

# MGL DESIGN ASSOCIATES

Proposed New Dwelling Including Midsummer Clinic  
on Land Adjacent to Church Cottage, Church Westcote,  
Chipping Norton, Gloucestershire, OX7 6SF

## **ADDENDUM TO DESIGN AND ACCESS STATEMENT**

SEPTEMBER 2022

(To be read with D&A Statement and Heritage Statement for app. ref.: 22/01565/FUL)

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## 1. INTRODUCTION

1.1. An application was made to Cotswold District Council earlier this year to erect a two-storey dwelling on land adjacent to Church Cottage, Church Westcote, Chipping Norton, OX7 6SF. The application reference was 22/01565/FUL and it was refused on 1st July 2022.

1.2. The Council's Decision Notice confirmed the following:

### 1.3. Reason for Refusal No 1

1.3.1. The proposed development would result in the erection of a new build open market dwelling outside a Principal or Non Principal Settlement contrary to Local Plan Policy DS4. There are no material considerations that outweigh the conflict with the aforementioned policy.

### 1.4. Reason for Refusal No 2

1.4.1. The application site is located adjacent to Church Westcote Conservation Area and in close proximity to a number of listed buildings. The application site makes a positive contribution to the rural and historic setting of the aforementioned designated heritage assets. The introduction of the proposed dwelling and the associated residential development onto the site would have an urbanising impact on the locality to the detriment of this special character. The proposed development would therefore fail to preserve the setting, character and appearance of the conservation area and listed buildings. It would cause less than substantial harm to the aforementioned designated heritage assets. No public benefits have been demonstrated that outweighed the identified harm. The proposal is considered to be contrary to Local Plan Policies EN1, EN2, EN10 and EN11 and guidance contained in section 16 of the National Planning Policy Framework.

### 1.5. Reason for Refusal No 3

1.5.1. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The proposed scheme would cause encroachment of built development into the open countryside and would detract from the rural setting of the village within the AONB landscape. It is considered the proposed development will fail to conserve and enhance the natural beauty of the designated landscape contrary to Cotswold District Local Plan Policies EN1, EN4 and EN5 and guidance contained in Section 15 of the National Planning policy Framework.

### 1.6. Reason for Refusal No 4

1.6.1. Insufficient information has been provided to demonstrate that the proposed development will not have an adverse impact on protected species or their habitat having regard to Local Plan Policy EN8 and guidance in Section 15 of the National Planning Policy Framework.

1.7. Receipt of this planning refusal was of course very disappointing. The need to provide the applicant with a more appropriate new home which is also a workplace is very much still there and so in the light of the Council's decision we have prepared a new design which seeks to answer the points noted above and takes reference from other applications in the same collective village where a new dwelling outside the village in Nether Westcote has been consented in 2021. The application approved a new dwelling outside the village settlement, just outside the Conservation Area and adjacent to listed buildings all within the AONB. On the face of it the approved building has been passed for all of the reasons that the Church Westcote application was refused for. It is understood that on the Nether Westcote site there was an existing building that was to be demolished to make

way for the new dwelling and this factor will be referenced with the new Church Westcote application and how the new design on is also on the site of an existing building. In addition, the new application building will be a place of work as well as living accommodation which provides great public benefit.

- 1.8. All of this will now be examined and explained in this addendum report, and it is to be read to be read with the Design and Access Statement and the Heritage Statement prepared for the previous application.
- 1.9. The main difference with the new application is that the proposed dwelling is now inside the existing settlement boundary and is on the site of and replicates in principle an original building which is shown on the 1880's ordinance survey plan and was still in place up into the 1990's. In fact, this building, as we understand it, was in place when the Church Westcote Conservation Area was first designated in March 1989, and it was also in place when Church Cottage was first statutorily listed in May 1987.
- 1.10. In short, the current application proposal meets all of the tests which the Council used to support the approved application in Nether Westcote which was outside the settlement boundary and we believe when looking at this new proposal the Council should support the application and grant planning consent.

## 2. BACKGROUND APPROVED SIMILAR APPLICATION IN NETHER WESTCOTE

### 2.1. WALLGROUND, LAND TO WEST OF CHURCH FARM BUILDINGS – APPLICATION REF.: 19/03873/FUL

2.1.1. Looking at the Officers Report the main issues for that approved application was noted as:

- *Principle of Development*
- *Design and Impact on the Character and appearance of the Area*
- *Impact on Residential Amenity*
- *Other*

2.1.2. Looking at this site in more detail we believe is important as the issues discussed in the officer's report leading to the approval in the main apply to the Church Westcote site.

#### 2.1.3. Site Description

2.1.3.1. This site is noted as being in the Cotswold Area of Outstanding natural Beauty and OUTSIDE THE DEVELOPMENT BOUNDARY as designated in the Cotswold District Council Local Plan 2001 to 2011.

2.1.3.2. This site is not in the Nether Westcote Conservation Area boundary but is on the boundary of that area. The site is confirmed as being visible from public vantage points.

2.1.3.3. Currently there is detached outbuilding on the site which in 2018 (21/03/2018) under application reference 17/05031/FUL received consent for demolition and replacement by a five-bedroom house. The 2019 approved application was for the same use as a new dwelling but with a different design.

#### 2.1.4. Proposal

2.1.4.1. Point 1 – The application site forms previously developed land or Brownfield.

2.1.4.2. Point 2 – The approved proposal was for a detached single dwelling which is larger than the confines of the existing building. The main element of the building would be 18m long and 12.4m wide to the north and 5.85m wide to the south.

#### 2.1.5. Principle of Development

2.1.5.1. The report confirms the application site is not located within one of the 17 principle settlements as defined by the Cotswold District Local Plan. The site is located on the edge of the settlement of Nether Westcote and is brownfield land. It was a material consideration the site had been granted consent for a dwelling, so it was then considered that the land is within the settlement of Nether Westcote.

2.1.5.2. Nether Westcote has limited facilities within the village in the form of a public house and a church in Church Westcote. The report goes on to confirm Nether Westcote is approximately 3.8km from Upper Rissington which has further facilities such as a convenience store, school and village hall.

2.1.5.3. Policy EN2 Design of the Built Environment

*Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality which respects the character and appearance of the locality.*

2.1.5.4. Policy EN4 The wider natural and Historic Landscape states:

1. *Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.*
2. *Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.*

2.1.5.5. Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. *In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.*
2. *Major development will not be permitted within AONB unless it satisfies the exceptions set out in National Policy Guidance.*

2.1.5.6. The approved application site is located in Landscape Character area 15b Vale of Moreton Farmed slopes.

2.1.5.7. Policy DS3 of the Cotswold District Local Plan sets out that:

1. *In non principal settlements, small scale residential development will be permitted provided it:*
  - a. *Demonstrably supports or enhances the vitality of the local community and the continued availability of services locally.*
  - b. *It is of proportionate scale and maintains and enhances sustainable patterns of development.*
  - c. *Compliments 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.*

2.1.5.8. Also mentioned in this section of the officer's report was:

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

*The supporting text to Policy DS3 sets out that "some rural settlements, however, have greater sustainability credentials than others and may, for example, have 'everyday' facilities, such as a shop/post office, a (non fee paying) school, and/or good public transport access to neighbouring service / employment centres. Availability of everyday facilities is important in reducing unnecessary traffic movements and engendering a sense of community, which helps to prevent 'social isolation'."*

*Accordingly, this policy applies to those rural settlements in the District that 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. Some rural settlements are located near to the District boundary and have better public transport access to equivalent service centres in adjacent local authority areas (e.g. Cricklade, Burford and Winchcombe). Distance, quality of route, topography and pedestrian safety are important issues when considering the accessibility of services and facilities."*

The application site is an existing industrial site adjacent to the main part of Nether Westcote. There is a direct visual and built relationship with the village as a result of the existing building on site and as such the site is not considered to be isolated. Nether Westcote has some facilities within the village. However due to its proximity to Upper Rissington the development of a dwelling would also help to support the ongoing viability and vitality of neighbouring settlements in accordance with Policy DS3 of the Cotswold District Local Plan and Paragraph 78 of the NPPF.

As such due to the previously developed status of the site and its physical and visual relationship with the village of Nether Westcote and proximity to neighbouring settlements it is considered that the proposals fall within the remit of Policy DS3 and the principle of a new dwelling is therefore supported.

