

Item No 02:-

20/03046/FUL

**Croft House
Somerford Keynes
Cirencester
Gloucestershire
GL7 6DW**

Item No 02:-

**Erection of a new dwelling, associated access and landscaping at Croft House
Somerford Keynes Cirencester Gloucestershire GL7 6DW**

Full Application 20/03046/FUL	
Applicant:	Mr & Mrs Needham
Agent:	Ridge And Partners LLP
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Tony Berry
Committee Date:	10th February 2021
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Principle of development
- (b) Sustainability of the location
- (c) Design and Impact upon Heritage Assets
- (d) Residential amenity
- (e) Highway safety
- (f) CIL

Reasons for Referral:

The application has been referred to the Planning and Licensing Committee at the request of the Ward Member, Councillor Berry, for the following reasons:

'This planning application has received no local objections; all the Officer reports other than the Heritage report have no objection (subject to conditions) and the Heritage's recommendation to reject is based on only 3 subjective aspects:-

- 1) The size of the proposed building.
- 2) The design of the proposed building.
- 3) The impact on what is 'considered to be' a curtilage listed building.

No reference is made to the heritage report instructed by the applicant, carried out by an eminent expert on the subject who has a different take on all of the above reasons.

This proposal meets the requirements of the NDP which is approved subject to referendum (when allowed). It also accords with policy EN2 and the Cotswold Design Code. It is considered to do 'less than substantial harm' to the listed building.

The majority of the site is outside the Conservation Area which was updated in 2018 and which didn't list the stables as being a non-designated heritage asset. Also these stables which are 'considered to be' curtilage listed are over 30 metres away, and, by virtue of the trees between them, can hardly be seen from Croft House. In fact the whole site is virtually invisible with glimpses being possible from only a few places.

An offer to move the new building further back and decrease the size has also received a 'thumbs down' from the Heritage Dept.

Material planning reasons for referral require objective reasons to respond to, because of the subjective reasons for rejection and the reasons set out above, I would suggest that a full

discussion at the Planning and Licensing Committee would make a better case at appeal if this were to be the outcome.'

1. Site Description:

The site is located to the western side of The Street, Somerford Keynes, and is within the extended garden area to Croft House, which is a Grade II listed building sited to the north-east of the proposed dwelling. Somerford Keynes is a rural village with development primarily scattered in a linear arrangement along the main village road. The village is not located within any designated landscape area.

The site for the proposed dwelling is currently occupied by a tennis court within the garden, with two curtilage listed building located to the east between the proposed dwelling and the highway. That part of the site is within the Conservation Area designated for the village, as is the access from which the property would be served. The site for the dwelling is, however, outside the designation.

2. Relevant Planning History:

12/00703/FUL: Erection of single storey extension with link to dwelling, together with demolition and re-building of garden walls. Granted 10.07.2012

12/00733/LBC: Erection of single storey extension with link to dwelling, demolition and re-building of garden walls and internal partition wall. Granted 10.07.2012

3. Planning Policies:

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
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN15 Pollution & Contaminated Land
INF4 Highway Safety
INF5 Parking Provision
TNPPF The National Planning Policy Framework
DS1 Development Strategy

4. Observations of Consultees:

Conservation and Design Officer: Recommends refusal, comments incorporated into the report

Biodiversity Officer: No objection subject to conditions

Newt Officer: No objection subject to condition

Highway Authority: No objection subject to conditions

Drainage Officer: No objection subject to condition

Tree Officer: No objection subject to condition

5. View of Town/Parish Council:

No response received

6. Other Representations:

None received

7. Applicant's Supporting Information:

Design and Access Statement
Drainage Statement
Heritage Impact Statement
Arboricultural Report
Ecological Report
Proposed plans

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 an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

Local Plan Policy DS3 (Small-Scale Residential Development in Non-Principal Settlements), allows for small-scale residential development in non-Principal Settlements where this:

- 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; and
- d. does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.

Policy DS3 recognises that although many of the rural villages and hamlets within the district are not sustainable locations for residential development, some settlements have greater sustainability credentials. As such Non-Principal Settlements are those which have reasonable access to everyday services, facilities and/or employment opportunities, either within the settlement itself, at a Principal Settlement, or at a neighbouring rural settlement.

The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that there are three overarching objectives to achieving sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

With regard to the principle of development, it is considered that proposal must be assessed against Policy DS3 of the Local Plan, which is permissive towards small-scale residential development in non-principal settlements, subject to the criteria above being satisfied.

Therefore, the provision of one additional dwelling at this site is not considered to be materially significant to the sustainability of the village when considered in the context of the characteristics of this particular site. However, in order to accord with Policy DS3, Part 1, criterion c, which requires that new residential development '*complements the form and character of the settlement*', must be satisfied, and for the reasons set out below, there are objections to the

development with regard to the impact upon the setting of the Grade II listed Croft House and the Somerford Keynes Conservation Area, such that it is considered that the proposal fails to accord with this policy.

