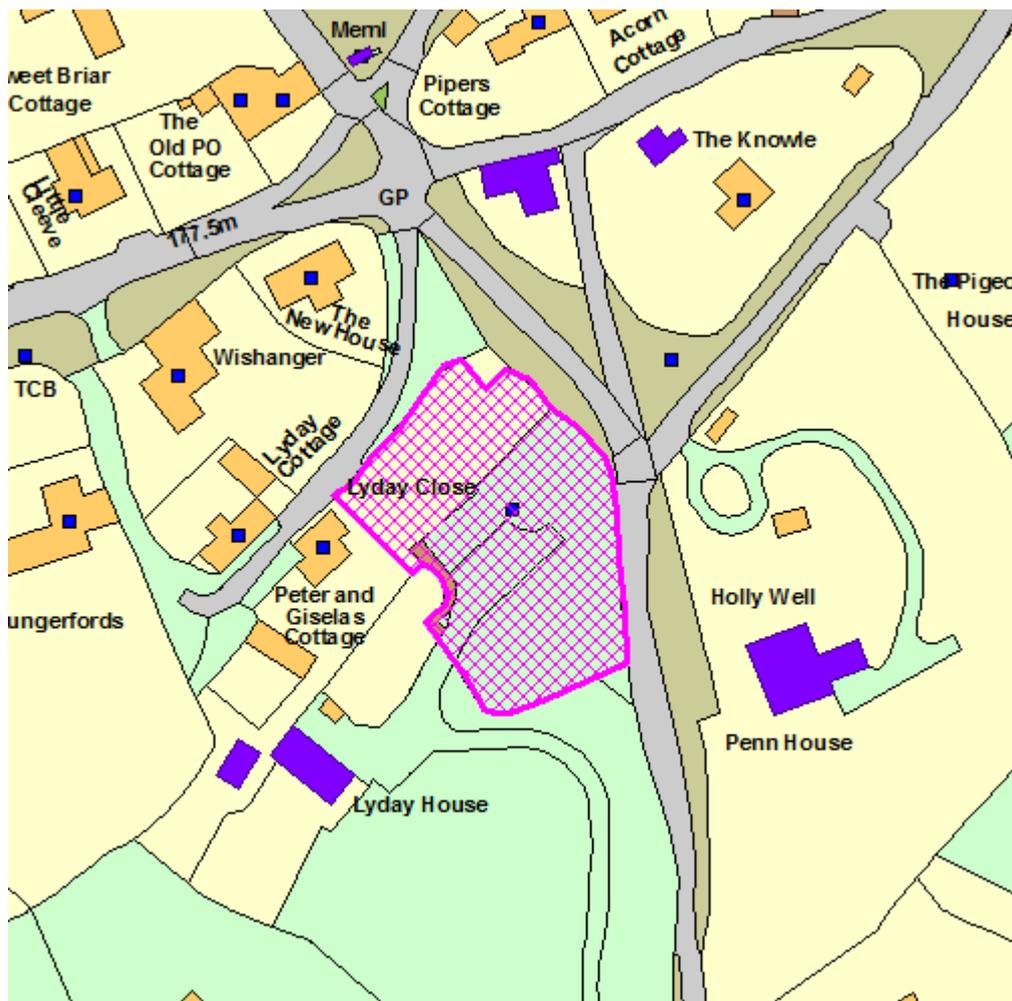




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Item No:	09
Application No.	S.18/2322/FUL
Site No.	PP-07365197
Site Address	Land At Lyday Close, Oakridge Lynch, Stroud, Gloucestershire
Town/Parish	Bisley With Lypiatt Parish Council
Grid Reference	391501,203462
Application Type	Full Planning Application
Proposal	Proposed new dwelling with garage and associated landscape works (E 391501 - N 203462)
Recommendation	Permission
Call in Request	Bisley With Lypiatt Parish Council





