

22 August 2018

## **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held on **TUESDAY 4 SEPTEMBER 2018** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **6.00 pm.**



David Hagg  
Chief Executive

**Please Note:**

- i. This meeting will be filmed for live or subsequent broadcast via the Council's internet site ([www.stroud.gov.uk](http://www.stroud.gov.uk)). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.
- ii. The procedure for public speaking which applies to Development Control Committee is set out on the page immediately preceding the Planning Schedule.

### **A G E N D A**

**1 APOLOGIES**

To receive apologies for absence.

**2 DECLARATIONS OF INTEREST**

To receive Declarations of Interest in relation to planning matters.

**3 MINUTES – 24 JULY 2018**

To approve and sign as a correct record the minutes of the Development Control Committee meeting held on 24 July 2018.

**4 PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING**

(Note: For access to information purposes, the background papers for the applications listed in the above schedule are the application itself and subsequent papers as listed in the relevant file.)

- 4.1 **LAND WEST OF STONEHOUSE, GROVE LANE, WESTEND (S.18/1516/DISCON)**  
Discharge of condition 46 – Masterplan for parcels H11 and H12 of permission S.14/0810/OUT.
- 4.2 **ABBEY BARN, SLAD LANE, STROUD – (S.18/1336/HHOLD)**  
New extension.
- 4.3 **LAND AT 27 HIGH STREET, KINGS STANLEY, STONEHOUSE(S.18/0563/FUL)**  
Creation of 4 residential dwellings.
- 4.4 **GARAGES, MOUNT PLEASANT, WOTTON-UNDER-EDGE (S.18/1289/FUL)**  
Erection of 4 two storey residential dwellings with associated vehicle parking and landscaping.
- 4.5 **LAND ADJOINING 14 AND 15 BRIMLEY, LEONARD STANLEY (S.18/1010/FUL)**  
Single storey residential dwelling with associated vehicle parking and landscaping.
- 4.6 **CHERRY TREE HOUSE, CRANHAM**  
Enforcement Report – Breach of Planning Control.
- 4.7 **KINGSHILL INN, 2 KINGSHILL ROAD, DURSLEY (S.18/1080/NEWTPO)**  
TPO 569 Kingshill Inn, 2 Kingshill Road.
- 4.8 **LAND OPPOSITE CHERRY BLOSSOM COTTAGE, OAKRIDGE LYNCH, STROUD (S.18/1034/NEWTPO)**  
TPO 568 Land Opposite Cherry Blossom Cottage.

#### **Members of Development Control Committee**

**Councillor Tom Williams (Chair)**  
**Councillor John Marjoram (Vice-Chair)**  
 Councillor Martin Baxendale  
 Councillor Dorcas Binns  
 Councillor Miranda Clifton  
 Councillor Nigel Cooper

Councillor Haydn Jones  
 Councillor Steve Lydon  
 Councillor Karen McKeown  
 Councillor Jenny Miles  
 Councillor Dave Mossman  
 Councillor Mark Reeves

**DEVELOPMENT CONTROL COMMITTEE****24 JULY 2018****6.00 pm – 8.00 pm****Council Chamber, Ebley Mill, Stroud****3****Minutes****Membership**

Councillor Tom Williams (Chair)	P	Councillor Haydn Jones	A
Councillor John Marjoram (Vice-Chair)	A	Councillor Steve Lydon	A
Councillor Martin Baxendale	P	Councillor Karen McKeown	A
Councillor Dorcas Binns	P	Councillor Jenny Miles	P
Councillor Miranda Clifton	P	Councillor David Mossman	P
Councillor Nigel Cooper	P	Councillor Mark Reeves	P

P = Present    A = Absent

**Officers in Attendance**

Planning Manager	Senior Arboriculture Officer
Development Manager	Solicitor and Deputy Monitoring Officer
Senior Planning Officer	Democratic Services Officer

**Other Members in Attendance**

Councillors Braun and Butcher.

**DC.010      APOLOGIES**

Apologies were received from Councillors McKeown, Marjoram, Lydon and H Jones.

**DC.011      DECLARATIONS OF INTEREST**

There were none.

**DC.012      MINUTES – 5 JUNE 2018****RESOLVED** That the Minutes of the meeting held on 5 June 2018 are accepted as a correct record.**DEVELOPMENT CONTROL PLANNING SCHEDULE**

Representations were received and taken into account by the Committee in respect of applications:

1	S.17/2307/FUL	2	S.18/1219/REM	3	S.18/1080/NEWTPO
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Late pages relating to items S.18/1219/REM had been circulated to committee prior to the meeting.

**DC.013****LAND SOUTH OF THE CHIPPING SURGERY, SYMN LANE, WOTTON-UNDER-EDGE, GLOUCESTERSHIRE - S.17/2307/FUL**

The Senior Planning Officer presented this item. The application was for the construction of 12 houses, 3 affordable, with access road and car park for 80 cars and 2 coaches. Members were asked to give careful consideration to the landscape impact on the AONB, if the merits of the scheme outweigh the policies in Stroud District Local Plan and the NPPF. New national guidance had just been released and officers would review this before issuing a final decision.

Councillor Braun, Ward Member for Wotton-under-Edge, spoke, explaining that she was reluctantly supporting the proposal. She recognised the need for car parking in the town, which had been identified for the last 30 years, although there were some issues to be taken into account, such as road safety, especially around the school, provision for charging electric vehicles in the houses, lighting and cycle racks in the car park, consultation should be carried out on the future management of the car park.

Councillor Butcher, Ward Member for Wotton-under-Edge, spoke against the proposals explaining that it was illogical to approve new car parks when the Council is currently consulting on car park charging. There is no need for further homes as other homes are being built in the district. Building in the AONB is not warranted.

Mr Chris Young of Wotton-under-Edge Town Council spoke, explaining that the proposal was in the AONB, outside the permitted development boundary and was very concerned about traffic congestion around the site. Policies CP1, CP3, CP4, CP7, CP8 and HC1 and the NPPF were quoted. The horse chestnut tree on the site has a TPO and a traffic survey was done on a Wednesday afternoon when the shops are closed.

Dr Tony Rapheal a resident of Wotton-under-Edge spoke in opposition explaining that it was highly visible in the AONB and outside the settlement boundary. Concern was expressed about the congestion on the roads and disruption would also be caused by the car park. He urged Members to reject the application.

Mr Martin Tucker, President of the Wotton-under-Edge Chamber of Trade spoke in support of the application. He explained that businesses in the town rely on the provision of car parking, both long and short stay and this was the only available piece of land within walking distance of the town centre. The developer has produced a plan to support the town in an acceptable way that fits in with Stroud District Local Plan.

Planning officers answered Members' questions relating to the ownership, charges and management of the car park. Concern was expressed by Members that a traffic survey was carried out on a Wednesday afternoon when shops are closed, and officers were asked to clarify the survey with County Highways. Officers confirmed that a legal agreement would need to be signed by the applicant.

Councillor Baxendale proposed a motion to accept officers' advice; this was seconded by Councillor Miles.

Members debated the application commenting on the impact on the AONB the development being outside the settlement boundary and being contrary to Stroud District Local Plan.

On being put to the vote there were 4 votes in favour and 4 votes against. The Chair used his casting vote in favour of the application. The motion was carried. Officers asked for delegated authority to negotiate the Section 106, talk to Gloucestershire Highways Authority regarding the traffic survey, and re-consider the drainage. A review of the new guidance on the NPPF would also be undertaken.

**RESOLVED To GRANT planning permission for application S.17/2307/FUL with delegated authority being given to officers as set out above.**

**DC.014      PARCEL H21 LAND WEST OF STONEHOUSE, GROVE LANE, WESTEND, STONEHOUSE – S.18/1219/REM**

The Development Manager presented this item, advising Members that officers are discussing details with the Highway Authority, are seeking to negotiate electric charging points within garages. Central green space is part of the outline application requirements.

No members of the public had attended the meeting to speak.

Planning officers answered Members' questions relating to the hedges, speed limits, affordable housing, design of the houses, traffic on the roundabout, footpaths, bin stores and a pedestrian crossing over the railway.

Councillor Mossman proposed a motion to accept officers' advice, this was seconded by Councillor Miles.

On being put to the vote, it was carried unanimously.

**RESOLVED To delegate approval to officers for application S.18/1219/REM, subject to no objections from County Highways.**

**DC.015      KINGSHILL INN, 2 KINGSHILL ROAD, DURSLEY, GLOUCESTERSHIRE - S.18/1080/NEWTPO**

The Senior Arboriculture Officer introduced this item and explained that the tree was a Turkey Oak which stands alone on the site, the tree will drop sap and catkins onto vehicles, produces a wasp which is damaging to English oak trees. There was no evidence of woolly oak aphids.

No members of the public had attended the meeting to speak.

Members' questions were answered relating to the wasps and English oak trees being affected.

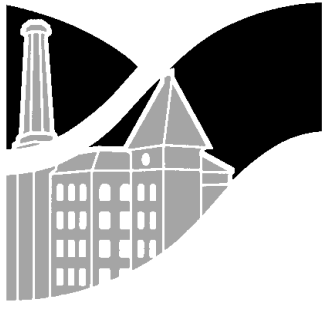
Councillor Clifton proposed a motion to accept officers' advice, this was seconded by Councillor Mossman.

On being put to the vote the motion was carried with 5 votes in favour and 3 against.

**RESOLVED To grant CONSENT to confirm TPO 569 as set out above.**

The meeting closed at 8.00 pm.

Chair



# **Stroud District Council**

## **Planning Schedule**

### **4<sup>th</sup> September 2018**

In cases where a Site Inspection has taken place, this is because Members felt they would be better informed to make a decision on the application at the next Committee. Accordingly the view expressed by the Site Panel is a factor to be taken into consideration on the application and a final decision is only made after Members have fully debated the issues arising.

## **DEVELOPMENT CONTROL COMMITTEE**

### **Procedure for Public Speaking**

The Council have agreed to introduce public speaking at meetings of the Development Control Committee.

Public speaking is only permitted on those items contained within the schedule of applications. It is not permitted on any other items on the Agenda. The purpose of public speaking is to emphasise comments and evidence already submitted through the planning system. Speakers should refrain from bringing photographs or other documents as it is not an opportunity to introduce new evidence.

The Chair will ask for those wishing to speak to identify themselves by name at the beginning of proceedings. There are four available slots for each schedule item:-

Ward Councillor(s)  
Town or Parish representative  
Spokesperson against the scheme and  
Spokesperson for the scheme.

Each slot (with the exception of Ward Councillors who are covered by the Council's Constitution) will not exceed 3 minutes in duration. If there is more than one person who wishes to speak in the same slot, they will need either to appoint a spokesperson to speak for all, or share the slot equally. Speakers should restrict their statement to issues already in the public arena. Please note that statements will be recorded and broadcast over the internet as part of the Councils webcasting of its meetings; they may also be used for subsequent proceedings such as an appeal. Names may be recorded in the Committee Minutes.

The order for each item on the schedule is

1. Introduction of item by the Chair
2. Brief update by the planning officer.
3. Public Speaking
  - a. Ward Member(s)
  - b. Parish Council
  - c. Those who oppose
  - d. Those who support
4. Member questions of officers
5. Motion
6. Debate
7. Vote

A copy of the Scheme for Public Speaking at Development Control Committee meetings is available at the meeting.

<b>Parish</b>	<b>Application</b>	<b>Item</b>
Eastington Parish Council	Land West Of Stonehouse, Grove Lane, Westend. S.18/1516/DISCON - Discharge of Condition 46 - Masterplan for Parcels H11 and H12 of permission S.14/0810/OUT	01
Painswick Parish Council	Abbey Barn, Slad Lane, Stroud. S.18/1336/HHOLD - New extension	02
Kings Stanley Parish Council	Land At 27 High Street, Kings Stanley, Stonehouse. S.18/0563/FUL - Creation of 4 residential dwellings	03
Wotton Under Edge Town Council	Garages, Mount Pleasant, Wotton-Under-Edge. S.18/1289/FUL - Erection of 4 two storey residential dwellings with associated vehicle parking and landscaping.	04
Leonard Stanley Parish Council	Land Adjoining 14 And 15, Brimley, Leonard Stanley. S.18/1010/FUL - Single storey residential dwelling with associated vehicle parking and landscaping.	05
Cranham Parish Council	Cherry Tree House, Cranham Enforcement Report – Breach of Planning Control	06
Dursley Town Council	Kingshill Inn, 2 Kingshill Road, Dursley. S.18/1080/NEWTPO - TPO 569 Kingshill Inn, 2 Kingshill Road	07
Bisley With Lypiatt Parish Council	Land Opposite Cherry Blossom Cottage, Oakridge Lynch, Stroud. S.18/1034/NEWTPO - TPO 568- Land Opposite Cherry Blossom Cottage	08





## Development Control Committee Schedule

<b>Item No:</b>	<b>01</b>
<b>Application No.</b>	S.18/1516/DISCON
<b>Site No.</b>	PP-07120969
<b>Site Address</b>	Land West Of Stonehouse, Grove Lane, Westend, Stonehouse
<b>Town/Parish</b>	Eastington Parish Council
<b>Grid Reference</b>	378607,206469
<b>Application Type</b>	Discharge of Condition
<b>Proposal</b>	Discharge of Condition 46 - Masterplan for Parcels H11 and H12 of permission S.14/0810/OUT
<b>Recommendation</b>	Approval
<b>Call in Request</b>	As agreed by DCC



<b>Applicant's Details</b>	Robert Hitchins C/o Agent, Pegasus Planning Group, , ,
<b>Agent's Details</b>	Pegasus Planning Group Ltd First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol BS32 4QL
<b>Case Officer</b>	John Longmuir



## Development Control Committee Schedule

<b>Application Validated</b>	12.07.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Eastington Parish Council Policy Implementation Officer (E)
<b>Constraints</b>	Eastington Parish Council
	<b>OFFICER'S REPORT</b>

### BACKGROUND

S.14/0810/OUT: 1,350 dwellings, 9.3 ha. employment land, community centre uses and a primary school.

