Item No 07:-

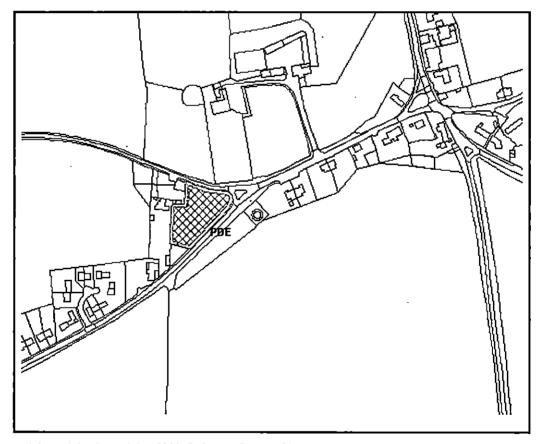
15/02459/FUL (CT.4436/B)

The Long House Tarlton Cirencester Gloucestershire GL7 6PA 122 Item No 07:-

Erection of one house and garage. Construction of a vehicular access and driveway at The Long House Tarlton Cirencester

Full Application 15/02459/FUL (CT.4436/B)	
Applicant:	The Bathurst Estate
Agent:	LPC (Trull) Ltd
Case Officer:	Claire Baker
Ward Member(s):	Councillor Tony Berry
Committee Date:	13th April 2016

Site Plan



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RECOMMENDATION: PERMIT

Main Issues:

- (a) The Principle of the Development and sustainability of the location
- (b) 5-Year Land Supply
- (c) Impact on the character and appearance of the Tarlton Conservation Area and the Cotswolds Area of Outstanding Natural Beauty
- (d) Highway Safety
- (e) Impact on residential amenity

Reasons for Referral:

The application has been referred at the request of the Ward Councillor as he is concerned that Tarlton is an unsustainable location and the scale and design of the dwelling would be detrimental to the character and appearance of the Conservation Area.

1. Site Description:

The application site is located in the south western part of the village of Tarlton and is part of the garden of The Long House. It is located close to the junction of two roads and there are several trees on the site. There are residential properties to the north, west and south. The site lies within the Tarlton Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

2. Relevant Planning History:

None

3. Planning Policies:

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

LPR01 Natural Resources

LPR01 Natural Resources

LPR46 Privacy & Gardens in Residential Development

NPPF National Planning Policy Framework

4. Observations of Consultees:

Conservation Officer: No objection subject to conditions

Tree Officer: No objection subject to conditions

County Highway Officer: No objection subject to conditions

5. View of Town/Parish Council:

Objects: Tarlton is not a sustainable settlement; there is no local need; the Council has an adequate housing supply; it would be detrimental to the character and appearance of the conservation area; there is concern about highway safety due to speeding along the nearby road; the site is not in the built up part of the village; the proposed access would not offer good visibility; the site is an important open space; the hedge would not screen the development all the year round; the development would damage the streetscene; the siting at an angle is inappropriate; no justification that the development would lead to the retention of local services; the repositioning of the house does nothing to mitigate the impact and is to the detriment of New Inn Close; the development adversely affects the setting of Messenger Cottage; the proposed garage would adversely impact on the The Long House; the traffic survey was not carried out in normal conditions which would have encourage traffic to drive slower.

6. Other Representations:

2 objections raising the following issues:

- (i) the size of the proposed dwelling would be out of keeping with the character of the area and neighbouring properties.
- (ii) traffic travels very fast past the site of the proposed access and therefore the new access would be dangerous
- (iii) the new plans move the dwelling closer to the garage and adjacent to the main garden of New Inn Close and would adversely affect our primary view
- (iv) the proposed rear garden is significantly smaller which would not be suitable for a large family
- (v) the boundary walls should be made higher to protect privacy of New Inn Close
- (vi)there are services to New Inn Close across the application site
- (vii) It would give rise to loss of light and privacy and would create noise
- (viii) the proposed access should be relocated to Sandpool Lane

7. Applicant's Supporting Information:

Planning and Design and Access Statement Speed Survey

8. Officer's Assessment:

(a) Principle of Development and sustainability of the location

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan is therefore the starting point. In this case the development plan is the adopted Cotswold District Local Plan 2001 - 2011 and is referred to herein as the 'Local Plan'.