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Applicant's Details	Mr Oliver Morning 31 Coleshill Road, Teddington, London, TW11 0LL,
Agent's Details	Studio Bark The Old Baths, 80 Eastway, London, E9 5JH,
Case Officer	Sarah Carruthers
Application Validated	29.10.2018
CONSULTEES	
Comments Received	Bisley With Lypiatt Parish Council Contaminated Land Officer (E) Biodiversity Officer
Constraints	Aston Down Airfield Consultation Zones Area of Outstanding Natural Beauty Consult area Kemble Airfield Hazard Within 50m of Listed Building Bisley Town Council Settlement Boundaries (LP) Village Design Statement
OFFICER'S REPORT	

MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Archaeology and Heritage Assets
- o Landscape
- o Residential Amenity
- o Highways
- o Ecology

DESCRIPTION OF SITE

The application site consists of an area of garden land associated with Lyday Close, located within the defined settlement boundary for Oakridge Lynch and the Cotswold Area of Outstanding Natural Beauty. The site forms part of the general garden and amenity land serving one of three properties located on the edge of the village and forms part of a listed Grade II complex. As is typical of this part of the village the valley wall slopes steeply north to south down the site, with the application site on the highest part of the overall site adjacent to the property, Giselas Cottage, a single story dwelling to the west. To the lower half of the site is a run of garages with access off the main village road. The northern boundary of the site is made up of a 2m high natural stone wall with an access track behind serving a small group of properties.



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PROPOSAL

For a detached contemporary style, part subterranean dwelling set over three floors and in place of the existing underground garage. An integral garage is proposed within the upper level of the site. Solar PV array on the single storey flat roof.

REVISED DETAILS

Revised plans were received 18/1/19 that reduced the overall scale and massing of the dwelling.

Parking plan received 22/1/19

MATERIALS

Walls: pre-weathered hardwood cladding, Cotswold stone

Roof: green sedum roof

Doors/windows: Aluminium

REPRESENTATIONS

Statutory Consultees:

Tree Officer - No objection subject to a condition

Biodiversity Officer – No objection subject to planning condition

Senior Contaminated Land Officer - no comments

Bisley with Lypiatt Parish Council – objects on the following grounds:

- Impact on host and neighbouring listed buildings
- Impact on AONB
- Size and scale of proposed dwelling
- Drainage and surface water flooding issues

Public:

Three letters of objection received. Relevant objections include:-

- modern design is out of keeping with the setting
- landscape impact
- dominates the site
- timber cladding not in keeping
- cannot connect to main sewer
- impact on land stability due to under ground springs

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1).

Stroud District Local Plan.



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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

Local Plan policies considered for this application include:

- CP1 - Presumption in favour of sustainable development.
- CP3 - Settlement Hierarchy.
- CP14 - High quality sustainable development.
- HC1 - Meeting small-scale housing need within defined settlements.
- ES3 - Maintaining quality of life within our environmental limits.
- 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:
Residential Design Guide SPG (2000)
Stroud District Landscape Assessment SPG (2000)
Planning Obligations SPD (2017)
Bisley with Lypiatt Village Design Statement

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

Whilst the proposal falls within the setting of the listed Lyday House and Sugar House properties, the site falls on the edge and just within the defined settlement boundary and the principle of residential development has already been established by the extant 2010 permission (s.09/1668/FUL). This granted permission for a fairly modest, one and a half story, four-bedroom dwelling and a detached double carport.

Planning permission has been refused in 2015 and 2016 and a subsequent Appeal dismissed for a five bedroom dwelling. They were refused on the grounds of its scale and design and having a dominant impact on its setting, causing harm to the setting of the listed buildings.

DESIGN AND LAYOUT

Pre-application discussions took place on what appeared to be a well considered contemporary scheme, and whilst not fully detailed, its scale, massing and design seemed to respond well to the land levels and was considered sympathetic to the existing group of buildings and its historic setting.

The scheme that was originally submitted as part of this application was not in line with the pre-application scheme and Officers raised concerns regarding the increase in scale and



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massing and felt that the proposal would dominate the existing group of buildings and views into the site. The scheme had two projecting elements, one three story and one two storey, with a cluttered frontage, all visible from public view.

