

Item No 04:-

19/02556/FUL

**56 Roman Way
Bourton-On-The-Water
Cheltenham
Gloucestershire
GL54 2EW**

Item No 04:-

**Construction of ancillary guest accommodation and garden room at
56 Roman Way
Bourton-On-The-Water**

Full Application 19/02556/FUL	
Applicant:	Mrs Delray Allam
Agent:	N/A
Case Officer:	Amy Hill
Ward Member(s):	Councillor Nick Maunder
Committee Date:	9th October 2019
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Design and Impact on the Character and Appearance of the Area
- (b) Impact on Landscape and the Cotswolds Area of Outstanding Natural Beauty (AONB)
- (c) Residential Amenity
- (d) Trees
- (e) Other Matters

Reasons for Referral:

Cllr Maunder has called the application to Planning and Licensing Committee for the following reasons:

'I have no objection to the garden room situated to the rear of the property, my objection centres on the ancillary accommodation proposed for the front of the property.

As noted in the report there is an objection from Thames Water given its proximity to the sewage pumping station. The design of the accommodation does not suggest that it will be used temporarily or intermittently and therefore I believe that the Thames Water objection is valid and should be upheld.

Secondly, I believe that it would be a mistake to allow the construction of ancillary accommodation in a front garden against the established building code. The situation is very visible from public view and this would not set a desirable precedent.

I believe that these rules were established for good reason and there is insufficient reason to waive them in this case.'

&

'a) Noted regarding the codicil by Thames Water on their objection. However, my understanding is still that they object - albeit offering a mitigating strategy should their objection be overridden.

b) I have concerns on the assessment of the ERS that these objections can be overruled on the basis that this will only periodically used ancillary accommodation. The assurances given by the applicant that this will be used as an art room does not correspond with the application to build a three bed unit with bedroom, bathroom and lounge/kitchen. This clearly has the potential to be used as a regular/full time self contained accommodation either by the current or future occupiers.

c) Finally there seems a very obvious solution to these objections - asking the owner to submit alternative plans to provide the desired ancillary accommodation to the rear of the property. Why has this not be explored?

In so far as planning's role is to anticipate and prevent future problems this would seem highly desirable to go down this route rather than approving the current plan.'

1. Site Description:

The site is located at the end of a residential cul-de-sac, within Bourton-on-the-Water Development Boundary. To the front of the property is a Thames Water Sewage Pumping Station enclosed by a timber boarded fence. The south-eastern boundary of the site extends alongside a lane, which is designated as a Public Right of Way (Bourton-on-the-Water Restricted Byway 9). Visibility of the front and rear of the site is possible from the byway although limited by trees and fencing. To the rear of the site is a residential development site which has views of the rear garden. The site is located within the Cotswolds AONB. To the south east of the site lies an Iron Age 'Fortified Enclosure', which is a Scheduled Ancient Monument (SAM).

2. Relevant Planning History:

Cd.2240/O - Outline application for 61 dwellings (Amended Scheme). Permitted May 1968

Cd.2240/Z - One three bedroomed bungalow and garage. Vehicular access. Permitted April 1989

3. Planning Policies:

NPPF National Planning Policy Framework

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswold AONB

EN7 Trees, Hedgerows & Woodlands

EN15 Pollution & Contaminated Land

DS2 Development within Development Boundaries

4. Observations of Consultees:

Environmental Regulatory Services: No objections subject to informatives added to any permission.

Thames Water: The following comments have been received in response to the application:

"Waste Comments

The proposed development is located within 15m of a Thames Water Sewage Pumping Station. Given the nature of the function of the pumping station and the close proximity of the proposed development to the pumping station we consider that habitable rooms should be at least 15m away from the pumping station assets as highlighted as best practice in Sewers for Adoption (7th edition)'. The amenity of those that will occupy new development must be a consideration as set out in the National Planning Policy Framework (NPPF) therefore we object to the application. In the event that the Local Planning Authority consider that they will grant planning permission for the development, we would suggest the following informative is attached to the planning permission: "The proposed development is located within 15m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Sewers for Adoption (7th edition). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise."

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your

development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

Thames Water would advise that with regard to Waste Water Network and Sewage Treatment Works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development."

Concerns were also initially raised by Thames Water with regards to the proximity of a strategic water main; however, this comment was in error and instead it was a foul water asset, which does not warrant the same level of caution.

The issues raised by Thames Water will be discussed in the Officer's Assessment below.

5. View of Town/Parish Council:

Bourton-on-the-Water Parish Council Objects to the proposal for the following reasons:

"The Parish Council repeat their objection to this planning application as this was over development of the area. The garden room was too big for the site and the Councillors object to the flat roof on the garden room. Councillors concur with Thames Water that the additional

dwelling would be too close to the sewerage station next door. The Council object to the proposed ancillary dwelling to be built in the front garden of the existing property."

6. Other Representations:

None received at time of writing.

7. Applicant's Supporting Information:

Proposed Plans

8. Officer's Assessment:

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 current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

The policies and guidance within the National Planning Policy Framework (NPPF) are also a material planning consideration.

(a) Design and Impact on the Character and Appearance of the Area

Local Plan Policy DS2 supports the principle of development within Development Boundaries.

Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality. NPPF Section 12 also requires good design, providing sustainable development and creating better place to live and work in.

The proposed garden room is to the rear of the property and measures 7m long by 6m wide (including a 1m overhang) with a low monopitch roof between 2.3m and 2.6m. It would be constructed of timber cladding, with a metal roof to accommodate the shallow pitched roof. The extension would be visible from the lane to the south east of the site and from a housing development to its rear. The concerns expressed by the Parish Council about the size of the garden room are noted. However, it is a single storey structure located to the rear of the house and, by virtue of its single storey form, is considered to be subservient to the main dwellinghouse. Whilst there are views of the rear garden, these are partially obscured by fences and trees. Given its garden location, modest height and the character and appearance of the current property, the extension is considered not to harm the character or appearance of the dwellinghouse or the surrounding area.

The ancillary accommodation to the front of the existing dwellinghouse would measure 6.5m by 5m, with comparable eaves height to the existing bungalow (2.5m - 2.6m) although with a lower ridge height (4.1m compared to 6m). The building has a simple form and is proposed to be timber clad, although with a concrete tile roof to match the dwellinghouse. It would be located within a corner of the site at the end of the cul-de-sac alongside a Thames Water sewage pumping station and a boundary fence. When approaching the site along the cul-de-sac, the timber fencing of the pumping station is prominent at the end of the road. The proposed outbuilding would be located to one side of the pumping station and be set back. It would therefore not be visually prominent along the street and as such is considered not to harm the character or appearance of the area.

The proposed building would sit in line with a projecting gable to the front of the existing dwellinghouse, providing a visual connection between the proposed outbuilding and the existing dwelling. The site of the proposed outbuilding is separated from the front gardens of other properties fronting onto Roman Way by a turning area located at the end of the cul-de-sac. There is a degree of visual separation between the site and the building line of existing dwellings extending along the northern side of the road. Together with the pumping station, the proposed

building would create a visual termination of the cul-de-sac, and, with the corner plot location of the site, it is considered that the proposal would not have an adverse impact on the existing pattern of development evident along Roman Way.

It is considered that the scale, form and siting of the proposed building would not compete with or detract from the character or appearance of the main dwellinghouse. The use of timber in this instance would assist in the resultant subservient appearance to the main dwellinghouse. A condition is recommended requiring details of materials to be agreed prior to the erection of either building. Overall, it is considered that the proposal accords with the design considerations of Local Plan Policy EN2 and NPPF Section 12.

(b) Impact on Landscape and Cotswolds Area of Outstanding Natural Beauty (AONB)

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN4 supports development where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. Proposals should take account of landscape and historic landscape character, visual quality and local distinctiveness.

Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states Great weight should be given to conserving and enhancing landscape and scenic beauty in AONB (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

The site is in a built-up area within a Development Boundary. The proposed development is contained within the residential curtilage of the existing dwelling and relates closely to the existing built form on the site. It does not encroach into open countryside nor affect the setting of the village within the AONB landscape. As such the proposal is considered not to harm the character or appearance of the Cotswolds AONB and to accord with Local Plan Policies EN4 and EN5 and Section 15 of the NPPF.

(c) Residential Amenity

Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

Local Plan Policy EN15 states development will be permitted if it will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through pollution of the air, land, surface water, or ground water sources and/or generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

Owing to the scale, siting and position to relative neighbouring properties, neither the extension nor outbuilding are considered to impinge on the residential amenities of the neighbouring properties having regard to loss of light, loss of privacy or overbearing impact.

A Thames Water sewage pumping station is located alongside the proposed ancillary outbuilding to the front of the property. Thames Water has raised concerns about the outbuilding due to the close proximity of the the pumping station to the proposed building, which would include habitable rooms. Sewers for Adoption (7th edition) best practice recommends habitable rooms should be at least 15m away from the pumping station asset. It is also noted that the Parish Council has objected on this basis.

The proposed outbuilding is intended for use as ancillary accommodation. The applicant advises that it will mainly be used as an art studio and only occasionally as an additional living area when family or friends visit. The applicants have, however, been made aware of the issues raised by Thames Water. With regards to the impact on amenity of any future occupiers of the site, informatives would be added to the permission to highlight the issues raised by Thames Water. If the building were to be used as a separate dwellinghouse then permission would be required separately and these issues reconsidered. Environmental Regulatory Services Officers have also provided additional comments which support the addition of the informative suggested by Thames Water, and an additional informative to highlight that should any issues be raised in the future that the status of this building as ancillary accommodation for guests, rather than part of the main living accommodation, would be taken into account.

The following informative is suggested by Thames Water and is considered appropriate: 'The proposed development is located within 15m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Sewers for Adoption (7th edition). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.'

Subject to these informatives, the proposed development is considered to accord with the residential amenity considerations of Cotswold District Local Plan Policies EN2 and EN15, and Section 12 of the NPPF.

(d) Trees

Local Plan Policy EN7 requires development to conserve and enhance natural assets to be affected, including trees, hedgerows, and woodland of high landscape amenity, ecological or historical value as well as veteran trees.

A field maple tree is located along the lane to the north east of the site. The tree is subject to a Tree Preservation Order; however, the root protection area of the tree is located outside of the development area and it is considered that the development can be undertaken in accordance with Local Plan Policy EN7.

