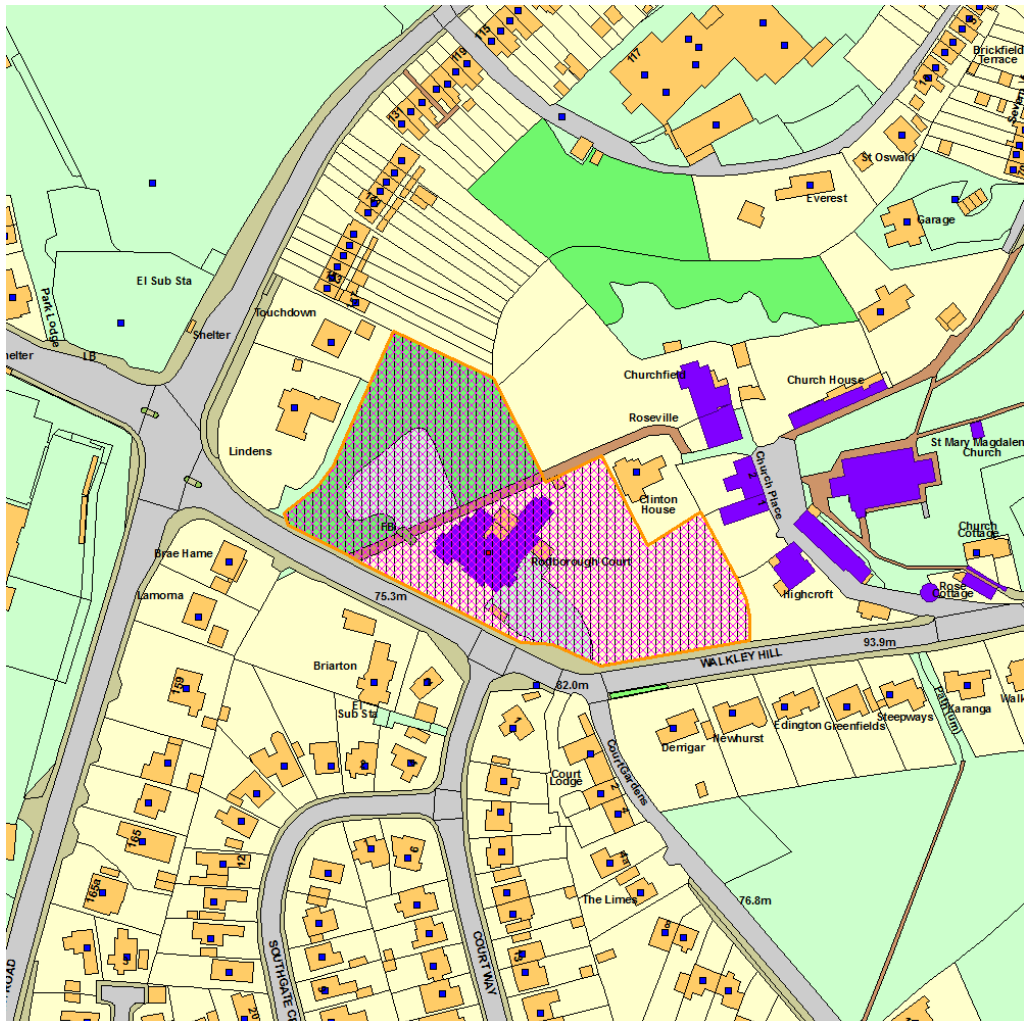




# Development Control Committee Schedule 07/03/2023

<b>Item No:</b>	1
<b>Application No.</b>	S.22/2538/VAR
<b>Site No.</b>	PP-11659066
<b>Site Address</b>	Rodborough Court , Walkley Hill, Stroud, Gloucestershire
<b>Town/Parish</b>	Rodborough Parish Council
<b>Grid Reference</b>	384206,204416
<b>Application Type</b>	Variation of Condition
<b>Proposal</b>	Variation of condition 2 (approved plans) of application S.17/1766/FUL. - Revise the glazing system to the second floor extension (Revised drawings received 30.1.23)
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Parish Council





