

**Item No 09:-**

**18/02389/FUL**

**Land West Of Eyscott Halt  
London Road  
Fairford  
Gloucestershire**

**Item No 09:-****Construction of 8 dwellings, means of access, landscaping and associated works at Land West Of Eyscott Halt London Road Fairford Gloucestershire**

<b>Full Application 18/02389/FUL</b>	
<b>Applicant:</b>	Mr David Green, Mr Richard Green And Mrs Kate Birk
<b>Agent:</b>	Pegasus Group
<b>Case Officer:</b>	Helen Donnelly
<b>Ward Member(s):</b>	Councillor Sue Coakley Councillor Stephen Andrews
<b>Committee Date:</b>	10th October 2018
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**Main Issues:**

- (a) Principle of Residential Development
- (b) Highways
- (c) Design
- (d) Amenities
- (e) Landscape and Trees
- (f) Flood Risk and Drainage
- (g) Biodiversity

**Reasons for Referral:**

The application has been referred to the Planning Committee for determination at the request of one of the Ward Members, Councillor Stephen Andrews, for the following reasons:

"I believe that condition 25 of the approval by the Planning Committee for development of the whole site under reference 13/03793/OUT and confirmed at 16/03785/FUL to be a material consideration. In general I consider that it is a reasonable expectation for any conditions attached to approval for development to be adhered to. In this case, this reasonable expectation is reflected in the comments that have been made, including from Fairford Town Council.

Any change to previously agreed conditions should be based either upon compelling reasons to do otherwise (e.g. because of a policy change) or following consideration by the body that agreed those original conditions - in this case the Planning Committee. To do otherwise would risk undermining the authority of the LPA to reasonably impose conditions on any development.

Whilst I recognise that you have addressed this issue within your report I do not consider those reasons to be sufficiently compelling to override that condition without further consideration by the Planning Committee who should be invited to consider, in the context of the general validity of conditions imposed upon approval for development, whether in this particular case that condition was reasonable and should, or should not, remain extant. I therefore wish this application to be referred to the Planning Committee".

**1. Site Description:**

The application site lies towards the eastern edge of Fairford and does not lie within a designated landscape.

The application site lies within the Development Boundary of the town, as defined by policy S5 of the Local Plan.

The application site comprises an area of approximately 0.49 hectares of undeveloped grassland enclosed by a low level wood fence, bordered by the A417 to the north and a recently constructed residential development (Keble Fields) to the south. The site is accessed from the A417 by the estate road that serves Keble Fields. There is a detached dwelling, known as Eyscott Halt to the east of the application site and there is a band of established vegetation between it and the application site.

The application site lies within Flood Zone 1 which is the zone designated by the Environment Agency as having the lowest risk of flooding.

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

13/03793/OUT. Outline application for a mixed use development comprising up to 120 dwellings, community facilities, open space, landscaping, highway improvements and associated works. Permitted 24.07.2014

15/04461/REM. Details of the external appearance, layout, scale and landscaping for the erection of 120 dwellings (pursuant to Outline permission granted under ref. 13/03793/OUT). Permitted 24.03.2016.

16/03785/FUL. Temporary change of use of land previously approved for surgery use (planning permission ref. 13/03793/OUT) to a car park for up to 30 cars as occasional overspill for the rugby club second pitch for 1 year, with the site then revering back to its previously permitted use. Permitted 07.11.2016

## **3. Planning Policies:**

\_H1 Housing Mix & Tenure to meet local needs  
 \_H2 Affordable Housing  
 NPPF National Planning Policy Framework  
 \_DS2 Dev within Development Boundaries  
 \_S5 S5 - Fairford  
 \_EN2 Design of Built & Natural Environment  
 \_EN7 Trees, Hedgerows & Woodlands  
 \_EN8 Bio & Geo: Features Habitats & Species  
 \_EN14 Managing Flood Risk  
 \_INF4 Highway Safety  
 \_INF5 Parking Provision

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

The views of the Biodiversity, Tree and Landscape Officers are contained within the Officers Assessment.

Drainage Engineer: No objection subject to condition.

County Highways Officer: No objection subject to conditions.

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

Fairford Town Council (FTC) objects to the application for the following reasons:

"1. The proposed market housing is not needed.

It is acknowledged that development (not necessarily housing) will be "permissible" under policy DS2 of the emerging CDC Local Plan. However, adequate new market housing for Fairford is already provided for by the Local Plan. Hence, the new housing is not needed.

2. There is no provision of affordable housing, for which there is still a need in Fairford - Ref section 5 of the revised draft NPPF.

We understand that all the existing affordable-for-rent housing on developments in Fairford has already been allocated, so that there is none of this left to meet genuine local need. While the number of dwellings proposed on the site is below the threshold for requiring affordable housing provision, and this is an 'edge of town location', it is noted that the proposed density is only about 16/hectare (8 units on 0.49 Ha), which seems a considerable under-use of this land within the development boundary, if it is to be used for housing.

3. Inadequate community facilities - Ref NPPF section 8 (3. Inadequate community facilities - Ref NPPF section 8 (Existing and revised draft)

The original consent for the adjacent Keble Fields development provided for a community/healthcare facility on the site (Ref condition 25 of planning consent for 13/03793/OUT). Although there are no current plans for the Health Authority to develop a healthcare facility on this site, and there are other reasons why the current Hilary Cottage Surgery is unlikely to move from its existing site at present, it is unclear whether this may still be needed in the future. The permission as it relates to a community facility (and the associated reason) still stands. Notwithstanding condition 19 of that previous consent, there is no community building and only a minimal (two pieces of equipment) playground on the Keble Fields development. It is therefore suggested that any development on this site should include a community building or other community facility of some sort, in order to meet NPPF objectives of sustainable development. Otherwise, the development of the site for market housing will sterilise it for the already consented community purpose.

4. Impact on Landscape and character of the Town - Ref emerging Local Plan Policy EN2 and supporting text paragraphs particularly 10.2.1.8

We are concerned that trees are being removed from the screening belt along the A417, when these were expected to be preserved as part of the consent for the original development (13.03793/OUT). Thinning of the tree belt (apparently to allow the incorporation of an additional dwelling in the layout) will clearly reduce protection of the wider landscape to the north.

