

Item No 02:-

16/01777/FUL (CD.2930/V)

**Land To The Rear Of Hillcrest
Bourton-On-The-Hill
Moreton-In-Marsh
Gloucestershire
GL56 9AG**

Item No 02:-**Erection of a dwelling at Land To The Rear Of Hillcrest Bourton-On-The-Hill
Moreton-In-Marsh Gloucestershire GL56 9AG**

Full Application 16/01777/FUL (CD.2930/V)	
Applicant:	D. J. Leslie Ltd
Agent:	Lee & Ross Architects
Case Officer:	Helen Donnelly
Ward Member(s):	Councillor Alison Coggins
Committee Date:	14th September 2016
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Design and Massing
- (b) Impact on the Area of Outstanding Natural Beauty
- (c) Impact on Heritage Assets
- (d) Access and Parking
- (e) Trees
- (f) Amenity

Reasons for Referral:

The application has been referred to the Planning Committee for determination by the Ward Member for the following reason: "I would like this application brought to committee for the following reasons. The impact the structure would have on the AONB and the Conservation area of Bourton on the Hill i.e. the buildings context....There are concerns as to the amount of glass and what would appear to be non vernacular materials being used" In addition, Councillor Coggins has also referred to the impact of the development on listed buildings (i.e. the Horse and Groom public house) and especially the view of the parish church when approaching the village on the A44 travelling from Moreton.

Officers recommended an Advanced Site Inspection Briefing (SIB) due to the planning history of the application site and a full Member SIB was undertaken on 3rd August, however, the application was not heard at the August Planning Committee meeting as Officers were advised by a third party that it was their intention to submit a substantial amount of information to support their objection shortly before that meeting. This late submission would not have been received in time to be included within the Officer's report and would have had to be included within the Additional Pages and/or Additional Pages Update, thereby denying Officers and Members adequate time to give it full consideration.

The information from the third party was then received a week in advance of the completion of this report. The covering letter has been attached as an appendix to this report and all of the supporting documents (dated 30.08.2016) available for the Committee and members of the public online via the Council's Planning Register.

1. Site Description:

The application site is located within the village of Bourton on the Hill. The application site lies within the Cotswold Area of Outstanding Natural Beauty and within the Conservation Area of the village. There is woodland, known as Millennium Wood, approximately 60 metres to the south of the application site. The woodland is covered by a Tree Preservation Order.

The application site is situated on elevated ground with land sloping down in an easterly direction towards the River Evenlode. The difference in levels between the lowest and highest part of the site is approximately 10 metres. There are a number of Public Rights of Way (Prow) in the vicinity. The closest is a bridleway which runs through Millennium Wood to the south of the application site. There are two national PRow routes; the Monarchs Way which follow a route approximately 1km to the north-east and 2km to the south-east, and the Heart of England Way, which is approximately 260m to the south-east. There is a PRow connecting the two national routes. The PRow are shown on the plan attached as an appendix to this report.

The application site is sited to the west of the A44, which is the main thoroughfare through the village. The application site is accessed via a private drive which also provides access to two residential properties known as Lower Barn and Higher Barn. The Sezincote Road, an unclassified road, lies approximately 255 metres to the west of the application site.

The application site is approximately 0.34ha in area and excavation works have already been undertaken at the site leaving an area of level ground surrounded by a steep ridge. The site is contained by traditional stone walling to the north and west boundaries and a mixture of fencing and vegetation to the south and east boundaries.

There are a number of Grade 2 listed buildings in the locality of the application site, the majority of which are private dwellings. The Horse and Groom Public House and Redesdale House lie approximately 27m and 20m to the north of the boundary of the application site respectively and their formal elevations face onto the A44. The Croft and Pilgrim Cottage lie approximately 42m and 29m respectively from the eastern boundary and approximately 55m from the south-eastern boundary lays the dwelling known as The Chantry.

The parish church, St Lawrence, is a Grade 1 listed building and it lies approximately 140m to the east of the application site.

2. Relevant Planning History:

CD.2930/H Construction of a new dwelling. Permitted 13.10.1999 (5 year time limit).
 04/01590/FUL. Erection of a single dwelling (Renewal of planning permission CD.2930/H). Permitted 16.08.2004 (5 year time limit).
 04/02977/FUL. Re-orientation and reorganisation of dwelling (Revision of approved scheme CD.2930/H) including addition of accommodation wing below existing contours (Resubmission). Permitted 18.05.2005 (5 year time limit).
 07/01788/FUL. Erection of one new dwelling together with car port and associated works (resubmission). Permitted 29.08.2007 (3 year time period)
 12/01921/FUL. Erection of new house with detached garage - in lieu of 07/01788/FUL. Refused 16.01.2013.and dismissed at appeal.

3. Planning Policies:

LPR05 Pollution and Safety
 LPR19 Develop outside Development Boundaries
 LPR42 Cotswold Design Code
 LPR10 Trees, Woodlands and Hedgerows
 LPR38 Accessibility to & within New Develop
 LPR39 Parking Provision
 LPR46 Privacy & Gardens in Residential Deve
 LPR45 Landscaping in New Development
 NPPF National Planning Policy Framework

4. Observations of Consultees:

The views of the Heritage section (Conservation and Design Officer, Landscape Officer and Tree Officer) are incorporated within the Officers Assessment.

Historic England were consulted but they do not wish to offer any comments on the application and advise that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist advice.

5. View of Town/Parish Council:

Bourton on the Hill Parish Council objects to the application for the following reasons:

"Impact on the Conservation Area and AONB

The property is within the Conservation Area of Bourton on the Hill and the AONB, which is a remarkably well preserved settlement and this property would not sit sympathetically within the built environment. Being on such a prominent site this stark glass and stone structure would stand out from many view points and therefore would be detrimental to this precious Conservation Area. It would be very close to several listed buildings and especially the award winning 'Horse & Groom' pub with its popular garden area.

- View as approach the village - light pollution.

As one approaches Bourton from Moreton in Marsh the village appears as a traditional Cotswold village on the hillside and this site is very visible on the hillside above St Lawrence's Church (dating from the twelfth century). During daylight hours, especially in the morning with the relative position of the sun, there will be light reflection from the wall of glass disturbing the view as one approaches the village.

At night time there are no streetlights in the village and the church is the only illuminated building making it a focus and visible for many miles. This proposal would add a wall of glass and light just behind/above the church - the large amount of glazing would mean that there would be considerable and unacceptable light pollution. The large glazed openings to the stair well are unlikely to be curtained also leading to light spillage. Thus at night the view of the church in the centre of the village would be severely compromised by this proposal.

On the floor of the valley there are two long distant paths, the 'Monarchs Way' and the 'Heart of England Way'. This village is visible from both of these paths, part of the Batsford Estate, the Sezincote Estate and Moreton-in-Marsh; the above comments about the view of this quintessential Cotswold village also applies to people enjoying these amenities and footpaths.

- Poor quality drawings

The submitted drawings are very difficult for anyone to read the comments and understand the finer detail. Furthermore, considering the poor broadband in our rural village it means people are having to spend over an hour just downloading the documents before even assessing them - this makes it very difficult for parishioners to readily understand the plans. This inhibits the democratic assessment of the proposal. The plans should have smaller file sizes and clearer comments.

There is no drawing showing the proposed building in situ when viewed from towards Moreton in Marsh.

The end elevations disguise their impact by not being coloured. It's massing is therefore quite hard to envisage. We have to err on the side of caution and express our concern that the building when viewed from the sides will present obtrusive flat walls of stone.

- Height Lines

Can poles be put in place to indicate the height of the property when viewed from the Moreton in Marsh direction and also when viewed from the Horse & Groom garden and also when viewed from the Millennium Wood (which is further up the hillside just above the site).

- View from Horse & Groom Pub

The garden of this national award-winning pub currently has a view to the south over fields. The top storey of this property would intrude upon that view, as will the side walls of stone, detrimentally affecting the view from the pub garden.

- View from Millennium Wood

The view from the Millennium Wood is of the Cotswold slates roofs and of St Lawrence's Church tower. If this new dwelling were allowed to be built this view would be dominated by a zinc roof.

- Loss of Privacy

There are four properties immediately beneath the site. The large amount of glazing will have a significant negative effect on the privacy of these properties.

- Design & Access Statement HCH/7

This document mentions meetings held between the architect and Helen Donnelly & Justin Ayton of CDC. The submission claims that these officers said the proposal "had merit" and led to these plans. Did the officers visit the site to understand it in context of its surroundings and the Conservation Area? If not, we encourage them to do so and offer to meet them to explain all of the above objections from the viewpoint of the parishioners who live here.

- Inaccuracies in 16/01777/FUL

The Design and Access Statement states that the first application was in 2004 when in fact it was October 1999.

The 'Constraints' section gives as 'unavailable' as to whether the application is within 50m of listed buildings; it is in fact very close to the Georgian grade 2 listed Redesdale House and The Horse & Groom pub. It is also close to and overlooks The Croft and Pilgrim Cottage which are both also listed.

In principle the Parish Council does not object to a new dwelling, however we do not want a property that dominates our historic village, the many views of the Church and the character of the village. In conclusion we feel that this application is unacceptable in this location and would have an adverse impact on the Conservation Area of Bourton on the Hill and the AONB".

