

Item No 08:-

14/05373/FUL (CD.3670/H)

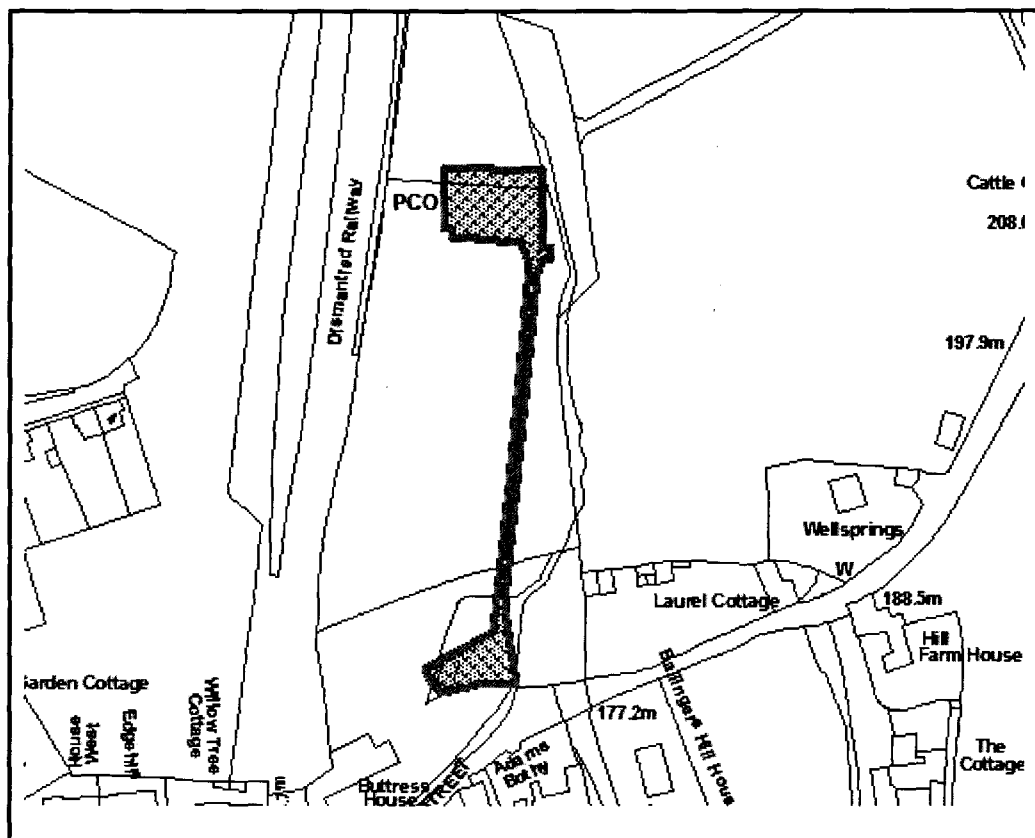
**Buttress House
Queen Street
Chedworth
Cheltenham
Gloucestershire
GL54 4AG**

Item No 08:-

Erection of new detached dwelling at Buttress House
Queen Street Chedworth

Full Application 14/05373/FUL (CD.3670/H)	
Applicant:	Mr & Mrs P Thacker
Agent:	Plan-A Planning And Development Ltd
Case Officer:	Claire Baker
Ward Member(s):	Councillor Jenny Forde
Committee Date:	10th June 2015

Site Plan



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RECOMMENDATION: REFUSE

Main Issues:

- (a) The principle of the Proposed Development
- (b) Sustainability of the location
- (c) Impact on the character and appearance of the Chedworth Conservation Area and the Cotswolds Area of Outstanding Natural Beauty
- (d) Impact on trees
- (e) Impact on biodiversity
- (f) Highway considerations
- (g) Impact on the amenity of neighbouring properties

Reasons for Referral:

The application has been referred by former Councillor Broad for the following reason:

Given that the applicant challenges the views of the conservation and landscape officers, in the interests of fairness, it would be appropriate for the applicant's to have the opportunity to speak at Committee and for the Committee to make the decision.

1. Site Description:

The site of the proposed dwelling is agricultural land adjacent to Buttress House. Adjacent to the site is a small vineyard tended by the applicants. The site is located within the Cotswolds Area of Outstanding Natural Beauty and the Chedworth Conservation Area. There are trees on the site that would be affected by the development and the site is visible from several public footpaths.

2. Relevant Planning History:This Site

15/00180/FUL Demolition of existing outbuilding and erection of detached garage together with associated ancillary development. Permitted 1 April 2015.

Other Sites

14/02926/FUL Demolition of existing dwelling, garage and outbuildings and erection of two dwellings with associated parking and Gardens at Highfield, Fields Road, Chedworth. Permitted 11 March 2015.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR09 Biodiversity, Geology and Geomorphology
 LPR10 Trees, Woodlands and Hedgerows
 LPR15 Conservation Areas
 LPR19 Development outside Development Boundaries
 LPR38 Accessibility to & within New Development
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development
 LPR46 Privacy & Gardens in Residential Development

4. Observations of Consultees:

County Highways: No objection.

Conservation Officer: Objects. Comments incorporated into the report.

Landscape Officer: Objects. Comments incorporated into the report.

Biodiversity Officer: No objection. Comments incorporated into the report.

5. View of Town/Parish Council:

Supports proposal.

6. Other Representations:

4 letters of objection raising the following issues:

- i) there would be a loss of general amenity, over development, privacy light and noise for Laurel Cottage;
- ii) impact on trees and landscape;
- iii) the site is in the conservation area and Area of Outstanding Natural Beauty and the proposed dwelling is out of keeping with any existing architecture
- iv) it does not relate to the existing building line;
- v) it would create a precedent for future development;
- vi) it would harm the amenity value of the site as it is visible from 4 public footpaths in constant use by villagers and residents;
- vii) the site is used by protected birds that could be harmed by the proposed development;
- viii) the proposed site is a currently a dark area and there is the potential for light pollution;
- ix) the size of the proposed dwelling is excessive and will impact on adjacent properties;
- x) the access is inadequate and would increase existing congestion;
- xi) the design is incongruous and it would adversely affect the character and beauty of this part of the conservation area;
- xii) the proposal would have no beneficial effect in sustaining the viability of the village;
- xiii) the applicants have sought to use the NPPF to their advantage but the NPPF does not give carte blanche to development in conservation areas and areas of outstanding natural beauty;
- xiv) the vineyard is very small and has little benefit to the community;
- xv) the proposed development would not be in the public interest;
- xvi) the vineyard is not long established contrary to the applicants inference;
- xvii) Chedworth is not a sustainable settlement

8 letters of support:

- i) the building is of an interesting design that would blend into the wooded area;
- ii) new architecture is to be welcomed as Chedworth should not be allowed to stagnate;
- iii) there would be no harm to wildlife;
- iv) the street scene would not be affected;
- v) this is an eco friendly development in keeping with the environment;
- vi) from a distance it would appear as a barn or agricultural building;
- vii) it would not dominate neighbouring properties;
- viii) here is a great shortage of smaller houses in the Cotswolds particularly for the older generation;
- ix) the house reduces the carbon footprint;
- x) refreshing to see a modern design;
- xi] Pancake House in the village is of a non-traditional design

7. Applicant's Supporting Information:

Planning, Design and Access Statement
 Landscape Statement
 Ecological report and survey
 Arboricultural report

8. Officer's Assessment:

Introduction

The proposal is for the erection of a residential dwelling with an integral garage that would be accessed from the existing access. The proposed house would be large and of a contemporary design in the form of two flat green roofed timber clad and glazed cubes of different dimensions, partly supported on stone clad footings.

