

Item No 01:-

16/00340/FUL (CD.9536)

**Bier House
Lower Street
Blockley
Gloucestershire
GL56 9DS**

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**Alterations and extension to create a new dwelling
at Bier House Lower Street Blockley Gloucestershire GL56 9DS**

Full Application 16/00340/FUL (CD.9536)	
Applicant:	Blockley Parochial Church Council
Agent:	Jacob Pot Architect
Case Officer:	Alison Williams
Ward Member(s):	Councillor Mrs Sue Jepson
Committee Date:	13th July 2016
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Principle of conversion
- (b) The sustainability of the site
- (c) Impact on the Conservation Area, AONB and heritage assets
- (d) Impact on neighbouring amenity
- (e) Impact on parking and the highway

Reasons for Referral:

The applicant asked for the application to be deferred at the June committee to allow for the submission of amended plans and a follow up response to the Conservation Officer's comments. A members panel visit to the site was agreed to be undertaken prior to the July committee.

In addition amended plans which omit the chimney and alter the doors so that they bi-fold. Further details of funding for the church repairs and costs were also provided on the 22nd June 2016.

For clarity the June committee report has been updated and changes are highlighted in bold text.

Cllr. Sue Jepson has requested that the application is reported to the Planning and Licensing Committee for determination for the following reasons: "I do not feel this application causes harm on the AONB and the heritage assets. I believe the impact on the conservation area is minor. There is parking for one off the road connected to the building and parking in the road. This is bringing a building into use, providing a much needed one bed unit. The Parish and community are in favour of developing this redundant building into residential use for the village of Blockley."

1. Site Description:

The Bier House is a detached building located on Lower Street within the settlement of Blockley. It is a single storey Cotswold Stone building located on the hill leading to the Church.

The Bier House is also located within close proximity to, and within the setting of several listed buildings, including the grade II*-listed Church of St Peter and Saint Paul, and the grade II-listed Lower Terrace and Colebrook House.

The Bier House comprises a very simple, utilitarian structure, which sits set back from Lower Street, but within a gap where it forms the foreground to a view of the church. Whilst this was not identified as an important view in the Conservation Area Character Statement (which dates from 1998), it clearly makes a positive contribution to the character, appearance and significance of the conservation area, as well as to the setting of adjacent listed buildings. The building is considered to be a non-designated heritage asset in line with the guidance set out within para 135 of the NPPF.

2. Relevant Planning History:

None

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR14 Conversion of Historic Agri Buildings
 LPR15 Conservation Areas
 LPR28 Conversion of Rural Buildings
 LPR38 Accessibility to & within New Develop
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

Conservation Officer - comments incorporated within the Officer's report

Neighbourhood Services - No objections

Drainage Engineer - No objection subject to a condition requiring a full surface water drainage scheme being submitted

Biodiversity officer - No objection subject to bat informative

5. View of Town/Parish Council:

No objection and support the application

6. Other Representations:

9 third parties have raised the following objections:

Impact on the conservation area
 Impact on the heritage assets
 Impact on the character and appearance of the area
 Impact on important views
 Impact on the highway and increase of on street parking
 Overdevelopment
 Impact on neighbouring amenity - overbearing impact, loss of privacy, overshadowing
 Insufficient justification of need
 Access during construction

19 letters of support have been received:

Would retain the existing facade
 Small-scale and sensitive development
 Need for the bell tower and bells to be repaired
 Housing needed
 It would benefit the church
 Would retain the historic building in use, otherwise its future is uncertain
 Some element of vehicle parking will be required whatever future use is made of the building

7. Applicant's Supporting Information:

Heritage Statement
 Design & Access Statement
 Structural Survey
 Statement of Need
 Holmans Valuation
 Preliminary Bat Roost Assessment

**Quinquennial Report
 Financial Statement**

8. Officer's Assessment:

The existing building measures 4m in width and 5.25m in length and is 3.15m to the eaves and 4.1m to the ridge. The building has an existing set of wooden doors to the front elevation and has cross braces running between.

The proposal would retain only the front elevation of the Bier House with the side and rear walls and roof being removed and replaced as confirmed in the Forward Structural Consultants report. As such the entire roof would also be removed and replaced.

A single storey extension would infill the curved gap between the boundary wall and the existing building and would have a glazed roof and a window inserted into the side elevation. The extension would extend at two storeys 4.3m to the rear and 8.6m in width at its widest point. A porch style extension would be installed to the other side to provide a bin store area and entrance to the building. The rear two storey extension due to the rising ground levels would be 1.25m above the ridgeline of the existing building. The extension would have a hipped roof.

The proposals would increase the internal floor space from 13.33sqm to 68.8sqm resulting in a total increase of 413%.

The internal space would be laid out so that the original building provided the living room, the extension would provide a dining/kitchen, porch and downstairs toilet with stairs leading to a bedroom and bathroom in the roof space. A patio area and small area of grass would be provided as garden. The extension would be constructed in materials to match the Bier House.

No off-street parking provision is proposed. In addition due to the constrained red line boundary of the site no off-street parking could be provided. Clarification has been sought from the highways team who confirm the land to the front of the Bier House is classified as highways land and that they have previously had a query for the use of the land for allocated parking which was rejected by County Highways.

The proposals show the retention of the existing doors to the front of the building with a glazed screen behind. Amended plans were received on the 9th June showing the doors to be altered to fold in the middle.

Need and Funding for church repairs:

Further information has been request from the agent regarding the timescales for the 'urgent' repair works and how this fits with the need to market and sell the property. In addition further information was requested regarding what other funding streams for the work have been investigated.

Graham New advised on the 23rd June that they would expect the sale of the Bier House with planning permission to sell for approximately £120k. The timescale for the works to the Bell Frame and Bells is expected to start in April 2017 with the first stage of the Faculty process carried out with the Diocese. He also advised that they have had interest in the building following publicity of the application.

Further details of the funding already in place for the bell replacement and other church repairs was provided in the form of a letter from Revd Canon Dana Delap dated 21st June 2016.

This sets out that £96,144 has already been raised to fund the bell repairs.

As set out in the Statement of Need provided by the applicant the cost of the urgent repair works to the church bells and frame with their contractor John Taylor & Co was £81.5k (£97.8k including VAT). Therefore resulting in a shortfall in the essential repair funding of £1656.

With the 10% contingency taking the total of the essential repair works to £107,580 and a shortfall in funding of £11,436.

However it should be noted that in the Quinquennial Inspection Report 2016 submitted by the applicant on the 22nd June 2016 at page 3, paragraph 1.11 sets out "Since the church is listed the Parish can claim a grant equal to the VAT that will be repaid on repairs, maintenance, alteration work and related professional fees and some alteration work through the Listed Places of Worship Scheme (www.lpwscheme.org.uk). This also now covers VAT on works to pipe organs, turret clocks, bells and bell ropes. This arrangement is confirmed until March 2020."

Therefore the total cost of the essential works are £81.5k resulting in a £14,644 excess from the funding already in place.

The additional costs £22.5k were on the recommendation of the contractor to install an additional 2 bells and soundproofing. These are not essential works although desired by the church. Therefore given the £96,144 already raised a further £7856 would be required to fund the desired addition of 2 bells and soundproofing.

In addition it should be noted that the Revd Canon Dana Delap's letter dated 21st June 2016 outlines the cost of other repairs to the church totalling approximately £30k. However they have a reserve fund of £75k (with £25k restricted) therefore leaving £50k available for the church for repairs. Even with the other repair works required to the church totalling £30k the church has a further £20k available for repairs.

Therefore in the planning balance it is considered that the application does not meet with the guidance on enabling development. The funds for essential works to the church are

already in place and as such the net profit of approximately £120k from Bier House if planning permission was granted is not required to fund the works to the church.

It is also worth noting that in a recent high court judgement CO/5501/2015 between The Queen (on the application of PETER WRIGHT) and FOREST OF DEAN DISTRICT COUNCIL and RESILIENT ENERGY SEVERNDALE LTD. Mr Justice Dove stated that for a consideration to be taken into account by a decision-maker, it has to pass the test laid down in *Newbury District Council v Secretary of State for the Environment [1981]*. He noted that the significant financial contribution did not regulate how the development would operate and was not designed to mitigate some impact on social or physical infrastructure or an adverse land use resulting from the grant of permission. The fact that it would benefit the local community did not alter this factual position, he held. In addition "he concluded, the donation was not fairly and reasonably related to the development proposed and was therefore irrelevant".

Therefore it is taken that no weight can be afforded to the profits from Bier House being directed towards unknown works to the church. The known works and repairs are already accounted for by existing funding.

The only planning considerations therefore that can only be given to this application are the impacts on the Conservation Area, Heritage assets (designated and non-designated), impacts on the highway and impact on neighbouring amenity for the almost complete demolition of the Bier House and replacement with an enlarged footprint to provide a 1 bedroom dwelling with no off street parking.

