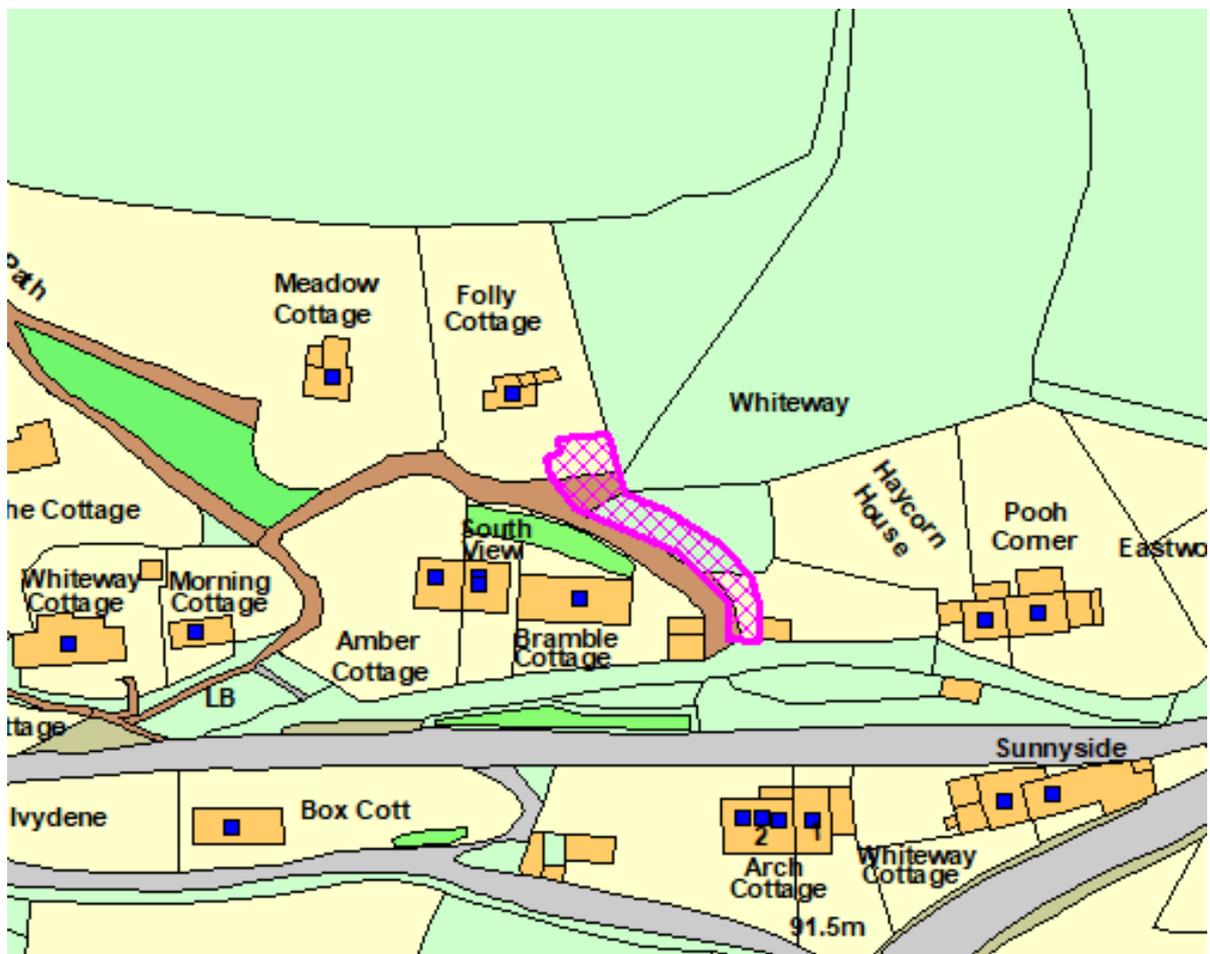




Development Control Committee Schedule 13/10/2020

Item No:	03
Application No.	S.20/1205/HHOLD
Site Address	Folly Cottage, Whiteway Bank, Downend, Horsley
Town/Parish	Horsley Parish Council
Grid Reference	384188,198442
Application Type	Householder Application
Proposal	Engineering operation to create driveway
Recommendation	Permission
Call in Request	Parish Council





Development Control Committee Schedule 13/10/2020

Applicant's Details	Mr Chuter Folly Cottage, Whiteway Bank, Downend, Horsley, Stroud Gloucestershire GL6 0PH
Agent's Details	The Rural Planning Practice South Wing CDC, Trinity Road, Cirencester, Gloucestershire, GL7 1PX
Case Officer	Laurence Corbett
Application Validated	18.06.2020
CONSULTEES	
Comments Received	Contaminated Land Officer (E) Horsley Parish Council
Constraints	Area of Outstanding Natural Beauty Consult area Kemble Airfield Hazard Neighbourhood Plan Nympsfield Airfield Zone Horsley Parish Council Affecting a Public Right of Way
OFFICER'S REPORT	

