

Item No 09:-

17/02263/FUL

**Land Adjacent To Little Court
Essex Place
Bourton-On-The-Water
Cheltenham
Gloucestershire
GL54 2HL**

Proposed development consisting of two detached four bedroom houses at Land Adjacent To Little Court Essex Place Bourton-On-The-Water Cheltenham Gloucestershire GL54 2HL

Full Application 17/02263/FUL	
Applicant:	Mr W Down
Agent:	Studio 27 Architects
Case Officer:	Joe Seymour
Ward Member(s):	Councillor Len Wilkins
Committee Date:	13th September 2017
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of Development Outside of a Development Boundary
- (b) Impact on the Character and Appearance of the AONB
- (c) Highway Safety
- (d) Design
- (e) Impact on neighbouring living conditions
- (f) Other Matters

Reasons for Referral:

Cllr Len Wilkins: *"I wish to refer this application [to the planning committee] on the following grounds:*

- Road Safety regarding the Furrows
- Loss of general amenity and over development for the residents of Essex Place and the Furrows
- Lack of transparency over road maintenance.

1. Site Description:

The site consists of a parcel of land within the curtilage of a dwelling known as Little Court in Bourton-on-the-Water. The site has an area of approximately 25m x 35m and it is located at the end of a cul-de-sac called Essex Way, which contains five dwellings including Little Court.

The site comprises amenity space associated with Little Court and currently contains disused stable outbuildings. There are some mature conifers on the northern boundary and some further vegetation on the eastern and western boundaries of the site.

The application site is located outside of the village of Bourton-on-the-water and outside of the defined development boundary but immediately adjacent to a new housing development for 100 dwellings currently under construction. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2. Relevant Planning History:

Little Court

08/02737/FUL: 2 storey extensions and alterations to property. Permitted, October 2008.

Land Parcel Off Station Road

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12/03616/OUT: Residential development (up to 100 dwellings) including infrastructure, garaging, open space and landscaping; demolition of existing buildings and construction of a new vehicular access off Station Road. Refused, October 2012; Allowed on Appeal in January 2014.

14/02923/REM: Reserved Matters application pursuant to Application No. 12/03616/OUT for the erection of 100 dwellings to approve details of layout, scale, appearance and landscaping. Permitted, December 2014.

Former Riding Centre, Essex Place

15/04455/OUT: Residential development for up to 6 dwellings. Permitted, July 2016.

16/04541/REM: Approval of the appearance of the proposed buildings, the layout of the site, access to and within the site, the scale of the proposed buildings and the landscaping of the site. Permitted, March 2017

3. Planning Policies:

NPPF National Planning Policy Framework
LPR09 Biodiversity, Geology and Geomorphology
LPR19 Develop outside Development Boundaries
LPR38 Accessibility to & within New Develop
LPR42 Cotswold Design Code
LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

N/A

5. View of Parish Council:

Bourton-on-the-Water Parish Council made comments neither objecting to, nor supporting the planning application:

The Council understands that the road surface in the cul-de-sac approach road in Honeystones development will not be part of the development roads which will subsequently be adopted by GCC Highways following completion of construction. It's also understood that the cost of maintaining the road surface on the approach road to the proposed new dwellings will therefore remain the responsibility of some or all of the residents in Honeystones, and that these costs will be paid by way of charges levied by the management company. In this event, residents in the new dwellings who will access their properties across this section of road should also share this maintenance responsibility. The Council would seek clarification and resolution of this issue before any planning decision is made.

6. Other Representations:

22 letters of objection have been received raising concerns with regard to the following issues:

- Highway safety
- Noise and disturbance of construction vehicles
- Overdevelopment of the site
- Management fee
- Ecology and impact on wildlife
- Light restriction, overlooking and loss of general amenity
- The proposal does not accord with the provisions of the development plan in force in the area in which the application site is located

7. Applicant's Supporting Information:

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Design and Access Statement
Preliminary Ecological Appraisal

8. Officer's Assessment:

(a) Principle of Development Outside of 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 Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." The starting point for the determination of this application is therefore the current development plan for the District which is the Cotswold District Local Plan 2001-2011 ("existing Local Plan").