(e) Other Matters

Thames Water has also requested informatives are added relating to discharging groundwater and surface water into a public sewer.

In light of the modest size and scale of the proposed development and its residential context, it is considered that the proposal will not have an adverse impact on the setting of the SAM, having regard to Local Plan Policy EN10 and guidance in Section 16 of the NPPF.

9. Conclusion:

The proposals are considered to accord with the above Local Plan Policies and material considerations, and as such this application is recommended for permission.

This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. As this is a self-build development/residential extension/residential annex, the applicant may apply for relief.

10. Proposed conditions:

1. 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.

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

Existing and proposed plan; Proposed northern elevation (rear); Proposed garden room side elevation - west; Proposed garden room elevation - east; Proposed garden room extension floor plan; Proposed guest cottage; Guest cottage west elevation; Guest cottage east elevation; Guest cottage north and south elevations; and Guest cottage floor plan.

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

3. 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.

Informatives:

1. Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cotswold.gov.uk/CIL.

2. The proposed development is located within 15m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Sewers for Adoption (7th edition). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.

3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

5. The proposed development is located adjacent a sewage pumping station and from time to time there may be an attendant odour or noise emission associated with pumping. Any subsequent action or complaint of nuisance about emissions from guest/s or the owner, would be considered to take into account the prevailing site context and of the transient and intermittent nature of the use (guest accommodation) hereby permitted.



56 ROMAN WAY BOURTON-ON-THE-WATER

Scale: 1:1250

Organisation: Cotswold District Council
Department:

Date: 26/09/2019

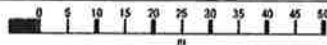
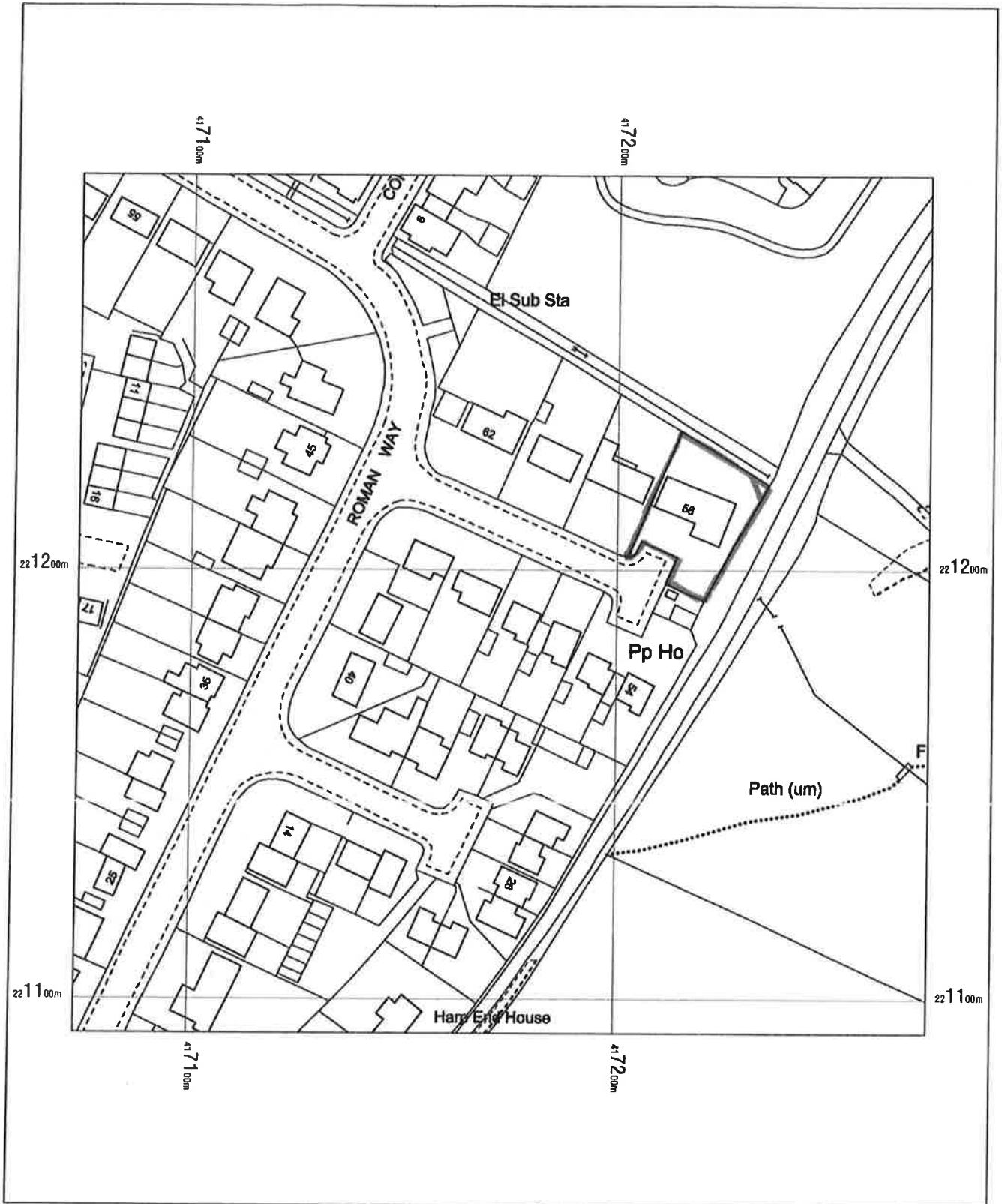