(a) The principle of a new dwelling in this location

The application site is located outside any Development Boundary as designated in the Cotswold District Local Plan 2001-2011. Development in such locations is primarily covered by Policy 19: Development Outside Development Boundaries which has a general presumption against the erection of new build open market housing (other than that which would help to meet the social and economic needs of those living in rural areas) in locations outside designated Development Boundaries. The provision of the additional open market dwelling proposed in this instance would therefore be contrary to Policy 19. Notwithstanding this, the Council must also have regard to national policy and guidance when reaching its decision.

Paragraph 47 of the National Planning Policy Framework (NPPF) states that Councils should identify a supply of deliverable sites sufficient to provide five years' worth of housing. It also advises that an additional buffer of 5% or 20% should be added to the five year supply 'to ensure choice and competition in the market for land'. In instances when the Council cannot demonstrate a five year supply of deliverable housing sites Paragraph 49 states that the 'relevant policies for the supply of housing should not be considered up-to-date'.

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

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

Following the appeal decision with regard to the site on land to the south of Cirencester Road, Fairford, the Council has produced new 5 year land supply figures based on a calculation of Objectively Assessed Needs (OAN) for the District. Paragraph 47 of the NPPF states 'that local plans are required to meet the full, objectively assessed needs for market and affordable housing for that area, so far as is consistent with other policies of the NPPF'. In the Fairford decision the Planning Inspector considered that the Council did not have an OAN and could not therefore demonstrate that it had the requisite land supply. The Council has now produced an OAN and undertaken a review of its land supply figures. The new figures, which were endorsed by Cabinet on the 4th December, indicate that the Council has a 6.6 year supply of housing land. This figure is inclusive of the 20% buffer.

The Council's position is that it can now demonstrate the requisite 5 year (plus 20%) supply of deliverable housing land. As such, the Local Plan Policies that cover the supply of housing, such as Policy 19, are no longer considered to be out of date having regard to Paragraph 49 of the NPPF. It also means that Paragraph 14 of the NPPF no longer takes precedence when considering proposals for new residential development.

Notwithstanding this, it must be noted that even when the Council can demonstrate the requisite minimum supply of housing land it does not automatically mean that proposals for residential development outside existing Development Boundaries should be refused. The 5 year (plus 20%) figure is a minimum and as such the Council should continually be seeking to ensure that the housing land supply stays above this minimum in the future. At a recent appeal for up to 15

dwellings in Honeybourne in Worcestershire (APP/H1840/A/13/2205247) the Planning Inspector stated 'the fact that the Council do currently have a 5-year supply is not in itself a reason to prevent other housing sites being approved, particularly in light of the Framework's attempt to boost significantly the supply of housing.'

In relation to an appeal relating to a proposal for 100 dwellings in Cornwall (APP/D0840/A/13/2209757) the Inspector stated (Para 51) 'Nevertheless, irrespective of whether the five-year housing land supply figure is met or not, the NPPF does not suggest that this has to be regarded as a ceiling or upper limit on permissions. On the basis that there would be no harm from a scheme, or that the benefits would demonstrably outweigh the harm, then the view that satisfying a 5 year housing land supply figure should represent some kind of limit or bar to further permissions is considerably diminished, if not rendered irrelevant. An excess of permissions in a situation where supply may already meet the estimated level of need does not represent harm, having regard to the objectives of the NPPF.'

As a result there will continue to be a need to release suitable sites outside Development Boundaries identified in the current Local Plan for residential development. Proposals will therefore still need to be assessed against the principles of sustainable development set out in the NPPF and, in particular, the need to balance its social, economic and environmental roles.

It is also evident that a continuing supply of housing land will only be achieved, prior to the adoption of the new Local Plan, through the planning application process. Allocated sites in the current Local Plan have essentially been exhausted. In order to meet the requirement to provide an on-going supply of housing land there will remain a continuing need to release suitable sites outside Development Boundaries for residential development. If the Council does not continue to release such sites the land supply will be in deficit and the criteria set out in Paragraph 14 of the NPPF will apply. It is considered that the need to release suitable sites for residential development represents a significant material consideration that must be taken into fully into account during the decision making process.

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

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

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

Notwithstanding the uncertainty over the current land supply figures and the wording of Policy 19 it is necessary to have full regard to the economic, social and environmental roles set out in the NPPF when assessing this application. Of particular relevance in this case is the need to balance the social need to provide new housing against the potential environmental impact of the proposed scheme.

(b) Sustainability of the Location

Chedworth is not designated as a Principal Settlement in the current Local Plan. However, the 'Role and Function of Settlements Study' published by the District Council in July 2012 indicates that the village has 11 of the 18 facilities identified in the survey, and that it would fulfil a Local

Service Role, including facilities such as a primary school, shop, village hall and access to public transport. Since that time, it should be noted that the Seven Tuns Inn has been closed, however, it is shortly due to re-open.

Furthermore, Paragraph 55 of the NPPF states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.'

This is reinforced in the Government's Planning Practice Guidance which states:

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

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

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

Overall, it is considered that the site is within reasonable cycling and walking distance of village facilities and amenities and public transport links. It is therefore considered that the site does represent a sustainable location for new residential development in terms of accessibility to services, facilities and amenities. The principle of development is therefore acceptable in this location.

(c) Impact on the Chedworth Conservation Area and the Cotswolds Area of Outstanding Natural Beauty

(i) Impact on the conservation area

The site of the proposed building lies within the Chedworth Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. A Conservation Area Statement for Chedworth was adopted by Cotswold District Council on 28 May 1998 as supplementary planning guidance. The adopted character map of the conservation area identifies the proposal site as an area of important green open space. Such spaces are described in the supplementary planning guidance as being 'crucial to the character of the place and should be preserved'.

Buttress House itself, which is located to the south of the development site, is a Grade II Listed building. The proposed development site is not within the curtilage of the listed building, however, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the setting of the building. In this case it is considered that there is unlikely to be any harmful impact upon the setting of the listed building resulting from the proposed development.

The proposal is for the erection of a large contemporary house within open countryside on the fringes of the historic rural settlement of Chedworth. The building is in the form of two flat green roofed timber clad and glazed cubes of different dimensions partly supported on a stone clad footings incorporating an open carport. As an example of contemporary design in its own right the quality of design is not in question. The principal concern that has arisen in regard to this proposal is the siting of this particular building in this particular context.

Chedworth is characterised by a straggling settlement along a network of lanes within a narrow steep sided valley. The pattern of buildings is sporadic with a strong sense of the Cotswold

vernacular including many modest historic cottages erected by independent freeholders. Views and glimpses of the surrounding countryside are in evidence in most locations.

The proposed development site is outside the established pattern of development. The proposed building sits within an open field within the conservation area where development would not be supported without exceptional justification due to the potential harmful effect on the green open space and the character and appearance of the Conservation Area. Officers consider that the scope for new development within the conservation area is limited and that the current proposal is not respectful or appropriate to its historic context.

