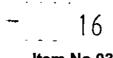
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Item No 03

17/01255/FUL

Land Adj The Malt House Perrotts Brook Bagendon Cirencester Gloucestershire GL7 7DT

,



Item No 03

Erection of one dwelling and ancillary works at Land Adj The Malt House Perrotts Brook Bagendon Cirencester Gloucestershire GL7 7DT

	Full Application : 17/01255/FUL
Applicant:	Mrs K Kerr-Rettie
Agent:	Plan-A Planning And Development Ltd
Case Officer:	Joe Seymour
Ward Member(s):	Councillor Jenny Forde
Committee Date:	12th July 2017
RECOMMENDATION:	DELEGATED PERMIT, SUBJECT TO THE RECEIPT OF A SATISFACTORY PROGRAMME OF ARCHAEOLOGICAL MITIGATION

UPDATE: This application was initially for the construction of three dwellings but has since been revised to the construction of one dwelling.

Main Issues:

- (a) Residential development outside a development boundary
- (b) Impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty
- (c) Design of the dwelling/impact on the setting of Listed Buildings
- (d) Highway safety
- (e) Impact on neighbours
- (f) Archaeology

Reasons for Referral:

The applicant's daughter is Cllr Jenny Forde, the Ward Member for Chedworth and Churn Valley.

1. Site Description:

The Malt House is a detached dwelling located in Perrotts Brook, which is a small hamlet in the Parish of Bagendon, within the Cotswolds Area of Outstanding Natural Beauty (AONB). The application site comprises a section of the garden of The Malt House on which the applicant proposes to construct a dwelling. The site is located on the corner of the intersection between Cutham Lane (from which the site would be accessed) and the Welsh Way.

The Malt House is located in Perrotts Brook, which is approximately 4 km north of Cirencester. The site forms part of a cluster of eight detached dwellings, a set of small light industrial units and a former pub (the Bear Inn), which is now a shop that sells antiques (Hares Antiques). The antique shop and Briarfurlong Cottage are both listed Grade II and are situated immediately to the east and west of the application site respectively.

The site also contains Malt House Cottage, which was historically an outbuilding used in association with the Bear Inn but it is now an ancillary outbuilding of The Malt House and, since 2008, has had planning permission to be used as a holiday let.

2. Relevant Planning History:

08/00961/FUL: Proposed alterations and extensions to outbuilding of former Bear Inn to provide annex/holiday accommodation. Permitted, June 2008.

3. Planning Policies:

NPPF National Planning Policy Framework
LPR19 Develop outside Development Boundaries
LPR38 Accessibility to & within New Develop
LPR46 Privacy & Gardens in Residential Deve
LPR42 Cotswold Design Code
LPR45 Landscaping in New Development

4. Observations of Consultees:

Gloucestershire County Council Archaeologist (response dated 19 April 2017):

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In accordance with the NPPF, paragraph 128, I recommend that in advance of the determination of this planning application the applicant should provide the results of a programme of archaeological assessment and evaluation which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development.

Conservation Officer:

No objection to the revised scheme for one dwelling.

5. View of Parish Council:

No response.

6. Other Representations:

17 letters of objection have been received from local residents in response to the initial consultation for three dwellings. They have raised concerns with the following issues:

- overdevelopment/ housing density
- highway safety/ visibility
- design
- overlooking
- archaeology

Two letters of support have also been received.

7. Applicant's Supporting Information:

Design and Access Statement Planning Statement

8. Officer's Assessment:

Proposed Development

This application seeks planning permission to erect one dwelling in the garden of The Malt House, thereby subdividing the existing planning unit into two residential planning units. The initial proposal was for the erection of three dwellings but the applicant has since revised the application down to one dwelling.

(a) Residential Development Outside a Development Boundary

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 C1Users\Duffp\Appdata\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook19T99IPDUULY 2017 SCHEDULE.Rtf

Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The starting point for the determination of an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2001-2011.

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The application site is located outside a Development Boundary as designated in the aforementioned Local Plan. Development on the site is therefore primarily subject to Policy 19: Development Outside Development Boundaries of the current Local Plan. Criterion (a) of Policy 19 has a general presumption against the erection of new build open market housing (other than that which would help to meet the social and economic needs of those living in rural areas) in locations outside designated Development Boundaries. The provision of the open market dwellings proposed in this instance would therefore typically contravene the guidelines set out in Policy 19. Notwithstanding this, 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'. 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' worth of housing. It also advises that an additional buffer of 5% or 20% should be added to the five year supply 'to ensure choice and competition in the market for land'. In instances when the Council cannot demonstrate a five year supply of deliverable housing sites Paragraph 49 states that the 'relevant policies for the supply of housing should not be considered up-to-date'.