COTSWOLD
DISTRICT COUNCIL



NORTH

56 Roman Way, GL54 2EW



56 Roman Way,
Cheltenham,
Bourton-On-The-Water,
Gloucestershire
GL54 2EW

OS MasterMap 1250/2500/10000 scale
Saturday, July 20, 2019, ID: MPMBW-00815640
www.blackwellmapping.co.uk

1:1250 scale print at A4, Centre: 417174 E, 221192 N

©Crown Copyright Ordnance Survey. Licence no. 100041041

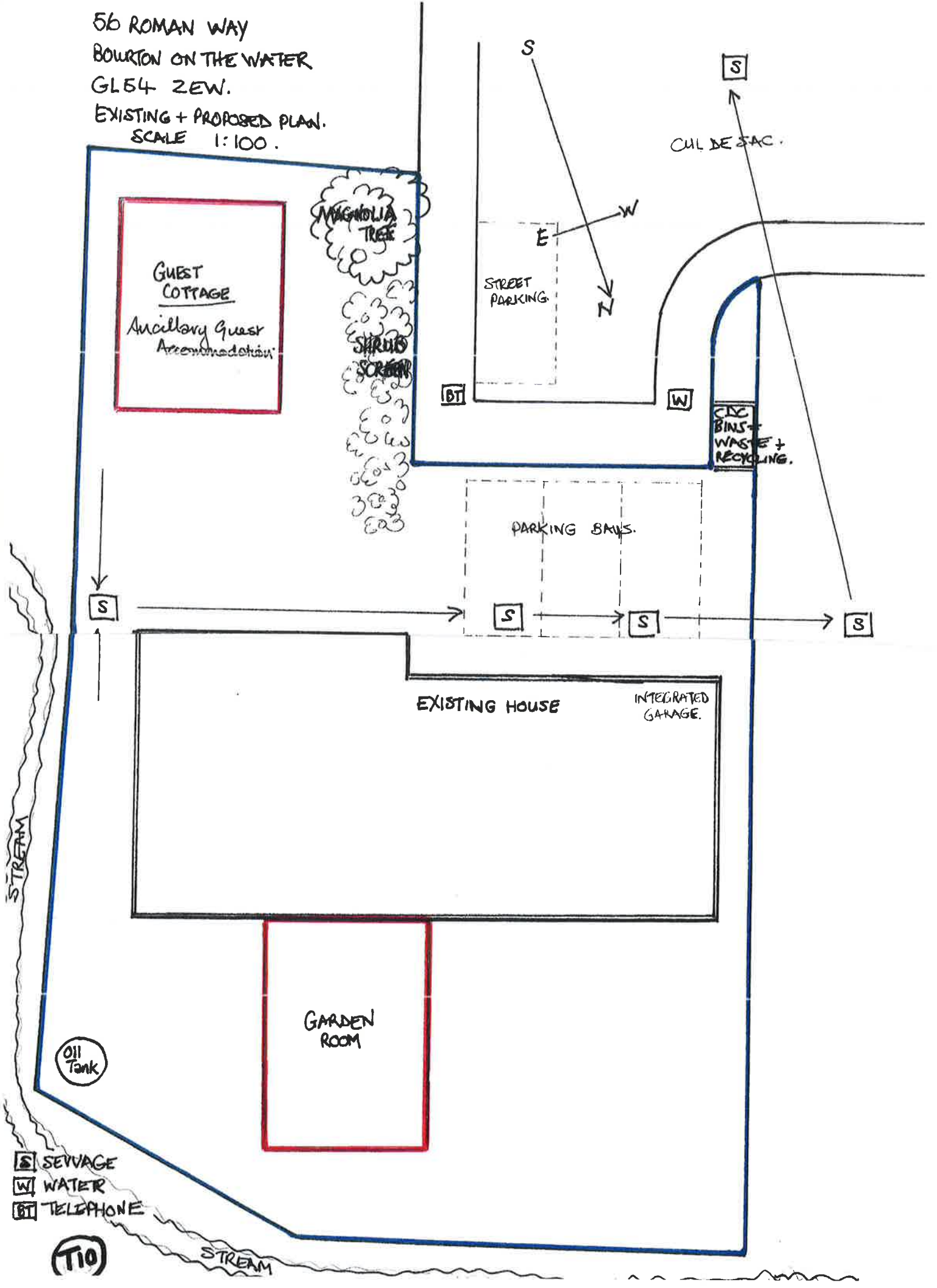


BLACKWELL'S
MAPPING SERVICES
PERSONAL & PROFESSIONAL MAPPING
www.blackwellmapping.co.uk