#### **2.1.6. Design and Impact on the Character and Appearance of the Conservation Area**

The Nether Westcote Application was located adjacent to the Nether Westcote Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving and enhancing the character and appearance of the area, in accordance with Section 72(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2.1.6.1. Section 16 of the NPPF requires that the local planning authorities take account of the desirability of sustaining and enhancing the significance of heritage assets. Para 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Para 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Para 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 2.1.6.2. Section 12 of the NPPF makes it clear that the creation of high-quality buildings and places is fundamental to what the development process should achieve and that good design is a key aspect of sustainable development.
- 2.1.6.3. Policy EN2 Design of the Built and Natural Environment
- Development will be permitted which accords with the Cotswold Design Code. Proposals should be of quality that respects the character and distinctive appearance of the locality.
- 2.1.6.4. Policy EN10 states that in considering proposals that affect a designated heritage asset or its setting great weight will be given to the assets conservation. Development proposals that sustain and enhance the character, appearance and significance of the designated heritage assets (and their settings), and put them to viable uses, consistent with their conservation, will be permitted. Proposals that would lead to harm the significance of a designated heritage asset or its setting, unless clear convincing justification of public benefit can be demonstrated to outweigh that harm.
- 2.1.6.5. Policy EN11 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.
- 2.1.6.6. The approved new dwelling in Nether Westcote was considered a well-designed and proportionate dwelling on the site. The house was also set down into the site to make good use of the site's existing natural contours.
- 2.1.6.7. It was noted that the use of high-quality materials in the form of Cotswold stone walling and blue slate tiles reflecting the character and materials of buildings within Nether Westcote. Openings reflected the more agricultural appearance and were to be timber framed and a condition attached requesting any new openings in the future would require a planning application.

2.1.6.8. The use of Cotswold stone walling to define site boundaries adds to the rural character.

2.1.6.9. When all of the above was taken into consideration the Council considered the Nether Westcote approved application would maintain the setting and character of the Conservation Area in this location in accordance with policies EN2, EN10, and EN11 of the Cotswold District Local Plan and the NPPF.

### **2.1.7. Impact on the AONB**

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

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

2.1.7.3. *The application site comprises the existing large commercial building. The proposal has been designed to reflect the rural / edge of settlement character of the site and provide a sense of enclosure to the wider landscape and better integrates the site into the village.*

2.1.7.4. *The use of high-quality materials and provide an enhancement over the current built form on the site.*

2.1.7.5. *As such it is considered the proposals would not result in an encroachment of development into the countryside or have an adverse impact on the setting of the town within the AONB landscape. It is considered that the proposal will not have an adverse impact on the character or appearance of the AONB. The proposal is considered not to conflict with Local Plan Policies EN2, EN4, EN5 or Paragraphs 170 and 172 of the NPPF.*

### **2.1.8. Impact on Residential Amenity**

2.1.8.1. *Paragraph 127 of the NPPF seeks to create places with a high standard of amenity for existing and future users. 'The Design Code (Appendix D) referred to in Policy EN2 of the Local Plan also sets out guidance with regard to residential amenity, stating that "Extensions should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect".*

2.1.8.2. *The Design Code Key Design Considerations for Specific Development Proposals for residential extensions, outbuildings and new dwellings 1 (p) sets out that To ensure adequate privacy, the minimum distance between facing windows of one and two storey dwellings.*

2.1.8.3. *The Nether Westcote separation was noted as 32 metres and in excess of the 22m required.*

### **2.1.9. Other**

2.1.9.1. *Drainage*

*Policy EN14 seeks to manage flood risk by avoiding areas at risk of flooding in accordance with a risk-based sequential approach; minimising flood risk and providing resilience; and including Sustainable Drainage Systems where appropriate. Chapter 10 of the NPPF addresses the need to take account of flood risk.*

*The site is located within Flood Zone 1. The existing building on site would be removed as part of the proposals and the new dwelling would occupy a larger footprint which would be surrounded by permeable surfacing. As a result of this a surface water drainage scheme was required. The submitted scheme showed that infiltration rates are expected to be moderate to good at this site. We have*

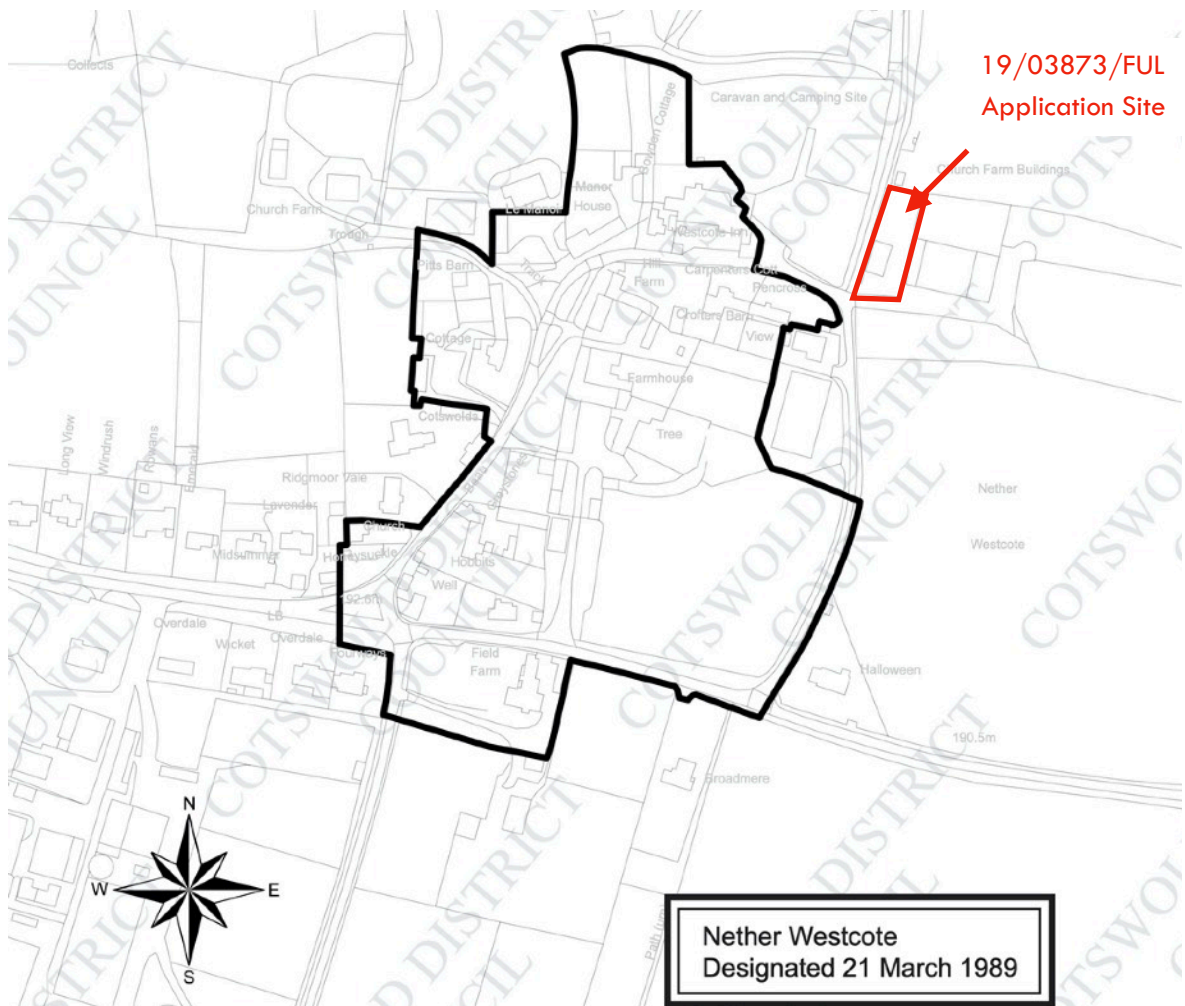


therefore proposed a combination of porous paving and geocellular soakaways to deal with surface water drainage. This is considered to comply with Local plan policy EN14.

