

27 January 2015

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY, 10 FEBRUARY 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 **MINUTES**
To approve and sign as a correct record the Minutes of the Development Control Committee meeting held on 13 January 2015.
- 4 **PLANNING 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).

4.1 **LAND ON THE NORTH WEST SIDE OF LYNCH ROAD, BERKELEY**

4.2 **CAMBRIDGE NURSING HOME, DURSLEY ROAD, CAMBRIDGE**

4.3 **LAND AT SOUTHVIEW, BRIMSCOMBE LANE, BRIMSCOMBE**

4.4. **LAND AT THE REAR OF 52A WOODMANCOTE, DURSLEY**

Members of Development Control Committee

Councillor Ken Stephens (Chair)
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

DEVELOPMENT CONTROL COMMITTEE

13 January 2015

6.00 pm – 9.25 pm
Council Chamber, Ebley Mill, Stroud

3

Minutes

Membership:

Ken Stephens**	P	Haydn Jones	P
John Marjoram*	P	Stephen Moore	P
Liz Ashton	P	Dave Mossman	P
Dorcas Binns	P	Steve Robinson	P
Nigel Cooper	A	Roger Sanders	P
Paul Hemming	P	Emma Sims	P

** = Chair * = Vice-Chair

A = Absent P = Present

Other Member in attendance

Councillor Julie Job
Councillor Leslie Reeves

Councillor Tom Williams
Councillor Penny Wride

Officers in attendance

Head of Planning
Development Control Team Manager

Legal Services and Monitoring Officer
Democratic Services & Elections Officer

DC.081 APOLOGIES

Apologies for absence were received from Councillors.

DC.082 DECLARATIONS OF INTEREST

None under the Members' Code of Conduct.

DC.083 MINUTES

The Chair proposed the following amendments, that were seconded by Councillor John Marjoram, and subsequently unanimously agreed by Committee to Minute DC.075:-

Page 2 – 3rd paragraph should have read 'Keith' and not Ken, and

Page 3 – 9th paragraph should be amended to reflect the exact wording:-

- “1. The current Application is not acceptable in its current form.
2. The item be deferred to a future date and officers asked to approach the applicant with a view to amending the Application in order to minimise impact on heritage assets.”

RESOLVED That the Minutes of the Development Control Committee held on 18 December 2014 are accepted as a correct record, with the above amendments.

DC.084 PLANNING SCHEDULE

Representations were received and taken into account by the Committee in respect of the following Applications:-

1.	S.14/2460/FUL	2.	S.14/2265/OUT	3.	S.14/2176/FUL
4.	S.14/2115/FUL	5.	S.13/2327/FUL		

Late Pages had been circulated to Members prior to the meeting and were available at the meeting in respect of Scheduled Items 1 and 2.

DC.085 ITEM 1 – CONTINUED USE OF LAND FOR AGRICULTURAL PURPOSES AND THE INSTALLATION OF UP TO 5 MW SOLAR PHOTOVOLTAIC PANELS AND ANCILLARY WORKS ON A LAND PARCEL TO THE EAST OF WICK BRIDGE, UPPER WICK, DURSLEY, GLOS (S.14/2460/FUL)

The Development Control Team Manager outlined the above Application and provided various updates in the Late Pages from Alkington Parish Council, North Nibley Parish Council, Council for the Protection of Rural England and from County Highways who had no objection to the Application but recommended conditions.

The Landscaping Strategy provided by the Council’s consultants (Nicholas Pearson Associates) had been copied to Members which would minimise the impact of the solar panels and resulted in the deletion of Condition 3 and the addition of details of solar panels to approved plans to Condition 2.

Councillor Penny Wride, a Ward Member stated reasons for objecting to the Application.

Councillor Jan Sayers from Alkington Parish Council also spoke on behalf of North Nibley Parish Council who had both unanimously objected to the Application.

Ruth Reed spoke on behalf of the Cotswold Edge Solar Group who opposed the Application.

Mr Andrew Bower outlined reasons why the scheme should be approved.

Members’ attention was drawn to the Council’s statutory duty to the protection of heritage assets, especially those of national importance and give special regard to their setting.

In reply to Members' questions various photos of the area were displayed for Members to consider. The best possible landscape scheme had now been put forward and Members had to make a balanced decision. The area surrounding the transformer would be the only area lit by security lights. A vertical steel fence would be erected around the boundary of the site which would be obscured by planting from the outside. The intention was that sheep would graze the land around the panels and after 30 years the site would wholly revert to agriculture. There was no accurate record regarding the precise location of the historic battle and English Heritage had no objection.

A Motion to ACCEPT the Officer's amended recommendations was proposed by Councillor Haydn Jones seconded by Councillor John Marjoram.

The Development Control Team Manager confirmed the following changes to the Application:-

1. Condition 3 should be deleted and details the addition of details of solar panels to approved plan (Condition 2).
2. County Highways approved the scheme, subject to conditions.
3. The landscaping condition needed to be amended following the receipt of the landscaping scheme and management plan from Nicholas Pearson Associates.
4. The galvanised metal fencing should be painted green and maintained as such thereafter.

Both the proposer and seconder agreed with the above amendments to the Application.

Members debated the Application and had differing views.

On being put to the vote, there were 7 votes for the Motion, 3 votes against and 1 abstention; it was declared CARRIED.

RESOLVED To GRANT Application S.14/2460/FUL, as set out in these minutes and Appendix A.

The meeting adjourned at 7.10 pm and reconvened at 7.19 pm.

DC.086 ITEM 2 – RESIDENTIAL DEVELOPMENT OF UP TO 17 DWELLINGS ON LAND AT PIKE LANE, NAILSWORTH, GLOS (S.14/2265/OUT)

The Development Control Team Manager drew Members' attention to the Late Pages and for clarity read out the revised refusal reason 1. County Highways had no objections, subject to various conditions being attached to the Application and there was potential to improve the footpath. More objections had been received which reiterated other objectors concerns. Refusal reasons 2. and 3. from the Officer's report should be deleted following the receipt of further information.

Mr Norman Kay spoke against this Application on behalf of Nailsworth Town Council.

Katie Jarvis spoke on behalf of the Pike Lane Action Group and their 700+ objectors and outlined reasons for refusal.

Mr Jamie Lewis, Agent on behalf of Hunter Page outlined reasons the Application should be granted permission.

The Officer answered various questions from Members.

A Motion to ACCEPT the Officer's amended recommendation, together with additional reasons:-

1. The roads leading to the site are substandard in respect of width, alignment, gradient and lack of footways. This existing situation is already seriously prejudiced with regards to highways safety. The proposed development by adding vehicular and pedestrian movements to the road network would result in a severe impact on highway safety, contrary to Policy GE5 of the Stroud District Local Plan 2005, CP13 and ES3 of the Emerging Stroud Local Plan (Submission Draft) and paragraph 32 of the NPPF;
2. Despite the site's geographical proximity to the facilities in the centre of Nailsworth, the constrained nature of the roads and the lack of continuous footpaths, together with infrequent bus services, do not ensure that a safe and suitable access to the site can be achieved for all people (paragraph 32 of the NPPF) nor make the fullest use of public transport, walking and cycling (paragraphs 17 and 35 of the NPPF). As such the development cannot be regarded as sustainable with regards to transportation and therefore cannot be considered as sustainable development (paragraph 14 of the NPPF);

was proposed by Councillor Steve Robinson and seconded by Councillor Dave Mossman.

During debate Members were very supportive of the views of the people of Nailsworth.

On being put to the vote, there were 10 votes for the Motion, 0 votes against and 1 abstention; it was declared CARRIED.

RESOLVED To REFUSE Application S.14/2265/OUT, as set out in these Minutes and Appendix A.

Councillor Docas Binns left the meeting.

DC.087 ITEM 3 – PROPOSED RESIDENTIAL REDEVELOPMENT AT 91 WESTWARD ROAD, STROUD, GLOS (S.14/2176/FUL)

The Development Control Team Manager drew Members' attention to the last minute responses . He also read out a written statement on behalf of Cainscross Parish Council, who where unable to send a representative, supporting the Application.

Councillor Tom Williams, a Ward Member outlined the reasons why he objected to the Application.

Mr M Gray spoke on behalf of many residents who would be affected by the development outlining their objections.

Mr Neil Shackell stated that previous concerns had been addressed and outlined reasons the Application should be granted.

Officers displayed various plans showing the layout of the flats and the ridgeline of this Application and the extant. The footprints were similar to both schemes but the differences in heights were explained. The archway was an additional feature. Concerns regarding car parking were addressed.

The Development Control Team Manager suggested that he revised the wording to Condition 12 to reflect the revised plan.

A Motion to ACCEPT the Officer's recommendation and above revision, was proposed by Councillor Dave Mossman and seconded by Councillor Haydn Jones.

Members debated their differing views.

On being put to the vote, there were 8 votes for the Motion, 2 votes against and 0 abstentions; it was declared CARRIED.

RESOLVED To REFUSE Application S.14/2176/FUL, as set out in these Minutes and Appendix A.

DC.088 ITEM 4 – ERECTION OF A THREE BEDROOMED BUNGALOW ON LAND AT PICARDY, CRANHAM, GLOS (S.14/2115/FUL)

The Development Control Team Manager had nothing to add to the Officer's report. On behalf of Councillor Nigel Cooper he read out a prepared statement outlining reasons for the Application to be granted.

Mr Roger Banyon spoke on behalf of very concerned neighbours at The Paddock who objected to the Application.

Mr Overs, joint owner of the site, outlined reasons why the Application should be granted permission.

Members had visited the site and it was confirmed that vehicles could turn within the curtilage of the site and visibility was extensive.

A Motion to accept the Officer's recommendation, was proposed by Councillor Stephen Moore and seconded by Councillor John Marjoram.

Whilst debating the Application some Members supported the Officer's recommendation but others thought the proposed bungalow should be smaller and more in keeping with the hamlet.

On being put to the vote, there were 6 votes for the Motion, 4 votes against and 0 abstentions; it was declared CARRIED.

RESOLVED To REFUSE Application S.14/2115/FUL, as set out in these Minutes.

DC.089 **ITEM 5 – ERECTION OF THREE DWELLINGS WITH ASSOCIATED ACCESS AT VAYNOR, HIGHFIELD ROAD, WHITESHILL, STROUD, GLOS (S.13/2327/FUL)**

The Development Control Team Manager explained to Members that Committee had resolved to grant planning permission in January 2014, subject to a Section 106 Agreement that would secure a sum towards off-site affordable housing provision. Because of a change in national policy and the Section 106 not being signed, Committee were asked to disregard the need for the Section 106.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor Roger Sanders and was seconded by Councillor Liz Ashton.