The above outline application was considered at the DCC meeting on 12-1-16. Members resolved to grant subject to a Section 106 agreement which was signed on 18-4-16 and the decision notice was then duly issued.

This application seeks to discharge Condition 46 from that permission. It states:

"Prior to the submission of Reserved Matters on each particular phase, an Area Master Plan for that particular phase shall be submitted to and approved by the Local Planning Authority. Each Reserved Matters application shall broadly accord with the approved accompanying Area Master Plan. The Area Master Plans shall include details of strategic landscaping within that part of the site, the landscaping along the boundaries of the site, open spaces, building frontages, road hierarchy, public realm, pedestrian/cycling movements, identify key buildings and plot views in/out".

The reason given for the condition is:

"To provide a more detailed working of the Design Strategy December 2015 to allow a quality development, which is also sympathetic to the surrounding hamlets and landscape, in accordance with NPPF paragraphs 58-64 and Stroud District Local Plan (19th November 2015) Policy CP1".

This discharge submission, for housing parcels H11 and H12, effectively gives another layer of information. It bridges the gap between the outline permission and the future reserved matters applications.

The outline permission included an indicative master plan for the whole site. It also included a "Design Strategy", which set general objectives, highlighted key characteristics of the existing site, looked at potential pitfalls. It also defined the following character areas, with particular characteristics, aims and constraints and included parameter plans. It devised Western Severn Vale Gateway, Western Severn Vale (main), Northern Edge, Eastern Victorian quarter and this the Central Core.



## Development Control Committee Schedule

This discharge submission, uses and is based on the site appraisal information and objectives from the Design Strategy in the outline permission. It also elaborates on the accompanying indicative overall master plan from the outline scheme, working up matters in more detail, to further illustrate "what the form of the reserved matters application could be" for this particular area.

This submission for consideration now is concerned with the central part of the development. This area is wholly within Eastington Parish.

### REVISED DETAILS

Further details/amendments received on 14th August, following request by officers. This includes: parking strategy, affordable housing provision and greater characterisation. Officers also requested changes to the master plan: softening the western edges fronting the open space, clarification on the spaces dedicated to the trees on the spine road frontage, additional planting on the open spaces, density distribution, acknowledgement of the Nastend buffer, provision for cycling and footpath connectivity.

### CONSULTATIONS

There is no statutory requirement to consult on discharge of condition applications such as this. However bearing in mind these details will influence the reserved matters it was felt to appropriate to consult with the Parish/ Town Councils.

#### Statutory Consultees:

Highway Authority. Not yet received.

Eastington Parish Council: Generally in support but comment: Buffer to Nastend should be annotated, question scale of plans, bridleway and footpath should not be hard surfaced but left natural, question density distribution, need to consider listed Nastend Farm.

Stonehouse Town Council: Not yet received

**Public:** None

### RELEVANT NATIONAL AND LOCAL PLANNING POLICIES

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

Section 66(1). Impact on Listed Buildings.

Section 72(1). Impact on Conservation Area.

Stroud District Local Plan.

Local Plan policies considered as relevant for this application include:

CP2 allocates the site for development.

CP4 Place Making: Requires development to integrate into the neighbourhood, create/enhance sense of place. Create safe streets and homes.



## Development Control Committee Schedule

CP5 Principles for strategic sites: Appropriate density, low impact, accessibility by bus, layout, parking, landscaping and community facilities, use of a design code/framework, sustainability.

SA2. Site allocation: Accessible green space, structural landscaping buffer around Nastend and to the east of Nupend incorporating existing hedgerows and trees, management of open space for biodiversity, use of SUDs, connectivity to adjacent areas, primary access off Chipmans Platt, traffic calming, bus provision.

CP7 Lifetime Communities: Promotion of accessibility. Lifetime accommodation.

CP8 New Housing Development: Range of house types. Appropriate density, layouts to promote cycling/walking, parking appropriate, sustainable principles.

EI12. Promoting transport choice and accessibility. Connectivity for walking, cycling and access to public transport.

CP14. High quality sustainable development: Sustainable design, no increase to flooding, appropriate design respecting surroundings, including topography, built environment and heritage, protection of amenity, sense of place, crime prevention, use of street scenes, master plans, development briefs design concept/codes.

ES1 Sustainable Construction and Design: Promotes energy efficiency.

ES7. Landscape Character: Protection of distinct landscape types, respect setting of the AONB, location, materials and scale are sympathetic. Natural features retained. This also dovetails with Stroud District Landscape Assessment SPG (2000).

ES8 Trees, hedgerows and woodlands: Retention or adequate replacement of trees.

ES10 Valuing our historic environment and assets is considered more fully in the main section. It needs to be considered with the IHCA Conservation Area Management Proposals SPD (2008).

ES12 Better Design of Places: Social integration, high quality places, well planned legible routes, integrated uses, safe spaces, secure private areas. Need for thorough site appraisal, use of design statements/code.

ES14 Public Art: Promotes publically accessible features.

SDC Residential Design Guide: This covers many design aspects, from form, style, detailing, materials to landscaping and amenity.

SDC Landscape Assessment: Defines and highlights the various landscapes in the District. It highlights settlement character as well as vegetation.



## Development Control Committee Schedule

Stonehouse Design Guide: Whilst this tends to concentrate on the town itself it does highlight the landscape setting including the AONB and the canal, and the importance of the various outward views.

Stonehouse Neighbourhood Development Plan, in accordance with recent changes to statute, is now a part of the Development Plan.

Eastington Neighbourhood Development Plan: Does not have any specific policies for these sites but there are some general policies. EP1 Sustainable development, EP2 Protect and enhance biodiversity and the natural environment, EP7 Siting and Design of new development, EP10 Traffic and Transport, EP11 Public Rights of Way and Wildlife corridors.

NPPF (July 2018):

Para 124 creation of high quality buildings and places is fundamental to planning.

Para 126 use of plans and codes to create a framework to create distinctive places

Para 127 safe and accessible environments, reflect local context, effective landscaping, function over the lifetime of the development.

Para 128 Design quality should be considered at the outset.

### LAYOUT AND LANDSCAPING

Background Guidance/Policy

- Local Plan policies as set out above, in particular those contained in Policy SA2
- Parameter plans and overall and indicative master plan as revealed by S14/0810/OUT
- Eastington Neighbourhood plan as set out above.
- NPPF as set out above.

The submission includes an area master plan. It is considered that this does accord with that approved under the outline permission.

The western edges of both parcels face an open space which extends from the periphery of Nastend into the heart of the new development. The bordering dwellings and their curtilages have been softened in the characterisation to evoke a rural appearance. The submitted area materplan document notes:

“Boundary treatments will need to be carefully considered to reinforce this character, along with some specimen trees to draw the rural character into the development”.

It continues: “The ‘open space edge’ character area should include a fragmented building line, with different set backs and juxtapositions used to create a soft, rural ambiance”.

The northern edge follows the spine road along which there is an established theme for the creation of a formal tree avenue. This is continued here with good space for the trees to flourish. A detailed sample sketch shows the planting, house and the road. This is also captured in the chapter titled landscape character areas: “Dwellings set back to create verdant character along Main Street”.



## Development Control Committee Schedule

The development is bisected by a road and officers have been keen to create a sense of place here to break up an otherwise large expanse of development.

The revised document does offer some scope. The primary roads (north-south and east-west) are envisaged as having particular character. The document states: “A subtle change in architectural style along key movement corridors will help reinforce legibility across these parcels, whilst core areas will reflect the architectural style of phases H1-H10, these routes may include more of a heritage character”.

Whilst the document is helpful, dealing with such an extensive area of building will be challenging. There is scope for the parcels to offer a slight contrast, (and relief), by for example differing elevations. Similarly some tree planting within the streetscene will be helpful. This will need to be addressed in the reserved matters, and an informative is suggested to this effect.

Two storey dwellings are proposed throughout both parcels, which avoids any potential design issues of scale and elevational treatment.

The document also advocates some good design principles, for example: “Frontages should have elements of consistency to avoid a disparate unrelated assembly of buildings, linking elements could include common walling materials, gables and/or door colours.

It continues: “Blank façades to any street frontage undermine this principle, especially the most prominent primary elevations and blank gables should be avoided”.

Local Plan ES1 promotes sustainable design. The submission of a checklist is required by large new developments which will be dealt with by the subsequent reserved matters application(s).

The document acknowledges the importance of the open spaces for Nastend and the need to “provide key buffer planting”. There is an intervening open space between Nastend and the new houses. Nonetheless Officers have asked that the area masterplan graphics show the annotated buffer area for Nastend.

This part of the overall scheme includes extensive open spaces, which collectively extend for over a kilometre. Informal landscaping is envisaged in an informal arrangement. The details will follow at the reserved matters stage but specimen planting should create focal points thereby accentuating the sense of expanse and openness. Another informative is suggested to highlight this need.

This part of the site will be visible from elevated points in the AONB, but there are intervening buildings. In any event the open spaces and juxtapositions of houses will create an acceptable form of development from such viewpoints.

### **ACCESSIBILITY/CONNECTIVITY**

The existing bridleway from Nastend is being retained and within an open space. There are two other north-south connecting routes, which could have been potentially hindered by the





## Development Control Committee Schedule

new housing. However a footpath/roadside pavement link is proposed. There is also a new footpath through the open space and pedestrian access along the western side of the development.

East-west pedestrian access is also being improved with new routes through the open space.

The area master plan shows 2 footpath connections and a road link with the adjoining (and permitted) development parcels. This allows further access to the open space, the subject of this application.

Cycling provision is envisaged along the spine road.

Movement across these parcels should be possible for a wide range of users including those with particular mobility and other challenges.

### **HIGHWAYS and PARKING**

The document makes reference to the potential use of shared surfaces.

The recent central government statement has been noted by these house builders. The implications will need to be reassessed over time and there is some flexibility in the detailed design at the reserved matters stage.

The spine road and secondary road follow the master plan from the outline consent.

Importantly the document notes: "Building lines should reinforce character and seek to mitigate a road dominated layout in places using changes in frontage to create pinch points, deflections and/or to introduce proposed trees into an integrated street scene"

A parking strategy has been provided in the revised plans. These promote good provision. Typically 2 spaces for a 2 bedroom dwelling, and 2-4 for a 4 bed, with 20% additional for visitors.

Comments are awaited from County Highways.

### **ECOLOGY**

The outline permission looked at the ecological constraints and opportunities across the whole West of Stonehouse site. Mitigation and enhancement strategies included the use of open spaces and new planting. Therefore the reserved matters applications will only warrant very localised mitigation and protection which can be dealt with by condition. Moreover, the reserved matters for this site provide an opportunity, with open space provision and planting as well as permanently wet SUDS ponds to produce an enhanced mitigation offer.

### **HYDROLOGY**

The outline approval and conditions imposed provide an overall drainage solution for West of Stonehouse as a whole. As part of this strategy, this area master plan shows 2 SUDS ponds in the open spaces. These will be detailed in the reserved matters application.



## Development Control Committee Schedule

### **RESIDENTIAL AMENITY**

This site is distanced from the proposed new employment site, to the east, and segregated by open space. Similarly there is also reasonable separation between it and the existing employment at Stroudwater.

### **HERITAGE**

The Planning (Listed Buildings and Conservation) Act 1990 is very significant because of the location of Listed Buildings. Section 66 requires: “special regard to the desirability of preserving the building or its setting or any special architectural...” Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area or historic interest which it possesses”.

Paragraph 196 of the NPPF states: “Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal, including its optimum use”.

This needs to be read in conjunction with sections 66 and 72, which have a stronger emphasis.

Various High Court case law points to a special emphasis of heritage consideration which overrides the normal development presumption.

The need to give “special regard” was highlighted in the Barnwell Manor Court of Appeal case in 2014. The Inspector failed to give special regard to the setting of a listed building and the decision was consequently quashed.

Local Plan Policy ES10 Valuing our historic environment and assets:

Proposals involving a historic asset need to describe the asset, its significance, its setting and assess the impact. Proposals will be “supported which conserve and where appropriate enhance the heritage significance and setting of the Districts heritage assets especially those elements which contribute and to the distinct identity of the District”. Listed Buildings and archaeological sites are highlighted for their heritage significance including their setting. Key views especially of spires and towers are highlighted. Any harm or loss would require “clear and convincing justification”.

The October 2011 publication by English Heritage on the “Setting of Historic Assets”, was very influential and helpful in explaining what constituted setting. This has now been updated by the Historic Environment Good Practice Note 3 by Historic England which provides guidance on setting. Both explain that whilst a visual connection may be important, there can be other aspects that form the basis of setting, for example historical connection, landscape, or even perception. These different aspects may overlap or even be distinctly different. They will not only vary in terms of geographical area but may also vary in terms of sensitivity to change. Different assets which may even be beside each other may well have different settings and different sensitivities to change.





