

14 November 2018

## DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY 27 NOVEMBER 2018** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **2.00 pm.**



Barry Wyatt  
Acting Head of Paid Service

**Please Note:**

- i. This meeting will be filmed for live or subsequent broadcast via the Council's internet site ([www.stroud.gov.uk](http://www.stroud.gov.uk)). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.
- ii. The procedure for public speaking which applies to Development Control Committee is set out on the page immediately preceding the Planning Schedule.

### A G E N D A

- 1 **APOLOGIES**  
To receive apologies for absence.
- 2 **DECLARATIONS OF INTEREST**  
To receive Declarations of Interest in relation to planning matters.
- 3 **MINUTES – 16 OCTOBER 2018**  
To approve and sign as a correct record the minutes of the Development Control Committee meeting held on 16 October 2018.
- 4 **PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING**  
(Note: For access to information purposes, the background papers for the applications listed in the above schedule are the application itself and subsequent papers as listed in the relevant file.)
  - 4.1 **SITE OF THE FORMER SHIP INN, BRISTOL ROAD, STONEHOUSE. S.18/0492/FUL**  
Erection of 9 dwellings for affordable housing including resident's parking and soft landscaping.

- 4.2 PARCEL H3 LAND WEST OF STONEHOUSE, GROVE LANE, WESTEND. S.18/1935/REM**  
Reserved Matters for development comprising the erection of 44 dwellings and associated landscaping, access and drainage infrastructure on land within Parcels H1-4.
- 4.3 PARCEL H3, H4, H5, H8, H9 AND H10 LAND WEST OF STONEHOUSE, GROVE LANE, WESTEND. S.18/1937/REM**  
S.18/1937/REM - Reserved matters approval following permission S.14/0810/OUT for the development of 67 dwellings plus 8 self-build plots with associated infrastructure, parking, landscaping, public open space and locally equipped area of play - land within parcels H3 (Partial), H4 (Partial), H5 and H8 - H10'.
- 4.4 LAND AT 27 HIGH STREET, KINGS STANLEY, STONEHOUSE. S.18/0563/FUL -**  
Creation of 2 residential dwellings.
- 4.5 LAND ADJACENT TO 40 AND 41, BRIMLEY, LEONARD STANLEY. S.18/1009/FUL**  
Erection of 3 no. single storey residential dwellings, with associated vehicle parking and landscaping plus 5 no. unallocated parking spaces (amended scheme).
- 4.6 LAND TO THE REAR OF 33 AND 34, THE DAFFODILS, KINGS STANLEY. S.18/1011/FUL**  
Erection of 2 no. single storey residential dwellings, with associated vehicle parking and landscaping.
- 4.7 LAND ADJACENT NO.24, THE CLOSE, WHITMINSTER. S.18/1678/FUL**  
Erection of a two dwellings (semi-detached) with associated vehicle parking and landscaping (revised scheme).
- 4.8 LAND ADJACENT NO.44, ELMGROVE ROAD EAST, HARDWICKE. S.18/1679/FUL**  
Erection of a two storey residential apartment block comprising of 2no. apartments with associated vehicle parking and landscaping. (Revised drawings received 26.10.18).
- 4.9 DUDBRIDGE INDUSTRIAL ESTATE, DUDBRIDGE ROAD, STROUD. S.18/2270/DISCON**  
Discharge of condition 21 from permission S.17/1987/OUT.

#### **Members of Development Control Committee**

**Councillor Tom Williams (Chair)**  
**Councillor John Marjoram (Vice-Chair)**  
Councillor Martin Baxendale  
Councillor Dorcas Binns  
Councillor Miranda Clifton  
Councillor Nigel Cooper

Councillor Haydn Jones  
Councillor Steve Lydon  
Councillor Karen McKeown  
Councillor Jenny Miles  
Councillor Mark Reeves  
Councillor Jessica Tomblin

## DEVELOPMENT CONTROL COMMITTEE

# 3

16 October 2018

6.00 pm – 7.05 pm  
 Council Chamber, Ebley Mill, Stroud

### Minutes

#### Membership

Councillor Tom Williams (Chair)	P	Councillor Haydn Jones	P
Councillor John Marjoram (Vice-Chair)	P	Councillor Steve Lydon	P
Councillor Martin Baxendale	P	Councillor Karen McKeown	P
Councillor Dorcas Binns	P	Councillor Jenny Miles	P
Councillor Miranda Clifton	P	Councillor Jessica Tomblin	P
Councillor Nigel Cooper	P	Councillor Mark Reeves	P

P = Present    A = Absent

#### Officers in Attendance

Planning Manager	Biodiversity Officer
Development Manager	Senior Planning Officer
Team Manager	Democratic Services Officer
Solicitor and Deputy Monitoring Officer	

#### Other Members in Attendance

Councillors Ross and Brine for Item 4.1 – Site of the former Ship Inn, Bristol Road, Stonehouse (S.18/0492/FUL).

The Chair welcomed Councillor Tomblin to her first meeting of Committee.

#### DC.027      APOLOGIES

There were no apologies.

#### DC.028      DECLARATIONS OF INTEREST

Councillors Miles and Clifton noted that in respect to Item 4.1 on the agenda – Site of the former Ship Inn, Bristol Road, Stonehouse (S.18/0492/FUL) they both sit on Housing Committee, but did not have a Personal Interest as defined within the Code of Conduct.

#### DC.029      MINUTES – 4 SEPTEMBER 2018

**RESOLVED** That the Minutes of the meeting held on 4 September 2018 are accepted as a correct record.

**DEVELOPMENT CONTROL PLANNING SCHEDULE**

Representations were received and taken into account by the Committee in respect of applications:

1	S.18/0492/FUL	2	S.18/1624/NEWTPO	3	Enforcement Report
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Late pages relating to all items on the schedule which had been circulated to committee prior to the meeting.

**DC.030 SITE OF THE FORMER SHIP INN, BRISTOL ROAD, STONEHOUSE (S.18/0492/FUL)**

The Chair asked Committee to defer this item due to the volume of late pages circulated to Members prior to the start of the meeting.

Councillor Marjoram proposed a motion to defer this item, explaining that transparency should be a priority when dealing with council sites. This was seconded by Councillor Baxendale.

Following discussion relating to an adjournment of the meeting for Members to read the papers the motion was put to the vote and was carried.

**RESOLVED To defer application S.18/0492/FUL to a future meeting.**

**DC.031 LAUREL COTTAGE, BRIMSCOMBE HILL, BRIMSCOMBE, STROUD (S.18/1624/NEWTPO)**

The Biodiversity Officer presented this item explaining the reasons that Members had been asked to confirm a Tree Preservation Order. It was considered that the tree could be managed as there was no evidence that the tree was damaging the retaining wall or there was any loss of light to properties or cabling being entwined in the tree. The tree was healthy and vibrant Yew Trees can live for many years.

Public speaking took place and it was explained to Committee that if the wall is damaged due to the tree, the landowner could get insurance for the wall and the tree which would cover the costs.

Discussion took place in relation to management of the tree, future applications and that confirming the TPO would not necessarily affect any such applications.

Councillor Marjoram proposed a motion to confirm the order, this was seconded by Councillor Binns and on being put to the vote was carried.

**RESOLVED To CONFIRM a Tree Preservation Order for S.18/1624/NEWTPO.**

**DC.032 CHERRY TREE HOUSE, CRANHAM**

The Team Manager introduced this item explaining that the building, as built, is overbearing and causes harm to neighbours, is not built to plan and is contrary to the Stroud District Local Plan CP14(7) and ES3(1), Section 172 and 173 of the Town and Country Planning Act 1990. Officers were asking Members to consider taking enforcement action for the total demolition of the building as it was expedient to do so.

Public speaking took place in opposition to enforcement action being taken. It was explained to Members the height difference was minimal 760mm and that the extra height would not be overbearing on neighbouring properties and amenities. Complaints to applicants were more about traffic on neighbouring land.

Members asked questions relating to appeals, as there was an ongoing appeal against the decision to refuse planning permission for the dwelling as built and whether two appeals could be joined together if enforcement action was approved. Previous applications to vary conditions had been refused. If the appeal is upheld by the Inspectorate then enforcement action would not need to be taken.

Councillor Jones proposed a motion to defer the decision on taking enforcement action until the appeal currently with the inspectorate has been heard. This was seconded by Councillor Reeves.

Members debated the motion. On being put to the vote there were 5 votes in favour of deferment and 7 votes against.

Councillor Marjoram proposed a motion that enforcement action be taken for the reasons outlined in the report and quoting Local Plan Policies CP14(7), ES3(1) and NPPF paragraph 58. This was seconded by Councillor Clifton.

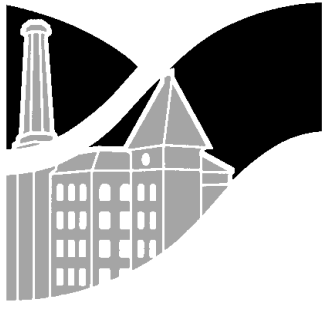
Members debated the motion and the Planning Manager explained to Committee that the applicant would have 28 days to lodge an appeal. The appeals would be joined and be decided together.

The motion to take enforcement action was put to the vote, there were 7 votes in favour of enforcement action, 3 against and 2 abstentions.

**RESOLVED To give delegated authority to officers to serve an enforcement notice for the total demolition of the unauthorised building as set out above.**

The meeting closed at 7.05 pm.

Chair



# **Stroud District Council**

## **Planning Schedule**

### **27<sup>th</sup> November 2018**

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 Councils 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.

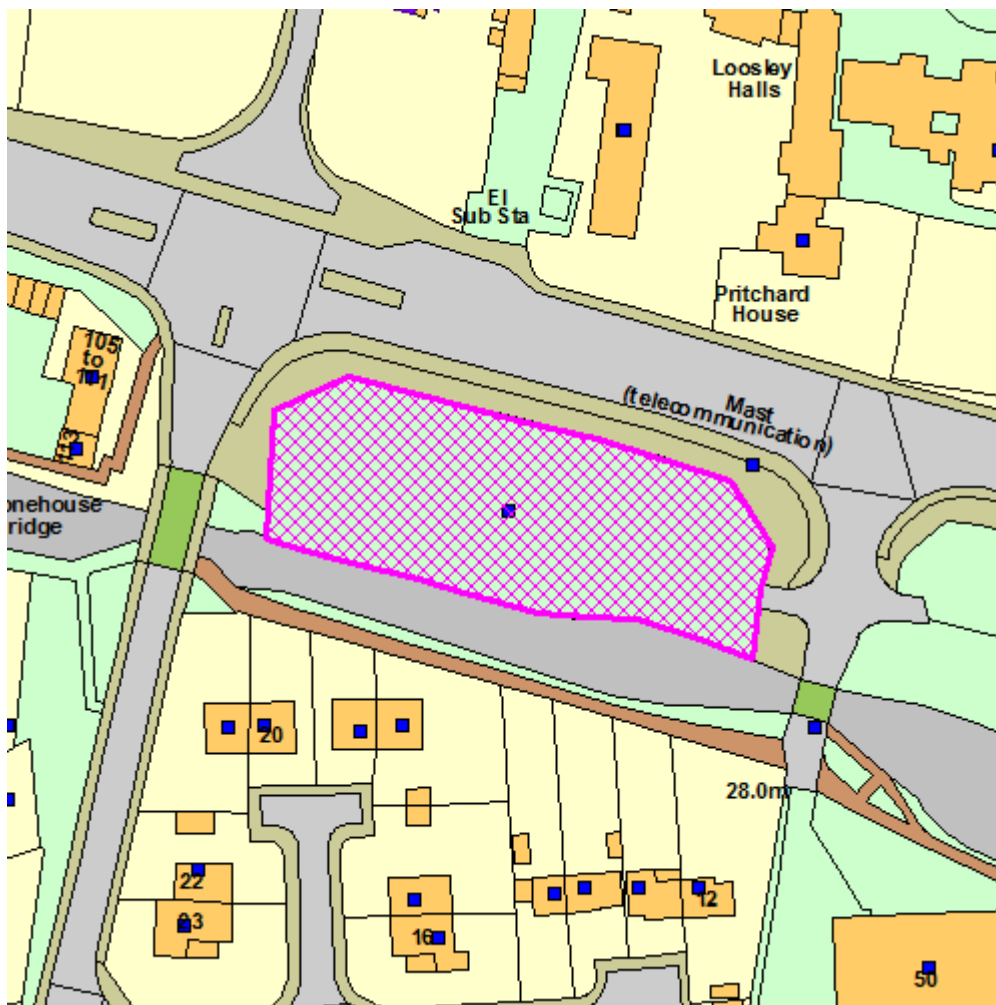
<b>Parish</b>	<b>Application</b>	<b>Item</b>
Stonehouse Town Council	Site Of The Former Ship Inn, Bristol Road, Stonehouse. S.18/0492/FUL - Erection of 9 dwellings for affordable housing including resident's parking and soft landscaping (380549 - 204844)	01
Eastington Parish Council	Parcel H3 Land West Of Stonehouse, Grove Lane, Westend. S.18/1935/REM - Reserved Matters for development comprising the erection of 44 dwellings and associated landscaping, access and drainage infrastructure on land within Parcels H1-4.	02
Eastington Parish Council	Parcel H3, H4, H5, H8, H9 And H10 Land West Of Stonehouse, Grove Lane, Westend. S.18/1937/REM - Reserved matters approval following permission S.14/0810/OUT for the development of 67 dwellings plus 8 self-build plots with associated infrastructure, parking, landscaping, public open space and locally equipped area of play - land within parcels H3 (Partial), H4 (Partial), H5 and H8 - H10'.	03
Kings Stanley Parish Council	Land At 27 High Street, Kings Stanley, Stonehouse. S.18/0563/FUL - Creation of 2 residential dwellings (381161, 203428)	04
Leonard Stanley Parish Council	Land Adjacent To 40 And 41, Brimley, Leonard Stanley. S.18/1009/FUL - Erection of 3 no. single storey residential dwellings, with associated vehicle parking and landscaping plus 5 no. unallocated parking spaces (amended scheme)	05
Kings Stanley Parish Council	Land To The Rear Of 33 And 34, The Daffodils, Kings Stanley. S.18/1011/FUL - Erection of 2no. single storey residential dwellings, with associated vehicle parking and landscaping (381879 - 203101)	06
Whitminster Parish Council	Land Adjacent No.24, The Close, Whitminster. S.18/1678/FUL - Erection of a two dwellings (semi-detached) with associated vehicle parking and landscaping (revised scheme).	07
Hardwicke Parish Council	Land Adjacent No.44, Elmgrove Road East, Hardwicke. S.18/1679/FUL - Erection of a two storey residential apartment block comprising of 2no. apartments with associated vehicle parking and landscaping. (Revised drawings received 26.10.18)	08
Cainscross Parish Council	Dudbridge Industrial Estate, Dudbridge Road, Stroud. S.18/2270/DISCON - Discharge of condition 21 from permission S.17/1987/OUT.	09





## Development Control Committee Schedule 27/11/2018

<b>Item No:</b>	<b>01</b>
<b>Application No.</b>	S.18/0492/FUL
<b>Site No.</b>	6763070
<b>Site Address</b>	Site Of The Former Ship Inn, Bristol Road, Stonehouse, Gloucestershire
<b>Town/Parish</b>	Stonehouse Town Council
<b>Grid Reference</b>	380549,204844
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Erection of 9 dwellings for affordable housing including resident's parking, works to canal bank and soft landscaping
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Head of Planning





## Development Control Committee Schedule 27/11/2018

<b>Applicant's Details</b>	Stroud District Council Ebley Mill, Ebley Wharf, Stroud, Gloucestershire, GL5 4UB
<b>Agent's Details</b>	Baily Garner LLP 55 Charlotte Street, Birmingham, B3 1PX, ,
<b>Case Officer</b>	John Longmuir
<b>Application Validated</b>	27.02.2018
<b>CONSULTEES</b>	
<b>Comments Received</b>	SDC Water Resources Engineer Stonehouse Town Council Contaminated Land Officer (E) Historic England SW Development Coordination (E) Biodiversity Officer Arboricultural Officer (E) Conservation North Team
<b>Constraints</b>	Adjoining Canal Affecting the Setting of a Cons Area Consult area Conservation Area Flood Zone 2 Flood Zone 3 Key Wildlife Sites - Polygons Neighbourhood Plan SAC SPA 7700m buffer Settlement Boundaries (LP) Village Design Statement
<b>OFFICER'S REPORT</b>	

### MAIN ISSUES

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



## **Development Control Committee Schedule 27/11/2018**

### **DESCRIPTION OF SITE**

The application site comprises a parcel of vacant land located alongside the A419 Bristol Road. An access for both vehicles and pedestrians is to the east, accessible by the Upper Mills Industrial Estate. To the West, the site is bordered by Downton Road and to the South by the Stroudwater Navigation Canal.

The site lies within the settlement boundary of Stonehouse.

The site has been vacant for a number of years, being part of the curtilage of the former Ship Inn Public House (now demolished), albeit with the Ship Inn not being located on the site itself. There are no visible signs of previous uses on the site, with the site now covered in rough grassland.

The site, whilst largely flat, has a gentle north-south slope down to the canal, steepening in the final few metres into the canal.

Trees and bushes occupy the northern site boundary, running parallel with the A419. There are also two mature trees present on the site that occupy a prominent position on the southern bank side of the site.

### **PROPOSAL**

The application is for the construction of 9 new residential dwellings, all of which are proposed as affordable housing units. 6 semi detached properties are proposed, one detached property, as well as 2 units (occupying plots 1 and 2) being apartment style.

The new dwellings would be served by a vehicular highway accessed from the A419. 17 vehicle car parking spaces are to be provided on site.

Each proposed dwelling would have a private rear garden backing onto the canal, with the two apartments sharing a communal space.

The vegetation to the front boundary, bordering the A419, is proposed to be retained and further new planting is proposed throughout the site.

The two existing mature trees are proposed to be felled in order to make way for the proposed development.

An area of the canal bank is to be widened as part of this application, with the existing bank edge to be reinforced through landscaping.

### **REVISED DETAILS**

The application has had considerable revisions since the initial submission.



## Development Control Committee Schedule 27/11/2018

### REPRESENTATIONS

#### Statutory Consultees:

Town Council – object: “missed opportunity” for a footpath, moorings, slipway, seating and refreshment kiosk, “fails to deliver sufficient community and cultural facilities”, planning history, A419, not identified for housing in the Local Plan and NDP, design does not reflect Boakes Drive, loss of privacy, gardens are too small.

SDC Water Resources Engineer – no objection subject to condition.

SDC Arboriculture Officer – no objection.

GCC Highways – no objection subject to conditions.

Historic England: No objection

#### Public:

A number of responses were received from members of the public regarding the proposed application. Largely, the responses covered similar topics, including:

- The site was promised by SDC for a neighbourhood use (park/public house/café etc);
- The design of the units are not in keeping;
- The number of proposed units are too many for the size of site;
- The site should be protected in line with conservation policies;
- The development will be overbearing and impair privacy;
- The gardens will be dangerous for young families (next to canal bank).

### NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework is also highly relevant. Particular references are made in the heritage section below. It is also important for housing delivery especially affordable provision.

#### Heritage polices/legislation

Section 72(1) and Section 66(1) of The Planning (Listed Buildings and Conservation) Act 1990 are very significant. Section 66 requires: “special regard to the desirability of preserving the building or its setting or any special architectural or historic interest which it possesses”.

Section 72 is similar: “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area”.

Paragraph 193 of the NPPF States: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Paragraph 195 of the NPPF considers criteria relating to public benefit that can outweigh substantial harm or loss of designated heritage assets.



## Development Control Committee Schedule 27/11/2018

Paragraph 200 of the NPPF encourages Local Planning Authorities to better reveal the historic significance of sites through new developments within World Heritage Sites and Conservation Areas.

Heritage is particularly considered by Local Plan Policy ES10 Valuing our historic environment and assets. This states:

“Proposals involving a historic asset need to describe the asset, its significance, its setting and assess the impact. Proposals will be “supported which conserve and where appropriate enhance the heritage significance and setting of the Districts heritage assets especially those elements which contribute and to the distinct identity of the District”. Listed Buildings and archaeological sites are highlighted for their heritage significance including their setting. Key views especially of spires and towers are highlighted. Any harm or loss would require “clear and convincing justification”.