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<b>Applicant's Details</b>	Mr J Cabrini-Dale Omnitrack Limited, Rodborough Court , Walkley Hill, Stroud, GL5 3LR
<b>Agent's Details</b>	Mr Matthew Austin Austin Design Works, The Old Warehouse, Old Market, Nailsworth, GL6 0DU
<b>Case Officer</b>	Gemma Davis
<b>Application Validated</b>	28.11.2022
	<b>CONSULTEES</b>
<b>Comments Received</b>	Contaminated Land Officer (E) Historic England SW Rodborough Parish Council Conservation North Team
<b>Constraints</b>	Consult area Listed Building Within 50m of Listed Building Rodborough and Westrip Parish Council Affecting a Public Right of Way Rodborough 3km core catchment zone Settlement Boundaries (LP) Single Tree Preservation Order Points TPO Areas (Woodland/ Groups) Village Design Statement
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

- o Principle of development
- o Design, appearance, impact on the area
- o Heritage assets
- o Residential amenity
- o Highway safety

### INTRODUCTION

Rodborough Court is a grade II Listed building that dates from 1888. It was built in the elaborate French Renaissance style, complete with tower, pedimented dormers and decorative stone detailing.

The building is set on an elevated position within a residential area of Rodborough.

The building benefits from a Class E use (commercial, business and service.)



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The building is located within the defined settlement limits and outside of any landscape designations.

The application has been called to development control committee by Rodborough Parish Council. The planning reason for the call in request:

"Concern in relation to Health and Safety with the double doors on the second floor.

The change of glass materials and that the manifestation should be for the full length of the glass not just 2 meters due to loss of privacy for neighbours (ES3).

Concern with the terminology of Ballroom used and the potential change of use in the future.

Planning conditions to include restricted use to business hours 9am-5pm to protect the quality of life of neighbours (ES3)

There is a lot of concern locally about the long-term plans for this building and the council wants to make every effort to see that the small changes appearing bit by bit don't add up to something that will end up causing nuisance in a primarily residential area.

The glass panelling proposed to the new extension needs to be fully opaque on the sides overlooking its neighbours and conditions need to be put in place to prevent this being used outside office hours as was requested with the original application for the extension (S.17/1766/FUL - already agreed and in the most part already built).

Included in the current variation is a very strange (and worrying) patio door, currently opening into mid-air. It is assumed that long term they would add steps/a balcony which would then allow for more potential disturbance to neighbours. The fact that they have started referring to this space as a 'ballroom' has heightened the concern about their future plans."

There is quite an extensive planning history at the site with a variety of applications for alterations and extensions. Most recently (September 2022) an application was submitted for the change of use of part of the building to a flexible use incorporating the use of the building and its grounds as a wedding and function venue and the siting of a marquee. This application was withdrawn in October 2022 due to concerns raised by the planning service.

### **PROPOSAL**

Variation of condition 2 (approved plans) of application S.17/1766/FUL which gave permission for the glass box extension.

The application seeks permission to make alterations to the glazing system to the second floor extension. The alterations include:

- o To the southwest elevation, install full height transparent sliding doors that includes a 'Juliet style' balcony with a pane of glass fixed shut either side of the sliding doors.



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- o To the north east elevation, install a mixture of fixed shut translucent panels (2m in height), a set of transparent sliding doors and two panes of transparent fixed shut panels
- o To the north west elevation, install transparent fixed shut glazing
- o To the south east elevation, install a set of full height sliding doors with a 'Juliet style' balcony with a transparent pane of fixed shut glazing to each side

### REVISED DETAILS

The latest revisions were received on the 30th January 2023 labelling the glazing that is proposed to be transparent, translucent, opening and fixed shut. The revisions have also omitted the proposed solar panels as they cannot be considered as part of a Section 73 application as they did not form part of the previous approval.

