

meeting papers

Development Control Committee

Tuesday, 8 October 2013
6.00 pm



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

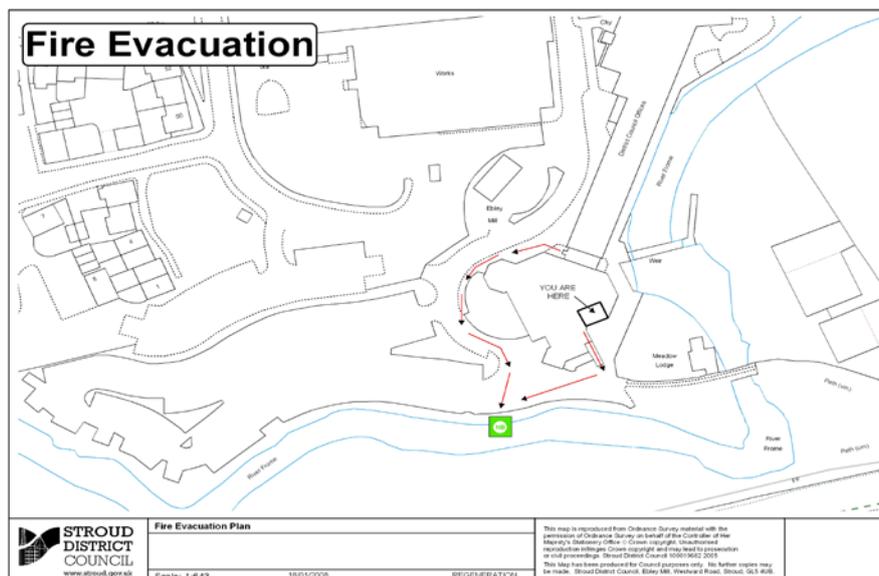


INVESTOR IN PEOPLE

Council Offices Ebley Mill Ebley Wharf Stroud Gloucestershire GL5 4UB

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- **DO NOT** use the lifts when the alarm is sounding.
- Upon evacuation, visitors should go to the NB assembly point. The assembly points are situated in the staff car park where a fire steward will be there to take a roll call.
- Visitors **must** remain at the assembly points until permission is given to leave.
- Visitors must **not** leave the site until instructed to do so.



For Agenda enquiries contact:	Sarah Weyman, Democratic Services and Elections Officer Tel: 01453 754355 Email: sarah.veyman@stroud.gov.uk
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27 September 2013

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **Tuesday, 8 October 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). The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

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

1. APOLOGIES

2. DECLARATIONS OF INTEREST

To receive Declarations of Interest in relation to planning matters.

3. MINUTES

To approve and sign as a correct record the Minutes of the Development Control Committee meeting held on 10 September 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, 12 November 2013

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

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

The Chair's briefing will take place on **Tuesday, 8 October 2013** at 4.00 pm in
The Planning Office at Ebley Mill.

In the Event of a Fire

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

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

DEVELOPMENT CONTROL COMMITTEE

10 September 2013

6.00 pm – 8.25 pm

Council Chamber, Ebley Mill, Stroud

3

Minutes

Membership:

Ken Stephens**	P	David Drew	P
John Marjoram*	P	Paul Hemming	P
Liz Ashton	P	Haydn Jones	A
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
John Jones

Stephen Lydon
Nigel Studdert-Kennedy

Officers In attendance

Head of Planning
Development Control Team Manager
Locum Solicitor

Senior Planning Officers
Democratic Services & Elections Officer

DC.029 APOLOGIES

An apology for absence was received from Councillor Hayden Jones.

Late Pages had been circulated to all Members and were made 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 slot, clarifying that if there were more than one person wishing to speak they needed to arrange between themselves to share the time.

DC.030 DECLARATIONS OF INTEREST

Councillors	Application No/ Agenda Item	Nature of Interest (where disclosed)	Action taken in respect of disclosure
Ken Stephens	S.13/1289/OUT S.13/1214/FUL	Councillor knew people mentioned in correspondence with both applications but did not have a personal or disclosable pecuniary interest.	Remained in the Chamber and took part in the discussion and voting.

Clarification was given by the Locum Solicitor that under the Council's adopted Code, there were now only two types of interests: disclosable pecuniary interests and personal interests. Merely knowing a person connected with a planning application would not in itself constitute a personal interest.

DC.031 MINUTES

RESOLVED That the Minutes of the Development Control Committee meeting held on 13 August 2013 are accepted as a correct record.

DC.032 PLANNING SCHEDULE

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

1.	S.13/1289/OUT	2.	S.13/1214/FUL	3.	S.13/1178/HHOLD
4.	S.13/0636/OUT				

DC.033 ITEM 1 – APPLICATION FOR OUTLINE PLANNING PERMISSION FOR UP TO 150 RESIDENTIAL UNITS WITH ASSOCIATED INFRASTRUCTURE AND ACCESS WITH ALL OTHER MATTERS RESERVED AT LAND SOUTH OF LEONARD STANLEY PRIMARY SCHOOL, BATH ROAD, LEONARD STANLEY, GLOS (S.13/1289/OUT)

The Senior Planning Officer presented the above report for outline planning permission for up to 150 residential units with associated infrastructure and access with all other matters reserved. Members had visited the site and were in receipt of Late Pages which were emailed to them on 6 September 2013 and also circulated prior to the meeting. The Officer Report referred to 6.25 years' housing land supply. This was based on early draft figures which had since been reviewed. It was confirmed that the Council did have an excess of 5 years' housing land supply.

The Chair invited the **two Ward Members** for the Stanleys to speak to the application and address the Committee. **Councillor Nigel Studdert-Kennedy**, stated that previous applications on this land had been consistently rejected by both the Local Authority and Planning Inspectorate. Considerable development had already taken place in the Stanleys and the site was situated outside of the development boundary. Both Leonard Stanley and Kings Stanley were two rural villages which did not feature within the Council's Local Plan. There were large numbers of villagers in opposition to the proposal and it was unacceptable to build up to 150 dwellings which were not

welcomed. The Ward Councillor requested the Committee to support the Officer's advice and to refuse the application.

Councillor Stephen Lydon, concurred with Councillor Studdert-Kennedy adding that there had been a number of developments already permitted within the Stanleys and they had had their fair share. If this development were to be permitted, he felt it would cause chaos. There had been an overwhelming public response against this development and nobody was in favour of it. He was not saying there should be no future development in the Stanleys, but there needed to be discussion with local people. This application was not welcomed. The site had a planning history dating from 1963 where applications had been refused. There were good reasons for the Committee to reject this application.

The Chair invited, **Mrs Irene Litton, Clerk to both Leonard Stanley and Kings Stanley Parish Councils** to address the Committee for a maximum of six minutes.

Leonard Stanley Parish Council – Mrs Litton confirmed that the Officer's Report had recognised the key issues against this large scale development. Leonard Stanley and Kings Stanley were two separate villages and the proposed development, if permitted, would be detrimental to both villages. 700 letters of objection had been submitted and not one letter in support. She drew Members' attention to the flooding issues. Other areas of concern related to the highway access and safety issues. The volume of traffic already caused congested roads. The proposed unsuitable access point next to the school was an accident waiting to happen. The views of local people had not been taken into account and the Mankley Road Action Group had been formed to oppose the application.

Kings Stanley Parish Council – Kings Stanley Parish Council objected to the planning application and requested it was refused. The proposed site marked the boundaries between the two villages and the joining of these was not welcomed. The proposed site was close to an Area of Outstanding Natural Beauty which attracted visitors who walked along the Cotswold Way. Visitors to the area often stayed in B&Bs and visited the coffee shop. Mankley Field supported wildlife and the current field supported farming. 15 dwellings were being built at Deacons Close, 21 at Middle Yard and 140 units at Stanley Mill. Another large scale development was not sustainable. Other major concerns were the traffic issues.

The Chair invited, **Diane Odell on behalf of the Mankley Field Action Group** to speak in **opposition** to the proposal. She said that if the development were granted it would have an impact on the Area of Outstanding Natural Beauty and run the risk of flooding. The CPRE did not support the application and the report from Val Kirby said that the proposed development was out of scale. The area of land which was now a 'green wedge' separating the two villages would merge the two settlements and they would lose their identity. She objected to the proposal on the grounds of Paragraphs 109 and 115 of the NPPF. The site had flooded in September 2008 and there was a risk of surface water flooding which proved that the GCC information was incorrect. She felt that the application should be refused on the grounds of flooding and requested that the Committee unanimously vote to reject the application.

There were no speakers in **support** of the application.

The Senior Planning Officer confirmed that landscape concerns could be reflected in refusal reason 1. Development of the site had been previously refused and the Officer read out the comments of the Local Plan Inspector. The classification of the site as Grade 3a agricultural land meant that it was excellent land for growing crops. The

Senior Planning Officer confirmed that there were still outstanding matters on highway safety and the Highway Authority's objection still stood. The size of the site was stated incorrectly within the Officer Report; the correct figure was 8.3 hectares. Because the application was for outline planning permission the plans were not detailed but the proposal was for up to 150 units.

A Motion to ACCEPT the Officer's recommendation, to include landscape concerns was proposed of Councillor David Drew and seconded by Councillor Martin Whiteside.

The Senior Planning Officer read out a suggested amended refusal reason 1 as follows: "The development is located outside the defined settlement boundary and is therefore contrary to the requirements of Stroud District Local Plan Policies HN10 and NE8 and Paragraph 196 of the NPPF. Policy HN10 seeks to prevent non-essential development which would detract from the character and appearance of the countryside." This amendment was agreed by both the proposer and seconder.