The proposed house designs for plots 1 and 2 are uninspiring and will not really enhance the view of the overall development from the main entrance as we would hope it would. We would also suggest some enhancement of the tree planting on this eastern frontage, which would help to screen the orange ghastliness of the rest of the Bovis estate and protect the rural approach to the town and the wider landscape.

5. Highway safety - Ref NPPF section 4/revised NPPF section 9

The entrance onto the main entrance road to the development appears to conflict with the established pedestrian crossing point and does not have an adequate visibility splay with regard to traffic approaching and turning in from the Lechlade direction. This entrance would probably be better located at the eastern end of the site (as for the proposed health facility entrance under 13/03793/OUT). Concern has also been expressed about the proposed entrances onto the main estate road between the first bend (entering the site) and June Lewis Way and the associated spacings and visibility splays".

FTC made the following comments in respect of the amended plans:

"1) The Highways Authority's response dated 16 August 2018 does not appear to have satisfactorily addressed our comments (under point 5) or those of residents concerning:

a. Conflict between the proposed access road into the new development and the established pedestrian crossing point on the main access into the Keble Fields estate, and the visibility at this point with regard to traffic approaching and turning into the estate from the Lechlade direction;

b. The proposed configuration with the new entrances onto the main estate road between the first bend (entering the site) and June Lewis Way (effectively the main route into the rest of the estate), where there is already understood to be a hazard with conflicting vehicle movements.

2) Paragraph 4.3.4 of the Flood Risk and Drainage Statement refers to raising the ground level of the site to a minimum of 83.70m AOD - corresponding to an increase of at least 0.45m relating to the existing level at the centre of the eastern part of the site - which will:

- a. Inevitably increase the visual impact of the development, unless the overall height of buildings is correspondingly restricted, and
- b. Potentially increase the risk of run-off from driveways etc, e.g. under 'storm' conditions, to highway drains and the existing estate surface water system which may not have been designed to cater for this. (i.e. this water will no longer be contained within the site)".

## 6. Other Representations:

Seventeen letters of objection have been received:

- i) Housing not required in Fairford;
- ii) Local Plan has allocated other housing sites in Fairford;
- iii) Existing junction with London Road is inadequate;
- iv) Increased risk to highway safety;
- v) Tandem parking does not work in practice and will lead to more on street parking and further hazards;
- vi) Potential conflict of vehicles entering the site from the Lechlade direction and vehicles reversing out of the drives of plots 1 & 2;
- vii) Inadequate community facilities within the town;
- viii) Loss of an amenity to local residents;
- ix) Thinning of the tree belt will reduce protection of the wider landscape to the north;
- x) Loss or thinning of tree belt will change the character of this part of the town;
- xi) Impact on biodiversity;
- xii) Insufficient space for bin storage;
- xiv) The risk of flooding from highways, groundwater and surface water has not been fully addressed;
- xv) The site is in an area which has large increases in groundwater levels in wet seasons, but this has not been considered in the flood risk assessment and the calculations are therefore invalid;
- xvi) Raising ground levels will increase flood risk off the site.

Two letters of objection has been received from Fairford Community Voice:

i) "This land was identified at the beginning of the whole planning process, for community benefit. This was the basis on which the developers consulted with the local population and it was on this basis that the original planning permission was granted although I understand that the relevant condition was not attached to that permit (why not?). Before consulting the NHS the developers proposed a surgery facility on the site, only to discover later that the NHS would not support this proposal. The developers are now proposing to further develop the site in spite of the fact that here is a waiting list for allotments in Fairford and this would be a perfect 'community' use for the site. Developers should not be rewarded for, effectively, breaking their word. This site was promised to the town and that promise should be fulfilled. We urge you to refuse this application".

ii) "Since our initial objection to this application it has become clear that the proposal is contrary to the development plan so, in addition to our earlier points, we would add the concern that since the CDC Local Plan has only recently been accepted, to go against it at such an early stage does not auger well for future confidence in the plan and the CDC's preparedness to defend it. This is not an area which should be further developed; there is a waiting list in the town for allotments which this land is perfect for - in fact, according to past maps of the town, this was indeed an area which was cultivated as allotments. Since this land was allocated for community use, if by some ill chance this application should be approved, the land value should be donated to Fairford Town Council in recompense - but a far better outcome would be rejection of the application".

Three letters have been submitted as "General Observations". The summary of the issues is as follows:

- i) The main concern locally is the volume and speed of traffic on the London Road;
- ii) Dwellings fronting the internal estate road should be set back to incorporate tree planting and in design terms create a better gateway;
- iii) The 40mph speed limit needs to be revised ideally to 20mph or 30 mph.

One letter of support has been received. The summary of the issues is as follows:

- i) Support additional housing.

## **8. Officer's Assessment:**

### Introduction

The application is for the erection of eight open market dwellings consisting of six 3-bedroom detached dwellings and two 4-bedroom detached dwellings, each with detached garages. There would be two car parking spaces per dwelling and three visitor spaces

Two of the dwellings (plots 1 and 2) would front onto the existing access road that enters into Keble Fields from the A417, three (plots 3-5) would front onto the estate road to the south and three (plots 6-8) would front onto a shared driveway. There would be a pedestrian access at the eastern edge of the site between the side boundaries of plots 5 and 6 and Eyscott Halt.

The combined floor area of the dwellings would not exceed 1000 square metres and as such there is no requirement for the development to provide affordable housing having regard to Local Plan policy H2 (Affordable Housing).

### Policy Context

#### *The National Planning Policy Framework (NPPF)*

Paragraph 7 of the NPPF states that "The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs". The NPPF goes on to states that "Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways" These objectives are social, economic and environmental.

Paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development making should apply for decision making which means approving development proposals that accord with an up-to-date development plan without delay unless there are restrictive policies.

The NPPF must be read as a whole but the chapters that are of particular relevance to this application are:

Chapter 5 - 'Delivering a Wide Choice of High Quality Homes': The NPPF seeks to "Significantly boost the supply of homes". Paragraph 68 identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly"

Chapter 9 'Promoting Sustainable Development' states that transport issues should be considered from the earliest stages of development proposals so that the potential impacts on transport networks can be addressed and that opportunities to promote walking, cycling and public transport are identified and pursued. A development should have a safe and suitable access and paragraph 109 states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe".