ES10 requires that any harm or loss would require “clear and convincing” justification. This provides a similar protection to that provided by the NPPF where the harm is less than substantial.

Other Local Plan policies.

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.

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.

ES7 – Landscape character.

ES8 – Trees, hedgerows and woodlands.

ES10 – Valuing our historic environment and assets.

ES11 – Maintaining, restoring and regenerating the District’s Canals.

ES12 – Better design of places.



## **Development Control Committee Schedule 27/11/2018**

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

In addition, Stonehouse has an adopted Neighbourhood Development Plan which is read as a material consideration in the determination of this application. The site, being located within the Industrial Heritage Conservation Area (IHCA), should be read against the Industrial Heritage Conservation Area Management Proposals SPD 2008, SPA Design Guide and owing to its siting along the Stroudwater Canal, the Cotswold Canals Restoration Phase 1 – Conservation Management Plan January 2007.

The application has a number of considerations which both cover the principle of development and the details of the proposed scheme which are considered in turn below:

### **PRINCIPLE OF DEVELOPMENT**

The application site is located within the settlement boundary of Stonehouse, and is therefore acceptable in principle for residential development under Policy HC1 of the Local Plan 2015.

However, the application site lies within the Stroud IHCA, and is therefore protected from damaging development within legislature such as the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy contained within the NPPF and the policies contained at a local level within the Local Plan, Stonehouse NDP, and supplementary planning guidance.

An appeal was dismissed in 2002, (REF: APP/C1625/A/02/109754), for residential development here. Please see appeal decision letter attached to this report. This outline scheme was considered to significantly and negatively impact the open nature and character of the site, to the detriment of the IHCA. It was felt that residential development would impact on the transitional function of the site from the canal to the urban development beyond. However since that decision there is been more residential development along this stretch of the canal.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of applications in accordance with the development plan. There are also other material considerations that could be deemed to outweigh the previous objection.

One such consideration is that all residential units will be built as affordable housing units, something that is greatly welcomed given the district wide affordable housing shortage. If approved, the proposed dwellings will provide affordable dwellings for a number of individuals and families.

In August 2018, the Government's published a green paper on social housing. Emphasis is on additional delivery, with Councils expected to play key roles within the forthcoming years to combat the severe shortage of such housing within the nation as a whole.

Consequently Officers consider that on balance, the heritage impacts, could be minimised mitigated through appropriate design and offset by the affordable housing provision.



## Development Control Committee Schedule 27/11/2018

### HERITAGE IMPACT AND IMPLICATIONS

#### Legislation, planning policies and SPGs

A stringent legislative framework exists within the UK's planning system in relation to historic buildings and the built/natural landscape. It is under this legislative framework that the proposal put forward to the LPA will be addressed, assessed and determined.

As the site lies within the IHCA, legislative protection is the Planning (Listed Building and Conservation Area) 1990. This requires that special attention be given to the preservation or enhancement of conservation areas.

In addition, the NPPF, chapter 16, 'conserving and enhancing the historic environment', puts into place planning policies that allow decision makers to value the significance of historic areas, landscapes and buildings, and afford these designated heritage assets great weight when harm as a result of development is proposed.

Specifically, Paragraphs 193-202 describe the process of LPAs considering potential impacts on development on heritage assets. It is stated within Paragraph 200 that LPAs should seek out the opportunities for new development within Conservation Areas where enhancements and betterments of the historic significance can be revealed.

The Local Plan (noted above) as well as the policies contained within the Stonehouse NDP mirror the sentiments outlined within the NPPF, encouraging the careful consideration of development proposals within Conservation areas in order to minimise harmful and irreversible damage to such heritage assets.

#### Impact on IHCA and Heritage Assets

As discussed above, the principle of residential development has been previously dismissed on appeal. However, with careful consideration and successful design, Officers consider that on fine balance it is acceptable. It is therefore the purpose of this section to adequately assess the proposed impacts of the IHCA and surrounding heritage assets.

Underpinning the sites wider designation within the IHCA is a clear understanding that the green and open spaces, (IHCA Character Appraisal, Volume 1) are often just as important to the character of an area as the built environment.

Both the natural and built environments combine together to create significant heritage assets and landscape characters, contributing to the IHCA. This is not fully appreciated in the submitted Heritage Impact Assessment.

The spine of the IHCA is a green corridor of unmaintained and overgrown spaces that help to punctuate the distinctive and rhythmic pattern of the industrial mills along the watercourse. This is most appreciated from the perspective of the canal.

Whilst it is now understood the value the site holds in its current state, we must acknowledge the level of impact the proposed development will have to this site, and the IHCA as a whole.



## **Development Control Committee Schedule 27/11/2018**

The application would effectively undermine the open and unmaintained nature of the site, proposing instead to domesticate the land. The historic characteristic of the site as part of a green corridor will be reduced.

Although the proposal will retain the boundary trees to the north and other landscaping, the predominant feel of the site will be read as domesticated.

Secondly, affordable housing on this site is a material consideration, it is pertinent to assess the proposed development in terms of its design and layout and how this will impact the application site and IHCA.

The proposals put forward to the LPA to determine includes the erection of 9 residential units that will be positioned running centrally through the site east-west.

Rear gardens are located towards the canal bank, with an access road and parking located towards the north of the site.

The HIA describes how the overall design cues for the scheme have been taken from The Boat House; a non-designated local heritage asset situated a few metres due east of the application site, similarly sited on the banks of the Stroudwater Canal.

As one of the last remaining buildings associated directly to the use of the Canal, the Boat House is an important design cue. Mirroring the profiled metal clad walls, overhanging eaves and simple design of the Boat House, the proposed residential units adopt these features. The application also proposes a range of bright colour cladding for the residential units that will add to the vibrancy and striking nature of the scheme.

The design is considered to offer an attractive and striking development that will be read as locally distinct and create a focal point when travelling down the canal or canal towpath.

In this instance, Officers consider the quirky and vibrant nature of the proposed development to be the best trade-off when consideration is given to the perceived level of negative impact upon the IHCA residential development could cause to this site. It is considered that the particular design as proposed, that links to the wider historical and significant location of the application site, is an appropriate solution that minimises the harm. Such a solution could not have foreseen by the appeal inspector in 2002.

Although removing the transitional function and unmaintained character of the site, the proposed development emulates the architectural and historic significance of the Boat House located a short distance from the application site. Consequently Officers consider that the proposed development satisfies Paragraph 200 of the revised NPPF as it seeks to enhance the historical significance of the application site and wider IHCA through better revealing the historical significance of the Boat House.

It is critical to observe the role LPAs have in considering the potential impacts of development on heritage assets. In this instance, the proposed residential development will have a significant impact on the landscape characters and features of the site in relation to





## **Development Control Committee Schedule 27/11/2018**

the IHCA. Paragraph 196 of the NPPF requires a proposed development, which will lead to less than substantial harm of a heritage asset, to be reviewed inline with a number of criteria to identify whether such harm can be outweighed via the provision of substantial public benefit.

In this instance, it is considered that on fine balance, the provision of affordable housing units does outweigh the loss of the landscape character of the site as it will provide significant public benefit. The site currently provides no public benefit other than its landscape benefit, so the provision on the site will go some way in offsetting this perceived loss of historical character. With this in mind, it is considered that the application satisfies paragraph 195 of the NPPF in this regard.

The discussion above has surrounded the proposed impact of the development on the application site and IHCA, the LPA must also assess the impact the proposed development is expected to have on listed buildings.

Two heritage assets are located within 200m of the application site and lie within the IHCA.

The main building at Upper Mills is a large former mill, currently used as office accommodation. The building itself represents a typical mill building and is remnant of the industrial heritage of the area.

Located approximately 130m south-east of the application site, there is sufficient development between the two sites as to not cause any significant impact upon this mill building. Neither site can be seen when stood either in the application site or at Upper Mills, and as such there are considered to be no concerns regarding the impact the proposed development will have on the Main building.

Further, both sites are not historically linked either physically or historically, and as such, are not considered to be impacted as a result of the proposed development.

The second building designated within 200m of the application site, as already mentioned, is the Boat House. Listed as an undesignated local heritage asset, the Boat House sits closer to the application site, some 80m east of the site, similarly on the northern side of the canal bank.

When standing in the public domain on the southern side of the canal facing north, both the application site and the Boat House can be seen together. Whilst it is not considered that the proposed development will detract from the significance of the Boat House in any way, it is believed that the linkage of the two sites as a result of the proposed application mimicking the Boat House will in effect increase the Boat House's presence and sense of place along the canal bank to a greater degree.

Two Grade II listed buildings (Hillview House and The Mount) lie to the north of the application site, however sit outside of the IHCA. Nonetheless, it is imperative to properly assess any impact that may occur to these properties in line with statute.



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Both properties are detached, occupying relatively large plots and located on the opposite side of the A419. The HIA states the application site has a neutral impact on both Hillview House and The Mount in so far as it neither positively or negatively impacts upon these buildings. This assessment is considered to be an accurate reflection.

The two buildings are of a sufficient distance from the application site, are in no way historically or physically linked to the site, and do not share any similar historical features or contextual significance.

There are no non designated heritage assets affected.

### **Conclusion: Heritage Impact**

On very fine balance, it is considered that whilst there is to be a significant change and thus impact to the character of the application site, the proposed design and scheme is deemed to positively reflect the historic surrounding, and reinvigorate an undesignated local heritage asset.

Most importantly, it is deemed that the requirement for Local Authorities to provide affordable housing, coupled with a refreshing and historically sensitive designed scheme, in this instance, outweighs the principle heritage concerns.

The design here is particularly important because the 2002 scheme dismissed at appeal was in outline with only few indicative details.

### **DESIGN AND APPEARANCE**

The design cue for the scheme is based on the Wycliffe Boat House, located a few metres from the application site. The Boat House, although not listed, is notable. It provides a focal point on the canal, and provides an historical context in which to set a new development.

Utilising the same architectural elements and features, overhanging eaves, metal clad walls, simple detailing to facades and bright primary colours, the proposed new residential units incorporate the historic Boat House into the application site. The design is considered to offer an attractive and striking development that will be read as locally distinct and create a focal point when travelling down the canal or canal towpath.

A single road is proposed through the centre of the site, with the residential units being proposed on the southern side of this road, closest to the canal bank. This obscures the impact of parked cars from the canal. To the northern boundary of the site, many of the existing trees are to be retained and additional planting provided where possible.

The residential units are to be positioned running parallel to the road and canal bank, with some vehicular parking proposed to the front of the dwellings at right angles to the front of properties. The units are would appear as predominately semi-detached dwellings with simple fenestration and detailing.



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A key component of the proposed development is the design and materials. The applicant has indicated the residential units are to be clad with brightly coloured metal cladding, with a contrasting roof profile. This design appears to be an integral element of the scheme, which mimics the aspects of the Wycliffe Boat House.

Mirroring the facade dimensions, overhanging eaves, and the vibrant coloured metal cladding, the proposed dwellings reflect the Boat House, drawing on its features to enable the proposed development to better integrate and connect with the wider site and its historical context.

A high proportion of public responses question the proposed style of buildings for this site; the appropriateness in relation to the buildings within the surrounding area.

The individual and quirky nature, forms the rationale and justification for development on the site. Paragraph 131 of the NPPF also promotes innovative design. With the historic protection on the site, it is considered that in this case, it is the objective to secure 100% affordable housing through a different and non-typical designed scheme that overcomes the principle objection.

With this in mind, Officers consider the overall design and appearance of the proposed scheme to be acceptable, however issues such as materials and colours are deemed to be of such high importance that it is required to condition them prior to implementation.

### **LANDSCAPE IMPACT**

The site is outside the AONB and away from its elevated viewpoints.

The site does not form part of any notable views except for functioning as general swath of canal bank, but this limited due to the nearby bridge and residential housing. Similarly there are no particular landscape features to the site except for its 2 bankside trees.

Whilst the new houses will be seen from the canal towpath and Stanley Downtown road, it is not felt that impacts will be significant.

The existing roadside trees are being retained, which will continue to screen the site from the A419. Whilst the new houses will be seen from the canal towpath and Stanley Downtown Road, it is not felt that impacts will be significant.

### **HIGHWAY IMPACTS**

The existing site entrance would remain but will be widened in order to achieve a two-vehicle passing point, allowing vehicles to enter and exit the site at the same time.

The access does narrow within the site to approximately 5.4 metres, with parking parallel to this highway on the northern boundary, and a pedestrian highway to the south. A turning head is proposed, in order to provide satisfactory turning facilities travelling through the site, as well as for refuse vehicles and emergency services.



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Parking for 17 vehicles is proposed which is considered to adequately meet the requirements of our Local Plan.

The proposal is a cul-de-sac development and traffic speeds should be slow, particularly given its length and approach by a tight corner.

In addition to vehicular movements, directly outside of the application site is a bus stop, linking future residents to the local bus network. Further the site sits directly to the north of the canal towpath whereby occupants of the site can walk/cycle into Stroud Town Centre, or via the pavement network, to Stonehouse Town Centre a few minutes away.

With good rail, bus and cycling/walking facilities the site is in a very accessible location. The Local Highway Authority have no objection subject to conditions.

### **RESIDENTIAL AMENITY**

Potential issues include privacy, shadowing, daylighting, sunlight, overbearing, noise/disturbance during construction and thereafter.

The submitted objections have included privacy and noise/disturbance concerns.

The nearest dwellings are to the south at Whitfield Close. Four back on to the canal and the rest are more distanced. There is some separation (approximately 19.5m in the worst case) from the application site provided by their gardens and the canal.

The proposal shows the new houses set back approximately 6m from the line of the existing canal.

The SDC residential design guide recommends 25m between private rear facing windows, which although dated (2000), it offers a helpful benchmark. The proposal would broadly meet this guideline. Whilst the concerns of the existing residents are understandable, this would not warrant refusal.

Existing amenity is not ideal due to the canal towpath being close.

Whilst the existing residents do have an open aspect towards the site, however there is sufficient distance from these existing dwellings to the proposed units as to not be overbearing or be unduly dominant, even allowing for the difference in relative slab heights.

Similarly there is sufficient distance to avoid shadowing implications. Daylighting would not be impaired. Being to the north, sunlight would not be affected.

There are houses to the north and west but these are more distanced and on busy roads.



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Noise/disturbance and dust mitigation during construction can be covered by submission of operational details required by conditions. This reinforces the Council's statutory nuisance powers.

There are commercial units in the Upper Mills Industrial Estate in the south-easterly location of the application site, but the new dwellings are reasonably distanced to avoid noise/disturbance and existing dwellings are significantly closer.

There are no significant privacy, daylighting and overbearing implications for the new residents. The Residential Design Guide outlines the residential amenity standards appropriate for new development. A minimum of 20sq.m is required of private amenity space. Within the proposed development, each residential unit has a rear garden measuring from 24sq.m to 48sq.m with the apartments sharing a communal garden measuring 76 sq.m.

### **AFFORDABLE HOUSING**

100% of the residential units proposed are to be brought forward as affordable housing, and this forms the underlying basis for residential development on this site.

Of course, it is a key consideration of the central Government to provide increasing numbers of affordable housing within the UK, one that was reiterated within the White Paper of August 2018 that encouraged Local Authorities to play a more integral approach to aid this provision.

The preamble to Local Plan policy CP8 states that the 2015 SHMA identifies a need for 446 affordable dwellings a year. This is a substantial requirement which cannot be achieved by contributions from market led sites alone.

In this instance, Officers consider that these affordable houses would be a positive contribution that will provide substantial public benefit to the District.

The proposed 9 houses would be a helpful contribution towards the Council's 5 year land supply.

The affordable housing provision is to be secured by way of unilateral undertaking.

### **ECOLOGY**

Full ecological investigations have been undertaken and reports submitted for the application site during the course of the application to date.

The documents that make up the most informative ecological appraisal submissions include:

- \* Bat survey report
- \* Great Crested Newt Mitigation Method Statement
- \* Plan for Great Crested Newts
- \* Reptile Mitigation strategy

A bat survey was carried out in order to determine the presence of any bat roosts on site. Following on from a desk study, a dusk emergence and dawn re-entry survey was carried out in order to assess potential roosts and bat activity on the site.



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Critically, the dusk emergence and dawn re-entry survey found that the existing Alder tree on the site is confirmed as a roost for an individual soprano pipistrelle bat. This confirmation is of primary importance to the assessment of this planning application, as the developers will be required to obtain a European Protected Species Licence from Natural England prior to any works commencing on site.

Through careful consultation between applicant, officers and qualified ecologist, it is proposed that a bat hibernation box, Schwegler 1FF noted within the Bat Survey report by Wild Service dated 16th October 2018, be located on the canal bridge just outside the application site. The hibernation box will therefore be in place prior to the felling of the Alder tree. These bat boxes have been shown to be very effective for a range of species.

The bat study also found a significant number of other bat activities, from bat calls and passes to foraging and social calls both within the site itself, as well as along the canal.

As a result of the bat study, a set of recommendations were provided to reduce the potential for any harmful impact as a result of the proposed development upon bats. The recommendations included:

- \* The creation of a dark corridor along the western and northern edges of the site along the hedgerow;
- \* Light restricted to selected areas by fitting hoods, cowls or shields which direct the light below the horizontal plane, to avoid light spillage;
- \* Reducing the height of light units to keep the light as close to the ground as possible and reduce the volume of illuminated space; and
- \* Avoiding blue/white light and installing UV filters if mercury lamps are installed.

As well as the bat hibernation box to be put in place prior to the felling of the Alder tree, it is recommended that a condition be imposed to require further bat boxes within the residential units themselves, as well as requiring a lighting strategy in order to minimise potential negative impacts upon bats as a result of the development.

### **Great Crested Newts (GCN)**

As GCN and their breeding sites are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and species regulations 2017.

The ecological appraisal concluded that the application site could be potential habitat for GCN. However these may be jeopardised by waterfowl and fish.

Conditions require the assessment of the canal water in late March/April. If they are found then an area has been identified on the site, along the canal bank, for appropriate rough grassland habitat managed in accordance with an agreed methodology. If no specimens are found in the survey then this land is not essential and could alternatively convert to garden.



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### Reptiles

The ecological appraisal found some presence of slow worms and grass snakes using the site.

The aforementioned canalside area can also be managed for reptiles, if needed. Any present during construction can be safeguarded by having designated areas and protective netting. Otters, water voles and white-clawed crayfish

White-clawed crayfish have not been found on/by this site. Otters are present along the canal, but there is no evidence of them using actual this site, particularly as the bank is steep

Water voles are particularly scarce in the area, due to mink. This proposal involves reforming the bank which provides an opportunity to create habitat. It is felt that priority should be given to the specific needs of the water voles. This would help increase this struggling species which is scarce along the canal.

A detailed soft landscape proposal plan, drawing (P17-1687\_01-E) has been submitted as part of this application that has been considered acceptable by the Council's Biodiversity Officer as acceptable. A condition is recommended for the implementation in strict accordance with this plan for development on the site.

The Council's Biodiversity Officer, along with the conclusions from the ecological study, recommends a condition be implemented prior to the commencement of work on site that details of the works to the bank, including during and after completion be submitted to and approved in full by the planning authority.

### Ecological summary

The proposed development can be achieved on the site through the implementation and adherence to a number of stringent ecological planning conditions.

### **TREES**

The proposed application requires the loss of the two established trees on the site that are situated close to the canal bank. The trees, one Ash and one Alder are classified within the report as C2 and C1 respectively. The Ash is described as offering low or temporary landscape benefit and the Alder is described within the report as being of low quality with a short estimated remaining life expectancy.

The Council's arboriculture officer has assessed the application and has reviewed the arboricultural assessment. He has no objection to the loss of these two trees, although did comment that they could be re-coppiced and retained within the development.



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It is considered that whilst the mature Ash and Alder trees are a feature of the site, their loss could be compensated with replacement planting. Three new Alder are proposed in locations favourable to the flourishing. Alders are particularly suitable here, being a British native and water loving species.

The young trees that form the northern boundary of the site are to remain and are not considered to be under any significant threat from the proposed development. This is welcomed as they will provide sufficient visual screening for the future occupants of the site and the highway to the northern boundary of the site.