TEL: 0800 151 2612
maps@blackwell.co.uk

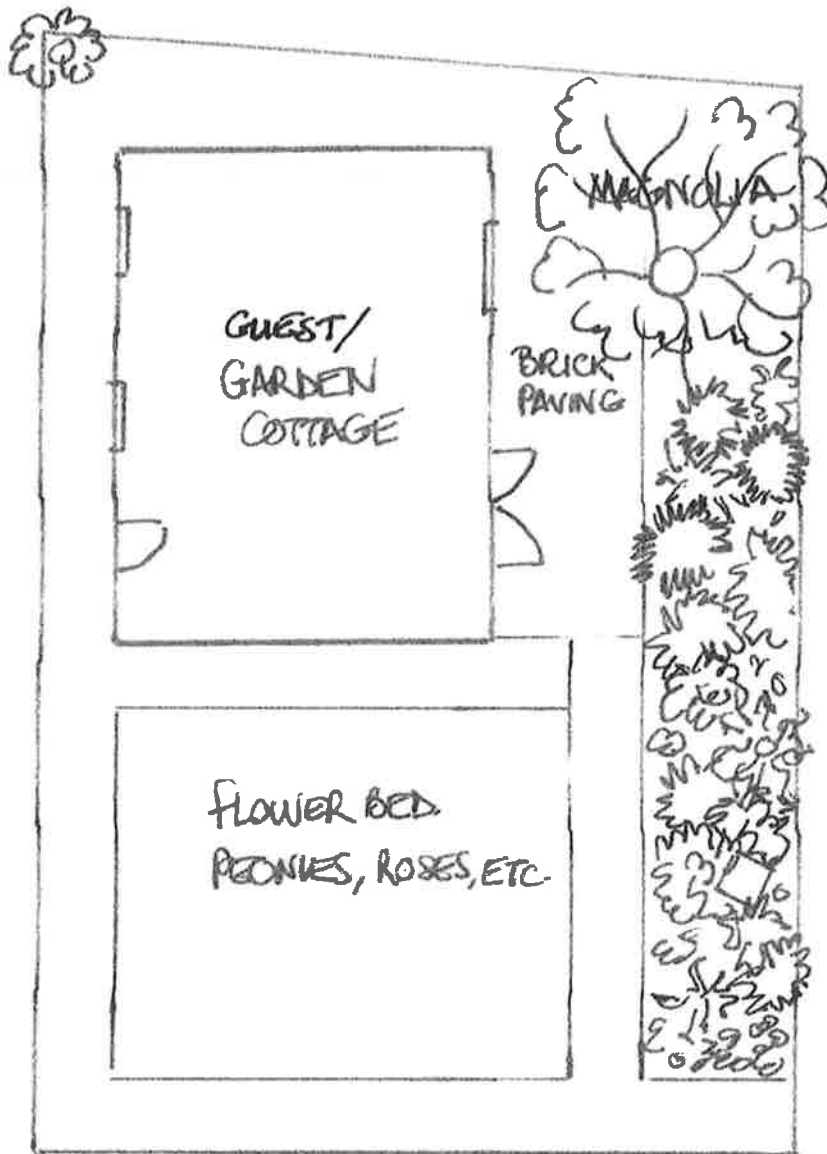


56 ROMAN WAY
 BOURTON ON THE WATER
 GL54 2EW.
 EXISTING + PROPOSED PLAN.
 SCALE 1:100.



- [S] SEWAGE
- [W] WATER
- [BT] TELEPHONE

(T10)