The new house would be visible from a number of properties to the east and glimpses will also be possible from the road and surrounding footpaths. The access road/drive would require the removal of a number of trees which would also render the development site more visible than it is at present. Officers are of the view that the building's uncompromising contemporary form, mass and appearance would render it incongruous and harmful to the character and appearance of the conservation area due to its prominence within the fringe of the historic settlement.

In terms of the design the building, Officers are of the view that its design does not relate in any way to an agricultural barn aesthetic as stated. Rather it is a statement of modernity softened only by the choice of palette of materials and finishes. The extensive glass panels would potentially produce glinting in sunlight and broadcast light from within the building in the evening if the blinds are not drawn. All these factors have the potential to introduce an unwelcome visual impact on the conservation area.

In determining applications that are considered to have 'less than substantial harm' (Paragraph 134 of the NPPF) to a designated heritage asset it is necessary to give that harm considerable weight and importance. The High Court judgment in the case of *The Forge Field Society and Other (Regina) v Sevenoaks District Council* June 2014, provides further clarification on the matter. Paragraphs 48 of the judgment states; 'When an authority finds that a proposed development would harm the setting of a listed building or the character appearance of a conservation area, it must give that harm considerable weight and importance.' Paragraph 49 goes on to state that a 'finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

In light of the above it is evident that a scheme could only be supported if the considerable weight and importance given to the perceived harm was outweighed by other benefits. In this instance it is noted that the proposal will provide a new dwelling and contribute towards the Council's need to provide a continuing supply of housing land. However, the proposal is for a single dwelling and as such its contribution to the housing supply figures is therefore considered to be limited. The economic benefits arising from the construction of the dwelling are also limited. On balance it is considered that the benefits arising from the proposal do not outweigh the harm to the significance of the designated heritage assets. It is therefore considered that the proposal is contrary to Sections 66(1) and 72(1) of the 1990 Act, guidance in Section 12 of the NPPF and Local Plan Policies 15 and 42.

(ii) Impact on the Cotswolds Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty, wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The site lies within character area 10B, Middle Coln Valley, part of the High Wold Dip Slope Valley as identified in the Landscape Character Assessment, Cotswolds Area of Outstanding Natural Beauty (2004). The Conservation Board's

Landscape Strategy and Guidelines for the Cotswolds Area of Outstanding Natural Beauty identifies a number of potential forces for change for this area. These include;

'isolated development such as new single dwellings that might compromise rural landscape character and settlement patterns, particularly on valley sides'.

Officers consider that the development would give rise to a number of harmful landscape impacts such as; visual intrusion introduced into the landscape; the introduction of 'lit' elements to characteristically dark landscapes; loss of tranquillity and the sense of seclusion.

The characteristic pattern of development in this part of Chedworth is for linear housing, along a relatively narrow lane, giving a sense of enclosure. The proposed site for the house is at a distance from the lane and other residential properties and would not therefore contribute to the character of this part of the Area of Outstanding Natural Beauty. The submitted Landscape Visual Impact Assessment concludes that the proposals would have a positive effect on both the landscape character and in terms of visual impact in the medium to longer term and that the proposed landscape strategy would provide a more characteristic vegetation and trees and hedging which would eventually help screen the very open views from the footpaths to the east. However, although the visual impact would thus be reduced, Officers of the view that landscape character would be detrimentally altered. The proposal is therefore considered to be contrary to Section 11 of the NPPF.

(c) Impact on trees

The application site lies within the Chedworth Conservation Area, therefore the trees at the site are protected. Although the proposals include the removal of several trees, the overall tree cover will not be significantly affected. It is also noted that new planting is proposed. The provision of a detailed arboricultural method statement and tree protection plan would ensure that the trees proposed for retention are successfully retained during the development process. On balance, therefore, it would appear that there will be minor changes to public visual amenity, but none that could be considered significantly detrimental. The proposal is therefore compliant with Cotswold District Local plan Policy 10.

(d) Impact on biodiversity

The Biodiversity Officer has advised that, if all the recommended mitigation and enhancements are implemented in accordance with the submitted report' the development would not cause harm to bats, amphibians or birds. The proposal would therefore be in compliance with Cotswold District Local Plan Policy 9 and Section 11 of the NPPF.

(e) Highway considerations

Subject to amendments to the visibility splays at the entrance to the site, the Highway Officer has raised no objection to the proposal. The proposal is therefore considered to comply with Cotswold District Local Plan Policies 38 and 39 and paragraph 32 of the NPPF.

(f) Impact on the amenity of neighbouring properties

The proposed house would not be located in close proximity to any existing residential properties and therefore Officers are of the view that the proposed house would not be overbearing or give rise to overlooking of any residential properties. There would therefore be no adverse impact on the residential amenity of the occupiers of dwellings in the vicinity.

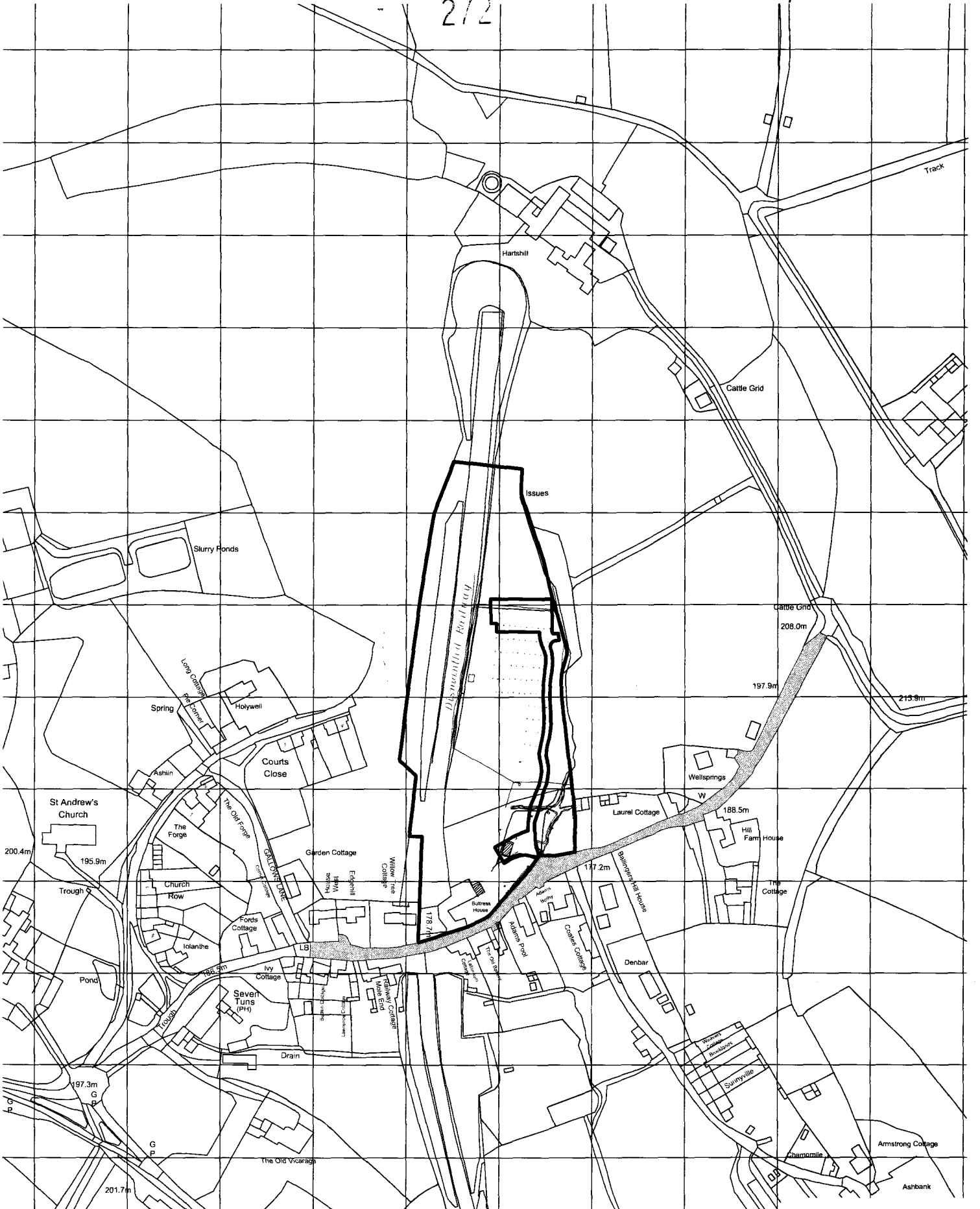
9. Conclusion:

