

meeting papers

# Development Control Committee

Tuesday, 10 December 2013  
6.00 pm



2002-2003  
*Crime Reduction in Rural Areas*  
2004-2005  
*Services for Older People*  
2007-2008  
*Emergency Planning*

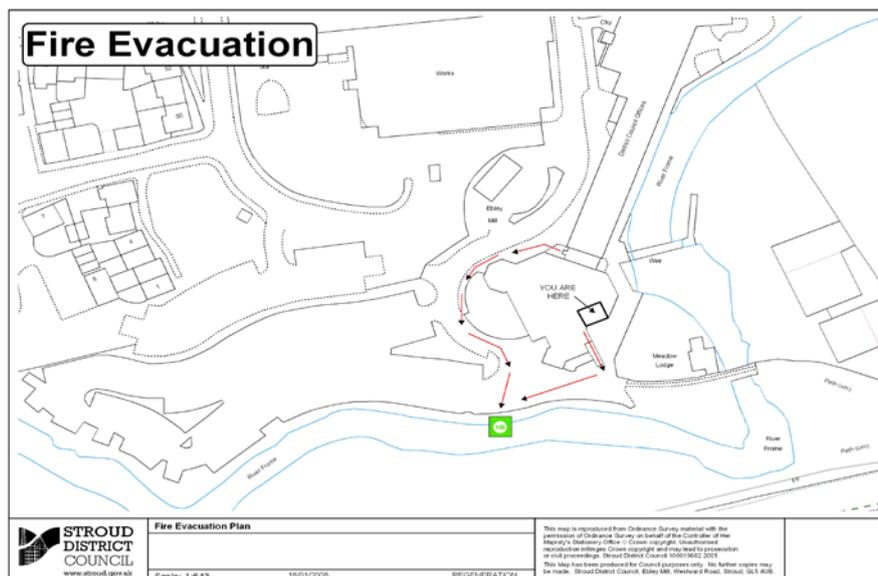


INVESTOR IN PEOPLE

Council Offices Ebley Mill Ebley Wharf Stroud Gloucestershire GL5 4UB

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For Agenda enquiries contact:	Judy Balfe, Democratic Services and Elections Officer Tel: 01453 754351 Email: <a href="mailto:judy.balfe@stroud.gov.uk">judy.balfe@stroud.gov.uk</a>
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29 November 2013

## **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held on **Tuesday, 10 December 2013** 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](http://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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**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 12 November 2013.

**Public Speaking at Development Control Committee**

The Council have agreed to introduce public speaking at meetings of the Development 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, 14 January 2014**

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

<b>Councillor Ken Stephens (Chair)</b>	Councillor David Drew
<b>Councillor John Marjoram (Vice-Chair)</b>	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, 10 December 2013** at 4.00 pm in **The Planning Office** at Ebley Mill.

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**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).**

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**DEVELOPMENT CONTROL COMMITTEE**

**12 November 2013**

**6.00 pm – 11.08 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	P	Martin Whiteside	P

\*\* = Chair \* = Vice-Chair

A = Absent P = Present

**Other Members in attendance**

Paul Carter

Nick Hurst

**Officers In attendance**

Head of Planning

Senior Planning Officer

Development Control Team Manager

Locum Solicitor

Environmental Protection Manager

Democratic Services & Elections Officer

Principal Planning Officer

**DC.046 APOLOGIES**

An apology for absence was received from Councillor David Drew.

Late Pages had been circulated to all Members and were available to members of the public prior to the commencement of the meeting.

The Chair explained the public speaking scheme whereby members of the public for or against an application would be allowed to speak for a maximum of 3 minutes per speaking slot, clarifying that if there were more than one person wishing to speak they needed to arrange between themselves to share the time. The first 3

scheduled items on Aston Down would be taken separately. The agenda was long and he apologised to members of the public if Committee took a break prior to their item being debated.

The Head of Planning stated that the BBC would be filming for their programme 'The Planners'. The item that they had been following was Agenda Item 6. If anyone had concerns about the filming they needed to speak to one of the film crew.

**DC.047      DECLARATIONS OF INTEREST**

There were none.

**DC.048      MINUTES**

**RESOLVED** That the Minutes of the Development Control Committee meeting held on 8 October 2013 are accepted as a correct record.

**DC.049      PLANNING SCHEDULE**

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

1.	S.10/1764/COU	2.	S.12/2095/COU	3.	S.12/1759/COU
4.	S.13/1772/FUL	5.	S.13/0954/FUL	6.	S.13/1999/FUL
7.	S.13/1822/FUL	8.	S.13/1497/FUL	9.	S.13/1333/FUL
10.	S.13/1140/106R	11.	S.13/0166/OUT		

**DC.050      ITEM 11 – OUTLINE APPLICATION FOR UP TO 140 RESIDENTIAL DWELLINGS ON LAND AT SUMMER STREET, STROUD (S.13/0166/OUT)**

The Head of Planning explained that when the Schedule went to print, the revised appeal scheme was due to be considered by Committee. However, the developers had confirmed their intention to submit a revised planning application for the scheme. Consequently, it was not appropriate for the Committee to consider the application at this time and the Officer report had not been included within the agenda papers. Members were requested to defer the application.

A Motion to DEFER the application was proposed by Councillor Rowland Blackwell and seconded by Councillor Martin Whiteside. On being put to the vote the Motion was CARRIED unanimously.

**RESOLVED** To DEFER application S.13/0166/OUT.

**DC.051**      **ITEM 10 – APPLICATION FOR THE REMOVAL OR AMENDMENT OF SECTION 106 AGREEMENT AT FOREST GREEN ROVERS FC, THE NEW LAWN, SMITHS WAY, FOREST GREEN, GLOS (S.13/1140/106R)**

The Head of Planning confirmed that there had been an IT problem and the application had not appeared on the Council's website for the prescribed period. This would leave the Council open to legal challenge if the Committee determined the application at this stage. Accordingly, Members were requested to defer the application.

A Motion to DEFER the application was proposed by Councillor Stephen Moore and seconded by Councillor Liz Ashton. On being put to the vote the Motion was CARRIED unanimously.

**RESOLVED To DEFER application S.13/1140/106R.**

**DC.052**      **ITEM 1 – ASTON DOWN, COWCOMBE LANE, CHALFORD, STROUD, GLOS (S.10/1764.COU)**

The Principal Planning Officer outlined the above report for the change of use of land between Building 66 and Building 104 for the parking of vehicles. Attention was drawn to the Late Pages and the concerns of Mr G Murray from the CPRE and a letter of objection from the Aston Down Action Group. Two typographical errors were highlighted within the report:-

- Page 20 second paragraph, second line, the word 'be' should be inserted between the words 'can' and 'safely'.
- Page 21, first line, sixth word should read 'machinery'.

The Principal Planning Officer also advised the Committee that following their determination of the application the Secretary of State would be notified.

Dr A Hill spoke on behalf of the Aston Down Action Group in opposition to the application. The Group were passionate to protect the Area of Outstanding Natural Beauty (AONB) at Aston Down. He outlined their concerns for all three applications on the agenda, highlighting that there were 17 pages of objections from the Group. The Secretary of State had previously stated that there should be no further development of the site. All three applicants had operated from the site illegally, without planning permission. The application should not have progressed this far and was in contravention of the NPPF. The Officer's report contained technical jargon and inconsistencies. Conflict between residents and the Planning Department had resulted from these proposals and ongoing problems. In conclusion, he stated that if the application was approved there would be grounds for challenge in the Courts. He requested Committee to defer the application for further consideration.

Mr N Hardcastle, the Applicant concurred with the Officer's report which he said was in line with planning policy and had nothing further to add.

The Principal Planning Officer confirmed that the Aston Down site was a former military base and had been granted commercial mixed use permission following a public inquiry in December 2009. Plans identifying the area and showing the revised drawings received on 12 October 2013 were displayed. Members had benefited from a recent site visit which showed the large hangers and the AONB.

Members were advised that if the operating times for this application were changed it would result in a lack of consistency across the whole of the site. A key change in planning NPPF guidance suggested that operating hours should be as unrestricted as possible. The vehicle movements would be approximately between 6 - 12 vehicles per day and restricting this would be difficult to argue on a planning basis. The Police would enforce any breaches of the law concerning weight restrictions on the adopted public highway and existing weight restrictions.

Members were reminded that each application before Committee must be determined on its own merits. The site was an existing employment site used for industrial activity and identified as a key employment site within the Council's emerging Local Plan. A plan showed that residential properties were approximately 300m from the site. The existence of other unrestricted storage uses had been permitted on the site by Cotswold District Council and made known to the Committee as was the due weight applicable to use permissions as material considerations.

The Environmental Protection Manager confirmed that he had visited Aston Down on numerous occasions as early as 3.00 am. Noise from the site could travel beyond the boundaries of the site and it was possible to hear vehicle movements on the site in the early hours.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor John Marjoram and seconded by Councillor Graham Littleton.

Concern was expressed about the operational times and also that the applicant was currently in breach of planning control.

On being put to the vote, there were 10 votes for the Officer's recommendation, 1 vote against and 0 abstentions; it was declared CARRIED.

**RESOLVED To PERMIT application S.10/1764.COU for the reasons stated within the report.**

**DC.053      ITEM 2 – APPLICATION FOR THE CHANGE OF USE OF BUILDING 17 AND THE ADJACENT COMPOUND, ASTON DOWN, GYPSY LANE, MINCHINHAMPTON (S.12/2095/COU)**

The Principal Planning Officer outlined the history of the site and the application for the change of use from Class B1 to vehicle workshop and the use of existing compound for HGV/car parking. He drew attention to a drawing received on 16 October 2013 and the Late Pages with additional representations from Mr G Murray and Mr D Gauci. The Aston Down Action Group were also opposed to this application. Again, the Secretary of State would be notified of the Committee's decision.

Mr Gauci spoke in opposition to the application and drew attention to the conditions that the Secretary of State had attached to previous applicants, which had been ignored. He had suffered from disturbed sleep for the past 3 years due to noise disturbance from the site. Despite complaints, no action had been taken. A neighbour had moved from a front bedroom to a back bedroom because of disturbed sleep. He asked why should he have to close his windows? The Council had not controlled the site and there had been breaches of his human rights. Confirmation had also been given by the Council's Environmental Protection Manager on an early morning visit that disturbance from vehicles was an issue. In conclusion he requested that Officers do their jobs and enforce the conditions.

The Applicant, Mr Hardcastle, spoke in support of the application and stated that he concurred with the Officer's comments within the report. He had carried out noise monitoring to gauge the threshold of disturbance and none were found. There were no time restrictions on vehicles using the Cirencester Road. Aston Down was an employment site. Early morning vehicle movements were not daily and the disturbances were only to particular properties. A balance had to be made between employment and disturbance. The application was in accordance with NPPF – economic growth and future sustainable development. In concluding he hoped that Committee would approve the application.

At Sites Panel the Principal Planning Officer had shown Members Building 17, which was the old boiler house. A site plan was displayed to show Committee the proposal. Between 3.00 am and 4.00 am two HGV vehicles (out of 8) left the site. The proposal was for an unrestricted number of vehicles and the Officer's recommendation was to refuse the application on the basis of local amenity. It was not appropriate to impose a condition restricting operating times as this would negate the planning permission being applied for contrary Circular 11/95.

Members were most concerned about the noise nuisance to neighbours. The Environmental Protection Manager confirmed that background noises running up to and at the point a vehicle passed had been evaluated when making his report. In his opinion the proposal would have a detrimental impact on local amenity contrary to Section 123 of the NPPF relating to significant noise impact and vehicle movements before 6.00 am and would have a significant impact on residents. The Environmental Protection Manager explained the different tests relating to statutory nuisance and detriment to amenity.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor Dorcas Binns and seconded by Councillor Martin Whiteside.

The proposer was grateful for the Officer report and was not happy that the applicant had flouted the rules and had not been a decent neighbour.

On being put to the vote the Motion was CARRIED unanimously.

**RESOLVED To REFUSE application S.12/2095/COU for the reasons stated within the report.**

**DC.054**      **ITEM 3 – APPLICATION FOR THE CHANGE OF USE OF BUILDING**  
**15 ASTON DOWN, GYPSY LANE, MINCHINHAMPTON**  
**(S.12/1759/COU)**

The Principal Planning Officer presented the above application to change the use of Building 15 to B1, B2 and B8 uses. Attention was drawn to the Late Pages received from Mr G Murray, CPRE and Mrs L Cook.

