

3 October 2018

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY 16 OCTOBER 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). 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 – 4 SEPTEMBER 2018**
 To approve and sign as a correct record the minutes of the Development Control Committee meeting held on 4 September 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 **SITE OF THE FORMER SHIP INN, BRISTOL ROAD, STONEHOUSE (S.18/0492/FUL)**
Erection of 9 dwellings for affordable housing, including resident's parking and soft landscaping.
- 4.2 **LAUREL COTTAGE, BRIMSCOMBE HILL, BRIMSCOMBE (S.18/1624/NEWTPO)**
Tree Preservation Order 571 Laurel Cottage, Brimscombe Hill.
- 4.3 **CHERRY TREE HOUSE, CRANHAM**
Enforcement Report – Breach of Planning Control.

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 Mark Reeves
Councillor Jessica Tomblin

DEVELOPMENT CONTROL COMMITTEE

3

4 September 2018

6.00 pm – 7:52 pm
 Council Chamber, Ebley Mill, Stroud

Minutes

Membership

Councillor Tom Williams (Chair)	P	Councillor Haydn Jones	P
Councillor John Marjoram (Vice-Chair)	P	Councillor Steve Lydon	P
Councillor Martin Baxendale	P	Councillor Karen McKeown	P
Councillor Dorcas Binns	A	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
Team Manager	Democratic Services Officer

Other Members in Attendance

Councillor Studdert-Kennedy

The Chair welcomed Councillor McKeown to her first meeting of Committee and thanked Councillor Mossman, who was retiring from the Committee, for his contribution during his time on DCC.

DC.016 APOLOGIES

Apologies were received from Councillor Binns.

DC.017 DECLARATIONS OF INTEREST

Councillors Miles and Clifton declared an interest in items 4.4 and 4.5 of the schedule. The Council owns the sites, under the remit of Housing Committee, both Councillors are members of Housing Committee.

Councillor Lydon declared an interest in item 4.5 as a member of Leonard Stanley Parish Council. He wanted to speak as a Parish Councillor and would not vote on this item.

DC.018 MINUTES – 24 JULY 2018

RESOLVED That the Minutes of the meeting held on 24 July 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.18/1516/DISCON	2	S.18/1336/HHOLD	3	S.18/0563/FUL
4	S.18/1289/FUL	5	S.18/1010/FUL	6	S.18/1080/NEWTPO
7	S.18/1034/NEWTPO				

Late pages relating to items S.18/1516/DISCON and S.18/1336/HHOLD had been circulated to committee prior to the meeting.

The Chair confirmed that Item 4.6, Cherry Tree House, Cranham – Enforcement Report would not be discussed at this meeting.

DC.019 LAND WEST OF STONEHOUSE, GROVE LANE, WESTEND (S.18/1516/DISCON)

The Team Manager presented this item, which was for the discharge of condition 46 of the outline application (S.14/0810/OUT). An update was given, which related to comments from County Highways, Stonehouse Town Council and Eastington Parish Council.

Sean Hindes spoke on behalf of the agents for this application and reiterated that the applicants want to deliver high quality scheme ensuring a new successful community is created in keeping with surrounding context.

There were no questions from Members.

Councillor Cooper proposed to accept officer's advice, this was seconded by Councillor Mossman.

Members briefly debated the application.

On being put to the vote the motion was unanimously carried.

RESOLVED To GRANT PERMISSION for application S.18/1516/DISCON.

DC.020 ABBEY BARN, SLAD LANE, STROUD – (S.18/1336/HHOLD)

The Development Manager presented this item, advising Members that this application is for a two storey gable extension on the southeast elevation. Late pages had been circulated to Members with comments from the Senior Conservation Officer.

A Member of Painswick Parish Council spoke. They recognised the position and proximity to the Abbey Farm, and had taken into account the letters of support, noting the lack of any objection. They believe the extension will not cause harm to the existing listed building and could not see any detrimental effect to the surrounding buildings and local footpaths.

The applicant spoke in support of the application, re-iterating that the extension is of high quality design and is in keeping with the building. The application has been amended to reduce the height, the neighbours and parish council are supportive.

Members questioned the width and views of the proposed building from the footpath.

Councillor Cooper proposed that the application be granted permission, against Officer's advice. This was seconded by Councillor H Jones. Members considered that it would fit in well with the landscape and would not create a prominent feature. Policy HC8 of the Stroud Local Plan was quoted and the permission would be granted subject to conditions.

Members debated the application. On being put to the vote there were 6 votes in favour and 5 votes against.

RESOLVED To GRANT PERMISSION for application S.18/1336/HHOLD subject to conditions.

**DC.021 LAND AT 27 HIGH STREET, KINGS STANLEY, STONEHOUSE
(S.18/0563/FUL)**

Councillor Lydon left his seat in the meeting to speak as a ward Councillor.

The Development Manager presented this item for four residential dwellings, explaining that the application would be subject to a Section 106 agreement and conditions.

Councillor Studdert-Kennedy, Ward Member had attended the site. He had received objections from adjoining owners on grounds of overlooking, traffic and disturbance, this was a concern.

Councillor Lydon spoke as Ward Member. He re-iterated the disruption to the neighbours, and expressed concern relating to traffic.

The Chair of Kings Stanley Parish Council spoke. This was overdevelopment of the site and each plot, expressing concerns with overlooking, parking, access and egress.

Sue Parsons spoke on behalf of the residents who are extremely concerned with the overbearing impact of the development, parking and rubbish collection with bins being left on narrow footpaths.

Following questions from Members relating to overlooking, bins being taken onto the public highway, established use of dwellings on the site, and concerns relating to Severn Trent Water stating in a letter that there would be 30% reduction in the flow of water. Officers re-iterated that there is established use of the site for residential dwellings.

Councillor Mossman proposed a motion to defer the application for further negotiation. This was seconded by Councillor Marjoram.

On being put to the vote the motion was carried unanimously.

RESOLVED To DEFER the application S.18/0563/FUL for further negotiation.

**DC.022 GARAGES, MOUNT PLEASANT, WOTTON-UNDER-EDGE
(S.18/1289/FUL)**

Councillor Lydon returned to sit in Committee.

The Chair explained that this was a Council owned site. The Development Manager introduced this item explaining that the application should be to permit and not to grant as the report indicated. The highway authority suggest a condition requiring details of red segregated pedestrian route, access, cycle storage, parking and turning and ultra low vehicle charging, before permission. The building line is closer to the road and the design mimics the dwellings on the Full Moon Site.

There were no public speakers for this item.

Councillor Williams proposed a motion to accept officer's advice, this was seconded by Councillor Mossman. On being put to the vote the motion was carried unanimously.

RESOLVED To PERMIT application S.18/1289/FUL.

DC.023 LAND ADJOINING 14 AND 15 BRIMLEY, LEONARD STANLEY (S.18/1010/FUL)

The Chair introduced this item explaining that this application is on Council owned land. The proposal is for a one bedroomed bungalow and similar appearance to bungalows within the locality.

Councillor Studdert-Kennedy, Ward Member spoke briefly in support.

Councillor Williams proposed a motion to accept officer's advice. This was seconded by Councillor Mossman. On being put to the vote it was unanimously carried.

RESOLVED To GRANT PERMISSION for application S.18/1010/FUL.

DC.024 CHERRY TREE HOUSE, CRANHAM

The Chair had informed Members at the beginning of the meeting that this item would not be discussed at this meeting.

DC.025 KINGSHILL INN, 2 KINGSHILL ROAD, DURSLEY (S.18/1080/NEWTPO)

The Senior Arboriculture Officer presented this report, which had previously been considered at Committee. The reason it had been returned to Committee was to allow the owner of the tree to address Members and the officer apologised for this oversight.