The site in question is located outside of a Development Boundary as designated in the existing Local Plan. Development on the site is therefore primarily subject to Policy 19: Development Outside Development Boundaries. When taken at face value, the proposal conflicts with Policy 19; a planning application for two dwellings at this site is deemed a departure from the existing Local Plan and would ordinarily be recommended for refusal. This is because 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, e.g. an agricultural worker's dwelling).

However, recent appeal decisions have confirmed that Policy 19 has been declared out-of-date because of its lack of consistency with the NPPF - a material consideration in planning decisions - which seeks to boost housing supply in sustainable locations. The approach of Policy 19 is too binary because it totally restricts new open-market housing in locations outside of development boundaries which, in some cases, are sustainable locations for new dwellings to be built. The application site is considered to be an example of such a location because it lies outside of the existing development boundary for Bourton-on-the-Water, yet a range of services and amenities including smaller shops, a supermarket, pubs, schools, doctor's surgery and employment opportunities can be accessed without the reliance on private cars. Bourton-on-the-Water also benefits from a bus service allowing sustainable travel to other service centres such as Cirencester, Stow-on-the-Wold and Cheltenham.

The high level of service provision and relatively high levels of self-containment that Bourton-on-the-Water benefits from are the reasons why it was included as one of the 17 Principal Settlements in the emerging Local Plan 2011-2031 ("eLP") that can accommodate an increase in housing. It also formed part of the decision-making process for the Inspector that allowed the appeal for 100 dwellings at the land off Station Road (ref: 12/03616/OUT) which adjoins the application site. At the time of writing (August 2017), the construction of the 100-unit scheme is approaching the final stages of completion with most of the dwellings now occupied.

The eLP was submitted to the Planning Inspectorate in July 2017 with its examination in public due to take place in October/November 2017. The policies within the eLP do not carry full weight at the present time because they have not yet been independently assessed by the Planning Inspectorate, but they are an indication of the direction of travel of how planning applications will be assessed until the end of the eLP period in the year 2031.

The application site is located within the eLP's proposed development boundary for Bourton-on-the-Water. The eLP Policy DS2: Development Within Development Boundaries supports the principle of new housing within development boundaries similar to the way the equivalent Policy 18 of the existing Local Plan does.

Concluding on this issue, the principle of erecting two dwellings at the site is considered to be sound. The proposal represents a departure from the existing Local Plan, but Policy 19 of this Plan has been proven to be inconsistent with the NPPF, the Local Plan is now time-expired and its housing strategy is out-of-date. The fact that the proposal aligns with both the NPPF's aim to boost housing numbers in sustainable locations and the Council's emerging Local Plan outweighs the provisions of the existing Local Plan. However, there are other material considerations to take into account, which are discussed below.

(b) Impact on the Character and Appearance of the AONB

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). NPPF paragraph 115 states that great weight should be given to conserving landscape and scenic beauty of the AONB.

NPPF paragraph 116 states that planning permission for major development in an AONB should be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. The Council maintains that the proposal for two dwellings does not constitute major development in the context of the 100 dwellings recently permitted adjacent to the site and when compared to the size and population of Bourton-on-the-Water as a whole.

The Inspector for the appeal that allowed 100 dwellings at the adjoining site concluded that, "the development would not cause any significant harm to the aim of conserving and enhancing the AONB's landscape or natural beauty". This conclusion was reached because a number of factors, including the proximity to the A429, the relative lack of public views from public footpaths and the semi-urban context of the site which is on the edge of an existing settlement.

The proposed development for two dwellings would be viewed in the context of other residential development on all of its boundaries. The houses of Essex Place are located to the north-west and south-west of the site, the former riding centre is located to the north-east which is being redeveloped into six dwellings and the 100-unit scheme nearing completion is located to the south-east of the site. The site is currently occupied by dilapidated outbuildings.

In this context, it is considered that the proposal would not cause any demonstrable harm to the character and appearance of the AONB. The proposal is therefore deemed to be compliant with the relevant guidance within the NPPF.

(c) Highway Safety

NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposed dwelling would be located within the curtilage of Little Court, a dwelling on Essex Place, but the proposed vehicular access would be from a cul-de-sac section of 'The Furrows' which forms part of the 100-dwelling development that is nearing completion. The two dwellings would face south-east towards numbers 100, 102 and 104 of The Furrows so in this respect the proposed development could be considered as an extension of the 100-unit scheme.