In summary, whilst it is regrettable to lose the two established trees on the site, it is considered the replacement planting of three Alders more than mitigates their loss.

### **FLOOD RISK**

The site is not prone to flooding and the excess surface water run off can be accommodated into the canal that has sufficient capacity. The application is therefore considered to comply with policy ES4 – Water Resources, quality and flood risk of the SDC Local Plan 2015.

### **CANAL IMPLICATIONS**

Local Plan Policy ES11 promotes restoration, use and access to the canal.

Whilst objections perceive this site as having a substantial and direct use as part of the canal, this has not been the case since the Ship Inn era.

This proposal does not prevent the continued use and appreciation of the canal. Indeed the proposal would contribute £9,000 to SVCC for the provision of 3 moorings on the opposite bank.

### **CONCLUSION AND RECOMMENDATION**

The site is within the settlement boundary and the Local Plan allows for the principle of residential development. Hence, in this regard, the proposal accords within the Development Plan.

However the proposal does domesticate this part of the canal, which is not a characteristic of this part of the IHCA. Although there is no denying the existing landscape character of the site will be impacted as a result of the proposal, it is considered that this impact can be somewhat minimised as a result of the innovative and invigorating design proposed.

It is thus concluded that the proposed public benefit the developed site will bring, will outweigh the harm to the site in this instance.

Under paragraph 196 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal, whilst also having regard to section 72 of the 1990 Planning (Listed Building and Conservation Areas) Act. With this in mind, it is concluded that the





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public benefit in this case, be it the provision of affordable housing, is sufficient to outweigh the expected harm to the application site and therefore accords to paragraph 196 of the NPPF and section 72 of the 1990 Planning (Listed Building and Conservation Areas) Act as stated above.

This proposal is for 100% affordable housing. The District has a great need and the shortage results in households being in challenging living conditions everyday. The proposal provides 9 new dwellings and eases pressures on stock they currently inhabit.

Consequently the impact to the Conservation Area is felt to be outweighed by the benefit of the affordable housing provision in a sustainable location, within the settlement boundary.

In addition to the impact on heritage assets, there are considered to be no other outstanding issues that would result in the recommendation to refuse permission on this site.

Ecological concerns raised throughout the application period have been addressed where possible and where not, are to be addressed through the provision of conditions. As such, it is considered that the application accords with local policy ES6 of the SDC local Plan, November 2015.

Highway provisions including access and egress, movement within the site as well as parking are considered to be adequate for the application site with a condition being imposed to require visibility splays to the highway prior to the site being brought into occupied use. The application therefore accords to policy CP8, new housing development of the SDC local Plan, November 2015 in that it proposes an appropriately designed and laid out development, capable of mixing both pedestrians and vehicles in a safe manner.

In terms of drainage, flood risk and contaminated land, after consultation with relevant bodies, it is concluded the application site can cater for the proposed development without the need for any mitigation. The application therefore accords to policy ES4, water resources, quality and flood risk of the SDC local plan, November 2015.

Taking all matters into consideration and on very fine balance, permission is recommended, subject to receipt of a satisfactory newt mitigation strategy and a signed unilateral undertaking to provide the affordable housing on site.

### **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. 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.

3. The development hereby permitted shall not begin until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:-

1. A Phase 1 site investigation carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environment risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated sites - Code of Practice.

2. If identified as required by the above approved Phase 1 site investigation report, a Phase 2 intrusive investigation report detailing all investigation works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 investigation of potentially contaminated sites- codes of practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.

3. If identified as required by the above approved Phase 2 intrusive investigation report detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from the scheme



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without prior written approval from the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:-

4. Any previously unidentified contamination encountered during the works as been fully assed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.

5. A verification report detailing the remediation works undertaken and quality assurance with the approved methodology that has been submitted to, and approved by the Local Planning Authority. Details of any post- remedial criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

For further details as to how to comply with this condition, please contact Katie Larner, Senior Contaminated Land Officer- tel: (01453) 754469.

Reason:

To protect the health of future users of the site from any possible effects of contaminated land in accordance with the guidance within the NPPF, in particular, paragraph 120.

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

Site Plan proposed (PL)100 - Received 3/9/2018

Site Plan Proposed (PL) 101 – Received 3/9/18

Proposed plans and elevations (PL)200, 201, 202, 203, 204, 205, 206, 207 – Received 3/9/2018

Street Scene (PL)300 – Received 3/9/2018

Section (PL) 400, 401, 402 – Received 3/9/2018

Soft Landscaping Detail (PI7-1687\_01-E) – Received 3/9/2018

Reason:

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

5. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any



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subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii: include a timetable for its implementation; and

iii: provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

6. Before the development hereby permitted is first brought into use, a landscape planting, management and maintenance scheme shall be submitted to and agreed by the Local Planning Authority. The landscape planting, management and maintenance scheme shall be implemented in strict accordance with the approved details and maintained in perpetuity.

Reason:

To ensure that the landscaping is implemented, maintained and managed and in the interests of the visual amenities of the area.

7. 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.



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8. The development hereby permitted shall not be occupied until cycle storage facilities have been made available for use at 1 space per dwelling and those facilities shall be maintained for the duration of the development.

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.

9. The development shall be undertaken in accordance with the submitted arboriculture report (BS5837 Tree Survey, Arboricultural Impact Assessment and Method Statement 'considerations') received on the 27th February 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 safeguard the retained/protected tree/s in accordance with policy ES8 of the adopted Stroud District Local Plan, November 2015.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- a) A detailed phased reptile mitigation drawing is required to be provide showing proposed reptile safe zones, timings and how reptiles will be safeguarded during the different phases of development, this plan will be read in conjunction with the already agreed Reptile Mitigation Method Statement, by Wild Service, dated 12th November 2018
  - b) Measures that will be taken to protect the Canal during bank re-profiling and from surface run-off during the construction phase.
  - c) The locations of where machinery, welfare facilities and materials will be stored
  - d) Details as to where excess spoil will be stored and distributed
  - e) The role and responsibilities on site of an ecological clerk of works ECOW or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.



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Reason:

To ensure that protected species are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy ES6 of the Stroud District Local Plan 2015, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

11. No development or other operations shall commence on site in connection with the development hereby approved, until full details of the works associated with the widening of the canal bank have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard the environmental and landscape importance of the site in accordance with policy ES7 of the adopted Stroud District Local Plan, November 2015.

12. 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 vehicle track edge of the public road 20m distant in both directions (the Y points). The area between those splays and the 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 avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

13. Throughout the construction [and demolition] period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:



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- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

**Reason:**

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

14. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in general accordance with the submitted plans 28789 100 Rev A and 28789 101 except with on-street parking not demarcated, and those facilities shall be maintained available for those purposes thereafter.

**Reason:**

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

15. No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

**Reason:**

To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

16. Dwelling frontage vegetation and alongside units 1&2 and unit 3 shall be maintained at 600mm or below to ensure emerging visibility

**Reason:**

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.



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17. Prior to occupation of the proposed development hereby permitted the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, shall be completed to at least binder course level.

Reason:

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

18. Tactile footway crossings shall be provided across the site access junction and the turning head footway.

Reason:

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

19. No development shall take place (including ground works and vegetation clearance) until Presence/ Absence Great Crested Newt Surveys have been undertaken between the months of March and June and the results have been agreed in writing by the Local Planning Authority. If any Great Crested Newts are found to be present further population surveys shall be undertaken in accordance with best practice guidance and the results will be agreed in writing by the Local Planning Authority. If the Great Crested Newt Surveys confirm that the species are present, the applicant will be required to apply to Natural England for a licence.

On receipt of the licence issued by Natural England the already agreed option a) Great Crested Newt Mitigation Method Statement, by Wild Service, dated 5th October 2018 and Plan ref: P17-1687\_01-E Detailed Soft Landscape Proposals showing GCN buffer strip will be implemented.

If the surveys reveal a negative result for Great crested newts option b) will be implemented Plan ref: P17-1687\_01-E Detailed Soft Landscape Proposals, dated 21/09/17





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The approved Mitigation Strategy shall be adhered to and implemented strictly in accordance with the approved details.

**Reason:**

To ensure that protected species are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework and Policy ES6 of the Stroud District Local Plan 2015, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

20. No development, site clearance, soil stripping, removal of materials shall take until the location of the Hibernation Bat box has been specified and agreed in writing by the local planning authority. No development shall take place other than in STRICT accordance with the details agreed for the hibernation bat box and the details contained in the Bat Survey Report, by Wild Service, dated 16th October 2018, Section 4, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

**Reason:**

To ensure that Bats and Water-voles are safeguarded in accordance with the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy ES6 of the Stroud District Local Plan 2015, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

21. Prior to the commencement of development a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority
- a) the strategy will identify the areas/features on site that are particularly sensitive for foraging bats;
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.



## Development Control Committee Schedule 27/11/2018

Reason:

To maintain dark corridors for nocturnal wildlife and in accordance with Local Plan Policy ES6.

22. No development, site clearance, soil stripping, removal of materials shall take place other than in STRICT accordance with the details contained in the Preliminary Ecological Appraisal, by Wild Service, dated 8th August 2018 and the Detailed Soft Landscape Proposals Drawing P17-1687\_01-E, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason:

To ensure that Bats and Water-voles are safeguarded in accordance with the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy ES6 of the Stroud District Local Plan 2015, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

23. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority to commencement of the development. The content of the LEMP shall include the following:
- Description and evaluation of the features to be managed.
  - Aims and objectives of management
  - Appropriate management options for achieving aims and objectives
  - Prescription for management actions
  - Preparation of work schedule (including an annual work plan capable of being rolled forward over a five year period)
  - Details of body or organisation responsible for implementation of the plan.
  - Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.



**Development Control Committee Schedule  
27/11/2018**

Reason:

To protect and enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.



# Appeal Decision

Site visit made on 17<sup>th</sup> September 2002

by T Cookson DipTP MRTPI

An Inspector appointed by the First Secretary of State

The Planning Inspectorate  
456 Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
Tel 2017 372 6372  
e mail enquiries@planning-inspectorate.gov.uk  
Date

- 4 OCT 2002

Appeal Ref: APP/C1625/A/02/1091754

Site of former Ship Inn, Bristol Road, Stonehouse

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Gloucestershire County Council against the decision of Stroud District Council.
- The application (reference: S.01/1526), dated 6<sup>th</sup> September 2001, was refused by notice dated 11<sup>th</sup> December 2001.
- The development proposed is residential development (outlining)

Summary of Decision: The appeal is dismissed.

STROUD DISTRICT COUNCIL  
RECEIVED  
7 OCT 2002  
DEVELOPMENT SERVICES

### Procedural Matters

1. The appeal site is within the Stroud Industrial Heritage Conservation Area. Accordingly, I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area when dealing with this appeal.

### Planning Policies

2. Section 54A of the Town and Country Planning Act requires that planning applications and appeals are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area comprises the Gloucestershire Structure Plan Second Review, approved by the County Council in 1999. Policy S.2 of the Plan is concerned with the functions of principal settlements; Policy S.3 establishes that priority should be given to the development of land within the built-up areas; H.4 indicates where most residential in the county will be provided; Stroud/Stonehouse is one such area; NHE.6 seeks to conserve and enhance the distinctive historic environment of the county; and RE.5 encourages the restoration of the Stroudwater Canal.
3. I note that there is no adopted local plan for the area. The Local Planning Authority makes reference to the Stroud District Plan Revised Deposit Version of the Local Plan. However, in view of the fact that the inquiry into objections to the plan is still ongoing, I shall attach little weight to its policies here.

**Main Issue**

4. From my inspection of the site and surroundings and my consideration of all the representations, I am of the opinion that the main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area, having regard to the location of the site in the conservation area.

**Reasoning**

5. The appeal site is on the south side of A419 Bristol Road at its junction with Downton Road. This latter road defines the western boundary of the site. An area recently-approved for housing development lies on the other side of this road. The eastern boundary of the appeal site comprises the access road to the Upper Mills Industrial Estate, beyond which is an area of semi-open land comprising mature trees and bushes. The Stroudwater Canal makes up the southern boundary, on the other side of which is a residential area. In the general area on the north side of Bristol Road are the buildings of Wycliffe College. I note that the appeal site lies within the settlement boundary of Stonehouse.
6. The appellant claims that the site is previously-developed land having been occupied earlier by a variety of uses: the Ship Inn public house, the Wharf Crossing Gatehouse, the Nailsworth Branch railway, and as allotments. Now the appeal site consists of a large, rough, grassed area with the odd tree and bush, and is most unprepossessing in appearance. No easily-discernible evidence of these earlier uses remains. Accordingly, I cannot accept that it can be regarded as previously-developed land. According to the definition in Planning Policy Guidance note 3, the remains of any structure or activity that have blended into the landscape in the process of time, as is the case here, cannot be defined as previously-developed land.
7. Although the site is not particularly attractive in its present state it serves as an effective, transitional feature between the open land to the east, outside the settlement boundary of Stonehouse, and the emerging built form on the Wharf site, west of Downton Road, and surrounding development. The site provides also an effective setting in visual and physical terms for the canal and its heritage within the conservation area setting.
8. To build houses on the site would destroy its transitional function, replacing it with a firm, obtrusive urban form at the edge of the settlement. I appreciate that the plans submitted are illustrative, but they do provide a valuable insight into how development could take place on the site. Even with landscaping, and careful design and detailing, I have no doubts that if developed, the visual function of the site would cease, to the detriment of the area. Similarly, residential development would extirpate any reasonable and realistic opportunities to enhance the industrial heritage of the canal and the conservation area. Attempts at incorporating elements of the canal's heritage in a housing development would be merely a palliative.

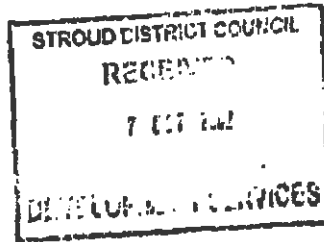
**Conclusions**

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed. In reaching this conclusion I have taken into account all other matters raised in the representations, but none is sufficient to outweigh the considerations I deem to be material.

**Formal Decision**

10. In exercise of the powers transferred to me, I dismiss the appeal.

  
INSPECTOR



**Information**

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## Development Control Committee Schedule 27/11/2018

<b>Item No:</b>	<b>02</b>
<b>Application No.</b>	S.18/1935/REM
<b>Site No.</b>	PP-07257486
<b>Site Address</b>	Parcel H3 Land West Of Stonehouse, Grove Lane, Westend, Stonehouse
<b>Town/Parish</b>	Eastington Parish Council
<b>Grid Reference</b>	378642,206479
<b>Application Type</b>	Reserved Matters Application
<b>Proposal</b>	Reserved Matters for development comprising the erection of 44 dwellings and associated landscaping, access and drainage infrastructure on land within Parcels H1-4.
<b>Recommendation</b>	Approval
<b>Call in Request</b>	As agreed by DCC



<b>Applicant's Details</b>	BDW Ltd c/o Agents
<b>Agent's Details</b>	Mr Sean Hides First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL



## Development Control Committee Schedule 27/11/2018

<b>Case Officer</b>	David Lowin
<b>Application Validated</b>	12.09.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Policy Implementation Officer (E) Flood Resilience Land Drainage Eastington Parish Council
<b>Constraints</b>	Article 4 Directive Neighbourhood Plan Affecting a Public Right of Way SAC SPA 7700m buffer
	<b>OFFICER'S REPORT</b>

### BACKGROUND

S.14/0810/OUT sought permission for 1,350 dwellings, 9.3 ha employment land, community centre uses and a primary school. In accordance with the allocation SA2 in the adopted Stroud District Local Plan (November 2015)

This was considered at the DCC meeting on 12-1-16. Members resolved to grant subject to a Section 106 agreement which was signed on 18-4-16 and the decision notice was then duly issued.

A subsequent application (S.18/0275/REM ) for approval of reserved matters for the erection of 138 dwellings, associated landscaping and drainage on Parcels H1 -H4 was approved by committee on 5-6-18.

### THE SITE

The application site is at the western end of the land west of Stonehouse, now named Great Oldbury. The application site comprises some 44 dwellings including 13 affordable dwellings , associated landscaping , access and drainage infrastructure on land within Parcels H1-H4 the subject of a reserved matters approval for the whole of those parcels as set out above and is consistent with the approved layout for the larger area.

The application is submitted as further to the approval of S.18/0275/REM to which a judicial challenge was launched which at the time of writing this report has been dismissed in early November as being 'Totally without merit with costs awarded to SDC, though this application will currently not be withdrawn due to the potential for an appeal. The current application will allow the developer to continue building houses on part of Parcel H3 as the site submitted is not affected by the judicial review allowing the developer to proceed with building homes which front onto or have direct access form the existing spine road.





## Development Control Committee Schedule 27/11/2018

Application S.18/1937/REM is also on this agenda for some 67 dwellings and 8 self build plots with associated infrastructure, parking, landscaping, public open space and locally equipped play area on land situated on parts parcels H3 and H4, H5 and H8-H10. These parcels are the subject of an overall approval granted under ref. S.18/0259/REM on 5/6/18 for 270 dwellings and this application is also submitted for the reasons set out above.

### THE PROPOSAL

Detailed layout, elevational design and landscaping for the erection of 44 dwellings, access and drainage infrastructure within Parcels H1-H4, The application is identical to the original approved matters detailed above for the area as a whole.

### CONSULTATIONS

**Statutory Consultees:** Highway Authority. Awaited at time of Officer Report.

Lead Local Flood Authority:

The information provided is adequate to discharge condition 32 of planning permission S.14/0810/OUT which requires approval of drainage details.

Public Rights of way Officer: None Received

Housing Policy Implementation: Concern expressed that the affordable housing proposed by the application comprises entirely shared ownership properties. (officers note that the approved S106 of S14/0810/OUT comprises an affordable housing matrix for the site as a whole and for individual land parcels).

Eastington Parish Council: No Objection

### NATIONAL AND LOCAL PLANNING POLICIES

The National Planning Policy Framework.2 of July 2018 has extensive references to design in section 12, and lays emphasis on delivering a sufficient supply of homes (section 5).

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

### Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1). Impact on Listed Building.

Section 72(1).Impact on Conservation Area.

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 as relevant for this application include:

CP! Presumption in favour of sustainable development

CP2 allocates the site for development.



## **Development Control Committee Schedule 27/11/2018**

CP4 Place Making: Requires development to integrate into the neighbourhood, create/enhance sense of place. Create safe streets and homes

CP5 Principles for strategic sites: Appropriate density, low impact, accessibility by bus, layout, parking, landscaping and community facilities, use of a design code/framework, sustainability.

SA2. Site allocation: Accessible green space, structural landscaping buffer around Nastend and to the east of Nupend incorporating existing hedgerows and trees, management of open space for biodiversity, use of SUDs, connectivity to adjacent areas, primary access off Chipmans Platt, traffic calming, bus provision.

CP7 Lifetime Communities: Promotion of accessibility. Lifetime accommodation.

CP8 New Housing Development: Range of house types. Appropriate density, layouts to promote cycling/walking, parking appropriate, sustainable principles.

EI12. Promoting transport choice and accessibility. Connectivity for walking, cycling and access to public transport.

CP14. High quality sustainable development: Sustainable design, no increase to flooding, appropriate design respecting surroundings, including topography, built environment and heritage, protection of amenity, sense of pace, crime prevention, use of street scenes, master plans, development briefs design concept/codes.

ES1 Sustainable Construction and Design: Promotes energy efficiency.

ES7. Landscape Character: Protection of distinct landscape types, respect setting of the AONB, location, materials and scale are sympathetic. Natural features retained.

ES8 Trees, hedgerows and woodlands: Retention or adequate replacement of trees.

ES12 Better Design of Places: Social integration, high quality places, well planned legible routes, integrated uses, safe spaces, secure private areas. Need for thorough site appraisal, use of design statements/code.

ES14 Public Art: Promotes publically accessible features.

SDC Residential Design Guide: This covers many design aspects, from form, style, detailing, materials to landscaping and amenity.

SDC Landscape Assessment: Defines and highlights the various landscapes in the District. It highlights settlement character as well as vegetation.

Eastington Parish NDP was adopted in October 2016. This highlights the importance of the landscape around the hamlets and bridleways and footpaths within the overall site.



