

Item No 13:-

16/03115/FUL (CD.0230/1/B)

**Park House
Maugersbury
Cheltenham
Gloucestershire
GL54 1HP**

Item No 13:-

Proposed construction of new access and track, Blocking up existing opening and creation of new opening including gates at Park House Maugersbury

Full Application 16/03115/FUL (CD.0230/1/B)	
Applicant:	Mr Simon Meyrick
Agent:	Oakwood Planning
Case Officer:	Christopher Fleming
Ward Member(s):	Councillor Dilys Neill
Committee Date:	14th December 2016
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Design and impact on designated heritage assets and historic parkland
- (b) Impact on the landscape character
- (c) Impact on neighbouring living conditions
- (d) Impact on protected trees

Reasons for Referral:

This application has been brought to the Planning Committee for determination at the request of Councillor Neill. Councillor Neill considers that the Planning Committee should determine the application and give consideration to the impact of the new access track on the surrounding parkland and setting of the listed building.

1. Site Description:

Park House forms part of the Maugersbury Manor (The Manor) listing. The building dates to the C17, C18, C19 and C20. It is constructed of coursed squared and dressed limestone, and a stone slate roof, with ashlar stacks.

The property also sits within the Stow on the Wold Conservation Area and within the Cotswold Area of Outstanding Natural Beauty (AONB), In addition the Parkland which is associated with the Manor has been assessed as 'Grade B' by the Gloucester Gardens and Landscape Trust (c2006). This category of non-designated heritage asset is described by the Trust in their assessment as being 'those of special historic interest when considered in the local context'.

2. Relevant Planning History:

05/00380/LBC and 05/00381/FUL Erection of part two and part single storey extension permitted 4th April 2005.

13/02657/LBC - listed building consent for installation of two rooflights permitted 20th August 2013.

CD.0230/T Installation of additional rooflight in north face of roof permitted 29th August 2000.

CD.0230/J&K Construction of a conservatory and outbuildings, conversion of barn/store to kitchen and demolition of nissenhut permitted 6th December 1996.

CD.0230/G&H Additional dormer window to north elevation of house and erection of replacement porch, and Alterations to existing house and garage permitted 19th February 1993.

Maugersbury Manor

16/04488/FUL and 16/04489/LBC applications pending consideration for a change of use to single dwellinghouse, erection of single storey rear extension, removal of existing car port to side and erection of single storey side extension, erection of new car port, rebuilding of existing lean-to garden stores, new ancillary accommodation following removal of 'Garden View', new entrance gates and increase in height of boundary walls and external alterations.

These applications propose an alternative access arrangement to provide access to the rear of Maugersbury Manor utilising an existing access to the side of Maugersbury Manor.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR11 The Historic Landscape
 LPR15 Conservation Areas
 LPR19 Development outside Development Boundaries
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development
 LPR46 Privacy & Gardens in Residential Development

4. Observations of Consultees:

Landscape Officer:

Included within the officer assessment

Tree Officer:

Included within the officer assessment

Conservation Officer:

Included within the officer assessment

5. View of Parish Council:

Maugersbury Parish Council have considered application 16/03115/FUL for Park House and have the following comments to make:

1. The current access track goes through the middle of Park House's garden and passes in close proximity to the house. This of course is of a great disturbance to the residents.
2. The proposed route uses an existing access point off the private road and skirts around the edge of the paddock. The proposed track is single vehicle width.
3. It is proposed to use 'grid force', which is a plastic structure which allows the grass to grow through. Thus the track will have the benefit of being load bearing whilst still retaining the natural grass look.
4. The application is supported by both a heritage and tree survey. The application states that the new road is avoiding all major trees. Bricks made available for the creation of the new opening will be reclaimed to fill in the existing opening.

5. The new access point in the garden wall of the Manor is further away from the Manor House itself which is of great benefit to its historical setting.

In summary the rerouting of this access will enhance the setting of two listed buildings. The route has been carefully considered and the use of 'grid force' will minimise any possible visual impact. The use of the reclaimed bricks to infill the existing wall opening will preserve the integrity of the listed wall.

On this basis Maugersbury Parish Council supports this application.

6. Other Representations:

3 letters of support from members of the public.

7. Applicant's Supporting Information:

Heritage statement
Supporting Statement
Tree Survey

8. Officer's Assessment:

Proposals

The proposal is to form a new access driveway to the rear walled gardens of the Manor across the grounds to the North of Park House, which historically formed part of the parkland of the Manor. A new gate is to be formed in the historic brick wall to the rear garden of the Manor to replace an existing gate which will be blocked up. The proposed new driveway will be formed of a plastic ground reinforcement product.