(a) Principle of development

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.

Policies 14 and 28 of the Cotswold District Local Plan allow for the conversion of rural buildings to alternative uses subject to certain criteria:

Policy 14 states that development will be permitted unless the proposal would be

- a) would be significantly detrimental to the form, details, character or setting of the building
- b) involves the extension or significant alteration of a building, which is of insufficient size or of unsuitable form to allow its conversion without this extension or alteration,
- c) involves a building which is so derelict, or in such a poor structural condition that it requires complete or substantial reconstruction as part of its conversion;
- d) would have a detrimental impact on the appearance or character of the landscape

Policy 28 adds further in relation to impact on neighbouring amenity and the highway.

The proposals are not considered to be a conversion of an existing building. The proposals show almost complete demolition of the Bier House with only the front wall remaining as such substantial rebuilding and extension would be required to provide a 1 bedroom dwelling.

It is clear from the submitted plans that the existing building would require extensive extension equating to a 413% increase of internal floorspace over the existing building. In addition

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significant rebuilding with only the front wall of the building being retained would be required to facilitate the works contrary to Policy 14 and 28 of the Cotswold District Local Plan. By virtue of the scale, design and layout of the proposed extensions required to facilitate the conversion of the building to a dwelling the proposals would be detrimental to the form and character of the existing building and its setting contrary to Policy 14 and 28 Cotswold District Local Plan.

It is highlighted within letters of support that the building is in a poor state of repair. The building is already supported by cross ties, it is considered that the building is of poor structural condition it is considered that the proposals would require substantial reconstruction works to allow the conversion which is contrary to Policy 14 and 28. While letters of support state that the works would save the building the owners of the building have not maintained it for a number of years and as such has led to the poor state of repair now being used as supporting justification for the conversion of the building which therefore holds little weight in the planning balance.

Due to the rising land levels and the dominating impact of the scale and design of the proposed extensions the proposals would have a detrimental impact on the character and appearance of the Conservation Area and AONB, contrary to Policy 14 and 28.

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' and seeks to significantly boost the supply of housing. 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 of housing land supply. 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 instances where the development plan is absent, silent or relevant policies are out-of-date; paragraph 14 requires that proposals accord with the approved development plan should be approved without delay. Paragraph 14 states that planning 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 can currently demonstrate a 7.54 housing land supply (5% buffer). Notwithstanding the current land supply figures 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 adverse impacts of the proposed scheme. These issues will be looked at in more detail in the following sections.

The Submission Draft Reg 19 for the emerging Cotswold District Local Plan 2011-2031 has recently been published. Policy S15 sets out the allocated sites for housing, employment and infrastructure within Blockley. The site is not allocated for housing. Policy H1 sets out the Policy for housing mix and tenure to meet local need for developments of more than one dwelling. Policy D1 sets out the Policy in relation to design and compliance with the Cotswold Design Code. Policy EN2 sets out the policy for the Natural and Historic Environment and Policy EN3 sets out the policy for AONB.

Policy EN9 sets out the Policy in relation to the conversion of non-domestic historic buildings setting out that conversion will be permitted where:

- a) the conversion would secure the future of a heritage asset, and/or its setting which otherwise would be at risk**
- b) the proposed conversion would not significantly harm the character of the heritage asset (including its form and features), its setting, and/or the character or the appearance of the surrounding landscape;**
- c) the heritage asset is structurally sound; and**
- d) the heritage assets is suitable for, and capable of, conversion to the proposed use without substantial alteration, extension or rebuilding that would be tantamount to the erection of a new building.**

Policy EN10 sets out the policy for non-designated heritage assets. It states that development will be permitted provided it demonstrates how the asset will be retained, and how any features that contribute to the assets significance are retained or enhances. Extensions and alterations to non-designated heritage assets will need to be designed sympathetically having regard to both the asset and to its setting.

Finally Policy INF5 sets out development for residential where there it is necessary to manage the local road network will be required to meet with the parking guidance and standards at Appendix F which would require 1 parking space for the dwelling.

However as the Reg 19 is at the early stages it carries little weight.

(b) Sustainability of Location

Blockley is not designated as a Principal Settlement in the current Local Plan. However, it has been identified in emerging Local Plan documents as a 'Key Settlement'. Emerging Local Plan document Reg 19 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 Local Plan Consultation Paper: Preferred Development Strategy May 2013 stated that 'Blockley ranks 12th in the District in terms of its social and economic sustainability'. It states that 'Blockley is a sizeable village, which despite suffering the loss of some facilities over the years is still able to cater for certain day-to-day community needs.' The village has a primary school, village shop, hotel and public house. Employment opportunities are available nearby at Draycott, Northcot Business Park and Northwick Business Centre.

Emerging Local Plan documents state that Blockley along with Willersey, Mickleton and Chipping Campden 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 8400 dwellings without compromising the strong environmental constraints present in the area.

Paragraph 55 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and '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. Paragraph 55 does state that isolated new houses in the countryside should be avoided'

It is evident that the ability of Blockley to accommodate new residential development has been assessed as part of the emerging Local Plan process. The Development Strategy and Site Allocations 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 the village's role as a local service centre. Blockley has therefore been recognised as a potentially sustainable location for new residential development in terms of accessibility to services, facilities and amenities.

The addition of a single dwelling in the settlement is not considered 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. In light of the emerging Local Plan it is considered that the village is a sustainable location for small scale residential development and as such the principle of converting an existing building to residential is supported but it must be noted that this is subject to other material planning considerations.

(c) Impact on the Conservation Area, AONB and Heritage Assets

The Bier House lies within close proximity and within the setting of several listed buildings, including the grade II*-listed Church of St Peter and Saint Paul, and the grade II-listed Lower Terrace and Colebrook House. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, in accordance with Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

The site also lies within the Blockley 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.

Whilst the Bier House is not itself listed, it is nevertheless an historic structure that contains a degree of historical and aesthetic significance, and as such is considered to be a non-designated heritage asset. Paragraph 135 of the National Planning Policy Framework advises that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Section 12 of the National Planning Policy Framework requires 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 133 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits.

Paragraph 134 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Section 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; and respond to local character and history, reflecting the identity of the surroundings and materials, whilst not stifling innovation. Paragraph 60 states that local distinctiveness should be promoted or reinforced and Paragraph 61 that connections between people and places, with the integration of new development into the built and historic environment.

Policy 14 of the Cotswold District Local Plan states that the conversion of agricultural or similar buildings of historic interest and traditional design to an alternative use, particularly a use which would make a positive contribution to the local economy or meet a local need for affordable housing, will be permitted unless the proposal would be significantly detrimental to the form, details, character or setting of the building; involves the extension or significant alteration of a building, which is of insufficient size or of an unsuitable form to allow its conversion without this extension or alteration; involves a building which is so derelict, or in such poor structural condition, that it requires complete or substantial reconstruction as part of its conversion.

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. Uses that create additional traffic, noise or other nuisance, which would adversely affect the character of the area, would not be permitted. But development may be permitted if it can be demonstrated that the proposals can help an area to remain alive and prosperous, without compromising its character or appearance. 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.

Policy 42 of the Local Plan requires that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85 of the Countryside and Rights of Way Act 2000).

Paragraph 17 of the NPPF states that planning should recognise 'the intrinsic character and beauty of the countryside'

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.'

The application site and its surroundings are classified in the Cotswolds Conservation Board's Landscape Character Assessment as falling within Landscape Character Area 17B Vale of Moreton. This in turn falls within Landscape Character Type Pastoral Lowland Vale.

The Bier House comprises a very simple, utilitarian structure, which sits set back from Lower Street, but within a gap where it forms the foreground to a view of the church. Whilst this was not identified as an important view in the Conservation Area Character Statement (which dates from 1998), it clearly makes a positive contribution to the character, appearance and significance of the conservation area, as well as to the setting of adjacent listed buildings, and is therefore considered to be a non-heritage asset in itself.

The proposals would effectively demolish the Bier House as set out in the applicant's structural survey report albeit the front elevation would be retained. In addition the proposals include the construction of a two storey rear extension set into the land levels although in an elevated position above the existing building. Overall the internal floorspace would increase from 13.3sqm to 68.33sqm representing an increase of 416%.

The applicant's heritage appraisal was updated by a letter from Dr Doggett which concludes that "no such harm is caused by the revised proposals.

However the Council's Conservation Officer maintains that the proposal by virtue of the extension of demolition and rebuilding and the scale, design and layout of the proposed extension would neither preserve nor enhance the character and appearance of the conservation area, nor preserve the setting of the nearby listed buildings. The proposal thereby fails to sustain the significance of these designated heritage assets, and result in harm, albeit not substantial.

