

08 April 2015

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY, 21 APRIL 2015** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **18:00**.



David Hagg
Chief Executive



Please Note: This meeting will be filmed for live or subsequent broadcast via the Council's internet site (www.stroud.gov.uk). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

Public Speaking at Development Control Committee

The Council have agreed to introduce public speaking at meetings of the Development Control Committee. The procedure to be followed is set out on the page immediately before the Planning Schedule.

AGENDA

- 1 **APOLOGIES**
To receive apologies of absence.
- 2 **DECLARATIONS OF INTEREST**
To receive declarations of interest.
- 3 **PROCEDURE FOR PUBLIC SPEAKING AND INDEX OF APPLICATIONS ON THE PLANNING SCHEDULE**
The procedure for public speaking and Index of Applications.

(Note: For access to information purposes, the background papers for the applications listed in the Schedule are the application itself and subsequent

papers as listed in the relevant file).

- 3.1 WEDDING VENUE, ELMORE COURT, ELMORE (S.15/0060/VAR)**
Variation of Conditions 10 and 12 of permission S.12/1153/FUL).
- 3.2 LAND AT 33 WOODEND LANE, CAM (S.15/0135/FUL)**
Proposed two dwellings to the rear of the property including access, boundary treatment and garage/parking. Resubmission following withdrawn application S.14/2358/FUL.
- 3.3 2 HILLESLEY ROAD, KINGSWOOD, WOTTON (S.15/0007/COU)**
Change of use of the flat roof over the rear of the shop to domestic, related to the occupants of No.2 Hillesley Road.
- 3.4 ARLINGHAM FREE CHURCH, FRIDAY STREET, ARLINGHAM (S.15/0179/FUL)**
New dwelling and associated landscape works.
- 3.5 19 WORDSWORTH ROAD, DURSLEY (S.14/2883/HHOLD)**
Conversion of existing loft space and flat roof area to the rear of the property onto new second storey living space. Erection of a single storey extension with mono pitched roof to the rear of the property to the rear of existing garage.
- 3.6 WYLLESDEN, RODBOROUGH HILL, STROUD (S.15/0121/HHOLD)**
Retrospective application for the erection of single storey extension to rear (resubmission following permission S.13/0882/HHOLD).
- 3.7 LAND OFF POTTERS POND, WOTTON (S.15/0121/BRCON)**
Breach of Condition 15 of Planning Permission S.12/2123/FUL at Potters Pond involving the construction of garages that are smaller than specified in Condition 15.

Members of Development Control Committee

Councillor John Marjoram (Vice-Chair)
Councillor Liz Ashton
Councillor Dorcas Binns
Councillor Nigel Cooper
Councillor Paul Hemming
Councillor Haydn Jones

Councillor Stephen Moore
Councillor Dave Mossman
Councillor Steve Robinson
Councillor Roger Sanders
Councillor Emma Sims
Councillor Tom Williams



Stroud District Council

Planning Schedule

21st April 2015

In cases where a Site Inspection has taken place, this is because Members felt they would be better informed to make a decision on the application at the next Committee. Accordingly the view expressed by the Site Panel is a factor to be taken into consideration on the application and a final decision is only made after Members have fully debated the issues arising.

DEVELOPMENT CONTROL COMMITTEE

Procedure for Public Speaking

The Council have agreed to introduce public speaking at meetings of the Development Control Committee.

Public speaking is only permitted on those items contained within the schedule of applications. It is not permitted on any other items on the Agenda. The purpose of public speaking is to emphasise comments and evidence already submitted through the planning system. Speakers should refrain from bringing photographs or other documents as it is not an opportunity to introduce new evidence.

The Chair will ask for those wishing to speak to identify themselves by name at the beginning of proceedings. There are four available slots for each schedule item:-

Ward Councillor(s)
Town or Parish representative
Spokesperson against the scheme and
Spokesperson for the scheme.

Each slot (with the exception of Ward Councillors who are covered by the Council's Constitution) will not exceed 3 minutes in duration. If there is more than one person who wishes to speak in the same slot, they will need either to appoint a spokesperson to speak for all, or share the slot equally. Speakers should restrict their statement to issues already in the public arena. Please note that statements will be recorded and broadcast over the internet as part of the Councils webcasting of its meetings; they may also be used for subsequent proceedings such as an appeal. Names may be recorded in the Committee Minutes.

The order for each item on the schedule is

1. Introduction of item by the Chair
2. Brief update by the planning officer.
3. Public Speaking
 - a. Ward Member(s)
 - b. Parish Council
 - c. Those who oppose
 - d. Those who support
4. Member questions of officers
5. Motion
6. Debate
7. Vote

A copy of the Scheme for Public Speaking at Development Control Committee meetings is available at the meeting.

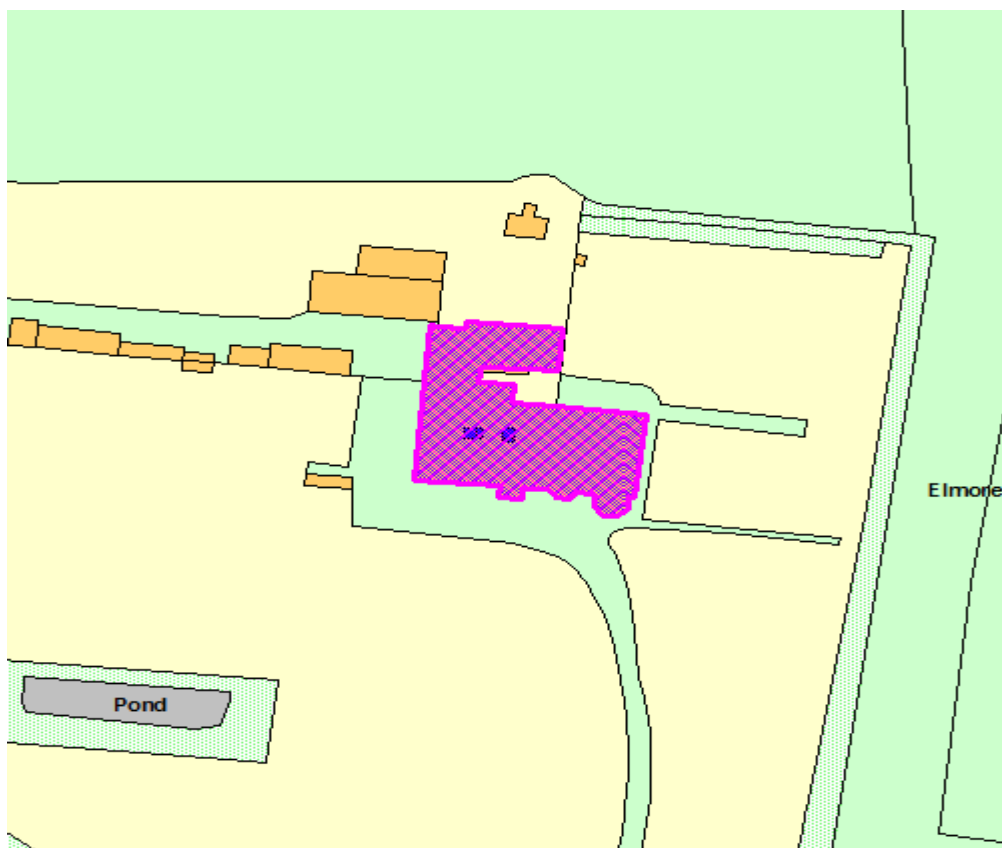
Parish	Application	Item
Cam Parish Council	Land At 33, Woodend Lane, Cam. S.15/0135/FUL - Proposed two dwellings to the rear of the property including access, boundary treatment and garage/parking. Resubmission following withdrawn application S.14/2358/FUL	02
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.15/0135/FUL	
Kingswood Parish Council	2 Hillesley Road, Kingswood, Wotton-Under-Edge. S.15/0007/COU - Change of use of the flat roof over the rear of the shop to domestic, related to the occupants of No. 2 Hillesley Road.	03
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.15/0007/COU	
Arlingham Parish Council	Arlingham Free Church, Friday Street, Arlingham. S.15/0179/FUL - New dwelling and associated landscape works.	04
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.15/0179/FUL	
Elmore Parish Council	Wedding Venue, Elmore Court, Elmore. S.15/0060/VAR - Variation of conditions 10 (no outdoor music) , 11 (hours of use) and 12 (vacation of site) of permission S.12/1153/FUL.	01
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.15/0060/VAR	
Dursley Town Council	19 Wordsworth Road, Dursley, Gloucestershire. S.14/2883/HHOLD - Conversion of existing loft space and flat roof area to the rear of the property into new second storey living space. Erection of a single storey extension with mono pitched roof to the rear of the property to the rear of existing garage.	05
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.14/2883/HHOLD	
Rodborough Parish Council	Wyllesden, Rodborough Hill, Stroud. S.15/0121/HHOLD - Retrospective application for the erection of single storey extension to rear.(Resubmission following permission S.13/0882/HHOLD)	06
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.15/0121/HHOLD	

Wotton Under
Edge
Parish Council

Land off Potters Pond, Wotton Under Edge.
S.15/0121/BRCON - Breach of Condition 15 of Planning
Permission S.12/2123/FUL at Potters Bond, involving the
construction of garages that are smaller than specified in
Condition 15.

07

Item No:	01
Application No.	S.15/0060/VAR
Site No.	PP-03656358
Site Address	Wedding Venue, Elmore Court, Elmore, Gloucester
Town/Parish	Elmore Parish Council
Grid Reference	378283,215334
Application Type	Variation of Condition Inc Renewals
Proposal	Variation of conditions 10 (no outdoor music), 11 (hours of use) and 12 (vacation of site) of permission S.12/1153/FUL.



Applicant's Details	Mr Anselm Guise Elmore Court, Elmore, Gloucester, Gloucestershire, GL23NT
Agent's Details	None
Case Officer	Holly Simkiss
Application Validated	19.01.2015
	RECOMMENDATION
Recommended Decision	Permission

Subject to the following conditions:

1. The use hereby permitted shall cease not later than 6 months from the date of this permission.

Reason:

The development proposed does not constitute satisfactory permanent development.

2. Any live, unamplified external musical entertainment associated with functions may be utilized up to 21:00 hours and shall be restricted solely to the following areas:

- A) The East Lawn
- B) The Cedar Lawn; and
- C) The grassed areas to either side of the Front Porch.

Reason:

To ensure no significant adverse impact on neighbouring properties with regard to noise nuisance.

3. The use hereby permitted shall not be open to customers outside the following times 09:00 to 24:00 Monday to Friday and 09:00 to 06:00 Saturday, Sundays and on Bank Holidays.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Local Plan Policy GE1.

4. The site and grounds shall be vacated by all customers, guests and staff not staying on the premises overnight, no later than 2 hours after the closure of the venue.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Local Plan Policy GE1.

5. All doors and windows to the building used for music and dancing shall be kept closed at all times when live and amplified music is taking place except for the explicit purpose of entry to or exit from the premises.

Reason:

To avoid unnecessary noise from open doors and windows, in order to protect the amenity of the locality, especially for people living and/or working nearby to comply with Policy GE1 of the Stroud District Council Local Plan 2005.