Officers are of the view that the proposed dwelling would not serve to preserve or enhance the character or appearance of the Chedworth Conservation Area, nor would it conserve and enhance the natural beauty of the designated landscape. It would therefore be contrary to Cotswold District Local Plan Policies 15 and 42 and Sections 11 and 12 of the NPPF.

10. Reasons for Refusal:

The site of the proposed building lies within the Chedworth Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. The application proposes development in an area within Chedworth Conservation Area which is identified in supplementary planning guidance as important green open space that is crucial to the character of the place and should be preserved. The erection of a dwelling in this location would result in the erosion of this character. In addition it is also considered that building's uncompromising contemporary form, mass and appearance is not respectful of or appropriate to its historic context. The proposal is therefore considered harmful to the character and appearance of the conservation area and contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the National Planning Policy Framework, Policies 15 and 42 of the adopted Cotswold District Local Plan 2006 and supplementary planning guidance contained in the Chedworth Conservation Area Statement.

The site is located within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The characteristic pattern of development in this part of Chedworth is for linear housing, along both sides of a relatively narrow lane. The proposed site for the house is currently agricultural land located at a distance from the lane and the existing residential properties. The erection of a dwelling on agricultural land, set apart from the existing settlement pattern, would result in the erosion of an important undeveloped area which contributes to the landscape setting of the village. The development would be out of keeping with and have a negative visual impact on the landscape character of the area. It would introduce a lit element into a currently characteristically dark landscape and lead to a loss of tranquility and sense of seclusion. The development would therefore fail to conserve and enhance the natural beauty of the landscape and would therefore be contrary to Paragraph 115 of the NPPF.

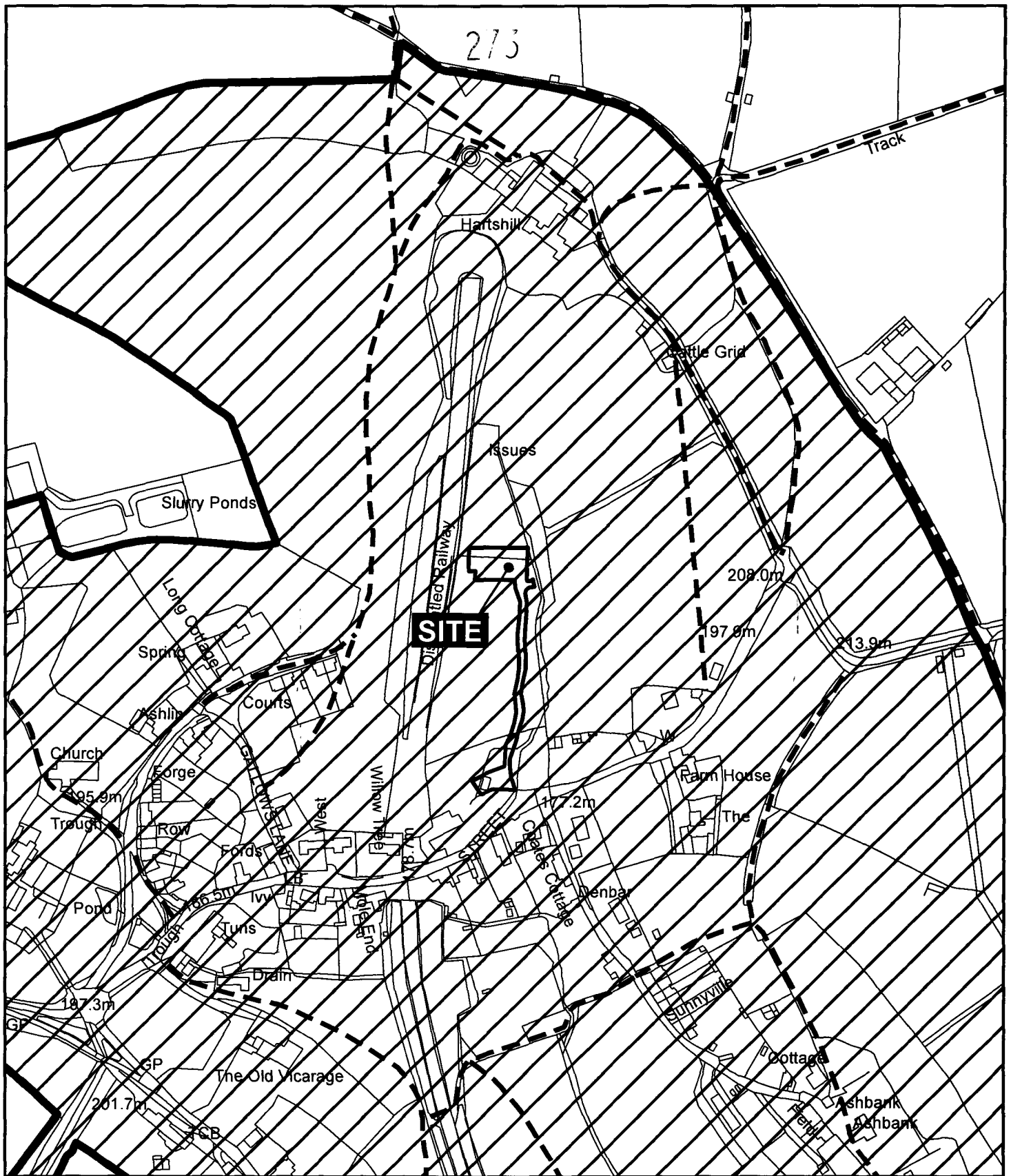


LOCATION PLAN



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Mr & Mrs Thacker					
Vineyard House, Chedworth					
Location Plan					
Scale	Sheet	Date	Page	Total	Rev
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<small>© The information on this drawing is the property of Portus+Whitton & is confidential.</small>					
For planning					
REVISIONS					



COTSWOLD DISTRICT COUNCIL


Buttress House, Queen Street,
Chedworth, Gloucestershire.