## Development Control Committee Schedule

Even a visual connection can be underestimation as sometimes a sequence of views is more telling rather than specific viewpoints. Some assets may also be below ground archaeological remains. There is no fixed permanent boundary to the setting of heritage assets. Sometimes a setting can be close or more distant.

The recommended approach is to analyse the significance of the asset and its setting, consider the capacity for change, and consider the various impacts (positive and negative) of the specific proposal, whether the impacts can be mitigated and the permanence of the impacts.

Nastend Farmhouse, is a grade 2 listed, This was historically a farm group, which cultivated parts of the West of Stonehouse development. However its relationship with its surroundings has been changed by the growth of Stroudwater and the outline permission. The master plan shows some open space around it. Consequently this proposal would not harm the setting of the buildings.

Nastend House is particularly notable, being an elegant grade 2\* stone house, with partial timber frame. This dates back to 16/17th century. The listed building description notes the various distinctive windows. It was built by a renowned clothier.

Adjacent is Somerlea, a grade 2 listed small house, which was originally several cottages, used by hand loom weavers. Much of it dates back to late 16th century.

Also adjacent is the grade 2 listed Barn at Nastend End Court, so named for its historic association. This is stone built, mid 18th century.

All these three listed buildings are segregated from the new housing by open space and landscaping. There is also no overriding historic association with the land. They are effectively read as part of Nastend hamlet rather than the new development and are therefore protected by the proposed buffer.

Oldbury House, the Georgian grade 2 listed building, with distinctive sash windows and ionic columned porch is to the west. This is well away from the new housing and it's not considered to be harmed by the proposal.

The Industrial Heritage Conservation Area (IHCA) is based around the canal corridor. This is well over a mile to the south and is segregated by the extensive Stroudwater Industrial Estate and similarly employment development at Bonds Mill, with the A419 forming another barrier. There is no overly significant historic or cultural relationship with the site and consequently the proposal would not have a harmful affect on the IHCA.

There are non designated historic assets in Nastend. The 1839 tithe map shows 10 houses recorded. However these are similarly distanced to the houses above so as not to be impaired by the new development.

Archaeological matters were considered at the outline stage and not found to be particularly significant.



## Development Control Committee Schedule

In conclusion and in light of the above the proposal causes less than substantial harm to the various heritage assets and this is considered to be outweighed by the benefits of the development to provide housing and associated amenities.

### **AFFORDABLE HOUSING**

This was resolved at the outline stage and confirmed in the section 106. This document acknowledges that need as well as a good distribution.

### **OTHER MATTERS**

Security/safety issues have been considered and the document advocates secure by design principles.

### **RECOMMENDATION**

Subject to comments from the County Highways Officer, approval of the document is recommended. This will then form the basis for the reserved matters consideration.

### **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.

### **Subject to the following conditions:**

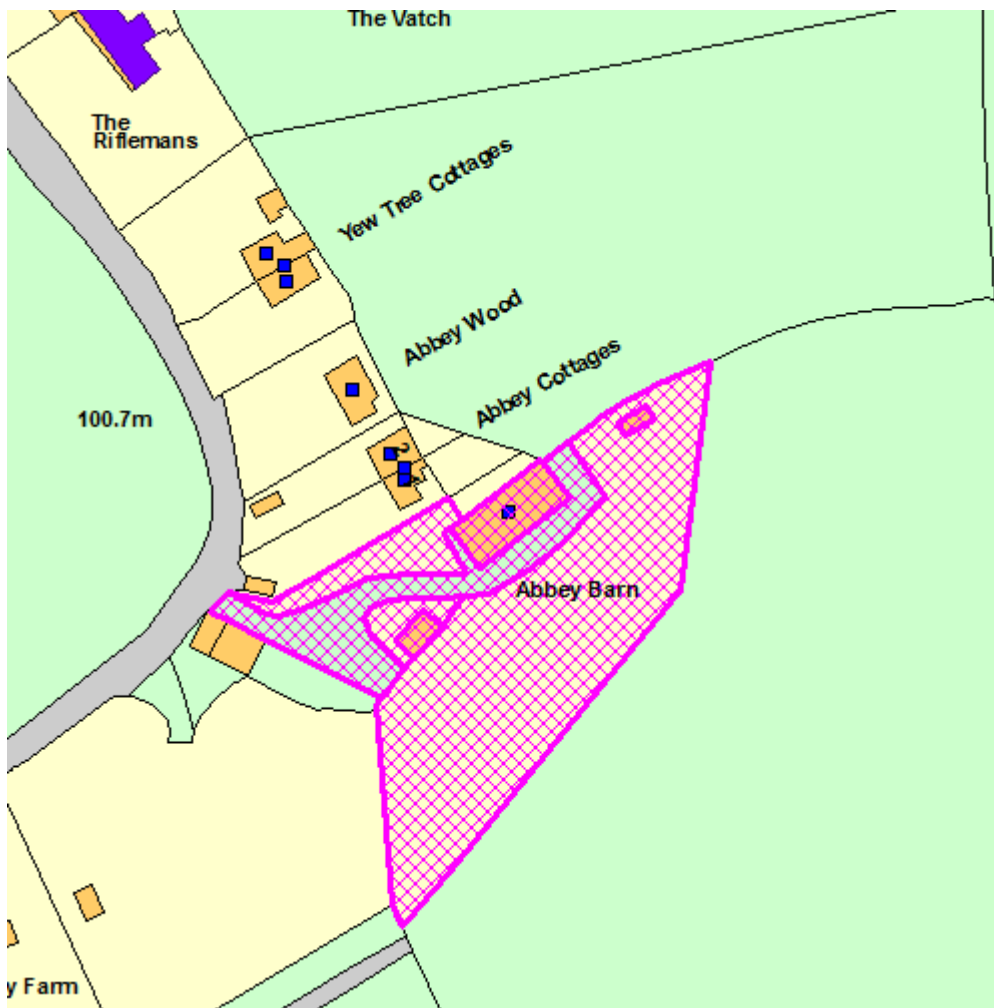
#### Informatives:

1. The reserved matters submission will need to ensure that this large expanse of development is broken up by different characterisation and landscaping. Elevational design, proportion, detailing, boundary treatments, siting and materials will all be important.
2. The reserved matters submission will need to show new tree planting on the open space to accentuate the perception of the expanse and provide distinctive landmarks, in an informal arrangement. The size, species and location will be important details.



## Development Control Committee Schedule

<b>Item No:</b>	<b>02</b>
<b>Application No.</b>	S.18/1336/HHOLD
<b>Site No.</b>	PP-07061844
<b>Site Address</b>	Abbey Barn, Slad Lane, Stroud, Gloucestershire
<b>Town/Parish</b>	Painswick Parish Council
<b>Grid Reference</b>	387438,206397
<b>Application Type</b>	Householder Application
<b>Proposal</b>	New extension (387438 - 206397).
<b>Recommendation</b>	Refusal
<b>Call in Request</b>	Councillor Nigel Cooper



<b>Applicant's Details</b>	Mr & Mrs White Abbey Barn, Slad Lane, Stroud, Gloucestershire, GL6 7LE
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## Development Control Committee Schedule

<b>Agent's Details</b>	Roger Gransmore Architect The Old Chapel, Oakridge Lynch, Stroud, Gloucestershire, GL6 7NZ
<b>Case Officer</b>	Sarah Carruthers
<b>Application Validated</b>	18.06.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Painswick Parish Council
<b>Constraints</b>	Area of Outstanding Natural Beauty Kemble Airfield Hazard Painswick Parish Council Rodborough 3km core catchment zone
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

- o Design and appearance
- o Landscape
- o Archaeology and Heritage Assets
- o Residential Amenity

### DESCRIPTION OF SITE

A converted barn and associated curtilage located in a rural area along Slad Lane, on the edge of Stroud. The residential unit forms part of a small hamlet and falls within the Cotswold Area of Outstanding Natural Beauty.

Planning permission was granted in March 1996 for change of use of the barn into a dwelling (S.14284/B). The barn was substantially renovated and rebuilt some years prior to the planning permission for its conversion. For the purposes of this report, it shall be referred to as 'the barn'.

### PROPOSAL

The application is a resubmission of a recently refused scheme for a two storey gable extension on the southeast elevation. This refused decision is currently the subject of an appeal.

The scheme appears almost identical, except for setting the extension ridgeline down from the main ridgeline by 100mm and raising the eaves line by 300mm. The extension projects 6.3m from the southeast elevation, is 3.4m high to the eaves and 5.3m high to the ridgeline. It also has an additional lean-to on the southwest side of the extension which extends the overall width to 8.4m.



## Development Control Committee Schedule

### **MATERIALS**

Walls: Stone

Roof: Stone tiled with seamed zinc on lean-to element

Fenestration: Powder coated aluminium

### **REPRESENTATIONS**

#### **Statutory Consultees:**

Parish - support

Senior Conservation Officer - Concerns raised, 'The proposals would not cause actual harm to the setting of the listed buildings, but nor would they preserve or enhance those settings. The proposals would however, being neither innovative, nor traditional, cause harm to the mellow character of the historic settlement within its wider landscape setting.'

Ecology - awaiting formal response but has advised that no survey will be required.

#### **Public:**

To date 8 letters of support have been received commenting that the design and materials are sympathetic to the local area any visual impact would be negligible.

### **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).

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:

HC8 - Extensions to dwellings.

ES3 - Maintaining quality of life within our environmental limits.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character.

ES10 - Valuing our historic environment and assets.

ES12 - Better design of places.

There is no Neighbourhood Development plan for the Painswick Parish.

### **PLANNING CONSIDERATIONS**

### **DESIGN/APPEARANCE/IMPACT ON THE AREA**



## Development Control Committee Schedule

Planning permission was refused earlier this year for a similar scheme primarily on the grounds that the scale and appearance of the extension was out of keeping with the original agricultural form and character of the barn and its wider rural setting.

Planning permission was granted for the conversion of the barn to a dwelling in 1996. Within that permission, all permitted development rights were removed, including windows, minor alterations and extensions. It would appear that a significant degree of sensitivity was used in its conversion and the simplicity of the former agricultural barn has been maintained. Planning permission was later granted for some additional casement windows in 2002.

The barn has a low profile, with a simple linear form, a pitched roof and limited window openings, and is viewed as part of a group of historic buildings, including the nearby listed Abbey Farm and Riflemans. The barn is visible from a number of surrounding public viewpoints; mainly from Knapp Lane and Swifts Hill. A large double garage was granted permission since the conversion and sits to the southwest of the barn. The garage is also fairly visible within the group, due to its height and stone construction.

The proposed gable extension projects 6.3m from the south east elevation. It is acknowledged that the ridgeline of the extension has been reduced by 100mm in order to create a more subservient extension, however, the eaves line has been raised a further 300mm, so that the extension's eaves line now stand 1.2m above that of the main building. This results in a two storey extension on what reads as a single storey barn and therefore appears disproportionate.

Large window openings are proposed in the southeast elevation similar to what may be found in a converted Threshing barn, however, given that the barn is a more humble building, the scale and design of this feature is not considered appropriate on this host building. The further addition of large glazed openings in the north east elevation, along with a set of roof lights around the ridgeline would create overly visual strident features that would be out of keeping with the barn's simple agricultural character.

The proposed extension, whilst constructed from stone, is not in a traditional vernacular form, due to its disproportion size, width and expanses of glazing. The use of stone also creates a more solid and permanent looking structure that undermines the barn's simple linear form and character. The extension if permitted would result in a building that would more closely resemble a modern dwelling, with very little reference to its historic roots. In view of the sites location on the edge of a small hamlet in a rural area, and its prominence within the landscape, the extension is considered to be unsympathetic to its rural surroundings as well as the host building. Officers have advised that a smaller scale extension in a more 'lightweight' material, such as timber cladding, may be viewed more favourably as this would ensure the extension appears as a subservient addition to the barn. It is also considered that this approach would have a more traditional rural character.

Whilst the applicants have put forward examples of large domestic extensions that have been approved in the locality, each application must be considered on its own merits and the key issue in this case is that the extension is proposed on a modest former agricultural building and consequently its original agricultural form, character and setting must be taken into



## Development Control Committee Schedule

consideration. This is the reason why normal permitted development rights were taken away when planning permission was originally granted for the conversion of the building.

In conclusion, the culmination of the scale, height, stone construction and window detailing of the proposed extension creates a prominent incongruous feature, particularly when viewed from the northeast and southwest. The proposal would significantly and permanently alter the original low-key linear form and character of the barn, creating an overly domesticated building with no recognisable agricultural reference.

Officers maintain that the principle of an extension on the barn may be acceptable if its proportions, scale, detailing and materials are sympathetic to the host building and its rural location.

The revised application does not address the previous refusal reason on design grounds and the proposal is considered to conflict with Policy HC8 (criterion 2) which states; 'the height, scale, form and design of the extension or outbuilding is in keeping with the scale and character of the original dwelling.....and the site's wider setting and location.'

### **RESIDENTIAL AMENITY**

The nearest neighbouring properties lie to the northeast of the site. Due to the positioning of the extension and the degree of separation the proposal would have no significant impact on the residential amenities of neighbouring occupiers.

