



# STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB

Tel: (01453) 754 351/754 321

[www.stroud.gov.uk](http://www.stroud.gov.uk)

Email: [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk)

21 May 2019

## DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY 4 JUNE 2019** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **6.00 pm.**

Kathy O'Leary  
Chief Executive

### **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 – 2 April 2019**  
To approve and sign as a correct record the minutes of the Development Control Committee meeting held on 2 April 2019.
- 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 **LAND AT 8 WESTEND, CAM (S.18/1869/FUL)**  
The erection of three dwellings in the rear garden of 8 Westend. Cam.

**4.2 PROPOSED REAR EXTENSION TO 46 COTSWOLD GREEN, STONEHOUSE, GLOS S.19/0418/HHOLD**

The erect a rear extension to 46 Cotswold Green, Stonehouse.

**Members of Development Control Committee**

**Councillor Martin Baxendale (Chair)**

**Councillor Miranda Clifton (Vice-Chair)**

Councillor Dorcas Binns

Councillor Nigel Cooper

Councillor Haydn Jones

Councillor Steve Lydon

Councillor John Marjoram

Councillor Jenny Miles

Councillor Sue Reed

Councillor Mark Reeves

Councillor Jessica Tomblin

Councillor Tom Williams

## DEVELOPMENT CONTROL COMMITTEE

2 April 2019

6.00 pm –7.42 pm  
 Council Chamber, Ebley Mill, Stroud

# 3

### 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	A
Councillor Miranda Clifton	A	Councillor Jessica Tomblin	P
Councillor Nigel Cooper	P	Councillor Mark Reeves	P

P = Present    A = Absent

#### Officers in Attendance

Planning Manager	Senior Planning Officers
Development Manager	Solicitor & Deputy Monitoring Officer
Team Manager	Democratic Services Officer

#### Other Members in Attendance

Councillors Davies, John Jones, Tim Williams and Pickering.

#### DC.068      APOLOGIES

Apologies for absence were received from Councillors Clifton and Miles.

#### DC.069      DECLARATIONS OF INTEREST

Councillor Lydon declared that he would be speaking as a Ward Member in respect of land at 27 High Street, King Stanley, scheduled item DC.071 and would not debate or vote on the item.

#### DC.070      MINUTES – 19 FEBRUARY 2019

**RESOLVED** That the Minutes of the meeting held on 19 February 2019 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.18/2640/FUL	2	S.18/1351/FUL	3	S.18/2502/FUL
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Late pages relating to items 4.2 and 4.3 on the schedule had been circulated to Committee prior to the meeting.

### **DC.071      LAND AT 27 HIGH STREET, KINGS STANLEY (S.18/2640/FUL)**

The Planning Officer informed the Committee that this was a revised application for 2 dwellings, on part of the site. The previous application was for development on the whole of the site. Officers were now recommending permission.

Councillor Lydon, speaking as Ward Councillor, reminded Members that this was the third time that an application for the site had been considered. He stated that he endorsed fully the public comments; the site was too small, difficulties with access and exit from the site and he supported the Parish Council's view for a bungalow on the site in preference to houses.

Mr Laurie Hall, Chair of Kings Stanley Parish Council spoke against the application. The Parish Council expressed concerns about over development of the site and the way that the proposed buildings would overlook neighbouring properties. He added that the Parish Council had hoped that the application would be for a bungalow.

A resident Sue Parsons spoke in opposition to the application and stated that the application was broadly the same as the one previously discussed. The upstairs windows would overlook the gardens of other properties. There were also concerns about right of access to the shared driveway for drainage and sewers.

Matthew Webb, the applicant said that there had been discussions with Planning Officers and he believed that the application conformed to all planning conditions. The south facing rooms would be bathrooms with obscure glass. In respect of the suggestion of bungalows; these would not represent the built form of the area. He stated that there was a demand in the area for smaller houses suitable for first time buyers or older people.

In response to questions from Members the Planning Officer confirmed that the issue of access to drainage and sewers via a shared driveway was not a planning matter but would be a civil matter and the new plans provided a revised internal layout with the bathrooms to the south of the property.

The Planning Manager recommended that Condition 7 be amended to state that the obscure windows would be non-opening.

