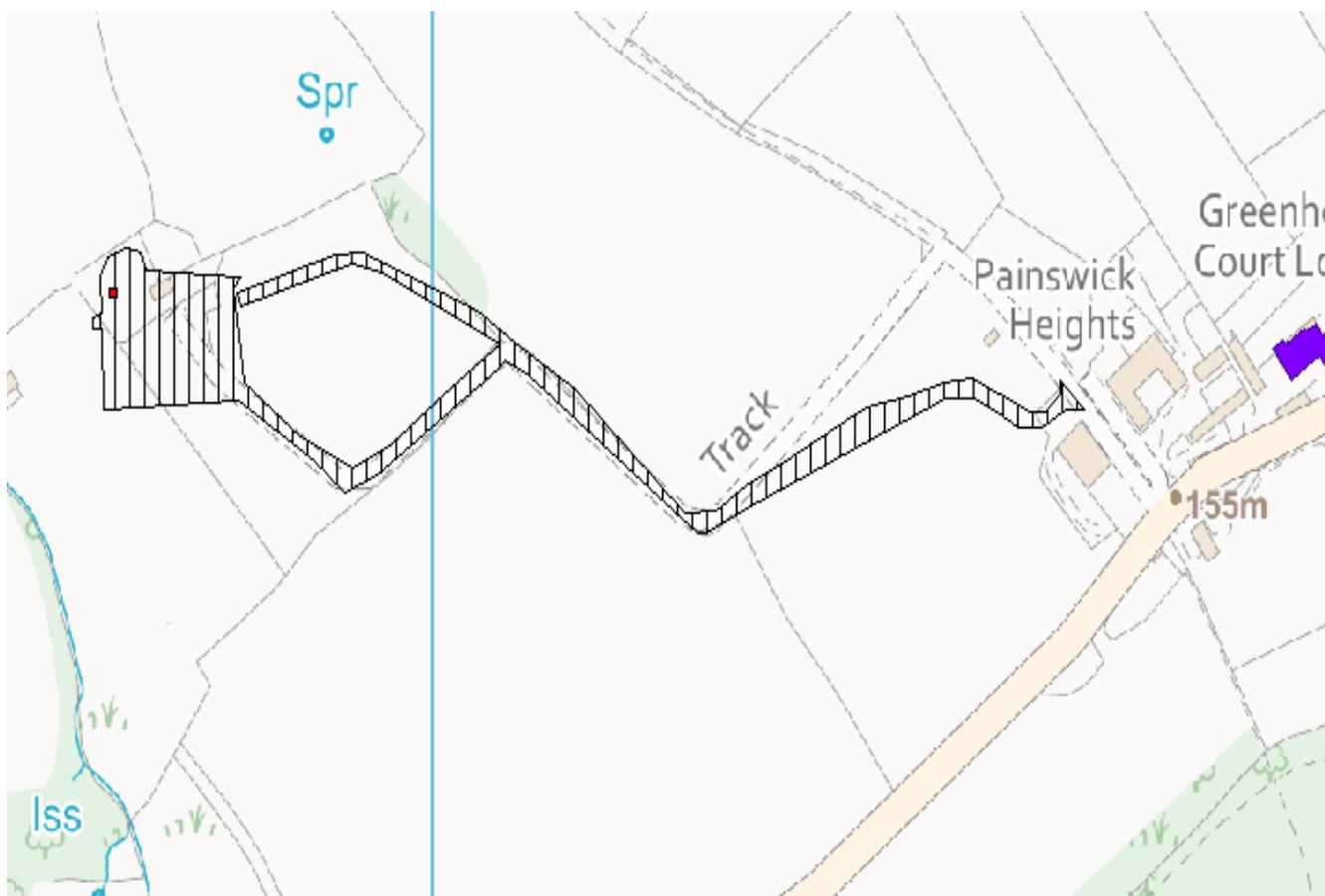




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Item No:	01
Application No.	S.19/2399/FUL
Site No.	PP-08200333
Site Address	Dutchcombe Farm, Yokehouse Lane, Painswick, Stroud
Town/Parish	Painswick Parish Council
Grid Reference	386863,208739
Application Type	Full Planning Application
Proposal	Revised replacement dwelling, new access and driveway
Recommendation	Refusal
Call in Request	Parish Council





