Item No 02:-

18/04983/FUL

Land West Of Brans Cottage
Brans Lane
Upper Oddington
Gloucestershire
GL56 0XQ

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Erection of a single dwelling and associated works at Land West Of Brans Cottage Brans Lane Upper Oddington Gloucestershire GL56 0XQ

Full Application 18/04983/FUL				
Applicant:	The DMD Group			
Agent:	The DMD Group			
Case Officer:	Martin Perks			
Ward Member(s):	Councillor Julian Beale			
Committee Date:	10th April 2019			
RECOMMENDATION:	PERMIT subject to satisfactory completion of reptile survey and no objection from the Council's Biodiversity Officer			

Main Issues:

- (a) Residential Development in a Non-Principal Settlement
- (b) Design and Impact on Oddington Conservation Area
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (d) Impact on Residential Amenity
- (e) Access and Highway Safety
- (f) Impact on Protected Species
- (g) Flooding and Drainage

Reasons for Referral:

This application has been referred to Planning and Licensing Committee at the request of Cllr Beale who states 'given the comments which it has attracted but specifically in light of the concerns as to the proposed building's impact in design and substance on the AONB and the Oddington Conservation area.'

1. Site Description:

This application relates to an area of agricultural land measuring approximately 0.48 hectares in size located on the northern edge of the village of Upper Oddington. The site comprises an area of rough grassland measuring approximately 0.32 hectares in size and the southern part of an adjacent field lying to its north. The latter part of the site measures approximately 0.16 hectares in area. The main body of the site is bordered to the south by a post war bungalow (Woodhall) and its garden, to the west by the rear gardens of post war dwellings (Embrook) and to the east by a lane (Brans Lane) and the garden area of a detached stone dwelling (Brans Cottage). The northern edge of the main body of the site is defined by a line of trees/ hedging and a stream. The northern part of the site, which is located in an adjacent field, is linear in shape. It extends in an east-west direction from the site to a single carriageway lane approximately 45m to the west. The southern boundary of this part of the site is defined by vegetation and a stream. The northern and eastern boundaries of the site are currently open and form part of a larger agricultural field which measures approximately 2.1 hectares in size. The field is occupied by a number of polytunnels.

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

The main body of the site, in which the proposed dwelling is to be located, falls within Oddington Conservation Area (CA). The northern part of the site containing the proposed driveway and entrance are located outside the CA. The boundary of the CA extends along the northern and western boundaries of the main body of the application site.

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The site is located within a Flood Zone 1 as designated by the Environment Agency. A brook runs in an east-west direction along the northern edge of the main body of the site.

A Public Right of Way (HOD9) runs adjacent to the eastern boundary of the site. It runs along Brans Lane and through the garden of Bran's Cottage.

2. Relevant Planning History:

Field

CD.4998 Outline application for a dwelling. Refused 1971

CD.4998/A Outline application for residential development. Construction of a new vehicular and pedestrian access. Refused 1987

CD.4998/C Erection of 5 dwellings with garages. Continuation of existing estate road. Refused 1989

CD.4998/E Erection of 5 dwellings and garages, access, drive and associated site works. Dismissed at appeal 1991 (attached)

Woodhall

CD.4167 Outline application for one house. Granted 1967

CD.4167/Ap Bungalow with garage. Granted 1968

Embrook

CD.4998/B Outline application for the erection of 5 dwellings. Construction of a new vehicular and pedestrian access. Provision of parking. Granted 1988

CD.4998/B/Ap Erection of 5 dwellings and garages. Construction of a new vehicular and pedestrian access. Reserved Matters application. Approved 1988

CD.4998/D Re-positioning of garages to Houses 3 and 4 at Hill Farm. Extension of estate road by 3m. Refused 1989

CD.4998/F Change of use of agricultural land to residential curtilage and relocation of previously approved domestic garages. Granted 1992

CD.4998/H Change of use of agricultural land to domestic garden at field to the east of No's 2 and 3 Embrook. Granted 2000

3. Planning Policies:

EN14 Managing Flood Risk

NPPF National Planning Policy Framework

DS3 Small-scale Res Dev non-Principal Settle

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswold AONB

EN7 Trees, Hedgerows & Woodlands

EN8 Bio & Geo: Features Habitats & Species

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

INF4 Highway Safety

INF5 Parking Provision

H1 Housing Mix & Tenure to meet local needs

4. Observations of Consultees:

Conservation Officer: Comments in main report

Biodiversity Officer: Comments in main report

5. View of Town/Parish Council:

'The Council objects to this application. It is noted that the site is classed as agricultural land and the Council considers that if approval were to be given it could set a precedent for the development of other parcels of agricultural land. The proposed design and the materials to be used do not meet the criteria set out in DS3 of the Local Plan 2011-2031 in that it does not complement the form or the character of the village. The access to the site, on a blind bend, is dangerous.'

6. Other Representations:

8 letters of objection, 2 letters of support and 2 General comments received.

