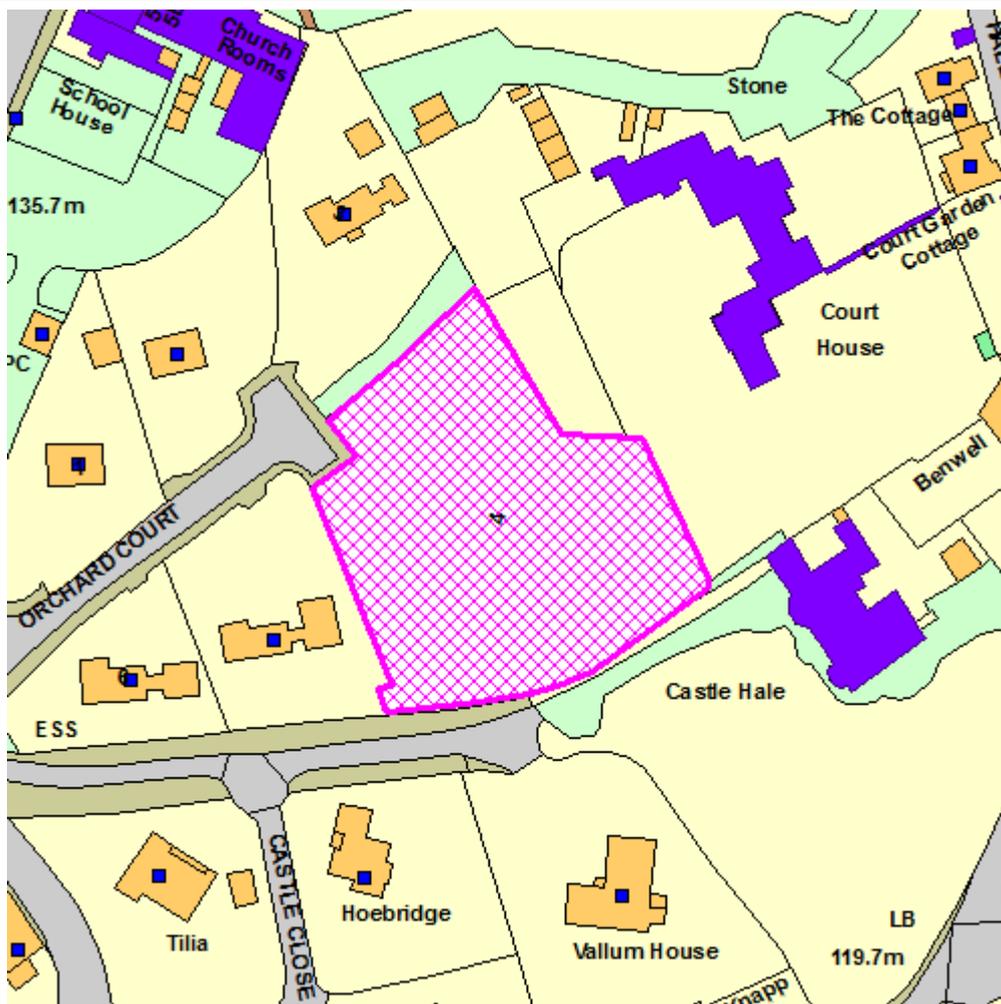




## Development Control Committee Schedule 24/04/2018

<b>Item No:</b>	<b>04</b>
<b>Application No.</b>	S.18/0217/FUL
<b>Site No.</b>	PP-06689592
<b>Site Address</b>	4 Court Orchard, Painswick, Stroud, Gloucestershire
<b>Town/Parish</b>	Painswick Parish Council
<b>Grid Reference</b>	386630,209516
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Demolition of existing dwelling, and the erection of three bungalows. (retirement housing for over 55s)
<b>Recommendation</b>	Refusal
<b>Call in Request</b>	Painswick Parish Council



<b>Applicant's Details</b>	Mr & Mrs D. Harley C/O AC Planning Solutions Ltd, 12 Marling Crescent, Stroud, GL5 4LB
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## Development Control Committee Schedule 24/04/2018