	<p>6. In connection with the use hereby approved, the service access and driveway shall be used only by vehicles delivering goods and providing services to the function venue and shall not be used by guests attending functions as a means of accessing the main car park.</p> <p>Reason: In the interests of the amenity of adjoining neighbours and to comply with Policy GE1 of the adopted Stroud District Local Plan, November 2005.</p>
	CONSULTEES
Comments Received	Parish / Town Environmental Health (E)
Not Yet Received	
	CONTRIBUTORS
Letters of Objection	Mr D And Mrs J L Ford, 21 Elmore, Gloucester C And J Clark, Oak End House, Elmore G Perry Davis, Kenton Green, Elmore
Letters of Support	Sir J And Lady C Guise, Weir Farm, Elmore N Harris And L Becker, 12 The Green, Elmore M And J Barley, The Old Forge, 22 Elmore
Letters of Comment	J Tooth, 8 Weir Lane, Elmore A And P Fisher, 13 Elmore, Gloucester S Baring, Willow Cottage, Elmore, G And B Taylor, 14 Elmore,
	OFFICER'S REPORT

THE SITE

Elmore Court is a substantial Grade II* listed country house, built between 1564 and 1588 with additions and alterations in the 18th and 19th centuries. It is constructed of limestone ashlar. The interior has many features dating from the 16th century and whilst the Great Hall is largely remodelled, it has a stone 16th century fireplace with painted strapwork. The 16th century bay window was re-glazed in 1853 with heraldic stained glass. The house was built on the site of a medieval house whose remains are visible in the cellars. The house sits on a slight hill and is therefore dominant in the otherwise flat landscape. Access from the road is through the separately listed Great Gates which date from 1716 and the house is approached from a sweeping driveway. Elmore is a rural Severn Vale village with no settlement boundary.

Permission was granted in 2012 (S.12/1153/FUL) for the erection of a single storey wedding and function venue building, located to the rear of the main house.

Under the 2012 permission, restrictive planning conditions were imposed (conditions 10, 11 and 12) to limit outdoor live, amplified or recorded music, to ensure that the operation hours of the site are limited to midnight and that the site and grounds are vacated by 1am.

PROPOSAL

This application seeks to remove the restrictive conditions (conditions 10, 11 and 12) of permission S.12/1153/FUL.

REVISED DETAILS

None.

MATERIALS

N/a.

PLANNING HISTORY

S.12/1632/LBC Accompanying LBC for internal alterations to main house and coach house in connection with use as wedding/function venue.

S.12/1153/FUL Single storey wedding and function venue building, change of use of agricultural land to use in connection with wedding/function, formation of car park and use of house as function venue permitted 14.08.2012.

S.09/1433/FUL Change of use of Elmore Court from solely private residential to a mixture of - private residential - residential learning centre (C2) - non-residential learning centre (D1) (cookery school) - creation 1 additional residential unit. Permission 02.10.2009.

S.09/1440/LBC Internal alterations. Consent 02.10.2009.

CONSULTATION RESPONSES

Parish: Object due to noise related concerns. Call-in to DCC.

As the Planning Authority will know, and it is a matter of public record, Elmore Parish Council submitted, by the specified deadline, a detailed and reasoned response to this proposal, having taken into account parishioners' views at a special public meeting. We endeavoured to balance residents' views whilst still encouraging an enterprise which we, as an authority, support. We are also very conscious that, in many respects, Planning conditions are a "blunt instrument" and whilst an individual applicant may claim to interpret the conditions in a particular and benign way, we have to have regard to how others may legally interpret the conditions.

However, having heard from the Applicant and in light of matters published on the SDC website, we are concerned by several serious issues as follows:

1. Whilst the matter is currently expected to be handled as a matter delegated to officers, our feeling as a PC is that appropriate weight has not been given to local views, as set out in our timely response.
2. Conversations with the Planning Officer make it clear that she intends to follow the guidance of an in-house consultee over and above local views, despite that advice having been published late. We are aware that the advice is dated 12th Feb (the deadline for submissions) but it was published on the website well after that date, thus not giving other consultees a fair and reasonable opportunity to digest this apparently highly influential non-local view.
3. Additional views, purporting to support the application, have been published on the website considerably after the closure date. What, we would ask, is the significance of a deadline if the Planning Authority ignores it?
4. The applicant has, apparently, had meetings with officers from SDC to discuss or negotiate a series of variations not applied for formally, and we are led to believe that SDC is supportive. This simply cannot be right, as the variations the Applicant has suggested to the PC (if indeed they are the same as discussed with the LPA, we have no way of knowing) taken together constitute a different application from the one lodged. If a decision is made other than on the application as submitted, we as a PC will have been excluded from the democratic process and will not have been able to consult our parishioners.

In light of the above, Elmore PC decided at a formal open meeting on 2nd March, to request a call-in such that the matter be considered at an open meeting of the DC Committee and not by officers under delegation.

It is our view that if anything other than the application as lodged is to be considered, the applicant should be told to withdraw the present application and re-submit, as his application, as fundamentally amended, will not have gone through the proper democratic process and it would be improper for you to consent to a different application.

In passing, we note the Applicant's regular reference to consultation with the PC and others. Consultation, to us, involves discussion of a proposal by the applicant prior to submission, and then taking account of views in making an application. This has not happened here.

We are aware that to request a call-in, there must be proper Planning reasons for doing so. The above, in our view, gives sufficient cause but, if additional Planning grounds are required, it is that in granting the original consent, conditions were imposed by yourselves for the reasons stated in the consent.

This quoted not only the general rationale, but specific Planning and Policy grounds. A departure now from such grounds imposed by yourselves after long and due consideration at the original DC meeting must be sufficient reason to challenge the basis of the current application, otherwise why would you have imposed the conditions, with the Planning reasons given, in the first place?

Can you please confirm that this call-in request has been accepted, the date time and venue for the DC meeting at which it will be heard, and the ground-rules for allowing statements to be made at the meeting.

SDC Environmental Protection Manager:

Further to the above application, I have visited the premises and discussed the issues at length with management. Consequently, I would make the following recommendations which Court management has indicated agreement on.

In all cases, though, I would recommend that a "temporary permission" approach be utilised - a 6-month permission would allow a judgment to be taken over the Summer months where one might expect any disturbance to be most noticeable.

Condition 10:

I would recommend that live unamplified music may be utilised up to 21:00 hours in the following areas only:-

- a) the East Lawn;
- b) the Cedar Lawn; and
- c) the grassed areas to either side of the Front Porch.

Condition 11:

I am content that this condition may be varied to allow the use between 09:00 and 06:00 the following morning at weekends and Bank Holidays.

Condition 12:

I am content that this condition may be varied as proposed - i.e. vacation within 2 hours of the venue closing.

Public objection:

3 letters of objection relating to breach of planning conditions and noise concerns.
3 letters of comment relating to no noise nuisance being noted and about the potential for noise nuisance.

ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION

REASONS FOR DECISION - ARTICLE 31

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision.

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 2005 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.

The National Planning Policy Framework is a material consideration in planning decisions. The NPPF was published on 27 March 2012. This is a key part of the reforms to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth.

Local Planning policies still form the development plan, therefore the SDC Local Plan together with the NPPF are of significant consideration. In December 2013 SDC submitted its draft Local Plan to the Secretary of State. The policies contained within the Submission Draft are also of relevance.

The core planning principles of the NPPF (Paragraph 17) seek to enhance and improve the places in people live, support sustainable development, secure high quality design, protect important landscape features, encourage the use of renewable sources, conserve and enhance the natural environment, re-use previously developed land, promote mixed use developments, conserve heritage assets, encourage sustainable transport and improve health, social and cultural wellbeing for all. Local Plan Policy GE1 (Submission Draft Policy ES3) prevents an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect.

Chapter 3 (Paragraph 28) and Chapter 11 (Paragraphs 109-125) of the NPPF apply to development in rural areas. It highlights the need to protect landscape character, maintain rural housing and communities and minimise impacts on landscapes and biodiversity. Local Plan Policy NE4 and Submission Draft Policy ES6 are of relevance.

Chapter 11 (Paragraphs 109-125) of the NPPF details Governments objectives with regard to protecting and enhancing valued landscapes such as the AONB whilst minimising impacts of development on biodiversity. It requires assessment of noise generating developments or the location of development in noise sensitive environments. It also considers pollution and land contamination. Local Plan Policy NE10 seeks to conserve the distinct landscape types in the District. Policy NE4 seeks to ensure that the development would have no adverse impact on legally protected species. Policy NE8 seeks to protect the Cotswold AONB. Also of relevance are Submission Draft Policies CP14 and ES7. Paragraphs 109 and 123 seek to prevent an unacceptable level of noise disruption from existing or new developments.

Chapter 12 (Paragraphs 126-141) of the NPPF is of relevance when assessing proposals on sites designated as Conservation Areas, or listed buildings and their setting. It establishes the importance of the historic environment, heritage assets and archaeology and provides guidance on conservation and enhancement. Local Plan Policy BE5 concerns development affecting the setting of a Conservation Area. Policy BE12 (Submission Draft Policy ES10) seeks to ensure that new development has no adverse impact on the setting of listed buildings.

PRINCIPLE OF DEVELOPMENT

The particular consideration of this application relates to noise and as such paragraphs 109 and 123 of the NPPF are particularly relevant.

The Framework and Planning Practice Guidance requires LPA's when making decisions to take account of the acoustic environment and in doing so should consider:

1. Whether or not a significant adverse effect is occurring or likely to occur.
2. Whether or not an adverse effect is occurring or likely to occur; and
3. Whether or not a good standard of amenity can be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

The 'significant observed adverse effect level' is defined as being "the level of noise exposure above which significant adverse effects on health and quality of life occur".

Lowest observed adverse effect level is defined as "this is the level of noise exposure above which adverse effects on health and quality of life can be detected".

No observed effect level is defined as "the level of noise exposure below which no effect at all on health or quality of life can be detected".

Paragraph 005 of the NPPG (reference ID: 30-005-20140306) provides guidance on how to recognise when noise could be a concern.

It states "At the lowest extreme, when noise is not noticeable, there is by definition no effect. As the noise exposure increases, it will cross the no observed effect level as it becomes noticeable. However, the noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. The noise can slightly affect the acoustic character of an area but not to the extent there is a perceived change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.

As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such

decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring."

Four letters of public objection and an objection from the Parish Council have been received. The objections all relate to noise concerns. There is a justifiable concern that the increase in operational hours could result in noise nuisance.

However, since 2012 when the original permission was issued, no complaints have been received by SDC Environmental Health.

As noted above, at the lowest extreme, when noise is not noticeable, there is by definition no effect. Regardless of the breaches in planning control, complaints have not been received and as such, by definition there has been no noticeable effect.

It can therefore be considered that when any breaches to the original permission occurred, the noise heard could have been obvious and noticeable, but not to such a significant adverse level to warrant a change in behaviour, attitude or quality of life. One must then consider the social and economic benefit of the proposal. Utilising Elmore Court as a venue has allowed for the upkeep and maintenance of the Grade II* listed building. Due to the nature of the listing, the continued ongoing use of the building is a material consideration. The benefit of the viability and success of the current business must therefore be weighed against the perceived noise harm.

The Planning Practice Guidance recommends mitigating or minimising noise nuisance. By still restricting the operational hours on a weekend and bank holidays, it is considered that the potential for noise nuisance from a planning perspective can be adequately managed and monitored. Environmental Health legislation would then allow for action if required.

The SDC Environmental Protection Manager has not objected to the proposed variation of conditions but suggests an initial 6-month permission. This would allow for events held over the summer months to be fully assessed and any implications investigated.

A temporary permission is therefore considered to be appropriate.

REVIEW OF CONSULTATION RESPONSES

PARISH: Object.

NEIGHBOURS: Three letter of public objection received and three letters of comment.