PROPOSED GUEST COTTAGE

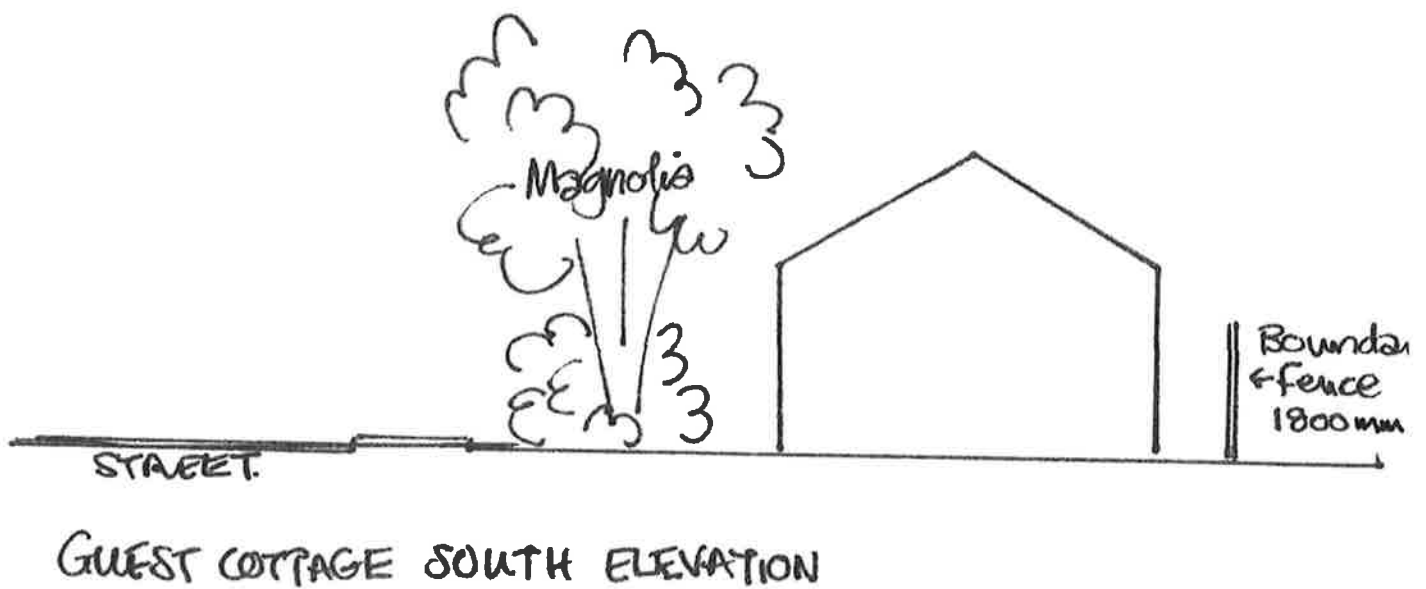
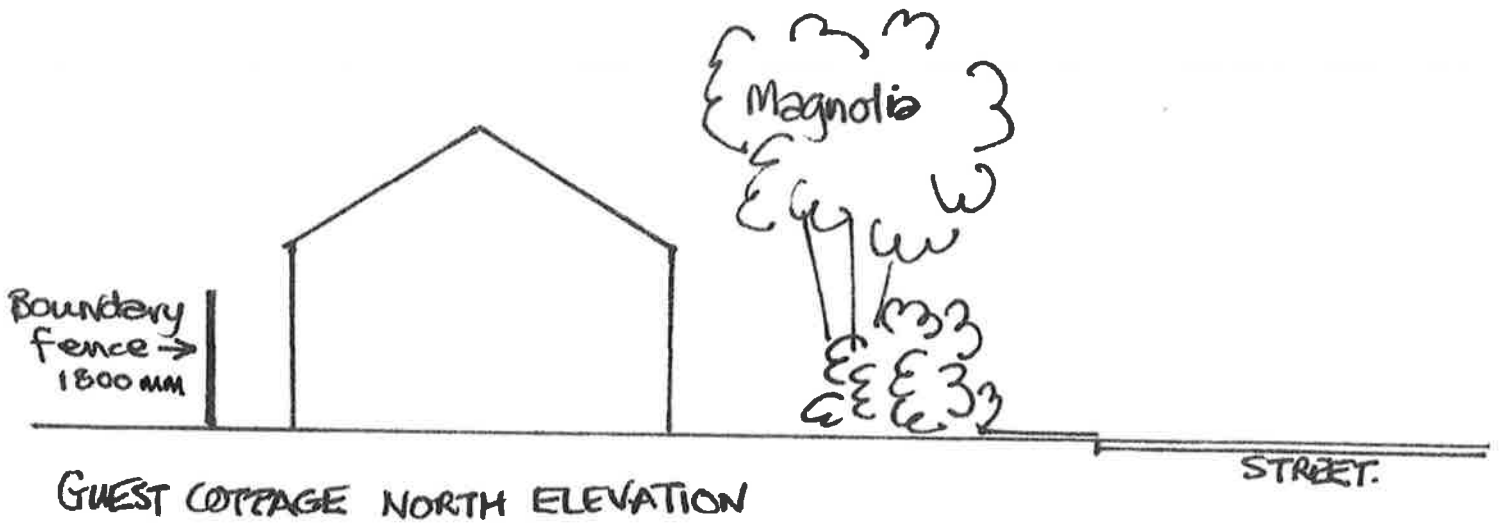
56 ROMAN WAY.

BOURTON ON THE WATER.