Typographical errors were highlighted on pages 38 and 39 in Conditions 2, 4 and 5 the word HGV should have read “LGV” and in Condition 6 the fourth word should have read “bringing”. As with the other two previous applications the Committee’s decision would be notified to the Secretary of State. An extra condition regarding landscaping management and maintenance plan for the retention of the trees and hedgerow for screening was also recommended. A recent Sites Inspection Panel had visited the site.

The Applicant, Mr Hardcastle, spoke in support of the application and concurred with the Officer’s comments. He had three interested parties who were keen to occupy the buildings which would help support local employment.

The Principal Planning Officer explained the planning history of the site and clarified that Building 15 was an old garage site with flexible use and had its own parking areas. There were, however, time restrictions upon this site. There was a material difference with this application compared with previous applications regarding new employment on new land. The Officer explained the policy position by reference to Policies EM1 to EM10 and Paragraph in the NPPF.

In answer to Member questions, a map was displayed showing the location of Black Horse bungalow, which was located within a group of 7 properties. Reference was made to a recent application approved on the site by Cotswold District Council for B8 storage with no time restrictions. If the application was granted it would have an impact on residential amenity but the significance of that impact when assessed against activities on the wider site and the volume of traffic was a matter of planning judgement. There was, however, the potential to increase employment upon the site.

A Motion to ACCEPT the Officer’s recommendation, together with the extra landscaping and maintenance plan condition was proposed by Councillor Rowland Blackwell and seconded by Councillor John Marjoram.

During debate, the Seconder stated that bringing the building back into use would be an improvement.

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

**RESOLVED To PERMIT application S.12/1759/COU for the reasons stated within the report and minutes.**

**DC.055**      **ITEM 4 – APPLICATION FOR FULL PLANNING PERMISSION AT 20 ROCK ROAD, CAM, DURSLEY, GLOUCESTERSHIRE (S.13/1772/FUL)**

The Senior Planning Officer outlined the report for the erection of 8 residential units and associated works on the above site. Two letters of objection had been received from A Marsh and D Brown in Late Pages. A Sites Inspection Panel had recently visited the site.

Mr R Pearce, a neighbour opposed the application because he thought the site would be overdeveloped. The number of flats had been decreased from the original application from 9 to 8 but the number of bedrooms increased.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor Graham Littleton and seconded by Councillor John Marjoram.

On being put to the vote, there were 9 votes for the Motion and 0 votes against, and 2 absentions; it was declared CARRIED.

**RESOLVED To PERMIT application S.13/1772/FUL for the reasons stated within the report.**

**DC.056**      **ITEM 5 – APPLICATION FOR FULL PLANNING PERMISSION AT THE CHIPPING SURGERY, SYMN LANE, WOTTON-UNDER-EDGE, GLOUCESTERSHIRE (S.13/0954/FUL)**

The Senior Planning Officer outlined the report for the erection of 4 dwellings upon the above site. Late Pages had been received from Wotton Town Council objecting to the revised plans. A Sites Inspection Panel had recently visited the site.

In the absence of Councillor June Cordwell, the Ward Member, Councillor Paul Hemming read out a prepared statement on her behalf objecting to the application.

Dr R Ward, GP at the surgery, spoke on behalf of the application. The proposed dwellings were for house bound or infirm residents who would be close to primary care and had 2 parking spaces per dwelling. The fire station was part-time and was served by a separate entrance and emergency exit; obstructing these was illegal.

The Locum Solicitor gave advice on whether it was appropriate to impose a condition restricting the age of occupants. The Senior Planning Officer confirmed that whilst the previous permission was described as 'sheltered housing' no occupancy condition was imposed. The current application was for market housing.

A Motion to ACCEPT the Officer's recommendation was proposed by Councillor Hayden Jones and seconded by Councillor Stephen Moore.

During debate Members compared the design of the current application with the previous permitted scheme and had differing views. Concern was also expressed regarding parking provision.

On being put to the vote, there were 5 votes for the Motion, 5 votes against and 1 abstention. The Chair used his casting vote and it was declared CARRIED.

**RESOLVED To PERMIT application S.13/0954/FUL for the reasons stated within the report and minutes.**

At 8.08 pm the meeting was adjourned and reconvened at 8.22 pm.

**DC.057      ITEM 6 – APPLICATION FOR FULL PLANNING PERMISSION AT THE COLLIAN, MAGNOLIA COTTAGE AND CARPENTERS, BOX, STROUD, GLOUCESTERSHIRE (S.13/1999/FUL)**

The Development Control Team Manager outlined the above application for the change of use of C3 dwelling houses to residential accommodation associated with the Cotswold Chine School within Use Class C2. The three representations in the Late Pages from the Applicant's planning agent, Mr Chandler and Mr P Gardiner were highlighted.

Councillor Nick Hurst the Ward Member read out a prepared statement. This outlined the nature of the application and cited policies, HN7 and GE1 of the Local Plan, and Policy 6 of the NPPF as reasons for refusal.

Mr S Hemmings spoke in opposition to the application on behalf of Minchinhampton Parish Council. He stated that the Novalis Trust had no care for the local community and owned other properties within the facility.

Mr R David, a local resident, spoke in opposition to the application. He stated Policies C3, C4 and NPP8 as reasons for refusal. There had been no effort to integrate the children into village life and on many occasions there had been anti-social behaviour and criminal activity.

Mr D Jones, the agent for the Applicant addressed Committee. He explained that the application was for a change of use to C2 because each house needed to have a fully trained member of staff present. There would have been no need for a change of use if the members of staff were not being rotated. Each house would accommodate a maximum of three children, providing them with a stable environment. There had been no objections received from either the Police or Environmental Health. 12 incidents had been recorded by the School. The Novalis Trust accepted the proposed conditions in the Officer report.

Members received advice from the Locum Solicitor on Use Classes C2 and C3 and drew Members' attention to Condition 2 on page 75 of the Officer's report which linked the three houses to the remainder of the School site. It was confirmed that if permission was granted, the entire plot of each house would change to C2 use.

A Motion to REFUSE the application was proposed by Councillor Dorcas Binns and seconded by Councillor Rowland Blackwell.

The Chair adjourned the meeting to seek legal advice at 20.52 pm and the meeting reconvened at 21.11 pm.

On reconvening, the Proposer confirmed the proposed reasons for refusal were:-

1. The loss of three residential units would undermine the social cohesion and sense of community bearing in mind the limited development opportunities within the village of Box contrary to Policy HN7 of the Stroud District Local Plan 2005 and paragraph 17 of NPPF.
2. The proposed development would not permit a healthy community within the village contrary to paragraph 69 of NPPF.
3. The lack of continuous care as offered by a permanent house parent would be likely to result in increased levels of noise and disturbance to the surrounding community contrary to Policy GE1 of the Stroud District Local Plan 2005.

The Proposer stated that she had visited the site at a recent Sites Inspection Panel. The village of Box had a wonderful community spirit and the locals supported and worked together and held many local activities. The Cotswold Chine School had bought local properties, including the public house, which had a huge impact on local residents, visitors and walkers. The community were in conflict with the Novalis Trust who were isolated and not part of the community. The application was for retrospective permission and had divided the community. If the application was granted it would have a detrimental effect on the residents of Box and requested other Members to support her request for refusal.

Members debated the application, expressing their differing views on the effect the application would have on both the community and the school.

The Locum Solicitor reminded Members that the application had to be determined in accordance with the Development Plan unless material considerations indicated otherwise. The Applicant's business practices and reported conflict between the community and School were not material to the Committee's decision. Members should put their minds to the three reasons for refusal put forward in the motion. The Head of Planning read these out.

On being put to the vote, there were 7 votes for the Motion, 2 votes against, and 0 absentions; it was declared CARRIED.

**RESOLVED To REFUSE application S.13/1999/FUL on the following grounds:-**

- 1. The loss of three residential units would undermine the social cohesion and sense of community bearing in mind the limited development opportunities within the village of Box contrary to Policy HN7 of the Stroud District Local Plan 2005 and paragraph 17 of NPPF.**
- 2. The proposed development would not permit a healthy community within the village contrary to paragraph 69 of NPPF.**
- 3. The lack of continuous care as offered by a permanent house parent is likely to result in increased levels of noise and disturbance to the surrounding community contrary to Policy GE1 of the Stroud District Local Plan 2005.**

The meeting adjourned at 21.35 pm and reconvened at 21.43 pm.

**DC.058**      **ITEM 7 – APPLICATION FOR FULL PLANNING ON LAND ADJOINING SETWELL, WALKLEY WOOD, NAILSWORTH, GLOUCESTERSHIRE (S.13/1822/FUL)**

The Development Control Team Manager outlined the above application for the erection of one detached dwelling. He provided an update from a highway consultant on behalf of the neighbours who had confirmed that Walkley Road was adopted but substandard and there was no record of a highway collision concurring with the Officer's recommendation to permit the application.

Councillor Paul Carter, Ward Member spoke against the application stating that a previous Council decision had been upheld after appeal. There were chronic access and parking issues and he requested Committee to refuse the application because of its access. He requested that, if the application was approved, an additional condition should be imposed to ensure that the road was not blocked at any time.

Mr A Newport spoke on behalf of the neighbours in opposition to the application. He felt that the development would cause severe disruption, especially when there were deliveries being made.

The Locum Solicitor clarified that if the public highway was blocked this would be a Police matter and not for consideration by Committee.

Members viewed a plan showing the layout of the property and site location plan. Confirmation was given that the current proposal was for segregated parking because of the topography of the site. County Highways had carefully looked at the site and had not raised any objections, subject to the imposition of conditions. The Development Control Team Manager advised that it was not uncommon to have separate parking/garaging some distance from the dwelling.

A Motion to DEFER the application was proposed by Councillor Nigel Cooper and seconded by Councillor John Marjoram. The proposer requested the deferment of the application to further clarify the status of the highway land verses private land.

On being put to the vote, there were 7 votes for the Motion, 0 vote against and 2 abstentions; it was declared CARRIED.

**RESOLVED To DEFER application S.13/1822/FUL for determination at a future meeting for the reasons stated in the minutes.**

**DC.059**      **ITEM 8 – APPLICATION FOR FULL PLANNING AT DUMBLEDORE, BEACON CLOSE, PAINSWICK, STROUD, GLOS (S.13/1497/FUL)**

The Development Control Team Manager outlined the above application for a replacement dwelling and new garage on the above site. A verbal update was given on the revised ecological survey and assessment, including a reptile survey that had been submitted by the Agent in Late Pages. Two additional conditions were suggested to be added namely an ecological condition and a slab height condition.

Councillor Martin Slinger, Chairman of Painswick Parish Council spoke on behalf of the Parish Council and also concerned neighbours against the application. He cited the size and massing of the dwelling, invasion of privacy and loss of light to adjoining properties as reasons for refusal.

Mr Wolowiec, the owner of a nearby property spoke in opposition to the application. He considered that the criteria to Policies HN14 and GE1 had not been met. Neighbouring properties would have a loss of light because the property had moved forward by 7m and the height would severely impact on neighbours. The site could accommodate a 4-bedroomed house in a different position and reduced height.

Mr A Pearson, the Applicant stated that neighbours did not want change and a new house would enhance the area. The footprint was the same as the old house and also in a similar position. The house was being brought forward by several metres, not by 7m to give light to the back of the house. The materials used would be of good quality. There was no planning reason to refuse the application.

The Development Control Team Manager confirmed that the ridge height of 8.3m was a standard modern height and the garage height of 4m was modest. The location of the dwelling had moved and there was a slightly different footprint. Members were shown a plan to compare the layout and distances between properties.

A Motion to REFUSE the application was proposed by Councillor Nigel Cooper and seconded by Councillor Dorcas Binns, based on the following Policy reasons:-

1. Policy GE1 – if permitted the size, position and massing would be detrimental to the loss of amenity.
2. Policy NH14 – the replacement dwelling was not similar or smaller than the existing dwelling, it was bigger.
3. Policy NE14 – the dwelling would not enhance the AONB landscape.

