

Development Control Committee

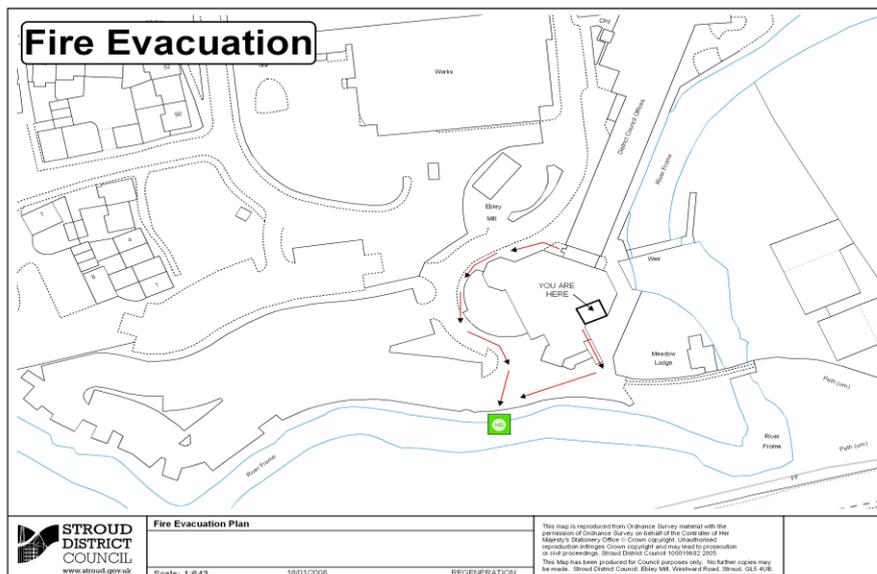
meeting papers

Tuesday, 13 May 2014
6.00 pm



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- Visitors must **not** leave the site until instructed to do so.



For Agenda enquiries contact:	Judy Balfe, Democratic Services and Elections Officer Tel: 01453 754351 Email: judy.balfe@stroud.gov.uk
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1 May 2014

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **Tuesday, 13 May 2014** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **6.00 pm.**



David Hagg
Chief Executive

AGENDA



Please Note: This meeting will be filmed for live or subsequent broadcast via the Council's internet site (www.stroud.gov.uk). 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.

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If you have any queries regarding the above, please contact the officer named at the top of this agenda.

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

To receive Declarations of Interest in relation to planning matters.

3. **MINUTES**

To approve and sign as a correct record the Minutes of the Development Control Committee meeting held on 8 April 2014.

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.

4. DEVELOPMENT CONTROL – PLANNING SCHEDULE

(NOTE: For access to information purposes, the background papers for the applications listed in the above schedule are the application itself and subsequent papers as listed in the relevant file.)

DATE OF NEXT MEETING

Tuesday, 17 June 2014

The Committee Membership for 2013/14 Civic Year is as follows:

Councillor Ken Stephens (Chair)	Councillor David Drew
Councillor John Marjoram (Vice-Chair)	Councillor Paul Hemming
Councillor Liz Ashton	Councillor Haydn Jones
Councillor Dorcas Binns	Councillor Graham Littleton
Councillor Rowland Blackwell	Councillor Stephen Moore
Councillor Nigel Cooper	Councillor Martin Whiteside

The Chair's briefing will take place on **Tuesday, 13 May 2014** at 4.00 pm in
The Planning Office at Ebley Mill.

In the Event of a Fire

Leave the room by the nearest fire exit these are located to the rear of the Chamber and the door leading to the Roof Garden marked as Fire Exits. Proceed to the main car park and assemble by the New Build sign (NB).

If you require this agenda in large print format or a translation please contact Democratic Services ☎ 01453 754351 or email:

DEVELOPMENT CONTROL COMMITTEE

8 April 2014

6.00 pm – 8.30 pm
Council Chamber, Ebley Mill, Stroud

3

Minutes

Membership:

Ken Stephens**	P	David Drew	A
John Marjoram*	P	Paul Hemming	P
Liz Ashton	P	Haydn Jones	P
Dorcas Binns	P	Graham Littleton	P
Rowland Blackwell	P	Stephen Moore	P
Nigel Cooper	A	Martin Whiteside	P

** = Chair * = Vice-Chair

A = Absent P = Present

Other Members in attendance

Councillor Chris Brine
Councillor Liz Peters

Councillor Geoff Wheeler

Officers in attendance

Head of Planning
Development Control Team Manager

Locum Solicitor
Democratic Services & Elections Officer

On behalf of the Committee the Chair paid tribute to Councillor Graham Littleton who had been elected to the Council in 2000 and had successfully Chaired this Committee for 8 years.

DC.100 APOLOGIES

Apologies for absence were received from Councillors Nigel Cooper and David Drew.

DC.101 DECLARATIONS OF INTEREST

Councillor Ken Stephens declared a personal and non-pecuniary interest in Agenda Item 5 because he knew the Applicant and would vacate the Council Chamber prior to the item being discussed.

DC.102 MINUTES

RESOLVED That the Minutes of the Development Control Committee meeting held on 11 March 2014 are accepted as a correct record, with an amendment to page 3, third paragraph where the word ‘ANOB’ should have read ‘AONB’.

DC.103 PLANNING SCHEDULE

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

1.	S.14/0085/FUL	2.	S.13/2566/FUL	3.	S.14/0320/LBC
4.	S.14/0506/COU	5.	S.14/0161/HHOLD	6.	S.13/2664/FUL
7.	S.13/1871/FUL				

DC.104 ITEM 1 – FULL PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING INDUSTRIAL BUILDING. ERECTION OF TWO TWO-BEDROOM FLATS AND ASSOCIATED WORKS. RESUBMISSION OF WITHDRAWN APPLICATION (S.13.2082/FUL) AT THE ELECTRIC GARAGE, PROSPECT PLACE, MAY LANE, DURSLEY, GLOS (S.14/0085/FUL)

The Development Control Team Manager outlined the Application for the above site. The Late Pages had been circulated to Members prior to the meeting which had raised concerns regarding the Application. A late response objecting to the Application had been received from the Asset Management Service on behalf of the Council who owned land adjacent to the site. A typographical error was highlighted on page 5, Condition 4, the word “should” should have read “shall”.

Councillor Geoff Wheeler, a Ward Member for Dursley supported the objections made by both the Dursley Town Council and the Asset Management Service citing Policy GE7. He stated for the future interests of the Town, which was within a Conservation Area, that this land and Numbers 11 and 11a May Lane should be considered together as one site.

Mr Martin Bragg a resident at Prospect Place spoke on behalf of himself and other residents at Prospect Place against the application. He raised objections on grounds of parking problems, that the site was constrained, the affect on Listed Buildings, privacy issues and also health and safety concerns whilst the building works were being carried out. He felt these were reasons for Committee to refuse the Application.

During Members’ questions, it was confirmed that there were other ‘car free developments’ within Stroud and Dursley which the Council had supported in sustainable areas. The site already generated traffic and parking surpassed that of residential use. It would be difficult to substantiate reasons for refusal when the building already had a use that generated traffic. An additional Condition could require the submission and approval of a Construction Method Statement which could include rationalising working hours to protect amenity.

It was confirmed that no application had been received to redevelop the adjacent land. Members were reminded of the need to make a decision on this particular Application rather than speculate about the neighbouring land.

It was confirmed that the roof lights would be metal framed, similar to 'dairy lights' and in keeping with the Conservation Area. The glazing was also questioned. It was confirmed that an additional Condition could be added to ensure obscure glass was used.

A Motion to REFUSE the Application was proposed by Councillor Dorcas Binns and seconded by Councillor Liz Ashton. The Proposer stated that the building would not be sympathetic to a Conservation Area, would have a detrimental impact and also raised concerns over the materials.

The Development Control Team Manager confirmed that lime render and clay tiles were very characteristic of properties within the location. Lime render was also advised as a suitable material in the Cotswold Design Code. The Officer was sure that the Applicant would agree to install wooden windows, if requested to do so.

The Secunder stated that the proposed Application was too cramped, lacked amenity space and would have a detrimental effect on the rest of the land in the future. She thought this site and the adjacent land should be redeveloped together.

The Proposer agreed with the use of the lime render, but still had concerns with the windows because they were unsympathetic, too industrial looking and the design was not good enough for a Conservation Area.

Some Members disagreed stating that this was an opportunity to enhance the Conservation Area and the Application should be approved. It was pointed out that not everyone had a car and not all properties had amenity space. Some Members felt that metal windows reflected the industrial heritage of the area. It was acknowledged there would be constraints because of the elevation and the footpath running along the site.

