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**Item No 09:-**

**15/02361/FUL (CD.1543/Y)**

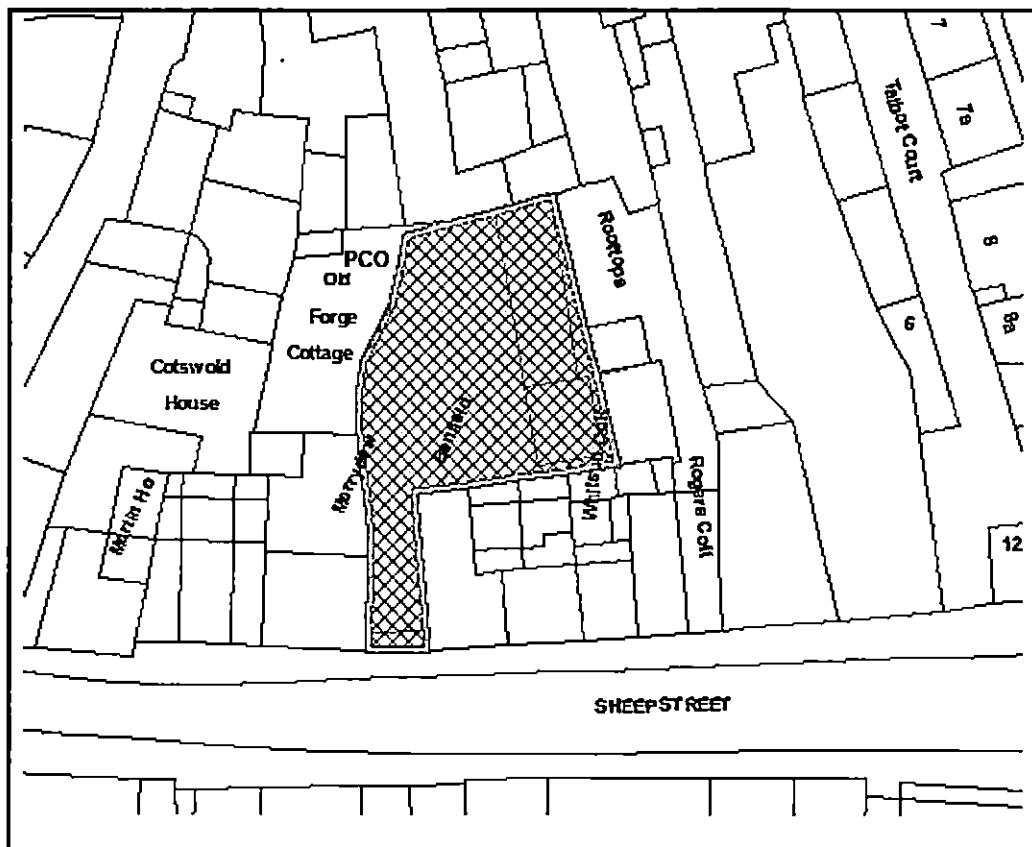
**Brocks Menswear  
The Old Forge  
Church Street  
Stow-On-The-Wold  
Cheltenham  
Gloucestershire  
GL54 1BE**

## Item No 09:-

**Demolition of garages and erection of 2 x two bedroom semi-detached cottages  
at Brocks Menswear The Old Forge Church Street**

<b>Full Application 15/02361/FUL (CD.1543/Y)</b>	
Applicant:	Huntington Antiques Limited
Agent:	Edgars Limited
Case Officer:	Alison Hall
Ward Member(s):	Councillor Barry Dare
Committee Date:	9th March 2016

**Site Plan**



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**RECOMMENDATION: PERMIT subject to conditions**

**Main Issues:**

- (a) Principle of use
- (b) Design and Impact on the character and appearance of the Conservation Area and AONB
- (c) Impact on residential amenity
- (d) Parking and highway safety
- (e) Affordable housing

**Reasons for Referral:**

Councillor Dare has requested that the application be referred to committee due to scale of development, impact on neighbouring amenity and parking concerns.