Chapter 12 - 'Achieving Well Designed Places': The NPPF stresses the importance of good design; it is a key aspect of sustainable development. Developments should be visually attractive and sympathetic to local character and history while not preventing appropriate innovation or change. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Chapter 15: 'Conserving and enhancing the natural environment': The NPPF recognises the role that planning can play on both contributing to and enhancing the natural and local environment through the protection and enhancement of valued landscapes, minimising the impacts on biodiversity and providing net gains in biodiversity". Paragraph 175 states that applications should be refused "...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)" and ...."opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".

### *Cotswold District Local Plan Policy 2011-2031*

The Local Plan 2011-2031 was adopted on 3rd August 2018. Policy DS1 (Development Strategy) sets out the delivery of 8,400 dwelling and this includes 960 dwellings within the plan period to be delivered through windfall sites.

Policy DS2 (Development within Development Boundaries) supports applications for developments within the development boundaries of the Principal Settlements within the District (which includes Fairford).

For the purposes of the Local Plan, Fairford is classified as being within the "South Cotswold Sub Area". Policy SA1 sets out the infrastructure requirements for the Principal Settlements within this area. There is no reference to the delivery of additional community or healthcare facilities within Fairford.

Policy S5 specifically refers to Fairford. It identifies two sites for housing, these being "Land Behind Milton Farm and Bettertons Close" and "land to the Rear of Faulkner Close" for 49 and 12 dwellings respectively. The policy identifies four non-strategic infrastructure projects: the safeguarding of the former railway line from Fairford to Lechlade, improvements to the provision of cycle and footpath links between Fairford and the Rover Coln and the Cotswold Water Park, the provision of land for allotments and the provision of land for a burial ground.

Policy H1 (Housing Mix and Tenure to Meet Local Needs): The policy requires all housing developments to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand.

Policy EN1 (Built, Natural and Historic Environment): The policy requires development, where appropriate, to promote the protection, conservation and enhancement of the historic and natural environment.

Policy EN2 (Design of the Built and Natural Environment): The policy requires development to accord with the Cotswold Design Code.

Policy EN7 (Trees, Hedgerows and Woodlands): The policy provides protection to trees, woodlands and hedgerows of high landscape, amenity, or ecological value and veteran trees. Where trees, woodlands or hedgerows are to be removed as part of a development, replacement planting will be required.

Policy EN8 (Biodiversity and Geodiversity: Features, Habitats and Species): The policy advises that development that conserves and enhances biodiversity and geodiversity will be permitted, and net gains should be provided where possible. Development will not be permitted if it would

result in significant habitat fragmentation, loss of ecological connectivity, the loss or deterioration of irreplaceable habitats and resources, or would have an adverse effect on protected species.

**Policy EN14 (Managing Flood Risk):** The policy advises that development must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes into account all sources of flooding. Developments must not increase the risk of on or off site flooding and provision should be made for sustainable urban drainage systems and for flood management/mitigation measures.

**Policy INF4 (Highway Safety):** The policy supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

**Policy INF5 (Parking Provision)** requires developments to provide adequate parking in accordance with the Council's Parking Toolkit, which for this development identifies a requirement for 16 allocated spaces, 2 visitor spaces and 1 space to accommodate "unallocated demand".

### *Neighbourhood Plan*

The draft Neighbourhood Development Plan (NDP) for Fairford was subject to examination by an independent examiner. Policy FNP2 (Creating New Community Facilities on London Road) allocated the application site for community uses. The guidance text to the policy stated that "Provision has been made in the planning consent for the adjoining Keble Fields (Bovis) housing scheme for this proposal as a condition of the scheme. The policy is intended to reinforce the proposal as it has not been implemented". The draft NDP recognised that the GP surgery would not be relocating to the site but that alternative uses could include a new community building with facilities for youth.

The examiner of Fairford's draft NDP concluded that the NDP would not contribute towards the achievement of sustainable development and did not recommend that it proceeded to a referendum. A number of amendments were suggested by the examiner and in respect of policy FNP2 the examiner recommended that the word "secure" was replaced with "safeguard". However given the status of the draft NDP it cannot be given any weight.

### **(a) Principle of Residential Development**

The outline planning application (13/03793/OUT) included the provision of a D1 building. This had been included by the applicant in response to pre-application consultation with the local community and it was initially intended that this building would be a new GP surgery. During the course of the application, the Primary Care Trust advised that a new GP surgery for Fairford was not required. The building was subsequently considered by Officers to have a general D1 use (non-residential institutions) to allow for some flexibility for alternative community uses if they were forthcoming. It should be noted that the inclusion of this building within the outline application did not arise from a planning policy requirement as set out within the previous Local Plan (2001-2011) and was not required to mitigate for the proposed development. Although Officers did not object to its inclusion within the outline planning application, as it was not a policy or infrastructure requirement its delivery was not secured through a condition or a Section 106 legal agreement as doing so would have failed the tests of the Community Infrastructure Levy Regulations.

The Officer recommendation, which was approved by Members in February 2014, was to permit the outline application subject to a S106 Legal Agreement covering provision of affordable housing and financial contributions towards primary and secondary education, library services and a Travel Plan

The applicant of the outline application had offered the freehold of the intended building to FTC for community use at a peppercorn value if a healthcare use had not been secured within 5 years



of the date of the permission. It is understood that following the approval of the outline planning application, the applicant offered to sell the application site to FTC, but FTC did not choose to purchase the site. The applicant also offered an ex gratia payment of £300k to FTC and Officers have been advised by FTC that they are currently in the process of collecting this payment.

There are no obligations for the current applicant to deliver a building with a D1 use and as has been set out within the policy section above, there are no policy requirement for an additional community building within the town.

Councillor Andrews, in his reasons for referral, has discussed condition 25 of the outline permission which stated:

"The community/healthcare facility hereby approved shall be used only for a use(s) which fall within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or the equivalent to that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) Order 1995.

Reason: It is essential that the Local Planning Authority retains control over the use of the development to protect the amenity of local residents and to ensure that the development is served by adequate parking in accordance with Cotswold District Local Plan Policies 5, 38 and the National Planning Policy Framework".

Officers consider that this condition does not require the delivery of the D1 building but merely limits the use of the building if it had been constructed.