There were no public speakers for this item.

The officer was asked to give a summary of why the tree deserved protection. He explained that there was concern from the public that the land was being developed and the tree was under threat, the amenity value was assessed. This was a turkey oak and concern over the wasps was explained as this was in an urban situation and not parkland.

Concern over legislation relating to bat roosts was highlighted by Councillor Baxendale.

Councillor Marjoram proposed a motion to confirm the order. This was seconded by Councillor Baxendale.

Members debated the application.

On being put to the vote there 8 votes in favour and 3 votes against.

RESOLVED To CONFIRM a Tree Preservation Order for TPO S.18/1080/NEWTPO.

DC.026 LAND OPPOSITE CHERRY BLOSSOM COTTAGE, OAKRIDGE LYNCH, STROUD (S.18/1034/NEWTPO)

The Senior Arboriculture Officer presented this report explaining that a member of the local community had asked for a tree preservation order to be placed on the tree. The land owner objected to the order. There is not statutory protection on the tree.

Questions were received from Members which included asking whether the public can request a TPO on any tree on any land. The officer explained that each application is judged on its own merits.

A motion was proposed to accept officer's advice to confirm the order. This was seconded by Councillor Baxendale. On being put to the vote the motion was carried unanimously.

RESOLVED To CONFIRM a Tree Preservation Order for TPO S.18/1034/NEWTPO.

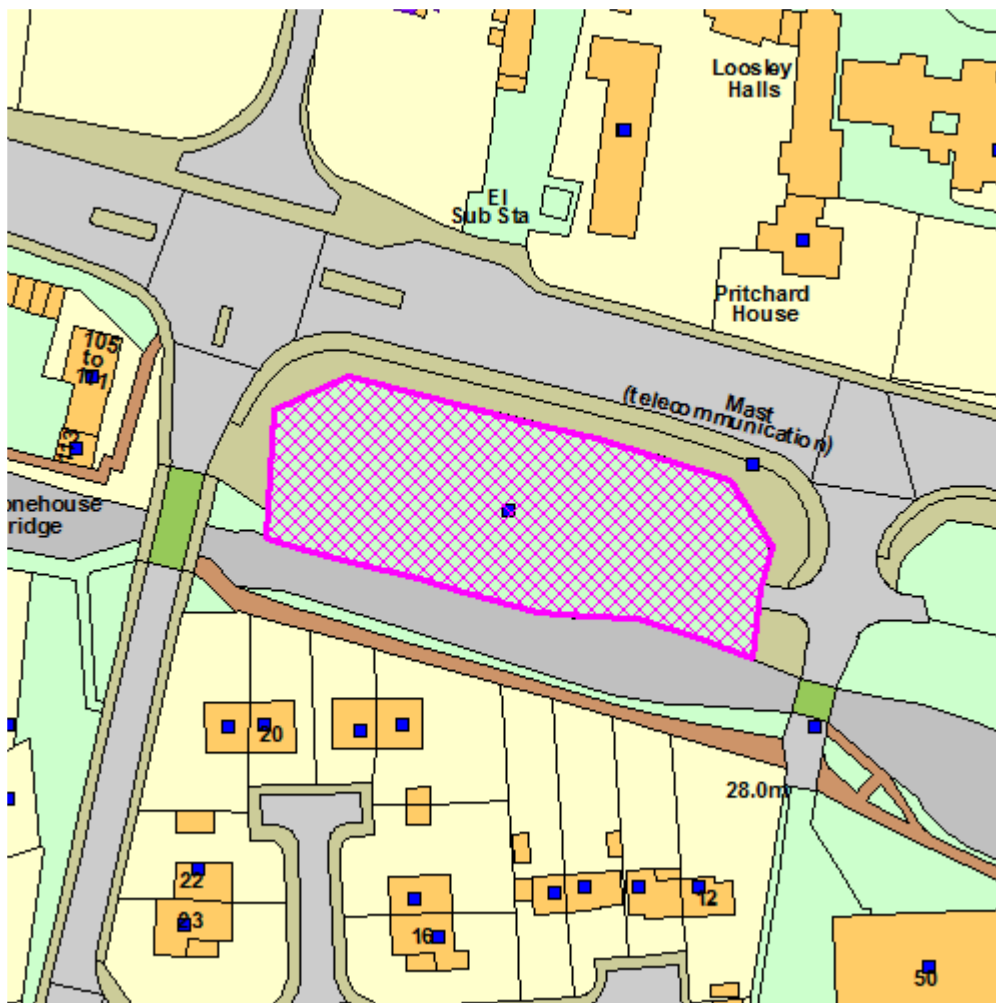
The meeting closed at 7.52 pm.

Chair



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Item No:	01
Application No.	S.18/0492/FUL
Site No.	6763070
Site Address	Site Of The Former Ship Inn, Bristol Road, Stonehouse, Gloucestershire
Town/Parish	Stonehouse Town Council
Grid Reference	380549,204844
Application Type	Full Planning Application
Proposal	Erection of 9 dwellings for affordable housing including resident's parking and soft landscaping (380549 - 204844)
Recommendation	Permission
Call in Request	





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Applicant's Details	Stroud District Council Ebley Mill, Ebley Wharf, Stroud, Gloucestershire, GL5 4UB
Agent's Details	Baily Garner LLP 55 Charlotte Street, Birmingham, B3 1PX, ,
Case Officer	Amy Robertson
Application Validated	27.02.2018
CONSULTEES	
Comments Received	Stonehouse Town Council Historic England SW Development Coordination (E) Stonehouse Town Council Contaminated Land Officer (E) Historic England SW Biodiversity Officer Arboricultural Officer (E) Miss Maria Hickman Conservation North Team
Constraints	Adjoining Canal Affecting the Setting of a Cons Area Consult area Conservation Area Flood Zone 2 Flood Zone 3 Key Wildlife Sites - Polygons Neighbourhood Plan Stonehouse Town Council SAC SPA 7700m buffer Settlement Boundaries (LP) Village Design Statement
OFFICER'S REPORT	

MAIN ISSUES

- Principle of development
- Design and appearance
- Residential Amenity
- Highways
- Landscape impact
- Affordable Housing
- Ecology
- Flood risk
- Archaeology and Heritage Assets
- Obligations



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DESCRIPTION OF SITE

The application site comprises a parcel of vacant land located alongside the A419 Bristol Road. An access for both vehicles and pedestrians is to the east, accessible by the Upper Mills Industrial Estate. To the West, the site is bordered by Downton Road and to the South by the Stroudwater Navigation Canal.

The site lies within the settlement boundary of Stonehouse.

The site has been vacant for a number of years, being part of the curtilage of the former Ship Inn Public House (now demolished), albeit with the Ship Inn not being located on the site itself. There are no visible signs of previous uses on the site, with the site now covered in rough grassland.

The site, whilst largely flat, has a gentle slope in the northern to southerly direction down to the canal, steepening in the final few metres to the canal.

Trees and bushes occupy the northern site boundary, running parallel with the A419. There are also two mature trees present on the site that occupy a prominent position on the southern bank side of the site.

PROPOSAL

The application is for the construction of 9 new residential dwellings, all of which are proposed as affordable housing units. Six semi-detached properties are proposed, one detached property, and 2 apartments (occupying plots 1 and 2).

The new dwellings are proposed to be served by a vehicular highway accessed from the A419. 17 vehicle car parking spaces are to be provided on site.

Each proposed dwelling would have a private rear garden backing onto the canal, with the two apartments sharing a communal space.

The vegetation to the front boundary, bordering the A419, is proposed to be retained and further vegetation is proposed to be dispersed throughout the site.

The two existing mature trees are proposed to be felled in order to make way for the proposed development.

