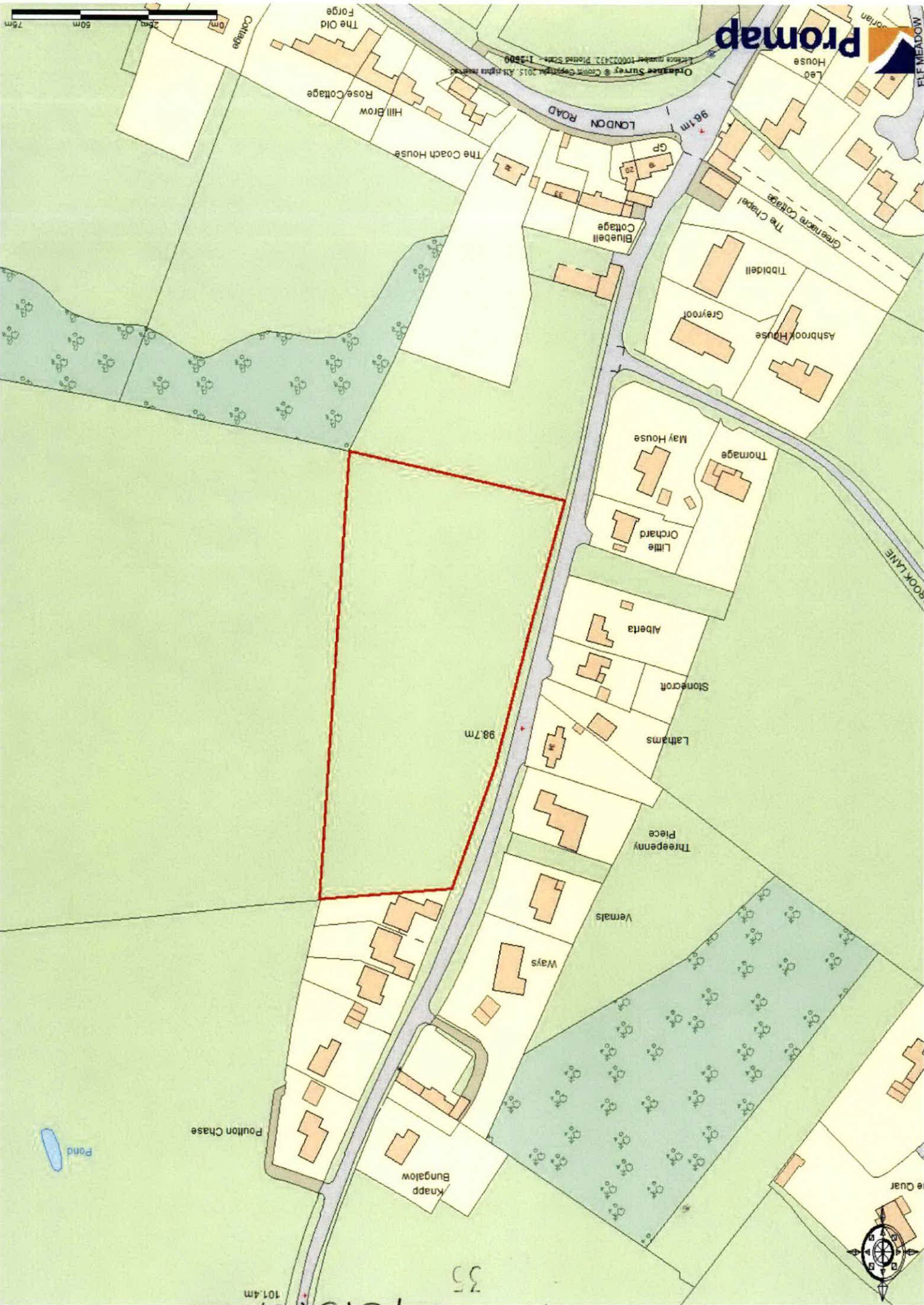
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Date: 30/11/2016 Scale: 1:2500

Organisation: Cotswold District Council  
Department:







