

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	16 March 2021
<b>Site Location:</b>	Whites Hill Cottage Old Brockhampton Road Winchcombe Cheltenham Gloucestershire
<b>Application No:</b>	20/00612/FUL
<b>Ward:</b>	Winchcombe
<b>Parish:</b>	Winchcombe
<b>Proposal:</b>	Proposed contemporary replacement dwelling and refurbishment of existing pump house building for use as ancillary accommodation (alternative scheme to lawfully implemented development granted under TBC refs: 10/01284/FUL & 14/00192/CLE).
<b>Report by:</b>	Bob Ristic
<b>Appendices:</b>	Site location plan Proposed Site layout plan Proposed Elevations
<b>Recommendation:</b>	Permit

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies to the south east of Winchcombe, in open countryside and within with the Cotswolds Area of Outstanding Natural Beauty (AONB) (**See Site Location Plan**).
- 1.2 The site presently comprises the remains of a stone built cottage to the central northern part of the site, with the remains of a wall enclosure to the west. While the land immediately around the cottage is relatively level, the surrounding land slopes up to the south. The site occupies an elevated position however existing field hedges provide a degree of filtering to views from Old Brockhampton Road.
- 1.3 Access would be gained via an existing track/field access from Old Brockhampton Road which winds its way through a number of agricultural fields. A public right of way Winchcombe Footpath 36 AWB36 runs in a north-south direction, approximately 200 metres to the east of the site.
- 1.4 This application seeks planning permission for replacement dwelling, reinstatement of an outbuilding to provide ancillary accommodation/office and associated landscaping works. The proposed scheme would incorporate the existing ruins of Whites Hill Cottage into a contemporary styled 2 storey with additional basement floor new build dwelling. (**See Proposed Plans**)

- 1.5 The modern design approach is proposed as an alternative to a previously permitted, traditionally designed replacement dwelling at the site, the permission for which remains extant.

## **2.0 RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
05/00520/FUL	Erection of replacement dwelling and change of use of agricultural land to residential.	PER	05.07.2005
07/01278/FUL	Erection of replacement dwelling. Change of use of agricultural land to residential.	PERMIT	02.01.2008
10/01284/FUL	Replacement of extant planning permission Ref: 07/01278/FUL to extend time limit for implementation of erection of replacement dwelling. Change of use of agricultural land to residential.	PER	02.02.2011
14/00192/CLE	Existing operations: partial demolition of existing structures, site preparation and ground levelling works, partial installation of drainage and erection of boundary fencing in accordance with approved drawings for planning permission 10/01294/FUL.	CLECER	01.05.2014

## **3.0 RELEVANT POLICY**

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

### **National guidance**

- 3.2 National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

- 3.3 SP1 – Need for new Development.

SP2 – Distribution of New Development.

SD4 – Design Requirements.

SD6 – Landscape.

SD7 – The Cotswolds Area of Outstanding Natural Beauty (AONB).

SD8 – Historic Environment.

SD9 – Biodiversity and Geodiversity.

SD10 – Residential Development.

INF1 – Transport Network.

INF3 – Green Infrastructure.

### **Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)**

- 3.4 HOU7 – Replacement Dwellings.

### **Tewkesbury Borough Plan 2011-2031 – Submission Version (October 2020)**

- 3.5 RES9 - Replacement dwellings.

NAT1 - Biodiversity, Geodiversity and Important Natural Features.

### **Winchcombe and Sudeley Neighbourhood Development Plan 2011- 2031 (24 January 2017)**

- 3.6 1.1 – Protecting the distinctive character of the area.

5.1 – Design of new development.

5.2 – Off street parking.

5.6 – Gardens.

- 3.7 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).

- 3.8 The First Protocol, Article 1 (Protection of Property).

## **4.0 CONSULTATIONS**

- 4.1 **Winchcombe Town Council** – Considers the scale and style of the isolated building proposed to be inappropriate in the nationally designated AONB landscape, especially given its proximity to well used public footpaths in a part of the Cotswolds popular with visitors.

The Town Council was notified of the receipt of revised drawings and have subsequently confirmed that they maintain their objection for the reasons set out above.

- 4.2 **Borough Conservation Officer** – No objections to the amended scheme subject to conditions.

- 4.3 **Gloucestershire Highways Officer** – No objections subject to conditions.