<b>Agent's Details</b>	AC Planning Solutions Ltd 12 Marling Crescent, Stroud, GL5 4LB,
<b>Case Officer</b>	Gemma Davis
<b>Application Validated</b>	30.01.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Archaeology Dept (E) Contaminated Land Officer (E) Painswick Parish Council
<b>Constraints</b>	Affecting the Setting of a Cons Area Area of Outstanding Natural Beauty Consult area Conservation Area Within 50m of Listed Building Painswick Parish Council Settlement Boundaries (LP) Single Tree Preservation Order Points
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

- o Background
- o Principle of development
- o Design and layout
- o Residential Amenity
- o Highways
- o Landscape and trees
- o Archaeology
- o Heritage assets
- o Ecology
- o Obligations / affordable housing

### DESCRIPTION OF SITE

The site comprises land associated with a detached dwelling occupying a large plot that is within the settlement boundary in Painswick. The land level falls steeply to the south within the site. Much of the boundary is defined by mature conifer hedging and there are some protected trees around the southern boundary of the site. The property has a shared access to the public highway that serves the public car park. The site lies within a Conservation Area and the Cotswold Area of Outstanding Natural Beauty and the building to the immediate north-east is a Grade I Listed Building and Castle Hale to the south-east is Grade II Listed.



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### PROPOSAL

The application proposes the demolition of the existing dwelling on the site and erection of three dwellings for over 55's with associated gardens and parking areas.

It is noted that the submitted application details the erection of three bungalows, however the submitted plans identify 1.5 storey properties.

### REVISED DETAILS

None

### MATERIALS

Walls:	Cream render
Roof:	Redland Regent Heritage Brown tiles.
Doors/windows:	Unknown

### REPRESENTATIONS

#### Statutory Consultees:

The Council's Environmental Health Officer has recommended standard conditions and informatives should planning permission be forthcoming.

The County Council's Archaeologist has no objection to the proposed development.

The Council's Contaminated Land Officer has no comments to make on the proposed development.

GCER have identified protected species potentially within 125m of the site.

Painswick Town Council supports the proposed development and have requested that the application is called in to DCC should the application be recommended for refusal.

The Council's Conservation Officer objects to the proposed development.

The Council's Tree Officer objects to the proposed development.

The Council's Water Resources Engineer has no comments or objections to the proposal.

#### Public:

To date over 20 objection letters have been received raising the following concerns:

- o Impact on trees
- o Design and materials out of keeping
- o Density disproportionate to area
- o Insufficient parking
- o Construction disruption
- o Designation of properties for over 55's
- o Highway safety
- o Hydrology



## **Development Control Committee Schedule 24/04/2018**

### **NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework.

Available to view

at:<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66(1). - Impact on setting of listed building

Section 72(1). - Impact on Conservation Area

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](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 development locations

CP3 - Settlement Hierarchy.

CP9 - Affordable housing.

CP14 - High quality sustainable development.

HC1 - Meeting small-scale housing need within defined settlements.

ES3 - Maintaining quality of life within our environmental limits.

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.

ES15 - Provision of outdoor play space.

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)

Historic England Advice Note 3 - The setting of Heritage Assets

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



## Development Control Committee Schedule 24/04/2018

### BACKGROUND

Planning permission was granted in 2014 for the erection of two dwellings on the site.

Planning permission was refused in August 2017 for a nearly identical scheme (Ref: S.17/1375/FUL). The application was refused for the following reasons:

- o The proposed development, by virtue of its layout, size and scale would result in an overly cramped form of development which is out of scale and character with the immediate setting and local context, contrary to the requirements of Policy HC1 (criteria 1 and 4) of the adopted Local Plan, November 2015.
- o The proposed development, by virtue of the proximity of the proposed dwellings, would lead to an unacceptable impact on the protected trees to the south of the site. In addition, the large trees would provide a significant amount of shadowing of the proposed dwellings which would lead to pressure for their reduction in height or felling. The proposal is therefore contrary to the requirements of Policy ES8 of the adopted Local Plan, November 2015.
- o The proposed development's scale, siting and design would make it a visually strident and overbearing intrusion into key views of and from the Grade I listed Court House and the Grade II listed Castle Hale; therefore the proposal fails to accord with policies set out in Paragraphs 126-141 of the NPPF and Policy ES10 of the Stroud District Local Plan 2015, and guidance from the Historic Environment Good Practice Advice in Planning, Note 2 - Managing Significance in Decision Taking in the Historic Environment, and The Historic Environment Good Practice Advice in Planning: Note 3 .

