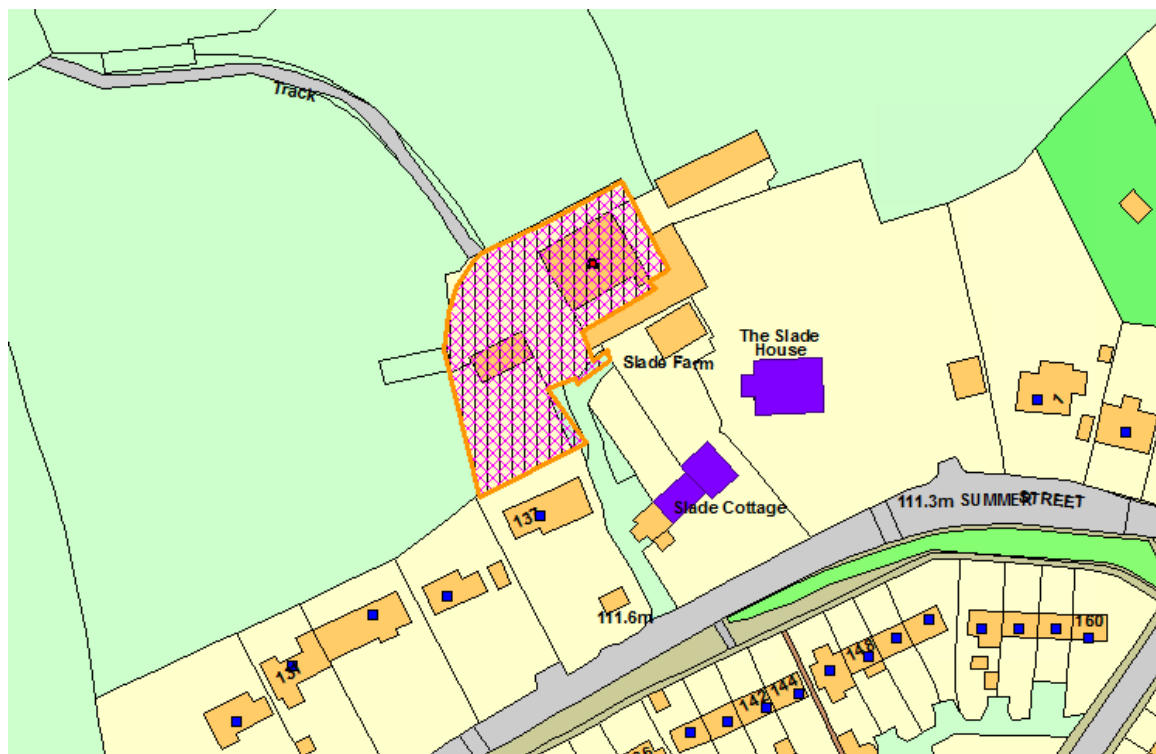




## Development Control Committee Schedule 29/03/2022

<b>Item No:</b>	<b>02</b>
<b>Application No.</b>	S.21/2825/FUL
<b>Site Address</b>	137A Summer Street, Stroud, Gloucestershire, GL5 1PH
<b>Town/Parish</b>	Stroud Town Council
<b>Grid Reference</b>	386450,205601
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Demolition of agricultural barn and erection of passivhaus dwelling.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Cllr Martin Baxendale





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<b>Applicant's Details</b>	Dr & Mrs S & R Kingdom Slade Farm, 137A Summer Street, Stroud, Gloucestershire , GL5 1PH
<b>Agent's Details</b>	PJS Development Solutions Ltd 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU,
<b>Case Officer</b>	Sarah Carruthers
<b>Application Validated</b>	08.12.2021
	<b>CONSULTEES</b>
<b>Comments Received</b>	Conservation North Team Conservation North Team Historic England SW Biodiversity Officer Environmental Health (E) Development Coordination (E) SDC Water Resources Engineer
<b>Constraints</b>	Within 50m of Listed Building Stroud Town Council Rodborough 3km core catchment zone Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

Principle of Development  
Design and Appearance  
Residential Amenity  
Highways  
Landscape  
Ecology  
Archaeology and Heritage Assets  
Obligations

### DESCRIPTION OF SITE

The application site is a plot of agricultural land measuring 1306 square metres (0.13ha). It consists of a large agricultural barn that sits within a group of smaller buildings. The site is located on the edge of a residential area in Stroud and is accessed via a driveway that runs between two properties from Summer Street. A further 5.46 hectares of agricultural land falls within the applicant's ownership lies to the north of the site.