### MATERIALS

Double glazed Eco Haus glazing set in cement grey aluminium frames

Frosted panes: Opal white frosted window (abode window films)

### REPRESENTATIONS

#### Statutory Consultees:

#### Contaminated Land Officer

No comments

#### Historic England

Seek views of conservation specialist.

#### Rodborough Parish Council

Rodborough Parish Council agreed to object to the application with the following comments:

- o Concern in relation to Health and Safety with the double doors on the first floor
- o The change of glass materials and that the manifestation should be for the full length of the glass not just 2 meters due to loss of privacy for neighbours (ES3)
- o Concern with the terminology of Ballroom used and the potential change of use in the future
- o Planning conditions to include restricted use to business hours 9am-5pm to protect the quality of life of neighbours (ES3)

#### Conservation Specialist

The site is in proximity to the Grade II listed Rodborough Court. 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



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desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The proposed addition is very little altered from the approved extension. As before, it is a somewhat startling re-interpretation of a previously existing conservatory. The flamboyance of the main house would be left unchallenged, and the new extension will have its own identity.

The issue of illumination is generally a planning matter but can also apply if there is an impact on the character of the listed building. The approved glazing was channelled glass, which would have provided a diffuse glow rather than a glare. The current proposal, which is for plain but obscured glass would create the same effect. There would be no harm to the special interest of the listed building.

### **Public:**

At the time of writing the report, eleven letters of objection had been received. A full copy of which can be obtained on the Council's website. The concerns will be addressed as part of the case officer's report.

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

National Planning Policy Framework.

Available to view at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

Section 66(1) - of the Planning (Listed Buildings and Conservation Areas) Act requires that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, and in particular, listed buildings.'

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Council's 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.
- CP14 - High quality sustainable development.
- ES3 - Maintaining quality of life within our environmental limits.
- ES6 - Providing for biodiversity and geodiversity.
- ES10 - Valuing our historic environment and assets.
- ES12 - Better design of places.



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### PLANNING CONSIDERATIONS

#### PRINCIPLE OF DEVELOPMENT

This application is made under s73 of the Town and Country Planning Act 1990. Under this provision, an application can be made to carry out development without compliance with the conditions previously attached. In determining such applications, the local planning authority may only consider the conditions themselves. As a result, the authority must do one of two things:

1. Decide that the planning permission should be granted subject to different conditions to that previously granted, or be granted unconditionally, and determine the application accordingly; or,
2. Decide that the planning permission should be granted subject to the original conditions and refuse the application.

In this case, an application has been made to vary condition 2 of planning permission S.17/1766/FUL. That condition listed the plans showing the development permitted and the reason for applying the condition was 'to ensure that the development is carried out in accordance with the approved plans and in the interests of good planning'.

Alterations to the design of the extension are proposed. These have been summarised above. If carried out, the development would not comply with the condition of the original planning permission as the external appearance is materially different. This application seeks to vary the planning permission by substituting the plans for the revised design.

The three-storey extension at Rodborough Court has been approved under planning permission S.17/1766/FUL. The extension is well underway and as such officers are satisfied that the permission has been implemented and remains extant.

The principle of the development is therefore established. This application seeks to make an amendment to the approved glazing in the second-floor extension from channelled glass to a mixture of transparent and translucent glazing with sliding doors and panels that are fixed shut. Officers are satisfied that the changes are minor in nature and those changes are addressed further below.

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

The proposed amendments are set out and considered as follows:

##### **Change of panels to transparent and translucent and opening / sliding doors**

The most notable change is the change to the glazing. The original permission uses channelled glass that is fixed shut to each elevation of the glass box extension. The case officer's report for the approved glass box extension identifies that the channelled glass would be obscure, however the approved drawings do not specifically stipulate this, and no planning conditions were imposed to control this.

It is no longer cost and thermally effective to install channelled glass and therefore it is proposed to install wider panes of glass in an aluminium frame, some of which are proposed



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to be transparent, some translucent, some fixed shut and some with sliding doors and 'Juliet style' glass balconies.