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Applicant's Details	C/O Ridge and Partners Dutchcombe Farm, Yokehouse Lane, Painswick, Stroud, Gloucestershire GL6 7SG
Agent's Details	Ridge and Partners Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ
Case Officer	Gemma Davis
Application Validated	08.11.2019
	CONSULTEES
Comments Received	Arboricultural Officer (E) Painswick Parish Council Biodiversity Officer Development Coordination (E)
Constraints	Area of Outstanding Natural Beauty Painswick Parish Council
	OFFICER'S REPORT

MAIN ISSUES

- Principle of development
- Design layout and appearance
- Residential Amenity
- Highways
- Landscape
- Ecology
- Flood risk

DESCRIPTION OF SITE

The site falls within a rural area, on the outskirts of Painswick and within an Area of Outstanding Natural Beauty. Dutchcombe Farmhouse was demolished following a fire in 2015. The site is set some distance from the nearest highway and accessed via a private unsurfaced track.

PROPOSAL

The application seeks permission for the erection of a replacement dwelling. The footprint of the proposed development no longer sits on the footprint of the former building; the proposed location has moved to the south east of the original footprint.

REVISED DETAILS

Revised location plan received 4/3/20 re-directing the proposed track.

MATERIALS

Walls: Cotswold stone walls, timber louvres and rough cast render

Roof: Artificial Cotswold tile and timber shingle

Doors/windows: Painted timber



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REPRESENTATIONS

Statutory Consultees:

The Councils Arboriculturalist has made the following comments:

The submitted landscaping scheme needs further work to demonstrate establishment for the first five years. This can be resolved by adding the following condition;

The landscaping scheme shall include details of hard landscaping areas and boundary treatments (including the type and colour of materials), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers/ densities and establishment details for the first five years.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170 (b) & 175 (c) & (d).

The Councils Biodiversity Officer has made the following comments:

Further information has been provided to the LPA with regards to the ecological surveyors' expertise and as such it is agreed that the surveyor has the level of competency required to undertake the extended phase 1 survey. The surveyor has recommended that the Barn field is most likely Calcareous unimproved grassland, but suggests that the density of indicator species for Lowland Calcareous Grassland (priority habitat) is too low and therefore does not qualify.

However, there are still concerns over the survey methodologies that have been employed to make this assessment as previously stated in my response back in December, it still appears that the surveyor has undertaken a visual walk-over survey noting species and using the DAFOR scale to understand estimated abundance and estimated coverage. The DAFOR scale is a useful tool to use when undertaking an extended phase 1 surveys, however, unless it's clear that the habitat is not species rich e.g. improved or semi improved grassland, further phase 2 survey is then required to classify if the habitats are priority habitats. In order to classify a habitat as Lowland Calcareous unimproved grassland a National Vegetation Classification (NVC) Survey must be undertaken by a suitably experienced and qualified ecologist/botanist and undertaken in accordance with the NVC magnificent meadows guidance. 2m by 2m quadrants are to be used and should be representative of the whole habitat not just a particularly species rich element in order to fully understand if the habitat represents that of a priority habitat. When conducting NVC surveys the DAFOR scale should not be used as there are no quantitative meaning to the frequencies, Scales such as DOMIN or Braun Blanquet Scale should be used instead which allows a percentage cover to be given to each species identified within the quadrants. Once species and percentage cover have been gathered from the quadrants the data has to be run through a computer programme either TABLEFIT or MAVIS to understand if the habitat falls under a priority habitat type. This has not been undertaken at the site as such there is still uncertainty over the conclusions of the report.