(b) Sustainability of the Location

The supporting text to Policy DS3 guides the decision maker to make a judgement on the accessibility to everyday services, facilities and/or employment opportunities, where "reasonable access" helps to avoid unnecessary traffic movements and social isolation. Distance, quality of route, topography and pedestrian safety are important issues when considering the accessibility of services and facilities (Para 6.3.4). The Local 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. In the absence of special circumstances, the plan seeks to avoid permitting new isolated homes in the countryside. Policies DS3 and DS4 are central in this respect.

In terms of the sustainability of the location, Somerford Keynes is a settlement that is not well-served by day-to-day services and facilities. For this reason, it has not been included as one of the Principal Settlements in the Local Plan. Therefore, housing development in significant numbers and/or high density is unlikely to be supported in this location, however having regard to Policy DS3 and the NPPF it is proper that consideration is given to small-scale residential development on the merits of each individual case.

The village is not included within the 'Role and Function of Settlements Study' published by the Council in 2012, although it does have facilities such as a village hall, Church and public house, as well as bus links to Cirencester and Malmesbury which are within walking distance of the site. NPPF paragraph 78 states that 'To promote sustainable development in rural areas, 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 principle, therefore, it is considered that the provision of a single dwelling on this site would be locationally sustainable, considering the other facilities within the village and the character of development along The Street.

(c) Design and Impact upon Heritage Assets

Croft House, formerly Croft House Farm, is a substantial Grade II listed house with 18th century origins, which was altered in the 19th century and extended in the mid-20th century, and also has 21st century additions. Whilst the east elevation of the house borders Somerford Keynes 'The Street, the house is surrounded on all other sides by its own land within which are a stable block and what is described in this application as the square range. As ancillary structures to Croft House which were extant since the early 20th century both these buildings are considered to be curtilage listed. Croft House and most of its grounds are situated within the Somerford Keynes Conservation Area, with the conservation area boundary running through the site. The area of the site that is the focus of this application includes two curtilage listed buildings, is part of the setting of the main listed building and is also both within and adjacent to the conservation area.

Croft House is Grade II listed as being of special architectural or historic interest; within its grounds are two curtilage listed buildings. The Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings or their setting or any features of special architectural or historic interest they possess. This duty is required in relation to Sections 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework.

Croft House also lies within the Somerford Keynes Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or

enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (LBCA) Act 1990.

Section 16 of the National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also notes that significance can be harmed through alteration or development within the setting.

Paragraph 194 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 196 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

Policy EN10 of the Cotswold District Local Plan states that when 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. 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. 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.

Policy EN11 of the Cotswold District Local Plan which refers to conservation areas states that 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'.

Section 12 of the National Planning Policy Framework requires good design. Paragraph 127 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive places; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not discouraging appropriate innovation.

Policy EN2 of the Local Plan - Design of the Built and Natural Environment - requires development to accord with The Cotswold Design Code (Appendix D) - and states that proposals should be of a design quality that respects the character and distinctive appearance of the locality.

D.14 - In designing new development, close attention to the site and its setting should work at all levels, from the overall principle, density and grain, to the scale, form, roofscapes, elevations and detailed features of the buildings, and then to the landscaping surrounding them.

D.16 - New buildings should be carefully proportioned and relate to the human scale, and to their landscape or townscape context.

D.17 - Excessive or uncharacteristic bulk should be avoided. New buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting.

D.18 - The height of new buildings should respond to the local context, for example forming a gentle transition from open countryside to settlement edge.

The proposal is for the erection of a new house within the grounds of Croft House, which would be situated to the south west of the plot where the tennis court is currently sited. Whilst the plot that Croft House occupies is not in general terms 'small', for a building of the status, size and importance of Croft House, it is relatively modest, with land that was once a part of this historic site no longer associated with the main building. With this in mind, it is considered that whilst the principle of adding an additional dwelling to the Croft House site may be acceptable, it would need to be single or one and a half storeys and of a modest scale. However, the dwelling proposed not only has a central two storey range which comprises three gables, it also has a large sprawling footprint that contains a substantial single storey/one and a half storey wing to the north of the central range, a protruding element to the west and a lean-to on both the south and east elevations of the proposed house.

Rather than a discreet modest dwelling that complements the existing heritage assets on this site, the new build that is currently proposed is both large and conspicuous and its addition to this plot would reduce the prominence and stature of Croft House and confuse the hierarchy of buildings at the site. It would be detrimental to the setting of Croft House, which is a Grade II listed building and the curtilage listed structures, which by its sprawling nature it would completely overwhelm, and as such it is not considered to be acceptable.

