

Item No 05:-

15/02137/FUL (CD.2288/M)

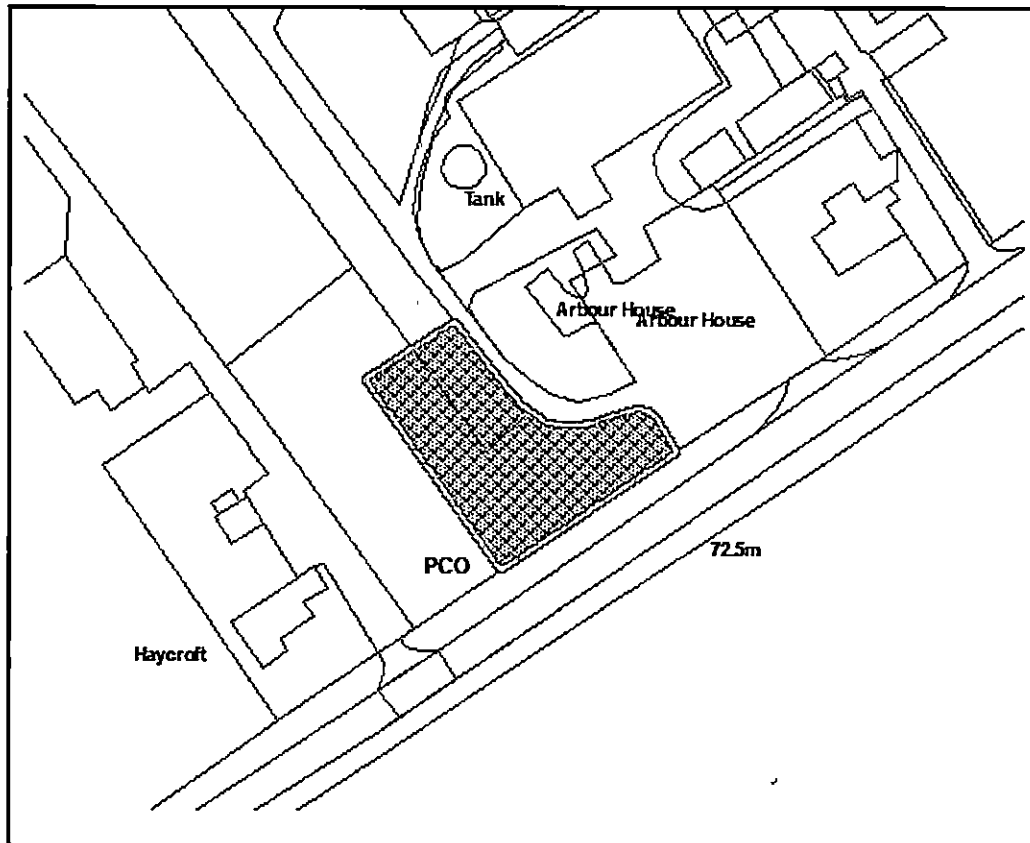
**Tops Nursery
Broadway Road
Mickleton
Gloucestershire
GL55 6PT**

Item No 05:-

**Construction of 1 new 4 bedroom detached dwelling at
Tops Nursery
Broadway Road Mickleton**

Full Application 15/02137/FUL (CD.2288/M)	
Applicant:	Mr & Mrs David & Candy Stowe
Agent:	Chance & Wildish Architecture Ltd
Case Officer:	Martin Perks
Ward Member(s):	Councillor Lynden Stowe Councillor Mark Annett
Committee Date:	8th July 2015

Site Plan



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RECOMMENDATION: PERMIT subject to no new material issues being raised prior to the end of the statutory consultation period on the 16th July.

Main Issues:

- (a) Residential Development Outside a Development Boundary
- (b) Sustainability of Location and Emerging Local Plan
- (c) Impact on Character and Appearance of the Locality
- (d) Impact on Residential Amenity
- (e) Highway Impact

Reasons for Referral:

The applicant is a relative of a District Councillor

1. Site Description:

This application relates to a parcel of land measuring approximately 622 sq metres in size located approximately 230m from the western edge of the village of Mickleton. The site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2001-2011. It is also located outside the Cotswolds Area of Outstanding Natural Beauty (AONB). The AONB boundary extends along the southern edge of the B4632 which runs in an east west direction past the southern boundary of the application site. The application site lies approximately 10m to the north of the AONB boundary.