As shown on the Proposals Map to the Local Plan, the application site is located outside of an adopted development boundary. The correct local policy to apply in terms of the principle of the proposed development is therefore Local Plan Policy 19 (Development Outside Development Boundaries).

Local Plan Policy 19 is positively written in that it supports development appropriate to a rural area provided that the proposals relate well to existing development, meets the criteria set out in other relevant local plan policies and results in development that does not significantly compromise the principles of sustainable development. However, Local Plan Policy 19 does explicitly exclude the development of new-build open market housing outside of adopted development boundaries.

The NPPF is a material consideration in the determination of planning applications. The NPPF requires local planning authorities to 'boost significantly the supply of housing' (NPPF, paragraph 47) and requires planning decisions for housing to be considered in the context of the 'presumption in favour of sustainable development' (NPPF, paragraph 14 and 49).

Paragraph 14 of the NPPF states that in decision taking the presumption in favour of sustainable development means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission 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 this Framework indicate development should be restricted. (Guidance in this respect is provided by footnote 9.)

With regard to footnote 9 (page 4 of the NPPF), the site is within the Cotswolds Area of Natural Beauty and the Tarlton Conservation Area. There are therefore specific policies in the NPPF that indicate that development should be restricted. A recent High Court Decision in March this year between Forest of Dean District Council, the Secretary of State for Communities and Local Government and Gladman Development Ltd confirmed that the first consideration should be given to the impact on heritage assets and the Area of Outstanding Natural Beauty and if it is considered that there is harm, planning permission should be refused unless public benefits outweigh that harm.

The NPPF 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."

To this end, the assessment of the application will have full regard to economic, social and environmental considerations. Since the Local Plan is 'out-of-date' in terms of its housing strategy it is the case that all housing applications that engage local plan policy have to be determined by applying the modified balancing test in paragraph 14 of the NPPF, unless the circumstances as described by Footnote 9 are applicable.

As the NPPF does not replace the adopted Development Plan it is necessary to consider in the planning balance, the weight to be accorded to any conflict with the adopted development plan. In accordance with Paragraph 215 due weight should be accorded to local plan polices according to their degree of consistency with the Framework. In respect of Local Plan Policy 19 the Mickleton Inspector concluded that:

'15. It follows that the appeal scheme must contravene the requirements of policy 19. But, the policy is time-expired, conforms to a superseded strategy, fails to reflect the advice in the Framework (NPPF) in severely restricting rather than significantly boosting the supply of housing and conflicts with the emerging strategy now identifying Mickleton as one of 17 settlements in the District (other than Cirencester) suitable to accommodate additional dwellings. Moreover, adhering to the provisions of policy 19 in relation to the appeal proposal cannot be consistent with the recent permissions allowing 80 dwellings at Canada Lane and 70 homes at Arbour Close. In those circumstances, policy 19 can only be regarded as out-of-date. And, of course, the emerging Local Plan has not yet reached a stage where its mooted policies might reasonably serve as 'replacements'.

16. The 'legal' suggestion that policy 19 (or some of it) remains 'up-to-date' because elements chime with the Core Principles or other advice in the Framework is, I think, flawed. First, the policy criteria must logically be applied in the context of the policy, rather than as independent requirements unfettered by the carefully scripted scope of the policy itself. Second, the content of those criteria (requiring schemes for open market housing to relate well to existing patterns of development, to add little to car-borne commuting and to be 'sustainable', for example) has relevance not because it relies on the remnants of policy 19, but because it chimes with, and is endorsed by, the guidance in the Framework. Third, I disagree that the policy must imply open market housing to be appropriate to a rural area in order to engage with such development at all. The policy, as written, does engage with open market housing. But it insists that for such development to be 'appropriate to a rural area' it must be created by the replacement, sub-

division or conversion of existing buildings; everything else is intended to be encumbered by some form of occupancy condition or to be offered as affordable housing.

