Item No 02:-

18/01407/FUL

The Kudos Garricks Head Andoversford Cheltenham Gloucestershire GL54 4LH

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Item No 02:-

Three residential units at The Kudos Garricks Head Andoversford Gloucestershire GL54 4LH

	Full Application 18/01407/FUL	
Applicant:	Mr James Deacon	
Agent:		
Case Officer:	Adrian Walker	
Ward Member(s):	Councillor Robin Hughes	
Committee Date:	12th September 2018	
RECOMMENDATION:	REFUSE	

Main Issues:

- (a) Principle of development
- (b) Design
- (c) Impact on the AONB
- (d) Residential Amenity
- (e) Highway Safety and Parking Provision
- (f) Biodiversity

Reasons for Referral:

Cllr Hughes requested the application to be heard at the Planning and Licensing Committee for the following reason;

The application has created a lot of interest/comment both in support and objecting to development on this site. Because of the new Local Plan favouring small scale development in villages, and with Andoversford already earmarked as a sustainable development area, I feel that this would benefit from being debated by the Planning and Licensing Committee.

1. Site Description:

The site forms part of the residential curtilage of the dwelling known as 'The Kudos' which was built in 2010 on the site of a former farm. The site is located approximately 450 metres to the south-west of Andoversford. The surrounding area consists of a small post-war housing development and other scattered detached units set within large plots. The site is enclosed by a high stone wall to the roadside and woodland to the north and east. The site is located within the Cotswold Area of Outstanding Natural Beauty (AONB).

2. Relevant Planning History:

05/00231/FUL: Demolition of dwelling and all buildings on site. Erection of two detached dwellings with garaging. Refused 18.05.2005

05/01944/FUL: Demolition of existing dwelling and all buildings on site and erection of replacement dwelling. Permitted 03.02.2006

06/01182/FUL: Demolition of existing dwelling and industrial units and the erection of two dwellings. Refused 07.09.2006

06/02767/FUL: Removal of condition 24 (demolition of existing dwelling) of permission CD.4120/R for the erection of a replacement dwelling. Refused 08.01.2007

07/02224/FUL: Demolition of existing dwelling, industrial units and hardstanding and erection of replacement dwelling. Refused 23.10.2007

07/03017/FUL: Demolition of existing dwelling and derelict farm buildings and erection of one new dwelling. Permitted 13.05.2008

09/03067/FUL: Retention of entrance gates, piers and associated walling. Permitted 26.10.2009

17/03351/CLEUD: Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 for the erection of a dwelling and the construction of ancillary accommodation. Use of land as residential curtilage. Permitted 22.11.2017

DS1 Development Strategy
DS3 Small-Scale Residential Development in Non-Principal Settlements
DS4 Open Market Housing Outside Principal And Non-Principal Settlements
EN1 Built, Natural and Historic Environment
EN2 Design of the Built and Natural Environment.
EN4 The Wider Natural and Historic Landscape
EN5 Cotswold Area of Outstanding Natural Beauty
EN8 Biodiversity and Geodiversity: Features Habitats and Species.
EN10 Historic Environment: Designated Heritage Assets
INF3 Sustainable Transport
INF4 Highway Safety
INF5 Parking Provision

3. Planning Policies:

NPPF National Planning Policy Framework

DS1 Development Strategy

DS3 Small-scale Res Dev non-Principal Settle

DS4 Open Market Housing o/s Principal/non-Pr

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswold AONB

EN8 Bio & Geo: Features Habitats & Species

EN10 HE: Designated Heritage Assets

INF3 Sustainable Transport

INF4 Highway Safety

INF5 Parking Provision

4. Observations of Consultees:

Landscape Officer: The Landscape Officer has raised objections to the application which have been incorporated in to the 'Officer's Assessment' of this report.

Forward Planning: The proposal is not considered to be located in a settlement for the purposes of Local Plan Policy DS3 (Small Scale Development in Non-Principal Settlements). We therefore consider the proposal to be an open market housing development outside a Principal and Non-Principal Settlement and therefore should be assessed against Policy DS4 (Open Market Housing Outside Principal And Non-Principal Settlements).

Tree Officer: No objection subject to conditions.

Conservation Officer: No objection subject to conditions. C:\Users\Duffp\Desktop\SEP 2018.Rtf Biodiversity Officer: No objection subject to conditions.