- 4.4 **Historic England** – No comments to the application but advised consulting with the councils heritage officers.

- 4.5 **Cotswolds AONB Board** - The Council should have regard to the policies of the Cotswolds AONB Management Plan 2018-2023 and to relevant guidance published by the Board, including the Cotswolds AONB Landscape Strategy and Guidelines.

- 4.6 **Public Rights of Way Officer** – No objections, proposal does not affect PROW's.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. Four letters of objection have been received in response. The comments raised are summarised below:

- Massive development, far in excess of any reasonable scheme.
- Size and scale is out of keeping (larger than previous approval).
- Design is poor and out of keeping with the AONB location.
- Should be reduced in scale considerably.
- A traditional design would benefit surroundings.
- Other isolated cottages on the hillsides blend and reflect a traditional vernacular.
- Better examples of contemporary architecture in this part of the AONB such as Lanes Cottage.
- Unrelated to existing dwelling.
- Conflict between residential and agricultural traffic.

## **6.0 POLICY CONTEXT**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4 The relevant policies are set out in the appropriate sections of this report.

## **7.0 ANALYSIS**

7.1. The main issues for consideration within this application are:

- The principle of the development.
- The design of the development and visual impact on the Cotswolds AONB.
- The impact upon heritage assets.
- The impact of the development on biodiversity and protected species.
- The highway safety and accessibility.

### **Principle of development**

- 7.2. The proposed development lies in an isolated location in the open countryside outside any defined settlement boundary. Saved Tewkesbury Borough Local Plan Policy HOU7 sets out that the replacement of existing dwellings in locations where the construction of new houses would otherwise be unacceptable will be supported, subject to certain caveats. These include the requirement for the replacement dwelling to be of similar size and scale to the existing, respect the scale and character of existing characteristic property in the area and have no adverse impact upon the landscape. The policy also sets out that within the AONB, strict design controls will be applied to protect the natural environment, including the use of appropriate building materials.
- 7.3 Policy RES9 of the Tewkesbury Borough Plan Submission Version sets out that replacement buildings outside of settlement boundaries will be permitted provided that the proposed dwelling respects the size of the plot and scale, character of existing characteristic property in the area and have no unacceptable adverse impact on the landscape. It is noted that this emerging policy is somewhat less restrictive than Policy HOU7 in terms of the actual size of actual building as long as it respects the size of the plot. It should be noted that there have been no objections to this policy as a result of the Local Plan consultation process and an appropriate level of weight should be afforded to this change in approach.
- 7.4 In addition to the broad policy support, it should be noted that the site benefits from an extant and partly implemented planning permission for a replacement dwelling. Accordingly, it is considered that the principle of a replacement dwelling at the site is acceptable subject to other material considerations and policies in the plan as set out below.

### **Landscape impact and Design**

- 7.5 Section 15 of the NPPF seeks to conserve and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), and recognising the intrinsic character and beauty of the countryside. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 7.6 JCS Policy SD7 sets out that development proposals in the Cotswolds AONB will be required to conserve and, where appropriate, enhance the landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with polices set out in the Cotswolds AONB Management Plan.

- 7.7 The Cotswolds AONB Management Plan is a statutory plan which sets out the vision, outcomes and policies for the management of the Cotswolds AONB for the period 2018-2023. Policy CE1 relates to landscape and states, proposals should have regard to, be compatible with and reinforce landscape character, ... and proposals likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting to ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced. Policy CE3 relates to local distinctiveness and states innovative designs which are informed by local distinctiveness, character and scale should be welcomed.
- 7.8 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SD4 of the JCS advises that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting.
- 7.9 The application site is set in an isolated location on the lower part of the escarpment. The site sits in a cutting and is defined by the remnants of a stone cottage and associated structures, with stone and estate fence enclosures. Planning permission has previously been granted for two storey cottage with a single storey range to its western elevation at the site and this application is for an alternative, contemporary style dwelling.
- 7.10 The current proposal marks a significant departure from the former and previously approved traditional buildings in favour of an uncompromising modern design. The proposal would retain the existing cottage remains and integrate them into the new design with the proposed 2 storey plus basement structure set behind the principal elevation of the ruin.
- 7.11 The proposed dwelling would be constructed of Cotswold Stone, timber cladding with a bronze finish to the over-sailing roof detail. The scheme has been revised following discussions with officers to simplify the overall form and reduce the height and impact (from the originally proposed roof design) in favour of a simplified flat roof detail. In addition to the dwelling, existing forge building would be re-instated as an office with the surrounding land within the curtilage landscaped and screened in part behind stone wall remains.
- 7.12 While the above ground footprint of the current proposal would exceed that of the previously permitted replacement dwelling by some 45%, the overall height would be comparable to the previously approved dwelling and the proposed building would be condensed to the area behind the main ruin in contrast to the previously approved development which would have extended to the west, thereby reducing the visual appearance of the proposal. Furthermore, the darker tones of the proposed materials pallet which includes timber cladding, recessed glazing and bronze roof cladding would allow the building to assimilate against the darker backdrop of the hillside and contrast with the ruins of the historic cottage.
- 7.13 While the prosed dwelling would have a deeper span to the south, the landscape impact would be mitigated through the reduction in the height of that part of the building and the rising landform to the south into which the building would be assimilated. Given the scale of the proposed dwelling and enlargement over the previous approval it is considered necessary to remove permitted development rights for any further extensions/alterations and outbuildings which could otherwise impact the rural character of the area.