While this represents a change to the appearance of the extension and the concept of the continuous glass surface may be somewhat lost, the majority of the extension will still be consistent with the previous consent in that the extension would still represent a glazed box addition albeit set within aluminium frames. The appearance of the extension would still be a simple design that is modern in appearance, that responds well to its context providing a bold contrast to the ornamentation of the main house.

In terms of the changes, it is proposed to change the southwest elevation to a set of full height transparent sliding doors that includes a 'Juliet style' balcony with a fixed shut pane of glass either side of the sliding doors. To the northeast elevation, it is proposed to install a mixture of fixed shut translucent panels (2m high), a set of transparent sliding doors and two panes of transparent fixed shut panels either side of the doors. The section of glazing that will be entirely fixed shut and translucent 2m in height will be the front section of the extension. It is proposed to install transparent fixed shut glazing to the northwest elevation and a set of full height sliding doors with a 'Juliet style' balcony with a transparent pane of fixed shut glazing to each side to the southeast elevation.

This design would not provide any additional footprint, it would just allow for more natural light and ventilation. The location of the openings is such that they would not have a significant impact on residential amenity and would just have an outlook of the grounds of Rodborough Court and beyond rather than direct views of surrounding neighbouring properties.

While it is noted that the transparent panes may create some light spill, it is further noted that the site is located within an urban area where lighting is a common feature. In terms of additional light, only any increase in light spill between the previously approved design and the proposal herein can be considered. As such, the potential for light spill is not considered to warrant refusal of the application.

Accordingly, the changes would not result in a detrimental impact when considered against the design and appearance of the consented extension and on this basis, officers are satisfied that the changes are acceptable. The extension represents good design, and the changes would not have an adverse impact on the character of the building or its vicinity.

### **HERITAGE CONSIDERATIONS**

Rodborough Court is grade II listed. As set out earlier in this report, the principle of the development has been established and the development is under construction. The proposed changes to the development are cosmetic in nature and do not make significant changes to the scale, position and scope of the development already approved.

Given the assessment of the visual impact outlined above, officers are satisfied that the changes would not result in harm to the special interest of the listed building.



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### **RESIDENTIAL AMENITY**

There are no changes to the scale or position of the development. Accordingly, officers are satisfied that the proposed amendments would not have any overbearing or overshadowing impacts.

In regard to privacy, the closest potentially affected neighbouring resident would be Clinton House. Clinton House is positioned northeast of the site and at a much higher level. Due to the change in land levels, there is an outlook towards Clinton House, however not direct, and with a separation distance of more than 25 metres. To seek to maintain the privacy of the residents of Clinton House, it is proposed to obscurely glaze and fix the panels shut to a section of this northeast elevation of the extension.

While it is noted that there is an element of the extension that is proposed to be transparent with sliding doors to the northeast elevation also, this element is positioned further away from Clinton House and due to the change in land levels, the relationship between the properties and the fact that a proportion of built form at Rodborough Court extends out beyond the glazed element of the extension, the outlook would be somewhat obscured. It therefore considered that it is acceptable for this section of the extension to benefit from clear glazing.

It is noted that there is a mature TPO protected Ash tree with a large canopy on the boundary between the two sites that does offer some screening, however limited weight can be afforded, as the tree may become diseased and may need to be removed. While the occupiers of Clinton House consider that the revised scheme is to their detriment, it could be argued that this scheme offers betterment in terms of protecting their privacy as the previous scheme was not conditioned to be obscurely glazed and therefore the applicant could install transparent channelled glass in accordance with the previous planning permission should he so wish.

To the southeast elevation of the extension, there is an outlook of the grounds of Rodborough Court. Neighbouring properties are positioned at a much higher level, separated by a hard boundary and of a significant distance away. Therefore, there are no concerns in the potential for overlooking from this orientation of the extension.

To the southwest elevation of the extension, there is an outlook towards the grounds of Rodborough Court, namely the parking forecourt, the main highway known as Walkely Hill and views beyond. Neighbouring properties are positioned at a much lower level, separated by a main highway and of a significant distance away. Therefore, there are no concerns in the potential for overlooking from this orientation of the extension.