Scale: 1:3000

Date: 20 May 2015

Reference: 14/05373/FUL

KEY

-  Public Rights of Way
-  Conservation Area

N

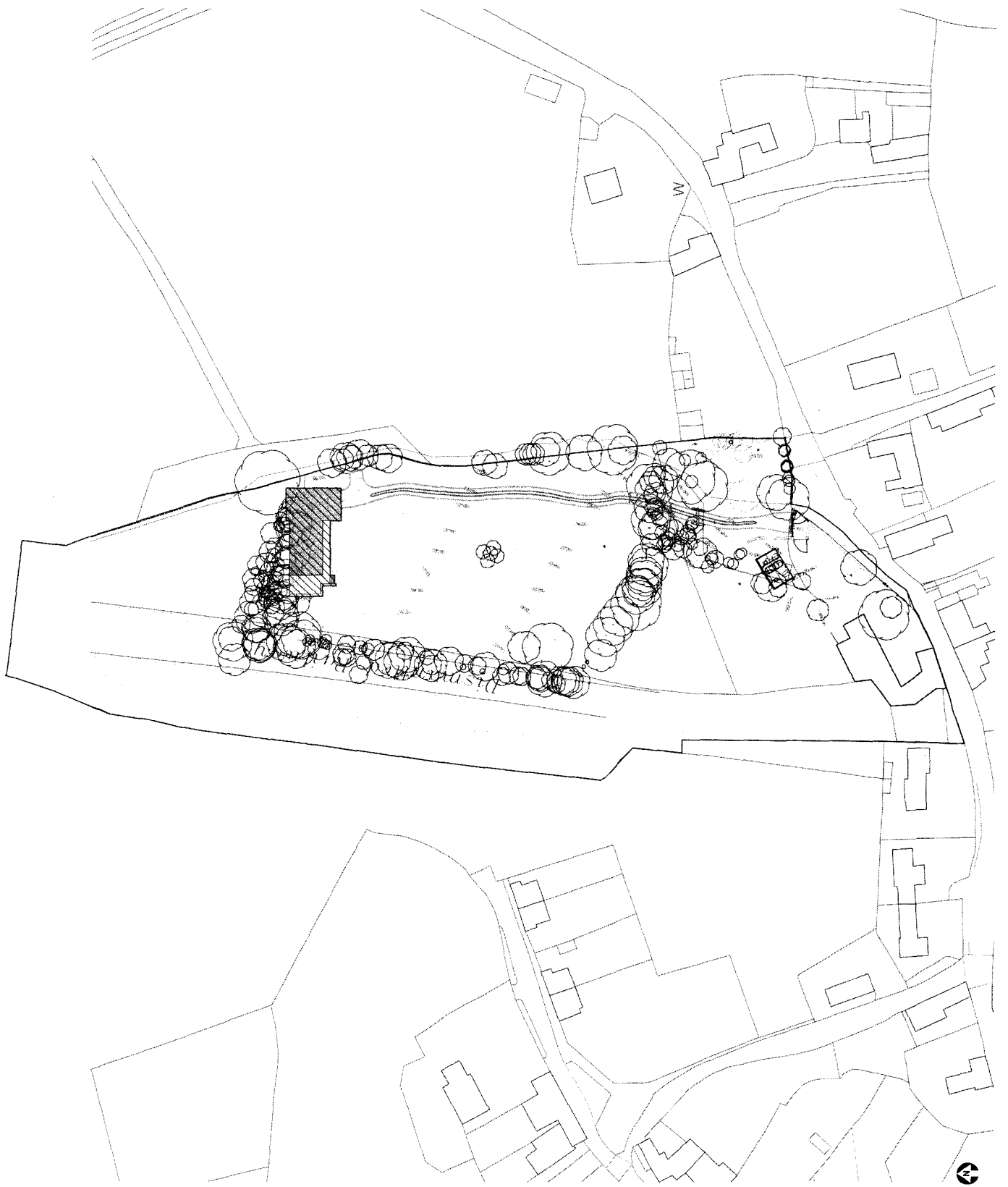


BLOCK PLAN

2/4

- VINEYARD HOUSE
- Block Plan Showing proposed new Access
- Land owned by applicant
- Site of proposed new dwelling
- Proposed new access