Longborough Parish Council (neighbouring parish council) has objected to the application for the following reasons:

"Longborough Parish Council would like to express their support with Bourton on the Hill Parish Council in objecting to the above plans. The proposed build is totally alien to the surrounding area this is a conservation area within the AONB and any build should reflect the existing street scene. The proposed build would have a detrimental impact on what is a beautiful Cotswold village. It would impact on the approach to the village from Moreton in Marsh and blight views. Longborough Parish Council urge the planners to reject the proposed build".

Moreton in Marsh Town Council (neighbouring parish council) has objected to the application for the following reasons:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, the planning decision has addressed the connections between people and places and the integration of new development into the natural, built and historic environment. This development will affect heritage assets. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. No such justification is forthcoming in this

application. The proposed development sits ajar with its surrounding historic environment. The developments size over balances its surroundings and is inappropriate in a small village"

6. Other Representations:

Forty four letters of objection have been received from individuals in response to the application and amended plans. The summary of the issues is as follows:

- i) Dwelling would be directly visible from Redesdale House which is Grade II listed;
- ii) Modern design within a historic and very important and traditional Cotswold village is wrong;
- iii) Dwelling would not sit sympathetically within the built environment;
- iv) Prominent site;
- v) Stark glass and stone structure would stand out from many view points;
- vi) Harm to Conservation Area;
- vii) Glass would be reflective disturbing views of the village/church;
- viii) Considerable and unacceptable light pollution;
- ix) View of church at night affected by light pollution;
- x) Village is visible from Monarchs Way and Heart of England Way, the Millennium Wood, the Batsford and Sezincote Estates and Moreton in Marsh and the proposed dwelling would affect views of the village;
- xi) Loss of privacy to neighbouring dwellings;
- xii) The provision of a large dwelling cannot be justified against the 2014 Strategic Housing Market Assessment;
- xiii) Small plot which should be restricted to reduced development;
- xiv) It is important to preserve the village's distinct style or architecture and scenic views;
- xv) Impact on tourism;
- xvi) Construction access could become a permanent access;
- xvii) Impact upon the AONB;
- xviii) Views from the Horse and Groom public house would be affected;

Please also see the letter dated 25.08.2016 from Bird Wilford and Sale Solicitors attached as an appendix to this report.

7. Applicant's Supporting Information:

Design and Access Statement
Views Analysis

8. Officer's Assessment:

Introduction

The application is for the erection of a dwelling. The proposed design is contemporary and the proposed walling material would be mixture of natural rubble stone with ashlar stone walling on plinth walls. The roof slopes would be covered in zinc and two flat roof areas would be utilised as roof gardens. There would be zinc canopies, oak shutters, oak rainguards and expanses of frameless glazing.

The dwelling would be built into the existing excavated area and there would be some additional excavation and areas of backfilling and associated landscaping. The dwelling would be orientated south-west to north-east.

The proposed plans also show the garage/outbuilding which was approved as part of the extant permission.

The Extant Planning Permission

The extant planning permission referred to in this report was for a dwelling at the application site. Planning permission was granted in 2007 under reference 07/01788/FUL). There were a number of pre-commencement conditions applied to the planning permission as follows: sample panel (condition no.2), details of improvements to the access with the A44 (no.9) and landscaping (no.11).

Conditions 9 and 11 were complied with under application 10/01127/COMPLY on 07.06.2010. The sample panel was subsequently approved, informally, a month later.

The permission was then implemented as concrete foundations for the car port were laid. An Officer from the Council inspected the foundations and confirmed in writing to the then applicant in a letter dated 28.07.2010 that the concrete foundations were "sufficient to render the permission extant subject to the necessary planning condition compliance".

In the consideration of the pending application, Officers have been consistent with advice previously given by this Council that the 2007 planning permission was lawfully implemented and is extant. Officers are content that the principle of a dwelling at the application site is therefore established. Consequently, consideration has not been given to alternative uses for the site given the fallback position.

The Appeal Application

A revised planning application was submitted in 2012 (reference 12/01921/FUL). The dwelling proposed under that application incorporated elements of vernacular design, with the use of gables and dormer windows. The dwelling was not proposed to be any higher than the extant scheme, although it was proposed to have a larger footprint.

The application was refused by the Planning Committee for the following reason:

"The application site is part of the attractive undeveloped countryside which contributes to the setting of the village of Bourton on the Hill. The landscape is within the Cotswolds Area of Outstanding Natural Beauty, a nationally designated landscape. Furthermore, the site forms part of the landscape setting to the Bourton on the Hill Conservation Area and a number of the Listed Buildings within it, in particular the Grade 1 listed Church of St Lawrence. The village of Bourton on the Hill is not identified in the Cotswold Local Plan as a Principal Settlement where open market housing would be sustainable and the most recent permission for a more modest alternative scheme was only supported due to an earlier extant permission on the site. The current proposal is for a larger development than previously approved which would due to its location, scale and design have a greater and unacceptable impact on the landscape and the setting of the heritage assets nearby. The proposal is therefore contrary to policies 15 and 19 of the Cotswold District Local Plan, Policies NHE.4 and NHE.6 of the Gloucestershire County Structure Plan and the National Planning Policy Framework".

A subsequent appeal was dismissed. The Inspector stated that the design of the dwelling lacked "rigour" and that the building would be incongruous, distracting from the homogeneity of architectural forms in the locality and would affect the setting of heritage assets. The Inspector did not state that application site itself was an incongruous location for development.

The Inspector did not make a decision on whether the 2007 permission was extant or not and advised that it was a matter for the Courts to decide.

The Principle of Development

If Members are minded to conclude that the 2007 planning permission is not extant, consideration would have to be given to the principle of the erection of a dwelling in Bourton on the Hill.

Bourton on the Hill has not been identified for growth within the Cotswold District Local Plan 2001-2011. It was not considered to be a sustainable settlement due to the size of the settlement and the lack of services and facilities. Within the emerging local plan, again the village has not been identified for growth for these reasons.

Members will note that Local Plan Policy 19 (Development Outside Development Boundaries) was referred to in the 2012 refusal reason. However, since that date, appeal decisions have advised that this policy is inconsistent with the National Planning Policy Framework (NPPF) and in accordance with paragraph 215 is considered to be out of date. Therefore paragraph 14 of the NPPF is triggered which states that when development plan policies are out of date, planning permission for sustainable development 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".

If Members choose to revisit the principle of a dwelling at the site if it is considered that the 2007 planning permission is not extant, then Officers would like to remind Members of the approval of dwelling in the village by the Planning Committee last year. An outline application for a dwelling was approved at a site adjacent to the petrol station (reference 14/05480/OUT). The Planning Committee approved the application as a departure from the Local Plan for the following reasons:

"The proposed development would be sited in a settlement which has some services and facilities (e.g. a petrol filling station with shop/off license, a church and a public house) is served by public transport. The application site is also sited in close proximity to Moreton in Marsh, a much larger settlement which has a range of services and facilities including a supermarket, GP surgery, hospital and railway station, that the occupants of the development could utilise. The erection on one dwelling at the application site is considered to be sustainable development and the proposed scheme would address the Council's need to provide a continuing supply of housing land. The benefits are considered to outweigh the other limited impacts arising from the scheme and as such the proposal accords with the principles of sustainable development as set out in the National Planning Policy Framework".

Other Policy Considerations.

Local Plan Policy 15 (Conservation Areas) advises that development within a conservation area must preserve or enhance the character and appearance of the conservation area. Development within a conservation area will be permitted unless "...the siting, scale, form, proportions, design, colour and materials of any new ...buildings...are out of keeping with the special character or appearance of the Conservation Area in general, or the particular location".

The policy seeks to preserve open spaces (which include garden areas and village greens) which make a valuable contribution to the character or appearance of the Conservation Area, or allow views in or out of the Conservation Area. The policy also provides protection to existing trees and hedgerows in Conservation Areas that are important to the character and appearance of the Conservation Area.

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

Local Plan Policy 10 (Trees, Woodland and Hedgerows) advises that development that would destroy or adversely affect a tree or woodland protected by a TPO, or within a Conservation Area will not be permitted unless the removal of the tree would be of benefit to the character or appearance of the area or is in the interests of good forestry or arboricultural practice.

Local Plan Policy 45 (Landscaping in New Development) advises that existing landscape features should be retained and incorporated within landscaping schemes and landscaping proposals should not significantly adversely affect views of the wider landscape from public vantage points.

Local Plan Policies 9 (Biodiversity, Geology and Geomorphology), 38 (Accessibility to and within New Development) and 39 (Parking) are also relevant policy considerations.

The National Planning Policy Framework (NPPF) promotes high quality design and it is one of the core planning policy principles set out within paragraph 17. Paragraph 60 states that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness".

With regard to heritage assets, the NPPF advises within paragraph 131 that "In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness".

Paragraph 137 advises that "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably".

(a) Design and Massing

The dwelling approved under the extant planning permission would be three storeys in height with two projecting gables of differing proportions. It was proposed that the ground floor of the dwelling would be built into the hillside, hence the excavation work that was undertaken. The extant scheme certainly has elements of the vernacular within its design, but the proportions and massing of the building cannot be considered to be vernacular.