CONSULTEES: No objection raised from the Environmental Protection Manager subject to a temporary permission.

SI 2274 STATEMENT

Whilst there was little if any pre-application discussion on this project, it was found to be self contained and required no further dialogue with the applicant

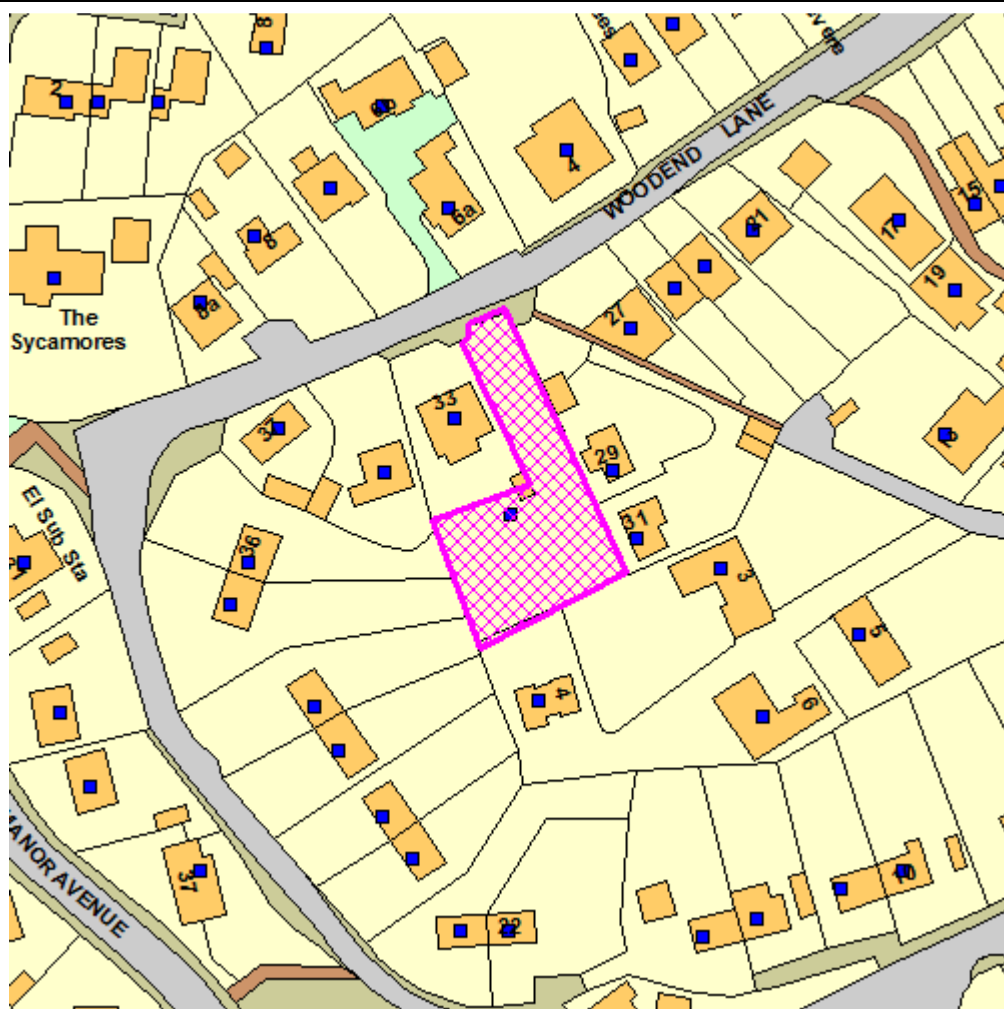
RECOMMENDATION

For the reasons set out in this report, the application is recommended for permission. The proposal is considered to comply with the provisions of Policies GE1 of the adopted Stroud District Local Plan, November 2005 and the requirements of Chapter 11 of the NPPF.

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.

Item No:	02
Application No.	S.15/0135/FUL
Site No.	
Site Address	Land At 33, Woodend Lane, Cam, Gloucestershire
Town/Parish	Cam Parish Council
Grid Reference	374661,200584
Application Type	Full Planning Permission
Proposal	Proposed two dwellings to the rear of the property including access, boundary treatment and garage/parking. Resubmission following withdrawn application S.14/2358/FUL



Applicant's Details	Mr William Hamilton 33 Wood End Lane, Cam, Dursley, Glos, GL11 5LR
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Agent's Details	Mr Giovanni Meta Breenmeta Architects Ltd, Bath Brewery, Toll Bridge Road, Bath, BA1 7DE
Case Officer	John Chaplin
Application Validated	19.01.2015
	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p> <p>2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Site Location Plan of 21/01/2015 Plan number = 159-P-01 REV. D</p> <p>Site Plan Proposed of 26/03/2015 Plan number = 159-P-10 REV. J</p> <p>Proposed floor plan of 23/03/2015 Plan number = 159-P-11 REV. H</p> <p>Roof plan of 23/03/2015 Plan number = 159-P-12 REV. C</p> <p>Proposed Elevations of 23/03/2015 Plan number = 159-P-20 REV. E</p> <p>Proposed Elevations of 23/03/2015 Plan number = 159-P-21 REV. F</p> <p>Proposed Elevations of 23/03/2015 Plan number = 159-P-30 REV. F</p> <p>Proposed Elevations of 23/03/2015 Plan number = 159-P-31 REV. C</p>

	<p>Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</p> <p>3. No development shall take place until details, including samples and colours where required, of the materials used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved by the Local Planning Authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The materials to be used in the development shall be in accordance with the approved details and retained in perpetuity unless otherwise approved by the Local Planning Authority.</p> <p>Reason: To ensure the satisfactory appearance of the development, in accordance with Policy HN8 of the adopted Stroud District Local Plan, November 2005, Policy HC1 of the Submission Draft Stroud District Local Plan, December 2013, and the provisions of the National Planning Policy Framework.</p> <p>4. No development shall take place until details of the existing ground levels, proposed finished floor levels of the dwellings and the proposed finished ground levels of the site including the access, relative to a datum point which is to remain undisturbed during the development have been submitted to and approved by the Local Planning Authority. Such details shall also provide comparative levels of eaves and ridge heights of adjoining properties and details of the levels of any existing or proposed boundary treatments. The development shall be carried out in strict accordance with the details as approved.</p> <p>Reason: In the interests of the amenities of local residents and to ensure the satisfactory appearance of the development, in accordance with Policies HN8 and GE1 of the adopted Stroud District Local Plan, November 2005.</p> <p>5. The dwellings hereby permitted shall not be occupied until access arrangements and car parking for both the existing (No. 33) and proposed dwellings has been provided in accordance with the approved plans and that area shall not thereafter be used for any other purpose other than for the parking and manoeuvring of vehicles.</p> <p>Reason: To ensure that adequate off road parking and turning space is provided, in the interests of highway safety in accordance with Policy GE5 of the adopted Stroud District Local Plan, November 2005.</p>
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	<p>6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3, and described within Classes A - E; of Part 1 of Schedule 2, shall take place.</p> <p>Reason: In the interests of the amenities of the area and comply with Policies HN8 and GE1 of the adopted Stroud District Local Plan, November 2005, together with Policies HC1 and ES3 of the Stroud District Local Plan: Submission Draft December 2013 and the provisions of the National Planning Policy Framework.</p> <p>7. Notwithstanding the submitted plans, the development hereby permitted shall not be commenced until details of a scheme of hard and soft landscaping and boundary treatment for the site has been submitted to and approved by the Local Planning Authority. This shall include materials, the species and size of plant, planting distances/densities and details of how the planting will be undertaken.</p> <p>Reason: In the interests of the visual amenities of the area and to comply with Policies HN8 and ES3 of the adopted Stroud District Local Plan, November 2005, together with Policies HC1 and ES1 of the Stroud District Local Plan: Submission Draft December 2013 and the provisions of the National Planning Policy Framework.</p> <p>8. 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, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interests of the visual amenities of the area and to comply with Policies HN8 and ES3 of the adopted Stroud District Local Plan, November 2005, together with Policies HC1 and ES1 of the Stroud District Local Plan: Submission Draft December 2013 and the provisions of the National Planning Policy Framework.</p> <p>9. No construction site machinery or plant shall be operated, no process shall be carried out and no demolition or 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.</p>
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	<p>Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy GE1 of the adopted Stroud District Local Plan, November 2005.</p> <p>10. The development hereby permitted shall be carried out in accordance with and be adhered to throughout the construction period the Dust Control Strategy Rev A dated 14th January 2015 received on the 19 January 2015 and drawing 159-P-17 Rev C received on 26 March 2015.</p> <p>Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy GE1 of the adopted Stroud District Local Plan, November 2005.</p> <p>Informatives:</p> <p>1. 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.</p>
	CONSULTEES
Comments Received	Parish / Town
Not Yet Received	
	CONTRIBUTORS
Letters of Objection	<p>A Fisk, 4 Morris Orchard, , Cam T Chappell, 6 Woodend Lane, Cam, Dursley, V Wiltshire T Chappell, 6 Woodend Lane, Cam J L Morton, 3 Morris Orchard, Cam S And A Curley, 6B Woodend Lane, Cam Dursley</p>

Letters of Support	Cam Parish Council, 4 Noel Lee Way, Cam
Letters of Comment	
OFFICER'S REPORT	

SITE

The application site is located within a residential area along Woodend Lane in Cam. There is an existing chalet bungalow to the front with detached garage to the side and a large garden area to the rear. The garden is mainly grass with a few old fruit trees and other shrubs and hedging. Tall boundary fencing is also present. The site is located within the settlement boundary of Cam.

PROPOSAL

Proposed two dwellings to the rear of the property including access, boundary treatment and garage/parking. Resubmission following withdrawn application S.14/2358/FUL

REVISED DETAILS

Various revisions have been made. At time of writing the latest revised plans received on 23 March 2015 - amending the layout, reducing the width of the House type 2, omitting garage on House type 2 and removing first floor window in House type 1.

MATERIALS

Walls: Render, timber and metal seam cladding, brickwork
Roof: Artificial or natural slate
Fenestration: Grey composite timber or aluminium

RELEVANT PLANNING HISTORY

S.14/2358/FUL Proposed two dwellings to the rear of the property including access, boundary treatment and garage. WDN

CONSULTATION RESPONSES

Full details of all statutory consultations and public representations are available to view on the electronic planning file. A summary of the consultation responses and public representations also appears below.

Cam Parish Council: No Observations

Environmental Health: Recommends conditions and informative

Local Residents: 6 Objections received

- Little change in revised scheme.
- Insufficient parking, compound and increase hazards of existing on-street parking problems. Detrimental to highway safety.
- Impact on wildlife, loss of fruit trees/historic orchard.

- Significant loss of privacy, light and amenity. Overshadowing. Increase in noise and disturbance. Disruption during construction. Increase in boundary fence also reduces light & view. Site will be overlooked by existing dwellings.
- Overdevelopment and significant loss of garden. Not inkeeping with other properties and out of character in the area. Important open garden area.

ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION

REASONS FOR DECISION - ARTICLE 31

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision:

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 2005 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. An emerging draft Stroud District Local Plan was approved by the Council on 25 July 2013 for publication and has been submitted to the Secretary of State. The Stroud District Local Plan Submission Draft 2013 is therefore also a material consideration in planning decisions.