The Inspector for the 12/03616/OUT application assessed the traffic impacts and highway safety in relation to 100 additional dwellings and concluded that the development would be acceptable. He acknowledged that whilst trip generation as a whole for Bourton-on-the-Water would increase by the virtue of more dwellings and therefore an increase in Bourton's population. However, the sustainable location, the ability to access a wide range of day-to-day services without using private cars in addition to the Travel Plan aimed towards encouraging public transport combined to ensure that the local highway network would not be severely affected.

It is considered that two additional dwellings in this location are likely to create a daily number of vehicle movements that is in single figures. It is acknowledged that the exact number of daily vehicle movements is difficult to prove, but it is reasonable to deduce that the total number

created by two additional dwellings is unlikely to make a material difference to the number of daily vehicle movements generated by the existing 100 dwellings adjacent to the site which is served by the same road network. On that basis, the residual cumulative impacts of development are considered not to be severe in relation to the guidance in NPPF paragraph 32.

The relevant criteria outlined in Local Plan Policy 38: Accessibility to and within New Development states that: "vehicular access to the site of an appropriate standard shall be provided in a manner that has no unacceptably adverse effect on the function of the highway from which access is gained". The proposed access would be at the end of the cul-de-sac where an area of hardstanding and a dropped kerb is already in place. The dropped kerb is primarily in place to provide access to the garage for number 104 The Furrows but it has been enlarged, presumably in anticipation of the proposed development. The applicant has stated that they have obtained permission from Linden Homes to access the site via The Furrows. The proposed access for the two dwellings would not affect the existing highway network or any other driveways on the new housing estate.

There may be some short-term disruption during the construction of the two dwellings from construction vehicles, but in the long-term it is considered that the traffic arising from the development would not have an unacceptably detrimental effect on the highway network in respect of the movement of traffic and road safety, or on the living conditions of residents in the surrounding area by reason of noise, vibration or reduced amenity.

In addition to objections that have been received regarding the impact the proposal would have on the highway network and traffic conditions, local residents, in particular new residents of The Furrows, have raised concerns about the safety of pedestrians. For example, children playing in the street being at risk from vehicles entering and exiting the site was raised as a concern. Another objection related to vehicles exceeding the speed limit when travelling through the new housing development.

In response to these concerns, they are considered to be hypothetical situations that could easily occur at one of the 100 new dwellings at the adjacent site, or indeed at any other residential area. These concerns are not specific to the site in question. There is no evidence to suggest that two additional houses would exacerbate or increase the likelihood of these instances from occurring, therefore they attribute little weight in the planning balance.

Concluding on this issue, the cumulative impact of an addition of two dwellings on land adjacent to an estate of 100 dwellings is considered not to have a detrimental or severe impact on the highway network. Thus, the proposal is considered to be in accordance with NPPF paragraph 32 and Local Plan Policy 38.

(d) Design

The two dwellings have been designed to replicate the size, scale and design of the recently constructed dwellings at The Furrows. The two detached dwellings would be located side-by-side facing south east onto the end of The Furrows cul-de-sac. The dwellings would be a mirror image of each other with a projecting front gable and bay window on the principal elevation, a detached double garage on the hardstanding in front and single storey wings projecting from their rear elevations.

Both dwellings would have a depth of 8 metres with the front gables projecting 1 metre and the single storey wings projecting 3 metres. The dwellings would be 12 metres in width and 9 metres in height. These dimensions are consistent with the size and scale of the other dwellings on The Furrows.

The dwellings would be constructed with stone for the walls and roofs and hardwood windows with stone lintels. The detached garages would also be stone with vertically boarded timber doors. The stone chimneys have now been internalised at the request of the case officer which is welcomed.

112
1382

It is considered that the design of the two dwellings conforms to the Cotswold Design Code in terms of the size and scale of the development, the proposed materials and the harmony it would have with the existing street scene. The removal of dilapidated and unused outbuildings and the subsequent use of the space for two dwellings would result in an improvement to the appearance of the street scene and it is also a social benefit by providing a modest contribution to the district's housing stock.

(e) Impact on neighbouring living conditions

Each dwelling would benefit from a rear garden that is 8 metres in length measured from the main rear elevation (excluding the single storey rear wing) and 16 metres in width. There would also be a 4-metre space from the side elevation to the boundary of the site for each dwelling. This is considered to be sufficient private amenity space for each dwelling, which is consistent with other dwellings in the area.