- 7.14 Given the sites isolated location, general views of the development are limited and filtered by hedgerow along Old Brockhampton Road and within adjoining fields. Similarly views of the site and the deeper eastern elevation would be screened to a degree by hedge line and a tree belt to the east of the site when viewed from Winchcombe Footpath 36 which runs approximately 200 metres to the east of the site at its closest point.
- 7.15 While the proposed dwelling would result in change to the natural landscape this would be tempered through the considered design and proposed muted materials pallet which would allow for the building to be assimilated into the ruins and backdrop as land levels rise to the south beyond the site.
- 7.16 On balance, it is considered that the proposed dwelling design as amended would be of an appropriately scale and high-quality design which would respond to the site and context and conserve the character and appearance of the AONB. It is noted however that the precise details of the external finishes to the materials and architectural detailing to the building would need to be controlled by condition to ensure a suitably high-quality finish.

### **Heritage assets**

- 7.17 JCS Policy SD8 concerns the historic environment, stating that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.
- 7.18 The proposed scheme has been evolved through discussions with the Borough Conservation officer who is satisfied that the proposal would conserve the setting of Sudeley Castle and grounds. While a traditional scheme may be preferred by some it is noted that planning authorities should also consider contemporary architectural introductions into the historic environment. The Officer is satisfied that in this instance and subject to compliance with conditions the proposal would conserve the historic environment.

### **Biodiversity**

- 7.19 Section 15 of the NPPF seeks to, inter alia, protect and enhance, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), and minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. JCS Policy SD9 states that the biodiversity resource of the area will be protected and enhanced in order to establish and reinforce resilient ecological networks, including the safeguarding of protected species in accordance with the law. This is reiterated in Policy NAT1 of the emerging TBP, which also seeks proposals to deliver a biodiversity net gain.
- 7.20 The application is accompanied by an Ecological Appraisal which sets out the results of a habitat survey. As a result of the proposals it concludes that there are not considered to be any significant adverse effects on any statutory and non-statutory sites of nature conservation interest.

- 7.21 The Ecological Adviser has considered the ecological report including the proposed mitigation/compensation/enhancement measures and advises that it highlights the main ecological features on the site to be buildings supporting roosting bats, suitable foraging habitat for bats and suitable foraging and breeding habitat for reptiles. The Reptile surveys returned results of low populations of grass snake and common lizard. Bat surveys confirmed that the buildings support roosts for lesser horseshoes, brandt's/whiskered bat and common pipistrelle. While appropriate mitigation and enhancements have been recommended, confirmation of which option is proposed to be implemented will need to be confirmed by the applicant i.e. a standalone feature such as a bat house or roost incorporated within the new building. **An update will be provided at committee once the applicant has confirmed specifics.** Subject to these details being provided prior to determination, the Ecological Adviser raises no objections subject to conditions.

### **Access and highway safety**

- 7.22 Paragraph 103 of the NPPF sets out that opportunities to maximise sustainable transport solutions which will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Furthermore, development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.23 The application site would be accessed via an existing Cotswold chipping surfaced track from Old Brockhampton Road. The proposal would provide four parking spaces and an associated area for manoeuvring to the west of the proposed dwelling at the southern end of the access road.
- 7.24 The proposed access manoeuvring and parking provisions have been assessed by the Local Highway Authority and no objections have been raised subject to conditions which include the provision of electric vehicle charging points and covered and secure cycle storage.
- 7.25 Accordingly and subject to compliance with conditions set out below it is considered that safe and suitable access can be provided to the site.