An area of the canal bank is to be widened as part of this application, with the existing bank edge to be reinforced through landscaping.

The application proposes that the 9 new units that will be positioned running centrally through the site east-west. Rear gardens are located towards the canal bank, with an access road and parking located towards the north of the site.



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The design of the new units has been specially developed for the site and is considered to be both quirky and vibrant.

REVISED DETAILS

The application has had considerable revisions since the initial submission. The most recently amended plans are available to be viewed on line.

REPRESENTATIONS

Statutory Consultees:

Town Council – object: “missed opportunity” for a footpath, moorings, slipway, seating and refreshment kiosk, “fails to deliver sufficient community and cultural facilities”, planning history, A419, not identified for housing in the Local Plan and NDP, design does not reflect Boakes Drive, loss of privacy, gardens are too small.

SDC Water Resources Engineer – no objection subject to condition.

SDC Arboriculture Officer – no objection.

GCC Highways – no objection subject to conditions.

Historic England: No objection

Public:

A number of representations have been received from members of the public regarding the proposed application. Largely, the responses covered similar topics, including:

- The site was promised by SDC for a neighbourhood use (park/public house/café etc);
- The design of the units are not in keeping;
- The number of proposed units are too many for the size of site;
- The site should be protected in line with conservation policies;
- The development will be overbearing and impair privacy;
- The gardens will be dangerous for young families (next to canal bank).

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework is also highly relevant. Particular references are made in the heritage section below. It is also important for housing delivery especially affordable provision.



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Heritage polices/legislation

Section 72(1) and Section 66(1) of The Planning (Listed Buildings and Conservation) Act 1990 are very significant.

Section 66 requires: “special regard to the desirability of preserving the building or its setting or any special architectural or historic interest which it possesses” (there are a number of listed buildings in the vicinity of the application site).

Section 72 is similar: “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area”.

Paragraph 193 of the NPPF states: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

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”.

Heritage is particularly considered by Local Plan Policy ES10 Valuing our historic environment and assets. This states: “Proposals involving an 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 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”.

ES10 requires that any harm or loss would require “clear and convincing” justification. This provides a similar protection to that provided by the NPPF where the harm is less than substantial.

Stroud District Local Plan.

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

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

Local Plan policies considered for this application include:

- CP1 – Presumption in favour of sustainable development.
- CP2 – Strategic growth and development locations.
- CP3 – Settlement Hierarchy.
- CP4 – Place Making.



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CP8 – New housing development.
CP9 – Affordable housing.

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

ES1 – Sustainable construction and design.
ES2 – Renewable or low carbon energy generation.
ES3 – Maintaining quality of life within our environmental limits.
ES4 – Water resources, quality and flood risk
ES6 – Providing for biodiversity and geodiversity.
ES7 – Landscape character.
ES8 – Trees, hedgerows and woodlands.
ES10 – Valuing our historic environment and assets as above.
ES11 – Maintaining, restoring and regenerating the District's Canals.
ES12 – Better design of places.

The proposal should also be considered against the guidance laid out in SPG Residential Design Guide (2000), SPG Stroud District Landscape Assessment, SPD Affordable Housing (Nov 2008) and SPD Housing Needs Survey (2008).

In addition, Stonehouse has an adopted Neighbourhood Development Plan which forms part of the 'development plan' and is a material consideration in the determination of this application. The site, being located within the Industrial Heritage Conservation Area (IHCA), should be read against the Industrial Heritage Conservation Area Management Proposals SPD 2008, SPA Design Guide and owing to its siting along the Stroudwater Canal, the Cotswold Canals Restoration Phase 1 – Conservation Management Plan January 2007.

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

PRINCIPLE OF DEVELOPMENT

The application site is located within the settlement development limits of Stonehouse, and is therefore acceptable in principle for residential development under Policy HC1 of the Stroud District Council Local Plan 2015, and its guiding principles for Stonehouse as an accessible Local Service Centre.

However, the application site lies within the Stroud IHCA, and is therefore protected from damaging development through provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy contained within the NPPF and the policies contained at a local level within the Local Plan, Stonehouse NDP, and supplementary planning guidance.

Whilst the site is within the settlement boundary, an appeal for residential development of the site (in outline) was dismissed in 2002 (REF: APP/C1625/A/02/109754). The outline



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scheme was considered to significantly and negatively impact the open nature and character of the site, to the detriment of the IHCA. The concern was the impact of any residential development, and its impact on the transitional function of the site from the canal to the urban development beyond. The Inspector weighed heavily against residential development of the site, stating that even with landscaping and careful design, developing the site will be to the detriment of the area.

The appeal dismissal therefore questions the principle of development of this site.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of applications in accordance with the development plan, whilst also allowing for weight to be given to material considerations that may be deemed to outweigh the principle objection.

In this instance, the LPA consider that the nature of the development now proposed on the site does present a new material consideration because it involves the development of the site solely for affordable housing.

The development proposes all residential units to be built as affordable housing units, something that is greatly welcomed given the national and district wide affordable housing shortage. If approved, the proposed dwellings will provide affordable homes for a number of individuals and families.

In August 2018, the Government's published a green paper on social housing. Emphasis is on additional delivery, with Councils expected to play key roles within the forthcoming years to combat the severe shortage of such housing nationally.

With this in mind, Officers consider that on balance, the in previous in principle objection and heritage concern for residential development on this site could be overcome as a result of the site being put forward for affordable housing, providing any impact on the IHCA, and any listed buildings in the near vicinity, could be adequately mitigated through appropriate design and careful architectural consideration.

The discussions surrounding heritage, as well as all other relevant issues are addressed below.

HERITAGE IMPACT AND IMPLICATIONS

Legislation, planning policies and SPGs

A stringent legislative framework exists within the UK's planning system in relation to historic buildings and the built/natural landscape. It is under this legislative framework that the proposal put forward to the LPA will be addressed, assessed and determined.

As the site lies within the IHCA, legislative protection is afforded under the Planning (Listed Building and Conservation Area) 1990. This legislation chiefly affords that special attention be given to the preservation or enhancement of conservation areas.



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In addition, the NPPF, chapter 16, 'conserving and enhancing the historic environment', puts into place planning policies that allow decision makers to value the significance of historic areas, landscapes and buildings, and afford these designated heritage assets great weight when harm as a result of development is proposed.

Specifically, Paragraphs 193-202 describe the process of LPAs considering potential impacts on development on heritage assets. It is stated within Paragraph 200 that LPAs should seek out the opportunities for new development within Conservation Areas where enhancements and betterments of the historic significance can be revealed.

SDCs policies under the Local Plan (noted above) as well as the policies contained within the Stonehouse NDP mirror the sentiments outlined within the NPPF, encouraging the careful consideration of development proposals within Conservation areas in order to minimise harmful and irreversible damage to such heritage assets.

Impact on IHCA and Heritage Assets

As discussed above, the principle of residential development here has negative overtones because of the 2002 appeal decision. However, with careful and successful design, it is considered by Officers that a fine balance of acceptability can be achieved on the site. It is therefore the purpose of this section to adequately assess the proposed impacts of the IHCA and surrounding heritage assets.

Underpinning the sites wider designation within the IHCA is a clear understanding that the green and open spaces, known as the green corridor or central belt (IHCA Character Appraisal, Volume 1) are often just as important to the character of an area as the built environment.

There appears to be some confusion within the heritage impact assessment (HIA) submitted as part of this application. Both the natural and built environments combine together to create significant heritage assets and landscape characters, however the HIA submitted fails to recognise the positive contribution the application site has on the IHCA. Whilst correctly identifying heritage assets within the built environment, the HIA fails to identify the site as a heritage asset of significant value from within the natural environment that forms part of the IHCA.

