

4. Copies of previous submissions by Fairford Town Council

Objection to 18/02520/FUL

Fairford Town Council generally supports the comments made by a number of neighbouring residents and the Conservation & Design Consultant and OBJECTS to this proposal on the following grounds:

1) Impact on the character of the Conservation Area (Policy EN11 and NPPF paras 193-197)

This part of the Conservation Area is dominated by East End House and its setting, which includes the site. The open spaces to the south of East End House and Wick House are a key part of the character of this location, and the proposal with two-storey houses boarded on their upper structures would obstruct views into this from the West and would also detract from its character, as would the creation of a gap in the stone wall.

2) Impact on the setting and significance of East End House (Grade II listed) (Policy EN10 and NPPF 193-197)

As referred to above, the open spaces to the south of East End House and Wick House are a key part of the setting of East End House, and the proposal with two-storey houses boarded on their upper structures would obstruct views into this from the West and would detract from this. (We note that the listing of East End House specifically mentions its south face.) There is no apparent public benefit that could justify this, particularly since market housing needs in Fairford are already being well met. Trees are also important to this setting – We note that the application form does not adequately recognise the presence of these on and around the site. We would also suggest that, if the proposal were to be given consent, serious consideration should be given to removing/restricting permitted development rights to prevent the installation of additional windows in the roof (of a possibly inappropriate design), which would further add to the impact on the setting of East End House and the Conservation Area.

3) Design (Policy EN2 and NPPF 130)

The applicant does not seem to have taken due account of the Pre-Application Advice. We support the comments of the Conservation & Design Consultant that “The submitted scheme at present is neither contemporary nor traditional Cotswold vernacular and therefore the design of the scheme requires some refinement. ... The use of timber cladding is however questioned in this location as the site is not agricultural or rural where this material would be predominately seen.” This adds to the impact on the setting and significance of East End House. We would also suggest that any “contemporary” design needs to be very carefully chosen to be consistent with the character of the vicinity. Some of the features proposed (as shown in the DAS section 3.2) are taken for other locations in the area and inappropriate to this particular location. We are sceptical about what a “green roof” on the single storey parts would add in this context.

4) Safe Access (NPPF paras 108 (particularly b) and 110 (particularly c and d))

The comments and photos from Mr and Mrs Straates (5 Aug) illustrate the problem well. The access track (past Ritchings) is very narrow and has restricted visibility emerging onto the shared

driveway area nearest the main road (which is also a PROW), where there is significant potential for conflict between pedestrians and the additional vehicles.

Further Comments on 18/02520/FUL

Fairford Town Council reiterates its Objection to this proposal, with the following additional comments.

We note the further comments of neighbouring residents, particularly those of Richings Cottage and Cotswold Cottage, and those of the GCC Highways Officer.

We are concerned that neighbouring residents in the adjacent Lygon Court do not appear to have been notified of this application by CDC at any stage, given that many of them are effectively housebound and some of them (in the flats over the garages) overlook the site and may have strong objections to the impact on their view of what is currently an open space within the Conservation Area.

The proposal now needs to be assessed against the new Local Plan policies and the new National Planning Policy Framework. This could potentially alter the pre-application advice, as well as the Planning case.

It is acknowledged that this is a 'difficult' site. However, this does not justify going against planning policies or guidance to permit inappropriate development.

The statement in para 5.27 of the Planning Statement that "In conjunction between this planning statement and the heritage statement it can be demonstrated that the impact of the proposed development would cause no harm to the heritage assets or to their settings" is unjustified. It is acknowledged that (as referred to in the applicant's Heritage statement, para 4.4) East End House itself is largely screened from the site by a tall conifer hedge. However, as pointed out by CDC's Conservation Officer on another recent (withdrawn) application (17/05185/FUL) about 200 yards away, "Historic England's setting guidance points out that account should be taken for the fact that 'impermanent landscape or townscape features, such as hoardings or planting' could be removed'." The impact on the setting of East End House would then arguably be substantial, certainly significant. If this is a valid argument in another case, it must be in this one. It should be noted that, if permission were to be granted, it would probably be desirable to restrict permitted development rights related to additional windows in the roof etc., for this reason.

The revised proposal, with rendered walls (and shallow pitched slate roof as before), pays little regard to the Cotswold Design Code, although (as stated in the DAS) the shallower pitched roof does avoid the greater visual impact that a higher roof would have, and this is not therefore something which we would necessarily object to in this location. However, it does nothing to 'enhance' the Conservation Area or the setting of East End House (Grade II listed). It should be noted that the design of the adjacent Lygon Court and associated garages is much more sympathetic.