The existing large concrete framed barn has a footprint measuring 262 square metres. It has an asbestos roof and timber clad walls. A Prior Notification for its conversion into one dwelling was given prior approval under Class Q of the GPDO 2015 on 5 November 2020 (S.20/1880/P3Q) and is an extant approval that could be implemented.

The modern outbuilding, denoted on the plans as the 'small barn', that lies to the southwest of the main barn has recently been renovated and converted to a flexible commercial use under Class R of the GPDO 2015 (S.21/2369/P3R).



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The nearest building, a former milking parlour and store, falls outside the application site although it is within the applicant's ownership.

The site does not fall within any special land designation. The nearby Grade II\* Slade House, and Grade II listed Slade Cottage and The Coach House are to the south and southwest of the site. It has been determined by the Conservation Team that the adjacent milking parlour is not curtilage listed, although it is a non-designated heritage asset.

### PROPOSAL

The application seeks permission for the demolition of the agricultural barn and erection of a 'passivhaus' dwelling. The proposed dwelling is to be located on a similar footprint to the main barn and is based on the same form of the barn.

The proposed building has a footprint measuring 197 square metres, which includes the bike store area, covered roof overhang and balcony. The dwelling would be set down within the sloping land levels and a gabion basket retaining wall shall be constructed around the dwelling, alongside the southwest, southeast and north elevations.

### ADDITIONAL DETAILS

Additional drainage details received 31/1/22

S.106 agreement to secure mitigation for impact on SAC received 10/1/22

Revised location, block and landscape plans received 9/3/22 that reduced the scale of the residential unit.

Revised drainage plan received 10/3/22

### MATERIALS

Walls: Untreated vertical timber cladding

Roof: Standing seam metal

Doors/windows: Aluminium clad timber windows

Retaining wall: gabion baskets of local stone

### REPRESENTATIONS

#### Statutory Consultees:

At the time of writing this report, the consultation responses are set out below. A re-consultation has taken place on the revised red line and plans (received 9/3/22). Members will be advised of any further responses received, following the re-consultation in the late pages.

CONSERVATION TEAM - Thank you for consulting the Conservation Officers on this matter. We would like to offer the following comments:

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.



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The historic assets in this case are 139 and 141 Summer Street and Slade House. The proposal is demolition of agricultural barn and erection of a dwelling at 137a Summer Street.

There is an existing agricultural barn on the site and it is proposed to replace this with a new building of similar footprint and appearance. Due to the presence of an existing barn and the separation of the development from the listed buildings by an historic stable building, it is considered that no harm will arise to the setting of the listed building. The application has been assessed in accordance with paragraphs 189 - 202 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

HISTORIC ENGLAND - Thank you for your letter of 9 December 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

BIODIVERSITY TEAM - Comments relate to the following document:  
Preliminary Ecological Appraisal and Nocturnal Bat Survey Results, Cotswold Environmental, dated August 2021

Recommendations:

Acceptable subject to the following:

- The site falls within the 3.3 km core catchment zone of the Rodborough Common SAC designated site, the applicant has the opportunity to make off site S106 contributions per new dwelling as part of Stroud District Council's avoidance mitigation strategy, or provide the LPA with their own mitigation strategy and enhancement features which would need to be agreed by SDC as the competent authority and Natural England.

If the above legal agreement or bespoke mitigation package cannot be provided Refusal is recommended for the following reasons:

- The proposals do not adequately address the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended).

-

I also recommend the following conditions:

- No development shall commence until details of the Cotswolds Beechwood's Special Area of Conservation Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include the following details:

A homeowner information pack (HIPs) that includes information on recreational opportunities in the local area and describes sensitivities of locally designated sites such as Cotswold Beechwood's Special Area of Conservation.