On being put to the vote, there were 3 votes for the Motion, 7 votes against and no abstentions; it was declared LOST.

A Motion to ACCEPT the Officer's advice, with the additional Conditions was proposed by Councillor Haydn Jones and seconded by Councillor Graham Littleton.

RESOLVED To PERMIT Application S.14/0085/FUL, subject to the Conditions stated in the report and in Appendix A to these Minutes.

DC.105 ITEM 2 – FULL PLANNING PERMISSION FOR THE ERECTION OF A DWELLING AT VALE HOUSE, HIGH STREET, CHALFORD, STROUD (S.13/2566/FUL)

The Chair confirmed that Items 2 and 3 would be taken together but voted upon separately.

In presenting the above Applications the Development Control Team Manager outlined the comments and concerns within the Late Pages.

Councillor Elizabeth Peters, a Ward Member for Chalford confirmed that the site was within a Conservation Area and AONB and was not in keeping with the surrounding properties. She objected to the large expanse of glass, the impact this would have upon the neighbouring properties and vehicular access onto a single track lane with no footpath which was a concern for public safety. She was also opposed to the removal of part of the existing Cotswold stone wall for access.

Mr Steve Beioley spoke on behalf of Chalford Parish Council who were supportive of the housing development but did not approve of the new access onto Marle Hill because of safety issues when there was a good access already available. Residents did not want the existing Cotswold wall to be disturbed and requested that this 'dreadful' proposal be refused.

Mr Tony Preece lived opposite the site and opposed the scheme stating that not one of the neighbours supported the scheme. The existing entrance was perfectly good but the new access would harm wildlife and the existing Cotswold dry stone wall which was a habitat for reptiles.

Mr Simon Pont a local resident of Marle Hill also spoke against the new access citing the safety of the local children, particularly when the development was being constructed.

Mrs Farrar-Khan, the Applicant confirmed that she was a single parent who also worked from home. Vale House was frequently used for local events, including fundraising. She had worked closely with Officers and a specialist architect to meet the concerns of the Council and neighbours. She believed that the dwelling would enhance the site and have no detrimental affect.

The Development Control Team Manager confirmed that Marle Hill was an unclassified road which would make refusal on highway safety grounds hard to justify. The loss of the section of stone walling was an important consideration.

Concern was raised over the logistics of soil removal from the site. The Development Control Team Manager confirmed that a Condition could be added to the Applications that no soil be removed from the site to minimise highway implications and also be a good sustainable use of materials; it was usual practice to cut and fill. Vale House and other nearby properties were Listed Buildings and the effect the new dwelling would have upon their setting was a matter for consideration.

The Head of Planning confirmed that a Condition could be added to the Application to ensure that the new access would not undermine the stability of the remaining wall. Discussions had taken place with Officers and the Applicant about keeping the existing access but were not well received by the Applicant.

It was confirmed that the glass windows would appear either grey or black when viewed from outside the site; coloured glass would not be appropriate. A Condition for a sample of a cross section elevation of glazed screen could be added to the

permission. Officers did not know whether the energy from the glass would be used within the building. The Yew trees would be protected and a Condition could be added to the permission requiring fences to be erected around the trees whilst building works were being carried out.

The proposed house was a curved building and had been designed to be set into a bank but protruded out significantly. Pictures of the design were displayed on the screen.

A Motion to ACCEPT the Officer's recommendations, as amended by the additional Conditions, was proposed by Councillor Stephen Moore and seconded by Councillor Rowland Blackwell.

Members had differing views on the Applications because the proposed unique house would be located within a hamlet surrounded by Listing Buildings, within a Conservation Area and might have a detrimental impact on the surrounding houses. The building would be viewed from the hill, road and railway. Some Members felt that the existing entrance should remain in situ and the Cotswold stone wall should not be broken up to make an access because it was a characteristic of the Cotswolds. Others felt that the design was attractive and very innovative but there was concern about the entrance.

The Applicant had sought pre-application advice and had made modifications to her Application. Members had visited the site and some felt that, whilst there would be issues whilst the house was under construction, the unique design would blend in very well over time. It was pointed out that when the current Listed Buildings were newly constructed they were probably not welcomed, but views change over time. Being sympathetic to the other Listed Buildings and Conservation Area did not mean that the building had to be the same.

On being put to the vote, there were 8 votes for the Motion, 2 votes against and no abstentions; it was declared CARRIED.

RESOLVED To grant permission for Application S.13/2566/FUL, subject to the Conditions stated in the report and in Appendix A to these Minutes.

DC.106 ITEM 3 – APPLICATION FOR LISTED BUILDING CONSENT AT VALE HOUSE, HIGH STREET, CHALFORD, STROUD FOR THE CONSTRUCTION OF A NEW VEHICULAR ACCESS ONTO MARLE HILL (S.14/0320/LBC)

A Motion to ACCEPT the Officer's recommendations, as amended by the additional Condition for the stability of the Cotswold stone wall once the access had been formed, was proposed by Councillor Stephen Moore and seconded by Councillor Rowland Blackwell.

On being put to the vote, there were 8 votes for the Motion, 2 votes against and no abstentions; it was declared CARRIED.

RESOLVED To grant permission for Application S.14/0320/LBC, subject to the Conditions stated in the report and in Appendix A to these Minutes.

DC.107 ITEM 4 – APPLICATION FOR A CHANGE OF USE FROM A BANK TO A SANDWICH BAR/CAFE AT 20 HIGH STREET, STONEHOUSE, GLOS (S.14/0506/COU)

The Development Control Team Manager presented the above Application and outlined the amendments to Conditions as outlined in the Late Pages.

Councillor Chris Brine, a Ward Member for Stonehouse raised concerns that if approved the change of use would have a detrimental effect on the other similar businesses within the Town, citing Policies SH9 and E17 as reasons for refusal. The mix needed to be right and a new retail outlet would be welcomed. He requested Members to think hard and refuse this application.

There was no representative from Stonehouse Town Council present but from Councillor Brine's recollection the Town Council were not against the Application but would have preferred a retail outlet. Officers tried to locate the Town Council's response to the Application but without success.

Debbie James had a cafe business opposite the site and spoke against the application. Stating that there was already a lot of competition for selling food from other outlets within the Town, there would not be enough business to go around which would result in possible business closures in the future.

Mr Andrew Case, the Agent spoke in support of the Applicant. Before proceeding the Chair asked Mr Case whether he was happy to proceed without seeing the Town Council's response. He confirmed that he was. On behalf of the Applicant he stated that it was permitted development to change the use of the building from an A2 to an A3 for a temporary period of 2 years. However, in the future, his Client may wish to be able to use the upstairs, which required permission for change of use. His Client was aware of the competition within the Town but would be filling a gap currently in the market.

The Chair asked the Committee whether they wished to defer the item to allow Officers to locate the response from Stonehouse Town Council. Members asked Councillor Brine to speak again. Councillor Brine confirmed that he had not seen the Minutes from the Town Council's meeting but from discussions he thought that the Town Council would have preferred the business to be retail.

The Head of Planning confirmed that permitted development rights had been amended recently and that the Applicant could use the premises as an A1 sandwich shop for up to two years.

A Motion to REFUSE the Application was proposed by Councillor Dorcas Binns because the development would affect the vitality and viability of the Town of Stonehouse. The Motion was seconded by Councillor Haydn Jones.

The Proposer stated that the Ward Councillor, Town Council and a lot of objectors did not want any more cafes in Stonehouse. Existing businesses did not want any more competition and the Town would have preferred a retail use of the premises. The Secunder supported the views of both the Proposer and Councillor Brine.

It was confirmed by Officers that Policy SH9 of the Local Plan and Paragraph 23 of the NPPF could be used for a refusal reason because the Application affected primary shopping.

On being put to the vote, there were 5 votes for the Motion, 5 votes against and 0 abstentions; the Chair used his casting vote and it was declared LOST.

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

Some Members felt that the Applicant should be given a chance to establish a business.

On being put to the vote, there were 5 votes for the Motion, 5 votes against and 0 abstentions; the Chair used his casting vote and it was declared CARRIED.

RESOLVED To PERMIT Application S.14/0506/COU, as set out in these Minutes, subject to the Conditions stated within the report and in Appendix A to these Minutes.

Councillor Ken Stephens left the Council Chamber and the Vice-Chair, Councillor John Marjoram took the Chair for the remainder of business.