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Furthermore, given that the habitat has already been identified as unimproved calcareous grassland the development of an access track cutting through that habitat in Barn field would be considered unacceptable in accordance with Local Plan Policy ES6 and the revised NPPF. The hedgerows on site are also classified as priority habitat, the loss of sections of the hedgerows would also be deemed as unacceptable in accordance with Local Plan policy ES6 and the revised NPPF. The current access track would be considered more acceptable as it follows existing field patterns which have at least remained since the 1900's and does not result in the loss of rare habitat. I would also suggest that the applicant refer to Local Plan ES6 and the mitigation hierarchy which states the following 'All effects upon the natural environment should be addressed sequentially in accordance with the principle of the mitigation hierarchy:

- Avoid
- Reduce, moderate, minimise
- Rescue e.g. translocation
- Repair, reinstate, restore compensate or offset

Furthermore, it is proposed or already undertaken native tree planting within some of the grassland areas, given the likely species richness of the grasslands it may not be the most appropriate planting regime, it would be more appropriate to leave as grassland and manage as a species rich grassland.

The applicant states that the current access track is not fit for purpose due to the likely future compaction of tree roots as identified within the arboricultural report. However, no arboricultural report has been provided to support this application only a tree constraints plan and therefore no evidence has been provided to substantiate this claim.

Furthermore, the applicant suggests that the new access track will be less visibly intrusive as it lies on lower ground from that of the existing track. However, I would argue that point and suggest that as the proposed access track will sit on the side of the hill side it will likely be more visible than the existing access track which sits neatly behind the existing hedgerow and historic field patterns. The site also sits in the designated landscape area the Cotswold Area of Outstanding Beauty and given the sensitivity of the landscape it is recommended that this should be appropriately assessed in accordance with the Cotswold Management Plan (Cotswold Conservation Board) and Stroud Landscape Character Assessment in accordance with Local Plan Policy ES7. Finally, it is recommended that justification and evidence needs to be provided by the applicant detailing the reasons why the existing access track is not fit for purpose and why the proposed access track is more appropriate.



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Recommendation:

Further information is required to assess biodiversity implications:

- NVC vegetation survey for Barn Field
- Landscape Assessment required in order to justify why the proposed access is more appropriate than the existing access within the Cotswold AONB.
- Arboricultural Report to substantiate claims that the existing access track is not fit for purpose.

If the above information cannot be provided Refusal is recommended for the following reasons:

- There is insufficient information to be able to adequately assess the impacts on biodiversity in accordance with policies ES6 and ES7.

After reviewing the submitted documents, it is felt that these surveys fill the role of a management plan rather than a Phase One Preliminary Survey. It is good to see these reports offer advice and enhancement features to encourage biodiversity on site, it also offers insight to the plant species present which is why we have asked for a further Phase 2 National Vegetation Classification survey to understand the plant species present and their abundance on site. This survey would need to be carried out during the correct surveying season (May-August) and by a suitably qualified ecologist. After researching further into CB Design Ltd. we feel that the Phase One Preliminary Survey was not carried out by a suitably qualified and experienced ecologist and therefore we ask for a Phase One Survey to be submitted to the LPA by suitably qualified ecologist as stated by the Biodiversity British Standard BS 42020 4.3.2 (2013) "Any individual dealing with ecological issues at any stage of the planning application process should be able to demonstrate that they have sufficient technical competence and experience to carry out the particular tasks and activities for which they are responsible in the role that they are performing.

They should only attempt to offer a bona fide ecological opinion if they have the necessary knowledge, skills and experience to do so, or have secured appropriate competent assistance".

The submitted reports do not offer insight as to how the proposed development will impact any protected/priority habitats and species, it does not suggest if there was evidence on site of protected/ priority species other than plants. The report has offered enhancement features that could be implemented alongside the new development however, the LPA need to understand what species are present or may be impacted to understand whether these suggested enhancement features are suitable.

Ecological surveys/assessments and impact assessment should follow the Chartered Institute of Ecology and Environmental Management (CIEEM) and other appropriate best practice guidance. Information on where to find a suitably qualified ecological consultant can be found on the Chartered Institute of Ecology and Environmental Management's (CIEEM) website - <http://www.cieem.net/> (from the main page, select 'About CIEEM' and then 'Directory').