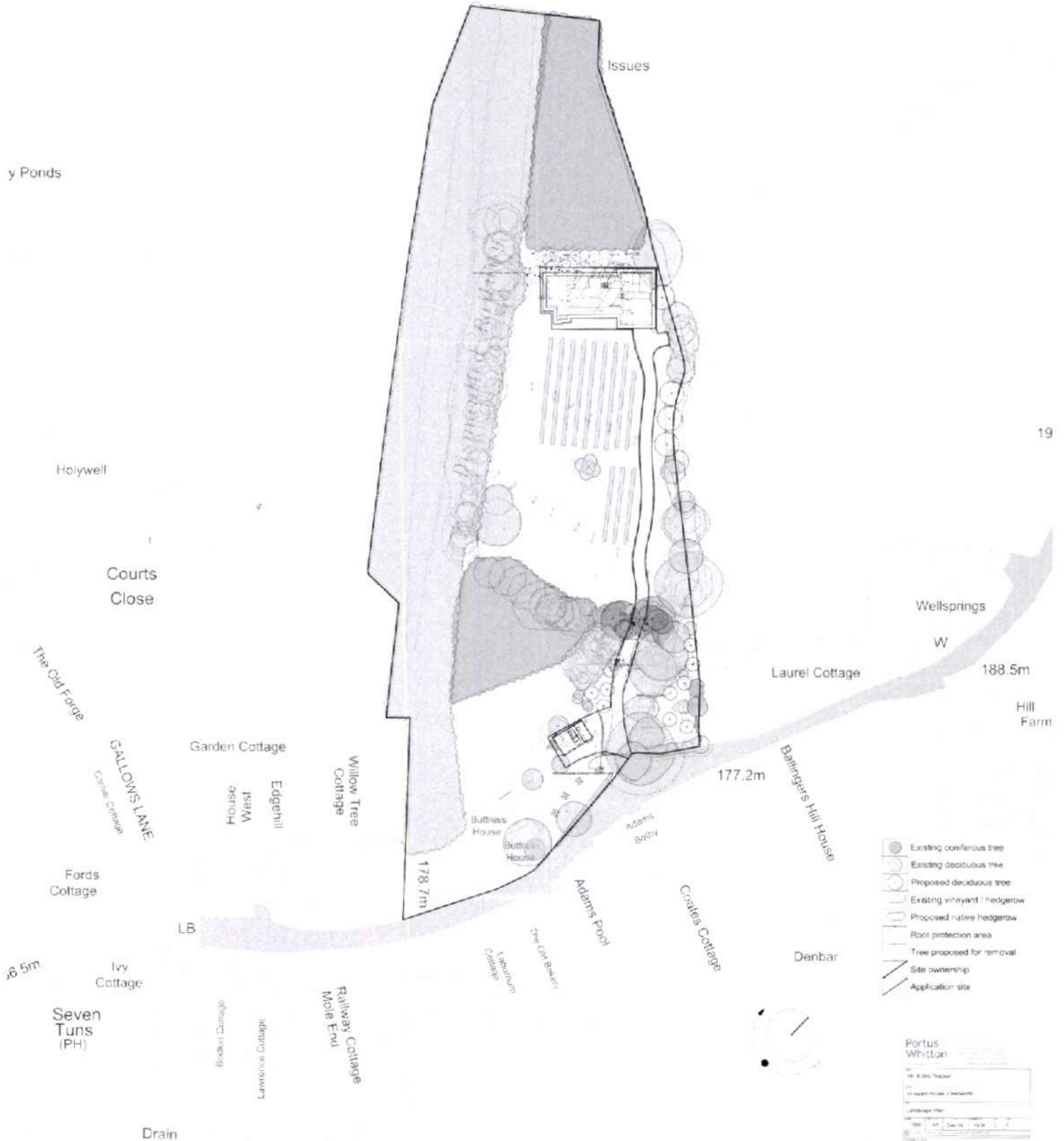
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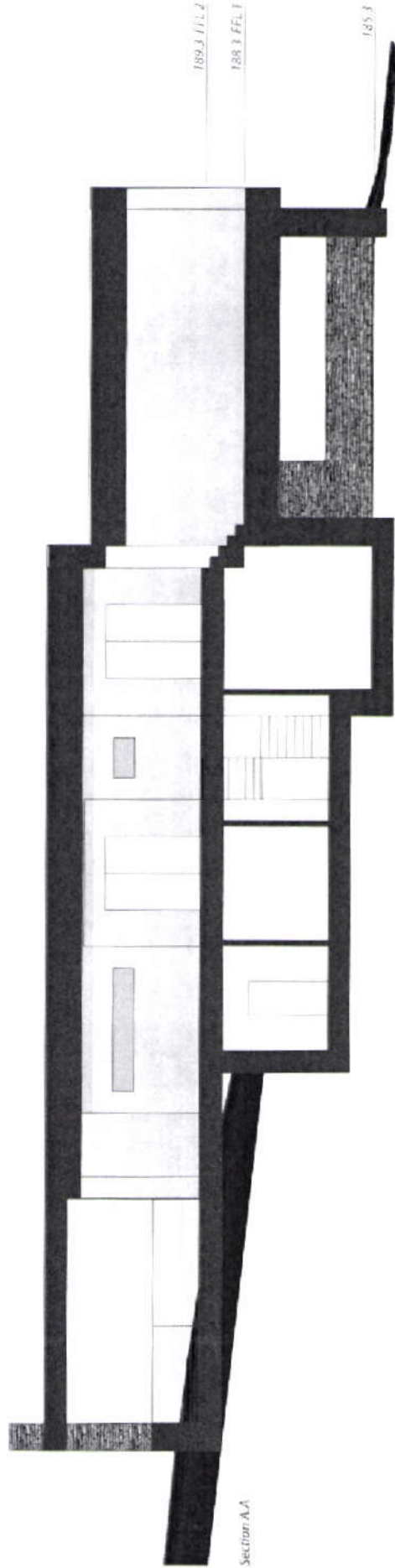
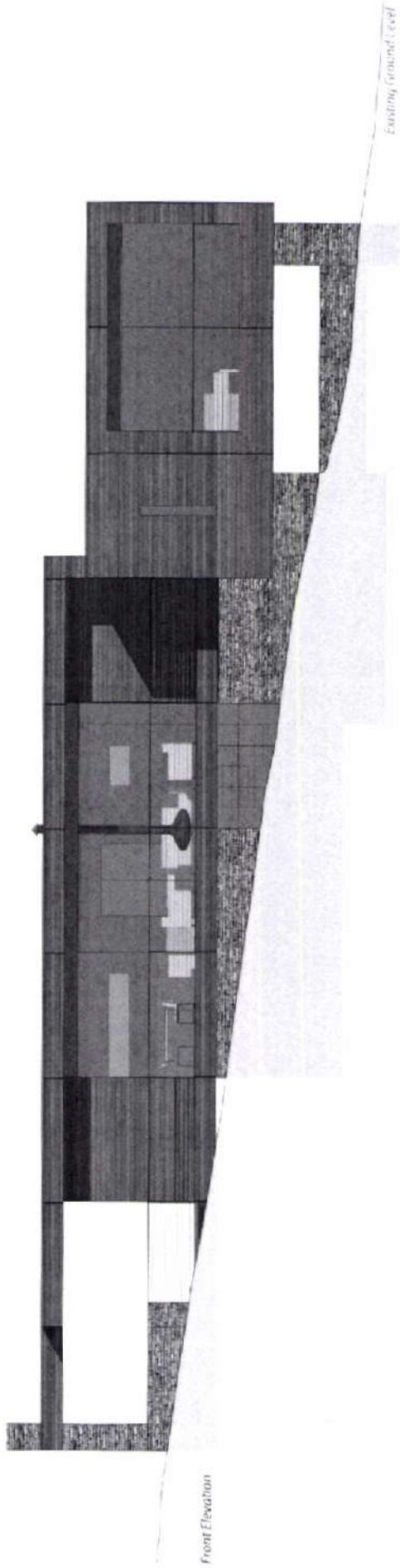


LANDSCAPE PLAN

215

Cattle Gric

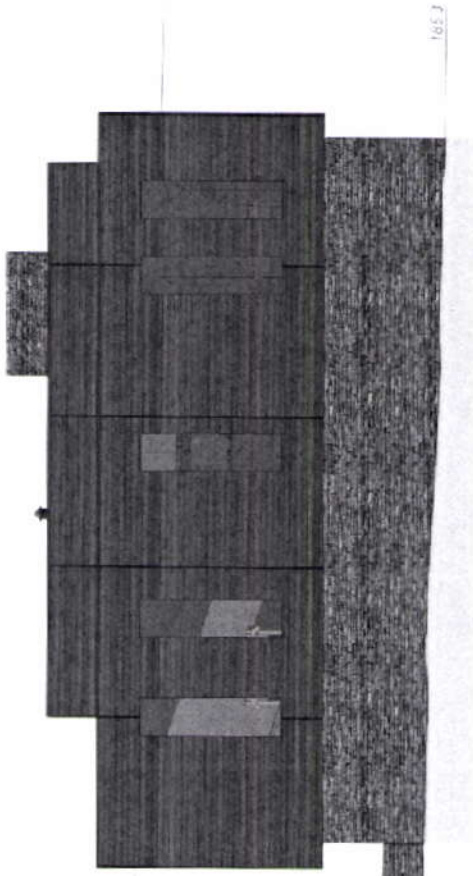




Vineyard House
 Front Elevation and Section A.A.
 Drawing VFR04D
 1:100 @A3
 2.12.14

FRONT ELEVATION & SECTION

277



165 J

existing ground level at
top of slope

East Elevation

1:100



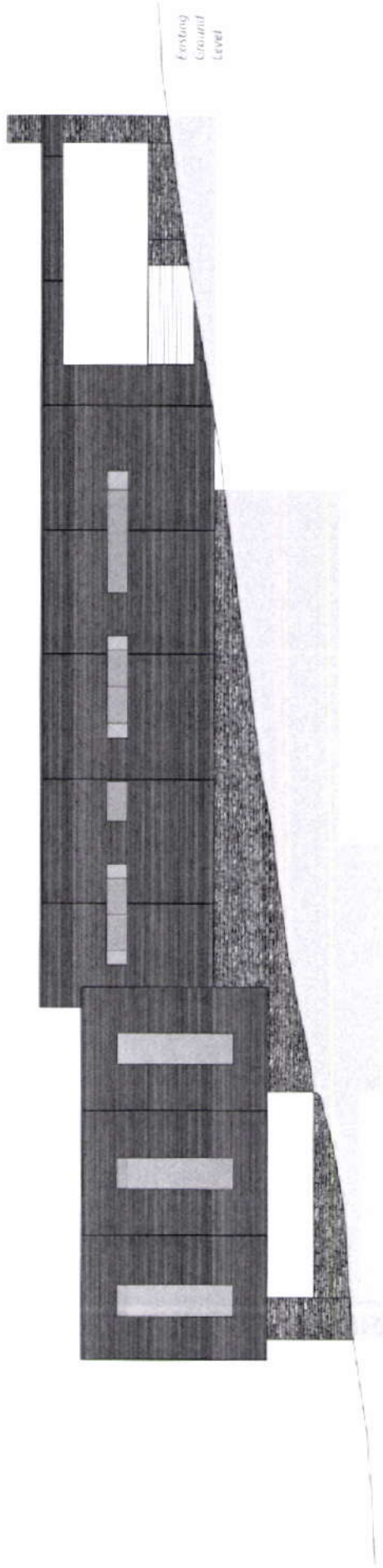
Section C.C.