A further amendment was received that removed the chimney and subdivided the existing doors. These minor amendments do not overcome the harm to the Conservation Area and heritage asset already set out by the Council's Conservation Officer.

The principal justification for the works is to raise funds to go towards the church bell tower fund. Sustaining the future of designated heritage assets, such as the church, does constitute a public benefit, and paragraph 134 of the N.P.P.F. advised that when less than substantial harm would result to designated heritage assets, this harm should be weighed against any resultant public benefit.

Nevertheless, it needs to be borne in mind that this proposal, which would cause harm to both designated and non-designated heritage assets would normally be considered contrary to local and national policy. However, the applicants are requesting that it be considered specifically so as to cross-fund a contribution towards the fund for the repair of the church bell tower frame and bells and now also additional repairs to the church. Usually proposals that are contrary to policy, but which are specifically intended to fund the repair of a heritage asset, are only considered acceptable if they meet the criteria for enabling development.

Historic England's published guidance defines enabling development as: "development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved." (paragraph 1.1.1).

Historic England's published guidance on enabling development also lays out some key principles, including that enabling development (development which contravenes normal planning policies) should be unacceptable unless: "it will not materially harm the heritage values of the place or its setting."

It is pertinent that the Historic England guidance specifically states that: "Enabling development should always be seen as a subsidy of last resort, since it is an inefficient means of funding a conservation deficit, often requiring enabling development with a value of three or four times the conservation deficit of the historic asset to break even." (Paragraph 4.3.6).

As per the letter received from Revd Canon Dana Delap the essential works to replace the bell frame and repair/replace the existing bells including VAT and a 10% contingency can be covered by existing funding. While the addition of two further bells and the soundproofing which are desired additional works by the church are not covered by the existing bell fund, there is a further £11k from the church's reserve fund.

Therefore in the planning balance it is considered that the application does not meet with the guidance on enabling development. The funds for essential works to the church are already in place and as such the net profit of approximately £120k from Bier House if planning permission was granted is not required to fund the works to the church and should therefore hold little or no weight in the planning balance.

Therefore it is considered that the proposed development, by infilling a positive open space within the conservation area and adjacent to several listed buildings, would neither preserve the character and appearance of the conservation area, nor the setting of the buildings, thereby failing to sustain the significance of these designated heritage assets. By effectively demolishing the Bier House through the removal of 3 walls and the whole roof structure and then extending to result in a 413% increase in floorspace of the Bier House, it would fail to sustain the significance of the Bier House itself as a non-designated heritage asset. The proposal is claimed to be, in effect, enabling development; however the additional information provided by the applicant demonstrates that the essential repairs works in the form of the replacement of the bell frame and repair/replacement of the existing bells can be funded without the need for the sale of Bier House and therefore fails to meet the fundamental criteria laid down by Historic England for such development. Consequently the proposal does not comply with Sections 7 or 12 of the N.P.P.F. (including paragraph 134 of the latter), nor would it comply with Policies 14, 15, 28 or 42 of the Cotswold Local Plan.

(d) Impact on Neighbouring Amenity

The boundary wall between 1 Lower Terrace and the proposed amenity space would be 2m in height as such this would not result in overlooking or loss of privacy to neighbouring properties. The proposed extension would be adjacent to the elevated amenity space of 1 Lower Terrace which is located to the south of Bier House. The proposed extension would sit adjacent to the amenity space of 1 Lower Terrace at 3.1m in height. No windows other than a velux serving the bathroom would be installed on the southern elevation. However, the overbearing impact and sense of enclosure of the amenity space would result in harm to the amenity of No.1 Lower Terrace contrary to Policies 28 and 46 of the Cotswold District Local Plan and Chapter 7 of the NPPF.

(e) Impact on Parking and the Highway

The proposals do not include any provision for off street parking for the 1 bedroom dwelling.

The area of hard standing to the front is informally used for parking and bin collection area for Lower Terrace however it is not in the ownership of Lower Terrace or the church.

The proposals include the retention of the existing doors with a glazed screen behind. It is evident with this glazed screen providing the natural light to the main living space that the doors would remain open. The amended plans received show the door being altered to be bi-folding and therefore capable of being folded back against the wall. It would be prevalent that if permission was granted that a condition was imposed requiring details of how the doors would be held back to ensure that the doors do not obstruct highways and pedestrians movements contrary to Policy 38 of the Cotswold District Local Plan.

It is noted that there is unrestricted parking on Lower Street and therefore the addition of 1 additional vehicle onto the highway is unlikely to result in significant harm to highway safety.

9. Conclusion:

The proposals, by infilling a positive open space within the conservation area and adjacent to several listed buildings, would neither preserve the character and appearance of the conservation area, nor the setting of the listed buildings, thereby failing to sustain the significance of these designated heritage assets. The harm is considered not to be offset by public benefits and the proposal therefore does not comply with Sections 7 or 12 of the N.P.P.F. (including paragraph 134 of the latter), nor would it comply with Policies 14, 15, 28 or 42 of the Cotswold Local Plan.

The proposed development would result in the almost complete demolition of the Bier House through the removal of 3 walls and the whole roof structure and then extended to result in a 413% increase in floorspace of the Bier House. As such the proposals would fail to sustain the significance of the Bier House itself as a non-designated heritage asset. The proposal is claimed to be, in effect, enabling development; however the additional information provided by the applicant demonstrates that the essential repairs works in the form of the replacement of the bell frame and repair/replacement of the existing bells can be funded without the need for the sale of Bier House and therefore fails to meet the fundamental criteria laid down by Historic England for such development. Consequently the proposal does not comply with Sections 7 or 12 of the N.P.P.F. (including paragraph 134 of the latter), nor would it comply with Policies 14, 15, 28 or 42 of the Cotswold Local Plan.

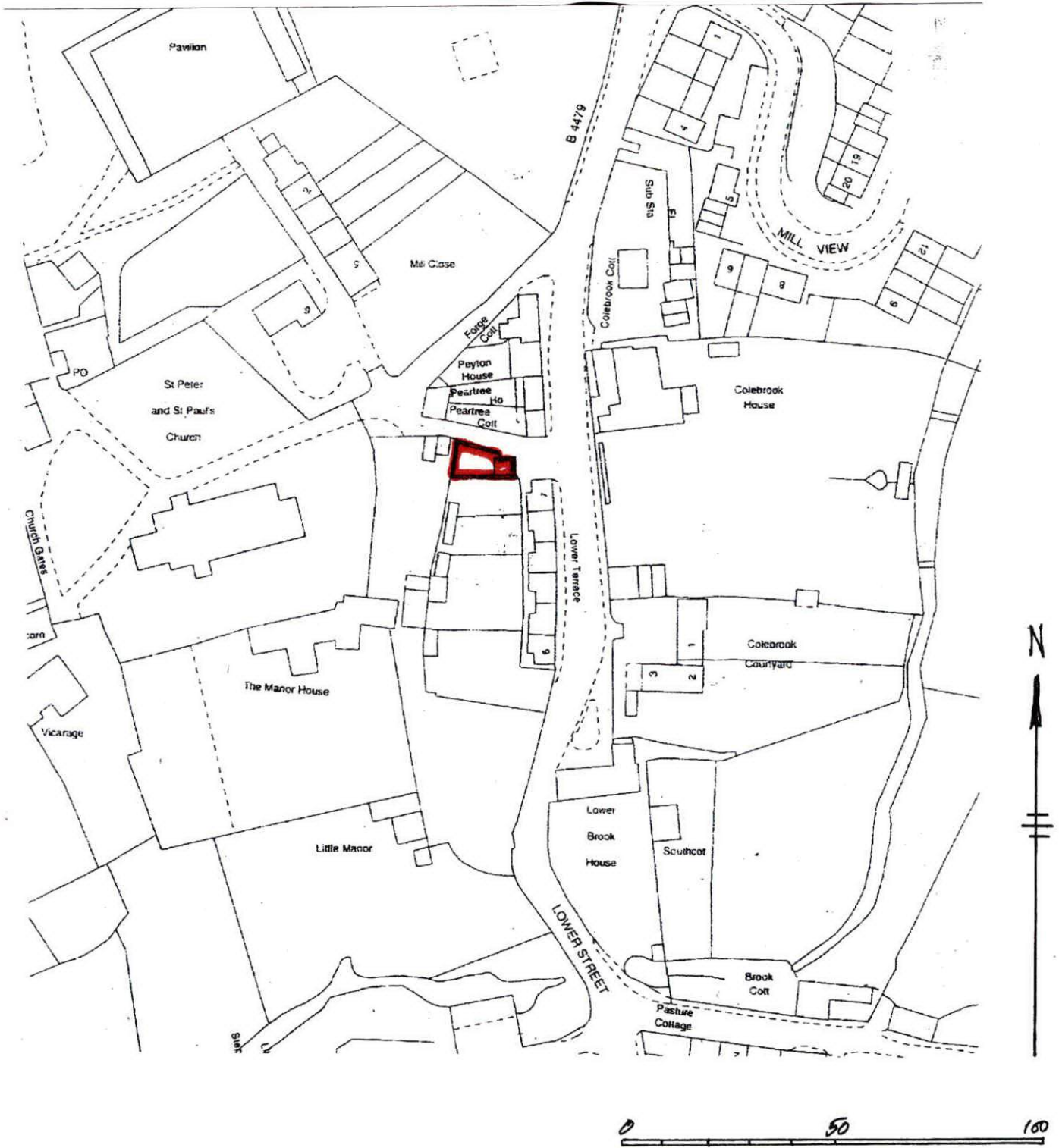
In addition the proposals would result in an overbearing impact to the amenity of 1 Lower Terrace due to the scale and location of the proposed extension contrary to Policies 28 and 46 of the Cotswold District Local Plan and Chapter 7 of the NPPF.