15/01376/007

35

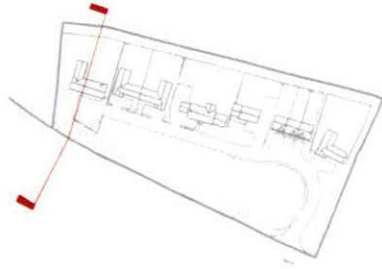
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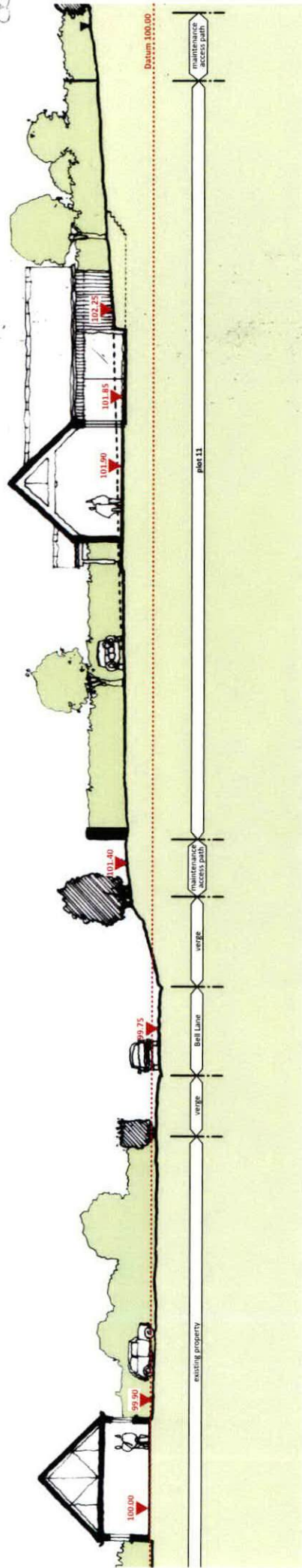
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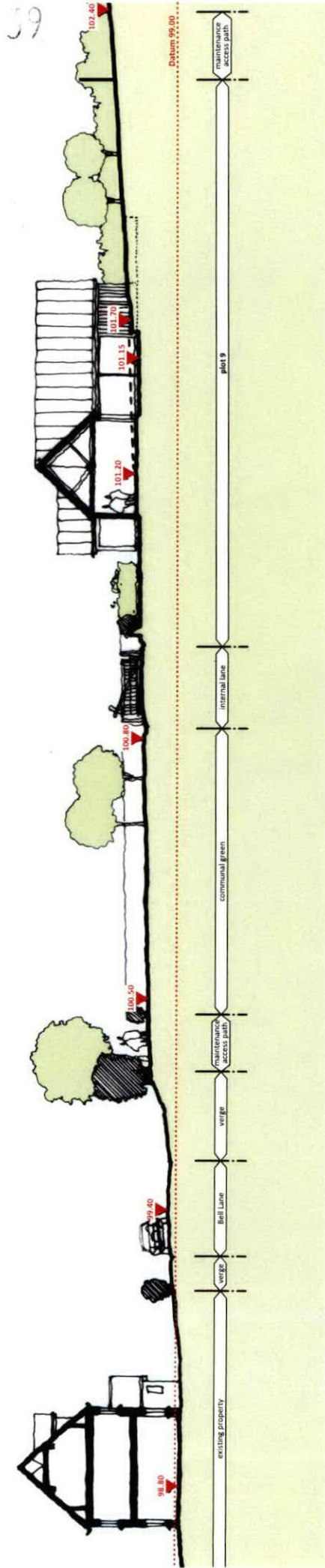
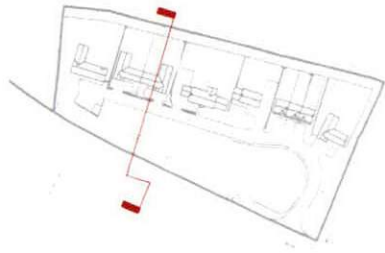
<b>Landscape &amp; Visual Assessment</b>	<b>PROJECT</b>
On behalf of: <b>Mr &amp; Mrs Wigram</b>	<b>Land off Bell Lane, Poulton</b>
Produced by: <b>DAVIESLANDSCAPE ARCHITECTS</b>	<b>DRAWING TITLE</b>
Safe: Fl, Street House, Ruston, Street, Stroud, G5 3 JN © DAVIES LANDSCAPE ARCHITECTS 2016	<b>Illustrative Masterplan</b>
	DATE: August 2016      SCALE: 1:500 @ A3
	REPORT REFERENCE: DLA 1615.L003.01 Rev D