DC.108 ITEM 5 – HOUSEHOLD APPLICATION AT 1 RODLEA VILLAS, ASH ROAD, LIGHTPILL, STROUD FOR A TWO STOREY REAR EXTENSION AND SINGLE STOREY LEAN-TO EXTENSION TO SIDE (S.14/0161/HHOLD)

Prior to the meeting two photographs and a sketch plan showing the rear garden and extension "framework" were circulated to Members. The Development Control Team Manager introduced the above report. In the Late Pages, it was confirmed that Severn Trent had no objections subject to a Condition in surface and foul water disposal being added to the permission. Members had visited the site.

Councillor Stephen Moore, a Ward Member for Rodborough confirmed that the Parish Council had not expressed a view. However, neighbours had been distressed about the extension which would take up most of the garden and cited Policy HN16 as a reason for refusal. Some of the other properties had been extended and it was up to Committee to make a judgement.

Mr Michael Long, the adjoining neighbour, spoke against the Application. The property was one of five small Edwardian semi-detached properties. Some properties had single storey extensions but the Application, if permitted, would be overbearing and have a detrimental effect on neighbours because the footprint would be extended

by a third. If permitted this would set a precedent and he requested Committee to refuse the application.

Louise Radcliffe spoke in favour of the application, stating that a family of five lived in the property and had a lack of space. She concluded that the size of the extension was proportionate with the building and there was a sympathetic use of fabric and reuse of existing materials.

Members sympathised with the Applicant's predicament and were shown a plan outlining the site.

A Motion to ACCEPT the Officer's recommendation, as amended, was proposed by Councillor Graham Littleton and seconded by Councillor Haydn Jones.

Some Members felt that the two-storey extension was unacceptable because it would be too big and overbearing on the adjacent properties. The Secunder referred Members to Bath where there was a variety of rear extensions to formal buildings.

On being put to the vote, there were 4 votes for the Motion, 5 votes against and 0 abstentions; it was declared LOST.

A Motion to REFUSE the Application was proposed by Councillor Stephen Moore and seconded by Councillor Liz Ashton, citing Policies HN16 and GE1 because the development would be cramped causing overdevelopment of the site, not in keeping with the scale of the property and would have an overbearing impact on neighbours.

On being put to the vote, there were 5 votes for the Motion, 4 votes against and 0 abstentions; it was declared CARRIED.

RESOLVED To REFUSE Application S.14/0161/HHOLD as set out in these Minutes, subject to the Conditions stated within the report and in Appendix A to these Minutes.

The meeting closed at 8.30 pm.

Chair

8 April 2014
Development Control Committee Changes

Item 1- The Electric Garage, Prospect Place, May Lane, Dursley S.14/0085/FUL

Amend condition 4. Replace should with shall on the second last sentence:

No development shall take place until all joinery details 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. Windows on the eastern elevation shall open inwards. 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 the safety of pedestrians using the footpath and to comply with Policies GE5 and ES3 of the adopted Stroud District Local Plan, November 2005.

From late pages additional Informative:

The works shall cease and contact made with a suitably qualified Ecologist in the event that a bat or bats are discovered using the building during demolition/construction works.

From late pages additional Condition:

Any asbestos containing material shall be suitably dismantled, removed and disposed to a licensed facility.

Reason: In the interest of safety, as the building (especially the roof panels) appears to be asbestos cement sheet.

Additional conditions arising from DCC meeting:

The windows on the western elevation shall be constructed of obscure glazing and fixed shut, and maintained as such thereafter.

Reason: In the interest of privacy, in accordance with Policy GE1 of the Stroud District Local Plan.

Change condition 3 to add windows:

No development shall take place until samples of the roofing, walling, and window 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 Policies HN14 and BE5 of the adopted Stroud District Local Plan, November 2005.

Additional condition:

The development hereby approved shall not be commenced until a full Construction Method Statement (incorporating a full Constraints Plan) has been submitted to and

agreed in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- i) the parking of 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;
- iv) means of constructing the proposed dwelling

Reason: In the interests of amenity in accordance with Policy GE1 of Stroud District Local plan.

Item 2 - Vale House, High Street, Chalford S.13/2566/FUL

Additional conditions: No soil shall be removed from the site.

Reason: In the interest of sustainability and highway safety in accordance with Policies GE1 and GE5 of the Stroud District Local Plan 2005.

Prior to the commencement of any works, a one metre long sample panel of the proposed natural stone, to its proposed height, shall be constructed on site and shall be approved in writing by the Local Planning Authority. The panel shall be constructed and protected from the weather at least 14 days prior to inspection by the Local Planning Authority and the approved panel shall be maintained in situ for the duration of the works. The walling shall then be carried out to match the approved panel.

Reason: To respect the character of the Conservation Area in accordance with Policy BE5 of the Stroud District 2005 Local Plan, Policies CP14 and ES12 of the Stroud District Local Plan Submission Draft December 2013 and the NPPF paragraphs 129 and 131.

Prior to the commencement of development 1:10 scale plans, elevations and cross sections of the proposed glazing shall be submitted to the Local Planning Authority for approval. The glazing shall be implemented in accordance with the approved details.

Reason: To respect the character of the Conservation Area in accordance with Policy BE5 of the Stroud District 2005 Local Plan, Policies CP14 and ES12 of the Stroud District Local Plan Submission Draft December 2013 and the NPPF paragraphs 129 and 131.

Prior to the construction of any glazed walling a sample of the proposed glazing shall be submitted to the Local Planning Authority for approval. The glazed walling shall be constructed in accordance with the approved sample.

Reason: To respect the character of the Conservation Area in accordance with Policy 2013 and the NPPF paragraphs 129 and 131.

Prior to the commencement of the construction to the new access, details of the methodology for stabilising the adjacent walling shall be submitted to the Local Planning Authority. The works shall be undertaken with the approved details. Any damage to the wall beyond the access shall be repaired as like for like reinstatement prior to the occupation of the dwelling.

Reason: To respect the character of the Conservation Area and the setting of listed buildings in accordance with the NPPF paragraphs 129 and 131.

No works of any description shall be commenced on site until all existing trees have been securely protected in accordance with Section 8 of BS 5837 2012 "Trees in relation to design, demolition and construction - Recommendations". Within the protected area the ground levels shall remain as existing, no materials, spoil or equipment shall be placed or stored thereon and no excavations shall take place. Such protection shall be maintained throughout the course of the development.

Reason: To ensure the health and safety of the trees on the site and to ensure continuity of the visual amenity that they provide in accordance with Policy NE11 of the adopted Stroud District Local Plan, November 2005 and emerging Local Plan Policy ES8.

Item 3 - Vale House Chalford S.14/0320/LBC

Additional condition:

Prior to the commencement of the construction to the new access, details of the methodology for stabilising the adjacent walling shall be submitted to the Local Planning Authority. The works shall be undertaken with the approved details. Any damage to the wall beyond the access shall be repaired as like for like reinstatement prior to the occupation of the dwelling.

Reason: To respect the curtilage listed wall and the character of the Conservation Area and the setting of listed buildings in accordance with the NPPF paragraphs 129 and 131.

Item 4 - 20 High Street, Stonehouse S.14/0506/FUL

From late pages: Condition 2 reworded to:

The premises shall not be open for the trade or business hereby permitted other than between the hours of 07:30 to 19:00 Monday to Saturday, and 09:00 to 16:00 on Sundays, Bank or Public holidays.

Reason: In the interests of the amenities of the occupiers of nearby residential property, to comply with Policy GE1 of the adopted Stroud District Local Plan.

From late pages condition 3 deleted and replaced with:

The A3 use hereby permitted shall be restricted only to the sale of sandwiches (including toasted sandwiches and paninis), cakes, salads and hot and cold drinks as detailed in the agents email submitted on 04 April 2014.

Reason: The making of hot food on the premises would require the installation and operation of a suitable scheme for treating fumes and odours, details of which have still to be provided, in order to protect the amenity of the locality, especially for people living and working nearby in accordance with Stroud District Council's Local Plan Policies GE1 and GE2.

Item 5 - 1 Rodlea Villas, Ash Road, Lightpill S.14/0161/HHOLD

Overturn recommendation, refusal as follows:

The proposed extension would protrude significantly beyond the building line. It would create a cramped form of development, which would be overbearing on the immediate neighbours to the north and south. The basic amenity of both properties would be fundamentally harmed. The proposal is therefore contrary to Policies GE1 and HN16 of the adopted Stroud District Local Plan, November 2005, and Policy HC8 of the Submission Draft Local Plan December 2013, and the NPPF paragraph 9.