Grounds of objection are:

- i) The property design is not in keeping with the conservation area and the surrounding properties.
- ii) There is no legal access from Brans Lane which is not an adopted highway.
- iii) Trees and landscaping need to be better described and planned.
- iv) There will be a significant and unacceptable loss of privacy to neighbouring properties and the area is rich in wildlife where several species need protection.
- v) The access goes across a natural stream which is a home for many species being adjacent to open fields, care needs to be taken not to pollute or divert the water flow which goes through Oddington.
- vi) A Cotswold stone property would be more in keeping.
- vii) We live on the Western boundary of the proposed development. There will be a significant and unacceptable loss of amenity as a result of the development, including privacy, daylight, views and enjoyment. This includes to our property, as well as the many other properties that effectively surround and look onto the proposed site from the west, south and east. While I appreciate that the applicant considers that care has been taken in the design of the property, the individual property and related planting will be extremely dominant and overbearing as regards the surrounding properties that lie to each of the west, south and east boundaries of the proposed site.
- viii) The proposed contemporary property is not in keeping with the surroundings, form and character of the village and the nearby local conservation area. Traditional buildings with echoes of the local vernacular are key. Indeed, careful attention needs to be taken to the cumulative impact of this and other new developments in the village which can, over time, subliminally erode the bucolic character of this rural settlement and produce a more urban form.
- ix) Proposed trees and landscaping to the boundaries will hugely impact neighbouring properties, many of whom (including ours) have windows overlooking the proposed development. Our usable garden is to the East of our property and immediately adjacent to the proposed development. The proposal to plant 6 metre high trees along our boundary edge will enclose our garden, impact our enjoyment and obscure a great deal of the natural light to, and easterly views from, both our property and garden.
- x) The area (and the proposed site) is rich in wildlife, with multiple species to protect and enhance. Indeed, the access to the site goes over and around natural streams, and great care needs to be taken to protect all species and natural habitats.
- xi) This, as well as several other historic and concurrent planning applications in Oddington, give rise to a concern of a cumulative adverse impact on the village through over development.
- xii) Given the size of the site and the positioning of the dwelling, care should be taken to ensure that this initial planning and development isn't a precursor to any additional development in the proposed garden area to the south of the property. That would only compound the above noted issues and I note that one other objector has raised that there is no legal access to the east of the site from Brans Lane, as it is not an adopted highway.

- xiii) The style and the building materials of the proposed house are not in keeping (as set out in DS3) with a Cotswold village.
- xiv) The proposed access off Back Lane is on a dangerous and blind corner.
- xv) The proposed application is on agricultural land. I submit that if this application is permitted, it could cause a precedent for other similar agricultural land within the village despite the local plan not calling for any additional housing.
- xvi) Permission of this application would risk further applications on the northern edge of the site for more housing.
- xvii) This application is to convert agricultural land to housing which is regrettable and could lead to a great deal of development in the village which the local plan says has no need for additional housing.
- xviii) The access on an awkward corner is dangerous. This driveway would also open up the potential of development on adjoining field to the north and so creates an unfortunate precedent.
- xix) The design and main material (concrete) is totally out of context in this village setting.
- xx) The application represents an inappropriate change of use from agricultural to domestic use, and potentially sets a precedent for future development of any green field site in the village. The local plan does not require any such development in Oddington. Agreement would also risk further applications for development on the northern edge of the site.
- xxi) The design of the new house may have significant architectural merit, but is inappropriate for this central village site, and fights rather than complements the character of the current settlement, in conflict with DS3.
- xxii) This is one of three current planning applications which if granted would lead to three new separate dwellings in Upper Oddington alone. My understanding is that the village is not marked for further development not least because there is neither shop nor school etc. but not forgetting the dangerous access onto the main road. I am concerned that, in relation to these applications, "creeping development" should be avoided. Equally important, the site in question is currently designated agricultural land and my concern is that a house built here would set a precedent for building on other agricultural land around the village. Notwithstanding the above, the design put forward is very interesting architecturally. However, I am concerned that siting it adjacent to a Conservation Area where both the old and new houses are in the vernacular style and built of Cotswold stone, means that the proposed building would be significantly out of keeping with the character of the village.
- xxiii) This development does not fit in with the surrounding buildings, nor the character of our village which is within an Area of Outstanding Natural Beauty.
- xxiv) It is being built within the Oddington Conservative Area and also on agriculture land.
- xxv) This development with have a huge impact upon our property by blocking daylight to our garden as well as sunlight because of the close proximity of the buildings as well as the proposed planting of 6 metre trees along our boundary.
- xxvi) This is an inappropriate change of use from agricultural to domestic use. Agreement to this would set a potential precedent for the future development for any green field site or agricultural land in the village to be converted to housing, despite the local plan not calling for any additional housing in Oddington.
- xxvii) Agreement would risk further applications on the northern edge of the site for more housing. Having seen the plan for the proposed building, I also believe that it is completely inappropriate for the site, and be a blot in the landscape.
- xxviii) This application has regrettable been considered by all parties with fundamentally incorrect information. The applicant in the opening line of the letter of application states that the land is not in the conservation area this has now been established to be incorrect. The application must be amended and resubmitted so all parties consider it on the facts as they may change opinion