**Site Description:**

The site is located to the rear of Huntington Antiques and currently comprises a number of single storey garages which form a block. The site is accessed from Sheep Street to the south via an existing vehicular access. The site is located within the Stow on the Wold Conservation Area and the Cotswold Area of Outstanding Natural Beauty.

It is proposed to demolish the existing garage block and construct 2 x semi-detached 1 and a half storey dwellings. The properties would be constructed in natural stone with a slate roof.

Minor amendments to the application which reduced the number of windows, amend the parking arrangement and removed the eaves detailing were received on the 21st July 2015 and re-consultation undertaken.

A viability appraisal in relation to the request for 50% affordable housing contributions was submitted on the 2nd November 2015 and further information provided on the 18th January 2016. The District Valuers report was received on the 3rd February 2016 which confirmed that the scheme would be unviable with affordable housing contributions.

**2. Relevant Planning History:**

13/03451/FUL - Erection of a single dwelling - approved  
 12/04173/CON - Demolition of existing garages - approved  
 CD. 1543/H - Extension to showroom - approved

**3. Planning Policies:**

NPPF National Planning Policy Framework  
 LPR05 Pollution and Safety  
 LPR15 Conservation Areas  
 LPR18 Develop within Development Boundaries  
 LPR19 Develop outside Development Boundaries  
 LPR38 Accessibility to & within New Develop  
 LPR39 Parking Provision  
 LPR42 Cotswold Design Code  
 LPR46 Privacy & Gardens in Residential Deve

**4. Observations of Consultees:**

Conservation Officer - Included within the 'Officers Assessment'

Environmental Health - No objection subject to conditions

Archaeology - No objection subject to condition.

Highways Officer - No objection subject to condition

Affordable Housing Officer - No objection scheme would be unviable with affordable housing contribution

Thames Water - No objection subject to informative

#### **5. View of Town/Parish Council:**

Stow on the Wold Town Council - No objection to original scheme.

Object to amended scheme -

As neighbouring properties will be overlooked and overshadowed a proper survey is requested which shows ground levels and rooflines of adjacent buildings and corrects inaccuracies in the existing plans.

Details are requested on how the parking spaces are allocated between all of the users of the space.

Stow Town Council opposes the loss of a parking space as detailed in these new details.

All the neighbours need to be properly notified of the application

#### Officer comment

It should be noted that the only amendments to the scheme from the original submission comprised of no changes to the scale or layout of the scheme. The only changes were the reduction of parking to one space per dwelling, the reduction of roof lights on the rear elevation from 4 to 2, the change of window design to 4 pane rather than 2 pane, and the removal of the eave roofing detail.

#### **6. Other Representations:**

A total of 9 properties were directly notified by letter, which were posted on the 29th June 2015: Honey Cottage, Haynes, Hanson and Clark Wine Merchants, The Old Forge Cottage, Honey Pot Cottage, Rogers Cottage, Rooftops, Whitsun, Benfield and Merry Dew. In addition a site notice was placed at the site entrance on the 29th of June 2015 and a notice was published in the local newspaper on the same date.

A total of 3 individual letters of representation from 2 properties have been received. The material objections received are as follows:

- i) Loss of light to The Honey Pot
- ii) Lack of off-street parking
- iii) Increase in noise from residential gardens
- iv) Overshadowing of amenity space of Rooftops and The Honey Pot
- v) Loss of light to northern gable windows
- vi) Lack of consultation

#### None material planning concerns raised :

- i) Reduction in value of properties
- ii) Loss of view

#### **7. Applicant's Supporting Information:**

Planning and Design and Access Statement

## **8. Officer's Assessment:**

### **Background and Proposed Development**

Planning permission was granted for the construction of a single storey dwelling under reference 13/03451/FUL. It is proposed to demolish the existing 1960's garage block and construct 2 x semi-detached 1 and a half storey 2 bedroom dwellings and associated car parking. The properties would be constructed in natural stone with a slate roof.

### **Development Within A Development Boundary**

The application site is located within a Development Boundary as designated in the Cotswold District Local Plan 2001-2011. The proposed development is therefore primarily covered by Policy 18: Development within the Development Boundaries of Cirencester and the Principal Settlements of the aforementioned plan.