Reason: The above strategy will ensure that the development does not significantly affect the Cotswold Beechwood's Special Area of Conservation, this enable Stroud District Council as



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the competent authority to discharge its Statutory duty in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

- All works shall be carried out in full accordance with the recommendations contained in the Preliminary Ecological Appraisal and Nocturnal Bat Survey Results, Cotswold Environmental, dated August 2021 already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 174 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- Within 3 months of commencement, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 180 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

### Comments:

The site falls within the 3.3 km core catchment zone of the Rodborough Common SAC therefore, the applicant can either make a one-off S106 contribution per new dwelling to the Stroud District Council's avoidance mitigation strategy; the cost is £200 per new dwelling. Or the applicant can provide their own bespoke strategy to mitigate the identified impacts the proposed development will cause.

The proposed site falls within the 15.4 km core catchment zone of the Cotswold Beechwoods, identified via visitor surveys undertaken by Footprint Ecology and agreed with Natural England. The core catchment zone indicates that any new dwelling or holiday accommodation within the core catchment zone is highly likely to result in an increase in recreational pressure to the Cotswold Beechwoods; at a level considered detrimental to the sites qualifying features. The Cotswold Beechwoods has been designated as a Special Area of Conservation and as such is classed as a National Site Network, which are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The site is also notified at National level as The Cotswold Common and Beechwoods Site of Special Scientific Interest (SSSI). After carrying out a preliminary screening regarding this application, SDC as the competent authority have determined, that there is potential that without appropriate mitigation the proposed dwelling could result in negative effects to the site through increased recreational pressure. Therefore, SDC as the competent authority has undertaken an Appropriate Assessment and has identified additional mitigation measures considered necessary to address the uncertainty of the proposal. As a result, a homeowner information pack will need to be created for the new resident(s). This will need to be



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submitted to and agreed in writing by the Local Planning Authority, it will need to detail the ecological importance of the Cotswold Beechwoods, appropriate code of practice for using the woodlands and alternative local recreational sites.

The submitted report ascertained the absence of roosting bats in addition, the ecologist did not record any other notable or protected species utilising the site. However, the ecologist did note the site provides suitable habitat and as such, has outlined reasonable avoidance measures in the unlikely event that nesting birds, reptiles or small mammals are discovered during the construction works.

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements could be incorporated into the development proposal in the form of bat and bird boxes, both features would be suitable and provide refuge for protected species. Both features should be installed at least 3m above the ground to reduce predation rates. Bat boxes should be installed on a southern or western elevation whereas bird boxes should be installed on an eastern or northern elevation. Both features need clear flight paths and should not be illuminated by artificial lighting including, street lighting. Any additional advice should be sought from an ecologist.

**ENVIRONMENTAL HEALTH** - With respect to the above application, I would recommend that any permission should have the following conditions and informative attached:-

### Conditions:

1. No construction site machinery or plant shall be operated, no process shall be carried out and no 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.

2. Construction/demolition works shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority. This should include an assessment of the presence of all asbestos containing materials and how these will be safely dealt with.

### Informative:

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, may constitute immediate offences, actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received.

**LOCAL HIGHWAY AUTHORITY** - Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways



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Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions and financial obligations.

The justification for this decision is provided below.

I refer to the above planning application ref S.21/2825/FUL which was received on 16 December 2021. The site is located on Summer Street a residential street with no footways that has speed restricted to 20mph by the provision of traffic calming measures. The site location is within 800m of shops, facilities and services and would therefore be considered a sustainable location which meets the requirements of the NPPF Promoting Sustainable Transport policies. Access to the site will be gained over the existing access which is sub standard as it does not provide acceptable visibility splays or provide a width of 4.1m for the first 15m, however, the proposed development replaces an existing agricultural barn which has the potential to generate a similar or larger amount of vehicle movements than the proposed development and therefore the use of the existing access will not be intensified and will therefore be acceptable.

