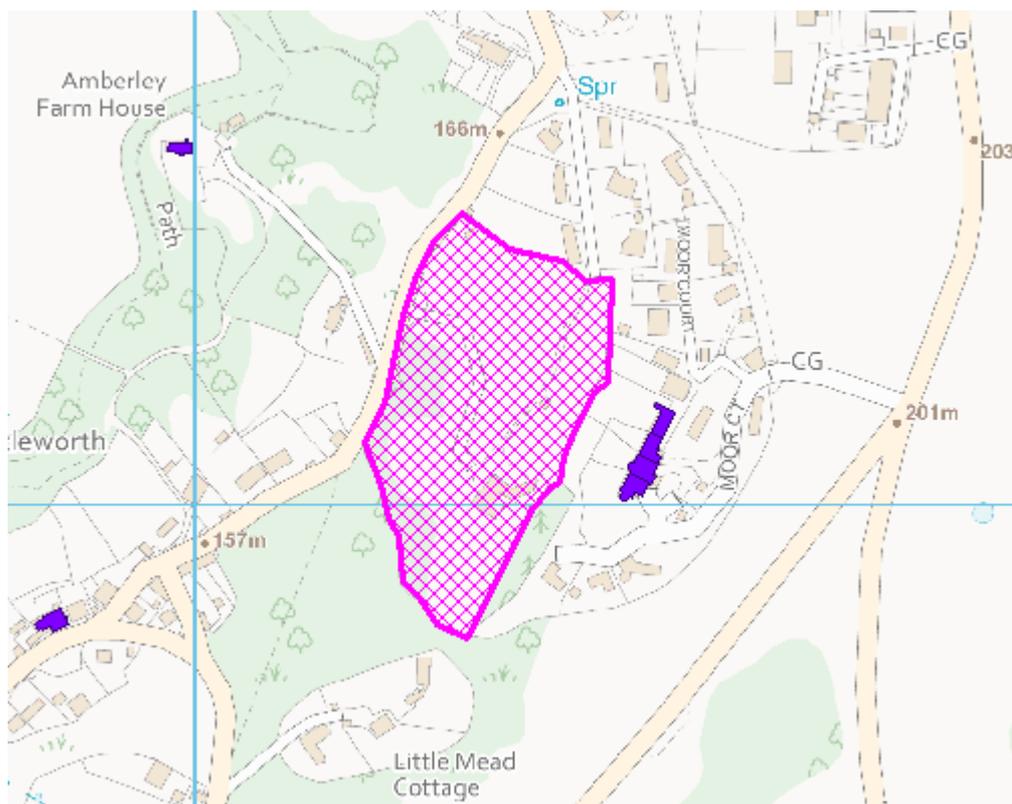




## Development Control Committee Schedule 30/03/2021

<b>Item No:</b>	<b>01</b>
<b>Application No.</b>	S.20/2729/HHOLD
<b>Site Address</b>	Manor House, Lower Littleworth, Amberley, Stroud
<b>Town/Parish</b>	Minchinhampton Parish Council
<b>Grid Reference</b>	385192,202007
<b>Application Type</b>	Householder Application
<b>Proposal</b>	Resubmission of S.19/2716/HHOLD - Revised application for creation of studio with associated landscaping & hard standings.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Councillor Nicholas Hurst





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<b>Applicant's Details</b>	Mr K Washburn & Ms P Lyon C/O Mr A Case, 12 Marling Crescent, Paganhill, Stroud, Gloucestershire GL5 4LB
<b>Agent's Details</b>	Mr A Case 12 Marling Crescent, Paganhill, Stroud, Gloucestershire, GL5 4LB
<b>Case Officer</b>	Griffith Bunce
<b>Application Validated</b>	15.12.2020
	<b>CONSULTEES</b>
<b>Comments Received</b>	Arboricultural Officer (E) Conservation North Team Environmental Health (E) Conservation South Team
<b>Constraints</b>	Area of Outstanding Natural Beauty Kemble Airfield Hazard Within 50m of Listed Building Neighbourhood Plan Minchinhampton Parish Council Rodborough 3km core catchment zone Site of Special Scientific Interest Single Tree Preservation Order Points TPO Areas (Woodland/ Groups)
	<b>OFFICER'S REPORT</b>

### INTRODUCTION

This application seeks planning permission for the erection of a single-storey outbuilding at Manor House in Lower Littleworth. The outbuilding would provide a music studio and recording facilities. Built into a bank, the building would have a front-facing mono-pitch green roof with rendered walls.