Stroud District Council

Planning Schedule

13th May 2014

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	Page No.
Hinton Parish Council	Wind Turbine North Of Sharpness Docks, Bridge Road, Sharpness. S.11/2448/FUL - Wind energy development comprising of – one wind turbine with a maximum overall height of up to 122m, new access track, modifications to existing track, temporary construction compound, hard standing area, control kiosk, cabling and other works and development ancillary to the main development.	01	04
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.11/2448/FUL		
Woodchester Parish Council	Land At The Old Coach House, Lager Lane, South Woodchester. S.14/0577/FUL - Proposed new dwelling.	02	22
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.14/0577/FUL		

Item No:	01
Application No. Site No.	S.11/2448/FUL
Site Address	Wind Turbine North Of Sharpness Docks, Bridge Road, Sharpness, Berkeley
Town/Parish	Hinton Parish Council
Grid Reference	366977,202818
Application Type	Full Planning Permission
Proposal	Wind energy development comprising of - one wind turbine with a maximum overall height of up to 122m, new access track, modifications to existing track, temporary construction compound, hardstanding area, control kiosk, cabling and other works and development ancillary to the main development.



Applicant's Details	PFR (Sharpness Docks) Limited 12 Melcombe Place, London, NW1 6JJ
Agent's Details	Ms Sarah Wallis Euston Tower, 30th Floor West, 286 Euston Road, London, NW1 3AT
Case Officer	Holly Simkiss
Application Validated	14.12.2011

	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<ol style="list-style-type: none"> <li data-bbox="478 347 1524 414">1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. <li data-bbox="478 616 1524 784">2. The permission hereby granted shall be limited to a period of 25 years from the date when electricity is first exported from the wind turbine to the local electricity grid (hereafter known as 'The First Export Date'). Written notification of the First Export Date shall be given to the Local Planning Authority within 14 days of the event occurring. Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policy NE10 of the adopted Stroud District Local Plan, November 2005 and paragraph 17 of the National Planning Policy Framework. <li data-bbox="478 1019 1524 1187">3. Within 12 months of the date when the turbine permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the wind turbine and its ancillary equipment and infrastructure shall be removed, and the land restored, in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Reason: In order to safeguard the visual amenity and landscape character of the area in accordance with Policy NE10 of the adopted Stroud District Local Plan, November 2005 and paragraph 17 of the National Planning Policy Framework. <li data-bbox="478 1422 1524 1590">4. No development shall take place until details of aviation lighting (including a single 25 candela omni-directional red light) and its operation have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall then be installed before the first operation of the turbine and shall be maintained thereafter and operated in accordance with the approved scheme. Reason: In the interests of the safety of aircraft movements, both in relation to physical obstruction and air traffic control in accordance with the companion guide to Planning Policy Statement 22. <li data-bbox="478 1825 1524 1993">5. No development shall take place, including any works of demolition, until a Traffic Management Plan (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:

- a) lorry/HGV management and routing scheme
- b) phasing scheme showing the proposed period of operation, hours of operation & numbers/weights of HGV's during each phase
- c) specific local safety issues should be addressed
- d) a local freight quality partnership or other briefing forum to help inform the local communities about construction activity
- e) the parking of vehicles of site operatives and visitors
- f) loading and unloading of plant and materials
- g) storage of plant and materials used in constructing the development
- h) all construction traffic/commercial vehicles shall leave the site sheeted, except those carrying stone in excess of 500mm diameter
- i) wheel washing facilities
- j) measures to control the emission of dust and dirt during construction
- k) a scheme for recycling/disposing of waste resulting from any demolition and construction works
- l) a full photographic survey of the proposed access roads from the A38 including all junctions, to be carried out prior to and after construction the construction period

Reason:

In the interests of Highway safety and to protect the amenities in the area

6. No development shall take place until details of the mechanism for the automatic control of turbine cut in speeds and the periods of operation of such restrictions in line with the Turbine Curtailment Protocol have been submitted to and approved in writing by the Local Planning Authority. The approved mechanisms shall then be implemented prior to the first operation of the turbine and shall be maintained as such thereafter.

Reason:

In order to safeguard protected species in the vicinity of the site in accordance with Policy NE4 of the adopted Stroud District Local Plan, November 2005 and paragraph 118 of the National Planning Authority.

7. Prior to the commencement of development, details of an ecological monitoring strategy to assess the impact of the turbines on mortality to bats in the area shall be submitted to and approved in writing by the Local Planning Authority. The agreed monitoring shall take place for at least three years from the commencement of the operation of the turbines, after which time the need for and scope of ongoing monitoring will be reviewed in consultation with the LPA. The monitoring strategy shall include the details and key elements listed in 'Further Environmental Information – Bat Mitigation' produced by Atkins (report dated November 2012). The monitoring shall take place in accordance with the monitoring strategy thereby approved.

Reason:

In the interests of monitoring the impact of the proposed turbine on wildlife in the area.

8. No development shall take place until a Construction Environmental Management Plan (which will include a detailed ground investigation study) has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in strict accordance with the approved plan and maintained as such thereafter.

Reason:

In the interests of highway safety and in order to safeguard the amenities of local residents in accordance with Chapter 10 of the NPPF.

9. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason:

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework

10. No symbols, signs, logos or other letting shall be displayed on the wind turbines or any other buildings or structures without the prior approval of the Local Planning Authority.

Reason:

In the interests of safeguarding the appearance of the locality.

11. No development shall taken place until full technical specifications, including elevations energy generation / output figures and noise production, of the chosen turbine have been submitted to and approved in writing by the Local Planning Authority. The submitted information shall indicate a turbine with a hub height and overall tip height not in excess of 80m and 122m respectively above local ground level and a maximum generating capacity of 5.47GWh. The development shall then take place in accordance with the approved plans.

Reason:

The submitted information relates to a specimen turbine design only.

12. The rating level of noise emissions from the wind turbine (including the application of any tonal penalty) shall not exceed the values for the relevant integer wind speed set out in, or derived from the tables contained within the noise condition guidance notes, received 16.12.2013 and agreed on the 11.03.2014

Reason:

In the interests of neighbouring amenities.

13. The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind turbine operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

Reason:

In the interests of neighbouring amenities.

14. No electricity shall be exported until the wind turbine operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

Reason:

In the interests of neighbouring amenities.

15. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Reason:

In the interests of neighbouring amenities.

16. The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

Reason:

In the interests of neighbouring amenities.

17. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind turbine operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the wind turbine when determined in accordance with the attached

Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

Reason:

In the interests of neighbouring amenities.

18. The wind turbine operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

Reason:

In the interests of neighbouring amenities.

19. Where a further assessment of the rating level of noise emissions from the wind turbine is required pursuant to Guidance Note 4(c), the wind turbine operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Reason:

In the interests of neighbouring amenities.

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

Report of 11/12/2012

Plan number = BAT MITIGATION - ATKINS Version number = December 2012

Report of 11/12/2012

Plan number = NOISE - HOARE LEA Version number = December 2012

Report of 11/12/2012

Plan number = CULTURAL HERITAGE Version number = December 2012

Environmental Impact Assessment of 14/12/2011

Design & Access Statement of 14/12/2011

Proposed Block Plan of 14/12/2011

Plan number = PA003

	<p>Proposed Elevations of 14/12/2011 Plan number = 004</p> <p>Section of 14/12/2011 Plan number = PA006</p> <p>Section of 14/12/2011 Plan number = PA007</p> <p>Other of 14/12/2011 Plan number = PA008</p> <p>Section of 14/12/2011 Plan number = PA009</p> <p>Other of 16/12/2013 Plan number = NOISE CONDITION Version number = Guidance Notes</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 Highway Authority will seek to recover extraordinary maintenance payments for any unscheduled maintenance to the adjacent highway network in accordance with the provisions of Section 59 of the Highways Act 1980.</p> <p>2) The Local Highway Authority MAY require the developer to enter into a legally binding agreement to secure the proper implementation of any proposed highway works where appropriate, including an appropriate bond.</p>
	CONSULTEES
Comments Received	See Officer Report below.
Not Yet Received	
	CONTRIBUTORS
Letters of Objection	See Officer Report below.
Letters of Support	See Officer Report below.
Letters of Comment	See Officer Report below.
	OFFICER'S REPORT

THE SITE

The application site comprises 1.085ha of land adjacent to Sharpness Docks. The site is currently vacant grassland and is bordered to the west by the River Severn Estuary, the Sharpness and Gloucester Canal to the north, east and south.

The site is accessed from private roads off the B4066 which are owned by British Waterways. Two bridges cross the canal to the east providing vehicular and pedestrian access.

The area is a working dock and industrial by nature; the surrounding buildings house a variety of industrial uses including an adjacent waste processing plant.