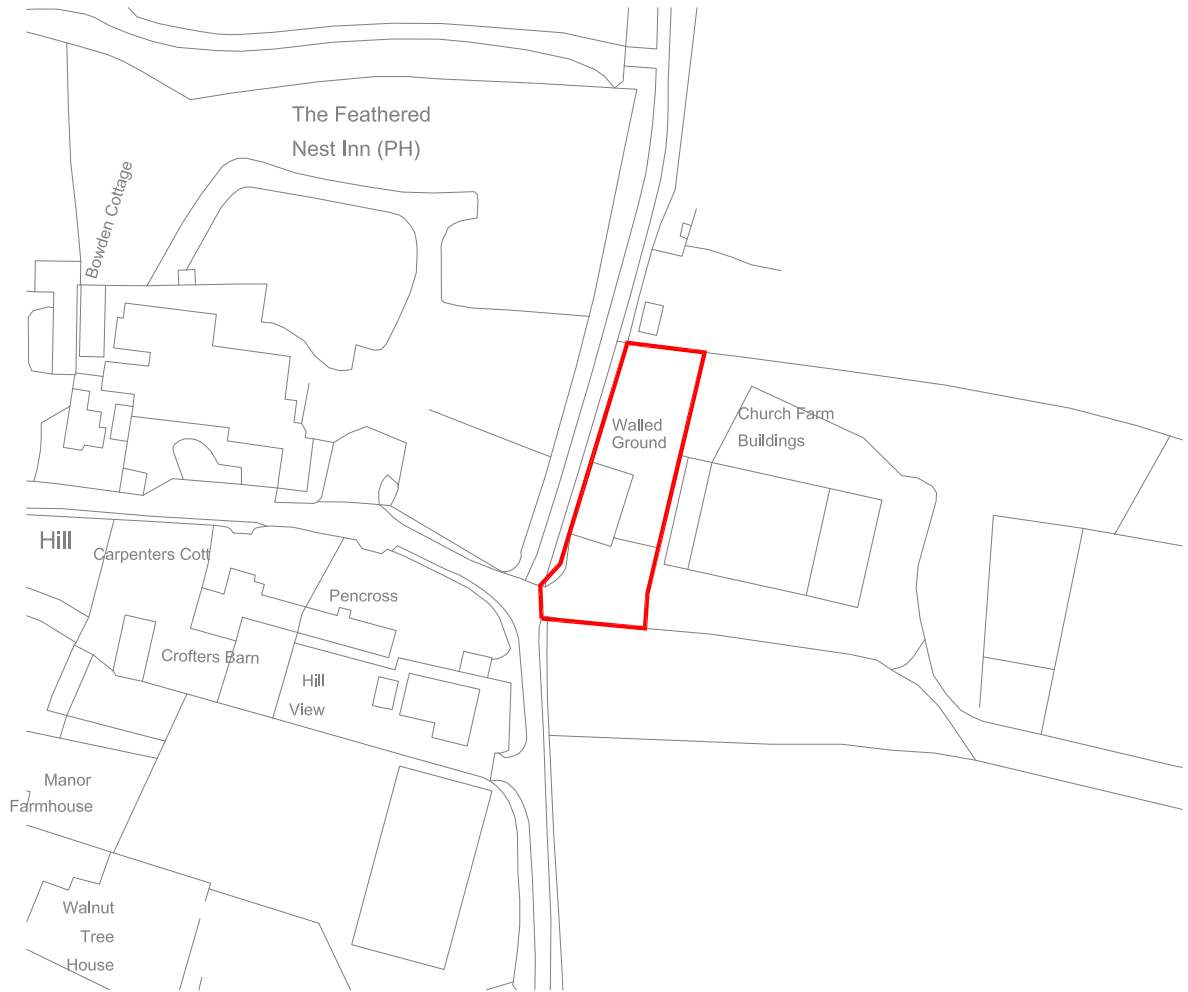
**2.1.10. Officers Assessment**

2.1.10.1. This stated that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material. The conclusion confirmed the proposals are considered acceptable subject to conditions and is therefore recommended for approval.

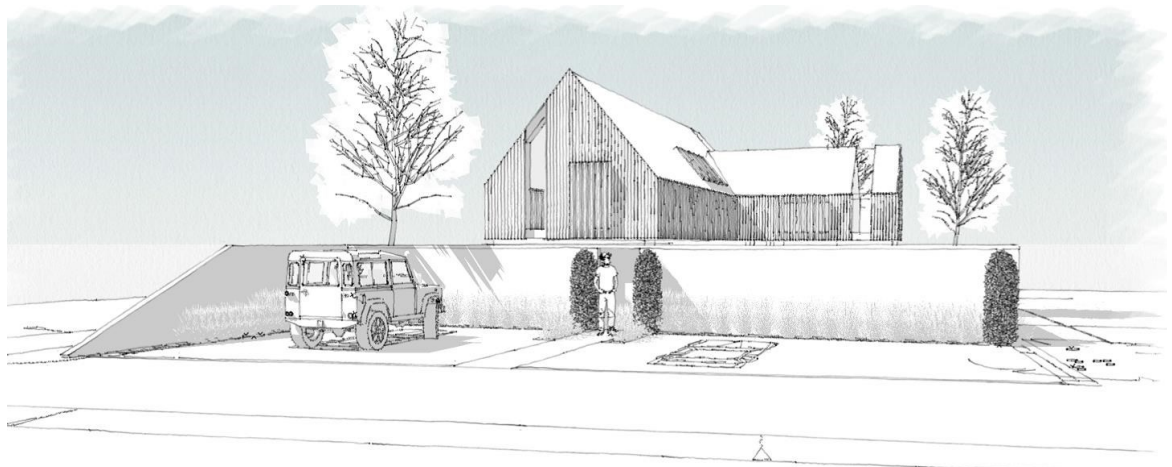
2.1.11. The reason for including these notes is the fact we believe they are highly relevant to the current application which is directly comparable in many instances to the recently approved application in Nether Westcote.