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Further information is needed to assess the potential impacts to biodiversity:

An ecological assessment to be undertaken in accordance with the CIEEM Ecological Impact Assessment Guidelines (2006) and a Phase 2 NVC survey carried out by a suitably qualified and experienced ecologist of the proposed development site. The assessment should include information on whether the proposed development is likely to have an adverse impact on any key habitats and species within the proposed application site.

If the above information cannot be supplied, refusal will be recommended for the following reasons:

Policy ES6 of the local plan makes it clear that planning applications must be accompanied by adequate information for the impacts on biodiversity to be assessed.

A further comment was received by the Councils Biodiversity Officer on the 6/3/20 stating:

"I am pleased to see that the scheme has now been revised in line with my previous recommendations and as such I have no further objections to the proposals. If it is minded to grant the proposals consent, I would recommend an Ecological Construction Environmental Management Plan be conditioned prior to the commencement of works to ensure the safeguard of protected species during construction."

Painswick Parish Council made the following comments:

Painswick Parish Council considered this application in their meeting held on Wednesday 11th December 2019 and agreed to 'support'.

Painswick Valley Conservation Society have made the following comments:

Dutchcombe farmhouse, a modest, traditional Victorian style house, was destroyed by fire a few years ago and permission was given for a replacement (16/2461) of similar scale and appearance. The current application for a new dwelling on this largely vacant site, within an isolated field in a prominent location on the hillside below Wickridge, proposes a significantly larger residential property.

The new proposal would comprise a large five-bedroomed house on three floors, together with a single storey annex linked to the main house by a glazed corridor. The annex has a footprint even larger than that of the main house. The principal living rooms and bedrooms are within the main house, whilst the annex contains the service rooms of the house (dining kitchen, laundry etc.). The main house exhibits an eclectic mix of architectural styles from the 16th, 17th and 18th centuries; the modern annex has triple-aspect glazed walls to the dining area and significant expanses of glazing along the west elevation, all affording views up, down and across the Painswick Valley.



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The proposed house would be visible from locations around the Painswick Valley such as Rudge Common National Nature Reserve and the A46 approach to Painswick from Cheltenham. Most particularly, there would be significant light emitted at night from the annex with its extensive glazing, impacting on the rural surroundings. The same glazing would also reflect sunlight in the afternoon and evening. There would consequently be an adverse effect on the AONB contrary to Local Plan Policy ES7.

We therefore object strongly to this proposal as it stands and ask that it be reduced in scale and the fenestration be reduced to mitigate the impact of light on the rural environment.

The Local Highway Authority raise no objection subject to the following condition:

Throughout the construction [and demolition] period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

Public:

At the time of finalising the report 27/5/20, six letters of support have been received concluding that the proposal would be an enhancement, in keeping with Cotswold style, an improvement and the size of the unit will fit nicely into the landscape.

At the time of finalising the report 27/5/20, eight letters of objection have received raising the following concerns:

- Size of dwelling
- Size of windows
- Dominate the valley
- Light pollution
- Out of keeping
- Prominent in landscape

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf



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Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website:

https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf

Local Plan policies considered for this application include:

CP1 - Presumption in favour of sustainable development.

CP2 - Strategic growth and development locations

CP3 - Settlement Hierarchy.

CP14 - High quality sustainable development.

CP15 - A quality living and working countryside.

HC5 - Replacement dwellings

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character.

ES8 - Trees, hedgerows and woodlands.

ES10 - Valuing our historic environment and assets.

ES12 - Better design of places.

The proposal should also be considered against the guidance laid out in:

Residential Design Guide SPG (2000)

Stroud District Landscape Assessment SPG (2000)

Planning Obligations SPD (2017)

The application has a number of considerations which both cover the principle of development and the details of the proposed scheme which will be considered in turn below:

PRINCIPLE OF DEVELOPMENT

The site lies outside the defined development limits where new residential development is not supported unless in certain circumstances, which includes the replacement of dwellings.

Local Plan policy HC5 seeks to protect traditional smaller properties in the countryside by ensuring the following criteria are met; the replacement dwelling should be smaller or similar in size to the existing dwelling with only a minor extension permitted to allow the dwelling to be brought up to modern standards; the proposal should not detract from the character or appearance of its surroundings; the residential use must not be abandoned and the existing dwelling must be of permanent construction.

