

# **Stroud District Council**

## **Planning Schedule**

### **14<sup>th</sup> February 2017**

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

## **DEVELOPMENT CONTROL COMMITTEE**

### **Procedure for Public Speaking**

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

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

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

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

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

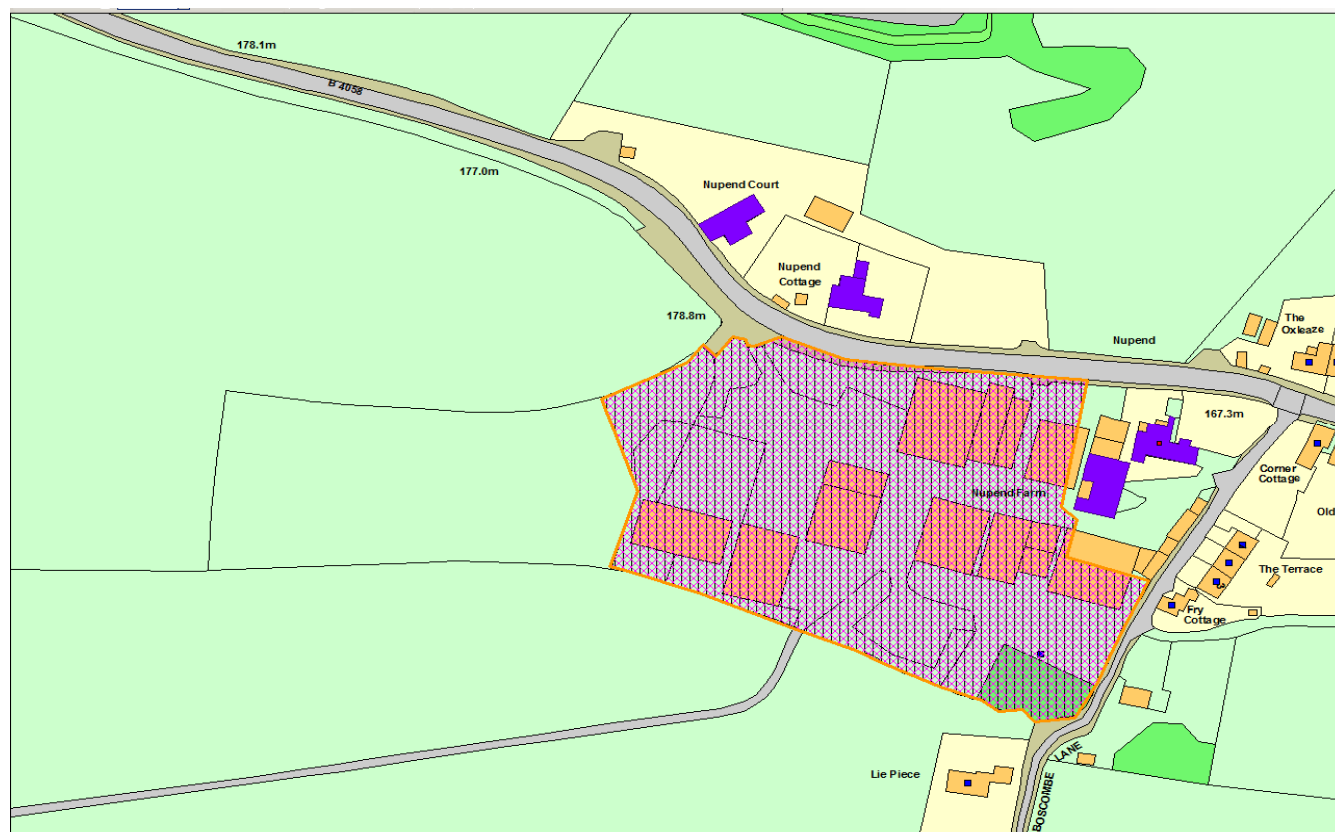
The order for each item on the schedule is

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

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

Parish	Application	Item
Horsley Parish Council	Nupend Farm, Boscombe Lane, Horsley. S.16/1263/FUL - Residential development of 16 dwellings (including 5 affordable units), associated parking, hard and soft landscaping an associated works.	01
Link to website	<a href="http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.16/1263/FUL">http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.16/1263/FUL</a>	

<b>Item No:</b>	<b>01</b>
<b>Application No.</b>	S.16/1263/FUL
<b>Site No.</b>	PP-05056282
<b>Site Address</b>	Nupend Farm, Boscombe Lane, Horsley, Stroud
<b>Town/Parish</b>	Horsley Parish Council
<b>Grid Reference</b>	383270,198171
<b>Application Type</b>	Full Planning Permission
<b>Proposal</b>	Residential development of 16 dwellings (including 5 affordable units), associated parking, hard and soft landscaping and associated works.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Councillor Norman Kay has requested that the application be called before DCC raising concerns that the proposal does not meet the requirements of Policy CP14 'High Quality Sustainable Development', that the affordable housing is not sufficiently integrated into the development and that the range of types, tenures and sizes of housing does not meet policies CP7, CP8 and CP9.