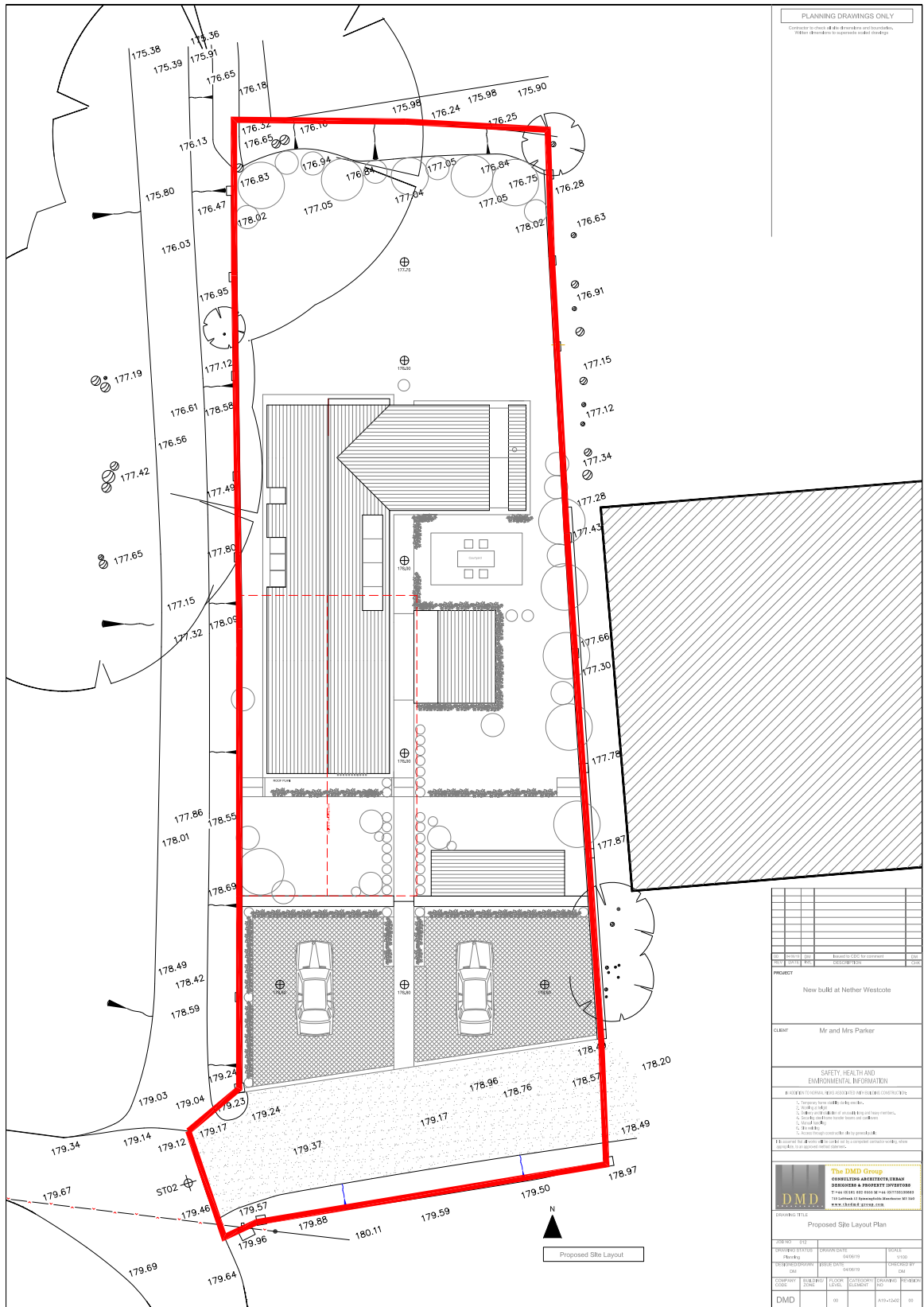
Nether Westcote Conservation Area



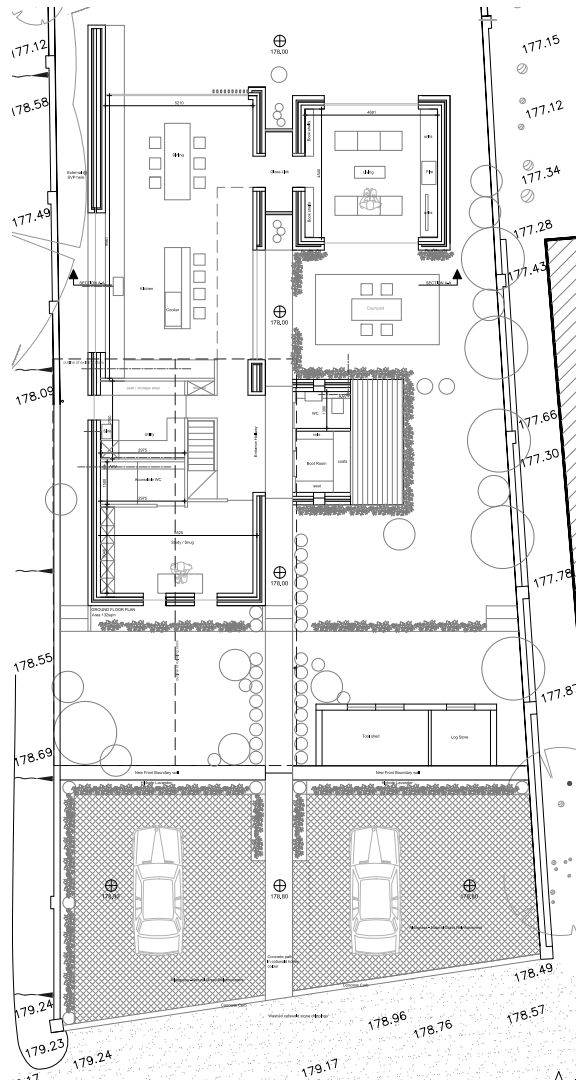
19/03873/FUL - Site location plan



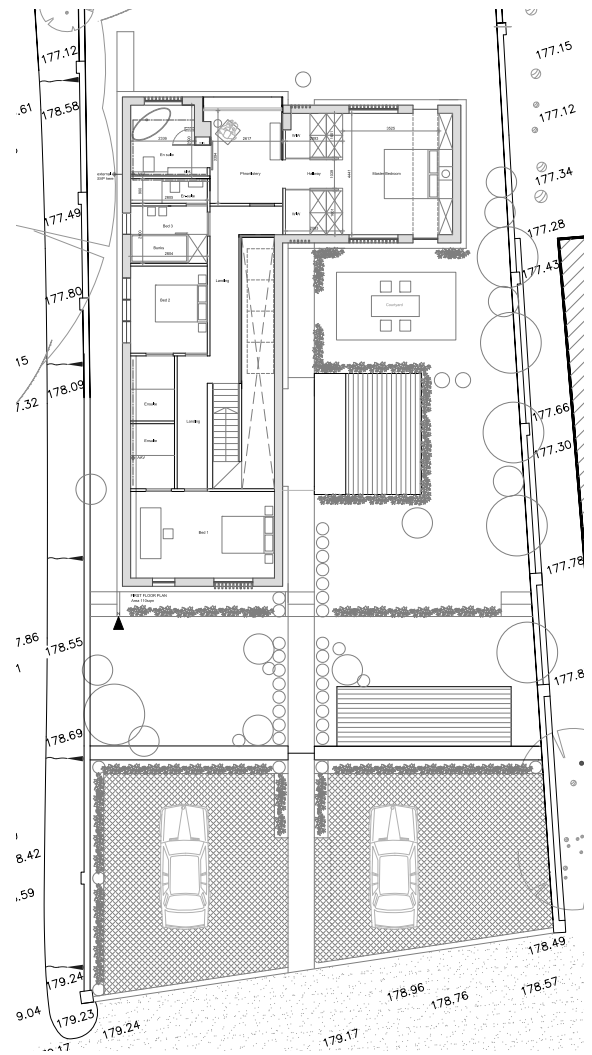
19/03873/FUL - Proposed 3D sketch front view