### **Community Infrastructure Levy/Section 106 obligations**

- 7.26 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
- a) necessary to make the development acceptable in planning terms
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 7.27 As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.

- 7.28 In October 2018 the Council adopted CIL and implemented the levy on 1 January 2019. However, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. There have been no requests for consultees for any contributions as result of the proposed development.

## **8.0 CONCLUSION AND RECOMMENDATION**

- 8.1 For the reasons set out above it is considered that the proposed development is of an appropriately high quality would not unduly impact on the landscape character of the AONB or setting of nearby heritage assets. It is therefore recommended that subject to resolving the outstanding ecology matters that the application is permitted subject to the following conditions:

### **CONDITIONS:**

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 245-001 Rev.A – Proposed Site Context Plan
- 245-002 Rev.A – Proposed Site Plan
- 245-003 Rev.A – Proposed Basement Plan
- 245-004 Rev.A – Proposed ground Floor Plan
- 245-005 Rev.A – Proposed First Floor
- 245-006 Rev.B – Proposed West Elevation
- 245-007 Rev.B – Proposed South Elevation
- 245-008 Rev.B – Propose East Elevation
- 245-009 Rev.B – Proposed North Elevation
- 245-010 – Proposed Forge Elevations

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and where appropriate samples have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details and shall be similarly maintained there after:

- Samples of all proposed facing and roofing materials
- Details of coursing, jointing, texture and relief
- Details of design and colour of the window frames and doors and their reveals including section drawings at a scale of no less than 1:10
- Details of any colour tinting to glazing
- Details of external rainwater goods, flues and vents, including colour and material
- Gates walls and fences

Reason: To ensure that the external appearance of the proposed development will be of an acceptably high standard.

4. No above ground development shall take place until a sample panel of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique, corner construction and palette of materials (including roofing and cladding) to be used in the development. The works shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

Reason: To ensure that the external appearance of the proposed development will be of an acceptably high standard.

5. No part of the development hereby permitted shall be occupied until precise details of the hard and soft landscaping to the site (including the surface material and colour to the access track) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in all respects not later than the first planting season following the first occupation the development.

Reason: Interest of the visual amenity of the area.

6. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of no.2 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up.

7. The Dwelling hereby permitted shall not be occupied until the vehicular parking facilities have been provided in accordance with the submitted plan drawing number 245-002 Rev.A and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.

8. The Dwelling hereby permitted shall not be brought into use until the proposed Dwelling has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

9. The vehicular driveway shall be laid out and constructed in accordance with the submitted plan Site Location Plan drawing no. 245-000, with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be drained so that no surface water flows onto the adjoining highway and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles.

10. No external lighting shall be installed upon the building or within the site unless first agreed in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and be similarly maintained thereafter.

Reason: In the interests of visual amenity and the character of the area and to ensure proper provision is made to safeguard protected species and their habitats.

11. The development hereby permitted shall strictly adhere to the mitigation detailed within the Preliminary Ecological Appraisal, Reptile survey and Bat survey (Focus Ecology June / August 2020).

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

12. Prior to any above ground development, an Ecological Mitigation and Enhancement Strategy as detailed with the Preliminary Ecological Appraisal (Focus Ecology, June 2020) shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved scheme and evidence of implementation submitted prior to first occupation of the development.

Reason: To secure a biodiversity net gain.

13. The development hereby permitted shall be carried out in accordance with the levels set out on approved drawing no.245-002 Rev.A – Proposed Site Plan.

Reason: To define the terms of the permission.

14. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, E, F and G of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development shall take place other than that expressly authorised by this permission.

Reason: In the interests of visual amenity and the character and appearance of the area.

**INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. Should any external lighting be required at a future date, the developer's attention is drawn to the Lighting Professionals Guidance 01/20 Guidance notes for the reduction of obtrusive light. Any such lighting strategy should also incorporate the following matters, inter alia, to minimise the impact of external lighting on ecology and dark skies: (1) identify those areas/features on site that are particularly sensitive for bats and hedgehogs and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and (2) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.