Following further discussions with the agent, a revised scheme was put forward. The agent has responded to the concerns raised and has reduced the overall mass, integrating it more with the landscape and with existing garage, creating a more subservient dwelling with a simplified frontage. The main projecting element has been reduced to single storey at its furthest point and the western element set back within the site so it takes on a more subservient form.

The reduction in scale was evident by the revised volume comparisons submitted by the agent, which compared the extant scheme with the proposed revised scheme. The total volume (above ground) of the new build of the extant 2010 scheme is 748.5m³, whilst the total volume (above ground) of the new build of the proposed scheme is 392m³, due to its part subterranean design. The proposed scheme has much greater architectural merit and would appear less dominant than the extant scheme, which had a traditional form set over two floors and was to sit on the upper level of the site.

The use of Cotswold stone for the terraced walls and the timber cladding for the main projecting element is considered appropriate for the site, reflecting the existing building form and its semi-rural setting. The grass roofs will enable the structure to integrate into the landscape and minimise its visual impact.

ARCHAEOLOGY AND HERITAGE ASSETS

This application pertains to a new house in the grounds of Lyday Close, a former farm group that was radically transformed by Alfred Powell, a key figure in the Arts and Crafts Movement.

A planning application for a 'traditional' house was permitted in 2009, largely on the basis that the principle of development had been established by a scheme that was permitted prior to Lyday Close's listing. This new application proposes something completely radically different from the approved scheme. This seems to have caused concern, however, from a conservation point of view, I feel that the unequivocally modern approach is valid here, indeed there are very strong arguments for why the modern approach is appropriate in the historic environment.

With regard to materials, there is a belief that stone is the only correct material in District's hilltop villages; however, even in the most historic of the villages, materials other than stone are frequently found. Powell himself was not averse to breaking the 'rules'; at Lyday the thatch that he used as a roofing replacement for the original stone tiles is extremely atypical in its context; similarly the use of half round timbers on the exterior of his next house at Tunley is atypical.

It is accepted that this proposal is unusual; however, the radically different design approach would still allow Lyday Close and its associated buildings to be read as historic group. The new building would undoubtedly be apparent, and indeed somewhat surprising, in views of



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the listed buildings, however, with its broken form and materials, it would not be a dominating cliff face of development as the previous scheme would have been. The proposals would not undermine their architectural interest of the listed building, nor 'muddy the waters' of their setting, the agricultural character of which has long been lost. The proposed building could not be deemed to cause harm to the setting of the listed building, and indeed would be preferable to the extant scheme.

The proposal has been considered in line with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, policies set out in the NPPF and the Stroud District Local Plan 2015, and guidance from 'The Setting of Heritage Assets'- Historic England Advice Note 3.

RESIDENTIAL AMENITY

The nearest neighbouring property is 'Gisellas and Peters Cottage' to the east of the dwelling, although given the degree of separation and the local topography, the proposal would have no unacceptable overbearing impact or cause overshadowing. Due to the single story nature of the upper level element, the proposed boundary treatments and orientation of the dwelling, the proposal would not lead to an unacceptable overlooking between the occupiers.

HIGHWAYS

The scheme proposes to utilise the existing vehicular access that was to serve the extant scheme and shows adequate vehicle parking and turning facilities to serve the new dwelling.

LANDSCAPE

The dwelling would be viewed as part of the domestic and residential character of this part of the wider settlement and would not impact significantly upon the wider setting of the Cotswold Area of Outstanding Natural Beauty.

ECOLOGY

The site has been found to support a low population of reptiles namely slow-worms and grass-snakes, common UK reptiles are protected from deliberate harm under the Wildlife & Countryside Act and as such are a material planning consideration. The site itself is a considerable size and as such it is considered reasonable to accommodate the reptiles within the site without the need to translocate to a receptor site, it should also be noted that reptile translocation are often not very successful and should only be considered as a last resort. However details as to how the animals will be safe-guarded has not yet been provided. It is therefore recommended that a condition be included in any granting of planning consent that requires a reptile mitigation strategy.