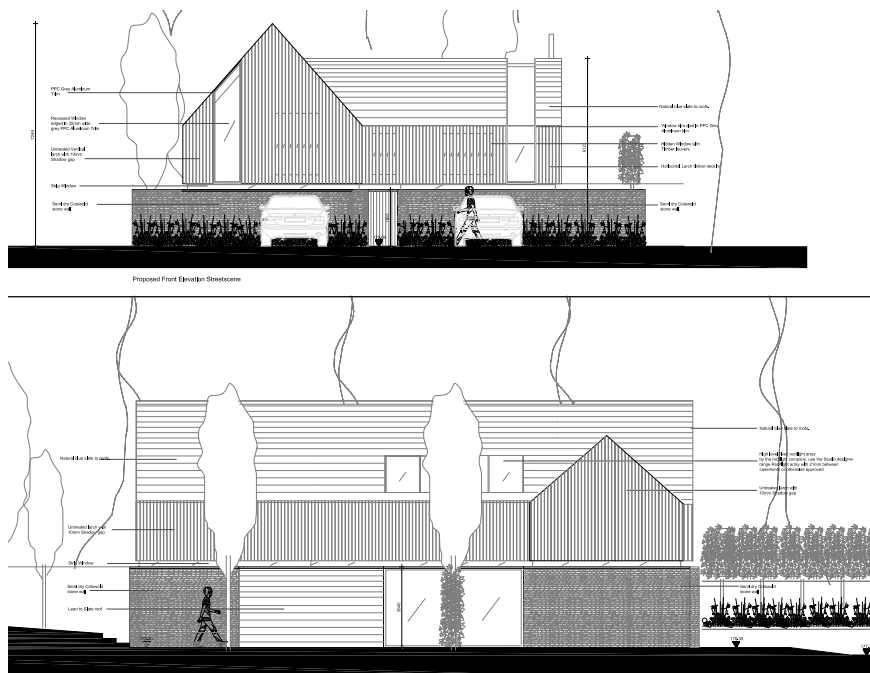
19/03873/FUL - Proposed site layout



19/03873/FUL - Ground Floor Plan



19/03873/FUL - First Floor Plan



19/03873/FUL - Proposed elevations



19/03873/FUL - Proposed elevations

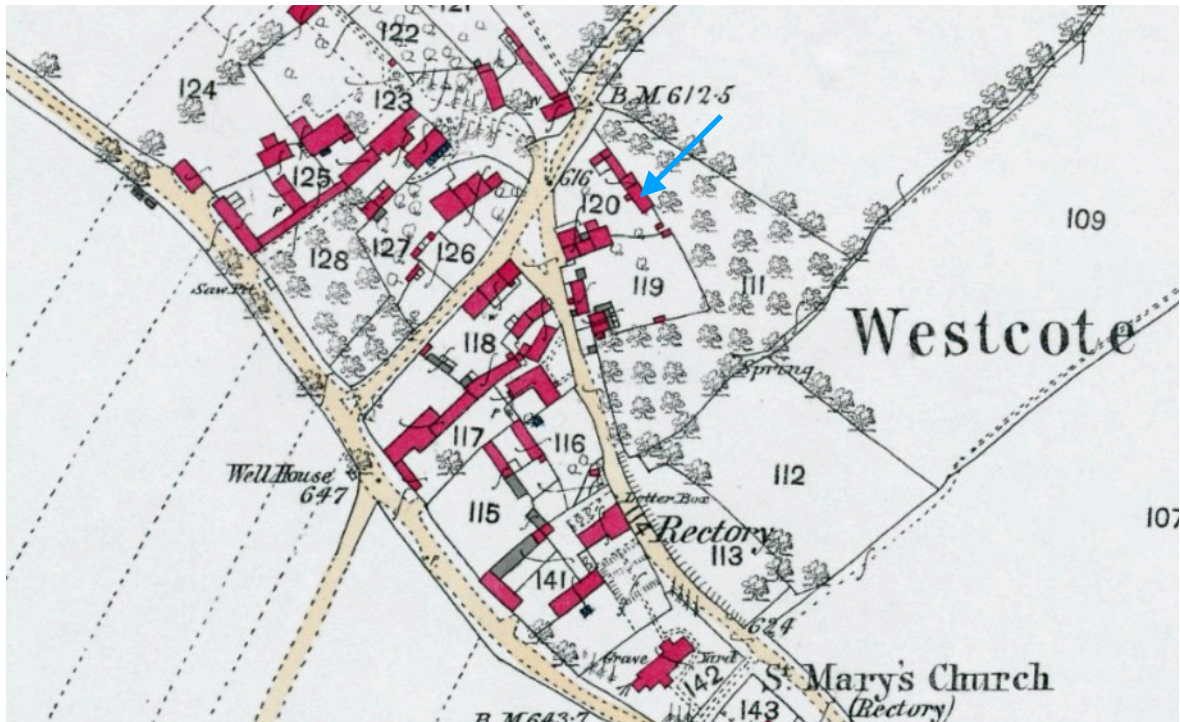


19/03873/FUL - Photo of application site with building in progress

### 3. NEW APPLICATION DESIGN

#### 3.1. EXISTING SITE

- 3.1.1. Church Cottage is Listed Grade II and the original early nineteenth Century cottage most likely consisted of the much smaller central section defined by the stone parapet gables. By the time the 1880's ordinance survey plan was produced the original cottage had two wings either side of the original cottage and with the same width as the original cottage. The cottage had two storeys reading as one and a half storey building.



1880 OS map

- 3.1.2. Attached at the northern end of the building there was a long L shaped building which was attached to the northern end of Church Cottage. This building is shown on the 1880's ordinance survey plan as 3 separate blocks with two separate walled enclosures on the western side of the building. This building was around 13 metres long on the long side and with a 9 metre long elevation facing towards the access road. The building had a double pitched roof and was single storey in height. The applicant and current owner of the site first moved and lived in Nether Westcote in the early 1980's and moved to Church Cottage in the early 1990's and the L shaped building was still in place then. This means that building was in place when the building was first listed in 1987 and the Conservation Area designated in 1989. It was also in place when the ANOB designation was first introduced in 1966.
- 3.1.3. Since the 1990's a new northern 2 storey wing was consented and added along with the rear full width extension to the cottage and the original larder entrance porch was demolished and replaced by a modern smaller replacement in the same general style.
- 3.1.4. The L shaped building was demolished in the early 1990's but the original foundations are still in place.

- 3.1.5. These long straight or L shaped buildings attached or adjacent to other buildings was a relatively common feature on the larger houses in Church Westcote. Similar to the Church Westcote building were to be found on The Dower House Cottage, The manor House, The Close and Stayts House. As noted in the Heritage Statement in the past the population of Church Westcote was higher than it is today and some of these building housed workers in the village.



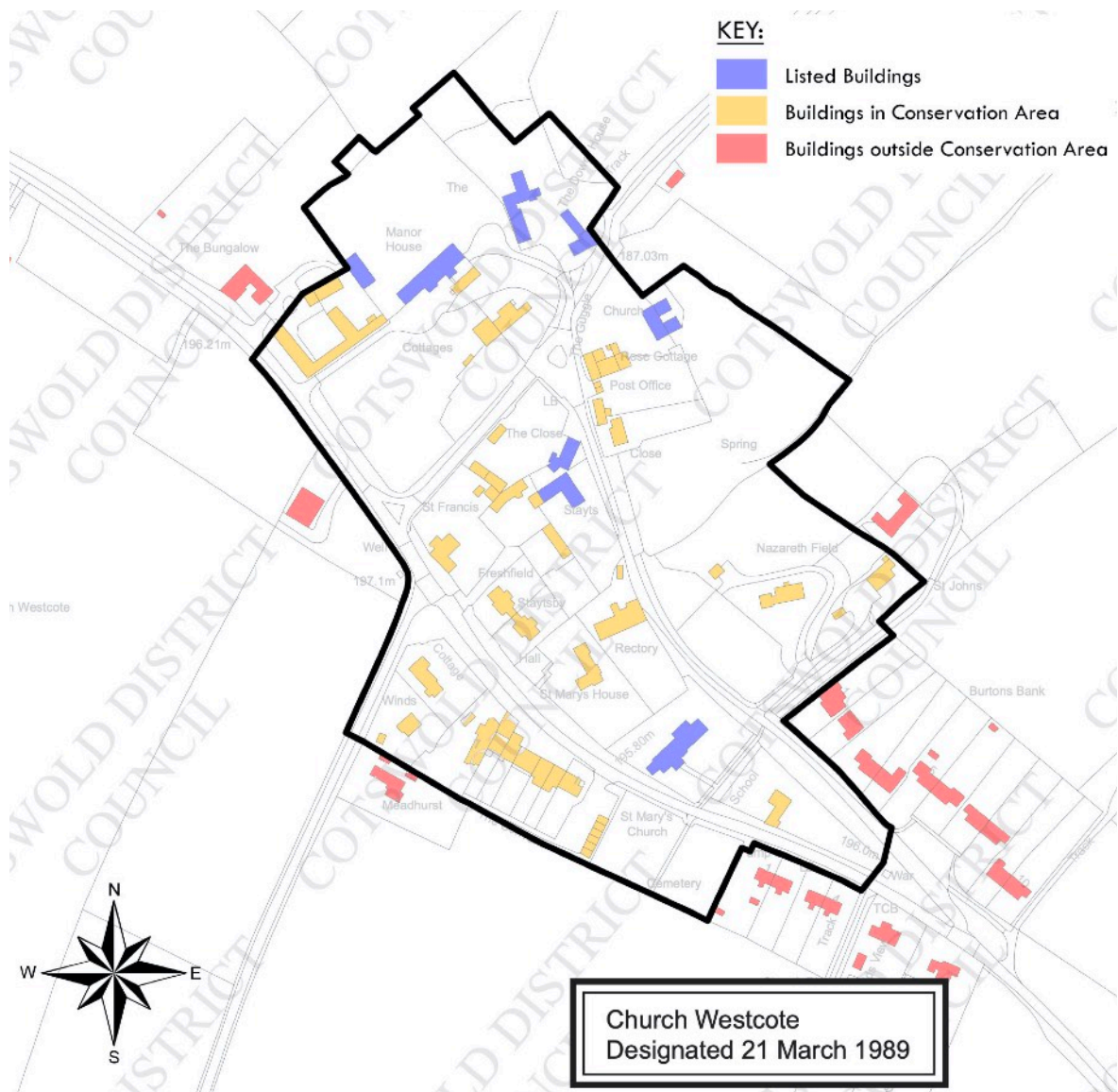
*Photo from Historic England listing record*

## 3.2. NEW BUILDING DESIGN

- 3.2.1. After the first application was rejected for being outside the settlement the new dwelling is designed to read as a rebuilding of the original building that was on the site for maybe a 150 years. The new building will be set away from the listed building which in particular is from the 20 to 30 year old extensions which surround and cloak the main original part of Church Cottage which clearly was the part which was thought worthy of being listed. The demolition of the northern wing and the extension to the rear of the building were all approved after the building was first listed and the Conservation Area designated.
- 3.2.2. The new replacement building is within the settlement boundary and the Conservation Area and replaces an original building follows the pattern of the Nether Westcote new dwelling that the Council Approved albeit that particular building was located outside the village settlement boundary.