The form of the proposed new dwelling and the mix of differing elements within it (for example the central range, the northern wing, the southern lean-to), is also of concern as it appears inharmonious and lacks cohesion, something that is not helped by features such as the hit and miss oak boarding and the substantial external stack. This amalgamation of the elements and features results in a building that is not only too large but appears overly busy and out of place in this traditional Cotswold setting. Whilst the visibility of this proposed dwelling would be limited from the public domain, its position immediately adjacent to the conservation area boundary, would be harmful, dramatically altering the setting of this part of the conservation area and changing its character.

The Cotswold Design Code, which is part of the adopted Local Plan, states that 'New buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting'. The dwelling that is proposed would not adhere to this guidance.

The Heritage Impact Assessment that accompanies this application puts forward the view that the curtilage listed nature of the stables and the square range on the site could be challenged, and it may be that further investigation of these structures could be beneficial. That would be for the applicant to challenge formally through Historic England, outside of the application process. Notwithstanding this, the matter of curtilage is not the major issue in this current application; the size and design of the proposed new dwelling and its impact are. Whilst the dwelling that is currently proposed would have a detrimental impact on the setting of the square range and the stable, (and these are indisputably characterful traditional historic buildings), it would also be harmful to the setting of Croft House which is Grade II listed, and the character of this part of the conservation area.

For the above reasons it is considered that the proposal fails to accord with criterion c of Policy DS3, as it is considered that the proposed new dwelling in this application would be harmful to the setting of the Grade II listed Croft House and two curtilage listed structures. It would also fail to preserve or enhance the character or the setting of this part of the conservation area.

Although it is considered that the proposal in this application will cause harm, in terms of the relevant section of the NPPF this harm would fall into the category of 'less than substantial harm'. As such paragraph 196, which states that less than substantial harm should be weighed against the public benefits of the proposal, is pertinent. Although considered 'less than substantial' under

the terms of the NPPF, the proposal would still cause harm to the designated heritage assets. The addition of one dwelling would be considered to provide only a small public benefit which would not outweigh the harm that is caused.

(d) Residential Amenity

Policy EN2 and the Cotswold Design Code require consideration of the impact of development in terms of residential amenity, which is also referred to within paragraph 127 (f) of the NPPF.

The relationship to the existing residential development would appear to be acceptable, having regard to the layout plan submitted. The only immediately adjacent dwelling to the site is Loughrigg to the south-east, however considering the distance between this property and the proposed dwelling, together with the retention of the existing hedgerow to the south of the proposed dwelling, this relationship is considered acceptable.

The proposal therefore is considered to accord with Policy EN2 and the Cotswold Design Code (Appendix D) of the Local Plan, and paragraph 127(f) of the NPPF which requires an acceptable level of amenity for existing and future users.

(e) Highway Safety

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 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 proposed dwelling would share the existing entrance to Croft House to the eastern boundary of the site. The road outside the site is subject to a 30mph speed limit with good visibility in both directions, and it is considered that the impact from traffic generated by the additional dwelling would not be considered harmful to highway safety.

No objection is therefore being raised, and as such the proposal is considered to accord with Policies INF4 and INF5 of the Local Plan, and Section 9 of the NPPF. Having regard to paragraph 109 of the NPPF, there is not considered to be an unacceptable impact on highway safety considering the traffic that would be generated if the established use of the existing buildings upon the site was to be recommenced, and that the residual cumulative impacts on the road network would not be 'severe'.

(f) CIL

This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed, the development will be CIL liable. Any revised application would also be CIL liable.

9. Conclusion:

The proposal is considered to be contrary to the policies within the Development Plan and the NPPF, which are not outweighed by other material planning considerations.

The recommendation is for planning permission to be refused.

10. Reasons for Refusal:

1. Croft House is a Grade II listed building, and the stables and square range within its grounds are curtilage listed. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving these buildings, their setting or any features of special architectural or historic interest which they possess. The current proposals, by virtue of the addition of an overlarge dwelling of an unsympathetic design to the Croft House site, would harm aspects of the listed buildings' setting that contributes positively to their significance, thereby neither preserving their special architectural or historic interest, nor sustaining their significance as designated heritage assets. The harm would be less than substantial, but not outweighed by the small public benefit that a new dwelling would provide. As such, the proposal conflicts with paragraph 196 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 66(1) of the 1990 Act. The proposal is also contrary to Policies EN2, EN10 and EN11 of the Cotswold District Local Plan.

2. The Croft House site is located in part within the Somerford Keynes Conservation Area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The current proposal, by virtue of the addition of an overlarge dwelling of an unsympathetic design to the Croft House site, would have a harmful impact on the setting of the conservation area and fail to preserve its character. It would not sustain its significance as a designated heritage asset. The harm would be less than substantial, but not outweighed by the small public benefit that a new dwelling would provide. The proposal would also fail to complement the form and character of the settlement. As such the proposal conflicts with paragraph 196 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 72(1) of the 1990 Act. The proposal is also contrary to Policies DS3, EN2, EN10 and EN11 of the Cotswold District Local Plan.