<b>Applicant's Details</b>	c/o agent Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, GL50 1DZ
<b>Agent's Details</b>	Mr Craig Roberts Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, GL50 1DZ
<b>Case Officer</b>	Ceri Porter
<b>Application Validated</b>	03.06.2016
	<b>CONSULTEES</b>
<b>Comments Received</b>	Parish / Town Karen Colbourn Flood Resilience Land Drainage Development Coordination (E) Natural England (E) Crime Prevention Design Advisor (E) Karen Colbourn Severn Trent Water Ltd (E) Natural England (E) Gloucestershire Education Dept (E) Environmental Health (E) Mr David Lesser Cotswolds Conservation Board Contaminated Land Officer (E)
<b>Not Yet Received</b>	Berkeley Vale CPRE Rozelle Jachowicz- 5 Or More Dwellings(E) Crime Prevention Design Advisor (E)
<b>Constraints</b>	Area of Outstanding Natural Beauty Kemble Airfield Hazard Within 50m of Listed Building Neighbourhood Plan Nympsfield Airfield Zone Affecting a Public Right of Way

## OFFICER'S REPORT

### MAIN ISSUES

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

### DESCRIPTION OF SITE

The site is located on the western outskirts of Horsley, immediately adjacent to the settlement boundary as defined by the adopted Stroud District Local Plan (November 2015) (SDLP). The site sits within the Cotswold Area of Outstanding Natural Beauty (AONB).

The site measures 1.48ha and comprises of a redundant agricultural holding, incorporating the associated agricultural buildings in a farmyard setting. The steel framed agricultural buildings and concrete hardstanding cover the majority of the site with the exception of a small orchard area to the south east corner. The orchard was designated as an Asset of Community Value in May 2014.

To the north east corner of the site is the main farmhouse and a substantial stone barn that were both associated with the agricultural holding. A small cluster of dwellings are separated from the site by Boscombe Lane to the east.

The topography of the site varies, contributing to numerous changes in building heights across the farmyard. Two accesses serve the site, one approximately 70m to the west of Boscombe Lane and the other to the northwest corner of the site that also provides access to the adjoining farmland to the west of the site. Mature trees screen the site along Boscombe Lane with some open views from the south.

### PROPOSAL

Planning permission is sought for the erection of 16 new dwellings (including 5 affordable units), associated parking, hard and soft landscaping and associated works. The application was originally submitted for 17 units.

An internal road circulates the centre of the site around 3 units with the remaining 13 arranged around it.

With regard to financial contributions, the applicant intends to replicate the S.106 that was agreed as part of planning application S.14/1191/FUL with exception of an

education contribution, and therefore will seek to deliver the financial community contributions that were secured previously.

## **REVISED DETAILS**

### Revised Drawings:

Materials Layout - Drawing Number 1587 103 E - Received 09/12/2016  
Storey Height Plan - Drawing Number 1587 102 C - Received 18/11/2016  
Floor Plans Plots 1,3 & 5 - Drawing Number 1587 150 - Received 18/11/2016  
Elevations Plots 1,3 & 5 - Drawing Number 1587 151 - Received 18/11/2016  
Plot 2 Floor Plans - Drawing Number 1587 152 - Received 18/11/2016  
Plot 2 Elevations - Drawing Number 1587 153 - Received 18/11/2016  
Plot 4 Floor Plans - Drawing Number 1587 154 - Received 18/11/2016  
Plot 2 Elevations - Drawing Number 1587 155 - Received 18/11/2016  
Plot 6 Floor Plans - Drawing Number 1587 156 - Received 18/11/2016  
Plot 6 Elevations 1 of 2 - Drawing Number 1587 157 - Received 18/11/2016  
Plot 6 Elevations 2 of 2 - Drawing Number 1587 158 - Received 18/11/2016  
Plot 7 Floor Plans - Drawing Number 1587 159 - Received 18/11/2016  
Plot 7 Elevations - Drawing Number 1587 160 - Received 18/11/2016  
Plot 8 Floor Plans - Drawing Number 1587 161 - Received 18/11/2016  
Plot 8 Elevations - Drawing Number 1587 162 - Received 18/11/2016  
Plot 9 Floor Plans - Drawing Number 1587 163 - Received 18/11/2016  
Plot 9 Floor Plans - Drawing Number 1587 163 - Received 18/11/2016  
Plot 10 Floor Plans - Drawing Number 1587 165 - Received 18/11/2016  
Plot 10 Elevations - Drawing Number 1587 166 - Received 18/11/2016  
Plot 11 Floor Plans - Drawing Number 1587 167 - Received 18/11/2016  
Plot 11 Elevations - Drawing Number 1587 168 - Received 18/11/2016  
Plot 12 Floor Plans - Drawing Number 1587 169 - Received 18/11/2016  
Plot 12 Elevations - Drawing Number 1587 170 - Received 18/11/2016  
Plot 13 Floor Plans - Drawing Number 1587 171 - Received 18/11/2016  
Plot 13 Elevations - Drawing Number 1587 172 - Received 18/11/2016  
Plot 14 Floor Plans - Drawing Number 1587 173 - Received 18/11/2016  
Plot 14 Elevations - Drawing Number 1587 174 - Received 18/11/2016  
Plot 15 Floor Plans - Drawing Number 1587 175 - Received 18/11/2016  
Plot 15 Elevations - Drawing Number 1587 176 - Received 18/11/2016  
Plot 16 Floor Plans - Drawing Number 1587 177 - Received 18/11/2016  
Plot 16 Elevations - Drawing Number 1587 176 - Received 18/11/2016  
Garage Details (Sheet 1) - Drawing Number 1587 180 - Received 18/11/2016  
Garage Details (Sheet 2) - Drawing Number 1587 181 - Received 18/11/2016  
Garage Details (Sheet 3) - Drawing Number 1587 182 - Received 18/11/2016  
Levels Plan - Drawing Number 16020-101 B - Received 13/12/2016  
Levels Plan - Drawing Number 16020-102 B - Received 13/12/2016  
Site Sections - Drawing Number 16020-SK 1000 A - Received 13/12/2016  
Landscaping Proposals - Drawing Number 957/PA/01D - Received 14/12/2016  
Planning Layout - Drawing Number 1587 100 W - Received 25/01/2017  
Site Location Plan - Drawing Number 1587 101 A - Received 25/01/2017

