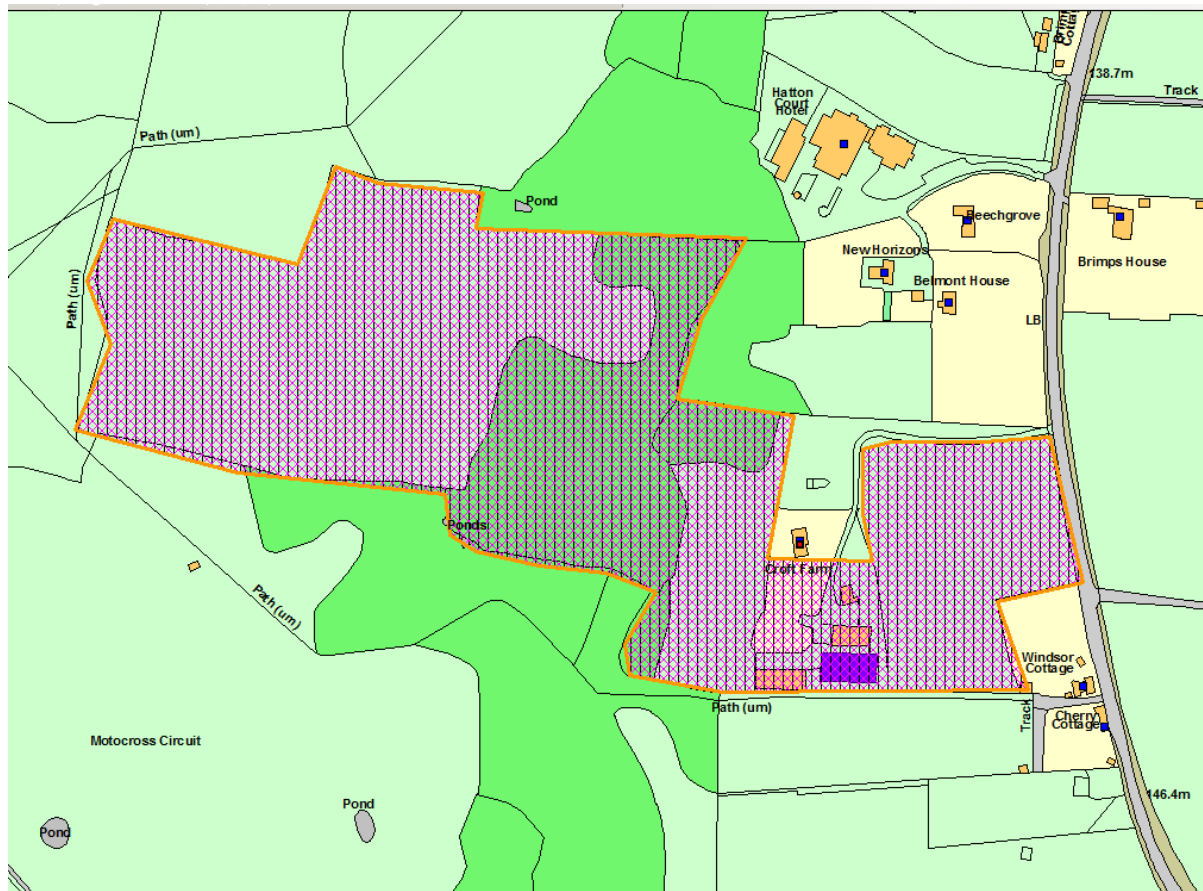




Development Control Committee Schedule 15/10/2019

Item No:	02
Application No.	S.10/2513/FUL
Site No.	11074
Site Address	Croft Farm, Upton Hill, Upton St Leonards, Gloucester
Town/Parish	Upton St Leonards
Grid Reference	385579,213582
Application Type	Full Planning Application
Proposal	Development of existing prefabricated bungalow and preservation of existing basement. Construction of proposed new dwelling and access road onto the B4073.
Recommendation	Permission
Call in Request	Parish Council