MAIN ISSUES

- Design and appearance
- Residential Amenity
- Highways
- Ecology
- Drainage
- Retaining Wall

DESCRIPTION OF SITE

This is a detached two storey property set within an ample plot off a minor road in Downend, Horsley. The site steeply slopes downhill from north to south with the dwelling is set well above the minor public road to the south. The dwelling is set back from the public highway and historically does not have any off street parking provision.

The dwelling is within the Cotswolds Area of Outstanding Natural Beauty (AONB) and close to a number of Public rights of Way (PRoW) with one crossing the site (path designation MHO/20) but does not have any further planning constraints attached.



Development Control Committee Schedule 13/10/2020

PROPOSAL

Planning permission is sought for the creation of a driveway with onsite parking provision.

REVISED DETAILS

Photomontages of the proposed development submitted

Driveway details submitted

Revised site plan with parking details submitted

MATERIALS

Walls: Timber clad retaining walls.

Driveway: Permeable tarmac.

REPRESENTATIONS

Statutory Consultees:

Horsley Parish Council:

Horsley Parish Council resolved to object to planning application S.20/1205/HHOLD at its meeting on the 28th July 2020.

The parish council request that the matter be referred to the next appropriate Development Control meeting for determination.

The Council have a number of significant concerns about the proposed work and the contents of the current application which has been lodged retrospectively after major excavations were carried out in the last week of April 2020. Approximately 250 tons of soil was removed from the site during this period and a public right of way was destroyed. On 24th April Gloucestershire County Council issued an emergency closure notice on the public footpath on the grounds "that it is necessary to safeguard the public from an unsafely excavated footpath".

1. Lack of detail in the application documents

The proposal involves significant excavation of a steep hillside in a residential area, and impacts on a well-used public right of way. We would have expected to see:

- a) an Engineer's Report setting out a structural survey
- b) a Geological Report as the site is located in an area prone to slippage
- c) an Environmental Report detailing how the bank is to be reinstated and stabilised
- d) a report addressing the issues of surface water run-off and implications for flooding on the lane below, which is already prone to such events
- e) details of the proposed track surface and gradient
- f) information about the reinstatement and repair of the public right of way.

2. Inconsistency within the application documents

The site plan identifies a stone finish to the extension of the existing retaining wall. In the elevations site drawing however mention is made of the use of horizontal timber framing.

3. Visual amenity

Prior to the excavation this was a quiet and peaceful footpath which was settled within the character of the hillside with no visual impact on the Downend valley (see Figure 1). The work



Development Control Committee Schedule 13/10/2020

has made a significant scar on the hillside which requires proposals to mitigate the visual impact (see Figure 2). The site is prominent and visible from the B4058.

4. Safety issues

The excavation has taken place on land bordering a public right of way which has already been closed because of safety concerns. We would refer to Figure 2 where already there is evidence of stones and earth slipping down the bank. In parts the bank is almost 10 ft high and there are no proposals in the application about how this land is to be stabilised and made secure, Figure 3 gives some indication of the height and steepness of the slope and the unstable nature of the screen.

We have previously raised our grave concerns about the stability of this bank with SDC. This area of the village is well known for slippage - the B4058 was closed for many months. There are numerous cottages in the immediate vicinity of the site. We would refer to para 1 and regret the absence of technical reports.

5. Public Right of Way

This is primarily a matter for Gloucestershire County Council. However, it is unclear from the application whether the line of the footpath has been altered. Wooden steps have been built (see Figure 3) but the Council is concerned about their suitability, stability and safety. Should there be any safety precautions to separate members of the public from a steep track used by vehicles? See Figure 2, which appears to show the track several feet above the footpath with no barrier. The application documents do not address this issue which will be of some significance in icy conditions.

6. Drainage and flood risk

The excavation was undertaken in order to make a track for vehicular access to Folly Cottage. There is no information about how this is to be surfaced or any impact this might have on the stability of the bank between the track and the footpath below. If it is proposed to tarmac the track the steepness of the slope is very likely to affect water runoff onto the Downend Lane. This is already prone to flooding so any additional water flow may cause significant problems. In the absence of suitable bank stabilisation there is also the possibility of silt being decanted down into the drains on the lane below which are already under pressure.

SDC Contaminated Land Officer:

Thank you for consulting me on the above application. I have no comments.

