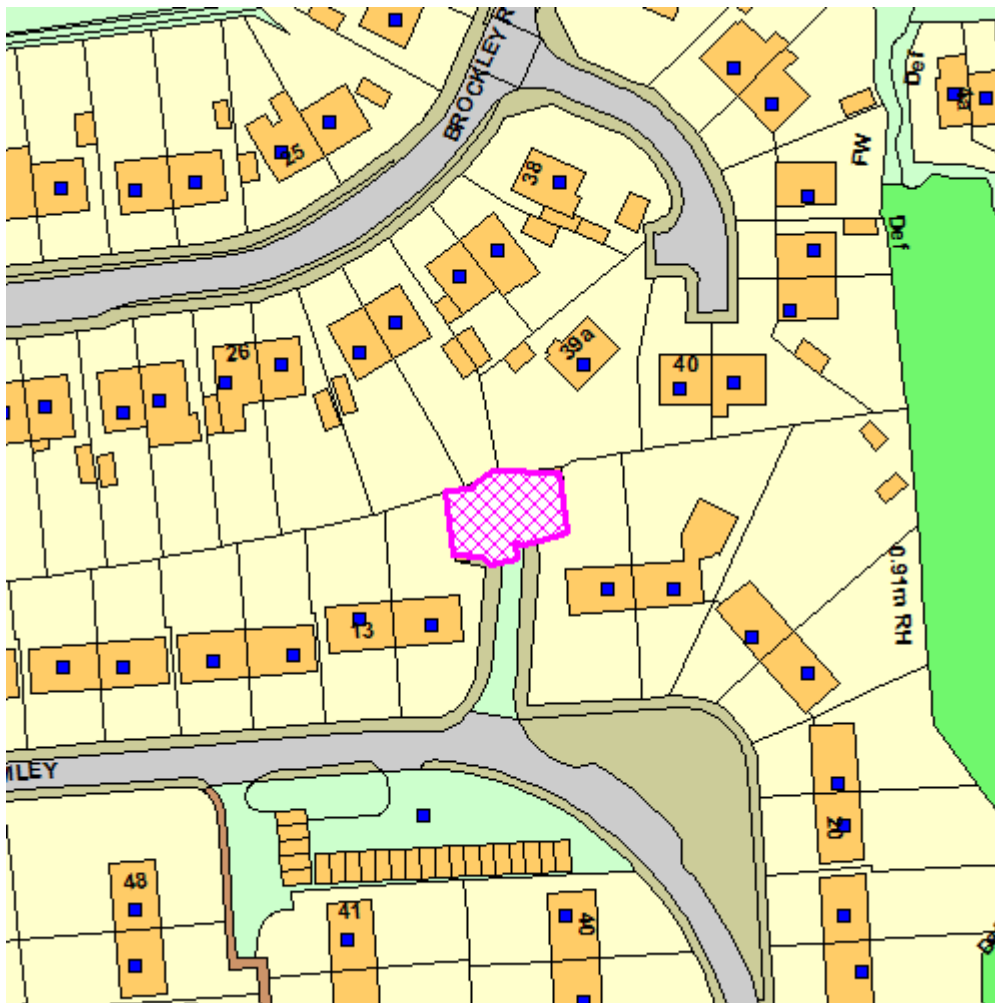




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Item No:	05
Application No.	S.18/1010/FUL
Site No.	PP-06940250
Site Address	Land Adjoining 14 And 15, Brimley, Leonard Stanley, Gloucestershire
Town/Parish	Leonard Stanley Parish Council
Grid Reference	380916,203760
Application Type	Full Planning Application
Proposal	Single storey residential dwelling with associated vehicle parking and landscaping. (380916 - 203760).
Recommendation	Permission
Call in Request	Planning Manager





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Applicant's Details	Trower Davies Ltd 8 Manor Park, Mackenzie Way, Cheltenham, GL51 9TX,
Agent's Details	None
Case Officer	Ceri Porter
Application Validated	08.05.2018
	CONSULTEES
Comments Received	Biodiversity Officer Leonard Stanley Parish Council
Constraints	Consult area Leonard Stanley Parish Council SAC SPA 7700m buffer Settlement Boundaries (LP)
	OFFICER'S REPORT

MAIN ISSUES

- * Background
- * Principle of development
- * Design and appearance
- * Residential Amenity
- * Highways
- * Ecology
- * Surface Water Drainage

DESCRIPTION OF SITE

The application site is located to the north of Brimley between no's 14 and 15 Brimley within the defined settlement boundary of Leonard Stanley and comprises of 2 blocks of 4 garages facing each other. The surrounding area is residential, primarily consisting of bungalows.

The site is not within any designated landscape and is not near any Tree Preservation Orders or heritage assets.

PROPOSAL

Planning permission is sought for the erection of a single storey dwelling with associated parking following demolition of the existing garages.



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REVISED DETAILS

MATERIALS

Walls: brick
Roof: plain tile
Doors/windows: PVC-u

REPRESENTATIONS

Statutory Consultees:

Land Contamination Officer – No comment
Environmental Protection manager – Recommends conditions
Leonard Stanley Parish Council – support
SDC Water Resources Officer – Provided the updated plan includes surface water going to the Severn Trent sewer with the agreed route for water from the adjacent ditch the proposal is satisfactory.

Public: None

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view

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

Stroud District Local Plan (SDLP)

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

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.

ES4 – Water resources, quality and flood risk.

ES6 – Providing for biodiversity and geodiversity.

ES12 – Better design of places.

The proposal should also be considered against the guidance laid out in:
Residential Design Guide SPG (2000)

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:



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BACKGROUND & INFORMATION

This is a Council owned site.