### **HIGHWAYS**

The proposal would have no direct impact upon vehicular access or parking arrangements which would remain adequate to serve the enlarged dwelling.

### **ARCHAEOLOGY AND HERITAGE ASSETS**

Abbey Barn is sited on more or less the same foot print of an historic agricultural building that is shown on 19th century maps. The key point is that the extant building is a tangible reflection of its past agricultural form, a structure that has a place in the hierarchy of the site architecturally, through its simple form, and its place in the social history of the settlement, sitting in conjunction with the very handsome Grade II listed Abbey Farmhouse.

Concerns have been raised by Senior Conservation Officer regarding its scale, materials and appearance; concluding that whilst the proposal may not cause actual harm to the setting of the listed buildings, neither would it preserve or enhance those settings. The proposals would however, being neither innovative, nor traditional, cause harm to the mellow character of the historic settlement within its wider landscape setting.

### **LANDSCAPE IMPACT**

A visual impact assessment has been received that shows the building from different viewpoints. It is clear that the extension would be visible from some viewpoints and the proposal would result in a more domesticated building, however the development would generally be viewed against the existing built form and would not appear intrusive in the wider setting of the Cotswold Area of Outstanding Natural Beauty.





## Development Control Committee Schedule

### ECOLOGY

The previous planning decision included a refusal reason stating that insufficient information was submitted to demonstrate that bats would not be affected. Since the planning refusal, the Council's Ecologist has visited the site and is now satisfied that the previous historic barn was taken down almost entirely and rebuilt in the 1990's to modern building standards and thus, in accordance with the Bat Conservation Trust Bat survey guidelines, the proposal has not triggered the need for a bat survey.

### REVIEW OF CONSULTATION RESPONSES

The letters of support have been considered and the relevant issues are addressed above.

### 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 2005 and the core planning principles set out in the NPPF.

### 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.

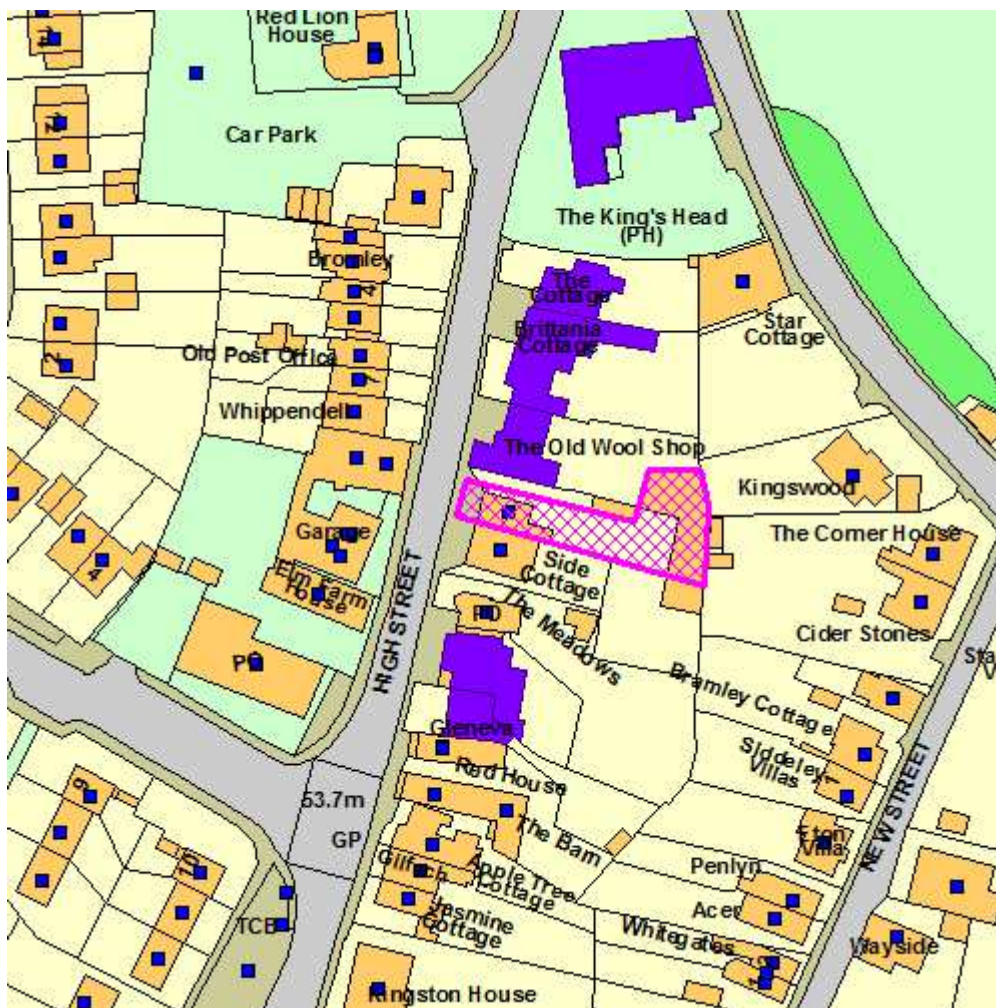
<b>For the following reasons:</b>	<ol style="list-style-type: none"><li>1. By reason of its scale, height, materials and window detailing, the proposal results in a dominant feature that would significantly alter the original agricultural form of the building. The proposal is therefore not considered in keeping with the scale and character of the original building and its wider rural setting contrary to Policy HC8(2) of the Stroud District Local Plan, adopted November 2015.</li></ol>
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## Development Control Committee Schedule 04/09/2018

<b>Item No:</b>	<b>03</b>
<b>Application No.</b>	S.18/0563/FUL
<b>Site No.</b>	PP-06797256
<b>Site Address</b>	Land At 27 High Street, Kings Stanley, Stonehouse, Gloucestershire
<b>Town/Parish</b>	Kings Stanley Parish Council
<b>Grid Reference</b>	381161,203428
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Creation of 4 residential dwellings (381161, 203428)
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Kings Stanley Parish Council



<b>Applicant's Details</b>	Matthew Webb 18 Goldwater Springs, Station Road, Nailsworth, GL6 0AH
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## Development Control Committee Schedule 04/09/2018

<b>Agent's Details</b>	None
<b>Case Officer</b>	Rachel Brown
<b>Application Validated</b>	20.03.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Kings Stanley Parish Council Contaminated Land Officer (E) Mr David Lesser
<b>Constraints</b>	Consult area Within 50m of Listed Building Kings Stanley Parish Council SAC SPA 7700m buffer Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Residential Amenity
- o Highways
- o Ecology
- o Affordable Housing
- o Archaeology and Heritage Assets
- o Obligations

### DESCRIPTION OF SITE

The site is located on the High Street and within the Local Centre of Kings Stanley as defined within the Local Plan and comprises the rear of the former Daniels TV premises, including the former sales building and offices. The site is accessed off the High Street and is set back from the road behind buildings that front the High Street. The site is surrounded by residential properties and their associated gardens.

The site is not affected by any sensitive landscape designation and is not within or adjacent to a Conservation Area. There are a number of nearby listed buildings.

### PROPOSAL

Creation of 4 residential dwellings.

### REVISED DETAILS

Internal layout reversed



## Development Control Committee Schedule 04/09/2018

### **MATERIALS**

Walls: Brick and timber  
Roof: Seamed metal or slate tiles  
Doors/windows: Aluminium and wood

### **REPRESENTATIONS**

#### **Statutory Consultees:**

SDC Environmental Protection Manager - recommends standard conditions and informative

SDC Contaminated Land Officer - No comments

GCC Archaeologist - The application site is located within Kings Stanley's medieval settlement area. Archaeological remains relating to medieval settlement may be adversely affected by construction ground works. Provision should be made for archaeological monitoring. A condition is recommended to facilitate this.

SDC Policy Implementation Manager - Vacant Building Credit extinguishes the affordable housing requirement

SDC Water Resource Engineer - A soakaway is unlikely to be a viable option and requested a solution to surface water drainage. A subsequent letter from Severn Trent confirming their agreement satisfies and has no further objection to this development

SDC Conservation Team - The site is located within 50m of a listed building. However, due to the degree of separation between the application site and the historic asset, it is considered that no harm will arise and there will be no subsequent harm to the setting of the listed building.

Kings Stanley Parish Council Object to this application on the following grounds:

- o Overdevelopment
- o Inadequate parking and vehicular access and egress
- o Insufficient drainage and dispersal of surface water
- o Overlooking neighbouring properties (a single storey option might be acceptable)
- o Future conversion of former shopfront building on High Street and the provision of parking and turning
- o Mistakes in the Design and Access Statement (the map points to Broad Street not High Street)
- o The Parish Council might be able to consider a revised plan with three, 2 being single storey, a total of 3 new dwellings is below the levels that requires affordable housing.
- o Kings Stanley Parish Council requests this application be called-in to DCC.

Following the submission of revised plans the Parish Council further comment:

- o Little alteration
- o A measure of overlooking is mitigated



## Development Control Committee Schedule 04/09/2018

- o Continue to object on grounds of over-development

### Public:

11 letters of Objections (from 4 households) have been received on the following grounds:

- o No communication from developer (untrue statement in submission)
- o Incorrect information on application form
- o Why is property to front not included within application
- o Increase in air, noise and light pollution from cars and lighting in yard
- o Security
- o Issues for wall with Bramley Cottage
- o Increase in flood risk from underground stream
- o Overlooking from large South facing properties
- o Increase in traffic will have detrimental effect on the Wool Shop
- o Does the site have full facilities with gas, water, electricity and sewerage
- o Roots of tree on neighbouring property run under the tarmac of the yard; health of tree would be greatly affected by building work
- o Question why permission has been given to the change of use of existing buildings on site
- o No need for development
- o Site too small to accommodate development
- o New houses would have little or no amenity areas resulting in loss of privacy
- o Question the number of parking spaces and vehicle tracking
- o Appalled at the design
- o Loss of privacy and view
- o Housing instead of business will mean adjoining neighbours will be adversely affected by noise, traffic, and night time light disturbance
- o Visually overbearing
- o Inappropriate design/out of keeping with neighbouring properties
- o Parking will cause noise, pollution and dust
- o Traffic problems and create highway safety hazard
- o Unacceptable harm to character of the area and amenities of neighbouring occupiers
- o The application site includes land owned by neighbours (The Old Wool Shop) - 3m wide strip of driveway
- o Scale of development exceeds capacity of the site
- o Proposed layout is car dominant
- o Insufficient amenity space
- o Layout creates poor standard of amenity and does not reflect historic pattern of building
- o Access is restricted
- o Visibility is restricted
- o The former commercial use of the site did not give rise to continuous vehicle movements
- o Intensification of traffic using sub-standard access
- o Unclear from the application if it is proposed to demolish or convert the existing building.



## Development Control Committee Schedule 04/09/2018

- o Any rebuild should take place wholly on the application site without need to access third party land
- o Outer face of existing building forms ownership boundary to The Old Wool Shop. It is unclear how works would be undertaken without encroachment onto adjoining land
- o No details of bin storage and collection
- o Impact on setting of listed building
- o Use of timber cladding uncharacteristic
- o Construction works should be limited
- o Details of surface water disposal should be explained
- o Access to the site should be included within the red line of the application site boundary
- o The proposal fails to accord with the development plan
- o Two storey building only 4m from boundary
- o Bank of first floor windows facing garden
- o Detrimental change to ambience and setting of primary amenity space
- o Overbearing and dominance
- o Overlooking and perception of being overlooked to full extent of garden
- o Site visit requested
- o Lack of parking

Following the submission of revised plans a further 3 letters of objection have been received. Objections relate to:

- o Previous objections not addressed
- o Fewer parking spaces; 4 spaces is not enough
- o No visit from developer
- o Underground water issues
- o Damage to adjoining walls
- o Noise
- o Addresses concerns regarding overlooking
- o Overbearing
- o Site not suitable for housing
- o Site too small and cramped
- o Parking, turning and manoeuvrings may become issue
- o Gratified to see revised plans but still overlook property
- o Car parking spaces reduced further
- o Difficult and dangerous access

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

National Planning Policy Framework.

Available to view at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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

Section 66(1).





## Development Control Committee Schedule 04/09/2018

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.

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.

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)

Planning Obligations SPD (2017)

### **BACKGROUND AND INTRODUCTION**

The site was previously used as office and retail space in association with Daniels TV, an electronics store. The business has moved into Stonehouse and the premises have since been vacant.

In February this year an application for the prior notification for change of use of the buildings from office use (Class B1(a)) to use as three dwellinghouses was granted on the two storey building within the north corner of the plot and the two storey building adjacent to the access. The change of use of the site from offices to residential has therefore been established. The current application includes the two storey building within the northern corner of the plot. The prior notification relates to the change of use only and does not allow external building work associated with a change of use. This application details the changes required to convert the building, in addition to the new building to the south of the plot. The building to the front of the plot adjacent to the access does not require external building works to implement the change of use.

### **PRINCIPLE OF DEVELOPMENT**

The site lies within the defined settlement boundary of Kings Stanley, designated as a Third Tier Settlement within the Local Plan, where there is a presumption in favour of development subject to design and amenity considerations and to a satisfactory means of access being provided. The site is within walking distance of the village centre and is set amongst other residential properties. In this respect the principle of further residential development on the site can be supported, however, the further consideration of the design, layout and appearance of the scheme has to be assessed.