Councillor Andrews has also referred to planning application 16/03785/FUL which was for the "Temporary change of use of land previously approved for surgery use (planning permission ref. 13/03793/OUT) to a car park for up to 30 cars as occasional overspill for the rugby club second pitch for 1 year, with the site then reverting back to its previously permitted use". The description of this application should have referred to a D1 use, rather than a specific "surgery use", nevertheless the planning permission did not require the delivery of a D1 building following the cessation of the temporary use.

The application site is not an allocated site within the Local Plan but the absence of an allocation does not automatically preclude further residential developments. As a site without an allocation, the proposed development is considered to be a "windfall" development. The Local Plan has estimated that over the period 1st April 2017 to 31st March 2031, windfall developments will deliver 1,191 dwellings, thereby making a significant contribution towards the Council's housing land requirement of 8,400 dwellings over the Local Plan period. Approval of the current application would contribute towards the windfall target and the overall housing requirement for the District.

The Housing Land Supply Report (June 2018) identifies that Cotswold District has a supply of specific deliverable sites in excess of its housing requirement for the five year period 1 April 2018 to 31 March 2023. Taking account of a 5% buffer, the District can demonstrate a supply of 7.8 years' worth of deliverable housing sites. The five year housing land supply figure is a minimum quantity, not a maximum, and even with a robust figure, the Council should continually be seeking to approve appropriate, deliverable, development opportunities, that accord with the Local Plan to ensure that housing land supply stays above the minimum level in the future and in accordance with the NPPF's requirement to significantly boost the supply of homes.

The Council's Strategic Housing Market Assessment (SHMA) Update note published in April 2016 identifies that there is a significantly greater requirement for three bedroom open market dwellings in comparison to dwellings of other sizes (2,257 required between 2015-2031 of 4,762 in total). The requirement for two bedroom dwellings is 1,192, and for four or more bedrooms the SHMA identifies a need of 1,134 dwellings. The proposed development would therefore provide a suitable mix of dwellings which would meet an identified need. As has been set out earlier within this report, there is no affordable housing requirement due to the size of the proposed development.

In light of the above, Officers consider that the principle of the development of the site for open market housing is acceptable and accords with the NPPF and policies DS2 and H1 of the Local Plan.

### **(b) Highways**

During the course of the application, following advice from the Department for Transport that level shared surfaces do not meet the needs of disabled people, the County Highways Authority (GCC) advised that the adoption of shared surfaces would be paused. The applicant amended the plans to incorporate segregated pedestrian and vehicular access routes to the satisfaction of the County Highways Officer.

The proposed layout provides adequate parking to serve each dwelling with an appropriate level of visitor parking spaces.

There have been comments raised by Third Parties and FTC regarding highway safety, in response, the County Highways Officer has commented as follows "Any works will be subject to a Road Safety Audit (RSA) going forward. This will identify any issues which may be associated with the existing crossing or the proposed vehicle access points. Should the RSA identify the location of the access road in relation to the crossing to be an issue, then the crossing could simply be relocated to a more suitable location. It should be noted that it is a simple informal crossing comprising dropped kerbs and tactile paving rather than a more formal or controlled crossing"

The County Highways Officer has also responded to FTC's comments regarding the proposed access drive from the estate road. The County Highways Officer commented as follows "...the principle of driveway access onto the estate road is already well established within the vicinity of the proposed development. The driveways have good forward and emerging visibility in accordance with the design speed and will serve individual dwellings and are therefore anticipated to be lightly trafficked. Furthermore, there does not appear to be any evidence of an adverse safety record in that location. The appropriateness of driveway access in this location will be confirmed by an independent RSA".

The County Highways Officer has therefore not objected to the application and it is considered that the proposed development would not compromise highway safety nor would it have a severe impact upon the local highway network.

### **(c) Design**

The proposed three bedroom dwellings would have two storeys and would be constructed of artificial Cotswold stone with natural blue slate roof tiles. They would have a rectangular footprint with the only projecting element being a porch to the front elevation. Plots 1-3, 6-8 would be of this design.

The four bedroom dwellings would also be constructed of artificial Cotswold stone but with artificial Cotswold stone slates. They would also have a relatively simple footprint and would have two gable dormers on each elevation and coping stone at the gable ends. This design would be used for plots 4 and 5.

Plots 1 and 2 would face onto the estate road and the front gardens of these dwellings would be enclosed with 1m high drystone walls. These dwellings would be the first dwellings viewed upon arrival to the development and following comments from the Landscape Officer, additional tree planting is proposed between the drystone walls which demarcate the boundaries of these dwellings and the public footpath.

Plots 3 -5 would have smaller front gardens also enclosed by 1m high drystone walls. The front gardens of plots 6-8, which face onto the internal access road, would be bordered by 1m high parkland railings.

Rear gardens would be enclosed by 1.8m high bonded stone walls where publically visible, and 1.8m high bordered fencing elsewhere.

All of the dwellings would be served by garages; plots 1 and 2 would share a two bay garage and the other dwellings would be served by single bay garages.

It is considered that the designs appropriately reference the local vernacular and the dwellings would be in keeping with the adjacent Keble Fields development.

#### **(d) Amenities.**

The Design Code (Local Plan Policy EN2) states that to ensure adequate privacy, the minimum distance between facing windows of buildings of two storeys should be no less than 22m. The design code refers to facing windows as "...those which can readily be seen into from within principal rooms in another property, including windows at an angle to one another, but excluding windows on front elevations".

There would be approximately 13.5m between the front elevation of plots 3 and 4 and the dwellings in Keble Fields and between the rear elevations of the proposed dwellings the distances would be between 20.5m and 21.4m. Although the distances between the rear elevations are slightly less than specified within the Design Code, they are considered to be acceptable between dwellings within a new build development which demonstrates an efficient use of land within the site and would not result in unacceptable levels of overlooking.

The development would not result in the direct overlooking of the Eyscott Halt.

With regard to garden sizes, the Design Code does not prescribe minimum distances but does state that the size of a garden should relate to the size and nature of the dwelling, e.g. a large detached family house should have a substantial garden capable of providing enough space for different family activities. The Design Code advises that within each garden area a space for a private sitting out area should be provided.

Officers consider that the garden areas would be proportionate in size to the proposed dwellings and private sitting out areas can be identified.

#### **(e) Landscape and Trees**

The plans were amended during the course of the application to incorporate amendments suggested by the Landscape Officer.