The proposed dwelling that was refused by the Planning Committee in 2012 was for a three storey dwelling, again with some elements of vernacular design, although there was no clear design approach. Excavation works had already been undertaken at the time of the submission and it was proposed that a single storey element would extend from the rear of the dwelling into the hillside.

Before the current application was submitted, the applicant undertook pre-application advice with Officers. Officers considered that previous attempts to design a vernacular dwelling had not been particularly successful and a contemporary approach would provide greater flexibility in terms of working with the topography of the site.

There have been amendments to the proposed plans in response to comments made Officers and third parties during the course of the application. The plans were amended as follows:

- the extent of open glazing in the left hand side of the east (front) elevation was reduced by the introduction of horizontal oak slat rainscreen walling to three two-metre wide sections of full height glazing;
- the addition of a solid panel to first floor garden/study to the right-hand side of the east elevation;
- approximately 1.4m of the top of the central (staircase) glazing to be covered with fixed oak louvres;
- the roof glazing to the above the eastern section of the staircase (i.e. towards the front of the building) was omitted;
- an annotation was added to the plans to show the external balustrading to be non-reflective glass; and

-a revised landscaping plan incorporating additional native hedgerow and tree planting towards the southern boundary and detailing of hard landscaping materials and external lighting.

The applicant has chosen not to use non-reflective glass for the glazing within the building. The reason for doing so would be that those areas of glazing which would not be covered by screening would be located under the protruding zinc canopy and therefore would be shielded.

The amended plans did not omit an area of glazing in the roof as suggested by Officers. But it was clarified that part of the glazing within the roof (above the rear first floor corridor) would be level with the ground behind. The glazing with the roof would be thick and obscure as it is intended that it would be suitable to be walked on. In addition, the amended plans clarify that these areas of glazing within the roof would be supported by a sizeable frame that would be 0.4m thick which therefore would reduce the amount of "open" glazing. For example, on the plan, the opening above the dining room would be 3.6m by 2m, but the amount of open glazing would actually be 2.8m by 1.2m.

The extant dwelling would have a volume of 1980 cubic metres (which does not include the garage). The proposed dwelling would have a volume of 1993 cubic metres which includes 369 cubic metres of garaging and storage at the ground floor level

Officers consider that the contemporary approach taken has resulted in a design which is considered to be an honest, high quality expression of its architectural age. Officers considered that such an approach has provided an opportunity to design a dwelling that would work with the levels of the site, whilst providing a dwelling of a size commensurate with the dwelling approved under the extant planning permission. A contemporary approach has also enabled a lower roofline to be utilised and the use of local ashlar and rubble stone walling would tie the dwelling into its surroundings. Officers therefore have no objections to the design approach taken.

(b) Impact upon the Area of Outstanding Natural Beauty

The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. To assess the visual impact of the development, during the course of the application, a views analysis was submitted by the applicant. This consisted of views of the application site from ten viewpoints in and around Bourton on the Hill as follows:

Viewpoint 1: A44, approximately 2 km to the east of the application site.

Viewpoint 2: PRow along driveway to Batsford Arboretum, approximately 1.8km from the application site.

Viewpoint 3: Lodge at driveway to Batsford Arboretum, approximately 2.3km from the application site.

Viewpoint 4: Eastern side of the churchyard, approximately 200m from the application site.

Viewpoint 5: Western side of the churchyard, approximately 160m from the application site.

Viewpoint 6: South of the application site, within the village hall car park, approximately 100m from the application site.

Viewpoint 7: Keytes Lane, approximately 50m to the south-west of the application site.

Viewpoint 8: Keytes Lane, approximately 35m to the south-west of the application site.

Viewpoint 9: From the Heart of England Way, approximately 260m to the south-east of the application site.

Viewpoint 10: From the Heart of England Way, approximately 380m to the south-east of the application site.

In addition, prior to the submission of the views analysis, an analysis of the view of the application site from Sezincote Road was submitted. The road is a higher level than the application site and there are views of the village, in particular the parish church, from this road.

Officers took the opportunity to review the views analysis on the day of the Site Inspection Briefing when poles were in place marking the height of the proposed building. Officers also viewed the site from the hospital at Moreton in Marsh and from the northern section of Millennium Wood. Whilst Officers are mindful that the analysis has been undertaken within the summer months when trees and vegetation would provide greater coverage, Officers consider that the views analysis is an accurate representation of views of the development.

The analysis showed that there would be distant views from viewpoints 1 and 2. From viewpoints 4, 5, 6 and 7 the proposed dwelling would not be visible. From viewpoint 8, approximately 1 metre of the ashlar chimney breast would be visible. From viewpoints 9 and 10 the dwelling would not be visible. Officers also noted that there would be a glimpse of the top of the dwelling from the eastern most edge of Millennium Wood but from the PROW itself and from the Sezincote Road the dwelling would not be visible.

Although the application site lies within the AONB, the site is within the built envelope of the village. Officers accept that there would be distant views of the proposed dwelling, primarily the top of the building, but Officers consider that these distant views would not necessarily be harmful as the proposed dwelling would be seen in context with the built form of the village. The building would respond to the topography of the site and the retention of existing vegetation would help to soften the boundary edge and improve biodiversity. The green roof and the proposed planting scheme, which includes hedgerow trees and scattered trees, would help further with integrating the building into the landscape.

The amendments that have been made to the proposed plans would reduce the potential for glare and light pollution, although as with any dwelling (including the extant scheme) there is an expectation that internal lights would make the dwelling visible during the times when there is restricted or no daylight and internal lights are in use. However, as noted before, the views would be distant views and again the dwelling would be seen in context with buildings in the village.

On balance, Officers consider that the proposed development would not have a harmful impact upon the character and appearance of the AONB.

(c) Impact on Heritage Assets

There are listed buildings within the locality of the application site and the application site lies within a conservation area. In considering the application, special regard has to be had to the desirability of preserving the setting of the listed buildings, and preserving and enhancing the character and appearance of the conservation area, in accordance with Sections 66(1) and 72 (1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

The conservation area for the village was designated in 1972 and reviewed in 1990. The conservation area covers the majority of the village, including the application site, but it does not include the post-war housing towards the eastern edge of the village and the petrol station/former quarry area towards the western edge of the village.

The 1972 Conservation Area Statement of Policy states that "The character of the village is derived chiefly from the steepness of its main street tightly enclosed by buildings on each side producing an attractive and varied street picture throughout its length" The Horse and Groom public house is considered to provide a "terminal feature" at the end of the street. The statement notes that "In the vicinity of the Norman Church of St Lawrence...many of the buildings are elevated above the road level". The statement goes on to say that "The limits of the village are well defined by low stone boundary walls which provide a visual and physical break between the village and the surrounding countryside".

The views analysis referred to in the previous section identifies that there would be distant views of the dwelling but that the proposed dwelling would be seen in context with the other buildings within the village. These views would not detract from the character and appearance of the main

street which, as identified in the 1972 Conservation Area Statement of Policy, is the key feature of the conservation area of the village.

The village is dominated by vernacular buildings and Members will note that many of the third party comments refer to the proposed dwelling being out of keeping with the village. However, upon further examination of the built form within the village, different architectural styles can be identified. Bourton House is an example of early 18th century Baroque and both the Horse and Groom public house and Redesdale are examples of polite, restrained, 18th century buildings; slightly further afield is Sezincote House, which is an interpretation of Mughal architecture. Whilst these buildings make little concession to the local vernacular, they are considered to be in keeping with their surroundings by the use of local materials (these buildings are all also listed). Thus the use of contemporary architectural styles, usually on larger dwellings, but tempered by the use of local materials, is an established characteristic of wider context of the site, and of the Bourton-on-the-Hill conservation area, as well as of the setting, and in a number of cases, the intrinsic character of the nearby listed buildings.

The proposed development would retain existing stone boundary walls, with the wall at the rear of the site forming an important visual break between the site and the countryside beyond. The topography of the site and the scale of the development would not impinge upon views across the application site, primarily from Sezincote road, towards the village and it has been established that views of the Grade I listed parish church, from this road would not be affected. There would not be views of the proposed building from the churchyard of the parish church. Due to the Grade 1 status of the church, Historic England was consulted on the application due to the potential views of the church to be affected. As stated within the Consultee section of this report, Historic England did not wish to comment on the application.

During the consideration of previous applications, the site was not identified as an open space within the conservation area which makes a valuable contribution to the character and appearance, or that allow important views into or out of the conservation area. Officers consider that this is still the case.

Officers do not consider that the proposed development would result in harm to the identified heritage assets. The proposed development would preserve the setting of the listed buildings that are closest to the application site (i.e. the Horse and Groom public house and Redesdale House) and the setting of the parish church. The proposed development would not result in harm to the character and appearance of the conservation area or its setting.

As harm has not been identified, Officers are not required to consider alternative developments or optimum viable uses for the site. In addition, the balancing exercise as required by the NPPF in respect of harm and public benefit does not have to be undertaken.

(d) Access and Parking

The access to the application site from the A44 has previously been considered to be acceptable. There was a condition on the extant planning permission to improve the access with a bound material to prevent debris entering the highway and this has been undertaken.

Within the site, there would be room for the manoeuvring of vehicles and there would be adequate parking available for occupants and visitors.

The temporary construction access leading to the site from the Sezincote Road will be conditioned to use for a temporary only in connection with construction and there will be a requirement for the land to be restored after the use has ceased.