During debate it was recognised that the site was in a beautiful part of the District with open space that could be viewed from different aspects. The joining up of the two villages would destroy their respective identities.

The Senior Planning Officer read out an amended refusal reason 4 as follows: "Insufficient information has been provided in order to fully ascertain whether there would be any impacts on protected species including bats, badgers and reptiles. The Local Planning Authority are unable to make a valid judgement as to the acceptability or otherwise of the proposed mitigation or enhancement measures, contrary to Policy NE4 of the adopted Stroud District Local Plan, November 2005 and Paragraphs 118 and 119 of the NPPF." This amendment was agreed by both the proposer and seconder.

Members were supportive of the proposed amendments to the reasons for refusal. During debate it was suggested that reference to the AONB should also be included in the amended refusal reason 1. The Senior Planning Officer suggested adding the words "especially the AONB as emphasised by Policy NE8." to the end of the last sentence after the word "countryside". This was supported by Members including both the proposer and the seconder.

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

RESOLVED To REFUSE application S.13/1289/OUT for the reasons stated within these Minutes.

The meeting adjourned at 7.05 pm and reconvened at 7.15 pm.

DC.034 **ITEM 2 – APPLICATION FOR FULL PLANNING PERMISSION FOR THE ERECTION OF THREE DWELLINGS ON LAND ON THE NORTH-WEST SIDE OF MILLEND ROW, MILLEND LANE, EASTINGTON, GLOS (S.12/1214/FUL)**

The Senior Planning Officer outlined the above application for 3 replacement dwellings on land adjacent to Millend Mill, Eastington occupying an overgrown site of approximately 0.22ha. He highlighted a typographical error in the spelling of the word "site" on the third paragraph of page 36 of the Officer Report, which should have read "sited". There were no Late Pages. Members had visited the site prior to the meeting.

The Chair invited **Mr Mark Jones** to speak on behalf of **Eastington Parish Council** in **opposition** to the application, to address the Committee. He requested that the Committee support the Officer's recommendation to refuse the application because the development was outside the settlement boundary. Excellent work had been carried out on the restoration/conversion of the old Mill but Millend Lane was at maximum capacity and could not sustain more traffic. He requested that Committee refuse the application.

The Chair invited, **Mr Didier Ryan** the Agent to speak in **support** to the application. He stated that in 1990 permission was given for the buildings to be demolished and rebuilt but due to finances rebuilding works had not be undertaken. Since that date the planning rules had changed. The NPPF was a consideration because the Council had to meet a 20% housing supply buffer and Stroud was failing to meet its housing numbers. He requested that the Committee support the application and grant consent for the 3 cottages rather than risk an appeal. He urged Members to work with the applicant and vote in support of the application.

In reply to Members' questions to Officers the following information was given:-

- The NPPF did support growth but Officers and the Parish Council were in agreement that there were vehicular access difficulties.
- A building had been taken down and visibility complied with County Highways.
- There was a lack of footway which would make walking/cycling to local facilities difficult.
- In 2008 an application was approved to convert a Grade II Listed Building, in a state of collapse, into 8 units and 6 new build units which enabled the Mill to be saved.
- The Mill building was in a category Zone 3 for flooding but the proposed site was categorised as Zone 1 and 2, at no risk of flooding. A suitable SUDs condition could be added, if the application were granted. Confirmation was given that the area flooded regularly and there were added flooding hazards further down the lane.
- The site was now in the ownership of a new developer who had no connection with the previous owner of the site.

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

Some Members felt that compromises had already been made in granting development in order to save the Mill and that the current proposal was a step too far. Also, the road was dangerous for pedestrians and footfall should not be increased.

On being put to the vote, there were 8 votes for the Officer's recommendation, 1 vote against and 2 abstentions; it was declared CARRIED.

RESOLVED To REFUSE application S.12/1214/FUL as set out within the report and minutes.

ITEM 3 – HOUSEHOLDER APPLICATION FOR RETROSPECTIVE APPLICATION FOR EXISTING LOG CABIN DWELLING AND OFFICE FOR BUSINESS USE AT THE GREEN BARN, NYMPFIELD ROAD, FOREST GREEN, NAILSWORTH (S.13/1178/HHOLD)

The Senior Planning Officer presented the above application. He referred to the Late Pages received today from Robert Fox, Gloucestershire County Council's Land Agent confirming that his previous comments still stood.

The Chair invited **Councillor Paul Carter, Ward Member for Nailsworth** to address Committee. He concurred with the Officer's recommendation. There was no livestock on the site and it was used as a base for operating the applicant's business and the storing of equipment.

The Chair invited **Councillor Rowland Blackwell also Ward Member for Nailsworth**, to address Committee. He had visited the site and spoke in support of the application which was for a genuine business that had been built up over 13 years in a rural location. The business could not be relocated to an industrial site and following enquiries there had been no offer to relocate onto rural estates. The present location was a perfect site for the business but was isolated and could not be made secure resulting in several break-ins. The NPPF stated that rural workers businesses should be supported and the Council was working with Gloucestershire Enterprises. The Police supported the applicant living on site and the point of issue was that the applicant slept in the log cabin.

The Chair invited, **Mr J Darby** who was acting as **Agent** to speak in **support** of the application to address the Committee. The timber yard was purchased in 2000 and since then the forestry industry had changed considerably. The timber yard was noisy and was isolated; working on an industrial estate was not a suitable location. There had been 4 break-ins and the Police supported the application. Permission needed to be granted for the business to survive and expand. Cotswold District Council had approved a similar application and asked that permission be given.

In reply to a question on need, the Senior Planning Officer confirmed that a previous application submitted in November 2012 had been refused. Mr Fox had given advice that there was no essential functional need for the applicant to be permanently located on the site; his work during the day took him off site.

The Development Control Team Manager asked Committee to consider what was special about this application. There was concern that if permission were granted it would create a precedent. Confirmation was given that, amongst other activities, timber was processed on-site, fire wood was cut and also charcoal produced. Off-site, a range of forestry activities including tree selection, felling and fencing were undertaken by the applicant. During the sites inspection by Members, little activity was observed. The application was the result of enforcement action arising from a complaint received from a member of the public. Upon investigation it was found that the log cabin had been erected in 2011 and had replaced a mobile home that had been on site since 2008. The structures had been occupied for security reasons.

Clarification was sought and given regarding rural employment. Officers advised that merely because a person stored goods or had livestock on their land this did not justify permanent residency. A 'special case' had to be made and Members should satisfy themselves that the business could not be operated from elsewhere. The applicant often left the site whilst working away; all of his work did not take place on the site.

The Locum Solicitor clarified that the application was for retrospective planning permission. Any person who wished to apply for a Certificate of Lawfulness would have to prove residential occupancy for between 4 - 10 years and make a separate application to be determined on the balance of all probabilities. The financial viability of the enterprise was a consideration. However, merely because it was convenient or financially beneficial for the business, did not in itself demonstrate an essential functional need for someone to be on-site. The Officer and Mr Fox had given advice that there was not an essential need. In the absence of any other guidance/test local authorities still used the methodology revoked in PPS7 as the appropriate method of determining such application and was still accepted by Inspectors.

A Motion to ACCEPT the Officer's recommendation, together with the late pages was proposed by Councillor John Marjoram and seconded by Councillor Stephen Moore. It was felt that, if this retrospective application were granted, a brick building could be constructed and that, an undesirable precedent would be set. There was no livestock factor and it was felt that the applicant could live in the village rather than on the site.

During debate some Members were of the view that the application should be refused for the following reasons:-

- Most of the applicant's work took place off-site.
- There were no livestock on the site.
- The site enterprise could be located elsewhere.
- It was not essential for the applicant to live on site.
- A night watchman could be employed.

On being put to the vote there were 9 votes for the Officer's recommendation, 1 vote against, and 1 abstention; it was declared CARRIED.

RESOLVED To REFUSE S.13/1178/HHOLD application as set out within the report.

DC.036 ITEM 4 – APPLICATION FOR OUTLINE PLANNING PERMISSION AT 1 POLICE HOUSES, SCHOOL LANE, WHITMINSTER, GLOS (S.13/0636/OUT)

The Development Control Team Manager requested that the application be deferred because the Council had been advised that an appeal had been submitted to the Planning Inspectorate for non-determination but had not yet been validated.

The Locum Solicitor concurred with this request. In light of this uncertainty he would also recommend a deferral to enable the Council to establish whether a valid Appeal had been submitted. If so, then jurisdiction to determine the application passed to the Planning Inspectorate. The Committee would need to give a view in due course as to how they would have determined the application if jurisdiction had remained with them. This would inform the Council's position at Appeal.

A Motion to defer the application for the reasons given above was proposed by Councillor John Marjoram and seconded by Councillor Nigel Cooper.

On being put to the vote there were 10 votes for deferral and 1 abstention.

RESOLVED To defer the item.

The meeting closed at 8.25 pm.

Chair

Development Control Committee changes 10 September 2013

Schedule Item 1

S.13/1289/OUT Land south of Leonard Stanley Primary School

Amend refusal reason 1:

The development is located outside the defined settlement boundary and is therefore contrary to the requirements of Stroud District Local Plan Policies HN10 and NE8 and paragraph 196 of the NPPF. Policy HN10 seeks to prevent non essential development which would detract from the character and appearance of the countryside, especially the AONB as emphasised by Policy NE8.