Councillor Cooper proposed a Motion to accept Officers' advice; with the amendment to Condition 7, this was seconded by Councillor Jones.

On being put to the vote there were 8 votes for and 1 vote against.

**RESOLVED To grant application S.18/2640/FUL, with the amendment.**

**DC.072      WESTEND      COURTYARD,      GROVE      LANE,      WESTEND**  
**(S.18/1351/FUL)**

Planning Officers informed the Committee that the application had been revised to reduce the extent of the development. In 2012 the former Dutch barn had been converted to light industrial use. There had been a further extension in 2015 to provide offices. The Planning Officer advised that the plans with the order papers were incorrect and presented the correct plans to Committee showing the new access.

Replying to Members' questions from the Ward Councillor the Planning Officer advised that the gates and stock fencing had been changed to provide a stronger boundary treatment. The Ward Councillor also expressed concern about the additional traffic along Grove Lane and Condition 5.iv wheel washing.

Patricia Smart, agent for the applicant, speaking in support of the application said that this was a small employment site and would support local micro businesses in an area where there was a shortage of similar small units at competitive prices.

Members asked if there could be a condition to preclude further development of the site. The Planning Officer replied that such a condition could not be applied; however the proposal in front of Members was for a smaller development than originally proposed.

In response to questions about access to the fields, the Planning Manager advised that the land was in the ownership of the applicants and it was, therefore, a decision for them as to how they would access the land.

Councillor Marjoram proposed a Motion to accept Officers' advice, this was seconded by Councillor Cooper.

On being put to the vote there were 8 votes for and 2 votes against.

**RESOLVED To grant permission for application S.18/1351/FUL.**

**DC.073      LAND AT MIDDLE LYPIATT COTTAGE, MIDDLE LYPIATT, STROUD.**  
**(S.18/2502/FUL)**

The Planning Officer presented the application for a 'glamping' site situated to the south east of the dwelling Middle Lypiatt Cottage within an extensive area of land. The proposal would provide three 'glamping' tents on permanent wooden platforms with associated works.

Speaking in support of the application, Ward Councillor Tim Williams welcomed the application and its support for the local rural economy as per NPPF 83. It would improve and encourage access to the countryside and give tangible benefit to the economy. He said that there would be minimal impact on the surrounding countryside and that a holistic view of the application should be considered.

The applicant, Martin Thomson said that the small 'glamping' business would be a boost to the local economy and support tourism. He stated that the tents would be manufactured in Stroud.

Members expressed the view that they would not want to see more than three tents on the site due to the potential impact on the environment and ecology. Planning Officers

stated that they would have great concern if there were to be further developments on the site.

Members stated that if approved then they would wish to grant delegated authority to Officers to agree the 'red line' and defined location for the tents and parking arrangements.

Planning Officers outlined the local and national planning policies which applied to the application.

Councillor Baxendale proposed a Motion to grant permission, with delegated authority to the Planning Manager, in consultation with the Chair and Vice-Chair of Committee to agree the tree planting, hedging enforcement to reduce landscape impact, appropriate planning conditions including but not limited to the number of units and then amend the red line plan to just the area required for the three glamping tents. This was seconded by Councillor Cooper.

On being put to the vote the Motion was unanimously carried.

**RESOLVED To grant permission to S.18/2502/FUL, subject to the delegated decisions agreed above.**

The meeting closed at 7.42 pm.

Chair



# **Stroud District Council**

## **Planning Schedule**

### **4<sup>th</sup> June 2019**

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 Council's 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.