(e) Trees

33

There is a tree within the application site that is protected by virtue of its location within a conservation area. The application details indicate that this tree will be retained and the Council's Tree Officer considers that this is achievable and the protection of the tree can be secured by a condition.

The trees within the Millennium Wood are covered by a Tree Preservation Order. The proposed construction access would lie in close proximity to this woodland. Damage could be caused to the trees from construction vehicles driving within their root protection areas. However, the Tree Officer is satisfied that the root system of the trees can be protected from construction vehicles by the avoiding root protection zones and where it is not possible to do so, by using heavy duty ground protection. A condition has been recommended seeking the submission of a method statement and tree protection details prior to the construction access being brought into use.

(f) Amenity

The NPPF advises, within the core principles (paragraph 17) that development should "...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

Local Plan Policy 46 (Privacy and Gardens in Residential Development) is relevant to the consideration of the application as it not only requires adequate areas of open space around dwellings for privacy, daylight and adequate private outdoor living space. The guidelines to the policy also advises that that "as a rule of thumb" it should be possible to identify an area within a garden that is private and reasonably screened.

The neighbouring dwelling, Redesdale House, is sited approximately 16m from the boundary with the application site. The gable end of this building is parallel with the boundary. The proposed dwelling would be site at an approximate angle of 15 degrees from the boundary at its nearest, would be approximately 7 m from the boundary. The front elevation of the proposed dwelling would face towards the south-west, away from Redesdale House, and set back approximately 18m from the rear elevation of Redesdale House.

The elevation facing the boundary with Redesdale would have a window serving a bedroom and a veranda. However, it is important to note that because the dwelling would be built into the excavated hole, the veranda would be at a similar level to the level of the site at the boundary. The roof garden would be approximately 2.3m above the veranda and again due to the levels of the site, it would not be dominant or overbearing.

Higher Barn is located approximately 53 metres from the front elevation of the proposed dwelling and there is an associated garage located at the boundary with the application site.

Folly Cottage and Vine Cottage, both accessed via Keytes Lane are site to the west of the application site. The rear elevation of these properties is approximately 33 metres from the side boundaries.

Officers consider that due to the orientation of the proposed dwelling, the land levels and the distances from neighbouring properties, the proposal would not result in an unacceptable loss of privacy nor would it be overbearing.

Due to the proximity of the site to residential dwellings, the hours of construction at the site will be conditioned.

In response to the third party objection (referred to within the "Reasons for Referral" section of this report), Officers have the following observations:

1. Planning History

Officers have set out the planning history of the site, including the Inspector's decision and there are no further comments to make on this point.

2. Design

Officers have never discussed the size of the dwelling in relation to the applicant's profit. As the Third Party states, this is not a role for the planning system. The application is not for a replacement dwelling and there are no restrictions in terms of size and scale. Instead, the size and scale of the dwelling is determined by the impact that it would have and the harm that would arise. In this instance, as noted within the report, harm has not been identified.

3. Heritage

The application was not accompanied by a Heritage Statement. It is not a statutory requirement but is listed within the Council's validation checklist under the category of information that may be requested. In this instance, Officers did not request one given that it was considered that the development would not result in harm to heritage assets. The absence of a Heritage Statement does not mean that Officers did not give consideration to the setting of the heritage assets when considering the application.

In terms of landscape impact, Officers have addressed the issue of views of the application site and there is an acceptance that there will be views of the proposed building, but it has been considered that these views would not be harmful.

4. Planning

Officers consider that the Design and Access statement is acceptable and proportionate to the proposal.

There has never been any indication that the construction access would be retained on a permanent basis. This is not something that would be supported by Officer hence the proposed condition to secure its removal upon occupation of the dwelling.

5. Legal Submissions.

Should the application be granted approval, it would not set a precedent and any future applications for contemporary dwellings on hillside sites would be judged on their own merits.

The Council has previously advised that the 2007 permission is extant. It is a reasonable fall-back position.

Any further observations by Officers will be included within the Additional Pages Update.

9. Conclusion:

Officers appreciate that the proposed development has been controversial with local residents, however as set out above the development would not result in identified harm and as such approval is recommended. Officers consider that the proposed development would accord with the NPPF and Local Plan Policies 9, 15, 38, 39, 42, 45 and 46.

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): HCH 29, HCH 20A, HCH 21A, HCH 22A and HCH 23A.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other statutory instrument amending or replacing it, no extensions or external alterations shall be erected/installed within the application site other than those permitted by this Decision Notice.

Reason: To retain the character and appearance of the building and the wider locality, in accordance with Cotswold District Local Plan Policy 42 and the National Planning Policy Framework.

External stonework shall be natural Cotswold ashlar walling and natural Cotswold stone rubble walling.

Reason: To ensure that in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan 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.

Prior to the construction of any external wall of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan 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.

New ashlar stonework shall be laid with joints no greater than 3 millimetres in depth, using a lime putty mortar. All stone shall be laid to its natural bed, except for mouldings, copings or other projections, which shall be edge or joint bedded.

Reason: To ensure that, in accordance with Cotswold District Local Plan, the development will be constructed of materials that are appropriate to the site and its surroundings. Face bedding of ashlar is not permitted by this condition. The Conservation Team will be happy to give technical advice on the method of laying and jointing the ashlar.

The oak shall not be treated in any way and shall be left to weather and silver naturally.

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

No external doors and windows (including colour and finish); eave details (including sections); balconies/terraces; handrails; screens; louveres or brise soleil shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

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

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

No development, including the installation and use of the temporary construction access shall take place until a full Tree Protection Strategy has been submitted to and approved in writing by the Local Planning Authority.

The Protection Strategy (to be prepared by a suitably qualified arboriculturalist and in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - recommendations') shall include where appropriate -

1. Arboricultural Implications Assessment
2. Arboricultural method statement
3. Tree Protection Plan
4. A timetable of arboricultural site inspections (to be carried out by a suitably qualified Arboriculturalist and all findings reported in writing to the Local Planning Authority).

The approved strategy shall be implemented in full according to the timescales laid out in the strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policies 10 and 45. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

The existing vehicular access to the site shall be stopped up, its use permanently abandoned and the verge/footway crossing reinstated in accordance with details which shall be approved in writing by the Local Planning Authority. Such works shall be completed in accordance with the approved details within 1 month of the new vehicular access hereby authorised being first brought into use unless otherwise agreed in writing by the Local Planning Authority.

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

Prior to occupation of the dwelling hereby approved, the temporary construction access and all tree protection measures shall be permanently removed from the site and the land shall be restored to its former status.

Reason: To protect the character and appearance of the area which lies within the Cotswold Area of Outstanding Natural Beauty and in accordance with the National Planning Policy Framework.

The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Mondays to Fridays, 0800 to 1300 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of construction vehicles within the curtilage of the site.

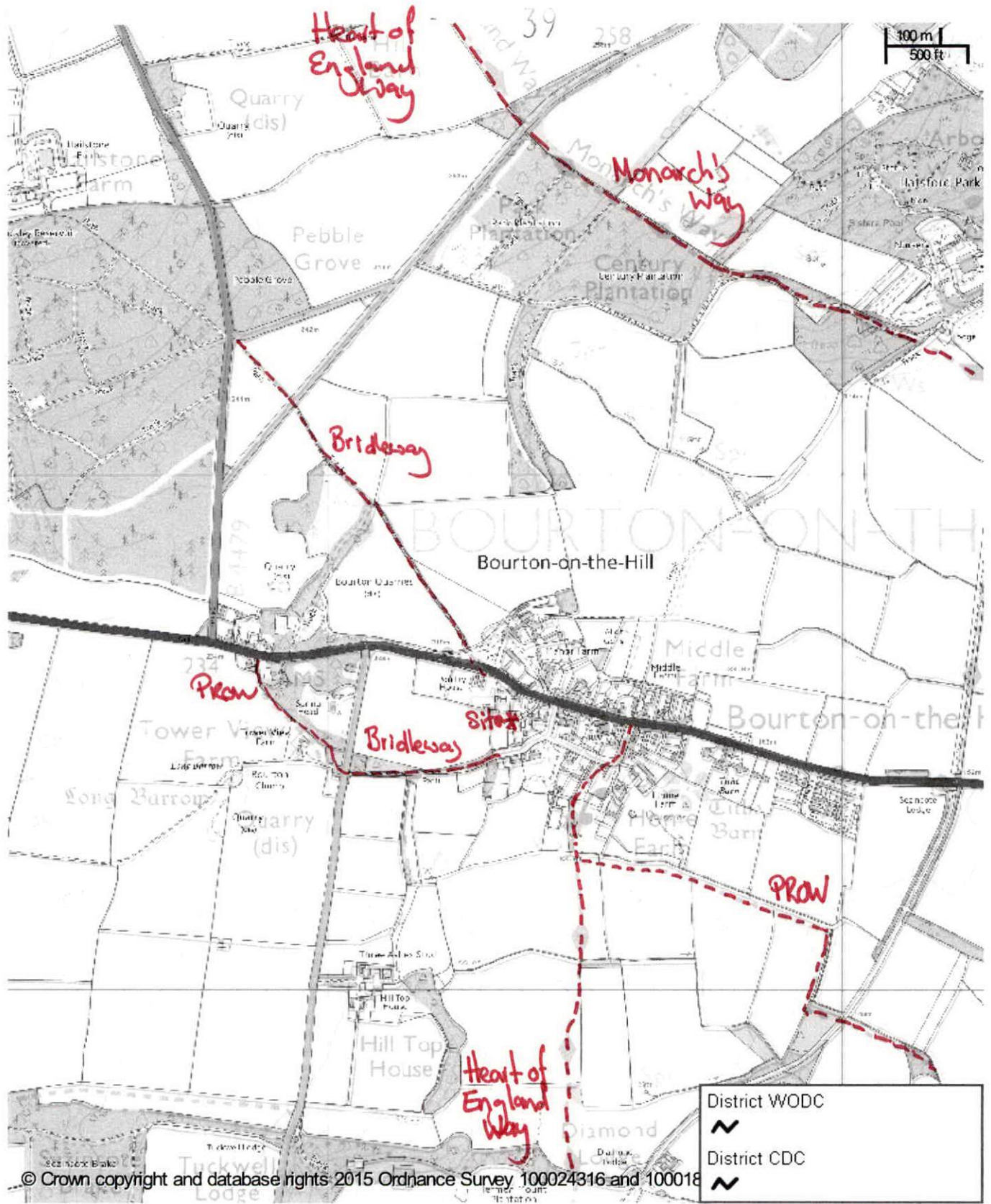
Reason: To ensure that disturbance to existing residents and businesses is minimised, in accordance with the National Planning Policy Framework.