The existing vegetation at the northern boundary would be reinforced with additional planting of native species, including Elderberry, Beech, Field Maple and Hawthorn. The proposed access drive would result in the encroachment into the root protection area of some of the existing trees but this is considered by the Tree Officer in this instance to be acceptable. The trees would be suitably protected during the construction period.

The proposed landscaping plan includes additional tree planting to the front of plots 1 and 2 and the planting of fruit trees within the garden areas of dwellings along with planting around the pedestrian access to the eastern side of the development.

There would be views of the development from the A417, but it would be seen in context with the adjacent development and the additional planting, as set out above, would help to soften the visual appearance of the development.

It is considered that the development would not result in harm to the character and appearance of the area.

#### **(f) Flood Risk and Drainage**

The application site lies within the zone with the lowest risk of flooding (Flood Zone1). The application was accompanied by a Flood Risk and Drainage Statement. This set out that the proposed development would not be set at a lower level than the Keble Fields development and therefore would not be subject to surface water flooding from that development.

The development will incorporate sustainable drainage (SuDS) techniques including permeable paving (within the shared access road and private drives), filter drains and attenuation crates. The detailed design, along with details of maintenance, will be required by condition.

Foul water drainage to serve the development will be connected to the existing foul water sewer which serves the Keble Fields development.

The Council's Drainage Engineer does not object to the planning application subject to a condition requiring the submission of a full surface water drainage scheme including details of the management and maintenance. The drainage scheme will be required to contain surface water drainage within the site for all return periods including the 100 year +40% climate change event with no flooding to buildings. The drainage scheme will have to be agreed by the Council's Drainage Engineer and he has advised that he would not approve any scheme which directed flood water to any building or onto the highway. An exceedance flow plan is required to indicate the route taken by any storm water in excess of 1 in 100 + 40%, based on finished ground levels and directed away from neighbouring properties.

At the time of writing this report, the comments of Thames Water are awaited.

#### **(g) Biodiversity**

There is a watercourse in close proximity to the site which is a potential habitat for reptiles and water voles and the existing trees are a habitat for roosting bats and nesting birds.

The application was accompanied by a preliminary ecological appraisal and it was recommended by the Council's Biodiversity Officer that the application be accompanied by an ecological mitigation and enhancement strategy before the determination of the application.

The main consideration in relation to biodiversity is the watercourse to the north of the application site and the impact of the proposed development on protected species, namely otters and water voles. A method statement has been provided which sets out precautionary measures that will be required to prevent unintentional harm to otters and water voles, including a pre-commencement survey of the watercourse (before any works start at the site, including vegetation/tree removal), installation of temporary fencing to protect a 6 metre buffer between the watercourse and all development activities (including vegetation clearance), construction activities limited to daylight hours only and no lighting at night. The Biodiversity Officer is satisfied that sufficient information has been submitted with the application in order to mitigate for the likely presence of otters and water voles using the watercourse.

Pre-commencement surveys for water voles and otters will be required prior to the installation of the a new surface water sewer connection and this approach is considered to be acceptable by the Biodiversity Officer as the watercourse currently provides suboptimal habitat for both otters and water voles and mitigation measures to retain a buffer and minimise disturbance during construction have been established.

With the mitigation and enhancement measures secured by condition, Officers are satisfied that there would be no likely offences committed under environmental legislation as a result of the proposed development, so the LPA does not need to consider the three derogation tests under

the EC Habitats Directive with regard to impacts upon the European otter (which is a statutorily protected species).

Conditions have been proposed for the full details of bird and bat boxes to be installed within the new dwellings, a landscaping scheme and a Biodiversity Management Plan.

#### **9. Conclusion:**

The objections raised by the Town Council and Third Parties are understood, particularly in respect of the perceived loss of a community building. However, as has been set out above, the current applicant, and the applicant of the outline permission are/were under no obligation to deliver a D1 building. There is no policy requirement for the delivery of such a building and the principle of the development of the site for open market housing is acceptable. As set out above, the proposed development would not be harmful and would accord with the NPPF and policies DS1, DS2, H1, H2, EN7, EN8, EN14 and INF4.

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

The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s):

P17\_2667\_02A-site location

P17\_2667\_3 Sheet No.1 Rev D-house type A

P17\_2667\_3 Sheet No.2 Rev D-house type 3B

P17\_2667\_4 Sheet No.1 Rev A -double garage

P17\_2667\_4 Sheet No.2 Rev A-single garage

P17-2667\_05 Sheet No. 03 Rev B-dry stone wall details

P17-2667\_05 Sheet 01 Rev F-enclosures

P17-2667\_05 Sheet 02 Rev B-recon stone boundary walls

P17-2667\_05 Sheet No. 05 -parkland railings

P17-2667\_01 Sheet 01 Rev I -proposed site plan

P17-2667\_6 Rev D-street scene

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

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

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

**Reason:** To ensure that in accordance with Cotswold District Local Plan Policy EN2, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

No window, external door, garage door, verge, ridge, eaves or chimney shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections and the finishes of windows, external doors and garage doors. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

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

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan EN2.

Prior to any site works or building works taking place on the site, a detailed arboricultural method statement (AMS) and tree protection plan (TPP) shall be submitted to the Local Planning Authority and approved in writing.

The method statement shall be in accordance with the guidance in BS 5837:2012 Trees in relation to design, demolition and construction. Recommendations and shall include details of:

- i. Defined root protection areas of all retained trees
- ii. The timing of all tree protection measures
- iii. Details of proposed finished ground levels and any retaining structures within the defined root protection areas of all retained trees
- iv. Details of tree protection fencing and excluded activities
- v. Details of temporary ground protection measures where access and working space is needed outside the tree protection fencing but within the root protection area of any tree
- vi. Details of any underground services within the root protection areas of any retained trees and how they will be installed.
- vii. Details of method of construction of any surface which is to be of a 'no dig' construction method, in accordance with the current industry best practice.
- viii. Details of site supervision by an appointed arboricultural consultant to include a pre-commencement meeting and specified periodic site monitoring visits with reporting and copies sent to the Councils tree officer

The findings of the AMS and the TPP shall be implemented in full in accordance with the approved details.