10. Reasons for Refusal:

The proposed development, by infilling a positive open space within the conservation area and adjacent to several listed buildings, would neither preserve the character and appearance of the conservation area, nor the setting of the buildings, thereby failing to sustain the significance of these designated heritage assets. By effectively demolishing the Bier House through the removal of 3 walls and the whole roof structure and then extending to result in a 413% increase in floorspace of the Bier House, it would fail to sustain the significance of the Bier House itself as a non-designated heritage asset. The proposal is claimed to be, in effect, enabling development; however the additional information provided by the applicant demonstrates that the essential repairs works in the form of the replacement of the bell frame and repair/replacement of the existing bells can be funded without the need for the sale of Bier House and therefore fails to meet the fundamental criteria laid down by Historic England for such development. Consequently the proposal does not comply with Sections 7 or 12 of the N.P.P.F. (including paragraph 134 of the latter), nor would it comply with Policies 14, 15, 28 or 42 of the Cotswold Local Plan.

The proposals by virtue of the scale, design and location would result in an unacceptable overbearing impact to the amenity of 1 Lower Terrace contrary to Policies 28 and 46 of the Cotswold District Local Plan and Chapter 7 of the NPPF

The proposed development would result in the almost complete demolition of the Bier House through the removal of 3 walls and the whole roof structure and then extended to result in a 413% increase in floorspace of the Bier House. As such the proposals would fail to sustain the significance of the Bier House itself as a non-designated heritage asset. The proposal is claimed to be, in effect, enabling development; however the additional information provided by the applicant demonstrates that the essential repairs works in the form of the replacement of the bell frame and repair/replacement of the existing bells can be funded without the need for the sale of Bier House and therefore fails to meet the fundamental criteria laid down by Historic England for such development. Consequently the proposal does not comply with Sections 7 or 12 of the N.P.P.F. (including paragraph 134 of the latter), nor would it comply with Policies 14, 15, 28 or 42 of the Cotswold Local Plan.



The Bier House. Proposed alterations and extension to create new Dwelling.

Location Plan
Scale 1:1250 @ A4

1610.12

Forward Structural Consultants

Consulting Civil & Structural Engineers

15-191

The Bier House, Blockley

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Forward Structural Consultants

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The Bier House, Blockley

1.0 Introduction

Forward Structural Consultants have visited the Bier House on two occasions at the instruction of Rob Greenstock to inspect the existing structure.

The report is based on a purely visual, non-intrusive inspection of the exposed fabric and structure of the property from ground level. A trial pit was also excavated at the front corner to determine the nature of existing foundations and ground conditions.

The report has been commissioned to assess the feasibility of a proposed extension and reconstruction of the property as outlined in the proposals by Jacob Pot.

2.0 Existing Structure

The existing structure is a single storey stone structure with timber roof. The stonework was originally of a good quality with regular bed joints using lime mortar.

The front (East) elevation has a large opening with natural stone arch. The stone is generally in reasonable condition with some stone locally having some frost damage. The original bed joints are very narrow and the stone has been cut to a good standard.

Some local re-pointing using a stronger cement mortar has been undertaken.

It is also possible that the top section of the front elevation has been re-built as the bed joints are wider and poorer quality stone has been used. The copings may also not be original.

The side walls were also constructed to a good standard. The walls however have leaned outwards at the top. At some stage three tie rods with traditional patris plates have been installed.

There is also wide spread cracking in the side walls and they require re-pointing. It appears that there has been water ingress over a long period internally and the walls are stained with algae.

The rear wall has been partially re-built and re-pointed at some stage in the past and is in a poor condition.

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15-191

The Bier House, Blockley

2.0 Existing Structure

The rear wall is a retaining wall and retains approximately 1.4 metres of soil.

The roof structure does not appear to be original. The structure consists of natural slates on battens on timber rafters. There is no purlin or intermediate truss. This is the cause of the leaning walls. The rafters exert a thrust on the top of the wall and this has led to the top of the walls leaning out by up to 100mm or more.

The roof is in a very poor condition and there has been water ingress over a long period.

Without remedial measures in the short to medium term there is a strong possibility that the roof will collapse.

A trial pit was dug at the front of the structure on the corner of the front wall and side wall. This confirmed that the walls sat on solid rock at approximately 600mm below ground level.

3.0 Architect Proposals

The proposals by Jacob Pot, indicate the property converted into a two storey residential structure.

The plans indicate cavity construction with the retention of the existing front elevation.

The rear wall is shown as being removed and the property extended to the rear. This will involve a large amount of excavation and also retaining walls to the side walls along the boundaries on both sides.

The first floor is accessed via stairs at the rear of the property with a landing at existing ground level at the rear.

We have been asked to consider the possibility of retaining the side walls within the scheme. Due to the fact that the walls have leaned considerably and it is proposed to add additional floor loading, it is not recommended that these walls are retained. The existing stone however should be suitable for re-use with a reasonable recovery rate in excess of 60%. Given that the rear wall is to be removed there should be sufficient stone to use existing on the outer skin throughout.

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The Bier House, Blockley

3.0 Architect Proposals

The scheme will require retaining walls to the side and rear walls. Given the fact that there is rock at shallow depth, the construction of retaining walls should be economic.

The proposals also indicate the front elevation being built up with the inclusion of a new window. It is recommended that where the masonry is built up, stainless steel bed joint reinforcement is included. It is also recommended that the new window is picked up slightly to leave a reasonable amount of stone above the keystone of the existing arch.

The structural scheme should be designed to avoid adding too much additional load to the arch but this should be achievable at low cost with considerate design.

4.0 Conclusions

It is concluded that the architect's proposals are feasible including the retention of the existing front elevation. It is recommended that bed joint reinforcement is included where the masonry is built up. Consideration should also be given to raising the bottom of the proposed window to leave a reasonable amount of stone above the front arch.

New retaining walls will be required on the side and rear walls. These should however be achievable economically due to the presence of local rock at shallow depth.

The existing side walls have leaned out due to thrust from the roof structure and it is recommended that these walls are re-built as part of the proposed scheme.

The existing stone is in reasonable condition and should be suitable for re-use in the new construction.

The structural scheme should be considered carefully to avoid point loading over the existing arch and the new structure should be detailed in accordance with good practice to provide additional restraint and tying action.

It is recommended that the proposed works are undertaken in the short to medium term to avoid further problems with the roof.

SS PETER AND PAUL'S CHURCH BLOCKLEY

Diocese of Gloucester



QUINQUENNIAL INSPECTION REPORT 2016

J O H N C G O O M
architects and historic building consultants

108 High Street • Evesham • WR11 4EJ

C O N T E N T S

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Signed

John C Goom BA Dip Arch AABC RIBA

Date17 May 2016.....