On being put to the vote, it was unanimously CARRIED.

RESOLVED To GRANT Application S.13/2327/FUL, without the Section 106 Agreement.

The meeting finished at 9.25 pm.

Chair

**Amendments for Development Control Committee
13 January 2015**

Item 1 S.14/2460/FUL - Land Parcel to east of Wick Bridge, Upper Wick

Delete condition 3 and add details of solar panels to approved plans condition (2)

Amend landscaping condition to include SDC consultants mitigation:

All planting, seeding, measures and works comprised in the details of the NPA Proposed Landscape Mitigation Strategy and the accompanying Planting Schedule, 9th January 2015, shall be carried out in the first complete planting and seeding season prior to commencement of development (planting season commences March 2015).

Thereafter, from the first year to the fifth year, an annual monitoring report on the health of this planting, shall be prepared by a qualified landscape architect or arboriculturalist and submitted to the Local Planning Authority. 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, unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of the visual amenities of the area.

New condition:

The proposed access shall not be used for construction of the proposed development until the existing roadside frontage boundaries have been removed /reduced to provide access and visibility in accordance with 30692/5503/SK02 and the area between the splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 0.26 and 2.1m above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that suitable access is provided and maintained in accordance with paragraphs 32 and 35 of the NPPF.

New condition:

Prior to any works commencing on site the improvements to Wick Road, Upper Wick and Nibley Green junction shall be completed in accordance with the submitted details.

Reason: To ensure safe and suitable access to the development is provided in accordance with Paragraphs 32 and 35 of the NPPF.

New condition:

The palisade galvanised metal fencing shall be painted green and maintained as such thereafter.

Reason

To minimise landscape impact.

New condition

Within 12 months of the commencement of development a management plan for the site shall be produced by a qualified landscape architect and shall be submitted to the Local Planning Authority for approval. This shall include the ongoing maintenance of the site, landscaping, provision for wildlife and the decommissioning. The approved management plan shall be implemented accordingly.

Reason:

In the interest of visual and ecological amenity.

Item 2 S.14/2265/OUT - Pike Lane, Nailsworth

Amend reason 1 as suggested in late pages:

The site is an essential part of the Miry Brook Valley, which is a steep incised valley stretching from the Wold plateau to the valley floor in Nailsworth. The valley has a rustic, pastoral, informal character. This site is a particularly visible component from a great variety of public viewpoints. Development would undermine the continuity of this valley.

It would also appear obtrusive, fundamentally changing the character of this open, pastoral field. The contribution of the valley to the AONB and Nailsworth would be undermined. These adverse impacts outweigh the benefits of providing up to 17 new houses here. New housing can be provided in less sensitive locations without causing this significant landscape harm. There is no overriding necessity for such development here and the landscape impact is not justified.

The proposal is therefore contrary to Stroud District Local Plan 2005 Policy NE8, Stroud District Local Plan Submission Draft December 2013 Policies ES7, CP14 and the NPPF paragraphs 17 and 115.

The site is an essential part of the Miry Brook Valley, which is a steep incised valley stretching from the Wold plateau to the valley floor in Nailsworth. The valley has a rustic, pastoral, informal character. This site is a particularly visible component from a great variety of public viewpoints. Development would undermine the continuity of this valley.

New reason for refusal:

The roads leading to the site are substandard in respect of width, alignment, gradient and lack of footways. This existing situation is already seriously prejudiced with regards to highways safety. The proposed development by adding vehicular and pedestrian movements to the road network would result in a severe impact on highway safety, contrary to Policy GE5 of the Stroud District Local Plan 2005, CP13 and ES3 of the Emerging Stroud Local Plan (Submission Draft) and paragraph 32 of the NPPF

New reason for refusal:

Despite the site's geographical proximity to the facilities in the centre of Nailsworth, the constrained nature of the roads and the lack of continuous footpaths, together with infrequent bus services, do not ensure that a safe and suitable access to the

site can be achieved for all people (paragraph 32 of the NPPF) nor make the fullest use of public transport, walking and cycling (paragraphs 17 and 35 of the NPPF). As such the development cannot be regarded as sustainable with regards to transportation and therefore cannot be considered as sustainable development (paragraph 14 of the NPPF).

Delete ecological reasons for refusal due to new information.

Item 3 S.14/2176/FUL - 91 Westward Road

Re-word condition 12 as follows for clarity and to reflect the revised plan:

Prior to the occupation of the development hereby permitted, the 3 windows annotated on the rear elevation as “obscurely glazed and bottom hung” shall be implemented accordingly and maintained as such thereafter.

Reason:

In the interests of the amenities of the occupiers of adjoining residential property and to comply with Policy GE1 of the Stroud District Local Plan, November 2005.



Stroud District Council

Planning Schedule

10th February 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.

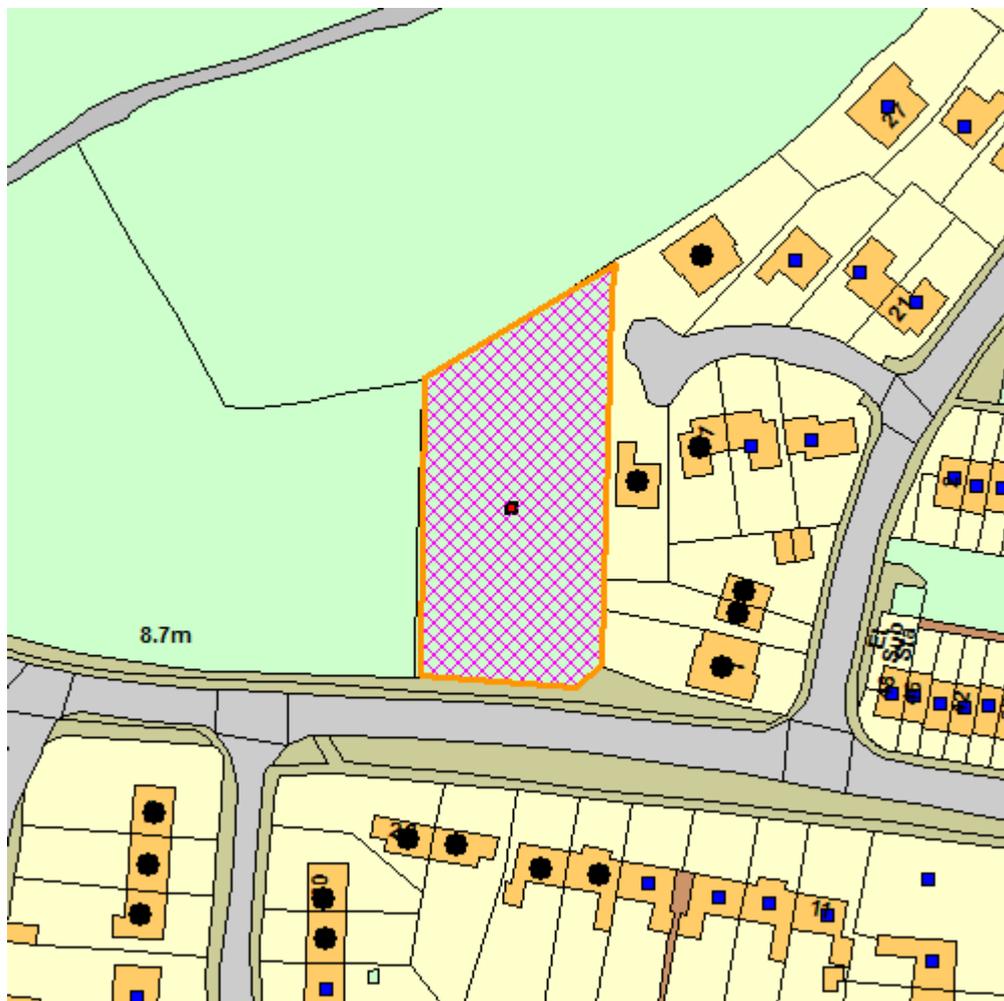
The order for each item on the schedule is

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
Brimscombe And Thrupp Parish Council Link to website	Land At Southview, Brimscombe Lane, Brimscombe. S.14/2184/OUT - Two-storey dwelling. http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.14/2184/OUT	03
Berkeley Town Council Link to website	Land On The North West Side Of, Lynch Road, Berkeley. S.14/2213/FUL - Erection of 10 dwellings http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.14/2213/FUL	01
Slimbridge Parish Council Link to website	Cambridge Nursing Home, Dursley Road, Cambridge. S.14/2439/VAR - Removal of Condition (e) of permission S.12831/A (use of the building) http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.14/2439/VAR	02
Dursley Town Council Link to website	Land At The Rear Of 52A, Woodmancote, Dursley. S.14/2664/FUL - New dwelling and access road with car port and amenity. http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.14/2664/FUL	04

Item No:	01
Application No. Site No.	S.14/2213/FUL
Site Address	Land On The North West Side Of, Lynch Road, Berkeley, Gloucestershire
Town/Parish	Berkeley Town Council
Grid Reference	367932,199386
Application Type	Full Planning Permission
Proposal	Erection of 10 dwellings



Applicant's Details	DB Land And Planning Hillberry, Castlemorton, Malvern, Worcestershire, WR13 6JA
Agent's Details	BM3 Architecture 28 Pickford Street, Birmingham, West Midlands, B5 5QH,

Case Officer	Janette Davey
Application Validated	20.11.2014
RECOMMENDATION	
Recommended Decision	Resolve to Grant Permission
Subject to the following conditions:	<ol style="list-style-type: none"> <li data-bbox="475 546 1528 797"> <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> <li data-bbox="475 837 1528 1200"> <p>2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below: Site Plan Drawing No D02_REV E House Type Drawings D05_REV B; D06_REV B; D07_REV A; D08_REV A; D10_REV B Civil Works General Arrangement Drawing C01 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> <li data-bbox="475 1240 1528 1603"> <p>3. No development shall take place until samples of the roofing, walling and fenestration to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.</p> <p>Reason: In the interests of the visual amenities of the area in accordance with the NPPF.</p> <li data-bbox="475 1644 1528 1939"> <p>4. Notwithstanding the submitted details prior to work commencing on site details of the access including 5m radii shall be submitted to and agreed in writing by the LPA</p> <p>Reason: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety in accordance with Paragraph 35 of the NPPF.</p>