In instances where the development plan is absent, silent or relevant policies are out-of-date the Council has to have regard to Paragraph 14 of the NPPF which 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.'

In the case of sites located within the Cotswolds Area of Outstanding Natural Beauty the second bullet point above is applicable by virtue of Footnote 9 accompanying Paragraph 14.

With regard to housing land supply, the last annual 5 year land supply review dates from May 2016. The review stated that the Council could demonstrate a 7.54 year of deliverable housing land at that time. More recently, the availability of housing land was considered during the Public Inquiry in respect of a proposal for up to 69 dwellings on land off Berry Hill Crescent, Cirencester (Appeal Ref APP/F1610/W/16/31441133 CDC Ref 15/03539/OUT). The Planning Inspector and Appellant did not contest the 7.54 year figure and the appeal decision issued in September 2016 confirmed that the Council could demonstrate the requisite 5 year supply of housing land. In addition, in December 2016 a review of the Objectively Assessed Need (OAN) for housing in Cotswold District was issued. The review assessed potential future housing needs for the District

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In light of the above, it is considered that the Council can demonstrate a robust 5 year supply of deliverable housing land in accordance with Paragraph 49 of the NPPF. Policy 19 is therefore considered not to be automatically out of date when assessed Paragraph 49 of the NPPF. However, in the case of recent appeal decisions relating to the erection of 90 dwellings on Land to the east of Broad Marston Road, Mickleton (APP/F1610/A/14/2228762, CDC Ref 14/02365/OUT) and for up to 71 dwellings on land to the south of Collin Lane, Willersey (APP/F1610/W/15/3121622, CDC Ref 14/04854/OUT) Planning Inspectors have considered that Policy 19 is 'out of date' by virtue of the fact that the policy was 'time-expired, conforms to a superseded strategy, fails to reflect the advice in the Framework (NPPF) in severely restricting rather than significantly boosting the supply of housing and conflicts with the emerging strategy'. In light of the aforementioned appeal decisions it is considered that little or no weight can be given to Policy 19 at the present time. Consequently, an application for new residential development should be assessed on its individual merits having regard to the planning balance whereby the impacts and benefits of the proposal would be weighed against one another.

In addition to the above, it must also be noted that, even if the Council can demonstrate the requisite minimum supply of housing land, it does not in itself mean that proposals for residential development outside existing Development Boundaries should be refused automatically. The 5 year (plus 5%) figure is a minimum, not a maximum, and, as such, the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. As a result, there will continue to be a need to release suitable sites outside Development Boundaries identified in the current Local Plan for residential development. If such sites are not released, the Council's housing land supply will soon fall back into deficit. It is considered that the need to release such sites represents a material consideration that must be taken fully into account during the decision making process.

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. These issues will be looked at in more detail in the following sections.

In terms of the sustainability of the location, Perrotts Brook is a small settlement that is not wellserved by day-to-day services and facilities. For this reason, it was not one of the principal settlements in the existing Local Plan and it has not been included as one of the principal settlements in the emerging Local Plan either. Therefore, housing development in significant numbers and/or high density is unlikely to be supported in Perrotts Brook. Nevertheless, having regard to the policies within the NPPF, it is proper that consideration is given to small-scale residential development on the merits of each individual case.

The site is close to the main Cheltenham-Cirencester (A417) road and there is a regular bus service connecting the site to both of these towns via the A435. The bus stops are within 100m of the application site. The first stop when heading north towards Cheltenham is North Cerney, where there is a pub (Bathurst Arms) and a primary school. There are also some local businesses in neighbouring villages such as Rendcomb and Woodmancote, which are a potential source of employment and/or custom for occupiers of the proposed dwelling. NPPF paragraph 55 states that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'. The proposal for one dwelling in this location is considered to be consistent with this advice.

In January 2016 the High Court upheld an Inspector's decision to allow the change of use of part of a garden at a dwelling in the Kent green belt to a gypsy site, ruling that the site fell within the official definition of previously developed (brownfield) land as defined in the NPPF (Dartford Borough Council v Secretary of State for Communities and Local Government). The NPPF definition of brownfield land excludes 'land in built-up areas such as private residential gardens'. Deputy Judge Charles George QC rejected the challenge on all grounds. He agreed that the NPPF is clear in stating that private residential gardens within built-up areas are excluded from the definition of previously developed land. However, because the site lay in the countryside, he found that it was not caught by this definition, so the Inspector in this particular case had been correct in concluding that the land could be classed as previously developed.