1.0 **INTRODUCTION**

- 1.1 This is the fifth QUINQUENNIAL INSPECTION REPORT which I have prepared for this church. The survey on which this report is based was carried out on Tuesday 26 April 2016. Mr Rob Greenstock, one of the churchwardens, was present for part of the inspection. The weather was dry and sunny but extremely cold. There had been only minor rain in the previous few weeks.
- 1.2 Ladders were provided, which gave access to the north aisle and south porch roofs externally. The nave and tower roofs are all directly accessible from the tower. The roof spaces were all open except for the nave and above the Priest's Room, which are accessible from hatches through the roof and from the Priest's room respectively.
- 1.3 No tests have been carried out on the electrical circuits or fittings, drains or other service installations.
- 1.4 The Terrier and Log Book were available and appeared to be up to date.
- 1.5 A Health and Safety File was prepared for the contract dated 2012 for the repairs to the south windows but was not available. An asbestos register had been prepared for this church but was not available at the time of inspection.
- 1.6 The scope of the report is limited to a visual inspection of the building from ground level and other places which can be easily reached from the ladders provided. No floors, roofs, or structural voids have been opened up. No floor coverings lifted or any finishes or fittings removed. Woodwork or other parts of the structure which are covered, unexposed or inaccessible have not been inspected and it is therefore not possible to report that such areas are free from defect.
- 1.7 The Inspecting Architect's site notes are included as part of this report for record purposes but these are summarised in Section 4 and specific recommendations for actions are contained in Section 5.
- 1.8 In general, this report contains only the descriptions of apparent structural or other defects and does not necessarily attempt to establish the causes of such. Recommendations for further and more detailed investigations are contained in the report.
- 1.9 The recommendations contained in this report are not intended to serve as a specification for remedial works and should not be used as such.
- 1.10 Any estimates of costs given should be regarded as very approximate and are intended to serve only as general guidance for the Parish.
- 1.11 Where estimated costs are given they do not include any allowance for professional fees or VAT. The level of fee will depend upon the extent and nature of the work undertaken at any one time. Since the church is listed the Parish can claim a grant equal to the VAT that will be repaid on repairs, maintenance, alteration work and related professional fees and some alteration work through the Listed Places of Worship Scheme (www.lpwscheme.org.uk). This also now covers VAT on works to pipe organs, turret clocks, bells and bell ropes. This arrangement is confirmed until March 2020. There is no guarantee that the scheme will continue beyond that date.
- 1.12 Before any order is given for repairs, the Incumbent and PCC should obtain any Faculty which may be required for the work by the Diocesan Authorities.

FUND RAISING FOR BLOCKLEY BELLS

Report written 21 June 2016

Income received for bell frame and bells restoration

Church fundraising before 2016	£16,056
2016 Fund raising campaign	£44,490
Pledged gifts and grants	£26,700
Gift Aid on current fundraising (2017)	£ 8,898
Total	£96,144

Expenditure on bells

Estimated cost of bells, including architect's and archaeologist's fees is **£132,000**. This leaves an unfunded amount of approximately £35,800, which we hope to secure from the sale of the Bier House.

Other predictable forthcoming expenditure

There is a small outstanding balance yet to be paid on the work done to the church tower in Dec – April 2016. The project for the tower roof has cost us £88,243 so far, of which £62,000 was a Listed Places of Worship Grant. The remaining costs have been taken from PCC Designated Funds.

The Quinquennial Report completed in May 2016 indicates that over the next five years we can predict repairs to the church be in the region of **£30,000**, plus the cost of general maintenance.

We have approximately £75,000 in reserve funds, of which £25,000 is restricted (by law) against chancel repair liability.

The sale of the Bier House with planning permission will net approximately £90,000 which will mean that the bell frame and bell restoration can be completed, and the urgent repair work to the church detailed in the Quinquennial Report can be undertaken.

Repairs to the tower roof, making it watertight, mean that it is now possible to restore the damaged bell frame. Once the work to the bell frame is completed, it is possible for us to use the base of the tower for the good of the church and community. In the event that there is remaining capital from the sale of the Bier House, this will be used to install a toilet in the base of the tower and a new kitchen.

Revd Canon Dana Delap
21 June 2016

From: MANN, Rose-Marie <
Sent: 24 June 2016 10:44
To: Alison Williams
Subject: Lower Terrace, Blockley
Attachments: 4048_001.pdf



Our ref: C/363/4307/RM

Hi Alison,

Lower Terrace, Blockley

Thank you for your enquiry for the above which has been passed to myself.

According to our records, and in the absence of rebutting evidence, the boundaries of the highway maintainable at public expense (where listed under s.36[6] of the Highways Act 1980) in your area of interest is as shown edged&hatched on the attached plan.

Having looked back at our records, we have had a query on this site before with regards to parking on the land outlined red on your plan. Our response was that we could not permit any allocation of "private parking" on the public highway.

If you have any further queries, please let me know.

Kind regards,

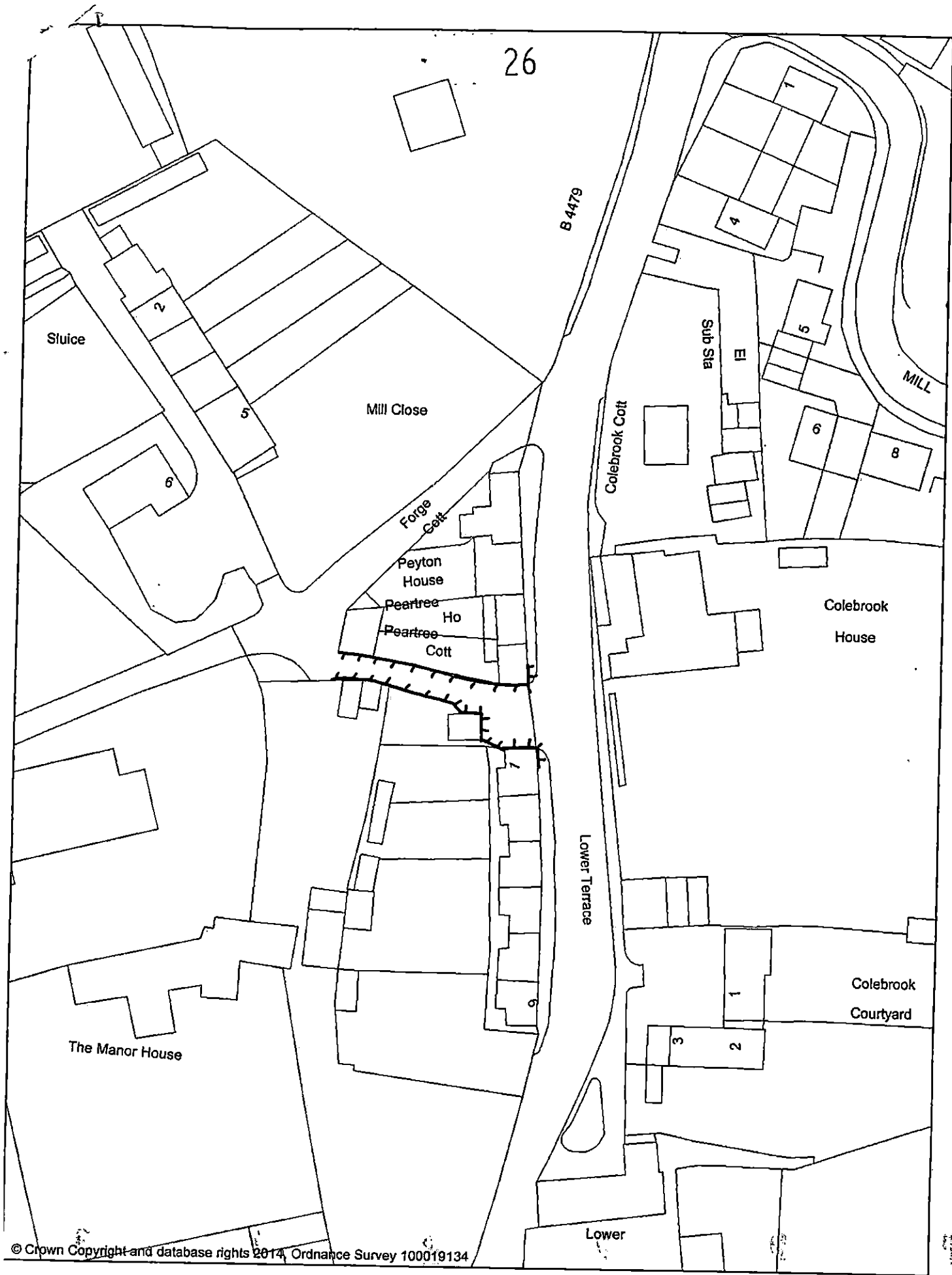
Miss Rose Mann
Highway Records, Asset Data
Gloucestershire County Council
Shire Hall, Gloucester. GL1 2TH.

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Scale @A4: 1:750

The publicly maintainable highway boundary has been marked in accordance with records examined by Glos. County Council, and in the absence of evidence to the contrary.



Turbine decision quashed over immaterial benefit

24 June 2016 , [Be the First to Comment](#)

A Gloucestershire council acted unlawfully in taking into account an energy company's offer to make an annual donation to local community projects, the High Court has found.

The company agreed to donate four per cent of the financial turnover generated by a wind turbine to be spent by the local community on activities, projects and initiatives selected by a panel of local representatives. The company provided an example of another scheme in which it had funded socio-economic benefits such as church maintenance, a village handyman service, waterproof clothing for a playgroup and meals on wheels for older citizens.

In granting permission, the council had treated the offer as a material consideration in favour of the scheme. This approach was challenged by a local resident who claimed that, since the offer was purely financial and was not related to the development as proposed, it was unlawful.