Indeed, it is by the site's very natural and undeveloped nature that renders it such a significant element of the IHCA.

The spine of this IHCA is a green corridor of unmaintained and overgrown spaces that help to punctuate the distinctive and rhythmic pattern of the industrial mills along the watercourse. This is most appreciated from the perspective of the canal.

Further, the IHCA character appraisal as laid out within the IHCA Management Proposals SPG 2008 defines the sensitivities of these green gaps and unmaintained areas as being of particular importance to the character of the area, with the cumulative loss and erosion of



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such spaces causing significant harm to the overall appearance of the IHCA to the degree that it is now listed under Historic England's Register of Heritage at Risk list.

It is therefore incorrect to ignore that the application site provides a significant and positive impact upon the IHCA in its current undeveloped state. This is a crucial and fundamental point.

Whilst it is now understood the value the site holds in its current state, we must acknowledge the level of impact the proposed development will have to this site, and the IHCA as a whole.

The application proposes to effectively remove the open and unmaintained nature of the site, proposing instead to develop and domesticate the land. In doing so, it is considered that the historic character and visual benefit of the site in relation to its industrial heritage as a green corridor will be significantly impacted.

Of course, developing the site in line with the submitted proposals will ultimately eliminate the natural and unmaintained nature of the site, elements that have been picked up on within the inspectors appeal report in 2002, and within the IHCA Management Proposals SPG 2008.

Although the proposal will retain a certain level of vegetation in the form of boundary trees to the north and other landscaping, the predominant feel of the site will be significantly altered. In this regard, there is considered to be significant and harmful impacts upon the natural environment within the IHCA as a result of this application.

However, as highlighted above, the provision of affordable housing on this site should be considered as a material consideration and it is therefore pertinent to assess the proposed development in terms of its design and layout and how this will impact the application site and IHCA.

The proposal comprises 9 new residential units that will be positioned running centrally through the site east-west. Rear gardens are located towards the canal bank, with an access road and parking located towards the north of the site.

The HIA describes how the overall design cues for the scheme have been taken from The Boat House; a non-designated local heritage asset situated a few metres due east of the application site, similarly sited on the banks of the Stroudwater Canal.

As one of the last remaining buildings associated directly to the use of the Canal, the Boat House has been used as a visual and design cue for the residential units proposed on the application site.

Mirroring the profiled metal clad walls, overhanging eaves and simple design of the Boat House, the proposed residential units adopt these features. The application also proposes a range of bright colour cladding for the residential units that will add to the vibrancy and striking nature of the scheme.



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It is considered that the proposed design and materials are considered to link the proposed residential units well to the site, anchoring the development to the historic context of the wider site and Boat House. The design is considered to offer an attractive and striking development that will be read as locally distinct and create a focal point when travelling down the canal or canal towpath.

Further, as it is considered that the provision of affordable housing is a material consideration in the determination of this scheme, it is welcomed that the design and appearance of the scheme is architecturally different and bespoke to the site, especially when compared to a contemporary volume house builder style development. This design is striking and will create a prominent feature within the public realm, especially when viewed from the canal side.

Of course, as already mentioned above, the development of this site for residential development will have a significant impact upon the open and unmaintained nature of the site. Whilst Officers advise that an affordable housing scheme could be a material consideration to outweigh the principle objection of development on this site, this is only on the basis of it being of a high quality appropriate design and architectural style.

In this context, Officers considers the quirky and vibrant character of the proposed development is an acceptable 'trade-off' when consideration is given to the potential level of negative impact the development of the site could have on the IHCA. It is considered that a design as proposed, which links to the wider historical and significant location of the application site, is an appropriate and negates to an acceptable degree, the harm caused to the IHCA.

Although removing the transitional function and unmaintained character of the site, the proposed development nods to the architectural and historic significant of the Boat House located a short distance from the application site. With this in mind, Officers consider that the proposed development satisfies Paragraph 200 of the revised NPPF as it seeks to enhance the historical significance of the application site and wider IHCA.

Finally, in addition to the discussion above, the proposed impact of the development on the setting of listed buildings in the vicinity of the application site must also be assessed and considered.

Two heritage assets are located within 200m of the application site and lie within the IHCA.

Upper Mills (main building) is a large former mill, currently used as office accommodation. The building itself represents a typical mill building and is remnant of the industrial heritage of the area. Located approximately 130m south-east of the application site, there is sufficient development between the two sites as to not cause any significant impact upon the setting of this mill building. There is no inter-visibility between the two sites and as such there are considered to be no concerns regarding the impact the proposed development will have on the Main building.

Further, both sites are not historically linked either physically or historically, and as such, are not considered to be impacted as a result of the proposed development.



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The second building designated within 200m of the application site, as already mentioned, is the Boat House. Listed as an undesignated local heritage asset, the Boat House sits closer to the application site, some 80m east of the site, similarly on the northern side of the canal bank.

When standing in the public domain on the southern side of the canal facing north, both the application site and the Boat House can be seen together. Whilst it is not considered that the proposed development will detract from the significance of the Boat House in any way, it is believed that the linkage of the two sites as a result of the proposed application mimicking the Boat House will in effect increase the Boat House's presence and sense of place along the canal bank to a greater degree.

Two Grade II listed buildings (Hillview House and The Mount) lie to the north of the application site. These sit outside of the IHCA but it is nonetheless imperative to properly assess any impact that may occur to these properties in line with statute.

Both properties are detached, occupying relatively large plots and located on the opposite side of the A419. The HIA states the application site has a neutral impact on both Hillview House and The Mount insofar as it neither positively or negatively impacts upon these buildings. This assessment is considered to be an accurate reflection.

The two buildings are of a sufficient distance from the application site, are in no way historically or physically linked to the site, and do not share any similar historical features or contextual significance.

Conclusion: Heritage Impact

On very fine balance, it is considered that whilst there is to be a significant change and thus impact to the character of the application site, the proposed design and scheme is deemed to positively reflect the historic surrounding, and reinvigorate an undesignated local heritage asset.

Most importantly, it is deemed that the requirement for Local Authorities to provide affordable housing, coupled with a refreshing and historically sensitive designed scheme, in this instance, outweighs the principle heritage concerns.

The design here is particularly important because the 2002 dismissed scheme was in outline with only few indicative details.

Paragraph 196 of the NPPF states that less than substantial harm to a conservation area should be weighed against the public benefits of a proposal, whilst also having regard to section 72 of the 1990 Planning (Listed Building and Conservation Areas) Act.

The public benefits of this scheme comprise the proposal's provision of 100% affordable housing. The District has a great need for new affordable homes and the shortage results in challenging living conditions for many families and individual constituents.



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On balance, Officers consider that the impact of the development on the Conservation Area is outweighed by the public benefit of the affordable housing provision in this sustainable location.

DESIGN AND APPEARANCE

The design cue for the scheme is based on the Wycliffe Boat House, located a few metres from the application site. The Boat House, although not listed, is notable. It provides a focal point on the canal, and provides an historical context in which to set a new development.

Utilising the same architectural elements and features, overhanging eaves, metal clad walls, simple detailing to facades and bright primary colours, the proposed new residential units incorporate the historic Boat House into the application site. The design is considered to offer an attractive and striking development that will be read as locally distinct and create a focal point when travelling down the canal or canal towpath.

A single road is proposed through the centre of the site, with the residential units being proposed on the southern side of this road, closest to the canal bank. This obscures the impact of parked cars from the canal. To the northern boundary of the site, many of the existing trees are to be retained and additional planting provided where possible.

The residential units are to be positioned running parallel to the road and canal bank, with some vehicular parking proposed to the front of the dwellings at right angles to the front of properties. The units are would appear as predominately semi-detached dwellings with simple fenestration and detailing.