	<p>5. The access road(s) (including vehicular turning head, street lighting, and footways where proposed) serving each dwelling shall be completed to at least base course (binder course) level in accordance with the submitted plans prior to occupation of that dwelling, and shall then be completed (including surface water drainage/disposal and surfacing) no later than 6 months after first occupation of any dwelling served and shall be similarly retained thereafter until and unless adopted as highway maintainable at public expense.</p> <p>Reason: To ensure that there is a satisfactory means of access for occupants of the development, in the interests of highway/public safety in accordance with Policy GE5 of the Local Plan and the NPPF.</p> <p>6. No dwelling on the development shall be occupied until the car parking associated with that dwelling has been provided in accordance with the submitted plan, and shall be retained available for the parking of vehicles associated with that dwelling thereafter.</p> <p>Reason: In the interests of highway safety in accordance with Policy GE5 of the Local Plan and guidance within the NPPF.</p> <p>7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking and turning for vehicles of site operatives and visitors ii. Loading and unloading of plant and materials iii. Storage of plant and materials used in constructing the development iv. Wheel washing facilities v. Construction hours vi. scheme for dust management <p>Reason: In the interest of highway safety in the accordance with Policy GE5 of the Local Plan and guidance with the NPPF.</p> <p>8. Prior to the occupation of the dwellings hereby permitted, the cycle storage facilities shall be made available for use in accordance with the submitted plan drawing no.D02 Rev E and those facilities shall be maintained for the duration of the development.</p>
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	<p>Reason: To ensure that adequate cycle parking is provided and to promote cycle use in accordance with TR1 of the Stroud Local Plan.</p> <p>9. The development hereby permitted shall not be commenced until details of a scheme of hard and soft landscaping for the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of the visual amenities of the area in accordance with Policy NE8 and HN8 of the Local Plan and the NPPF.</p> <p>10. 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, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: In the interests of the visual amenities of the area in accordance with Policy NE8 and HN8 of the Local Plan and the NPPF.</p> <p>11. The development hereby permitted shall be implemented in accordance with the specific (herpetofauna) and generic mitigation measures suggested under "Conclusions and Recommendations" in the Ecology Report by AA Environmental Ltd dated 8 August 2014, including supervision by an ecologist. Any variation of those recommendations shall be submitted to and approved in writing by the Local Planning Authority. Mitigation proposals should accompany any variation.</p> <p>Reason: To protect features of recognised nature conservation importance in accordance with Policy NE4 of the Local Plan and the NPPF.</p> <p>12. Any proposals for external lighting shall be submitted to and be approved in writing by the Local Planning Authority and will need to clearly demonstrate full compliance with the Bat Conservation Trust and Institution of Lighting Engineers "Bats and Lighting in the UK" published guidance, and ensure in particular that there is no direct light spill onto Sarah's Field as well as onto the northern hedgerow and any bird or bat boxes.</p>
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	<p>Reason: To protect features of recognised nature conservation importance in accordance with Policy NE4 of the Local Plan and the NPPF.</p> <p>13. Prior to the commencement of development, details to ensure the protection of the northern hedgerow, together with a scheme of long term management to benefit wildlife, shall be submitted to and approved in writing by the District Planning Authority. Any such approved scheme shall be operated in perpetuity, to seek to retain and maintain the hedgerow as a 3 metre buffer for the benefit of local wildlife.</p> <p>Reason: In order to protect and maintain an ecological corridor which links to Sarah's Field.</p> <p>14. The Environment Agency's Pollution Prevention Guidelines must be followed to protect the watercourse to the north of the site from pollution.</p> <p>Reason: To comply with the requirements of Chapter 10 of the NPPF.</p> <p>15. No development shall commence until a Management Strategy for the maintenance of all public areas not subject to adoption by public authorities, and ecological mitigation measures as outlined in the ecology report by AA Environmental Ltd dated 8 August 2014, has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of any Management Company proposed and its terms of reference. The areas shall then be managed in accordance with the approved strategy.</p> <p>Reason: To ensure that adequate safeguards are provided for ecological habitat in accordance with Policy NE4 of the adopted Stroud District Local Plan, November 2005.</p> <p>16. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: In the interests of neighbouring amenity in accordance with Policy GE1 of the adopted Local Plan Nov 2005</p>
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	<p>17. The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of neighbouring amenity in accordance with Policy GE1 of the adopted Local Plan Nov 2005</p> <p>18. The development hereby permitted should not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved by the Local Planning Authority. Plans should be supported by evidence of ground conditions and modelling of the scheme to demonstrate that they are feasible. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p> <p>19. Finished floor levels shall be set no lower than 600mm above the 1% river flood level plus climate change.</p> <p>Reason: To comply with the requirements of Chapter 10 of the NPPF.</p> <p>20. Prior to the first occupation of the development hereby approved, details of a scheme of street naming and numbering shall be submitted to and approved in writing by the local planning authority. Street name plates shall be erected within 1 month of the first occupation of the development and postal numbers affixed to each property prior to their occupation, all in accordance with the approved scheme.</p> <p>Reason: To ensure the development is clear and legible and to ensure emergency services can quickly and effectively locate properties, in the interests of community safety and in order to facilitate a safe and accessible environment in accordance with paragraph 69 of the NPPF and Core Policies CP4 and CP14 of the emerging Stroud District Council Local Plan.</p>
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	<p>Notes:</p> <p>Burning Informative: The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, are 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 or fume complaints be received.</p> <p>Wales and West Utilities: Our apparatus may be at risk during construction works. Should the planning application be approved, then we require the promoter of the works to contact us directly to discuss our requirements in detail. Should diversion works be required, then these will be fully chargeable.</p>
CONSULTEES	
Comments Received	<p>Natural England (E) Environmental Health (E) Gloucestershire Wildlife Trust (E)</p>
Not Yet Received	<p>Berkeley Vale CPRE GCC Community Infrastructure Contributions Mr David Lesser Development Coordination (E) Crime Prevention Design Advisor (E) Karen Colbourn Strategic Planning Parish / Town</p>
CONTRIBUTORS	
Letters of Objection	<p>J Orchard Development Group, , P Nutting, 15, James Orchard , Berkeley Jodg, 19 James Orchard, Berkeley A Renton, 11 James Orchard, Berkeley C Cornelius, 29 Lynch Road, Berkeley A Renton, 11 James Orchard, Berkeley Mr S Jones, 9 James Orchard, Berkeley P Craig, 17 James Orchard, Berkeley J Humphries, 1 James Orchard, Berkeley G Badsey, 23 James Orchard, Berkeley, Gloucestershire, Mr S Jones, 9 James Orchard, Berkeley M J Renton, 11 James Orchard, Berkeley</p>

Letters of Support	
Letters of Comment	Berkeley Town Council, Town Hall , Salter Street J Timpany, 41A Lynch Road, Berkeley
OFFICER'S REPORT	

SITE

The site measures 0.19ha (0.47 acres) and is on unmaintained rough grassland, historically said to have been an orchard. It adjoins but is outside the settlement boundary for Berkeley. A northern section of the site is indicated as being within the Environment Agency's Flood Zone 2.

The site has a slight downhill slope, away from Lynch Road, and towards the north-west corner.

To the east of the application site is the housing estate at James Orchard and to the north and west is grassland, including Sarah's Field, which is to be managed by Berkeley Town Council for the benefit of wildlife and for amenity value for the town; Berkeley Pill is 50m north of the site.

Lynch Road is the access road to the former nuclear power station, part of which will form a new campus for South Gloucestershire and Stroud College. This campus is due to open in September 2016.

A bus stop is located on Lynch Road adjacent to the site and the town's post office is 400m from the site.

PROPOSAL

A rural exception scheme for 10 affordable dwellings, comprising 2 x 2 bed houses, 3 x 3 bed houses, 4 x 1 bed flats and 1 x 2 bed flat, together with a new access road off Lynch Road and 15 parking spaces.

A Section 106 agreement will be required to cover the management of the affordable housing.

REVISED DETAILS

Design and Access Statement revision date 18 December 2014, superseded insofar as it relates to layout, by drawings received 27 January 2015

Site Plan Drawing No D02_REV E received 27 January 2015

House Type Drawings D05_REV B; D06_REV B; D07_REV A; D08_REV A; D10_REV B received 27 January 2015

MATERIALS

Roof: Grey concrete roof tiles

Walls: Red brindle brick

RELEVANT PLANNING HISTORY

18.01.2000 S.99/1874 Outline application for residential development. Refused:

- a) Outside the development boundary for Berkeley
- b) Projection of new built form into the open countryside, to the detriment of the character of the settlement, and
- c) Setting a precedent.

CONSULTATION RESPONSES

Parish:

Berkeley Town Council agrees in principle to the application but only for a maximum of eight dwellings, in order to provide extra parking on site. The Council asks that the developer provides flood mitigation measures. The Council wishes to make the developer and the planning authority aware that there will be an increase in traffic on Lynch Road from the soon to be opened college nearby and any overspill parking from this new development could cause traffic problems.

SDC Housing Strategy Manager:

I am pleased to be able to support this application on the grounds that it is for 10 affordable homes to meet the identified needs of Berkeley. Lynch Road, as an exception site, will require a legal agreement giving priority to people with a strong local connection. There is an undersupply of affordable housing throughout the District – the Strategic Housing Market Assessment 2009 calculated this as a net need for 492 affordable homes per annum.

SDC Environmental Health Officer: No objection subject to conditions.

SDC Ecological Consultant:

Note: A second response to consultation is awaited following the receipt of additional information and a revised site layout.

First response: GCER were not consulted to provide records of protected and notable species within the zone of influence of the proposals, which would have assisted with the evaluation of ecological features, notably herpetofauna (reptiles and amphibians) and bats.

The northern boundary hedgerow is likely to be of intrinsic value to biodiversity and may also provide a valuable ecological corridor for wildlife, including foraging and commuting bats. It also links Sarah's Field (which is to be managed for the benefit of wildlife), to the wider landscape; the applicant also needs to ensure that the scheme will not adversely affect the long-term biodiversity interest of Sarah's Field.

The hardstanding around Unit 8 and the gardens of Units 8 and 9/10 appear to directly abut the northern hedgerow. This could lead to inappropriate management and damage to the hedgerow during the construction and operation phases of development. This could affect the intrinsic biodiversity value of the hedgerow itself as well as its potential value to foraging and commuting bats. A buffer of at least 3m is therefore recommended to protect the hedgerow and provisions should be put in place and conditioned to ensure that the hedgerow is managed sensitively for wildlife in the future, potentially in conjunction with those responsible for the management of Sarah's Field. (Officer note: The revised site layout provides the buffer required).

No consideration has been given to the potential effects of pollution during the construction and operational phases on the watercourse identified 50m to the north of the site.

Should SDC be minded to grant planning permission, the specific (herpetofauna) and generic mitigation measures suggested under “Conclusions and Recommendations” in the Ecology Report will need to be secured through planning conditions.

Some soft landscaping and infill hedgerow planting using native species is proposed.

SDC Water Resource Engineer: No objection subject to conditions.