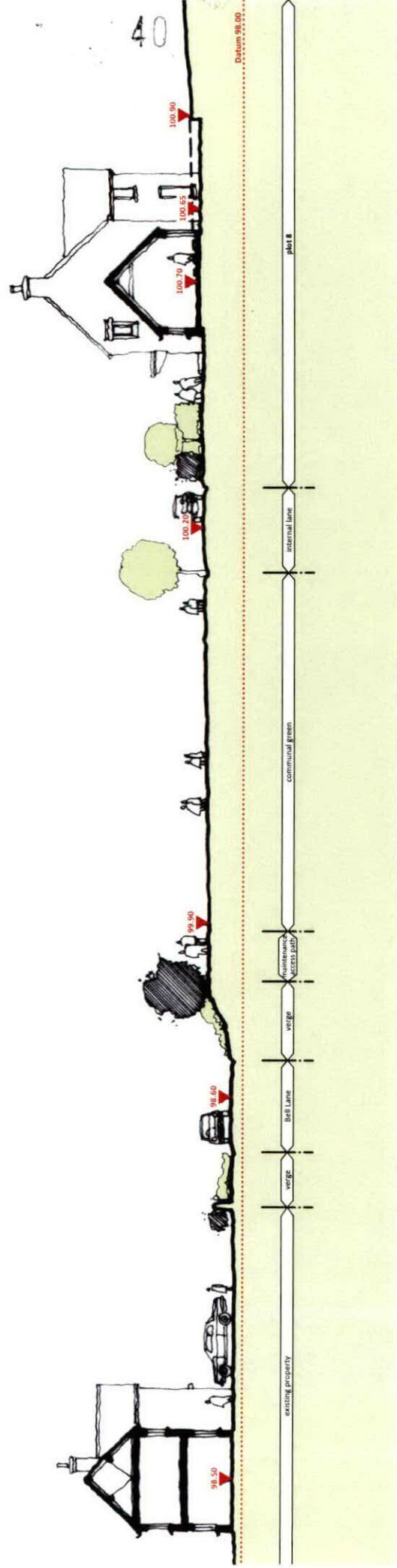
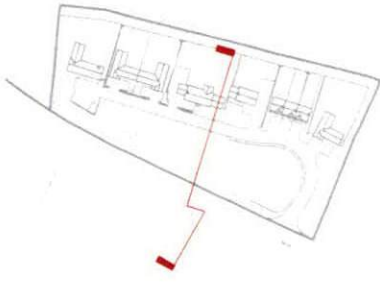




38

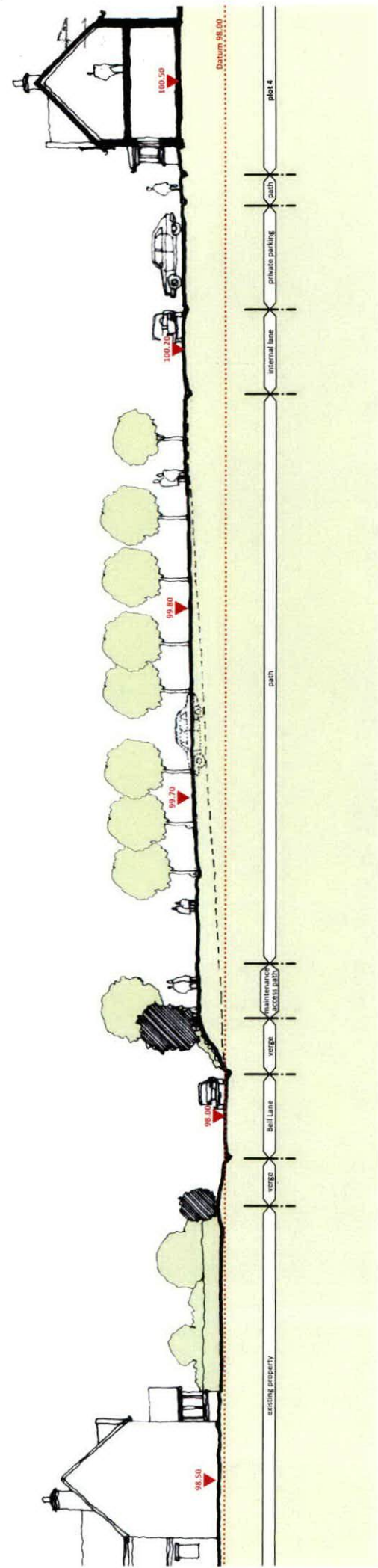
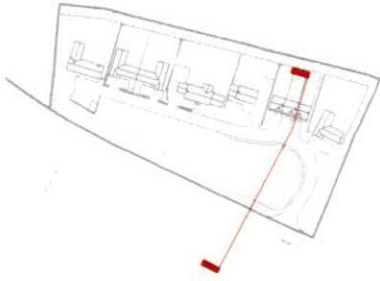






