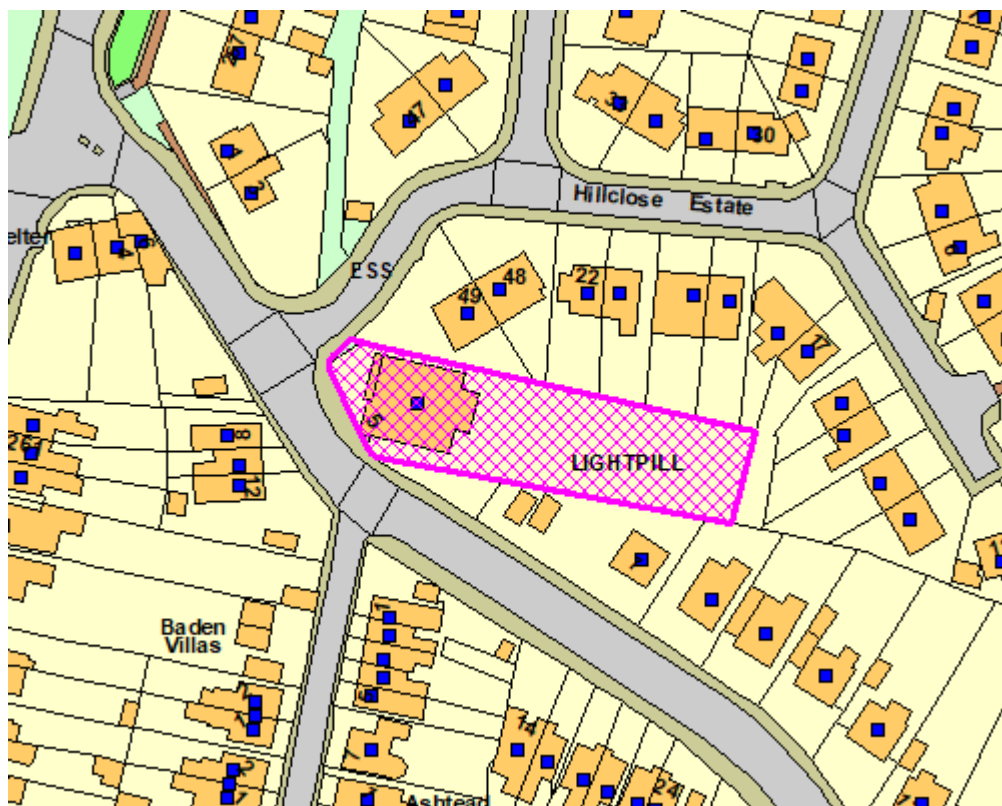




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Item No:	01
Application No.	S.20/1686/FUL
Site Address	5 Kitesnest Lane, Lightpill, Stroud, Gloucestershire
Town/Parish	Rodborough Parish Council
Grid Reference	384057,203855
Application Type	Full Planning Application
Proposal	Erection of three new dwellings, demolition of shop & renovation of existing dwelling.
Recommendation	Permission
Call in Request	Councillor Nigel Prenter



Applicant's Details	Mrs J Gibbons Little Croft, Cirencester Road, Minchinhampton, Stroud, Gloucestershire GL6 9EQ
Agent's Details	RW Architectural Services Ltd Slemish House, Ferndale Road, Whiteshill, Stroud, Gloucestershire GL6 6AY
Case Officer	Sarah Carruthers
Application Validated	24.08.2020



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	CONSULTEES
Comments Received	Contaminated Land Officer (E) SDC Water Resources Engineer Development Coordination (E) Biodiversity Officer Rodborough Parish Council
Constraints	Affecting the Setting of a Cons Area Consult area Rodborough Parish Council Rodborough 3km core catchment zone Settlement Boundaries (LP) Village Design Statement
	OFFICER'S REPORT

MAIN ISSUES

- Principle of development
- Design and appearance
- Residential Amenity
- Heritage Assets
- Landscape
- Highways
- Ecology
- Affordable Housing
- Obligations

DESCRIPTION OF SITE

The site consists of a former shop and residential property set with a substantial garden. The two storey detached building has single storey elements on the side and rear and has been derelict for a number of years.

It is understood that the shop has not been in business for twenty years and the residential unit has not been habited for five years. The buildings are in poor condition and the garden is overgrown.