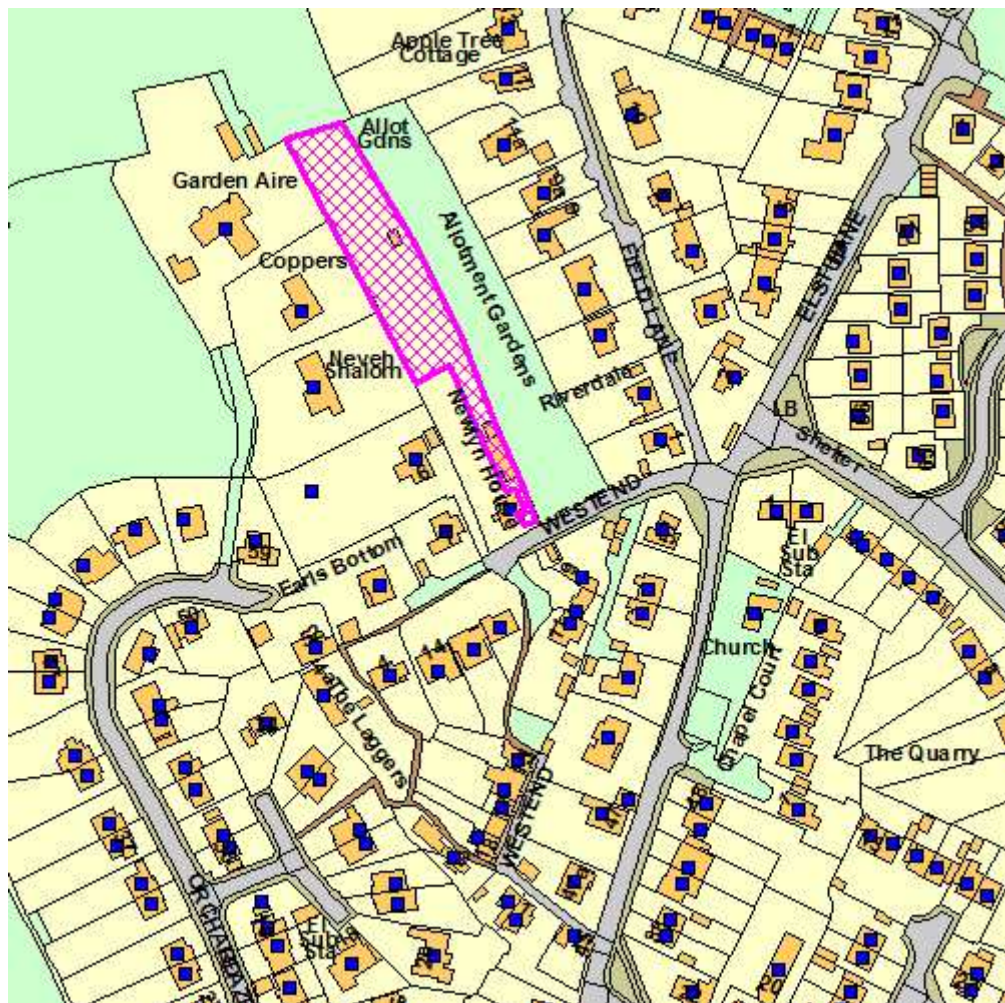


Parish	Application	Item
Cam Parish Council	Land At 8, Westend, Cam. S.18/1869/FUL - Erection of three dwellings in rear garden	01
Stonehouse Town Council	46 Cotswold Green, Stonehouse, Gloucestershire. S.19/0418/HHOLD - Proposed rear extension (381018 - 205837)	02



## Development Control Committee Schedule 04/06/2019

<b>Item No:</b>	<b>01</b>
<b>Application No.</b>	S.18/1869/FUL
<b>Site No.</b>	PP-07242144
<b>Site Address</b>	Land At 8, Westend, Cam, Gloucestershire
<b>Town/Parish</b>	Cam Parish Council
<b>Grid Reference</b>	373801,199951
<b>Application Type</b>	Full Planning Application
<b>Proposal</b>	Erection of three dwellings in rear garden
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Councillor Jessica Tomblin





## Development Control Committee Schedule 04/06/2019

<b>Applicant's Details</b>	Mr & Mrs Crosby 8 Westend, Cam, Dursley, Gloucestershire, GL11 6JD
<b>Agent's Details</b>	Elevation One Building Design Ltd 25 Uley Road, Dursley, GL11 4NJ, ,
<b>Case Officer</b>	Sarah Crawley
<b>Application Validated</b>	31.08.2018
	<b>CONSULTEES</b>
<b>Comments Received</b>	Cam Parish Council Development Coordination (E) SDC Water Resources Engineer
<b>Constraints</b>	Consult area Neighbourhood Plan Cam Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer Settlement Boundaries (LP)
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

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

### DESCRIPTION OF SITE

The site comprises garden land that extends to the north of the existing property which itself sits to the north of the highway. There is an existing vehicular access on the eastern side of the site where it borders the highway on the southern site frontage. A public footpath passes along the eastern boundary of the site which is then bounded to the west by neighbouring residential dwellings. There is a fall from the east to the west with the site level below that of the public footpath.