The entire landscaping scheme as detailed on the approved plan numbered HCH 29 shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy 45.

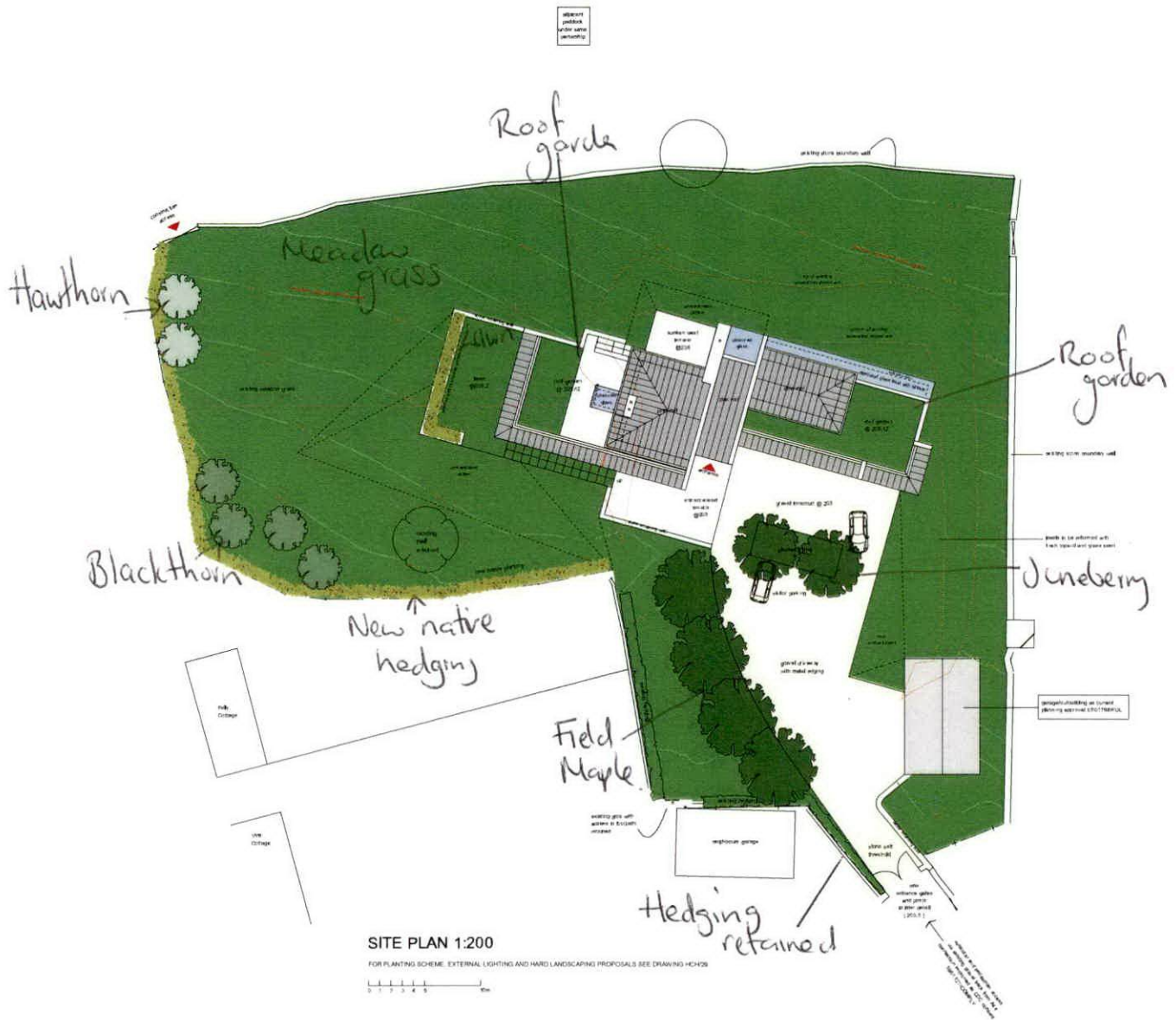
Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy 45.

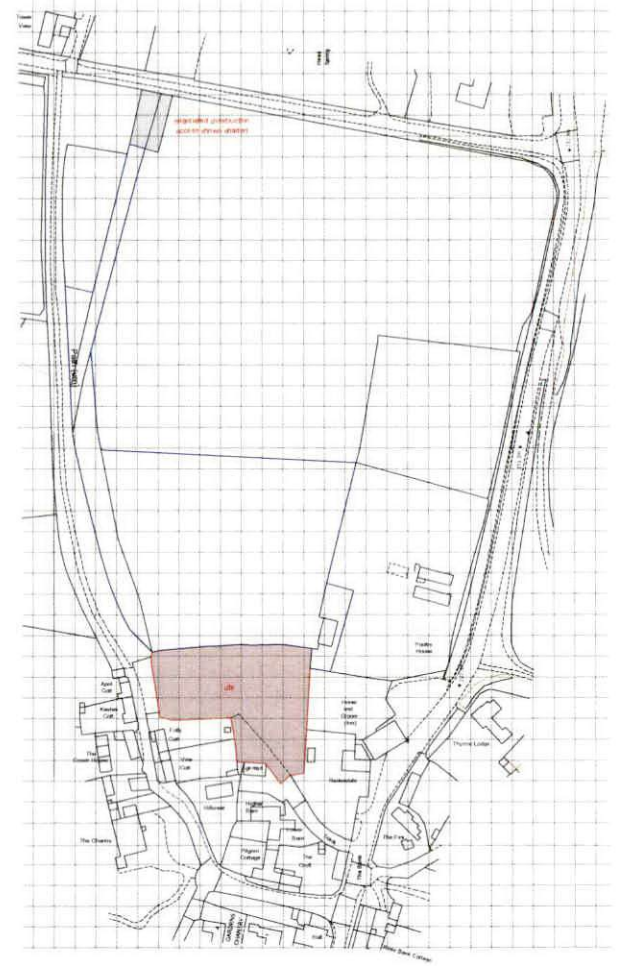


Scale: 1:10000
 Printed on: 26/5/2016 at 15:46 PM





SITE PLAN 1:200
 FOR PLANTING SCHEME, EXTERNAL LIGHTING AND HARD LANDSCAPING PROPOSALS SEE DRAWING HCH26



LOCATION PLAN 1:1250

40



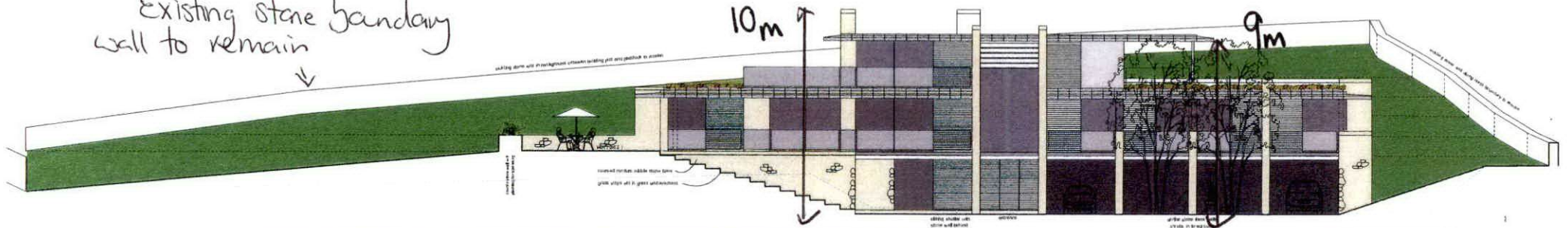
Revisions
 A Aug 16 updated to co-ordinate with revised plans, sections and elevations (rev 1 and landscaping plan HCH26

NEW DWELLING HILL CREST
 BOURTON ON THE HILL, GLOUCESTERSHIRE GL56 8AE
**LOCATION/SITE/ROOF/
 LANDSCAPE PLANS**
 1:200/250
 0/41
 HCH 20A
 MARCH 16

FOR D J LESLIE LTD
 16 King Edward Street Oxford
 t 01865 727792
 f 01865 786473
 e info@esandross.co.uk



Existing stone boundary wall to remain



Masonry Walls: Natural limestone ashlar to flank walls, piers, chimneys as shown. Coursed random, rubble to plinth retaining wall side and rear elevations as shown.