Grounds of support are:

i) I am a resident of Oddington with an interest in proposals for development in the village, wanting to retain its special character. But I also have a concern about architecture in aspic where only what has gone before can be allowed for new development in the village. So I find the proposed design for Brans Lane to be a welcome addition to the architectural spectrum of the village and I would personally support the application. I believe this 'spectrum ' was extended with the development of the Pottery House? At the top of Upper Oddington. This building uses modern materials such as, I think, a Zinc roof and Corten facings even though it is a traditional design, pitched roof etc. The proposed design for Brans Lane takes this a step further by combining

modern materials and modern design. I feel it is important that, where appropriate, proposed new buildings should take advantage of advances in materials capability to give people the opportunity to live in the large, light filled, well heated and insulated rooms which they want. This seems to underpin the development for Alan Cox in Brans Lane. I think it is relevant that this development is on a site that is largely unseen amongst the rest of the village. This is not because I feel it should be hidden from view. Quite the contrary, as I believe that over time, the village will come to appreciate the special quality and originality of this design. The discreteness of the site does mean that those that wish to see the traditional architecture in Oddington have ample opportunity to do so whilst those who wish to see the best of contemporary design combining elements of traditional materials with the new can seek out this development. I wholeheartedly commend it to the Planning Committee.

- ii) A good use of existing site and a useful addition to the village. I particularly like the area of wildlife meadow.
- iii) Although a modern design with use Cotswold colours not entirely out of place in a Cotswold village.
- iv) Whilst keeping the height to a minimum will not be intrusive to the surrounding area. I do not believe it to be inappropriate.

General Comments are

- i) We have no objection to the proposed works in principle and will be happy to support. However, we have a few points to make:
- ii) Loss of Green Space Loss of green space is always a concern. We can see that the proposal includes thoughtful landscaping, including many trees. We are particularly pleased to see the proposal for trees lining the new driveway. Our support for these works would be conditional upon this landscaping being an integral part of the development. We would be grateful for assurance that the landscaping proposal isn't purely aspirational, but an essential component of the works which will be delivered.
- Light Pollution The new private drive will pass through Mr Alan Cox's field. This field is an important ecosystem day and night. We are increasingly concerned about the degree of light pollution in the Cotswolds, which isn't just aesthetically wrong, but which is known to have a detrimental effect on the ecosystem, particularly those animals, birds, and insects with nocturnal habits. We are keen that the new gate and drive, built within what is currently a dark field, are not floodlit, and that any lighting will be the minimum necessary sympathetic to neighbours and also the immediate ecological environment. The same also applies to the new house and gardens.
- iv) Lane Condition and Safety The lane (currently un-named) which will provide access to the new driveway, is narrow and currently in an excellent state of repair. We expect that the majority of the site traffic will be accessing the site via this lane. We are very concerned that these vehicles are not inappropriately large or heavy, and that they take care; moreover, that any damage caused to the road or the verges will be made good. We are further concerned that all site traffic will park off-road, with no parking on the lane or lane verges. Anything less would be a safety hazard.
- v) Culvert A small stream currently passes under what will be the entrance to the new drive. There has been flooding here in the past a significant hazard on the adjacent road, which bends sharply at that point. We would like to seek reassurance that the culvert which will pass under the drive entrance is kept clear by the new owner, to avoid future flooding.
- vi) Works Duration We would be grateful if the duration of works could be kept to the minimum necessary, to minimise the duration of the disruption to neighbours.
- vii) In conclusion, we are supportive of the building proposal and believe that if delivered as the plan suggests the new property and landscape will add value to our village. However, we are concerned that the surrounding environment is protected from both damaging light pollution and the proposal seems to offer reassurance in this regard, but we are keen to know that the developers are committed to achieving this outcome.
- viii) No objection in principle, but a few things need to be carefully managed. This site is ideal for small scale development, obviously well-planned landscaping of the site is essential, and very important that the trees line the driveway to allow natural habit of birds to continue to flourish.
- ix) Lighting of this driveway should be of minimal intrusion and will need thoughtful consideration so as not to disturb both birds and neighbours. Similar should also apply to lit garden areas.

- x) The stream will need careful management both during and after the development. It is important for the builder to completely understand that no waste should be able to pollute this natural stream nor disturb the insects and mammals that already exist there. The culvert under the drive entrance will need to be well-maintained by the owner to minimise risk of flooding the roadway.
- xi) Access to the site should be from the main A436 at Upper Oddington to minimise impact of the small road system. Also all workers will need to be able to park on-site not on the roadside/verge because the lanes are too narrow to safely accommodate such vehicles.
- xii) As a traditionalist a build in Cotswold stone would have been preferred, but I can see that the modern design of the building is best served by using the suggested materials.
- xiii) Unfortunately there are no drainage strategy documents available to view; these should be made available particularly with regards to where any surface or rainwater from gutters etc. will discharge to, presumably the stream.
- xiv) The proposal does seem to offer a certain amount of reassurance but I am sure all would welcome commitment from the developers to positively address these comments and make sure they actually happen.

7. Applicant's Supporting Information:

Design and Planning Statement Planning Statement

8. Officer's Assessment:

Proposed Development

The application is seeking permission for the erection of a 4 bed detached dwelling and associated works. The proposed dwelling is of a contemporary design and has a roughly L-shaped footprint. It consists of a linear range containing bedrooms, bathrooms, office accommodation and central corridor. To its side (east) it is proposed to create a flat roofed building containing a kitchen, dining room and living room. The linear bedroom range will measure approximately 26.5m long by 7.8m wide by 6m high. The kitchen/living room building will measure approximately 10.5m long by 8.5m by 4.8m high. The kitchen/living room building will be cantilevered over a proposed parking area which will be set down approximately 1.2m below existing ground level.