### PROPOSAL

The proposal is the erection of one detached and one pair of semi-detached dwellings with associated works including parking, landscaping and access alterations. The pair of dwellings would be set towards the northern end of the plot with the single dwelling standing approximately halfway along the plot depth. An extension on the eastern elevation of the existing property would be removed to accommodate the improved access into the rear of the site.



## Development Control Committee Schedule 04/06/2019

### REVISED DETAILS

The proposals were revised to address the concerns of the Highway Authority.

### MATERIALS

Walls: Natural stone to front with brick and dash render to sides.  
Roof: Concrete tiles.  
Doors/windows: Slim line UPVC.

### REPRESENTATIONS

#### Statutory Consultees:

Cam Parish Council objected commenting "Insufficient parking allocation for 4 homes, Unsuitable access for service and emergency vehicles Visibility Spray (sic) unacceptable Concern over additional traffic issues for allotment tenants attending the site adjacent."

The Gloucestershire Centre for Environmental Records noted the presence of International and National Legally Protected and Priority Species in the general vicinity of the site.

The Water Resources Engineer - awaiting comments

The Senior Contaminated Land Officer - awaiting comments

The Senior Biodiversity Officer considered the application acceptable subject to conditions.

The Local Highway Authority has no objection subject to conditions.

#### Public:

Numerous representations of objection were received. In brief these made reference to highway safety concerns, overdevelopment, insufficient parking provision, problems caused during construction, accuracy of information, impact upon wildlife, increased noise and disturbance, impact upon character of the area, loss of views, impact upon light levels, visual impact, overlooking and loss of privacy. The planning issues raised are addressed in the following report.

### NATIONAL AND LOCAL PLANNING POLICIES

Revised National Planning Policy Framework 2018 is available to view at -  
<https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Council's 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.  
CP8 - New Housing Development



## Development Control Committee Schedule 04/06/2019

- CP14 - High quality sustainable development.
- CP15 - A quality living and working countryside.
- 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.

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:

On 4th February 2014 the Parish of Cam was conferred with the status of Neighbourhood under the Localism Act 2011 and Part 2 of The Neighbourhood Planning (General) Regulations 2012.

### **PRINCIPLE OF DEVELOPMENT**

The site lies within the defined settlement boundary where there is a general presumption in favour of residential development subject to other material considerations.

### **DESIGN AND LAYOUT**

The scheme proposes the demolition of the extension on the eastern side elevation of number eight to allow the access road to pass along the eastern site boundary. Two parking spaces to serve number eight together with the bin store are situated on the western side of the access road with two parking spaces to serve the proposed detached dwelling (and one visitor space) at plot one which is positioned approximately halfway along the site. Plots two and three are semi-detached dwellings which each have two parking spaces. Turning space is also provided within the site in addition to a pedestrian access. The dwellings are arranged with south-eastern frontages and have gardens to the north-western rear of the properties. Plot one is a dormer style dwelling with first floor accommodation within the roof space. Plots two and three are two storey dwellings. The plot is large enough to accommodate three dwellings with adequate levels of parking and amenity provision. The dwellings would have no direct highway frontage but would be visible from the public footpath. The area is primarily residential in nature but there is no one clear style, form or layout of development. The proposed dwellings would add to the available mix of dwellings and would not be out of keeping with the character of the area. The residential use of the site would be maintained.

### **RESIDENTIAL AMENITY**

The proposed dwellings are not in such close proximity to any other neighbouring dwellings that they would result in any unacceptable overbearing effect.

The proposed dwellings would stand to the north-east of the nearest neighbouring dwellings. Whilst those properties occupy a slightly lower land level due both to the orientation and to the intervening distances the impact upon light levels would not be unacceptable. Two blocks of built form standing at a lower level than the neighbouring allotments would not result in a



## **Development Control Committee Schedule 04/06/2019**

significant impact upon light levels for the allotments especially having regard to the existing mature screening along the north-eastern boundary.

