



WALKER TROUP

ARCHITECTS

52 Lyndon Road
Sutton Coldfield
West Midlands B73 6BS

**PROPOSED EXTRA CARE DEVELOPMENT
BATH ROAD BANBURY
PLANNING APPLICATION REF 15/01024/F
Ref 1413 - 15th Sept 2015.**

SUPPORTING STATEMENT

The following statement is in response to the decision by the planning committee to defer the determination of the above planning application pending a site visit by the councillors in order to assess the impact of the development upon the residents of Bath Road.

The applicant, Bromford Housing Association, has taken considerable measures to ensure that the development will be as sensitive to its local environment as possible. We acknowledge that the building is a big building but it will be a beautiful building offering local older people the opportunity for a safe and secure, independent lifestyle within a vibrant community in this Retirement Living development. The local community will be invited to be part of this development to bring them into the lives of residents and encourage residents to likewise become part of the existing community. The numerous facilities within the development, café, village hall, hairdressers, gym, including the landscaped gardens will offer enjoyment and activity for both residents and the community. The applicant, Bromford Housing Association, will remain owner, landlord and manager of the building for the long term. They successfully establish strong links with the local community and neighbours as they are in this for the long term. Housing for older people is a nationally recognised urgent requirement and this development provides financial options for all to access a flexible purpose built home.

We understand the objectors concerns are regarding the scale and massing of the building and that they have claimed there would be no view of the sky. We would point out that the planning decision should be made based on compliance with relevant planning policy and not in response to any emotive or subjective concerns. There is no 'right to a view' and this would include a 'view' of a blue sky, however there are rights to ensure an adequate amount and quality of day light and sunlight is maintained.

The right to light derives from the 1832 Prescription Act. This act did not provide specific criteria but set out the general right of a house holder to maintain a degree of air and light to their property. Legal judgements over the years have built up a set of criteria that are used today. Because they are based on various precedents there is no single pass/fail figure but rather a range of levels of skylight that should be adequate for given premises under given circumstances.

An opening into a building acquires a right-to-light if it has had uninterrupted enjoyment of a given amount of skylight for a period of at least twenty years. Even then **there is no right to maintain that exact same amount of light, but only to retain a reasonable proportion of that light.** To quote from The Building Research Establishment's guide 'Site layout planning for daylight and sunlight'

'the right is only to the amount of light that is sufficient for ordinary purposes and does not compare directly with the recommendations in the BS 8206-2.'

This statement is therefore made to point out how the application proposal complies with the recognised local and national assessment criteria, namely

- Local planning policy
- Local design guidance
- National design guidance – BRE guide
- Local precedent

1, Local planning policy

The development has been carefully designed in accordance with informal guidance provided by Cherwell District Council in respect of separating distances. Consequently the design has been developed to exceed 22 m for two storey and 28m separating distance for three storeys.

22m is the recognised separating distance for conventional '2 storey' development and we have demonstrated on our section drawing 1413-P-40 what should be regarded as the 'normal condition' for back to back development. We have identified on this section the angle to the obstruction and sky line.

We note from Mr Duxbury's planning report to committee that no objections have been received from residents from West Beech Court where our design meets these standards albeit there is actually less of a separating distance than there is to Bath Road.

We further point out that Mr Duxbury, has recommended that in his view the proposal is acceptable having met with local residents and visited the site to assess the impact of the development.

2, Local Design Guidance

Cherwell District Council has no formal planning guidance specifically that deals with separating distance however we can take the relevant principles from the following document:-

'Home extensions and Alterations. Design guide for householder planning applications dated March 2007.'

Chapter 5 states: - *'That rear extensions should be designed so that they do not cause loss of daylight, sunlight, privacy or amenity to neighbouring buildings or gardens'*.

Chapter 6 states: - Where the extension has a window at the rear, it should normally be at least 22m from a window of a neighbour's habitable room to prevent loss of privacy.

This guidance therefore implies that for 2 storey development the 22m distance is sufficient to satisfy concerns around *loss of daylight, sunlight, privacy or amenity to neighbouring buildings or gardens'*.

As a rule of thumb, for three storey development or higher, the separating distance is usually increased by 5m for each storey thus a minimum of 27m would normally be considered acceptable . In the absence of specific guidance we would refer to other local authority guidance documents where necessary.

The design achieves a minimum of 29m between the proposed facade and the properties to Bath Road and to illustrate this we have provided drawings numbered 1413-P-40 to show the closest relationship between the existing and proposed dwellings.

3, National Design Guidance- best practice

The daylight and sunlight tests used by Local Authorities when considering planning applications are set out in the Building Research Establishment (BRE) Document 'Site Layout Planning for daylight and sunlight: A guide to good practice(2011) .

We have provided drawings and data that demonstrate compliance with this guidance as follows:-

- **25 degree rule:** is a rule of thumb test for determining whether or not further daylight and sunlight studies are required.

The 25 degree test recommends that if the whole of the new development falls below the 25 degree line taken horizontally from the centre of the lowest habitable window . Then there is unlikely to be a substantial effect on daylight and sunlight.

Our proposal demonstrates that the increased separating distance and the eaves height of the proposed building results in an improved angle of 21 degrees rather than the 25 degrees, thus exceeding the amount of visible sky required. Using the table F1 in appendix F a VSC (Visible Sky Component) of 29.5 degrees can be interpolated using an angle of 21 degrees and a space to height ratio of 2.6 to the highest point of the obstruction. The benchmark VSC for loss of light being 27 degrees or less.

- **Overshadowing to gardens and open spaces:** BRE guidance recommends that at least 50% of the area of a neighbour's amenity i.e. back garden should receive at **least 2 hours of Sun light on 21st March.**

We have provided a CAD sunlight study for this showing that this is more than achieved with sunlight for 50% or more from 9.30am to sunset on the 21st March . See attached plan ref 1413-P-501

- **Privacy:** Item 5.3.1. of the BRE guidance states that **distance helps promote visual privacy but does not guarantee it.** Recommended privacy distances vary widely but are typically from 18m. A space to height ratio of just over two is normally enough to allow adequate day lighting on building faces: thus for low rise housing if these privacy distances are applied good daylight will ensue automatically.

Our proposal has a proposed eaves height of 8.50m and a ridge height level of 13.24m thus a 2:1 ratio requires a minimum separating distance of 26.48m. The actual distance to the ridge is 34m from the rear of Bath Road and 29.66m from the facade providing an actual ratio of 2.6:1 and 3.4 respectively.

4, Local Precedent

We note that the existing retained college building adjacent to the development has a taller eaves and ridge line and is closer to the existing boundary and the rear of existing properties to Bath Road. See attached plan ref 1413-P-41

Conclusion

We acknowledge that the development will be visible from the neighbours habitable rooms and gardens however having followed planning policies and the recommended design guidance, It is our opinion that the proposed development meets the relevant criteria and consequently the impact of the development will be modest and not cause harm. We therefore see no technical reason why planning permission should not be granted.