The western elevation of the building will be located approximately 4m from the western boundary of the application site. The southern elevation will be located approximately 34m from the site's boundary with Woodhall to the south. The area to the south of the proposed dwelling is intended to become a garden area. The easternmost part of the proposed dwelling is located approximately 5-6m from the garden boundary of Brans Cottage. The northernmost part of the dwelling is located approximately 14m from the hedgerow/stream that extends along the northern edge of the main body of the site.

The external walls of the proposed dwelling will be constructed in concrete. The applicant refers to the material as 'Cotswold concrete'. The material includes a mix of limestone aggregate, Cotswold stone dust and yellow sand. The submitted details show that the concrete will have a yellow/honey colour to reflect Cotswold natural stone. The concrete will also have a textured finish.

Vehicular access to the proposed development will be via an existing field entrance located on the eastern side of a single carriageway metalled road lying to the west of the application site. The aforementioned road links the A436 to the north with the main road through the village to the south. An existing rough surfaced track extends from the field entrance to a position in close proximity to the entrance into the main body of the site.

(a) Residential Development in a Non-Principal Settlement

The main body of the application site occupies an area of land which is bordered on three sides by residential development. The proposed dwelling will be located on the aforementioned part of the site. By virtue of its proximity to, and its position in between existing development, the site is considered to be located within the village.

The village of Upper Oddington, together with the adjoining village of Upper Oddington, are considered to represent Non-Principal Settlements for the purposes of the Local Plan. Development in such locations is primarily covered by the following policy:

Policy DS3 Small Scale Residential Development in Non-Principal Settlements

- 1. In Non-Principal Settlements, small-scale residential development will be permitted provided it:
- (a) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.
- (b) is of a proportionate scale and maintains and enhances sustainable patterns of development;
- (c) complements the form and character of the settlement;
- (d) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period; and
- Applicants proposing two or more residential units on sites in Non-Principal Settlements should complete a rural housing pro-forma and submit this with the planning application

In addition, to the above policy, paragraph 78 of the National Planning Policy Framework (NPPF) states that 'housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.

In the context of Policy DS3, the proposal is for the erection of a single dwelling and is therefore considered to represent small scale residential development. The proposal will provide additional living accommodation which has the potential to assist services and facilities in the village and in nearby settlements such as Stow-on-the-Wold as supported by paragraph 78 of the NPPPF.

The proposed dwelling is modest in scale, is located adjacent to existing residential development and is within walking distance of bus stops. It is considered to be of a proportionate scale and, in the context of the village, also considered to maintain sustainable patterns of development. The proposal will not have an adverse cumulative impact on the settlement in light of the number of dwellings approved in Oddington in the Local Plan period. The Council's Residential Land Monitoring Statistics April 2018 state that there have been 2 completions in the parish since 2011 and that there were 3 outstanding commitments as of April 2018 (one of which is a replacement dwelling). Permission therefore exists, or has been granted, for a limited number of residential units in the Local Plan period. The proposal is therefore considered to accord with Local Plan Policy DS3 in respect of criteria 1 a, b and d. Criterion 1 c will be assessed in the following sections of this report.

It is noted that applications have been submitted in 2019 for the creation of 3 further dwellings in the settlement (19/00457/FUL Fox Furlong, 19/00501/FUL Robins Meet and 19/00542/FUL Brae Croft). None of the aforementioned applications have been determined at the time of writing this report. However, one of the applications is for a replacement dwelling and one is for the change of use of an existing building. Two of the applications relate to the replacement of, or re-use of, existing buildings. It is considered that the erection of the dwelling now proposed would not have an adverse cumulative impact on the settlement even if the three aforementioned applications were approved, in the context of the settlement as a whole and the size and nature of the dwellings being proposed.

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(b) Design and Impact on Oddington Conservation Area

The proposed dwelling is located within Oddington Conservation Area.

With respect to any buildings or other land in a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Considerable weight and importance must be given to the aforementioned legislation.

The following Local Plan policies are considered relevant to the proposal:

Local Plan Policy EN1 Built, Natural and Historic Environment states:

'New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:

- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
- b. contributing to the provision and enhancement of multi-functioning green infrastructure;
- c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
- d. seeking to improve air, soil and water quality where feasible; and
- e. ensuring design standards that complement the character of the area and the sustainable use of the development.'

Local Plan Policy EN2 Design of the Built and Natural Environment states:

'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.'

Local Plan Policy EN10 Designated Heritage Assets states:

- 1 'In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 2 Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.
- 3 Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:
- The importance of the asset;
- The scale of harm; and
- The nature and level of the public benefit of the proposal.

Local Plan Policy EN11 Designated Heritage Assets - Conservation Areas states:

'Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;
- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;

- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.
- d. Have regard to the relevant Conservation Area appraisal (where available); and
- e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'

In terms of national policy and guidance, the following paragraphs are considered relevant to the application:

Paragraph 193 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.'

Paragraph 196 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Paragraph 009 (Reference ID: 18a-009-20140306) of the Planning Practice Guidance (PPG) states that 'heritage assets may be affected by direct physical change or by change in their setting.'