17. Given that policy 19, the only policy cited as relevant, is 'out-of-date', the Development Plan can have little direct bearing on the determination of this appeal. Instead, as paragraph 14 of the Framework indicates, the proposal must be considered in the context of the presumption in favour of sustainable development and permission granted unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. Those are the tests that I apply here.'

It is therefore the Council's position that little weight can be accorded to Local Plan Policy 19 in the specific circumstances of this case.

The NPPF confirms that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 55 states that where there are groups of smaller settlements, development in one village may support services in a village nearby. There are other villages nearby to the application site such as Coates and Rodmarton. There is a school at Rodmarton which could be supported by the development. There is also a public house between Tarlton and Coates which is a local service shared by several villages. The application site is within the settlement of Tarlton and as such it does not constitute an isolated location in the context of Paragraph 55 of the NPPF. The erection of a single dwelling in the settlement is considered not to represent a level or form of development that would significantly increase car borne commuting to or from the settlement or significantly compromise the principles of sustainable development set out in either the NPPF or Policy 19 of the Local Plan.

(b) Five Year Housing Land Supply

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 May 2015 an updated five year housing land supply report was published as part of the Council's annual monitoring. The May 2015 report identifies that the Council is able to demonstrate a five year housing land supply between 7.74 and 8.85 years dependent on the buffer applied. This latest position has been tested at appeal and attention is drawn to the aforementioned Mickleton appeal decision (Ref: APP/F1610/A/14/2228762). In this decision the Planning Inspector confirmed that he preferred 'the estimate, at 380dpa, put forward by the Council as the 'objective assessment of housing need' (paragraph 30) and found that it is 'inappropriate to apply the 20% buffer' (paragraph 33); concluding that:

'With a 5% buffer the agreed supply of housing would be sufficient to satisfy the 'objectively assessed housing need' of 380dpa over almost the next 9 years and the 500dpa requirement suggested by the appellants over a little more than the next 5 years. Hence, I consider that a 5-year supply of deliverable housing land is demonstrated.'

This position has been corroberated by the more recent appeal decision at Land South of Collin Lane, Willersey (CDC Ref: 14/04854/OUT and PINS Ref: APP/F1610/W/15/3121622) published on 23rd February 2016.

The Council's positive land supply position is a material consideration in the determination of this application. However, it is accepted by the District Council that the fact that a 5 year housing land supply can be demonstrated is not, in itself, a reason to prevent granting planning permission for housing in light of the NPPF requirement to boost significantly the supply of housing. It is

however, relevant to consider the weight to be accorded to the provision of housing in the planning balance.

(c) Impact on the setting the character and appearance of the Tarlton Conservation Area and the Cotswolds Area of Outstanding Natural Beauty

The application site lies within the Tarlton 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 area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 12 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 132 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also states that significance can be harmed through alteration or development within the setting. Paragraph 134 states that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm should be weighed against the public benefits of those works. Policy 15 of the Cotswold District Local Plan states that development within or affecting a conservation area must preserve or enhance the character or appearance of the area as a whole, or any part of that area. It states that development will be permitted unless: it involves the demolition of a building, wall or other structure that makes a positive contribution; new or altered buildings are out-of-keeping with the special character or appearance of the area in general or in a particular location (in siting, scale, form, proportions, design or materials); or there would be the loss of open spaces that make a valuable contribution. Finally, it states that although minor householder development is likely to be acceptable proposals that cumulatively adversely affect an area may not be permitted, that reinstatement or enhancement of historic features (such as boundary walls) will be sought, and that new dwellings or other substantial structures (especially those covering more than one plot) are unlikely to be acceptable.