Informatives:

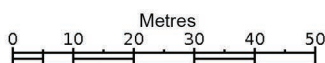
1. Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

2. This decision relates to the following drawings: 18.04.03.10 Rev. C; 18.04.03.11 and 18.04.03.12 Rev. A



Produced 24 Oct 2018 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



1:1250

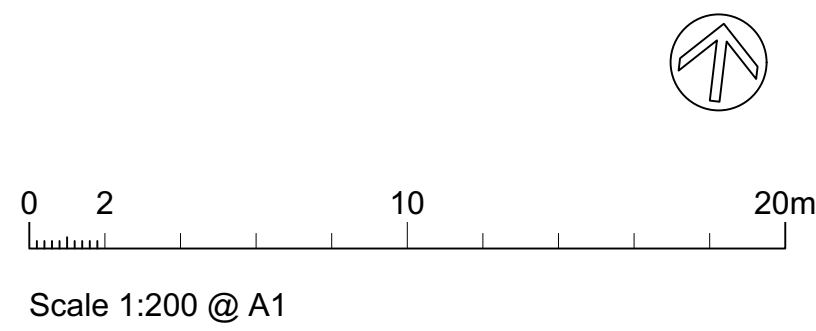


Croft House, Somerford Keynes,
Cirencester
GL7 6DW

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Licence: © Crown Copyright and
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Centre coordinates: 401878 195213



- New 2 meter high beach hedge with timber gate
- Existing stables unchanged
- Old Boiler House roof retained
- Existing concrete root guard retained
- Proposed house
- Natural Cotswold stone garden walls
- Line of Incoming Services all below ground.
- Existing 4 meters high hedge
- Existing compost heat



Scale 1:200 @ A1

Notes

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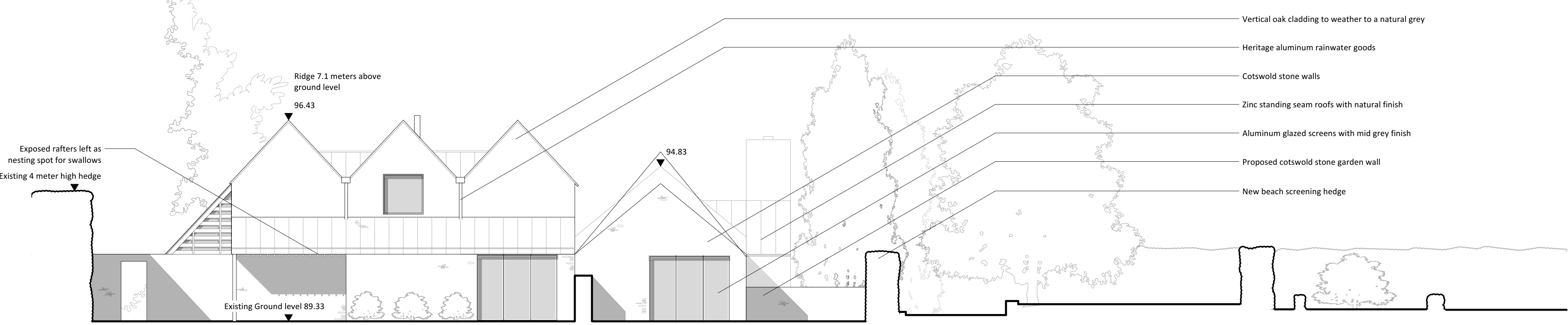
2. Do not scale drawing use figured dimensions only.