Amend refusal reason 4:

Insufficient information has been provided in order to fully ascertain whether there would be any impacts on protected species including bats, badgers and reptiles. The Local Planning Authority are unable to make a valid judgement as to the acceptability or otherwise of the proposed mitigation or enhancement measures, contrary to Policy NE4 of the adopted Stroud District Local Plan, November 2005 and paragraphs 118 and 119 of the NPPF.

Schedule Item 4

S.13/0636/OUT 1 Police Houses, Whitminster

Deferred.



Stroud District Council

Planning Schedule

8th October 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.

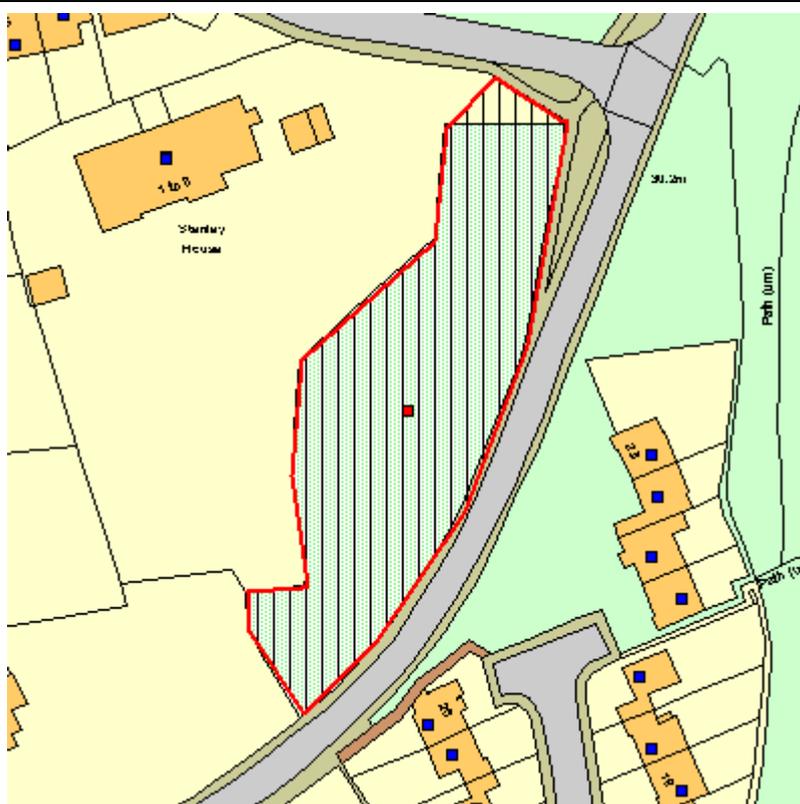
The order for each item on the schedule is

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.
Kings Stanley Parish Council Link to website	Land Adjacent To Stanley House, Selwyn Close, Ryeford. S.13/0331/FUL - Single storey dwelling. http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.13/0331/FUL	01	4
Ham And Stone Parish Council Link to website	Crown Cottage, Stone, Berkeley. S.13/1400/FUL - The application is for two semi-detached 2-bedroom dwellings in lieu of the single 4-bedroom dwelling subject of permission S.13/0171/FUL dated 9 April 2013. http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.13/1400/FUL	02	12
Rodborough Parish Council Link to website	Pike House, Walkley Hill, Stroud. S.13/1373/HHOLD - Erection of a single storey extension to existing kitchen and proposed first floor window to bedroom. Erection of extension over existing single storey and a porch to the toll house to provide annexed accommodation. http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.13/1373/HHOLD	03	21
Brimscombe And Thrupp Parish Council Link to website	18 Bourne Lane, Brimscombe, Stroud. S.13/1703/HHOLD - Two storey side extension at side and single storey extension to rear. http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.13/1703/HHOLD	04	27
Slimbridge Parish Council	Land at Northfield, Dursley Road, Cambridge Report to determine the most appropriate wording of the Section 106 Legal Agreement to ensure that Slimbridge Parish residents take priority when allocating social housing units and to update the Article 31.	05	34

Item No:	01
Application No.	S.13/0331/FUL
Site No.	
Site Address	Land Adjacent To Stanley House, Selwyn Close, Ryeford, Stonehouse
Town/Parish	Kings Stanley Parish Council
Grid Reference	381168,204122
Application Type	Full Planning Permission
Proposal	Single storey dwelling.



Applicant's Details	Bathurst Limited PO Box 339, Stroud, Gloucestershire, GL6 7AY,
Agent's Details	Mr David Foulkes 10 Green Close, Uley, Dursley, Gloucestershire, GL11 5TH
Case Officer	Ian Pople
Application Validated	13.02.2013

	RECOMMENDATION
Recommended Decision	Refusal
For the following reasons:	<p>1. Insufficient information has been supplied to enable the Local Planning Authority to accurately assess the impact of the development and the potential residential use on the protected trees contrary to Policy NE11 of the adopted Stroud District Local Plan, November 2005 and the provisions of paragraph 118 of the NPPF.</p>
	CONSULTEES
Comments Received	<p>Environmental Health (E) Contaminated Land Officer (E) Parish / Town Arboricultural Officer (E)</p>
Not Yet Received	
	CONTRIBUTORS
Letters of Objection	<p>A Handley Pritchard, Flat 1, Stanley House J Meadley, Flat 3, Stanley House Mr J Wilson, 17 Selwyn Close, Ryeford, Stonehouse, Glos, Mr & Mrs Menendez, 2 Stanley House, Selwyn Close</p>
Letters of Support	<p>A Griffiths, Croft House, 2A Selwyn Close</p>
Letters of Comment	<p>J Roberts, 33 Selwyn Close, Kings Stanley D M Scott</p>
	OFFICER'S REPORT

SITE

The site is located off the main road into Kings Stanley, on the corner of Selwyn Close. It comprises an area of land formerly associated with Stanley House, a large Grade II listed building positioned to the west of the site. The site covers an area of approximately 0.22ha and is largely overgrown, with several mature trees present throughout. The site is screened from the main road to the east by an existing stone wall, which extends the length to the eastern boundary and varies in height between 1.5m - 2m. Pedestrian access is gained from Selwyn Close to the north of the site. There is no vehicular access. The topography of the site is varied, with a lower area to the southwest corner. The whole of the site is within the Stanley Mills Conservation Area and is within close proximity to the boundary with the Cotswold Area of Outstanding Natural Beauty.

PROPOSAL

The application is made for the erection of a single dwelling to the south western end of the plot. The building would be single-storey, partially set into the ground and would have a footprint of approximately 260sqm.

REVISED DETAILS

Additional information has been submitted, some arboricultural information. Indicative shadowing has also been received. The building has also been lowered a further 500mm into the ground.

MATERIALS

Roof: Green 'living' roof

Walls: To be agreed

Fenestration: Grey Aluminium

RELEVANT PLANNING HISTORY

The site has a long and varied history, the most recent of which is detailed below:

S.96/812 - Outline application for the erection of one detached dwelling. Approved 10/12/1996.

S.99/688 - Erection of a detached dwelling. (Revised Plans received 2316199). Refused 14/07/1999. Appeal dismissed 25/11/1999.

S.99/1449 - Renewal of Outline Permission no. S.96/812 for the erection of one dwelling with altered access onto Selwyn Close. Approved 27/10/1999.

S. 01/1587 - Erection of one dwelling (approval of reserved matters following outline permission S.99/1449). (revised plans received 21/11/01 & 21/1/02). Approved 07/02/2002.

S.01/1586 - Erection of detached dwelling. Refused 21/02/2002.

S.02/475 - Erection of detached dwelling, driveway and 2 parking spaces. Refused 02/05/2002.

CONSULTATION RESPONSES

- The Parish Council object to the proposal citing concerns regarding the impact on the Conservation Area, increased demand to fell more trees, additional requirement for parking, the need to provide larger homes, the impact on ecology and the impact on the setting of Stanley House.

- One letter of support has been received stating that the development would increase security on site, improve the management of the mature trees, improve current levels of landscaping, enhance wildlife habitat, would have no impact on neighbouring properties and would provide additional housing for the area.

- Three letters of objection have been received citing concerns regarding access to the site, impact on the setting of the Conservation Area and the nearby listed building, the impact to trees on site, loss of privacy, the design of the building, surface water drainage, the ecological impact, the possible impact on archaeology and the need to contribute to the local housing supply.

- One letter of comment has been received, citing problems opening the Design and Access Statement. This has since been addressed.

- The Environmental Protection Manager suggests a full contaminated land condition be added if minded to grant consent, as the site is within 150m of a former landfill site. Measures to prevent disturbance during the construction phase are also suggested.

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 Policies HN8, NE4, NE8, NE11, BE5, BE12, GE1, GE5 and TR1 of the adopted Stroud District Local Plan, November 2005 have been taken into consideration. The principles contained within the National Planning Policy Framework (NPPF) are also relevant in this instance. These aim to retain the character and amenity of the site and that of neighbouring properties, preserving the character and appearance of the defined Conservation Area and the nearby Cotswold Area of Outstanding Beauty, as well as maintaining the setting of the adjacent listed building and highway safety.

An emerging draft Stroud District Local Plan was approved by the Council on 25 July 2013 for publication and then submission to the Secretary of State. The plan is therefore a material consideration in planning decisions. The most relevant Policies from this document include Policies CP8, HC1, CP14, ES10 and ES7.