Members debated the Motion and had differing views. Some Members felt that the existing building was small and would be replaced by a reasonably sized house.

On being put to the vote, there were 3 votes for the Motion, 6 votes against, and 0 abstentions; it was declared LOST.

A Motion to accept the Officer's recommendation, together with the two additional conditions was proposed by Councillor Stephen Moore and seconded by Councillor Liz Ashton.

On being put to the vote, there were 6 votes for the Motion, 1 vote against, and 2 abstentions; it was declared CARRIED.

**RESOLVED To PERMIT application S.13/1497/FUL for the reasons stated within the report and minutes.**

**DC.060**      **ITEM 9 – APPLICATION FOR FULL PLANNING AT THE RAILWAY HOTEL, STATION ROAD, NAILSWORTH, GLOS (S.13/1333/FUL)**

The Senior Planning Officer outlined the above application for a biomass outbuilding with purpose built bat roost at the above location. He provided a verbal update on the Late Pages that had been received from A Saunders and the Gloucestershire County Council's Public Right of Way team. An error was highlighted in Condition 10, the word 'Railway' should have been inserted before the word 'hotel'. An issue had been raised regarding a public sewer on the site, which was not a planning consideration.

Councillor Paul Carter, Ward Member spoke in opposition to the application because there had been a number of applications that had all been refused and subsequently won on appeal which all needed to be considered.

Mr Flint represented the objectors to the application. He confirmed there had been 30 letters of objection to this application. There was already a natural gas supply in the area. The proposed building would not fit in and would be another wooden clad structure which was not sympathetic to the hotel building. The sewer pipe was also of concern. He requested Committee refuse the application.

Mr Webb, the Applicant confirmed that the boiler size was irrelevant; the important factor was the technology in the box. There was already permission for a smaller building on the site and over time the wooden cladding would blend in.

The Senior Planning Officer confirmed that materials would weather down. A condition was attached to the application requesting samples of materials being used. There were concerns on the impact on neighbours and also ecology issues. The Officer confirmed that the sewer pipe was not a planning consideration; the Applicant would have to reach a building over agreement with Severn-Trent.

The Head of Planning confirmed that the building complied with building regulations, was exempt from building control and the bike shed had already been relocated. It was confirmed that the Railway Hotel was a listed building but was not part of this application. The Conservation Officer had been consulted.

The Environmental Protection Manager confirmed that the woodchip would have to be dry to burn. If there were problems in the future there was statutory nuisance legislation in place to address noise nuisance or fumes. The bats would enter the bat loft through a 'letterbox' opening which would be separated from the boiler.

The Senior Planning Officer confirmed that the development would be in a location which was a reasonable distance away from other properties. The Council's Senior Arboriculture Officer had visited the site and had been satisfied that the running of the boiler would not have a detrimental impact on the surrounding trees. Confirmation was given that if permission was granted the building would only be used for a biomass boiler. The wood chips would either be blown in through a pipe or carried in bags.

A Motion to ACCEPT the Officer's recommendation, with changes to the wording of Condition 10 was proposed by Councillor Stephen Moore and seconded by Councillor Liz Ashton.

During debate Members expressed their differing views.

On being put to the vote, there were 5 votes for the Motion, 3 votes against, and 1 abstention; it was declared CARRIED.

**RESOLVED To PERMIT application S.13/1333/FUL for the reasons stated within the report and minutes.**

The meeting closed at 11.08 pm.

Chair

**AMENDMENTS FOR DEVELOPMENT CONTROL**  
**COMMITTEE**  
**12 November 2013**

In addition to the amendments stated on the Late Pages

ITEM No: 03	<b>Application:</b> <b>S.12/1759/COU</b>
<b>Address:</b> Building 15, Aston Down, Cowcombe Lane, Chalford, Stroud	

**Extra Condition:**

Prior to the bringing into use of any part of the development hereby permitted, a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted management plan shall include measures for the long term retention and maintenance of the hedge, at a specified height, which forms the boundaries of the compound area hereby permitted together with identical details for the existing trees located between the application site and the western boundary of the Aston Down Main site. The development shall then be carried out in the accordance with the approved management plan and shall be maintained as such thereafter.

**Reason:**

In order to safeguard the rural character of this part of the Cotswold Area of Outstanding Natural Beauty in accordance with Policy NE8 of the adopted Stroud District Local Plan, November 2005 and paragraph 115 of the NPPF

**Amendments to Conditions 2, 4 and 5:**

Substitution of the abbreviation 'HGV' with 'LGV' where it appears in conditions 2, 4 and 5.

ITEM No: 06	<b>Application:</b> <b>S.13/1999/FUL</b>
<b>Address:</b> The Collina, Magnolia Cottage and Carpenters Cottage, Box, Stroud	

**Refusal:**

The loss of three residential units would undermine the social cohesion and sense of community bearing in mind the limited development opportunities of the village of Box contrary to Policy HN7 of the adopted Stroud District Local Plan, November 2005 and Paragraph 17 of the National Planning Policy Framework.

The proposed development does not promote a healthy community with the village of Box contrary to Paragraph 69 of the National Planning Policy Framework.

The lack of continuous care as offered by a permanent house parent is likely to result in increased levels of noise and disturbance to the surrounding community contrary to Policy GE1 of the adopted Stroud District Local Plan, November 2005.

ITEM No: 08	<b>Application:</b> <b>S.13/1497/FUL</b>
<b>Address:</b> Dumbledore, Beacon Close, Painswick, Stroud	

**Extra Condition:**

Prior to the commencement of development, details of the finished slab level of the dwelling and garage hereby permitted, including fixed points showing the relationship with adjoining land and highway and reference to a known datum (Ordinance Survey) outside the site. The slab level, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall then only be carried out in accordance with those approved details.

Reason:

In the interests of the amenities of the area and to accord with Policy GE1 of the Stroud District Local Plan, November 2005.

ITEM No: 09	<b>Application:</b> <b>S.13/1333/FUL</b>
<b>Address:</b> Railway Hotel, Station Road, Nailsworth.	

**Amendment to Condition 10**

Insertion of the word 'Railway' before 'hotel'.



# **Stroud District Council**

## **Planning Schedule**

**10<sup>th</sup> December 2013**

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 Council's 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.
Arlingham Parish Council	Abclift Farm, Overton Lane, Arlingham. S.13/2191/FUL - Erection of two timber lodges for use as holiday accommodation. (Resubmission following refusal of S.13/0931/FUL).	2	29
Link to website	<a href="http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.13/2191/FUL">http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.13/2191/FUL</a>		
Cam Parish Council	Coaley Junction, Dursley Road, Dursley. S.12/0323/OUT - Erection of up to 39 residential dwellings and associated infrastructure works. (Revised plans received 03.07.2012).	1	4
Link to website	<a href="http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.12/0323/OUT">http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.12/0323/OUT</a>		
Cam Parish Council	20 Tilsdown, Cam, Dursley. S.13/2030/FUL - Erection of single dwelling and formation of new vehicular access. (Resubmission of S.13/0432/FUL).	3	35
Link to website	<a href="http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.13/2030/FUL">http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.13/2030/FUL</a>		
Ham & Stone Parish Council	Shilton Leaze, Moorslade Lane, Falfield To inform Members of a breach of Planning Control concerning the failure to comply with an Enforcement Notice.	4	43

<b>Item No:</b>	<b>01</b>
<b>Application No.</b>	S.12/0323/OUT
<b>Site No.</b>	2026
<b>Site Address</b>	Coaley Junction, Dursley Road, Dursley, Gloucestershire
<b>Town/Parish</b>	Cam Parish Council
<b>Grid Reference</b>	374961,202093
<b>Application Type</b>	Outline Planning Permission
<b>Proposal</b>	Erection of up to 39 residential dwellings and associated infrastructure works (revised plans received 03.07.2012).



<b>Applicant's Details</b>	Mrs D Hogarth C/O Agent, Pegasus Planning Group Ltd, Pegasus House, Querns Business Centre, Whitworth Road Cirencester Gloucestershire GL7 1RT
<b>Agent's Details</b>	Mr Paul Burrell Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire GL7 1RT

<b>Case Officer</b>	Holly Simkiss
<b>Application Validated</b>	10.04.2012
	<b>RECOMMENDATION</b>
<b>Recommended Decision</b>	<b>Resolve to Grant Permission</b>
<b>Subject to the following conditions:</b>	<p>1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development is commenced.</p> <p>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.</p> <p>3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.</p> <p>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.</p> <p>4. Prior to the commencement of the development hereby permitted a scheme of street lighting providing illumination of the site access and the footpath linking the site to the nearest bus stops and Box Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>Reason: To provide a safe and suitable access in the interest of highway safety.</p>

	<p>5. The details to be submitted for the approval of reserved matters shall include vehicular parking and turning facilities within the site, and the buildings hereby permitted shall not be occupied until those facilities relating to that part of the development have been provided in accordance with the approved plans and shall be retained available for those purposes for the duration of the development.</p> <p>Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site, in the interests of highway safety.</p> <p>6. The development hereby permitted shall be served by an access road (or roads) laid out and constructed in accordance with details (including street lighting and surface water drainage/disposal) that shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. No dwelling on the development shall be occupied until the road(s) (including surface water drainage/disposal, vehicular turning head(s), street lighting and footways where proposed) providing access from the nearest public road to that dwelling have been completed to at least binder course level (footways to be completed to final surface course) in accordance with those approved details, and those access road(s) shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.</p> <p>Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a satisfactory means of access.</p> <p>7. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be implemented in full prior to the commencement of the development and shall be adhered to throughout the construction period or relevant phase. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors;</li> <li>ii. loading and unloading of plant and materials;</li> <li>iii. storage of plant and materials used in constructing the development;</li> <li>iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>v. wheel washing facilities;</li> <li>vi. measures to control the emission of dust and dirt during construction;</li> <li>vii. a scheme for recycling/disposing of waste resulting from</li> </ul>
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demolition and construction works. There shall be no burning of any waste or other materials on the site, except in an incinerator, in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority prior to the commencement of development;

viii. a routing strategy for all construction traffic serving each phase including the designated means of access to the development via the local road network together with associated highway signage.

Reason:

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

8. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling has been made available in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that adequate cycle parking is provided and to promote cycle use.

9. The development hereby permitted shall not be commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought in to use.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

10. The development hereby permitted shall not be commenced until details of a scheme of hard and soft landscaping for the site have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenities of the area.