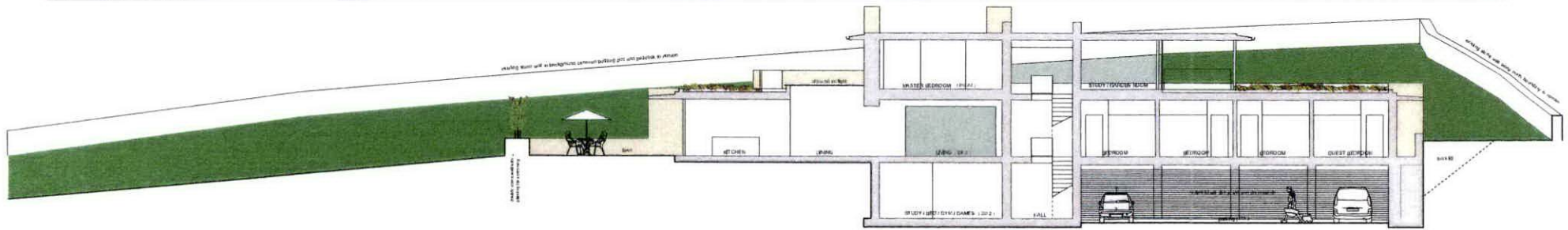
Roofs: Green planted roofs to upper ground floor, standing seam zinc to first floor, standing seam zinc to canopies above verandas/edging to green roofs.

External joinery: Natural oak left to silver to shutters on lower round floor, rainscreens to upper ground floor and louvres to upper staircase.

Windows: Generally frameless glazing, full height horizontal sliding doors.

External balustrading: Frameless non reflective glass balustrading to verandas/roof garden where shown.

42



SECTION D-D

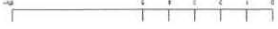


16/01777/F4/C

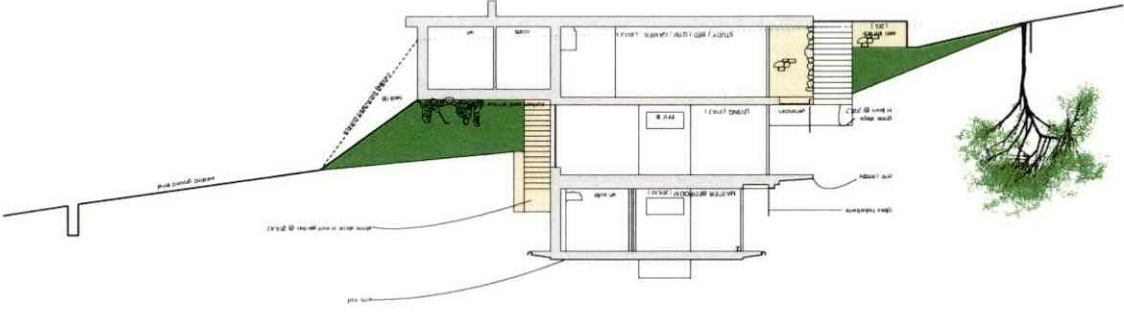
Revisions
 A. Aug 18 glazing reduced to east elevation

NEW DWELLING HILL CREST SOLUTION ON THE HILL, OXFORDSHIRE OX56 8AE		FOR O J LESLIE LTD	
EAST ELEVATION		1:100 (B1)	MARCH 18
SECTION D-D		HCH	23A
		15 King Edward Street Oxford 1 01865 727792 1 01865 788473 e info@ojeslie.co.uk	

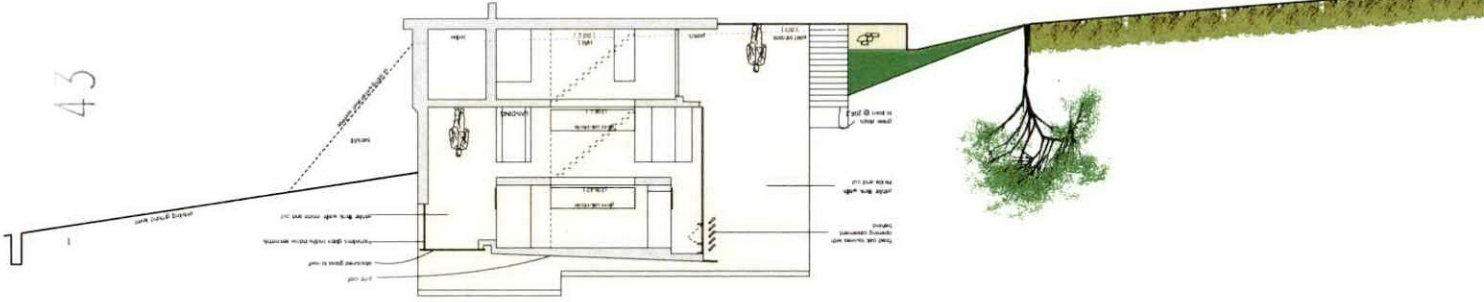
15 King Edward Street Oxford OX1 1JE 01865 207200 info@hch.co.uk	22A HCH	1700 MARCH 16	NEW DWELLING HILL CREST SECTION ON THE HILL TO DORCHESTER ROAD
	SECTIONS	1:20 1:100	16 Aug 16 not drawn to standard section BB method. Issues added