Environment Agency: Consultation not required – Standing Advice applies, which seeks the imposition of suitable conditions

Gloucestershire County Highways: No objection subject to conditions.

Natural England: No objection in so far as the proposal relates to the Upper Severn Estuary and Severn Estuary Site of Special Scientific Interest (SSSI).

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. The application provides for an extensive green infrastructure.

Wales and West Utilities: No objection

Neighbour notifications:

A Statement of Community Involvement was received as part of the application, detailing comments received in a public meeting held prior to the submission of the application. These are available to view online.

11 representations have been received following the submission of the application, including from the James Orchard Development Group (JODG), which states that it was set up to ensure that any development outside and to the west of the Berkeley settlement boundary is appropriate and that the environmental impact is fully considered. JODG does not provide any information on the extent of their membership nor their representation. Relevant planning issues raised:

Principle of development

- The proposal does not form part of the emerging Local Plan

Flooding and foul water drainage

- Adjacent to a flood plain, with impact from run-off affecting cottages further down Lynch Road and properties in James Orchard
- Associated issues of storm damage to the river bank at Sharpness
- Natural England will not support the scheme due to proximity to the River Severn (officer note: Natural England have responded with no objection)

- Flooding from an adjoining ditch occurred in 2012 in addition to flooding recorded by the Environment Agency
- Risk of affordable housing occupants being faced with insurance premiums that are not affordable due to flood risk
- Existing FWD system cannot cope following heavy rain

Highways

- Inadequate visibility due to the existence of a blind summit in one direction and a blind corner in the other
- Traffic to increase with the opening of the Stroud and South Gloucestershire College engineering campus at the former Berkeley Power Station in September 2016
- Continuing HGV traffic to / from Berkeley Power Station
- Inadequate levels of parking proposed (officer note: amended plans received)
- Inadequate parking at James Orchard
- Parking on Lynch Road affects visibility when exiting James Orchard
- Speed of traffic on Lynch Road
- Lynch Road is a single lane road due to on-street parking
- Stroud DC's adopted parking standards are inadequate
- Older houses on Lynch Road do not have garages or driveways and have to park on the road
- Newer properties on Lynch Road with garages or driveways chose to park on the road
- Suggested introduction of a 20mph speed limit on Lynch Road in this area

Siting, design and layout

- Overdevelopment of the site with 10 dwellings proposed
- Proximity of some units to existing dwellings
- Lack of screening
- Too much screening
- Loss of light
- Eyesore
- Loss of privacy with potential for overlooking from windows in a side elevation
- Loss of amenity with potential for blank brick walling to a side elevation (for the same unit as the above comment)

Affordable Housing Need

- No objection to the development of affordable housing on this site
- Existing proposals and allocated sites in Berkeley and Sharpness will provide a significant number of affordable homes
- Demand possibly not accurately surveyed
- Rural exception sites should only be used for specific local need

Ecology

- Inadequate recording for the potential for Great Crested Newts

Archaeology

- Potential existence of archaeological remains

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 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 1 (Paragraphs 18-22) of the NPPF are committed to securing economic growth to create jobs and prosperity. Government is dedicated to ensuring that the planning system does everything possible to support sustainable economic growth.

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 4 (Paragraphs 29-41) of the NPPF promote the need for sustainable transport. It outlines Governments objectives with regard to offering people access to a real choice about how they choose to travel. It requires access to sustainable transport modes and recognises that sustainable transport solutions will vary from urban to rural areas. Local Plan Policy GE5 maintains highway safety including public rights of way. Policy TR1 details the Councils parking standards. Submission Draft Policy CP1 is also of relevance.

Chapter 6 (Paragraphs 47-55) of the NPPF establishes Government's objectives for housing provision and allows for a rolling 5 year housing supply (plus 5% additional buffer). It also considers the location of new housing in sustainable locations with the requirement for affordable housing provision. Local Plan Policies HN4 and HN5 (Submission Draft Policy CP9) detail the Council's requirements for affordable housing and their integration.

Local Plan Policies NE4, NE5, NE6 and NE7 seek to protect and enhance the habitats of protected species and provide a framework for considering the impact on protected species and natural features.

Local Plan Policies TR1, TR2, TR6, TR7 and TR12 aim to reduce car journeys and promote sustainable locations and developments.

Chapter 7 (Paragraphs 56-68) of the National Planning Policy Framework (NPPF) stresses the importance of quality design in the provision of sustainable development. It stresses Government's objectives for inclusive design, innovation and raising design standards. Submission Draft Policies of relevance include CP8 (New Housing Development) and CP14 (High Quality Sustainable Development), reflecting the NPPF.

Chapter 10 (Paragraphs 93-108) of the NPPF establishes Government objectives in supporting the delivery of a low carbon future which would aid in reducing greenhouse gas emissions, minimise vulnerability and provide resilience to the impacts of climate change. This chapter considers the implications of development on areas prone to flooding by virtue of proximity to watercourses or management of surface water.

Chapter 11 (Paragraphs 109-125) of the NPPF details Government 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. Also of relevance are Submission Draft Policies CP14 and ES7.

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

For the full content of the Stroud District Local Plan policies (adopted November 2005) above together with the preamble text and associated supplementary planning documents are available to view on the Council's website <http://www.stroud.gov.uk/planning>

Full details of the NPPF are available to view at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

The application has a number of considerations which both cover the principle of development and the details of the proposed scheme. These considerations can be summarised as the following:

- Principle of Development
- Affordable Housing
- Sustainability
- Land Supply
- Ecology
- Highway Safety and Parking
- Amenity
- Flood risk

Principle of Development and Affordable Housing

The site is outside the defined settlement boundary for Berkeley. However, the proposal is for 100% affordable housing. This is classed as a 'Rural Exception Site' within NPPF Para 54. This states that Rural Exception Sites can bring forward significant additional affordable housing to meet local needs.

A Rural Exception Site is defined as:

"A small site used for affordable housing in perpetuity, where a site would not normally be used for housing. Rural Exception Sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection."

This provides a framework in which to consider the principle of this development.

The scheme is to be secured in perpetuity by a Section 106 agreement. Whilst the site is outside the defined settlement boundary, the Local Housing Needs Survey shows a significant demand for affordable housing both in the Parish and District. Further, the Policy Implementation Manager has supported the proposal, subject to the S106 agreement that the scheme will be developed specifically to meet local demand.

Strategic Objective SO1 in the emerging Stroud District Local Plan 2014 seeks to maintain and improve the provision of affordable housing in our communities. The preamble to Core Policy CP9 recognises that affordability is expected to worsen over the next 20 years, increasing the impetus for a greater supply of affordable housing within the District. Delivery Policy HC4 supports development of rural exception sites where the following can be satisfied:

- The proposal is in a settlement which is third tier or above
 - Berkeley is a second tier settlement
- There is clear evidenced local need
 - There is an undersupply of affordable housing throughout the district, identified as a net need for 492 affordable homes per annum.
- The site is accessible to a range of local services
 - The town's post office and other shops are within a quarter mile
 - The local primary school and doctor's surgery are within half a mile
 - A bus stop adjoins the site on Lynch Road, linking Berkeley to Cam and Dursley rail station on bus route 207, and thereby linking to Gloucester and Bristol Parkway

- Is not subject to any other overriding environmental or material planning constraint
 - This is satisfactorily addressed elsewhere in this report
- The site will be subject to a legal agreement to secure use of the site for affordable housing for local need in perpetuity
 - This is proposed in the recommendation
- Gross internal floor area complies with recommended standards used by the Government's Homes and Communities Agency
 - This is confirmed by the agent as complying with the HCA 2015-18 prospectus, an increase in area over the previous guidelines

SDC's Draft Housing Strategy 2014 states that, in determining what size of affordable housing is required, the SHMA calculates that the highest need in the District is for two bedroom houses, followed by one bedroom flats and three bedroom houses. The proposal includes a mix of units for each of these needs.

A planning application for Berkeley and an allocated site in Sharpness include affordable housing provision. However, they have not been granted permission or formally approved as an allocated site. Should they be granted, they will be allocated on the basis of need rather than local connection.

Sustainability

The site is outside although adjacent to the settlement boundary for Berkeley, but is positioned adjacent to and opposite existing housing. The site has easy access to facilities within the town, as identified within the review of the Rural Exceptions Site criteria, above, indicating a degree of sustainability. Whilst it is acknowledged that there could be some reliance on the car in this semi-rural location, this is not considered to be so significant such as to warrant refusal.

Land Supply

The National Planning Policy Framework (NPPF) requires Local Planning Authorities to have an up to date five year supply of deliverable sites and this development will contribute towards the five year supply of housing land.

Ecology

The site is rough grassland bounded by hedgerows and overgrown brambles and as such an ecological walkover survey was completed in July 2014 and submitted alongside the application.

The survey identified that the established northern boundary hedgerow was of some value and appears from a recent site inspection to include blackthorn, hawthorn, elder and elm. Species recorded on the site are common or abundant in the UK, with no evidence of protected species being found.

Following the receipt of comments from the District's Ecological Consultant, a revised site layout has been received which reduces the overall size, footprint and location of Units 8, 9 and 10, in order to ensure that a 3m buffer is provided to protect the northern hedgerow. The hedgerow against James Orchard has been retained, or replanted. It has now matured, providing important foraging and habitat for migrating wildlife.

The applicant's Ecological Consultants recommend that all works should be supervised by an ecologist and completed during the appropriate time of year when all species of herpetofauna are fully active. The applicant has agreed to the imposition of a condition to comply with this requirement.

The revised layout provides a satisfactory solution in full accord with the NPPF and the Local Plan and a condition is also proposed seeking to ensure that the hedgerow is retained and maintained in perpetuity.

Highway Safety and Parking

Valid concerns have been made to both the speed and the future quantity of traffic using Lynch Road, particularly once the new college campus has opened at the former Berkeley Power Station. However, the County Highway Authority have responded with no objection in principle, subject to conditions.

Parking standards proposed on the site meet the District's adopted parking standards.

Amenity

The nearest neighbouring properties are at James Orchard, along the site's eastern boundary. Four dwellings in that development abut the application site. One of the four faces the site and others have principal windows overlooking from upstairs rear elevations. The distance from the nearest point of the facing dwelling in James Orchard to plots 8-10 is 14.8m. However, this is to the single storey element of plots 8-10; it is 16.8m to the 2 storey element. This is a reasonable distance between dwellings. External ground levels around the facing dwelling at James Orchard are at approximately 9.6m AOD. The proposed units will have a finished ground floor level of 9.5m AOD subject to +/- 50mm tolerance for detailed road and drainage design.

The proposal places car parking along the eastern boundary of the application site, which provides a separating distance of approximately 15m between the other three dwellings on James Orchard and proposed dwellings, again achieving an acceptable standard of separation.