We note that the applicant does not have ownership of the part of the 'site' between the start of the narrow lane past Richings Cottage and the A417 (See attached plan from Land Registry) and has provided a Certificate D as part of the application. There is some evidence that this is actually public land (owned by GCC). Historically, it was the start of Moor Lane extending out towards the river. If it is 'highway', visibility splays emerging onto it from the lane passing Richings Cottage presumably

need to be considered. Other adjacent properties (including East End Garden House) also have rights on the lane passing Ritchings Cottage.

NPPF paragraph 110 (quoted by GCC Highways) states:

“Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; ...”

The applicant’s new ‘highways response’ (incorporating SFP report) suggests that delivery vans could stop by Cotswold Cottage. This does not address the issue of getting large items or construction deliveries to the new properties, the obstruction of other users’ access or access by emergency vehicles. CDC needs to be satisfied of the practicality of this before granting permission, rather than relying on the legal rights of neighbours in relation to subsequent unavoidable encroachment or damage on their property, which CDC would effectively have facilitated. The proposal does not seem to meet the requirements of NPPF paragraph 110. This is a material consideration.

The ‘estimate’ (para 1.7 of the SFP report) that “there would be no additional pedestrian, cycle or public transport user trips [on the lane] in the AM and PM peak hours” doesn’t seem consistent with the statement quoted in paragraph 5.9 of the Planning Statement. Also, use of Tesco or Ocado delivery services would not be contributing to the local shops and economy in Fairford.

We question whether having floor levels at or below existing ground level is appropriate for a development in a location which is acknowledged to be partly in Flood Zone 2 or 3 and which may also be subject to surface water flood risk (which certainly affects adjacent properties, including Wick House and Linden Field, according to the EA long term flood risk map) in a more extreme rainfall event. Since the Town & Country Planning Act definition of ‘development’ includes ‘demolition’, return of the tennis court to other condition is ‘development’, so a flood risk assessment should have been provided in accordance with local plan policy E14, and this would seem prudent in any case given the circumstances. This would almost certainly have identified the need for higher floor levels, which would be likely to result in increasing the visual impact of the development (unless the height were correspondingly reduced). The removal of the [porous macadam] tennis court surface would not adequately compensate for the loss of permeable area due to the buildings.

The applicant states in paragraph 2.4 of their Planning Statement that the site is “in a sense is previously developed” (our emphasis) and they go on to assert that it is ‘previously developed land’. The definition of ‘previously developed land’ in the NPPF states that: “This excludes: ... land in built-up areas such as residential gardens, parks, recreation grounds and allotments;” The site is presumably considered as being in a built-up area, since it is within the development boundary and has housing/buildings on all sides of it. As a tennis court in a [former] residential garden it is/was part of that garden and is therefore not ‘previously developed land’. The principle of development is therefore not supported by NPPF paragraph 117.

Having said this, it is accepted that a derelict tennis court contributes little in its current state, although refurbishment or returning the site to garden would always be options.

Original Objection Comments

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Comments for Planning Application 18/02520/FUL

Application Summary

Application Number: 18/02520/FUL

Address: Land South Of Wick House East End Fairford Gloucestershire GL7 4AP

Proposal: Erection of two dwellings

Case Officer: Adrian Walker

Customer Details

Name: Mrs Roz Capps

Address: Fairford Town Council, Fairford Community Centre, High Street Fairford, Gloucestershire GL7 4AF

Comment Details

Commenter Type: Objection Comments

Stance: Customer objects to the Planning Application

Comment Reasons:

- Design
- Impact on Conservation Area
- Other

Comment: Fairford Town Council would like add further objection comments:

The Ambiantal Flood Risk Assessment report (4373) is broadly reasonable in its assessment of fluvial (river) and pluvial (surface water) flooding. However, the statement (para 1.9) "the proposed residential dwellings could therefore be considered to be safe for their lifetime without increasing flood risk elsewhere" (4.18) does not follow logically from the conclusion of the fluvial flood risk calculations, since it does not take account of other sources of flooding (see below), and is incorrect.