The plot measures approximately 1100 square metres and land levels rise in an easterly direction. The Industrial Heritage Conservation Area falls directly to the west and south west, including the opposite side of Kitesnest Lane.

PROPOSAL

Demolition of the single storey structures, the renovation of the existing building and construction of a two storey extension on the north elevation to create 2 no. three-bedroom dwellings.

The proposal also includes the construction of 2 no. semi-detached, two storey dwellings in the rear garden. The pair of dwellings, with three bedrooms, have a hipped roof and single storey lean-to addition on the rear. There is a net increase of three dwellings on the site.

Private amenity areas and two designated parking spaces are proposed for each dwelling. A vehicle access to serve the dwellings will run along the northern boundary, with designated parking areas and



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a turning area located centrally within the site. A further two tandem parking spaces are also provided to the front of Unit 1, adjacent to the road.

The application is a resubmission of a previously withdrawn application, which included similar proposals to the shop building and two bungalows in the rear garden.

REVISED DETAILS

There have been a number of changes to the design of the two new units during the course of the application and the revised plans to be considered were received on 20/10/20.

MATERIALS

Walls: Brickwork and render as indicated on the plans to match existing main building

Roof: Interlocking concrete tiles to match existing

Doors/windows: UPVC or powder coated aluminium

REPRESENTATIONS

Statutory Consultees:

The Council's Environmental Protection Manager has made the following comments.

"With respect to the above application, I would recommend that any permission should have the following conditions and informative applied:

"Conditions:

"No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

"Construction/demolition works shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority. This should include an assessment of the presence of any asbestos containing materials and, if present, how these will be safely dealt with.

"Informative:

"The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, are offences actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received."

Rodborough Parish Council has submitted the following comments.

"No reason to support or object to the proposals but the council would like to comment that it is very difficult to judge how overbearing the rear 2 storey houses will be to the neighbours without access to the site."



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The Council's Conservation Team has submitted the following comments.

"The site is adjacent to the Industrial Heritage Conservation Area. Where Conservation Areas or their settings, are affected by development proposals, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires that, 'special attention shall be paid to the desirability of preserving the character or appearance of Conservation Areas.'

"Due to the scale and siting of the proposed development, and the diversity of the built stock in the vicinity, no harm would be done to the character and appearance of the conservation area."

The Council's Biodiversity Team has submitted the following comments.

"Comments relate to the following document:

"Inspection Survey for Bat Roost Potential, All Ecology, dated June 2020

"Recommendations: Acceptable subject to the following:

"This site falls within the 3.3 km core catchment zone of the Rodborough Common SAC, the applicant has the opportunity to make off site S106 contributions per new dwelling as part of Stroud District Council's avoidance mitigation strategy, or provide the LPA with their own mitigation strategy and enhancement features which will need to be agreed by SDC as the competent authority and Natural England.

"REASON: To ensure that protected species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended).

"I also recommend the following condition:

"Within 3 months of the date of consent, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The works so approved, shall be carried out in accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development.

"REASON: To protect and enhance the site for biodiversity in accordance with paragraph 175 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.

"Comments: This site falls within the 3.3 km core catchment zone of the Rodborough Common SAC therefore, the applicant can either make a one-off S106 contribution per new dwelling to the Stroud District Council's avoidance mitigation strategy; the cost is £200 per new dwelling. Or the applicant can provide their own bespoke strategy to mitigate the identified impacts the proposed development will cause.

"The inspection survey concluded that the existing dwelling holds negligible potential for roosting bats therefore, no further surveys or mitigation is required. The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements could be incorporated into the development proposal in the form of bird and bat boxes. These enhancement features should be considered at an early stage to avoid potential conflict with external lighting plans. A simple site plan



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outlining the placement of these features will need to be submitted to the LPA to enable the Biodiversity Team to review."

The County Council Highways Development Team has submitted the following comments.

"GCC has conducted a TRICS assessment in order to ascertain the level difference in the number of vehicle movements between the previous A1 use and 3no residential units proposed. The assessment outputs demonstrated that the proposed application would result on an average of 1 two-way movement in both AM and PM times as opposed to 12 and 15 two-way movements in the AM and PM respectively for the A1 use.

"The Highway Authority therefore recommends no highway objection to be raised subject to the following conditions being attached to any permission granted:

"The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

"Reason: To promote sustainable travel and healthy communities."