Policy HN8 of the Stroud District Local Plan, November 2005 requires that the proposed housing is compatible with the settlement in terms of design, scale and layout, it would not cause the loss of, or damage to, any open space which is important to the character of the settlement and an appropriate area of private amenity space is provided for the occupiers of each dwelling. Policy TR1 requires that appropriate car parking is provided in accordance with the adopted parking standards and that access is provided via a range of transport modes. Policy GE1 and Submission Draft Policy ES3 prevent an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect. Paragraphs 56-68 of the NPPF stress the importance of quality design. Policy GE5 maintains highway safety including public rights of way.

PRINCIPLE OF DEVELOPMENT

The site lies within the defined Settlement Boundary of Cam where there is a presumption in favour of further residential development subject to design and amenity considerations and to a satisfactory means of access being provided. The site in this particular case appears to already be in residential use and benefits from an existing access that leads to Woodend Lane. It is within walking distance of the centre of Cam and is set amongst a mix of other residential properties. In this respect the principle of further residential development on the site can be considered.

DESIGN/APPEARANCE/IMPACT ON THE AREA

There is a mix of various styles and designs in the surrounding area, with no clear vernacular. The proposed dwellings are 2 storey but the design does make use of some of the roof space in providing the 1st floor which reduces the height and mass of the buildings. The proposed dwellings have a modern character and design but make use of traditional pitched roof and forms. Given that there is no strong overriding character or appearance to the dwellings in the area, the design would not appear out of place or harm the character of the area. The proposed materials are appropriate.

Local residents have raised concern that the scheme with 2 dwellings of this size and scale would be an overdevelopment of the site as some of the neighbouring properties do have larger gardens. The scheme does allow a reasonable outside amenity space. The rear gardens are set behind the existing dwellings and would not be prominent from public viewpoints. The proposed dwellings will be visible but this is also only likely to have a limited impact on the street scene with the position to the rear allowing mainly only glimpsed views from down the access of the site and the adjacent neighbour. It is therefore considered the layout of the development would not appear overly cramped or cause significant harm the character or setting of the surrounding area.

There are fruit trees on site, which and the SDC Tree Officer advises contain large cavities, one being full of concrete, and were affected by a fungus which causes the core to rot. The root structure of the apple tree outside the southern boundary also won't be affected by the development, as the development is sited outside the required root protection area. As such, the application could not justifiably be refused on tree grounds. Whilst the historic orchard is noted given the other developments within this area and the poor state of the trees within the application site it is difficult to give their retention significant weight. Landscaping has been proposed to help mitigate any loss of the existing trees or shrubs and also provide an improvement.

HIGHWAY SAFETY

It is proposed to widen the existing access and on-site parking spaces and garaging have been provided for the existing and proposed dwellings. The comments and concerns about the amount of parking provisioned are noted, however, the provision exceeds the car parking standards of 1.5 spaces per dwelling within the Local Plan. The site is also located within the defined settlement boundary and as such, the occupiers would also have access to local facilities and public transport without the need to travel by car. Cycle storage facilities have also been incorporate to further enhance sustainability of the scheme.

Whilst it is acknowledged that there will be a degree of potential impact of additional traffic movements along Woodend Lane, it is considered that the addition of two dwellings would not have a severe impact on highway safety to meet the threshold set by NPPF paragraph 32 to warrant a refusal.

RESIDENTIAL AMENITY

The new dwellings would be located in close proximity to adjoining properties, particularly 29 and 31 Woodend Lane and to a slightly lesser degree 3 and 4 Morris Orchard to the rear. These neighbours have concerns over overshadowing and a loss of light and privacy. The Case Officer has visited the site and neighbouring properties. 29 and 31 Woodend Lane are close to the boundary of the site and have had the benefit of the openness and limited use of this part of the applicant's garden. However, as highlighted a future owner could currently change how they use the site and potentially use permitted development rights and build large and tall outbuildings, increase boundary treatment or plant evergreen trees outside the control of the planning system. These properties do also have other amenity space to the side and front.

The buildings are generally away from the boundaries and neighbours. The gable of House type 2 is positioned between 29 and 30 with the roof of the main section sloping away reducing the proximity of the mass to the boundary. The single storey garage for House type 2 has been removed increasing the space between the built forms. The narrower gable elevation of House type 1 would face the nearest neighbour No.4 Landscaping is proposed to soften and screen the proposal and neighbouring properties.

The site is located to the West and Southwest of No. 29 and 30. The adjacent proposed house type 2 has an L shape form. This along with the omission of the proposed garage results in the main form of the building being set away from the boundary. The ridge height has also been reduced. These reduce the potential overshadowing which would be limited to late afternoon/evening. Similarly, whilst there would be some impact it is considered that any interruption in terms of loss of sunlight but not sufficient to warrant refusal.

The first floor window in the South elevation of House type 1 has been removed and with the position and orientation of the other first floor windows on both proposed dwellings direct overlooking is avoided. Ground floor windows would be appropriate with adequate boundary treatment.

One first floor window is proposed in the side elevation of House type 1. This is not unreasonable due to the space and orientation to the neighbouring dwellings to the West side of the site and the existing degree of overlooking.

The proposed replacement garage for 33 Woodend Lane is located to the front with the garage for 29 screening and reducing the impact.

The proposal will be visible from the neighbouring properties but the siting provides gaps and fair distances. Whilst the protection of a private view does not have significant weight the scheme has sought to mitigate the harm on views through and of space within the site.

Whilst any new households could increase in noise and disturbance, this could be the case anywhere.

Therefore, whilst it is acknowledged the scheme will have an impact on the neighbours, due to the above reasons, it is considered that this impact would not be sufficient to be upheld at appeal given the design and mitigation proposed. Conditional permission is therefore recommended.

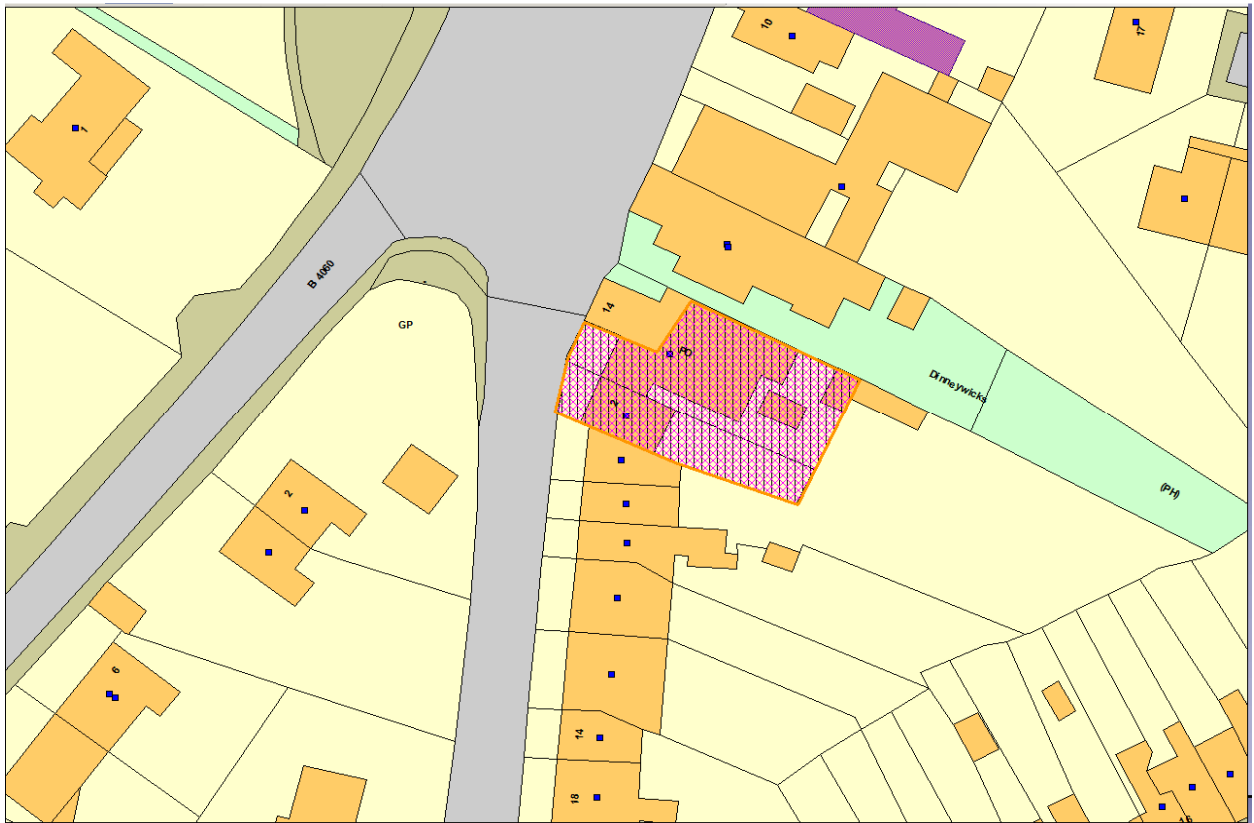
SI 2274 STATEMENT

Pre-application discussions took place on this project and the case officer has been in contact with the agent and the community, acting in a positive and proactive manner. Revisions have been made to the layout and design of the scheme and with these the scheme is considered permissible.

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.

Item No:	03
Application No.	S.15/0007/COU
Site No.	PP-03857041 + PP-4023536
Site Address	2 Hillesley Road, Kingswood, Wotton-Under-Edge, Gloucestershire
Town/Parish	Kingswood Parish Council
Grid Reference	374643,191756
Application Type	Change of Use
Proposal	Change of use of the flat roof over the rear of the shop to domestic, related to the occupants of No. 2 Hillesley Road.



Applicant's Details	Mr David Scott 2 Hillesley Road, Kingswood, Wotton-under-Edge, Gloucestershire, GL12 8RU
Agent's Details	Mr Michael Rousseau 16 Bramley Close, Kingswood, Wotton-under-Edge, Gloucestershire, GL12 8SF
Case Officer	Rachel Brown

Application Validated	05.01.2015
	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<p>1. Within one month from the date of this permission, the free standing planters with the 1800mm high bamboo screening (or other equivalent screening material) as detailed on the submitted drawing No. AB1-2 Rev C, shall be installed, maintained and retained as such thereafter.</p> <p>Reason: In the interests of the amenities of neighbouring occupiers and to comply with Policy GE1 of the adopted Stroud District Local Plan.</p> <p>2. There shall be no access onto the flat roofed area shaded in on drawing No. AB1-2 Rev C, except for maintenance purposes only.</p> <p>Reason: In the interests of the amenities of neighbouring occupiers and to comply with Policy GE1 of the adopted Stroud District Local Plan.</p> <p>3. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Roof plan of 27/03/2015 Plan number = AB1-2 Version number = Rev C</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</p>
	CONSULTEES
Comments Received	
Not Yet Received	Parish / Town
	CONTRIBUTORS
Letters of Objection	J Cooper, Dinneywicks Inn, The Chipping D Cooke And Paul Jury, 4 Hillesley Road, Kingswood, WUE GL12 8RU,
Letters of Support	A Hill, 8 Hillesley Road, Kingswood

Letters of Comment	
	OFFICER'S REPORT

DESCRIPTION OF SITE

The application site is a mid terraced rendered post office/shop on the Hillesley Road.. An area of roof garden has been created on the flat roof of the ground floor shop and post office premises. Free standing planters with timber fencing have been placed on the edge of the terrace and the roof partially covered in decking boards. The applicant's garden extends to the rear of the house and the shop/post office premises.

PROPOSAL

The application seeks permission for the change of use of the flat roof over the rear of the shop to domestic, related to the occupants of No. 2 Hillesley Road.