PRINCIPLE OF DEVELOPMENT

The site lies within the defined Settlement Boundary where there is a presumption in favour of development subject to design and amenity considerations and to a satisfactory means of access being provided. This site is located adjacent to other properties, at the corner of an established residential street. The plans detail provision for a new vehicular and pedestrian access, together with parking provision for two vehicles. Consequently the principle of further residential development on the site can be considered in accordance with Policy HN8 and emerging Policies CP8 and HC1.

The agent has suggested that the Local Planning Authority is deficient in its housing supply and that this dwelling would help to contribute towards the deficit. The Local Planning Authority contests this and would add that in this instance, a single dwelling would do little to contribute towards any housing need.

DESIGN IMPLICATIONS

The agent has taken account of previous refusal reasons and the Inspector's decision by utilising a contemporary design that allows the building to be set into the ground. The new dwelling would be single-storey in height, with only 2m being visible above ground at its highest point. The finish of the external walls is to be agreed, however it is considered that an appropriate material can be chosen so as to minimise any potential visual harm. The dwelling would incorporate a green 'living' roof that would also merge well with the surrounding curtilage and would further minimise any visual impact.

The contemporary design of the building would make use of the site's topography, being positioned at the lowest point so as to further minimise any visual harm. The dwelling would also be proportionate for the plot, with a minimal roof height and gable width. The siting of the dwelling would also respect the building line formed by adjacent dwellings. This coupled with the fact that the building would be set back from the highway, largely screened from the road, suggests that there should not be any impact on the character of the area. The creation of pedestrian only access to the dwelling from the parking area would also minimise any visual impact..

The arrangement of the plot as defined would provide adequate garden for the proposed dwelling, compliant with the standards set out in the Council's Residential Design Guide. The layout is also such that suitable landscaping could be incorporated into the proposal. Subject to the provision of suitable landscaping and materials, Policy HN8 and the design criteria of the NPPF would be satisfied.

HERITAGE IMPLICATIONS

The application site is located within the defined Conservation Area and is within 50m of Stanley House, a Grade II listed building. Objections have been received with regard to the potential impact on these designated assets. This was also a key consideration for the Inspector during the consideration of the 1999 appeal. By creating a dwelling that would be set into the ground and away from the road, the majority of the building would be screened from view. Indeed the height of the boundary wall indicates that traffic passing along the adjoining highway would not be able to see the dwelling in situ. This coupled with the relatively small scale of the dwelling and the use of appropriate materials indicates that the dwelling would have no impact on the character and appearance of the surrounding Conservation Area. Objections regarding the site's designation within the Conservation Area are noted; however this does not prevent further development but requires detailed consideration. In this instance the Local Planning Authority considers the proposal to be compliant with Policy BE5 together with the principles contained within the NPPF and emerging Policy ES10

The dwelling would be located adjacent to but not within the curtilage of a Grade II listed building. The plot did however once form part of the adjacent site, although over time, the plot has become clearly separated, with fencing and mature planting at the boundary.. Previous proposals have centred on creating large, two-storey dwellings that incorporated mixed design elements that were clearly at odds with Stanley House. These would have clearly been seen as a visual intrusion into the historic setting of this particular building. The current scheme takes this into account by minimising the visual presence of the building and thereby preserves the setting the adjoining listed building, in accordance with Policy BE12, the principles contained within the NPPF and emerging Policy ES10.

LANDSCAPE IMPACT

The site is outside the AONB but visible from it. However, the proposed dwelling would be sited amongst a cluster of other residential properties, within the defined settlement boundary. Coupled with the use of sympathetic materials and minimal design, it is evident that there would be no adverse impact on the character and appearance of the AONB, in compliance with the merits of Policy NE8, Paragraph 115 of the NPPF, together with emerging Policy ES7.

HIGHWAY SAFETY

The proposal would involve the creation of a new parking area to the northern tip of the site. This would provide parking for two vehicles, and would be served by the existing access into Stanley House. The parking provision would be in excess of the Council's adopted standards. Concerns have been expressed with regard to increased traffic generation in close proximity to the entrance to Selwyn Close, however it is noted that a net increase of one unit would not have a severe impact on the current situation. It is also noted that visitor parking would be available on street, in close proximity to the site to accommodate any additional requirement. Concern has also been about future demand for further access works resulting from the excessive length of the pedestrian access. This is noted and Permitted Development Rights could be removed to safeguard this eventuality.. Highway safety would not be jeopardised in accordance with Policy GE5.

The site is also located within the defined settlement boundary and is therefore a sustainable location for further development. Secure cycle storage facilities could be incorporated into the scheme, which would allow occupants the option to travel to local facilities without relying on the private motor car. Public transport facilities are also present in the locality, with shops and other facilities available. The provisions of Policy TR1 and the principles contained within the NPPF would be satisfied.

ARBORICULTURAL IMPLICATIONS

The site is surrounded by several mature, protected trees that have substantial amenity value. The positioning of the dwelling is very close to the root protection areas identified on the submitted plans: 900mm at its closest point. Officers have requested a Construction Method Statement and corresponding constraints plan to ensure that the dwelling can be constructed in the location proposed without harm being caused to the trees. To date, insufficient evidence has been received to demonstrate that this is the case.

The submitted arboricultural report is also dated March 2011. In the intervening years, the trees have grown and the lateral spread of their crowns and roots will have increased, altering the root protection areas. This also has a bearing on the daylight and sunlight calculations required for the principal rooms.

In the absence of this information, the Local Planning Authority is unable to accurately assess the potential impact on the protected trees and on the living conditions of the eventual occupiers. The proposal is therefore contrary to Policy NE11 of the Local Plan, together with Paragraph 118 of the NPPF.

ECOLOGICAL IMPLICATIONS

The site is largely overgrown and as such a Bat and Reptile survey has been commissioned. This indicates the presence of certain protected species but concludes that suitable mitigation can be put into place to minimise any potential harm. Subject to an appropriately worded condition, ecological interests on site would be protected. The nature of the building is also such that that it would create a minimal disturbance to the biodiversity on site. The removal of Permitted Development Rights would ensure that the Local Planning Authority can retain control of any further development on site. Biodiversity would be preserved in accordance with Policy NE4.

DRAINAGE

Concern has been expressed with regard to potential drainage issues. The site falls within Flood Zone 1 and is therefore at minimal risk of flooding. A condition could be added to ensure that suitable surface water drainage details are submitted. Subject to a suitable scheme being submitted, the proposal would be compliant with the technical guidance contained within the NPPF.

ARCHAEOLOGY

Objections have been received in respect of the archaeological potential of the site. These comments are acknowledged, however it is noted that Gloucestershire County Council's Senior Archaeologist has not raised any objection or requested any surveys in this respect.

RESIDENTIAL AMENITY

The site is bounded to the by other residential properties to the west and therefore any potential impact must be carefully considered. Taking account of separation distances between existing houses and the new dwelling, coupled with the subterranean design of the new dwelling, it is evident that no significant overbearing effect or loss of light would be experienced. Concerns have been raised with regard to potential loss of privacy to adjacent gardens; however the orientation of the site and the absence of any overlooking windows indicates that no loss of privacy would occur. Residential amenity would be preserved in accordance with Policy GE1.

REVIEW OF CONSULTATION RESPONSES

PARISH:

The Parish Council object to the proposal citing concerns regarding the impact on the Conservation Area, increased demand to fell more trees, additional requirement for parking, the need to provide larger homes, the impact on ecology and the impact on the setting of Stanley House. These comments are acknowledged and are addressed above.

NEIGHBOURS:

One letter of support has been received stating that the development would increase security on site, improve the management of the mature trees, improve current levels of landscaping, enhance wildlife habitat, would have no impact on neighbouring properties and would provide additional housing for the area.

Three letters of objection have been received citing concerns regarding access to the site, impact on the setting of the Conservation Area and the nearby listed building, the impact to trees on site, loss of privacy, the design of the building, surface water drainage, the ecological impact, the possible impact on archaeology and the need to contribute to the local housing supply. These comments are acknowledged and are addressed in the report above.

One letter of comment has been received, citing problems opening the Design and Access Statement. These have since been addressed.

CONSULTEES:

The Environmental Protection Manager suggests a full contaminated land condition be added if minded to grant consent as the site is within 150m of a former landfill site. Measures to prevent disturbance during the construction phase are also suggested

CONCLUSION

In light of the above, the proposal would be contrary to Local Plan Policy NE11 and paragraph 118 of the NPPF. The application is therefore recommended for REFUSAL.