As identified in the report, the area around Wick House was flooded in the major fluvial flooding incident of 2007 (Ref 1), but the "Fairford Flood Alleviation Scheme" completed by the Environment Agency in 2014 has significantly reduced this fluvial flooding risk (Ref 2). The area has also been subject to surface water flooding, both in the 2007 incident and subsequently (including in June 2016). In 2017 Thames Water identified and removed tree roots blocking the highway drain under the A417 opposite Keble House and also unblocked the pipe from near Moor Farm discharging into the Court Brook (Ref 6). This has reduced the pluvial (surface water) flooding risk for the time being, although this could still recur if/when the drains become blocked again or with extreme rainfall events. In view of this history a detailed flood risk assessment is clearly highly desirable.

On Sewer flooding, Ambiantal quote in para 4.37 that only one property in GL7 4xx had experienced sewer flooding. This is incorrect. Several properties have experienced sewer flooding (Refs 3, 4 and 5) although work has been undertaken by Thames Water to increase the capacity

and improve the reliability of the sewage system in Fairford (Ref 6).

The Ambiantal report does not adequately address the risk of groundwater flooding and the implications of high groundwater levels for drainage. It states (4.33) "Neither the EA or the CDC have provided any past records of groundwater flooding to have affected the site". This may be true, since these bodies are not responsible for groundwater flooding. However, the LLFA is Gloucestershire County Council (GCC), who in their Groundwater Intermediate Assessment (Ref 7) identify Fairford as subject to groundwater flooding, noting that it is subject to particularly high groundwater level variations.

In recognition of the groundwater issue, Fairford Town Council commissioned a report from Water Resource Associates (WRA) to assess the hydro-geology of the area in more detail as the basis for assessing the suitability of potential development sites for the Neighbourhood Plan and the implications for the design of associated drainage (Ref 8).

Table 4-3 of WRA report (Ref 8) shows a predicted 10-year maximum groundwater level of 83.40m AOD at the Riverdale well, which is about 100m from the site. The Wick House site is therefore likely to be subject to groundwater flooding at a predicted return frequency of 10 years. The WRA report recommends that 200 year levels are taken for design. At Riverdale these are 84.05m AOD which is 60 cm above the high point of the Wick House site. The Wick House site would therefore not be recommended for development due to groundwater flood risk.

An important implication of high groundwater levels is that they limit (or, in the extreme, nullify) the ability of the ground to absorb surface water and avoid run-off which may affect other areas off-site. In this case, Lygon Court lies immediately downhill of the site and would potentially be exposed to risk, although the intervening solid wall would be likely to keep the excess water within the site, at least in the short term (This would be of little comfort to the occupants). The avoidance of surface water entering or becoming trapped within the site is therefore of prime importance, and floors ought to be kept above the maximum level of any potential 'pond'. The WRA report (ref 8) notes that CIRIA guidelines emphasis that effective SuDS infiltration schemes require that groundwater levels are at least 1 metre below the bottom of soakaways. This condition clearly does not apply for this site under the worst condition, and there appears to be little space on site for the most likely alternative, which an attenuation pond or tank. Even if the latter is feasible, a viable discharge method and route (without increasing flood risk elsewhere) would need to be determined.

References:

1. Fairford, Whelford, Kempsford & Lechlade Floods Review July 2007, Environment Agency, 2008
2. <https://www.cotswold.gov.uk/media/1320059/Fairford-Flood-Alleviation-Scheme.pdf>
3. Cotswold District Council Strategic Flood Risk Assessment - Updated Final Report, JBA Consulting, May 2016 - <https://www.cotswold.gov.uk/media/1435300/2016s3821-Cotswold-SFRA-Update-Final-May-2016-v10.pdf>
4. Fairford Drainage Strategy - Stage 1, Thames Water, 2016. -

<https://corporate.thameswater.co.uk/-/media/Site-Content/Thames-Water/Corporate/AboutUs/Investing-in-our-network/Drainage-strategies/Fairford.pdf>

5. Fairford Town Council records (also passed on to Thames Water)

6. Fairford Drainage Strategy Document PDF FINAL Draft v3 - Thames Water, November 2018

7. Gloucestershire Groundwater Management Plan: Groundwater Intermediate Assessment - South Cotswold District, Atkins, April 2015

8. Groundwater Monitoring and Review of Flood Risk at Fairford, Water Resource Associates (WRA), November 2018 - <https://fairfordtowncouncil.gov.uk/wp-content/uploads/2019/03/WRA-Hydrology-Study-Final-Report-06.11.18.pdf>