GCC Public Rights of Way (PRoW) Officer:

I got involved in this very early on when I was contacted by Ian Mallinson about the works. When I visited the site I arranged for an emergency closure of the footpaths as the excavation rendered the footpath un-useable.

The landowner advised me of what the plan was for the driveway and I have no specific comments to make regarding the retrospective application for the driveway as such but I do with regard to the footpath.



Development Control Committee Schedule 13/10/2020

Public Footpath MHO 20 was a steep uneven path where it came down from the field and the landowner has installed a set of timber steps (like a staircase) to overcome the difference in levels. This section will join with what will be the new driveway.

Public Rights of Way has inspected the steps and they are constructed well but we take no responsibility for them either for maintenance or liability. The landowner is aware of this.

At present, the public come down the steps and meet the rough constructed first level of the driveway. Once tarmacked this will be far more user friendly to those walking from the field. The footpath then runs downhill to behind Bramble Cottage. There is no reason why walkers won't be able to use the new tarmac drive (that I know of) but if the landowner is expecting them to join with the section of the path which was surfaced some years ago (not by PROW) then there will need to be another structure of sorts to get them safely down onto it. At present this section is rough with loose stones making it very difficult.

SDC Drainage Officer:

Pre-commencement condition to follow

SDC Building Control:

Thank you for your email. I have reviewed the proposed engineering details submitted in support of the above application to create a driveway and parking. The proposed retaining wall will create the parking area. The new wall has been designed by a structural engineering practice and as such the designs will be to relevant British standards.

On previous engineering operations we have suggested that a method statement is provided to show the steps that will need to be taken to safely excavate the bank and construct the retaining wall. In my opinion this should also be supplied in support of this application especially as the retaining wall will extend and support an existing stone retaining wall, as indicated on site plan 4920 02 A. The existing wall will also be subject to some demolition which could destabilise the remaining structure.

Public:

Four letters of objection have been received. Issues raised were:

- Inconsistency in drawings detailing use of materials for walling and lack of details of materials to be used in AONB.
- Lack of detail for the new steps on the PROW.
- No design and access statement and no structural engineers report with the application.
- Instability of land not addressed in application.
- Permeable driveway not sufficient for gradients in excess of 1 in 20, which this would be.
- No boundary between driveway and public footpath.
- Proposal should be considered with regards to Horsley NDP L3.
- No surface water runoff report.
- Building regulations would be required for this type/size of proposal. Environmental report upon impact upon wildlife.



Development Control Committee Schedule 13/10/2020

- A highways report is required due to erosion run off between junction of Folly Cottage and Downend road.
- A CDM report on safety.
- A report on the removal and re-instatement of the PROW

Four letters of support have been received. Issues raised were:

- Creation of off street parking will improve on street parking situation.
- Introduction of steps and tarmac will improve PROW as muddy with slippery tree roots at present.
- Removal of scrub and undergrowth allowing more light into woodland. Planting between driveway and PROW for safety.

PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Stroud District Local Plan, November 2015 is the development plan for Stroud District. Due weight should be given to policies in this plan according to the degree of consistency with the National Planning Policy Framework (NPPF). The NPPF is a material consideration in planning decisions. The NPPF was published on July 2018.

National Planning Policy Framework available to view at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website:

https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf

Local Plan policies considered for this application include:

CP14 - High Quality Sustainable Development

HC8 - Extensions to dwellings.

ES3 - Maintaining quality of life within our environmental limits.

ES6 - Providing for biodiversity and geodiversity.

ES7 - Landscape character

ES12 - Better design of places.

Horsley Neighbourhood Development Plan 2019 - 2040 is to be given significant weight when determining applications.



Development Control Committee Schedule 13/10/2020

DESIGN/APPEARANCE/IMPACT ON THE AREA

The property is set within an existing group of buildings that extend up steeply sloping ground. Folly Cottage is located at the top of the group of residential properties with other dwellings in front of it lower down the hillside.

This proposal would introduce a driveway onto the applicant's land and would involve hardstanding for an access track and a retaining wall to the plot so that the applicant can have off street parking.

As mentioned earlier the proposal will introduce a retaining wall to the site. This will be next to an existing retaining wall that is made up from gabion stone baskets. The size of the proposed retaining wall to be created is detailed to be approximately 11m at its widest point and 3.6m in height. The addition of this wall will allow for the creation of a flat area to be used as off street parking for the property. The existing site is one of a steeply sloping bank up to the property that is under the ownership of the applicant and was overgrown with brambles and Ivy. The site is mainly set behind other properties and it is considered the proposed access track and retaining wall would not be overly visible within the wider setting and any part of the development that is visible would be seen within the context of the other properties and not stand out within the wider area or AONB. The use of timber as a facing material is considered acceptable as this would weather down over time and blend in with the landscape. Stone facing could, when viewed in context of the existing gabion structure, appear visually assertive.