	<p>11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: In the interests of the visual amenities of the area.</p> <p>12. Prior to the commencement of the development hereby permitted a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than in small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan must be carried out as approved.</p> <p>Reason: To protect and enhance the character and quality of the landscape.</p> <p>13. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 14:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Council Local Plan Policy GE1 and in accordance with the provisions of Circular 11/95.</p> <p>14. There shall be no burning of waste or other materials on the site except in an incinerator, the details of which shall have been previously approved in writing to the Local Planning Authority before the development is brought into use. The use approved shall be carried out strictly in accordance with the details agreed.</p> <p>Reason: In accordance with Stroud District Local Plan Policy GE1 and the NPPF to ensure any concentration of air pollutants in the vicinity is minimised and/or a nuisance is not caused.</p>
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	<p>15. Prior to the occupation of any dwelling, fire hydrants served by mains water supply shall have been installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of community safety and to accord with Structure Plan Policy S5.</p> <p>16. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:</p> <ol style="list-style-type: none"><li>1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2001 Investigation of Potentially Contaminated Sites - Code of Practice.</li><li>2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2001 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.</li><li>3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on going monitoring should also be outlined. No deviation shall be made from this scheme without prior written approval from the Local Planning Authority.</li><li>4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.</li><li>5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.</li></ol>
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	<p>Reason: To protect the health of future Occupiers of the site, from any possible effects of contaminated land in accordance with Stroud District Council Local Plan Policy GE6.</p> <p>17. No development shall take place until samples of the materials to be used in the construction of the external surfaces (including windows) of the building works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.</p> <p>Reason: In the interests of the visual amenities of the area.</p> <p>18. Prior to the commencement of development, full details of the acoustic barrier along the northern boundary of the site with the railway, including a timetable for its implementation and full details of its long term maintenance by a public body, registered provider or management company shall be submitted to and agreed in writing by the Local Planning Authority. The acoustic barrier shall be erected in strict accordance with the approved scheme and implemented in accordance with the approved timetable and maintained as such thereafter.</p> <p>Reason: In the interests of noise attenuation across the site and in accordance with Policy GE1 of the Stroud District Council Local Plan.</p> <p>19. Prior to the commencement of development on the site, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in strict accordance with the approved scheme prior to the occupation of the unit to which it relates.</p> <p>Reason: To ensure adequate private amenity space whilst ensuring an attractive estate layout, in accordance with paragraphs 56 to 68 of the NPPF.</p> <p>20. The Reserved Matters as referred to in Condition 1 shall include the provision of a play area together with full details of the equipment to be provided in the play area and its long term maintenance by a public body, registered provider or management company. The play area and play equipment approved shall be provided prior to the occupation of unit 19 and maintained in accordance with the approved details.</p>
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	<p>Reason: To ensure that adequate levels of recreation facilities are provided to serve the development in accordance with Policy RL5 of the adopted Stroud District Local Plan, November 2005.</p> <p>21. The Reserved Matters application as referred to in Condition 1 shall include the provision of pedestrian footpath links to the station and adjacent development sites, as well as a timetable of implementation, in accordance with drawing H.0283_01-5 (dated 03.12.2012). The footpaths shall be provided up to the site boundary. The footpaths approved shall be provided prior to the occupation of unit 19 and maintained as such thereafter.</p> <p>Reason: To ensure that safe pedestrian links can be provided through the site in accordance with Policy GE5 of the Stroud District Local Plan, November 2005.</p> <p>22. No development shall take place until a Waste Minimisation Strategy has been submitted to, and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved strategy.</p> <p>Reason: To encourage the re-use of resources in accordance with the core principles of the NPPF.</p> <p>23. The reserved matters submitted in compliance with condition 1 shall include details of water butt provision at a ratio of one water butt for each individual dwelling house together with similar communal provision for any apartment blocks. The proposed water butts shall then be provided prior to the occupation of the unit to which they relate and maintained as such thereafter.</p> <p>Reason: To encourage the re-use of water resources in accordance with the NPPF.</p> <p>24. The submission of any reserved matters in respect of siting required by condition 1 shall be accompanied by a noise mitigation scheme report which demonstrates how the submitted layout provides for an acoustically acceptable form of development. The mitigation scheme report shall include full details of all mitigation measures required along with clarification as to their long term maintenance by a public body, registered provider or management company together with their terms of reference and a timetable for overall implementation. The development shall then be carried out in strict accordance with the approved details / timetable and maintained as such thereafter.</p>
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	<p>Reason: To ensure that there is no noise nuisance in accordance with Policy GE1 of the Stroud District Local Plan, Adopted November 2005.</p> <p>25. No works of any description shall commence on site until a comprehensive wildlife enhancement and mitigation strategy for the whole development has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include full details of all mitigation measures proposed including an implementation timetable to protect any species or habitats identified and measures for the future maintenance of any enhancement areas. The strategy shall accord with the recommendations contained within the approved Ecological Assessment Document dated 17th May 2012 (Ref Hogarth Eco assessment doc) prepared by Wilder ecology. The mitigation and enhancement measures shall then be carried out in accordance with the approved scheme and maintained in accordance with the approved maintenance regime.</p> <p>Reason: To recognise nature conservation importance in accordance with Policy NE4 of the Local Plan and the NPPF.</p> <p>26. Prior to commencement of any development works on the site, an ecological survey focussing on the assessment of reptiles, shall be undertaken by a suitably qualified ecologist and a subsequent report detailing the findings submitted in writing, to the Local Planning Authority. The assessment shall be carried out at an optimum time of the year (between the months of April and September) and include details of mitigation measures if populations of reptiles are found on the site. The assessment shall be agreed by the Local Planning Authority prior to any development works commencing on site.</p> <p>Reason: To recognise nature conservation importance in accordance with Policy NE4 of the Local Plan and the NPPF.</p> <p>27. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>    Visiblility splays received on 30/11/2012     Plan number = 003</p> <p>    Other received on 07/02/2013     Plan number = SITE CONNECTIVITY PLAN   Version number = H.0283_01-5</p>
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Reason:

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

Informatives:

1. Highway Works

The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.

Advanced Payment Code (APC) is a legal requirement under sections 219 – 225 of the Highways Act 1980. It aims to ensure that security is provided for any new street works that may be carried out as part of a new residential or commercial development.

Further guidance on the Local Highway Authority's requirements can be found in its document entitled Manual for Gloucestershire Streets which can be found on the County Councils web site via the following link.

<http://www.gloucestershire.gov.uk/CHttpHandler.ashx?id=43815&p=0>

2. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval. There is a pumping station close to the planning application site. Furthermore, any new development must not restrict access to the sewerage pumping station. Please note, due to the close proximity of the proposed new development, the occupant may experience noise/smell pollution.

	<p>3. In order to comply with the above condition, the reptile survey should be undertaken by an ecologist with experience of undertaking reptile surveys and follow the recognised principles of good practice as laid out in documents such as those produced by the Joint Nature Conservation Committee, Froglife or the Institute of Ecology and Environmental Management (IEEM). The survey should be undertaken during favourable weather conditions that maximise the chances of accurately recording any reptile population that may be on site and include the following matters:</p> <p>A clear statement of the proposed aims and objectives of monitoring;  Details and justification for selection of baseline data and any changes or thresholds that, if occurring or reached, will trigger detailed remedial measures;  Details of the important and protected species and their places of shelter on the development sites  Methods for sampling and analysing, including the timetable and location for field survey;</p>
<b>CONSULTEES</b>	
<b>Comments Received</b>	Environmental Health (E) Contaminated Land Officer (E) Parish / Town Archaeology Dept (E) Gloucestershire Education Dept (E) Development Coordination (E) Planning Strategy Manager (E) Network Rail(E) SDC Water Resources Engineer (E) Severn Trent Water Ltd (E) Policy Implementation Officer (E) Highways Agency (E)
<b>Not Yet Received</b>	Rozelle Jachowicz- 1 To 4 Dwellings(E) Architects Liaison Officer Arboricultural Officer (E)
<b>CONTRIBUTORS</b>	
<b>Letters of Objection</b>	A J Brown, 25 Box Road Avenue, Cam M.Hopkins, 13 Box Road Avenue, Cam P J And S D Athey, 24 Box Road Avenue, Cam Cam Parish Council Walkley, 22 High Street, Cam R.Clarke, 18 Box Road Avenue, Cam K.King, 19 Box Road Avenue, Cam M Sambrook, 11 Box Road, Cam S Murdoch, 9 Box Road, Cam F Merrick, 84 Draycott, Cam

	M Jones, 5 Box Road Avenue, Cam Mr R I Lees, 3 Box Road Avenue,
<b>Letters of Support</b>	
<b>Letters of Comment</b>	
	<b>OFFICER'S REPORT</b>

## **1.0 SITE**

- 1.1 The application site is on the eastern side of the A4135 at Draycott, Cam and lies outside the defined settlement boundary.
- 1.2 The site is bordered to the north by the Bristol-Birmingham railway line and to the south-east by open fields and Box Road Avenue. Tocknell Court is to the immediate south.
- 1.3 The site, an inverted 'L' shape, wraps around 8 existing houses on the A4135 frontage. The site area of 1.7 hectares and is relatively flat.
- 1.4 It is brownfield land, having been previously used as a concrete batching plant and storage area. The majority of the site is hard-standing with landscaping along the northern railway boundary.
- 1.5 The site is not affected by any landscape designations.

## **2.0 PROPOSAL**

- 2.1 In April 2013 Members resolved to defer the decision on this application, pending the outcome of the Box Road High Court challenge. That judgement has now been released. Therefore the application is brought back to DCC for a formal decision. There are no alterations to the original proposal.
- 2.2 The application proposes the erection of up to 39 residential units. The proposal is to provide a mixed development of from 2 bed terraces to 4 bed detached houses.
- 2.3 The application proposes the provision of 30% affordable housing, children's play area and other grassed open space and SUD's and ecological areas.
- 2.4 The application is submitted in outline with all matters reserved for future consideration although an illustrative masterplan has been submitted as detailed below.

## **3.0 REVISED DETAILS**

- 3.1 Revised illustrative planning layout received 03.07.2012.

## **4.0 MATERIALS**

- 4.1 All matters are reserved for future consideration. However, the submitted planning statement envisages facing brickwork with tiled roofs.

## **5.0 RELEVANT PLANNING HISTORY**

97/1575. Erection of industrial building (B2 Use - Garaging and repair of motor vehicles). Permitted 18.02.1998.

97/1576. Outline application for mixed industrial units (B1, B2 & B8 Use). Refused 20.02.1998.

99/1467. Outline application for the erection of a business park (revised access plans received 19/11/99). Permitted 26.11.1999.

00/640. The deposit of recycled hardcore to complete re-surfacing of commercial site and deposit of firewood to be collected by senior citizens. Permitted 07.06.2000.

01/705. Erection of industrial units. Permitted 25.10.2001.

S.06/2164/COU. Temporary planning permission for the sale of motor vehicles. Refused 05.04.2007.

2011/1435/EIAS. Request for screening opinion under Regulation 5. No EIA 18.11.2011.

Appeal 2165671, Land off Box Road, Cam. Development proposed 71 residential dwellings, open space, children's play space, new access off Box Road, associated landscaping, car parking, engineering works and infrastructure. Appeal allowed 11.01.2013.

## **6.0 CONSULTATION RESPONSES**

6.1 A full copy of each statutory consultation response is available to view on the Council's website. Comments here have been summarised, except where stated:

6.2 Public Letters of objection:

A J Brown - 25 Box Road Avenue. Loss of privacy, noise, highway safety, no infrastructure, waste water. Drainage.

B Murphy - 14 Box Road Avenue. Access and highway safety, infrastructure, drainage, density.

M Sambrook - 11 Box Road Avenue. Highway safety.

PJ & SD Athey - 24 Box Road Avenue. Noise and pollution, flooding, sewage, local schools, issue of railway line.

F & V Merrick - 84 Draycott. Drainage, land stability, traffic, rail nuisance.

K King - 19 Box Road Avenue. Outside settlement boundary, proximity to amenities, traffic.

R Clarke - 18 Box Road Avenue. Traffic, proximity of amenities.

M Jones - Traffic and highway safety, availability of schools, car parking, antisocial behaviour, lack of jobs, proximity of amenities.

S Murdoch - 9 Box Road. Highway safety and traffic.

M Hopkins - 13 Box Road Avenue. Traffic, availability of local schools, noise of railway.

R Lees - 3 Box Road Avenue. Outside settlement boundary, retention of commercial site, not sustainable location, proximity of amenities.

### 6.3 Statutory Bodies and External Organisations:

**Cam Parish Council:**

- 1) The application is premature to the production of the Local Plan and to the appeal decision on the adjacent site.
- 2) The site has an existing employment designation which does not appear to have been effectively exploited or marketed. Employment provision is much needed in this area and should take precedence over housing. Any development on this site should include at least some employment provision.
- 3) The site is outside the settlement boundary and is unsustainable and remote from the main part of the settlement. Pedestrian access to the nearest primary school is inadequate and dangerous.
- 4) An application of this complexity, in this location should not be considered for outline permission and should be the subject of a detailed application.
- 5) Detrimental to highway safety with regard to a new access, without effective traffic management, for this number of properties near a bend on the busy A4135, contrary to Policy GE5.
- 6) Due to the proximity of the railway line and M5 motorway, this site is too noisy for residential occupation, contrary to Policy GE3.
- 7) The site is in a flood risk area - any design must incorporate extensive measures as detailed in the Flood Risk Assessment.

**SDC Policy Implementation Manager:** Comments on the proposed affordable housing and makes comments on the number and type of physical units and integration within the scheme.

**Gloucestershire Constabulary, Crime Prevention Design Advisor:**

Recommends revisions to plans in order to be compliant with secured by design.

**Gloucestershire County Highways:**

No objection raised subject to conditions.

**Highways Agency:**

No objection.

**SDC Ecologist:**

No objection and recommends conditions.

**Network Rail:**

Comments on the application with particular regard to ownership of land and position of dwellings in relation to the railway line.

**Gloucestershire Archaeology:**

Low archaeological potential within the site, therefore no further investigation work is required.