Planning permission has previously been given for a replica building in an alternative location within the site (S.19/2716/HHOLD). Site investigations have identified underground constraints which have resulted in the relocation of the building.

In terms of constraints, the site is located outside of any defined settlement limits, there is a listed building to the east, and this part of the District is within the Cotswolds Area of Outstanding Natural Beauty.



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### REPRESENTATIONS

Conservation: No objection.

The site is located within 50 metres of a listed building. The previous proposal was for a largely subterranean building that would have nestled within the slope of the land and been largely hidden from views. This proposal is for a more stand-alone building that will have a greater visual impact. The long range views of the site have been assessed and the proposed building will not be harmful to the setting of Moor Court.

Environmental Protection:

No objection subject to suggested 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, including earthworks, 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.
3. The studio hereby permitted shall only be used for domestic purposes incidental to the enjoyment of the dwelling house as such, and not for any industrial, commercial or business use.

Severn Trent: No objection.

There may be a public sewer within or in close proximity to the application site. Consent is required from Severn Trent to build close to, build directly over, or divert a sewer. The applicant is advised to discuss the proposal with Severn Trent.

Trees: No objection subject to suggested conditions –

1. Details of a scheme of hard and soft landscaping for the development must be submitted to and approved by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping areas and boundary treatments (including the type and colour of materials), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers/ densities. Any trees or shrubs that fail within a five-year period must be replaced.



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### Public

17 comments of objection have been received which raise the following -

- Conflict with Development Plan
- Design quality
- Disturbance from building work
- Doorway to larger scale events at the site
- Highway impact
- Impact on heritage assets
- Impact on landscape and views
- Inaccurate plans submitted
- Loss of trees/ hedgerows
- No community benefit
- Noise
- Not all residents notified
- Other works undertaken at the site
- Potential business use/ existing business uses on site
- Proposal is not a sustainable development
- Proximity to underground services
- Site masterplan should be shared
- Size of building
- Subsidence/ unstable ground
- Very specific, questions what future use may have
- Visual impact

A heritage asset impact assessment has also been submitted.

### LEGISLATION

Town and Country Planning Act 1990

Planning (Listed Buildings and Conservation Areas) Act 1990

Wildlife and Countryside Act 1981

Countryside and Rights of Way Act 2000

### NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework

Planning Practice Guidance

*Stroud District Local Plan (Adopted) November 2015*

CP1 - Presumption in favour of sustainable development.

CP14 - High quality sustainable development.

HC8 - Extensions to dwellings.

ES3 - Maintaining quality of life within our environmental limits.

ES10 - Valuing our historic environment and assets.

ES12 - Better design of places.

*Minchinhampton Neighbourhood Development Plan (Made) July 2019*

MPDev1 New development



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### *Supplementary Guidance*

Residential Design Guide SPG (2000)

Stroud District Landscape Assessment SPG (2000)

### **RELEVANT PLANNING HISTORY**

Reference: S.19/2716/HHOLD

Description: Creation of studio with associated landscaping and hard standings.

Decision: Approved

Date: 28 February 2020

### **PRINCIPLE OF DEVELOPMENT**

Policy HC8 allows for the erection of outbuildings incidental to the enjoyment of a dwelling where a set of criteria are met.

#### Incidental Development

There is no definition of 'incidental' within planning law. Instead, case law has established how the terms should be interpreted by decision makers. The leading case is *Emin v SSE 1989* although other cases have followed since. To be incidental an outbuilding should be reasonably related to the enjoyment of a dwelling house. However, incidental development does not allow for development at the unrestrained whim of the occupier. Whether a development is incidental is therefore a matter of planning judgement.

The Manor House is a large property set in extensive grounds. There is nothing to suggest that the site of the proposal building falls outside the curtilage of the house.

Music is a well-established hobby. Meeting together to rehearse, write, and enjoy music is a reasonable activity in residential settings. While the proposed building is relatively large, it is not unreasonably related to an incidental residential activity and is not development on a whim. Furthermore, the local planning authority has previously accepted the building albeit in a different location as an incidental outbuilding.

Therefore, subject to the detailed analysis set out below the proposed development is acceptable in principle. It should be noted that - should planning permission be granted - any use of the building for purposes that are not incidental would be likely to result in a material change of use and this would require planning permission in its own right.

### **DESIGN AND APPEARANCE**

The building proposed under this application is near identical to that previously approved. Minor alterations have been made to the layout as the site topography is different in the revised location. The most significant change is the amount to which the building will be set within the sloping site.