Environmental Health Contamination: No objection subject to conditions

GCC Highways Officer: No objection subject to conditions.

5. View of Town/Parish Council:

The Parish Council objects to the planning application on the grounds of overdevelopment.

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6. Other Representations:

Representations from 9 local residents have been received objecting to the planning application on the following grounds:

- Design
- Highways Access and Parking
- Impact on AONB
- Trees and Landscaping
- Lack of Affordable Housing
- Outside of Development Boundary
- Privacy, Light and Noise
- Biodiversity
- Impact on Public Right of Way
- Affordable housing

Representations 12 local residents have been received supporting the application on the following grounds:

- Design
- Trees and Landscaping
- Highways Access and Parking
- Compliance with Local Plan Policy DS3

7. Applicant's Supporting Information:

Planning Design Statement Design and Access Statement Tree Survey and Arboricultural Impact Assessment Biodiversity Survey and Report

8. Officer's Assessment:

(a) Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application therefore is the current development plan for the District which is the Cotswold District Local Plan 2011-2031 (Local Plan).

The Plan's development strategy seeks to promote sustainable patterns of development in the District and residential development in rural areas is directed to those locations where it will enhance or maintain the vitality of rural communities.

The site is located off Clock House Square, near the junction of that road and the A436 (Gloucester Road). It is approximately 450 metres outside the Andoversford (Principal Settlement) Development Boundary, as defined in the emerging Local Plan Policies Map. Although Gloucester Road has a footpath leading to Cook House Square, the distance between the proposed development and where services and facilities could be accessed is likely to encourage the use of private automobiles. For example, although Andoversford has a school within 800m walking distance of the development site, its other services and facilities are all greater than 800m walking distance. The site is also elevated above Andoversford and requires a moderate uphill journey on the return trip from the village, which reduces the walking accessibility. Andoversford is also one of the District's smaller Principal Settlements with a more limited range of services and facilities compared to most other Principal Settlements. It is therefore reasonable to assume that residents of the proposed development would likely need to travel further afield to serve their day to day needs.

Although the site neighbours a limited number of buildings that are in residential use, the proposal has limited accessibility to everyday services and facilities and it is not located within a rural settlement. Consequently, the proposal is not located in a settlement for the purposes of policy DS3 (Small-Scale Residential Development in Non-Principal Settlements). Officers therefore consider the proposal to be an open market housing development outside a Principal and Non-Principal Settlement. Development in such locations is covered by Policy DS4 (Open Market Housing Outside Development Boundaries and Non-Principal Settlements).

Policy DS4 states:

New-build open market housing will not be permitted outside Principal and Non-Principal Settlements unless it is in accordance with other policies that expressly deal with residential development in such locations.

The supporting text in the Local Plan accompanying Policy DS4 states:

6.4.2: The Local Plan's Development Strategy seeks to promote sustainability by focussing most growth in 17 Principal Settlements, notably Cirencester (Policy DS2), while facilitating small-scale residential development in non-Principal Settlements (Policy DS3). The Strategy facilitates sufficient development within Development Boundaries to meet, in full, the District's objectively assessed housing needs over the Plan period.

6.4.3: Besides the provisions of NPPF 55, which makes an exception for country houses that are truly outstanding or innovative, the Local Plan has policies that potentially allow for certain types of housing development in the countryside including:

- affordable housing on rural exceptions sites (Policy H3);
- housing for rural workers (Policy H5);
- accommodation for gypsies and travellers (Policy H7); and
- conversion of rural buildings (Policy EC6).

6.4.4: Policy DS4 is intended to preclude, in principle, the development of speculative new-build open market housing which, for strategic reasons, is not needed in the countryside. The policy does not, however preclude the development of some open market housing in rural locations; for example, dwellings resulting from the replacement or sub-division of existing dwellings, or housing created from the conversion of rural buildings. It would also not prevent alterations to, or extensions of, existing buildings.

6.4.5: For the purposes of Policy DS4, any land that falls outside Development Boundaries and Non-Principal Settlements is referred to as countryside, even if it is technically previously developed land.

Since the adoption of the Local Plan the NPPF has been updated and paragraph 79 replaces the former paragraph 55, whilst the wording has changed slightly the central theme remains the same.