Revised Design & Access Statement: Received 23/11/2016

## **MATERIALS**

Roof: Tile (Cotswold/slate)

Walls: Stone (Buff/Cotswold) and Rough Cast Render (Cotswold Stone  
Limewash

## **REPRESENTATIONS**

### **Statutory Consultees:**

Horsley Parish Council: Object. The Council acknowledges that the site has an existing consent for 16 dwellings, and does not seek to oppose the general principle of development for this number of houses. However, consent was originally granted during the period that SDC did not have an adopted Local Plan and any new application should now be carefully considered against the requirements of the adopted Plan. Design is not respectful, like a suburban housing estate and out of character within the AONB. Affordable housing is clustered together, of a cramped design and alongside the road. Housing mix is unbalanced with too many 4/5 bedroom properties. Concerns regarding highway safety and parking on the B4058.

Natural England: No objection but recommend the proposed ecological mitigation is secured through an appropriately worded condition.

Retained Ecologist (EPR) - Following receipt of an Ecological Assessment and Addendum, the latter dated October 2016 they are satisfied that, providing the mitigation set out in Section 5 of the April 2016 Ecological Assessment is implemented, there are not likely to be significant adverse ecological effects. In order to deliver enhancements in line with the Assessment and with Local Plan policy ES6, prior to first occupation, SDC should receive and approve a management strategy for the retained areas, particularly the orchard and southern hedge.

SDC EHO - No objection subject to conditions regarding operation times and dust plus a burning informative.

SDC Contaminated Land - No objection subject to condition.

Water Resource Engineer - Recommends SUDs Management condition

GCC Lead Local Flood Authority - No objections subject to a detailed drainage strategy, Construction Method Statement and SUDs management condition.

Planning Strategy - . The offer of affordable housing is a consideration. The site will make a contribution to housing supply at this settlement. The design and housing size mix is considered appropriate in character and form in this sensitive rural location. In terms of location the extant permission is a material to consideration here and with this in mind the circumstances advanced in support can demonstrably outweigh on balance the potential technical harm to the CP15 strategy of the SDLP in this specific case

GCC Education - No contributions required as Horsley Primary School & Sir William Romney both has capacity.



Glos Crime Prevention Design Advisor - Offer advice of design standards and recommend that the development is built to meet Secured by Design standards.

Severn Trent Water - no objection subject to foul and surface water drainage plans

Cotswold Conservation Board - No objection. Planning history noted therefore to reduce the potential impact of this development on the AONB, any render to the rear should be a muted colour (not bright white); for roofing artificial Cotswold stone slates are recommended; if possible street lighting/lighting to rear elevations of houses facing the open countryside should be avoided (to protect the dark night skies of the AONB). any form of external lighting is required within the development, details should be secured through planning condition; they should be of a dark night skies compliant design; and street lighting should be turned off in the middle of the night. Lighting of any parts of the boundary adjacent to the open countryside should be avoided altogether.

**Public:** 94 objections and 16 general comments to the original scheme have been received. Concerns summarised as follows

- o NPPF states that if...proposed development conflicts with an up to date local plan it should be refused unless other material considerations indicate otherwise.
- o no consultation with the community.
- o The development is in the AONB and outside the village Settlement Boundary.
- o The applicant has presented no evidence of local housing need and has offered a bare minimum of affordable housing.
- o The development is not sustainable. It is not near even the limited local services in Horsley and residents would use their cars to access necessary facilities. Horsley is a Tier 3 Settlement according to the Stroud Local Plan, suitable only for lesser levels of development.
- o The local school is full and would necessitate car travel for children out of the village.
- o not a Brownfield site. Land with agricultural buildings is specifically excluded from the category of previously developed land.
- o A modern housing estate would urbanise an AONB landscape. The Parish of Horsley is predominantly rural.
- o development would adversely affect the setting of 4 neighbouring Listed buildings.
- o would not respect the historical form of Horsley, which is predominantly linear following the line of the roads.
- o new designs are unsuitable for their setting and do not take into account the characteristics of the local area. They create a higher density of housing than previously. Modern housing estate out of keeping.
- o Too many 4 and 5 bedroom dwellings
- o Without a Covenant signed, there is little to stop a further application for a larger development in the surrounding area.
- o Too many houses
- o Affordable housing is segregated from the rest of the scheme
- o More use of natural stone needed
- o Parking on the main road will occur
- o Highway access

These summarised comments include those received following a meeting held by the agent and applicant in September on potential revised plans. Following submission of the revised scheme, five objections have been received. Concerns raised are that the proposal is still contrary to policy, has an inadequate housing mix and the design is poor.