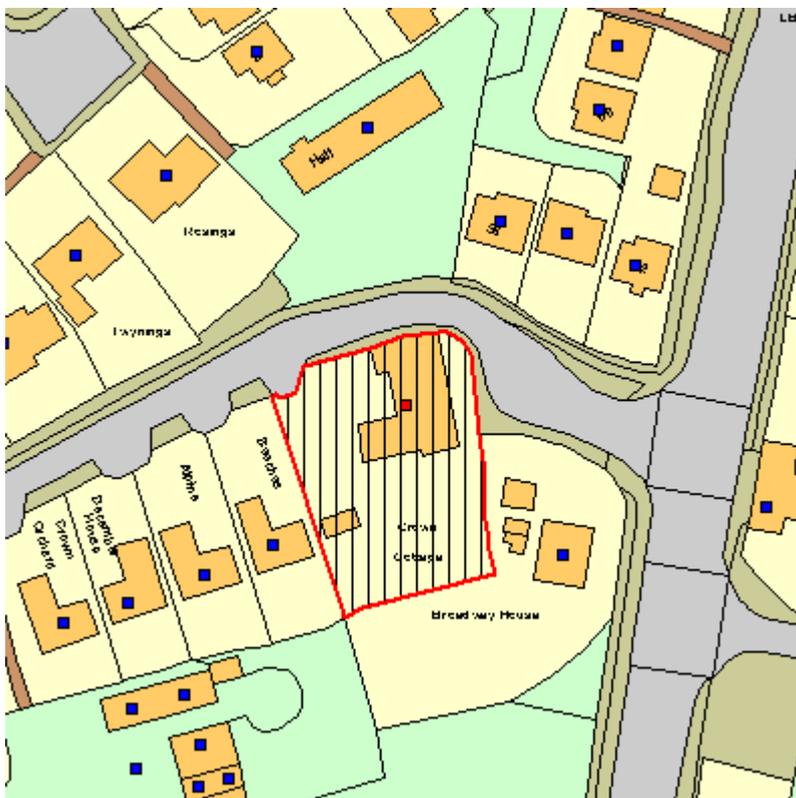
SI 2274 STATEMENT

The case officer contacted the applicant/agent and negotiated changes to the design which has enhanced the overall scheme; these have been detailed above. However, insufficient information has been received to enable the Local Planning Authority to be satisfied that the proposal is not harmful.

HUMAN RIGHTS

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

Item No:	02
Application No.	S.13/1400/FUL
Site No.	PP-02745958
Site Address	Crown Cottage, Stone, Berkeley, Gloucestershire
Town/Parish	Ham And Stone Parish Council
Grid Reference	368346,195164
Application Type	Full Planning Permission
Proposal	Two semi-detached 2-bedroom dwellings in lieu of the single 4-bedroom dwelling subject of permission S.13/0171/FUL dated 9 April 2013.



Applicant's Details	Mr Tim Parrett 5 Parcel Farm Close, Leighterton, Tetbury, GL8 8UY,
Agent's Details	Mr Michael Rousseau 16 Bramley Close, Kingswood, Wotton-under-Edge, Gloucestershire, GL12 8SF
Case Officer	Humphrey Mpezeni
Application	23.08.2013

Validated	
	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. Prior to the occupation of any dwellings within the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the previously submitted plan [drawing no. 51455-01-100 rev B of permission S.13/0171/FUL] with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material and shall be maintained for the duration of the development.</p> <p>Reason: To reduce potential highway impact by ensuring the access is suitably laid out and constructed and in accordance with paragraph 32 of the Framework.</p> <p>3. The vehicular access hereby permitted shall not be 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 for the duration of the development.</p> <p>Reason: To reduce potential highway impact by ensuring that surface water does not have to be discharged on to the public highway and to accord with Local Plan Policy GE5.</p> <p>4. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the approved plans and those facilities shall be maintained 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 and to accord with Local Plan Policies TR12 and GE5.</p>

	<p>5. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been modified to provide visibility splays in accordance with the approved plans 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 of between 1 metre and 2.1m above the adjacent carriageway level.</p> <p>Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to accord with Local Plan Policy GE5</p> <p>6. The development hereby permitted shall not be commenced until a foul and surface water drainage strategy is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be completed in strict accordance with the approved details and to a timetable agreed with the Local Planning Authority.</p> <p>Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding downstream to the property in accordance with Local Plan Policy GE7.</p> <p>7. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: 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>8. The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Council Local Plan Policy GE1 and in accordance with the provisions of Circular 11/95.</p>
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	<p>9. The proposed parking and turning facilities on the site shall be finished with a permeable surface which shall be agreed in writing with the Local Planning Authority and implemented thereafter in strict accordance with those details and maintained as such thereafter.</p> <p>Reason: In the interest of sustainable drainage of the site and to ensure surface water from the site is not channelled to the Local Drainage and to accord with Local Plan GE7</p> <p>10. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Proposed plans and elevations received on 03/07/2013 Plan number = AK 1-1</p> <p>Proposed site plan received on 23/08/2013 Plan number = AK 1-2 Version number = B</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</p> <p>Informatives:</p> <ol style="list-style-type: none"> 1. You are advised to carry out construction in a way that minimises noise and disturbance to local residents. In particular construction and contractors vehicles should be parked such that they do not obstruct the public highway. 2. You are advised that in respect of condition 6 you will need to agree the details of surface and foul drainage with Wessex Water before the Local Planning Authority can consider discharging the condition.
	CONSULTEES
Comments Received	
Not Yet Received	Parish / Town
	CONTRIBUTORS
Letters of Objection	<p>J And A Jefferies, Beeches, Lower Stone Lane., K And D White, Alpine Crown Orchard, Stone Mr And Mrs K J Farmer, December House, 3 Crown Orchard, Stone J O Young, The Pound Cottage, Lower Stone Lane P And E Nock, Brambles, Stone</p>

	The Occupier, Catherine Villa, Stone S Allen, 58 Court Meadow, Stone J Nichols, Honeysuckle Cottage, Ham
Letters of Support	
Letters of Comment	D Wride, C/o Stone Village Hall, Lower Stone Lane,
	OFFICER'S REPORT

SITE

The proposal site is located off the A38 in Stone opposite the village hall. The site is part of the garden of Crown Cottage, formerly a public house, finished in a grey utilitarian render. The property is located within a generous plot of land and enjoys some level of screening provided by mature trees fronting the property on the northern boundary, part low wall and part close boarded timber fence on the eastern boundary and a hedge to the south and west.

PROPOSAL

The application proposes the erection of a pair of semi-detached two storey 2 bedroom dwellings consisting of a kitchen, living room/diner and cloakroom on the ground floor and two bedrooms on the first floor.

The scheme shows 4 parking spaces, 2 per dwelling. Access to the site will also be improved in line with the conclusions of the traffic survey to provide appropriate visibility splays.

MATERIALS

Walls: Render to existing dwelling and painted render and local stone to new dwelling.

Roof: Clay plain tiles and single ply flat roofing to existing building and double Roman Clay tiles to new dwelling.

Fenestration: Painted timber to both the extensions and existing buildings.

RELEVANT PLANNING HISTORY

S.10577 (SG.9516), Land adj. to Crown Inn Stone, Outline application for the erection of 3 semi-detached dwellings, construction of new vehicular and pedestrian access, approved 13.05 1968.

S.10577 (SG.10057), Conversion of public house and adjoining cottage to one dwellinghouse, alterations to existing access, approved 08.09.1969

S.10577 (SG.10057/1), Outline application for the erection of 2 detached houses, construction of two vehicular and pedestrian accesses, approved

S.10577 (SG.10057), Outline application for the erection of four detached dwellings, construction of new vehicular and pedestrian accesses, refused 21.03.1973.

S.10577 (SG.10057/3)AP, erection of 4 detached dwellings with integral garages, approved 06.12.1973.

S.12/1303/FUL, Conversion of dwelling to form two separate dwellings and erection of new detached dwelling, withdrawn 15.08.2012

S.13/0171/FUL, Conversion of dwelling to form two separate dwellings and erection of new detached dwelling, permitted 19.04.2013

CONSULTATION RESPONSES

Parish Council

No response received.

Highways

No comments and standard advice is suggested.

Wessex Water

Suggests a condition to submit details to resolve foul and surface water drainage before development commences.

Environmental Health

No objections subject to conditions.

Public

Various objections have been received. As with the previous application, respondents raise concerns relating to inadequate foul and surface water drainage to serve the additional development, the increase in traffic and its impact on highway safety, impact on light and privacy of the adjacent property to the south-east.

ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION

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

PLANNING CONSIDERATIONS

The relevant advice for this application is contained within Local Plan Policies GE1, GE5, GE7, HN8, HN15, TR12 and NPPF(7) which provide the following guidance:

Policy GE1 seeks to protect the amenities of adjacent occupiers by ensuring any new development minimises noise, general disturbance, smell, fumes, loss of daylight, sunlight or privacy;

Policy GE5 seeks to protect highway safety associated with development including public rights of way;

Policy GE7 seeks to ensure that new development has regard to existing levels of infrastructure, services and amenities;

Policy HN8 manages new residential development within settlement boundaries by ensuring that it is in keeping with the existing character and built form and provision is made for adequate private amenity space;

Policy HN15 manages the subdivision of existing dwellings;

Policy TR12 considers parking arrangements associated with new development in accordance with SDC Parking standards, and;

NPPF(7) stresses the importance of quality design.

These policies seek to manage residential development and subdivision whilst protecting residential and visual amenities of the area.

New Residential Dwellings

This application proposes a pair of semi-detached 2 bedroom dwellings in the place of the previously approved 4 bedroom dwelling. The footprint, volume and the location on the site would be the same as the approved 4 bedroom dwelling. The development would therefore be clear of the Wessex Water easement that runs through the site. The proposed dwelling would be finished in natural stone and painted render as well as clay pantiles roofing tiles. These finishes are characteristic of the area. Furthermore the development is not particularly conspicuous.

The ridge height of the proposed dwelling would not be significantly higher than the existing property or the adjacent properties. It is considered that the development would not cause harm to the character and appearance of that part of the settlement.

The extant planning permission, together with the proposed development would result in 3 additional units of residential dwellings on the site. The site is able to accommodate this proposal and the additional extant development without appearing cramped.

The proposal site is located within Stone and the settlement boundary. It is within the curtilage of the Crown Cottage which is screened from the fields by mature vegetation and the resulting development would not appear as an intrusion into the countryside;

The scheme would give adequate private amenity space to each dwelling house.

