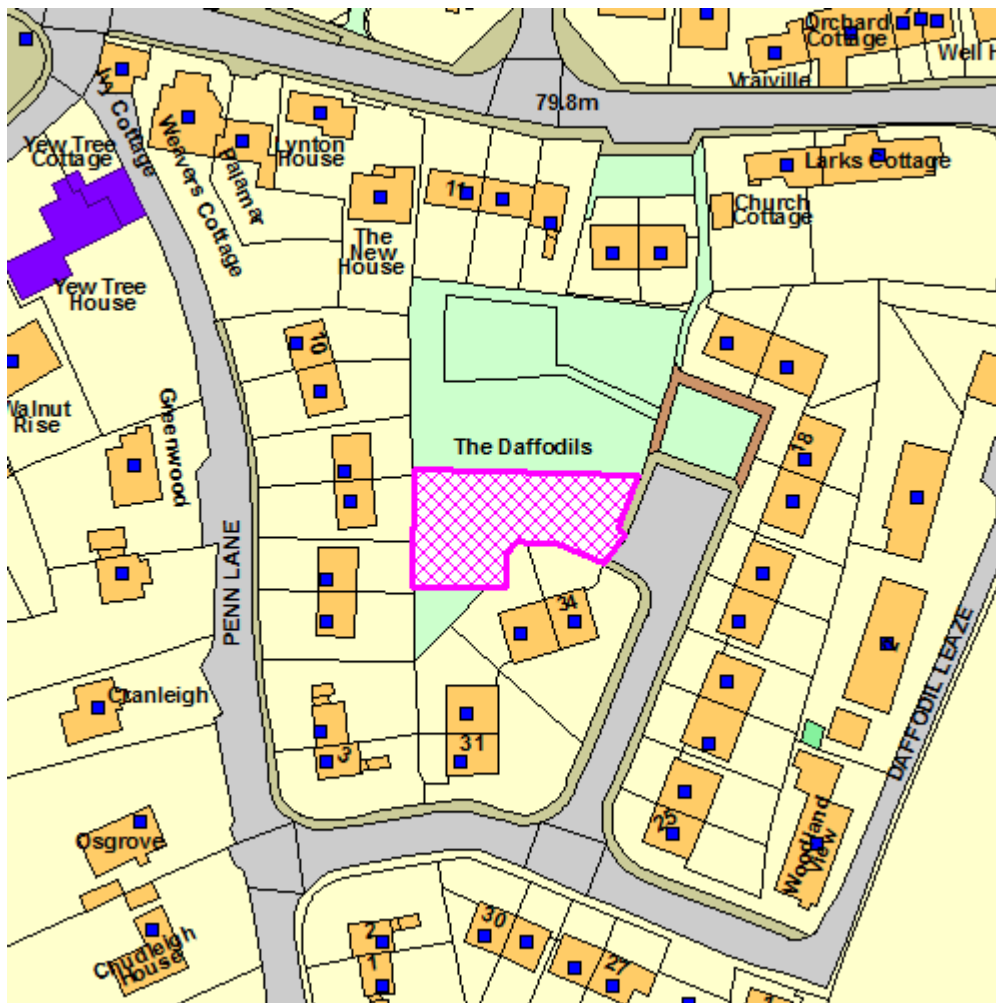




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Item No:	06
Application No.	S.18/1011/FUL
Site No.	PP-06940429
Site Address	Land To The Rear Of 33 And 34, The Daffodils, Kings Stanley, Gloucestershire
Town/Parish	Kings Stanley Parish Council
Grid Reference	381879,203101
Application Type	Full Planning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





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

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.



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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



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- 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

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:



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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.



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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.



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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.



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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



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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. 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.