## **NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework 2012

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.
- CP2 - Strategic growth and development locations.
- CP3 - Settlement Hierarchy.
- CP4 - Place Making.
- CP8 - New housing development.
- CP9 - Affordable housing
- CP13 Demand management and sustainable travel measures
- CP14 - High quality sustainable development.
- CP15 - A quality living and working countryside.
- EI12 - Promoting transport choice and accessibility
- ES1 - Sustainable construction and design.
- 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.

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

With regard to neighbourhood planning, the neighbourhood area for Horsley has been designated and therefore the process is in its infancy with no weight able to be afforded at this time.

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:

## **PRINCIPLE OF DEVELOPMENT**

The Stroud District Local Plan (SDLP) is adopted and full weight should be given to its contents, in accordance with paragraphs 12 and 15 of the NPPF. There is a presumption in favour of sustainable development as applied through the policies contained within the Local Plan. 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.

Policy CP1 of the SDLP sets out a presumption in favour of sustainable development whilst policy CP2 establishes that the District's identified housing need will be first and foremost provided through the Plan's allocations along with smaller scale sites within settlement boundaries and in accordance with the settlement hierarchy.

Policy CP3 sets out the settlement hierarchy with Horsley identified as a Third Tier settlement that is defined as accessible with limited level of facilities and services that can provide for lesser levels of development.

Outside of strategic allocations or settlement development limits, development should only be permitted where it meets one of the six exceptions listed in Policy CP15. This development does not satisfy one of those principles.

As a site located outside the settlement limits of Horsley, the proposal is considered a departure from the SDLP and has been advertised as such. Where proposals conflict with the local plan they should be refused unless material considerations indicate otherwise.

In this case, the planning history of the site is a significant material consideration. In August 2016, planning permission was granted for the erection of 16 dwellings on the site. This application was considered by the Development Control Committee in late 2015 and was subject to a S106 agreement. At that time, the 'on balance' conclusion found the proposal, given its design, low density layout and community benefit of affordable housing, contributions to community schemes and provision of community orchard space outweighed the site location. This extant planning permission could be implemented at anytime.

This current proposal was originally submitted for 17 large executive style dwellings with little vernacular architecture and a conventional housing estate form. With the exception of the affordable housing units, the scheme provided for open market housing as 4 or 5 bed properties only. Whilst planning history has weight in the material consideration of an application, the resolution to grant planning permission could not support an additional dwelling outside the settlement limits. There was also concern regarding the design of the scheme as it had little architectural respect for the surrounding area.

The amended scheme has reduced the number of proposed units to 16 and improved the overall design. This reduction to 16 dwellings avoids policy conflict with an additional unit outside settlement development limits was proposed.

The mix of the scheme has also been varied to provide an increase in the number of smaller units. The comparison between the sizes of units from approved scheme to that originally submitted and the now amended proposal is set out below. The dwelling sizes are considered to accord with those set out in Strategic Housing Market Assessment (SHMA) evidence provided for the Local Plan examination

The mix of the scheme has also been varied to provide an increase in the number of smaller units. The approved scheme provides for 7 x 4/5 bedroom dwellings with 6 x 3 bedroom and 3 x 2 bedroom dwellings. The original mix proposed for this current application had 12 x 4/5 bedroom dwellings with the only 2 or 3 bedroom properties provided as affordable housing. The revised scheme now provides 7 x 4/5 bedroom properties and 9 x 2/3 bedroom properties. The dwelling sizes are considered to generally accord with those set out in Strategic Housing Market Assessment (SHMA) evidence provided for the Local Plan examination.

In this instance, as set out above, there is the material consideration of an extant planning permission on site for the same number of dwellings arranged over a similar layout to which significant weight must be afforded.

## **LANDSCAPE IMPACT**

Policy ES7 of the SDLP refers to the Cotswolds AONB and land that may affect its setting, seeks to prioritise the conservation and enhancement of the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and the historic and cultural heritage. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which has the highest status of protection. Local plan policies that protect the AONB are entirely consistent with the NPPF. The site is located within the Cotswold AONB and is currently covered by large steel framed agricultural buildings. The site is elevated however as it is sloping, some buildings on the site are slightly lower than others in the locality. These existing buildings with large roof spans, some linked, are clearly visible within the landscape and, to some extent, at odds with that of the adjacent residential dwellings.

New development is contained within the current extent of the farm buildings and storage area. It is considered that the most adverse impact from the development would be limited to that time during demolition of the barns on the boundary and during construction and proposed highway works. The layout density is low at approximately 10 dwellings per hectare with three areas of open space: an orchard, a nut grove and area with specimen trees.

The footprint of buildings would be reduced by over 40% and the new dwellings provide a broken roofscape well designed when compared with the utilitarian agricultural sheds,

Open views from the south are restricted to the public right of way along the elevated slopes of the Horsley Valley. Kingscote Wood, along the top of the ridgeline, screens further long distance views south.