Local Plan Policy 18 offers 'in principle' support for new build residential development in locations within established Development Boundaries. Criterion c) of Policy 18 states that development will be permitted provided that the siting, appearance and scale of the development respects the traditional form, character, appearance and setting of the settlement, and would cause no significant adverse environmental or visual harm to the site or its surroundings. This criterion is still considered to carry significant weight when assessed against the guidance in the NPPF.

#### **(a) Principle of uses**

The application site is located within the settlement limits of Stow-on-the-Wold where Policy 18 of the Cotswold District Local Plan which supports new residential development within the settlement boundaries. In addition the land is considered to be brownfield development which accords with the Core Planning Principle 8 and paragraph 89 of the NPPF. The principle of residential development is therefore acceptable in this location subject to other material planning considerations.

#### **(b) Design and impact on the character and appearance of the AONB**

The dwellings would be 1 and a half storey with a maximum ridge height of 7m and eaves at 4.5m. The single storey extensions would be 2.3m to the eaves and 3.8m to the ridge. The dwellings have been designed to reflect the Cotswold vernacular in style, materials and scale and as such are considered to be in line with Policy 42 and would maintain the character and appearance of the AONB and Conservation Area in this built up location. The proposal is therefore considered to be in accordance with Policy 15 of the Cotswold District Local Plan together with Sections 6, 7 and 12 of the NPPF.

#### **(c) Impact on neighbouring amenity**

Concerns have been raised regarding the clarity of the plans. The plans are to scale and therefore allow for an appraisal of the proposals to be undertaken. Full elevation plans have been provided, street layout plans were not considered reasonable to request as the site is not visible from the street. The block and location plan allow for the site to be identified and distances to the boundaries calculated. In addition the council have up to date mapping information, which allows for distances from neighbouring properties to be checked.

The proposed dwellings would be 1.5 storeys in height with single storey rear extensions. The 1.5 storey element would be set back from the boundary of Rooftops to the east by 4m. The gardens to the properties would abut the boundary and garden of Rooftops. No windows are proposed in the rear elevation at 1st floor level other than 2 rooflights one serving a hallway and the other a bedroom therefore overlooking of the amenity space and property would not result subject to a condition that the rooflights be fixed shut in perpetuity. In addition a condition is recommended to

remove the permitted development rights for the insertion of windows at 1st floor level on this elevation to ensure privacy is maintained.

The single storey elements of the dwellings would be constructed within close proximity to the boundary. The existing garages currently stretch the full length of the garden boundary. The single storey element would be similar in height; in addition a 1.8m high wall would be constructed as a boundary treatment. The only visible element of the single storey from Rooftops would be the upper course of stone and the pitched roof. Given the scale of these elements and being mindful of the existing garages that extend the length of the boundary, it is considered an overbearing impact would not result from this element of the proposals.

In relation to overbearing impact from the proposed dwellings it is considered that due to the 1.5 storey scale and set back distance from the boundary of 4m to the rear elevation and 7m to the ridge line the main dwellings the proposals would not result in an overbearing impact on the amenity space of Rooftops. The proposed dwellings would be located to the west of Rooftops amenity space and as such there is the potential for overshadowing in the later afternoon/evening. However, due to the scale of the proposed dwellings (7m to ridge) and set back distance from the boundary of 7m from the ridge to this would not result in an adverse impact on the amenity space of Rooftops and would not be significantly greater than currently occurs from the existing 2.8m high garages that abut the boundary with Rooftops.

While the view from the amenity of Rooftops would change it should be noted that a loss of a private view is not a material consideration.

In relation to Whitsun and Roger Cottage to the south of the site, no windows are proposed in the southern gable therefore overlooking would not result. Given the northern location of the proposed properties overshadowing would not result. The gable would be visible from the rear gardens of the Whitsun and Roger Cottage however it would be set in from the boundary of the properties and it is considered that due to the scale and positioning of the proposed dwellings an overbearing impact would not result.

The western elevation would face out onto the parking and access and therefore there would be no adverse impact on neighbouring properties from this elevation. A window is proposed at the 1st floor level on the northern gable however this would serve an en-suite and be obscure glazed.