No first floor side windows are proposed other than a window to serve a landing on the north-eastern side elevation of plot three. The windows to the front and rear elevations of the proposed dwellings would primarily have an outlook within the site. Only limited oblique views towards neighbouring properties would be possible and there would be over 25m between the proposed and neighbouring dwellings. There would therefore be no unacceptable impact upon privacy.

### **HIGHWAYS**

The Highway Authority requested changes to the proposed layout. Following a site visit there was no objection to the development subject to recommended conditions.

### **ECOLOGY**

The Senior Biodiversity Officer commented "The site consist of a relatively large garden plot adjacent to an allotment site. Habitats consist of amenity grassland, fruit trees and some scrubby areas. The site was assessed for its potential to support roosting bats, it was found that the shed and rot hole in a fruit tree provided negligible potential to support roosting bats. A hole was found that was suspected to be a badger sett, however after close inspection it was found that the hole only extended 1.3 metres and had no chambers. It is thought that the hole was dug by a badger but it does not constitute a sett and no further survey or mitigation will be required. The site does offer potential to support reptile species which are protected from deliberate harm. A reptile mitigation site clearance strategy has been provided within section 4.16 of the submitted Walkover Survey, implementation can be secured via the above condition. Finally gardens within towns and cities are an important resource for hedgehogs listed under schedule 41 of the NECR Act as a priority species due to recent population declines".

The recommended conditions are included.

### **OBLIGATIONS**

The site is within the 7700m buffer of the Severn Estuary Special Area of Conservation where any residential development needs to comply with Policy ES6 of the Local Plan. This would require either an appropriate mitigation scheme or to be subject to a Unilateral Undertaking to secure a payment of £385 per dwelling towards such mitigation measures.

The development will also be subject to CIL contributions.

### **RECOMMENDATION**

The application is considered to comply with the relevant policies 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



## Development Control Committee Schedule 04/06/2019

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 of 09/05/2019

Plan number = 01

Site Plan Proposed of 22/01/2019

Plan number = 02

Proposed Block Plan of 05/03/2019

Plan number = 03

Proposed floor plan of 29/08/2018

Plan number = 04 Version number = Plot 1

Proposed Elevations of 29/08/2018

Plan number = 05 Version number = Plot 1

Proposed floor plan of 29/08/2018

Plan number = 06 Version number = Plots 2 and 3

Proposed Elevations of 29/08/2018

Plan number = 07 Version number = Plots 2 and 3

Ecology report of 29/08/2018

Walkover Survey by All Ecology Dated = August 2018

Reason:

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

3. The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 03, 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.



## Development Control Committee Schedule 04/06/2019

4. 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:
- parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - 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.

5. No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface 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 the National Planning Policy Framework.

6. No above ground works 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.

7. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling has been made available in accordance with details to be submitted to and approved in writing by the LPA.





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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.

8. 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 2.0m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees, and the area between those splays shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason:

To avoid an unacceptable impact on highway safety by ensuring that adequate pedestrian visibility is provided and maintained and 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 the National Planning Policy Framework.

9. Prior to the occupation of the building(s) hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason:

To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

10. Prior to the occupation of the development hereby permitted, a residential travel plan shall be submitted to and agreed in writing by the Local Highway Authority.

Reason:

To promote sustainable transport modes are taken up in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

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



## Development Control Committee Schedule 04/06/2019

### Reason:

The site lies within the 7.7km core catchment zone of the Severn Estuary Special Area of Conservation (SAC) and so the development would result in the need for an appropriate mitigation strategy or for the developer to enter into an appropriate Section 106 agreement as under Article 6(3) of the Habitats Directive, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites (Together SPAs and SACs make up the network of Natura 2000 sites). The effect of the Regulations is to require Local Planning Authorities to ensure that no likely significant adverse effect arises from any proposed development scheme or Local Plan. The effect of this legislation together with the Natural England and Rural Communities Act 2006 is to impose on local authorities a legal duty of care to protect biodiversity. If local authorities think harm or "likely significant effect" could occur they are legally obliged to not approve the proposed plan or project unless appropriate avoidance and mitigation measures can be put in place. The various Habitat Regulation Assessment iterations concluded that proposed residential growth in the Local Plan within the catchment could have a likely significant effect, in the absence of appropriate mitigation. Over the last year SDC has collaboratively worked with Natural England (NE), Wildfowl and Wetlands Trust Severn Estuary Partnership, ASERA and Severn Estuary Stakeholders to devise an agreed strategy for housing within an identified 7.7km catchment.