It is understood that the original property had a footprint of approximately 250m² (GF and FF). It is unclear from the level of information submitted if the building benefited from accommodation in the roof space. The extant scheme has a footprint of approximately 324m² and the proposed scheme has a footprint of approximately 710m².



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The applicant has included the footprint of other historic built form outside of the domestic curtilage of Dutchcombe Farm. Built form outside of the domestic curtilage cannot be included within the footprint of the replacement dwelling.

In determining what constitutes 'similar size', account has been taken to the fact that the dwelling could be extended under permitted development rights. Owing to the location of the dwelling in Article 2(3) land, the dwelling would only have deemed consent to construct a single storey extension to the rear of the property by 4m. The footprint of the proposed property appears to be much larger than what could be achieved through permitted development. As such, the increased scale, form and footprint of the dwelling would exceed an acceptable scale and goes above and beyond what is required to achieve a basic living standard. The proposal therefore conflicts with points 2 and 3 of policy HC5 and the principle of the replacement dwelling is not accepted.

Whilst Dutchcombe Farmhouse no longer exists due to extensive fire damage in 2015, Officers consider that the residential use has not been abandoned and therefore should still be considered under Policy HC5.

DESIGN, LAYOUT AND APPEARANCE

The site lies in the open countryside and was occupied by a farmhouse that was relatively large in size and scale and was simple in terms of its appearance. While the building would not have added to the character of the street, due to it being set significantly back from the roadside and at the bottom of a hillside, its simple design and detailing would have been visible from across the valley. That notwithstanding, the built form would have been subservient and reflective of its period and would not have been prominent or visually strident from across the valley, the former dwelling would have blended in to the landscape.

The Stroud District Local Plan recognises that the principle of replacing an existing dwelling is acceptable. However, LP HC5 aims to protect local character by limiting the size of replacement dwellings, and requires that their scale, form and footprint should be of a similar size to the existing dwelling. A recent appeal was dismissed for a replacement dwelling that was 3.5 larger in Cranham (Ref; APP/C1625/W/18/3211901). The appeal inspector concluded that: "The explanatory text to Policy HC5 makes it clear that there are two objectives to the policy, to protect the character of the area from the cumulative effect of the replacement of smaller dwellings with larger ones, leading to a greater suburban character, but also to protect the supply of the smaller rural dwellings."

The proposal would provide a 5-bedroom with en-suite dwelling, with generous accommodation comprising a drawing room, study, snug, dining room, kitchen, utility, boot room and plant / storage room. The dwelling would have a large sprawling floor plan under a pitched roof arrangement, the main bulk of the dwelling being three storey and some elements single storey. The overall height of the building would measure 10.6m to ridge and 7.9m to eaves. The extant scheme measures 10.1m to ridge and 5.6m to eaves. No details have been provided with regard to the original fire damaged building to enable height comparisons to be undertaken.



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While it is acknowledged that the design of the proposal has been largely landscape led, the proposed dwelling would be considerably larger in scale, bulk and massing than the existing built form on the site. Furthermore, the replacement dwelling would have a floor space of approximately 710 square metres, in the region of 460 square metres more than the existing dwelling. The level of built form on this site is over 3 times more than that of the existing building and 2.5 larger than that of the extant scheme. Therefore, the scale, form and footprint would not be of a similar size to the existing dwelling and therefore the proposal would be contrary to both the wording and the intention of the policy.

While the plot size can accommodate a larger dwelling in terms of amenity space, parking and density, the increased scale in combination with the design, form and massing of the dwelling would result in a more dominant structure on the site.

The dwelling is viewed in a rural setting with only a small number of properties of various sizes and styles in the vicinity. The design of the proposed unit appears fussy and complicated and is not reflective of the site or its surroundings and therefore does not relate with the rural character and surroundings. As such, the proposal would detract from the character of the area, and would be contrary to policy HC5 and CP14 of the adopted Stroud District Local Plan, November 2015.

To conclude, the proposal is not considered to be appropriate in terms of its design, size, scale, bulk and mass not being commensurate with the building in which it seeks to replace.