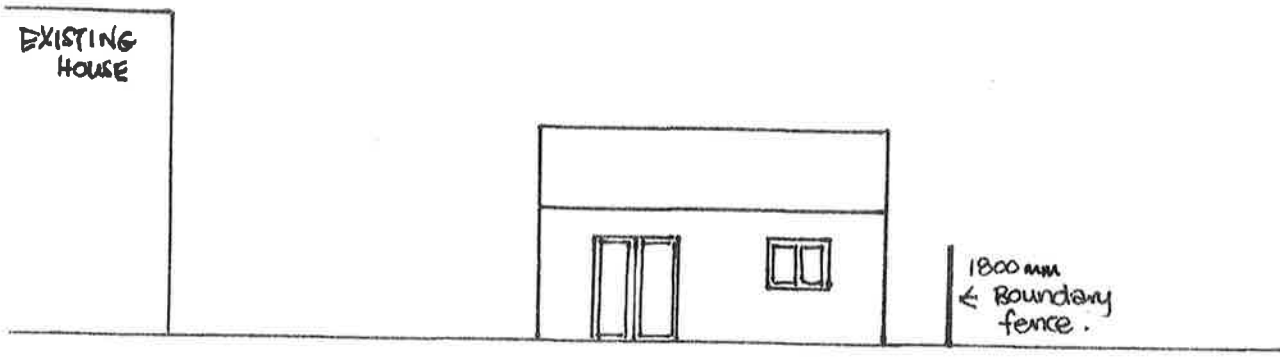
Scale 1:100

56 ROMAN WAY, BOURTON ON THE WATER, GL54 2EW.

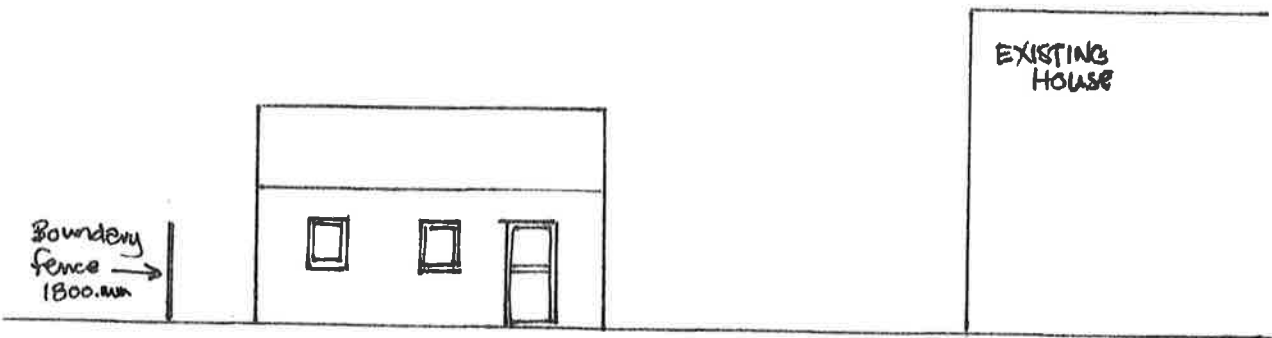
Scale 1:100



GUEST COTTAGE WEST ELEVATION
56 ROMAN WAY, BOURTON ON THE WATER
Scale 1:100

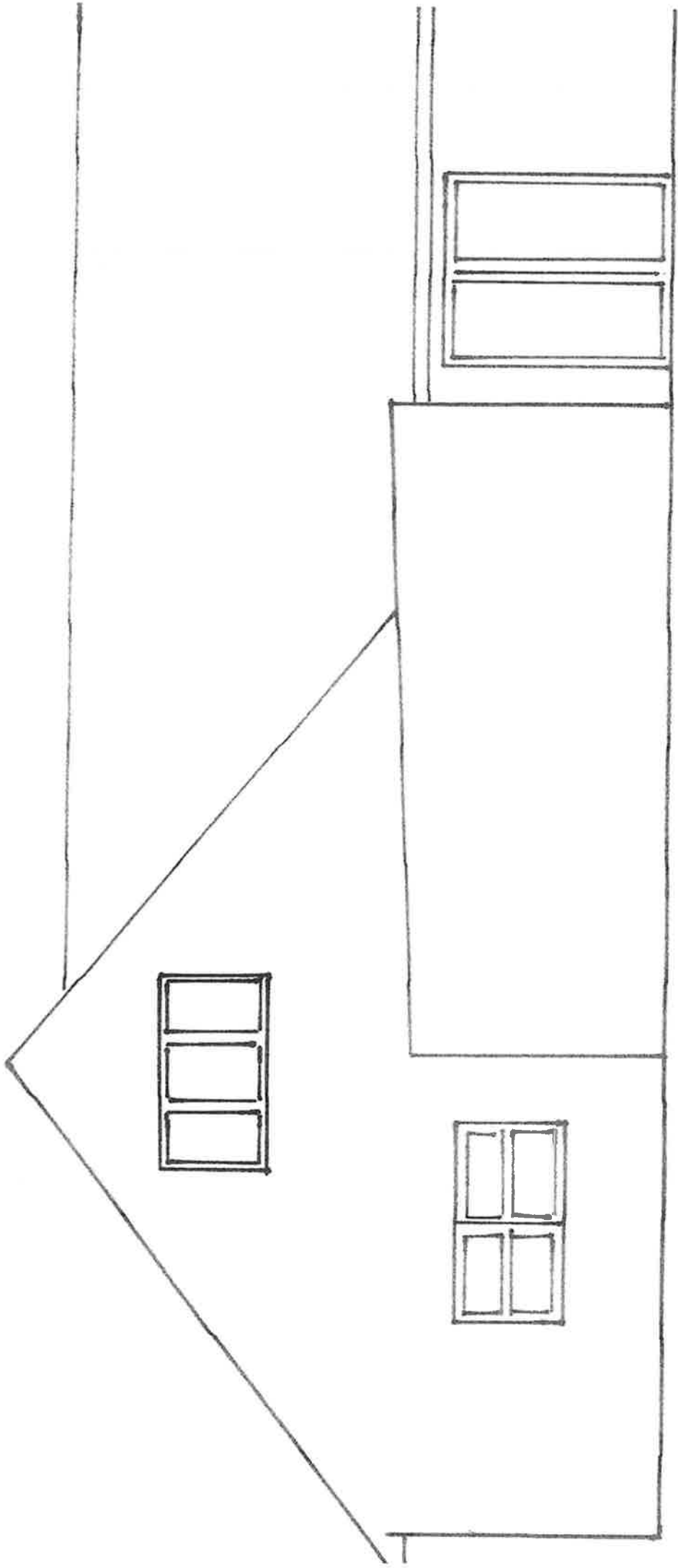


GUEST COTTAGE EAST ELEVATION
56 ROMAN WAY, BOURTON ON THE WATER
Scale 1:100