3. Any discrepancies between site and drawings to be reported to the architect immediately.

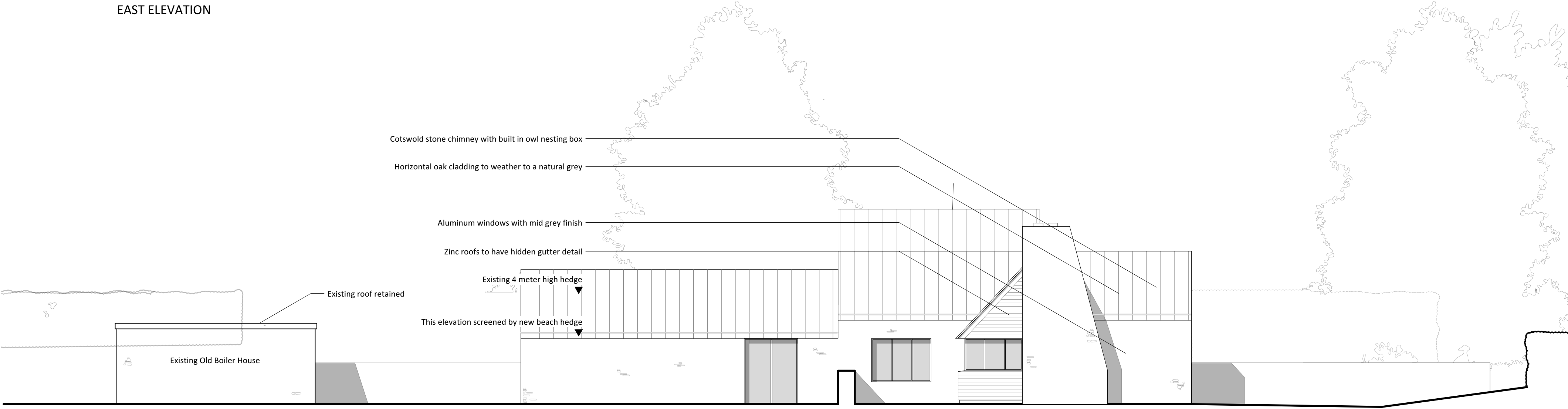
4. Read in conjunction with all relevant structural and mechanical & electrical engineers drawings.

5. Survey undertaken by:

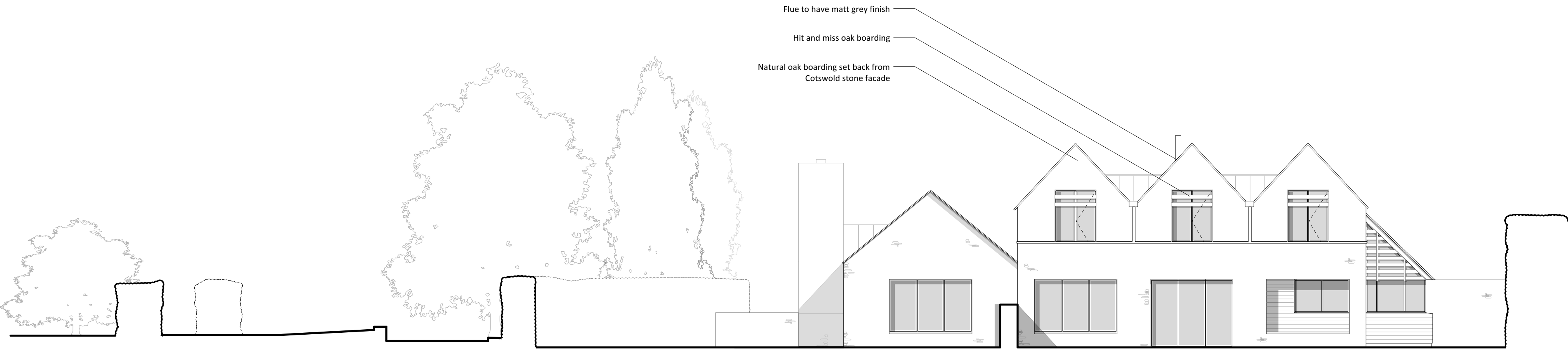
REVISIONS				
Rev.C		16.12.20 Removed proposed roof alteration to boiler house.		
Rev.B		22.07.20 Tree shown as removed		
Rev.A		01.04.20 House Moved to South		
PROJECT		Croft House		
ADDRESS		Croft House, Somerford Keynes, GL7 6DW		
<div><div>BLAKE ARCHITECTS</div></div>		Blake Architects Limited 1 Coves Barn, Jackbarrow Road, Winstone, Cirencester, Gloucestershire, GL7 7JZ [t] 01285 841407 [e] mail@blakearchitects.co.uk www.blakearchitects.co.uk		
TITLE		Proposed Site Plan		
DRAWING NUMBER		18.04.03.10		
STATUS		PLANNING		
DRAWN	CHECKED	DATE	SCALE	REVISION
HERO	JN	26.03.20	1:200 @ A1	C