The Council's Senior Contaminated Land Officer has no comments on the proposal.

Public:

Four letters of objection and one letter of comment has been submitted by local residents. Objections and comments include: -

- Height of new dwellings would be imposing on surrounding properties
- Impact on residential amenities - overlook back gardens and windows
- Greater impact than the previously proposed bungalows
- Not in keeping with its surroundings, does not comply with HC1
- Datum levels must be agreed before work commences
- Loss of trees and biodiversity
- Increased artificial light

Objections to the inaccuracy of plans and boundary of site have been addressed by the revised plans.

Re-consultation has recently taken place on the revised plans, and one response had been received at the time of writing the report. Comments include:

- design in keeping
- dwellings should be set lower to reduce visual impact
- highways safety concerns

NATIONAL AND LOCAL PLANNING POLICIES

Town and Country Planning Act 1990

Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72(1)

National Planning Policy Framework

National Planning Practice Guidance



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National Design Guide

Stroud District Local Plan (2015)

- CP1 Presumption in favour of sustainable development.
- CP3 Settlement Hierarchy.
- CP14 High quality sustainable development.
- EI6 Protecting individual and village shops, public houses and other community uses
- HC1 Meeting small-scale housing need within defined settlements.
- ES3 Maintaining quality of life within our environmental limits.
- ES6 Providing for biodiversity and geodiversity.
- ES10 Valuing our historic environment and assets.
- ES12 Better design of places.

Residential Design Guide SPG (2000)

Planning Obligations SPD (2017)

IHCA Conservation Area Management Proposals SPD (2008)

There is no Neighbourhood Development Plan for this area.

PRINCIPLE OF DEVELOPMENT

The site falls within the defined settlement development limits of Stroud, which is a First Tier settlement and the primary focus for growth and development. Therefore, the principle of residential development is acceptable subject to other material considerations.

The building was previously used as a local shop and newsagents approximately 20 years ago. It appears to have no intervening use and has remained boarded up and derelict. Policy EI6 seeks to protect individual shops and sets out a number of criteria that that proposal must comply with:

- 1) There is no prospect of a continued community use
- 2) There are adequate similar use facilities within the settlement that are accessible, and
- 3) the current or previous use is no longer viable.

Policy EI6 normally requires financial and marketing evidence to demonstrate that the current use is no longer viable, however given the time period that has passed, no financial evidence is available. In terms of other nearby shopping facilities, Aldi supermarket lies within 270m of the site and DIY store B&Q lies 730m from the site. Therefore, there are adequate shopping facilities within the area to meet the needs of local residents. On balance, the proposal meets the criteria for Policy EI6.

DESIGN AND LAYOUT

The site is situated on the edge of a large residential estate built on the hillside. The 1960's estate has a mix of chalet style properties, two storey dwellings and bungalows that are faced in render or buff coloured brick. Immediately to the south side of Kitesnest Lane, there are mainly traditional, red brick Victorian properties.

The existing building sits fairly prominently within the street scene. The proposed two storey extension will create an additional three-bedroom dwelling. The scale and design is considered to be in keeping with the scale and character of the existing building and the surrounding residential area and would not appear out of place within the street scene.



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The plot is substantial in size and backs onto a number of properties in Hill Close Estate and Kitesnest Lane. The site is heavily overgrown, but has been cleared during the course of the applications for site visits to be made. The site is surrounded by properties and land levels rise in an easily direction; the properties to the east of the site are situated at an elevated position.

The original application included a pair of semi-detached bungalows in the rear garden, whilst they may have been less prominent, they had a larger footprint and were situated closer to the neighbouring boundaries.

Policy HC1 requires new housing to be of a scale, density, layout and design compatible with its surroundings. Following discussions with the agent, the scheme was revised to include a pair of semi-detached dwellings of a similar scale and design of the neighbouring properties in Hill Close Estate. The materials, proportions, eaves and ridge height reflects the surrounding development and the development would not appear out of place. The design of the dwellings has been simplified and a hipped roof added to reduce the overall massing; this type of roof is already present within the area.

The layout of the site is compatible with that of the surrounding area, with a suitable degree of separation between the dwellings. An appropriate level of private garden is proposed to the rear of each dwelling as well as suitable access and parking arrangements. The proposal would not result in the loss of an important open space or locally valued habitat. It is considered that the two storey dwellings can be accommodated within the site and the proposal complies with the criteria set out within Policy HC1.