1:500



Vineyard House
 East Elevation and section C.C.
 Drawing V105D
 1:100 and 1:500 @ A3
 2.12.14

EAST ELEVATION AND SECTION



North Elevation
1:100



Materials Key

	Cotswold Limestone Suggesting Walls
	Larch Cladding
	Zinc Roof
	Green Roof



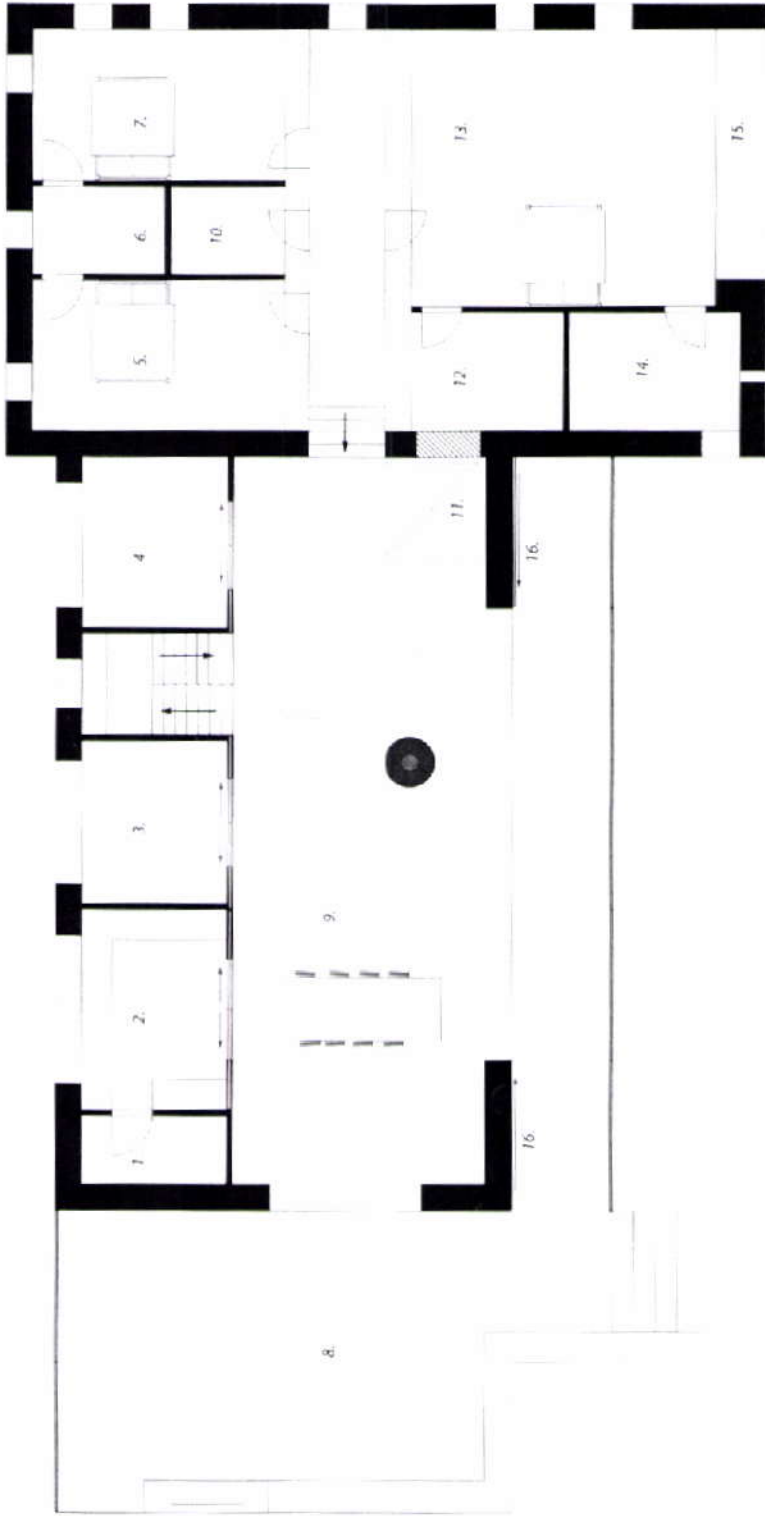
Roof Plan
1:200



Wineyard House
 North Elevation and Roof Plan
 Drawing VH07C
 1:100 and 1:200 @ A3
 2.12.14

NORTH ELEVATION & ROOF PLAN

219



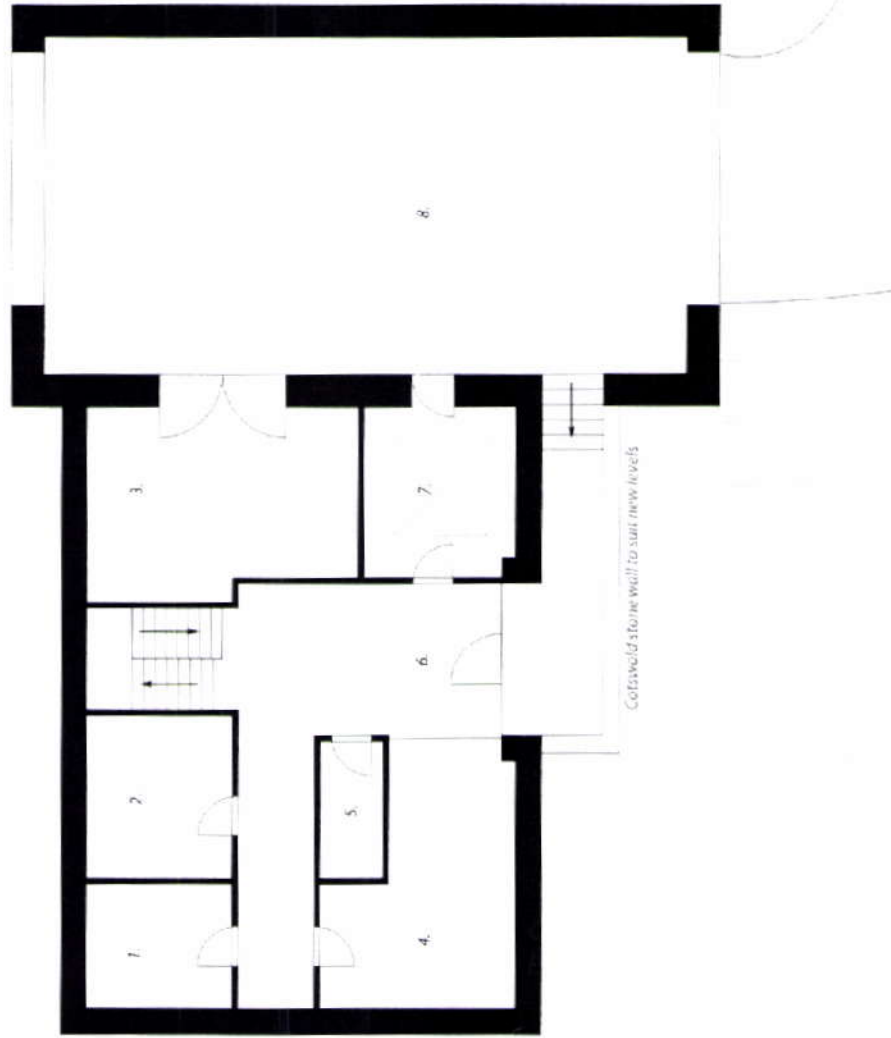
Vineyard House
 Upper Storey Plan
 Drawing VH03D
 1:100 @ A3
 2.12.14