(a) Design and Impact on designated and non-designated heritage assets

Park House is a Grade II listed building, forming part of the listing for the Manor. The house forms the West wing of the Manor, which is in separate ownership. The Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings, their setting, and any features of special architectural or historic interest they may possess, in accordance with Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990.

Park House lies within the Stow-On-The-Wold Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 12 of the National Planning Policy Framework asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 132 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also states that significance can be harmed through alteration or development within the setting.

Paragraph 134 states that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

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 15 of the Cotswold District Local Plan states that development must preserve or enhance the character or appearance of the area as a whole, or any part of that area. It states that development will be permitted unless: 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).

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 Parkland associated with the Manor has been assessed as 'Grade B' by the Gloucester Gardens and Landscape Trust (c2006). This category of non-designated heritage asset is described by the Trust in their assessment as being 'those of special historic interest when considered in the local context'. The introduction of a new driveway and vehicle traffic within the parkland would be an erosion of the character of the parkland, causing harm to the non-designated heritage asset.

Within section 12 of the NPPF paragraph 135 requires local planning authorities, when determining applications, to take account the effect of an application on the significance of a non-designated heritage asset, this 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.

The significance and importance of the parkland as a non-designated heritage asset could vary according to the range of factors, including the level of heritage interest they hold and the degree to which their parkland character survives.

In weighing planning applications that affect directly or indirectly historic parklands, the Council will make a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. In this particular case whilst the parkland itself may be classified as a non-designated historic parkland it sits within and makes a positive contribution to the wider conservation area, therefore in this case it is considered the parkland has not lost its significance and forms part of a designated heritage asset.

Originally both Park House and the Manor were the same property and the land associated with it in the same ownership. From the information contained within the applications heritage assessment it would appear that at some point during the 1950s, Park House and the associated land has been sold off separate to the Manor, with the Manor retaining a right of way over this land to gain a point of access to the rear of the Manor.

The justification provided for the proposal, is that the proposed access and track would look to resolve a conflict between two parties over a right of way through a paddock adjacent the garden to the front of Park House. There is no existing access track, but a field access to the paddock and a gated access from The Manor into the Paddock of which there is no planning related history.

The application states a new legal agreement would be drawn up to overcome the conflict between the two parties, however this is not a material planning consideration, the Council has no control over the right of way as this would be a legal matter between the Manor and Park House, therefore this issue could still remain in place whether or not planning permission would be granted for this proposal.

The Manor in its current form would appear to date from the 16th Century. The overall size and design of the building reflect its original nature as a historic house of some status, and mean its appearance contributes appreciably to its significance as a heritage asset.

When built it would quite probably have stood in a relatively isolated rural location, set back from the road and otherwise generally surrounded by fields and, possibly, some woodland. As such, it would have had a predominantly open setting.

However, it is clear over the years this isolation has become eroded as development from nearby settlements in particular Mangersbury and Stow on the Wold which have encroached closer and closer. Relatively modern housing has been erected to the east of the Manor and to the north west of the land in Stow on the Wold.

As a result, the generally open rural landscape in which it originally stood has been marginally diminished. Now it is confined to a triangle of land to the North of Park House with a lane and access track either side of the land.

Notwithstanding this, when looking towards the Manor and Park House from this land, the fields and landscape are sufficient to mean that a sense of the original isolated and open rural setting is still apparent. As such, they make a notable contribution to the setting of the building and give a valuable impression of its original context.

The land is agricultural in nature. Similarly although the open land to the north may be enclosed by a track and roads as you head North West towards Stow on the Wold, it is of sufficient size to generate an open character. The application sets out that that this land does not provide public views, but nevertheless there is no basis to protect the settings of listed buildings from the public domain only. In any event, adjacent the land there is a public highway and footpath that offers glimpsing views of the site.

As set out previously there is no access track to the rear of the Manor through the Paddock. The Manor does however already benefit from a vehicular access to the rear of the property, from an access point to the side of the Manor, no reasoned justification has been provided within the application why this is an unsuitable access point, and that there is a requirement for the new access and drive.

The introduction of an access track and new access point to The Manor through the parkland is considered to adversely affect the setting and architectural and historic interest of The Manor. The setting within which the Manor is experienced includes the remaining parkland. The proposed driveway and vehicle traffic would have a negative impact upon the character of the historic parkland and the general setting of the Manor. The new driveway would allow vehicles to be parked in the garden to the rear of the Manor which would significantly detract from the green, private and peaceful setting that the house currently enjoys. In addition the demolition of the section of garden wall to provide a new vehicle entrance would result in unjustified loss of historic fabric.