The application proposes to provide a 4-5 bedroom dwelling. Manual for Gloucestershire Streets (July 2020) Addendum - October 2021 requires that a minimum of 3 parking spaces are provided for a 5 bedroom dwelling. Drawing Landscape Plan Proposed November 2021 shows 3 parking spaces which will be acceptable. A 7kW electric vehicle charging point has been provided which is also acceptable but should be conditioned for retention. Manual for Gloucestershire Streets (July 2020) requires that 1 cycle parking space per 2 bedrooms is provided to meet the needs generated by the development. 2 secure and undercover cycle parking spaces will be required.

### Conditions

#### Bicycle Parking

The Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities

#### Electric Vehicle Charging Points (Residential)

The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.



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The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

**WATER RESOURCES ENGINEER** - Whereas I do not object to the development in principle, there is not enough information for me to comment. Please can the applicant confirm the proposals for the surface water discharge. As things stand the applicant proposes to harvest greywater for use elsewhere and within the property, they also propose that this same greywater is discharged to the foul sewer network. A discharge to the foul sewer network would represent an increase in flood risk elsewhere (as it will be an additional burden to the existing scenario). I do not think this is necessary in a system with harvesting.

Following the submission of a revised drainage plan and further information, the WRE was consulted and made the following comments: -

Those clarifications allow me to understand their proposals and I am therefore happy that their designs are sufficient. I have no further comments or observations.

**TOWN COUNCIL** - We are pleased to see a good quality passivhaus and would like to see more in the valleys.

### **Public:**

Eleven letters of support received, many referring to -

Good design

Sustainable development with good eco credentials

Enhance setting of the listed building and surroundings

### **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:

CP1 - Presumption in favour of sustainable development.

CP3 - Settlement Hierarchy.

CP14 - High quality sustainable development.





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- CP15 - A quality living and working countryside.
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality and flood risk.
- ES6 - Providing for biodiversity and geodiversity.
- ES7 - Landscape character.
- ES8 - Trees, hedgerows and woodlands.
- ES10 - Valuing our historic environment and assets.
- ES12 - Better design of places.
- ES15 - Provision of outdoor play space.

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

- National Design Guide (2019)
- Residential Design Guide SPG (2000)
- Stroud District Landscape Assessment SPG (2000)
- Planning Obligations SPD (2017)

There is no Neighbourhood Development Plan for this area.

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**

Prior Approval was granted on 5 November 2020 following notification of a change of use under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO"). Application S.20/1880/P3Q proposed the change the use of the barn from agricultural to one residential dwelling.

Condition 2 (contaminated land) of S.20/1880/P3Q was discharged under application S.21/2319/DISCON and the approval is extant and could be implemented.

### **PRINCIPLE OF DEVELOPMENT**

The Local Plan has been adopted and full weight should be given to its contents, in accordance with paragraphs 11 and 12 of the NPPF.

Policy CP1 of the Stroud District Local Plan (the "Local Plan") reiterates the NPPF presumption in favour of sustainable development. There is a presumption in favour of sustainable development as applied locally through the policies contained within the Local Plan. Consequently, decision makers should approve proposals that accord with the Local Plan without delay, but should refuse proposed development that conflicts with the Local Plan, unless material considerations indicate otherwise. The Local Plan seeks to do that throughout its policies, but the key strategy of the Local Plan to deliver sustainable development in the local context is to focus development in the most sustainable locations in the district i.e. at designated employment or retail areas, at strategic allocations near the largest settlements and within the settlement development limits of other settlements identified in the settlement hierarchy. Those constitute the 'designated areas' described in policy CP2 of the Local Plan.



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The site falls just outside of but adjoins the defined settlement limits of Stroud and is therefore classed as being within the open countryside. Therefore, the proposal must be considered against Core Policy CP15 as this addresses all development outside settlement development limits.

Policy CP15 is a restrictive policy and seeks to protect the separate identity of settlements and the quality of the countryside. It does allow development in the open countryside subject to it complying with at least one of six principles. Upon satisfying these, the development must then satisfy six criteria.