**3.3. PRINCIPLE OF DEVELOPMENT WITHIN THE CHURCH WESTCOTE SETTLEMENT BOUNDARY**

- 3.3.1. The Council have previously consented to the building of several new dwellings within Church Westcote within the Conservation Area and a number are in the grounds of statutory listed buildings or are adjacent to Heritage Assets.
- 3.3.2. These completely New Dwellings include:
- 3.3.3. Westcote Rectory or St Mary’s House built in the grounds of and splitting the historic Old Rectory plot into two parts. The new house is immediately adjacent to the listed Church of St Mary and Churchyard which also includes the listed plinth for the Cross Shaft. Its also adjacent to the listed Stayts Farm and The Close both of which are grade II listed buildings.
- 3.3.4. Staytsby and Freshfield are two new houses built on individual plots created on the former grounds of the Grade II Listed Stayts Farm.
- 3.3.5. St Francis is a property built on grounds formerly part of Grade II listed The Close.



Church Westcote Conservation Area - markup



- 3.3.6. Nazareth Field is another new house in a new plot immediately adjacent to the Listed St Mary's Church, The Old rectory and Stayts Farm and The Close. It was built around 40 years ago or thereabouts originally built outside settlement boundary. It is within the Conservation Area and can be seen in front of what at one time would have been an open view to St Mary's Church.
- 3.3.7. Most of these have been built by creating completely new plots on land which was not previously built on and the majority have been built since the Conservation Area was designated and after the adjacent buildings had been Listed. With the previous application objections were received from some of these properties but the current application proposes a new dwelling on the site of a former building which would be the same in principle as what the Council had previously approved for the above. They were all built as part of the natural growth and changes that take place within settlements.
- 3.3.8. In addition to this there has been numerous extensions and alterations to various other places within the settlement and within the Conservation Area. This includes changes to the Manor House complex, The Dower House Cottage which are both listed buildings and The Dower House has received consent to extend this property which doubled the footprint. All of these changes were consented and again are part of changes that can take place over the years including to listed buildings.

#### 3.4. DEVELOPMENT IN CHURCH WESTCOTE OUTSIDE THE CONSERVATION AREA

- 3.4.1. The previous application was in part refused for being proposed outside the settlement boundary and being outside the Conservation Area. As is the case with virtually any settlement over time they have expanded and as a result the settlement boundary is extended by that process. For example, when Nazareth Field was built the settlement boundary extended to include that property and it is also included now within the Conservation Area albeit before that it was open fields. The Council approved a new dwelling outside the settlement boundary in the adjacent Nether Westcote which is currently being built and that will now become part of the settlement boundary moving forwards.
- 3.4.2. Back to Church Westcote it is perhaps worth noting there are around 16 new 20th century houses built after the second world war on the south-eastern side of the settlement. These are outside the Conservation Area (they were built before the Conservation Area was designated) but when they were built the settlement boundary extended. Meadhurst is another example to the southwestern side of the village as is The Bungalow to the northwest side of the village just beyond the Manor House complex. Both are outside the Conservation Area but are now within the settlement boundary. Have they caused great harm to the setting of Church Westcote. The current application seeks to create a new dwelling within the Conservation area and settlement boundary just like the examples noted above. Are these regarded as causing harm within the settlement well the answer must be that is not the case and the same logic must surely apply to the proposed new application building.

3.5. PLANNING POLICY CONSIDERATIONS WITH THE PROPOSED APPLICATION ALONG WITH DIRECT COMPARISONS USED BY THE COUNCIL TO JUSTIFY THEIR DECISION TO APPROVE A NEW DWELLING IN THE NEIGHBOURING NETHER WESTCOTE (19/03873/FUL) WHICH IN FACT WAS OUTSIDE THE SETTLEMENT BOUNDARY AND CONSIDERATION OF THE REASONS FOR REFUSAL OF THE PREVIOUS APPLICATION ON THE CHURCH WESTCOTE SITE (22/01565/FUL)

3.5.1. As a general point the Local Planning Authority has a duty to determine applications on an equal basis.

### **3.5.2. Site Description Comparisons**

3.5.2.1. The Nether Westcote site currently comprises a large industrial building with fields to the north and south and the site is located outside the settlement boundary and the Nether Westcote Conservation Area.

3.5.2.2. The current application site in Church Westcote is located within the settlement boundary and it is largely on the site of a large building which occupied this site for around 150 years and the foundations for that building are understood to still be within the ground. That building was demolished after the Church Westcote Conservation Area was designated in 1989.

3.5.2.3. The Nether Westcote site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2001 – 2011 but the Church Westcote site is located within the designated Development Boundary.

3.5.2.4. Both sites are located within the ANOB and are located within Flood Zone 1 as designated by the Environment Agency.

3.5.2.5. The new site location of the current application now removes Refusal Point number 1 of the previous application which sited Local Plan Policy DS4 with the proposed building now being within the Settlement Boundary.

### **3.5.3. Proposal**

3.5.3.1. Both the Nether Westcote and the current Church Westcote applications relate to a new dwelling on the site of an existing or former building which is considered to be previously developed land or Brownfield.

3.5.3.2. Both sites propose a single detached dwelling which are L shaped and seek to respond to the base of the existing buildings occupying the site and respond to site conditions.

### 3.5.4. Principle of Development

3.5.4.1. Both sites are not located within one of the 17 principal settlements defined in the Cotswold District Local Plan but both sites are within the settlements of Nether Westcote or neighbouring Church Westcote.

3.5.4.2. Both villages have limited facilities within these villages, but both are about 3.8 km from Upper Rissington with its facilities including a convenience store, school and village hall.

3.5.4.3. Policy DS3 of the Cotswold District Local Plan is sited in the Nether Westcote approval and we believe it equally applies to the current application site. It sets out that in Non Principal Settlements small scale development will be permitted provide it:

*a. Demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.*

This applies equally to both applications and in the case of the Church Westcote current application it maintains a small clinic facility used by people from the local area and provides an element of local employment which has been the case for well over 20 years to date. This is a positive additional enhancement over and above what is the case on the Nether Westcote site.

*b. Is of a proportionate scale and maintains and enhances sustainable patterns of development*

The Church Westcote application building is smaller than the approved application and follows the L shaped pattern, size and layout of the previous building that occupied the site. As such it complies with this point.

*c. Complements the form and character of the settlement*

The Church Westcote building follows the form and character of the previous building and will complement the form and character of the settlement.

*d. Does not have an adverse cumulative impact on the settlement having regards to other developments permitted during the Local Plan period.*

The Church Westcote current application simply reinstates built form that has occupied the same site for at least 150 years so it could be considered to have a neutral impact.

3.5.4.4. *Paragraph 78 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities.*

This is the case for both sites - Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services- again the case for both sites. Also, both support services in a nearby village.

3.5.4.5. Accordingly, Policy DSC3 applies to both sites and have reasonable access to everyday services, facilities and or employment opportunities. Both sites are close to Upper Rissington and will help support the ongoing viability and vitality of neighbouring settlements in accordance with DS3 and Para 78 of NPPF. Both sites fall within the remit of DS3 and the principle of a new dwelling should be supported.

### 3.5.5. Design and Impact on the Character and Appearance of the Conservation Area

- 3.5.5.1. Nether Westcote site and the Church Westcote site are both located within or immediately adjacent to a Conservation Area and the Council is charged in both cases to pay special attention to preserving or enhancing the character and appearance of the area. In addition, Section 16 of the NPPF requires the planning authorities to take account of the desirability of sustaining and enhancing the significance of Heritage Assets. Para 194 states any harm to or loss of the significance should require convincing justification and para 196 states that if less than substantial harm results this harm should be weighed against the public benefits of the proposal.
- 3.5.5.2. Section 12 of the NPPF makes it clear that high quality buildings and places is fundamental to what the planning process should achieve and is a key aspect of sustainable development.
- 3.5.5.3. We believe both sites achieve all of these aims. Reason for Refusal no 2 of the previous Church Westcote application cited policies EN1, EN2, EN10 and EN11 and guidance contained in Section 16 of the NPPF as being reasons for refusal.
- 3.5.5.4. Policy EN2 Design of the Built and Natural Environment states:

*Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.*

Both the approved scheme and the proposed application scheme meets this policy. In the case of the Church Westcote application the building follows the scale and form of the previous building that occupied the site. It will read as a single storey outbuilding built in natural Cotswold Stone with a slate double pitched roof. It will read as if it has always been on the site.