Flood Risk

The Environment Agency's records identify flooding of the site in 1968 and 2000. Local residents have identified further flooding on the adjacent field in 2012.

The agent's submitted Flood Risk Assessment by Infrastructure Design Studio, dated 14 November 2014, states:

The site benefits from a series of flood defences such that in the defended flooding case modelled by the EA there is no flooding anticipated at the site for a flood return period of at least 1:200 years (0.5% annual probability).

In the undefended case, i.e. during a serious breach of defences, flooding to level 9.61m AOD is predicted when the return period approaches 1:1000 years. For a 1:200 year return period (undefended) the modelling again suggests there would be no flooding.

The above figures confirm that the northern extremes of the site have a flood risk of somewhere between 1:200 (0.5% annual probability) and 1:1000 (0.1% annual probability), which results in the designation of Flood Zone 2. Flood Zone 3 is indicated immediately to the north of the site boundary.

The EA have supplied historic flooding information which we consider to be flawed as the extent of flooding does not follow topographical contours. Instead it appears that whole land parcels have been shaded as though they are at a similar level of risk, which is clearly misleading. Notwithstanding this anomaly we have been made aware of anecdotal evidence of flooding to the north of the site and have therefore taken the precautionary approach of analysing the EA flood data to try and establish the most accurate level in m AOD for the zone 2 flood extent.

The EA have stated that there is no flooding on the site for a 0.5% annual probability undefended flood event. We can therefore assume that the 200 year flood level is, at worst, the ground level at the northern site boundary. From the site topographical survey the general ground level at the site boundary is 8.9m AOD. This has therefore been assessed as the 200 year flood level (this is considered conservative as there are parts of the site along the extreme northern edge that are below this level).

The lowest floor level of the houses is Plot Number 8 at 9.45m AOD i.e. 550mm above the assessed 1:200 flood level. The remaining plots have floor levels of at least 9.57m AOD or 670mm above the assessed 1:200 flood level.

In accordance with current EA standing advice for 'More Vulnerable' development in Flood Zone 2, the applicant has agreed that the floor level of Plot 8 can be raised by 50mm to 9.5m AOD, thus ensuring that all properties have at least 600mm freeboard above the 200 year flood level. This will confirm that the post development tidal flood risk is low and therefore meets the requirements of the NPPF. We suggest that Stroud DC may wish to incorporate the floor level constraint into a suitable planning condition.

Other sources of flooding, including local drainage exceedance flows, flooding from land, groundwater and artificial sources, produce no or very low flood risk. Site run-off rate will be attenuated as agreed with Wessex Water, so there will be no post-development impact on storm flows in downstream drains and watercourses for all storm events up to the 30 year (3.33% annual probability) storm including 30% allowance for climate change.

CONCLUSION

The proposal has been revised in order to satisfy parking and ecological requirements, and to address neighbour concerns about overlooking or overbearing. Details of design are satisfactory and the scheme raises no objections in principle from statutory consultees.

SI 2274 STATEMENT

The case officer contacted the agent and negotiated changes to the design which has enhanced the overall scheme; these have been detailed above.

RECOMMENDATION

The proposal is considered to comply with the provisions of Policies GE1, GE5, HN8, HN4, HN5, NE4, BE5 and NE10 and of the adopted Stroud District Local Plan, November 2005, the guidance contained with the NPPF and Supplementary Planning Documents. The proposal will not significantly adversely affect the amenities currently enjoyed by neighbouring occupiers. The design, scale and size of the development are in keeping with the surrounding area. The plot size is able to accommodate the proposal without appearing cramped or overdeveloped. Sufficient space remains available for the parking of vehicles in accordance with the Council's adopted Vehicle Parking Standards. The materials are sympathetic to the surroundings and the proposal would have no significant landscape impact.

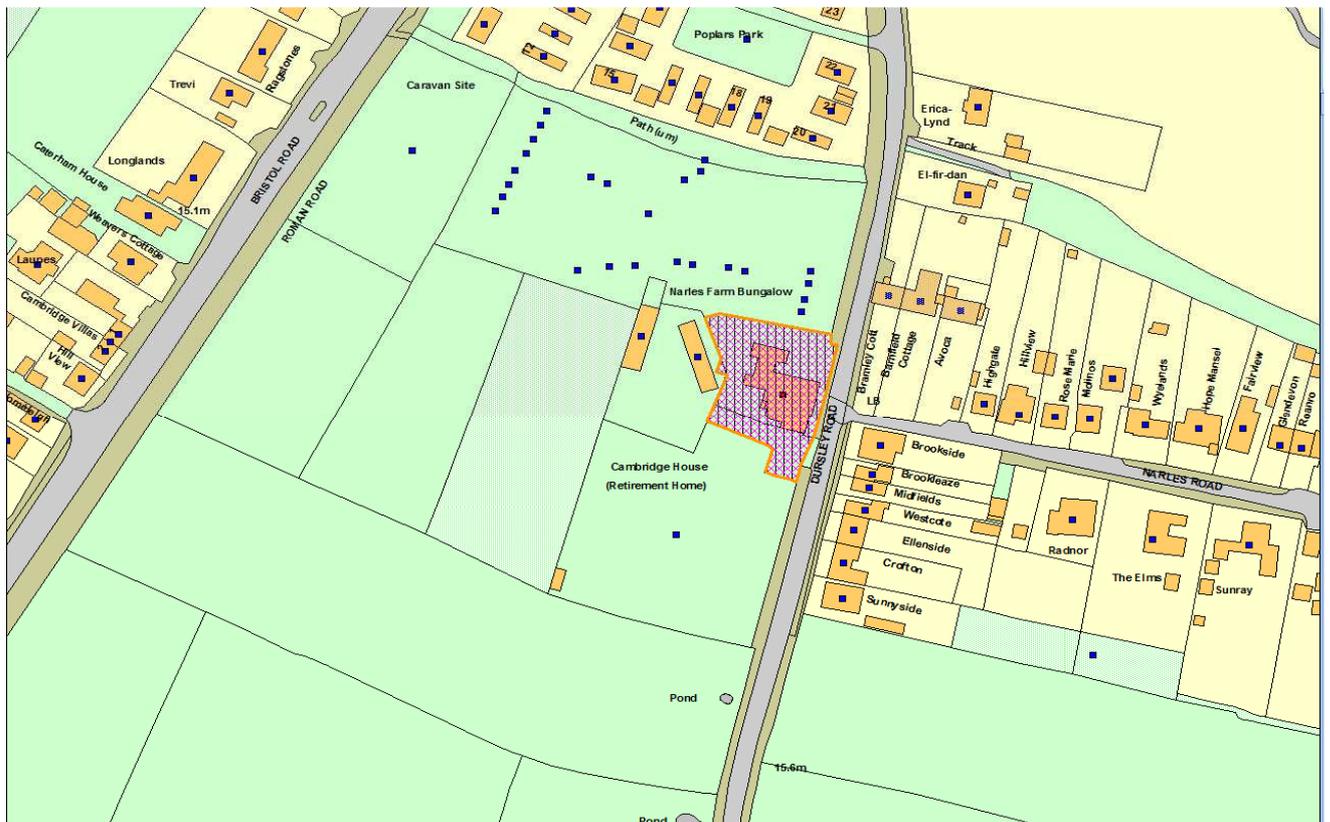
Recommended:

That, subject to the completion of a S106 legal agreement seeking to ensure provision of the houses as affordable homes for people with a strong local connection in perpetuity, planning permission be GRANTED.

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.14/2439/VAR
Site No.	PP-03751342
Site Address	Cambridge Nursing Home, Dursley Road, Cambridge, Gloucestershire
Town/Parish	Slimbridge Parish Council
Grid Reference	374925,203337
Application Type	Variation of Condition Inc Renewals
Proposal	Removal of Condition (e) of permission S.12831/A (use of the building)



Applicant's Details	Mr Jasbir Baryah 22 Regent Street, Bristol, BS8 4HG, ,
Agent's Details	Mr George Oxford 4 Bruton Place, Clifton, Bristol, BS8 1JN,
Case Officer	Rachel Brown
Application Validated	24.10.2014

	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 Risk Assessment Statement (Ref: Doc 1.RA Dec 2014) of 12/01/2015</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans, in the interests of good planning, and in the interests of the amenities of neighbouring occupiers, in accordance with Policy GE1 of the adopted Stroud District Local Plan and the Core planning principles of the NPPF.</p>
	CONSULTEES
Comments Received	Parish / Town
Not Yet Received	Community Safety (E)
	CONTRIBUTORS
Letters of Objection	<p>G Kemmett, 80 Uley Road, Dursley P And M Hobbs, Hope Mansel, Narles Road, Cambridge, Mr And Mrs J Chandra, Molinos, Narles Road N Squire, Midfields Dursley Road, Cambridge N Hunt, Wenvoe, Alkerton Rd, Eastington, Stonehouse, Mrs F Payne, Ellenside, Dursley Road D Stayte, 2 Upper Mill, Dursley Road Mr And Mrs J Chandra, Molinos, Narles Road W And A Hutchings, Wyelands, Narles Road Mr and Mrs Squire, Midfields, Dursley Road Mr And Mrs Jenner, Brookside, Dursley Road D Wheatley, The Cottage, Dursley Rd, Cambridge, Glos, Mr & Mrs S. C Bidwell, Narles Road, Cambridge Mr Mike Stayte, Avoca, Dursley Road, Cambridge, Gloucester Mr & Mrs C.J.Hoskins, 18 Poplars Park, Dursley Road Keedwell, Cambridge Mill House,, Dursley Road, Cambridge Slimbridge Parish Council, 23 Tennyson Road, Dursley</p>
Letters of Support	
Letters of Comment	L Brannon
	OFFICER'S REPORT

DESCRIPTION OF SITE

This is a two storey brick and rendered building that fronts onto Dursley Road. To the north of the site is newly constructed development; to the east the Dursley Road; to the south agricultural land; and to the west Narles Farm Bungalow and associated land.

The site is outside the defined settlement boundary of Cambridge and not within any sensitive landscape designation.

PROPOSAL

This application seeks to remove condition (e) of permission S.12831/A to allow the use of the existing nursing home by Gladstones Clinic Ltd, which specialises in the treatment of compulsive behaviours and addictions.

REVISED DETAILS

None

MATERIALS

N/A

RELEVANT PLANNING HISTORY

S.12831/A - Change of use of existing house to residential home for the elderly with associated staff accommodation - Permission 07/01/86

96/828 - Erection of two storey extension to provide additional bedrooms and kitchen, formation of car park and landscaping. (Revised plans received 29/10/96) - Approved 14/11/96

99/1104 - Change of use of staff accommodation to form separate dwelling - Permission 09/11/99

S.09/0257/FUL - Part demolition and extension of nursing home - Permission 14/04/2009

S.12/0197/VAR - Replacement of S.09/0257/FUL. Part demolition and extension of nursing home - Permission 18/04/12

CONSULTATION RESPONSES

Public

Numerous letters of objection from local residents have been received in relation to this proposal.