Development Control Committee Schedule 15/10/2019

Applicant's Details	Mrs B Whitting Croft Farm, Upton Hill, Upton St Leonards, Gloucester, Gloucestershire GL4 8DE
Agent's Details	Mr N Whitting Croft Farm, Upton Hill, Upton St Leonards, Gloucester, Gloucestershire GL4 8DE
Case Officer	Sarah Crawley
Application Validated	16.12.2010
CONSULTEES	
Comments Received	Parish / Town Archaeology Dept (E) Historic England SW Development Coordination Revised Details (E) Archaeology Dept (E) Environmental Health (E) Contaminated Land Officer (E) Historic England SW Parish / Town
Constraints	Area of Outstanding Natural Beauty Landfill Protection Zone Within 200m of M5
OFFICER'S REPORT	

MAIN ISSUES

- Principle of development
- Design and appearance
- Residential Amenity
- Highways
- Landscape
- Ecology
- Archaeology and Heritage Assets

DESCRIPTION OF SITE

The site comprises a detached single storey timber dwelling situated to the south-east of Croft Farm House which lies to the west of Upton Hill. The group of buildings are served at present by a vehicular access to the north of the plot. The area around the buildings and to the east where it neighbours the highway is generally level but the land falls steadily to the west.

PROPOSAL

The proposal is the erection of a replacement dwelling and the creation of a new vehicular access to the B4073.



Development Control Committee Schedule 15/10/2019

BACKGROUND HISTORY

Consideration of this application has been protracted for various reasons. Most importantly following the initial submission of the application the importance of the "basement" areas became apparent. As a result following subsequent investigation by English Heritage/Historic England the basement areas of interest were confirmed as a rare example of a Second World War Command Centre and were listed as Grade II. The importance of avoiding any damage to these structures resulted in numerous revisions in liaison with other relevant bodies.

The existing timber structure on site has been maintained as a domestic dwelling with the relevant domestic rates being paid. Whilst the building may not have been occupied the residential use of the dwelling has not been abandoned. The application must therefore be considered as a replacement dwelling outside the settlement boundary. There is no agricultural restriction on the dwelling.

REVISED DETAILS

The size and design of the replacement dwelling was revised to address the concerns arising from the Listed Building status of the basement.

MATERIALS

Walls: Lime render above a natural stone base

Roof: Reconstructed stone tiles

Doors/windows: Hardwood doors and UPVC windows

REPRESENTATIONS

Statutory Consultees:

The Environmental Protection Manager commented "Please attach the full contaminated land condition (L64) to any permission should you be minded to grant as historic land filling has taken place on the development site in the past. As such the potential to encounter contaminated material during development works is high."

The initial Parish Council response was "Object. The proposed development is not a bungalow, but a substantial dormer house and does not conform to Policy HN14 of the Local Plan, particularly clauses 2 and 3. The proposal has a floor space in excess of the existing building. With reference to clause 1, the SDC should check meticulously whether the existing bungalow ever did have residential use and if so whether it has been abandoned, unfettered without agricultural tie. If a residential use has been established there is a need to establish where the residential curtilage extends to and this should be shown on the application. Plan CF08 appears to show Croft Farm House in its own curtilage in what is currently agricultural land. The intention from the application is to utilise the property for a separate entity and an application would be required to take this land out of agricultural use. The proposal for a new access would mean 2 accesses within a short distance off the busy B4073, when just one appears to be sufficient"

The existing timber bungalow has no agricultural tie and the residential use has not been abandoned. A plan to define the residential curtilage to serve the replacement dwelling is required by condition.

The Parish Council subsequently objected commenting "The Parish Council OBJECT to this application as it has major concerns about the proposed access and furthermore does not consider that there is a need for a new access point on the B4073. The Council is also concerned that the proposed development will compromise the integrity of the Grade II Listed structure, as it is concerned that the Grade II WW2 building will be lost forever, if hidden under the foundations with possible damage during construction to this historical site as per letter dated 30/01/15,



Development Control Committee Schedule 15/10/2019

Archaeology Response:

The impact of the development in respect of the listed structure and highway safety is addressed in the following report.

English Heritage/Historic England supported the comments of Charles Parry the Senior Archaeological Officer at Gloucestershire County Council.

Biodiversity Team find the proposal acceptable subject to conditions that all works identified within the submitted Dusk Emergence & Pre-dawn re entry Surveys, by All Ecology, dated Sept 2018 are carried out in full and that any external lighting must be agreed.

Public:

Several letters of objection were received. In brief these made reference to the size and position of the access, lack of need, potential future development, possible highway hazard, noise and disturbance.

The planning issues are addressed in the following report.

Representations of support were also received.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at:<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

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

Local Plan policies considered for this application include:

CP14 - High quality sustainable development.