The current proposal is for the erection of an open market dwelling in the open countryside in an area covered by Policy DS4. The current proposal does not fall within any of the special categories set out in Policy DS4. The proposal would therefore result in the introduction of speculative new build housing development in the open countryside without special justification. The Council can meet its housing requirements in the whole of the Local Plan period through sites within Development Boundaries and Non-Principal Settlements. The erection of further development in the open countryside would conflict with the Local Plan strategy and would not represent sustainable development. The proposal is therefore contrary to Policy DS4 of the Cotswold District Local Plan 2011-2031.

(b) Design

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states that, 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 127 of the NPPF ensures that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy EN2 of the Local Plan states that 'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.' The Cotswold Design Code (Appendix D within the Local Plan) requires that development should be environmentally sustainable and designed in a manner than respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

Paragraph D.29 of the Cotswold Design Code states that "original and innovative proposals that reinforce a sense of place and help raise the standard of design generally are welcomed."

Paragraph D.31 states that the massing and elevation of buildings of contemporary design should be broken, to avoid a brutal or monolithic appearance.

Paragraph D.32 advises that the use of local materials, especially stone, will help ensure that contemporary developments harmonise with their surroundings, although paragraph D.33 further C:\Users\Duffp\Desklop\SEP 2018.Rtf

states that the use of modern, non-local materials, can sometimes contribute towards the quality of a contemporary design.

The site of the current application is of little historical sensitivity, as there are no designated or non-designated heritage assets with close proximity. As such there is no conflict with Section 16 of the N.P.P.F. or local policies concerning the historic environment.

In terms of their design, the proposals have been the result of a degree of discussion, and they have evolved in response to these.

The proposed designs are overtly contemporary and comparatively innovative. The mass of the buildings is broken, and key elements are softened with curved elevations, creating visually interesting shapes, and with elements of green roof, to help soften them into their context. The reference to the local environment would come from extensive use of natural stone for the elevations, along with contrasting elements of timber that would be left to silver.

The layout of the houses is comparatively simple, with all the buildings aligned, rather than being randomly scattered in a piecemeal fashion. The proposed car ports would be simple, rather minimal and contemporary, stone-clad structures with grass roofs, which should soften into their context.

Consequently, solely in design terms the proposals, would neither conflict with Section 12 of the NPPF, nor with Policy EN2 of the Local Plan (and the integral Cotswold Design Code) however, the proposals have an impact on the ANOB which will be discussed in the following section of the report.

(c) Impact on AONB

The site is located within the Cotswolds 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.

Section 15 of the National Planning Policy Framework requires us to have regard to 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 EN4 the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.

Policy EN5 within the Local Plan states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

The new Design Code (Appendix D within the Local Plan) reinforces and expands upon these principles. D.9 states that development should respond to its context, and its specific landscape setting. D.17 states that excessive or uncharacteristic bulk should be avoided and that new buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting.

Public views would be available from Clock House Square road at the proposed access and it is likely that the top of the buildings would be seen above the existing stone wall. Furthermore, the

The application site and its surroundings fall within Landscape Character Type 7C High Wold: Cotswolds High Wold Plateau as defined in the Cotswolds AONB Conservation Board's Landscape Character Assessment. This assessment provides useful guidelines which relate to isolated development and expansion and infilling of settlements.

In landscape terms it is considered that the level of development proposed would have a negative urbanising impact for the following reasons:-

- The proposed development would infill a green gap which currently helps to reinforce the rural character of the hamlet.
- The built development would be situated close to the site boundaries with little room for mitigation.
- The density does not reflect existing development within the surrounding context.
- Local public views would be impacted.

As such the proposal would represent encroachment of residential development into a parcel of land which is situated within an isolated rural location. The proposal would cause harm to the character and appearance of the local rural landscape by virtue of the introduction of three dwellings, associated lighting, domestic paraphernalia and activities which would have a significant urbanising impact on the character and appearance of the landscape and would be visually prominent in public views. The proposal would fail to conserve or enhance the natural beauty of the AONB and would be contrary to NPPF paragraph 170 and 172; Cotswold District Local Plan 2011-2031 Policies EN2, EN4 and EN5.