Mr Justice Dove stated that for a consideration to be taken into account by a decision-maker, it has to pass the test laid down in *Newbury District Council v Secretary of State for the Environment [1981]*. He noted that the significant financial contribution did not regulate how the development would operate and was not designed to mitigate some impact on social or physical infrastructure or an adverse land use resulting from the grant of permission. The fact that it would benefit the local community did not alter this factual position, he held.

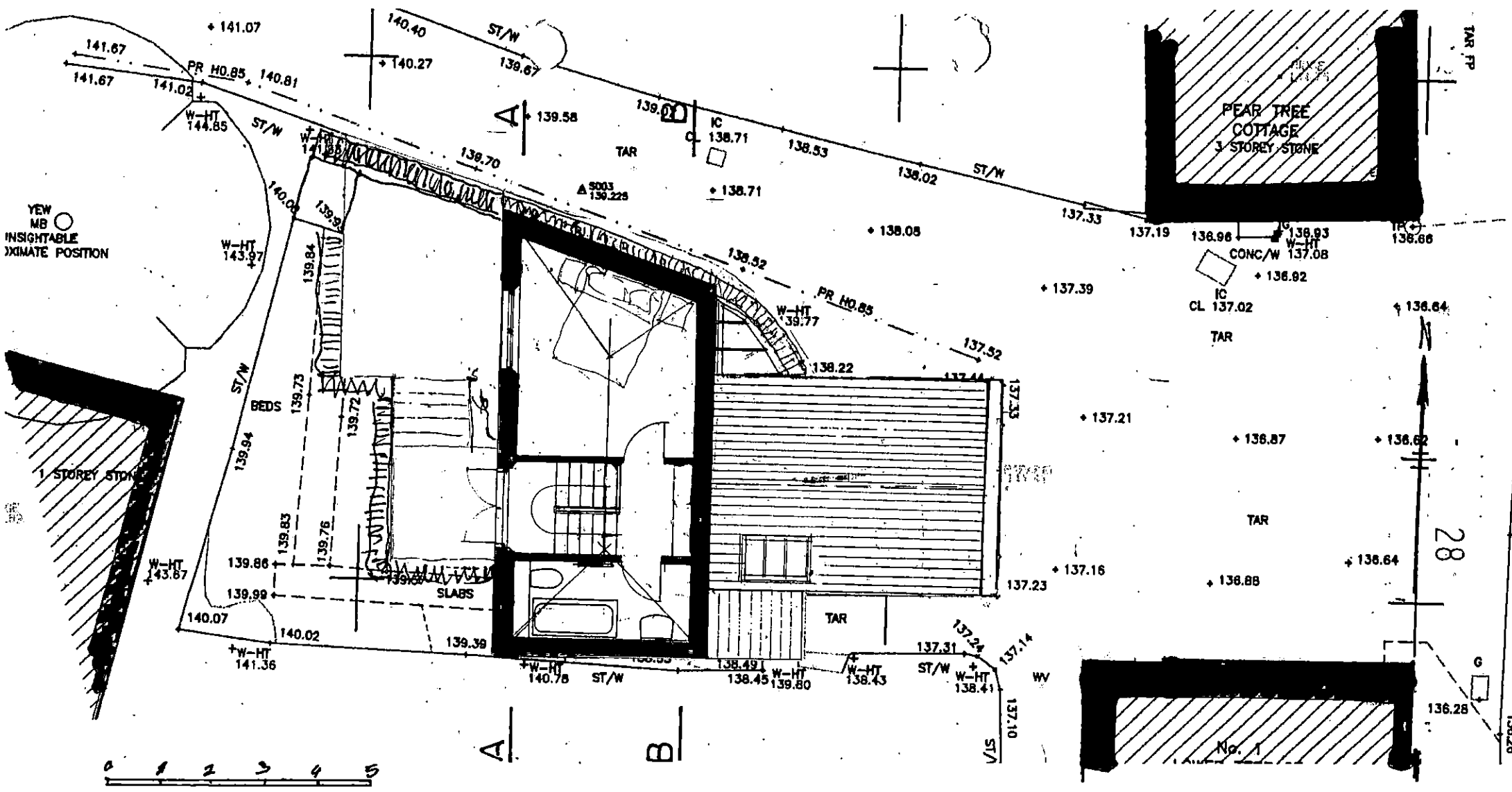
The company's reference to its other scheme did not demonstrate that the contribution would serve a useful planning purpose, he concluded. He also remarked that NPPF support for local strategies to improve health, social and cultural wellbeing does not make a consideration material if, as a matter of law, it is not material.

It had been incumbent on the council to scrutinise all elements of the proposed development and establish whether it passed the *Newbury* test, he held. In this instance, he concluded, the donation was not fairly and reasonably related to the development proposed and was therefore irrelevant. The council's decision could not stand, he ruled.

Wright v Forest of Dean District Council

Date: 9 June 2016

Ref: (2016) EWHC 1349 (Admin)



The Bier House, Blockley. Construction of a new dwelling incorporating elements of the Bier House.

First Floor Plan
Scale 1:100 @ A4

C. CHIMNEY OMITTED
B. REDUCED SCHEME. SECTION LINES ADDED

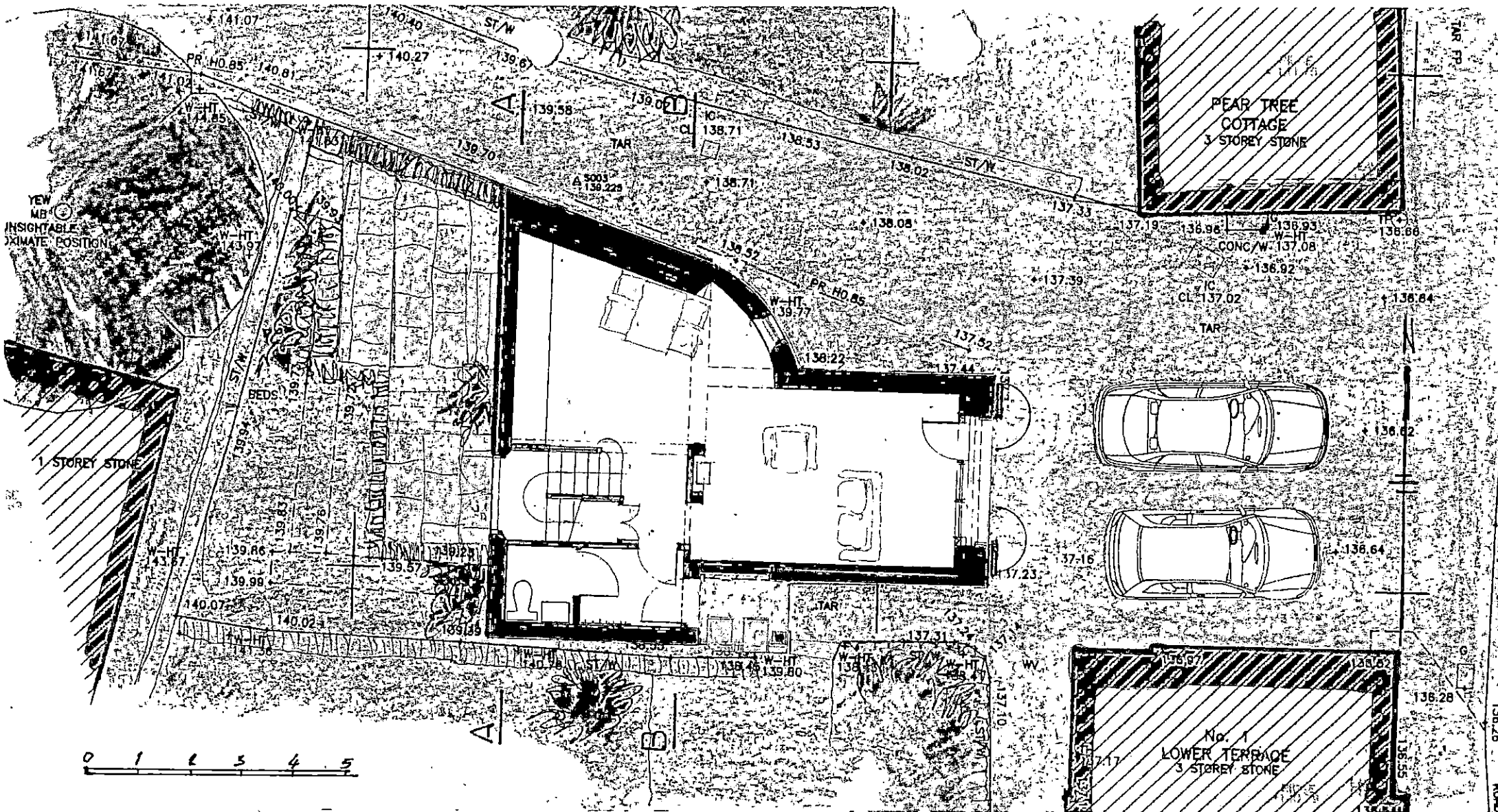
1610.2.a/b/c

JACOB POT BA (Cantab) RIBA

9 Lansdown Place Lane Cheltenham GL50 2JZ

012519615

info@jacobpotarchitect.co.uk



The Bier House, Blockley. Construction of a new dwelling incorporating elements of the Bier House.