**Reason:** To safeguard the retained trees in accordance with Cotswold District Local Plan Policies EN2 and EN7.

Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including full details of the biodiversity enhancements contained with the Ecological Mitigation and Enhancement Strategy dated August 2018 prepared by Focus Ecology Ltd, and a 5-year maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The 5 year landscape management plan must include management responsibilities and maintenance schedules for all landscape areas, both during and after the implementation of the approved development,

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner. The landscape management plan shall be carried out as approved.

**Reason:** To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, policies EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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 EN2.

The development shall be completed in accordance with the recommendations in the Preliminary Ecological Appraisal with Ecological Impact Assessment report dated August 2018 and the Ecological Mitigation and Enhancement Strategy dated August 2018, both prepared by Focus Ecology Ltd. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently retained.

**Reason:** To ensure that the wooded stream corridor, otters, water voles, bats, birds, reptiles, amphibians, badgers and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Protection of Badgers Act 1992, Wild Mammals Act 1996, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

A Biodiversity Management Plan (BMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the BMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;

- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the BMP will be communicated to the occupiers of the development.

The BMP 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 plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The BMP shall be implemented in full in accordance with the approved details.

**Reason:** To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), policies EN1, EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Notwithstanding the approved plan. P17\_2667\_03\_Rev I showing fencing detail, all close boarded garden fencing between dwellings shall incorporate access for hedgehogs either as a gap along the base of the fence or by installing bespoke-made holes in accordance with the recommendations of the Ecological Mitigation and Enhancement Strategy dated August 2018 prepared by Focus Ecology Ltd.

**Reason:** To facilitate the dispersal of hedgehogs through the development site as a priority species under Section 41 of the Natural Environment and Rural Communities Act 2006.

The proposed surface water sewer connection to the watercourse at the northern boundary of the development site shall not be constructed until a survey for otters and water voles has been carried out to determine whether these species will be affected in accordance with the recommendation for a pre-works survey in the Ecological Mitigation and Enhancement Strategy dated August 2018 prepared by Focus Ecology Ltd, as submitted with the planning application. The results of the survey and, if necessary, a revised mitigation strategy shall be submitted for the written approval of the local planning authority. The approved mitigation strategy shall then be implemented in full, according to the specified timescales, as modified by a relevant European protected species licence from Natural England.

**Reason:** To ensure that otters and water voles are protected in accordance with The Conservation of Habitats and Species Regulations 017, Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Prior to the first occupation/use of the development hereby approved, full details of bat boxes and nest boxes for birds into the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevation drawings showing the exact locations and positions of each of the boxes and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved boxes shall be retained in accordance with the approved details thereafter.

**Reason:** To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with the Wild Birds Directive, paragraphs 170 and 175 of the National Planning Policy Framework, policies EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.



Prior to occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors will be minimised as much as possible, including the northern boundary stream corridor. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be retained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**Reason:** To protect otters and foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), policies EN2, EN7, EN8 and EN9 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

The vehicular accesses hereby permitted shall not be brought into use until the roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.0m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

**Reason:** To reduce potential highway impact by ensuring that adequate pedestrian 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 paragraph 110 of the National Planning Policy Framework.

The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. P17-2667-01 Rev I , and those facilities shall be maintained available for those purposes thereafter.

**Reason:** To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework policy INF4 of the adopted Cotswold District Local Plan.

Prior to the occupation of the development hereby permitted, the vehicular accesses shall be laid out and constructed in accordance with the submitted plan drawing no. P17-2667-01 Rev I with the area of driveway within at least 5m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

**Reason:** To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 110 of the National Planning Policy Framework policy INF4 of the adopted Cotswold District Local Plan.

No building 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 the National Planning Policy Framework and policy INF4 of the adopted Cotswold District Local Plan.

No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

**Reason:** To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

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
- viii. provide an annotated scale plan demonstrating all of the above

**Reason:** To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 110 of the National Planning Policy Framework.

Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

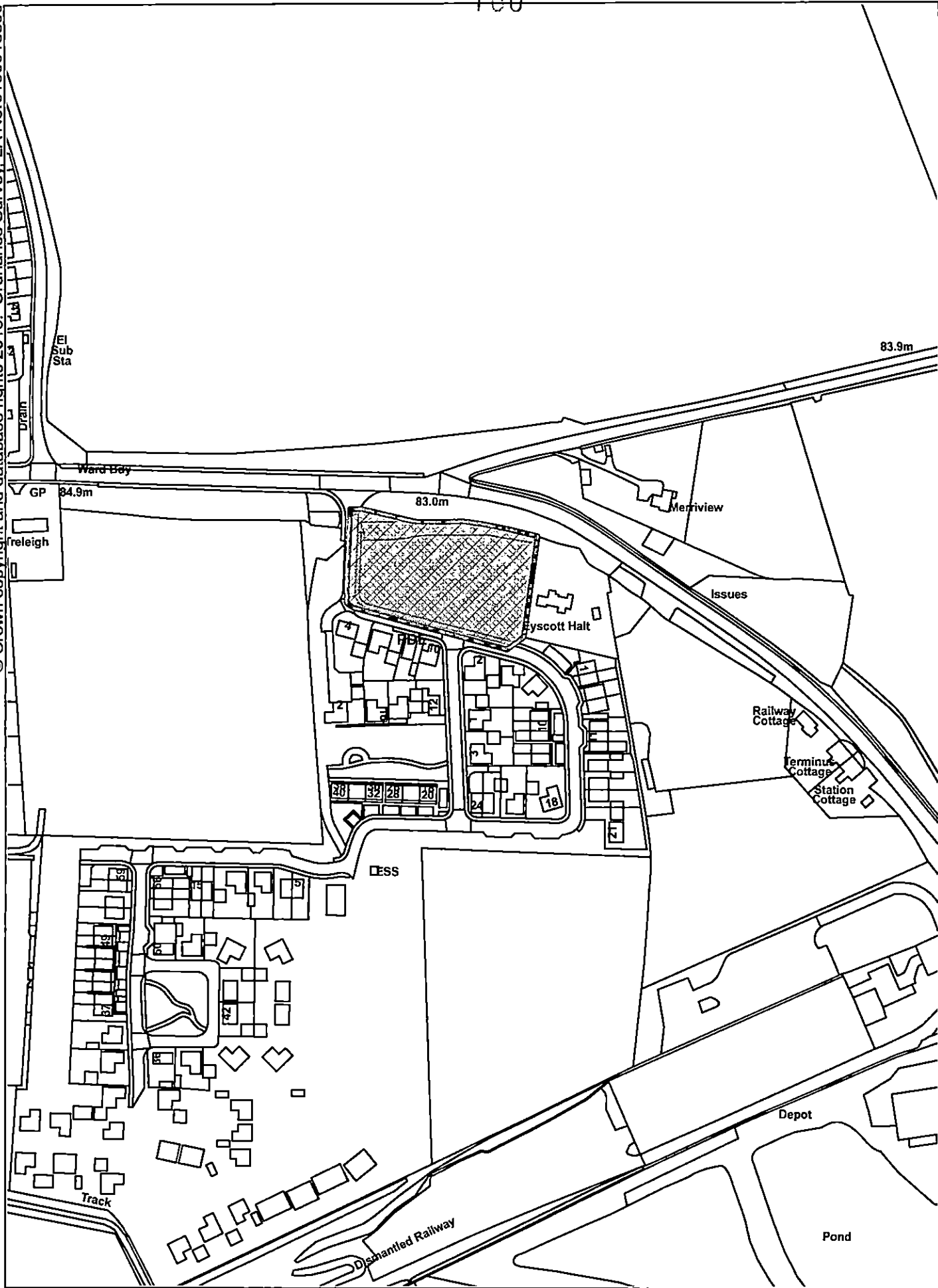
**Reason:** To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality and in accordance with National Planning Policy Framework and Policy EN14 of the Cotswold District Local Plan.