Key components of the proposed development is its external appearance and materials. The applicant has indicated the residential units are to be clad with brightly coloured metal cladding, with a contrasting roof profile. This design appears to be an integral element of the scheme, which mimics the aspects of the Wycliffe Boat House.

Mirroring the facade dimensions, overhanging eaves, and the vibrant coloured metal cladding, the proposed dwellings reflect the Boat House, drawing on its features to enable the proposed development to better integrate and connect with the wider site and its historical context.

A high proportion of public response letters question the proposed style of buildings for this site; the appropriateness in relation to the buildings within the surrounding area.

It is considered that the design of the scheme, be it the individual and quirky nature is fundamental to the rationale and justification for development on the site. Paragraph 131 of the NPPF also promotes innovative design. With the historic protection on the site, it is considered that in this case, it is the objective to secure 100% affordable housing through a different and non-typical designed scheme that overcomes the principle objection.



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With this in mind, Officers consider the overall design and appearance of the proposed scheme to be acceptable, however issues such as materials and colours are deemed to be of such high importance that it is required to condition them prior to implementation.

LANDSCAPE IMPACT

The site is outside the AONB and away from its elevated viewpoints.

The site does not form part of any notable views except for functioning as general swath of canal bank, but this limited due to the nearby bridge and residential housing. Similarly there are no particular landscape features to the site except for its 2 bankside trees.

Whilst the new houses will be seen from the canal towpath and Stanley Downtown road, it is not felt that impacts will be significant.

The existing roadside trees are being retained, which will continue to screen the site from the A419. Whilst the new houses will be seen from the canal towpath and Stanley Downtown Road, it is not felt that impacts will be significant.

HIGHWAY IMPACTS

The existing site entrance would remain but will be widened in order to achieve a two-vehicle passing point, allowing vehicles to enter and exit the site at the same time.

The access does narrow within the site to approximately 5.4 metres, with parking parallel to this highway on the northern boundary, and a pedestrian highway to the south. A turning head is proposed, in order to provide satisfactory turning facilities travelling through the site, as well as for refuse vehicles and emergency services.

Parking for 17 vehicles is proposed which is considered to adequately meet the requirements of our Local Plan.

The proposal is a cul-de-sac development and traffic speeds should be slow, particularly given its length and approach by a tight corner.

In addition to vehicular movements, directly outside of the application site is a bus stop, linking future residents to the local bus network. Further the site sits directly to the north of the canal towpath whereby occupants of the site can walk/cycle into Stroud Town Centre, or via the pavement network, to Stonehouse Town Centre a few minutes away.

With two railway stations (Stonehouse and Stroud) being close-by, and a number of other transport options available other than by private vehicle, it is considered that the application site is suitably located for residential development and therefore complies with policies contained within the Local Plan, Stonehouse NDP and the revised NPPF.

In considering the issues above, it is considered that the proposed application is acceptable in terms of its impact to the highway.



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The Local Highway Authority have no objection subject to conditions.

RESIDENTIAL AMENITY

Potential issues include privacy, shadowing, daylighting, sunlight, overbearing, noise/disturbance during construction and thereafter.

The submitted objections have included privacy and noise/disturbance concerns.

The nearest dwellings are to the south at Whitfield Close. Four back on to the canal and the rest are more distanced. There is some separation (approximately 19.5m in the worst case) from the application site provided by their gardens and the canal.

The proposal shows the new houses set back approximately 6m from the line of the existing canal.

The SDC residential design guide recommends 25m between private rear facing windows, which although dated (2000), it offers a helpful benchmark. The proposal would broadly meet this guideline. Whilst the concerns of the existing residents are understandable, this would not warrant refusal.

Existing amenity is not ideal due to the canal towpath being close.

Whilst the existing residents do have an open aspect towards the site, however there is sufficient distance from these existing dwellings to the proposed units as to not be overbearing or be unduly dominant, even allowing for the difference in relative slab heights.

Similarly there is sufficient distance to avoid shadowing implications. Daylighting would not be impaired. Being to the north, sunlight would not be affected.

There are houses to the north and west but these are more distanced and on busy roads.

Noise/disturbance and dust mitigation during construction can be covered by submission of operational details required by conditions. This reinforces the Council's statutory nuisance powers.

There are commercial units located in the Upper Mills Industrial Estate in the south-easterly location of the application site, but the new dwellings are reasonably distanced to avoid noise/disturbance and existing dwellings are significantly closer.

There are no significant privacy, daylighting and overbearing implications for the new residents. The Residential Design Guide outlines the residential amenity standards appropriate for new development. A minimum of 20sq.m is required of private amenity space. Within the proposed development, each residential unit has a rear garden measuring from 24sq.m to 48sq.m with the apartments sharing a communal garden measuring 76 sq.m.



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AFFORDABLE HOUSING

100% of the residential units proposed are to be brought forward as affordable housing, and this forms the underlying basis for residential development on this site.

Of course, it is a key consideration of the central Government to provide increasing numbers of affordable housing within the UK, one that was reiterated within the White Paper of August 2018 that encouraged Local Authorities to play a more integral approach to aid this provision.

The preamble to Local Plan policy CP8 states that the 2015 SHMA identifies a need for 446 affordable dwellings a year. This is a substantial requirement which cannot be achieved by contributions from market led sites alone.

In this instance, Officers consider that these affordable houses would be a positive contribution that will provide substantial public benefit to the District.

The proposed 9 houses would be a helpful contribution towards the Council's 5 year land supply although not particularly significantly.

ECOLOGY

The site has little vegetation apart from boundary trees and rough grassland. However its position on the canal means it does offer some ecological value. The NPPF promotes ecological enhancement and safeguards protected species.

Two walkover surveys have been made. No particularly important species have been found on the site.

Nonetheless, there is bat commuting along the line of the canal and lighting will be important. The houses are distanced and spillage of external lighting should therefore be limited.

Similarly the aquatic margins have been considered. Water voles are a declining species and the banks here have potential for habitat creation, which can be realised as part of this scheme.

There may be some potential for great crested newts. However this may be limited as the canal has fish which eat the eggs. Nonetheless, it is felt that a survey is required and if found, then positive mitigation provided in terms of provision/retention of particular vegetation. Such a strategy is being prepared and required pre-determination.

Two trees by the canal would be lost, which is regrettable however, their loss can be made up by other planting. The trees although the northern boundary would be retained which are useful to wildlife as well as residential amenity.



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HYDROLOGY

The site is not prone to flooding.

Surface water would be disposed of by released into the canal, which has such capacity.

CANAL IMPLICATIONS

Local Plan Policy ES11 promotes restoration, use and access to the canal.

Whilst objections perceive this site as having a substantial and direct use as part of the canal, this has not been the case since the Ship Inn era.

This proposal does not prevent the continued use and appreciation of the canal. Indeed the proposal would contribute £9,000 to SVCC for the provision of 3 moorings on the opposite bank.

OVERALL CONCLUSION AND RECOMMENDATION

The site is within the settlement boundary and the Local Plan allows for the principle of residential development. Hence in this regard the proposal accords within the Development Plan.

However the proposal does develop and therefore domesticate this part of the canal, which is not a characteristic of the industrial heritage conservation area. This impact is negated to some extent by the proposed innovative and invigorating design. Hence the harm to the conservation area in this instance is deemed to be less than substantial.

Under paragraph 196 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal, whilst also having regard to section 72 of the 1990 Planning (Listed Building and Conservation Areas) Act.

The public benefits of this scheme comprise the proposal's provision of 100% affordable housing. The District has a great need for new affordable homes and the shortage results in challenging living conditions for many families and individual constituents. On balance, the impact of the development on the Conservation Area is felt to be outweighed by the public benefit of the affordable housing provision in a sustainable location.