In summary the Objections relate to:

- o Unsuitable use for area
- o Extensive renovations already taken place
- o Additional vehicle movement
- o Security and safety concerns
- o Proximity to existing residents homes and loss of value

- o Disturbance and noise concerns
- o Diminishing character of the rural area
- o Lack of infrastructure and supporting facilities
- o Changes made to building then application submitted
- o Not ideal neighbour to family homes
- o Very tall ugly fencing
- o Proximity to police/ambulance services
- o Concerns about other possible future uses/lack of restriction
- o Current condition restricts appropriate use and should remain
- o Increase potential of new business to have negative impact on neighbours
- o Potential to increase traffic/road safety concerns
- o Residents will have uncertainty about use of building/possible other future users if current business model unsuccessful
- o Potential buyers on adjoining site pulling out
- o Threat to community
- o Lack of risk assessment
- o De-value properties
- o Loss of privacy/overbearing effect
- o Unsustainable/lack of facilities within Cambridge
- o Works carried out prior to obtaining permission
- o Site not suitable for requirements set out in Gladstones brief

A number of letters of comment have also been received. The comments raised relate to:

- o How will SDC and developer ensure there is little impact on elderly residents
- o How does application support local plan
- o How will the local people benefit
- o SDC need to ensure balance in decision making between commercial benefit, social and environmental and community needs
- o Increase in traffic/parking
- o Availability of infrastructure
- o Proximity to residential area
- o Associated problems for neighbours
- o Can SDC confirm the mapping/intelligence gathering that is supporting its decision
- o Question accuracy of submitted information
- o Works carried out prior to obtaining permission

Parish

Slimbridge Parish Council object:

- o Rehabilitation centre not the right type of business for Cambridge
- o No risk assessment undertaken to consider risk to local community
- o Plans do not recognise development in the immediate vicinity
- o The current construction, including 8ft fencing, changes the appearance of the area, detrimental to its rural character
- o The road is in poor condition; further traffic to this development will continue to deteriorate road

Consultations

Community safety - No response received

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.

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) of the NPPF seeks to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Chapter 8 (paragraph 69) of the NPPF seeks to promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Paragraph 203 of the NPPF confirms Local Planning Authorities should consider whether a condition is essential to make otherwise unacceptable development acceptable. Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

INTRODUCTION

In 1986 planning permission was granted for the Cambridge Nursing Home subject to a condition restricting it to the care of the elderly only. A nursing home is within Class C2 of the Use Classes Order. There is no permitted change from Class C2 to any other Use Class.

This application seeks permission for the removal of that condition to allow the use of the nursing home by Gladstones Clinic Ltd, a private residential rehab and detox clinic. This application should only involve consideration of the condition not the other elements of the original permission.

The proposed use also is within Class C2 and therefore does not constitute a material change of use, however this is not permitted due to the restrictive condition attached in 1986. The clinic would cater for a maximum of 12 at any one time, with a residency period of 4-6 weeks. The clients are from private backgrounds and pay for their own treatment. Gladstones have confirmed that they do not work with or receive clients from Social Services. A Risk Assessment Statement has been submitted with the application.

PRINCIPLE OF DEVELOPMENT

The building's intended and proposed uses are within Class C2 which covers Residential Institutions. This includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. This building is restricted by condition to a residential home for the elderly.

The reason attached to the original condition was "to enable the Local Planning Authority to retain control over the use of the premises". The case officer's report lacks any detail, with no explanation or justification for the condition other than to control the use of the premises. No reference was made to any particular policy. The application was granted in 1986 when officer reports were typically brief compared to reports produced now. The application applied for a residential home for the elderly, so it can only be assumed that the condition merely reflected that use.

This condition pre-dates Circular 11/95 and the NPPF. It is unlikely that a condition would be sufficiently robust to withstand the criteria set by Circular 11/95 and the NPPF (paragraph 206). Paragraph 206 states that "planning conditions should only be imposed where they are: 1. necessary; 2. relevant to planning and; 3. to the development to be permitted; 4. enforceable; 5. precise and; 6. reasonable in all other respects." The NPPG explains that a condition must not be imposed without a definite planning reason i.e. it is needed to make the development acceptable in planning terms.

Class C2 Residential Institutions, relates to uses required for the provision of residential accommodation and care to people in need. Care is defined in Article 2 of the Order as "personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment."

Whilst the Government has divided up Class A of the Uses Classes Order to specifically deal with residential amenity concerns, however there is no such division in Class C with all residential institutions falling into the same use. This would suggest that the Government's approach is that all such uses have similar planning implications.

The current use of the building is restricted to elderly care and the proposed use is for the care of individuals with compulsive behaviours and addictions. It must be asked; what if any, is the difference in material planning considerations, between the proposed use and the extant use?

RESIDENTIAL AMENITY

No external physical alterations are proposed to the building. The essential difference between the residents of the nursing home and those of the proposed use is their age and the period of occupancy. The proposed residency period for each client is approximately 4-6 weeks. Whilst Circular 11/95 has been superseded by the NPPF and NPPG, it stated that planning controls are concerned with the use of land rather than with the identity of the user, and therefore the question of who is to occupy premises will normally be irrelevant.

Gladstones Clinic has been established for over 15 years and run a notable centre in Bristol. A Risk Assessment Statement has been submitted with the application, detailing the control measures in place to ensure safety and good practice. The clients are screened prior to admission and expected to follow rules and boundaries throughout their time within the clinic. All residents are not permitted to consume any drugs or alcohol with random testing conducted to ensure compliance.

Gladstones operate a zero tolerance policy when it comes to threatening or aggressive behaviour and any clients discharged from the clinic as a result of their behaviour, would be escorted back to their home area immediately. The level of detail submitted shows the commitment of the company and their philosophy. It should also be noted that whilst the individuals that use the service are not permitted to leave the premises, they are there voluntarily and therefore likely to be highly motivated to make changes to their lives.

The normal test of an application for rehabilitation/care homes in residential areas is whether the proposed use would jeopardise the character and/or amenity of the area. It is also recognised that the introduction of a rehabilitation use into the existing established residential area has led to an objection from the Parish Council and local residents and these concerns raised are a material consideration.

Whilst the objections raised are well understood, the residents of the care facilities would be unlikely to pose a health and safety risk and the proposed use would be unlikely to significantly increase noise, disturbance or anti-social behaviour and the change of use of the building would not have any material impact on residential amenity.

DESIGN/APPEARANCE/IMPACT ON THE AREA

No external physical alterations are proposed to the building. The internal refurbishment proposed is not development and therefore not a material consideration. The close boarded fencing that had been erected to the front of the building has now been removed.

In terms of physical changes, there would be no tangible change to the area through the different use.

HIGHWAY SAFETY

In terms of the Council's adopted car parking standards, the extant and proposed uses are within the same land use. The existing parking provision and vehicular access remain unaffected by this proposal, and it is considered that there is sufficient parking for staff and visitors on site. Moreover, Gladstones have confirmed that clients are not allowed to bring vehicles to the property; and thus the only likely traffic generation/parking implication of the use would stem from staff/visitors. Approximately 16 new staff will be employed at the site. It is considered that the proposal would not be detrimental to highway safety.

REVIEW OF CONSULTATION RESPONSES

Many letters of objection have been received in response to the application and these are available to view on the electronic planning file.

The objections and comments raised have been duly noted and considered in full in the main body of this report.

CONCLUSION

This application has raised many concerns from local residents and the Parish Council. The main objection is to the suitability of this type of use within Cambridge, particularly given the proximity of the site to neighbouring residential properties.

However, it should be asked, what is the most appropriate location for a rehabilitation clinic? The site has neighbouring residential properties; however from the information provided by Gladstones, it is clear that there are control measures in place to ensure safety and good practice. To reassure residents and the Parish Council, a condition requiring the development to be carried out in accordance with the submitted Risk Assessment Statement is considered reasonable.

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

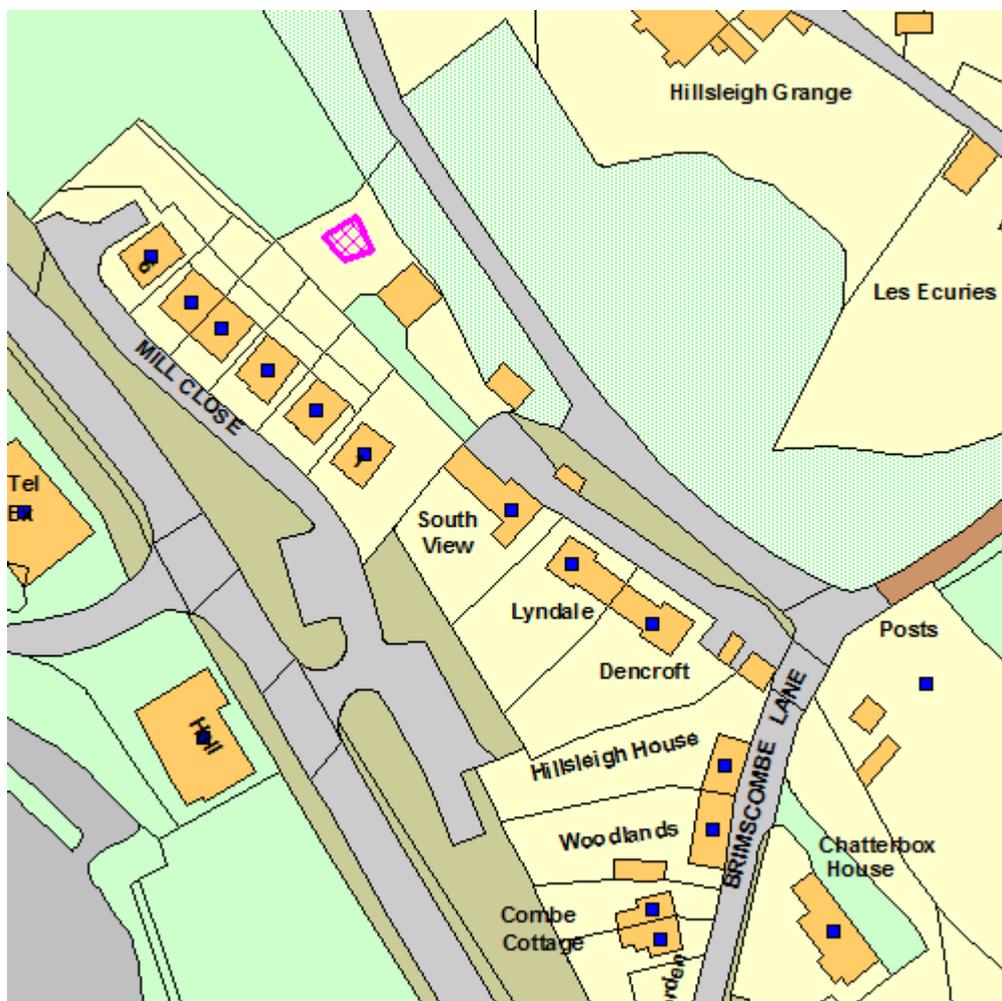
SI 2274 STATEMENT

The case officer was in regular contact with the agent and the community, acting in a positive and proactive manner, seeking dialogue and solutions. Copies 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:	03
Application No.	S.14/2184/OUT
Site No.	
Site Address	Land At Southview, Brimscombe Lane, Brimscombe, Gloucestershire
Town/Parish	Brimscombe And Thrupp Parish Council
Grid Reference	386700,202603
Application Type	Outline Planning Permission
Proposal	Two-storey dwelling.