Regarding the potential for noise disturbance from opening the sliding doors, it should be noted that the site is located within an urban area and noise would not be an uncommon feature. It should be further noted that the existence of a planning permission does not prevent the Council from taking action under Statutory Nuisance legislation should the need arise. This legislation is entirely separate to planning legislation and would enable a nuisance such as noise to be controlled.





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### **HIGHWAY SAFETY**

There are no changes to the layout of the development or the access therein. Accordingly, Officers are satisfied that the proposed amendments are acceptable in this regard.

### **REVIEW OF RESPONSES**

A full copy of correspondence can be obtained in full on the Councils website.

#### Health and Safety with the double doors on the second floor

This is not a matter that would be controlled via planning legislation, it is a building control matter. That notwithstanding, the sliding doors have 'Juliet style' balconies included.

#### Amount of obscure glazing to protect neighbours

Superseded schemes indicate 2m height obscure glazed panels. The revised scheme proposes full height 3m obscure panels.

#### Concern with the terminology of 'ballroom' used and the potential change of use in the future

This is not material to the planning application for a variation of approved plans. Each application is dealt with on its own merits.

#### Planning conditions to include restricted use to business hours 9am-5pm to protect the quality of life of neighbours

This is not material to the planning application for a variation of approved plans. The use of the site has not changed as part of this planning application.

#### Long term plans for this building

Each application is dealt with on its own merits, any future applications would be assessed against planning policy accordingly. It is not possible to consider what may happen through the scope of this application.

#### Fully opaque glazing on the sides overlooking neighbours

The element of the extension that has an outlook towards Clinton House is proposed to be obscurely glazed and fixed shut, this will also be controlled via condition. The other elevations that have an outlook towards other residential properties is not proposed to be obscurely glazed and fixed shut due to the separation distance, the intervening highway and change in land levels.

#### Failure to advertise the application

A site notice was erected on the site on the 8th December 2022. It was also advertised in the Stroud News and Journal on the 7th December and neighbour letters were sent to properties that share a common boundary. The application has been advertised in excess of the statutory requirements.

#### Lack of community engagement

This is unfortunate; however the planning service cannot control that it happens.



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### No justification for the development

A business plan or details of the intended use of the extension is not a material consideration to this planning application. This application seeks to approve the change in visual appearance only.

### Failure to comply with original permission

The planning system allows for amendments / alterations to be made to schemes.

### Failure to address the wider setting of Rodborough Court

The change in visual appearance would not result in harm to the identified heritage asset.

### Lack of ecology report

The change in materials would not necessitate the need for an ecology survey. The application has been submitted due to the change in the visual appearance. The principle of the extension has already been established.

## **CONCLUSION AND RECOMMENDATION**

The amendments to the glazing would result in a slightly different appearance to that of the earlier approved application, however the concept of a glazed extension would still remain.

In terms of the impact on residential amenity, the revised scheme would offer betterment as the previous permitted scheme did not condition the channelled glass to be obscurely glazed. While it is noted that channelled glass tends to have a misted finish, some of the finishes of channelled glass do not offer the level of translucent finish that glazing at a Pilkington level three would.

In light of the above Officers consider the proposed development to be acceptable subject to condition.

## **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:**

1. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:  
  
EX002 The location plan received 28.11.22  
SD240 G Proposed elevations received 30.1.23  
SD202 E Proposed roof plan received 17.1.23

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.

2. Within one month of the installation of the glazing, the panels labelled translucent on submitted drawings (SD240 G proposed elevations received 30.1.23 and SD202 E proposed roof plan received 17.1.23) shall be obscured to a minimum of Pilkington level three and shall be retained and maintained as such thereafter.

**Reason:**

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

**Informatives:**

1. ARTICLE 35 (2) STATEMENT - Whilst there was little, if any, pre-application discussion on this project it was found to be acceptable and required no further dialogue with the applicant.
2. This application is for planning permission only. Listed building consent will follow under a separate cover.