Taking all matters into consideration and on very fine balance, permission is recommended, subject to receipt of a satisfactory newt mitigation strategy.



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HUMAN RIGHTS

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

Subject to the following conditions:	<ol style="list-style-type: none"> 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. 3. The development hereby permitted shall not begin until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:- 4. A Phase 1 site investigation carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environment risk assessment, undertaken in accordance with BS75:2011 Investigation of Potentially Contaminated sites - Code of Practice. 5. If identified as required by the above approved Phase 1 site investigation report, a Phase 2 intrusive investigation report detailing all investigation works and sampling on site, together with
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the results of the analysis, undertaken in accordance with BS 10175:2011 investigation of potentially contaminated sites- codes of practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.

6. If identities as required by the above approved Phase 2 intrusive investigation report detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from the scheme without prior written approval from the Local Planning Authority.
7. Any previously unidentified contamination encountered during the works as been fully assed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.
8. A verification report detailing the remediation works undertaken and quality assurance with the approved methodology that has been submitted to, and approved by the Local Planning Authority. Details of any post- remedial criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

For further details as to how to comply with this condition, please contact Katie Larner, Senior Contaminated Land Officer- telephone: (01453) 754469.

Reason:

To protect the health of future users of the site from any possible effects of contaminated land in accordance with the guidance within the NPPF, in particular, paragraph 120.

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

Site Plan proposed (PL)100 - Received 3/9/2018

Site Plan Proposed (PL) 101 – Received 3/9/18

Proposed plans and elevations (PL)200, 201, 202, 203, 204, 205, 206, 207 – Received 3/9/2018

Street Scene (PL)300 – Received 3/9/2018

Section (PL) 400, 402 – Received 3/9/2018

Soft Landscaping Detail (PI7-1687_01-E) – Received 3/9/2018

Reason:

To ensure that the development is carried out in accordance with



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the approved plans and in the interests of good planning.

- 10 No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

6. The residential units hereby permitted shall remain as affordable housing units in perpetuity and shall be operated as such under Stroud District Councils function as a registered social landlord.

Reason:

To ensure that the development provides affordable housing for future occupants of the development, to stop the residential units from being put forward as full-market housing and to accord with the corporate policies of Stroud District Council in providing affordable housing within the District.

7. Before the development hereby permitted is first brought into use, a landscape planting, management and maintenance scheme shall be submitted to and agreed by the Local Planning Authority. The landscape planting, management and maintenance scheme shall



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be implemented in strict accordance with the approved details and maintained in perpetuity.

Reason:

To ensure that the landscaping is implemented, maintained and managed and in the interests of the visual amenities of the area.

8. 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.

9. The development hereby permitted shall not be occupied until cycle storage facilities have been made available for use at 1 space per dwelling and those facilities shall be maintained for the duration of the development.

Reason:

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

10. The development shall be undertaken in accordance with the submitted arboriculture report (BS5837 Tree Survey, Arboricultural Impact Assessment and Method Statement 'considerations') received on the 27th February 2018. All of the provisions shall be implemented in full according to any timescales laid out in the method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the retained/protected tree/s in accordance with policy ES8 of the adopted Stroud District Local Plan, November 2015.

11. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:



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- Methods and Timings for the removal of vegetation likely to support breeding birds.
- Precautionary working method statement detailing measures that will be taken when clearing vegetation with potential to support reptiles.
- Cross reference to the tree retention and protection details.
- Details of site fencing.
- Details of site lighting.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure the preservation of protected species on site, in accordance with Policy ES6 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

12. No development or other operations shall commence on site in connection with the development hereby approved, until details of the works associated with the widening of the canal bank have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard the environmental and landscape importance of the site in accordance with policy ES7 of the adopted Stroud District Local Plan, November 2015.

13. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway vehicle track edge of the public road 20m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:-

To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and



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pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

14. Throughout the construction [and demolition] period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following: parking of vehicles of site operatives and visitors;
- i. Parking of vehicles of site operatives and visitors;
 - ii. Loading and unloading of plant and materials;
 - iii. Storage of plant and materials used in constructing the development;
 - iv. Provide for wheel washing facilities.

Reason:

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

15. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in general accordance with the submitted plans 28789 100 Rev A and 28789 101 except with on-street parking not demarcated, and those facilities shall be maintained available for those purposes thereafter.

Reason:

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

16. No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason:

To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

17. Dwelling frontage vegetation and alongside units 1&2 and unit 3 shall be maintained at 600mm or below to ensure emerging



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visibility

Reason:

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

18. Prior to occupation of the proposed development hereby permitted the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason:

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

19. Tactile footway crossings shall be provided across the site access junction and the turning head footway.

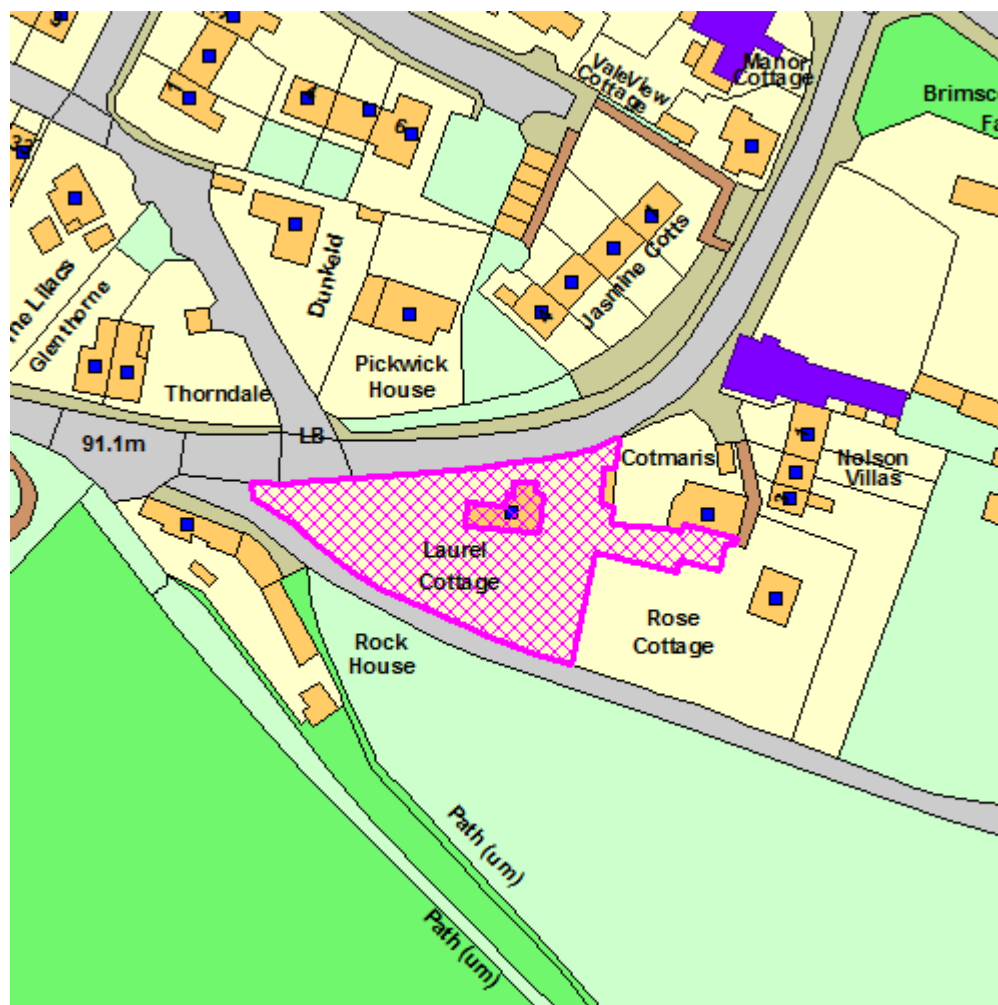
Reason:

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.