Paragraph 013 (Reference ID: 18a-013-20140306) of the PPG states 'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.'

With regard to design, paragraph 124 of the NPPF 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 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of an 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;
- c) are sympathetic to local character and history, including surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) 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.

The application site is referred to in Oddington Conservation Area Statement (June2004) (CAS). Page 7 of the CAS states 'immediately behind the housing estate on the eastern side of the lane, and extending to Brans Lane, is an uncultivated field which has taken on the appearance of wasteland. The field which can be seen from the A436, seems visually less related to the adjoining agricultural land than the village'. The application site retains the uncultivated character referred to in the CAS. Due to the passage of time, views from the A436 of the site are now largely obscured by roadside vegetation.

Page 9 of the CAS also provides a description of the land around the application site. It states 'at the corner by Woodhall, is the short, gently descending, Brans Lane. The most noticeable feature here is a terrace of three humble cottages, fronting the narrow lane, separated only by a narrow grass margin. Opposite, hedges and semi-mature trees offer screening of more recent development which would otherwise intrude into this scene. At the foot of the lane is Brans Cottage, which may have formerly been a pair of cottages. The south facing gable end is all that is visible from the lane as the remainder is almost lost amongst the many well-established trees that surround it'.

The character and appearance of the existing site was also considered during an appeal relating to a proposal for the erection of 5 dwellings on the land in 1991 (CD.4998/E , T/APP/F1610/A/90/154224/P2). In dismissing the appeal, the Planning Inspector stated 'I consider an important element of the village's character to be the fact that individual dwellings or groups of buildings are not particularly dominant in the landscape. The Brans Lane dwellings sit comfortably within the landscape and the fact that a distance view of them may be lost, to my mind need not necessarily detract from the particular qualities of the designated area. Neither do I regard it as essential that the appeal site in its entirety be left open as part of the setting of the Brans Lane houses'. Whilst the Inspector dismissed the appeal for 5 dwellings on the site, it is also evident that he considered that it was not necessary for the entirety of the site to be left open in order to avoid harm to the CA.

It is evident from the views set out in the CAS and the above planning appeal, that the site has previously been considered not to make a significant, positive contribution to the character and appearance of the CA. The site still retains the characteristics referred to in the CAS and appeal decision in that it still appears as a rather uncultivated and overgrown parcel of land. In addition, the current proposal is for the introduction of a single dwelling on the land with over half the site being retained as an open area. In particular, the southern and eastern parts of the site will not be built upon with the result that the existing undeveloped character of the western side of Brans Lane will be retained to a large extent. The proposed dwelling will also be located on the lower part of the site which means that it will also appear set down in relation to existing dwellings on Embrook to the west, Woodhall to the south and the cottages on Brans Lane to the east. The modest height of the proposed dwelling also means that it will not be taller than existing dwellings in the vicinity.

In the context of criterion c. of Policy EN11 it is considered that the site does not currently make a significant positive contribution to the character and appearance of the CA. The proposed scheme will also ensure that the site retains a degree of openness and that a sense of separation will be maintained between the proposed development and existing buildings. In this sense, it is considered that the proposal will preserve the character and appearance of the CA.

In terms of size and scale, the proposed dwelling will be a maximum of 6m in height. However, a number of elements of the building such as the kitchen/living room wing will be lower at approximately 4.8m. The proposed dwelling is comparable in size to existing dwellings in the vicinity. The mass of the proposed dwelling is also broken up by the use of colonnades, glazing, larch timber insets and use of a perforated concrete as a feature wall. In combination with the position of the dwelling on the lower part of the site, it is considered that the size and scale of the proposed dwelling are sensitive to their surroundings. The Council's Conservation Officer states 'The erection of a single dwelling of the scale and design indicated is not considered to detract from or harm the character of the conservation area in this instance. The area south of the new building which has been identified as being more sensitive to development will be retained as an open space which is welcomed'.

With regard to design, it is of note that the applicant is pursuing a contemporary design approach. The Cotswold Design Code provides the following guidance in respect of contemporary architecture:

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. A contemporary design should make strong local references and respect elements of the Cotswold vernacular, in order to maintain the architectural distinctiveness of the area'.

Paragraph D.31 goes on to state that 'the massing and the elevations of contemporary buildings should usually be broken, especially in historic setting, to avoid overly horizontal proportions and a monolithic or brutal appearance. The scale, modulation and architectural lines of contemporary buildings should respond to their context, for example with vertical articulation reflecting the narrower plots within town centres'.

Paragraph D.32 states that 'the use of traditional local materials, most notably natural stone, appropriate proportions, and a high standard of workmanship will help to ensure that contemporary developments are harmonious with their surroundings. There should be an emphasis on simplicity of design, with detailing neatly resolved and of the highest quality'.

Paragraph D.33 states 'in some instances the use of modern, non-local materials may contribute towards a successful contemporary design. This might include the use of more extensive areas of glazing, zinc or copper roofs, or timber cladding. However, obvious local references should still be made.

In addition to the above, it is also necessary to have regard to guidance set out in the Oddington Conservation Area Statement (CAS). The aforementioned document states:

- i) new buildings should reflect the general pattern of buildings in Oddington, especially in scale and proportion, although there is scope for some architectural invention provided that it echoes Oddington's architecture.
- ii) Materials should be in accordance with those traditionally used in the particular part of the conservation area, and should maintain a similar mix.
- iii) Any new buildings should be located on its site in a similar way to the general pattern of building in that part of the area.