The application site, like the one in the High Court decision, is also considered not to be in a builtup area. Perrotts Brook is a small hamlet that was not deemed to have the necessary infrastructure or services to be considered a principal settlement in the emerging Local Plan. Therefore, having regard to the High Court decision, the proposal is judged to be a form of brownfield development and one of the core planning principles outlined in paragraph 17 of the NPPF seeks to 'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'. The site is located within the Cotswolds AONB and an assessment of the proposal's impact on the character and appearance of the AONB is undertaken in the following section of this report. Nevertheless, the site is deemed to be previously developed land, which weighs in favour of the proposed development.

The provision of one dwelling at this site is not considered to be materially significant to the sustainability of the village and when considered in the context of the characteristics of this particular site. The principle of new-build residential development to provide one additional dwelling in the garden of an existing dwelling is therefore capable of support, having regard to the relevant NPPF policies, particularly in providing some (albeit modest) benefit to the need to provide a continuous housing land supply. However, there are other issues to consider, which are assessed in the following sections of this report.

(b) Impact on the Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty

The site forms part of a cluster of eight detached dwellings, a set of small light industrial units and a former pub. There are a further 28 dwellings located over 250m to the south of the site on Cutham Lane which comprise the rest of Perrotts Brook as a settlement. Perrotts Brook can be considered an unorthodox settlement insomuch as it is divided into two unequal parts. However, the grain of development in each part of the settlement is characterised by large detached dwellings, each with their own private gardens, which vary in size but are, in most cases, quite large and well-defined.

The application site comprises a section of the garden of The Malt House, which is on the corner of the intersection between Cutham Lane and the Welsh Way. There is a strong hedgerow forming the boundary between the existing curtilage of The Malt House and these two roads. The hedgerow would remain (and permission would be required to remove it in part or in its entirety) and new soft landscaping is proposed to delineate the boundary between The Malt House and the proposed dwelling which would be secured via condition.

The land is considered to be of high environmental value in the sense that it is within the AONB and it is part of the large garden of an existing dwelling that forms part of the character of the dwellings in Perrotts Brook. However, this in itself is considered not to be a reason to prevent development within a garden. NPPF paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in AONBs'.

The distances between the dwellings in the cluster of eight vary but for the dwellings in the immediate vicinity the separation distances are typically between 20-30m. Briarfurlong Cottage (Grade II listed) is 20m north of Briarfurlong House, which in turn is 19m to the north of Little Maltings. The proposed dwelling would be located 21m to the east of Briarfurlong Cottage and 15m from The Maltings. The distance between the proposed dwelling and those that would surround it is considered to be consistent with the existing pattern of development and, for this

reason, it would be deemed not harmful to the character and appearance of the settlement and this part of the AONB.

One of the main reasons for revising the scheme from three dwellings down to one was that three dwellings (in the form of one detached and two semi-detached) was considered by the Case Officer, and indeed local residents, to be in conflict with the pattern of development in the locality and ultimately harmful to the AONB. However, the revised proposal for one dwelling addresses these concerns because it can conform to the existing character of the locality by benefitting from a private rear garden that is well-defined like its neighbours, while not unduly compromising the garden and general character of The Malt House.

It is considered that the size, scale and location of the proposed development is appropriate for its surroundings in this particular case and it would not harm the landscape and scenic beauty within this part of the AONB, pursuant to the guidance contained within NPPF paragraph 115.

(c) Design of the Dwelling/ Impact on the Setting of Listed Buildings

The proposed dwelling would be constructed over two storeys and would have four bedrooms. The dwelling would conform to the Cotswold vernacular in terms of its materials, which would consist of rubble Cotswold stone walls, a blue slate roof and timber windows and doors. The form of the building is also considered to be a good interpretation of the Cotswold vernacular, with a symmetrical principal elevation containing three dormer windows and a central porch. The dwelling also features a rear projecting wing and an internalised chimney breast that are typical of Cotswold vernacular dwellings.