REVISED DETAILS

Initially, this was submitted as a householder for the erection of 1800mm high perimeter fence to enclose an existing single storey rear flat area for use a roof garden. It then transpired that the premises below the flat roof did not form part of the house, but part of the shop. As such there had been a material change of use of the roof area from shop to residential. Full application forms have been submitted with a revised description of works, together with large scaled detailed drawings of the proposed 1800mm high close woven bamboo screen. Revised consultations have been carried out.

RELEVANT PLANNING HISTORY

S.08/1203/FUL - Demolition of existing conservatory. Replacement garden room and utility extension - Permission 23.07.2008

S.14/2245/HHOLD - Roof Garden Terrace on existing flat roof (retrospective) - Refused 20/11/14

CONSULTATION RESPONSES

Public

A letter of objection has been received from an immediate neighbouring occupier. Their objection relates to loss of light and privacy to a bathroom window.

Parish

At the time of writing this report, no response had been received from the Parish Council.

Consultations

None received at the time of writing this report.

ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION

REASONS FOR DECISION - ARTICLE 31

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision:

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 2005 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 27 March 2012. This is a key part of the reforms to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth.

In December 2013 SDC submitted its draft Local Plan to the Secretary of State. The policies contained within the Submission Draft are of relevance and are a material consideration in planning decisions.

Policy GE1 (Submission Draft Policy ES3) prevents an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect. Paragraphs 56-68 of the National Planning Policy Framework (NPPF) stress the importance of quality design. Policy GE5 maintains highway safety including public rights of way. The National Planning Practice Guidance (NPPG) has also been considered.

Paragraphs 126-141 of the NPPF is of relevance when assessing proposals on sites designated as Conservation Areas, or listed buildings and their setting. Local Plan Policy BE5 (Submission Draft Policy ES10) is also relevant. It requires the siting of development to respect existing open spaces, pattern of building layout, trees and boundary treatment, and ensure it does not harm any positive contribution made to the character and appearance of the Conservation Area. The scale, design, proportions, detailing and materials used in the proposed development must be sympathetic to the characteristic form of area, the adjacent buildings and spaces. It should not cause loss of features of historic or characteristic value, and maintains important views in/out.

DESIGN/APPEARANCE/IMPACT ON THE AREA

The roof garden terrace is located to the rear of the property and therefore not overly visible from public view. The size, design and materials of the development are not considered to be detrimental to the character of the existing dwelling or the setting within the Conservation Area and the wider street scene.

RESIDENTIAL AMENITY

The roof garden is to the rear of the house above the ground floor shop and Post Office. The roof garden covers an area of approximately 70 sq metres. Trellis fencing and balustrade approximately 1100mm above deck level have been erected at the edge of the roof garden within free standing planters. It is proposed to attach 1800mm high close woven bamboo screening to the existing fence and in addition to the side of the mono-pitch roof.

The case officer has visited the neighbouring property to view the development from that perspective and considers the proposal would not result in any significant loss of light to the bathroom window. A bathroom is not a principle room within the house. The window has a north easterly aspect facing towards the flat roofed area. The window is obscurely glazed. There is a separation distance of approximately 6.2 metres. It is officer's opinion that the proposed 1800mm high bamboo screening will provide a sufficient level of privacy to neighbouring occupiers, both to the bathroom window and neighbouring gardens; and given the degree of separation to the bathroom window, would not result in significant shadowing. The proposal would accord with Policy GE1.

HIGHWAY SAFETY

The proposed development would have no direct impact upon existing access arrangements and would not give rise to any significant increase in vehicular traffic generation.

REVIEW OF CONSULTATION RESPONSES

A letter of objection has been received from an immediate neighbouring occupier. Their objection relates to loss of light and privacy to a bathroom window. This has been discussed in the report above.

At the time of writing this report, no other responses have been received.

CONCLUSION

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

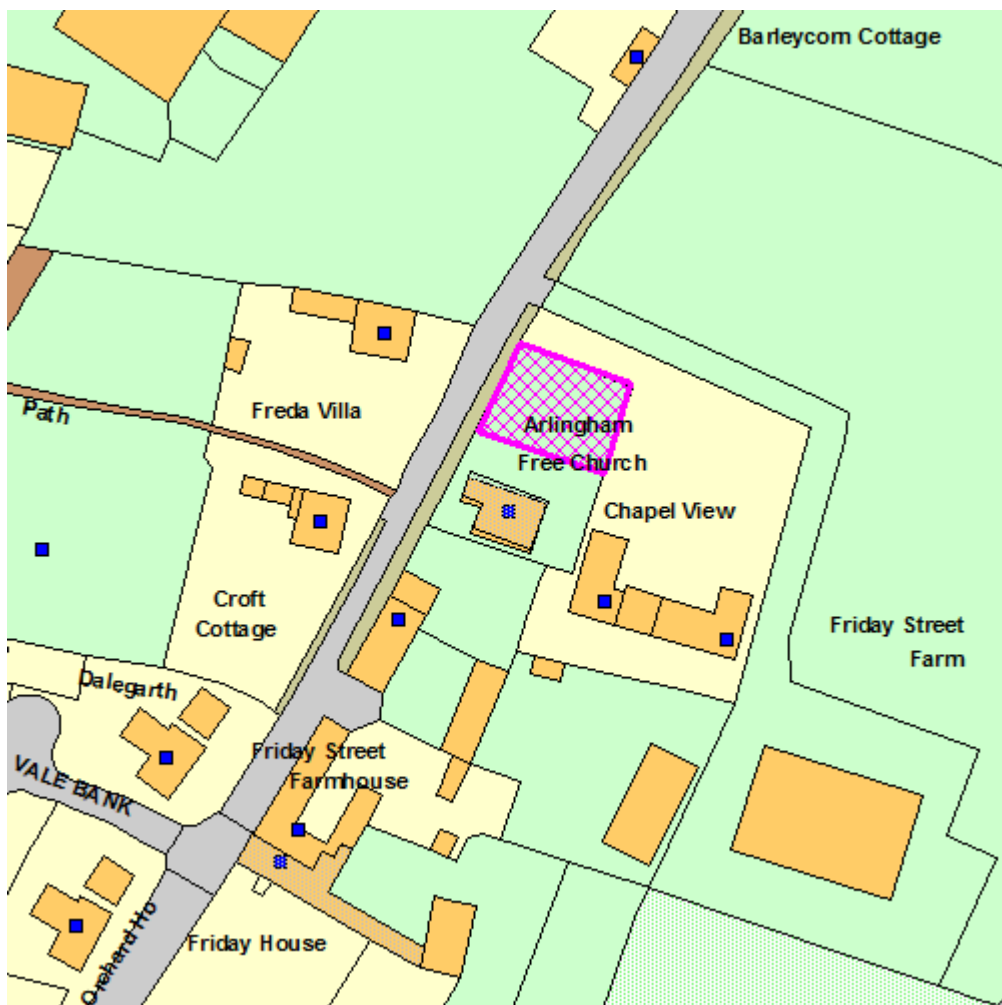
SI 2274 STATEMENT

The case officer was in regular contact with the applicant/agent and the community, acting in a positive and proactive manner, seeking dialogue and solutions. A copy of this correspondence is on the file.

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.

Item No:	04
Application No.	S.15/0179/FUL
Site No.	PP-03929631
Site Address	Arlingham Free Church, Friday Street, Arlingham, Gloucestershire
Town/Parish	Arlingham Parish Council
Grid Reference	371012,211055
Application Type	Full Planning Permission
Proposal	New dwelling and associated landscape works.



Applicant's Details	Mr D Merret Oldbury Farm, Arlingham, Gloucester, Glos, GL2 7JJ
Agent's Details	Mr Roger Gransmore 1 Bellevue Terrace, Chalford, Stroud, Glos, GL6 8LD

Case Officer	Sarah Crawley
Application Validated	22.01.2015
	RECOMMENDATION
Recommended Decision	Refusal
For the following reasons:	<ol style="list-style-type: none"> 1. The site provides an open setting for the immediately adjacent listed building. The stand-alone quality of the Listed building is an inherent part of its character. By infilling this historically open space with development, key views of the Listed building would be significantly encroached upon; therefore, the proposal will cause unacceptable harm to the setting of the Heritage Asset and would be contrary to Paragraphs 132 and 134 of the NPPF, Policy BE12 of the adopted Stroud District Local Plan, November 2005 and Delivery Policy ES10 of the Stroud District Local Plan Submission Draft 2013 as well as Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 . 2. The siting of the proposed development within this open land would detrimentally erode the transitional area between the open country side and the main core of the village and associated Conservation Area; this would undoubtedly harm the positive contribution it makes to setting of the overall Conservation Area. Accordingly, the development would neither preserve nor enhance the character or appearance of the Conservation Area. This would be contrary to paragraphs 132, 134 and 138 of the NPPF, Policies BE5 and HN8 of the adopted Stroud District Local Plan, November 2005 and Delivery Policies HC1 and ES10 of the Stroud District Local Plan Submission Draft 2013 as well as Section 70 of the Planning (Listed Buildings and Conservation Area) Act 1990.
	CONSULTEES
Comments Received	Environmental Health (E) Parish / Town
Not Yet Received	
	CONTRIBUTORS
Letters of Objection	
Letters of Support	
Letters of Comment	
	OFFICER'S REPORT

SITE

The site comprises a parcel of land associated with Arlingham Free Church which is the Listed Building to the immediate south. The northern and eastern boundaries to the plot are marked by the original metal railings that extend about the main Free Church building and there is a drystone wall marking the boundary with the highway. The site is generally flat and grassed at present. The site borders the edge of the settlement boundary and the conservation area. There are open fields to the north

PROPOSAL

The proposal is the erection of a detached dwelling with associated parking and amenity works.

MATERIALS

Walls: Unfinished timber boarding and render.

Roof: Membrane flat roof.

RELEVANT PLANNING HISTORY

Applications S.14/2771/LBC and S.14/2770/FUL granted Listed Building consent and planning permission for the conversion of the listed chapel into a dwelling with new single storey extension. There was concern over this scheme where the reports note "The addition of an extension has always been contentious, as the stand-alone quality of the building is an inherent part of its character and the proposed extension is very large. However, Officers are aware of the deteriorating condition of the chapel, and of the pressing need to find a new use. The proposed extension is an unequivocally modern addition, to be constructed of materials that will sit comfortably in a position where the village meets its agricultural surroundings. On very fine balance, in the interest of the future preservation of the listed building, the extension can be deemed acceptable."

Application S.08/2424/FUL allowed the "Erection of two dwellings and new access" on land to the east/rear of the Listed Building but that site was outside the curtilage of the Listed Building.

CONSULTATION RESPONSES

The Parish Council commented "The Parish Council supports the application for the new build on the land next to the Chapel under planning policies BE5 and HN16" and "The Council believes that a distinction has been made between the listed building and new build and therefore the new build will not overshadow the listed building" and requested that the application be considered by the Development Control Committee Meeting.

The Environmental Protection Manager had no objection subject to conditions.

ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision:

PLANNING CONSIDERATIONS

In considering this application national guidance including the National Planning Policy Framework and the provisions of the relevant Policies of the adopted Stroud District Local Plan, November 2005 and Stroud District Local Plan, submission draft (Dec 2013) as detailed below, have been considered.

AMENITY

Policy GE1 seeks to ensure there is no unacceptable impact on the living conditions of neighbouring residents due to general disturbance, loss of light, loss of privacy or overbearing effect.