(d) Residential Amenity

Section 12 of the NPPF seeks to achieve well-designed places. In part, paragraph 127 of the NPPF ensures that development create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy EN2 of the Local Plan supports development that accords with The Cotswold Design Code (Appendix D within the Local Plan). The Cotswold Design Code requires the interface between a new development and any existing adjacent properties to respect the amenity of existing residents and to ensure that the existing and new development are well integrated. The Design Code also requires new dwellings to be provided with appropriately sized private space such as gardens.

The closest residential dwelling to the site is Garrick House which boarders the north east of the application site. The proposed dwellings are considered to be located a sufficient distance away from the existing dwelling not to cause any issues regarding loss of privacy or daylight. The dwellings will all be provided with appropriately sized private gardens.

As such the proposal is not considered to result in harm to residential amenity accordance with Section 12 of the NPPF and the amenity considerations within Policy EN2 of the Local Plan.

(e) Highway Safety and Parking Provision

Section 9 of the NPPF advocates sustainable transport, including safe and suitable accesses to all sites for all people. However, it also makes it clear that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network are severe.

Local Plan Policy INF3 (Sustainable Transport) supports development that actively supports travel choices with priority to walking and cycling and access provided to public transport. Links

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with green infrastructure, PROWs and wider cycle networks should be provided. Development that would have a detrimental effect on the amenity of existing infrastructure will not be permitted.

Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted.

Local Plan Policy INF5 (Parking Provision) seeks to ensure sufficient parking provision to manage the local road network.

The application proposes two covered off street parking spaces for each dwelling as well as private driveways which could accommodate further vehicles. This is considered acceptable in relation to the size of the dwelling. The application also provides and turning area for cars to be able to exit in a forward gear and suitable visibility for access onto the country lane. Gloucestershire County Council as assessed the application and raised no objection to the proposed access.

As such, the proposal is considered to be in accordance with Policies ENF3, ENF4 and ENF5 of the Local Plan and Section 9 of the NPPF and is acceptable in regards to any highways and parking impacts.

(f) Biodiversity

Chapter 15 of the NPPF seeks to ensure development minimises the impact on and provided net gains for biodiversity.

Local Plan Policy EN8 supports development that conserves and enhances biodiversity and geodiversity, providing net gains where possible.

A Preliminary Ecological Appraisal dated 23rd July 2018 prepared by Willder Ecology (ref. Deacon/Pre Eco-App.doc) has been submitted with the application. The main ecological features of interest at the site are the woodland, semi-improved grassland (recently sown, 2013) and dry stone walls. The majority of the woodland and walls will be retained, but the grassland will be lost to the proposed new dwellings. The grassland has a high species richness, but it is well-maintained as a garden lawn (short cropped) and has limited ecological value because of this. To compensate for the loss of the grassland, the report recommends that the proposed green roofs on the new dwellings should comprise wildflower meadow habitat rather than the usual Sedum roof type. This is considered acceptable, as the technology behind green roofs has improved over the last few years and there are a lot more options available, including the creation of natural, wildflower meadow habitats. Full details of the green roofs would therefore need to be submitted as a condition is permission was forthcoming, e.g. as part of the comprehensive landscaping scheme (as recommended below).

Habitats to be created within the site include species-rich native hedgerows, wildlife ponds, wildflower meadows (around the ponds) and woodland edge planting, as well as the green roofs. It is also recommended that the woodland shelter belts to the north and western boundaries of the site should be managed to secure the removal of the non-native conifer tree species over a 50-year period. Works to remove some of the non-native conifers has already taken place with the removal of a Leyland cypress hedgerow. This has opened up part of the woodland shelter belt to more sunlight, which will encourage the growth of an understorey and ground flora (which are currently suppressed). The management and enhancement of the woodland would therefore be a significant biodiversity gain as part of the proposed development. It is recommended that a management plan should be submitted for approval as a condition of planning consent, which could be passed onto the future owners of the proposed properties as advice on how to manage their land.

A full landscaping scheme should also be submitted for approval to include all the biodiversity enhancements recommended in Sections 4 and 5, and shown on the drawing in Appendix 6, of the Preliminary Ecological Appraisal report.

External lighting will be minimised overall as part of the proposed development, which will have a benefit for biodiversity by reducing the impact of lighting on foraging and commuting bats, and other nocturnal wildlife. Full details should be submitted as a condition of planning consent and external lighting should be installed as part of the construction phase rather than leaving it to the future residents.