RESIDENTIAL AMENITY

A number of local residents have objected to the proposal on the grounds that the two new dwellings would be overbearing and impact on privacy.

Given their orientation, the dwellings are a sufficient distance from the surrounding neighbouring dwellings. The Residential Design Guide SPG, may be considered out of date and only have limited weight, but does provide the following guidance on recommended distances between buildings:

- Where dwellings face each other and both have windows with clear - glazing, a minimum distance of 25 metres;
- Where dwellings face each other, but only one has windows with clear glazing, a minimum distance of 10 metres.

The proposal complies with these recommendations. The first floor windows in the front and rear of the dwellings do not directly face the Hill Close Estate properties, and therefore given the obscure angles involved and the degree of separation, which ranges between 16m (at a very tight angle) and 28m+, the level of overlooking would not be unacceptable.

There would be no unacceptable overlooking between the dwellings and the Hill Close properties to the rear (east) of the site as these properties are located at a much high level to the site, with a separation distance in excess of 30m.

Whilst the gardens of the proposed dwellings would be overlooked, there is already mutual overlooking experienced between the properties in this area and the proposed layout is not dissimilar from the current relationship between the properties.



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The north side elevation faces properties 20 and 21 Hill Close Estate, however, this end elevation has no facing windows and there is 14-15m separation. Therefore, it complies with the SPG guidance on distances between buildings.

The north side elevation of Unit 1&2 has a first floor window which serves a bathroom. It faces towards the side elevation and first floor window of the neighbouring property no. 49. Given its proximity, a condition is recommended to ensure it is obscurely glazed and would prevent any unacceptable overlooking.

The south side elevation faces the garden of chalet bungalow, no.7 Kitesnest Lane; again this elevation has no first floor windows. The section plans show that the ridge height of the two new dwellings is set lower than the ridge height of no.7. The new dwellings are positioned at an angle to this property with a minimum distance of 8.8m and would not result in any overlooking or have an unacceptable overbearing impact.

There is at least 26m between Unit 1&2 and Units 3&4, which have facing windows and therefore there would be no unacceptable overlooking between the new dwellings.

The site is located within a built up residential area and the development of the site for three additional properties, along with the private access drive would not lead to an unacceptable increase of noise, disturbance, or light pollution.

The neighbours' concerns regarding overlooking and overbearing impact have been fully considered. The proposed dwellings are a sufficient distance from the neighbouring properties, and comply with adopted guidance. The submitted section plans demonstrate that the dwellings will sit at a slightly lower level to nos. 21 and 22 Hill Close Estate and 7 Kitesnest Lane and would not have an unacceptable overbearing effect. Given the distances involved, the topography, and the oblique angles between the first floor windows of the proposed dwellings and those on Hill Close Estate, the proposal is not considered to result in an unacceptable level of overlooking that could warrant refusal. The proposal complies with Policy ES3(1) in that it would not have an unacceptable impact on the residential amenities of the neighbouring occupiers.

HIGHWAYS

The front and side of the existing building, on the corner of Hill Close Estate and Kitesnest Lane is currently laid to hardstanding and has been used for vehicle parking. The proposal includes a new private driveway along the north boundary of the site, to access the vehicle parking and the properties at the rear of the site. Two parking spaces are proposed for each dwelling, located at the rear of Units 1&2 and at the front of Units 3&4. A turning space is proposed between the car parking area.

The site is located within a first tier settlement and is highly sustainable in term of proximity to shops, facilities and services and is easily accessible by more sustainable modes of transport. The site is located within a residential area and the increased vehicle activity in relation to three new dwelling would not be unacceptable or have a detrimental impact on highways safety. The Highways Authority have raised no objections to the proposal, subject to a condition requiring electric charge points.

HERITAGE ASSETS

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, 'special attention shall be paid to the desirability of preserving the character or appearance of Conservation Areas.' Chapter 12 of the NPPF (paragraphs 128 and 132-134) outlines the requirement



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to safeguard designated heritage assets whilst at the same time promoting a balancing approach between the degree of harm caused to an asset, the heritage significance of that asset and the benefits arising from the overall scheme

The Industrial Heritage Conservation Area falls to the east and includes an area of older properties on the south side of Kitesnest Lane. Due to the scale and siting of the proposed development, and the diversity of the built stock in the vicinity, no harm would be done to the character and appearance of the Conservation Area.