## **Development Control Committee Schedule 04/09/2018**

### **DESIGN AND LAYOUT**

The proposal is for the creation of 4 residential dwellings. It is proposed to alter the existing two storey office building to create two apartments and construct a new building to provide two semi-detached houses.

The alterations proposed to the existing building are modest and do not alter the overall character and appearance of the building.

The High Street is varied in terms of the height and design of the buildings and the height and size of the new dwellings would be comparable to neighbouring buildings. The proposed new dwellings would be of a contemporary design would be largely screened from the High Street by the existing buildings with just glimpses through to the site between buildings. The development therefore would not be overly prominent within the street scene.

The siting of the dwellings and their general layout would not compete with the surrounding form of the area and there would be no harm caused to the character and appearance of the street scene.

Whilst the plots are relatively small, the arrangement of the plot as detailed would provide adequate garden for the proposed dwellings with a small outside communal area for the apartments, compliant with the standards set out in the Council's Residential Design Guide and in keeping with the form of surrounding development. Ample space would remain so as to ensure the plots did not appear cramped or overdeveloped.

### **RESIDENTIAL AMENITY**

The existing building sits on the boundary between the application site and the Old Wool Shop to the north and west, and Kingswood to the east. The submitted drawings detail two first floor windows in the north facing elevation of the existing building however there is just currently the one window. Both the existing and new window would serve bedrooms. The proposed new window would serve bedroom two; this is also served by a window in the east elevation. Whilst it is acknowledged that the windows overlook just the end of the neighbour's garden, to avoid additional overlooking and given that the bedroom would have two windows, it is considered reasonable to condition that the window be obscurely glazed. The overall height of the building will not be changed.

The new building to the south of the site is proposed within approximately 4m of the southern boundary. Immediately to the south of the site is the private garden for The Meadows. Revised plans have been submitted to reverse the internal layout at first floor with the bedroom windows facing north over the courtyard/parking area and the bathroom windows with either louvers or obscure glazing facing south. The revised layout would minimise overlooking to the south. Boundary treatment would provide screening from the ground floor windows. Whilst the development would introduce a new two storey building, the building would be orientated to the north of the affected garden and there would be sufficient degree of separation so that any impact on amenity would not be so significant to be considered harmful.



## **Development Control Committee Schedule 04/09/2018**

### **HIGHWAYS**

The proposed development would make use of the existing access onto the High Street. The access serves both the application site and the neighbouring residential property The Old Wool Shop. It is understood that the occupiers of The Old Wool Shop own the majority of the access (a 3m wide strip) but with a right of access to the site. There is some question over the legality of the right of access; however this is a civil matter between the relevant land owners.

The submitted drawings detail 4 parking spaces to serve the new development. It should be noted that the previous application to convert the apartment did not detail any parking provision. The Council's adopted parking standards require an average of 1.5 spaces per dwelling. It should be remembered that the principle of the change of use of the offices to two apartments has been established through the prior notification. There is no requirement to consider parking provision when determining prior notifications for the change from offices to residential.

Concerns have been raised regarding the site access and highway safety and the possible increase in traffic. It is not however considered, given the existing use of the site, that the proposal would result in a significant increase in trip generation to and from the site. Although the existing access is narrow, it is not considered that there would be a severe impact on highway safety. The Local Highway Authority have been consulted however have not responded.

### **ECOLOGY**

The site is within 7.7km of the River Severn SAC. Policy ES6 of the adopted Local Plan requires development proposals to contribute to appropriate mitigation and management measures. This would be secured by way of a simple unilateral undertaking for a mitigation contribution of £385 per dwelling.

### **OBLIGATIONS/AFFORDABLE HOUSING**

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has 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>.

### **FLOOD RISK**

Application is based on disposal of surface water to a mains sewer however the Severn Trent Asset Map does not show surface water or combined sewer in the vicinity. Furthermore, given that the geology and soil is fairly impermeable, a soakaway is unlikely to be a viable option for this density of housing at this location.





## **Development Control Committee Schedule 04/09/2018**

Severn Trent Water has confirmed that they will accept the proposed surface water flows into the public foul sewer within the site. This will be facilitated by way of a formal Section 106 approval between Severn Trent Water and the developer.

The Council's Water Resource Engineer has confirmed he has no further objection to this development.

### **ARCHAEOLOGY AND HERITAGE ASSETS**

The application site is located within Kings Stanley's medieval settlement area. Archaeological remains relating to medieval settlement may be adversely affected by construction ground works required for this development. Therefore, while this site has been the subject of some previous development, it would be prudent to make provision for archaeological monitoring of the ground works required for the construction of this scheme, so that any significant archaeological remains revealed during the development can be recorded. To facilitate the archaeological work, a condition is recommended.

Where Listed Buildings or their settings, are affected by development proposals, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision-maker to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The site is located within 50m of a listed building. However, due to the degree of separation between the application site and the historic asset, it is considered that no harm will arise and there will be no subsequent harm to the setting of the listed building. The application has been assessed in accordance with paragraphs 192-196 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposal has been considered in line with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990; policies set out in the NPPF and the Stroud District Local Plan 2015, and guidance from Making Changes to Heritage Assets'- Historic England Advice Note 2.

### **REVIEW OF CONSULTATION RESPONSES**

Letters of objection and comment have been received in response to the application and these are available to view on the electronic planning file.

The objections and comments raised have been duly noted and considered in full in the main body of this report.

### **RECOMMENDATION**

In light of the above, it is considered that the proposal complies with the policies outlined.

### **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



## Development Control Committee Schedule 04/09/2018

by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

### Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No works shall take place on the external surfaces of the building(s) hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area and to comply with Local Plan Policy HC1.

3. No construction works shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities which shall be used by all vehicles prior to leaving the site;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason:

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in the interests of highway safety, and in the interests of neighbour amenity in accordance with Local Plan Policies CP14 and ES3.



## Development Control Committee Schedule 04/09/2018

4. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason:

It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.

5. The first floor window to serve bedroom 2, proposed in the north elevation of the apartment block hereby permitted shall be glazed in obscure glass and fixed shut and maintained as such thereafter.

Reason:

In the interests of the amenities of occupiers of adjoining residential properties and to comply with Policy ES3 of the Stroud District Local Plan, November 2015.

6. No construction site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

7. The dwellings hereby permitted shall not be occupied until the vehicular parking has been provided in accordance with the approved plans. The approved parking shall be permanently available and free of obstruction thereafter.

Reason:

To reduce potential highway impact by ensuring that parking is available within the site, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.



## Development Control Committee Schedule 04/09/2018

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3 and described within Classes A to E of Part 1 of Schedule 2, shall take place.

Reason:

In the interests of the amenities of the local residents and the surrounding area and to comply with Policies HC1 and ES3 of the adopted Stroud District Local Plan, November 2015.

9. No window or door openings other than any fenestration shown on the approved plans shall be formed in the development hereby permitted unless otherwise agreed by the Local Planning Authority.

Reason:

In the interests of the amenities of occupiers of adjoining residential properties, and to comply with Local Plan Policy ES3.

10. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

Site Plan Proposed of 01/08/2018  
Plan number = 757(P)11D

Proposed Apartments floor plan of 06/03/2018  
Plan number = 757(P)14

Proposed Apartments Elevations of 06/03/2018  
Plan number = 757(P)15

Proposed semi-detached houses floor plan of 01/08/2018  
Plan number = 757(P)16.A

Proposed semi-detached Elevations of 01/08/2018  
Plan number = 757(P)17.A

Reason:

To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

Informatives:

1. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise, dust, smoke/fumes and odour during the construction phases of the development. This should include not working



## Development Control Committee Schedule 04/09/2018

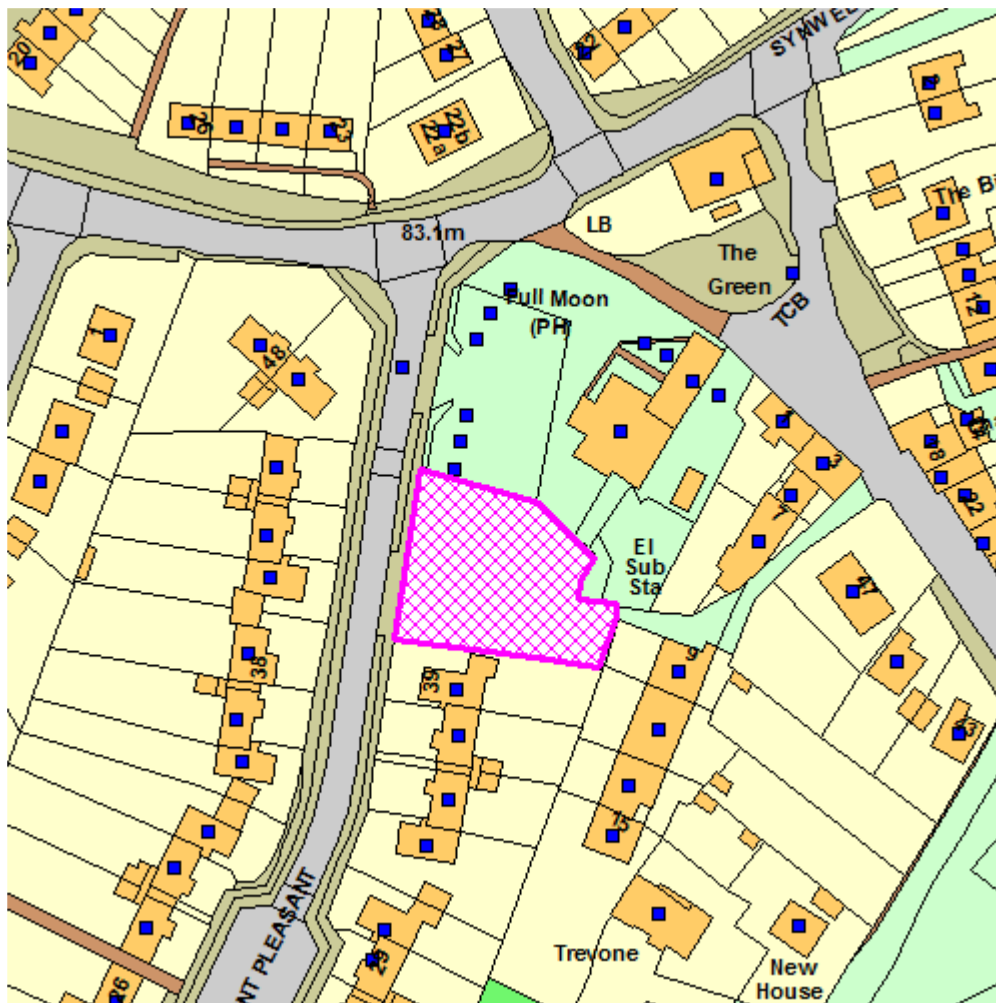
outside regular day time hours, the use of water suppression for any stone or brick cutting, not burning materials on site and advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume, noise or dust complaints be received. For further information please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.

2. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. The case officer contacted the applicant and negotiated changes to the design which has enhanced the overall scheme; these have been detailed in the Officer Report.



## Development Control Committee Schedule 04/09/2018

<b>Item No:</b>	<b>04</b>
<b>Application No.</b>	S.18/1289/FUL
<b>Site No.</b>	PP-07043660
<b>Site Address</b>	Garages, Mount Pleasant, Wotton-Under-Edge, Gloucestershire
<b>Town/Parish</b>	Wotton Under Edge Town Council
<b>Grid Reference</b>	376267,193200
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Erection of 4 two storey residential dwellings with associated vehicle parking and landscaping.
<b>Recommendation</b>	Resolve to Grant Permission
<b>Call in Request</b>	Planning Manager





## Development Control Committee Schedule 04/09/2018

<b>Applicant's Details</b>	Mr Oliver Tyler Trower Davies Ltd, 8 Manor Park, Mackenzie Way, Cheltenham, GL51 9TX
<b>Agent's Details</b>	None
<b>Case Officer</b>	Rachel Brown
<b>Application Validated</b>	13.07.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Wessex Water (E) Mr David Lesser Policy Implementation Officer (E) Wotton Under Edge Town Council
<b>Constraints</b>	Wotton under Edge Town Council
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Residential Amenity
- o Highways
- o Landscape
- o Ecology
- o Affordable Housing
- o Obligations

### DESCRIPTION OF SITE

The site is located at Mount Pleasant, within the settlement of Wotton under Edge. The site currently comprises car parking and vacant garages.

The site is within the Cotswold Area of Outstanding Natural Beauty. There are no nearby listed buildings and the site is not within a conservation area.

### PROPOSAL

Erection of 4 two-storey residential dwellings with associated vehicle parking and landscaping.

### REVISED DETAILS

Revised design and access statement submitted providing details of the current position regarding SDC's decision to dispose of the site for redevelopment.