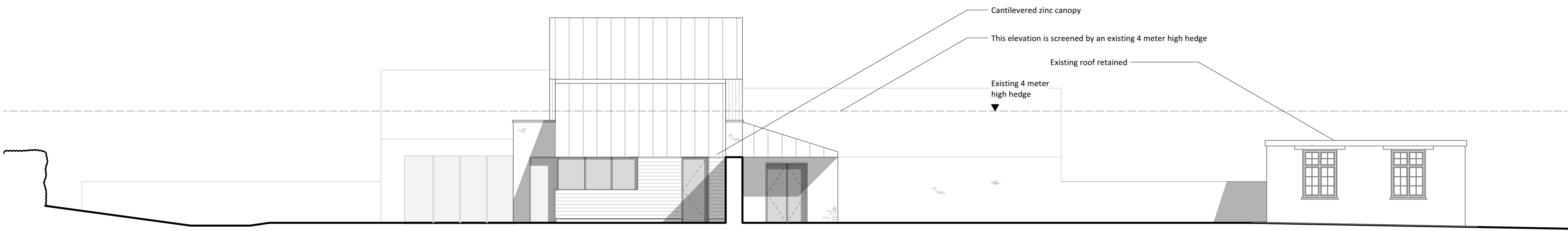
EAST ELEVATION



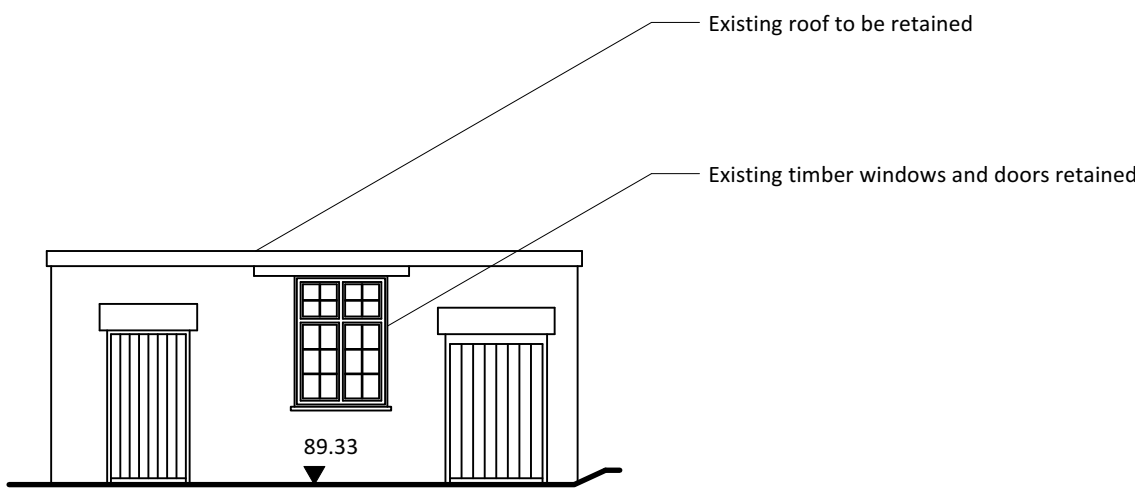
NORTH ELEVATION



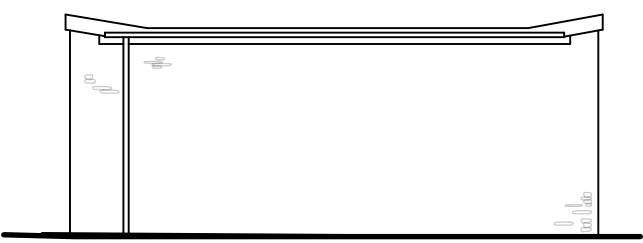
WEST ELEVATION



SOUTH ELEVATION



OLD BOILER HOUSE EAST ELEVATION

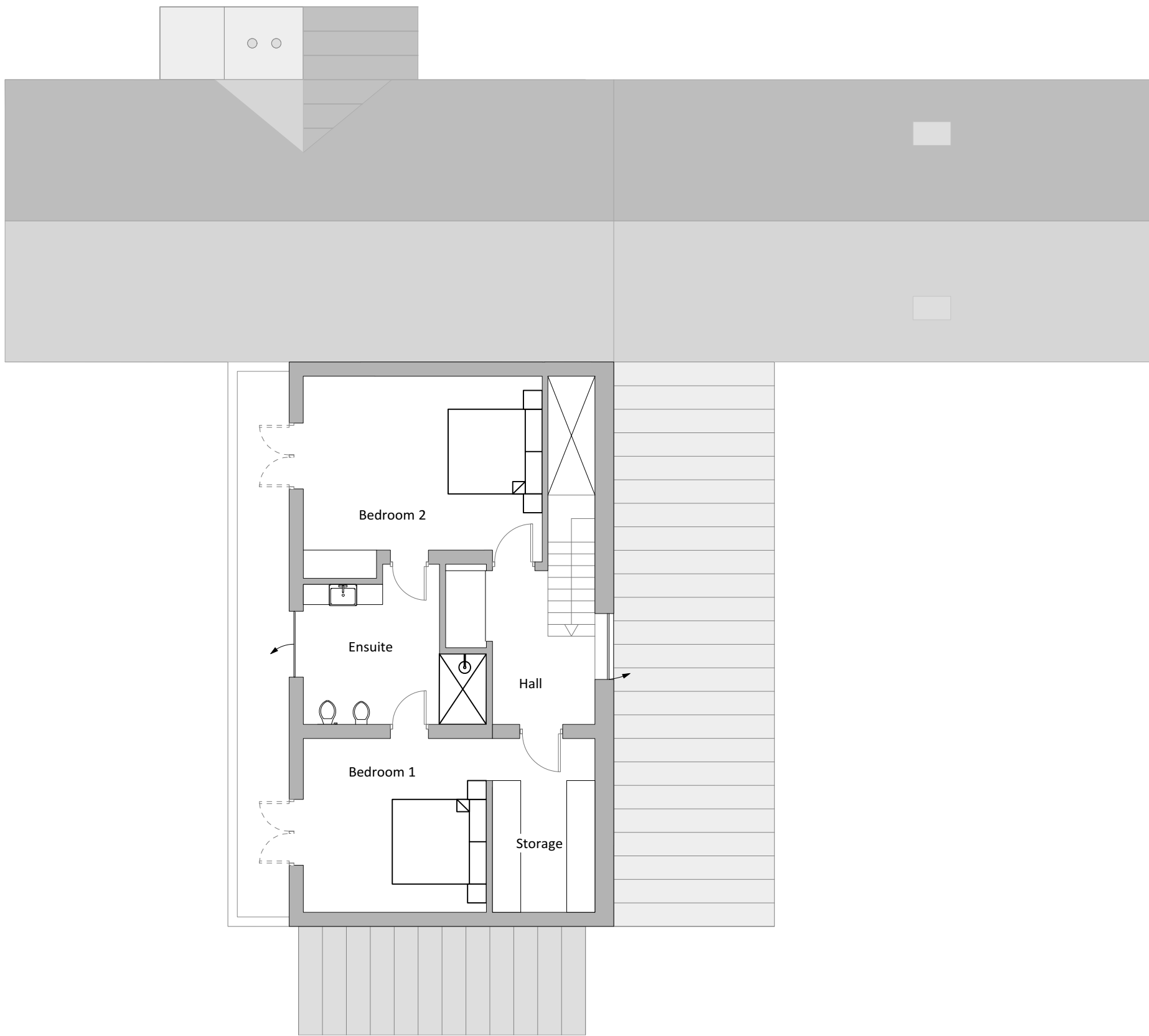


OLD BOILER HOUSE WEST ELEVATION

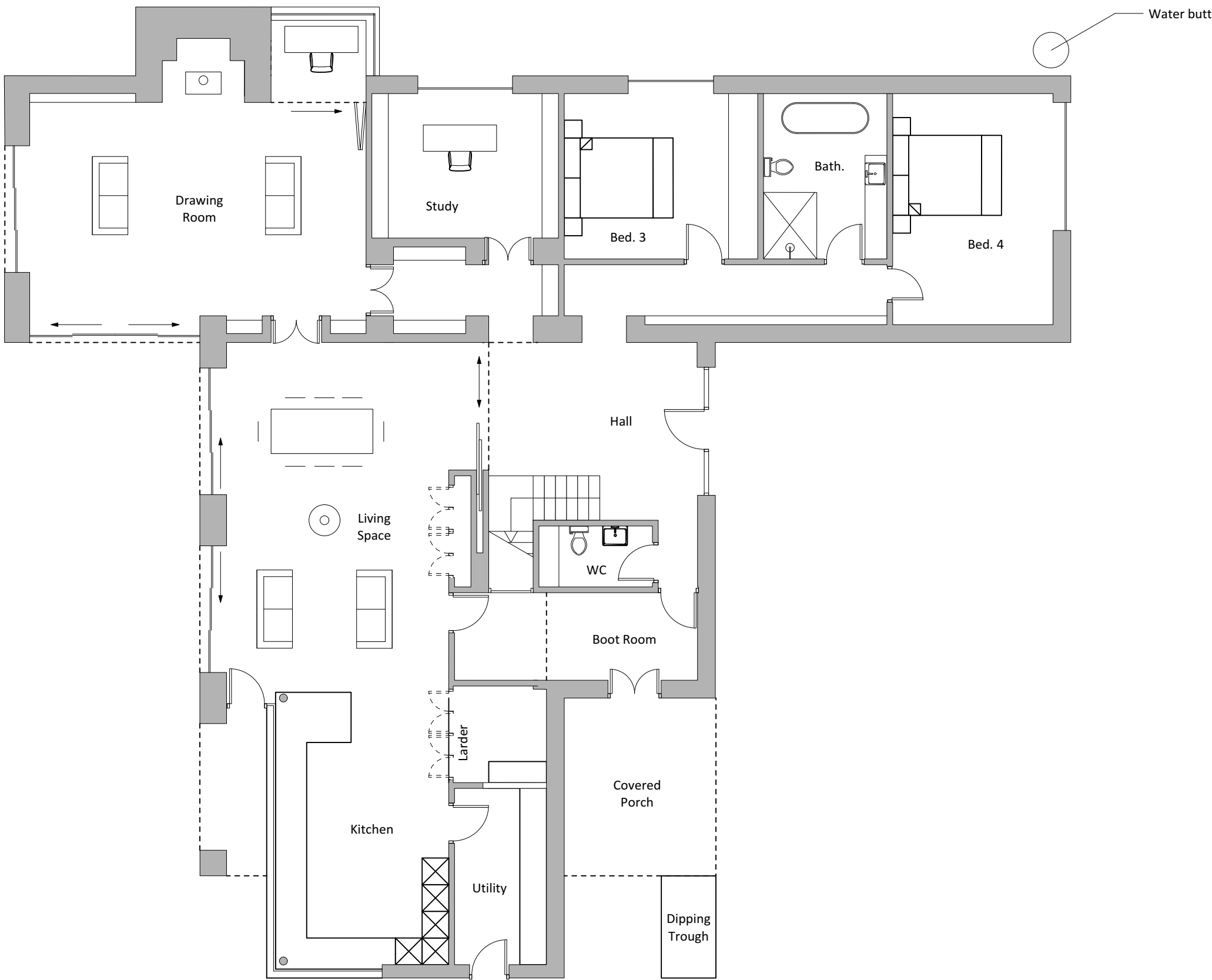
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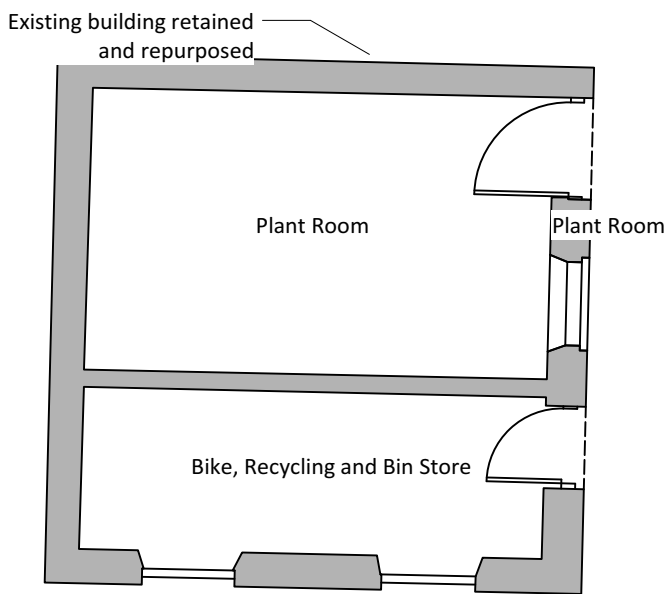
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REVISIONS				