Emerging Policy ES3 precludes development that would lead to an unacceptable level of: noise, general disturbance, loss of privacy or overbearing effect; environmental pollution; noise sensitive development in unacceptable locations; increased risk of flooding, detrimental impact upon highway safety or adverse effect on contaminated land where a risk to health or environment.

Due to the position of the proposed dwelling in relation to neighbouring properties and the single storey nature of the design there would be no unacceptable impact upon on the living conditions of neighbouring residents.

HIGHWAY SAFETY

Policy GE5 prevents development that would be detrimental to highway safety or any user of the highway or public right of way. Policy TR12 requires that development proposals should provide appropriate vehicle parking spaces in accordance with the Council's Parking Standards.

Emerging Policy ES3 precludes development that would lead to an unacceptable detrimental impact upon highway safety.

The proposed scheme includes off-road parking spaces for two vehicles which would be adequate for a single dwelling. The proposal would not include vehicular turning within the site but due to the nature of the local highway network this is not considered unacceptable. It is not considered that the development would result in an unacceptable impact upon highway safety.

DESIGN AND IMPACT

Policy HN8 details the criteria such as scale, layout, design, density, amenity provision and mix of development for development within settlement boundaries. It also seeks to protect important open spaces, natural or built features and areas between the settlement boundary and open countryside.

Emerging Policy HC1 permits development within settlement limits subject to suitable scale, density and layout that is compatible with the character and appearance of the area. Development should not intrude into open countryside or cause loss of or damage to open space or to wildlife habitat. Natural or built features capable of retention should be incorporated and appropriate levels of amenity space and vehicular provision should be included.

The size of the plot is large enough to accommodate a single dwelling with adequate parking and amenity provision. The single storey nature of the proposed building minimises the volume of built form within the site. The clear cut contemporary design of the proposed building is considered to represent a generally positive contribution. However, the development of this site would entirely conflict with the aim of Policy HN8 where it seeks to protect important open spaces. This piece of land has historically formed part of the curtilage of the Free Church where it borders the open rural land to the north. The development of this site would intensify the residential perception of the site to the detriment of the character of the area.

HERITAGE IMPACT

Policy BE5 details the criteria such as design, scale, siting, and materials etc. that are considerations in ensuring that proposals are not detrimental to a Conservation Area or its setting. Policy BE12 will only allow development that affects the setting of a listed building to be permitted where it preserves the setting of the affected listed building.

Emerging Policy ES10 seeks to preserve, protect and enhance the historic environment. An assessment of the heritage asset will be required. Proposals that conserve and where appropriate enhance any heritage significance and setting including views will be supported. Any harm or loss would require clear and convincing justification as to why any heritage interest should be overridden.

Where Listed buildings or, as in this case, their settings, are affected by development proposals, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision-maker to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The site forms part of the curtilage of the Grade II Listed Arlingham Free Church, built as an Ebenezer Chapel in 1820 with land and finances provided by a wealthy gentleman with local interests. The site lies within the Arlingham Conservation Area at one of the key gateway points to the village, in a position where the village meets its agricultural surroundings. The boundary of the site is the boundary of the Conservation Area.

Under the terms of the NPPF, the harm to the significance of these heritage assets would be 'less than substantial'; Paragraph 134 states where the harm is less than substantial, this harm should be weighed against the public benefits of the proposal. It is the stated intention of the applicants to use any monies raised to fund works to the existing village hall, however, no legal agreement has been submitted to ensure that any such public benefit would be forthcoming. Furthermore no schedule of works required to the hall have been submitted, so it is unclear how the funds would be put to public benefit.

Paragraph 132 of the Framework states that heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In the absence of evidence to the contrary, there is no clear and convincing justification sufficient to outweigh the harm to the heritage assets.

RECOMMENDATION

This application is considered not to comply with the relevant policies and it is therefore recommended that planning permission should be refused.

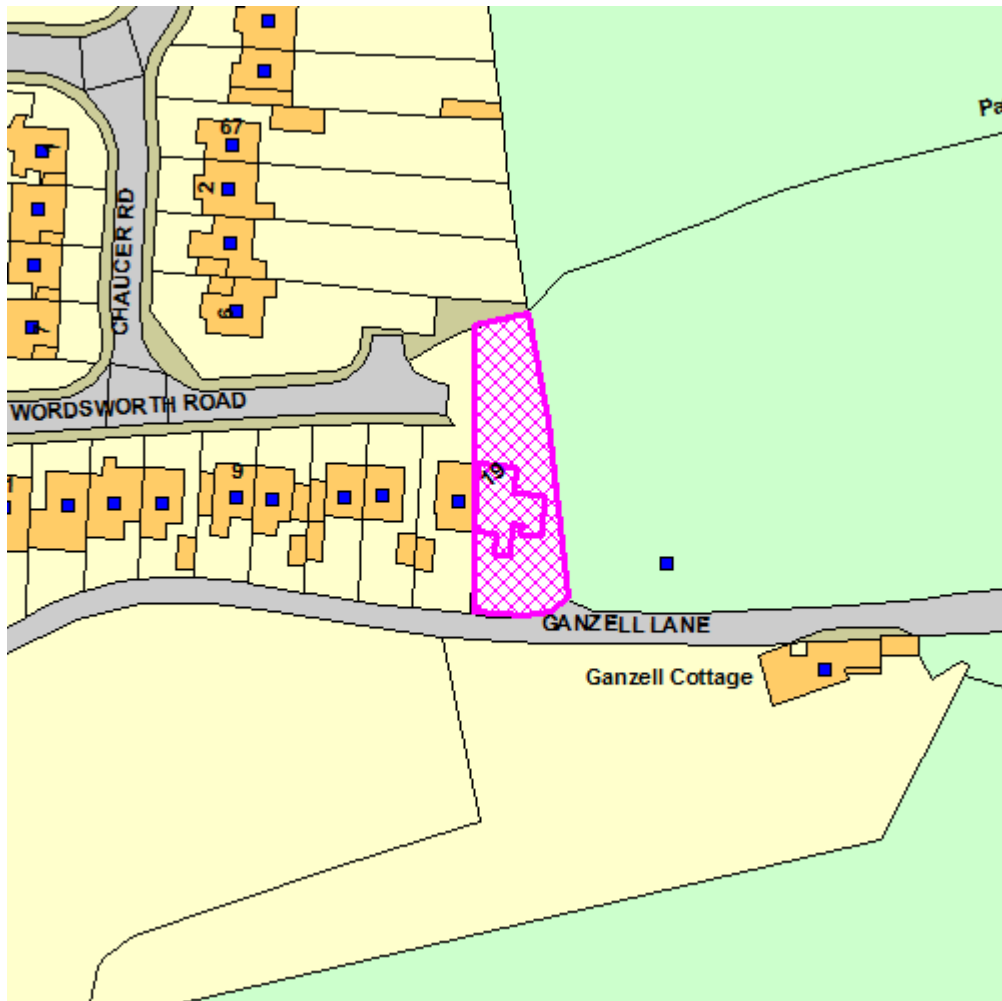
SI 2274 STATEMENT

The agent for the application had previously been advised that development of this site with a dwelling would not be considered favourably. The scheme as submitted represents a design that best reflects the concerns raised but that does not overcome the objection to the principle of development of this site and the harm identified above.

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 to those referred to in this report, warranted any different action to that recommended.

Item No:	05
Application No.	S.14/2883/HHOLD
Site No.	PP-03847916
Site Address	19 Wordsworth Road, Dursley, Gloucestershire, GL11 4QJ
Town/Parish	Dursley Town Council
Grid Reference	376434,197231
Application Type	Householder Application
Proposal	Conversion of existing loft space and flat roof area to the rear of the property into new second storey living space. Erection of a single storey extension with mono pitched roof to the rear of the property to the rear of existing garage.



Applicant's Details	Dr Christopher Mydlowski 19 Wordsworth Road, Dursley, Gloucestershire, GL11 4QJ
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Agent's Details	None
Case Officer	Miss Rebecca Russell
Application Validated	12.01.2015
RECOMMENDATION	
Recommended Decision	Refusal
For the following reasons:	<p>1. The proposal by virtue of its scale and over-engineered design fails to relate to the host dwelling and would result in an unsympathetic and dominant form of development. The proposed rear facing first floor gable-end addition would result in an unacceptable level of overlooking and loss of privacy to the adjoining bungalow. The proposal is therefore contrary to Policies GE1 and HN16 of the adopted Stroud District Local Plan, November 2005, Policies HC8 and ES3 of the 2013 Submission Draft Local Plan and Chapter 7 of the National Planning Policy Framework.</p>
CONSULTEES	
Comments Received	
Not Yet Received	Parish / Town
CONTRIBUTORS	
Letters of Objection	
Letters of Support	K Wyatt, 15, Wordsworth Road,
Letters of Comment	Dursley Town Council, Jacobs House, Castle Street
OFFICER'S REPORT	

SITE

The application site is a semi-detached bungalow located within an estate made up of similar aged and style dwellings. The bungalow has a gable end and a pitched roof which continues through to the adjoining neighbour. The front gardens along the street are open in character but the rear gardens are more enclosed with panel fencing between the properties. There is a mono-pitched single garage located to the side and step back from the bungalow.

The site is located within the settlement boundary of Dursley.

PROPOSAL

Conversion of existing loft space and flat roof area to the rear of the property into new second storey living space. Erection of a single storey extension with mono pitched roof to the rear of the property to the rear of existing garage.

REVISED DETAILS

No formal revised plans were submitted as part of this application.

In subsequent conversations and a meeting with the Applicant, alternatives schemes were shown to the LPA by the Applicant, but these were still considered to be unacceptable and the Applicant did not submit any revised plans.

MATERIALS

Walls: Any brick work material will closely match existing brick colour.

Loft conversion/replacement of flat roof: Timber framed structure weather board clad and finished with off-white colour.

Roof: New roof (6deg), covering to be galvanized pressed metal "standing seamed decking

Panels" - Finish powder coated dark Grey.

All other roof areas - concrete roofing tiles, green (to match existing).

Windows and Doors: White UPVC.

RELEVANT PLANNING HISTORY

2014/2219/CALLER - Pre application enquiry.

2014/2026/CALLER - Pre application enquiry.

CONSULTATION RESPONSES

The Town Council have been consulted and have not put forward any comments on this proposal.

ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION

REASONS FOR DECISION - ARTICLE 31

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision:

PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES

Policy HN16 of the Stroud District Local Plan, November 2005 specifically provides guidance on extensions and outbuildings. This requires consideration of the plot size, height, size and design of the extension as well as the possible impact on car parking provision. Policy GE1 prevents an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect. Similarly are Policies HC8 and ES3 of the December 2013 Submission Draft Local Plan. Paragraphs 56-68 of the National Planning Policy Framework (NPPF) stress the importance of quality design. Policy GE5 maintains highway safety including public rights of way.

Paragraphs 28, 109-125 of the NPPF apply to development in rural areas. It highlights the need to protect landscape character, maintain rural housing and communities and minimise impacts on biodiversity. It supports Local Plan Policy NE8, which places priority on the protection of the AONB, whilst Policy NE10 conserves the distinct landscape types in the District.

Paragraphs 126-141 of the NPPF is of relevance when assessing proposals on sites designated as Conservation Areas, or listed buildings and their setting. Local Plan Policy BE10 provides guidance on alterations and extensions to listed buildings. The scale, design, proportions, detailing and materials used in the proposed development must be sympathetic to the characteristic form of area, the adjacent buildings and spaces. It should not cause loss of features of historic characteristic value, and maintains important views in/out. Policy BE5 provides guidance on development affecting Conservation Areas.