The proposal does not increase the size of the property and it is considered the proposal could be accommodated within the plot without appearing cramped with adequate amenity space remaining.

RESIDENTIAL AMENITY

The proposal is for an access track and a retaining wall, this will not introduce any built form that would lead to overlooking of neighbouring properties that would differ from the existing situation. A retaining wall will be set away from any neighbouring property and will be built up to the existing ground level, so it will not increase the existing ground level and not be overbearing in nature to adjacent residents.

Due to the height and size of the proposed development and the position in relation to the neighbouring properties, it is considered that there would be no unacceptable impact on the living conditions of neighbouring residents and the proposal would not affect the amenity of neighbouring dwellings.

HIGHWAY SAFETY

The property does not have any off street parking at present and it is noted that on-street parking is limited in the local area and under pressure. The applicant has submitted plans showing off street parking can be accommodated for two vehicles to the front of the property that is in accordance with the standards identified within the Local Plan. Whilst the scheme does provide new off street parking it will not lead to any significant increase in traffic movements. With the restricted nature of the access and local network, vehicles speeds will also be low. It is therefore considered that the proposal will not have a severe impact on highway safety and would accord with policies HC8 & ES3 of the Local Plan.



Development Control Committee Schedule 13/10/2020

ECOLOGY

The development is within the applicant's garden that does not have any special biodiversity designation nor are there any protected trees on, or nearby, the site. As the development is within the garden the clearance of the vegetation before the engineering work would not have needed consent. The agents have outlined that this took place outside the nesting season to comply the applicants' requirement under the Wildlife and Countryside Act. Being part retrospective in nature the majority of the engineering works to dig out the site have already been carried out. It is therefore considered the ecological impact would be limited but the mitigation going forward focusing on enhancement with an appropriate native landscaping scheme is required.

DRAINAGE

The proposal has removed the top layer of earth from part of the applicant's garden and it is proposed to be replaced with porous tarmac and hardstanding to the parking area. The Water Resources Engineer has advised that a pre-commencement condition be added to any approval to ensure the detailed drainage scheme is effective and there are no harmful effects upon the wider setting.

RETAINING WALL

Due to the engineering works the proposal requires planning permission. The applicant has sought specialist guidance with the new wall having been designed by a structural engineering practice and as such the designs will be controlled by the relevant British standards.

Whilst the responsibility for securing a safe development rests with the developer and/or landowner given the concerns raised input from Building Control has been sought to give advice upon the specialist information submitted. Building Control has reviewed the drawings/calculation submitted and have recommended that a condition be added to any approval to ensure the proposed retaining wall can be safely erected including a method statement detailing works proposed.

RESPONSE TO OBJECTIONS

A number of objections have been raised with this application due to the inconsistency/lack of information submitted. The application was submitted with an application form, scaled plans, a planning statement and supporting structural reports on the suitability of the retaining wall. The scaled plans identified the finish of the proposed retaining wall to be timber and stone. This is clear on the application form and within the planning statement at section 4.7. Initially the planning statement and structural calculations were not on public view but this situation was corrected before the submission of comments by the Parish Council. For clarity, the scaled plans were amended to show that cladding is to be in timber and the agent has confirmed that timber cladding is proposed.

The site does not have any special ecology or protected trees, as such an ecology survey would not be required for this site as the development will not affect any identified protected species.



Development Control Committee Schedule 13/10/2020

The application has no elevation plans submitted with regards to the steps from the PROW onto the applicant's land. On the submitted plans the steps are outside the applicant's identified land and as such not part of this application. Notwithstanding the PROW officer has been consulted with this proposal and has stated that the steps look acceptable but take no responsibility for the ownership of these steps.

It is stated that there is no boundary between the PROW and the driveway. In plans submitted and photomontage there is a separation between the PROW and the driveway that shows planting in between the two. Notwithstanding the PROW officer has stated that there is no reason why the driveway cannot be used by walkers and does not raise any significant safety concerns.

RECOMMENDATION

The proposal seeks to provide the existing property with onsite parking facility in an area where street parking is restricted and is in demand. Once the works are completed the footpath will be able to reopen and the scheme does not cause a severe impact on highway safety. As addressed above, with appropriate landscaping, materials and drainage, the scheme will not have a significant adverse effect on the character and appearance of the local area, this section of footpath or the wider Cotswolds AONB. The amenities of the local residents are also not adversely affected.

In light of the above, it is considered that the proposal does comply with the policies outlined and therefore permission is recommended subject to conditions (to be updated in late pages).

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:

Please see late pages.