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Item No:	02
Application No.	S.18/1624/NEWTPO
Site No.	
Site Address	Laurel Cottage, Brimscombe Hill, Brimscombe, Stroud
Town/Parish	Minchinhampton Parish Council
Grid Reference	386795,202095
Application Type	New Tree Preservation Order
Proposal	TPO 571 Laurel Cottage, Brimscombe Hill
Recommendation	That the TPO be confirmed
Call in Request	Planning Manager



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Applicant's Details	Victoria Pettigrew Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, Gloucestershire GL5 4UB
Agent's Details	None
Case Officer	Victoria Pettigrew
Application Validated	24.07.2018
CONSULTEES	
Comments Received	
Constraints	Aston Down Airfield Consultation Zones Affecting the Setting of a Cons Area Area of Outstanding Natural Beauty Consult area Conservation Area Kemble Airfield Hazard Within 50m of Listed Building Neighbourhood Plan Minchinhapton Parish Council Rodborough 3km core catchment zone Settlement Boundaries (LP)
OFFICER'S REPORT	

Introduction

In June 2018, a 6 week notification was received under section 211 of the Town and Country Planning Act 1990 to fell a yew tree in a conservation area. The tree is located in an elevated position to the north-east of the property and is visually prominent in the village.

The tree species is Yew *Taxus baccata* a native species to the British Isles, it is considered to be semi mature, with a trunk girth of approximately 55cm and a height of approximately 3 metres.

A visual tree assessment (VTA) was undertaken to assess the tree's structure and vitality. The tree was found to contain no significant defects and has good vitality. Vitality relates to the condition of the bark, leaves, and extension of growth.

The applicant's reasoning for felling the tree is that it offers low amenity value, caused excessive shading of the area of garden and was oppressive to their neighbours garden and their terrace immediately below.

The owner also had concerns for the dry stone retaining wall below the house and garden above the road and claims that the wall has fallen twice.



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Serving of a provisional Tree Preservation Order (TPO)

In situations such as this, the local planning authority can either agree to the works proposed in the notification or seek to protect the tree, which requires the serving of a Tree Preservation Order. The process is that the first Order served is 'provisional'; it protects the tree for 6 months but also allows the owner of the tree to respond and raise any objections to the Order.

In this case, the tree was considered to be worthy of retention for the reasons set out below and a provisional order was served on 30th July 2018.

When considering whether trees should be protected by 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).

The case officer also made the following assessment of the yew tree and site:

"The tree sits to the northern edge of the owners' garden and therefore it is difficult to understand why it should cause excessive shading. The site visit (19th July 2018) showed the garden at midday to be in full sunshine, the sun rises in the east and sets in the west and takes a southern path during the day, therefore the tree to the north of the garden will not cause excessive shading to the owners garden. The majority of shade falls to the road below the tree and some shading will be apparent to a very small terrace next the road in ownership of the neighbours. The main garden in ownership of the neighbours will likely only be impacted by shade from the tree as the sun moves round to the west in the late afternoon.

The owners claim that the tree has caused the retaining wall to collapse on two occasions; however, evidence to support this claim has not been provided, which should be in the form of photographic evidence or a structural engineers report. A report of this nature would be required in order to justify that the tree was causing damage. There was no visual evidence on site to suggest that the wall was being damaged by the tree. Retaining walls can be caused to collapse for a variety of different reasons, land slides, excessive rainfall etc. Without a structural survey to justify that the tree has caused the wall collapse the Local Planning Authority cannot agree to the felling of the tree."



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Objection to the provisional TPO

An objection has been received to the provisional TPO from neighbours of the site (Cotmaris).

The salient points of the objection are as follows:

1. Loss of light to the garden and the kitchen at Cotmaris neighbouring property to Laurel Cottage, fruit trees have subsequently died.
2. The tree is unsightly
3. The tree is causing damage to the retaining wall
4. The tree has poisonous berries/ needles which are a health hazard for children and pets
5. Steel cabling is entwined into the tree trunk which may be to the detriment of the trees health.

These objections are addressed as follows:

1. Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sunrise and sunset. Sunlight refers to direct sunshine. It is unclear as to whether the objector is concerned by the loss of natural light or whether the concern is the loss of direct sunlight. The loss of daylight is a material consideration when deciding whether a TPO should be served, however, the loss of sunlight is not a material consideration. Currently no evidence has been provided in the form of a day light survey to justify that the tree in question is restricting natural light to the objector's property.
2. The objector feels that the tree is unsightly within the conservation area. The tree is a young prominent native species tree within the conservation area and does form a feature within that section of the conservation area. It is quite likely that the tree has self seeded from one of the yew trees at Holy Trinity Church yard which is located close by. Yew trees have a long association with church yards and are often feature trees found within conservation areas for this very reason. Yew trees are long lived and can be pruned and trained into shapes through the art of topiary, it is clear that the tree in question has not been managed for some time and as a result has become tall and out of shape. The confirming of the order does not prohibit the owner of the tree from submitting an application to prune/manage the tree in order to make it more aesthetically pleasing.
3. The objector claims that the tree is damaging the retaining wall below it, however, no evidence in the form of a structural survey has been provided to justify that the wall is structurally unstable. There is no apparent evidence of damage to the wall currently.
4. Many plants can be poisonous if ingested by humans or animals; this is not a material consideration in the TPO serving criteria.



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5. It has been reported by the objector that there is a cable entwined through the tree. No evidence in the form of an arboricultural report has been provided to suggest that the cabling is damaging the health of the tree.

Conclusion

The tree is visually prominent and in good health and is considered to have significant amenity value which warrants its protection. Therefore, notwithstanding the objections received, officers recommend that the provisional TPO be confirmed.