The scheme has a soft edge to the adjacent countryside particularly in relation to the proposed landscape strategy that seeks to retain, preserve and enhance the existing key features within the site, notably the Cotswold stone walls and wooded ridgelines. Weak features such as native hedgerows, the treatment of the current site boundaries and integration into the village has influenced the final layout and are considered to provide a moderate benefit to the current quality of the site and its contribution to the surrounding landscape and village character.

As recommended by the Cotswold Conservation Board any rear elevations of the proposed dwellings (that face the open countryside) would be of a muted Cotswold Stone limewash colour (not bright white). To ensure impact on the wider AONB is further reduced, a condition is recommended to require external lighting details to be submitted that will seek to limit lighting at the edges of the site.

## **DESIGN AND APPEARANCE**

The principal design policy within the SDLP is Policy CP14 which contains a checklist for quality design and development.

The approved scheme provided a slightly less conventional mix of housing design from traditional stone properties and agricultural looking buildings. The current application originally proposed very large houses arranged along a straight building line, appearing as a conventional estate. The houses were overlarge with little regard to the local vernacular of Horsley.

Comment has been made that there is no justification for building close to the road. Horsley is a ribbon development village that is largely characterised by properties fronting the highway. The proposed layout, as with the approved scheme, has a mix of road frontage and low density dwellings arranged across the site.

The revised scheme has sought to provide a less conventional layout, breaks up the bulk of the larger buildings with a variety of roof heights and footprints. It also provides architectural features and finishes that are in-keeping with the surroundings such as stone porches and dormer windows rather than bay windows and excessively deep footprints.

In response to the concern raised regarding the use of red brick within the scheme, albeit localised, the elements proposed with brick are to be finished in painted render.

The design of this current proposal has been carefully negotiated with its appearance considered appropriate to that of the village and surrounding AONB.

## **RESIDENTIAL AMENITY**

Delivery Policy ES3 seeks to ensure that development maintains quality of life in terms of noise, disturbance, privacy, small and light in addition to flooding, pollution, highway safety and contamination. Delivery Policy ES5 also seeks to control the impact upon air quality.

The site is overlooked by a few houses to the north and east. The position and orientation of the new houses are sufficiently distanced to avoid any loss of light or overbearing effect. The existing buildings would also remain in excess of 25m away to avoid issues of overlooking and loss of privacy.

Within the site the properties are sufficiently distanced, designed or offset to avoid any adverse impact upon amenity.

## **HIGHWAYS**

Paragraph 32 of the NPPF places the test of ensuring that a development does not have a severe impact on highway safety. This is an important point as it infers that a level of impact is acceptable providing that the resultant impact is not severe. It must also be noted that the impact on the highway is directly related to the proposed development and not pre-existing concerns or issues.

Criterion 3 of Delivery Policy ES3 of the SDLP seeks to ensure there is no detrimental impact upon highway safety whilst EI12 looks to enhance the accessibility of sites and promotes the use of travel plans and relevant parking standards.

The application has been informed by a Transport Statement.

GCC Highways raised no objection to the previous scheme and given the fact that the layout and access points are not materially different, raise no objection subject to conditions.

Pedestrian activity is encouraged through the provision of a footpath linking the site to Boscombe Lane at the south east corner.

## **AFFORDABLE HOUSING**

Core Policy CP9 of the SDLP seeks to secure affordable housing from developments of at least 4 dwellings. This site is above this threshold and provides 30% affordable housing at five units that will be secured by Section 106 agreement.

The revised plans indicate an appropriate mix of units that are better integrated into the overall scheme rather than the original submission where all the units were positioned

along the road, with an open car parking court to the rear and segregated from the other properties by a stone wall. It should also be noted that the revised scheme layout very much echoes that of the approved scheme.

Comment has been made that the proposal is still not tenure blind, however the revised scheme provides a high level of design and integration with open car parking bays beneath the proposed flats and high quality stone finished buildings.

There have also been comments that the affordable housing should not be grouped together however SDC Affordable Housing Supplementary Planning Document seeks groups of affordable housing to be a maximum of 8 units. The group of 5 units falls well below this. Horsley Parish Council, in their response to the revised design refer to an email of November 2014 from the Policy Implementation Manager to a Case Officer regarding affordable housing on the site. These comments were made regarding a previous iteration of the approved scheme and for this current proposal the Policy Implementation Officer has had their concerns addressed through improved layout, design and integration.

The provision of affordable housing is a benefit material to the determination of the application.

## **ECOLOGY**

Within the SDLP, Delivery Policy ES6 is all encompassing, seeking to safeguard and protect all sites of European and global importance, national sites and local sites. It also requires that all new development conserves and enhances the natural environment and does not adversely affect European Protected Species.

The application has been supported by an Ecological Assessment (Ecology Solutions, April 2016) and an updated Addendum (October 2016). Our retained ecologist was satisfied that there are unlikely to be significant adverse ecological effects provided the mitigation set out in Section 5 of the April 2016 Assessment is carried out.

It also considered prudent that in order to secure the enhancements set out within the Assessment, a management strategy for the retained areas particularly the orchard and southern hedge.

## **FLOOD RISK**

Policy ES4 of the SDLP deals with water resources, quality and flood risk and requires new development to demonstrate that the development will be safe, not increase flood risk elsewhere and maximise opportunities to reduce flood risk.

The Lead Local Flood Authority (LLFA) has reviewed the submitted information and found to be acceptable in terms of appropriately identifying the surface water flood risk.