## Development Control Committee Schedule 04/09/2018

### **MATERIALS**

Walls: Plots 1&2 to have stone facing finish and plots 3&4 to have a render finish.  
Roof: Plain tile to match local aesthetic.  
Doors/windows: PVCu

### **REPRESENTATIONS**

#### **Statutory Consultees:**

SDC Water Resource Engineer - No comments or objection

SDC Policy Implementation Manager - No comments

Wessex Water - No objections

GCER advise protected species have been recorded within the vicinity

Wotton under Edge Town Council Object on the following grounds:

- o False and misleading statement within D&A statement regarding the use of the garages
- o Impact on local parking provision
- o Local social housing has no parking provision
- o On street/grass verge parking makes emergency access difficult
- o SDC should re-instate the parking
- o If approved alternative parking must be provided
- o Houses should be set back with parking to the front
- o Lack of road width at the front is a serious concern
- o Parking and turning would be difficult for furthestmost parking space
- o Boundary/land disputes

#### **Public:**

2 letters of objection have been received. Objections relate to:

- o Loss of car parking facility
- o Random parking causes issues on bus route
- o This application will make matters worse
- o Loss of light to No 39
- o Lack of detail regarding boundary
- o Trees detailed in garden of No 39 no longer there
- o Acknowledged lack of parking in WuE
- o Incongruous to reduce available off street parking

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

National Planning Policy Framework.

Available to view at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>





## Development Control Committee Schedule 04/09/2018

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.

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.

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)

### **Neighbourhood Development Plan**

Wotton under Edge has been designated as a neighbourhood; however as yet not submitted a Neighbourhood Development Plan

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:

### **BACKGROUND & INFORMATION**

This is a Council owned site.

Due to ongoing maintenance requirements Stroud District Council's garage stock is in decline in terms of being fit for purpose and their financial viability. Reduced demand for garage spaces and historic underinvestment has become a catalyst for anti-social and criminal behaviour in some residential areas which is a concern.

The retention of underused land and garages requires investment that represents an unacceptable impact on Council finances, particularly as investment in housing takes a higher priority. Stroud District Council is obliged to manage its assets and make the best use of its existing property to build new homes and safeguard its finances.

In September 2015 the Council's Housing Committee reviewed its district wide garage ownership and resolved to rationalise its garage stock via various options including their redevelopment and/or sale.



## **Development Control Committee Schedule 04/09/2018**

It must be noted that the strategy applies only to garages and parking spaces that are let independently of any other tenancies, and for which a separate charge is levied. Any garages or parking spaces managed by the Council (e.g. garages attached to houses, carports etc) are outside the scope of this policy and managed according to commercial arrangements.

### **PRINCIPLE OF DEVELOPMENT**

The site lies within the defined Settlement Boundary of Wotton under Edge, defined as a Second Tier Settlement within the adopted Local Plan, where there is a presumption in favour of development subject to design and amenity considerations and to a satisfactory means of access being provided. The site is within walking distance of the centre and is set amongst other residential properties. In this respect the principle of further residential development on the site can be supported, however, the further consideration of the design, layout and appearance of the scheme has to be assessed.

### **DESIGN AND LAYOUT**

The proposal is for two pairs of semi-detached dwellings fronting the highway with garden and parking to the rear. Each pair would be separated by the access road. The surrounding area comprises mostly two storey terraced houses. Immediately to the north of the site is the former Full Moon public house where planning permission has been granted (by appeal) for residential development of two storey dwellings fronting the highway.

The new dwellings would be forward of the building line established by the existing properties to the south; however would respect the building line approved on the former Full Moon site.

The sign and design of the proposed dwellings would be similar to that as approved on the adjoining site and would be keeping and compatible with this part of Wotton under Edge.

The siting of the dwellings and their general layout would not compete with the surrounding form of the area and there would be no detrimental impact caused to the character and appearance of the street scene.

The arrangement of the plot as detailed would provide adequate garden for the proposed dwellings, compliant with the standards set out in the Council's Residential Design Guide and in keeping with the form of surrounding development. Ample space would remain so as to ensure the plots did not appear cramped or overdeveloped.

### **RESIDENTIAL AMENITY**

The new dwellings would be positioned forward of the existing neighbouring properties but orientated to the north. There would be a separation distance of approximately 5 metres and there are no principal room windows in the neighbouring property directly overlooking the site. The neighbour (No 39) has raised concerns regarding loss of light, however as the new dwellings would be to the north of the neighbour, the development would not create shadowing to No. 39. Furthermore, given the degree of separation and position of new dwellings in relation to the neighbouring property, there would be no significant overbearing issues. The proposed dwellings have been designed to maintain privacy levels.



## **Development Control Committee Schedule 04/09/2018**

Whilst not yet built, permission has been allowed for residential development to the north of the application site. The approved drawings detail the nearest dwelling, Plot 1, with no principal room windows directly overlooking the site and the position of the proposed dwellings would not project forward or rearward of the approved dwellings. Therefore, whilst positioned to the south, the proposed development would not cause any significant shadowing or overbearing issues to the approved scheme to the north.

The development would not have a harmful impact on the amenities of neighbouring occupiers.

### **HIGHWAYS/PARKING**

Each new dwelling will share the one altered vehicular access off Mount Pleasant leading to allocated parking at the rear of the site with eight parking spaces detailed. The proposal safeguards the route of the existing public right of way across the application site.

Historically the access served 18 garages and therefore this proposal should result in less vehicular movements into the site. Two parking spaces will be provided for each dwelling, in compliance with the Council's adopted parking standards. The proposal would not be detrimental to highway safety.

Notwithstanding the above, the Department for Transport have written to Local Highway Authorities advising of the publication of Inclusive Transport Strategy 2018. The concern is that shared space is not in the interests of disabled people who are a protected group in the Equalities Act. As this proposal includes a shared surface access, further clarification from the Gloucestershire Highways regarding the shared surface is awaited. Officer's recommendation is therefore to resolve to grant permission awaiting a response.

### **ECOLOGY**

The site as a whole provides negligible habitat for wildlife.

The site is located within the 7.7km of the Severn Estuary SPA/SAC/Ramsar site where Stroud District Council has adopted an interim strategy. Each new dwelling is required to pay £385 per dwelling to contribute to projects that relieve the recreational pressure on the designated site. A condition requiring the submission of a mitigation strategy is recommended.

### **OBLIGATIONS/AFFORDABLE HOUSING**

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has 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>.



## Development Control Committee Schedule 04/09/2018

### REVIEW OF CONSULTATION RESPONSES

Letters of objection and comment have been received in response to the application and these are available to view on the electronic planning file.

The objections and comments raised have been duly noted and considered in full in the main body of this report.

### RECOMMENDATION

In light of the above, it is considered that the proposal complies with the policies outlined.

### 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.

<b>Subject to the following conditions:</b>	<ol style="list-style-type: none"><li>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</li><li>2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:  Site Plan Proposed of 12/06/2018 Plan number = 1602  Proposed floor plan of 12/06/2018 Plan number = 1610  Proposed Elevations of 12/06/2018 Plan number = 1611  Proposed floor plan of 12/06/2018 Plan number = 1620  Proposed Elevations of 12/06/2018 Plan number = 1621</li></ol>
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## Development Control Committee Schedule 04/09/2018

Reason:

To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

3. No works shall take place on the external surfaces of the building(s) hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area, to comply with Local Plan Policy HC1.

4. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken except between the hours of 08:00hrs and 18:00hrs on Monday to Fridays, between 08:00hrs and 13:00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenity of the locality, especially for the people living/ or working nearby, in accordance with Stroud District Local Plan Policy ES3.

5. The dwellings hereby permitted shall not be occupied until the vehicular parking has been provided in accordance with the approved plans. The approved parking shall be permanently available and free of obstruction thereafter.

Reason:

To reduce potential highway impact by ensuring that parking is available within the site, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. Whilst there was little if any pre-application discussion on this project, it was found to be self contained and required no further dialogue with the applicant.
2. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise, dust, smoke/fumes and odour during the construction



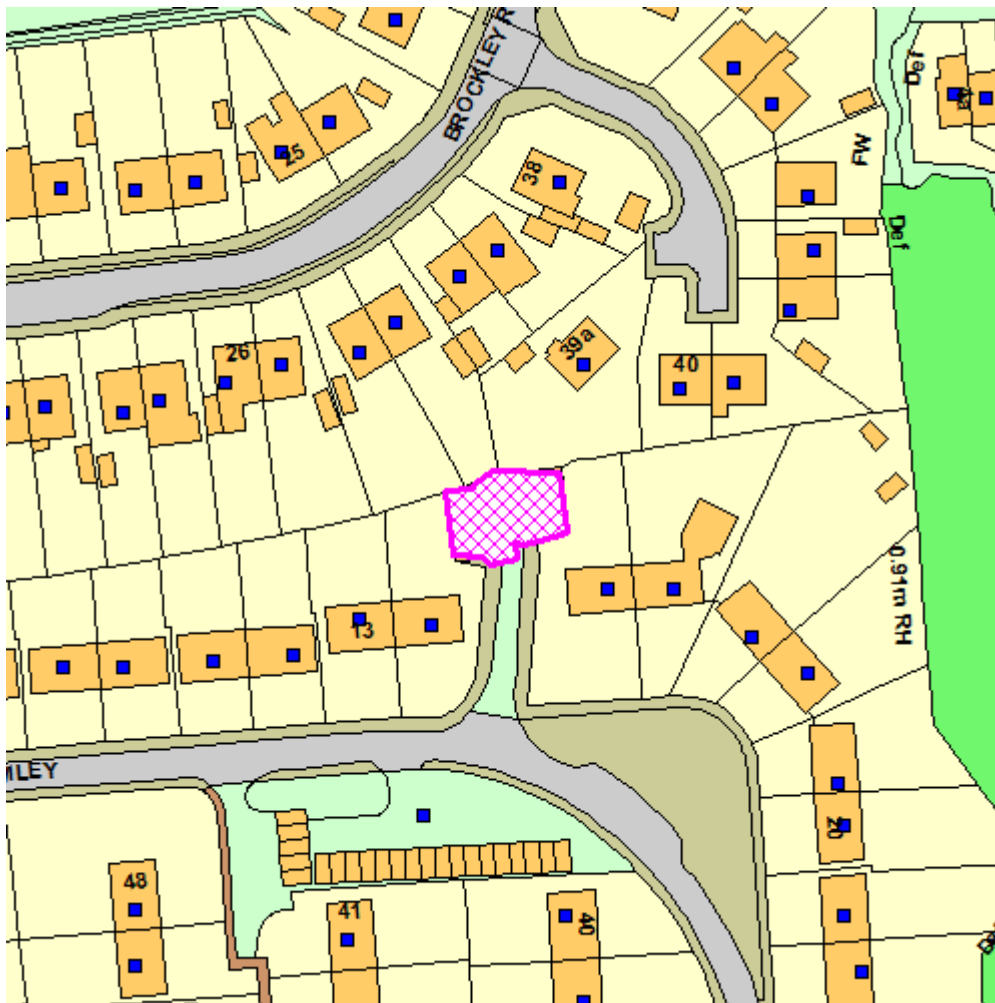
## **Development Control Committee Schedule 04/09/2018**

phrases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting, not burning materials on site and advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume, noise or dust complaints be received. For further information please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.



## Development Control Committee Schedule 04/09/2018

<b>Item No:</b>	<b>05</b>
<b>Application No.</b>	S.18/1010/FUL
<b>Site No.</b>	PP-06940250
<b>Site Address</b>	Land Adjoining 14 And 15, Brimley, Leonard Stanley, Gloucestershire
<b>Town/Parish</b>	Leonard Stanley Parish Council
<b>Grid Reference</b>	380916,203760
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Single storey residential dwelling with associated vehicle parking and landscaping. (380916 - 203760).
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Planning Manager







## Development Control Committee Schedule 04/09/2018

<b>Applicant's Details</b>	Trower Davies Ltd 8 Manor Park, Mackenzie Way, Cheltenham, GL51 9TX,
<b>Agent's Details</b>	None
<b>Case Officer</b>	Ceri Porter
<b>Application Validated</b>	08.05.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Biodiversity Officer Leonard Stanley Parish Council
<b>Constraints</b>	Consult area Leonard Stanley Parish Council SAC SPA 7700m buffer Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

- \* Background
- \* Principle of development
- \* Design and appearance
- \* Residential Amenity
- \* Highways
- \* Ecology
- \* Surface Water Drainage

### DESCRIPTION OF SITE

The application site is located to the north of Brimley between no's 14 and 15 Brimley within the defined settlement boundary of Leonard Stanley and comprises of 2 blocks of 4 garages facing each other. The surrounding area is residential, primarily consisting of bungalows.

The site is not within any designated landscape and is not near any Tree Preservation Orders or heritage assets.

### PROPOSAL

Planning permission is sought for the erection of a single storey dwelling with associated parking following demolition of the existing garages.



## Development Control Committee Schedule 04/09/2018

### REVISED DETAILS

#### MATERIALS

Walls: brick  
Roof: plain tile  
Doors/windows: PVC-u

#### REPRESENTATIONS

##### Statutory Consultees:

Land Contamination Officer – No comment  
Environmental Protection manager – Recommends conditions  
Leonard Stanley Parish Council – support  
SDC Water Resources Officer – Provided the updated plan includes surface water going to the Severn Trent sewer with the agreed route for water from the adjacent ditch the proposal is satisfactory.

**Public:** None

#### NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view

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

Stroud District Local Plan (SDLP)

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.

CP3 – Settlement Hierarchy.

CP14 – High quality sustainable development.

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

ES3 – Maintaining quality of life within our environmental limits.

ES4 – Water resources, quality and flood risk.

ES6 – Providing for biodiversity and geodiversity.

ES12 – Better design of places.