CP15 - A quality living and working countryside.

HC5 - Replacement dwellings

ES3 - Maintaining quality of life within our environmental limits.

ES7 - Landscape character.

ES8 - Trees, hedgerows and woodlands.

ES10 - Valuing our historic environment and assets.

ES12 - Better design of places.

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

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



Development Control Committee Schedule 15/10/2019

PRINCIPLE OF DEVELOPMENT

The policy for replacement dwellings normally requires them to be of a scale, form and footprint that are of a similar size or smaller than the property it replaces whilst making allowances for what could be carried out as permitted development. The unusual circumstances of this case result in a building that is specifically designed to incorporate and protect the listed structures and so results in a substantially larger building. It is highly unlikely that such a situation would be repeated. It is therefore considered that as a result of these particular circumstances a larger replacement building is acceptable.

An agricultural appraisal of the application considered it reasonably necessary to create an independent access.

DESIGN AND LAYOUT

The proposed replacement dwelling has been specifically designed to incorporate and protect the listed structures. The size of the proposed replacement dwelling is larger than the existing dwelling as a result of this aim. The proposed building would have a pitched roof design of reconstructed stone tiles. The walling would be lime render above a natural stone base. The scheme proposes dormer windows with accommodation in the roof space. The design and appearance of the proposed dwelling would be appropriate for the setting within the Area of Outstanding Natural Beauty and would generally be in keeping with the nearest neighbouring dwelling.

RESIDENTIAL AMENITY

Due to the size and position of the proposed dwelling in regard to unrelated properties there would be no unacceptable overbearing effect, impact upon light levels or loss of privacy for neighbouring residents.

The proposed access would be positioned closer to the neighbouring dwellings to the south-east. However, this access would still be approximately 8m from the boundary with the nearest dwelling and approximately over 60m from the property itself. Additional planting is planned between the site boundary alongside the neighbouring dwellings and the access road. Due to the intervening distance and the proposed planting and noting that the access is to serve an existing level of development the potential impact upon the amenity is not considered unacceptable.

HIGHWAYS

The Highway Authority has confirmed that there is no objection to the proposal subject to compliance with the recommended conditions.

LANDSCAPE

The existing dwelling is a simple single storey timber building. The proposed replacement dwelling would be a larger building occupying generally the same position. In general view the building would be evident, but it would largely be viewed within the context of the existing farm complex of buildings. In addition native shrubs are proposed around the access which would provide a degree of screening over time. The proposed vehicular access mouth would also be more evident in the street scene but the track would largely be constructed of hardcore which would be appropriate in a farm setting. The impact upon the Area of Outstanding Natural Beauty would be very limited.



Development Control Committee Schedule 15/10/2019

ECOLOGY

A Bat Hibernation Survey and Dusk Emergence & Pre-dawn re entry Surveys have been submitted. These surveys confirm that there is hibernation and summer day roost for low numbers of Lesser horseshoe bats present (maximum count of 5 bats) within the command post subterranean chambers.

Bats are currently utilising the existing stair well to access the chambers, this however will be lost during the development of the new building. In order to mitigate the loss to the access a vent would be made available for an alternative access and the chamber would remain in situ and unlit for use by roosting bats. It is likely that the proposed works will enhance the chambers further for hibernating bats by reducing airflow and thus resulting in warmer temperatures within the chambers. A licence from Natural England will be required in order for the works to be undertaken lawfully. The proposal would ensure the retention of the listed Command Centre and Suitable mitigation is proposed to be provided in the form of alternative bat access. The proposals are considered likely to provide adequate compensatory measures that will successfully maintain the population of the species concerned at a favourable conservation status in their natural range and as such this would meet Reg 53(9)(b) of the Habitat Regulations.

ARCHAEOLOGY AND HERITAGE ASSETS

When the application was initially submitted there was no acknowledged historic interest within the site. Following the previously noted sequence of events the remaining military features are now listed structures. As a result the proposed development has been considered by English Heritage/Historic England, the Senior Archaeology Officer of the County Council and the Senior Conservation Officer. There has been no objection to the proposed development subject to measures to ensure that the foundations do not damage the protected structures.

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 the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.



Development Control Committee Schedule 15/10/2019

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/access plan of 17/03/2016

Plan number = CF08 Version number = REVISED

NOTE: notwithstanding the defined red line area, this plan relates only to the land ownership and proposed access. The proposed residential curtilage is defined on plan CF15/A received on 24/01/11.