The route of the driveway and potential vehicle movement across the parkland would be harmful to the character and appearance of the Conservation Area through the introduction of vehicle traffic into the open rural setting, in addition the Council would have no control over the intensity of the use and with a more permanent track for domestic use would have a detrimental impact on the character of the conservation area. The Conservation Area boundary has been drawn to specifically protect the area of open parkland between the town of Stow and the village of Mangersbury. The proposals would also detract from the view across the site from both the Mangersbury Road and the tree lined driveway to the Manor and would be an attrition of the character of the rural setting and the mature historic landscape around the Manor. Taking this into account the proposal fails to comply with local plan policy 15 and guidance contained within section 12 of the NPPF.

The proposed new driveway and vehicle traffic it would allow would have a negative impact upon the open and tranquil character of the grounds to the north of the manor, which form an important part of the setting of the listed building and the way in which the place is experienced. This open and tranquil setting makes an important contribution to the significance of the Manor, its historic and aesthetic values and how it is experienced from its grounds to the north juxtaposed with the more built up area of the village to the south.

It should be noted that setting does not depend on any public rights or ability to access it.

Taking the above into account it is considered that 'less than substantial harm' would be caused to the setting of the Manor and Park House if planning permission would be granted. The presumption in favour of doing no harm does not equate to a presumption against any intervention into the parkland which would require justification in terms of impacts on heritage values. The harm to the values and significance of the setting of the listed building and wider conservation area in this case are not deemed to be outweighed by public benefits. No reasoned justification has been provided for the new driveway, the public benefits are not deemed to outweigh the harm caused to the setting of the listed buildings.

For the above reasons the proposals would fail to preserve the settings or the character and appearance of the Stow-On-The-Wold Conservation Area. The significance of the designated heritage assets would be diminished, with no public benefit demonstrated in this case to outweigh that harm. The proposals are therefore contrary to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Central Government policy in the NPPF - section 12, and Policies 15 & 42 of the Cotswold District Local Plan.

The application also proposes a new access point through a curtilage listed wall. The demolition of the section of garden wall to provide a new vehicle entrance would result in unjustified loss of historic fabric. No justification has been provided for this, the proposal would therefore fail to preserve the setting of the listed building contrary to paragraph 134 of the NPPF.

(b) Impact on the landscape Character

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Paragraph 17 of the National Planning Policy Framework states that the planning system should recognise the intrinsic character and beauty of the countryside.

Section 11 of the National Planning Policy Framework encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Policy 11 of the Local Plan states that development within the historic landscape will be permitted provided it avoids harming the character, appearance or setting of historic landscape features, including Parks and Gardens of Special Historic Interest.

Policy 42 states that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District.

Policy 45 of the Local Plan states that high standards of appropriate landscaping should be required in all developments and any attractive, existing landscape features, such as trees, hedgerows and other wildlife habitats should be retained and integrated into all new development.

The site and the wider landscape falls just within the character area 15A Farmed Slopes and is further refined as Vale of Bourton Farmed Slopes (Landscape Strategy and Guidelines for the Cotswolds AONB). Some of the key features include numerous historic parklands; productive

arable and pasture farmland; small stone villages and hamlets; transitional landscape; smooth gentle landform on lower slopes; and small often geometric, broadleaf and coniferous woodland. The landscape officer has assessed the site and the surrounding countryside and feels that the site typifies this type of landscape.

The Cotswold Conservation Board has identified "changes in land use and management within historic parks and gardens" and "expansion of existing settlements" as a local force for change. While this proposal is not necessarily an expansion of the settlement per-se it will represent encroachment of development, associated with existing residential units, into the AONB landscape. The potential implications are "weakening of the integrity of designed landscapes, parks and gardens" and "suburbanisation of agricultural landscape".

The drive is proposed to be surfaced with a plastic grid like structure to allow grass to grow through. Whilst the Council can appreciate the design efforts made to provide an unobtrusive surface, from experience grass growing through does not screen the plastic grid and this surfacing would be visible. In addition to protect the root protection zones of adjacent trees a no-dig construction (no excavations) will need to be used and the final surface will need to be raised by approximately 400mm which would be considered to make the driveway even more conspicuous.

The drive would take a convoluted route around the edge of the field which would encroach unnecessarily into the rural landscape. The permanence of new surfacing could also encourage additional vehicle movements which the Council could not control. This would have landscape implications in with the introduction visual intrusions, 'lit' elements, unnatural movement and loss of tranquillity.