## Development Control Committee Schedule 27/11/2018

Eastington Neighbourhood Development Plan: Does not have any specific policies for this site but there are some general policies. EP1 Sustainable development, EP2 Protect and enhance biodiversity and the natural environment, EP7 Siting and Design of new development, EP10 Traffic and Transport, EP11 Public Rights of Way and Wildlife corridors.

Residential Design Guide SPG (2000)  
Stroud District Landscape Assessment SPG (2000)  
IHCA Conservation Area Management Proposals SPD (2008)

The application has a number of considerations which cover the details of the proposed scheme which will be considered in turn below:

### **DESIGN AND APPEARANCE**

Background Guidance/policy

Local Plan policies as set out above, in particular those contained in Policy SA2  
Parameter plans and overall and indicative master plan as revealed by S.14/0810/OUT  
Eastington Neighbourhood plan as set out above.  
NPPF.as set out above.

### **LAYOUT**

The layout follows that of the recent approval under S.18/0275/REM. The site area is however considerably smaller, and does not encroach towards the northern allocated site boundary as in the last application. Consequently this application is away from the northern boundary and Westend. The northern buffer zones, previously the subject of much debate, do not need the consideration as before.

This layout tallies with the approved area master plan, which delivers the discernible character areas. This area strives to show Severn Vale attributes. Building lines are informal, loosely following frontages without overly formally addressing the roads. The layout also encompasses and respects the open spaces which are intrinsic to create this sense of place.

This application does not prejudice the implementation of the wider development of West of Stonehouse being a piece that fits the jigsaw.

### **ELEVATIONAL DESIGN**

Generally the houses are two storey, except for a small scattering within the centre of the site. This predominance of low height suggests rural character, envisaged in this part of the wider development.

The elevations show simple, unfussy workings of the vernacular. Window/wall ratio, proportions and form have been considered. Appropriately designed cills and headers give the windows subtle emphasis. Stone grey coloured windows would be used on the spine road to give some subtle variety. Doors (and their canopies above) again are simple in a variety of colours - stone grey, reed green and black. Garages doors are similar. White has purposely been avoided, which can look stark and eye catching.



## **Development Control Committee Schedule 27/11/2018**

Materials too would be simple, using several subtly different shades of rustic multi stock bricks and grey roofs.

Local Plan Policy ES1 requires proposals to be of sustainable construction and design. Aside from the open space, surface water is treated sustainably and the houses themselves would use uprated insulation.

### **ANOB/LANDSCAPE**

The site will be visible from elevated viewpoints on the edge of the AONB including Doverow Hill and Standish Woods. The Stonehouse Design Statement makes reference to the importance of such views.

The application is towards the far end of this new development. There will be intervening houses and employment buildings which will be far more conspicuous. Nonetheless there is a variety of rooflines, interspersed by landscaping and open spaces so that the elevated views will not be harsh.

### **HERITAGE IMPACT**

The nearest listed buildings are The Grange to south, at Westend to the north and at Nupend to the north east. Historic England have a helpful practice note on the impact of settings.

These historic assets do not have a direct or overly historical/cultural association to the site and similarly they are so distanced that their visual setting will not be prejudiced.

There are no significant non designated assets which would be harmed.

The archaeology was considered at the outline stage and does not warrant further research. The Industrial Heritage Conservation Area lies to the south. But again this is so distanced to avoid any significant impact.

### **RESIDENTIAL AMENITY**

Due to the sensitive treatment of the site's boundaries, the development will not significantly impair privacy or daylighting of existing dwellings. Similarly shadowing and overbearing problems are avoided.

The new dwellings have been sited to avoid shadowing and overbearing implications. Privacy is reasonable. Each new dwelling would have its own garden and there is generally good access to larger public open spaces.

### **NOISE**

The residential environment that will result from the development is judged by Officers to be appropriate for a residential area.

### **HIGHWAYS**

The highway layout details are likely to be acceptable to the Highway Authority given the previous approval of reserved matters for the entire parcels H1-H4.



## **Development Control Committee Schedule 27/11/2018**

### **LANDSCAPE IMPACT**

Views of the proposed built development will be, broken up by significant tree planting fronting the main street to give a marked distinction between the green areas and the dense urban area reflecting the character of this particular part of the development and the approved parameter plans and the submitted lesser scheme is fully consistent with the approval granted for reserved matters for the greater area S18/0275/REM.

### **PUBLIC OPEN SPACE**

The open space provided with the scheme is in accordance with S18/0275/REM

### **ECOLOGY**

From information supplied with the Outline approval the main Ecological constraint of the site West of Stonehouse are known and are dealt with by virtue of conditions attached to that approval. However reserved matters applications require a detailed survey and potential mitigation and protection which can be dealt with by condition.

### **FLOOD RISK**

From information supplied with the Outline approval and conditions imposed there is an overall drainage solution for the site West of Stonehouse as a whole. The lead drainage authority are content..

There are no listed buildings affected by the application.

### **REVIEW OF CONSULTATION RESPONSES**

The Parish Council have raised no objections to the proposal.

### **RECOMMENDATION**

That the application is the subject of a resolution of SUPPORT subject to the receipt of the expected confirmation from GCC Highways that the layout is acceptable and that delegated authority is then granted to the Planning Manager to issue the Notice of decision including relevant conditions consistent with those on the NOD of S18 /0275/REM and reminding the applicants via an appropriately worded condition of the need to comply with the affordable housing provisions of the S106 agreement of S14/0810/OUT`

### **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.



## Development Control Committee Schedule 27/11/2018

<b>Item No:</b>	<b>03</b>
<b>Application No.</b>	S.18/1937/REM
<b>Site No.</b>	PP-07257799
<b>Site Address</b>	Parcels H3, H4, H5, H8, H9 And H10 Land West Of Stonehouse, Grove Lane, Westend, Stonehouse
<b>Town/Parish</b>	Eastington Parish Council
<b>Grid Reference</b>	378642,206479
<b>Application Type</b>	Reserved Matters Application
<b>Proposal</b>	Reserved matters approval following permission S.14/0810/OUT for the development of 67 dwellings plus 8 self-build plots with associated infrastructure, parking, landscaping, public open space and locally equipped area of play - land within parcels H3 (Partial), H4 (Partial), H5 and H8 - H10'.
<b>Recommendation</b>	Approval
<b>Call in Request</b>	As Agreed by DCC



<b>Applicant's Details</b>	BDW Trading Limited C/o Pegasus Planning Group,
<b>Agent's Details</b>	Pegasus Planning Group Ltd First Floor, South Wing, Equinox North, Great Park Road, Almondsbury,



## Development Control Committee Schedule 27/11/2018

	BS32 4QL
<b>Case Officer</b>	David Lowin
<b>Application Validated</b>	12.09.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Eastington Parish Council Policy Implementation Officer (E) Flood Resilience Land Drainage
<b>Constraints</b>	Article 4 Directive Neighbourhood Plan Affecting a Public Right of Way SAC SPA 7700m buffer
	<b>OFFICER'S REPORT</b>

### BACKGROUND

S.14/0810/OUT sought permission for 1,350 dwellings, 9.3 ha employment land, community centre uses and a primary school. In accordance with the allocation SA2 in the adopted Stroud District Local Plan (November 2015).

This was considered at the DCC meeting on 12-1-16. Members resolved to grant subject to a Section 106 agreement which was signed on 18-4-16 and the decision notice was then duly issued.

A subsequent application (S.18/0279/REM ) for approval of reserved matters for the erection of 262 dwellings plus 8 self build plots with associated infrastructure, landscaping, drainage, public open space and locally equipped play area on Parcels H3 (partial) H4 (partial) H5 and H8 and H8-H10 was approved by committee on 5-6-18.

### THE SITE

The application site is at the western end of the land west of Stonehouse, now named Great Oldbury. The application site comprises 67 dwellings plus 8 self build plots, associated infrastructure, parking, landscaping, public open space and locally equipped area of play - land within parcels H3(partial) H4(partial), H5 and H8 - H10. The application is already subject of a reserved matters approval for the whole of those parcels as set out above and is consistent with the approved layout for the larger area.

The application is submitted as further to the approval of S.18/0279/REM to which a judicial challenge was launched, this challenge was dismissed at the beginning of November as being 'Totally without merit' nevertheless the applicants do not currently wish to withdraw the application due to the chance of an appeal. The current application will allow the developer to continue building houses on parts of Parcels H3, H4 and H8-10 as the site now submitted is



## Development Control Committee Schedule 27/11/2018

not affected by the judicial review allowing the developer to proceed with building homes which front onto or have direct access from the existing spine road.

Application S.18/1935/REM is also on this agenda for some 44 dwellings with associated infrastructure, parking, landscaping, parcels H1- H4. These parcels are the subject of an overall approval granted under ref. S.18/0275/REM on 5/6/18 for 138 dwellings plus and this application is also submitted for the reasons set out above.

### THE PROPOSAL

Detailed layout, elevation design and landscaping for the erection of 67 dwellings, plus 8 self build plots with associated infrastructure, parking, landscaping, public open space and locally equipped area of play - land within parcels H3 (partial), H4 (partial), H5 and H8- H10.

The application is identical to the original approved matters detailed above for the area as a whole.

### CONSULTATIONS

**Statutory Consultees:** Highway Authority. Awaited at time of Officer Report.

Lead Local Flood Authority:

The information provided is adequate to discharge condition 32 of planning permission S.14/0810/OUT which requires approval of drainage details.

Public Rights of way Officer: None Received

Housing Policy Implementation: Concern expressed that the affordable housing proposed by the application comprises 20 affordable homes of which 8 only are affordable rented properties and 12 shared ownership when officers consider that a 50-50 split is preferable (officers note that the approved S106 S14/0810/OUT comprises an affordable housing matrix for the site as a whole and for individual land parcels but not parts of parcels). The response of the applicant is that the application is identical to its original approved matters counterpart (S.18/0259/REM) and will be independently compliant with planning considerations such as proportionate affordable housing provision. Where provisions of self build housing, affordable housing and public open space go above the policy compliant level over-provisions are to be considered in the context of future phases. The agent also notes that this application and the one also on this agenda S.18/1935/REM provides an overprovision of the total percentage required. Any differentiation in tenures will be resolved in future phases and any other further reserved matters in the unfortunate case that the original reserved matters application is unable to be implemented.

Eastington Parish Council:

EPC are/remains concerned at the loss of rural aspect of public footpath FPEEA24 which enters the site from Nupend and is diverted straight into the estate roads rather than following its existing hedge lined route. contrary to policy EP9 of the NDP. The maintenance of a footpath along the eastern boundary of parcel H5 would also serve as a green corridor for wildlife.

(Officer Comment - This application is identical to part of the larger development already granted reserved matters approval under reference S.18/0259/REM)





## Development Control Committee Schedule 27/11/2018

### **NATIONAL AND LOCAL PLANNING POLICIES**

The National Planning Policy Framework.2 of July 2018 has extensive references to design in section 12, and lays emphasis on delivering a sufficient supply of homes (section 5).  
: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66(1). Impact on Listed Building.

Section 72(1). Impact on Conservation Area.

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 as relevant for this application include:

CP1 Presumption in favour of sustainable development

CP2 allocates the site for development.

CP4 Place Making: Requires development to integrate into the neighbourhood, create/enhance sense of place. Create safe streets and homes

CP5 Principles for strategic sites: Appropriate density, low impact, accessibility by bus, layout, parking, landscaping and community facilities, use of a design code/framework, sustainability.

SA2. Site allocation: Accessible green space, structural landscaping buffer around Nastend and to the east of Nupend incorporating existing hedgerows and trees, management of open space for biodiversity, use of SUDs, connectivity to adjacent areas, primary access off Chipmans Platt, traffic calming, bus provision.

CP7 Lifetime Communities: Promotion of accessibility. Lifetime accommodation.

CP8 New Housing Development: Range of house types. Appropriate density, layouts to promote cycling/walking, parking appropriate, sustainable principles.

EI12. Promoting transport choice and accessibility. Connectivity for walking, cycling and access to public transport.

CP14. High quality sustainable development: Sustainable design, no increase to flooding, appropriate design respecting surroundings, including topography, built environment and heritage, protection of amenity, sense of pace, crime prevention, use of street scenes, master plans, development briefs design concept/codes.

ES1 Sustainable Construction and Design: Promotes energy efficiency.



## Development Control Committee Schedule 27/11/2018

ES7. Landscape Character: Protection of distinct landscape types, respect setting of the AONB, location, materials and scale are sympathetic. Natural features retained.

ES8 Trees, hedgerows and woodlands: Retention or adequate replacement of trees.

ES12 Better Design of Places: Social integration, high quality places, well planned legible routes, integrated uses, safe spaces, secure private areas. Need for thorough site appraisal, use of design statements/code.

ES14 Public Art: Promotes publically accessible features.

SDC Residential Design Guide: This covers many design aspects, from form, style, detailing, materials to landscaping and amenity.

SDC Landscape Assessment: Defines and highlights the various landscapes in the District. It highlights settlement character as well as vegetation.

Eastington Parish NDP was adopted in October 2016. This highlights the importance of the landscape around the hamlets and bridleways and footpaths within the overall site.

Eastington Neighbourhood Development Plan: Does not have any specific policies for this site but there are some general policies. EP1 Sustainable development, EP2 Protect and enhance biodiversity and the natural environment, EP7 Siting and Design of new development, EP10 Traffic and Transport, EP11 Public Rights of Way and Wildlife corridors.

Residential Design Guide SPG (2000)

Stroud District Landscape Assessment SPG (2000)

IHCA Conservation Area Management Proposals SPD (2008)

The application has a number of considerations which cover the details of the proposed scheme which will be considered in turn below:

### **DESIGN AND APPEARANCE**

Background Guidance/policy

Local Plan policies as set out above, in particular those contained in Policy SA2

Parameter plans and overall and indicative master plan as revealed by S14/0810/OUT

Eastington Neighbourhood plan as set out above .

NPPF.as set out above.

It is considered by Officers that the design of dwellings and layout satisfy the policy requirements to provide distinctive sustainable place making and satisfies the requirements of the identified relevant policies. The consideration of the design was a key matter dealt with under the overall reserved matters approval previously granted H3(partial)-H4 (partial) H5 and H8-H10. As this application is identical to a part of that approval the design and layout are matters that have already been considered and approved by DCC committee.



## **Development Control Committee Schedule 27/11/2018**

### **LAYOUT**

The layout follows that of the recent approval under S.18/0279/REM. The site area is however considerably smaller, and does not encroach towards the southern allocated site boundary as in the last application. Consequently this application is away from the southern northern boundary and Nastend. The southern buffer zones, previously the subject of debate, do not need the same extent of consideration as before.

This layout tallies with the approved area master plan, which delivers the discernible character areas. This area strives to show Severn Vale attributes. Whilst, building lines follow the spine road in a formal manner, to the rear the layout shows much more informality. The layout also encompasses and respects the open spaces which are intrinsic to create this sense of place. The distinctive triangular open space is retained.

The self build plots are also retained.

This application does not prejudice the implementation of the wider development of West of Stonehouse being a piece that fits the jigsaw.

### **ELEVATIONAL DESIGN**

Generally the houses are two storey,. This predominance of low height suggests rural character, envisaged in this part of the wider development.

The elevations show simple, unfussy workings of the vernacular. Window/wall ratio, proportions and form have been considered. Appropriately designed cills and headers give the windows subtle emphasis. Stone grey coloured windows would be used on the spine road to give some subtle variety. Doors (and their canopies above) again are simple in a variety of colours. Garages doors are similar.

Materials too would be simple, using several subtly different shades of rustic multi stock bricks and grey roofs.

Local Plan Policy ES1 requires proposals to be of sustainable construction and design. Aside from the open space, surface water is treated sustainably and the houses themselves would use uprated insulation.

### **ANOB/LANDSCAPE**

The site will be visible from elevated viewpoints on the edge of the AONB including Doverow Hill and Standish Woods. The Stonehouse Design Statement makes reference to the importance of such views.

The application is towards the far end of this new development. There will be intervening houses and employment buildings which will be far more conspicuous. Nonetheless there is a variety of rooflines, interspersed by landscaping and open spaces so that the elevated views will not be harsh.



## **Development Control Committee Schedule 27/11/2018**

### **HERITAGE IMPACT**

The nearest listed buildings are The Grange to west and several at Nastend to the south. Historic England have a helpful practice note on the impact of settings.

These historic assets do not have a direct or overly historical/cultural association to the site and similarly they are so distanced that their visual setting will not be prejudiced.

There are non designated heritage assets at Nastend , but they would not be harmed being well screened and distanced..

The archaeology was considered at the outline stage and does not warrant further research. The Industrial Heritage Conservation Area lies to the south. But again this is so distanced to avoid any significant impact.

### **RESIDENTIAL AMENITY**

Due to the sensitive treatment of the site's boundaries, the development will not significantly impair privacy or daylighting of existing dwellings. Similarly shadowing and overbearing problems are avoided.

The new dwellings have been sited to avoid shadowing and overbearing implications. Privacy is reasonable. Each new dwelling would have its own garden and there is generally good access to larger public open spaces.

### **NOISE**

The residential environment that will result from the development is judged by Officers to be appropriate for a residential area.

### **HIGHWAYS**

The highway layout details are likely to acceptable to the Highway Authority given the previous approval of reserved matters for the entire parcels H3(partial), H4(partial) H5 and H8-H10.

### **LANDSCAPE IMPACT**

Views of the proposed built development will be, broken up by significant tree planting fronting the main street to give a marked distinction between the green areas and the dense urban area reflecting the character of this particular part of the development and the approved parameter plans and the submitted lesser scheme is fully consistent with the approval granted for reserved matters for the greater area S18/0259/REM.

### **PUBLIC OPEN SPACE**

The open space provided with the scheme is in accordance with S18/0259/REM

### **ECOLOGY**

From information supplied with the Outline approval the main Ecological constraint of the site West of Stonehouse are known and are dealt with by virtue of conditions attached to that approval. However reserved matters applications require a detailed survey and potential mitigation and protection which can be dealt with by condition.



## **Development Control Committee Schedule 27/11/2018**

### **FLOOD RISK**

From information supplied with the Outline approval and conditions imposed there is an overall drainage solution for the site West of Stonehouse as a whole. The lead drainage authority are content..

There are no listed buildings affected by the application.

### **REVIEW OF CONSULTATION RESPONSES**

The Parish Council have raised an objection to the proposal based on footpath issues, however in objecting to the application the PC have not taken into consideration that the application consists of a scheme which has been previously approved by committee as part of a larger area, where the matters raised by the PC have been considered and were found acceptable.