Hares Antiques and Briarfurlong Cottage are both listed Grade II and are situated immediately to the east and west of the application site respectively. The Council as Local Planning Authority has a statutory duty to preserve the setting of these Listed Buildings. The proposed dwelling would be located 21m to the east of Briarfurlong Cottage on the opposite side of Cutham Lane and 45m to the west of Hares Antiques, which is on the opposite side of the Welsh Way. It is considered that the separation distances and the roads that separate the Listed Buildings from the proposed dwelling contribute to maintaining their legibility in the street scene. Hares Antiques enjoys a prominent location adjacent to the A435, which would not be affected by the proposed development. Briarfurlong Cottage is a dwelling on the other side of Cutham Lane with its own strongly defined curtilage so it is considered that its setting would not be negatively affected either.

The design of the proposed dwelling and the impact of the proposed development on the historic environment in Perrotts Brook are considered to be acceptable when assessed against Cotswold District Local Plan Policy 42 and NPPF Sections 7 and 12.

(d) Highway Safety

The Malt House is accessed from Cutham Lane, which is a class 3 highway. The site benefits from a double driveway entrance from Cutham Lane with both entrances enclosed with a five-bar gate, however it would appear that only the right-hand entrance is currently used to serve both The Malt House and Malt House Cottage. The proposal would involve utilising the left-hand access to serve The Malt House and Malt House Cottage, with the right-hand entrance to be used to access the proposed dwelling.

Objections have been raised to the use of Cutham Lane as an access point to the site due to restricted site lines and traffic volumes. However, the proposed access is already in existence so no objection can be sustained to its continued use. It is considered that the additional traffic and vehicle movements generated by one dwelling would not have a materially detrimental impact on the local highway network. It is acknowledged that the Welsh Way and Cutham Lane can be busy at times, but this describes the status quo and it is considered that the proposed development would not exacerbate this situation to any significant degree.

NPPF paragraph 32 states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. It is considered that the proposed development of one dwelling would not result in a severe impact on the local highway network. The proposal is also considered to be compliant with Cotswold District Local Plan Policy 38: Accessibility to and within New Development in this regard.

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(e) Impact on Neighbours

Briarfurlong Cottage is the nearest neighbouring dwelling to the application site. The proposed dwelling would be located 21m from Briarfurlong Cottage on the opposite side of Cutham Lane. It is considered that this separation distance and the fact that the two sites are separated by a road would be sufficient to minimise any impact on neighbouring residents in terms of light restriction and privacy loss.

The Malt House would be located 15m to the north-east of the proposed dwelling. Although the two dwellings would be in the same ownership for the immediate future, it is necessary to assess the proximity of the two dwellings as it is likely that they will be owned and occupied individually in the future. The principal elevation of the proposed dwelling would face north towards a portion of the rear garden of The Malt House. The two dwellings would be positioned diagonally to each other which reduces the impact in terms of overlooking and privacy loss. Each dwelling would be able to retain its own privacy and the proposed dwelling would benefit from a private rear garden in excess of 250 sq.m. It is considered that a good standard of amenity can be maintained for existing and future occupants of both The Malt House and the proposed dwelling, which is in accordance with the guidance outlined in NPPF paragraph 17 (point 4) and Cotswold District Local Plan Policy 46.

(f) Archaeology

The site is located within 50m of a Scheduled Ancient Monument (SAM), which comprises a complex known as 'Bagendon oppidum' - a series of prehistoric dykes. For this reason, the Archaeologist at Gloucestershire County Council has recommended that the applicant should provide the results of a programme of archaeological assessment and evaluation that describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development. At the time of writing a programme of archaeological assessment has yet to be received.

9. Conclusion:

The principle of subdividing an existing dwelling with a large garden to create two residential planning units and erect a new dwelling is accepted in this particular situation, despite being contrary to the local development plan, which is now time-expired. The design of the dwelling conforms to the Cotswold vernacular and it would not harm the setting of nearby Listed Buildings. The proposal is also in keeping with the pattern of development in the settlement and it is deemed not to be harmful to the scenic beauty in this part of the AONB. The proposed vehicular access point is already in existence and one new dwelling would not have a severe impact on the local highway network. The residential amenity of existing and future occupants of the proposed dwelling and existing dwellings in the vicinity can be maintained.

Consequently, the proposal is recommended for approval pursuant to the guidance outlined in the National Planning Policy Framework and Cotswold District Local Plan Policies 19, 38, 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. C:Users\Duffp\Appdata\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\19799IPD\ULY 2017 SCHEDULE.Rtf The development hereby approved shall be implemented in accordance with the following drawing number(s): .