In this instance, the proposal is for a new dwelling within the open countryside. There is no essential need established to allow development in this rural location and the proposal would not fall within any of the exceptions set out in Policy CP15.

Given the above, the proposal is contrary to policies CP1, CP2, CP3 and CP15 of the adopted Stroud District Local Plan.

Whilst the proposal is contrary to local plan policy, in considering the NPPF and its guidance on rural housing, planning policy should direct development to identified settlements in order for them to thrive and grow. Paragraph 80 states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or under used buildings that would result in an enhancement of its immediate surroundings. In this instance, the proposed dwelling would sit adjacent to residential properties that fall within the settlement development limits of a First Tier settlement and would not be considered 'isolated'.

### **Considering a 'Fallback Position'**

Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations dictate otherwise. The proposed demolition of the barn and erection of a new dwelling clearly conflicts with the development plan; however prior approval was recently granted for conversion of the barn into a dwelling (S.20/1880/P3Q). This provides a 'fallback position' where a residential use of the site could be established and is a material consideration.

There have been numerous appeal decisions where a consent under Class Q has been considered a fallback position which is given weight in the planning decision as a material consideration. Those Inspectors refer to High Court Judgement *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 where it clarifies in principle considering new proposals for development, decision makers should have regard to the fallback position of lawful development which has a real prospect of taking place.

In the case of this site, the fallback position has been established by the Prior Approval under Class Q and there would appear to be a clear desire from the applicant to develop the site. Therefore, it is considered that the previous consent is a material consideration and should be given significant weight.



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Any principle harm in terms of policy conflict with Local Plan Policies CP2, CP3 and CP15 would need to be balanced against any resulting harms and the fallback position.

CP15 seeks to locate development within settlement boundaries to reduce the need to travel by private vehicles. Given that the dwelling would be located within the same location as the fallback position, which incidentally is located on the edge of a settlement boundary, adjacent to properties, there is only limited harm in terms of location.

Officers raised concerns regarding the extent of the residential planning unit which encompassed the commercial building and was considered to be excessive and intrude into the open countryside. In view of these concerns and following negotiations with the agent, the proposed residential unit has been reduced in scale by approximately one third. As a result, although the curtilage of the building and the residential use is significantly larger than that approved through permitted development, the development would result in encroachment into the countryside. While there would be some agricultural land lost, this is not significant and therefore represents only a limited harm.

### **DESIGN AND LAYOUT**

The proposed dwelling would follow the same footprint and form of the existing barn. It is of a similar height and slightly smaller scale. It would appear as a dwelling of similar dimensions as the 'fallback position'. Its overall scale and appearance would be barn like and the timber cladding and metal sheet roofing would reflect its agricultural setting.

As stated above, Officers had concerns with the scale of the residential unit that was originally proposed. Revised plans were received that amended the red line so that it did not include the agricultural land and flexible commercial use building on the west side of the track. The residential unit is now confined to the area around the proposed dwelling and is more compatible with the scale and layout of the surrounding residential development.

The NPPF and Local Plan policies strongly encourage and support sustainable construction and design. It is acknowledged that the applicants wish to build a sustainable home and the proposed dwelling has been referred to as a 'Passivhaus' dwelling, although there are limited details on its overall sustainable design and credentials. The Design and Access Statement and elevation plans refer to using high performance triple cell windows in order to achieve the Passivhaus certification. A Sustainable Design Checklist (Policy ES1) was not submitted with the application, although a letter was submitted by an ecological and design construction company setting out the environmental benefits to a new build rather than a conversion.

### **RESIDENTIAL AMENITY**

The proposed dwelling would be located adjacent to properties within a residential area. There would be an adequate degree of separation so not to have a significant impact on the residential amenities of neighbouring occupiers.

Due to the level of demolition works which involves the removal of an asbestos roof, the council's Environmental Protection Manager has recommended a pre-commencement condition to ensure that dust levels and the disposal of asbestos are safely dealt with



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throughout the demolition and construction works. This condition has been agreed by the agent/applicant.

