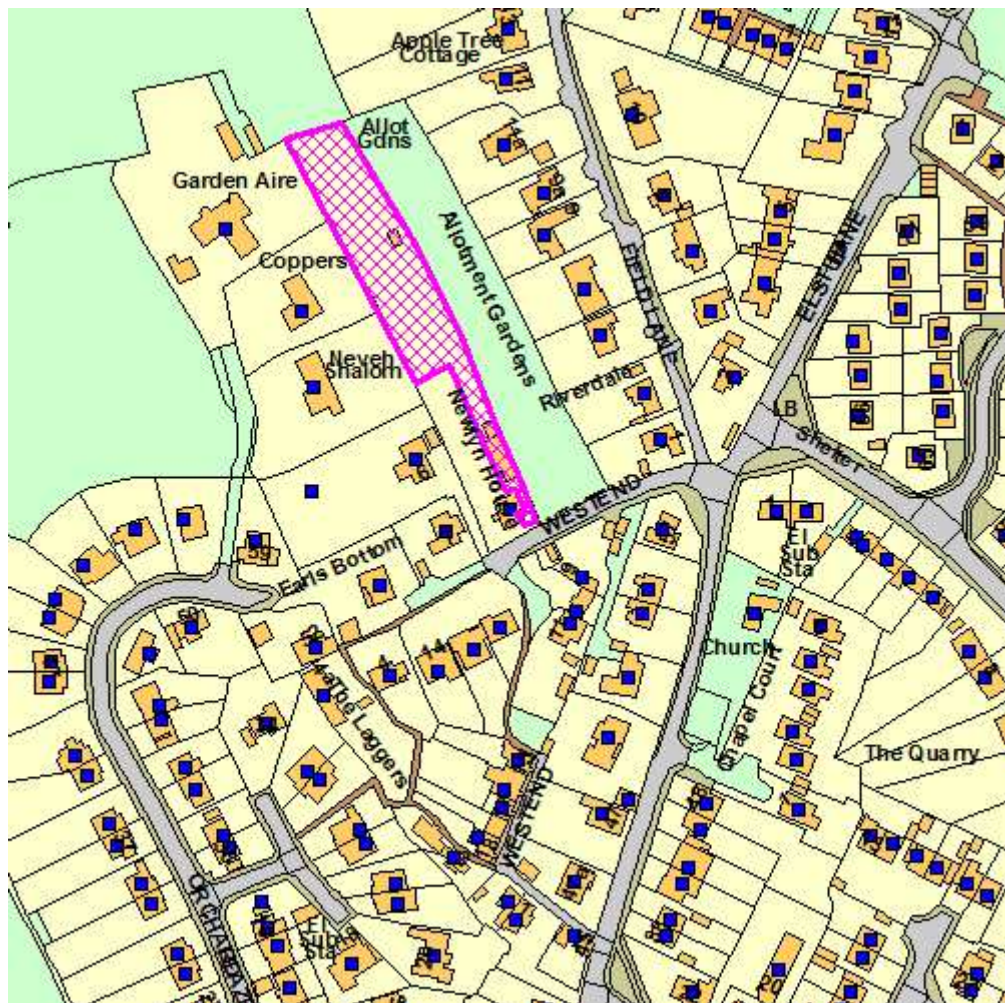




## Development Control Committee Schedule 04/06/2019

<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





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<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.



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### 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



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- 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



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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



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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.



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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.





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### 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



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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



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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.