The site currently forms part of an established garden centre/plant nursery business. The garden centre/plant nursery is occupied by a number of glasshouses, horticultural buildings and associated paraphernalia. A post war residential dwelling known as 'Arbour Close' lies approximately 50m to the east of the application site. The aforementioned property lies between the existing glasshouses and the B4632.

A further residential dwelling (Maple House) lies approximately 70m to the north west of the application site and a detached property called Haycroft lies approximately 50m to the west.

2. Relevant Planning History:Application Site

14/04379/OUT Erection of a single dwelling (Outline application) Granted 2014

Adjacent Land

CD.2288 Erection of a bungalow Granted 1958

CD.2288/A Vehicular access Granted 1967

CD.2288/C Outline application for an agricultural dwelling Granted 1969

CD.2888/Ap Bungalow Approved 1969

CD.2288/Ap/1 Erection of one bungalow Granted 1969

CD.2288/D Outline application for the erection of an agricultural worker's dwelling Granted 1977

CD.2288/D/Ap Erection of an agricultural worker's bungalow (amended windows) Granted 1977

CD.2288/E Continued use of existing building for the sale of fresh produce Refused 1980

CD.2288/F Continued use of existing building as a printing shop Granted 1982

07/00472/FUL Erection of a single storey side extension and alterations to provide ancillary elderly person's annexe and enlarged living accommodation Granted 2007

14/04048/OUT - Erection of a single dwelling (Outline application) Granted 2014

14/04050/OUT - Erection of a single dwelling (Outline application) Granted 2014

3. Planning Policies:

NPPF National Planning Policy Framework

LPR05 Pollution and Safety

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:

None

5. View of Town/Parish Council:

None

6. Other Representations:

One letter of objection received.

i) 'I am worried that this development is going to be off the Broadway Road, which is very busy and a lot of speeding traffic.'

7. Applicant's Supporting Information:

None

8. Officer's Assessment:

Proposed Development:

This application is seeking Full planning permission for the erection of a 12 storey 4 bedroom dwelling. The proposed dwelling will measure approximately 8.4m high by 12.7m wide by 7.2 m deep. The external walls of the dwelling will be constructed in artificial Cotswold stone. The roof will be covered with artificial Cotswold stone tiles. The front of the proposed dwelling will face onto the B4632 Broadway Road to the south of the application site.

Access to the proposed dwelling would via the existing vehicular entrance from the B4632 into the garden centre.

This application is accompanied on the Committee Schedule by another application for a single dwelling on land adjacent to this site (14/02143/FUL).

Outline planning permission was granted for the erection of a dwelling on the site in 2014 (14/04379/OUT). The principle of erecting a single dwelling on the site has therefore already been established. The applicant has submitted a Full application in this instance instead of the Reserved Matters application that would typically be submitted following an Outline approval. However, they are entitled to do this and the application will therefore be considered having regard to the development plan and any other material considerations.

Outline permission was also granted in 2014 for the erection of single dwellings on two other sites at and adjacent to the garden centre (14/04048/OUT and 14/04050/OUT).

The extant permission for a dwelling on the site represents a material consideration in the determination of this application.

(a) Residential Development Outside a Development Boundary:

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 Cotswold District Local Plan 2001-2011.

The application site is located outside a Development Boundary as designated in the aforementioned Local Plan. Development on the site is therefore primarily subject to Policy 19: Development Outside Development Boundaries of the current Local Plan. Criterion (a) of Policy 19 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 open market dwellings proposed in this instance would therefore typically contravene the guidelines set out in Policy 19. Notwithstanding this, the Council must also have regard to other material considerations when reaching its decision. In particular, it is necessary to have regard to guidance and policies in the National Planning Policy Framework (NPPF). Paragraph 2 of the NPPF states that the Framework 'is a material consideration in planning decisions.'

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'. These are 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 47 of the 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.'

The Council's land supply position has been subject to scrutiny in recent months. In September 2014 the Planning Inspectorate issued a decision in relation to the erection of up to 120 dwellings on land to the south of Cirencester Road, Fairford (APP/F1610/A/14/2213318, CDC Ref 13/03097/OUT). In the decision the Planning Inspector stated 'I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.' He also considered that the Council had not undertaken a calculation of Objectively Assessed Needs (OAN) for the District. The Council could not therefore demonstrate that it had the requisite land supply. 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'.

Following the Fairford appeal decision the Council's Forward Planning Section produced an OAN and undertook a review of its land supply figures. The most recent figures, which were

published in June 2015, indicate that the Council has a 7.74 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.