1. Pantry 2. Kitchen 3. Office A 4. Office B 5. Bedroom 6. Bathroom 7. Bedroom 8. Outdoor living space 9. Open plan living/dining 10. W.C.
 11. Position of future lift, with future access shown hatched 12. Dressing Room 13. Master bedroom 14. Balcony 15. External shutters



UPPER STOREY

280

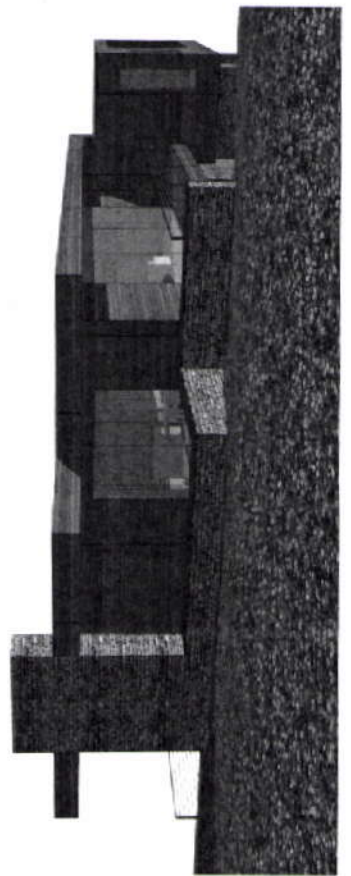
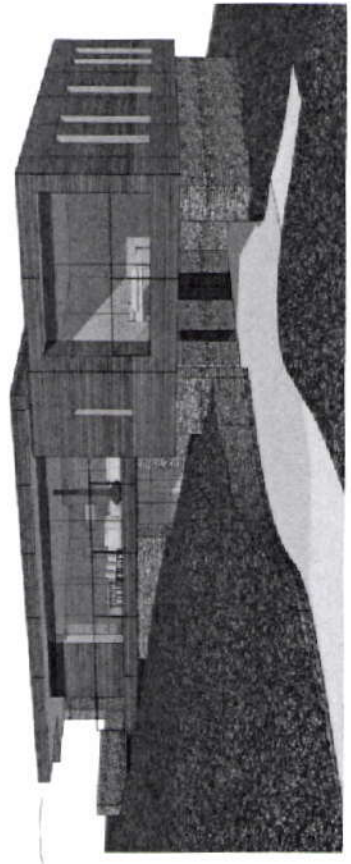
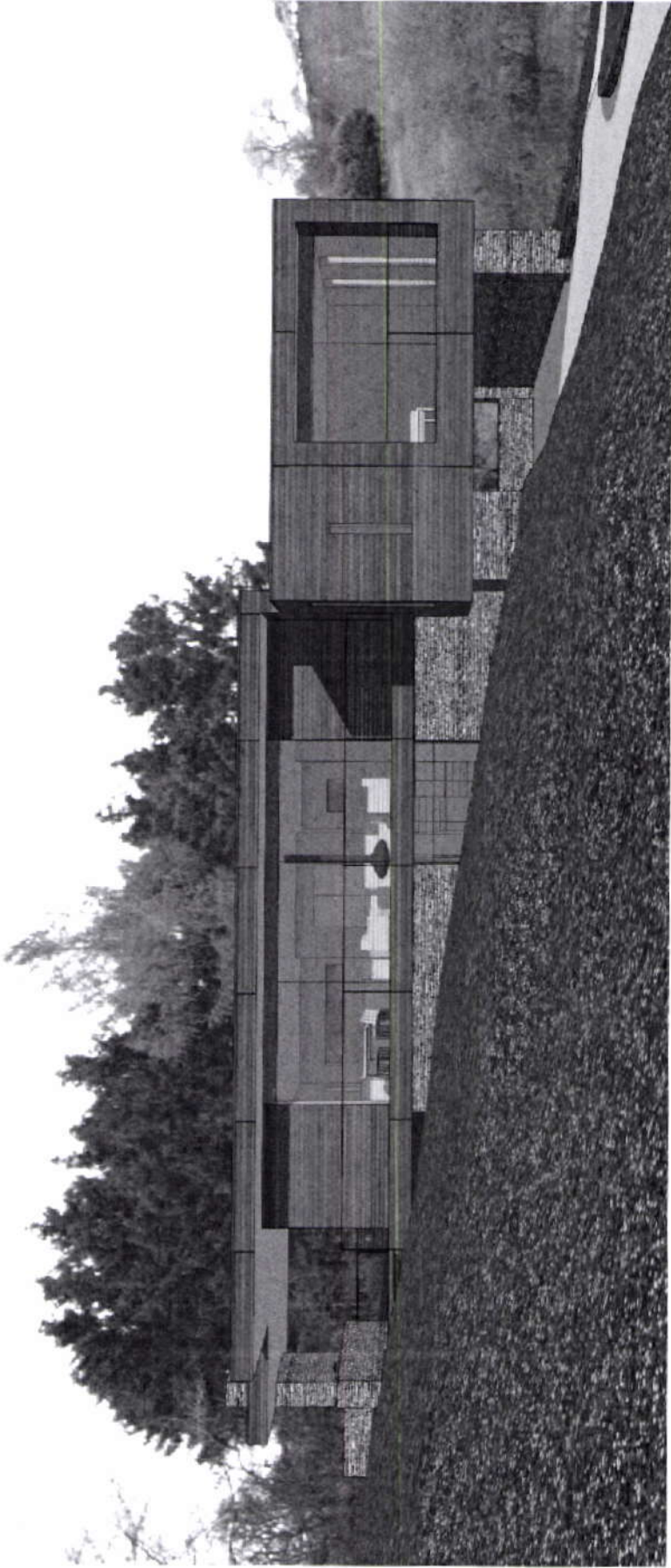


Vineyard House
 Lower Storey Plan
 Drawing V102C
 1:100 @ A3
 2.12.14

1. Dry Sauna 2. Plant Room 3. Store/Vineyard Machinery 4. Wine store 5. Boots 6. Entrance lobby 7. Store/bicycles/tescyng/future lift shaft 8. Parking



Lower Storey



Vineyard House
Perspectives
VH08C_A3
2.12.14

PERSPECTIVES