DESIGN/APPEARANCE/IMPACT ON THE AREA

The proposal seeks to convert the existing loft space and flat roof area to the rear of the property into new second storey living space and to erect a single storey extension with mono pitched roof to the rear of the property to the rear of existing garage.

The Applicant discussed a potential extension with a Planning Technician in October 2014. At this meeting the Applicant was informed that, '... a proposal to increase height of existing bungalow unlikely to receive officer support, as out of keeping with existing street scene, and more importantly attached bungalow. Discussed continuing existing roof line to side of existing bungalow and adding a small gable extension to the front (likely to be acceptable as corner plot), together with a twin gable, or similar to the rear - all same height (or lower) as/than existing bungalow'. The Applicant was advised to collate some more information/ potential schemes and to discuss with a Planning Officer. No further pre application enquiries were received for this proposal prior to the submission of an Application.

The current application proposes to create a large kitchen and play area to the ground floor and three bedrooms and a bathroom on the first floor.

The proposed loft conversion is large in terms of size and scale. The proposed dormer for the loft conversion will sit under the existing roof line, but will protrude a significant distance to the rear. The scale of this element of the extension in relation to the existing bungalow when considered in combination with its massing will result in a development that will appear overly dominant. This would significantly and adversely harm the simple character of the existing bungalow.

While not particularly large in footprint, the combination of the height, design and additional roof-space of the proposed gable in the loft conversion, would create an overly dominant addition to the building to create a solid and oppressive structure.

The insertion of the dormer window is not principally unacceptable but the design is overly large and bulky leading to a dominating appearance to the roof. Its scale and proportions are too large for the roof and are out of keeping with the rest of the roof and overall will be harmful to the appearance of the main dwelling house. This results in an unbalanced appearance to the bungalow, which is out of keeping with the original house and the remaining roof.

The proposed extension is over-engineered. It is considered that the existing bungalow is clearly not capable of such a sizeable first floor extension.

The proposed extension does not comply with Permitted Development rights and for this reason could not be undertaken without Permission.

In terms of the impact on the street scene, there are other dormer windows so the issue is not one of principle however the current proposal is of poor design and does not reflect the character of the house and those in the area.

It is concluded that the proposed loft conversion has been poorly considered in terms of the position and materials and would result in an incongruous addition to the property.

The proposed single storey extension to the side in this application to incorporate a kitchen is not considered contentious and the Local Planning Authority would support this aspect of the proposal. This element of the proposal is smaller in size than the dwelling house and will be subservient. Similarly, adding a pitched roof to flat roof element of the single storey building to the rear is not considered to be contentious.

The applicant was informed of the concerns of the Local Planning Authority. A subsequent meeting in the Office took place to discuss these concerns with the Applicant. During the meeting the Applicant showed alternative schemes. These were not considered acceptable and were not submitted as revised plans.

During this meeting the LPA suggested an alternative scheme that would be considered more acceptable. This was to build a single storey extension to the side, rather than going into the loft space. As this is a large end plot, this would provide a large single storey extension to the side that would almost double the footprint of the existing bungalow. This would create a larger space than the proposed loft conversion. The alternative scheme would be contained within the existing domestic curtilage and would address the issues raised in the current proposal. The Applicant did not want to accept this alternative scheme and wished to proceed with the current scheme for the loft conversion.

HIGHWAY SAFETY

It is proposed to convert the existing garage into a workshop. Although there will no longer be a garage at this dwelling, adequate parking space will remain on the driveway.

The vehicular access will also remain unaffected by this proposal. The development will not be detrimental to highway safety, in accordance with Policy GE5.

RESIDENTIAL AMENITY

It is considered that the proposals for the single storey elements are considered acceptable and will not cause harm to neighbouring occupiers. Concern has been raised over the potential impact of overlooking to neighbouring occupiers as a result of the two windows in the dormer to the rear and the proposed three velux windows to the front elevation.

Concern has also been raised over the two proposed windows to the rear as 19 Wordsworth and the neighbouring properties are bungalows. As these are at first floor level there will be a significant level of overlooking to the neighbouring property. As these are the only bedroom windows these cannot be obscurely glazed to reduce any issues of overlooking or loss of privacy.

It should also be noted that the addition of two windows in this gable has potential to cause loss of privacy or be overbearing to neighbouring properties due to the windows being added on a first floor level. As the neighbouring property is a bungalow, there is potential for overlooking, leading to another reason for refusal.

The proposed additional three windows to the front elevation have potential to cause overlooking or loss of privacy to neighbouring properties.

Whilst it is noted that a loft conversion is possible under Permitted Development rights if it fulfils the correct criteria, this proposal does not fulfil that criteria. Therefore, under PD rights, a loft that is converted could have windows in a dormer, so limited weight can be added to this argument. However, in this instance, it is considered that due to the size and positioning of the dormer there will be greater overlooking caused by this proposal.

The alternative scheme discussed in the meeting with the Applicant, suggested extending the ground floor at single storey level instead to create a larger extension. This would address issues of overlooking raised in the current proposal. This alternative scheme was not accepted by the Applicant.

RECOMMENDATION

The proposal is recommended for refusal.

The proposal is considered to not comply with the provisions of Policies GE1 and HN16 of the adopted Stroud District Local Plan, November 2005 and the guidance contained within the core principles and main body of the National Planning Policy Framework.

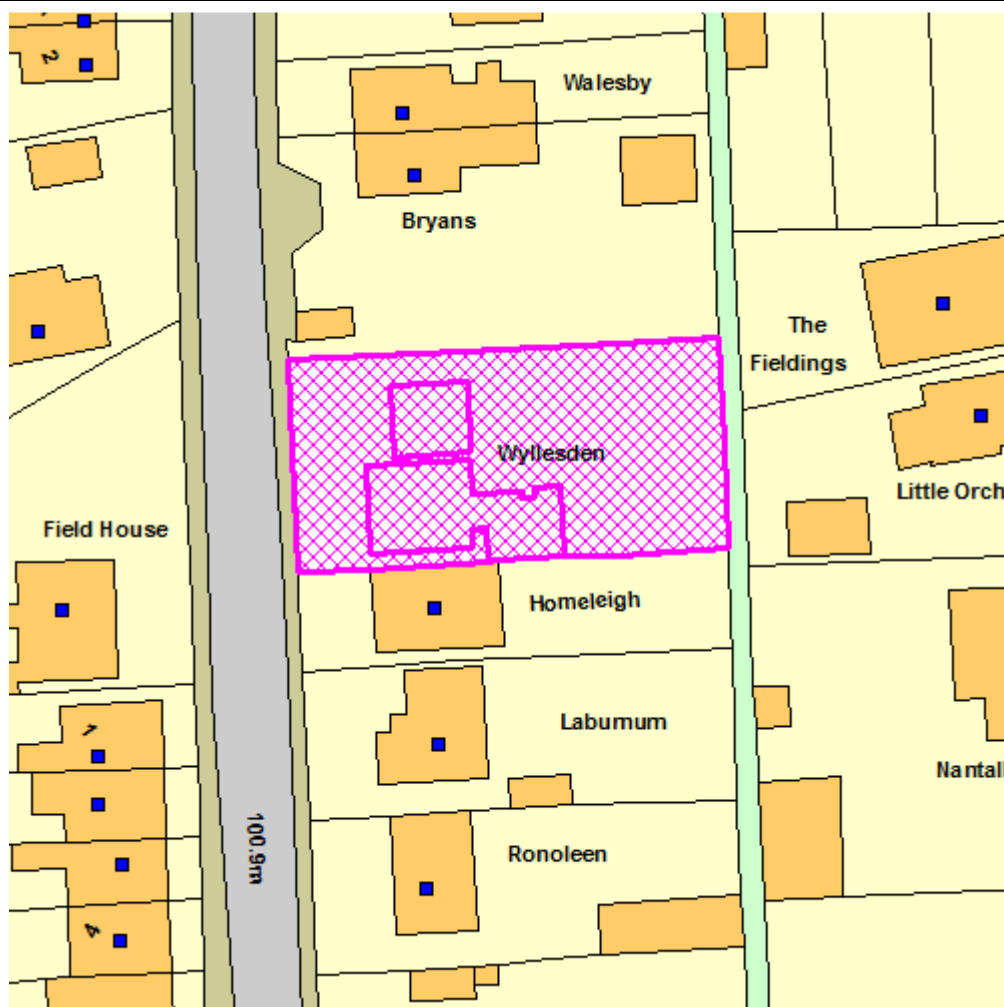
SI 2274 STATEMENT

There application discussion is discussed above. Once the application was submitted there was no dialogue with the Applicant and the proposal was then found to be self contained.

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.

Item No:	06
Application No. Site No.	S.15/0121/HHOLD
Site Address	Wyllesden, Rodborough Hill, Stroud, Gloucestershire
Town/Parish	Rodborough Parish Council
Grid Reference	384582,204611
Application Type	Householder Application
Proposal	Retrospective application for the erection of single storey extension to rear.(Resubmission following permission S.13/0882/HHOLD)



Applicant's Details	Ms Briony Fforde Wyllesden, Rodborough Hill, Stroud, Gloucestershire, GL5 3SW
Agent's Details	Ms Louise Ratcliffe Early Interiors, Clinton House, Church Place, Rodborough, Stroud Gloucestershire GL5 3NF
Case Officer	Gemma Davis
Application Validated	03.02.2015
	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<p>1. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans LR/BS/R001.</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans.</p> <p>2. The flat roof extension hereby permitted must not be used as a balcony, roof garden or similar amenity area.</p> <p>Reason: In the interests of the amenities of the occupiers of adjoining residential property.</p>
	CONSULTEES
Comments Received	Parish / Town
Not Yet Received	
	CONTRIBUTORS
Letters of Objection	Mrs D Humphries-Mee, The Shieling, Naas Lane, D P Collins Mrs R Humphries, Homeleigh, Rodborough Hill Rodborough Parish Council, Rodborough Community Hall, Butterrow West G & S Burton
Letters of Support	

Letters of Comment	
	OFFICER'S REPORT

DESCRIPTION OF SITE

The application site is a detached red brick dwelling. The property benefits from a hardstanding to the front elevation and a single storey garage to the side. The site also benefits from an enclosed garden area to the rear. Boundary treatment includes a mixture of walling and fencing.

The property does not lie within any landscape designations.

PROPOSAL

The application seeks retrospective permission for the erection of a single storey rear extension.

REVISED DETAILS

None

MATERIALS

Walling: Western red cedar cladding

Roof: Light grey GRP

Fenestration: Powder coated aluminium

RELEVANT PLANNING HISTORY

S.13/0882/HHOLD - Erection of single storey extension (Demolition of existing conservatory, rear half-bay and attached utility building). - Application permitted.

CONSULTATION RESPONSES

Full details of all consultations and public representations are available to view on the electronic planning file.

Public

Public representations make reference to a number of concerns which are noted; however some of which do not form material planning considerations and can not be given weight in the consideration.

Parish

Rodborough Parish Council objects on the grounds that the extension has an overbearing effect on the neighbouring property known as Homeleigh.

Consultations

None

ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION

REASONS FOR DECISION - ARTICLE 31

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision:

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 2005 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).