Integrated bird and bat boxes will also be incorporated into the design of the proposed new dwellings, full details of these should be submitted for approval as a condition of planning consent. Bat boxes should be integrated into the south and/or east elevations and bird boxes on the north and/or east elevations to avoid direct sunlight. They should not be located above doors and windows.

As such it is considered that the proposal is in accordance with NPPF, Circular 06/2005, existing Local Plan Policy 9 and emerging Local Plan Policy EN8.

9. Conclusion:

The proposed development would result in the erection of a new-build open market dwelling outside a Development Boundary or a Non-Principal Settlement. The proposal is therefore contrary to Policy DS4 of the Cotswold District Local Plan 2011-2031.

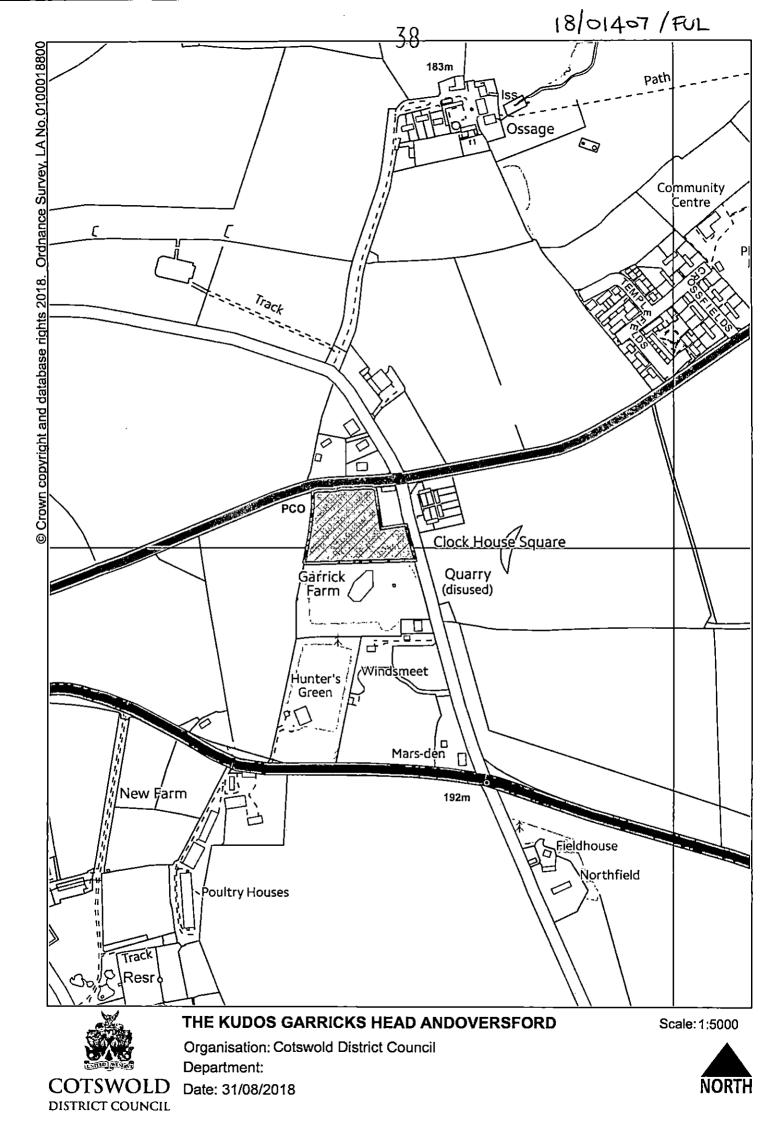
The site lies within the Cotswolds AONB, wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The proposal would represent encroachment of residential development into a parcel of land which is situated within a rural location. The proposal would cause harm to the character and appearance of the local rural landscape by virtue of the introduction of three dwellings, associated lighting, domestic paraphernalia and activities which would have a significant urbanising impact on the character and appearance of the landscape and would be visually prominent in public views. The proposal would fail to conserve or enhance the natural beauty of the AONB and would be contrary to NPPF paragraph 170 and 172; Cotswold District Local Plan 2011-2031 Policies EN2, EN4 and EN5.

It is therefore recommended that planning permission should be refused.