The proposed dwelling would accord with Local Plan Policy HN8 and National Policy NPPF(7).

Residential Amenity

The new residential units would only have windows on the northern and southern elevations and would therefore not impair the privacy of the adjacent properties which are located to the east and west. The property to the west does not have any windows facing the proposal site whilst the one to the east has some windows facing the proposal site.

The new dwelling would be far enough away not to cause any overbearing impact. There is no difference from the approved scheme in terms of over shadowing. The scale and location of the semi-detached dwellings in relation to the adjacent properties also

implies that the development would not cause any significant overshadowing effect over and above that of the approved scheme. The scheme would also not harm the residential amenity of the future occupiers of the semi-detached dwellings approved as part of the extant permission because there is no fenestration facing south.

It is therefore considered that the proposed development would not have any significant adverse impact on residential amenities in accordance with Local Plan Policy GE1.

Parking Provision

The proposed development provides 4 parking spaces for the proposed development at the rate of 2 per dwelling. This is significantly more than the 1.5 spaces prescribed within the Local Plan. Some respondents have indicated that the spaces provided would not be adequate as they would not cater for visitors resulting in on-street parking to the detriment of highway safety. However, SDC parking standards do not expressly seek additional provision for visitor parking and it would therefore not be consistent with the Local Plan to insist on such provision.

The proposal would accord with Local Plan Policy TR12.

Access and Highway Safety

Even though the Highways Authority would not normally comment on a scheme of this scale, they have not raised any concerns subject to conditions. The proposed dwellings would utilise the access as previously approved and a condition would therefore be appropriate to ensure that highway improvements are delivered before any other works.

The neighbours and general public in the area have maintained their concerns regarding the adequacy of the existing access to cater for more dwellings on the site and the associated highway safety implications owing to the bend in the road as well as the village hall access within a few metres of the site. The adequacy of the access would not be jeopardised by traffic generated by this additional dwelling, especially bearing in mind guidance in the NPPF. Paragraph 32 states that accumulative impacts must be severe to warrant refusal. The proposal would also accord with Local Plan Policy GE5.

Infrastructure Requirements

The Parish Council and the residents of the area have previously raised concerns about inadequate drainage system in the area, a concern that has been repeated on this application. Wessex Water, the utility company which provides foul and surface water drainage services in the area has been consulted on both the previous and current schemes and whilst concerns have been raised about the ability of the existing system to facilitate the development, it is suggested that total drainage from the site should not exceed existing total flows from the site so that it does not exert pressure on the existing system. As with the extant scheme, a Grampian condition can be attached, if the committee is minded to approve the development, to ensure that an appropriate drainage scheme is in place before the development is began.

The proposed development would accord with Local Plan Policy GE7.

SI 2274 STATEMENT

Some discussions have been held with the agent prior to submitting the application. Further dialogue has been had regarding the inclusion of the access within the red line of the application. This ensures that the proposed dwellings have vehicular access from the adjacent highway.

RECOMMENDATION

The total footprint, volume and scale of the development is the same as the previously approved dwelling. This cannot therefore be considered as an overdevelopment of the site.. The development would provide a reasonable level of privacy for the occupiers of each dwelling whilst safeguarding the residential amenities of adjacent occupiers and adequate parking would be provided in accordance with SDC parking standards. The proposal would accord with Local Plan Policies GE1, GE5, GE7, HN8, HN15, TR12 and National Policy NPPF(7) and is therefore recommended for approval subject to conditions.

HUMAN RIGHTS

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

Item No:	03
Application No.	S.13/1373/HHOLD
Site No.	
Site Address	Pike House, Walkley Hill, Stroud, Gloucestershire
Town/Parish	Rodborough Parish Council
Grid Reference	384555,204449
Application Type	Householder Application
Proposal	Erection of a single storey extension to existing kitchen and proposed first floor window to bedroom. Erection of extension over existing single storey and a porch to the toll house to provide annexed accommodation.



Applicant's Details	Mr J Bridger And Ms P Ainsley Pike House, Walkley Hill, Stroud, Gloucestershire, GL5 3TX
Agent's Details	Louise Ratcliffe Clinton House, Church Place, Rodborough, Stroud, GL5 3NF
Case Officer	John Chaplin
Application	27.06.2013

Validated	
	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Site Location Plan received on 27/06/2013 Plan number = LR/JP/S001</p> <p>Proposed plans and elevations received on 27/06/2013 Plan number = LR/JP/P003</p> <p>Proposed plans and elevations received on 10/09/2013 Plan number = LR/JP/P001 REV 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. Notwithstanding the submitted details, the two new rooflights in the East Elevation, hereby approved, shall be a fixed shut and obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass and shall remain so in perpetuity.</p> <p>Reason: In the interests of the amenities of the occupiers of the adjacent residential properties and to comply with Policy GE1 of the Stroud District Local Plan, November 2005.</p> <p>4. The development hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling know as Pike House, Walkley Hill, Stroud. At no time shall it be sold, leased or occupied independently from the main dwelling nor shall the common ownership or occupation of the annex and main dwelling be severed.</p>

	<p>Reason: To enable the Local Planning Authority to retain control over the development which has been permitted, in accordance with Policy HN17, to meet a specific personal need and where the occupation of the annex as a separate dwelling would result in a sub-standard layout contrary to Policy HN8 of the adopted Stroud District Local Plan, November 2005.</p> <p>Informatives:</p> <ol style="list-style-type: none"> 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.
	CONSULTEES
Comments Received	Parish / Town
Not Yet Received	
	CONTRIBUTORS
Letters of Objection	<p>Mrs E Tomkins, 1 Hawarden Cottages, The Butts Rodborough Parish Council, Rodborough Community Hall, Butterrow West R Millward, 5 Walkley Hill, Rodborough, Gloucestershire, R Humphries, 2 Hawarden Cottages, The Butts</p>
Letters of Support	
Letters of Comment	
	OFFICER'S REPORT

SITE

The application site is located at the top end of Walkley Hill near the junction with Roborough Hill and Butterrow West and the site consists of a detached dwelling and associated domestic garden area. The main dwelling is two storey with a loft which is linked to the Toll House via an existing flat roof extension. The main dwelling is painted brick whereas the Toll House is constructed of stone with Cotswold stone tile roof. Along the frontage of the site is a high stone wall in front of a row of Lime trees. A private drive is located along the east side of the site. The site is located within the settlement boundary and is also within the Cotswolds Area of Outstanding Natural Beauty.

PROPOSAL

Erection of a single storey extension to existing kitchen and proposed first floor window to bedroom. Erection of extension over existing single storey and a porch to the Toll House to provide annexed accommodation.

REVISED DETAILS

Revised details have withdrawn the new access and parking area.

MATERIALS

Walls: Render

Roof: Slate

Fenestration: Painted softwood

RELEVANT PLANNING HISTORY

None

CONSULTATION RESPONSES

Rodborough Parish Council: Objection - Loss of light to neighbouring properties.

Local Residents: 3 Objections received - right of light will be blocked by second floor extension. Affect natural light entering the neighbouring properties. Impact on privacy from new window. Affect view from property. Hemmed in effect on neighbours. Impact on highways safety, character of street with loss of the wall and trees.

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, HN16 and HN17 of the adopted Stroud District Local Plan, November 2005 which is in conformity with the NPPF and can still be given weight.

Policy HN16 of the Stroud District Local Plan, November 2005 specifically provides guidance on extensions and outbuildings. This requires consideration of the plot size, height, size and design of the extension as well as the possible impact on car parking provision. Policy HN17 relates to annexes to residential properties. This states that planning permission will only be granted where the annexe is linked by an internal door and the accommodation is capable of conversion into accommodation as part of the main dwelling. 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.

Chapter 11 of the NPPF places an importance on protecting and enhancing the natural environment and valued landscapes like the AONB. This is supported by Local Plan Policy NE8, which places priority on the protection of the AONB, whilst Policy NE10 conserves the distinct landscape types in the District.

DESIGN/APPEARANCE/IMPACT ON THE AREA

The agent has withdrawn the proposed access and parking area from the proposal. These elements of the scheme have been withdrawn following Officers concern that the new access and parking would have a detrimental impact on the character of the street and setting of a nearby listed building with the loss of the boundary wall and Lime trees. It was also not demonstrated that an appropriate level of visibility from the proposed access could be achieved.

The single storey extension has a simple lean-to form and is located within the corner of the existing L-shape form of the building. The siting and form of the extension does not have a detrimental impact on the character of the building.

The first storey extension above the existing flat roof creates a two storey link between the main house and the Toll House. The heights of the ridge and eaves step down incrementally. Matching decorative bargeboards have also been proposed. The use of render and slate is also considered appropriate given the existing render, painted brickwork and existing slate on the main part of the dwelling. It is therefore considered that the height, size and design of the extension is in keeping with the character and appearance of the existing building.

The existing buildings are located on the east side of the site , and the proposal only slightly increases the footprint. Consequently the development would not appear cramped or overdeveloped.

Whilst the annex part of the scheme does provide a new separate porch entrance, the form of the annex is constrained by the historic Toll House. The annex remains linked to the main house, has a connecting internal door and is capable of being used as part of the main house should it no longer be needed as an annex.

The proposal is located within the residential curtilage of the property and as a domestic use the scheme should not harm the wider character of the surrounding landscape or this part of the AONB.