**SDC Environmental Protection (Contaminated Land):**

Requests full contaminated land condition be imposed on any planning permission.

**SDC Environmental Protection (EHO):**

Raises no objection subject to the imposition of conditions regarding the future submission of a noise mitigation alongside any reserved matters application for siting.

**Severn Trent:**

No objection subject to conditions.

**SDC Water Resources Engineer:**

Makes comments on the application and requests additional information with regard to surface water storage and off-site overflow.

**Gloucestershire County Council Education:**

No early year contributions required as there is deemed capacity at local nurseries. No primary education contribution required as there is adequate capacity at Slimbridge Primary School. Both Rednock and KLB secondary schools are over capacity, therefore contribution required of £150,746. Requirement for £7,840 towards libraries. Requires a condition be imposed for the provision of fire hydrants at 90m separation.

**ARTICE 31 STATEMENT – REASONS FOR RECOMMENDATION**

**7.0 REASONS FOR DECISION - ARTICLE 31**

- 7.1 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:
- 7.2 Following the introduction of the National Planning Policy Framework (NPPF) on 27.3.2012, the adopted Stroud District Local Plan, November 2005 should continue to be a material consideration. The Local Plan was not adopted under the Planning and Compulsory Purchase Act 2004 and therefore full weight cannot be given to the Local Plan Policies. Full weight should be given to the chapters in the NPPF.
- 7.3 The core planning principles of the NPPF (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 sources, conserve and enhance the natural environment, re-use previously developed land, promote mixed use developments, conserve heritage assets, encourage sustainable transport and improve health, social and cultural wellbeing for all. Local Plan Policy GE1 prevents an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect.

- 7.4 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.
- 7.5 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.
- 7.6 Chapter 11 (Paragraphs 109-125) of the NPPF details Governments objectives with regard to protecting and enhancing valued landscapes such as the AONB whilst minimising impacts of development on biodiversity. It requires assessment of noise generating developments or the location of development in noise sensitive environments. It also considers pollution and land contamination. Local Plan Policy NE10 seeks to conserve the distinct landscape types in the District. Policy NE4 seeks to ensure that the development would have no adverse impact on legally protected species.
- 7.7 Chapter 4 (Paragraphs 29-41) of the NPPF promote the need for sustainable transport. It outlines Governments objectives with regard to offering people access to a real choice about how they chose to travel. It requires access to sustainable transport modes and recognises that sustainable transport solutions will vary from urban to rural areas. Local Plan Policy GE5 maintains highway safety including public rights of way. Policy TR1 details the Councils parking standards.
- 7.8 Chapter 6 (Paragraphs 47-55) of the NPPF establishes Governments objectives for housing provision and allows for a rolling 5 year housing supply (plus 5% additional buffer). It also considers the location of new housing in sustainable locations with the requirement for affordable housing provision.
- 7.9 Policy HN8 of the Stroud District Local Plan, November 2005 specifically provides guidance on new dwellings inside settlement boundaries. This requires consideration of the plot size, height, size and design of the proposed units as well as the possible impact on car parking provision. Policy HN2 details the Councils housing allocation sites.
- 7.10 Local Plan Policies HN4 and HN5 detail the Councils requirements for affordable housing and their integration.
- 7.11 Chapter 7 (Paragraphs 56-68) of the National Planning Policy Framework (NPPF) stresses the importance of quality design in the provision of sustainable development. It stresses Governments objectives for inclusive design, innovation and raising design standards.
- 7.12 Chapter 12 (Paragraphs 126-141) of the NPPF is of relevance when assessing proposals on sites designated as listed buildings and their setting. It establishes the importance of the historic environment, heritage assets and

archaeology and provides guidance on conservation and enhancement. Local Plan Policy BE5 concerns development affecting the setting of a Conservation Area.

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

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

7.15 Full details of the NPPF is available to view at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

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

- o Principle of development
- o Noise
- o Design
- o Residential Amenity
- o Highway implications
- o Landscape impact
- o Sustainability
- o Public open space
- o Affordable Housing
- o Ecology
- o Archaeology and historic environment
- o Contributions

## **8.0 PRINCIPLE OF DEVELOPMENT**

8.1 The site is located outside the defined settlement boundary for Cam. However, this is a brownfield site and residential development in such locations is encouraged in the core principles of the NPPF which state that planning should:

"Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value".  
[Para 17 NPPF]

8.2 At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development; economic, social and environmental.

- 8.3 The NPPF does not require the reuse of a brownfield site to justify the loss of employment. However, it is of note that the site has been formerly used as a concrete batching plant and a skip hire business; neither provides much employment.
- 8.4 These uses are particularly environmentally friendly and being located in close proximity to existing housing can give rise to amenity concerns. As such their replacement by residential development would enable demonstrable environmental benefits to be achieved in accordance with local plan policy EM4. This gain would outweigh the loss of the low level employment offered by the authorised use of the site and would further support the sustainable re-use of a brownfield site.
- 8.5 The only relic on site from its former railway use is the goods shed which is Grade II Listed. This building is not contained within the application site; however any impact on its setting is a material consideration.
- 8.6 As noted above, the site is located outside of the defined settlement for Cam and as such would ordinarily be considered against Policy HN10 of the SDC Local Plan. It is very significant that this is a brownfield site and great weight should be afforded accordingly. The NPPF is a material consideration with regard to planning policy along with the current planning policies contained within the SDC Local Plan.
- 8.7 Local plan policy HN10 seeks to discourage new residential development outside defined settlement boundaries when it can be proven that the site is unsustainable and that the development would have an adverse impact on the landscape.
- 8.8 The chapters below will consider the individual factors that this application may give rise to and will assess landscape impact and the sustainable location of the site.
- 8.9 If permitted, the proposed scheme would positively contribute to the Stroud District Council five year supply of housing.
- 9.0 NOISE**
- 9.1 The site lies adjacent to the Bristol to Birmingham railway line and as such the site has the potential for noise disturbance. A noise report has been submitted as part of the application, however no mitigation has been detailed other than the provision of an acoustic fence.
- 9.2 In order to protect the amenities of future occupiers, it is recommended that a condition be imposed requesting full details of noise mitigation measures to be submitted at Reserved Matters stage. This will then ensure that the final layout will minimise the potential for noise both during the day and at night and secure an acceptable level of amenity for the future occupiers.

9.3 It is considered that an appropriate and implementable noise mitigation scheme can be provided, compliant with the requirements of Policy GE1 of the Stroud District Local Plan, November 2005.

## **10. DESIGN AND APPEARANCE**

10.1 This application is submitted in outline with all matters such as design, layout and appearance being reserved for future consideration. Such considerations will include the listed goods shed on site. The design and appearance of the houses will need to respect the historic significance of the building and any impact on its setting.

10.2 The accompanying Design and Access Statement outlines the overall parameters for the future reserved matters submission and envisages two storey dwellings and a mix of house types and levels of accommodation.

10.3 The Reserved Matters application would allow for detailed discussions on design.

## **11.0 RESIDENTIAL AMENITY**

11.1 The submitted layout plan is for illustrative purposes only and does not demonstrate the final proposed layout. This would be considered as part of a reserved matters application.

11.2 The submitted layout does however show that 39 dwellings could be accommodated on the site without affecting the privacy of neighbouring properties. Ample garden space could also be provided, some of which could be private.

11.3 A play area is proposed on site, however as the application is submitted in outline, a condition is warranted. This condition also requires approval of the play equipment and the area be implemented prior to the occupation of half of the units on the site. The ongoing maintenance of the play area and other open spaces will be secured through the S106 legal agreement.

## **12.0 HIGHWAYS**

12.1 The site is an existing employment site; therefore the site is currently subject to and has the potential for significant traffic movements. The existence of an authorised fallback position is an important material consideration and is the benchmark against which any resultant traffic and highway safety impact must be considered. Indeed it is important to acknowledge that such a level of traffic movements can occur regardless of the current proposal.

12.2 The Local Highway Authority considers that the existing site access is adequate. The existing visibility splays are commensurate with the speed of approaching traffic and could cater for a new residential access.

- 12.3 A 2m wide footpath provides pedestrian access to two bus stops; one to the north and one to the south. A contribution for two bus shelters (approximately 65m north of the site's entrance) has been requested in order to improve the quality of facilities at these locations and will be secured through a Section 106 legal agreement with the County Council. A condition is also proposed in order to provide street lighting from the site to the southern bus stop.
- 12.4 Other conditions are recommended with regard to vehicular parking, provision of access roads, a construction method statement and the provision of secure cycle spaces.
- 12.5 In addition, recommendations by the Local Highway Authority for consideration at reserved matters stage have been provided on the submitted layout and these can be summarised as follows:
1. There is no need for a footway on the opposite side to the houses between the first access and the parking spaces behind plot 39.
  2. Single garages should be 6m long x 3m wide and double garages 6m x6m. Garages of this size will also count as providing the required cycle parking space.
  3. Parking spaces in front of garages should be 6m long to allow for garage door opening.
  4. Driveways that also serve as pedestrian access should be 3.2m wide.
  5. The number of car parking spaces
  6. Speed restraints are needed at a minimum of 70m intervals.
  7. The turning head may require enlarging via the removal of the footway to the rear.
- 12.6 It is considered that the submitted scheme is acceptable in highway safety terms and that a satisfactory form of access can be provided via reserved matters which would comply with the requirements of Policy GE5 of the Stroud District Local Plan, November 2005.

### **13.0 LANDSCAPE**

- 13.1 The site is bordered to the north by existing residential development and the Bristol-Birmingham railway line, to the south and east by open fields and to the west by the A4135. The site becomes more rural to the north of the railway line.
- 13.2 The site was last used for employment purposes and there is an extant permission for the erection of industrial units.
- 13.3 The site is currently laid to concrete hard standing and is enclosed by mature hedging.

- 13.4 Coaley Junction shares a common boundary with the Box Road site (a residential development recently permitted at appeal) and wraps around existing residential development to the west. Here the Inspector concluded that although the proposal would cause some harm to the landscape setting, its impact would be limited and localised. In the case of Coaley Junction, the site is already developed; therefore it does not result in the loss of any agricultural land or green open space and is not of high environmental value.
- 13.5 The application proposes houses near the access which will be readily visible from the A4135. However, the site is bordered to the north and far south by residential development and consequently the proposal would not be harmful. The proposal would consolidate an area of sporadic built development. Its context is more urban than rural and as such it is considered that any harm would be limited and localised.
- 13.6 There are no long range views in to the site and the short range views are not distinctive except for glimpses of the listed goods shed.
- 13.7 It is therefore concluded that there would be no adverse or significant landscape impact.

#### **14.0 SUSTAINABILITY**

- 14.1 The Box Road appeal did not uphold a reason for refusal based on the location being unsustainable. It was considered that the nearest primary school was located within walking distance (1.8km) and that the Box Road application proposed improvements to the pedestrian route to the school. The inspector concluded that although the route to Slimbridge Primary School entailed crossing the A38, it was still an option for those who wished to do so.
- 14.2 In addition, when looking at the wider area, there are bus stops nearby and occupiers could walk to other facilities and some employment areas in Cam.
- 14.3 Also of consideration is the proximity of the Cam and Dursley Railway Station and the submitted connectivity plan shows pedestrian access to the station could be made in the north-east corner of the site. A pedestrian link has also been proposed from the application site and through the Box Road site.
- 14.4 In addition, the NPPF requires sustainable development to encompass three dimensions; economic, social and environmental. The current brownfield site generates little employment. The NPPF does not require a brownfield site to justify the loss of employment. Paragraph 22 states that "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities". The site is not allocated as employment land.

14.5 Paragraph 49 of the NPPF also states that "housing allocations should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". This application would contribute to the Council's ongoing supply of housing.

## **15.0 PUBLIC OPEN SPACE**

15.1 Three areas of open space are proposed: children's play area, public open space and an ecological enhancement area. There are other areas within the site that are open spaces and not privately owned domestic gardens. The ongoing management of these spaces is to be secured through a S106 agreement. In addition, a condition is proposed (condition 12) which requests the submission of a landscape management plan.

15.2 A further condition (condition 20) requests that the Reserved Matters application should detail the specific location of the play area and any equipment proposed. Again the S106 will secure its ongoing maintenance.