The application site lies at the western edge of the historic settlement, in a location that forms the focal end-point of views west along Sandpool Lane. The location of the proposed dwelling has been amended from that originally submitted at the suggestion of Officers. Whilst there is a substantial hedgerow, the proposed dwelling in its original location would be significantly taller, and thus would form the dominant focal-point in these views. The historic settlement of Tarlton effectively encircles three sides of Tarlton Farm, north, south & east; the open space of the farm and its immediate fields forming the centre of the conservation area. To the south and east, the village is little more than a single row of cottages facing towards the farm, although to the north there is more of a cluster of housing. Consequently the character of the conservation area is of a very loosely-developed settlement, with more open spaces and gaps than buildings. The view west along Sandpool Lane currently has seven cottages along the southern side, but is predominantly open and undeveloped to the north, towards Tarlton Farm, and in views to the west, towards the application site, where the current view of hedgerow and trees beyond emphasises and reinforces the rural, open nature of the development. The placing of a dwelling in the location as originally submitted would change the western view from a rural, undeveloped one, to one enclosed by a substantial dwelling, which would, by virtue of its location, dominate the view along Sandpool Lane, and give a far more developed, less open character. This would have fundamentally altered this part of the conservation area, failing to preserve or enhance its character or appearance, thereby failing to sustain its significance. However, Officers' are of the view that the relocation of the dwelling to the southern part of the proposed application site is acceptable as it would be located beyond the key view and would retain the sense of openness and would address the aforementioned concerns. In addition the scale and design of the proposed dwelling and garage, together with their use of materials are considered to be appropriate in this context and compliant with Local Plan Policy 42. In the view of Officers', the proposal would give rise to neither substantial nor less than substantial harm to the significance of the designated heritage asset, the Tarlton Conservation Area.

The Tree Officer has considered the loss of the trees on the site which are protected by virtue of their being located within the conservation area. It has been concluded that the trees are not

worthy of retention, however, it is proposed to mitigate against their lost by the planting of a new Oak tree.

The site also lies within the Cotswolds Area of Outstanding Natural Beauty. Paragraph 115 of the NPPF states that:

'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.'

Officers are of the view that, by virtue of its revised location, scale, design and use of materials, the proposed dwelling would conserve the character and appearance of the Cotswolds Area of Outstanding Natural Beauty.

(d) Highway Safety

The development of a single dwelling on a non-classified road would normally be dealt with by the Local Planning Authority under the County Highways Standing Advice. However, due to the objections received on Highway safety grounds County Highways were consulted and it was requested that a speed survey be undertaken. Following the results of the speed survey County Highways raised no objection subject to the provision of an adequate visibility splay and provision of parking and turning being required by conditions.

Local Plan Policy 38: Accessibility to and Within New Development states that traffic arising from development should not have an "unacceptably detrimental effect" on the highway network in respect of the movement of traffic and road safety. Similarly, paragraph 32 of the NPPF maintains that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The impact of the proposed new access and traffic movements arising from the development of a single dwelling are not considered to be unacceptably detrimental or severe. Thus, the proposed vehicular access would not contravene the relevent local or national planning policies in this regard.

(e) Impact on residential amenity

Officers do not consider that the proposed development would give rise to the overlooking of or be overbearing on the adjacent residential properties. The proposed garage would be located approximately 27 metres from the Long House. The site is well screened from neighbouring properties and the rear of the proposed dwelling would be located approximately 35 metres from Messenger Cottage and 17 metres from New Inn Close and the side elevation of the proposed dwelling. There would therefore be no overlooking of windows or the private garden areas of these properties and the proposal would comply with Local Plan Policy 46.

9. Conclusion:

The application is recommended for permission as the site is considered to be a sustainable location for a single dwelling. Officers are of the view that the re-located dwelling would not cause substantial nor less than substantial harm to the character or appearance of the conservation area and would conserve the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. It is also considered that the proposal would not have a severe impact on highway safety nor would it adversely impact on the residential amenity of the occupiers of adjacent properties.

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): 3684,15.02B, 1503,1504 and 1505.

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

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.

All windows and doors shall be of timber construction and shall be permanently retained as such thereafter.

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.

