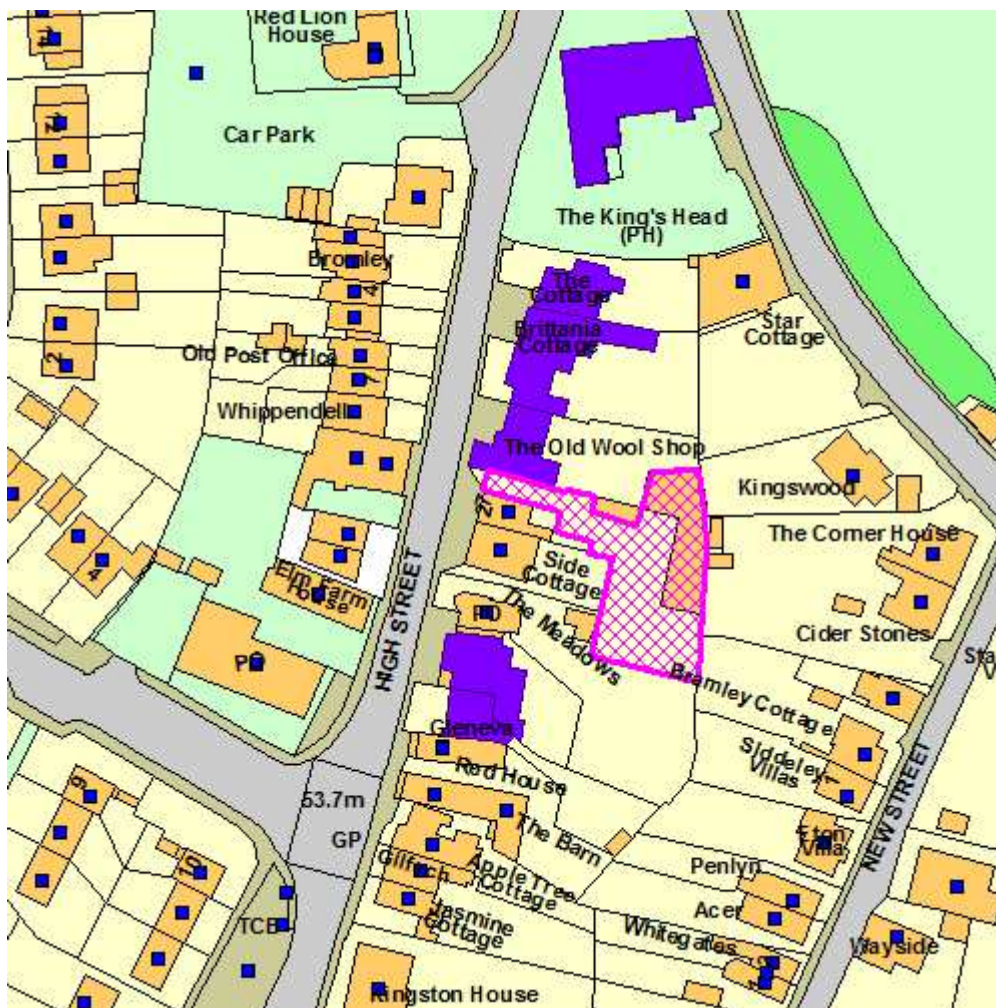




## Development Control Committee Schedule 27/11/2018

<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





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<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:



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- 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.



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### **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.





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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



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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.