### **HIGHWAYS**

The proposal would utilise the existing farm access from Summer Street. This residential street has no footpaths along this section and traffic speeds are restricted to 20mph

The Local Highways Authority has commented that whilst the access is substandard due to restricted visibility splays and width, given that the proposal replaces an existing barn which has the potential to generate a similar level of vehicular movements, then the use of the access will not be intensified and is considered acceptable.

The level of vehicle movements associated with the proposed dwelling would be comparable with those generated by the 'fallback position'.

Adequate parking facilities will be provided in accordance with the council's adopted standards and Manual for Gloucestershire Streets. The provision of electric vehicle charge points and secure cycle storage are shown on the proposed plans, and therefore conditions are recommended to ensure their implementation and future provision.

The proposal would not have a detrimental impact on highway safety and accords with Policy ES3(5).

The site bounds a first tier settlement and is within easy walking distance of shops, services and facilities. It is in a sustainable location and meets the requirements of the NPPF and with Local Plan policies CP14 and EI12.

### **LANDSCAPE**

The site is situated on the gently sloping hillside on an edge of settlement location and the proposal is visible from some long distance views across the valley.

The site falls within the Landscape Character Assessment classification 'Secluded Valleys', where one of the key priorities are to 'ensure careful and stringent planning controls on the siting and design of new development to maintain the character of this landscape type and protect the AONB landscape'. The AONB lies 160m to the northeast of the site.

Given that the building is of a slightly reduced scale and similar form and materials as the 'fallback position' the proposed dwelling would not have a significant impact on the appearance of the landscape. The dwelling would be viewed against the existing residential area and would not appear overly prominent or out of place. The proposed residential unit has been reduced to the area directly around the dwelling and to ensure that associated landscaping and domestic paraphernalia does not intrude into the open countryside. A condition is recommended to control boundary treatments; to ensure they are appropriate for the rural setting.

The proposal would cause no harm to the character and appearance of the natural landscape and accords with Policy ES7.



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### **ECOLOGY**

The proposal involves the demolition of the barn and the ecology report established no evidence of roosting bats or any other notable or protected species utilising the site. However, the ecologist did note the site provides suitable habitat and as such, has outlined reasonable avoidance measures in the unlikely event that nesting birds, reptiles or small mammals are discovered during the construction works. A condition has therefore been recommended to ensure that the works are undertaken in accordance with the report and its recommendations.

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Therefore, a condition is recommended to ensure that simple biodiversity enhancements are incorporated into the scheme in the form of bat and bird boxes.

The site lies within the 3km core catchment zone of the Rodborough Common Special Area of Conservation (SAC). Policy ES6 of the adopted Local Plan requires development proposals to contribute to appropriate mitigation and management measures. The applicant has committed to make a one-off S.106 contribution of £200 to the council's avoidance mitigation strategy and a legal agreement securing this contribution has been submitted as part of the application.

The proposed site falls within the 15.4 km core catchment zone of the Cotswold Beechwoods. The core catchment zone indicates that any new dwelling or holiday accommodation within the zone is highly likely to result in an increase in recreational pressure to the Cotswold Beechwoods (SAC and SSSI); at a level considered detrimental to the sites qualifying features. Therefore, Stroud District Council as the competent authority has undertaken an Appropriate Assessment and has identified additional mitigation measures considered necessary to address the uncertainty of the proposal. As a result, should the development be supported, a home information pack will need to be created. This will need to be submitted to and agreed in writing by the Local Planning Authority, it will need to detail the ecological importance of the Cotswold Beechwoods, appropriate code of practice for using the woodlands and alternative local recreational sites. This requirement could be dealt with by planning condition and a suitable condition has been recommended.

The time constraints of complying with the recommended Biodiversity conditions have been amended to prior to first occupation of the dwelling, as are not deemed to be required prior to commencement or within 3 months of the permission.

### **ARCHAEOLOGY AND HERITAGE ASSETS**

The heritage assets in this case are 139 (Slade Cottage) and 141 (The Coach House) Summer Street and Slade House. These properties front Summer Street and the proposal site lies to the rear/north of the properties, set down at a lower level.