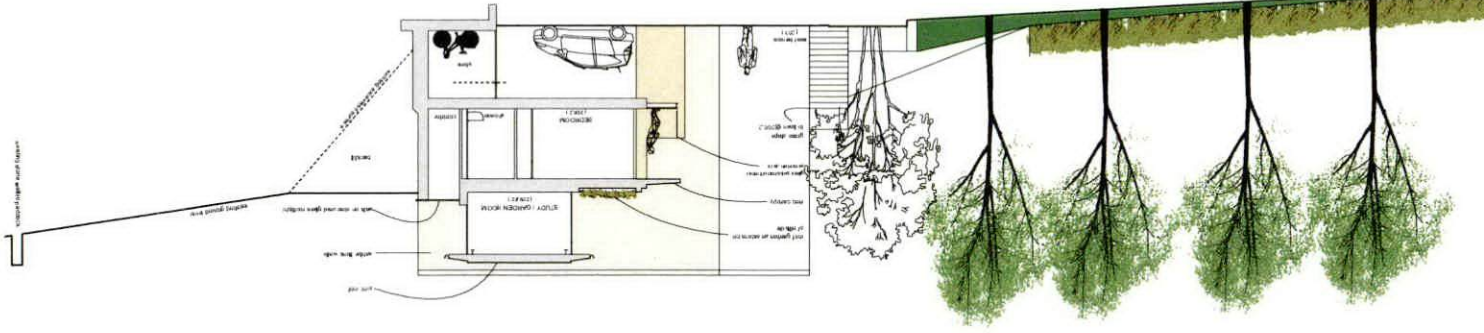
SECTION C-C



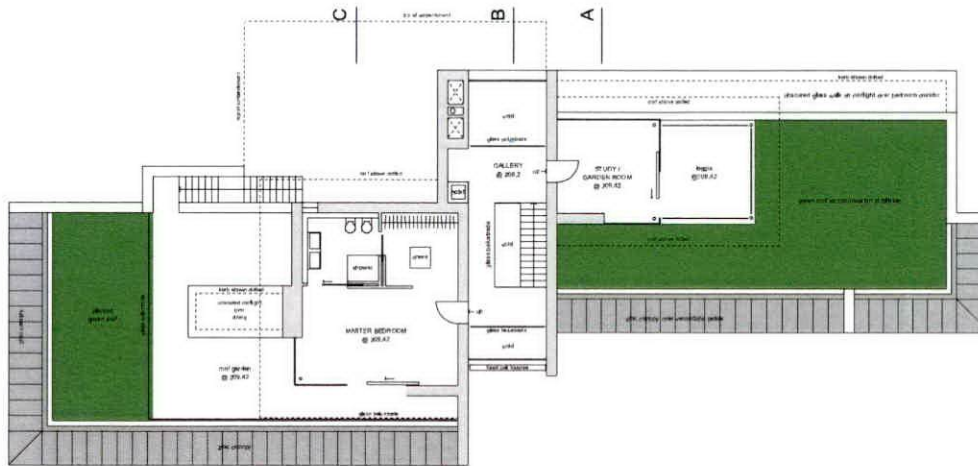
SECTION B-B



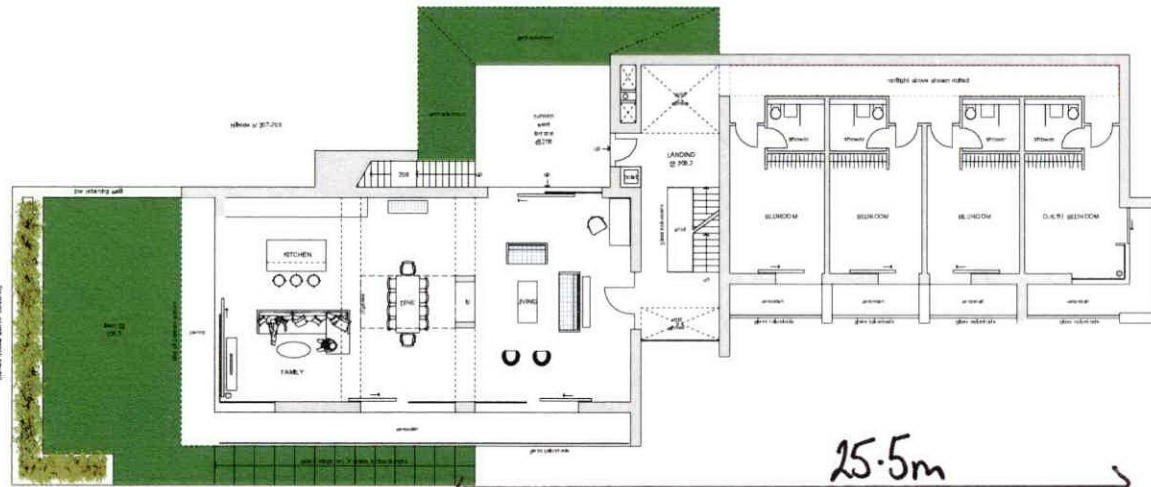
SECTION A-A



43

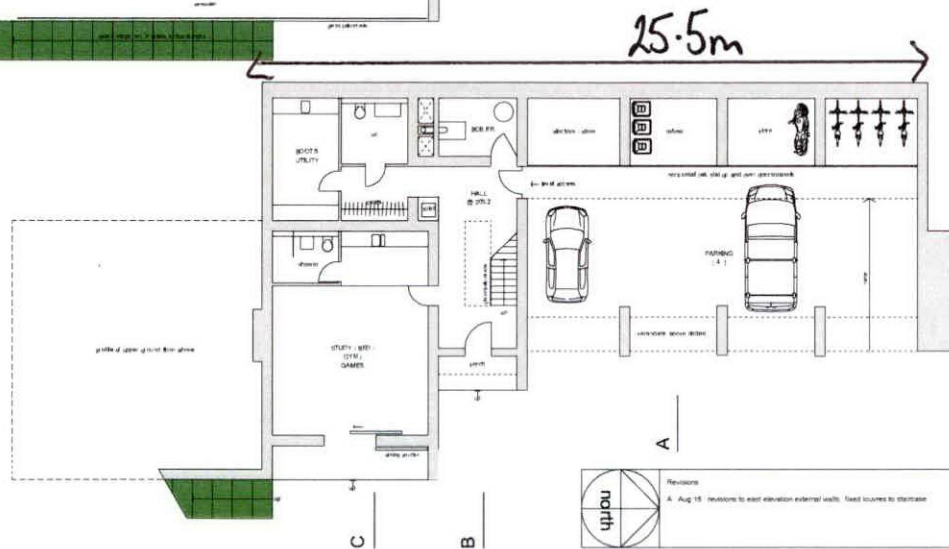


D
FIRST FLOOR



10.2m

D
UPPER GROUND FLOOR



25.5m

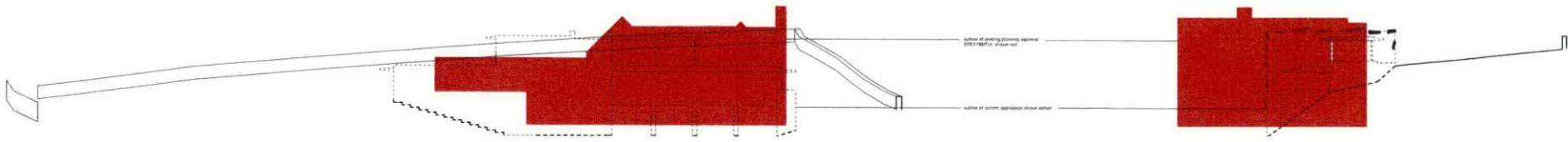
D
LOWER GROUND FLOOR



Revisions
A Aug 18 Revisions to exist elevation external walls. Fixed sources to staircase

NEW DWELLING HILL CREST SOURTON ON THE HILL GLOUCESTERSHIRE GL58 9AE		FOR D J LESLIE LTD	
FLOOR PLANS	1:100 BA1	MARCH 18 21A	16 King Edward Street Oxford Oxford OX1 1JF T 01865 727792 F 01865 798473 E info@weardross.co.uk
	HCH		Logo A RINA