RESIDENTIAL AMENITY

The site is located within a remote location, the nearest neighbouring property being 420m away. Due to the degree of separation between the proposal and the neighbouring properties, the development would have no significant impact on the residential amenities of neighbouring occupiers.

HIGHWAYS

The site benefits from one vehicular access from the south east of the site, where there is an entrance onto Yokehouse Lane. A track leads from this location around the edge of the field boundary down to the centre of the site.

Due to concerns raised by the Councils Biodiversity Officer, the applicant has amended the proposed access that initially sought to cut across the site. The applicant now proposes to remove the Barn Field section of the driveway so that the existing track is followed in that area and construct a small section of driveway through the lower centre of the site off of the existing track. The newly aligned driveway would be finished in crushed loose stone, are therefore more akin to its surroundings.

Adequate parking facilities can be provided within the site.

LANDSCAPE

The application site is located within the Cotswold Area of Outstanding Natural Beauty (AONB). The landscape designation does not preclude development however Policy ES7 of the Local Plan seeks to ensure development proposals within the AONB should conserve or enhance the special features and diversity of the landscape. The site is located within the 'Secluded



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Valley' as defined by the Councils Landscape Assessment. The key characteristics of this area comprise sloping pasture land that is more open in character where the valleys join. As such, careful consideration is required with regard to the siting and design of new development to maintain this character of landscape and to protect the AONB.

The application site itself is an area of both domestic and agricultural land that is set within natural landscape. Existing development here comprises both domestic and agricultural and is very sporadic and of low density. The site is not considered to be visually prominent from within the local surrounding area however is highly visible from across the valley.

The substantial dwelling would sit on a level area of land more or less at the bottom of the sloping field. While due regard has been given to the landscaping works undertaken and future enhancements and it is acknowledged that the existing vegetation and enhanced planting may provide some screening when in leaf, the new dwelling would be highly visible during the winter months and would likely to be visible year round from across the valley.

In light of the above, it is considered that the size, scale, massing and overall appearance of the replacement dwelling would appear as an incongruous feature within the landscape and would be an unsympathetic form of development within this part of the AONB and out of keeping with the rural setting. Overall it is considered that the development would fundamentally spoil the existing landscape character and is therefore contrary to Policy ES7.

ECOLOGY

The habitat has been identified as unimproved calcareous grassland.

It is proposed and some of which has already been undertaken for native tree planting within some of the grassland areas. The Councils Biodiversity Officer considers that given the likely species richness of the grasslands it may not be the most appropriate planting regime, it would be more appropriate to leave as grassland and manage as a species rich grassland. As the planting of trees is not considered to be development, the Local Planning Authority have no control over what has been undertaken or what is proposed in terms of tree planting.

Following receipt of the revisions, the Councils Biodiversity Officer raises no objection to the proposed development.

FLOOD RISK

The location of the dwelling does not fall within a Flood Risk Zone and as it is a replacement, it will not result in an increased use at the site.

RECOMMENDATION

The proposal is NOT considered to comply with the provisions of policies listed in the reasons for refusal and contained in the adopted Stroud District Local Plan, November 2015 and the core planning principles set out in the NPPF.



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HUMAN RIGHTS

In compiling this recommendation, we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

For the following reasons:	<ol style="list-style-type: none"><li data-bbox="483 656 1517 981">1. The proposed replacement dwelling by virtue of its design, scale, form, massing and footprint is not of a similar or smaller size to the original dwelling and would therefore result in an inappropriately dominant form of development which fails to reflect the character and appearance of the surrounding area that is derived by isolated dwellings with a locally distinctive character. The proposed development would therefore be contrary to Policy HC5 (2) (3), CP14 (5) and ES7 (1) of the adopted Stroud District Local Plan, November 2015.<li data-bbox="483 1021 1517 1234">2. The size, scale, massing and overall appearance of the replacement dwelling would appear as an incongruous feature within the landscape and would be an unsympathetic form of development within this part of the AONB and out of keeping with the rural setting. The proposed dwelling would therefore be contrary to Local Plan Policy ES7 (1) and CP14 (5).
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