REVIEW OF CONSULTATION RESPONSES

The objections received were in relation to the original scheme. The revised scheme is a much improved scheme and now is considered acceptable in terms of planning policy. Whilst the scheme retains its contemporary design, it has been sufficiently reduced and redesigned so not to appear unduly prominent within the existing group of historic buildings and is considered to be sympathetic to its setting. Details of a method for foul sewage disposal has been required by condition.



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RECOMMENDATION

The proposal complies with the policies outlined above and the application is recommended for permission.

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:

Site Location Plan of 18/01/2019

Plan number = 0100 B

Proposed floor plan of 18/01/2019

Plan number = 1101 B

Proposed floor plan of 18/01/2019

Plan number = 1102 B

Proposed floor plan of 18/01/2019

Plan number = 1103 B

Roof plan of 18/01/2019

Plan number = 1104 B

Proposed Elevations of 18/01/2019

Plan number = 2101 B

Proposed Elevations of 18/01/2019

Plan number = 2102 B

Section of 18/01/2019

Plan number = 3101 B

Parking plan of 22/1/2019

Plan number = 1000 A



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Reason:

To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

3. The development hereby permitted shall not be brought into use until details of a scheme of hard and soft landscaping for the site have been submitted to and approved by the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

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, or 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.

4. The development shall be undertaken in accordance with the arboriculture impact assessment report produced by Focus Ecology dated October 2018. All of the provisions shall be implemented in full according to any timescales laid out in the method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Policy ES8 of the adopted Stroud District Local Plan 2015, coupled with paragraph 15, 170(b) & 175 (C) & (D) of the National Planning Policy Framework 2018.

5. No works shall take place on the external surfaces of the building(s) hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area.



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6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (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 (includes alterations, extensions, porches, garages, swimming pools and outbuildings), shall take place.

Reason:

The site is located in a prominent position and within a group of historic buildings and any further extension or alteration would require further consideration to ensure it complies with Policies HC8 and ES10 of the Stroud District Local Plan, adopted November 2015.

7. The development hereby permitted shall not be brought into use until the vehicle parking, turning and manoeuvring areas shown on the approved plans are made available for use. Each unit shall be provided with parking spaces in accordance with the Local Planning Authority's adopted vehicle parking standards. This provision shall be maintained as such, free of obstruction, thereafter.

Reason:

To ensure that sufficient parking and turning space is made available.

8. The development hereby permitted shall not be brought into use until works for the disposal of sewage have been provided on site to serve the development, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Development shall then be carried out in strict accordance with the details approved and maintained as such thereafter.

Reason:

To ensure adequate provision is made for the disposal of sewage.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a Reptile Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The Mitigation Strategy shall include the following:

- Measures that will be taken to protect Reptiles during the clearance of the site, such as methods used and details of a reptile safe zone.
- Full details of how the loss of Reptile habitat will be mitigated through the enhancement of the site for this species.



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- Full details of who will be responsible for the management and maintenance of the created habitat in perpetuity.

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

Reason:

To ensure the long-term safeguard of protected species in accordance with Local Plan Policy ES6.

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. Pre-application discussions have taken place on the scheme. The case officer contacted the applicant/agent and negotiated changes to the design which has resulted in a permissible scheme; these have been detailed in the Officer Report.
2. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise, dust, smoke/fumes and odour during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting, not burning materials on site and advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives 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, fume, noise or dust complaints be received. For further information please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.
3. Although the risk of bats being affected is considered by the local planning authority to be low, the applicant is advised that this remains a possibility. Therefore, if at any time during the proposed works, bats, or signs of bats (e.g. droppings) are found then all works must stop and advice should be sought from Natural England before any further work proceeds. All bats and their roost sites are protected under the Wildlife and Countryside Act 1981 and The Conservation Habitats & Species Regulations 2017 from disturbance and harm.



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4. The applicant's attention is also drawn to the protection of breeding birds under the Wildlife and Countryside Act 1981. This makes it an offence to kill or harm birds or damage or destroy their eggs. To avoid contravening these provisions it would be advisable to avoid carrying out any work that might damage an active nest during the bird breeding season (March to August inclusive).