All windows hereby approved shall be constructed in accordance with the District Council's 'Traditional Casement Windows Design Guide'.

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.

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 Policies 15 and 42.

The doors and windows shall be painted in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise 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 Policies 15 and 42.

The new rooflight(s) shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflight(s) is/are located.

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.

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 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.

No wires, plumbing or pipework other than those shown on the approved plans shall be fixed on the external elevations 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 Policies 15 and 42.

All garage doors shall be of vertical boarded timber 'N; and shall be permanently retained as such thereafter.

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 lintels over the doors and window shall be faced in timber, either oak left to silver or painted to match the windows, and shall be permanently retained as such unless otherwise 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 Council Local Plan Policies 15 and 42.

Prior to occupation of the development hereby permitted, a new oak tree shall be planted as indicated on approved plan LPC, 3684, 15.02 Rev B. The tree must be a minimum Nursery standard size (8 -10 cm in trunk circumference - British Standard 3936 - Part 1: Nursery stock specification for trees and shrubs). The ground around the base of the tree (0.75m radius) must be mulched with a suitable material (eg woodchip) to discourage weed growth and reduce moisture evaporation. Should the tree be removed, die or become severely damaged or seriously diseased, within 5 years of planting, it must be replaced by a tree of a similar size and species to that originally planted.

Any modifications to the requirements of this condition must be agreed in writing with the Council's Tree Officer.

Reason: To ensure that the tree is replaced for the benefit of the amenity of the area.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other statutory instrument amending or replacing it, no garages, outbuildings or sheds shall be erected, constructed or sited in the application site other than those permitted by this Decision Notice.

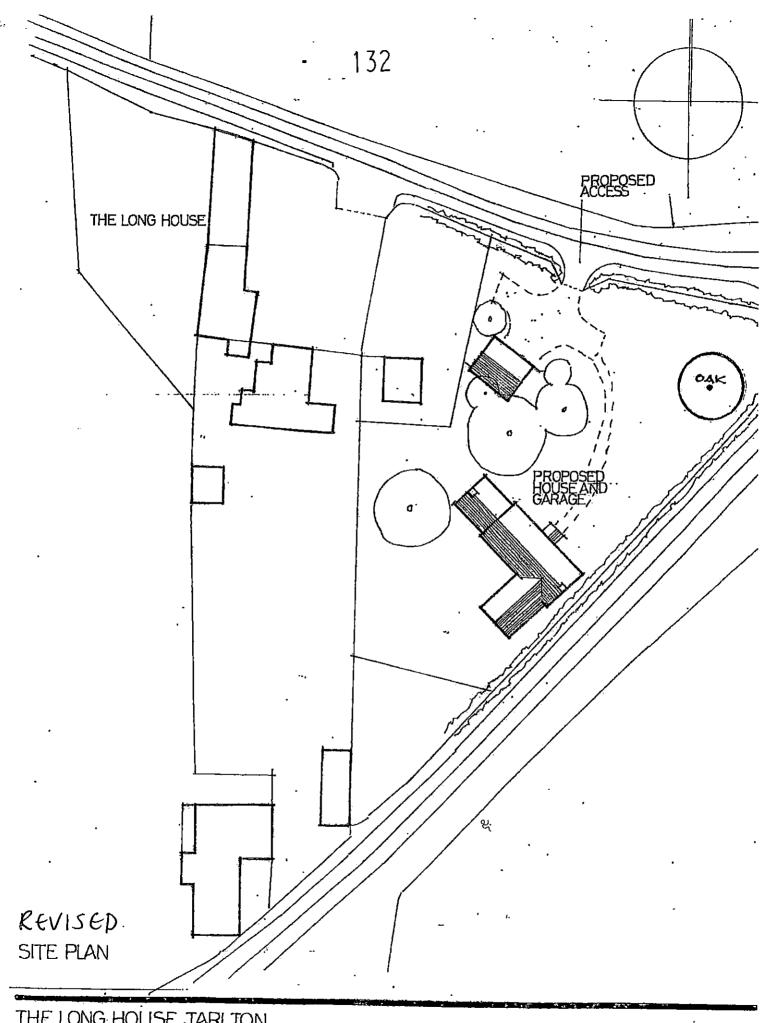
Reason: The erection of such structures would require further consideration in the interests of visual amenity in accordance with Local Plan Policies 15 and 42.