There would be a 19-metre separation distance between the main rear elevation of each dwelling and 'Sun's Eye', which is the closest neighbouring dwelling to the site on Essex Place. The proposed positioning of the dwellings means that their rear elevations would face north-west towards the south-east side elevation of Sun's Eye.

This relationship is considered to be acceptable in terms of maintaining appropriate living conditions for all existing and future residents. This is because the distance between the dwellings is great enough to ensure light restriction and overlooking would not be prevalent, as required by Local Plan Policy 46 and paragraph 17 (point 4) of the NPPF.

(f) Other Matters

Some concerns were raised regarding the loss of habitat for protected species that would result from the proposed development. The Inspector for the 12/03616/OUT application noted that "although the existing habitat is of some significance, it has no formal designation as such in policy terms." The Ecological Appraisal submitted with the application concluded: "*The site's habitats were found to be of no ecological significance. Presence of locally significant breeding populations of house sparrow and swallow were identified.*" The dwellings have been designed to house bird boxes in the roof space of the main dwellings and the detached garages to mitigate the loss of habitat for the sparrows and swallows, as per the recommendations of the Ecological Appraisal. The application will be conditioned so that the recommendations of the Ecological Appraisal are incorporated into the proposed development.

Some residents have requested, if the proposal is permitted, that the occupants of the new dwellings should be made to pay the same management fees that Linden Homes charge them for the upkeep of the public spaces within the new development. It is understood that Linden Homes have allowed the applicant access over their site to facilitate the proposed vehicular access, but whether the occupants would be required to pay the same management fees is a decision for Linden Homes and it is not something that the Council can request.

9. Conclusion:

The proposed development is recommended for approval, subject to the following conditions.

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 numbers: 100 P3, 101 P2, 110 P3, 111 P2 and 130 P2.

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

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

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.

All garage doors shall be of vertical boarded timber 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.

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.

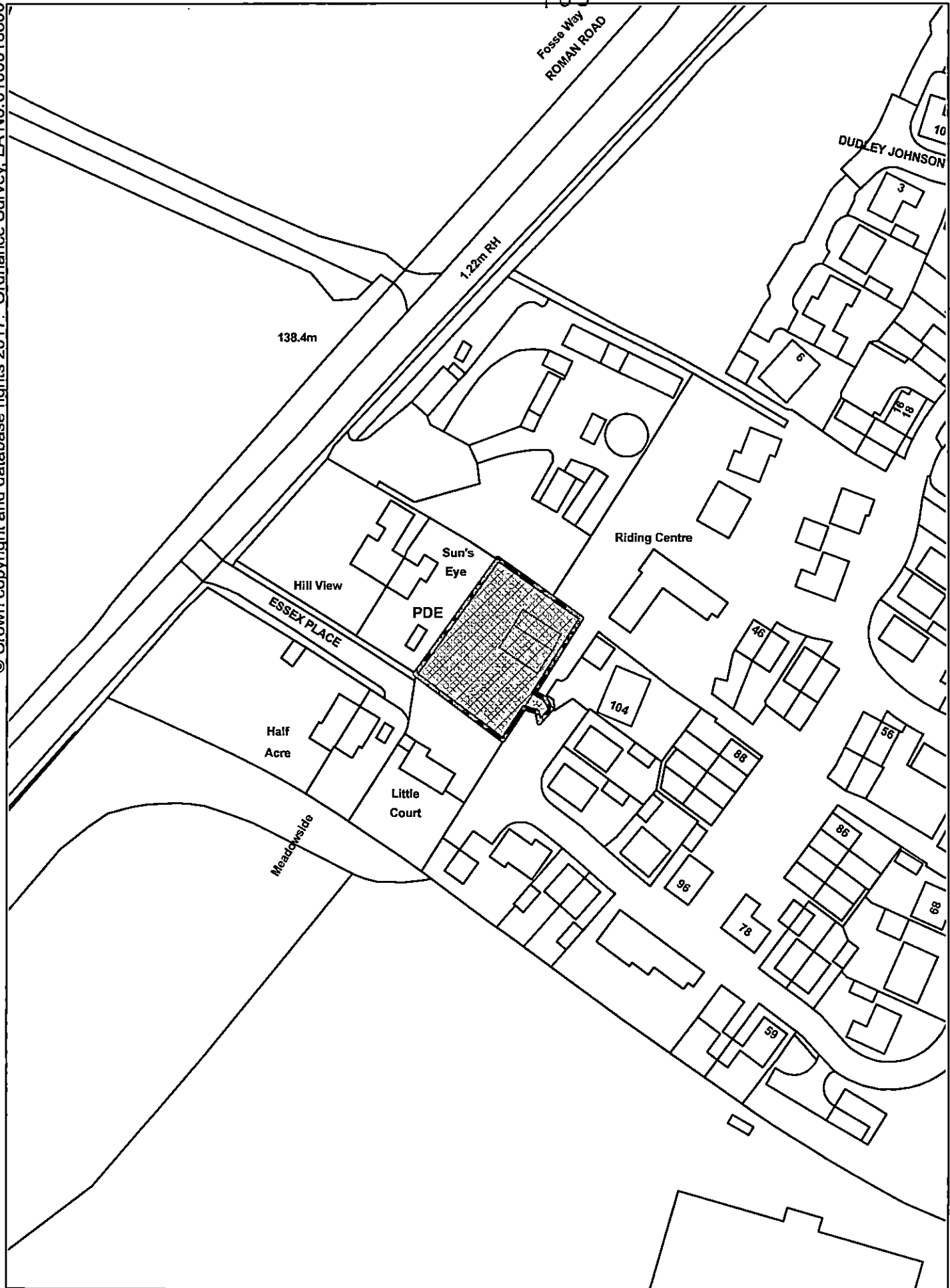
The development hereby approved shall be completed fully in accordance with the ecological recommendations laid out in the consultancy report written by Stewart Rampling BSc (Hons) MCIEEM of Countryside Consultants Ltd. on 23/05/17. All of the recommendations shall be implemented in full prior to the development being brought into use. Works undertaken shall be retained in accordance with the details of the agreed report.