- 3.5.5.5. *Policy EN10 states that in considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. Development proposals that sustain and enhance the character, appearance and significance of the designated heritage assets (and their settings), and put them to viable uses, consistent with their conservation, will be permitted.*

Reinstating a building at a scale, form and arrangement following what was on the site for many years and was in place when the Heritage Asset was first listed would not or could not detract from the setting of that building or indeed the heritage assets in the adjacent and wider Conservation Area. It is simply putting back a built form which existed for many years. Church Cottage will be detached and as described earlier has already had the entire rear elevation cloaked by new two storey building extension which also extends around the northern end so only the central section of the front elevation between the parapeted gables is original building seen from the public domain albeit the original central porch was replaced by a new porch of a similar design. Originally the large L shaped building, which in footprint terms was larger than Church Cottage was attached to the Cottage at the northern end. The proposed building will be pretty much the same size and shape but will be separated from Church Cottage and the view towards Church Cottage from the public road will remain as it would have been for around 150 years. All of this would preserve the setting, character and appearance of the Conservation Area and the listed buildings. It would not cause harm to the designated heritage assets as it would maintain its original historic character and setting. Beyond this there will be public benefits from the reinstatement of the original building group at Church Cottage and it would create just one additional dwelling within the settlement boundary which will help maintain the vitality and viability of the local facilities as was proposed as the case by the Council for the new dwelling in Nether Westcote which was located outside the settlement boundary. On top of that the small-scale clinic -Midsummer Clinic- which has operated in the local area since the early 1980's will continue operating. Michael McIntyre will still be seeing patients and one of his daughters has qualified to carry out similar treatment work and she will be coming to

the site to help look after her father and treat patients. The treatment work has provided a useful public service for forty years already and this will continue to bring people to the site with the knock-on positive effect for local shops and other businesses. It brings life to the village, and it has also provided local employment for most of the 40 years. The clinic only has one treatment room and only one patient can be seen at any one time. All visits to the site are by appointment and they are normally arranged so there are gaps between visits so there is little or no pressure on parking and so on. There is one patient/visitor space on site for this and indeed there is ample parking on the road adjacent to the site by the village green area where it does not impact existing dwellings or dwelling entrances. It is only envisaged that if needed only one space would occasionally be used in the lane which after all is a public road and has no parking restrictions. The appointment system is the key factor to controlling the patients attending the site along with the fact the clinic within the dwelling only has one consulting room. It is akin to the old-style GP surgeries that were regularly in the villages in the past where a room in the doctor's house was where patients attended to see their doctor.

*3.5.5.6. Policy EN11 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.*

The new proposed dwelling has been designed to reflect the agricultural /function appearance of Cotswold vernacular converted agricultural building which was also stated in the officer's report for the approved new dwelling in Nether Westcote. On the Nether Westcote site the building type as build did not previously exist and the design, which is good in our opinion, does replicate a traditional agricultural building but it is new to the site. It will read as part of that village and it will sit well with the neighbouring Conservation Area and the Heritage Assets. The same will be more than true for the proposed new dwelling in Church Westcote as it replaces an historic building which has been part of the fabric of the settlement for many decades. It clearly had a function quite likely for agricultural purposes but as noted in the Heritage Statement there were similar sized and shaped buildings elsewhere in Church Westcote such as across the road within the original curtilages of The Close, Stayts Farm and also The Manor. These were during their life housing people working in the village and it may we understand the similar L shaped building attached to Church Cottage at the same time also housed people. Like many of these buildings they were multi-purpose in their lifetime dealing with the need required all contributing to the life and vitality of the village at that point in time. As already mentioned much of those building have been removed and replaced in a number of cases by new detached dwellings such as Staytsby and Freshfield in their own new plots to the rear of Stayts Farm now called Stayts House which is a Grade II listed building. Presumably the Council judged that splitting original plots and consenting new separate houses like Freshfield, Staytsby and Westcote Rectory etc were not harming the special character and appearance of the Conservation Area as they also accepted in approving the new dwelling on the Wallground site in Nether Westcote.

The simple L shaped plan and design replicates the original building on the application site and is intended to read as an outbuilding to be built in stone with appropriate timber window and door openings all set beneath a simple double pitched natural blue slate roof. It will return to the historic setting within the village seen on this site for many decades and would compliment the much-amended heritage asset of Church Cottage. Most of the other nearby heritage assets like the Manor, the much-amended Dower House, The Close and Stayts Farm are all either screened by mature landscaping, walls and other existing buildings and the relationship to The Dower House Cottage which is rented accommodation will be pretty much restored to its long-standing historic relationship with its neighbouring site. From all angles we believe the setting within the Conservation

Area, where the site is just a stoned open area, will be at least preserved and arguably enhanced and the Council should support this application proposal and grant consent.

### **3.5.6. Impact on The Area of Outstanding Natural Beauty**

3.5.6.1. The site is located in the ANOB and it is understood the Council are required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape.

3.5.6.2. Para 170 of the NPPF requires policy and decisions should contribute to and enhance the natural local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. This continues on in Para 172 of the NPPF stating that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of outstanding Natural Beauty which has the highest status of protection in relation to these issues.

3.5.6.3. Policy EN2 as we have already noted states:

*Development will be permitted which accords to the Cotswold Design Code.*

The proposed application design is a quality design that is informed by its historic precedent and great care has been taken to respect the character and distinctive appearance of the locality. The design is heavily influenced by the previous building on this brownfield land.

3.5.6.4. Policy EN4 The Wider Natural and Historic landscape states:

- 1. Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District.*
- 2. Proposals need to take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.*

3.5.6.5. Policy EN5 Cotswolds area of Outstanding Natural Beauty states:

- 1. In determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.*
- 2. Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Planning Policy and Guidance.*

3.5.6.6. As noted for the consented Nether Westcote new dwelling the proposed application site is located on top of the same Vale of Moreton farmed Slopes. The LCA sets out that settlements are generally small and clustered along routes up the farmed slopes and some are closely associated with the High Wold which includes Nether Westcote and Church Westcote which are linked to the pastoral lowland Vale by tracks and footpaths.

3.5.6.7. Just like the approved Nether Westcote application the Church Westcote proposal has been designed to reflect the rural/edge of settlement character of the site and provide a sense of enclosure to the wider landscape and better integrates the site into the village. The new building is designed to reflect the former building which was part of the rural landscape edge of settlement view for many decades. It has been designed to read as a single storey building to replace the original single storey building and its overall height is well below the eaves and ridge height of the neighbouring Church Cottage, so it balances with that building and does not dominate it. It will sit just as comfortably on the site as did the original building and it will look pretty much the same as the original built form when seem looking across the valley and looking up from the bottom of the

valley. In short, the longer and medium distance views will look good and the new building will readily fit in with the overall settlement pattern.

- 3.5.6.8. The use of traditional high-quality materials like Cotswold stone walls etc will ensure the new building will be fully in keeping in its setting as will the timber windows and natural blue slate roof.
- 3.5.6.9. We firmly believe the proposals cannot be considered as encroachment of development into the countryside and would not have any adverse impact on the setting of Church Westcote within the ANOB landscape. As a result of careful design the proposed new replacement building would not be in conflict with Local Plan Policies EN2, EN4, EN5 or paragraphs 170 and 172 of the NPPF.