### Informative

SDC's Interim strategy for avoidance of adverse impacts on Severn Estuary SAC is available on the website (link)

<https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/other-policy-documents>

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.

12. The development hereby permitted shall not be brought into use until details of a scheme of hard and soft landscaping for the site have been submitted to and approved by the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

All painting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the



## Development Control Committee Schedule 04/06/2019

completion of the development to which it relates, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of the visual amenities of the area.

13. All planting, seeding or turfing comprised in the approval details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is sooner. Any trees or plants which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of the visual amenities of the area.

14. No openings other than any shown on the approved plans shall be formed in the side elevations of the dwellings hereby permitted unless otherwise approved by the Local Planning Authority.

Reason:

In the interests of the amenities of occupiers of neighbouring residential properties.

15. Prior to the commencement of demolition plans to illustrate the altered elevations of number eight Westend shall be submitted to and approved by the Local Planning Authority.

Reason:

In the interests of the amenity of the occupiers of the property and the visual amenities of the area.

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant.
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



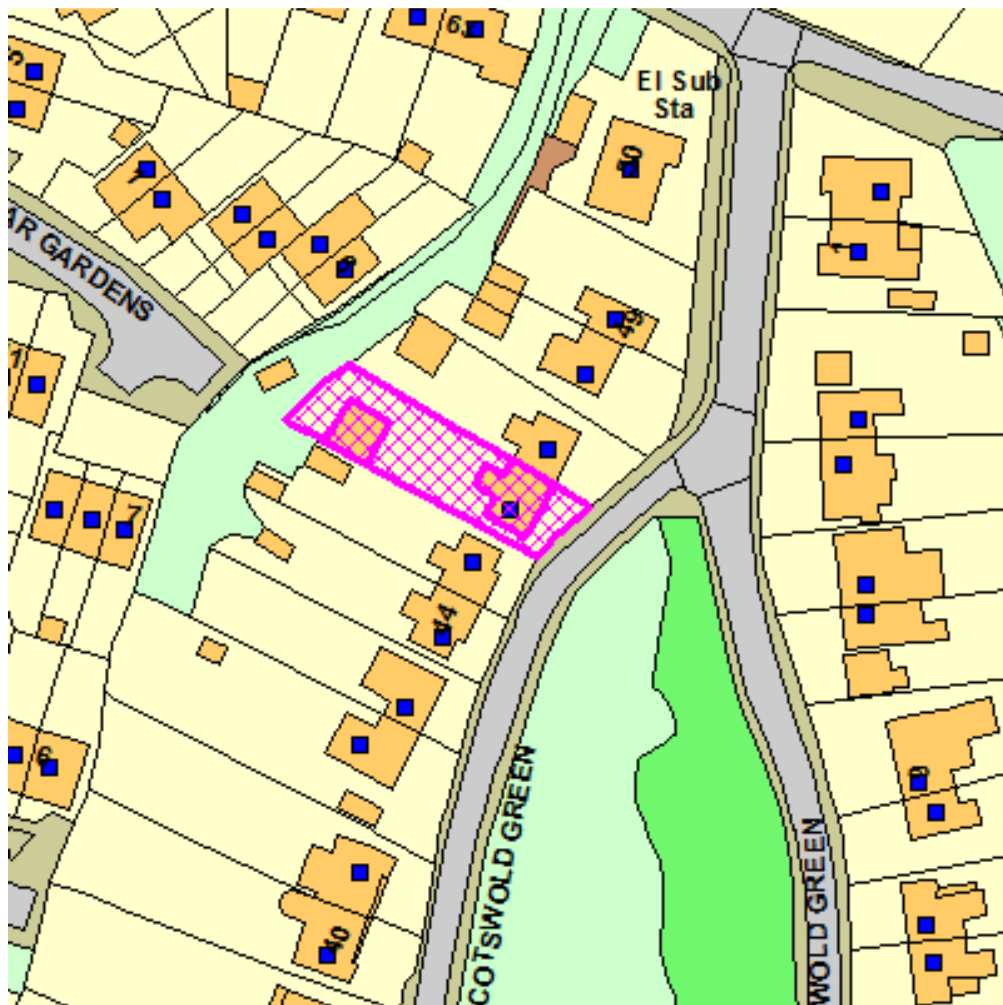
## **Development Control Committee Schedule 04/06/2019**

any stone or brick cutting, not burning materials on site and advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume, noise or dust complaints be received. For further information please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.