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

Prior to the 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 Policy 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 Policy 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

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

Prior to the first occupation of the development hereby permitted, the windows and doors shall be finished in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

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

The new rooflight shall be of a design which, when installed, shall not project forward of the roof slope in which it is located and shall be permanently retained as such thereafter.

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

New rainwater goods shall be of cast iron construction or a substitute which has been approved in writing by the Local Planning Authority and shall be permanently retained as such thereafter.

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

No windows or dormer windows shall be installed 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 Policy 42.

No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the submission of the findings, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that items of archaeological interest are properly recorded. Such items would potentially be lost if development was commenced prior to the implementation of a programme of archaeological work. It is therefore important that such a programme is agreed prior to the commencement of development.

Before the development is occupied or brought into use the boundary treatment of the site, including a timetable for its implementation, shall be agreed in writing with the Local Planning Authority. The boundary treatment shall then be completed and permanently maintained thereafter in accordance with the approved details.

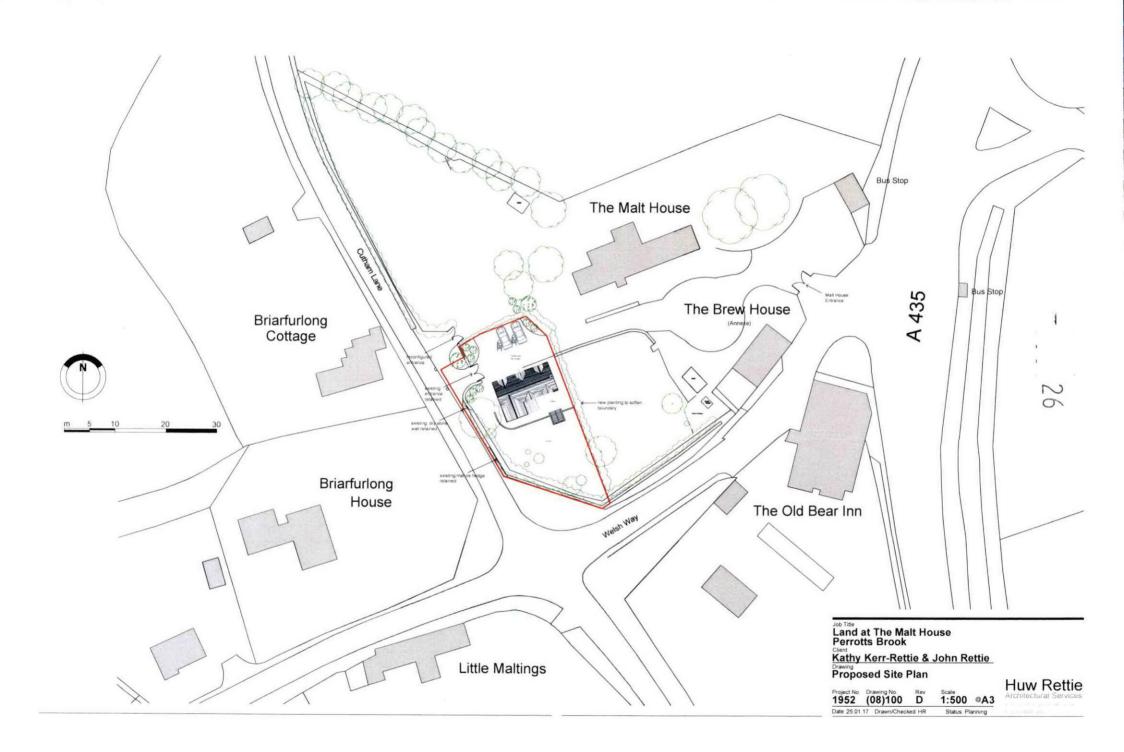
Reason: The boundary features will be important in screening the site and helping the development to blend in with its surroundings. This condition is imposed in accordance with Cotswold District Local Plan Polices 10 and 45.