Applicant's Details	Mr Ian Ruther Southview, Brimscombe Lane, Brimscombe, Stroud, Gloucestershire GL5 2RF
Agent's Details	None

Case Officer	Sarah Carruthers
Application Validated	14.10.2014
	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<ol style="list-style-type: none"> 1. Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004. 2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. 3. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. Reason: In the interests of the visual amenities of the area and to comply with the provisions of the NPPF. 4. The landscaping scheme to be submitted for the approval of reserved matters shall include details of all boundary treatments and retaining walls and structures and the scheme shall be implemented in accordance with the approved details. Reason: In the interests of the visual amenities of the area and to comply with the provisions of the NPPF.

	<p>5. 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 the principles of the NPPF.</p> <p>6. The details to be submitted for the approval of reserved matters shall include details and plans showing the finished slab level of the dwelling hereby permitted, including cross sections through the site, showing the relationship with adjoining land or highway. The development hereby permitted shall then only be carried out in accordance with those approved details.</p> <p>Reason: In the interests of the amenities of the area and to accord with the provisions of the NPPF and Policy GE1 of the adopted Stroud District Local Plan, November 2005.</p> <p>7. The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site for the dwelling and the dwelling hereby permitted shall not be occupied until those facilities have been provided in accordance with the approved plans and shall be maintained available for those purposes thereafter.</p> <p>Reason: To ensure a safe and suitable access is provided in accordance with Policy GE5 of the adopted Stroud District Local Plan and paragraph 32 of the NPPF.</p> <p>8. Before the development is brought into use a strategy for managing surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority and the works as approved shall thereafter be similarly maintained.</p> <p>Note: the details should ensure the surface water runoff does not exceed the 1:100 + 30% Greenfield equivalent.</p> <p>Reason: To ensure adequate surface water drainage is provided in accordance with the provisions of the NPPF.</p>
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	<p>9. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Monday to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Council Local Plan Policy GE1 and in accordance with the provisions of Circular 11/95.</p> <p>10. The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Council Local Plan Policy GE1 and in accordance with the provisions of Circular 11/95.</p> <p>11. The details to be submitted for the approval of reserved matters shall include full plans of the proposed alterations/garage conversion to outbuilding 3 (as shown in approved plan received). The approved works shall be carried out prior to the occupation of the dwelling hereby permitted.</p> <p>Reason: In the interest of the visual amenities of the site and the provisions of the NPPF(7).</p> <p>12. 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 23/09/2014</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>Informatives:</p> <p>1. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or</p>
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	<p>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 or fume complaints be received. For further information please contact Mr Dave Jackson, Acting Environmental Protection Manager on 01453 754489.</p> <p>2. In accordance with the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner.</p> <p>3. The applicant is advised to contact Wales and West Utilities directly to discuss their requirements (Tel. 02920 278912)</p>
	CONSULTEES
Comments Received	Mr David Lesser Parish / Town Environmental Health (E) Contaminated Land Officer (E)
Not Yet Received	Severn Trent Water Ltd (E)
	CONTRIBUTORS
Letters of Objection	P Hancock, 5 Mill Close , Brimscombe A And J Burt, 4 Mill Close, Brimscombe Brimscombe And Thrupp Parish Council, 11 Broadstone Close, A Resident, Brimscombe, S And J Jarvis, 1 Mill Close,, London Road,
Letters of Support	
Letters of Comment	G.O'Connell, 2 Mill Close, Brimscombe
	OFFICER'S REPORT

DESCRIPTION OF SITE

This is a plot of land, 1038 square metres, which is part of the residential curtilage to South View. The plot is to the north of Southview, with the row of properties in Mill Close bordering the southwest boundary. The plot has its own vehicular access off Thrupp Lane, which runs alongside the north-eastern boundary of the site and is marked by a 2m high timber fence. Within the steeply sloping site are a number of outbuildings including a large flat roof building bordering Thrupp Lane and another building/shelter at a lower level. The nearby Conservation Area lies to the south west of the site on the opposite side of London Road.

PROPOSAL

An outline application to erect a single, two storey dwelling.

All matters are reserved however, additional details regarding the access have been submitted. The existing access at the southeast corner of the site onto Brimscombe Lane is proposed to be altered. Two of the three outbuildings on the site are proposed to be retained, with one converted into a garage.

REVISED/ADDITIONAL PLANS

Additional plan has been requested confirming alterations to access, outbuildings to be retained and the precise siting.

RELEVANT PLANNING HISTORY

S.12/0531/HHOLD Permission granted for erection of single storey steel clad shed (Retrospective)

03/249 Permission granted for retrospective application of the erection of a conservatory, decking and 3m high fence.

01/938 Permission granted for construction of a 2m high boundary fence to replace fallen stone wall.

00/1196 Permission granted for retrospective application for open fronted shed.

CONSULTATION RESPONSES

Public

A number of objections from local residents have been received; the objections include:
outside settlement boundary and contrary to local policy
exacerbate existing drainage problems
impact on land stability
dust, noise and disturbance during construction
impact on ecology
other issues were raised but are not valid planning considerations

Parish

Strongly objects to this outline planning application as it considers that it is inappropriate development outside of the settlement boundary. Furthermore it has major concerns about the proposed access as it does not consider that the proposed visibility splay is sufficient to allow safe access to and from the proposed dwelling.

Consultations

Contaminated Land - no comments

EHO - hours of construction and dust scheme conditions and no burning informative

Water Resources Officer - No objection, however the reserved matters should include a strategy for managing surface water runoff to ensure that it does not exceed the 1:100 + 30% Greenfield equivalent.

Wales and West Utilities - no objection but applicant is advised to contact them to discuss their requirements

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

In considering this application, the provisions of the National Planning Policy Framework (NPPF) have been considered as well as Policies GE1, GE5, and TR12 of the adopted Stroud District Local Plan, November 2005 and emerging Policies CP14, ES3 and ES10 of the Stroud District Local Plan: Submission Draft December 2013.

The NPPF sets out guidance with the presumption in favour of sustainable development and along with the emerging Local Plan, accepts that there may be circumstances where certain forms of residential development on sites outside of defined settlements can be regarded as appropriate sustainable development. Emerging Policy CP14 seeks to support high quality sustainable development.

Policy GE1 seeks to protect to amenity of existing and future occupants and Policy GE5 seeks to maintain highway safety, whilst emerging Policy ES3 seeks to maintain a quality of life for residents, which includes amenity and highway safety.

Policy BE6, the NPPF(12) and emerging Policy ES10 seek to conserve or enhance the historic environment.

Policy TR12 seeks to promote sustainable development.

Principle of the development

The site is just outside the defined settlement boundary which borders the southwest and southeast boundaries. NPPF paragraph 14 advises that applications should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Sustainability

Whilst the site is located on the edge of the settlement boundary, it is within easy walking distance of shops and local services, community and leisure facilities, a primary school and good public transport links. The site can be easily accessed by walking or cycling and there is access to local employment, given the proximity to the nearby industrial estates and commercial premises. The occupiers of the property would have easy access to local facilities without the need to travel by car. The sustainability principles in Policy TR1 and the NPPF would be satisfied.

Impact on the Area

The site has an existing domestic use, including various outbuildings and therefore there would be no significant change to the overall character or use of the site. The site is on two levels, with the vehicular access at the southeast boundary and a driveway dropping down through the site in a north-westerly direction. The proposal would involve converting the lower outbuilding into a garage and retaining the larger, upper outbuilding for continued 'hobby' use, as approved under S.12/0531/HHOLD.

The dwelling would be positioned at the northwest end of the site, against the bank that rises to the northeast. This siting is considered to be sympathetic to the local topography and compatible with the layout of the surrounding properties. The proposed dwelling would be set at a lower level to Thrupp Lane and would not be easily visible from this highway or Brimscombe Lane. The dwelling may be visible from London Road and some long distance views, however the dwelling would read as part of the existing settlement and would not cause harm to the appearance of the street scene or to the wider landscape.

The setting of the Conservation Area should not be affected by the proposal due to the distances involved. The proposal would not result in the loss of an important open space or loss of trees that have any significant amenity value.

Ecology

Gloucestershire Centre for Environmental Records has provided details of protected species within the vicinity. However, given the location of the recorded species and that the development is confined to the existing residential curtilage, the ecological impact of the development would be minimal.

Residential Amenity

The proposed dwelling is set back from the neighbouring southwest boundary by 6m. Given the degree of separation and that the properties in Mill Close are located at a lower level, it is considered that the dwelling would not have an overbearing impact or cause overshadowing. The window layout could be arranged so not to cause an unacceptable loss of privacy and the proposal accords with Policy GE1 and ES3(1).

Highway Safety

Brimscombe Lane has a 20mph speed limit. Visibility to the north is restricted when exiting the site and the proposal includes alterations to realign and lower the northeast boundary fence in order to improve visibility for vehicles leaving the site in both directions. The improved visibility splays satisfy standards. The proposal makes use of an existing access and it is considered that the increase in traffic associated with one additional dwelling in this location would not be significant and the proposal would not have a severe impact on highway safety. Sufficient parking and turning facilities could be accommodated within the site and as such, access arrangements are considered to be acceptable and in accordance with the provisions of Policy GE5.

REVIEW OF CONSULTATION RESPONSES

The objections of the Parish Council and neighbours have been noted. Given the existing residential use of the site, the proposal is not considered to have any significant ecological impact. The drainage concerns are noted and a condition is recommended to ensure that surface water drainage is managed satisfactorily.