It is evident that both the Design Code and the CAS indicate that innovative and original proposals can be acceptable in principle. Policy and guidance does not therefore automatically preclude the introduction of contemporary development into the CA.

In terms of its relationship to existing patterns of development, the proposed dwelling will primarily extend in a north south direction which will reflect the orientation of neighbouring dwellings at Bran Cottage and Embrook. The proposal is therefore considered to respond sympathetically to the general pattern of building development in this part of the CA. The proportions of the proposed dwelling are also considered to respond to the proportions of existing dwellings in the locality.

In the context of the Design Code, the mass of the development has been broken up using colonnades and glazing to avoid the building having an overtly horizontal emphasis or excessive mass. The aforementioned elements give interest to the scheme and are considered to sit comfortably within the site.

Concerns regarding building materials are noted. In response, it is also noted that the proposed materials are intended to reflect traditional materials in terms of colour and texture. Whilst the proposed walling materials are described as concrete, the concrete mix will include Cotswold stone dust and yellow sand to give a warmer colour to the building than would be seen with a standard grey mix. It is considered that the materials proposed represent a modern interpretation of traditional Cotswold building materials. In the context of this particular site and its relatively secluded location it is considered that the proposed materials are acceptable and that they would not have an adverse impact on the character or appearance of the CA.

It is considered that the contemporary design approach is acceptable for this particular location. The proposed dwelling lies adjacent to post war housing to its west and south. The surrounding area is characterised by a mix of building styles that reflect different periods in the development of the village. The current proposal is considered to represent a further progression of the architectural styles present in the village.

In terms of views into the CA, the main body of the site is separated from the adjacent field to the north by existing vegetation. A Public Right of Way (HOD9) extends in a north south direction through the field to the north of the application site. The footpath extends along the eastern boundary of the aforementioned field. Views of the main body of the site from the Right of Way are largely screened by vegetation. The site is also seen against a backdrop of residential development forming part of the Embrook development to the west of the application site. In light of the limited height of the building, existing vegetation and the presence of existing post war development, it is considered that the proposed dwelling will not have an adverse impact on the character or appearance of the CA when viewed from the Right of Way. It is noted that a driveway will be created through the southern part of the field. However, a hard surface has already been laid along much of the route of the driveway to facilitate access for agricultural vehicles into the field. A new hedgerow and trees will also be planted to screen the driveway which will be surfaced in crushed stone. It is considered that the proposed driveway and associated vehicular traffic will not have an adverse impact on the setting of the CA.

The nearest listed building to the application site is the Grade II listed, Woodbine Cottage which is located approximately 30m from the site entrance and 80m from the proposed dwelling. Existing post war housing lies between the listed building and the listed building. There is no direct visual or historic interconnectivity between the site of the proposed dwelling and the heritage asset. In addition, the proposed entrance will retain a relatively plain appearance. It is considered that the proposed development will not have an adverse impact on the setting of the listed building.

Overall, it is considered that the proposed development will preserve the character and appearance of the CA and will not have an adverse impact on the setting of listed buildings. The proposal accords with Local Plan Policies EN1, EN2, EN10 and EN11 and guidance contained in Section 16 of the NPPF.

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

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85(1) of the Countryside and Rights of Way Act 2000).

The following Local Plan policies are considered relevant to the proposal:

Local Plan Policy EN4 The Wider Natural and Historic Landscape states:

- 1. '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.
- 2. 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, the setting of settlements, settlement patterns and heritage assets.'

Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

- 1.'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.
- 2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.'

In terms of national guidance, the following paragraphs are considered relevant to the proposal:

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'.

Paragraph 172 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'

The main body of the application site occupies an uncultivated area of grassland which is bordered on three sides by residential development. It is also separated from the field to the north by vegetation and a stream. The aforementioned part of the site therefore appears to form part of the built settlement rather than the open countryside. The creation of the dwelling and the garden area will not result in a discernible encroachment of built development into the AONB landscape. The limited height of the proposed dwelling, combined with its set down position below existing residential development to the west, also means that it will not be unduly prominent from the Public Right of Way that runs through the eastern side of the field to the north of the application site. The proposed dwelling will be seen against a backdrop of existing residential development where it is not screened by existing vegetation. It will therefore form part of the village environment rather than as an extension of the settlement.

The proposed driveway will result in the formalisation of an existing farm track. However, new hedgerow and tree planting will be introduced along the driveway to minimise the visual impact of both the drive and vehicles using the access route. The existing field also has a partly developed character as a result of a number of polytunnels which are situated on the land. It is considered that the driveway will not have an unacceptable impact on the character or appearance of the AONB.

The site is located approximately 125m to the south of the A436. Existing roadside vegetation largely screens views of the site from the aforementioned highway. The limited views that are available place the site in context with existing village development. The proposed development will not therefore appear as a particularly obtrusive or incongruous form of development when viewed from the A436.

The proximity of the site to existing dwellings together with the limited height of the development mean that the proposed scheme is unlikely to have an unacceptable impact on the character or appearance of the AONB in terms of light pollution.