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<b>Item No:</b>	<b>02</b>
<b>Application No. Site No.</b>	S.19/0418/HHOLD
<b>Site Address</b>	46 Cotswold Green, Stonehouse, Gloucestershire, GL10 2ET
<b>Town/Parish</b>	Stonehouse Town Council
<b>Grid Reference</b>	381018,205837
<b>Application Type</b>	Householder Application
<b>Proposal</b>	Proposed rear extension (381018 - 205837)
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Councillor Mattie Ross





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<b>Applicant's Details</b>	Mr & Mrs Evans 46 Cotswold Green, Stonehouse, Gloucestershire, GL10 2ET,
<b>Agent's Details</b>	MDHP 52 High Street, Stonehouse, Gloucestershire, GL10 2NA,
<b>Case Officer</b>	Nick Gardiner
<b>Application Validated</b>	26.02.2019
<b>CONSULTEES</b>	
<b>Comments Received</b>	Stonehouse Town Council Contaminated Land Officer (E)
<b>Constraints</b>	Consult area Neighbourhood Plan Stonehouse Town Council SAC SPA 7700m buffer Settlement Boundaries (LP) Village Design Statement
<b>OFFICER'S REPORT</b>	

### MAIN ISSUES

- o Design and appearance
- o Residential Amenity
- o Highways

### DESCRIPTION OF SITE

The application site consists of a two-storey detached dwellinghouse located within a residential area in Stonehouse. The dwellinghouse is faced in render with concrete roof tiles. The dwellinghouse benefits from reasonable amenity space to the rear and has off-road parking provisions to the front and rear. The dwellinghouse has been subject to a single storey rear extension. The application site is not subject to any landscape designations.

### PROPOSAL

The application seeks permission for the erection of a two storey rear extension 6m long by 4m wide set back 1.7m from the boundary. The proposal also contains a single storey sloping roof element that is half a metre from the boundary and 2.4m in height.

The proposed extension provides an open plan kitchen dining room as well as two bedrooms to the first floor.



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### REVISED DETAILS

The proposals were revised to reduce the size of the extension and pull the two storey element back from the boundary due to overbearing and loss of light considerations. The revised proposal included a single storey sloping roof element nearest the boundary.

The Parish and neighbours were consulted on these revised plans.

There were further revised plans submitted on the 08/05 due to a discrepancy of 100mm to the boundary. These plans have not been consulted on due this level of discrepancy being within the limits of tolerance.

The Case Officer has met with both the applicant and immediate neighbour (47) on site, separately with these revised plans as well the plans being readily available on the planning file accessed on the Stroud District Council website.

However, these were further revised 13/05 to include annotations confirming the distance of between the main body of the two storey extension and the boundary with no. 47 had been increased to 1.7m.

### MATERIALS

Walls: Render to match existing  
Roof: Plain Tiles to match existing  
Windows: UPVC to match existing

### REPRESENTATIONS

#### Statutory Consultees:

Stonehouse Town Council has commented with concerns over the size of the extension and the potential negative impact to the neighbours light. They further commented to not the amended plans and suggested that a planning officer visited the site to assess the impact on the neighbours light and other amenities.

SDC's Contaminated Land Officer has no comments.

#### Public:

There have been objection comments received from the neighbour surrounding the following issues:

Loss of light  
Overbearing impact  
Discrepancies with the plans  
Distance between the boundary and the extension

Following the revised plans this objection has now been removed by the neighbour. Whilst the neighbour does not object to the scheme and are happier with the 1.7m distance further comments have been submitted detailing that the neighbour still feels that due to the position of the sun that the proposed extension is too close.