15.3 It is therefore considered that the provision of open space and its maintenance can be adequately secured and as such is compliant with the requirements of Policy RL5 of the SDC Local Plan.

## **16.0 AFFORDABLE HOUSING**

16.1 The scheme proposes the provision of 30% affordable housing. The submitted planning statement proposes to integrate the affordable housing as tenure blind in terms of materials and design. Pepperpotting can be secured within the Section 106 along with the other aspects of the affordable housing provision.

16.2 The SDC Policy Implementation Manager has supported the application.

16.3 The proposal is therefore considered to comply with the requirements of policy HN5 of the Local Plan.

## **17.0 ECOLOGY**

17.1 The SDC Environmental Protection Manager has commented on the application with regard to ecological matters.

17.2 In order to enhance wildlife an ecological area is proposed to the north-west of the site. It is recommended that planning conditions are imposed with regard to the implementation and ongoing management of the ecological area.

17.3 The submitted ecological report identifies a low potential for reptiles on the site and therefore a survey was not warranted. However there is some potential and a condition is recommended.

17.4 The proposal is therefore considered to comply with the requirements of Policy NE4 of the adopted Stroud District Local Plan, November 2005.

## **18.0 ARCHAEOLOGY & HISTORIC ENVIRONMENT**

- 18.1 The Gloucestershire County Council Archaeological Officer has been consulted on the application and has identified a low potential for archaeology within the site. No further archaeological investigations or recordings are required.
- 18.2 The site includes the old Coaley Junction railway station; the junction was between the main and branch lines. The station closed in 1968 and the branch line became a private siding. Nothing remains of the old station except for the goods shed which is Grade II Listed.
- 18.3 The goods shed is excluded from this actual application site but is an important historic feature. Any future application for reserved matters would have to address the historic setting and context. It is considered that a sympathetic design of the proposed development along with sufficient regard for its setting, would not harm the listed building / heritage asset.

## **19.0 FINANCIAL CONTRIBUTIONS**

- 19.1 Planning obligations will be sought where they are necessary to make the development acceptable in planning terms, directly related and are fair and reasonable in relation to scale and location of development proposed.
- 19.2 Two Section 106 Agreements are to be entered into; one with Stroud District Council and one with the County Council.

### Stroud District Council S106:

- o Off site recreation contribution required and calculated in accordance with the published off-site Residential Development Outdoor Play Space Provision SPG (Nov 2000).
- o Management of open spaces.
- o Provision of 30% affordable housing.

### County Council S106:

- o Secondary education contribution required of £150,746.
- o Library contribution of £7,840.
- o Highway contribution of £10,800 for bus shelters.

## **20.0 REVIEW OF CONSULTATION RESPONSES**

- 20.1 11 letters of public objection have been received which raise concerns with regard to:
- o Loss of privacy
  - o Noise
  - o Highway safety
  - o Drainage
  - o Impact on local schools
  - o Outside settlement boundary
  - o Proximity of amenities
- 20.2 These points will be considered in turn. The indicative planning layout demonstrates that new dwellings can be positioned more than 25m away from neighbouring dwellings, ensuring no loss of privacy.

- 20.3 The railway has the potential to be the greatest source of noise and a condition is recommended to safeguard against noise.
- 20.4 The Local Highway Authority has not objected to the proposal in terms of highway safety and has recommended planning conditions.
- 20.5 The site is located in flood zone 1 and as such is not considered to present a great risk. In order to ensure that surface water is managed a planning condition is recommended which requires full detailed plans of disposal of surface water and foul sewage.
- 20.6 The County Council education department has been consulted and requested a contribution towards secondary education which will be secured through a Section 106 Legal Agreement. They consider that there is room at the local primary school. The appeal inspector at the Box Road site did not find the site to be unsustainable and noted that Slimbridge School was within walking distance. In addition this applies to local shops; there are buses available and a pavement into the centre of Cam.
- 20.7 The site is outside the defined settlement boundary however it is a brownfield site. The National Planning Policy Framework encourages the effective use of land by reusing that previously developed. As noted above, the site is located in a sustainable position (as considered by an appeal inspector) and the proposal would not adversely affect its landscape setting (it is located by surrounding built form).

**21.0 RECOMMENDATION**

- 21.1 The proposal is considered to comply with the provisions of Policies GE1, GE5, HN4, HN5, NE4, BE5 and BE12 and of the adopted Stroud District Local Plan, November 2005, the guidance contained with the NPPF and supplementary planning documents. The proposal will not adversely affect the amenities currently enjoyed by neighbouring occupiers. The plot size is able to accommodate the proposal without appearing cramped or overdeveloped. The proposal would not adversely affect any protected species. The proposal would have no adverse on highway safety.
- 21.2 The site is a brownfield site that is not of high environmental value, therefore the NPPF encourages its reuse.
- 21.3 The site would contribute towards the Councils five year land supply.
- 21.4 The proposal will not result in a significant impact on light levels, loss of privacy or have an overbearing effect. Suitable mitigation can ensure that the proposal does not result in unacceptable levels of noise.
- 21.5 Planning conditions will ensure that protected species and their habitats can be suitably managed and mitigation measures provided for the construction phase.

21.6 The scheme is not considered to have a significantly detrimental effect on highway safety and the access is considered to be appropriate for the development. The site is within a sustainable location with reasonable access to local facilities. The illustrative scheme indicates that sufficient levels of car parking can be provided. Gloucestershire County Council as Highway Authority was consulted and has raised no objection subject to conditions and financial contributions towards bus stops to the north of the sites access.

21.7 Considerable note was taken of the content of the responses from statutory and non statutory consultees. Having considered and balanced these responses both supporting and opposing the proposal, it was considered that none justified permission being refused.

21.8 It is therefore recommended that Members Resolve to Grant conditional permission subject to the completion of a legal agreement securing the obligations outlined above.

## **22.0 POTENTIAL NON-ACCEPTANCE OF OFFICEER RECOMMENDATION**

22.1 Whilst clearly Members may choose to accept, amend or over-turn the above recommendation, any revised recommendation must be made on valid planning grounds and should accord with adopted national and local planning policy.

22.2 In particular a recommendation to refuse the proposal should be capable of being defended on appeal and hence Members would be required to provide clear planning reasons to substantiate such a motion. These reasons would have to justify a change in position away from the advice offered within this report and provide clarity as to how such advice has been taken into account in reaching a contrary view.

22.3 In entering an appeal forum, The Local Planning Authority must be seen to have acted reasonably with regard to the requirements of DoE Circular 8/93 'Award of costs incurred in planning and other (including compulsory purchase Order) Proceedings'.

22.4 Two factors that could be considered unreasonable, as outlined in para 13 of Circular 8/93, would be:

- the pursuance of an appeal which obviously had no reasonable prospect of success, including one which clearly 'flies in the face' of national planning policies.

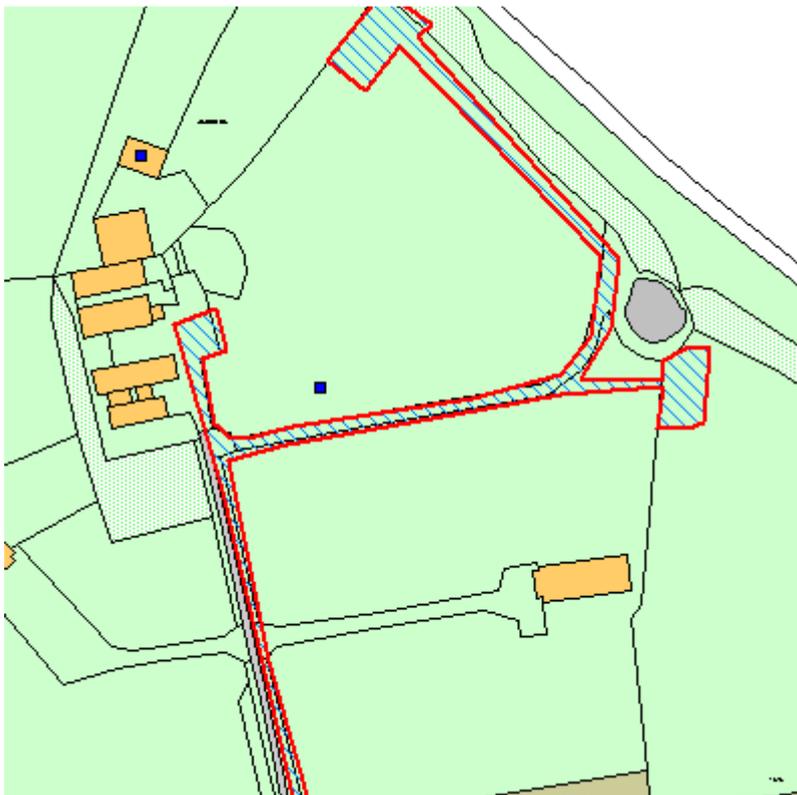
## **23.0 SI 2274 STATEMENT**

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

## 24.0 HUMAN RIGHTS

24.1 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.

<b>Item No:</b>	<b>02</b>
<b>Application No.</b>	S.13/2191/FUL
<b>Site No.</b>	PP-02935415
<b>Site Address</b>	Abclift Farm, Overton Lane, Arlingham, Gloucester
<b>Town/Parish</b>	Arlingham Parish Council
<b>Grid Reference</b>	373380,210968
<b>Application Type</b>	Full Planning Permission
<b>Proposal</b>	Erection of two timber lodges for use as holiday accommodation. Resubmission following refusal of S.13/0931/FUL.



<b>Applicant's Details</b>	Mr & Mrs A Martin Abclift Farm, Overton Lane, Arlingham, Gloucester, Gloucestershire GL2 7JJ
<b>Agent's Details</b>	Mr David Pearce LD&PC Ltd, 1A The Old Brushworks, 56 Pickwick Road, Corsham, Wiltshire SN13 9BX
<b>Case Officer</b>	Rachel Brown
<b>Application Validated</b>	07.10.2013
	<b>RECOMMENDATION</b>
<b>Recommended Decision</b>	<b>Refusal</b>
<b>For the following reasons:</b>	<ol style="list-style-type: none"> <li>The proposed development is located in an isolated and remote area, poorly served by public transport and not within easy reach of facilities e.g. shops; and which would consequently result in increased carbon emissions due to a reliance on the private car. The proposal therefore would amount to an unsustainable form of development contrary to the presumption in favour of sustainable rural tourism development contained within paragraph 28 of the National Planning Policy Framework and is contrary to policy E110 of the emerging draft Stroud District Local Plan.</li> </ol>
	<b>CONSULTEES</b>
<b>Comments Received</b>	Parish / Town
<b>Not Yet Received</b>	Planning Strategy Manager (E)
	<b>CONTRIBUTORS</b>
<b>Letters of Objection</b>	
<b>Letters of Support</b>	
<b>Letters of Comment</b>	
	<b>OFFICER'S REPORT</b>

## **DESCRIPTION OF SITE**

The site is on Abclift Farm which is a mixed organic farm to the north of Overton Lane in an open rural area to the south-west of the River Severn. The existing vehicular access to the highway leads north to the main complex of farm buildings. There are also tracks within the site generally leading to agricultural buildings. The lands falls steadily to the eastern boundary that is largely marked by mature hedgerow. The Severn Way long distance footpath passes close to the eastern boundary following the route of the River Severn.

## **PROPOSAL**

The application seeks permission for the erection of two timber lodges for use as holiday accommodation. This is a resubmission following refusal S.13/0931/FUL

## **REVISED DETAILS**

None

## **MATERIALS**

Walls: Waney Edge Larch Cladding

Roof: Tiles TBA

Doors/windows: Timber

## **RELEVANT PLANNING HISTORY**

S.09/1981/FUL - Erection of permanent agricultural workers dwelling & extension to existing agricultural buildings - Withdrawn 23/12/09

S.10/0361/FUL - Erection of permanent agricultural workers dwelling & extension to existing agricultural buildings - Resubmission of S.09/1981/FUL - Permission 28/04/10

S.13/0931/FUL - Erection of two timber lodges for use as holiday accommodation - Refused 04/07/13 on grounds of being unsustainable, contrary to Local Plan Policy HN10 and the NPPF.