Policy HN16 of the Stroud District Local Plan, November 2005 and Submission Draft Policy HC8 specifically provides guidance on extensions and outbuildings. This requires consideration of the plot size, height, size and design of the extension as well as the possible impact on car parking provision. Policy GE1 (Submission Draft Policy ES3) prevents an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect. Paragraphs 56-68 of the National Planning Policy Framework (NPPF) stress the importance of quality design. Policy GE5 maintains highway safety including public rights of way. The National Planning Practice Guidance (NPPG) has also been considered.

DESIGN/APPEARANCE/IMPACT ON THE AREA

Planning permission was granted in 2013 for the erection of a single storey rear extension to replace the existing conservatory, the extension has not been built in accordance with the approved plans therefore the application seeks retrospective permission for the retention of a single storey, flat roof extension to the rear of the main dwelling.

The extension measures the same footprint as the previously approved scheme, the retrospective scheme alters the design of the roof pitch from a shallow mono pitch with an overall height of approximately 3.3m to a flat roof measuring approximately 4.1m from the lowest ground level.

The principle of an extension has been previously agreed and it is considered that the retrospective addition does not have any greater impact than that approved and not constructed.

The single storey extension has a simple contemporary form with large glazing, timber cladding and a flat fibre glass roof. This is a modern addition rather than a replication of the existing character. The extension does have a contemporary appearance and materials which contrast the red brick. However, it is considered that the design is simple, limited in scale, not prominently located and is of a modern

appearance that does not have an adverse affect on the character of the property or the wider setting.

In terms of the design, the size of the building is quite bulky by virtue of its height, however it has been taken into consideration that a structure of up to 4m in height could be erected under permitted development rights.

Given the extent of the existing garden area, the plot size of the property is considered large enough to accommodate the extension without appearing cramped or overdeveloped. Whilst the extension does have a sizeable footprint, its scale and design remains subservient to that of the main dwelling.

The extension is located to the rear of the property and therefore does not affect the character or appearance of the area or affect the street scene.

RESIDENTIAL AMENITY

The neighbour has raised concerns regarding loss of light. Part of the extension does extend up to the boundary which is adjacent to the neighbouring properties conservatory, however the bulk of extension is approximately 2.8m away from the separating boundary. It is considered that due to the application property being set at a slightly lower level, and taking into consideration that the bulk of the extension is positioned away from the boundary the single storey nature does not cause such a significant impact to warrant a refusal of the application.

As such whilst the building will have a physical presence there will no impact on overlooking or loss of privacy to the adjacent properties.

It is acknowledged that the proposal will have a physical impact on the amenity of Homeleigh, the overall impact will not be sufficient to warrant a refusal. Given the position, topography of the land, separating boundary treatment and the overall height of the building, the immediate impact on the neighbour will relate to approximately 1200mm of wall protruding above the boundary line that is set back by approximately 2.8m. This position combined with the design of the building will provide sufficient distance and separation so as to not to give rise to an unacceptable physical impact that would warrant refusal of the application.

With the single storey design, the difference in levels and the solid boundary treatment the proposal will not significantly harm the privacy of the neighbouring residents.

HIGHWAY SAFETY

The proposed scheme would not have any impact on parking provision or access.

SI 2274 STATEMENT

Whilst there was little if any pre-application discussion on this project, it was found to be self contained and required no further dialogue with the applicant / agent.

CONCLUSION

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

Item No:	07
Application No. Site No.	S.15/0120/BRCON
Site Address	Land off Potters Pond, Wotton Under Edge
Town/Parish	Wotton Under Edge Town Council
Purpose of Report	To inform Members of a breach of condition 15 of planning permission S.12/2123/FUL at Potters Pond, involving the construction of garages that are smaller than specified in condition 15.
Recommendation	It is your Officer's recommendation that in this particular case it is not expedient to pursue enforcement action for the reasons outlined in this report.
Report Author	Mr. J. Cooper Senior Enforcement Officer Tel: 01453 754225 Email: jamie.cooper@stroud.gov.uk
Options	<p>To accept the recommendation: If Members accept the recommendation no enforcement action will be undertaken. Furthermore, minor amendment application S.15/0614/MINAM to vary condition 15 should be approved.</p> <p>To reject the recommendation: If Members reject the recommendation authority should be granted for enforcement action for either:</p> <p>i) a breach of condition notice under section 187A of the Town and Country Planning Act, 1990; or</p> <p>ii) an enforcement notice under section 172 of the Town and Country Planning Act, 1990.</p> <p>If Members do determine that it is expedient to pursue enforcement action an enforcement notice under 172 is more appropriate.</p>

1.0 Background:

1.1 Planning permission was granted for the demolition of industrial buildings and the erection of 46 houses on Land at Potters Pond, Wotton-Under-Edge, reference S.12/2123/FUL.

1.2 Condition 15 requires that:

The garages/car parking spaces hereby permitted shall be provided prior to occupation of the dwelling of which they form a part and kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter. The minimum internal dimension of any garage shall be 6m by 3m.

- 1.3** The reason for the condition is:
To reduce potential highway impact by ensuring that vehicles do not have to park on the highway in accordance with Policy GE5 of the Local Plan and the NPPF.
- 1.4** The development is currently under construction. Four houses are complete and a row of coach houses are built up to first floor level. A number of other houses are built to slab level.
- 1.5** An inspection of the coach houses under construction revealed that the garages were not a minimum of 6m by 3m as set out by condition 15. They were just over 5.8m long and 2.7m wide, which is in accordance with the approved plans. The developer has confirmed that all the garages have been laid out in accordance with the plans, which will mean they will all fall below the 6m by 3m.
- 1.6** Following that inspection the developers have submitted an application for a minor amendment, reference S.15/0614/MINAM. This would alter the wording of condition 15 to remove the final sentence so that it no longer refers to a specific minimum length and width. In support of the application they have included accurate internal dimensions of the garages for the coach houses. This provides for a maximum internal length and width of 5.684m and 2.668m respectively. A block pier midway up the garage reduces the width in the middle to 2.558m. Additionally, drainpipes in the back occupy 26 square centimetres; however, the pipe position means they are unlikely to interfere with anything.
- 1.7** Using the measurements provided in the minor amendment application, the finished garages would be up to 32cm shorter and 44cm narrower than required by condition 15.

2.0 Expediency:

- 2.1** The underlying purpose of the condition is to ensure that the average sized family car can park in the garage *and* that people are then able to open the car doors to get out of the car when it is in the garage. This is in response to problems that have happened elsewhere in the country where new houses have been built with garages that are too small to use, resulting in people parking in the street.
- 2.2** The most important thing is that an average sized car can park inside the garages and people can then get out of the car. That should remove one of the incentives to just park on the street. If people still choose to park on the street they are entitled to do so and the conditions of a planning permission cannot stop that.
- 2.3** The car width shown in the minor amendment plans is 1.67m wide where the door columns are. Using that measurement, it is unlikely that the driver and passenger would get out of a car even if it is parked centrally in the garage as built as it would only leave about 20cm of clearance between the car and the inside of the open door. Passengers would be more likely to exit the car

before it went into the garage so the driver could park closer to one side and have the most room for getting out. Widening the garage by 44cm would not make any material difference to the ability of the driver and passenger to get out of the car if the car was parked centrally. The opening between the car and the inside of the car door would still only be around 34cm, so passengers would still be more likely to get out of the car before parking in the garage, allowing it to be parked asymmetrically so the driver has a comfortable amount of space to get out of the door.

- 2.4** Consequently, the as built width is unlikely to make any difference to the way people use the garage compared to the 3m required by condition 15. The additional width would merely allow for extra space for the driver. Planning officers and agents acting for the developer have conducted an exercise on site that demonstrated a driver could comfortably exit an average sized car in the garages as built.
- 2.5** The length of the garage might facilitate some limited use for storage in addition to parking a car. According to the internet, in the UK and Europe an average family sized car is between 4.3m and 4.7m long. This would still leave 1m of space in the garage for additional storage in the as built garages. 30cm extra is not so significant an amount of space as to make the storage area more useable.
- 2.6** On balance, despite being smaller than approved, the difference between the dimensions of garages as built and those required by condition 15 do not materially affect the usability of the garages. For that reason it is not considered to be expedient to pursue enforcement action in this case.
- 2.7** In order to be fully appraised Members should also be aware that condition 15 conflicts with condition 23. Condition 23 requires that the development is carried out in accordance with the approved plans. There are a substantial number of drawings listed; however, the key point is that the floor plan of the buildings and the layout of the site shown in the approved drawings are based on garage and parking spaces of around 5.8m by 2.7m (at 1:100 and larger scales there is an inevitable degree of inaccuracy). Taking ordinary building tolerances into account, the garages are built in accordance with the approved plans.
- 2.8** Increasing the size of the garages and parking spaces to 6m by 3m would accumulate across the rows of houses to substantially alter the layout of the site. Indeed, due to the limited size of the site, the result would be that a number of parking spaces and houses would no longer fit in the site and the remainder would be much more cramped. Condition 23 would therefore be breached.
- 2.9** Given that the dimensions of the garages as built make them as usable as the dimensions of the garages required by condition 15, whilst there would be severe negative consequences for the layout of the development as a whole compared to the negligible benefits arise from increasing the size of the garages, and there would be an evident conflict with condition 23,

enforcement action under condition 15 would be highly vulnerable to challenge.

3.0 Options:

- 3.1** The first option is to recognise that there has been a breach of condition 15 as currently worded, but upon having regard to the circumstances of the case decide that it is not expedient to pursue enforcement action. This is the recommended course of action. If this decision is taken the minor amendment application to vary condition 15 so that the words "*The minimum internal dimension of any garage shall be 6m by 3m*" will be approved. This will remedy the situation and there will then no longer be a breach of planning control.
- 3.2** The second option is to decide that it is expedient to pursue enforcement action. This will require a clear justification explaining the harm arising from the breach. There are two courses of enforcement action available to pursue a breach of condition; either a breach of condition notice (BCN) under section 187A of the Town and Country Planning Act, 1990 (the Act), or an enforcement notice under section 172 of the Act can be served.
- 3.3** It is important to note at this point that neither a BCN nor an enforcement notice can *require* the developer to make a planning application for a revised development layout. They must be able to comply with the steps in a notice and all other planning regulations without having to make a separate planning application to regularise the resultant development.
- 3.4** A BCN is normally served where there is a breach of condition with a clear remedy that does not itself breach any planning or other regulations. This is important as there is no right of appeal to the Planning Inspectorate against a BCN. A BCN can only be challenged through the Courts. Compliance with condition 15 as currently worded would lead to a breach of condition 23, and result in either the site being different to that shown in the planning permission (which would be a separate breach of planning control) or the width of the internal staircase between the coach house garages failing to meet building regulations requirements. The resultant development from simply rebuilding with the wider garages would likely require a new planning permission itself. This would make a BCN highly vulnerable to being quashed by the Courts.
- 3.5** Where there is any uncertainty about the potential outcome of a BCN it is normal to instead issue an enforcement notice. This allows for an appeal to the Planning Inspectorate who can consider the planning balance rather than narrow points of law, and allows for much wider scope to remedy the resultant development if the requirement for 6m by 3m garages is upheld. If Members do decide that it is expedient to pursue enforcement action it is strongly advised that it takes the form an enforcement notice under section 172 of the Act.

4.0 Conclusion:

- 4.1 It is Officer's view that whilst specifying the minimum size of the garages in condition 15 was well intentioned, the garages as built are just as usable. As such it is Officer's recommendation that it is not expedient to pursue enforcement action in this case. If this recommendation is upheld the minor amendment application to remove reference to 6m by 3m garages in condition 15 will subsequently be approved.