Master Plan : Site Section C-C  
Scale 1 : 200 @ A3

LAND AT POULTON  
CIRENCESTER, GLOUCESTERSHIRE  
MARCH 2015









Plot No.	Plot SQM	Bed No.	House Area GIA
1	690	3	95
2	160	2	75
3	155	2	75
4	180	2	75
5	680	4	125
6	1005	5	225
7	505	3	95
8	460	3	95
9	1160	4	130

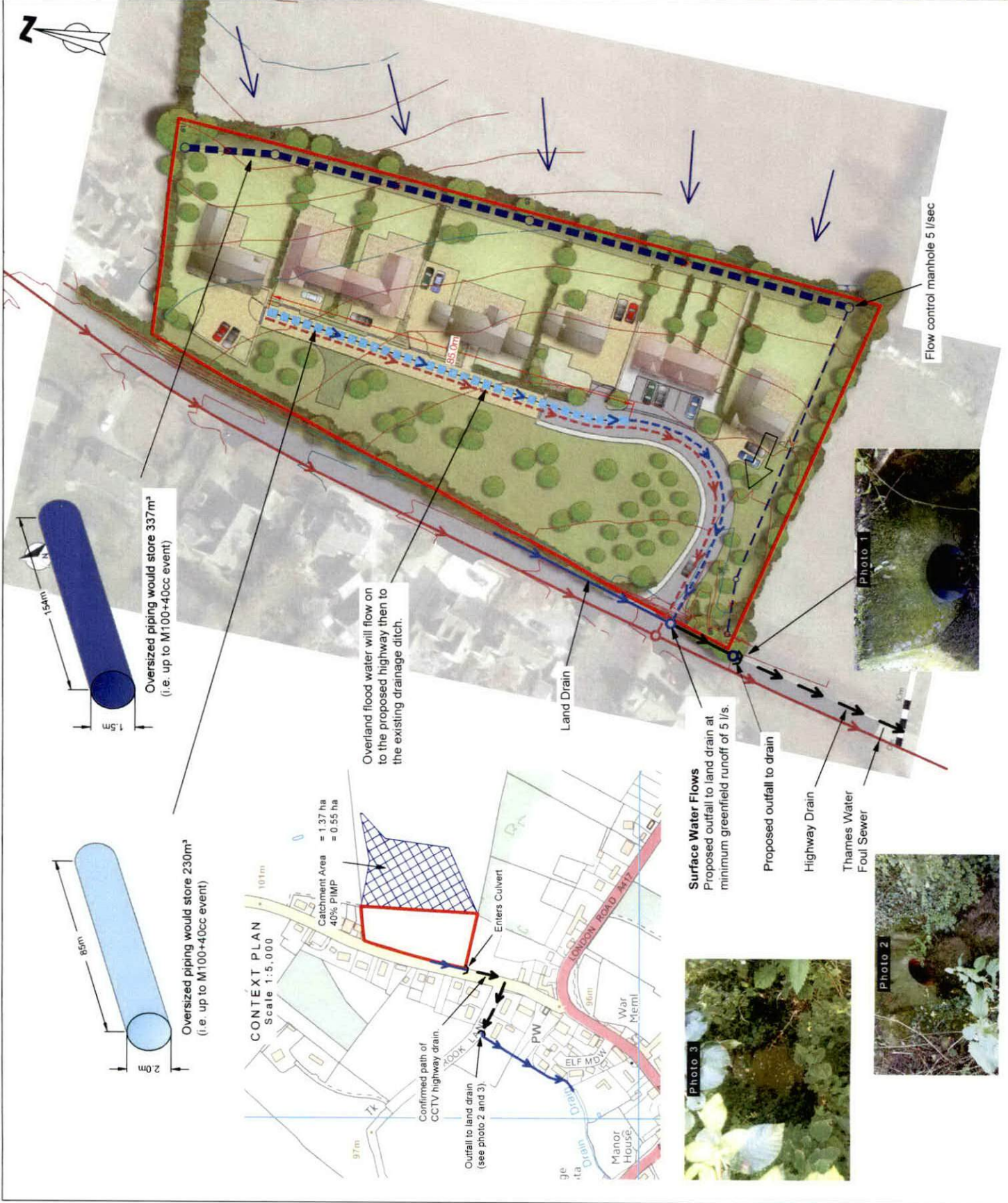


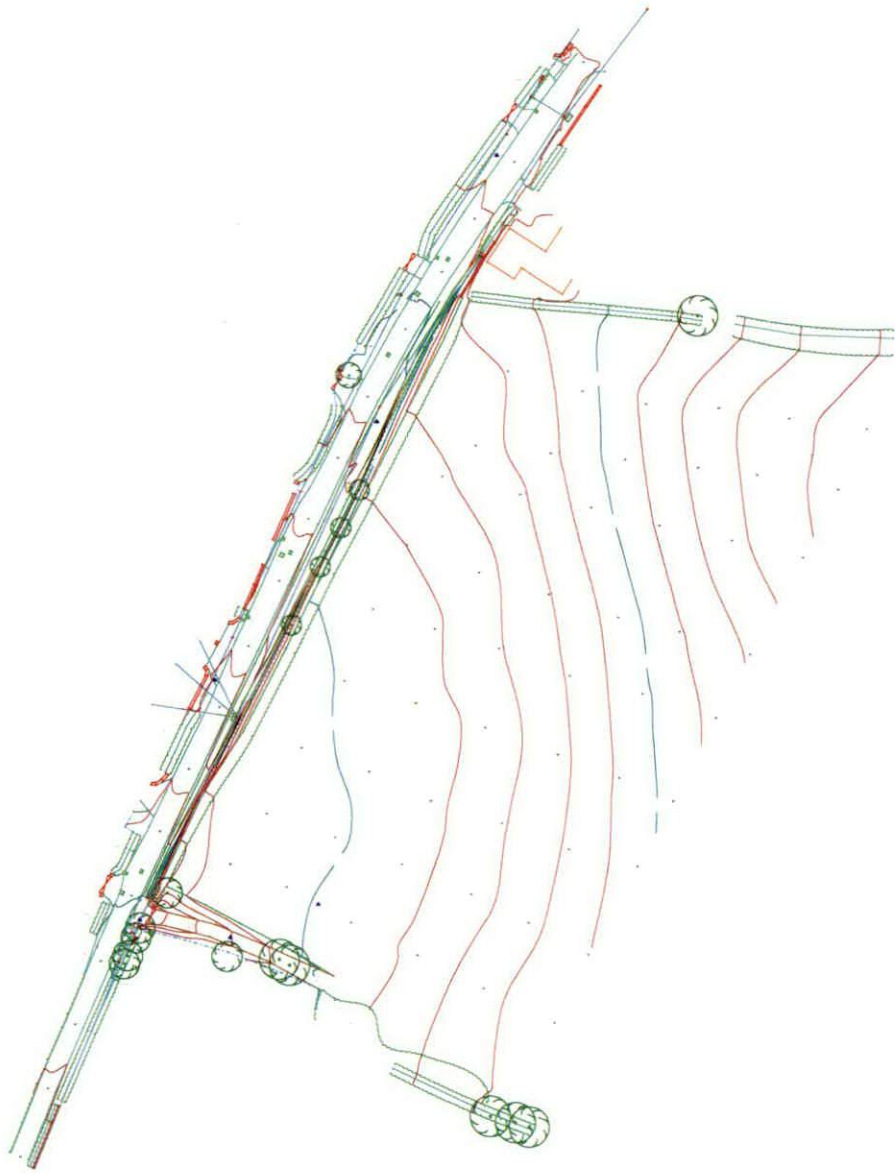


Samuel House, 5 Fox Valley Way, Stockalonge, Sheffield, S3E 2AA

CLIENT	MR/S Wigram		
SCALE	1:800@A3	PROJECT REF	SHF.1109.005
DRAWN	MG	CHECKED	MJ
DATE	Sep 2016		
PROJECT	Land off Bell Lane, Poulton		
TITLE	Indicative Drainage Layout		
DRAWING NO	SHF.1109.005.HY.D.009.H		

- Key**
- Site Boundary
  - Thames Water Foul Sewer
  - Land Drain
  - CCTV Confirmed Path of Highway Drain
  - Proposed Water Foul Sewer
  - Proposed Oversized Pipes (collecting off site flood water)
  - Proposed Surface Water Drainage (collecting off site flood water)
  - Proposed Oversized Pipes (collecting surface water from the site)
  - Proposed Surface Water Drainage (collecting surface water from the site)
  - Headwall
  - Flow Pathway
  - Catchment Area





NOTES:

Revised and Resubmitted to Planning with the permission of the Controller of the Ministry of Housing, Communities and Local Government (MHC) (14/00334/2)