Ground Floor Plan
Scale 1:100 @ A4

*C. DOORS TO FOLD BACK
b REDUCED SCHEME. SECTION LINES ADDED*

1610.1.b

JACOB POT BA (Cantab) RIBA

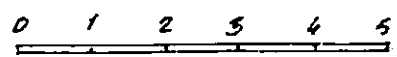
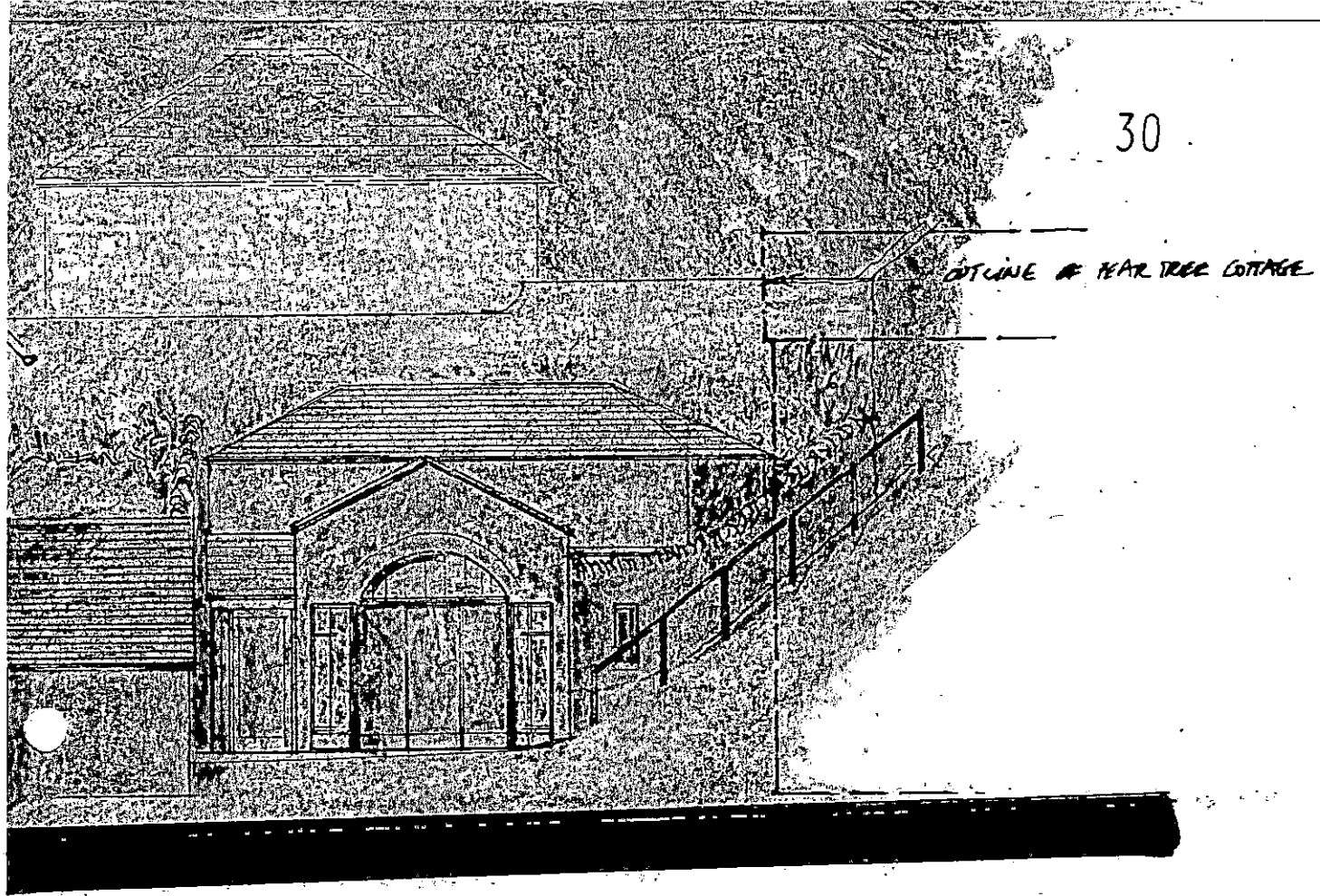
9 Lansdown Place Lane Cheltenham GL50 2JZ

01242 519615

info@jacobpotarchitect.co.uk

29
C

30

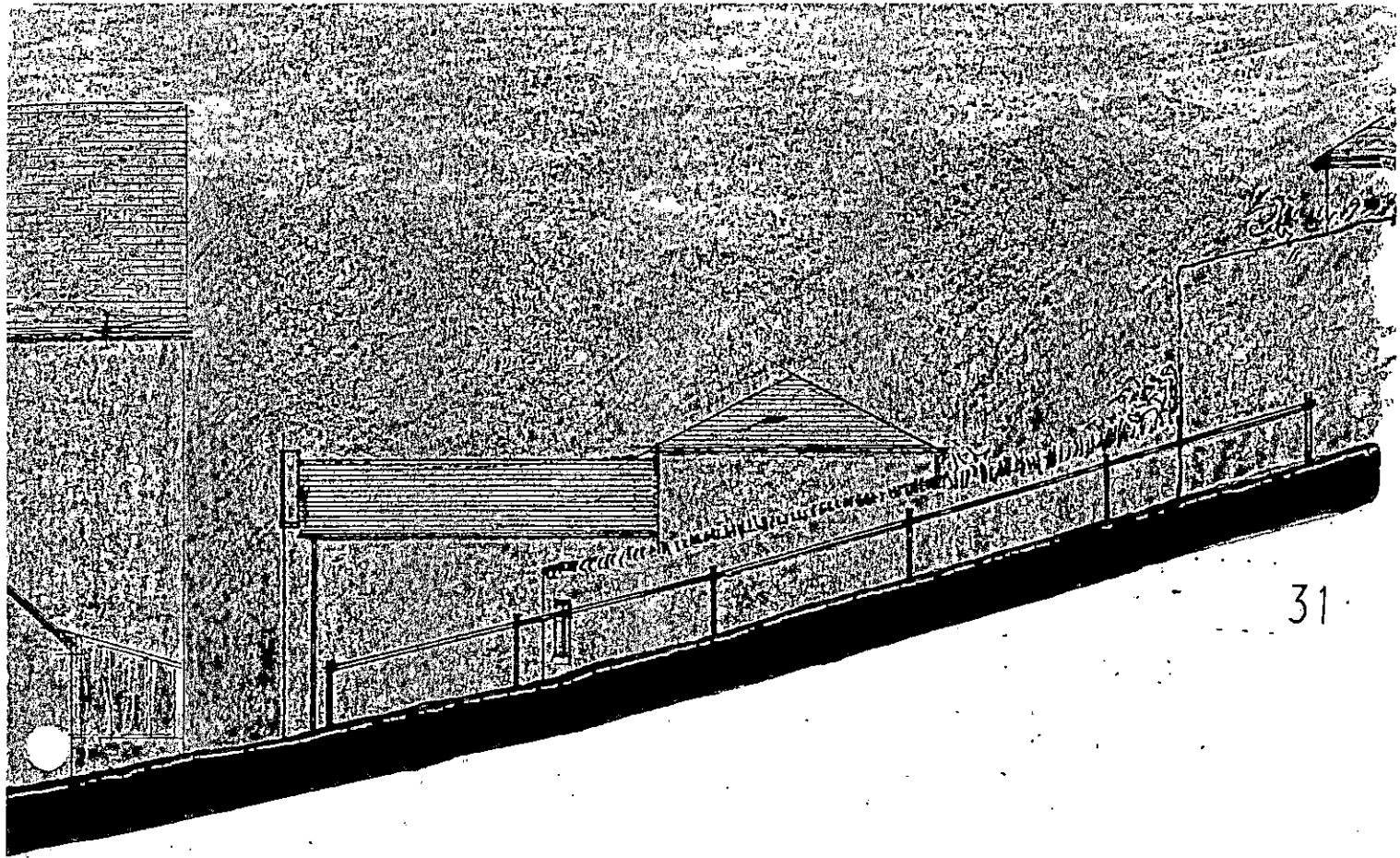


The Bier House. Blockley.
 Construction of a new dwelling incorporating elements of the Bier House

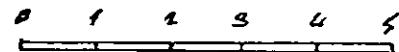
East Elevation
 Doors open
 Scale 1:100 @ A4

C. CHIMNEY OMITTED
 DOORS TO FOLD
 D. REVISED SCENE

C.H.
 1610.4.a



31



The Bier House. Blockley.