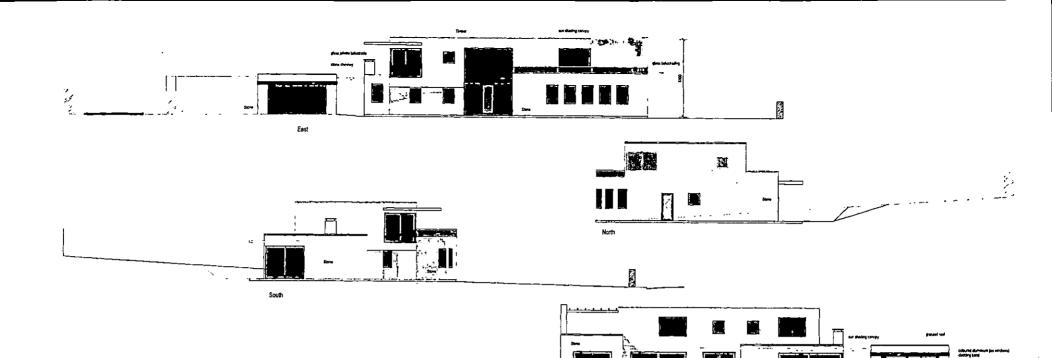
10. Reasons for Refusal:

The proposed development would result in the erection of a new-build open market dwelling outside a Development Boundary or a Non-Principal Settlement. The proposal is therefore contrary to Policy DS4 of the Cotswold District Local Plan 2011-2031.

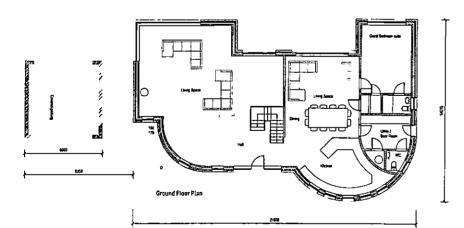
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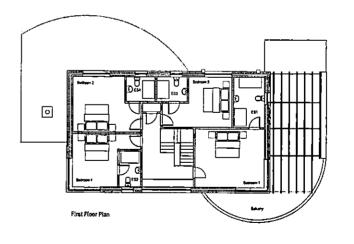






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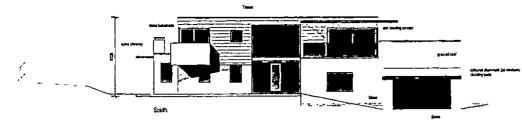


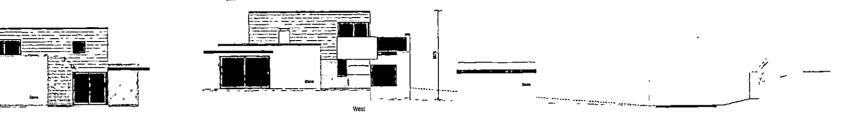
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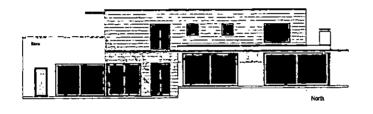
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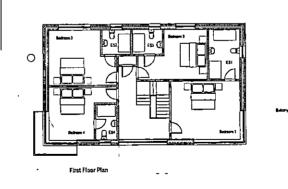




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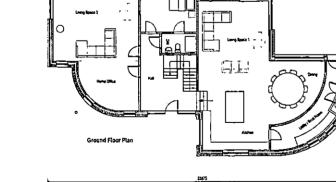
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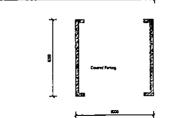
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13/7/18 Elevations adjusted following discussions with CDC Description **A** Rul REVISIONS Oate SITE Garden Land of 'Kudos' Andoversford Glos. CLIENT Mr J Descon PROJECT Residential Development SCALES/PAPER SIZE 1,100 @ A1 DATE April 2018 DRAWING TITLE OWG NO 1110.04A House Type Flot 2

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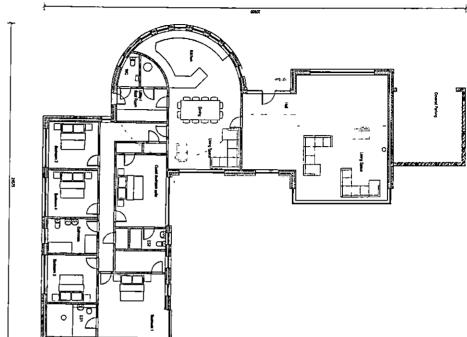


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