The nearest residential dwellings are located in Sharpness; the closest to the site on Dock Road. These dwellings are in excess of approximately 300m of the turbine. Berkeley and Newtown are the other closest settlements.

The application site is located to the south of the Old Docks Conservation Area. The River Severn which runs along the western boundary is designated as a Site of Special Scientific Interest (SSSI), a Wetland of International Importance (RAMSAR Site), a Special Area of Conservation (SAC) and a Special Protection Area (SPA). The Slimbridge Wetlands Centre is located approximately 4km to the north-east of the site.

The site itself lies outside of any formal landscape designation and as such does not form part of the Cotswold Area of Outstanding Natural Beauty or a Conservation Area. These formal landscape designations can however be found in the wider area located in the Cotswolds AONB, Malvern Hills AONB and the Wye Valley AONB. The Wye Valley and Forest of Dean are also designated as Special Protection Areas with regards to bat movements.

The site is located within Flood Zone 1 (low probability).

THE PROPOSAL

The application proposes wind energy development comprising of - one wind turbine with a maximum overall height of up to 122m (approximately 80m to hub and a blade length of approximately 41m), new access track, modifications to existing track, temporary construction compound, hard-standing area, control kiosk, cabling and other works and development ancillary to the main development.

The turbine will have an installed capacity of between 1.5 and 2.5MW. Installed capacity is the maximum amount of energy that can be produced at any one time. It is claimed that a turbine of up to 122m in height could produce between 3.285-5.475GWh of renewable electricity per year. This is equivalent to the amount of electricity used by between 736 and 1226 average households per year; an equivalent saving of between 1412 and 2354 tonnes of carbon dioxide emissions per year.

The application is supported by an Environmental Statement (ES) as the development is considered to be EIA development.

RELEVANT PLANNING HISTORY

S.10/1512/FUL. Erection of a 70m high meteorological monitoring mast for a three year period. Permitted.

CONSULTATION RESPONSES

Given the proximity of the application site to the District Boundary, additional consultation has taken place with Lydney Town Council, adjacent parish and town councils in order to encourage public participation in the planning system. The results of this extended consultation process are summarised below, however a full copy of all consultation responses are available to view on the Council's website.

Hinton Parish Council

Comments on the application and raises concerns raised by parishioners, including:

- o Proximity of turbine to dwellings and potential health risk.
- o Size and dominance of the structure.
- o Potential for turbine to be an amplifier to existing noise generated on site.
- o Setting of precedence for more turbines locally.
- o Potential for disturbance to radio/television reception (coast guard, shipping, yachting, aeroplanes etc).

Alvington Parish Council

Comments on the application with regard to the number of turbines proposed in the area and cumulative impact.

Lydney Town Council

No objection.

Awre Parish Council

Objects to the proposal with regard to visual impact and impact on birds.

Gloucestershire County Council

Comments on the application with regard to archaeology, ecology, minerals and waste.

Worcestershire County Council

No comments.

North Somerset Council

No comments.

Forest of Dean District Council

Comments on the application and raises concerns with regard to birds and ecology concerns. Comments that landscape impact is acceptable.

English Heritage

Comments on the application. Concludes that while there will be a visual change to the landscape of this part of Gloucestershire, this impact will be less than substantial harm upon the historic landscape and assets within the visual radius of this proposal.

Environment Agency

Comments on the application with regard to surface water management, ecology and birds.

GCC County Archaeologist

Comments on the application and recommends a condition requiring a written scheme of investigation.

GCC Local Highway Authority

No highway objection raised subject to condition regarding the submission of a traffic management plan

SDC Environmental Protection Manager

No objection subject to planning conditions.

Natural England

No objection. Conditions required regarding bat mitigation and monitoring strategy, curtailment protocol.

Ministry of Defence

No objection.

Bristol and Gloucestershire Gliding Club

No objection.

Bristol Channel Yachting Association

Objects to proposal.

Cotswold Conservation Board

Supports the proposal which is in accordance with the Cotswolds AONB Management Plan 2008-2013 and the Board's Position Statement on development in the setting of the Cotswolds AONB.

Wye Valley AONB Unit

No objection.

CPRE Berkeley Vale District

No grounds for objection.

Maritime and Coastguard Agency

In principal does not object to the proposal but would expect land owner to take appropriate action to resolve any communications interference at their own expense.

British Waterways

No objection.

Atkins Global

No comments. Suggest contact with ST Water.

Severn Trent

No solutions in area. No objection.

Gloucester Harbour Trustees

Comments on the application with regard to general operations of the Coastguard in the area and operation of the Severn Estuary Pilots, however no adverse impact is considered.

Western Air Ambulance

As a police helicopter unit we support the local community both by day and night. To that extent we would like a single omni-directional red light, visible to the naked eye, mounted on the top of the mast. We have no comments to make on the proposed location.

Councillor Gordon Craig

Objects to the proposal due to exacerbated local environmental issues, Maritime safety, Landscape impact (AONB), proximity to dwellings, impact on current housing plans, Local Council disapproval.

Councillor John Stanton

Comments on the application with regards to inappropriate location, impact on local residents and impact on tourism.

NERL

No objection.

Public Responses

A number of representations (approximately in excess of 50 objections and in excess of 100 supports) have been received as well as letters of comment. The full content of which is available to view on the electronic planning file.

The main comments and concerns relate to (please note this list is not exhaustive):

Visual impact

- Noise and disruption
- Height and dominance
- Health risks
- Landscape harm
- Impact on the SSSI and ecology
- Flicker
- Loss of view
- The need for the development.

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:

The relevant policy background for an application of this type is contained within the National Planning Policy Framework (NPPF) and the adopted Stroud District Local Plan November 2005. Indeed it is noted that the Regional Spatial Strategy, RPG10 and the Gloucestershire Structural Plan no longer form part of the development plan having been formally removed by legislation.

NATIONAL AND LOCAL PLANNING POLICIES

As such the particularly pertinent parts of the retained policy background can be summarised as follows:

In respect of the NPPF its core planning principles (Paragraph 17) seek to enhance and improve the places in which people live, support sustainable development, secure high quality design, protect important landscape features, encourage the use of renewable resources, 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.

This is expanded further within the individual Chapters.

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.

Chapter 10 (Paragraphs 93-108) of the NPPF establishes Government's 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 Governments objectives with regard to protecting and enhancing valued landscapes such as the AONB whilst minimising impacts of development on biodiversity. It requires assessment of noise generating developments or the location of development in noise sensitive environments. It also considers pollution and land contamination.

Chapter 12 (Paragraphs 126-141) of the NPPF is of relevance when assessing proposals on sites designated as Conservation Areas, or listed buildings and their setting. It establishes the importance of the historic environment, heritage assets and archaeology and provides guidance on conservation and enhancement.

In respect of the Local Plan policy:

Policy GE1 seeks to ensure that development does not have an adverse impact on neighbouring properties in terms of a loss of light, privacy or an overbearing effect. Policy GE5 maintains highway safety including public rights of way. Policy GE7 considers existing levels of infrastructure, services and amenities.

Policies NE10, NE11 and NE12 highlight the need to protect landscape character, maintain rural housing and communities. It supports Local Plan Policy NE8, which places priority on the protection of the AONB. Local Plan Policies NE4, NE5, NE6 and NE7 seek to preserve the habitat and natural features and enhance the habitats of protected species and provide a framework for considering the impact on protected species.

In addition to the development plan and the NPPF, the emerging policy contained in the Stroud District Local Plan: Pre-submission Draft formally approved by the Council on the 25th July 2013 is a material consideration and must be considered in the overall planning balance.

Emerging Policy background:

Policy CP1 promotes a presumption in favour of sustainable development with the Council taking a positive approach towards sustainable development that accords with the requirements of the NPPF. The policy states that where there are no relevant policies against which an application can be considered or that those policies are out of date, permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Policy ES2 seeks to support proposals for renewable energy projects which will not have significant impacts on designated landscapes or ecological area. In particular community renewable energy schemes are actively supported by this policy.

Policy ES3 looks to ensure that development proposals will not give rise to unacceptable noise, pollution, loss of light, overbearing impact or highway safety concerns.

Policy ES7 relates to the conservation and protection of the natural landscape character of the area with particular focus on the AONB.

Policy ES10 looks at the preservation and protection of the heritage of the district and requires clear justification as to why any heritage interest should be overridden in the decision making process.

Although originally produced to offer guidance for larger scale renewable energy projects and in particular onshore wind projects in excess of 50mW, consideration must be given to the advice

and guidance contained in the Department of Energy and Climate Change publication 'National Policy Statement for Renewable Energy Infrastructure' (EN-3).