Notwithstanding the above, it must be noted that even if the Council can demonstrate the requisite minimum supply of housing land it does not in itself mean that proposals for residential development outside existing Development Boundaries should automatically be refused. The 5 year (plus 20%) figure is a minimum and as such the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. 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. If such sites are not released the Council's housing land supply will soon fall back into deficit. At a recent appeal for up to 15 dwellings in Honeybourne in Worcestershire (APP/H1840/A13/2205247) 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 Launceston in Cornwall dating from the 8th April 2014 (APP/D0840/A13/2209757) the Inspector stated (Para 51) 'Nevertheless, irrespective of whether the five-year housing land supply figure is met or not, 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 NPPF.'

It is also evident that the 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 its requirement to provide an ongoing 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 'in principle' objection to new open market housing outside existing Development Boundaries set out in Policy 19 must also be weighed against the guidance in Paragraph 215 of the NPPF which 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)'. There will be instances where new open market housing outside existing Development Boundaries can constitute sustainable development as required by the NPPF. The blanket ban on new open market housing outside such boundaries is therefore considered not to carry full weight when assessed against Paragraph 215. Notwithstanding this, other criteria in Policy 19 such as preventing development that; causes significant harm to existing patterns of development, leads to a material increase in car-borne commuting, adversely affects the vitality and viability of settlements and results in development that significantly compromises the principles of sustainable development are considered to broadly accord with the objectives of the NPPF. They are considered to carry more weight when assessed against the guidance in Paragraph 215.

Notwithstanding 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 requirement to balance the

social need to provide new housing against the potential environmental impact of the proposed scheme. These issues will be looked at in more detail in the following sections.

(b) Sustainability of Location and Emerging Local Plan

Mickleton is not designated as a Principal Settlement in the current Local Plan. However, the Local Plan Consultation Paper: Preferred Development Strategy May 2013 identifies the village as one of 17 settlements that has sufficient facilities and services to accommodate new residential development in the period up until 2031. The village has a primary school, convenience store, post office, butchers, car repair garage, two public houses and a hotel. The Local Plan Consultation Paper states that the settlement ranks 13th in the District in terms of its social and economic sustainability. It considers that Mickleton along with Chipping Campden, Willersey and Blockley form part of a cluster of settlements that serve the northernmost part of the District. Collectively the aforementioned settlements are considered to have the necessary services, facilities and employment opportunities to provide for the local population. Taken together the settlements are also considered to be able to accommodate sufficient housing to make a reasonable contribution to the overall District requirement of 7600 dwellings without compromising the strong environmental constraints present at Chipping Campden. 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.'

Mickleton has also been identified in the Local Plan Reg 18 Consultation : Development Strategy and Site Allocations as a potential Key Settlement in the next Local Plan period extending up to 2031.

It is evident that the ability of Mickleton to accommodate new residential development has been assessed as part of the emerging Local Plan process. The Local Plan Consultation Paper recognises that the village is able to offer a range of services and amenities which can meet many of the day to day needs of the community. Moreover, it also supports a reasonable growth in the village's population to help 'address local affordable housing needs; sustain existing facilities; and maintain Mickleton's role as a local service centre.' Mickleton has therefore been recognised as a sustainable location for new residential development.

The current application site is located on the south western outskirts of the settlement. In terms of distance the southern entrance to the site is located approximately 900m from the main convenience foodstore in the centre of the village and approximately 700m from the village Post Office. The village's primary school is approximately 1km away by road or 850m via the public footpath. Bus stops are also located in the centre of the village and are within walking distance of the proposed development. There is no pedestrian footway alongside the B4632 from the application site to the mini roundabout adjacent to the southern edge of the village approximately 400m to the east. However, the remainder of the route does contain a footway. Moreover, there is

an existing Public Right of Way leading from the northern edge of the garden centre into the village that avoids the need to walk alongside the main road. Part of the Right of Way will also be enhanced as part of the recent permission for 70 dwellings on the fields to the west of Cotswold Edge and Arbour Close (13/04237/OUT). This will provide a safer means of pedestrian access into both the village and to the primary school. In addition, it must also be noted that planning permission has also recently been granted for the creation of two dwellings on land at Cotswale (14/02685/OUT) which is located approximately 150m to the south west of the application site. The aforementioned site also lies adjacent to the B4632 Broadway Road.

Overall, it is considered that the site is located in close proximity to the existing settlement and to be 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.