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

Reference on map -T1

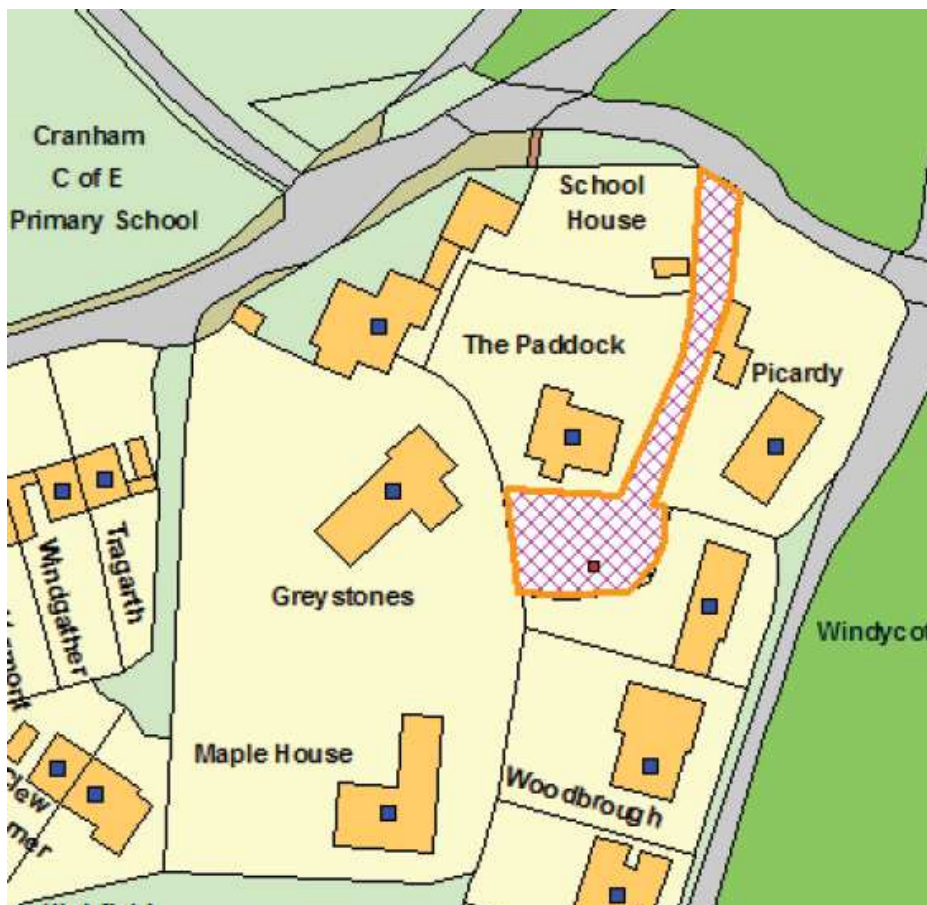
Description (species) -Sycamore

Situation (location) -Land opposite Cherry Blossom Cottage,
Oakridge Lynch,



Development Control Committee Schedule

Item No:	03
Application No.	Enforcement Report
Site Address	New building still under construction called Cherry Tree House, Cranham,
Town/Parish	Cranham Parish Council
Grid Reference	389370,212489
Proposal	To inform Members of a breach of planning control that is occurring on the site.
Recommendation	<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>
Call in Request	Director of Development Services





Development Control Committee Schedule

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

DESCRIPTION OF SITE

This is a new development site that was given planning permission in 2015 for a one and a half story building. 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).

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

PLANNING HISTORY

Permission was granted on the 6th July 2015 for:

“Proposed three bedroom chalet bungalow (resubmission after refusal S.14/2115/FUL)”

The application was subject to planning conditions including:

1. 3 years implementation
2. Construction hours
3. Control of dust scheme
4. Permitted Development Rights removal
5. Approved plans list

ENFORCEMENT ISSUE

This site was brought to the Enforcement Officers notice in June/July 2017 as a result several complaints from residents regarding the location of the building within the plot and the building not being built in accordance with the approved plans, specifically the height. Enforcement Officers visited the site and found that the building as been built was in the wrong location within the site. They also found that the roof was too high and constructed differently to the approved plans. A revised planning application was requested.

The Planning Agent submitted a minor amendment application (S.17/1345/MINAM) to change the roof height and the fenestration. This was refused on 19 July 2017 for the following reason:



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“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.”

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 still not being built in accordance with the approved plans and as such was an entirely unauthorised building which is not covered by the extant planning permission.

Correspondence was sent to the owner’s planning agent inviting him to submit a full revised application for the current changes and giving him 28 days to undertake this. By the 26 October 2017 no application had been received. A letter and email was sent to the planning agent explaining again that this site required a fully revised application for the reasons mentioned previously. 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.

On 28 November a planning application was submitted (S.17/2695/VAR) 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 was withdrawn on 1 February 2018.

A further application was submitted (S.18/1093/VAR) on 16 May 2018 by a new planning agent employed by the owners to again 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 a detrimental impact on the amenities enjoyed by neighbouring residents, contrary to Policies CP14 (7) and ES3 (1) of the adopted Stroud District Local Plan, November 2015 and NPPF paragraph 123.”

ENFORCEMENT LEGISLATION

A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 as:

- the carrying out of development without the required planning permission; or
- failing to comply with any condition or limitation subject to which planning permission has been granted.

Any contravention of the limitations on, or conditions belonging to, permitted development rights, under the Town and Country Planning (General Permitted Development) (England)



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Order 2015, constitutes a breach of planning control against which enforcement action may be taken.

Part VII of the Town and Country Planning Act 1990 is the primary legislation for dealing with enforcement matters.

Section 172 relates to the power to issue an enforcement notice.

Section 173 relates to the contents of an enforcement notice.

Paragraph (2) of Section 173 requires an enforcement notice to specify any steps the LPA require to be taken in order to remedy any breach.

Paragraph (3) of Section 173 defines the steps to be taken in order to remedy the breach;

- (a) the option of restoring the land to its condition before the development took place; or
- (b) securing compliance with the conditions or limitations subject to which planning permission was granted, including:
 - I. The demolition or alteration of any building or works;
 - II. The discontinuance of any use of land; and
 - III. The carrying out on land of any building or other operations.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view

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

Paragraph 58 states that:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

Stroud District Local Plan.

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

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

Local Plan policies considered for this application include:

CP14 – High quality sustainable development.

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

ES3 – Maintaining quality of life within our environmental limits.



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ES7 – Landscape character.

The most recent refused application (S.18/1093/VAR) which sought to regularise the as built amendments, as noted above, considered the proposal to be contrary to Local Plan Policies CP14(7) and ES3(1).

PROPOSED ACTION AND EXPEDIENCY

Under the latest refused application (S.18/1093/VAR), the Case Officer considered the impact of the proposed (as-built) dwelling in terms of its design, appearance and impact on the area. The Officer stated that:

“The original scheme granted permission for a dwelling measuring approximately 5.9m to ridge and approximately 3m to eaves at a datum point of 202.400. Planning permission was granted for the scheme on the basis that the dwelling would sit lower than most of the properties around it and the footprint was smaller than the refused scheme under reference S.14/2115/FUL. In addition, it was also concluded that the scheme would not result in material harm to the residential amenities enjoyed by adjacent occupiers.

The built out property measures approximately 6.5m to ridge and approximately 3.9m to eaves at a datum point of 202.700. As such, the floor level of the property has been raised by approximately 300mm, the eaves of the building by approximately 900mm and the overall height by approximately 600mm. The built out scheme now results in the building being much taller than that of the adjacent neighbouring property known as 'The Paddocks.' A hipped roof has been constructed at an attempt to protect the neighbouring property to the east. This alteration has resulted in the plane of the roof slope being approximately 850mm further away from the neighbouring property. The agents justification for the alterations was due to concern over undermining adjacent house structures. No evidence regarding this matter has been provided.

The alterations to the building results in the wall to roof ratio being at odds and the building appearing out of proportion. The built out dwelling has a greater emphasis on the walling which results in the building appearing ill-proportioned and stretched. Where as, the previously approved scheme is a well proportioned dwelling with the wall and roof ratio totalling approximately half.”

This property is nearing completion. The Enforcement Officer informed the agent/owners numerous times to stop all building work on the site but the development has continued. This property has been subject to several failed applications for the clear reasons mentioned above. Officers have confirmed from site visits that the building has been built in the wrong location and its appearance does not conform to the original approved plans. Accordingly, the only resolution available to Officers is to request total demolition of the unauthorised dwelling.

Paragraph 58 of the National Planning Policy Framework states that Local Planning Authorities should act proportionately in responding to suspected breaches of planning control. Enforcement action is discretionary, however on this occasion it is considered that



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the alleged breach of an unauthorised dwelling is worthy of action due to the detrimental impact on neighbouring amenities by virtue of the overbearing impact of the dwelling.

The as-built dwelling is unauthorised; no less than substantial alterations would make it acceptable in planning terms. Due to the harm caused to neighbours amenity by virtue of the overbearing nature and proximity of the building, the development is contrary to the requirements of Stroud District Local Plan Policies CP14(7) and ES3(1).

Officers consider that it would be expedient to progress enforcement action for the demolition of the existing structure under Paragraph (3) of Sections 172 and 173 of Part VII of the Town and Country Planning Act 1990.

Accordingly authorisation is sought from Members for Officers to progress enforcement action for the total demolition of the existing building.

RECOMMENDATION

Officers request delegated authority to serve an enforcement notice for the total demolition of the unauthorised building for the reasons as outlined above.

A breach of condition notice will be served requiring a 6 month compliance period.

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.