**Informatives:**

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

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015

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**LAND WEST OF EYSCOTT HALT LONDON ROAD FAIRFORD** Scale: 1:2500

Organisation: Cotswold District Council

Department:

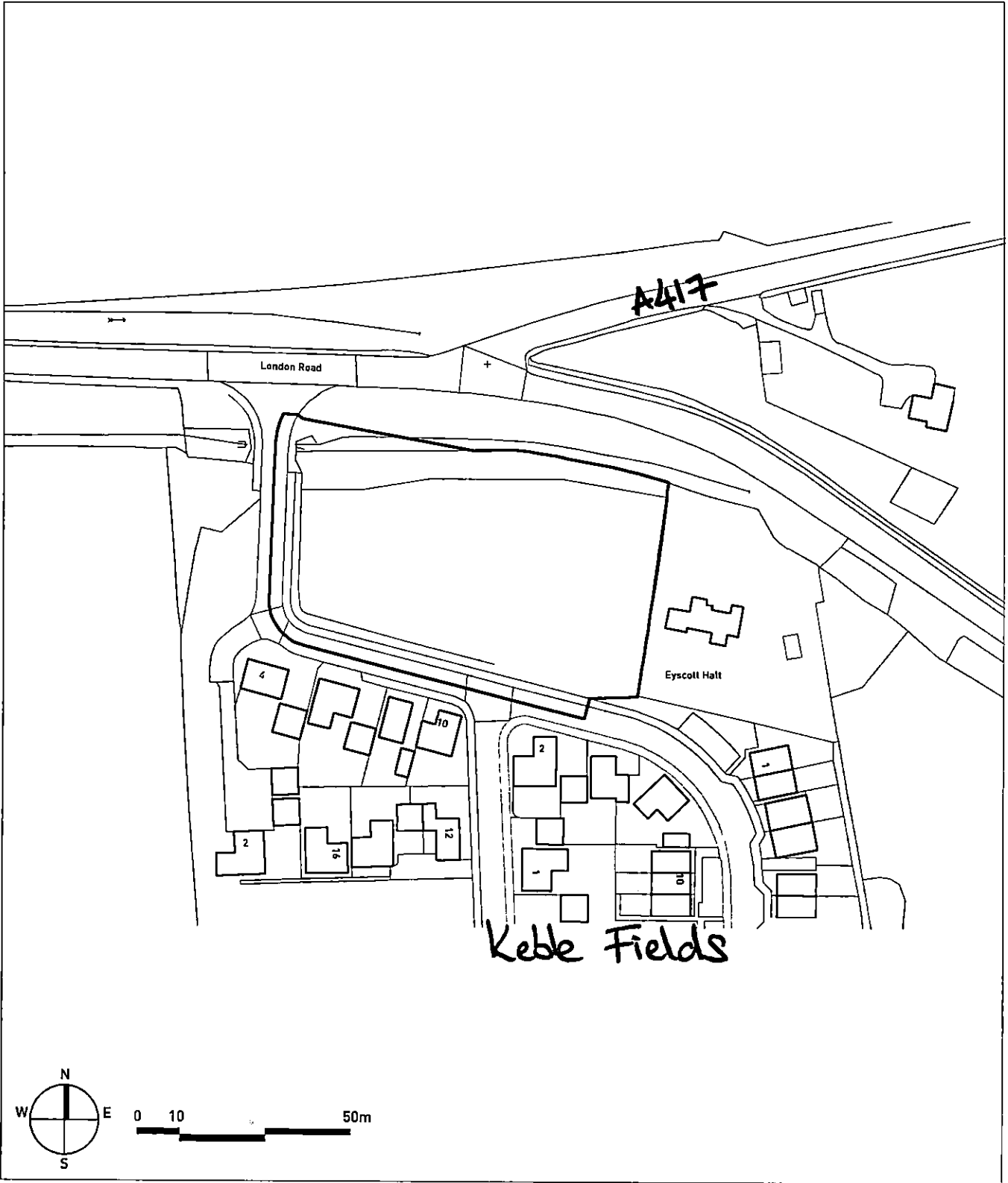
Date: 27/09/2018



**COTSWOLD**  
DISTRICT COUNCIL



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KEY

 SITE LOCATION (0.49ha)

LAND WEST OF EYSCOTT HALT, FAIRFORD - SITE LOCATION



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### Accommodation Schedule

(Relates to Testing Layout, ref: P17-2667\_01)

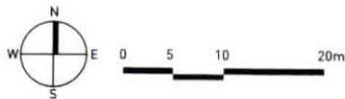
Open Market					
Unit Type	No. Beds	Storeys	No. of Units	Sqft./unit	Total Sqft
A	3	2	6	1108	6,648
B	4	2	2	1239	2,478
Garage	0	1	5	193	1,544
Total OM			8		10,670 sqft