In the previous location, the building was set into the sloping ground and surrounded by earth banks so that it did not project above ground level. Under the current proposal, the same level of concealment cannot be achieved. Instead, the proposal is still set into the bank but would stand 2 metres higher than the highest part of the adjacent ground level and would stand behind an existing structure. Undoubtedly the current proposal would be more visible than the previous scheme, but that is not the test to be applied or a sound reason to resist the development.



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The grounds of the house are extensive and the proposed building would not result in a cramped or overdeveloped site. There is significant separation between the proposed building and the principal house. The proposed building would not compete visually with the main house and the height, scale and form respond to the landscape and topography. The development would not have an adverse impact of the site's character or the setting of the wider site context. The design is therefore acceptable.

### **HERITAGE**

To the rear (east) of the proposed building stands Moor Court, a grade II listed building. Many of the objections to the scheme relate to the impact of the proposal on the setting of the heritage asset. In determining this application, great weight must be attributed to the conservation of the heritage asset.

On initial assessment, the conservation officer raised concern that because this proposal was more of a stand-alone building which projected out of the land, it may have a greater visual impact on the setting of the heritage asset. Of particular concern was the potential for the development to be visible in long-range views of Moor Court.

In response the applicant submitted photographs of the site from locations around the surrounding valley. These were reviewed by the conservation officer who subsequently concluded that the development would not be harmful to the setting of Moor Court. As no harm has been identified, in accordance with Section 16 of the NPPF, the development is acceptable in this regard.

A Heritage Asset Impact Assessment has been submitted as part of the public consultation. Due to the lead-in times for publication of a committee report, comment on this document has not been received from the conservation officer. If the conservation officer wishes to make comment on the submission, this will be reported as part of the late pages.

### **RESIDENTIAL AMENITY**

Development should not be permitted that would lead to an unacceptable impact on the living conditions of nearby occupiers.

The scale, form, and location of the building means it will not result in an overbearing impact, the loss of light, or reduction in privacy.

#### Noise

Given the proposal is for a multi-media music studio, there are concerns around the impact of noise.

The supporting statement addresses noise concerns. It states that the building has been designed to be sound proofed to avoid any external noise affecting recordings. It also states that this means there would be no noise leakage from the building; the only rooms not subject to sound proofing are the lobby and toilet.

Whether or not that is the case, the test to be applied is not if any sound can be heard but whether if there is noise, if the level of that noise is unacceptable. The environmental health officer has reviewed the proposals and has raised no concerns over the impact of noise. Officers are therefore satisfied that there would be no unacceptable impact on the amenity of nearby occupiers resulting from noise associated with the development.



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### **LANDSCAPE AND TREES**

The site is situated within the Cotswolds AONB. Great weight should be given to conserving and enhancing scenic beauty in AONBs. The application site is not isolated and the surrounding area contains many buildings. The proposed development would nestle into the slope of the land. If permitted, the proposal would not have an adverse impact on the special character of the area or the contribution it makes to the scenic beauty of the AONB.

#### Trees

A number of trees are located in proximity to the proposed development. An area Tree Preservation Order covers land to the south east of the site, but does not extend into the area where the building is proposed. Works are likely to be required to trees should the development be permitted. The principle of these works are acceptable and therefore this matter can adequately be controlled by condition.

### **GROUND STABILITY**

Planning decisions are required to take account of whether a site is suitable for the proposed use taking into account any risks arising from land instability. However, where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Concern has been raised by interested parties around the stability of the ground. The planning system controls land use. The immediate area is used for residential purposes and the proposal is for an incidental residential outbuilding. The site is therefore suitable for the proposed use (as there is no material change of use). The extent of operational development is not so significant that officers are concerned of wider risk arising and therefore it would be the responsibility of the developer or landowner to ensure the development take adequate account of ground conditions.

### **HIGHWAYS**

This application seeks permission for an outbuilding in connection with the existing residential use. As a result, if permitted, the proposal would not result in a material increase in traffic generation or parking demand and therefore the development is acceptable in this regard.

### **ECOLOGY**

A specific biodiversity comment has not been sought. However, a biodiversity comment was supplied for the previous application. No objection was raised to the development subject to the application of a number of conditions relating to: external lighting, a construction ecological management plan, and a restriction on the removal of trees. These conditions were subsequently applied to the permission.

There is nothing to suggest that those conditions are not still relevant and therefore they should be re-applied to any permission given.



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### **REVIEW OF CONSULTATION RESPONSES**

A number of issues raised through the public consultation responses have not been addressed in the body of this report. These will be addressed here.