It is considered reasonable to impose a condition removing the permitted development rights for the insertion of windows into the eastern elevation to maintain the privacy of Rooftops. As the southern and northern gables would form side elevations the permitted development rights would restrict windows to being obscure glazed and therefore PD rights can be retained.

Each property would be served by an eastern garden with amenity space for access and storage to the side. It is considered that the level of amenity space would be sufficient to suit the scale of the proposed dwellings. It is not considered reasonable to remove permitted development rights in relation to extensions or outbuildings.

Concerns were raised from the owner of The Honey Pot which is located to the north of the site. The existing garages are within close proximity to the southern rear wall of The Honey Pot and as such the single window on this elevation has not benefited from natural light since the garages were constructed in the 1960's. The proposed single storey kitchen of unit 1 would be located on a very similar building line to the existing garages albeit allowing a narrow access gap to the west (front) of the kitchen. It is considered that the proposal would not result in an increased impact on the neighbouring amenity of The Honey Pot over that of the existing garages. It should also be noted that a 2m high fence/wall could be constructed on the boundary without the need for planning permission which would result in the same impact as the single storey element of the proposal. The room which this window serves is the living room this room is also served by roof light on the southern elevation and a window on the northern elevation therefore the room would continue to receive the same natural light as currently experienced.

Due to the proximity of the kitchen extension there is the potential that the applicant may need to gain Party Wall Act agreement however this is outside of the planning remit.

In relation to overshadowing of the amenity space of The Honey Pot (yard) to the north of the living room this area is enclosed on all sides by built development. The yard is located 4.5m from the northern boundary of the site. The northern gable and pitch of the 1.5 storey element of the proposal is located a further 4.9m resulting in an overall separation distance of 9.4m from the gable of the proposed dwelling to the yard area of The Honey Pot. The living room element of The Honey Pot is approximately 4.2m to ridge. Given the location of the proposed dwellings, overall separation distance of 9.4m from the amenity space and scale of development surrounding the amenity space it is considered that the proposed dwellings would not result in any further overshadowing of the amenity space than currently experienced. In addition as the proposals are located to the south of The Honey Pot where the sun is at its highest point which further reduces the potential for any overshadowing.

Conditions have been recommended by Environmental Health in relation to construction working hours and control of dust and noise during construction. A further condition was recommended in relation to protecting the proposed dwellings from noise and in relation to ventilation. Given the residential nature of neighbouring buildings and the retail use of neighbouring businesses it is considered that additional noise protection measures are not required. Ventilation would be covered within building regulations.

In relation to the concerns of Rooftops regarding the increase in noise from the residential gardens of the proposed properties abutting their boundary it is considered that given the residential nature of the area within close proximity to the settlement centre that noise from the occupiers of the proposed dwellings would not give rise to an adverse impact on the amenity of the occupiers of Rooftops.

The proposals subject to conditions are therefore considered to be in accordance with Policy 46 and Policy 5 of the Cotswold District Local Plan subject to conditions.

#### **(d) Impact on the highway and parking**

One car parking space per dwelling is proposed with additional cycle storage. The proposed dwellings would provide 2 bedrooms each. The Highways Officer has been consulted on the proposals and comments that 'The proposed two dwellings include one parking space for each dwelling with parking illustrated on plan revised plan 2014/27/02 received on the 21 July 2015. This is considered an acceptable level of parking within the centre of Stow-on-the-Wold with local shops and services nearby and bus services to surrounding towns providing alternatives to private vehicle use. There is restricted on-street parking space available if additional parking is required and allows for safe management of parking. Drawing 2014/27/P illustrates vehicle tracking from the proposed vehicles to access and turn from parking spaces within the courtyard parking area to enter/exit the site in forward gear.' They therefore raise no objections to the proposals subject to a condition relating to parking and turning being implemented prior to the occupation of the dwellings.

It is therefore considered that the proposals are in accordance with Policies 38 and 39 of the Cotswold District Local Plan and Paragraphs 32 and 39 of the NPPF.