### **RECOMMENDATION**

That the application is the subject of a resolution of SUPPORT subject to the receipt of the expected conformation from GCC Highways that the layout is acceptable and that delegated authority is then granted to the Planning Manager to issue the Notice of decision including relevant conditions consistent with those on the NOD of S18 /0259/REM and reminding the applicants via an appropriately worded condition of the need to comply with the affordable housing provisions of the S106 agreement of S14/0810/OUT`

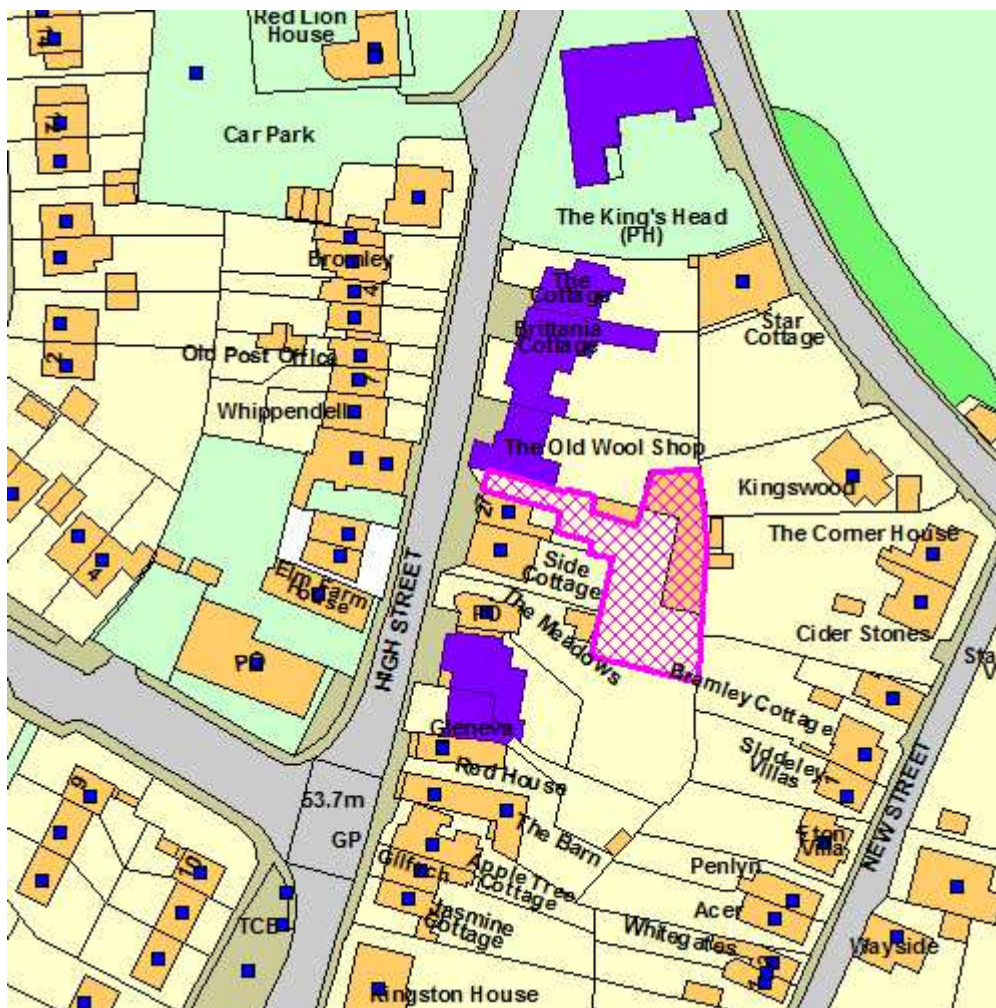
### **HUMAN RIGHTS**

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.



## Development Control Committee Schedule 27/11/2018

<b>Item No:</b>	<b>04</b>
<b>Application No.</b>	S.18/0563/FUL
<b>Site No.</b>	PP-06797256
<b>Site Address</b>	Land At 27 High Street, Kings Stanley, Stonehouse, Gloucestershire
<b>Town/Parish</b>	Kings Stanley Parish Council
<b>Grid Reference</b>	381161,203428
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Creation of 2 residential dwellings.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Requested by Planning Manager





## Development Control Committee Schedule 27/11/2018

<b>Applicant's Details</b>	Matthew Webb 18 Goldwater Springs, Station Road, Nailsworth, Gloucestershire, GL6 0AH
<b>Agent's Details</b>	None
<b>Case Officer</b>	Rachel Brown
<b>Application Validated</b>	20.03.2018
<b>CONSULTEES</b>	
<b>Comments Received</b>	Kings Stanley Parish Council Contaminated Land Officer (E) SDC Water Resources Engineer
<b>Constraints</b>	Consult area Listed Building Within 50m of Listed Building Kings Stanley Parish Council SAC SPA 7700m buffer Settlement Boundaries (LP)
<b>OFFICER'S REPORT</b>	

### UPDATE

The application now before you was previously presented to the Development Control Committee on 4th September 2018. Members will recall that at that meeting it was resolved to defer the application for further negotiation.

Subsequent to that meeting revised plans have been submitted that omit the new build element. The revised application proposal is for the creation of the two residential units within the existing two storey building. This is the building that is positioned within the north eastern corner of the plot that was previously subject to a change of use of the building from office use (Class B1(a)) to use as 2 dwellings (Class C3). The revised proposal includes two parking spaces to serve the two dwellings.

This report relates solely to the revised proposal.

### MAIN ISSUES

- Principle of development
- Design and appearance
- Residential Amenity
- Highways
- Ecology
- Affordable Housing
- Archaeology and Heritage Assets
- Obligations



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### DESCRIPTION OF SITE

The site is located on the High Street and within the Local Centre of Kings Stanley as defined within the Local Plan and comprises the rear of the former Daniels TV premises, including for sales building and offices. The site is accessed off the High Street and is set back from the road behind buildings that front the High Street. The site is surrounded by residential properties and their associated gardens.

The site is not affected by any sensitive landscape designation and is not within or adjacent to a Conservation Area. There are a number of nearby listed buildings.

### PROPOSAL

Creation of 2 residential dwellings.

### REVISED DETAILS

Internal layout reversed

### MATERIALS

Walls: Brick and timber cladding  
Roof: Slate  
Doors/windows: Aluminium and timber

### REPRESENTATIONS

#### Statutory Consultees:

SDC Environmental Protection Manager - recommends standard conditions and informative

SDC Contaminated Land Officer - No comments

GCC Archaeologist - The application site is located within Kings Stanley's medieval settlement area. Archaeological remains relating to medieval settlement may be adversely affected by construction ground works. Provision should be made for archaeological monitoring. A condition is recommended to facilitate this.

SDC Policy Implementation Manager - Vacant Building Credit extinguishes the affordable housing requirement

SDC Water Resource Engineer - A soakaway is unlikely to be a viable option and requested a solution to surface water drainage. A subsequent letter from Severn Trent confirming their agreement satisfies and has no further objection to this development

SDC Conservation Team - The site is located within 50m of a listed building. However, due to the degree of separation between the application site and the historic asset, it is considered that no harm will arise and there will be no subsequent harm to the setting of the listed building.

GCC Highways – No highway objection subject to conditions

Kings Stanley Parish Council Object to this application on the following grounds:





## Development Control Committee Schedule 27/11/2018

- Overdevelopment
- Inadequate parking and vehicular access and egress
- Insufficient drainage and dispersal of surface water
- Overlooking neighbouring properties (a single storey option might be acceptable)
- Future conversion of former shopfront building on High Street and the provision of parking and turning
- Mistakes in the Design and Access Statement (the map points to Broad Street not High Street)
- The Parish Council might be able to consider a revised plan with three, 2 being single storey, a total of 3 new dwellings is below the levels that requires affordable housing.
- Kings Stanley Parish Council requests this application be called-in to DCC.

Following the submission of revised plans the Parish Council further comment:

- Little alteration
- A measure of overlooking is mitigated
- Continue to object on grounds of over-development

Following the submission of the latest set of revised plans, Kings Stanley Parish Council has discussed the application and the following comment has been agreed:

*"King's Stanley Parish Council notes that this application applies only to the conversion of the existing brick building, formerly the workshop. Whilst there are still issues to be taken into account with regard to overlooking the 'Old Wool Shop' and that of vehicular access, the Parish Council has no objection in principal to this conversion".*

### **Public:**

11 letters of Objections (from 4 households) were received to the original scheme on the following grounds:

- No communication from developer (untrue statement in submission)
- Incorrect information on application form
- Why is property to front not included within application
- Increase in air, noise and light pollution from cars and lighting in yard
- Security
- Issues for wall with Bramley Cottage
- Increase in flood risk from underground stream
- Overlooking from large South facing properties
- Increase in traffic will have detrimental effect on the Wool Shop
- Does the site have full facilities with gas, water, electricity and sewerage
- Roots of tree on neighbouring property run under the tarmac of the yard; health of tree would be greatly affected by building work
- Question why permission has been given to the change of use of existing buildings on site
- No need for development
- Site too small to accommodate development
- New houses would have little or no amenity areas resulting in loss of privacy



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- Question the number of parking spaces and vehicle tracking
- Appalled at the design
- Loss of privacy and view
- Housing instead of business will mean adjoining neighbours will be adversely affected by noise, traffic, and night time light disturbance
- Visually overbearing
- Inappropriate design/out of keeping with neighbouring properties
- Parking will cause noise, pollution and dust
- Traffic problems and create highway safety hazard
- Unacceptable harm to character of the area and amenities of neighbouring occupiers
- The application site includes land owned by neighbours (The Old Wool Shop) - 3m wide strip of driveway
- Scale of development exceeds capacity of the site
- Proposed layout is car dominant
- Insufficient amenity space
- Layout creates poor standard of amenity and does not reflect historic pattern of building
- Access is restricted
- Visibility is restricted
- The former commercial use of the site did not give rise to continuous vehicle movements
- Intensification of traffic using sub-standard access
- Unclear from the application if it is proposed to demolish or convert the existing building.
- Any rebuild should take place wholly on the application site without need to access third party land
- Outer face of existing building forms ownership boundary to The Old Wool Shop. It is unclear how works would be undertaken without encroachment onto adjoining land
- No details of bin storage and collection
- Impact on setting of listed building
- Use of timber cladding uncharacteristic
- Construction works should be limited
- Details of surface water disposal should be explained
- Access to the site should be included within the red line of the application site boundary
- The proposal fails to accord with the development plan
- Two storey building only 4m from boundary
- Bank of first floor windows facing garden
- Detrimental change to ambience and setting of primary amenity space
- Overbearing and dominance
- Overlooking and perception of being overlooked to full extent of garden
- Site visit requested
- Lack of parking



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Following the submission of revised plans a further 3 letters of objection have been received. Objections relate to:

- Previous objections not addressed
- Fewer parking spaces; 4 spaces is not enough
- No visit from developer
- Underground water issues
- Damage to adjoining walls
- Noise
- Addresses concerns regarding overlooking
- Overbearing
- Site not suitable for housing
- Site too small and cramped
- Parking, turning and manoeuvrings may become issue
- Gratified to see revised plans but still overlook property
- Car parking spaces reduced further
- Difficult and dangerous access

Following the submission of the revised drawings 4 letters of objection have been received from the neighbouring occupiers. The objections raised relate to:

- Still issues with underground stream
- Old wall and tree roots not referenced in new proposal
- Increase in traffic
- Issues with access to the site
- No reference to what will happen to rest of site
- No changes to proposed conversion
- Blue lined area implies further development; application should cover the whole site
- Hard to see how it meets issues raised by DCC
- Will lead to overdevelopment "through the back door"
- Not clear what the blue lined area represents
- Does nothing to address the objections raised
- Misleading and/or contentious statements
- Vehicle parking is relevant
- Needs to be a condition that minimum 3 parking spaces provided
- Design/materials out of character with surrounding buildings
- Will not provide access to any building work
- Overlooking windows need to be obscurely glazed and fixed shut
- Access belongs to The Old Wool Shop with limited access rights for applicant
- Lack of explanation from Highways
- Application permitted for conversion of shop would limit size of access making it dangerous and risk damage to vehicles and buildings

### **NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework.

Available to view at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>



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### **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.

CP3 - Settlement Hierarchy.

CP9 - Affordable housing.

CP14 - High quality sustainable development.

HC1 - Meeting small-scale housing need within defined settlements.

ES3 - Maintaining quality of life within our environmental limits.

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)

Planning Obligations SPD (2017)

### **BACKGROUND AND INTRODUCTION**

The site was previously used as office and retail space in association with Daniels TV, an electronics store. The business has moved into Stonehouse and the premises have since been vacant.

In February this year an application for the prior notification for change of use of the buildings from office use (Class B1(a)) to use as three dwellinghouses was granted on the two storey building within the north corner of the plot and the two storey building adjacent to the access. The change of use of the site from offices to residential has therefore been established. The current application includes the two storey building within the northern corner of the plot. The prior notification relates to the change of use only and does not allow external building work associated with a change of use. This application details the changes required to convert the building. The building to the front of the plot adjacent to the access does not require external building works to implement the change of use.

### **PRINCIPLE OF DEVELOPMENT**

The site lies within the defined Settlement Boundary of Kings Stanley, designated as a Third Tier Settlement within the Local Plan, where there is a presumption in favour of development subject to design and amenity considerations and to a satisfactory means of access being provided. The site is within walking distance of the village centre and is set amongst other residential properties. In this respect the principle of further residential development on the site can be supported, however, the further consideration of the design, layout and appearance of the scheme has to be assessed.



## **Development Control Committee Schedule 27/11/2018**

### **DESIGN AND LAYOUT**

The proposal is for the creation of 2 residential dwellings within an existing building on the site. It is proposed to alter the existing two storey office building to create two apartments.

The alterations proposed to the existing building are modest and do not affect the overall character and appearance of the building.

Whilst the plots are relatively small, the arrangement of the plot as detailed would provide adequate garden for the proposed dwellings with a small outside communal area for the apartments, compliant with the standards set out in the Council's Residential Design Guide and in keeping with the form of surrounding development.

### **RESIDENTIAL AMENITY**

The existing building sits on the boundary between the application site and the Old Wool Shop to the north and west, and Kingswood to the east. The submitted drawings detail two first floor windows in the north facing elevation of the existing building however there is just currently the one window. Both the existing and new window would serve bedrooms. The proposed new window would serve bedroom two; this is also served by a window in the east elevation. Whilst it is acknowledged that the windows overlook just the end of the neighbour's garden, to avoid additional overlooking and given that the bedroom would have two windows, it is considered reasonable to condition that the new window be obscurely glazed. The overall height of the building will not be changed.

### **HIGHWAYS**

The proposed development would make use of the existing access onto the High Street. The site is accessed through a narrow passage way between the building to the front of the site and the adjacent building known as The Old Wool Shop. This is approximately 3.4m wide which does not allow for a vehicle to pass a pedestrian or for two vehicles to pass each other. This is however a historic situation and could operate as a retail unit without the need for a further planning application. Therefore the proposed development would represent a betterment to the existing situation on the site in highway safety terms.

The access serves both the application site and the neighbouring residential property The Old Wool Shop. It is understood that the occupiers of The Old Wool Shop own the majority of the access (a 3m wide strip), but with a right of access to the site. There is some question over the legality of the right of access; however this is a civil matter between the relevant land owners.

The submitted drawings detail 2 parking spaces to serve the new apartments. It should be noted that the previous application to convert the apartment did not detail or require any parking provision. The Council's adopted parking standards require an average of 1.5 spaces per dwelling. It should be remembered that the principle of the change of use of the offices to two apartments has been established through the prior notification. There is no requirement to consider parking provision when determining prior notifications for the change from offices to residential.



## **Development Control Committee Schedule 27/11/2018**

Concerns have been raised regarding the site access and highway safety and the possible increase in traffic. It is not however considered, given the existing use of the site, that the proposal would result in a significant increase in trip generation to and from the site. Although the existing access is narrow, it is not considered that there would be a severe impact on highway safety. The Local Highway Authority has been consulted and recommend that no highway objection be raised subject to conditions.

### **ECOLOGY**

The site is within 7.7km of the River Severn SAC. Policy ES6 of the adopted Local Plan requires development proposals to contribute to appropriate mitigation and management measures. This is secured by way of a simple unilateral undertaking for a mitigation contribution of £385 per dwelling.

### **OBLIGATIONS/AFFORDABLE HOUSING**

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has been submitted with the application.

Adopted Local Plan policy CP9 specifies that small scale residential schemes (1 -3 dwellings) for should pay a contribution to affordable housing of at least 20% of the total development value (where viable). Given that this policy has now been tested and it has been shown that the majority of these very small sites have been unable to support a payment towards affordable housing, the Council will only be pursuing an affordable contribution in respect of sites less than 4 units where the combined floor area of the units exceeds 1000m<sup>2</sup>.

### **FLOOD RISK**

Application is based on disposal of surface water to a mains sewer however the Severn Trent Asset Map does not show surface water or combined sewer in the vicinity. Furthermore, given that the geology and soil is fairly impermeable, a soakaway is unlikely to be a viable option for this density of housing at this location.

Severn Trent Water has confirmed that they will accept the proposed surface water flows into the public foul sewer within the site. This will be facilitated by way of a formal Section 106 approval between Severn Trent Water and the developer.

The Council's Water Resource Engineer has confirmed he has no further objection to this development.

### **ARCHAEOLOGY AND HERITAGE ASSETS**

The application site is located within Kings Stanley's medieval settlement area. Archaeological remains relating to medieval settlement may be adversely affected by construction ground works required for this development. Therefore, while this site has been the subject of some previous development, it would be prudent to make provision for archaeological monitoring of the ground works required for the construction of this scheme, so that any significant archaeological remains revealed during the development can be recorded. To facilitate the archaeological work, a condition is recommended.



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Where Listed Buildings or their settings, are affected by development proposals, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision-maker to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The site is located within 50m of a listed building. However, due to the degree of separation between the application site and the historic asset, it is considered that no harm will arise and there will be no subsequent harm to the setting of the listed building. The application has been assessed in accordance with paragraphs 192-196 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

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 Making Changes to Heritage Assets'- Historic England Advice Note 2.

### REVIEW OF CONSULTATION RESPONSES

Letters of objection and comment have been received in response to the application and these are available to view on the electronic planning file.

The objections and comments raised have been duly noted and considered in full in the main body of this report.

### RECOMMENDATION

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

### 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.



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

Site Location and Boundary of 02/11/2018  
Plan number = 757-01B

Proposed plans Apartments of 02/11/2018  
Plan number = 757(P)14.A

Proposed Apartments Elevations of 25/09/2018  
Plan number = 757(P)15

Reason:

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

3. 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 and to comply with Local Plan Policy HC1.

4. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason:

It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework





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5. No construction site machinery or plant shall be operated, no process shall be carried out and no demolition or 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 Policy ES3 of the adopted Stroud District Local Plan, November 2015.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 to E of Part 1 of Schedule 2, shall take place.

Reason:

In the interests of the amenities of the local residents and the surrounding area and to comply with Policies HC1 and ES3 of the adopted Stroud District Local Plan, November 2015.

7. The first floor window to serve bedroom 2, proposed in the north elevation of the apartment block hereby permitted shall be glazed in obscure glass and non-opening and maintained as such thereafter.

Reason:

In the interests of the amenities of occupiers of adjoining residential properties and to comply with Policy ES3 of the Stroud District Local Plan, November 2015.

8. No window or door openings other than any fenestration shown on the approved plans shall be formed in the development hereby permitted unless otherwise agreed by the Local Planning Authority.

Reason:

In the interests of the amenities of occupiers of adjoining residential properties, and to comply with Local Plan Policy ES3.

9. The dwellings hereby permitted shall not be occupied until the vehicular parking has been provided in accordance with the approved plans. The approved parking shall be permanently available and free of obstruction thereafter.



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Reason:

To reduce potential highway impact by ensuring that parking is available within the site, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

10. Throughout the construction and demolition period of the development hereby permitted provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Development shall be carried out in strict accordance with the above provision for the full duration of the development period.

Reason:

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

11. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 bicycles has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:-

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

Informatives:

1. 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



## **Development Control Committee Schedule 27/11/2018**

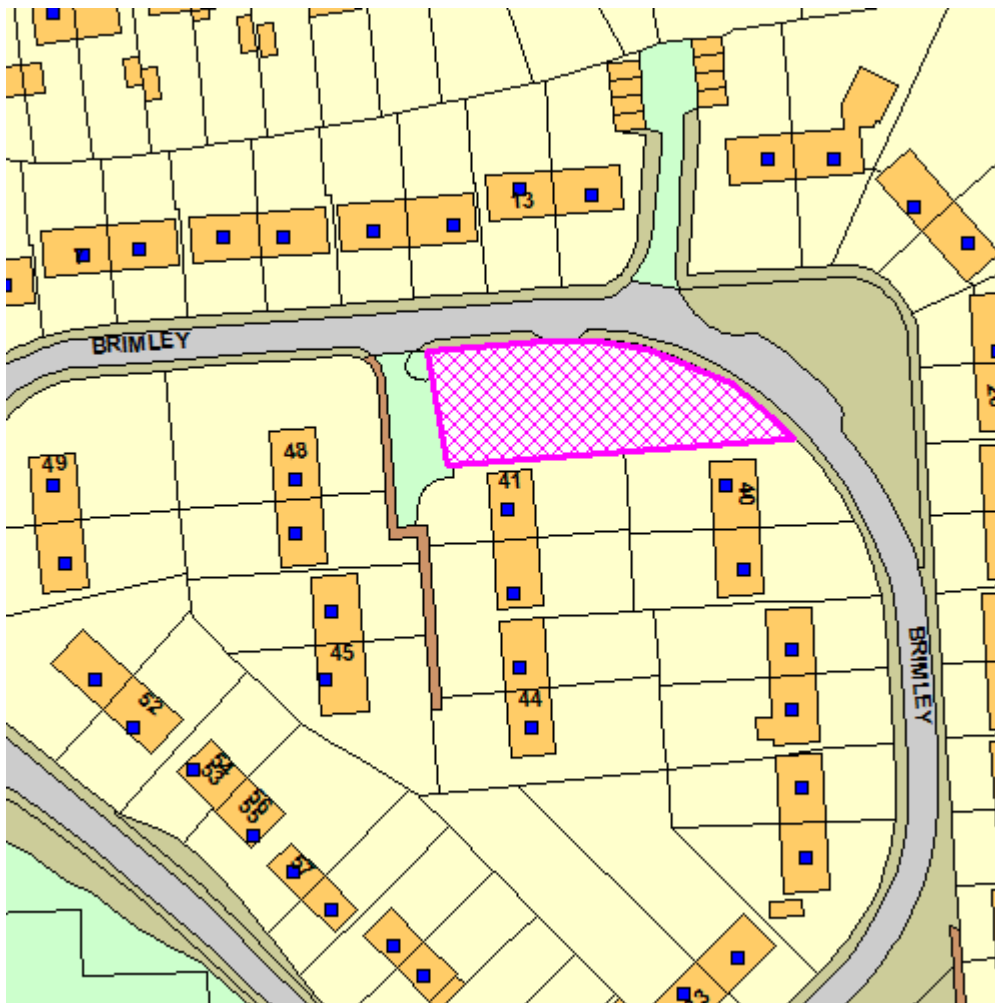
of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume, noise or dust complaints be received. For further information please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.

2. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. The case officer contacted the applicant and negotiated changes to the design which has enhanced the overall scheme; these have been detailed in the Officer Report.



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<b>Item No:</b>	<b>05</b>
<b>Application No.</b>	S.18/1009/FUL
<b>Site No.</b>	PP-06939797
<b>Site Address</b>	Land Adjacent To 40 And 41, Brimley, Leonard Stanley, Gloucestershire
<b>Town/Parish</b>	Leonard Stanley Parish Council
<b>Grid Reference</b>	380902,203710
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Erection of 3 no. single storey residential dwellings, with associated vehicle parking and landscaping plus 5 no. unallocated parking spaces (amended scheme).
<b>Recommendation</b>	Resolve to permit
<b>Call in Request</b>	Requested by Planning Manager





## Development Control Committee Schedule 27/11/2018

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

### MAIN ISSUES

- \* Background
- \* Principle of development
- \* Design and Layout
- \* Residential Amenity
- \* Highways
- \* Ecology
- \* Obligations

### DESCRIPTION OF SITE

The application site is located to the south of Brimley between no's 48 and 40 Brimley within the defined settlement boundary of Leonard Stanley and comprises of 2 blocks, one of 5 garages and one of 17. 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 to construct 3 bungalows with associated parking and landscaping following demolition of the existing garages.



## Development Control Committee Schedule 27/11/2018

The bungalows would be simple in design and face the highway with tandem parking to the side.

On the eastern end of the site, 5 no. unallocated parking spaces are proposed. On the western end of the site a footpath is proposed alongside Plot 1.

### REVISED DETAILS

The scheme has been revised twice. The first revision changed the orientation of Plot 3 and then the introduction of unallocated parking spaces.

### MATERIALS

Walls:	Brick
Roof:	Plain tile
Doors/windows:	PVC-u

### REPRESENTATIONS

#### Statutory Consultees:

Land Contamination Officer – No comment  
Leonard Stanley Parish Council – Support  
Gloucestershire Highway Authority – Standing Advice  
Biodiversity – No objection

**Public:** 7 objections plus a petition

- \* No fencing to rear boundaries mentioned, currently a low chain link fence.
- \* Loss of privacy to 41
- \* Struggle to park in driveway already due to people parking on roads – this will only be made worse
- \* Emergency access for vehicles will be difficult
- \* How would road access be affected to properties during construction?
- \* Revised plans do not provide a safer solution for parking in the future
- \* Why do the new properties have 2 spaces?

Following the submission of the revised site layout one further objection has been received that appreciates the provision of 5 spaces but considers them to be at the wrong end of the site. The footpath alongside Plot 1 would be of no use.

### NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website:



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[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.
- CP3 – Settlement Hierarchy.
- CP9 – Affordable housing.
- 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.
- 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:

### **BACKGROUND**

The supporting information submitted with the application sets out the following background:

Due to ongoing maintenance requirements Stroud District Council's garage stock is in decline both 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.



## **Development Control Committee Schedule 27/11/2018**

### **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 bungalows are 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 bungalows would be located directly to the north, and away from the boundaries with, no.'s 40 and 41 Brimley. This is an improvement from the bulk of the existing garages that currently sit on this boundary. The proposed properties would be single storey with a 1.8m close boarded fence forming the boundary with 40 and 41.

Given the above, it is considered that the development would not result in an overbearing effect or cause a loss of light to neighbouring occupiers. The proposed new dwellings will not result in any unacceptable overlooking due to the height of the proposal, the layout and intervening fence. The proposal is therefore considered to comply with policies ES3 and CP14(7) of the SDLP.

### **HIGHWAYS**

The proposed bungalows are provided with two tandem spaces and this is in accordance with the SDLP adopted parking standards for new development. In addition, following consultation and comments received from local residents the proposal has been amended to include 5 no. unallocated spaces to the east of the site.

Further comments have been received that whilst the spaces are welcomed they are located away from those who would benefit most (41-48 Brimley).

This was noted and the applicants were requested to amend the proposal to move the parking spaces to the west end of the site however the agent responded that parking at this location was discounted because of the lack of space for manoeuvring. It should also be noted that even if the spaces were relocated closer to 41-48 Brimley, as they are unallocated there is no guarantee of a space for those residents.

This application cannot influence inconsiderate parking in the area that blocks driveways. Where there are existing parking issues, residents should work with Gloucestershire County Council Highway Authority and the Parish Council to identify possible solutions.





## **Development Control Committee Schedule 27/11/2018**

### **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 also 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. This will be secured with the provision of a Unilateral Undertaking (S106) by the applicant.

### **OBLIGATIONS/AFFORDABLE HOUSING**

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has been submitted with the application.

Adopted Local Plan policy CP9 specifies that small scale residential schemes (1 -3 dwellings) for should pay a contribution to affordable housing of at least 20% of the total development value (where viable). Given that this policy has now been tested and it has been shown that the majority of these very small sites have been unable to support a payment towards affordable housing, the Council will only be pursuing an affordable contribution in respect of sites less than 4 units where the combined floor area of the units exceeds 1000m<sup>2</sup>.

### **REVIEW OF CONSULTATION RESPONSES**

Letters of objection and comment have been received in response to the application and these are available to view on the electronic planning file.

The objections and comments raised have been duly noted and considered in full in the main body of this report

### **RECOMMENDATION**

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

### **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.



## Development Control Committee Schedule 27/11/2018

### 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 501 - Site Location Plan - Received 03.05.2018

Drawing 502 Rev C – Site Plan – Received 24.09.2018

Drawing 503 Rev C - Context Plan - Received 24.09.2018

Drawing 510 – Proposed Floor Plans & Elevations - Received 03.05.2018

Drawing 511 - Proposed Elevations- Received 03.05.2018

Drawing 520 – Proposed Floor Plans & Elevations - Received 03.05.2018

Reason:

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

3. No 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.

4. 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.



## Development Control Committee Schedule 27/11/2018

5. The five unallocated vehicle parking spaces identified on the approved plans shall only be used for the said purpose and not for any other purposes.

Reason:

To ensure the provision and availability of satisfactory off-street parking.

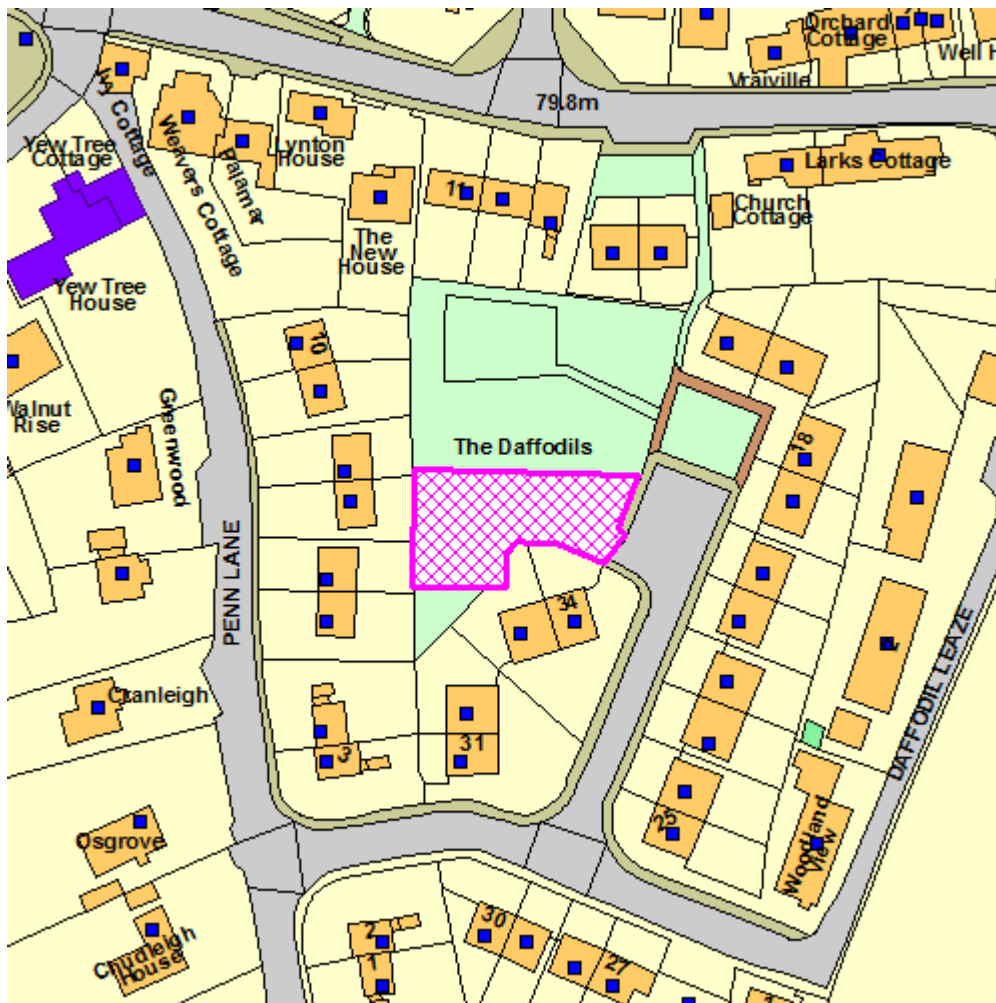
Informatives:

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. 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. 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/planningstrategy/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.



## Development Control Committee Schedule 27/11/2018

<b>Item No:</b>	<b>06</b>
<b>Application No.</b>	S.18/1011/FUL
<b>Site No.</b>	PP-06940429
<b>Site Address</b>	Land To The Rear Of 33 And 34, The Daffodils, Kings Stanley, Gloucestershire
<b>Town/Parish</b>	Kings Stanley Parish Council
<b>Grid Reference</b>	381879,203101
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Erection of 2 No. single storey residential dwellings, with associated vehicle parking and landscaping.
<b>Recommendation</b>	Resolve to permit
<b>Call in Request</b>	Requested by Head of Planning





## Development Control Committee Schedule 27/11/2018

<b>Applicant's Details</b>	Mr Oliver Tyler 8 Manor Park, Mackenzie Way, Cheltenham, GL51 9TX,
<b>Agent's Details</b>	None
<b>Case Officer</b>	Rachel Brown
<b>Application Validated</b>	08.05.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Kings Stanley Parish Council SDC Water Resources Engineer
<b>Constraints</b>	Area of Outstanding Natural Beauty Rodborough 3km core catchment zone Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Residential Amenity
- o Highways
- o Landscape
- o Ecology
- o Affordable Housing
- o Obligations

### DESCRIPTION OF SITE

The application site is located on a residential estate within the Middleyard Settlement Development Limits and the parish of Kings Stanley.

The site is a former car park located at The Daffodils located within the settlement of Middleyard. The site is surrounded on three sides by residential properties and with a play area to the north.

The site is located within the Cotswolds Area of Outstanding Natural Beauty. There are no nearby listed buildings and the site is not within a Conservation Area.

### PROPOSAL

Erection of 2 No. Single storey residential dwellings, with associated vehicle parking and landscaping.



## Development Control Committee Schedule 27/11/2018

### REVISED DETAILS

Revised design and access statement submitted providing details of the current position regarding SDC's decision to dispose of the site for redevelopment.

Further revised drawings submitted amending the site layout to provide the provision of three additional unallocated parking spaces within the curtilage of the site for local resident's use.

### MATERIALS

Walls: Stone facing finish or similar  
Roof: Plain tile to match local aesthetic  
Doors/windows: PVCu or similar

### REPRESENTATIONS

#### Statutory Consultees:

SDC Water Resource Engineer - No comments or objection

GCER advise protected species have been recorded within the vicinity

SDC Environmental Protection Manager recommends conditions and informative

SDC Biodiversity Officer - No objections or concerns.

Kings Stanley Parish Council Object - submitted details ignore needs of existing residents; a parking assessment is required; statement submitted not correct; the consideration of existing and future residents has been dismissed by this application.

Following the submission of the revised design and access statement Kings Stanley Parish Council further discussed the application; however their response has not changed from its previous response.

Following the submission of revised site layout drawings Kings Stanley Parish Council maintains their objection on the grounds of a lack of parking needs survey.

#### Public:

At the time of writing this report there have been 17 letters of objection received on the grounds of:

- Access issues
- Outlook
- Loss of parking to existing residents
- Highway safety
- Narrow width of road leading to the Daffodils
- Loss of light
- Loss of view
- Breaking an historic agreement/covenant
- Parking assessment is necessary and essential
- Statement submitted incorrect regarding residents parking



## Development Control Committee Schedule 27/11/2018

- SDC sign in car park stating for residents use
- Increase in traffic
- Site too small
- Noise and disruption during construction
- Lack of information regarding responsibility for access path
- Loss of light from fencing

Following the submission of the revised site layout 2 letters of objection have been received. Objections relate to:

- Loss of parking (objector is Blue Badge holder)
- Lack of parking survey
- Going to affect all residents of The Daffodils; lack of consultation with residents

### **NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework.

Available to view at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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.
- CP3 - Settlement Hierarchy.
- CP9 - Affordable housing.
- 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.
- 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)

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:



## **Development Control Committee Schedule 27/11/2018**

### **BACKGROUND**

The supporting information submitted with the application sets out the following background:

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 lies within the defined Settlement Boundary of Kings Stanley, designated as a Third Tier Settlement within the Local Plan, where there is a presumption in favour of development subject to design and amenity considerations and to a satisfactory means of access being provided. The site is within walking distance of the village centre and is set amongst other residential properties. In this respect the principle of further residential development on the site can be supported, however, the further consideration of the design, layout and appearance of the scheme has to be assessed.

### **DESIGN AND LAYOUT**

The proposal is for a pair of semi-detached bungalows accessed off The Daffodils. The surrounding area comprises a mix of single storey and two storey dwellings.

The proposed bungalows are of a scale, layout and design compatible with the character, appearance and amenity of this part of The Daffodils.

The siting of the bungalows and their general layout would not compete with the surrounding form of the area and there would be no detrimental impact caused to the character and appearance of the street scene.

The arrangement of the plot as detailed would provide adequate garden for the proposed dwellings, compliant with the standards set out in the Council's Residential Design Guide and in keeping with the form of surrounding development. Ample space would remain so as to ensure the plots did not appear cramped or overdeveloped.





## **Development Control Committee Schedule 27/11/2018**

### **RESIDENTIAL AMENITY**

Immediately to the North of the site is an open play area. To the East is highway land. Immediately to the south is Nos 33 and 34 Brimley. There is a separation distance of approximately 13m between the new bungalows and No 33.

The development would not have a harmful impact on the amenities of neighbouring occupiers.

### **HIGHWAYS**

Two Car parking spaces would be provided for each bungalow plus one visitor's space. Additionally 3 car parking spaces would be provided for local resident use. This would be in compliance with the Council's adopted parking standards.

Local residents have raised objections to the loss of the parking area; however the site's use to date for parking has been by informal permission only with the users having no known rights of the land. Furthermore, the site is not linked to any current Council tenancy agreement.

### **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 3km of the Rodborough Common SAC site where Stroud District Council has adopted an interim strategy. Each new dwelling is required to pay £200 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.

### **OTHER MATTERS**

A number of local residents have made reference to a restrictive covenant on the site. The landowner has confirmed however, that there is no known covenant on the registered title for the land.

### **REVIEW OF CONSULTATION RESPONSES**

Letters of objection and comment have been received in response to the application and these are available to view on the electronic planning file.

The objections and comments raised have been duly noted and considered in full in the main body of this report.

### **RECOMMENDATION**

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



## Development Control Committee Schedule 27/11/2018

### 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 28/09/2018

Plan number = 1401 Rev A

Site Plan Proposed of 28/09/2018

Plan number = 1402 Rev A

Proposed floor plans and elevations of 28/09/2018

Plan number = 1410 Rev A

Proposed Elevations of 28/09/2018

Plan number = 1411 Rev A

Reason:

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

3. 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.



## Development Control Committee Schedule 27/11/2018

4. The dwellings hereby permitted shall not be occupied until the vehicular parking has been provided in accordance with the approved plans. The approved parking shall be permanently available and free of obstruction thereafter.

Reason:

To reduce potential highway impact by ensuring that parking is available within the site, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

5. No construction site machinery or plant shall be operated, no process shall be carried out and no demolition or 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 Policy ES3 of the adopted Stroud District Local Plan, November 2015.

Informatives:

1. The site lies within 3km of the Rodborough Common 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 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), the National Trust (NT), the Rodborough Commoners and Stroud Valleys Project (SVP) to devise an agreed



## Development Control Committee Schedule 27/11/2018

interim impact avoidance strategy for housing within an identified 3km catchment.

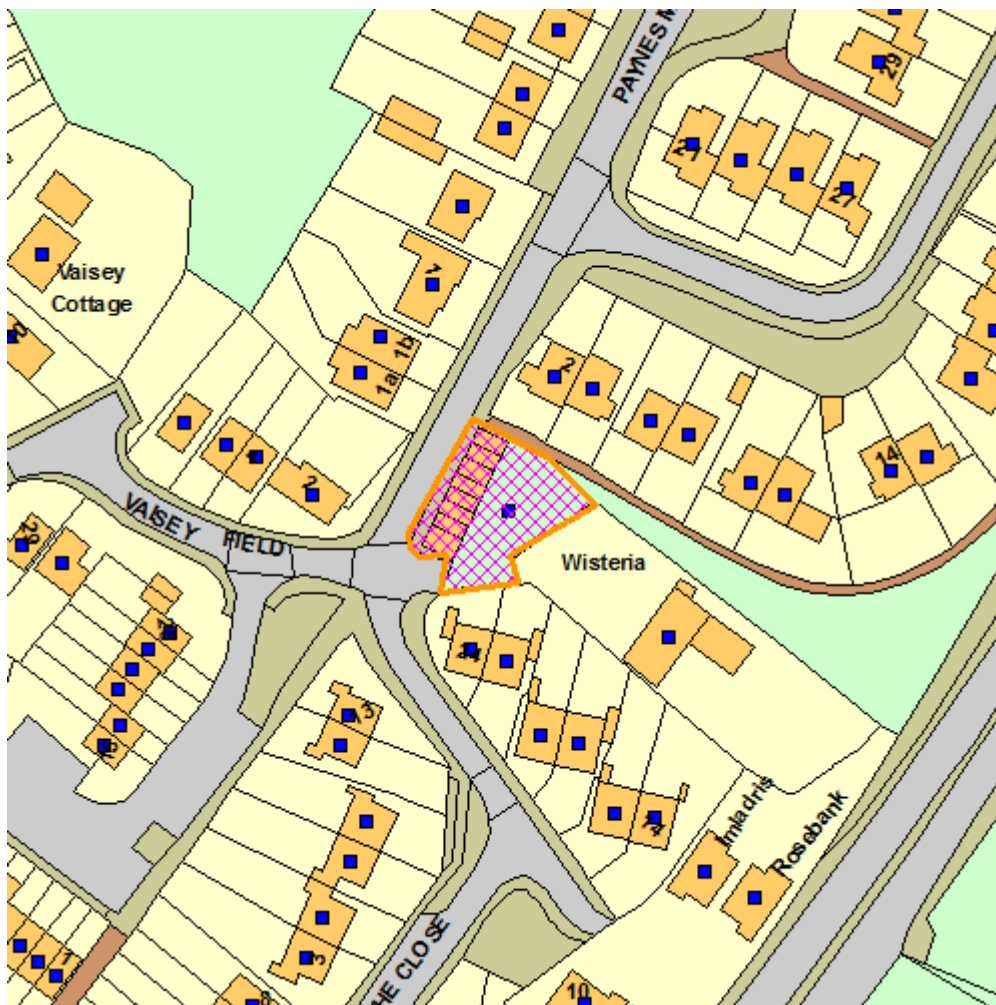
SDC's Interim strategy for avoidance of adverse impacts on Rodborough Common SAC is available on the website (link) [https://www.stroud.gov.uk/cmislive\\_public/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/68/Committee/6/Default.aspx](https://www.stroud.gov.uk/cmislive_public/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/68/Committee/6/Default.aspx). If applicants elect to provide bespoke mitigation, SDC will require evidence to demonstrate that it has been implemented, as approved, eg. 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.