(c) Impact on Character and Appearance of the Locality

The application site forms part of an established garden centre/nursery. It occupies a modest parcel of land on the edge of the existing business operation. The site is bordered to its north, east and south by horticultural buildings, storage areas and car parking. To its west is an area of grassland and an orchard, beyond which is a coniferous hedge and a commercial building and dwelling.

The site is visible from the B4632 as it passes the site. However, an existing coniferous hedge screens the site when heading east along the aforementioned highway. Existing vegetation, dwellings and commercial development also help to screen the site when heading west along the B4632. Vegetation and buildings also screen the site from the Public Right of Way that passes the northern edge of the garden centre. The views that are available of the site place it in context with existing horticultural buildings, a car park and garden centre paraphernalia. The site does not extend into the open countryside.

The glasshouses and associated buildings are partly visible from higher ground within the AONB to the south. They already form an established part of the landscape when viewed from the AONB. The application site is modest in size and is seen in conjunction with existing development. The introduction of a single dwelling as shown in the indicative plans is considered not to represent an obtrusive or incongruous form of development. The proposal is therefore considered not to have an adverse impact on views into or out of the AONB or on its character or appearance.

The cumulative impact of this proposal in combination with the other residential applications proposed for the locality has also been considered. The proposed development will introduce new development alongside the roadside edge. However, it will primarily appear as infill development between existing residential properties and adjacent to commercial development. The site frontage already has a relatively developed character and appearance and it is considered that the cumulative impact of additional dwellings will not have an adverse impact on the character or appearance of the road, the surrounding area or the AONB.

The proposed dwelling reflects vernacular building styles in terms of detailing, materials and proportions. The applicant is proposing a 1.5 storey design that seeks to reduce the overall mass and scale of the development. It will therefore be commensurate with existing development that currently lies in its vicinity. The design is considered to be appropriate for the location and to respect local distinctiveness.

Overall, it is considered that the proposed development respects the character and distinctiveness of the locality and accords with Local Plan Policy 42. In addition, it does not contravene guidance in Paragraphs 109 and 115 of the NPPF.

(d) Impact on Residential Amenity

The application site is located on the edge of the existing garden centre/nursery business. It lies approximately 20m from an existing greenhouse and adjacent to a car park and external storage areas. To the rear (west) of the site lies an orchard/grassed area. The proposed dwelling will be located in close proximity to existing garden centre activities. However, it is noted that the scale and form of the existing business operation generates limited noise, odour and disturbance. There are also a number of other dwellings located in close proximity to the site which co-exist with the existing business without causing problems for either party. The Council's Environmental Health Section raised no objection to the original Outline application for a dwelling on the site. On balance it is considered that a dwelling could be introduced onto the site without having an unacceptable impact on the amenity of future residents or restrict existing business activities. The proposal is therefore considered to be in accordance with Local Plan Policies 5 and 46.

(e) Highway Impact

The proposed development will utilise an existing vehicular access onto the B4632 which runs to the south of the application site. The access serves the existing garden centre and acts as the principal entrance for both customers and deliveries. The access opens onto a straight section of the B4632. The speed limit at the access point is 60mph. However, the limit reduces to 30mph at a point approximately 90m to the east of the entrance.

The issue of access visibility and vehicle speeds was assessed during the course of the previous Outline application. The applicant commissioned a speed survey which recorded that the 85th percentile wet weather speed of traffic at the point of access to be 45.5mph heading south westwards away from Mickleton and 44.9 mph heading north-east towards the village. The speeds require the provision of visibility splays of at least 125m which can be achieved in this instance. Gloucestershire County Council Highway Officers raised no objection to the original application and it is considered that there has been no material change in circumstances in the intervening period. It is considered that the proposal accords with Local Plan Policies 38 and 39 and guidance in Section 4 of the NPPF.

9. Conclusion:

Overall, it is considered that the scheme will make a positive contribution to the Council's ongoing need to provide a continuing supply of housing land. The site also lies adjacent to a settlement which has been identified in emerging Local Plan papers as a potential location for future housing. It is therefore considered to represent a sustainable location for the proposed development in terms of accessibility. Outline planning permission also exists for the erection of a dwelling on the site.

The proposed development is considered not to have an adverse impact on the character or appearance of the locality or the setting of the AONB either in isolation or in conjunction with the accompanying application 14/02143/FUL. It is considered not to result in a material increase in car borne commuting, not to have an adverse impact on the vitality and viability of the settlement or cause significant harm to existing patterns of development. The proposal does not contravene Local Plan Policy 19 in these respects.