Proposed block/site plan of 24/11/2014

Plan number = CF18 Version number = REVISED

Proposed floor plan of 24/11/2014

Plan number = CF21 Version number = GROUND

Proposed floor plan of 24/11/2014

Plan number = CF22 Version number = FIRST

Proposed Elevations of 24/11/2014

Plan number = CF23 Version number = NORTH/SECTION A-A

Proposed Elevations of 24/11/2014

Plan number = CF24 Version number = SOUTH/SECTION E-E

Proposed Elevations of 24/11/2014

Plan number = CF25 Version number = EAST/SECTION D-D

Proposed Elevations of 24/11/2014

Plan number = CF26 Version number = WEST

Section of 24/11/2014

Plan number = CF30/A Version number = SECTION B-B

Section of 24/11/2014

Plan number = CF30/B Version number = SECTION A-A

Section of 24/11/2014

Plan number = CF31 Version number = SECTION C-C

Section of 24/11/2014

Plan number = CF32 Version number = SECTIONS H-H TO L-L

Access plan of 14/12/2010



Development Control Committee Schedule 15/10/2019

Plan number = CF 07

Section of 14/12/2010
Plan number = CF 09

Section of 14/12/2010
Plan number = CF 10

Access plan of 14/12/2010
Plan number = CF 11

Reason:

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

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

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

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

iii. If identified as required by the above approved Phase 2 intrusive investigation report detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from the scheme without prior written approval from the Local Planning Authority.

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

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



Development Control Committee Schedule 15/10/2019

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

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

Reason:

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

4. No construction of the dwelling shall take place until samples of the materials to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved. Development shall then only be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area within the AONB.

5. 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 planting, 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 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.

6. The new bungalow shall be supported on augured piled foundations located no closer than 1m from the external wall of the World War II structure which underlies the site.

Reason:

To secure the conservation of the World War II structure against damage during development, in accordance with the NPPF, para. 129.



Development Control Committee Schedule 15/10/2019

7. Details of localised temporary bracing within the World War II structure which underlies the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in strict accordance with the approved details.
- Reason:
To secure the conservation of the World War II structure against damage during development, in accordance with the NPPF, para. 129.
8. The proposed vehicular access shall be laid out and constructed in accordance with the submitted details and thereafter similarly maintained.
- Reason:
In the interests of highway safety.
9. The gradient of the proposed access within 20.0m of the County Road carriageway shall be not steeper than 1 in 20.
- Reason:
In the interests of highway safety.
10. The proposed vehicular access shall not be brought into use until the existing frontage boundaries either side of the vehicular access have been removed to provide visibility splays extending from a point 2.4 metres back from the carriageway edge along the access centre line to a point on the nearside carriageway edge 120 metres distant in each direction. Any new boundary, fence or other enclosure shall be erected on or behind the splay lines so defined, with the area in advance maintained permanently clear of obstructions to visibility at a height not exceeding 0.75 metres above the adjacent carriageway level.
- Reason:
To ensure that adequate visibility is provided and maintained in the interests of highway safety.
11. The proposed vehicular access shall not be brought into use until the access driveway has been surfaced in bituminous macadam or other approved material for at least the first 10m from the carriageway edge and thereafter similarly maintained.
- Reason:
To prevent loose material being carried onto the highway in the interests of highway safety.



Development Control Committee Schedule 15/10/2019

12. All works shall be carried out in full accordance with the recommendations contained in the Dusk Emergence & Pre-dawn re entry survey, by All Ecology, dated September 2018, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason:

To protect and enhance the site for biodiversity in accordance with paragraph 174 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

13. No external lighting shall be erected unless a lighting design strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority:

a) the strategy will identify the areas/features on site that are particularly sensitive for foraging bats;

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

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

Reason:

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

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant.
2. If a protected species (such as any great crested newt, bat, badger, reptile, or any nesting bird) is discovered using a feature on site all work at the locality should cease. A suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation (Natural Habitats & c.) Regulations 1994 (as amended) and/or the Protection of Badgers Act 1992. This information should be passed on to any contractors carrying out the development.



Development Control Committee Schedule 15/10/2019

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.
4. The proposed development will require the provision of a vehicular crossing from the carriageway and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 before commencing works on the highway.