2. 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.
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.



## Development Control Committee Schedule 27/11/2018

<b>Item No:</b>	<b>07</b>
<b>Application No.</b>	S.18/1678/FUL
<b>Site No.</b>	PP-07097975
<b>Site Address</b>	Land Adjacent No.24, The Close, Whitminster, Gloucestershire
<b>Town/Parish</b>	Whitminster Parish Council
<b>Grid Reference</b>	377671,208190
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Erection of two dwellings (semi-detached) with associated vehicle parking and landscaping (revised scheme).
<b>Recommendation</b>	Resolve to permit
<b>Call in Request</b>	Requested by Planning Manager





## Development Control Committee Schedule 27/11/2018

<b>Applicant's Details</b>	Trower Davies Ltd 8 Manor Park, Mackenzie Way, Cheltenham, Gloucestershire, GL51 9TX
<b>Agent's Details</b>	None
<b>Case Officer</b>	Rachel Brown
<b>Application Validated</b>	08.08.2018
<b>CONSULTEES</b>	
<b>Comments Received</b>	Policy Implementation Officer (E) Whitminster Parish Council
<b>Constraints</b>	Consult area Whitminster Parish Council SAC SPA 7700m buffer Settlement Boundaries (LP) Village Design Statement
<b>OFFICER'S REPORT</b>	

### MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Residential Amenity
- o Highways
- o Landscape
- o Ecology
- o Affordable Housing
- o Obligations

### DESCRIPTION OF SITE

The site is located adjacent to 24 The Close, within the settlement of Whitminster. The site is currently car parking and garaging.

The site is not affected by any sensitive landscape designation. There are no nearby listed buildings and the site is not within a conservation area.

### PROPOSAL

Erection of two dwellings (semi-detached) with associated vehicle parking and landscaping (revised scheme).

### REVISED DETAILS

Revised drawings and design and access submitted amending the proposal to two dwellings (semi-detached).



## Development Control Committee Schedule 27/11/2018

### **MATERIALS**

Walls: Facing brick finish with areas of tile hanging

Roof: Pantile roof tile to match local aesthetic

Doors/windows: PVCu

### **REPRESENTATIONS**

#### **Statutory Consultees:**

GCER - protected species have been recorded within the vicinity

SDC Policy Implementation Manager (Planning, Housing & Reneration) - No comment

SDC Environmental Protection Manager - recommends standard conditions and informative

Whitminster Parish Council Object to the application for the following reasons:

- Design of the development pays no regard to Whitminster Village Design Statement
- Type of dwellings proposed out of keeping with the locality; single storey dwellings would be more suited
- Inadequate parking
- Exacerbate on street parking problems
- Overbearing; loss of light; loss of privacy

Following the submission of revised plans at the time of writing this report, no response had been received from Whitminster Parish Council.

#### **Public:**

At the time of writing this report there have been 9 letters of objection received on the grounds of:

- Overbearing
- Loss of light
- Tall buildings out of context with the street scene being surrounded by bungalows
- Materials of context with street scene
- Lack of parking
- No garden
- Prefer to see 2 bungalows
- Over-development
- Loss of privacy
- Out of character with the area
- Loss of off-road parking; result in cars parking on road
- Highway safety
- Restricted age bungalow more appropriate and beneficial to community
- Not in keeping with Whitminster Design Statement
- The building is too high
- Impact on view
- Insufficient infrastructure
- Impeded access for emergency vehicles



## Development Control Committee Schedule 27/11/2018

- Exacerbate existing parking issues
- Lack of consultation pre-application

Following the submission of the revised drawings 7 letters of objection have been received. Objections relate to:

- Overlooking
- Loss of privacy
- Parking issues
- 2 bungalows would be more in keeping
- Garages should have been offered for sale to local residents
- Loss of light
- Overbearing
- Not in keeping with area
- Previous objections still stand

### **NATIONAL AND LOCAL PLANNING POLICIES**

National Planning Policy Framework.

Available to view at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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.
- CP3 - Settlement Hierarchy.
- CP9 - Affordable housing.
- 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.
- 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)

### **VILLAGE DESIGN STATEMENT**

The Whitminster Village Design Statement was adopted on 23rd October 2014 and is a material consideration. The relevant policies include:





## Development Control Committee Schedule 27/11/2018

WNE3 (protection of wider landscape character)  
WBE1 (build design)  
WBE2 (scale)  
WBE3 (character/design)  
WBE5 (pre-application consultation)  
WBE6 (parking standards)  
WCF2 (CIL)  
WBM1 (building materials)  
WBM3 (alternative energy/environmental solutions)  
WRP4 (off-road parking provision)

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:

### **BACKGROUND**

The supporting information submitted with the application sets out the following background:

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 lies within the defined Settlement Boundary of Whitminster, designated as a Third Tier Settlement within the Local Plan, where there is a presumption in favour of development subject to design and amenity considerations and to a satisfactory means of access being provided. The site is within walking distance of the village centre and is set amongst other residential properties. In this respect the principle of further residential development on the site can be supported; however, the further consideration of the design, layout and appearance of the scheme has to be assessed.



## Development Control Committee Schedule 27/11/2018

### DESIGN AND LAYOUT

Initially the proposal was for the erection of a two storey residential apartment block comprising of 4 apartments with associated vehicle parking and landscaping. Following concerns raised regarding possible impact on neighbouring occupiers revised drawings have been submitted. The application now proposes two semi-detached dwellings with associated parking and landscaping. The surrounding area comprises a mix of single storey and two storey dwellings. Dwellings within The Close are principally two storeys in height and in varying materials including recon stone and concrete hanging tile, together with brick. The dwellings within Vaisey Field are two storeys in height and finished in brick. The dwellings within Paynes Meadow are a mix of single storey and two storey dwellings, faced in recon stone with the occasional hanging concrete tiles. Many of the objections refer to the recent development of bungalows on land adjacent to No 1 Paynes Meadow, and a preference for single storey dwellings for the application site. A supporting statement has been submitted with the application that explains a proposal for single storey dwellings has been discounted as the physical footprint of 2 no. single storey dwellings would be far greater than that of the dwellings proposed; and that this would significantly compromise the existing access and the provision of a turning head for the adjacent property.

The proposed dwellings are of a scale, layout and design compatible with the character, appearance and amenity of this part of Whitminster. Their siting and general layout would not compete with the surrounding form of the area and there would be no detrimental impact caused to the character and appearance of the street scene.

The arrangement of the plot as detailed would provide adequate garden for the proposed dwellings, compliant with the standards set out in the Council's Residential Design Guide and in keeping with the form of surrounding development. Ample space would remain so as to ensure the plots did not appear cramped or overdeveloped.

### RESIDENTIAL AMENITY

A number of objections have been received with regards to loss of light and privacy to neighbouring properties.

Immediately to the North east of the site is Nos. 2 and 4 Paynes Meadow; these are single storey properties. There is a separation distance of approximately 11.8m between plot 1 and the porch to No 2 Paynes Meadow. That distance is increased to approximately 13m to the front elevation of the property. Whilst the proposal will have some impact upon the neighbouring property in terms of loss of light and overbearing impact, this impact would not be so significant as to be considered harmful. The 25-degree rule has been applied and the proposal complies with that rule.

To the South is the access road to 'Wisteria', the neighbouring property to the East. Beyond the access road is No. 24 The Close, a two storey dwelling. There is a separation distance of approximately 15m between plot 2 and No. 24.

To the west the new dwellings would overlook the gardens to properties on Vaisey Field and in particular the garden to No. 2 Vaisey Field. An objection has been received from the occupier of No. 2 Vaisey Field on the grounds of loss of privacy to their private garden area.



## **Development Control Committee Schedule 27/11/2018**

Whilst overlooking from the development would occur, this would be from bedroom windows and across a public highway. Any overlooking that may occur would not be to an extent that would be considered harmful and that would warrant refusal of the application on amenity grounds.

Overall, whilst it is acknowledged that the application would affect the amenity of neighbouring occupiers; this would not be to an extent that would be considered harmful.

### **HIGHWAYS**

Each dwelling would have a vehicular access directly off Paynes Meadow together with two parking spaces. This would be in compliance with the Council's adopted parking standards.

Local residents have raised objections to the loss of the parking area; however the site's use to date for parking has been by informal permission only with the users having no known rights of the land. Furthermore, the site is not linked to any current Council tenancy agreement.

### **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. This can be secured with the provision of a Unilateral Undertaking (S106) by the applicant.

### **OBLIGATIONS/AFFORDABLE HOUSING**

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has been submitted with the application.

Adopted Local Plan policy CP9 specifies that small scale residential schemes (1 -3 dwellings) for should pay a contribution to affordable housing of at least 20% of the total development value (where viable). Given that this policy has now been tested and it has been shown that the majority of these very small sites have been unable to support a payment towards affordable housing, the Council will only be pursuing an affordable contribution in respect of sites less than 4 units where the combined floor area of the units exceeds 1000m<sup>2</sup>.

### **REVIEW OF CONSULTATION RESPONSES**

Letters of objection and comment have been received in response to the application and these are available to view on the electronic planning file.

The objections and comments raised have been duly noted and considered in full in the main body of this report.

### **RECOMMENDATION**

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



## Development Control Committee Schedule 27/11/2018

### 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 Plan Proposed of 30/10/2018  
Plan number = 1002 Rev A

Proposed floor plan of 30/10/2018  
Plan number = 1010 Rev A

Proposed Elevations of 26/10/2018  
Plan number = 1011 Rev B

Reason:

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

3. 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.



## Development Control Committee Schedule 27/11/2018

4. 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.

5. Prior to the occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the dwellings are occupied and maintained as such thereafter.

Reason:

In the interests of the amenities of local residents and to ensure the satisfactory appearance of the development, in accordance with Policies HC1 and ES3 of the Stroud District Local Plan.

6. The dwellings hereby permitted shall not be occupied until the vehicular parking has been provided in accordance with the approved plans. The approved parking shall be permanently available and free of obstruction thereafter.

Reason:

To reduce potential highway impact by ensuring that parking is available within the site, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

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. 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



## Development Control Committee Schedule 27/11/2018

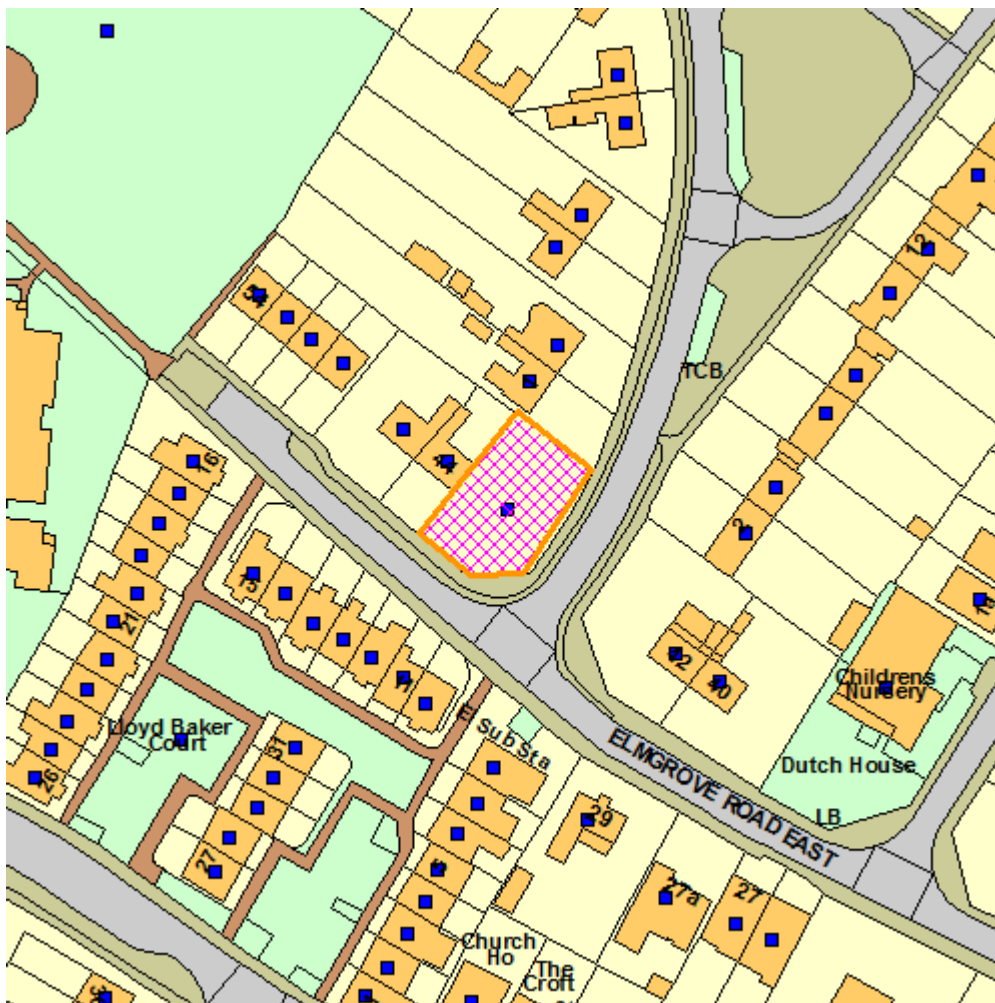
advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. 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. 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/planningstrategy/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.



## Development Control Committee Schedule 27/11/2018

<b>Item No:</b>	<b>08</b>
<b>Application No.</b>	S.18/1679/FUL
<b>Site No.</b>	PP-07103859
<b>Site Address</b>	Land Adjacent No.44, Elmgrove Road East, Hardwicke, Gloucester
<b>Town/Parish</b>	Hardwicke Parish Council
<b>Grid Reference</b>	380359,213138
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Erection of a two storey residential apartment block comprising of 2no. apartments with associated vehicle parking and landscaping. (Revised drawings received 26.10.18)
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Planning Manager





## Development Control Committee Schedule 27/11/2018

<b>Applicant's Details</b>	Trower Davies Ltd 8 Manor Park, Mackenzie Way, Cheltenham, Gloucestershire, GL51 9TX
<b>Agent's Details</b>	None
<b>Case Officer</b>	Gemma Davis
<b>Application Validated</b>	08.08.2018
<b>CONSULTEES</b>	
<b>Comments Received</b>	Environmental Health (E) Hardwicke Parish Council
<b>Constraints</b>	Neighbourhood Plan Hardwicke Parish Council Settlement Boundaries (LP)
<b>OFFICER'S REPORT</b>	

### MAIN ISSUES

- o Background
- o Principle of development
- o Design and layout
- o Residential amenity
- o Highways
- o Ecology
- o Obligations / Affordable housing

### DESCRIPTION OF SITE

The application site comprises an area of grassland located on a residential estate in Hardwicke. The site is bounded by an established hedgerow along its south-east boundary with Springfield and residential properties to the north and west.

The site does not lie within any landscape designation.

### PROPOSAL

The application seeks permission for the erection of a two storey building comprising two apartments with associated parking and landscaping.

### MATERIALS

Walls: Facing brick  
Roof: Pantiles  
Doors/windows: UPVc or similar





## Development Control Committee Schedule 27/11/2018

### REVISED DETAILS

Revised site layout plan identifying three parking spaces and design and access statement received 26th October 2018.

### REPRESENTATIONS

#### Statutory Consultees:

Hardwicke Parish Council has raised the following concerns regarding the proposed development:

- o Use of the land
- o Insufficient parking provision
- o Lack of consideration with HNPD
- o Pre application advice
- o Lack of detail regarding materials
- o Impact on ecology
- o Out of character

The Councils Water Resources Engineer has identified that a drainage plan that was based on connection to the Severn Trent surface water sewer at manhole 3105 would be acceptable.

The Councils Environmental Health Protection Manager has recommended standard conditions and infomatives should planning permission be forthcoming.

The Councils Arboriculturalist raises no objection to the proposal.

The Councils Ecologist raises no objection to the proposal - however has recommended a condition.

#### Public:

One letter of objection received raising the following concerns:

- o Insufficient parking provision

### 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.

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:



## Development Control Committee Schedule 27/11/2018

CP1 - Presumption in favour of sustainable development.

CP2 - Strategic growth and development locations

CP3 - Settlement Hierarchy.

CP9 - Affordable housing.

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.

ES8 - Trees, hedgerows and woodlands.

ES12 - Better design of places.

ES15 - Provision of outdoor play space.

The proposal should also be considered against:

Residential Design Guide SPG (2000)

Planning Obligations SPD (2017)

Hardwicke Neighbourhood Development Plan (2017)

Neighbourhood Development Plan Policies include:

Gen1 - Settlement boundary

Gen3 - High quality inclusive design

HOU1 - Infill development

HOU2 - Providing well designed homes

HOU4 - Residential gardens

CT1 - Parking

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:

### **BACKGROUND**

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, therefore the retention of underused land requires investment that represents an unacceptable impact on Council finances, particularly as investment in housing takes a higher priority.

In September 2015 the Council's Housing Committee reviewed its district wide land and garage ownership and resolved to rationalise its stock via various options including their redevelopment and/or sale. As such, a planning application has been submitted for the erection of two open market apartments.



## **Development Control Committee Schedule 27/11/2018**

### **PRINCIPLE OF DEVELOPMENT**

The site is within the settlement limits of Hardwicke, designated as a third tier Settlement, as such the site is considered to be in a relatively sustainable location with access to services and facilities.

The application site is located on a residential estate within the settlement development limits of Hardwicke. In this respect the principle of further residential development on the site can be considered.

### **DESIGN AND LAYOUT**

The development is for a two storey building, comprising two flats. The building is to be positioned on a corner plot adjacent to No.44 Elmgrove Road East which comprises a two storey dwelling.

Whilst the site is relatively restricted, the building is considered to be proportionate to the plot size and therefore would not dominate or overdevelop the site. Moreover, the site is large enough to accommodate the detached building and required parking with acceptable amenity space for a flat.

The siting of the building and its general layout would not compete with the adjacent dwelling (No.44 Elmgrove Road East) as the built form would be within the established building line. While the building would be forward of the building line formed by Springfield, the development would be viewed against the properties positioned on Elmgrove Road East rather than Springfield. In addition, it should be further noted that there are similar layouts of built form within the immediate vicinity whereby built form is not within established building lines. As such, it would be difficult to warrant refusal of the application on the basis that the proposed development would be detrimental to the character and appearance of the street scene.

The design of the proposed development is simple and relates well to the surrounding area and street scene created by the adjacent properties.

The redevelopment of this site would not result in a loss of any open space that is important to the locality

### **RESIDENTIAL AMENITY**

The site is surrounded by built form. The new building is positioned to the east of No.44 Elmgrove Road. No.44 does not benefit from any side facing fenestration and no fenestration is proposed in the side (west elevation) of the proposed building, as such there would be no issues in terms of overlooking.

