



# Stroud District Council

Town and Country Planning Act, 1990 (As amended)

Planning  
Permission

Under the above Act the District Council as Local Planning Authority HEREBY GRANTS Planning Permission for the development described below in accordance with the submitted application and accompanying plan(s) but subject to the conditions stated:

**Agent:**

Potter And Holmes Architects  
Suite V St Aldate  
Suite V St Aldates Court  
2 St Aldate Street  
Gloucester  
GL1 1RP

**Applicant:**

The Cohousing Company Ltd  
16 Springhill  
Uplands  
Stroud  
Gloucestershire  
GL5 1TN

Planning Ref:S.14/0397/FUL

Application Date: 14/02/2014

Dated: 28/05/2014

**Description of Land**

Badbrook Hall , Bath Street, Stroud, Gloucestershire

**Description of Development**

Change of use and Conversion of existing building to create 4 flats at ground level, 2 additional flat at first floor level with communal facilities at lower ground floor level (Revised Plans Rcvd. 27.05.2014).

Stroud Town Council 384986 205302

**Conditions attached to permission and reasons therefor:**

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. Notwithstanding the submitted information no development shall take place until a full materials schedule (including all walling, roofing, joinery details and details of rooflights including their fitting within the roof plane) and samples thereof of the materials to be used in the construction of the external surfaces of the building works hereby permitted 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 and to accord with adopted Local Plan Policy BE5 and National Policies NPPF(7) and (12).

3. Prior to the commencement of any site work, the developer, or a person acting on his behalf, shall submit for approval in writing by the Local Planning Authority, a Noise Consultant's report including survey and assessment of noise sources, [particularly arising from traffic movements at the road interchange adjacent the site and from outlets serving the ventilation/heating plant at Merrywalks Leisure Centre] adjacent to the site, and including appropriate measures of noise attenuation to adequately protect residents of the development from disturbance from noise. The development shall incorporate in full the measures of attenuation contained in the approved Report and such measures shall be implemented in full prior to the first occupation of the development and shall be maintained as such thereafter.

Reason:

To safeguard residential amenity of future occupiers of the development and to accord with Local Plan Policy GE2 and National Policy NPPF(11).

**IMPORTANT NOTES –SEE OVERLEAF**

**Philip Skill**

Head of Planning

Duly Authorised in that behalf

4. Prior to commencement of site work, and notwithstanding the details shown on the submitted plans, detailed proposals for discharge of the surface water drainage from all areas of hard surfacing within the site shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any development on the site. Development shall then be carried out strictly in accordance with those details and the drainage arrangements shall thereafter be kept free from blockages and/or obstruction.

Reason:

To ensure a satisfactory standard of development and to comply with Policy GE5 of the adopted Stroud District Local Plan, November 2005.

5. The finished floor levels on the ground floor of the building hereby permitted shall be set a minimum level of 48.35 metres above Ordnance Datum.

Reason:

To protect the development from flooding in accordance with National Policy NPPF(10).

6. No site work shall be commenced until such time as a temporary car parking area for site operatives and construction traffic has been laid out and constructed within the site, [or until other suitable arrangements have been made on other land within the developer's control] in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority and the temporary car park shall be retained and kept available for that approved purpose throughout the period of site construction work.

Reason:

To ensure that the access roads in the vicinity of the site are kept free from construction traffic in the interests of highway safety, and to accord with Policy GE1 of the adopted Stroud District Local Plan November 2005

7. Prior to the commencement of the development hereby permitted, full details and specifications of the gymnasium equipment to be provided in the gymnasium area indicated on drawing number P12 shall be submitted to and approved by the Local Planning Authority. The gymnasium area and approved equipment shall then be provided in strict accordance with the approved plans prior to the first residential occupation of the development and maintained as such available for use thereafter.

Reason:

To ensure that adequate recreational facilities are provided to cater for the needs of the residents in accordance with the objectives of Policy RL5 of the adopted Stroud District Local Plan, November 2005.