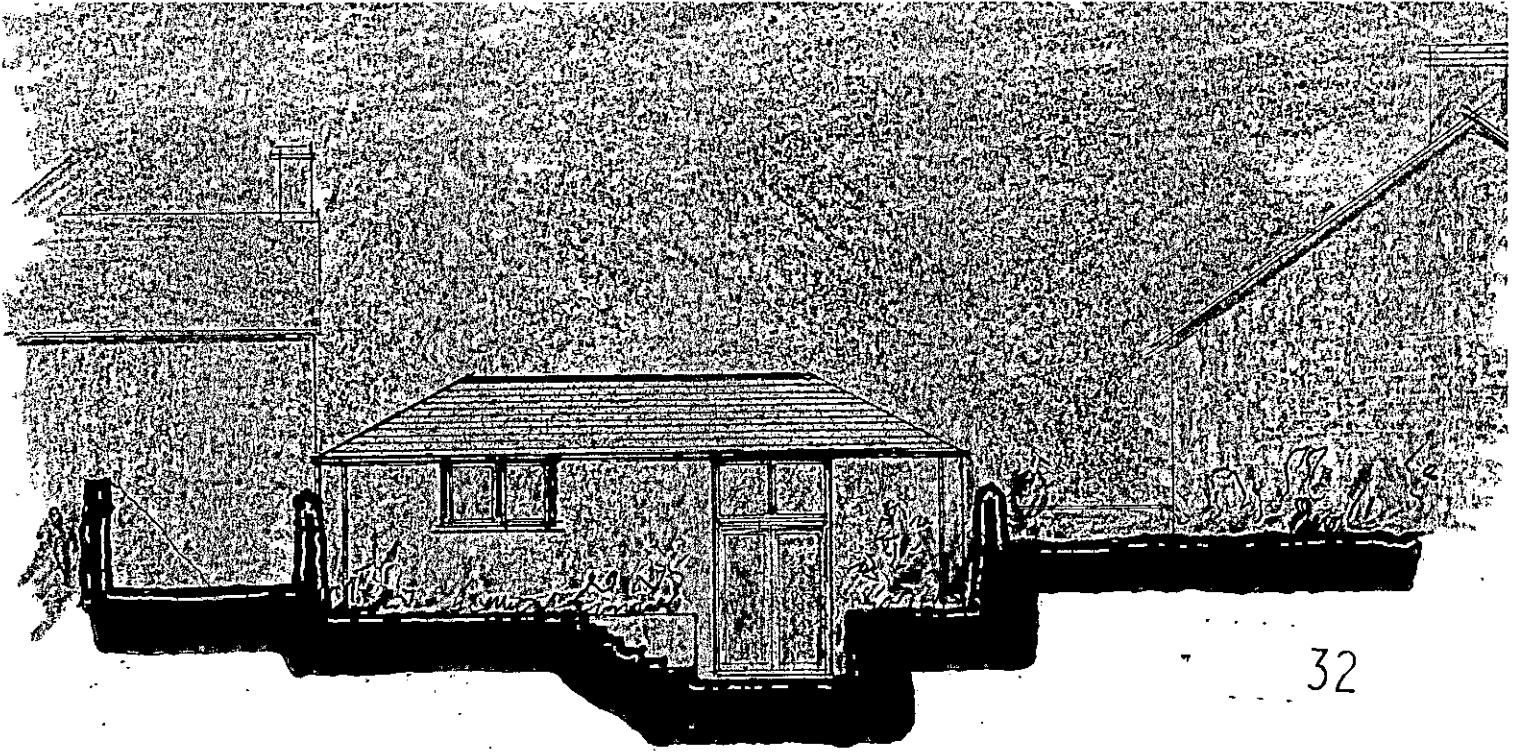
Construction of a new dwelling incorporating elements of the Bier House

North Elevation

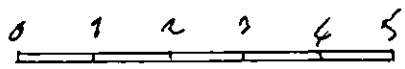
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C. CHIMNEY OMITTED
D. REDUCED ELEVATION

1610.5.a



32

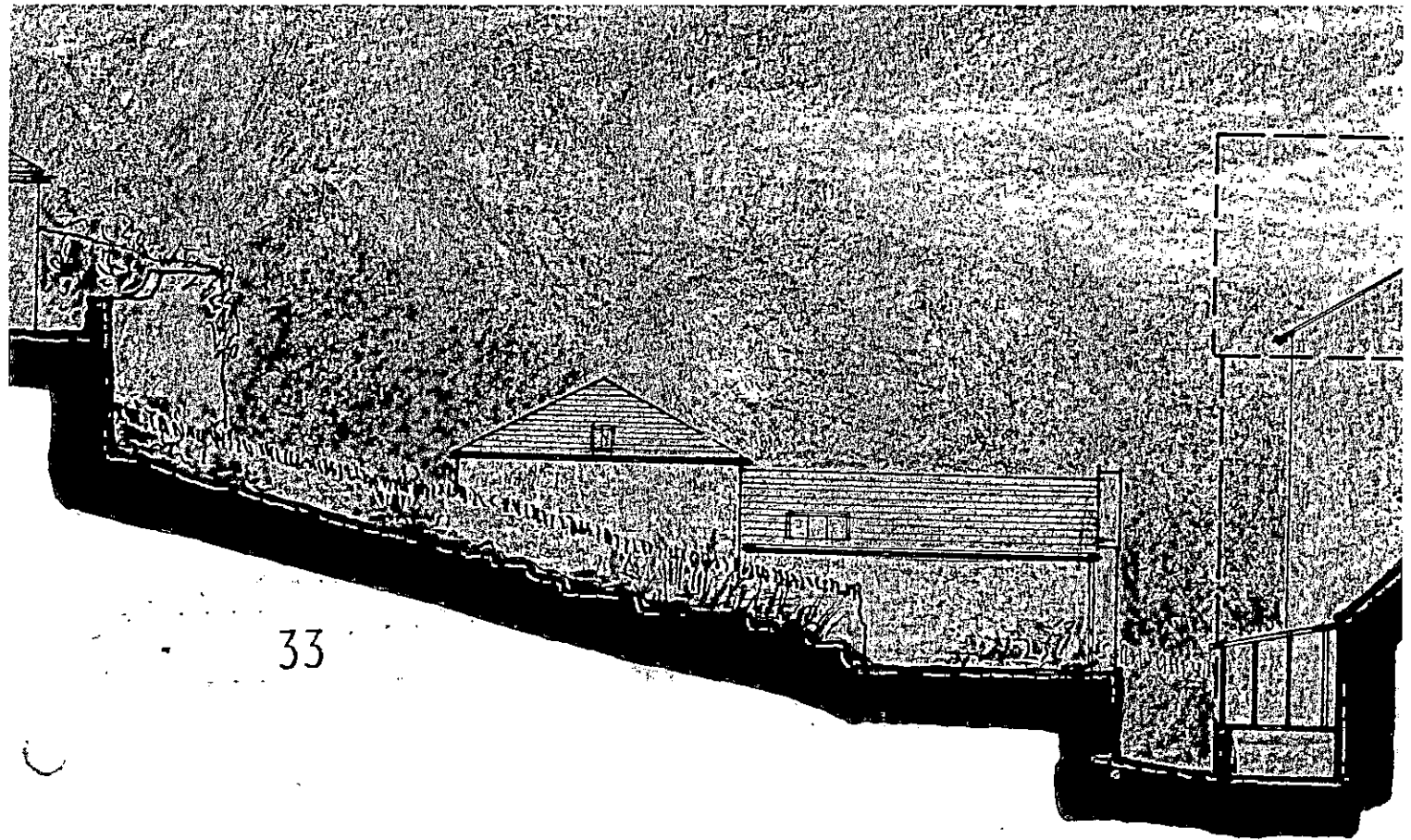


The Bier House. Blockley.
Construction of a new dwelling incorporating elements of the Bier House

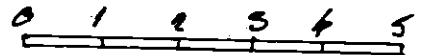
West Elevation
Scale 1:100 @ A4

*C. CHIMNEY OMITTED
D. REDUCED SCHEME*

1610.6.a
CB



33



The Bier House. Blockley.
Construction of a new dwelling incorporating elements of the Bier House

South Elevation
Scale 1:100 @ A4

C. CHINNEY LIMITED.
D. REDUXED SKETCH

1610.7.b

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