Ground and first floor fenestration is proposed to the rear of the proposed building. While it is acknowledged that there would be some level of overlooking, this would be over the amenity space that serves the proposed units and No.1 Springfield' driveway. Given that No.1 Springfield' driveway is not private amenity space, it would be unreasonable to refuse the application on amenity loss grounds. Furthermore, it should also be noted that there is an



## **Development Control Committee Schedule 27/11/2018**

approximate 11m separation distance between No. 1 Springfields' driveway and the proposed building.

Given the degree of separation and position of new dwellings in relation to the neighbouring properties, there would be no significant overbearing issues that would warrant refusal of the application.

### **HIGHWAYS**

As Elmgrove Road East is subject to a 30mph speed limit, the required emerging visibility splays is 54m in both directions with a setback of 2.4m. It is clear from the submitted drawings that required visibility in both directions can be achieved on site.

Provision has been made for parking of three cars to serve the proposed flats in this respect the proposal would accord with Local Plan Policy.

The additional traffic generated by two new dwellings would not have a severe impact on the surrounding highway network and the development would not be detrimental to highway safety.

The site is considered accessible with Hardwicke containing local amenities such as a schools and shops/supermarkets etc and access to relatively high quality public transport services within walking and cycling distance. The wider issues of the network are noted but are beyond the scope of this proposal.

### **ECOLOGY**

The submitted report recommends that reptile surveys would be required prior to the clearance of the site, this is because the site did offer suitable habitat for reptiles and there are local records of reptile species within the area. Since the application has been submitted to the LPA for consideration, the site has been cleared and sterilised for reptiles.

### **OBLIGATIONS / AFFORDABLE HOUSING**

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has been submitted with the application.

Adopted Local Plan policy CP9 specifies that small scale residential schemes (1 -3 dwellings) for should pay a contribution to affordable housing of at least 20% of the total development value (where viable). Given that this policy has now been tested and it has been shown that the majority of these very small sites have been unable to support a payment towards affordable housing, the Council will only be pursuing an affordable contribution in respect of sites less than 4 units where the combined floor area of the units exceeds 1000m<sup>2</sup>.

### **REVIEW OF CONSULTATION RESPONSES**

Letters of objection and concern have been received in response to the application and these are available to view on the electronic planning file.

The objections raised have been duly noted and the planning matters have been considered in full in the main body of this report.



## Development Control Committee Schedule 27/11/2018

### 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.

<b>Subject to the following conditions:</b>	<ol style="list-style-type: none"><li data-bbox="448 909 1509 1167">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.</li><li data-bbox="448 1200 1509 1491">2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans: 1110 Proposed floor plans, 1111 Proposed elevations and 1102 A Site plan.  Reason: To ensure that the development is carried out in accordance with the approved plans.</li><li data-bbox="448 1525 1509 2040">3. No development, site clearance, soil stripping, removal of materials shall take place until a Reptile Precautionary Mitigation Avoidance Strategy has been submitted to and agreed in writing by the Local Planning Authority. The approved strategy shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.  Reason: To ensure that protected species are safeguarded in accordance with the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy ES6 of the Stroud District Local Plan 2015, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.</li></ol>
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## Development Control Committee Schedule 27/11/2018

4. 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 Monday 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 ES3.

5. The proposed dwelling shall not be occupied until all the car parking has been provided in accordance with the submitted plan (1102 A) and that area shall not be used for any other purpose other than for the parking of vehicles thereafter.

Reason:

To ensure that adequate off road parking is provided, in the interests of highway safety and to comply with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

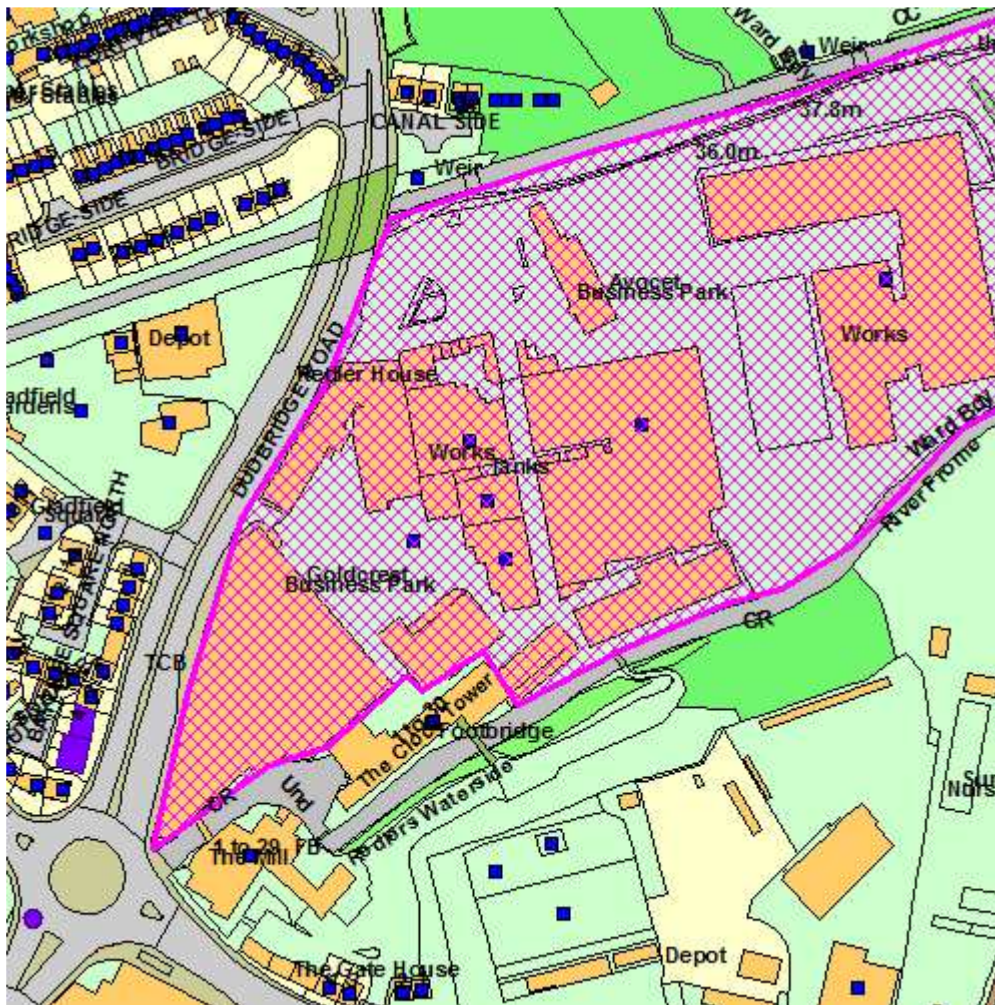
Informatives:

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. 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.



## Development Control Committee Schedule 27/11/2018

<b>Item No:</b>	<b>09</b>
<b>Application No.</b>	S.18/2270/DISCON
<b>Site No.</b>	
<b>Site Address</b>	Dudbridge Industrial Estate, Dudbridge Road, Stroud, Gloucestershire
<b>Town/Parish</b>	Cainscross Parish Council
<b>Grid Reference</b>	383590,204751
<b>Application Type</b>	Discharge of Condition
<b>Proposal</b>	Discharge of condition 21 from permission S.17/1987/OUT.
<b>Recommendation</b>	Resolve to Permit
<b>Call in Request</b>	Requested by Planning Manager





## Development Control Committee Schedule 27/11/2018

<b>Applicant's Details</b>	Mr Alvin Lindley Avocet Industrial Estate LLP, 1st Floor Offices, Wimberley Park, Knapp Lane Brimscombe, Stroud GL5 2TH
<b>Agent's Details</b>	None
<b>Case Officer</b>	John Longmuir
<b>Application Validated</b>	18.10.2018
<b>CONSULTEES</b>	
<b>Comments Received</b>	Cainscross Parish Council Historic England SW
<b>Constraints</b>	
<b>OFFICER'S REPORT</b>	

### PLANNING HISTORY AND BACKGROUND

This application seeks to discharge condition 21:

Notwithstanding the approved plans, a Design Code for the outline element of the development hereby approved shall be submitted to the local planning authority either prior to or alongside the first application for approval of reserved matters which includes the erection of a new building. The Design Code shall be in substantial accordance with the approved Indicative Site Layout – ref. P16-1427\_01 Sheet No: 02 Rev: J, Indicative Building Heights Plan – ref. P16-1427\_06 Sheet No: 01 and Indicative Street Scenes – ref. P16-1427\_02 Sheet No: 02 Rev: H except where other planning conditions require otherwise and shall include a set of Design Principles including:

- a. the principles for determining the design, form, and external appearance of the buildings;
- b. potential arrangements for car parking;
- c. the principles for the design of the public realm;
- d. the principles for the laying out of the green infrastructure including the approved Flood Channel at the southern part of the site
- e. The location and general extent of the areas of play;
- f. Existing landscape features to be retained;
- g. Boundary treatments
- h. The palette of materials to be used
- i. The phasing or sequencing of the development.

Submissions for the approval of the reserved matters shall accord with the Design Code, or any revised version of the Design Code which has been submitted to and approved in writing by the local planning authority.

Reason:

In the interest of visual amenity in accordance with Stroud District Local Plan Policy ES10.





## Development Control Committee Schedule 27/11/2018

S.14/0677/FUL 5,402sqm foodstore with 326 parking spaces. Permitted 17/8/15. This occupied only part of the site; the south western quarter was excluded.

S.17/1987/OUT: "Hybrid application. Retail foodstore and flood mitigation measures are submitted in full. Residential development to the east and south is submitted as Outline". Permitted 25-5-18.

A master plan was submitted and condition 5 requires compliance.

A plan was submitted showing the maximum heights across the site, and again condition 5 requires compliance.

The foodstore element was submitted in detail with layout and elevations provided. Various conditions require compliance and limit the use.

### **CONSULTATIONS**

Cainscross Parish Council: Note application. No comment.

Rodborough Parish Council: Response awaited.

County Highways: Response awaited.

Historic England: No objection: "The submitted Design Code report outlines a clear strategy for building form, heights, design and materials. This represents a design tool that we believe will help deliver a development that will knit well into the existing historic industrial fabric that we sought to retain as part of the outline application. The design codes will also ensure a character of development that will be interpreted as locally distinct while not slavishly aping to the industrial aesthetic or presenting a pastiche of the surviving structures. If well executed, we advise that the standard of this development could help towards mitigating the harm that would be caused by the demolition of historic buildings which contribute positively to the character and appearance of the conservation area".

### **PLANNING POLICIES AND GUIDANCE**

#### Local Plan:

SA1a: Site allocation

ES10: Historic Environment

ES11: Maintaining, restoring and regenerating the District's Canals

CP14: High quality sustainable development

CP4 Place Making

CP5: Environmental development principles for strategic sites

HC1: Meeting small scale housing need

ES7: Landscape character

ES6: Biodiversity

EI13: Small employment sites

EI12: Regenerating existing sites

CP13: Demand Management and sustainable travel

ES1: Energy efficiency and sustainable construction

ES3: Maintaining Quality of Life within our Environmental Limits

ES5: Air quality



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ES4: Flood risk and water resources

### NPPF

This promotes housing delivery and the reuse of brownfield sites. The following paragraphs are particularly relevant to this application:

91 aims for healthy, inclusive, and safe places.

93 empathises the social, economic and environmental benefits of estate regeneration.

95 promotes public safety.

110 promotes cycling and walking and use of public transport in developments.

117, 118, 119 seek to ensure the effective use of land

123 promotes higher density development in appropriate locations.

124 promotes high quality design

125, 126 stress the need for clarity in the design process.

127 reminds that design should not be short term. A sense of place is also important

128 emphasises the evolutionary process of a design

130 advises against losing design quality through changes.

131 advocates innovative design

132 warns against poor signage and adverts.

195 /196 less than substantial harm to heritage should be considered public benefits, long term use and the nature of the asset.

198 Loss of whole or part of a heritage asset should not take place without the development proceeding.

### NPPG

This gives substantial coverage to design. It explains the various components of good design and how to address matters. It specifically comments on the use of design codes:

“Preparing a good code is about finding a balance between technical specificity and a succinct description of what is required. Some of the best and most effective codes are very short”.

“Design codes seek to capture the specific requirements of a place and encourage interested parties to think together about each development in its entirety as a unique place”.

“Local planning authorities and developers should consider using design codes where they could help deliver high quality outcomes.....”

### Legislation

Section 72 of the 1990 Planning (Listed Building and Conservation Areas Act) requires: “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area”.

SDC Industrial Heritage Conservation Area Design Guide November 2008.

This has several photos/examples of the buildings on and adjacent to the site.



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The document has 5 priorities: The promotion of the historic environment, minimise the domestication of the industrial environment, warns against overly addressing canal sides, the need to respect traditional development characteristics, and ensure local distinctiveness.

There is also advice on landscaping, scale, proportions, detailing, materials and parking. These are considered in the design analysis below.

### SDC Residential Design Guide, 2000.

This explains the principles of good design. It also emphasises residential amenity, including privacy, daylighting/sunlight, and avoidance of overbearing structures.

### Communities and Local Government: Preparing Design Codes. 2006.

This is a helpful practice manual, supported by CABE.

## **PLANNING CONSIDERATIONS**

### The existing site's characteristics

The site is notable for the elevated inward views from the foot of Tricorn House, whereby the roofscape appears at varying juxtapositions, heights and materials. There is also a similar glimpse from the top of Frome Gardens.

Conversely, this roofscape is part of the views from the escarpment /AONB, particularly from Selsley.

The tall brick wall fronting the bypass is one of Stroud's distinctive landmarks.

The site is immediately adjacent to the canal, with a brick wall offering some enclosure, for part of its shared boundary.

Dudbridge lock is close by, which dramatically shows the differing height to the canal.

It is a key site within the Conservation Area due to the existing buildings on site and its canal frontage.

The site itself has a sheltered micro climate and is relatively tranquil when one moves away from the A419.

### Proposed layout

The layout submitted here as part of the Code is almost the same as that approved in the outline permission. The few minor variations are helpful, they include the removal of front projections along the main street, the demolition/retention of existing buildings and the creation of central courtyard to the gateway building.

The outline scheme showed the retention of many of the buildings fronting and close to the bypass. A condition requires their restoration. This scheme reaffirms their retention and integration into the design.



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Importantly the skyline aspect from Tricorn and the riverside would be largely retained and safeguarded for the future.

The Code envisages a hard landscaped, varied, tight knit and enclosed network of spaces. Groups of buildings would set the pattern of roads and spaces with little/no boundaries. The Code does acknowledge the opportunity for compact and appropriately robust “street” trees.

The one exception to this hard surfaced environment is a play area on the south east of the site. This adjoins and compliments the grassland swale along the river. One tall specimen tree is envisaged as a landmark. This will also provide the play area.

The outline master plan included a 3m high brick wall around the boundary of the Lidl car park. This is a requirement under condition 12 of the permission. The wall is intended to screen car parking as well providing some continuity and enclosure to the main street. The Code takes up this opportunity and shows a wall emulating that fronting the bypass.

The Code commits to provide parking to SDC standards but also acknowledges the need to avoid car dominated designs. It envisages garaging, car ports and well sited courtyards to ensure that cars do not dominate the streetscenes. Bike storage is also highlighted.

The Code also aims to provide convenient bin storage whilst not detracting from the area.

The submission barely mentions the interface of the site with the canal and towpath. Details of surfacing, boundary treatment (or not), any street furniture, and access will all be important. The Code needs some additional notes in this regard. Condition 36 does require the creation of 2 connecting pedestrian links, 3m wide, between the site and the canal towpath. These are helpfully shown and annotated on the layout in the Design Code.

The layout and the Code show a clear distinction between private and public space, which helps to promote security. There is also potentially good surveillance of public spaces.

The Code and the layout show ease of movement around the spaces which should be conducive to those who are have mobility and other challenges/needs.

### Elevations

The elevations show simple, unfussy and robust style of mill buildings reflecting the site’s heritage and location. They are not a completely slavish replication of the pastiche but an interpretation which shows more imagination and interest. This is confirmed in the response from Historic England. Inspiration has come from examples in the IHCA Design Guide and dockland areas of Bristol and Manchester.

The detailing, materials and form of the elevations all reflect this architectural style and tally with the nature of the layout. This coherency is crucial to the integrity of the design. Such cohesiveness is also fostered as one moves across the site. It has allowed the existing buildings to be included.

The potential pitfall of domesticisation has been avoided.



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The Code gives much detail to the signage of the buildings, which are incorporated into the fabric of the elevations, reflecting the heritage of the Stroud Valleys.

### Heights

The outline permission included a building heights plan. This showed two storey buildings on the western side of the site, increasing up to 3 eastwards further into the site with one building being 4 storey in part. The plan does also show a range of heights with some single storey elements by many of the near public thoroughfares. This helps provide a human scale to the architecture.

The Code tallies with these height parameters. The elevations also show a varied roofscape, even though there is lot of 3 storey. The scheme also works well in its placement of one and two storey around the public realm, thereby lowering the perception of levels.

### Materials

The Design Code envisages a range of types of materials. These reflect the industrial context of the site, with some contemporary interpretation. Multi stock red brick would be used, but also more strikingly light grey painted and blue/black. Sheet cladding is also notable, mainly in grey and black, and blue/teal. There is also some very expressive use of orange, blue and green render /sheeting.

Sheeting is also envisaged for roofing, and some slate.

The specific manufacturers materials are governed by conditions 27 and 28, which require submission of actual samples and sample panels of walling and roofing.

### Sustainable design

The Code envisages a combination of the following: reuse of materials, minimisation of waste during construction, water conservation measures, improved energy efficiency through siting, design and orientation.

### Hydrology

The outline permission includes a swale to provide extra capacity in times of river flooding. This addressed the site's location in the flood plain. The extent of the swale is confirmed in the layout submitted here.

The Code does not mention any treatment of surface water run off, except for a photograph demonstrating open storage. However a surface water drainage strategy was part of the approved Flood Risk Assessment in the outline stage. Condition 37 requires precise details for each phase.

### Biodiversity

This is not a specific matter listed for consideration in this design code. Nonetheless it warrants some consideration, arising from other issues.

Surveys were carried out at the outline stage and no protected species were found on site.



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The layout in the Code confirms the creation of the grass swale along side the river. This will create rough grassland and marginal habitat, which diversifies the habitat in the area. It also allows easier access to the river for wildlife, which is not common in this area. This is a considerable ecological benefit.

Condition 45 controls all lighting across the site. This ensures that spillage on to the riverside and canal can be minimised, which will help commuting bats.

### Public Space

This is not currently mentioned in the submission and some foresight is warranted. The play area/open space may provide the best opportunity. The play facilities, seating and associated structures could reflect the industrial heritage of the site.

Condition 50 on the outline permission requires an interpretation board by the canal towpath, detailing the sites industrial heritage.

### Residential amenity

The layout gives new residents reasonable privacy, and avoids shadowing or overbearing implications. Similarly existing dwellings to the north of the canal would not be significantly affected by the development.

Condition 12 of the outline permission requires an acoustic fence to protect new residents from noise from the foodstore loading bay, whilst condition 13 specifies noise limits at the boundary.

Other amenity conditions on the outline permission include submission of a Construction Environment Management Plan and land contamination measures.

The formation of private space here has been challenging due to the density of the scheme and the nature of the street pattern and elevations. The development will be orientated towards flats. An innovative use is made of rooftop terraces and the elevations have allowed for some balconies. Reasonable provision has been devised, offering some space to some units.

## **CONCLUSION**

Because of the nature of the application site and its very defined boundaries, a comprehensive overview of this sizeable and important development has been possible.

This development has an important interface with the canal and the towpath. Details of surfacing, any boundary treatment and any structures will be particularly important and should be more fully covered in the Code.

Some reference and contribution to public art would be another welcome addition.

The content and approach have followed established urban design principles. Moreover the submission includes almost all of the external elevations which goes beyond the



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requirements of a code. Consequently it more than forms the basis for the reserved matters submission.

This is reflected in the response from Historic England although they do caution “if properly implemented”. This comment must be a reference to NPPF paragraph 130 which guards against the potential for quality being lost during implementation.

This submission is also helpful to expedite implementation, which confirms deliverability of the site, thereby contributing to the 5 year housing land supply.

The details, albeit with the few above additions, are satisfactory in relation to the requirements. However the condition is not discharged because ongoing implementation is needed.

### **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.