8. The cycle store shown on Plan No. P13E shall be provided in strict accordance with the approved plan and made available for use prior to the first occupation of the development hereby permitted and shall be maintained as such thereafter.

Reason:

To encourage the use of sustainable modes of transport in accordance with Local Plan Policy TR1 and National Policy NPPF(4).

9. 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.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Council Local Plan Policy GE1 and in accordance with the provisions of Circular 11/95.

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

Proposed floor plan of  
Plan number = P13 Version number = C

Proposed floor plan of  
Plan number = P14 Version number = D

Proposed Elevations of  
Plan number = P18 Version number = A

Proposed floor plan of 27/05/2014  
Plan number = P12 Version number = D

Proposed floor plan of  
Plan number = P13 Version number = E

**Reason:**

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

**Informatives:**

1. 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.
2. You are advised, as works to the roof are included, of the potential for protected species (i.e. bats) to be present. Should any bats be found, works must be stopped on site and the advice of a qualified ecologist sought before any works can continue. You should be aware that it is an offence to wilfully destroy a protected species or its habitat under the Countryside and Wildlife Act 1981 and circular 06/05.

**Article 31 Statement**

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision:

**PLANNING CONSIDERATIONS**

The guidance for this application is contained within Local Plan Policies GE1, HN4, HN8, TR1, TR12, BE5, BE12 and National Policies NPPF(4), (6), (7), (8), (10), (11) and (12). These policies seek to manage residential development within the settlement boundary whilst ensuring the development is sustainable and provides opportunities for healthy work, travel and leisure.

The Conversion

Application proposes the conversion of this mixed use building to create 5 additional flats with some communal areas in the basement. The site lies within both the defined Stroud Town centre boundary and the defined settlement boundary in a highly sustainable location with easy access to a wide range of facilities and services such as shopping, leisure, health, education, employment opportunities and varying modes of transport.

This conversion of the building to residential would accord with the adopted Local Plan Policy HN8, emerging Local Plan Policy HC1 and National Policy NPPF(7)

Design and Impact on Heritage Assets

Whilst the previous application on the site sought to demolish the building and replace with another consisting of a mix of commercial and residential, the current scheme would reuse the building as it is and convert it to residential with communal facilities in basement.

Much of the works associated with the conversion would be internal. Therefore the scale and character of the building and thus its relationship to its environs and the street would not be any different from the existing building. This would therefore overcome the previous refusal reason which was based on the impact of the development on the street scene.

The building is located in close proximity to a number of listed buildings including the Grade II Listed Painswick Inn and Old Magistrates' Court immediately opposite but there would be very little or no adverse impact on the said buildings. In fact the refurbishment of the building and the maintenance of its curtilage would improve an area associated with the setting of the said heritage assets.

The views into and out the Conservation Area would not be affected since the scale and character of the building would not be changing.

The proposed development would accord with Local Plan Policies BE5, BE12 and National Policy NPPF(7).

#### Flooding

The building is located on the Slad brook an within flood Zones 2 and 3 and a Flood Risk Assessment (FRA) was submitted in support of the application. As with previous EA consultations on the site, the submitted FRA was considered by the Environment Agency (EA) but no objection has been raised subject to condition.

The proposal would accord with National Policy NPPF(10) which seeks to manage the challenges of climate change, flooding and coastal change.

#### Highways

As with the previous application, the proposed development would be car-free with the commercial element being omitted on the current scheme. This would remove any need to accommodate commercial traffic generation and associated demand for operational space. As with previous schemes on the site, any demand for car use would be met through the operation of a Car Club, details of which can be secured by way of condition. The Highways Authority was consulted on the proposal but no concerns have been raised.

The site is located within the defined town centre with good pedestrian access to a full range of services, including rail and bus transport hubs, and hence can be considered highly sustainable with minimal demand for private car use. Therefore parking requirements would be very low and any that arise, such as visitors can be accommodated within a number of public parking facilities within the town centre.