Due to ongoing maintenance requirements Stroud District Council's garage stock is in decline in terms of being fit for purpose and their financial viability. Reduced demand for garage spaces and historic underinvestment has become a catalyst for anti-social and criminal behaviour in some residential areas which is a concern.

The retention of underused land and garages requires investment that represents an unacceptable impact on Council finances, particularly as investment in housing takes a higher priority. Stroud District Council is obliged to manage its assets and make the best use of its existing property to build new homes and safeguard its finances.

In September 2015 the Council's Housing Committee reviewed its district wide garage ownership and resolved to rationalise its garage stock via various options including their redevelopment and/or sale.

It must be noted that the strategy applies only to garages and parking spaces that are let independently of any other tenancies, and for which a separate charge is levied. Any garages or parking spaces managed by the Council (e.g. garages attached to houses, carports etc) are outside the scope of this policy and managed according to commercial arrangements.

PRINCIPLE OF DEVELOPMENT

The site is located within the defined settlement boundary of Leonard Stanley, a third tier accessible settlement with limited facilities where the principle of new development is acceptable unless other material considerations indicate otherwise.

DESIGN AND LAYOUT

The proposed bungalow is of a scale, layout and design compatible with the character, appearance and amenity of this part of Brimley in accordance with policy HC1 of the SDLP.

RESIDENTIAL AMENITY

The proposed bungalow would be positioned slightly off centre in the site, set away from the boundaries. This is an improvement from the existing garages that directly abut the boundaries of 14 and 15 Brimley. The existing 2.2m high boundary wall with no 14 will be retained with a 1.8m close boarded fence provided to the rest of the site.

Given the above, it is considered that the development will not result in an overbearing effect or cause a loss of light to neighbouring occupiers. The proposed new dwelling will not result in any unacceptable overlooking, due to the height of the proposal, orientation of the plot and the arrangement of the windows. The main outlook will be to the front, along the access road with the living room having access into the garden at the side. The proposal therefore complies with policies ES3 and CP14(7) of the SDLP.



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HIGHWAYS

The proposal utilises the existing access of Brimley and provides one space for the one bedroom bungalow with space for a further vehicle available in the site or along the access road.

ECOLOGY

The site as a whole provides negligible habitat for wildlife. There is however scope to enhance the site ecologically as suggested within the submitted ecological report. This would be welcomed in accordance with the Natural Environment and Rural Communities Act 2006.

The site is located within the 7.7km of the Severn Estuary SPA/SAC/Ramsar site where Stroud District Council has adopted an interim strategy. Each new dwelling is required to pay £385 per dwelling to contribute to projects that relieve the recreational pressure on the designated site. A condition requiring the submission of a mitigation strategy is recommended.

SURFACE WATER DRAINAGE

There are known surface water issues in the area where an ephemeral watercourse runs along the rear gardens of no. 2 to 32 Brockley Road that may have been obstructed following later construction downstream. A simple solution is proposed whereby a land drain would be installed that would pick up the watercourse in the north-west corner of the site and run alongside the western boundary. Conventional pipework running from west to east would then discharge flows into the existing surface water network.

This approach has been added to the revised Site Plan drawing and SDC's Water Resources Engineer is satisfied with the proposal.

REVIEW OF CONSULTATION RESPONSES

None.

RECOMMENDATION

In light of the above, it is considered that the proposal complies with the policies outlined and is therefore 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.



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Subject to the following conditions:

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

Reason:

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

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

Drawing 661 601 - Site Location Plan - Received 04.05.2018

Drawing A554/10237/1A – Topographical Survey - Received 04.05.2018

Drawing 661 603 A – Context Plan - Received 26.06.2018

Drawing 661 610 A –Proposed Plans & Elevations - Received 26.06.2018

Drawing 661 602 B –Site Plan - Received 14.08.2018

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

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed mitigation strategy to avoid recreational impact from the development on Severn Estuary SAC. Development shall be carried out in accordance with the approved strategy. Please see informative.

Reason: The site lies within 3km of the Severn Estuary Special Area of Conservation (SAC) and so the development would result in the need for an appropriate mitigation strategy or for the developer to enter into an appropriate Section 106 agreement as under Article 6(3) of the Habitats Directive, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites (Together SPAs and SACs make up the network of Natura 2000 sites). The effect of the Regulations is to require Local Planning Authorities to ensure that no likely significant adverse effect arises from any proposed development scheme or Local Plan. The effect of this legislation together with the Natural England and Rural Communities Act 2006 is to impose on local authorities a legal duty of care to protect biodiversity. If local authorities think harm or "likely significant effect" could occur they are legally obliged to not approve the proposed plan or project unless appropriate avoidance and mitigation measures can be put in place. The



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various Habitat Regulation Assessment iterations concluded that proposed residential growth in the Local Plan within the catchment could have a likely significant effect, in the absence of appropriate mitigation. Over the last year SDC has collaboratively worked with Natural England (NE), Wildfowl and Wetlands Trust Severn Estuary Partnership, ASERA and Severn Estuary Stakeholders to devise an agreed strategy for housing within an identified 7.7km catchment.

4. 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.

5. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken except between the hours of 08:00hrs and 18:00hrs on Monday to Fridays, between 08:00hrs and 13:00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenity of the locality, especially for the people living/ or working nearby, in accordance with Stroud District Local Plan Policy ES3.

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. SDC's Interim strategy for avoidance of adverse impacts on Severn Estuary SAC is available on the website ([link](https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/other-policy-documents))
<https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/other-policy-documents>
If applicants elect to provide bespoke mitigation, SDC will require evidence to demonstrate that it has been implemented, as approved, e.g. a letter of confirmation from a suitably qualified project ecologist at the end of the construction period and updates at agreed intervals in the event of a long-term mitigation commitment.



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3. 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.



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