LANDSCAPE

The development would be located amongst an existing group of dwellings and given the density, scale and design, there would be minimal landscape impact.

ECOLOGY

The buildings were derelict and not secure and the site was heavily overgrown. An ecology survey was undertaken and concluded that the existing dwelling holds negligible potential for roosting bats no further surveys or mitigation were required. The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements could be incorporated into the development proposal in the form of bird and bat boxes and a condition is recommended to ensure such details are submitted for approval, prior to occupation of the development.

This site falls within the 3.3 km core catchment zone of the Rodborough Common SAC, and in accordance with Policy ES6, the applicant is required to make off site S106 contributions per new dwelling as part of Stroud District Council's avoidance mitigation strategy, or provide the LPA with their own mitigation strategy and enhancement features which will need to be agreed by SDC as the competent authority and Natural England. In this case a signed Section 106 agreement has been received securing a £200 contribution per dwelling unit.

AFFORDABLE HOUSING

In accordance with the Planning Obligations SPD (2017) the Council will only be pursuing an affordable housing contribution in respect of sites of less than 4 units where the combined floor area of the units exceeds 1000m². The application for a net increase of three dwellings falls below this threshold and a contribution will not be sought in this case.

OBLIGATIONS

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has been submitted with the application.

A S.106 has been submitted to secure contributions towards mitigation for Rodborough Common SAC and is detailed above in Ecology.

REVIEW OF CONSULTATION RESPONSES

The objections and comments have been fully considered and the relevant planning issues have been addressed in the main body of the report. In terms of the Parishes comments regarding the ability to fully assess the site, the Case Officer has visited the site and section plans have been included that



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show the dwellings in relation to two of the neighbouring properties. The site has been surveyed and the section plans show the ground floor level of the existing building and therefore there is a fixed datum point at the site.

RECOMMENDATION

In light of the above, it is considered that the proposal complies with the policies outlined and is therefore recommended for permission, subject to the attached planning obligation.

HUMAN RIGHTS

In compiling this recommendation, we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

Site Location Plan of 20/10/2020
Plan number = PL01A

Site Plan Proposed of 20/10/2020
Plan number = PL04G

Section of 20/10/2020
Plan number = PL05D Version number = Proposed

Proposed plans and elevations of 20/10/2020
Plan number = PL06B

Proposed plans and elevations of 20/10/2020
Plan number = PL07F

Reason:

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details on the submitted plans and match those used in the existing building.



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Reason:

In the interests of the visual amenities of the area.

4. 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.

5. Prior to commencement of the development hereby permitted, a scheme specifying the provisions to be made to control dust emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. This should include an assessment of the presence of any asbestos containing materials and, if present, how these will be safely dealt with. The development shall only be undertaken in accordance with the approved details.

Reason:

This information is required prior to the commencement of the development in order to protect the amenity of the locality, especially for the people living/ or working nearby, during the construction process and to ensure that risks from asbestos to future users of the land and neighbouring land are minimized in accordance with Stroud District Local Plan Policy ES3.

6. The development hereby permitted shall not be first occupied until a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The works so approved, shall be carried out in accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development.

Reason:

To protect and enhance the site for biodiversity in accordance with paragraph 175 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.

7. The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason:

To promote sustainable travel and healthy communities.

8. The development hereby permitted shall not be first occupied until the vehicle parking, turning and manoeuvring areas shown on the approved plans are made available for use. This provision shall be maintained as such, free of obstruction, thereafter.



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Reason:

To ensure that sufficient parking and turning space is made available.

9. The first floor window proposed in the north elevation of Units 1&2 shall be glazed in obscure glass and maintained as such thereafter.

Reason:

In the interests of the amenities of occupiers of adjoining residential properties and to comply with Policy ES3 of the Stroud District Local Plan, November 2015.

10. The development hereby permitted shall not be first occupied until detailed plans of the method of disposal of surface water within the curtilage of the of the site have been submitted to and agreed by the Local Planning Authority. The agreed method shall be implemented and made available for use prior to first occupation of the development.

Reason:

To ensure adequate surface water drainage is provided.

Informatives:

1. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, are offences actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received.
2. ARTICLE 35 (2) STATEMENT - The case officer contacted the applicant/agent and negotiated changes to the design that have enhanced the overall scheme.