The vehicular access hereby approved shall not be brought into use until the existing roadside frontage hedge is cutback and permanently maintained to provide visibility splays extending from a point 2.4 m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road distant for 33m towards the west and 54m east towards the junction (the Y point).

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the NPPF.

The development hereby permitted shall not be occupied until the vehicular parking and turning and loading and unloading facilities have been provided in accordance with the approved plan, LPC 3684, 15,02 Rev B, and those facilities shall be maintained available for those purposes thereafter.

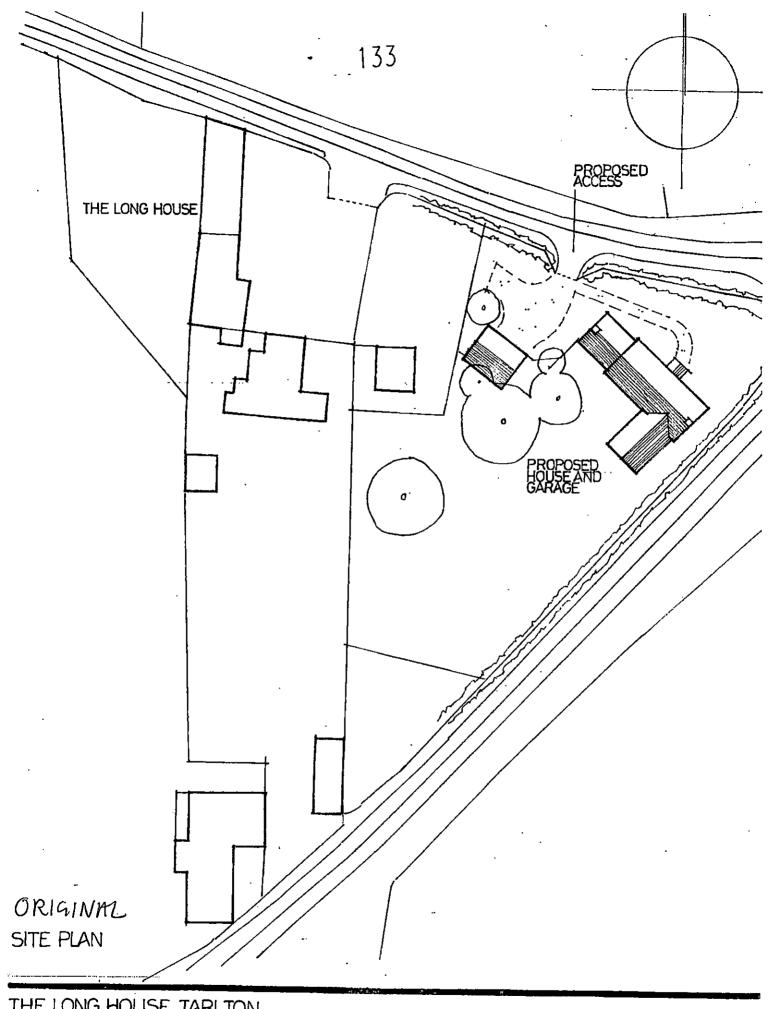
Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the NPPF.



THE LONG HOUSE TARLTON PROPOSED HOUSE AND GARAGE

SCALE DRG No NATE

1,500/A4 LPC,3684,15,02B (4.01.16)



THE LONG HOUSE TARLTON PROPOSED HOUSE AND GARAGE

SCALE DRG No DATE 1,500/A4 LPC,3684,15,02 20APRIL 2015



TOWN AND COUNTRY PLANNING DEVELOPMENT

Trull = Tetbury Gloucestershire G L B B S Q