On balance it is considered that the benefits arising from the proposal outweigh its limited impacts and as such there are strong material considerations that justify a departure from the current Development Plan. It is therefore recommended that the application is granted.

10. Proposed conditions:

In pursuance of their powers under the above Act, and having regard to the Town and Country Planning (Development Management Procedure) (England) Order 2015, the development was considered to be contrary to the following : Cotswold District Local Plan Policy 19. However, the following material considerations were of sufficient merit to justify the permitting of the development:

The proposed scheme will address the Council's need to provide a continuing supply of housing land and is located in close proximity to a sustainable settlement. These benefits are considered to outweigh the other limited impacts arising from the scheme including the impact on the setting of the Cotswolds Area of Outstanding Natural Beauty. The proposal accords with the principles of sustainable development as set out in the National Planning Policy Framework.

The Council therefore **PERMITS** the above development in accordance with the details given on the application form and submitted plans, which are subject to the following **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): 14-032-01 C

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

Prior to the erection of any external wall of the dwelling 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 42, 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 erection of any external wall of the dwelling 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 42, 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.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

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 42.

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 Policy 42.

All windows shall be of timber construction and they shall be painted/finished in their entirety within one month of their installation in accordance with a colour that has first been agreed in writing by the Local Planning Authority and permanently retained as such thereafter unless similar alternatives are first agreed in writing by the Local Planning Authority.

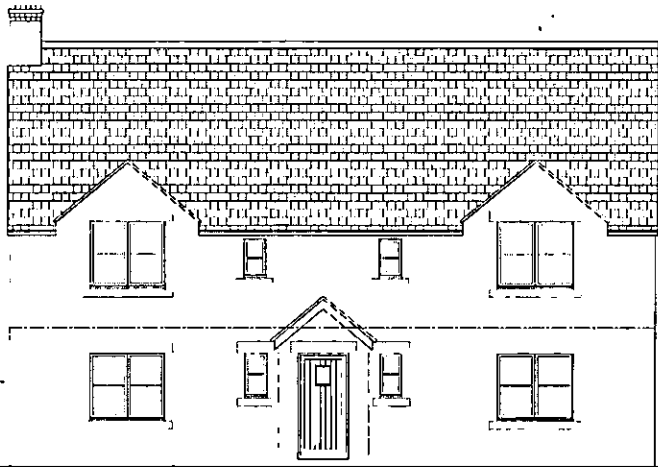
Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

Prior to the first occupation of the dwelling hereby permitted the vehicular access shall be surfaced in a bound material for at least the first 5 m from the edge of the public highway with any gates hung so as to not open outwards towards the public highway.

Reason: In the interests of highway safety in accordance with Local Plan Policy 38.

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

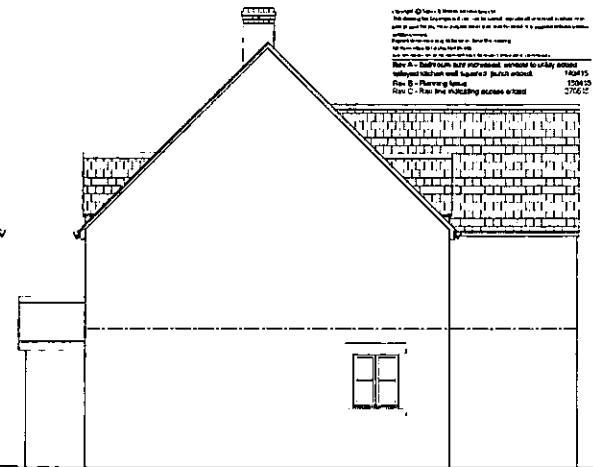
Reason: To prevent pollution of the environment in the interests of the amenity in accordance with Local Plan Policy 5



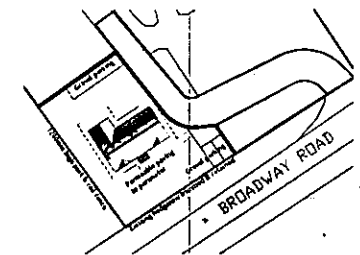
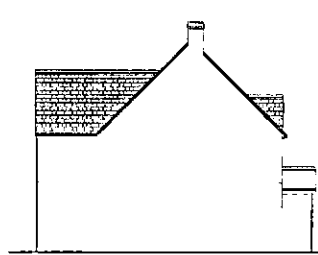
FRONT ELEVATION