The dwelling currently does not appear to have any onsite parking and therefore makes use of on street parking. Whilst the proposal does increase the size of the dwelling it is considered that the additional vehicle movements will not be significant in terms of the NPPF.

RESIDENTIAL AMENITY

A new first floor window is proposed to the east elevation of the building. This serves a bedroom. Bearing in mind the space between dwellings created by the drive, and the orientation of the building, offset at an angle, the window will not cause significant enough overlooking to warrant refusal. . It is also arguable that the window is in the rear elevation of the dwelling and maybe considered as permitted development and therefore could be added without consent.

Local residents and the Parish Council have objected to the 1st floor extension, as it would result in the loss of light and be overbearing. The proposed extension will make the existing flat roof element of the building taller but with the position, orientation and the existing form of the main house, the loss of direct light would be limited. The built form is increased but the roof slopes away, so the proposed extension does not have an unacceptable overbearing impact. The proposed rooflights serve a bathroom and utility and could be fixed to stop possible overlooking. Whilst the concerns of the neighbours and Parish are appreciated, due to the above reasons it would be unjustifiable to refuse this part of the scheme.

SI 2274 STATEMENT

Some pre-application discussions took place on this project, and the case officer has been in contact with the applicant and agent, acting in a positive and proactive manner. This has involved the removal of the access and parking area from the proposal.

HUMAN RIGHTS

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

Item No:	04
Application No.	S.13/1703/HHOLD
Site No.	
Site Address	18 Bourne Lane, Brimscombe, Stroud, Gloucestershire
Town/Parish	Brimscombe And Thrupp Parish Council
Grid Reference	387268,202348
Application Type	Householder Application
Proposal	Two storey side extension at side and single storey extension to rear.



Applicant's Details	Mr And Mrs I Lord 18 Bourne Lane, Brimscombe, Stroud, Gloucestershire, GL5 2RP
Agent's Details	Bradbeer Planning LTD Lypiatt Green, Nr Lypiatt, Stroud, Glos, GL6 7LS
Case Officer	Rachel Brown
Application Validated	07.08.2013

	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. No window or door openings other than any windows or doors shown on the approved plans shall be formed in the development hereby permitted.</p> <p>Reason: In the interests of the amenities of the occupiers of adjoining residential property, to comply with Policy GE1 of the adopted Stroud District Local Plan, November 2005.</p> <p>3. Prior to the first beneficial use of the single storey rear extension, the window shown on the side (east) elevation shall be permanently fixed shut and obscurely glazed. It shall be maintained as such thereafter.</p> <p>Reason: In the interest of privacy in accordance with GE1 of Stroud District Local Plan, November 2005.</p> <p>4. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Proposed Block Plan received on 07/08/2013 Plan number = 05 Version number = A</p> <p>Proposed plans and elevations received on 07/08/2013 Plan number = 10 Version number = A</p> <p>Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.</p>
	CONSULTEES
Comments Received	Parish / Town
Not Yet Received	

CONTRIBUTORS	
Letters of Objection	J Latham And Asha Vijendran, 17 Bourne Lane, Brimscombe Brimscombe And Thrupp Parish Council, 11 Broadstone Close, Barnwood
Letters of Support	A Butt, 68 Bourne Estate, Brimscombe
Letters of Comment	Mr M J Courtnadge, 19 Bourne Lane, Brimscombe
OFFICER'S REPORT	

DESCRIPTION OF SITE

The application site is located to the south of Bourne Lane, Brimscombe. The site consists of a semi-detached two storey house set down below road level, with parking provision to the front. To the rear, the garden slopes away from the house and extends some 35m to the south. On the rear elevation is an existing single storey lean-to conservatory.

PROPOSAL

This proposal seeks permission for the erection of a two storey extension to the side and a single storey extension to the rear.

REVISED DETAILS

None

MATERIALS

Walls: Render finish to match existing.

Roof: Two storey side extension - plain tiles to match existing
Single storey rear extension - Marley modern tiles to match colour of existing.

Doors/windows: White upvc.

RELEVANT PLANNING HISTORY

S.12/0675/HHOLD - Erection of two storey extension at side and single storey extension at rear. Refused 11/07/12 due to appearance of cramped frontage and overbearing/oppressive impact. Dismissed at appeal on the grounds that the proposal would overdevelop the site frontage, unacceptably harming the character and appearance of this part of Bourne Lane.

S.12/2048/HHOLD - Erection of two storey side extension and single storey rear extension (revised application following refusal S.12/0675/HHOLD) - Permission 19/12/12.

CONSULTATION RESPONSES

Members are advised that 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.

Public

1 x Objection (17 Bourne Lane) Have concerns regarding scale and extent; increase overall footprint by more than double; loss of light; detrimental impact on writer's property; proposal to rear (conservatory) would have overbearing effect; scale of extension out of character with other properties in Bourne Lane; consider the proposal conflicts with GE1 and HN16; proposal similar to that previously refused.

1 x Support (68 Bourne Estate)

1 x Comment (19 Bourne Lane): Highlight the findings and recommendations of the appeal Inspector; floor plan of this proposal is the same as previously refused and therefore Inspector's comments still relevant; writer asks for a maintenance gap of at least 3 feet be left.

Parish

Object - with less than a gap between properties there will be maintenance issues; concern at increased size of conservatory; concerned that with an increase in bedrooms there is no additional parking proposed.

Consultations

GCER advise legally protected species have been recorded within 200m of the application site and a Key Wildlife Site lies within 240m of the site.

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 HN16 of the adopted Stroud District Local Plan, November 2005.

Relevant to this particular application is the need for high quality design, protect the amenity of existing and future occupants and maintain highway safety.

BACKGROUND

Members will recall an application (ref: S.12/0675/HHOLD) for a two storey side extension and single storey extension to the rear was refused following a site visit in July 2012. The reasons for refusal:

1. *The two storey extension would occupy the width of the frontage, and is close to the neighbouring dwelling. It would create a cramped frontage, thereby spoiling the appearance of this lane whereby the spacing between dwellings contributes to the rural ambiance. The proposal is therefore contrary to Policy HN16 of the Stroud Local Plan and NPPF paragraph 17.*

2. *The proposal extends substantially to the rear, close to both common boundaries, and beyond the building line. The siting and length of the extension would be oppressive and overbearing to both neighbours. The proposal is therefore contrary to Policy GE1 of the Stroud District Local Plan and NPPF paragraph 17.*

A subsequent appeal was dismissed in November 2012. The appeal inspector noted the excellent views through the gaps between the houses to the hillside on the opposite side of the valley and the contribution these views played toward the semi-rural character of this part of Bourne Lane. The appeal inspector considered that the two storey extension would block these important views, and would overdevelop the site frontage, unacceptably harming the character and appearance of this part of Bourne Lane.

The inspector considered that the proposal would not significantly affect the outlook and light levels to neighbouring properties or have an overbearing impact. The inspector concluded would not unduly harm amenity.

Prior to the determination of the appeal, a revised application (ref: S.12/2048/HHOLD) was submitted for a two storey side extension and single storey rear extension. This was granted permission in December 2012, subsequent to the appeal decision. The height of the two storey (front) extension was substantially reduced to enable a visual gap between properties and providing sufficient visual separation between properties to avoid the site appearing cramped, thereby overcoming previous refusal reason 1. The single storey extension to the rear had been reduced in length and the design of the roof changed achieving a lower eaves height, thus overcoming refusal reason 2.

DESIGN/APPEARANCE/IMPACT ON THE AREA

This current proposal is for a two storey side extension and single storey rear extension. The proposed development comprises an amalgamation of the previously permitted two storey side extension (ref: S.12/2048/HHOLD) with the single storey rear extension of the earlier scheme dismissed at appeal (ref: S.12/0675/HHOLD).

As discussed in the report for the previously permitted scheme, whilst the two storey extension would continue to occupy the width of the frontage of the plot, the ridge and eaves have been lowered to sit approximately 1 metre below that of the main ridge and eaves thus creating a visual gap between properties allowing views through. Moreover, a step in the front building line provides further visual relief to the front elevation. It is considered that, when viewed from the elevated road level, the revised proposal provides sufficient visual separation between properties to avoid the site appearing

cramped, thus overcoming the Inspector's concerns with regards to the impact on the character and appearance of this part of Bourne Lane.

The single storey rear extension is the same as that considered at appeal. The inspector raised no objection to this element of the scheme. The rear extension is single storey emanating from below the first floor windows and following the fall of the land. It would appear subservient to the main house and not detract from its character and appearance, or appear unduly prominent.

This proposal is therefore considered to meet the requirements of Policy HN16 and accord with the aim of the NPPF to secure high quality design.

RESIDENTIAL AMENITY

This current proposal is for a two storey side extension and single storey rear extension. The proposed development comprises an amalgamation of the previously permitted two storey side extension (ref: S.12/2048/HHOLD) with the single storey rear extension of the earlier scheme considered at appeal (ref: S.12/0675/HHOLD).

In his decision, the appeal inspector noted that the rear extension would *"step down substantially as it moves away from the main house under a long lean-to roof"* and would have little impact on the open southerly aspects of the neighbouring properties. Additionally the inspector noted the position of windows on the neighbouring property to the east (No 19); however considered the neighbouring properties would *retain good outlook and natural lighting*". The proposal would include a single high level obscurely glazed and fixed shut window in the east side elevation. Moreover, views towards the neighbour to the west would be largely obscured by boundary fencing. The inspector concluded that *"the proposal would not unduly harm living conditions at neighbouring properties"*.