No.	Date	Drawn	Checked



CLIENT: -

PROJECT:  
BELL LANE  
POULTON

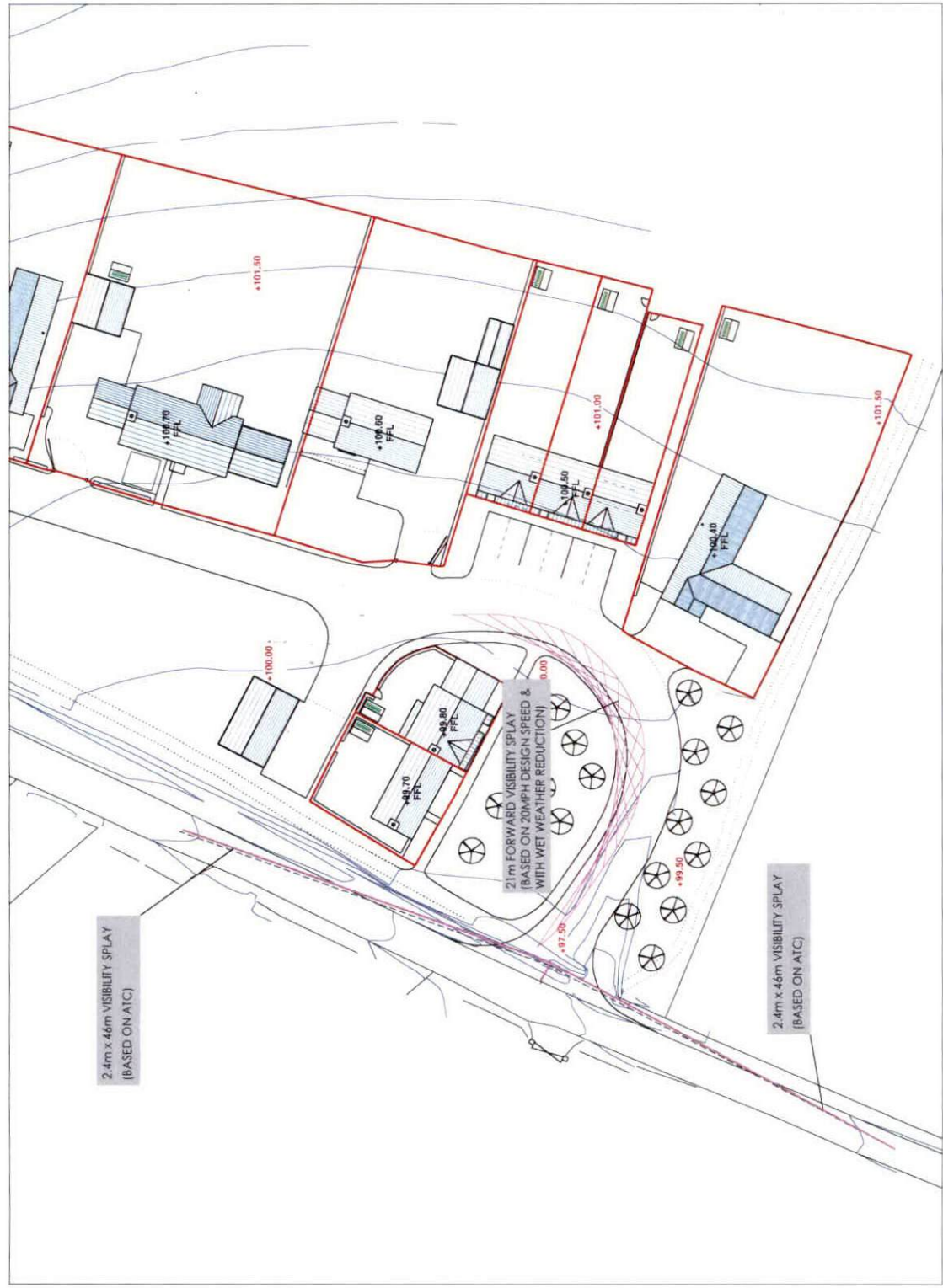
47

TITLE:  
PROPOSED SITE ACCESS

STATUS:  
INFORMATION

SCALE:	DATE:	DRAWN:	CHECKED:
AS	09/15	JC	MA

JOB NO:	DRAWING NO:	REVISION:
14-00334	SK03	A



SITE ACCESS WITH VISIBILITY SPLAYS (1:500)



INDICATIVE