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### **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 Council's website:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779764/NPPF\\_Feb\\_2019\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf)

Local Plan policies considered for this application include:

HC8 - Extensions to dwellings.

ES3 - Maintaining quality of life within our environmental limits.

ES12 - Better design of places.

The proposal should also be considered against the guidance laid out in:

Residential Design Guide SPG (2000)

[https://www.stroud.gov.uk/media/2595/design\\_guide.pdf](https://www.stroud.gov.uk/media/2595/design_guide.pdf)

Stonehouse Town Neighbourhood Development Plan

[https://www.stroud.gov.uk/media/241582/snp\\_final\\_3\\_animated.pdf](https://www.stroud.gov.uk/media/241582/snp_final_3_animated.pdf)

Stonehouse Neighbourhood Development Plan policies considered for this application include:

ENV7 - High quality design

### **DESIGN AND LAYOUT**

The plot is large enough to accommodate the proposed extension without the plot appearing cramped or overdeveloped.

The proposed design to the extension is similar in height, form and design to many previously approved two storey extensions found to properties in the immediate vicinity on Cotswold Green and is considered to be of a scale and character in-keeping with the host dwelling as well as the local area and will not appear as an incongruous addition.

The proposed extension does not diminish the available off road parking provision serving the dwelling.

The proposed materials for a render finish with plain tiles and UPVC windows all match the existing dwelling.

It is considered that the proposed extensions meet the criteria set out within HC8, and that the development is therefore acceptable.





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### **RESIDENTIAL AMENITY**

The single storey sloping roof extension 0.5m from the boundary has a proposed height of 2.4m and does not breach the 45 degree line of the downstairs rear living room of no 47 Cotswold Green.

The two storey main body of the rear extension has been revised to be 1.7m away from the boundary to mirror the existing two storey extension to no. 47 Cotswold Green.

Whilst this two storey extension does breach the 45 degree line, it does not do so to a significant degree and given the existing boundary treatments as well as the orientation of rear gardens facing west this would result in limited additional overshadowing for a brief period in late afternoon to the third rear bedroom and living room window, with the latter being the secondary light source to the double aspect living room to no. 47.

The proposal would not result in any greater overbearing impact than the applicants currently are subject to from the existing rear extension of 47 Cotswold Green, which protrudes further into the rear garden.

The proposal includes a kitchen window facing no 45 Cotswold Green at the ground floor level serving the kitchen to which currently this south elevation is free from window fenestration. However, this proposed window does not directly face any glazed windows of no. 45, and coupled with the existing boundary treatment, there would be no detrimental overlooking impact. The two roof lights to the new bedrooms t first floor will not give rise to any overlooking impact.

Many of the properties found on Cotswold Green have benefitted from past permissions for two storey rear extensions similar to this proposal, with similar 45 degree line breaches and boundary distances. The existing two storey extension to no.48 protrudes 3.4m, less than this proposal at 4m, however that applicant was required to chamfer the corner to minimise loss of light to the neighbour's sole kitchen window, which is fundamentally different to this applications circumstances, with every application being determined on its own merits and circumstances.

The 45 degree line is a guide in which the LPA takes into consideration when determining planning applications and it is acknowledged that there will be a degree of loss of light given rise from this proposal to no 47, but not significant enough to be considered unacceptable as defined by Policy ES3, to warrant refusal.

It is therefore considered that this proposal will not have a detrimental impact to residential amenity.

### **HIGHWAYS**

The existing access and parking provisions for the dwellinghouse will remain unaltered. Given that the proposal is for a two storey extension to the rear, the development will not give rise to any increase in traffic movements to the site and therefore will not be detrimental to highway safety.



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### RECOMMENDATION

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

### 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 submitted 8th and 13th May 2019.

Location Plan, Block Plan and Existing floor plans, Drawing 20084/1B

Existing Elevations and Section, Drawing 20084/2 B

Proposed Elevations and Section, Drawing 20084/ 4C

Proposed Floor Plan, Drawing 20084-3C

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.

3. 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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4. No window or door openings shall be formed in the north or southern side elevations of the development hereby permitted, unless otherwise approved by the Local Planning Authority.

Reason:

In the interests of the amenities of the occupiers of neighbouring residential dwellings.

5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason:

In the interests of the visual amenities of the area.

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.