The submitted New Track and Planting Proposals drawing proposes new mitigation planting. Whilst this can offer some enhancements to the parkland setting and further screening of the drive it would not address the Council's concerns over the impact on the access drive on the surrounding landscape.

In summary, the proposal would cause harm to the character and appearance of the AONB by virtue of the introduction of surfacing and car movements which would detract from the rural and parkland setting and would be visible in the landscape. The proposal is contrary to NPPF paragraph 109 and 115 and the Cotswold District Local Plan Policy 11 and 42.

(c) Impact on Neighbouring Living Conditions

Part of the reason for the application is a conflict between two parties over a legal right of way, when used the applicants claim the right of way has a detrimental impact upon their living conditions in terms of noise and disturbance of vehicles passing by and through their garden. From the information provided and from evidence on site, the route across the field appears infrequently used, notwithstanding this the Council has no control over the right of way and if planning permission was granted this arrangement could still cause conflict between the parties, the conflict is a legal matter and given the nature of the use of the right of way would not be considered to have an adverse impact on the living conditions of the residents of Park House.

Notwithstanding the above having assessed the proposed access and track it is considered the proposal would not result in an adverse impact on neighbouring living conditions of neighbouring properties.

(d) Impact on Protected Trees

The proposed access track runs close to a number of trees protected either by virtue of a tree preservation order or through their siting within the Stow on the Wold Conservation Area. Having had the Council's tree officer look at the proposal there is no objection in principle to the track with regard to the impact on the trees, however, the submitted construction detail is inadequate to prevent harm to tree roots. A no-dig construction (no excavations) would be needed for the

sections within the root protection areas of trees, and the final surface would therefore be raised above the existing ground levels by around 400mm. which has raised concerns from both the landscape officer and conservation officer over the impact of the proposal on the surrounding parkland and heritage assets accordingly.

9. Conclusion:

As previously set out the setting within which the Manor is experienced includes the remaining parkland. The proposed driveway and vehicle traffic the proposal would allow would have a negative impact upon the character of the historic parkland, the approach along the North driveway and the general setting of the Manor. The demolition of the section of garden wall to provide a new vehicle entrance would result in an unjustified loss of historic fabric and would also be harmful to the character and appearance of the Conservation Area through the introduction of vehicle traffic into the open rural setting.

For these reasons the proposals would fail to preserve the listed buildings, their settings or the character and appearance of the Stow-On-The-Wold Conservation Area, historic parkland and AONB. The significance of the designated heritage assets would be diminished, with no public benefit demonstrated in this case to outweigh that harm. The proposals are therefore contrary to Sections 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Central Government policy in the NPPF sections 11 and 12, and Policies 11, 15, 42 and 45 of the Cotswold District Local Plan.

10. Reasons for Refusal:

1. The proposed access track would also be harmful to the character and appearance of the Conservation Area through the introduction of vehicle traffic into the open rural setting. The Conservation Area boundary has been drawn to specifically protect the area of open parkland between the town of Stow and the village of Mangersbury. The proposals would also detract from the view across the site from both the Mangersbury Road and the tree lined driveway to Mangersbury Manor and would be an attrition of the character of the rural setting and the mature historic landscape around the Manor. For the above reasons the proposals would fail to preserve the settings or the character and appearance of the Stow-On-The-Wold Conservation Area. The significance of the designated heritage assets would be diminished, with no public benefit demonstrated in this case to outweigh that harm. The proposals are therefore contrary to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Central Government policy in the NPPF - section 12, and Policies 15 & 42 of the Cotswold District Local Plan.

2. Mangersbury Manor is a Grade II Listed Building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposed driveway and vehicle traffic it would allow would have a negative impact upon the character of the historic parkland, the approach along the North driveway and the general setting of Mangersbury Manor. The creation of the access by virtue of its siting and form would be harmful to the setting of the Grade II listed building and associated parkland as it would not reflect the historic agricultural character of the site. No reasoned justification has been provided for the access, the public benefits are not deemed to outweigh the harm caused to the setting of the listed building.

Consequently, the proposal is contrary to section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 and the guidance contained within the National Planning Policy Framework, including, but not limited to, paragraphs 132 and 134.

3. The site lies within the Cotswolds 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. The proposal would cause harm to the character and appearance of the AONB by virtue of the introduction of surfacing and car movements which would detract from the rural and parkland setting and would be visible in the landscape. The proposal is contrary to NPPF paragraph 109 and 115; Cotswold District Local Plan Policy 11 and 42.