Finally regard must also be had to the Ministerial Statement issued by the Secretary of State for Communities and Local Government 'Local Planning and Onshore Wind' issued on the 6th June 2013.

PLANNING CONSIDERATIONS

It is apparent from the nature of the application, the aforementioned policy and the representations received that the key considerations relate to the landscape implications of the proposal, its impact on designated heritage assets, effect on local ecology, noise and residential receptors, operational matters and finally renewable energy benefits.

LANDSCAPE

The application has been supported by the submission of a Landscape and Visual Impact Assessment (LVIA) where potential affected receptors have been agreed in conjunction with the LPA, Natural England, Wye Valley, Malvern Hills and Cotswold AONB units. Affected receptors include buildings, road, footpaths, open space, people's homes and landscape designations.

A set of photomontages detailing the proposed impact of the turbine have been submitted and are available to view on the electronic planning file.

The area of study for receptors was included in a 35km radius of the application site. The study allows for a consideration of a cumulative impact of turbines or other wind energy schemes in the area whether built, consented or within the planning process.

The turbine measures 122m from ground to blade tip. Comparable turbines include Avonmouth Docks (126m to blade tip) and Reading M5 Green Park (118m to blade tip).

Various key receptors were identified in the area including Berkeley Castle (Registered Park and Garden), various public rights of way, the Cotswold and Wye Valley AONB's.

Impact at Local Level

The submitted photomontages clearly demonstrate that the proposed turbine will be readily visible from higher vantage points as well as from the lower plateau of the vale. However, the turbine would be viewed in context of the industrial setting. The area is characterised by tall, monolithic structures. Sharpness's defining feature is the historic dock setting and heavy industrial usage. It is considered that a turbine in this location could be viewed as sympathetic and in keeping with its context; a dynamic powerhouse structure providing energy in the industrial heart of the docks.

The turbine by virtue of its design is slender. Localised views are therefore maintained as you can see around and above the turbine. The white colour is visible in the landscape however it is considered that any other colour could appear contrived and forced in the natural setting; white promotes cleanliness and purity and is a neutral colour. Should Members deem the white colour unacceptable, then a condition could be imposed requesting details of the colour and finish of the proposed turbine.

Many of the local receptors include buildings of historic significance, many of which are listed or have parkland protection. English heritage has been consulted on the application and has concluded that "while there will be a visual change to the landscape of this part of Gloucestershire, this impact will be less than substantial harm upon the historic landscape and assets within the visual radius of this proposal".

What also must be borne in mind with this proposal is the limited lifespan of 25 years; the development is therefore reversible and any harm is not permanent.

Impact on Long Distance Views into and out of Escarpment and Cumulative Effect

It is of note that while the Cotswold Conservation Board Position Statement 'Renewable Energy Projects' states that:

'The Cotswolds Conservation Board supports renewable energy generation within the AONB or contiguous areas provided it is consistent with conserving and enhancing the landscape and natural beauty of the area. This policy is contained in the Cotswolds AONB Management Plan which has been adopted by all the local authorities covering parts of the AONB. The policy is totally in line with Government Policy and emerging regional and local policies. All these statements make it clear that the purpose of designating an AONB takes priority over other considerations. This makes sense as the contribution that can be made from the AONB to national and regional renewable energy generation targets is small while the harm to what is an area of national heritage enjoyed by many people could be great.'

It further states that when considering projects that fall within the AONB and areas that are easily visible from the AONB:

'Small scale single wind turbines promoted by individual businesses and local communities and designed to produce electricity for local use can be more readily assimilated into the landscape.'

The Cotswold Conservation Board has not objected to the proposal.

Natural England has not objected to the proposal.

IMPACT ON HERITAGE ASSETS

The proposal affects the setting of a number of heritage assets made up mainly of listed building located both within the Stroud and South Gloucestershire areas. These assets require consideration with regard to both local plan policy BE12 which seeks to preserve the setting of listed buildings and paragraphs 132 and 134 which state that:

'132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

It is important to note that NPPF paragraphs require the decision maker to carry out a balance exercise against the degree of harm caused and the resultant public benefit arising from the proposal. The simple existence of harm is not now sufficient cause to warrant a refusal regardless.

As noted above, English Heritage has not objected to the proposed scheme indicating that any harm will be "less than substantial". As such it is considered that a reason for refusal on this ground alone would not be justified.

ECOLOGY

The Severn Estuary is designated as a Special Area of Conservation, Special Protection Area and Ramsar site. Also in close proximity to the application site are the Severn Estuary and Lydney Cliffs Sites of Special Scientific Interest and Sharpness Docks Key Wildlife Site. Aside from the Environmental Statement that supports this application, a detailed Habitat Regulations Assessment was also completed.

The results of the assessment concluded that noted protected species on site would be mostly affected during construction (badgers, bats, great crested newts and reptiles). With standard construction practices adhered to with regard to safeguarding protected species it is considered that any effects would not be significant.

Natural England originally objected to the proposal on the basis of the 'moderate adverse' impact on bats that have a high risk of collision or are rare and have a medium risk of collision. A 'slight adverse' impact on bats which are not rare but have a medium risk of collision was also predicted. As such, Natural England requested a detailed, robust and deliverable pre-operation mitigation and post-operation monitoring strategy.

Revised information has been submitted and presented to Natural England for comment regarding ongoing survey work, a three year monitoring strategy, an independent review of the survey findings and a curtailment protocol.

The proposed operational parameters, bat mitigation and monitoring strategy is deemed as acceptable and Natural England has accordingly lifted their objection. Planning conditions are therefore recommended to ensure that the proposed works are carried out and carefully monitored.

With regard to birds, a desk study was carried out and concluded that there are several species conservation importance including protected or notable species.

Turbines can affect birds in four ways:

- o Habitat loss
- o Disturbance
- o Displacement
- o Collision

The potential impact of the turbine can be further broken down into three areas; construction, operation and decommissioning. A slight adverse impact was concluded in the submitted Environmental Statement with regard to the operational stage of the development with a potential for collision risk for large gulls and peregrines. A slight adverse impact was concluded with regard to waders and wildfowl from disturbance during construction and operation.

Comparative information was sought from the turbines at Bristol Docks (also located along the Severn Estuary) where there has been no evidence of any collisions.

A programme for post construction bird monitoring is proposed and it is recommended that this monitoring is secured through a suitably worded planning condition.

NOISE AND RESIDENTIAL AMENITY

The Wind Turbines (Minimum Distances from Residential Premises) Bill (HL) states that the required minimum distance between a turbine and residential properties where the height of the turbine is greater than 100m but does not exceed 150m, the minimum distance is 200m. The distance between the proposed turbine and the dwellings located on Dock Road is in excess of approximately 300m.

Wind turbines emit two types of noise; firstly an aerodynamic noise which is akin to a 'swish' sound which is caused by the movement of the rotating blades. Secondly a mechanical noise which may be emitted from components within the turbine nacelle (enclosed engine area). There are no other wind turbines located within the area and as such there would be no cumulative effect of noise. What there is to consider however is the adjacent industrial units and any existing noise that radiates from these existing buildings and uses.

Residential dwellings are considered to be noise sensitive receptors and as such warrant careful consideration. A noise assessment has been submitted in support of the application. Information provided has assessed the difference between the proposed wind turbine noise and existing noise generated by residential properties and other outside noise. The turbine proposes to be used consistently during day and night time. During the day any noise emitted should be no more than 5 decibels above existing background noise (except where background noise levels are exceptionally quiet). At night the level is also set at 5 decibels above background or no more than 43 decibels; whichever is the greatest.

Clearly Sharpness as a working dock provides a constant level of noise and this must be factored in to any deliberation; background noise levels are considerable. Care however must be taken to ensure that any noise generated by the turbine is compliant with the noise standards set out above and would not cause undue harm and nuisance to the identified noise sensitive receptors.

As such, independent verification was sought of the submitted noise data. This led to detailed negotiations which resulted in a scheme and proposed conditions which are to the satisfaction of the SDC Environmental Protection Manager. No objection has therefore been raised subject to planning conditions.

It is considered on balance, that through suitably worded planning conditions any potential for noise nuisance can be adequately mitigated against. Continuous management, recordings and investigations will ensure that detailed data can be provided to the Local Planning Authority to ensure that the proposed turbine will not breach the detailed noise limits.

Any noise associated with the construction and decommissioning of the turbine can also be adequately mitigated against through planning conditions by limiting construction hours.