The following amendments have been made to the submitted scheme following the previous refusal:

- o The properties have been re-sited in a northerly direction.
- o Unit 4 has been re-orientated so that its ridgeline runs parallel to the site boundary.
- o The description of development includes 'over 55s'.
- o Dwellings dug into site to reduce height

### PRINCIPLE OF DEVELOPMENT

The application site is located within the development limit of Painswick, a third tier settlement as defined by policy CP3. Such settlements have the ability to support development due to the level of facilities and services in the locality. The site itself is located within relatively close proximity to several services and facilities.

The plot in this particular case already benefits from being in residential use. The plot is also set amongst other properties, within a residential area of Painswick. In this context, the principle of further residential development on the site can be considered.



## **Development Control Committee Schedule 24/04/2018**

### **DESIGN AND LAYOUT**

The proposal is to demolish the existing property and replace with three detached properties, 1.5 stories in height with rooms in the roof space. The street scene leading to the site possesses no clear vernacular, other than large properties positioned within large plots. Court Orchard itself comprises a mix of building styles ranging from two and three storey dwellings of a variety of designs. The proposed dwellings are of a relatively modern contemporary design and therefore would add to the variety of styles of properties that already exist. The dwellings are large but the form and mass of them has been broken up with the irregular shape of the buildings and the varying roof forms.

Given the size of the site, it is accepted that the dwellings could be accommodated while providing adequate private amenity space for the occupants, in accordance with the Council's Residential Design Guide. The plans also suggest that the site would not appear cramped or overdeveloped, however, the introduction of three new dwellings on this plot would be at odds and out of form and context with the existing pattern of development on Court Orchard and not compatible with the character and amenity of this part of the settlement.

The proposed site currently affords open views through the cul-de-sac to the listed buildings beyond and through Court Orchard itself. Furthermore, the layout of the road and the spacing between the properties on Court Orchard contribute to the amenity of the area as a whole, which generally remain open and spacious. These areas contribute to the character and appearance of the road by providing relief from the built form. The development of the proposed site would erode this spacious character and create an enclosed feeling that would detract from the character and appearance of the area. Furthermore, permission has already been granted to the north of the site for a large additional dwelling and this is considered to be the absolute maximum that the whole site could accommodate without appearing cramped or overdeveloped or at odds and out of form and context with the existing pattern of development.

### **RESIDENTIAL AMENITY**

The proposed plans show suitably orientated and fenestrated dwellings that would be located a sufficient distance away from surrounding residential properties so as not to cause an overbearing effect, loss of light or loss of privacy. Current levels of amenity would therefore be preserved in accordance with Policy ES3.

### **HIGHWAYS**

The addition of three dwellings onto the existing road network would not result in a significant increase in traffic generation.

Sufficient parking and turning facilities are shown and would ensure that vehicles and pedestrians can successfully negotiate the site. As such, access arrangements are considered to be acceptable.

Moreover, the site is located within the defined settlement boundary and future occupiers of the properties would have easy access to local facilities without the need to travel by car.



## **Development Control Committee Schedule 24/04/2018**

### **LANDSCAPE AND TREES**

The site is located within an area that is predominantly residential. As such it would be difficult to demonstrate that significant landscape harm is created by the proposal.

The application has been submitted in full for the demolition of the existing dwelling, and the erection of three bungalows. To the south of the bungalows is a row of mature trees subject to a tree preservation order.

In spite of the amendments made to the previously refused scheme under reference S.17/1375/FUL, the Council's Arboriculturalist maintains his previous concerns in respect of the impact of the proposal on the TPO'd trees.