#### **(e) Affordable Housing**

Policy 22 of the Cotswold District Local Plan requires developments for 2 or more dwellings in Stow to provide 50% on site affordable housing. The applicant submitted a viability assessment, which has been reviewed by the District Valuer that demonstrates that the scheme would be unviable with any form of affordable housing contributions. As such the applicant has satisfied the requirements of Policy 22 and the Affordable Housing SPD and affordable housing is therefore not sought on this site as it would make the scheme unviable.

## 9. Conclusion:

Overall, it is considered that the proposal would result in a sympathetic development within the settlement of Stow on the Wold. It would create additional housing within an established settlement, on brownfield land in a sustainable location in close proximity to a range of services and facilities. The proposals would not result in an adverse impact on neighbouring amenity or the highway as set out in the officer's report.

In view of above, the proposed development is considered to comply with local and national policy and is hereby recommended for permission.

## 10. Proposed 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):

2014/27/P, Received 21st July 2015

2014/27/02 Received 26th July 2015

Site location Plan 3rd June 2015

**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 commencement of development the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

**Reason:** To protect archaeological interest.

The development shall not start until samples of the proposed walling and roofing materials have been 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 Policies 15 and 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.

The development shall not start until 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 has been 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 Policies 15 and 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.

No development shall commence until the design and details of the window and doors have been submitted to and approved in writing by the Local Planning Authority.



The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

**Reason:** To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies 15 and 42.

New rainwater goods shall be of cast iron construction or a substitute which has been approved 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 Policies 15 and 42.

The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

**Reason:** In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy 39.

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

**Reason:** To ensure any contamination of the site is identified and appropriately remediated.

**Relevant Policies:** Cotswold District Local Plan Policy 5 and Section 11 of the NPPF

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Reason:** To ensure any contamination of the site is identified and appropriately remediated.

**Relevant Policies:** Cotswold District Local Plan Policy 5 and Section 11 of the NPPF

The following construction times shall be observed:

07:30 - 18:00 Monday to Friday

08:00 - 14:00 Saturdays

Not at all on Sundays or bank holidays

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy 5.

Prior to the commencement of development a scheme specifying the provisions to be made to control dust and noise emanating from the construction site shall be submitted to and approved in writing by the Local Planning Authority.

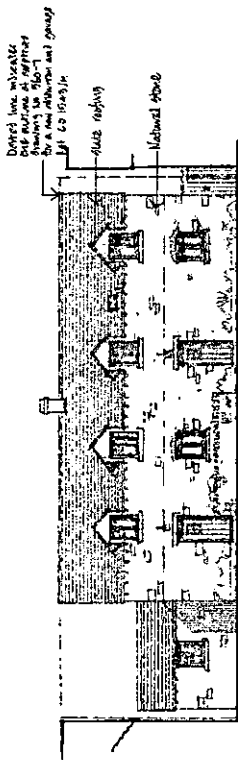
**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending or replacing it, no windows or openings, shall inserted in the eastern elevation or roofslope, other than those permitted by this Decision Notice.

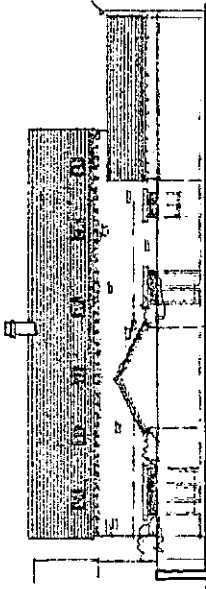
**Reason:** To protect the privacy of the occupants of neighbouring dwellings in accordance with Cotswold District Local Plan Policy 46.

The roof lights as shown on plan ref 2014/27/02 serving the bedroom and hallway shall be fixed shut in perpetuity.

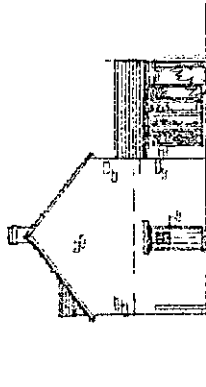
**Reason:** To protect the privacy of the occupants of neighbouring dwellings in accordance with Cotswold District Local Plan Policy 46.