## **HERITAGE IMPACT**

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that decision makers 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.' Chapter 12 of the NPPF (paragraphs 128 and 132-134) outlines the requirement to safeguard designated heritage assets whilst at the same time promoting a balancing approach between the degree of harm caused to an asset, the heritage significance of that asset and the benefits arising from the overall scheme.

At the local level in respect of listed buildings, Conservation Areas, archaeology etc) the relevant SDLP policy is Delivery Policy ES10 with general design matters considered under Policy CP14, a checklist for quality.

There are two designated heritage assets within the former farmstead although these are located outside the application site - the Grade II listed farmhouse and the Grade II listed barn. At present the setting of both of these assets is compromised by adjacent modern farm buildings - especially that of the barn which is abutted on two sides by large modern structures.

The removal of the large farm buildings will have a much more dramatic, and beneficial, impact on the other views of these two listed buildings - freeing up the views of them from the west and the south-west that have not existed for the last half century or so, albeit now from and across the new houses and their gardens. To the south of the buildings there is only one detached house with its garden to its east, maximizing the open nature of the views from the listed buildings to the new orchard at the south-eastern corner of the site and the countryside beyond.

The stone boundary wall of Nupend Farm fronting the main road to be set back to provide visibility splays formed part of the extant listed building consent associated with the planning permission. This wall would be rebuilt using the existing stone and finished to the same appearance.

Other listed buildings are in the vicinity of the site, notably to the north west. However, given the design of the proposed buildings and their distance away, it is not considered that there would be harm to their setting as a result of the proposal.

## **CONCLUSION & PLANNING BALANCE**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this instance, as the site is located outside the settlement boundary for Horsley as identified within the SDLP it does not comply with Policies CP2 and CP15 and does not therefore comply with the development plan. However there is the material consideration of an extant planning permission for 16 dwellings. Taking that into account, this proposal, with its improved design, low density layout and community benefit of affordable housing, contributions to community schemes and provision of community orchard spaces is considered to be



'other material considerations' that outweigh the failure to comply with the SDLP in this specific case.

## **OBLIGATIONS**

Five affordable housing units on site

Other community contributions are in line with the previously consented scheme:

£34,418 for Horsley Play Project

£4,000 for Horsley Village Hall

£2,000 for Horsley Village Shop

£1,500 for Horsley Youth Group

£1.500 for Horsley Playgroup

Funding to provide 2 traffic warning signs

Transfer of 2 orchard areas (open spaces to the Parish Council

Management agreement on maintenance scheme for other open spaces.

With regard to education contributions GCC have advised that no contributions will be required as, based on the latest data and forecasts both Horsley Primary School and Sir William Romney Secondary will have sufficient capacity.

## **REVIEW OF CONSULTATION RESPONSES**

It is considered that the issues raised within the letters of objection and representations have been addressed within the relevant subject areas above.

## **RECOMMENDATION**

In light of the above, Officers recommend that Members resolve to grant permission for the proposed development.

## **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 begun before the expiration of three years from the date of this permission.

Reason:

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

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

Materials Layout - Drawing Number 1587 103 E - Received 09/12/2016  
Storey Height Plan - Drawing Number 1587 102 C - Received 18/11/2016