## **CONSULTATION RESPONSES**

### Public

None

### Parish

The Parish Council responded: "The Arlingham Parish Council have instructed me to contact you and inform you of their decision to support the application for the erection of timber lodges for use as holiday accommodation reference S.13/2191/FUL at Abclift Farm. The Council wish to support the application under planning policies GE1, GE5 and NE10."

### Consultations

The Gloucestershire Centre for Environmental Records noted the presence of Wick Court Meadow commenting: "Once an extremely rich species grassland. Now improved".

## **ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION**

### **REASONS FOR DECISION - ARTICLE 31**

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

### **PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES**

In considering this application, the provisions of the National Planning Policy Framework (NPPF) have been considered as well as Policies GE1, GE5, TR1, EM8, EM9 and EM10 of the adopted Stroud District Local Plan, November 2005.

### **PRINCIPLE AND IMPACT ON THE AREA**

Policy EM8 allows new buildings for farm-based enterprises where the location in the countryside is appropriate, the development is appropriate in scale to the locality and where the development would improve local employment opportunities.

Policy EM9 supports development that expands tourist facilities provided that visitor attractions relate appropriately to the area, are of a suitable scale, nature and design that is compatible with the local environment, have no significant element of retail or residential use and no adverse impact upon the vitality and viability of nearby settlements. The supporting text for EM9 (para 4.12.3) states *"The Council will encourage development of facilities that improve Stroud District as a tourist destination and that help to achieve the aims of protecting and enhancing the environment within the central concept of sustainable development"*.

Policy EM10 permits small scale sites for holiday caravans and camping in the countryside provided they have good access to principal road network and local services, can be acceptably assimilated into the local environment and provide suitable landscaping around the site boundary. The supporting text to Policy EM10 states *"Proposals for residential static caravans will be treated as new residential accommodation in the countryside and will be considered against the relevant policies in the Housing chapter"*.

Weight should also be given to the policies contained within the Council's emerging Draft Local Plan, which was supported at the Council meeting on 25 July. Of relevance to this particular development is Delivery Policy EI10, Provision of new tourism opportunities. This policy seeks to encourage new tourism development within settlement development limits. Paragraph 5.54 states: "In applying general sustainability considerations the Council will sequentially guide tourism to more accessible locations." The paragraph continues: "In lower tier and unclassified settlements or countryside, the Council favours the principle of re-use rather than new build or the provision of temporary structures". This paragraph leads to the main policy which directs tourist accommodation to accessible settlements, or in exceptional cases lower tier settlements.

Paragraph 28 of the National Planning Policy Framework supports economic growth in rural areas including sustainable rural tourism.

The proposed development does not relate directly to the farming activities carried out on site but rather to the countryside setting. The development would not result in significant employment opportunities.

Whilst the timber lodges may be simple structures they would still result in the introduction of built form in an area where it would not normally be acceptable. The lodges would be visible to some extent from the long distance footpath that passes along the eastern site boundary and there would also be associated domestic activity and a number of vehicular movements. Other than some parking restrictions it would not be possible to effectively control the extent of visitor activity in relation to the accommodation and the resultant impact would be intrusive in this riparian setting. The site is outside any settlement boundary as defined within the Local Plan in a rural area where new residential development would not normally be permitted as detailed in Policy HN10. However, it is acknowledged that the proposal is for holiday accommodation and the occupation of the timber lodges could be controlled accordingly by way of a suitably worded condition.

The site is in a remote location, poorly served by public transport and not within easy reach of facilities; and which would consequently foster a reliance on the private car by visitors. This reliance would be exacerbated by the nature of the routes to the nearby settlements and the lack of a safe pedestrian environment on the narrow and unlit Overton Lane. The development would be an unsustainable form of tourism development in the open countryside contrary to national and local policy objectives. It is acknowledged that the Severn Way long distance path is within close proximity of the site, however this in itself is a limited tourist facility and it is likely that visitors would still need to rely on the use of the motor car to visit other visitor attractions and/or facilities.

### **RESIDENTIAL 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.

Due to the location of the cabins, there would be no unacceptable impact on the living conditions of neighbouring residents.

### **HIGHWAY SAFETY**

Policy GE5 prevents development that would be detrimental to highway safety or any user of the highway or public right of way. Policy TR1 details the criteria that must be met in respect of minimising the need to travel such as locating complimentary uses close together, focussing development in urban areas, principal settlements and in locations highly accessible by public transport, also the need for traffic calming, highway improvements and adequate parking as appropriate.

The vehicular traffic likely to be generated by the proposed development would not be so significant that it is considered likely to result in an unacceptable impact upon the safety of the local highway network. However, the roads in the vicinity of the site are generally narrow with no footway and no street lighting. There appears to be a very limited bus service for the area with only one bus from Arlingham to Gloucester available each way from Monday to Saturday with a further bus to Stroud on Fridays other than the school bus services. There are also only very limited facilities in the area and those are some considerable walking distance from the site. The relatively remote location of the development, the infrequency of public transport and the nature of the local highway conditions as described discourage the use of sustainable transport modes as defined within the National Planning Policy Framework and would be contrary to the sustainability aims of Local Plan Policy TR1.

## **REVIEW OF CONSULTATION RESPONSES**

The Parish Council support the application.

## **CONCLUSION**

The proposal is NOT considered to comply with the provisions of policies listed in the reasons for refusal and contained the Local Plan and the core planning principles set out in the NPPF.

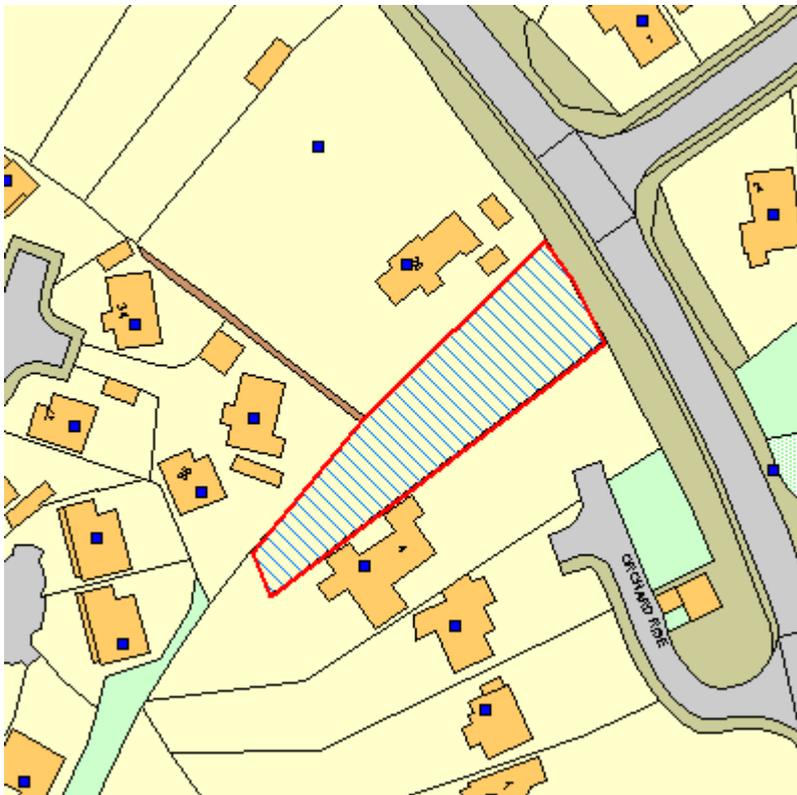
## **SI 2274 STATEMENT**

Unfortunately this application, a resubmission following the refusal, was submitted without any meaningful pre-application discussions. For the reasons given above the application is recommended for refusal.

## **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.

<b>Item No:</b>	<b>03</b>
<b>Application No.</b>	S.13/2030/FUL
<b>Site No.</b>	PP-02889269
<b>Site Address</b>	20 Tilsdown, Cam, Dursley, Gloucestershire
<b>Town/Parish</b>	Cam Parish Council
<b>Grid Reference</b>	374804,199483
<b>Application Type</b>	Full Planning Permission
<b>Proposal</b>	Erection of single dwelling and formation of new vehicular access (Resubmission of S.13/0432/FUL).



<b>Applicant's Details</b>	Mrs Abigail Snook Mark Snook Planning, The Pike House, Kingshill Road, Dursley, Glos GL11 4BJ
<b>Agent's Details</b>	None
<b>Case Officer</b>	John Chaplin
<b>Application Validated</b>	23.09.2013

	<b>RECOMMENDATION</b>
<b>Recommended Decision</b>	<b>Permission</b>
<b>Subject to the following conditions:</b>	<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Site Location Plan and Site Plan received on 13/09/2013 Plan number = MEA/767/PL/05/13/02/A</p> <p>Proposed Plans and Elevations received on 13/09/2013 Plan number = MEA/767/PL/05/13/01/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 materials to be used in the construction of the external surfaces of the building works 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 and to comply with Policy HN8 of the adopted Stroud District Local Plan, November 2005 and the provisions of the National Planning Policy Framework.</p> <p>4. The development hereby permitted shall not be commenced until details of a scheme of hard and soft landscaping for the site has been submitted to and approved by the Local Planning Authority.</p> <p>Reason: In the interests of the visual amenities of the area and to comply with Policy HN8 of the adopted Stroud District Local Plan, November 2005.</p>

	<p>5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interests of the visual amenities of the area and to comply with Policy HN8 of the adopted Stroud District Local Plan, November 2005.</p> <p>6. The development hereby permitted shall not be commenced until detailed plans have been submitted to and approved by the Local Planning Authority, of the method of disposal of surface water within the curtilage of the site. The development shall not be brought into use until that agreed method has been provided and is available for use.</p> <p>Reason: To provide the development with a suitable method of disposing of surface water and to prevent the incidence of flooding in accordance the National Planning Policy Framework.</p> <p>7. The dwelling hereby permitted shall not be occupied until car parking and turning facilities have been provided in accordance with the approved plans and that area shall not thereafter be used for any other purpose other than for the parking and manoeuvring of vehicles.</p> <p>Reason: To ensure that adequate off road parking and turning space is provided, in the interests of highway safety in accordance with Policy GE5 of the adopted Stroud District Local Plan, November 2005.</p> <p>8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3, and described within Classes A - E; of Part 1 of Schedule 2, shall take place.</p> <p>Reason: In the interests of the amenities of the area and comply with Policies HN8 and GE1 of the adopted Stroud District Local Plan, November 2005.</p>
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	<p>9. Prior to the commencement of the development hereby permitted, details and plans showing the finished slab level of the dwelling hereby permitted, including cross sections through the site, showing the relationship with adjoining land or highway and referenced to a fixed datum point outside the site, shall be submitted to and approved by the Local Planning Authority. The development hereby permitted shall then only be carried out in accordance with those approved details.</p> <p>Reason: In the interests of the amenities of the area and to accord with Policy HN8 and GE1 of the adopted Stroud District Local Plan, November 2005.</p> <p>10. The vehicular access hereby permitted shall not be brought into use until the existing road frontage boundaries have been altered to provide visibility splays extending from a point 2.4m back along the centre of the access (measured from the public road carriageway edge) to a point on the nearer carriageway edge of the public road 78m distant in both directions, and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height between 1m and 2.1m above the carriageway level.</p> <p>Reason: To reduce the potential highway impact in accordance with Stroud District Local Plan Policy GE5.</p> <p>11. The gradient of the access hereby permitted shall not be greater than 7% (1:14) for at least 6m from the public highway.</p> <p>Reason: In the interest of highway safety in accordance with Stroud District Local Plan Policy GE5.</p> <p>12. The vehicular access hereby permitted shall not brought into use until provision has been made within the site for the catchment and disposal of surface water, and such provision shall be maintained thereafter.</p> <p>Reason: In the interest of highway safety in accordance with Stroud District Local Plan Policy GE5.</p> <p>13. The building hereby permitted shall not be occupied until the parking and turning facilities have been provided in accordance with the submitted plan Mea/767/PL/02/13/02/A and those facilities shall be maintained thereafter.</p> <p>Reason: In the interest of highway safety in accordance with Stroud District Local Plan Policy GE5.</p>
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	<p>Informatives:</p> <ol style="list-style-type: none"> <li>1. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise, dust, smoke/fumes and odour during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting, not burning materials on site and advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume, noise or dust complaints be received. For further information please contact Mr Robert Weaver, Environmental Protection Manager on 01453 754489.</li> <li>2. The proposed development will require the provision of a footway/verge crossing and the applicant/developer is required to obtain the permission of the County Council before commencing any works on the highway.</li> </ol> <p>There is a telegraph pole within the designated visibility envelope. This is not felt to create an impediment to vision due to its location allowing vision to both sides simultaneously.</p>
	<b>CONSULTEES</b>
<b>Comments Received</b>	Development Coordination (E) Parish / Town
<b>Not Yet Received</b>	
	<b>CONTRIBUTORS</b>
<b>Letters of Objection</b>	P Bennetts, 3 Orchard Rise Cam, J Pemberton-Bennetts, 3 Orchard Rise Cam Dursley,
<b>Letters of Support</b>	
<b>Letters of Comment</b>	D And D Hewish, 4 Orchard Close, Cam
	<b>OFFICER'S REPORT</b>

## **SITE**

The application site is located off the A4135 Tilsdown Road and comprises a plot of land with a recent planning consent for a new dwelling. The site formed part of the garden of a two-storey detached dwelling. Another new dwelling has recently been constructed within the garden to the northwest side of the main house. Vehicular access is derived from a tarmac driveway onto the main road to the east, almost opposite the junction with Woodview Road. The site occupies an elevated position, with a steep bank to the road frontage, with land also rising from the southwest. The site is enclosed with a significant amount of shrub planting around most boundaries. The southern boundary is marked by a post and wire mesh fence, beyond which lie a number of other residential properties. The site lies within the settlement boundary.