Of the row of mature trees on the southern boundary, four are Acers protected by a Tree Preservation Order, and the other mature trees are situated in the designated Conservation Area.

The proposed location of the dwellings would mean that the rear gardens of the properties would be heavily shaded by the trees at conflict with potential future occupants of proposed properties who would want trees to be in harmony with their surroundings without casting excessive shade, or otherwise unreasonably interfering with their prospects of reasonably enjoying their property.

Development layouts which affect protected trees require careful adjustments to ensure that the trees which are to remain do not cause unreasonable inconvenience to future occupiers, if not this will inevitably lead to requests for consent for the trees to be felled. Site layouts which merely avoid the exclusion zones may not, therefore necessarily be adequate and it should be remembered that these trees are on the southern boundary of the site adjacent to the proposed rear gardens. It is therefore important to ensure that the trees which are to remain can reasonably be retained to maturity, thereby providing maximum amenity benefits with minimum maintenance requirements. In considering the juxtaposition of trees and buildings, site layout design should ensure that the trees are given adequate space including sufficient allowance for future growth, without the need for excessive or unreasonable pruning. The proposed location of the dwellings in this application fails to address these issues.

The predicted mature height, branch spread and crown form of individual trees should be assessed in conjunction with site factors such as aspect, topography, soil conditions and exposure. The ultimate mature size of any individual tree will be dependant on site specifics and in cases like this a qualified assessment should be sought.

Site layouts should ensure that garden areas are of an adequate size, are large enough to enable normal domestic use and can reasonably accommodate the trees, including allowance for future growth. Garden areas should normally be sufficient to allow reasonable extensions of the main dwelling and other permitted development rights without reducing the amount of usable garden to unacceptable levels.



## **Development Control Committee Schedule 24/04/2018**

To conclude, whilst the proposed units have been sited further away from the trees that form the southern boundary, the proximity is still considered unacceptable for the reasons outlined above.

### **ARCHAEOLOGY**

The application site is archaeologically sensitive as it is located within the area of Painswick which is thought to have been occupied during the medieval period.

In connection with a previous application for development on this site the application site was investigated by means of a programme of archaeological assessment and evaluation. The submitted application is supported by reports on an archaeological desk-based assessment (Foundations Archaeology, July 2014) and an archaeological evaluation (Foundations Archaeology, October 2014) undertaken in connection with that previous scheme.

The results of the programme of assessment and evaluation were negative, in that no significant archaeological remains were observed during the investigations.

### **HERITAGE ASSETS**

The site lies adjacent to two listed buildings: the Grade I listed Court House and the Grade II listed Castle Hale, and is on the border of the Painswick Conservation Area.

From the public realm, the proposed development would have very little impact on the setting of the listed buildings; however, the significance of the setting of listed buildings does not relate merely to public views. There would be a direct inter-visibility between the development and the listed buildings from several private view points.

Castle Hale is a handsome house sited in generous grounds. Its principle elevations are those dating from a large 18th century remodelling when the original building was transformed from a good vernacular building into a gracious residence resembling a small country house. Castle Hale's backdrop is verdant with views rising up past the Court House to the church behind. In spite of the construction of Court Orchard and Castle Close in its former grounds, later development has not compromised the immediate setting of the listed building.

Notwithstanding the proposed amendments to the previously refused scheme under reference S.17/1375/FUL, the proposed houses would still run adjacent to Castle Hale's main entrance drive. Although there is currently some screening through mature trees on the boundary, the development would be visible in views of the house for much of the year and at night. Given the proximity and scale of the development, and the topography of the site, the proposed dwellings would be a visually overbearing presence that would significantly erode the exclusive setting of the prestigious Castle Hale, so harming the significance of the Grade II listed building.