Reason: To ensure that bats are protected and their habitat enhanced. (All species of bats are protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2010.

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17/02263/FUL



COTSWOLD
DISTRICT COUNCIL

LAND ADJ TO LITTLE COURT BOURTON ON THE WATER

Organisation: Cotswold District Council

Department:

Date: 31/08/2017

Scale: 1:1250





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4. The Contractor is responsible for coordinating all aspects of the Works, including Sub-contractors Works.
5. All proprietary systems to be installed in strict accordance with the manufacturer's recommendations.
6. For ordnance survey coordinates and setting out refer to setting out drawings.
7. The Contractor is responsible for the design and detailing of all temporary works.
8. This drawing is to be read in conjunction with all other associated project documents including drawings, models, specifications, schedules and related consultant documents.

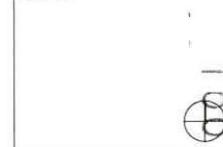
HEALTH & SAFETY INFORMATION

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Date	Rev	By	Details

24/05/2017	P1	MA	Issued for Planning
22/06/2017	P2	MA	Updated Location Plan
07/07/2017	P3	MA	Updated Chimney Design

LOCATION KEY



PLANNING



Bramgrove (Head Office)
The Studio, 27 Glemsgates Drive, Blackwell
Bramgrove, BR8 1BD
Tel: 0121 445 1849

Shipston-On-Stour
40 Church Street, Shipston-On-Stour, CV36 4AS
Tel: 01688 962 020
mail@studio27.org.uk

Project
Proposed Dwellings A1
Little Court, Barton on the Water GL54 2HL

Client
Mr W Down

Drawing Title
Location Plan

Date	Scale	Checked
07/07/2017	1:1000 @A3	

Project Ref.	Drawing No.	Revision
5571	100	P3



Access & turning heads within the red site line are to be maintained by the occupants

Access & turning heads within the green lines are to be shared between the occupants of the proposed development and the relevant occupants of the neighbouring housing development

NOTES:

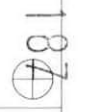
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Date	Rev	By	Details
24/05/2017	01	ML	Issued for Planning
07/07/2017	02	ML	Updated Drawing Design