### **3.5.7. Impact on residential Amenity**

- 3.5.7.1. Para 127 of the NPPF seeks to create places with a high standard of amenity for existing and future users. The Design Code Appendix D referred to in Policy EN2 of the Local Plan sets out guidance with regards to residential amenity giving consideration to issues of garden space, privacy, daylight and overbearing effect.
- 3.5.7.2. The new replacement building dwelling has been designed to read as a single storey dwelling when viewed across the existing forecourt and from the access lane and no issues with privacy, daylight and overbearing effect will result from building the new dwelling. No neighbouring building will be adversely affected. On the rear eastern side of the building the land levels rapidly fall away from the crest of the hill which is roughly the rear wall of the proposed building and the settlement and Conservation Area boundary. As well as land falling in level to the northeast there is a further crossfall in level towards the southeast so for example the rear garden area garden area to Church Cottage is large and is bounded by an existing fence with further agricultural land beyond that which also belongs to the applicant. Because of the significant fall in level the rear east side of the dwelling the property at that point has been designed as two storeys with the lowest level roughly the same as the level of the lower floors in Church Cottage which open up onto a terrace and garden. The proposal is for the land to be dished out very slightly to create a rear garden area to the new dwelling but by bunding and retaining existing land at existing levels looking towards the proposed dwelling from the access track and from across the valley the building will only read as single storey.
- 3.5.7.3. As reported in the original Design and Access Statement The applicant is partially disabled and within the new dwelling there will be only two levels. The main level which includes the main living quarters, the consulting room and patient areas will be easily accessible with level thresholds of the driveway. Because of the limiting size of the building the applicant's bed and bathroom will be at the second lower level along with the carers room and stores etc. Access between the two levels will be via a staircase as shown on the floor plans and a platform lift. Because of the level change in the ground the rear wall of the building would have to be founded at a low level so it seemed to make good sense to make full use of this with the building design creating a second floor level which will effectively be unseen from outside the site. The garden size for the new dwelling will be in excess of the minimum size but very much sheltered and unseen from outside the side so there is no risk of creating a suburbanising effect. The building will clearly read as a detached outbuilding to Church Cottage. It is understood that the land to the rear fence line clearly shown on the 1880's ordinance survey plan has been directly associated with Church Cottage as garden/amenity space throughout time and indeed it was at one time part of the private gardens featured on Gardeners World in the 1990's.

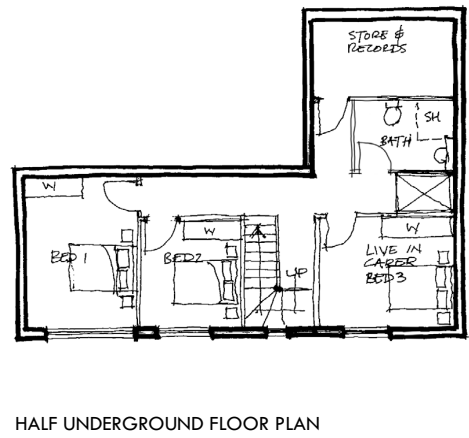
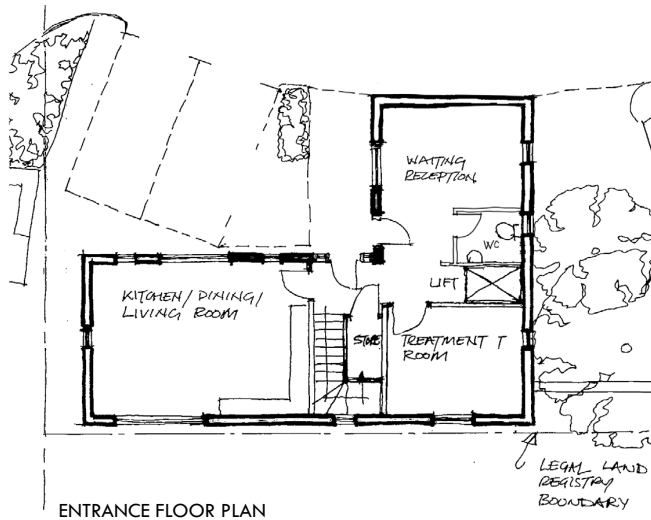
**3.5.8. The Design**

- 3.5.8.1. Much of the design thinking has already been laid out in the earlier sections of this report so it is not intended to revisit this as we believe the application drawings demonstrate the points already noted.
- 3.5.8.2. As has been said from all viewpoints apart from the private garden space to the rear the dwelling will read as a converted existing traditional agricultural/outbuilding alongside Church Cottage and will fit as comfortably on the site as did the original outbuilding.
- 3.5.8.3. The importance of the application building's relationship with the listed Church Cottage has also been given a great deal of thought and the resultant building we believe will have a very similar relationship to Church Cottage to what was in place with the former building. Even the lowest part of the Church Cottage eaves and ridge will be higher than the eaves and ridge of Church Cottage and they are purposely designed to sit comfortably alongside each other.
- 3.5.8.4. Access to the site will be via the existing site access which will also continue to serve Church Cottage. Two parking places will be provided to serve the new dwelling and the access will continue into Church Cottage which will also have three parking spaces provided to serve that dwelling. There will be no other changes to Church Cottage.

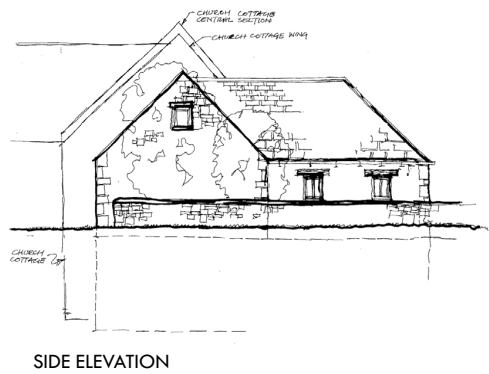
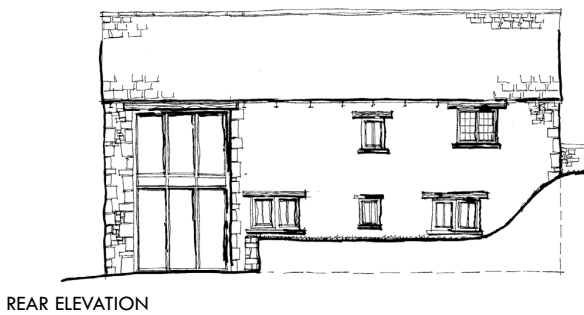
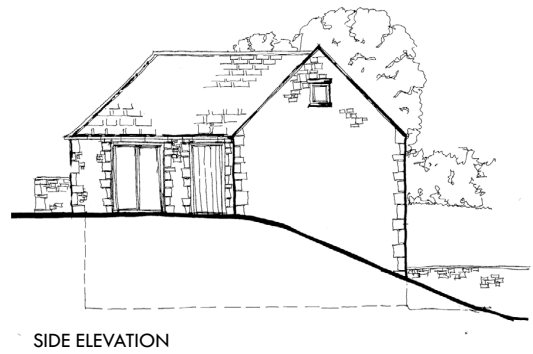
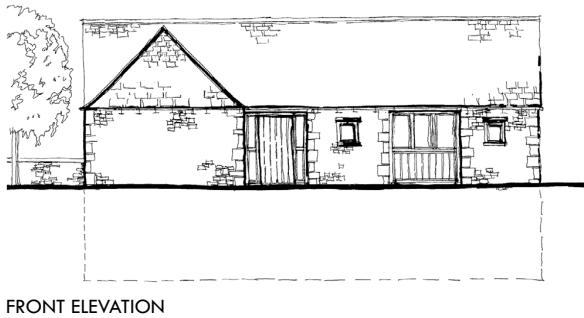


*Proposed site plan*





Proposed floor plans



Proposed elevations

### **3.5.9. Other Issues**

#### **3.5.9.1. Contamination**

The land on which the new application dwelling would be built on was the site of an earlier building which was clearly in place before the 1880's ordinance survey plan was issued. As a result, the building would most likely to have been a traditional building and no harmful materials are expected to be found and indeed the previous building has already been demolished. No issues regarding contamination were raised with the rejected application for this site so we are not expecting any issues with this site.

#### **3.5.9.2. Drainage**

Policy EN14 seeks to manage flood risk by avoiding areas of flooding in accordance with a risk based sequential approach; minimising flood risk and providing resilience; and including sustainable drainage systems where appropriate. Chapter 10 of the NPPF addresses the need to take account of flood risk.

The site is located in flood zone 1. The driveway will be as the existing driveway being paved with gravel facilitating surface water drainage. The infiltration rates on the site are expected to be moderate to good on the site and there is plenty of opportunity to provide soakaways to deal with storm water drainage. The scheme will comply with policy EN14.

#### **3.5.9.3. Ecology**

Without raising it at all during the application on the rejected application reason for refusal note no 4 made reference that no information had been submitted in relation to protected species. With the current application the new building will sit on existing brownfield land and there will be no effect on protected species.

#### **3.5.9.4. CIL**

The application will be a self-build property and the appropriate CIL forms have been forwarded with the application.

## 4. CONCLUSION

- 4.1. We believe this application which has been carefully designed and prepared is acceptable and we would as the Council to grant consent as soon as possible.