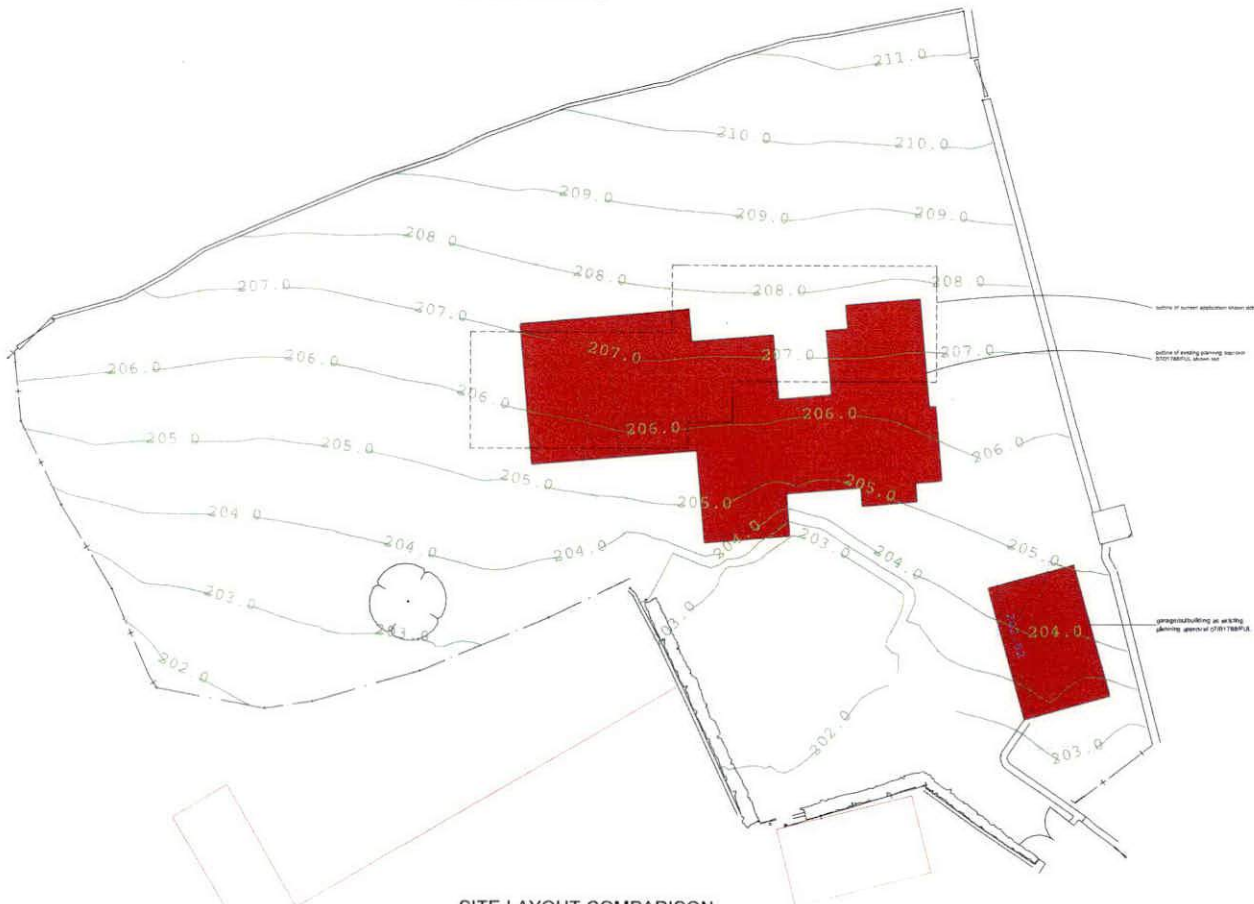
44



EAST ELEVATION MASSING



NORTH ELEVATION MASSING



SITE LAYOUT COMPARISON



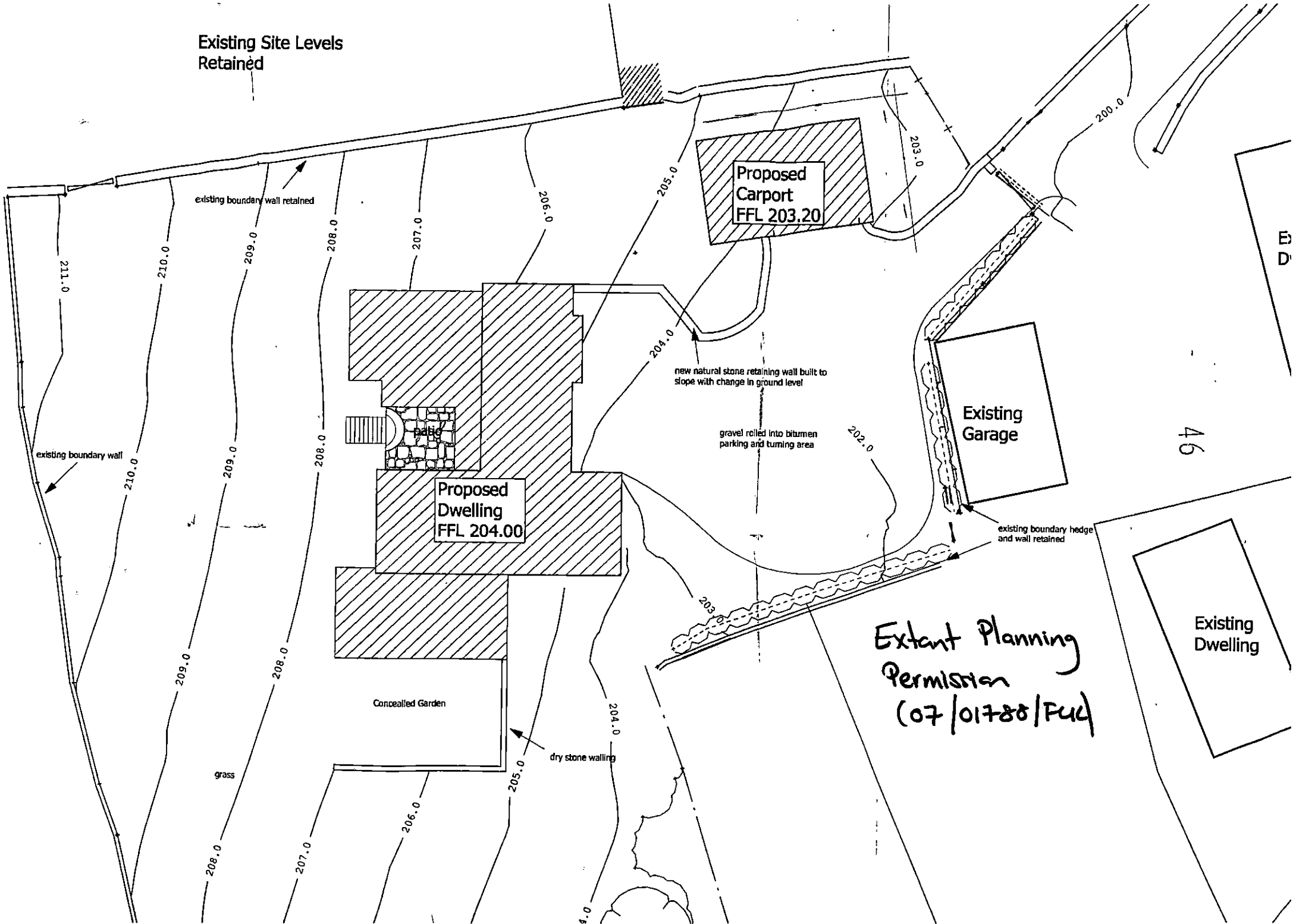
45

Comparison with
 extant planning
 permission
 Dotted line = current application



NEW DWELLING HILL CREST HOUSE BOURTON ON THE HILL GLOUCESTERSHIRE GL56 8AE		FOR D J LESLIE LTD	
SITE MASSING	1:200 @A1	MAY 16	16 King Edward Street Oxford 1 01 985 727 792 1 01 985 759 473 e info@lesieandross.co.uk
	HCH	25	

Existing Site Levels Retained

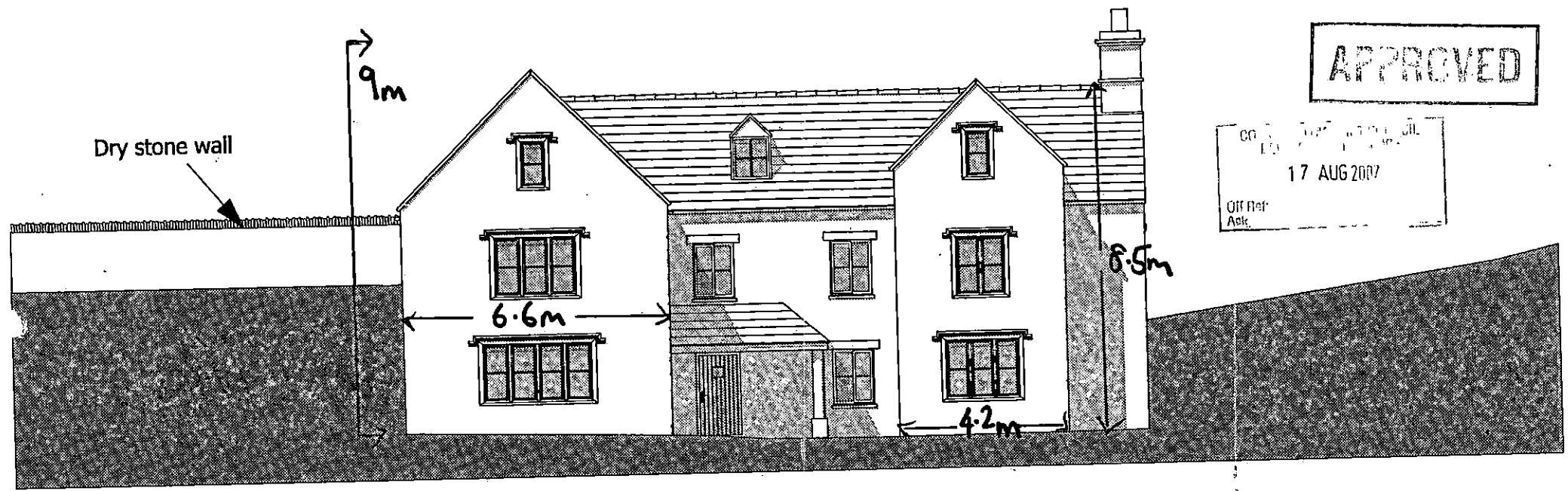


CO. 010112

PLAN 1

APPROVED

CO. 010112
17 AUG 2007
Off Rep.
Act.



East Elevation 1:100

47

Extant
Planning
Permisson

AMENDED

PLAN 8

REVISIONS

48



West Elevation

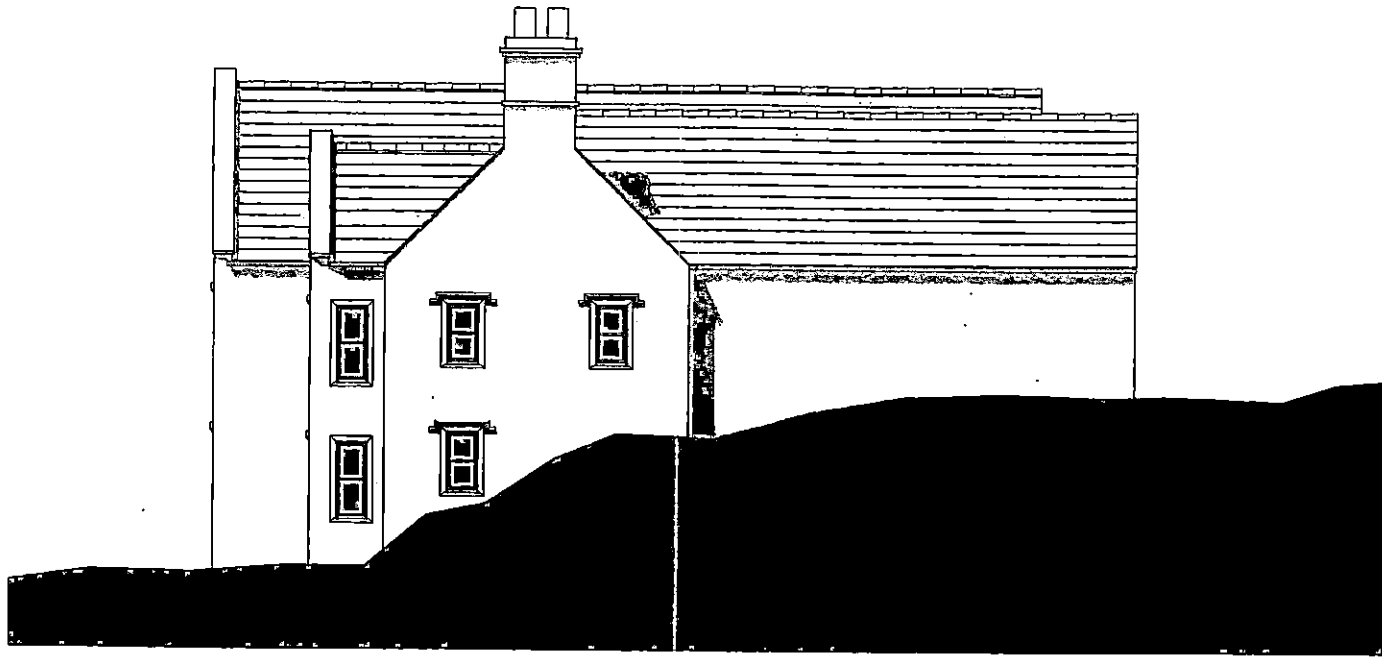
1:100

Extent
Planning
Permissions

ADDITIONAL INFO

PLAN 3

APPROVED



49

North Elevation 1:100

Extent
Planning
Permissions