LOCATION KEY



PLANNING

STUDIO 27
architects

Bromsgrove (Head Office)
The Studio, 27 Clemmings Drive, Blackwell,
Bromsgrove, B60 1BD
Tel: 0121 445 1844

Shipton-On-Slour
46 Church Street, Shipton-On-Slour, CV36 4AB
Tel: 01568 862 020
mail@studio27.org.uk

Project
Proposed Dwellings A1
Little Court, Bourton on the Water GL54 2HL

Client
Mr W Down

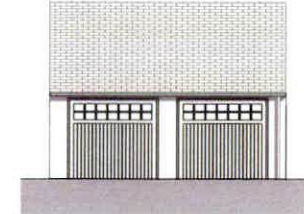
Drawing Title
Block Plan Proposed

Date	Scale	Checked
07/07/2017	1:200 @A2	

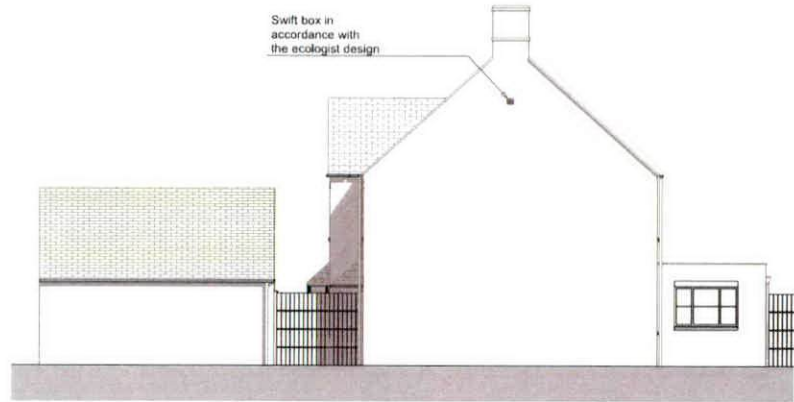
Project Ref.	Drawing No.	Revision
5571	101	P2



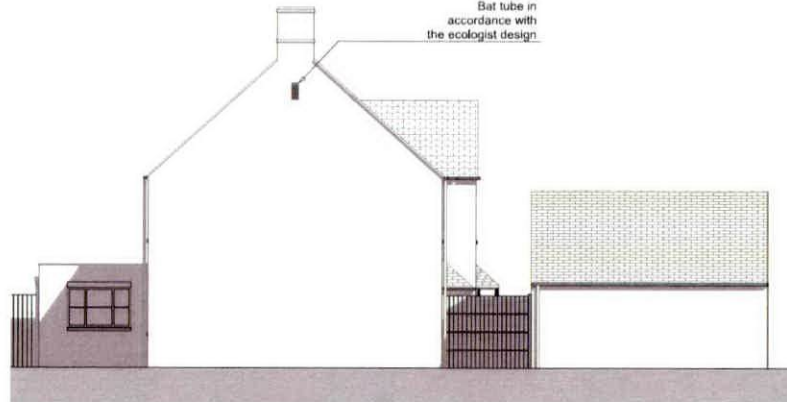
E-01 Elevation 1:100



E-05 Elevation 1:100



E-02 Elevation 1:100



E-03 Elevation 1:100



E-04 Elevation 1:100

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 7. The Contractor is responsible for the design and detailing of all temporary works.
 8. This drawing is to be read in conjunction with all other associated project documents including drawings, models, specifications, schedules and related consultants' documents.
- HEALTH & SAFETY INFORMATION
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Date	Rev	By	Details
24/02/2017	F1	ML	Amendments made following client's comments
27/07/2017	P2	ML	Updated Chimney Design

LOCATION KEY

PLANNING

STUDIO 27
architects

Bromsgrove (Head Office)
The Studio, 27 Glenavale Drive, Blackwell,
Bromsgrove, B60 1BD
Tel: 0121 445 1848

Shipton-On-Slour
40 Church Street, Shipton-On-Slour, CV36 4AS
Tel: 01608 962 020
mail@studio27.org.uk

Project
Proposed Cheddings A1
Little Court, Bourton on the Water GL54 2HL

Client
Mr W Down

Drawing Title
Elevations

Date	Scale	Checked
07/07/2017	1:100 @A2	

Project Ref.	Drawing No.	Revision
5571	130	P2

130