Concern over the disturbance from building works was previously subject to a condition controlling working hours; it is recommended this condition is replicated.

Planning permission must be assessed and determined on the information presented to the local planning authority. The analysis above concludes that the proposal is for an incidental residential purpose. The use of the site for non-residential purposes would require planning permission in its own right. Therefore, little weight is given to any future development or use of the site which may or may not occur.

Officers consider the plans submitted with the application adequate enough to enable a thorough assessment. Officers also conclude that adequate publication of the application was made, including the display of a site notice and postal notification to direct neighbours.

There is no mechanism for the local planning authority to require the landowner to share their vision for their site or any masterplan that they may or may not have. Further, there is no requirement for a community benefit for an incidental residential outbuilding to be permitted.

Concerns regarding the proximity to underground services cannot be addressed through the planning system. Consent is required from the statutory undertaker for development within a certain distance of their equipment; this is separate from the planning process.

### **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.

### **PLANNING BALANCE**

Planning permission is sought for a music studio. The proposal has been assessed to be reasonably required for purposes incidental to the dwelling. No harm to the adjacent heritage asset, the landscape, or design has been identified. The impact on trees and biodiversity, as well as protections to residential amenity have been secured through condition.

Therefore, the balance falls to approving this application.

### **RECOMMENDATION**

It is recommended that planning permission is GRANTED subject to the conditions listed below.



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### Subject to the following conditions:

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the following plans:
  - 1626/01 A Site Location Plan,
  - 1626/03 D Proposed Block Plan,
  - 1626/04 G Proposed Site Plan,
  - 1626/05 G Proposed Floor Plan, Roof Plan, and Elevations, all received 15 December 2020.

Reason:

In the interests of consistency and proper planning.

3. The outbuilding hereby permitted shall only be used for domestic purposes incidental to the enjoyment of the dwelling house as such, and not for any industrial, commercial or business use.

Reason:

An alternative use of the site would require assessment against the provisions of the Development Plan and in the interests of the amenities of occupiers of nearby residential property.

4. The outbuilding hereby permitted shall only be used for purposes incidental to the enjoyment of the dwelling house and shall not be converted to, or used as, any form of primary living accommodation.

Reason:

To enable the Local Planning Authority to retain control over the use of the premises.

5. Prior to the commencement of development, a landscaping scheme shall be submitted to and approved by the local planning authority. The landscaping scheme shall include details of measures to protect retained trees during the course of construction, proposed hard landscaping areas and boundary treatments (including the type and colour of materials), written specifications including cultivation and other operations associated with tree, shrub, hedge or grass establishment, and schedules of plants noting species, plant size and proposed numbers/ densities. The development shall be carried out in accordance with the approved details.



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Reason:

To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and the provisions of the National Planning Policy Framework.

6. Prior to the commencement of development, a Construction Ecological Management Plan ("CEMP") shall be submitted to and approved by the local planning authority. For the avoidance of doubt, the CEMP shall include (but not be limited to):
- (a) Risk assessment of potentially damaging construction activities;
  - (b) Identification of "biodiversity protection zones";
  - (c) Details of the creation of sloping escape ramps for mammals;
  - (d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (this may be provided as a set of method statements, and must include waste and material storage);
  - (e) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset); and,
  - (f) Ongoing monitoring, including compliance checks, by a competent person(s) during construction and immediately post-completion of construction works.

The development shall be carried out in accordance with the approved CEMP.

Reason:

To protect and enhance the natural environment and to accord with policy ES6 of the Stroud District Local Plan 2015.

7. Prior to the installation of any external lighting, a lighting design strategy for biodiversity shall be submitted to and approved by the local planning authority. For the avoidance of doubt, the strategy shall:
- (a) identify the areas/features on site that are particularly sensitive for foraging bats; and,
  - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their commuter route.

Only lighting that accords with the approved strategy may be installed.



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Reason:

To maintain dark corridors for nocturnal wildlife in accordance with policy ES6 of the Stroud District Local Plan 2015.

8. During the construction of the development hereby approved, no trees or vegetation shall be removed or have works undertaken to them between the 1st of March and 31st of August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared.

Reason:

To protect biodiversity and ensure that breeding birds and their nests are safeguarded in accordance with the Wildlife and Countryside Act 1981 (as amended) and policy ES6 of the Stroud District Local Plan 2015.

9. 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 Policy ES3 of the adopted Stroud District Local Plan 2015.

Informatives:

1. **ARTICLE 35 (2) STATEMENT** - The local planning authority has worked in a positive and proactive manner by seeking additional information to inform the decision.