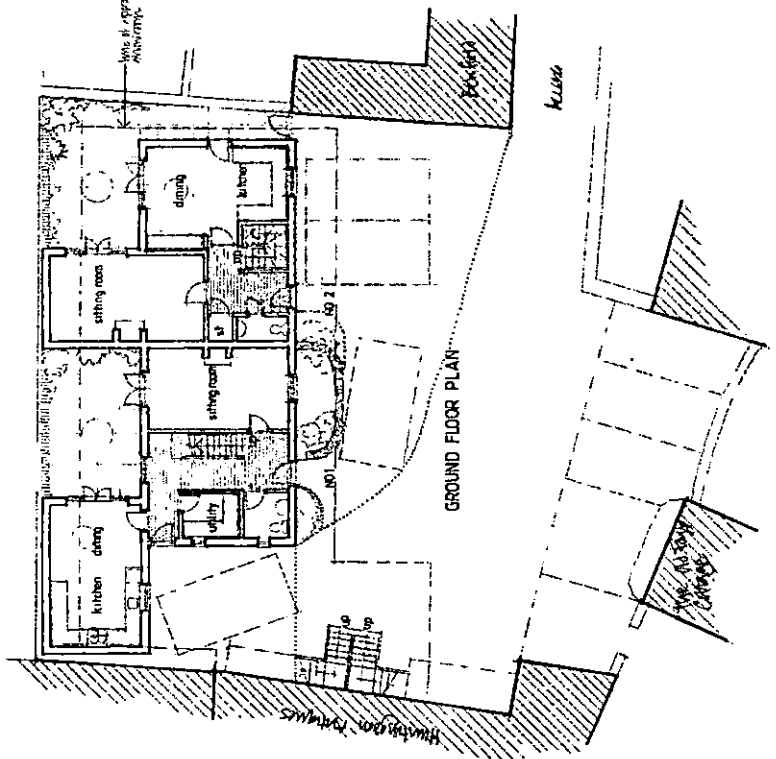
WEST ELEVATION



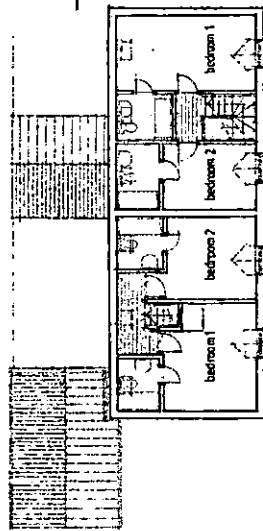
EAST ELEVATION



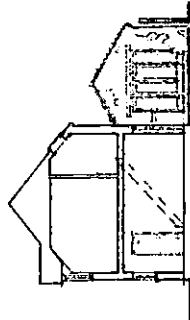
SOUTH ELEVATION



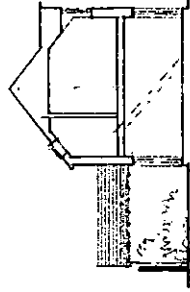
GROUND FLOOR PLAN



FIRST FLOOR PLAN



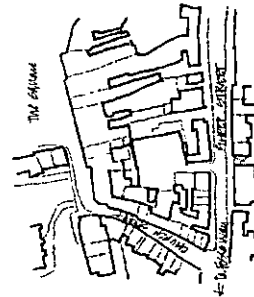
SECTION / SOUTH ELEV



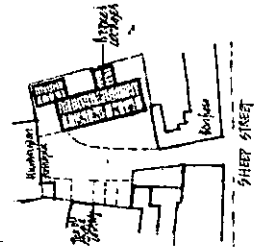
SECTION / NORTH ELEV



NORTH ELEVATION



SITE PLAN scale 1:1250



BLOCK PLAN scale 1:500

**RICHARD MERRETT ARCHITECT**  
 8 Chapel Gardens, Station on Park, Meriton Park, Qld. 4068, Tel 0109 880078  
 Email: rmerrett@merrett.com

Project: PROPOSED CONSTRUCTION OF A PAIR OF COTTAGES AT HINTONWOOD VARD, BLOW ON THE WOOD.

Client: MR. M. GOLDING  
 Date: March 2018  
 Drawing No.: 20180711-15 Scale: 1:100