Residential amenity can also be affected by shadow flicker. Shadow flicker occurs when a rotor blade passes over a window or other opening; it is worsened when the blade fully obscures the window. In order for flicker to occur there must be sufficient sunshine, windows need to be facing the turbine with no intervening structures or vegetation and the turbine needs to be operating. In addition to this, the position of the sun is also a determining factor; buildings need to be located within 10 rotor diameters (820m for a rotor diameter of 82m) and 130 degrees either side of north from the turbine.

Flicker is generally more noticeable in the early morning and evening when the sun is at its lowest.

The submitted ES concluded that five dwellings had the potential to be affected by flicker for up to an hour each day, provided that the worst case scenario was encountered with all of the above conditions being active. The potential for flicker in these locations would therefore need to be monitored and appropriate mitigation strategies proposed; this could include shutting the turbine down during the affected time of day. A suitably worded planning condition could therefore ensure that the monitoring is effectively carried out and suitable mitigation secured to ensure no adverse impact on neighbouring amenities.

OPERATIONAL MATTERS

With regards to the comments received from the safeguarding organisations, a red omnidirectional light can be placed on the turbine by way of condition.

Other matters such as the overall construction process and the decommissioning of the turbine can also be covered via conditions.

The Civil Aviation Authority has stated that there is an international civil aviation requirement for all structures of 300 feet (91.4m) or more to be chartered on aeronautical charts.

RENEWABLE ENERGY

In considering proposal for renewable energy projects regard must be had to paragraphs 93 and 98 of the NPPF which state that:

93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

98. When determining planning applications, local planning authorities should:

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.'*

As noted above, the application proposes to generate between 3.285 and 5.475 GWh of renewable electricity per year which is equivalent to the amount of energy used annually by approximately between 736 to 1226 average households, saving between 1214 and 2354 tonnes of carbon dioxide equivalent emissions per year.

When considering this against paragraphs 93 and 98, significant weight should be given to this contribution. This must then be further viewed in the light of the Government commitment to generate 10% of electricity from renewable energy sources by 2010 and 20% by 2020. Indeed National Policy Statement for Renewable Energy Infrastructure (EN-3) states that:

'Onshore wind farms are the most established large-scale source of renewable energy in the UK. Onshore wind farms will continue to play an important role in meeting renewable energy targets.' [Para 2.7.1]

Overall there is a clear government emphasis on the promotion of renewable energy and the desire to ensure that such sustainable development schemes are permitted is at the heart of the NPPF.

Indeed this policy approach is replicated in emerging policy ES2 which mirrors the NPPF approach and actively seeks to support community based projects such as this.

The production of renewable energy is a considerable benefit which arises from the proposal and one which must be weighed against the other material considerations and issues identified throughout this report.

RECOMMENDATION

Information has been presented and considered that concludes that the proposed turbine would not give rise to substantial harm to any heritage assets, immediate or long range views, protected species or residential amenities.

Having weighed this harm against the wider benefits of renewable energy production and the clear government approach to support such schemes, the benefits outweigh the harm.

Conditional permission is therefore recommended.

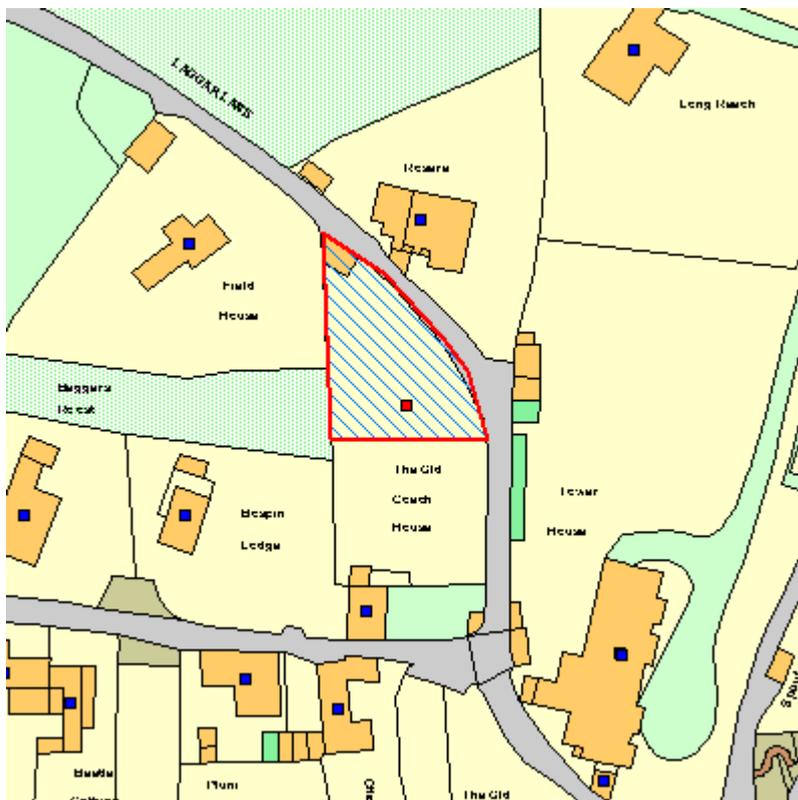
SI 2274 STATEMENT

The case officer was in regular contact with the applicant/agent and the community, acting in a positive and proactive manner. 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:	02
Application No.	S.14/0577/FUL
Site No.	PP-03234430
Site Address	Land At The Old Coach House, Lager Lane, South Woodchester, Stroud
Town/Parish	Woodchester Parish Council
Grid Reference	383861,202238
Application Type	Full Planning Permission
Proposal	Proposed new dwelling.



Applicant's Details	Mr & Mrs David Sanders The Old Coach House, Lager Lane, South Woodchester, Stroud, Gloucestershire GL5 5EJ
Agent's Details	Mr Nicholas Hurst 63 Windmill Road, Minchinhampton, Stroud, Gloucestershire, GL6 9EB
Case Officer	Sarah Crawley
Application Validated	19.03.2014
	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>Proposed plans and elevations of 11/04/2014 Plan number = X06/03 Version number = B</p> <p>Site Plan Proposed of 19/03/2014 Plan number = X06/01 Version number = A</p> <p>Site Location Plan of 06/03/2014 Plan number = X06/02 Version number = A</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 samples of the natural stone walling, reconstituted tiles and hard landscaping surfaces to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved 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 Policy NE8 and BE5 of the adopted Stroud District Local Plan, November 2005.</p> <p>4. Prior to the first occupation of the new dwelling a new natural dry-stone faced wall shall be built as indicated on Plan XO6/02A in accordance with details to be approved by the Local Planning Authority beforehand.</p> <p>Reason: In the interest of highway safety and amenity in accordance with Policies BE5 and GE5 of the adopted Stroud District Local Plan, November 2005.</p> <p>5. All planting, seeding or turfing detailed on the approved plans 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 approves any variation.</p>

Reason:

In the interests of the visual amenities of the area in accordance with Policy NE8 and NE10 of the adopted Local Plan.

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

Reason:

In the interests of the amenities of the occupiers of adjoining residential properties and the appearance of the development in accordance with Policies GE1 and BE5 of the adopted Stroud District Local Plan, November 2005 and policy ES3 of the emerging Stroud District Local Plan, submission draft.

7. The development hereby permitted shall not be brought into use until arrangements are made for the disposal of surface water within the curtilage of the site.

Reason:

To ensure adequate surface water drainage is provided within the site to prevent water draining onto the highway in the interests of highway safety and to comply with Policy GE5 of the adopted Stroud District Local Plan, November 2005 and policy ES3 of the emerging Stroud District Local Plan, submission draft.

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

Reason:

To ensure that sufficient parking and turning space is made available in the interests of highway safety and to comply with Policy GE5 of the adopted Stroud District Local Plan, November 2005, and ES3 of the emerging Stroud District Local Plan, submission draft.

9. No development shall take place, including any works or 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 and shall address the following issues:

- i) the phasing of the development;
- ii) the parking of vehicles of site operatives and visitors;
- iii) the loading and unloading of plant and materials;
- iv) the storage of plant and materials used in constructing the development;
- v) routing strategies for all deliveries to and removal of spoil from the site;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) hours of construction and all site related activities.
- ix) procedures for notification of local residents as to when access along the public highway is likely to be disrupted.