REAR ELEVATION

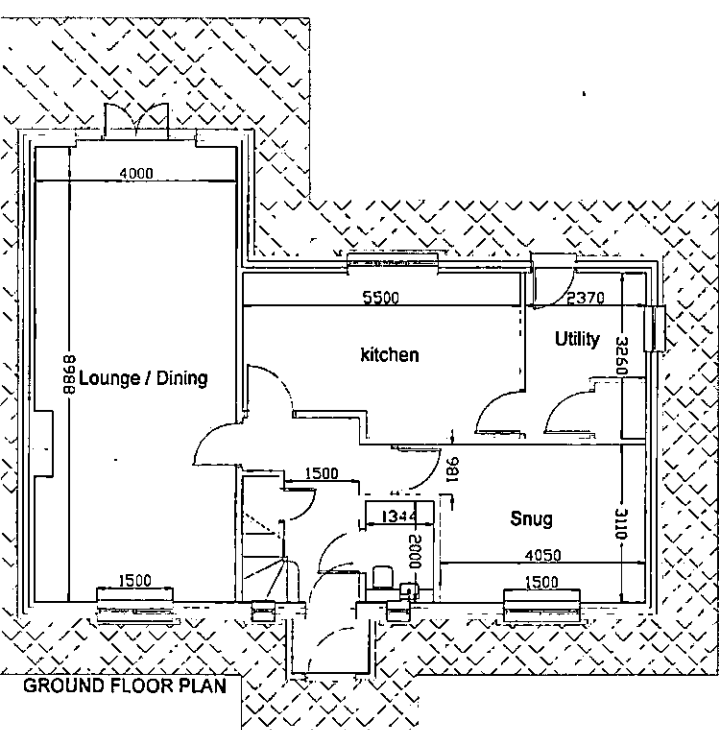


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 Date: 14/05/2015
 File: 151021571/AR
 Rev: C - Final building access detail
 14/05/15
 2/06/15

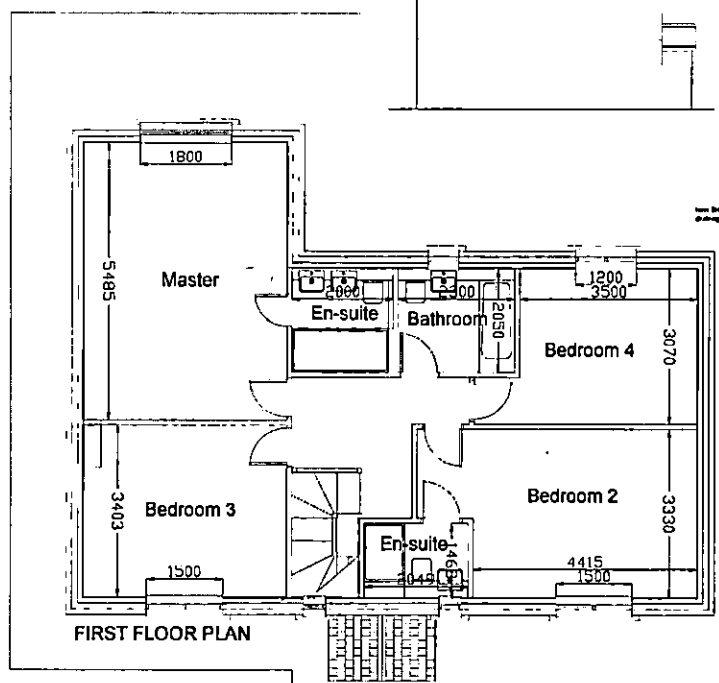


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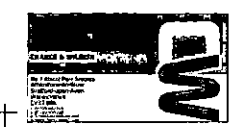
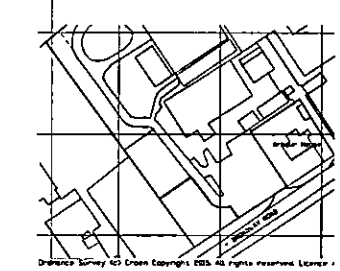
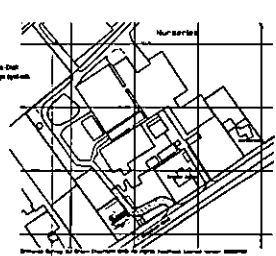
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



Client: Steve Homes
 Project: New 4 Bedroom Detached House
 Site Address: Arbour House, Broadway Road, Mickleton
 Drawing Title: Proposed plans and elevations
 Drawing Scale: 1:100, 1:500, 1:1250
 Drawn by: CSB
 Date: May 2015
 Project Number: 14-032 - 01
 Revision: C

151021571/AR