A	16.12.20 Removed proposed roof alteration to boiler house.			
PROJECT	Croft House			
ADDRESS	Croft House, Somerford Keynes, GL7 6DW			
TITLE	Blake Architects Limited 1 Coves Barn, Jackbarrow Road, Winstone, Cirencester, Gloucestershire, GL7 7JZ [t] 01285 841407 [e] mail@blakearchitects.co.uk www.blakearchitects.co.uk			
	Proposed Elevations			
DRAWING NUMBER	18.04.03.12			
STATUS	PLANNING			
DRAWN	CHECKED	DATE	SCALE	REVISION
HERO	JN	26.03.20	1:100 @ A1	A



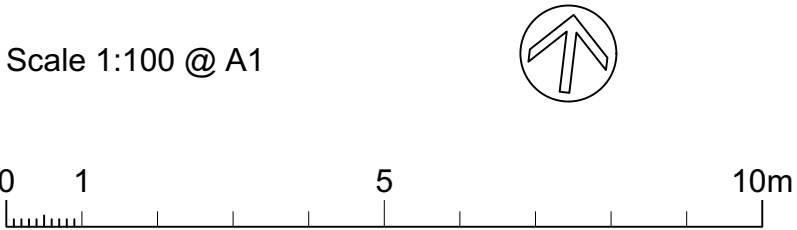
FIRST FLOOR



GROUND FLOOR



OLD BOILER HOUSE



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REVISIONS				
PROJECT	Croft House			
ADDRESS	Croft House, Somerford Keynes, GL7 6DW			
B L A K E A R C H I T E C T S	Blake Architects Limited 1 Coves Barn, Jackbarrow Road, Winstone, Cirencester, Gloucestershire, GL7 7JZ [t] 01285 841407 [e] mail@blakearchitects.co.uk www.blakearchitects.co.uk			
TITLE	Proposed Plans			
DRAWING NUMBER	18.04.03.011			
STATUS	PLANNING			
DRAWN	CHECKED	DATE	SCALE	REVISION
MK	JN	26.03.20	1:100 @ A1	-