Floor Plans Plots 1,3 & 5 - Drawing Number 1587 150 - Received 18/11/2016

Elevations Plots 1,3 & 5 - Drawing Number 1587 151 - Received 18/11/2016

Plot 2 Floor Plans - Drawing Number 1587 152 - Received 18/11/2016

Plot 2 Elevations - Drawing Number 1587 153 - Received 18/11/2016

Plot 4 Floor Plans - Drawing Number 1587 154 - Received 18/11/2016

Plot 2 Elevations - Drawing Number 1587 155 - Received 18/11/2016

Plot 6 Floor Plans - Drawing Number 1587 156 - Received 18/11/2016

Plot 6 Elevations 1 of 2 - Drawing Number 1587 157 - Received 18/11/2016

Plot 6 Elevations 2 of 2 - Drawing Number 1587 158 - Received 18/11/2016

Plot 7 Floor Plans - Drawing Number 1587 159 - Received 18/11/2016

Plot 7 Elevations - Drawing Number 1587 160 - Received 18/11/2016

Plot 8 Floor Plans - Drawing Number 1587 161 - Received 18/11/2016

Plot 8 Elevations - Drawing Number 1587 162 - Received 18/11/2016

Plot 9 Floor Plans - Drawing Number 1587 163 - Received 18/11/2016

Plot 9 Floor Plans - Drawing Number 1587 163 - Received 18/11/2016

Plot 10 Floor Plans - Drawing Number 1587 165 - Received 18/11/2016

Plot 10 Elevations - Drawing Number 1587 166 - Received 18/11/2016

Plot 11 Floor Plans - Drawing Number 1587 167 - Received 18/11/2016

Plot 11 Elevations - Drawing Number 1587 168 - Received 18/11/2016

Plot 12 Floor Plans - Drawing Number 1587 169 - Received 18/11/2016

Plot 12 Elevations - Drawing Number 1587 170 - Received 18/11/2016

Plot 13 Floor Plans - Drawing Number 1587 171 - Received 18/11/2016

Plot 13 Elevations - Drawing Number 1587 172 - Received 18/11/2016

Plot 14 Floor Plans - Drawing Number 1587 173 - Received 18/11/2016

Plot 14 Elevations - Drawing Number 1587 174 - Received 18/11/2016

Plot 15 Floor Plans - Drawing Number 1587 175 - Received 18/11/2016

Plot 15 Elevations - Drawing Number 1587 176 - Received 18/11/2016

Plot 16 Floor Plans - Drawing Number 1587 177 - Received 18/11/2016

Plot 16 Elevations - Drawing Number 1587 176 - Received 18/11/2016

Garage Details (Sheet 1) - Drawing Number 1587 180 - Received 18/11/2016

Garage Details (Sheet 2) - Drawing Number 1587 181 - Received 18/11/2016

Garage Details (Sheet 3) - Drawing Number 1587 182 - Received 18/11/2016

Levels Plan - Drawing Number 16020-101 B - Received 13/12/2016  
Levels Plan - Drawing Number 16020-102 B - Received 13/12/2016  
Site Sections - Drawing Number 16020-SK 1000 A - Received 13/12/2016  
Landscaping Proposals - Drawing Number 957/PA/01D - Received 14/12/2016  
Planning Layout - Drawing Number 1587 100 W - Received 25/01/2017  
Site Location Plan - Drawing Number 1587 101 A - Received 25/01/2017

Reason:

To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3. No work must take place on the external surfaces of the buildings until full samples of the external materials, including render, block paving, stone chippings to be used on the buildings hereby permitted been submitted to and approved in writing by the Local Planning Authority. This shall include a sample panel of one square metre of the walling on site. The panels shall be constructed and protected from the weather at least 14 days prior to inspection by the Local Planning Authority and the approved panels shall be maintained in situ for the duration of the works. Development shall then only be carried out in accordance with the approved details before the building is occupied.

Reason:

In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

4. Prior to their installation, full details and samples of the proposed treatment of all external joinery (including doors and window frames) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

5. The proposed hard and soft landscaping (including boundary treatments) shall be carried out in strict accordance with the details provided on drawing 957 PA 01 D (Landscape Proposals) and drawing 1587 103 E (Materials Layout).

Reason:

In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

6. Samples of the enclosure details hereby approved shall be submitted and approved in writing prior to the first occupation of the dwellings and shall be carried out in strict accordance with the details provided on drawing 1587 103 E (Materials Layout Enclosure Details).

Reason:

In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of the visual amenities of the area and to comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3, and described within Classes A - E; of Part 1 of Schedule 2, shall take place.

Reason:

In the interests of the amenities of the area and comply with Policies CP14 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

9. Prior to their installation, details and plans showing any external lighting (including street lighting) shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall then only be carried out in accordance with those approved details and shall be maintained as such thereafter.

Reason:

In the interests of the amenities of the area and to accord with Policies ES3, ES6 and ES7 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

	<p>10. The development hereby approved shall be carried out in strict accordance with the recommendations made within the submitted Ecological Assessment (Ecology Solutions, April 2016) and updated Addendum (October 2016). Mitigation as recommended in Section 5 shall put in place in full prior to the first occupation of the buildings and shall be maintained as such thereafter.</p> <p>Reason: To ensure the preservation of protected species on site, in accordance with Policy ES6 of the adopted Stroud District Local Plan, November 2015 and the NPPF.</p> <p>11. Prior to the commencement of any works on site, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This will outline how retained features will be protected during the construction process (including the orchard and southern hedge) and how they and the proposed new features (hedges, wetland and Nut Copse) will be established and/or adapted to provide ecological benefit and public enjoyment. It shall also set out the location and type of bat and bird boxes to be erected. The LEMP shall also include details of the long term management of the habitat areas and who will be responsible for such management. The LEMP shall be implemented prior to first occupation and shall be retained as such thereafter.</p> <p>Reason: To ensure the preservation of protected species on site, in accordance with Policy ES6 of the adopted Stroud District Local Plan, November 2015 and the NPPF.</p> <p>12. Development on site shall be carried out in strict accordance with the recommendations included within the submitted Waste Minimisation Statement (Ref: 3851, Hunter Page, April 2016) with any measures put into place in full, prior to the commencement of development on site or in accordance with an alternative timetable that may have been approved as part of the measures of mitigation.</p> <p>Reason: In the interests the character and amenity of the area and to comply with the provisions of the National Planning Policy Framework.</p> <p>13. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved by the Local Planning Authority.</p>
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	<p>Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land.</p> <p>14. No development approved by the permission shall be commenced until a detailed drainage strategy for foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The strategy must be compliant with the requirements of the NPPF, PPG, Non-Statutory Technical Standards for Sustainable Drainage, Building Regulation H and local policy. The detailed drainage strategy must consider, but not be limited to; the SUDS discharge hierarchy, a scheme of surface water treatment, management of exceedance flows, and be supported by sufficient evidence to demonstrate it is technically feasible (e.g. simulations/modelling of the drainage system(s) and attenuation, groundwater level results, infiltration tests). Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network, system or watercourse. The drainage scheme shall be carried out in accordance with the approved details prior to occupation and be retained thereafter.</p> <p>Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding and to minimise the risk of pollution. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage and water quality in the locality in accordance with Policy ES4 of the adopted Stroud District Local Plan, November 2015.</p> <p>15. No development shall be put in to use/occupied until a sustainable drainage (SUDS) maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.</p> <p>Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding in accordance with Policies SA3 (7), ES1, ES3 and CP14 (2) of the adopted Stroud District Local Plan (November 2015).</p> <p>16. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 48m to the right and 63m to the left (the Y points). The area between those splays and the</p>
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carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:

To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

17. The boundary wall of Nupend Farmhouse to be set back as shown on drawing 4032/SK201 Rev D within the submitted Transport Statement [Cole Easdon Consultants (CEC) April 2016] shall be rebuilt using the reclaimed stone and to the same height and finish. The work shall be completed before the vehicular access hereby permitted is brought into use.