## **PROPOSAL**

Erection of single dwelling and formation of new vehicular access (Resubmission of S.13/0432/FUL).

## **REVISED DETAILS**

Additional Highway Consultant statement submitted by agent on 06 November 2013.

## **MATERIALS**

Walls: Tiles to be agreed.

Roof: Stone and render to be agreed.

Fenestration: UPVC

## **RELEVANT PLANNING HISTORY**

S.13/0432/FUL - Erection of a detached dwelling and associated works. Revised plans received 07/05/2013. Approved.

S.12/2057/FUL - Erection of two dwellings and associated works. Refused.

S.12/1229/FUL - Erection of two detached dwellings and associated works. Withdrawn.

S.12/0530/FUL - Erection of single dwelling and alterations to existing vehicular access (revision to S.10/0888/FUL). Approved.

S.10/0888/FUL - Erection of one dwelling including access (Revised plan received 24.8.2010). Approved.

## **CONSULTATION RESPONSES**

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

Cam Parish Council: Object - The site is located off a major through road which has a speed limit of 40mph and is almost directly opposite an existing entrance of a large housing estate. Detrimental to highway safety and contrary to Policy GE5.

GCC Highways: No highway objection subject to conditions

Environmental Health: Recommends conditions

Local Residents: 2 Objections received - reinforces the principle that the original application constitutes an overdevelopment. Overly large dwelling causes loss of privacy. Not in scale with surroundings. Does not fit built form. No private amenity space. Danger to highway safety. Proposed access is just over the brow of a hill, bend, opposite turning - accident waiting to happen.

1 Comment received - Road has become increasingly difficult to access. Queues on Tilsdown and parking on the hill when events take place.

## **ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION**

### **REASONS FOR DECISION - ARTICLE 31**

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

### **PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES**

In considering this application, the provisions of the National Planning Policy Framework (NPPF) have been considered as well as Policies GE1, GE5 and HN8 of the adopted Stroud District Local Plan, November 2005 which is in conformity with the NPPF and can still be given weight.

Policy HN8 of the Stroud District Local Plan requires that the proposed housing is compatible with the settlement in terms of design, scale and layout, it would not cause the loss of, or damage to, any open space which is important to the character of the settlement and an appropriate area of private amenity space is provided for the occupiers of each dwelling. Policy TR1 requires that appropriate car parking is provided in accordance with the adopted parking standards and that access is provided via a range of transport modes. Policy GE1 prevents an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect. Chapter 7 of the NPPF stresses the importance of quality design. Policy GE5 maintains highway safety including public rights of way, and paragraph 32 of the NPPF states that development should only be refused where highway impact is severe

### **PRINCIPLE AND DESIGN OF DEVELOPMENT**

The site is located within the settlement boundary and has a recent planning consent for a new dwelling (S.13/0432/FUL). This recent approval is still extant and therefore implementable; it establishes the principle of development. Moreover the siting and design of the dwelling are the same as the approval, and this current application only seeks to change the access arrangements. As there have not been any significant changes on site or to relevant policies, the siting and design should be regarded as acceptable in terms of character of the area and residential amenity.

### **HIGHWAY IMPLICATIONS**

The previous approved scheme made use of and shared the existing access. This proposal seeks permission for a new separate access on to the main road, approximately 50 metres to the south of the existing access to 20 Tilsdown.

The Parish Council and local residents have concerns about the proposed access. They feel that it is on a busy road near the junction with Woodview Road, and has restricted visibility with a hill and bend on the highway.

GCC Highways had initial concerns about the suitability of the visibility splay to the south. However, following detailed investigations, including further site inspection and measurements, the County Highway Officer has no objection as adequate visibility can be achieved. Conditions are recommended.

### **SI 2274 STATEMENT**

Brief pre-application discussions took place, however, the case officer was in contact with the applicant/agent, acting in a positive and proactive manner, to address the highway implications of the scheme. Further clarification and justification has been submitted resulting in a permissible scheme.

### **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.

<b>Item No: 04</b>	
<b>Report Title</b>	<b>SHILTON LEAZE, MOORSLADE LANE, FALFIELD</b>
<b>Purpose of Report</b>	To inform Members of a breach of Planning Control concerning the failure to comply with an Enforcement Notice.
<b>Recommendation</b>	For the reasons outlined in this report it is your Officer's recommendation that in this particular case it is not expedient to pursue further Enforcement Action at this time.
<b>Options</b>	<ol style="list-style-type: none"> <li>1. <b>To accept the recommendation:</b> If the recommendation is accepted no further Enforcement Action will be undertaken at this time.</li> <li>2. <b>To reject the recommendation:</b> If the recommendation is rejected Members will need to authorise one of the following three courses of Enforcement Action: <ol style="list-style-type: none"> <li>a) Prosecute the owners;</li> <li>b) Seek an injunction to clear the site; or</li> <li>c) Take direct action to clear the site.</li> </ol> In this event further legal and financial advice may be required.</li> </ol>

## 1.0 Background

- 1.1 This matter is brought to DCC at the request of Councillor Penny Wride, the Ward Member for the area.
- 1.2 Shilton Leaze is a small area of agricultural land near Lower Stone. The land was bought in 2006 by a family who indicated that they wished to start an alpaca farm on the land. As has been the case with similar alpaca 'start-ups' the owners moved onto the land in a touring caravan and brought in alpacas before making any planning application, despite being advised well in advance not to do so. In addition to the touring caravan a driveway and turning circle were constructed, bordered by a large bund, and a mobile home was brought into the site. The mobile home was presumably intended to be used as long term accommodation but was not made habitable. It is unclear whether or not it has ever been used as accommodation.
- 1.3 Retrospective planning applications were made to use the caravans for a 'temporary period' to allow the alpaca farm to grow, pending the submission of an application for a permanent dwelling. The justification being that alpacas needed someone living on site to care for them. That justification was not felt to be accurate or compelling and the applications were refused. An Enforcement Notice was then served requiring the removal of the caravans, any mobile structure used for storage and the removal of the driveway.

- 1.4 Appeals were launched against the refusals of planning permission and the Enforcement Notice. All three were dismissed by the Planning Inspectorate in 2009, although the compliance period on the Enforcement Notice was extended from six to eight months. In summary the Inspector agreed that the alpaca farm did not justify having a permanent residential presence on site and that there was not sufficiently compelling evidence that the business venture was sustainable. Indeed, it emerged that the owners had not bought any of the alpacas and had merely been borrowing them from a local breeder.
- 1.5 The touring caravan was moved off the land bringing its residential use to an end and the alpacas were returned to the local breeder. However, the mobile home, driveway and a couple of old vehicles were left behind. The owners were advised that failure to remove the remaining items was a breach of the Enforcement Notice and could result in prosecution.
- 1.6 The owners informed us that they had sold their original house in order to fund this venture and had been forced to move into rented accommodation. Consequently they did not have anywhere to put the items that remained on site. Over the following months attempts were made to encourage the owner to sell or otherwise dispose of the remaining items, in particular the mobile home, without success. A small shipping type container was subsequently moved onto the land and used to store excess domestic furniture; this is not covered by the extant Enforcement Notice.

## **2.0 Current Situation**

- 2.1 The owners do not appear to have ever moved back onto the land to live. There have been reports that they sometimes return for weekends and are seen carrying out minor landscaping works. Indeed, although they have never been found on site during the week, the area in front of the mobile home is maintained as a lawn with a flower border and occasionally toys are left on site.
- 2.2 Attempts by Officers to negotiate, cajole and even threaten further Enforcement action for the clearance of the site proved ineffective. Once an Enforcement Notice has been served the Planning Authority has three options to secure compliance with its requirements:
  - a) prosecute;
  - b) issue an injunction; or
  - c) take direct action.
- 2.3 Starting with c), undertaking direct action was never a viable option. The Council simply does not have the capacity to remove from the land and pay to store the mobile home or other domestic items. It could not just remove and sell or scrap them because even though it is in breach of an Enforcement Notice the items are still private property that the owner is entitled to recover. Some of the removed items could eventually be sold to recover the costs of the removal and storage, but only to the extent of recovering costs at that time - the remainder would still have to be stored.

- 2.4 Consideration was given to seeking an injunction. This would put authority in the hands of the Courts and make ignoring the injunction liable to a custodial sentence. However, it became apparent that the breach of the Enforcement Notice was not causing severe harm or disruption to public law and order. It is felt that in the circumstances the Courts would not likely grant such an injunction.
- 2.5 The owners are not undertaking any criminal activity on the site that puts property or members of the public at risk. The visual harm to the area is surprisingly limited; the roadside hedgerow and bund inside the site obscures from view the mobile home and storage container. The nearest public footpath is over 300m to the north and again is shielded by the field boundaries. In short, the results of offence are not serious enough to justify potentially sending the owners to prison.
- 2.6 Undertaking a prosecution has been considered. This would only act as a punishment measure. The penalty on conviction is a fine. It does not achieve clearance of the site. Given the personal circumstances of the owners and the limited impact of the offence, the fine is likely to be small. It would, however, be open to the Council to undertake repeated prosecutions until the site is cleared.
- 2.7 The primary purpose of the Enforcement Action in this case was to prevent the establishment of an unjustified residential use in the open countryside. The removal from the site of the items that had become associated with the residential use was an ancillary matter, primarily pursued to discourage the owners from re-occupying the site. That is not to say that the visual impact of the items was unimportant; at the time they were exposed to public views and appeared incongruous in a field.
- 2.8 It should also be highlighted that the Enforcement Notice cannot take away any lawful rights to land that the owners have. In this specific case, if the owners do resurrect an agricultural use on the land as they have often indicated, they are able to retain the mobile home as a storage building. Consequently a lawful use of the land would, from the outside, have almost the same appearance as the current situation on site.

### **3.0 Conclusion**

- 3.1 Currently there is little justification for undertaking prosecution of the owners for not removing the remaining items set out in the Enforcement Notice; it could be seen as simply penalising them without actually achieving the clearance of the site. Given the limited impact the remaining structures have and the fallback position if an actual agricultural use was reinstated it is not considered to be in the public interest to advance this matter to the Courts.
- 3.2 Taking no further action at this time does not prevent the Council from revisiting the matter and taking action at a later date, particularly if residential occupation of the site occurs again. Also, as the Enforcement Notice remains extant and attached to the land it is not currently possible for the owners to obtain lawful residential use of the site.

- 3.3 Taking no further action would not engage the owners rights under the Human Rights Act, 1998. Consideration has been given to the rights of the neighbouring properties, however, in each case the site is remote from these homes. The rights to the enjoyment of property and respect for the home contained within the Human Rights Act cannot reasonably extend to granting a right to a pleasant long distance view through or over someone else's property. As such taking no further action is considered to be compatible with the Human Rights Act.