The Court House is a Grade I Listed building dating from the 16th /early 17th century. Its most striking elevation is to the west. Whilst the proposed development would have less impact on views of the Court House, there is likely to be a significant impact on views from the house. In spite of the buildings of Court Orchard and Castle Close, the Court House has



## **Development Control Committee Schedule 24/04/2018**

a reasonably clear out look to the west. The space afforded by the gardens at 4 Court Orchard contributes to this. The proposed dwellings would be visible from the house, including from the canted bay window of the principle room. The number of buildings would appear as a small housing estate in these key views, so greatly suburbanising the views from the Grade I listed building, thereby causing harm to its significance.

The proposed development would encroach on the Conservation Area, but not so detrimentally as to be unacceptable.

To conclude, the identified harm would be less than substantial in terms of the Framework, therefore paragraph 134 of the NPPF is triggered. Whilst it is acknowledged that there would be some public benefit arising from the development, it is not considered that it would be so significant as to outweigh the harm to the setting of the listed buildings.

### **ECOLOGY**

The site consists of a detached dwelling and its associated curtilage. It was evident from the Officers site visit that the garden area of the site is relatively maintained. A bat roost assessment was submitted with the application and it concluded that after examination of the property and its surroundings, it was found to have negligible potential for bats with no potential access points or roost sites. However, the western gable provided some potential for nesting birds.

The submitted report concluded that no further surveys are necessary and the building should be demolished outside of the bird breeding season (March to August inclusive). If this is not possible the base of the Virginia creeper should be cut in the autumn, after the bird breeding season is finished, this will ensure that the Virginia creeper does not produce leaves during the following bird breeding season and discourage birds from nesting.

### **OBLIGATIONS / AFFORDABLE HOUSING**

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has not been submitted with the application.

Adopted Local Plan policy CP9 specifies that small scale residential schemes (1 -3 dwellings) for should pay a contribution to affordable housing of at least 20% of the total development value (where viable). Given that this policy has now been tested and it has been shown that the majority of these very small sites have been unable to support a payment towards affordable housing, the Council will only be pursuing an affordable contribution in respect of sites less than 4 units where the combined floor area of the units exceeds 1000m<sup>2</sup>.

### **CONCLUSION and RECOMMENDATION**

As outlined above, the revised scheme is not dissimilar to that of the previously refused scheme. The amendments do not overcome the concerns previously expressed. As such, 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:

1. The introduction of three dwellings on this plot would be at odds and out of form and context with the existing pattern of development on Court Orchard and not compatible with the character and amenity of this part of the settlement. The layout of the cul-de-sac and the spacing between the dwellings on Court Orchard contribute to the amenity of the area as a whole, which generally remain open and spacious. These areas contribute to the character and appearance of the cul-de-sac by providing relief from the built form, and by their use as domestic gardens. The development of the proposed site would erode this spacious character and create an enclosed feeling that would detract from the character and appearance of the surrounding estate. The proposal is therefore contrary to Local Plan Policy HC1(1) and (4).
2. The proposed development, by virtue of the proximity of the proposed dwellings, would lead to an unacceptable impact on the protected trees to the south of the site. In addition, the large trees would provide a significant amount of shadowing of the proposed dwellings which would lead to pressure for their reduction in height or felling. The proposal is therefore contrary to the requirements of Policy ES8 of the adopted Local Plan, November 2015.
3. The proposed development's scale, siting and design would make it a visually strident and overbearing intrusion into key views of and from the Grade I listed Court House and the Grade II listed Castle Hale; therefore the proposal fails to accord with policies set out in Paragraphs 126-141 of the NPPF and Policy ES10 of the Stroud District Local Plan 2015, and guidance from the Historic Environment Good Practice Advice in Planning, Note 2 - Managing Significance in Decision Taking in the Historic Environment, and The Historic Environment Good Practice Advice in Planning: Note 3.

#### Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. The case officer was in regular contact with the agent.



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### 2. Plans considered:

29.1.18 - Context Sections 044-207

29.1.18 - Unit 2-4 Plans 044-101

29.1.18 - Units 2-3 Elevations 044-103

29.1.18 - Unit 4 Elevations 044-204

29.1.18 - Unit 4 Floor Plans 044-205

29.1.18 - Units 2-4 garages

7.2.18 - Site location plan, sections and block plan 044-000