Reason:

In the interests of highway safety and to ensure the preservation of the character and special interest of the wall, in the interests of the visual amenities of the area and to comply with Policies CP14 and ES10 of the adopted Stroud District Local Plan, November 2015 and the NPPF.

18. The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed, including the existing western access into the site being returned to grassland with the exception of a level of hard standing being retained to service the remaining field gate access, in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason:

To reduce potential highway impact by ensuring there is no further use of an access that is deemed to be unsuitable to the serve the development and so as to limit loose material from farm vehicles being discharged onto the public highway and in accordance with paragraphs 32 and 35 of the NPPF.

19. Prior to occupation of the development the forward and emerging visibility splays as shown on Drawing No plans 4032/SK/201 Rev D, Plan 4032/202 Rev. E and Plan 4032/203 Rev. E shall be provided and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 1 metre and 2.1m above the adjacent carriageway level.

	<p>Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained, and in accordance with paragraphs 32 and 35 of the NPPF.</p> <p>20. The dwellings hereby permitted shall not be occupied until the car parking associated with those dwellings (including garages and car ports and visitor parking where proposed) has been provided in accordance with the submitted plan ref. 100 Rev V and shall be maintained available for that purpose thereafter.</p> <p>Reason: To reduce potential highway impact by ensuring that vehicles do not have to park on the highway, and in accordance with paragraphs 32, 35 &amp; 39 of the NPPF.</p> <p>21. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 16 bicycles (1 per dwelling) has been made available in accordance with details to be submitted to and approved in writing by the LPA.</p> <p>Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.</p> <p>22. Notwithstanding the details of footways as shown on drawing plan ref. 100 Rev. W, prior to the occupation of the development details of all internal footways together with the footway along the frontage of the development adjacent the Highway (B4058) (which all footways shall be a minimum width of 2m) shall be submitted to and agreed in writing by the LPA.</p> <p>Reason: To ensure that safe and suitable access is achieved and maintained for all people in accordance with paragraph 32 of the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with paragraph 58 of the NPPF.</p> <p>23. No dwelling on the development shall be occupied until the carriageways (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footways to surface course level.</p> <p>Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the</p>
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	<p>visual amenities of the locality and in accordance with paragraph 35 of the NPPF.</p> <p>24. Prior to the first occupation of the development hereby permitted, details of the Gateway Feature Ramp shall be submitted to and agreed in writing by the Local Planning Authority. The ramp must provide a level transition from full height kerbs to the shared surface street. It shall then be constructed in accordance with the approved plan and made available for public use prior to the first occupation of the dwellings hereby permitted.</p> <p>Reason: To ensure that safe and suitable access to the site can be achieved for all people in accordance with Paragraph 32 of the NPPF.</p> <p>25. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.</p> <p>Reason: To ensure that safe and suitable access is achieved and maintained for all people in accordance with paragraph 32 of the NPPF and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit in accordance with paragraph 58 of the NPPF.</p> <p>26. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:</p> <ul style="list-style-type: none"> <li>i. specify the type and number of vehicles;</li> <li>ii. provide for the parking of vehicles of site operatives and visitors;</li> <li>iii. provide for the loading and unloading of plant and materials;</li> <li>iv. provide for the storage of plant and materials used in constructing the development;</li> <li>v. provide for wheel washing facilities;</li> <li>vi. specify the intended hours of construction operations;</li> <li>vii. measures to control the emission of dust and dirt during construction; and</li> <li>viii specify the access points to be used and maintained during the construction phases</li> <li>ix. specify management of surface water to ensure flood risk is not increased elsewhere and avoid storage/inappropriate use of heavy</li> </ul>
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machinery, plant or material in areas where infiltration SuDS proposed, and avoid soil compaction of such locations.

Reason:

To reduce the potential impact on the public highway and in accordance with paragraph 35 of the NPPF

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. The case officer contacted the applicant/agent and negotiated changes to the design which has enhanced the overall scheme; these have been detailed in the Officer Report.
2. For the avoidance of doubt and notwithstanding the grant of planning permission for the works to the boundary wall of Nupend Farmhouse as shown on drawing 4032/SK201 Rev D within the submitted Transport Statement, attention is drawn for the need to seek and be granted separate Listed Building Consent prior to works commencing on the wall to discharge Conditions 15 and 18 of this permission.
3. The applicant is advised that to discharge condition 23 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private managements and maintenance company confirming funding, management and maintenance regimes.
4. Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.
5. 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, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke or fume complaints be received.

	<p>6. The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.</p>
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