The proposal should also be considered against the guidance laid out in:  
Residential Design Guide SPG (2000)

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:



## **Development Control Committee Schedule 04/09/2018**

### **BACKGROUND & INFORMATION**

This is a Council owned site.

Due to ongoing maintenance requirements Stroud District Council's garage stock is in decline in terms of being fit for purpose and their financial viability. Reduced demand for garage spaces and historic underinvestment has become a catalyst for anti-social and criminal behaviour in some residential areas which is a concern.

The retention of underused land and garages requires investment that represents an unacceptable impact on Council finances, particularly as investment in housing takes a higher priority. Stroud District Council is obliged to manage its assets and make the best use of its existing property to build new homes and safeguard its finances.

In September 2015 the Council's Housing Committee reviewed its district wide garage ownership and resolved to rationalise its garage stock via various options including their redevelopment and/or sale.

It must be noted that the strategy applies only to garages and parking spaces that are let independently of any other tenancies, and for which a separate charge is levied. Any garages or parking spaces managed by the Council (e.g. garages attached to houses, carports etc) are outside the scope of this policy and managed according to commercial arrangements.

### **PRINCIPLE OF DEVELOPMENT**

The site is located within the defined settlement boundary of Leonard Stanley, a third tier accessible settlement with limited facilities where the principle of new development is acceptable unless other material considerations indicate otherwise.

### **DESIGN AND LAYOUT**

The proposed bungalow is of a scale, layout and design compatible with the character, appearance and amenity of this part of Brimley in accordance with policy HC1 of the SDLP.

### **RESIDENTIAL AMENITY**

The proposed bungalow would be positioned slightly off centre in the site, set away from the boundaries. This is an improvement from the existing garages that directly abut the boundaries of 14 and 15 Brimley. The existing 2.2m high boundary wall with no 14 will be retained with a 1.8m close boarded fence provided to the rest of the site.

Given the above, it is considered that the development will not result in an overbearing effect or cause a loss of light to neighbouring occupiers. The proposed new dwelling will not result in any unacceptable overlooking, due to the height of the proposal, orientation of the plot and the arrangement of the windows. The main outlook will be to the front, along the access road with the living room having access into the garden at the side. The proposal therefore complies with policies ES3 and CP14(7) of the SDLP.



## **Development Control Committee Schedule 04/09/2018**

### **HIGHWAYS**

The proposal utilises the existing access of Brimley and provides one space for the one bedroom bungalow with space for a further vehicle available in the site or along the access road.

### **ECOLOGY**

The site as a whole provides negligible habitat for wildlife. There is however scope to enhance the site ecologically as suggested within the submitted ecological report. This would be welcomed in accordance with the Natural Environment and Rural Communities Act 2006.

The site is located within the 7.7km of the Severn Estuary SPA/SAC/Ramsar site where Stroud District Council has adopted an interim strategy. Each new dwelling is required to pay £385 per dwelling to contribute to projects that relieve the recreational pressure on the designated site. A condition requiring the submission of a mitigation strategy is recommended.

### **SURFACE WATER DRAINAGE**

There are known surface water issues in the area where an ephemeral watercourse runs along the rear gardens of no. 2 to 32 Brockley Road that may have been obstructed following later construction downstream. A simple solution is proposed whereby a land drain would be installed that would pick up the watercourse in the north-west corner of the site and run alongside the western boundary. Conventional pipework running from west to east would then discharge flows into the existing surface water network.

This approach has been added to the revised Site Plan drawing and SDC's Water Resources Engineer is satisfied with the proposal.

### **REVIEW OF CONSULTATION RESPONSES**

None.

### **RECOMMENDATION**

In light of the above, it is considered that the proposal complies with the policies outlined and is therefore recommended for permission.

### **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.



## Development Control Committee Schedule 04/09/2018

### Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

Drawing 661 601 - Site Location Plan - Received 04.05.2018

Drawing A554/10237/1A – Topographical Survey - Received 04.05.2018

Drawing 661 603 A – Context Plan - Received 26.06.2018

Drawing 661 610 A –Proposed Plans & Elevations - Received 26.06.2018

Drawing 661 602 B –Site Plan - Received 14.08.2018

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed mitigation strategy to avoid recreational impact from the development on Severn Estuary SAC. Development shall be carried out in accordance with the approved strategy. Please see informative.

Reason: The site lies within 3km of the Severn Estuary Special Area of Conservation (SAC) and so the development would result in the need for an appropriate mitigation strategy or for the developer to enter into an appropriate Section 106 agreement as under Article 6(3) of the Habitats Directive, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites (Together SPAs and SACs make up the network of Natura 2000 sites). The effect of the Regulations is to require Local Planning Authorities to ensure that no likely significant adverse effect arises from any proposed development scheme or Local Plan. The effect of this legislation together with the Natural England and Rural Communities Act 2006 is to impose on local authorities a legal duty of care to protect biodiversity. If local authorities think harm or "likely significant effect" could occur they are legally obliged to not approve the proposed plan or project unless appropriate avoidance and mitigation measures can be put in place. The



## Development Control Committee Schedule 04/09/2018

various Habitat Regulation Assessment iterations concluded that proposed residential growth in the Local Plan within the catchment could have a likely significant effect, in the absence of appropriate mitigation. Over the last year SDC has collaboratively worked with Natural England (NE), Wildfowl and Wetlands Trust Severn Estuary Partnership, ASERA and Severn Estuary Stakeholders to devise an agreed strategy for housing within an identified 7.7km catchment.

4. No works shall take place on the external surfaces of the building(s) hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area.

5. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken except between the hours of 08:00hrs and 18:00hrs on Monday to Fridays, between 08:00hrs and 13:00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenity of the locality, especially for the people living/ or working nearby, in accordance with Stroud District Local Plan Policy ES3.

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. The case officer contacted the applicant/agent and negotiated changes to the design which has enhanced the overall scheme; these have been detailed in the Officer Report.
2. SDC's Interim strategy for avoidance of adverse impacts on Severn Estuary SAC is available on the website ([link](https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/other-policy-documents))  
<https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/other-policy-documents>  
If applicants elect to provide bespoke mitigation, SDC will require evidence to demonstrate that it has been implemented, as approved, e.g. a letter of confirmation from a suitably qualified project ecologist at the end of the construction period and updates at agreed intervals in the event of a long-term mitigation commitment.



## Development Control Committee Schedule 04/09/2018

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3. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise, dust, smoke/fumes and odour during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting, not burning materials on site and advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume, noise or dust complaints be received. For further information please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.





## Development Control Committee Schedule

<b>Item No:</b>	<b>06</b>
<b>Application No.</b>	Enforcement Report
<b>Site Address</b>	New building still under construction called Cherry Tree House, Cranham,
<b>Town/Parish</b>	Cranham Parish Council
<b>Grid Reference</b>	389370,212489
<b>Proposal</b>	To inform Members of a breach of planning control that is occurring on the site.
<b>Recommendation</b>	<p>1. That it is expedient to take Enforcement Action for the reasons outlined in this report and by virtue of adopted Local Plan Policies CP14(7) and ES3 (1) and the NPPF paragraph 58.</p> <p>If an Enforcement Notice is served, then the site will be monitored to ensure compliance.</p>
<b>Call in Request</b>	Director of Development Services





## Development Control Committee Schedule

<b>Constraints</b>	Area of Outstanding Natural Beauty Settlement Boundaries (LP) Site of Special Scientific Interest
	<b>OFFICER'S REPORT</b>

This matter is brought before the committee as the recommendation, if accepted, would result in the **demolition of the property** as it has not been built in accordance with the approved plans.

### Introduction

1. This is a new development site that was given planning permission in 2015 for a one and a half story dwelling. The site is a garden plot which is enclosed by maple House, Greystones, the Paddock, Picardy and Windycot. The site is within the settlement boundary located at the north eastern end of Cranham. Access to the site is by way of a shared drive which is wholly within the grounds of the house called The Paddock. The property lies within the Cotswold Area of Outstanding Natural Beauty (AONB).

### Complaints

2. This site was brought to the Enforcement Team's notice in the summer of 2017 as a result several complaints from residents. This resulted in the submission of an application for a minor amendment to change the roof height and the fenestration (ref: S.17/1345/MINAM). This was refused on 19 July 2017 for the following reason:

**The proposed changes are considered to materially affect the scheme as approved under reference S.15/0917/FUL and as such cannot be considered as a non-material amendment to that application.**

3. As a result of further complaints stating that work was continuing on site, a visit on 26 September 2017 by the Enforcement Officer found that the building was being built in accordance with the refused minor amendment scheme, meaning that the resultant building was unauthorised and not covered by the extant planning permission.
4. Correspondence was sent to the owners planning agent inviting him to submit a full revised application for the current changes. By the 26 October 2017 no application had been received and a further letter and email was sent to the planning agent explaining again that the development required the submission of a full planning application. Correspondence was also sent to the owners of the property on 8 November 2017 pointing out the problems that have arisen and that this needed to be addressed by the end of November 2017. It was suggested to them that all the building works stop until permission had been approved, or otherwise, and that to continue work on the development they did so at their own risk.



## Development Control Committee Schedule

5. On 28 November a planning application was submitted to vary Condition 5 from the original permission in 2015, to amend the design of the 2015 permission. Condition 5 of the approved planning permission states; ***the development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below.*** This referred to proposed plans and elevations of 15 April 2015, plan number 14.766.05. This application was officially withdrawn on 1 February 2018.

### Retrospective planning application

6. A further application was again submitted on 16 May 2018 by a new planning agent to vary Condition 5 of the 2015 permission (S.15/0917/FUL). This application was refused on 3 July 2018 for the following reason.

**The built out dwelling by virtue of its increased height and position within close proximity to the adjacent neighbouring property known as The Paddocks, results in an unacceptable overbearing impact, thereby causing as detrimental impact on the amenities enjoyed by neighbouring residents, contrary to Policies CP14 (7) and ES (1) of the adopted Stroud District Local Plan, November 2015 and NPPF paragraph 123.**

### Legal considerations

7. Article 8 of the European Convention on Human Rights states; *“Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of National Security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”.*
8. Article 8 requires respect for the home etc. This stops short of conferring a right to build a property without the authorised planning permission, without considering wider planning issues. The property is in clear breach of well established planning policies. This cannot be ignored and it justifies Enforcement Action. As stated, any enforcement action will require the demolition of the building. A lengthy compliance period of three months is justified to ease the urgency on the owner. Enforcement action cannot state as in this case to remove the roof as this has already been tested twice by planning applications which have subsequently all been refused. Members should also bear in mind that an appeal against an Enforcement Notice being issued suspends the effect of the notice until the appeal has been determined. An appeal is likely to take several months to determine.
9. Taking Enforcement Action under section 172 of the Town and Country Planning Act 1990 would interfere with the owner’s property which is still under construction. For the reasons given above, allowing the property to remain would conflict with the adopted Stroud District Local Plan, November 2015 and the NPPF. Provided that there is at least a three month compliance period, the enforcement action would not place a



## **Development Control Committee Schedule**

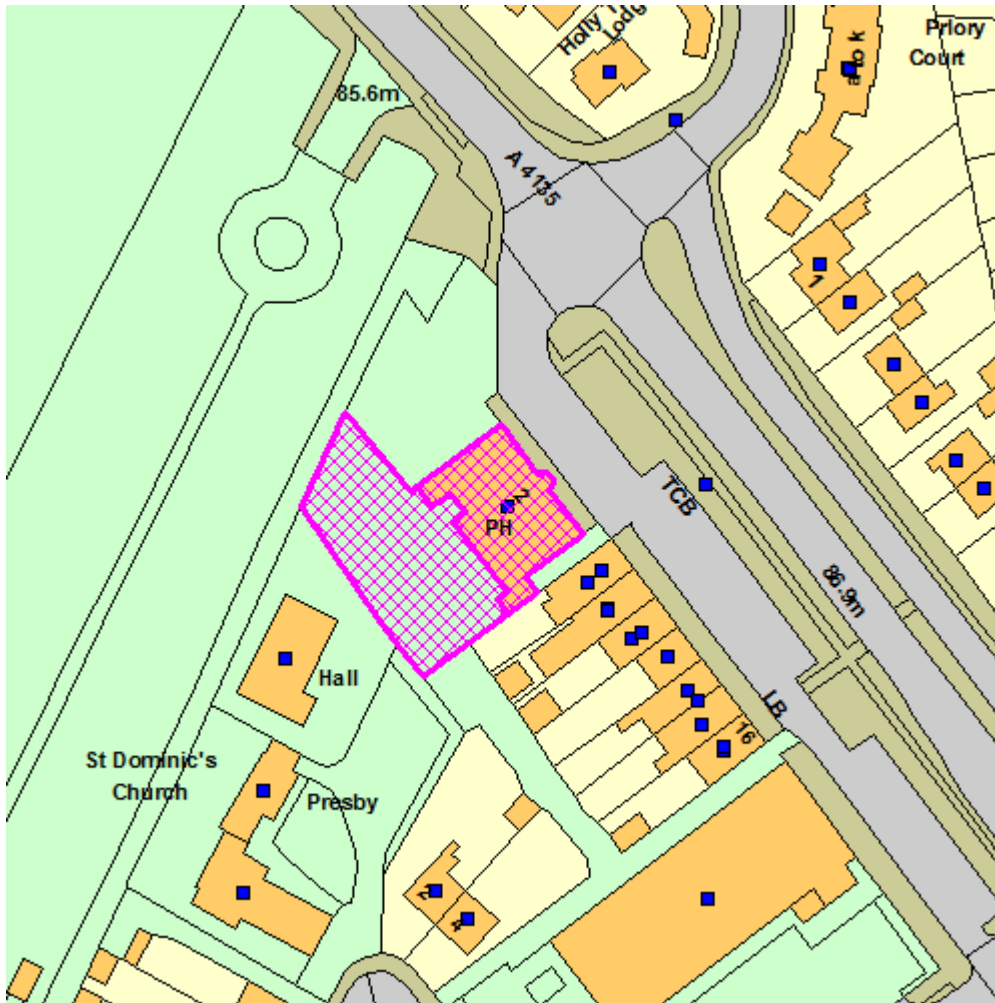
disproportionate burden on the owner. Enforcement Action is, therefore compatible with Article 8 of the European Convention on Human Rights.