- KEY**
- SITE LOCATION
  - PRIMARY ACCESS TO DWELLING
  - SECONDARY ACCESS TO DWELLING
  - 1.8M HIGH BONDED STONE WALL
  - 1.8M HIGH FENCE
  - GATE ACCESS
  - BIN COLLECTION POINT  
AREA PROVIDED BASED ON 175SQ.M OF CONCRETE SLAB HARD-STANDING PER PLOT
  - BLOCK PAVING - MARSHALL'S TEGULA CONCRETE SETTING PAVING - PENNANT GREY OR SIMILAR APPROVED
  - BLOCK PAVING - MARSHALL'S TEGULA CONCRETE SETTING PAVING - TRADITIONAL OR SIMILAR APPROVED
  - INDICATIVE PROPOSED PLANTING (REFER TO DETAILED LANDSCAPING SCHEME)
  - EXISTING PLANTING AND TREE PROTECTION ZONE (REFER TO DETAILED LANDSCAPING SCHEME)

NOTE:  
BINS TO BE STORED IN BACK GARDENS UNLESS OTHERWISE SHOWN.

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### LAND WEST OF EYSCOTT HALT, FAIRFORD - PROPOSED SITE PLAN



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FRONT ELEVATION

8.9m

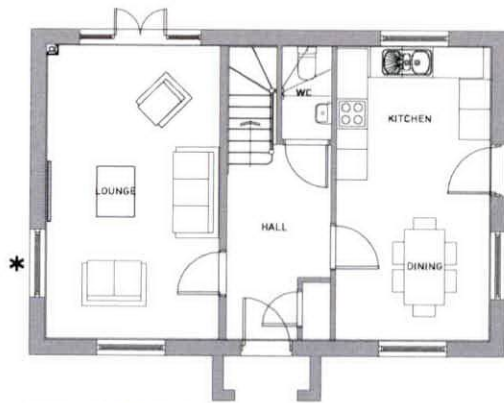


SIDE ELEVATION

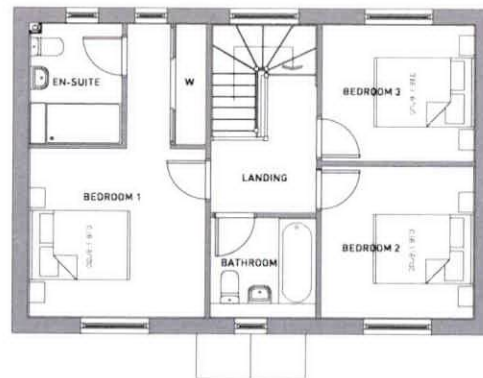
9.1m



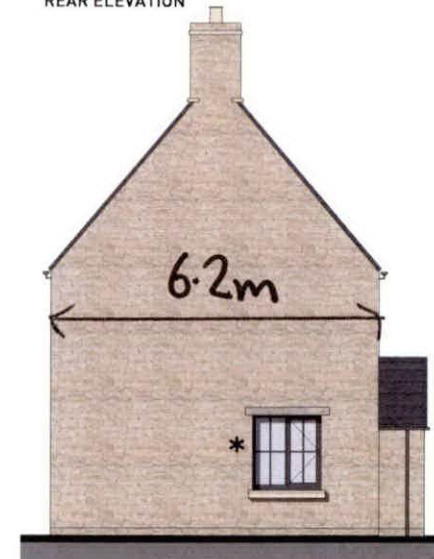
REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATION

6.2m



PLOTS AS STANDARD 1, 6, 7 & 8  
PLOTS HANDED 2 & 3

\* WINDOWS TO PLOTS: 1, 2 & 6  
\* WINDOWS TO PLOTS: 1, 3, 6, 7 & 8

LAND WEST OF EYSCOTT HALT, FAIRFORD - 3B HOUSE TYPE A - 1108sqft

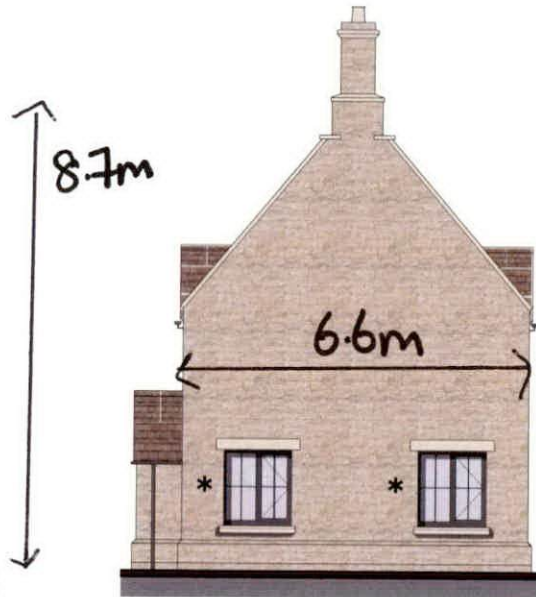
Pegasus Design

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18/02389/FWL

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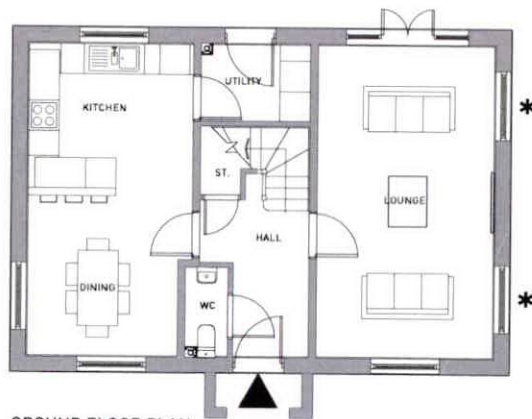
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

PLOTS AS STANDARD 4 & 5

\* WINDOWS TO PLOTS - 5



SIDE ELEVATION

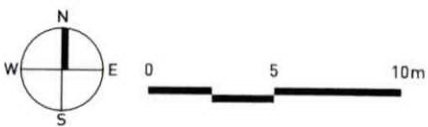
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LAND WEST OF EYSCOTT HALT, FAIRFORD - 4B HOUSE TYPE B - 1239sqft

Pegasus Design

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LAND WEST OF EYSCOTT HALT, FAIRFORD - STREET SCENE



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18/02389/FWL



Illustrative  
Site Plan  
13/03793/out  
Keble Fields



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18/02389/F42

LONDON ROAD - FAIRFORD