The proposal would accord with Local Plan Policies GE5, TR1, TR12, emerging Local Plan Policies ES3 and National Policy NPPF(4).

#### Residential Amenities

Some of the proposed first and second floor roof lights facing south would have the potential to create overlooking. However, this would not be so because they will be high enough above the floor not to allow any opportunities for overlooking. Similarly other roof lights would have the same effect in addition to being far enough away from any neighbouring properties and across a public space (the street). The proposal would accord with Local Policy GE1 and emerging Local Plan Policy ES3.

#### Leisure Facilities

The scheme proposes the provision of communal facilities within the basement of the building. This would include a communal library with sitting area, sauna, gym and workshop. These facilities provided would be in line with the youth and adult component of the play space contribution. This is appropriate owing to the nature of the residential units which would largely be single bedroom flats. Based on the said provision, Officers considered that it would not be necessary to insist in play space contribution.

The proposal would accord with adopted Local Plan Polices RL5, emerging Local Plan Policy ES15 and National Policy NPPF(8) which ensure that leisure facilities are provide to promote healthy communities.

#### Affordable Housing

The proposal is for 7 flats with an existing building. The number of units is below the threshold for Affordable Housing contribution. Thus this has not been pursued. The proposal would accord with Local Plan Policy HN4, emerging Local Plan Policy CP9 and National Policy NPPF(6).

### **SI 2274 STATEMENT**

There was some pre-application discussions with and further dialogue with the agent post-application which resulted in a more acceptable scheme. Some revisions were submitted immediately after submission which introduced an additional flat in the scheme.

### **RECOMMENDATION**

Based on the above assessment, it is considered that the development would accord with the appropriate policies and thus it is recommended for permission subject to conditions.

### **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.

**NOTES**

1. If the applicant is aggrieved by the decision of the District Council as Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990, within six months (or 28 days if an enforcement notice is in place) of receipt of this notice. (Appeals must be made on a Planning Appeal form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay, 2 The Square, Temple Quay, Bristol, BS1 6PN. If requesting forms from the Planning Inspectorate, please state the appeal form you require. When lodging an appeal a copy must also be sent to the Head of Development Services, Council Offices, Ebley Mill, Westward Road, Ebley, Stroud, GL5 4UB.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Council as Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

2. If the permission to develop land is granted subject to conditions, whether by the District Council as Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District council a purchase notice requiring the District Council to purchase his interest in the land in accordance with the provisions of Sections 137-144 of the Town and Country Planning Act, 1990.
3. In certain circumstances, a claim may be made against the District Council as Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.
4. This permission relates to planning control only. Any other statutory consent necessary must be obtained from the appropriate authority. Building Regulations consent for the development may be necessary and you should approach the Building Control Department at the District Council for information.
5. If the work authorised by this permission involves the alteration to an access or the crossing of the highway verge or kerb, you are requested to consult the County Divisional Surveyor before commencing such work. The address of the Divisional Surveyor may be obtained from the County Surveyor, Shire Hall, Gloucester, GL1 2TH.
6. If the work authorised by this permission requires the supply of utility or other public services, you are requested to contact the appropriate statutory or other undertaker as soon as possible following the receipt of this decision. Failure to do so may result in a delay in the provision of these services.
7. Attention is drawn to the fact that any failure to adhere to the details of approved plans or to comply with conditions attached to this permission constitutes a contravention of the provisions of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken. Development begun after three years from the date of this permission is unauthorised development in respect of which enforcement action may also be taken.
8. Any further information concerning this decision can be obtained from the Head of Development Services, Council Offices, Ebley Mill, Westward Road, Ebley, Stroud, GL5 4UB. Please quote the Reference Number on this permission in any correspondence.

*Please note: only the applicant possesses the right of appeal.*