10. As the recommended course of action is to take enforcement action to demolish the building, the Director considered it appropriate for the Development Control Committee to consider and determine the case.



## Development Control Committee Schedule 24/07/2018

<b>Item No:</b>	<b>07</b>
<b>Application No.</b>	S.18/1080/NEWTPO
<b>Site No.</b>	
<b>Site Address</b>	Kingshill Inn, 2 Kingshill Road, Dursley, Gloucestershire
<b>Town/Parish</b>	Dursley Town Council
<b>Grid Reference</b>	375076,198954
<b>Application Type</b>	New Tree Preservation Order
<b>Proposal</b>	TPO 569 Kingshill Inn, 2 Kingshill Road
<b>Recommendation</b>	Consent
<b>Call in Request</b>	Planning Manager



<b>Applicant's Details</b>	
<b>Agent's Details</b>	None



## Development Control Committee Schedule 24/07/2018

<b>Case Officer</b>	Mark Hemming
<b>Application Validated</b>	15.05.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	
<b>Constraints</b>	Consult area Local Shopping Centre (LP) Neighbourhood Plan Dursley Town Council SAC SPA 7700m buffer Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

This report is returned to Committee to allow the owner of the tree to address Members.

The Kingshill Inn in Dursley has recently been sold by Wadworth & Company Limited. The land is currently being cleared by the new owner so he can use the outside space for vehicle storage. The author of this report was contacted by Members of the local community requesting that a tree preservation order be served on the Turkey oak as it was going to be felled.

A visual tree assessment (VTA) (Appendix 1) was undertaken to assess the trees structure and vitality. The tree contains no significant defects and has good vitality. Vitality relates to the condition of the bark, leaves, and extension growth.

When considering whether trees should be protected by the serving of a tree preservation order, local planning authorities are advised to develop systems for assessing the trees amenity value prior to serving the order. The suitability for serving a tree preservation order was considered using the TEMPO methodology. TEMPO is designed as a field guide to decision making. It stands as record that a systematic assessment has been undertaken prior to serving a tree preservation order (please see the enclosed completed pro-forma).

It is your officers advise that a provisional tree preservation order be served.

An objection to the serving of the order has been received from Mr Billett. Mr Billett is the owner of the Kings Hill Inn, 2 Kingshill Road, Dursley. The salient points regarding the objection are as follows;

1. Turkey oak is non-native.
2. The tree will drop sap, catkins, leaves and twigs, and bird faces over the vehicles.
3. It is imperative that the tree is removed to allow the expansion of the business: S.18/1051/FUL.



## Development Control Committee Schedule 24/07/2018

#### 4. The tree suffers with Knopper Gall wasp.

Turkey Oak. *Quercus cerris*.

Knopper Gall wasp (*Andricus quercuscalicis*), whose caterpillars turn the acorns of English oak within flying distance into oozing lumpy galls. In parklands settings Turkey oaks are removed to allow the acorns of the favoured English oak (*Quercus robur*) to germinate. Turkey oak is host to gall wasp whose larvae damage the acorns of native Oaks. The flowers are wind pollinated catkins, maturing about 18 months after pollination; the fruit is a large acorn.

A gall is an abnormal growth, caused in this case by the development of wasp eggs within the plant tissue. The wasp lays eggs in the catkins of the Turkey oak, these hatch and develop into wasps which in turn lay their eggs in the flowers of English oak. The acorns that form are grossly mis-shaped and are called knopper galls. In some areas Turkey oaks are removed from woodlands and parklands to eradicate the problem.

The Turkey oak that is subject to the provisional order is located on the suburban fringe of Dursley, not within a woodland or parkland setting. Given that it stands alone in an area not characterised by English oaks, the changes of the wasps infected English oaks within the town is low.

Oaks drop male catkins. Their structures carry the male flowers of the tree. Oaks produce separate male and female flowers on the same plant. The female flowers will eventually turn into acorns, but for that to happen, they have to be pollinated from the male flowers. To accomplish this, the male flowers dump huge quantities of pollen into the air where it will drift in the wind and reach female flowers.

To stop the male catkins and leaves falling onto the cars the appellant could amend the application to include a shade sail or other type of cover to protect the vehicles parked under the tree. Leaf litter, catkins, pollen etc is a seasonal problem and can easily be cleaned up.

Woolly Oak aphid. On the date of my site visit to there was no sign of an aphid infestation. When seen the aphids bodies are covered in a woolly white wax. After overwintering on the tree as eggs, spring hatched females give birth to live female young. Several more all female generations follow until autumn, when pests produce male and female offspring. After mating the females lay eggs and restart the cycle. Throughout their lives, woolly oak aphids feed on the phloem - sap.

If the edges of the Oak tree new spring leaves are curling over the upper surfaces, the aphids will be folding the leaves into protective coverings. Lifting the edge reveals a build up of white, cottony wax. Woolly aphids produce syrupy waste called honeydew. This goo drenches the leaves, branches and surrounding objects. On the date of my site visit the tree wasn't displaying any evidence of woolly aphid.

Members are asked to consider all the information before them, and to vote on whether to confirm the order or not. If the order isn't confirmed the landowner may remove the tree.





## Development Control Committee Schedule 24/07/2018

1. Trees Specified Individually  
(encircled in black on the map – Appendix 2)

Reference on map -T1

Description (species) -Oak

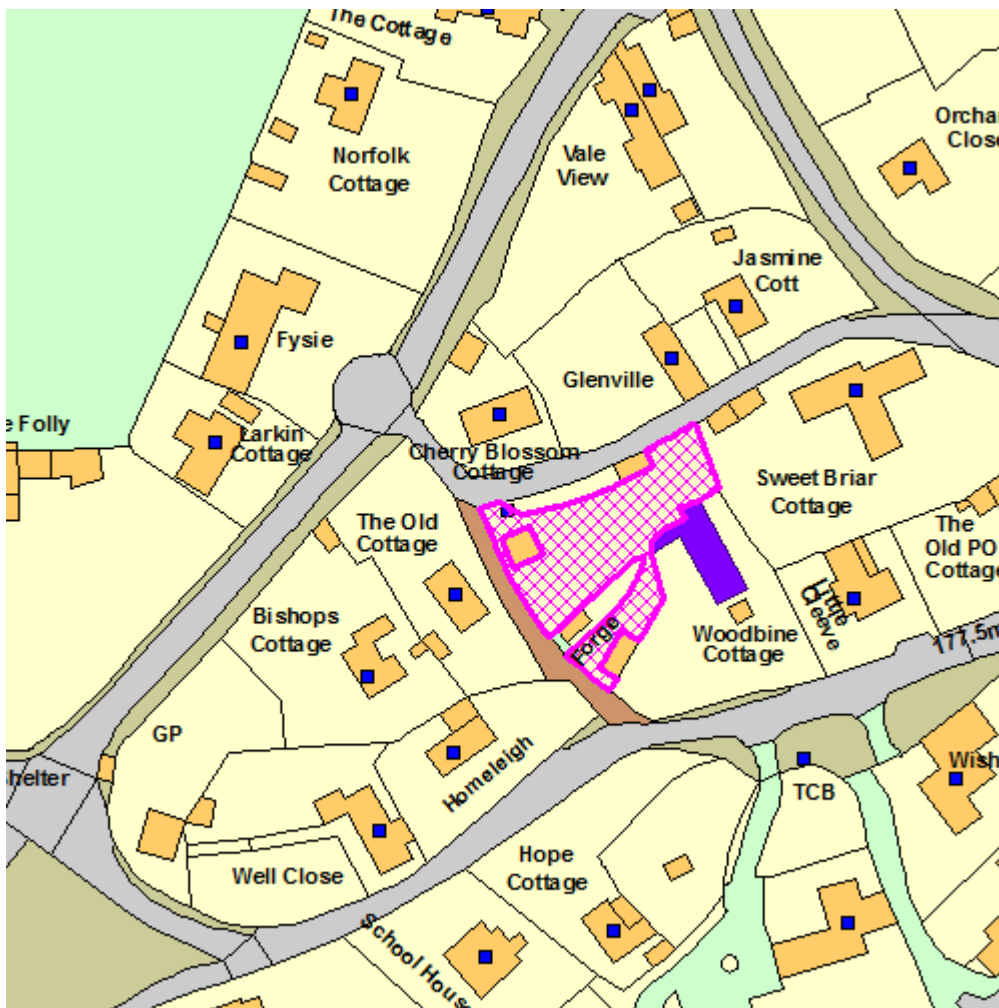
Situation (location) -Kingshill Inn,2 Kingshill Road,Dursley  
GL11 4EJ

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## Development Control Committee Schedule 04/09/2018

<b>Item No:</b>	
<b>Application No.</b>	S.18/1034/NEWTPO
<b>Site No.</b>	568
<b>Site Address</b>	Land Opposite Cherry Blossom Cottage, Oakridge Lynch, Stroud, Gloucestershire
<b>Town/Parish</b>	Bisley With Lypiatt Parish Council
<b>Grid Reference</b>	391372,203528
<b>Application Type</b>	New Tree Preservation Order
<b>Proposal</b>	TPO 568- Land Opposite Cherry Blossom Cottage
<b>Recommendation</b>	That the Order be confirmed



<b>Landowner</b>	Mr Pankhurst
<b>Agent's Details</b>	None



## Development Control Committee Schedule 04/09/2018

<b>Case Officer</b>	Mark Hemming
<b>Application Validated</b>	09.05.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	
<b>Constraints</b>	Aston Down Airfield Consultation Zones Area of Outstanding Natural Beauty Kemble Airfield Hazard Within 50m of Listed Building Bisley Town Council Settlement Boundaries (LP) Village Design Statement
	<b>OFFICER'S REPORT</b>

A member of the public has requested that a tree preservation order be served on a Sycamore. The tree is growing adjacent to Cherry Blossom cottage, Oakridge Lynch. The individual has argued that it is expedient that the local planning authority serve the order as the land is under pressure from future development.

The tree positively contributes to the rural setting and can be seen from key view points within the village. As such, the tree's suitability for serving a tree preservation order was assessed using the TEMPO methodology.

TEMPO is designed as a field guide to decision making and is presented on a single side of A4 as an easily completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken. TEMPO considers all of the relevant factors in the TPO decision making chain. Part 1 is the Amenity assessment, Part 2 is the expediency assessment, and Part 3 is the decision guide. Appendix 1 shows the completed pro-forma.

After using the TEMPO methodology and assessing the information, a provisional order was served on the tree on 13th June 2018.

Mr Pankhurst, the owner of the land, has objected to the serving of the provisional order, stating that the tree isn't under threat from development. As such, the decision on the trees future is referred to DCC.

The purpose of this report is to inform Members of the objection received to the serving of tree preservation order: S.18/1034/NEWTPO. The report considers the salient points of the objection, which are summarised below;

1. The tree isn't under threat from development as stated in the provisional tree preservation order.



## Development Control Committee Schedule 04/09/2018

2. No plans have been submitted to the planning department to build on the land.
3. A tree surgeon hasn't been approached to prune or fell the tree.
4. The tree is being well managed, and would be kept safe in the future if the land were developed.
5. The tree is in no danger, or likely to be in the future.

In response to the points raised above, Officers comment as follows;

1. Given that Mr Pankhurst instructed an architect to evaluate the land for future development, it was expedient for the local planning authority to serve the order: *'I had a survey by an architect a few years ago, his advise being that it would be entirely reasonable to apply for planning consent for a house on the plot, and he also told me a condition would probably include putting a TPO on the tree, with which I would wholeheartedly agree'*.
2. While no formal plans have been submitted, the landowner has considered developing the land by instructing an architect to survey the land.
3. While there is no evidence to suggest that a tree surgeon has been employed, there is currently nothing stopping the tree from being felled.
4. The tree is currently a constraint to any future development on the site. Its long term retention cannot be guaranteed, as the land could be sold with or without planning permission.
5. This statement cannot be substantiated, as the land could be sold or developed. If the order wasn't confirmed, the tree could be felled.

Conclusion:

The Sycamore tree is considered to make a positive, valuable contribution to the local area. It is your Officers recommendation that it is worthy of confirmation of the Tree Preservation Order. If the Order isn't confirmed, the landowner may remove the tree.

	<p>1. Trees Specified Individually (encircled in black on the map)</p> <p>Reference on map -T1 Description (species) -Sycamore Situation (location) -Land opposite Cherry Blossom Cottage, Oakridge Lynch,</p>
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