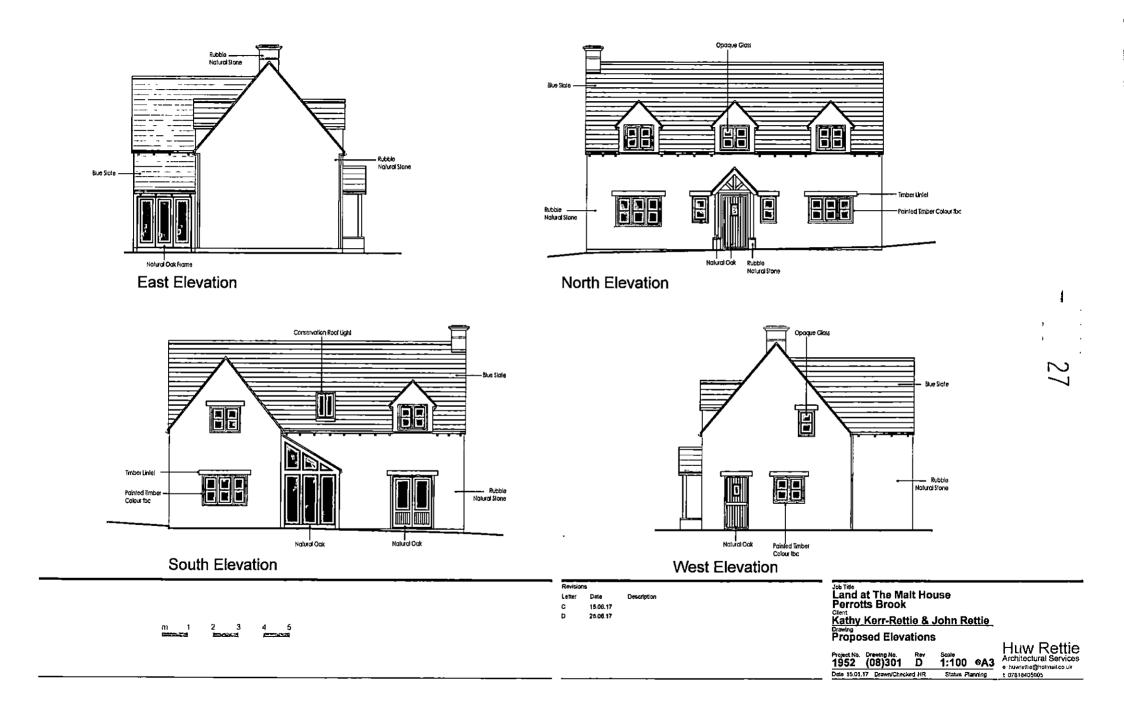
The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

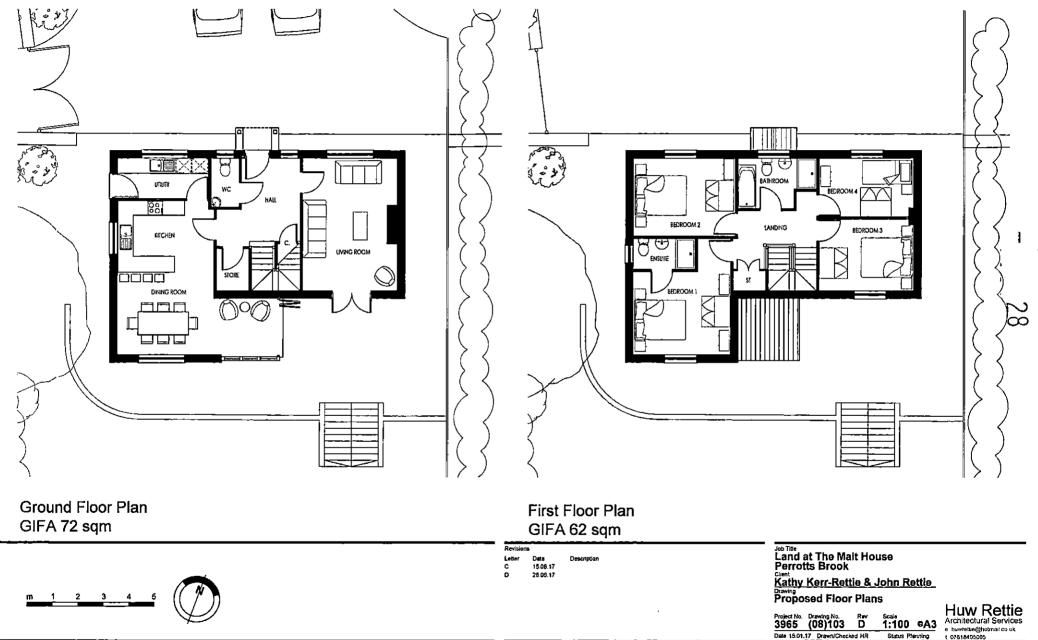
Reason: In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy 39.



COTSWOLD DISTRICT COUNCIL NORTH







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