It is considered that the proposed development, by virtue of its modest size, proximity to existing development and residential nature, does not represent major development having regard to paragraph 172 of the NPPF.

Overall, it is considered that the proposed development will not result in an encroachment of development into the countryside or have an adverse impact on the setting of the village within the AONB landscape. The proposal is considered to conserve the natural beauty of the AONB. The proposal is considered to accord with Local Plan Policies EN1, EN4 and EN5 and guidance in paragraphs 170 and 172 of the NPPF.

(d) Impact on Residential Amenity

The proposed dwelling will be provided with a level of outdoor garden space which is considered to be commensurate with the size of a 4 bed family home. There is considered to be sufficient space for a range of family activities to be able to take place within the garden area in accordance with advice in the Cotswold Design Code.

In terms of privacy, the principal windows in the proposed dwelling will face to the north or south. They will not therefore face directly towards dwellings to the east or west of the application site. The south facing windows will lie approximately 34m from the site boundary with Woodhall to the south. The distance exceeds the 22m minimum distance between facing windows set out in the Cotswold Design Code. Glazing in the eastern side of the proposed corridor elevation will be located approximately 40m from the facing elevation of Brans Cottage to the east. The aforementioned distance is also in excess of the 22m distance specified in the Design Code. There are no windows proposed in the western elevation of the proposed development facing towards Embrook.

It is noted that the proposed development will create a garden adjacent to the garden area of Brans Cottage. However, it is also of note that a Public Right of Way extends through the garden of Brans Cottage. The aforementioned property is therefore already subject to a degree of activity within its private space. The applicant is proposing to introduce hedgerow planting along the eastern boundary of the site to provide screening between the application site and Brans Cottage. It is considered that the proposed development will not have an unacceptable impact on the privacy or amenity of the occupants of Brans Cottage or future residents of the proposed dwelling.

In terms of light and overbearing impact, the proposed development will be set down below the level of existing properties on Embrook to the west. The proposal does not breach daylight guidance set out in BRE document IP 23/12 Site Layout Planning for Daylight.

The proposed development is considered to accord with the Cotswold Design Code in respect of amenity, privacy and open space.

(e) Access and Highway Safety

Vehicular access to the proposed development will be via an existing field entrance located on an unclassified road to the west of the application site. The road extends from the A436 in the north to the road leading through the centre of the village to the south. It is single carriageway in width and is subject to a 30mph speed limit. The field entrance is located on the outside of a bend which means that adequate visibility can be achieved for vehicles exiting the site. Road users heading south from the A436 can also enter the site safely. However, vehicles heading north along the lane will have to cross the carriageway in order to enter the site. Due to the bend in the road, northwards visibility is limited. Notwithstanding this, the lane is relatively narrow in width with the result that vehicles heading along the lane tend to occupy nearly full width of the road. Road users therefore already have to show a degree of caution when approaching the bend. Due to the narrowness of the lane vehicles turning right will not therefore need to manoeuvre across a free flowing lane of traffic. It is also of note that the existing access can be utilised by farm vehicles and that the lane is not heavily trafficked. On balance, it is considered that the level of traffic generated by a single dwelling will not have an unacceptable adverse impact on highway safety and that the proposed access arrangements are acceptable having regard to Local Plan Policy INF4.

The proposed development can provide a level of on-site parking sufficient to meet the typical requirements of the size of dwelling proposed. The proposal is considered to accord with Local Plan Policy INF5.

(f) Impact on Protected Species

The application is accompanied by an Ecological Appraisal (EA). With regard to the main body of the site the EA states that it 'comprises a semi-improved (somewhat nutrient enriched) grassland that supports a botanical assemblage of common and widespread grasses and flowering plants. The field has been neglected in recent years, and as such the grassland has developed a tussocky sward'. No bats, mammals, nesting birds, amphibians including great crested newts were found to be present on the site. The EA recommends that a further pre-construction reptile survey is undertaken should permission be granted.

In summary, the EA states 'The proposed scheme will not have adverse impacts on the ability of local wildlife to survive, breed or reproduce, to rear or nurture their young or to hibernate or migrate. The proposed scheme will not adversely affect the local distribution or abundance of locally notable wildlife species. The long-term ecological effects of the proposed scheme are considered to be neutral.'

At the time of writing this report the Biodiversity Officer has requested the completion of a reptile survey prior to determination. The applicant is in the process of undertaking such a survey. Subject to no objections being raised to the results of the survey by the Biodiversity Officer, it is considered that the proposed development could be undertaken without having an unacceptable impact on protected species or their habitat in accordance with Local Plan Policy EN8.

(g) Flooding and Drainage

The application site is located in a Flood Zone 1 which is the lowest designation of Flood Zone. The erection of dwellings in such locations is acceptable in principle. The applicant has submitted a drainage strategy with the application. The strategy indicates that the applicant will firstly consider infiltration measures. However, if this is found not to practicable, on-site attenuation will be introduced which will accommodate 1 in 100 year storm events plus a 40% allowance to taken into account climate change. The proposal will not therefore increase the rate of surface water flow into the stream to the north.

The Council's Drainage Engineer has assessed the proposal and raises no objection subject to the attachment of a surface water drainage scheme condition should permission be granted.

It is considered that the proposal can be undertaken without posing an unacceptable risk of flooding either on or off the site. The proposal therefore accords with Local Plan Policy EN14.