Concerns have been raised by neighbours regarding the impact the proposed development would have on the stability of their property and gabion walls, as they are located at a lower level to the site. The LPA are not aware of any land stability issues in this location. The Building Regulations stage will determine whether the design of the building and its foundations will allow the safe construction of the building and the developer will have a duty of care. Conditions are recommended regarding dust, noise and disturbance during the construction phase.

CONCLUSION

In light of the above, the proposal is considered to be a sustainable form of development with no significant or demonstrable adverse impacts and complies with the core planning principles outlined in the NPPF and the relevant Local Plan policies.

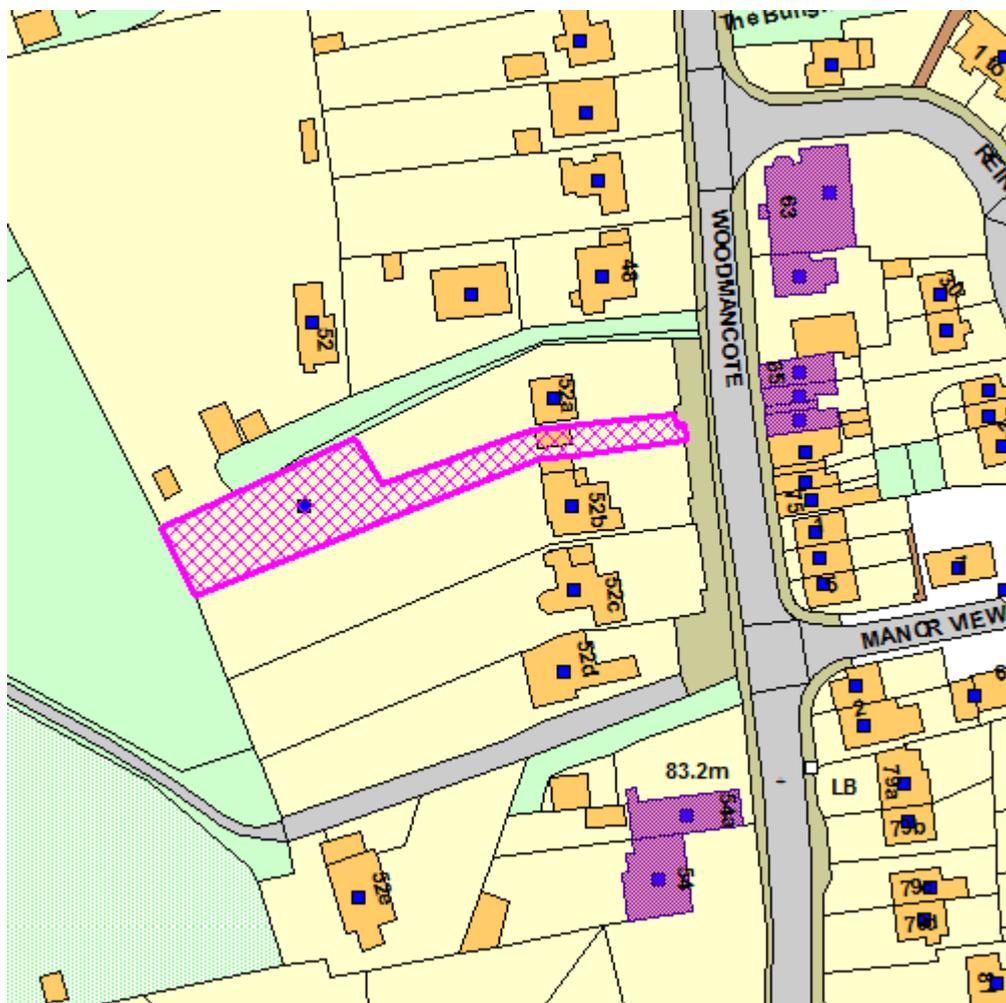
SI 2274 STATEMENT

There was little if any pre-application discussion on this project, and the case officer was in regular contact with the applicant acting in a positive and proactive manner, seeking dialogue and solutions and further clarification. Copies of this correspondence are 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.14/2664/FUL
Site No.	PP-03806890
Site Address	Land At The Rear Of 52A, Woodmancote, Dursley, Gloucestershire
Town/Parish	Dursley Town Council
Grid Reference	375828,197635
Application Type	Full Planning Permission
Proposal	New dwelling and access road with car port.



Applicant's Details	Mr & Mrs Shaw 52A Woodmancote, Dursley, Gloucestershire, GL11 4AQ,
Agent's Details	Simon Littlewood Elevation One Building Design Ltd, 25 Uley Road, Dursley, Gloucestershire, GL11 4NJ

Case Officer	John Chaplin
Application Validated	20.11.2014
	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 19/11/2014 Plan number = 01</p> <p>Site Plan Proposed of 19/11/2014 Plan number = 01 & 03</p> <p>Proposed floor plan of 19/11/2014 Plan number = 04</p> <p>Proposed floor plan of 19/11/2014 Plan number = 05</p> <p>Proposed Elevations of 19/11/2014 Plan number = 06</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 as such thereafter.</p>

Reason:

To enable the local planning authority to ensure the satisfactory appearance of the development, in accordance with Policy HN8 of the adopted Stroud District Local Plan, November 2005.

4. No development shall take place until details of the existing ground levels, proposed finished floor levels of the dwelling 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.

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.

5. No window or door openings (other than those shown on the approved plans) shall be formed in the North (rear) elevation of the dwelling hereby permitted.

Reason:

In the interests of the amenities of the occupiers of adjoining residential property and in accordance with Policies HN8 and GE1 of the adopted Stroud District Local Plan, November 2005.

6. 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.

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.

Informatives:

	<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, Acting Environmental Protection Manager on 01453 754489.</p>
	CONSULTEES
Comments Received	Parish / Town
Not Yet Received	Development Coordination (E)
	CONTRIBUTORS
Letters of Objection	<p>Dursley Town Council, Jacobs House, Castle Street M J Lyons, 50, Woodmancote, Dursley Mr P Staddon, 52 Woodmancote Mr P And Mrs G Purnell, 52C Woodmancote, Dursley Mr D And Mrs. P.A. Brown, Wayside, 52 B Woodmancote P And C J Hale, 52E Woodmancote,</p>
Letters of Support	
Letters of Comment	<p>V Smallwood, 52D Woodmancote, Dursley Mr D And Mrs P A Brown, 52 B Woodmancote</p>
	OFFICER'S REPORT

SITE

The application site is part of the rear garden of 52A Woodmancote with access to the side of the existing dwelling and sharing the existing vehicular access. The land slopes up from the road with site being higher than the existing dwellings fronting the road. The site is located within the settlement boundary.

PROPOSAL

New dwelling and access road with car port and amenity area.

REVISED DETAILS

None

MATERIALS

Walls: Timber and render

Roof: Fibre cement dark grey slates

Fenestration: Grey upvc

RELEVANT PLANNING HISTORY

None

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.

Dursley Town Council: Overdevelopment. Cause overshadowing, loss of light and overlooking. Insufficient plans and does not show a fair reflection of the actual view. Traffic and highway safety concerns - note other applications area refused on highway safety grounds.

GCC Highways: To be reported

Environmental Health: Recommends conditions and informative

Local Residents: a number of objections have been received - Backland development not in keeping with the grain of the surrounding area. Increases housing density disproportionately. Should be set into the bank. Dominate the skyline. Out of scale. Overcrowded.

Highway safety - dangerous access with location of existing on street parking, visibility not within applicant control. Increase traffic and on-street parking problems. Previous refusal because of highway concerns.

Cause overlooking and loss of privacy of neighbouring gardens and houses. Angle of proposed dwelling toward neighbours.

Noise and disturbance - access adjacent to neighbouring property, increased by the gradient.

Area flood in 2007.

Approval would set a precedent for possible ribbon development in this rural area.

Affect market value.

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. The 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 stresses 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 Dursley where there is a presumption in favour of sustainable development subject to design and amenity considerations and to a satisfactory means of access being provided. In this particular case the plot is already in residential use, formerly being part of the residential curtilage of the existing dwelling. Moreover the site is set amongst other residential properties. In this respect the principle of further residential development on the site can be considered acceptable.

DESIGN/APPEARANCE/IMPACT ON THE AREA

The proposed dwelling is a backland style development with access between the existing dwellings. Given this layout, local residents have objected to the scheme considering it would not be in keeping with the character and grain of the area and would increase the density of development. Whilst the immediate neighbours to the South retain long rear gardens, properties to the rear are located on other nearby plots, for example the adjacent dwellings to the North and a few gardens away to the South. The site is slightly elevated compared to the properties that front Woodmancote. However, with the hill, as well as the trees and vegetation to the rear, the scheme will not appear prominent on the skyline. The built form of the properties on Woodmancote will also help screen the site from the main public viewpoints along the street. The proposal would not result in a loss of any notable open space and would not appear overly cramped or overdeveloped. As there is a mix of style and designs to the dwellings on Woodmancote, the scheme should not appear out of character or harm the surrounding area.

The use of timber and render show a contemporary approach. This helps to break up the appearance of the building and would also not harm the wider character of the area.

HIGHWAY SAFETY

The Town Council and local residents have highlighted the potential for an adverse impact on highway safety. The proposal shares the existing access of No. 52A and the agent has shown the visibility from the access meets GCC Highway's standing advice. Whilst the row of on-street parking opposite the access is noted this should help to slow traffic and on-coming traffic would still be within the visibility splay of the access. Comments from GCC Highways Officer are awaited. However, it is felt that the additional for one dwelling is unlikely to have such a severe impact to warrant a refusal.

Sufficient space is available within the plot to provide on-site parking and turning for both the new and existing dwellings.

RESIDENTIAL AMENITY

Local residents have raised concern that the new dwelling will cause overlooking and a loss of privacy. The rear elevation has no first floor windows only high level rooflights. The proposal is set to the rear of the properties that front onto Woodmancote and whilst the new dwelling will introduce some overlooking this is mainly of the large rear garden areas of the neighbouring properties. The orientation of the proposed dwelling follows the garden boundaries, which are slightly towards the neighbours with a difference in levels. However, the neighbouring properties have long rear gardens, which give sufficient separation to maintain privacy.

With the space to the neighbouring properties it is considered the scheme will also not cause significant overshadowing or overbearing problems.

The backland nature of the development does create an access adjacent to the existing properties of the applicant and the neighbour. This will create some additional noise and disturbance but it is considered that as this is only for 1 dwelling it would not be sufficient enough to defend a refusal.

SI 2274 STATEMENT

Little if any pre-application discussions took place on this project, however, the case officer was in contact with the agent, acting in a positive and proactive manner. Further clarification regarding the highway visibility has been provided and 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.