The existing barn is proposed to be replaced by a dwelling or a similar footprint, scale and appearance. Due to the presence of an existing barn and the separation from the listed buildings by an historic stable building, it is considered that no harm will arise to the setting of



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the listed building. The application has been assessed in accordance with paragraphs 189 - 202 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

### **OBLIGATIONS**

A legal agreement has been submitted by the applicant to secure a financial contribution towards appropriate mitigation and management measures for Rodborough Common (SAC).

### **REVIEW OF CONSULTATION RESPONSES**

The letters of support from the Town Council and the public have been acknowledged.

### **PLANNING BALANCE**

Officers consider that the effect of the development would be similar to that of the 'fallback position', which has been acknowledged as having a real prospect of being implemented. The 'fallback position' establishes a residential use of the site and has significant weight in favour of granting planning permission.

In principle harm has been identified as the proposal conflicts with policy CP2, CP3 and CP15. However, as the site abuts the settlement boundary of a First Tier settlement, the site is sustainable. Only limited resulting harm has been identified from the location. A further harm has been identified through the encroachment into the countryside. Again, while there is some additional land take, this is limited and as a result, the overall harm is limited.

With regard to design and appearance, residential amenity, highways, heritage, landscape, and ecology, there is either no resulting harm or the impacts of the development can be satisfactorily managed through appropriate planning conditions.

The weight in favour of granting planning permission outweighs the identified harms.

### **RECOMMENDATION**

The proposal is considered to be acceptable due to the reasons given above and the application. It is recommended that, following the end of the re-consultation period and subject to no new material planning issues being raised, planning permission is granted subject to the conditions listed below.

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

Site Location Plan of 09/03/2022

Landscape Plan of 09/03/2022

Proposed Block Plan of 09/03/2022

Proposed Roof plan of 29/11/2021

Proposed Ground Floor plan of 29/11/2021

Proposed First Floor plan of 29/11/2021

Proposed West Elevations of 29/11/2021

Proposed North Elevations of 29/11/2021

Proposed East Elevations of 29/11/2021

Proposed South Elevations of 29/11/2021

Waste and Water Management plan of 10/3/2022

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.

4. All works shall be carried out in full accordance with the recommendations contained in the Preliminary Ecological Appraisal and Nocturnal Bat Survey Results, Cotswold Environmental, dated August 2021 already submitted with the planning application and agreed in principle with the local planning authority prior to determination.



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Reason: To protect and enhance the site for biodiversity in accordance with paragraph 174 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

5. The dwelling hereby permitted shall not be occupied until details of the Cotswolds Beechwood's Special Area of Conservation Mitigation Strategy have been submitted to and approved in writing by the local planning authority. The strategy shall include the following details:

A homeowner information pack (HIPs) that includes information on recreational opportunities in the local area and describes sensitivities of locally designated sites such as Cotswold Beechwood's Special Area of Conservation.

Reason: The above strategy will ensure that the development does not significantly affect the Cotswold Beechwood's Special Area of Conservation, this enable Stroud District Council as the competent authority to discharge its Statutory duty in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

6. Prior to the first occupation of the dwelling hereby permitted, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 180 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

7. 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





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Local Plan Policy ES3.

8. Construction/demolition works shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority. This should include an assessment of the presence of all asbestos containing materials and how these will be safely dealt with.

Reason: To protect the residential amenities of neighbouring occupiers and to ensure that risks from asbestos to future users of the land and neighbouring land are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is required prior to commencement to avoid any adverse impact on human health.

9. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with the approved plans and thereafter shall be kept available for the parking of bicycles only.

Reason: To promote sustainable travel and healthy communities

10. The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

11. The dwelling hereby permitted shall not be occupied until details of all boundary treatments 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 and similarly maintain thereafter.

Reason: In the interests of the visual amenities of the area.

Informatives:

1. This planning permission is subject to a legal agreement and the



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applicant/developer's attention must be drawn to the obligations within it.

2. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, may constitute immediate offences, actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received.
3. **ARTICLE 35 (2) STATEMENT** - The case officer contacted the applicant/agent and negotiated changes to the design that have enhanced the overall scheme.