	<p>Reason: In the interest of highway safety and neighbour amenity and to comply with Policies GE1 and GE5 of the adopted Stroud District Local Plan, November 2005, and policy ES3 of the emerging Stroud District Local Plan, submission draft.</p> <p>10. Before construction works on the new boundary wall are commenced the following details shall have been submitted to and approved in writing by the Local Planning Authority:</p> <p>* Details of the height of the wall along its length * A sample panel of the stonework, at least 1 sq metre in size showing the size, colour and coursing of stone, treatment of corners and colour and finish of mortar.</p> <p>The wall shall be constructed in accordance with the approved details and shall be completed before the dwelling hereby permitted is first occupied.</p> <p>Reason: To ensure that the character and appearance of the conservation area is maintained and enhanced in accordance with paragraph 131 of the NPPF.</p> <p>Informatives:</p> <p>1. If a protected species (such as any great crested newt, bat, badger, reptile, or any nesting bird) is discovered using a feature on site all work at the locality should cease. A suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation (Natural Habitats & c.) Regulations 1994 (as amended) and/or the Protection of Badgers Act 1992.</p> <p>This information should be passed on to any contractors carrying out the development.</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>
	CONSULTEES
Comments Received	Parish / Town Development Coordination (E)
Not Yet Received	Cotswolds Conservation Board (E)
	CONTRIBUTORS
Letters of Objection	R Stephenson, Rosare, Lagger Lane E Abercrombie, Field House, Lagger Lane Mr And Mrs P Brown, Broadmead, Bath Road Woodchester Parish Council, 6 Beech Grove, Woodchester, R H & A M Stephenson, Rosare, Lagger Lane

	G Norris, Hawkleigh, Bospin Lane
Letters of Support	
Letters of Comment	R M J Poulton, Bospin Lodge, Bospin Lane Mathieson, The Lagger, Lagger Lane Dr T J MacCallum, ,
OFFICER'S REPORT	

SITE

The application site is situated within the village of South Woodchester and forms part of the existing residential curtilage for The Old Coach House. The plot is accessed via a single track road with no pedestrian footway and is largely screened from view by a high retaining wall that is mainly finished in concrete block. The plot sits on a level plateau above Lagger Lane, adjacent to a Grade II Listed property on the opposite side of the road. The land rises steadily to the rear of the site towards a small cluster of properties to the west. The site lies wholly within the defined settlement boundary, Conservation Area and the Cotswold Area of Outstanding Beauty.

PROPOSAL

The application seeks to renew planning permission for the erection of a detached dwelling towards the northern end of the existing domestic curtilage. The building will be two-storey in appearance, partly set into the ground and will accommodate three bedrooms at first-floor level. The plot would be separated from the existing dwelling by a dry-stone wall and will provide parking and turning for two vehicles.

MATERIALS

Roof: Reconstituted Cotswold stone tiles.

Walls: Natural random rubble Cotswold stone.

RELEVANT PLANNING HISTORY

Outline application S.03/532 for the erection of a dwelling was refused.

Application S.07/2008/FUL for the "Erection of new dwelling" was permitted.

Application S.11/0170/VAR permitted the "Variation of condition 1 of approved application S.07/2008/FUL to extend the time period for commencement of development. Erection of new dwelling. (Extant permission)".

REVISED PLANS

Additional plans were submitted to illustrate the levels within the site.

CONSULTATION RESPONSES

Woodchester Parish Council objected to the application commenting "Concern about congestion at the junction between Bospin Lane and the High Street, particularly during construction. Since the previous application was granted permission, the number of cars parking on that junction has increased as car ownership has increased. Tower House have also opened up their driveway adding to the number of vehicles at that junction. Rosare is a grade II listed building and lies on the boundary of Lagger Lane in close proximity to the proposed development. Rosare is shown on the submitted plans to be set back further from the road, but one part of the building in fact forms part of the boundary wall. Accessibility is of great concern and the Parish Council would ask that this application go to a full planning committee hearing."

The Highway Authority considered that their standing advice was applicable.

The Gloucestershire Centre for Environmental Records has noted the presence of UK Biodiversity Action Plan Priority Species and other Nationally Important or Legally Protected Species over 130m from the site. Whilst the land is managed garden land at present a wildlife informative will be included to ensure that any developer is aware of their responsibility.

Several letters of objection were received. In brief these made reference to traffic congestion, highway safety, and disturbance during construction, overlooking, size of proposed dwelling, increased vehicular movements, the accuracy of submitted information and the impact upon a Listed Building.

Several letters of comment were also received which, in brief, made reference to possible noise and disturbance during construction, that access should be maintained clean and clear during construction, any damage should be repaired

ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION

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

PLANNING CONSIDERATIONS

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

AMENITY

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

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

Due to the height, level and position of the proposed dwelling in relation to the neighbouring dwellings to the south and west there would be no unacceptable impact on the living conditions of those neighbouring residents. The proposed dwelling would be set into the rising ground level with the upper floor at approximately the existing land level. Two windows (one to the kitchen and one to the landing) are proposed at upper level on the north-eastern elevation facing the property on the opposite side of the road (called Rosare). Rosare has been extended such that the extension reaches the boundary wall with Lager Lane. Due to the angled design of the extension to Rosare, the intervening public highway and the differing land levels, any additional overlooking resulting from the proposed development is not considered unacceptable.

Further openings (windows and doors) would be restricted by conditions. As the proposed dwelling is set into rising land and having regard to the relative position of the existing and proposed dwelling there would be no unacceptable overbearing effect or impact upon light levels to occupiers of nearby houses.

HIGHWAY SAFETY

Policy GE5 prevents development that would be detrimental to highway safety or any user of the highway or public right of way.

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

The proposed dwelling includes turning space and provision for the parking of two vehicles. The nature of the highway is self limiting which would generally result in slow vehicles speeds. Additional traffic movements would be generated by the proposed dwelling but the development would provide a footpath along the site frontage to the benefit of pedestrian safety. The position of the replacement boundary wall would also result in a degree of improved visibility. The potential increase in vehicular movements associated with the proposed development is not considered to result in a severely detrimental impact upon highway safety. Concern has been expressed regarding vehicles parked around the junctions in the vicinity of the site but this should be a police matter if vehicles are not parked safely.

Further concerns have been raised relating to construction activities blocking the road. Inconvenience to local residents during construction is an accepted part of the development process and is not an issue that would warrant refusal of planning permission. However, a condition is proposed requiring a construction management statement to be submitted prior to works commencing on site. This statement will outline how disturbance and inconvenience to local residents can be minimised whilst construction is undertaken.

DESIGN AND IMPACT

Policy HN8 details the criteria such as scale, layout, design, density, amenity provision and mix of development for development within settlement boundaries. It also seeks to protect important open spaces, natural or built features and areas between the settlement boundary and open countryside. Policy NE8 seeks to ensure that development within or affecting the setting of the Cotswold Area of Outstanding Natural Beauty is permitted only where the nature, scale, siting, design and materials etc. are acceptable and sympathetic to the landscape. Policy BE5 details the criteria such as design, scale, siting, and materials etc. that are considerations in ensuring that proposals are not detrimental to a Conservation Area or its setting. Policy BE12 will only allow development that affects the setting of a listed building to be permitted where it preserves the setting of the affected listed building.

Emerging Policy HC1 permits development within settlement limits subject to suitable scale, density and layout that is compatible with the character and appearance of the area. Development should not intrude into open countryside or cause loss of or damage to open space or to wildlife habitat. Natural or built features capable of retention should be incorporated and appropriate levels of amenity space and vehicular provision should be included. Policy ES7 states that within the Cotswolds Area of Outstanding Natural Beauty or on land affecting its setting priority will be given to the conservation and enhancement of the natural and scenic beauty of the landscape whilst taking account of the biodiversity interest and the historic and cultural heritage. Emerging Policy ES10 seeks to preserve, protect and enhance the historic environment.

The site lies within the settlement boundary where there is a presumption in favour of appropriate residential development. Planning permission for a dwelling of this size, scale and design has previously been granted and renewed for the site. The proposed dwelling has been designed to be set into the rising ground which minimises the evident built form. The size of the proposed dwelling is proportionate with the size of the plot and in keeping with the mixed plots evident within the locality. The design of the dwelling would generally be of a traditional nature and constructed of appropriate materials for the setting. The existing boundary wall is of poor quality and condition. The proposed scheme includes the creation of a natural stone faced wall which would assist in maintaining the sense of enclosure whilst resulting in an improved visual

appearance for the character of the setting within a Conservation Area and opposite a Listed Building. Whilst that Listed Building opposite has been extended closer to the site, the public highway and differing land levels provide a clear distinction between the site and the Listed Building. The proposed dwelling would be viewed within the existing domestic context of the setting and would have no unacceptable impact upon the wider setting of the Cotswold Area of Outstanding Natural Beauty.

RECOMMENDATION

The application is considered to comply with the relevant policies and is therefore recommended for permission.

SI 2274 STATEMENT

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

HUMAN RIGHTS

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