9. Conclusion:

Overall, it is considered that the application site represents an appropriate location for the erection of a dwelling of the size and scale proposed. Whilst contemporary in design, the scheme is considered to respond sympathetically to its location and not to have an adverse impact on the character or appearance of Oddington Conservation Area or the Cotswolds AONB. It is also considered that the proposed development could be undertaken without having an adverse impact on highway safety, residential amenity or flooding or drainage. It is therefore recommended that the application is granted permission.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s):

A27-07-01, A27-07-02, A27-07-03, A27-07-04 Rev 01, A27-07-05, A27-07-06, A27-07-07 rev 01, A27-07-08 rev 01, A27-07-09 Rev 01, A27-07-10 Rev 01, A27-07-11, A27-07-12, A27-07-13 Rev 01.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with 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 Policies EN2, EN10 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings

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

Reason: To ensure that in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11, 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.

No windows, perforated screens, gates, gate piers, walls or other means of enclosure shall be installed/inserted/constructed in the development hereby approved or in the application site, 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 1:10 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 EN2.

Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no fences, walls, gates, gate piers or other means of enclosure shall be erected, constructed or sited within the site other than those permitted by this Decision Notice.

Reason: It is important that the Local Planning Authority retains control over further development in order to retain the character and appearance of Oddington Conservation Area and the Cotswolds AONB having regard to Local Plan Policies EN2, EN4, EN5 and EN10.

No external lighting shall be installed or erected within the application site other than that approved by this decision notice.

Reason: In order to protect the rural character and appearance of the Cotswolds AONB and Oddington Conservation Area in accordance with Local Plan Policies EN1, EN2,, EN4, EN5, EN10 and EN11.

The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

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

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and the results of any soakage tests carried out at the site to demonstrate the infiltration rate. The development shall be carried out fully in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality in accordance with Local Plan Policy EN14. It is important that these details are agreed prior to the commencement of development as any on-site works could have implications for flooding and drainage. If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

Prior to laying of any floors of the dwelling hereby approved, plans showing the existing and proposed ground levels at the site, the finished floor levels, the ridge heights of the proposed building(s) and any neighbouring buildings adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority (such levels and heights shall be datums above sea level). The development shall only be carried out in accordance with the agreed details.

Reason: It is important to clarify the levels and height of the development in relation structures both on and off the site in order to avoid any future ambiguity over the height of the dwelling hereby approved.

Informatives:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 Clause 27 (1))
- Code for sustainable homes A step-change in sustainable home building practice.
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 Clause 9 (1)).
- CIRIA C753 SuDS Manual 2015





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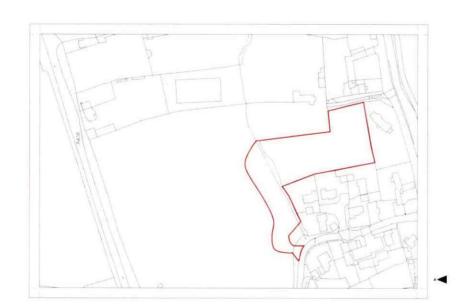
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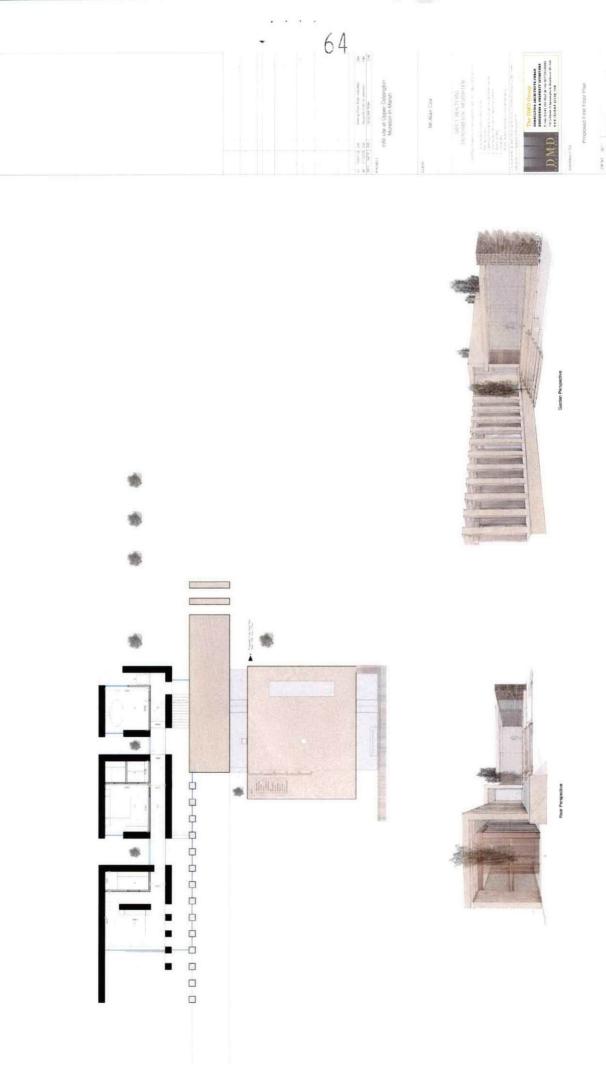
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