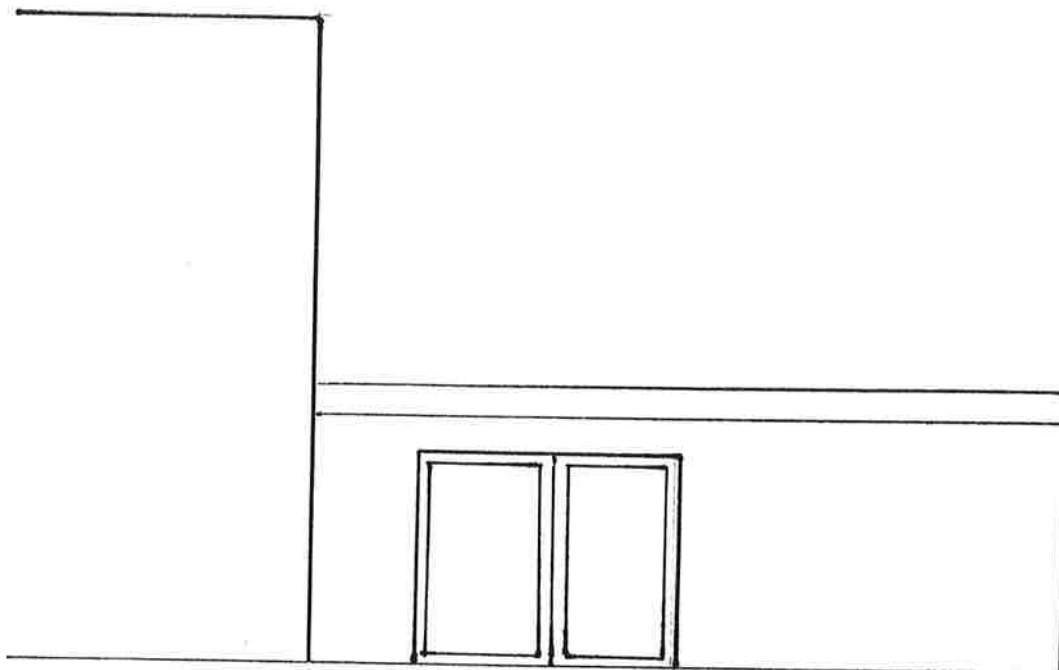
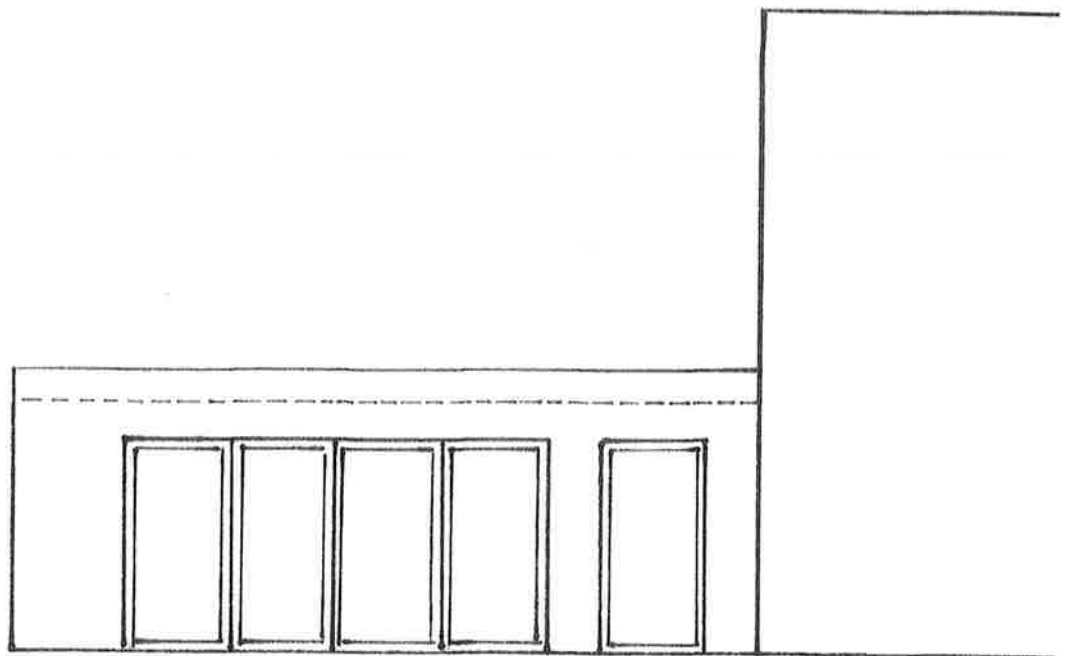
PROPOSED NORTHERN ELEVATION (REAR)
GARDEN ROOM EXTENSION
56 ROMAN WAY
BOURTON ON THE WATER

Scale 1:50



PROPOSED GARDEN ROOM SIDE ELEVATION - WEST
56 ROMAN WAY, BOURTON ON THE WATER, GL54 2EN

Scale 1:50



PROPOSED GARDEN ROOM ELEVATION - EAST - SIDE

56 ROMAN WAY, BOURTON ON THE WATER, GL54 2EN

Scale 1:50