In view of this, it is therefore considered this proposal would not significantly harm the amenities of neighbouring occupiers and would satisfy Policy GE1 and accord with the aims of the NPPF to secure a good standard of amenity for all occupants.

HIGHWAY SAFETY

The Parish Council have raised concerns that the level of parking would not be sufficient to accommodate the additional bedroom. There are currently two off-road parking spaces to the front of the property which would be unaffected by this proposal. The level of parking available would satisfy the Council's adopted parking standards. There is no reason to think that the introduction of a further bedroom in the property would significantly affect the existing traffic movements or parking requirements for the house. Therefore proposal would not be detrimental to highway safety in accordance with Policy GE5.

REVIEW OF CONSULTATION RESPONSES

The Parish Council raise objections on the grounds that the small gap between properties will have maintenance issues; concern at increased size of conservatory; and concerned that with an increase in bedrooms there is no additional parking proposed.

In addition, a neighbouring occupier has raised concerns regarding scale and extent of the proposal; loss of light; overbearing effect; scale of extension out of character with other properties in Bourne Lane; and consider the proposal conflicts with GE1 and HN16.

A second neighbour, whilst not objecting, has commented requesting that a minimum gap of 3 foot be maintained between properties for maintenance reasons; and remind Members of the findings and recommendations of the appeal Inspector and that these are still relevant.

The concerns of the Parish Council and the neighbours are noted. As discussed in the report above, taking on board the comments of the appeal inspector and the previously permitted scheme, it is considered this proposal has addressed previous concerns and now satisfies local plan policies GE1 and HN16 and the aims of the NPPF.

With regards to the concerns of the lack of space between the neighbouring property and the extension for maintenance purposes, the submitted drawings show a gap of approximately 300mm between the boundary and the extension, similar to that of the neighbouring extension. Additionally, the retention of a gap for maintenance purposes is not a material planning consideration and therefore should be afforded little weight in determining this application.

Gloucestershire Centre for Environmental Records has provided details of protected species within the vicinity. However, it is noted that the extension represents a minimal increase in footprint, which would be confined to the existing residential curtilage. As such, the ecological impact of the development would be minimal.

CONCLUSION

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

SI 2274 STATEMENT

The case officer and the Development Control Manager have had pre-application discussions with the agent. The submitted scheme reflects those discussions and therefore it was found to be self contained and required no further dialogue with the applicant or their agent.

HUMAN RIGHTS

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

Item No:	05
Application No.	S.13/0123/FUL
Site Address	Land at Northfield, Dursley Road, Cambridge, Gloucestershire
Town/Parish	Slimbridge Parish
Purpose of the Report	Report to determine the most appropriate wording of the Section 106 Legal Agreement to ensure that Slimbridge Parish residents take priority when allocating social housing units and to update the Article 31.
Recommendation	<ol style="list-style-type: none"> 1. Members resolve to accept the revised Article 31 statement, and 2. Members agree that the following criteria for nominations be used in the Section 106 agreement. <ol style="list-style-type: none"> a) Residents of Slimbridge Parish, currently ordinarily resident within or has a local connection with the surrounding area, then b) Qualifying residents, currently ordinarily resident within or have a local connection within the Severn Voice Group of Parishes, then c) Qualifying residents, currently ordinarily resident within or who have a local connection within the District of Stroud.

At DCC in February of this year, Members resolved to grant permission for the development of 24 units on the Northfield Road site; 12 affordable dwellings and 12 open market dwellings.

The purpose of this item is two-fold; firstly in order for Members to determine the most appropriate wording of the Section 106 Agreement to ensure that the document best encapsulates the desire of Slimbridge Parish residents have priority; this would apply to both affordable rented units and shared ownership units. Secondly, in response to a letter of complaint that has been received from Slimbridge Parish Council, the updated Article 31 seeks to confirm the policy justification for the Council resolving to grant planning permission subject to the affordable housing being secured through a Section 106 Legal Agreement.

An updated Article 31 is presented to Members in order to accurately document Members discussion at Development Control Committee meetings in both January and February 2013. This procedure has been used previously (most notably on the MSA application) to ensure the decision notice correctly reflects both the officer report and the member debate and therefore complies with planning statute..

The updated Article 31 is as follows:

The application was submitted in response to an identified need for affordable housing provision within the Severn Voice Group of Parishes (Arlingham, Elmore, Frampton-on-Severn, Fretherne-with-Saul, Longney & Epney, Moreton Valence, Slimbridge and Whitminster) who worked together with the GRCC to undertake a local housing needs

surveys in 2007. Collectively, the Local Needs Surveys revealed an unmet need for 35 units of affordable housing.

A site at Whitminster has been built out to provide 14 affordable homes, leaving a residual unmet need for 21 affordable homes. The provision of 12 affordable homes in the Slimbridge Parish would exceed the need identified for the Parish in the 2007 Housing Needs Survey. However, the Housing Needs Survey is a cross working rural exercise and the proposed 12 units would still fall short of providing for the residual unmet need of 21 affordable homes in the Severn Voice Group of Parishes.

The 2010 Housing Needs Survey showed that the net annual need for additional affordable housing units in the Stroud District is 393.

Since the time of the surveys in 2007, considerable effort has taken place to identify sites on which to meet that need. Site searches have taken place throughout the Severn Voice group of parishes, resulting in the examination of potential sites in Longney, Epney, Arlingham and Frampton on Severn, but aside from the Whitminster site no other suitable or available sites have been identified in these areas. Any sites that have been presented to the Council have not been suitable due to land constraints (i.e. flooding). Evidence of a sequential search in the parish of Slimbridge was provided by the applicant, but again no other available or suitable sites were identified.

Below is a summary of the current affordable housing need in each of the parishes. A group of parishes working together to meet affordable housing need is unusual, but as the Whitminster site has demonstrated it is a pragmatic response to meeting local housing need in rural areas which are unlikely to meet that need within their own parish. This innovative approach has since been highlighted as a case study by the Homes and Communities Agency in their Rural Housing Project.

Parish	No. households in affordable need
Arlingham	1 (HA rented)
Elmore	4 (all HA rented)
Frampton-on-Severn	19 (2 shared ownership, 17 HA rented)
Longney & Epney	1 (HA rented)
Moreton Valence	0
Slimbridge	4 (all HA rented)
Whitminster	6 (2 shared ownership, 4 HA rented)
Total	35

The application was assessed against National Policy as set out in paragraph 54 of the NPPF. This paragraph states: *"In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."*

The definition of Rural Exception Site in the NPPF is defined as: *"Small sites used for affordable housing in perpetuity where sites would not normally be used for housing."*

Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding."

The NPPF has evolved from Planning Policy Statement 3 Housing which was cancelled in March 2012 as the NPPF came in to force. PPS3 required Local Planning Authorities to have a rural exception site policy. This was policy HN6 of the adopted Stroud District Local Plan; however this policy expired on 10 November 2008 and was not saved as a result of a Direction made by the Secretary of State under the provisions of the Planning and Compulsory Purchase Act 2004 as it was not in line with emerging national guidance. National Policy should therefore take precedence with regard to rural exception sites.

Both the NPPF and PPS3 use the term 'small' when considering rural exception sites. There is no definition of 'small' and as such it is a matter of fact and degree as to its interpretation.

Any concern regarding the interpretation of 'small' development is balanced by the strength of the material consideration of the provision of affordable housing based on the approach as set out in this report.

The NPPF supports the provision of open market units to cross subsidise the provision of affordable housing units and this is at the discretion of the Local Planning Authority. In order to provide 12 much needed affordable homes within the Severn Voice group of Parishes, it was considered that 12 open market houses would provide sufficient cross subsidy to enable their delivery. In addition, this scheme does utilise an element of grant funding. However, the grant funding alone is not sufficient to support the delivery of the affordable homes (therefore justifying the open market units). A viability appraisal was submitted to demonstrate the constrained financial viability and the case was adequately demonstrated to the satisfaction of the SDC Policy Implementation Manager. This is a matter that was debated at the January 8th 2013 DCC meeting.

When considered against the group of parishes that belong to the Severn Voice, the site is small and proportionate. A single site was considered to be a preferable and pragmatic solution to that of dispersal which would not constitute sustainable development. The Cambridge site presented a sustainable location that had limited impacts. Other parishes within the Severn Voice have other considerable potential impacts such as flooding (Zones 2 and 3), Conservation Areas, other landscape designations, lack of facilities and availability of local services and facilities. The suitability of this site for development and its limited impact was debated at the January 8th 2013 DCC meeting.

Matters pertaining to surface water flooding and sewage at the Northfield Road site were raised and discussed in the Officer report to Members and this was a topic for discussion at the committee meeting. It was concluded that the matter could be adequately addressed through the imposition of planning conditions and a reason for refusal on these grounds alone was not warranted. This was a matter that was subject to debate at both the January and February 2013 DCC meetings.

The Council believes it has a five year supply of housing; however this has been challenged through the Box Road appeal and Members were updated on this at the February 2013 DCC Meeting. The challenge to the Council's supply of housing was a material planning consideration; however, it had no bearing on the policy interpretation of the NPPF. The Northfield Road application was therefore justifiably submitted on the basis that the proposal was for a rural exception site and as noted above, paragraph 54 of the NPPF was therefore wholly relevant and applicable as there was no Local Plan Policy to consider.

The NPPF promotes a presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As noted above, the application was appropriately assessed against paragraph 54. It was also documented in the Officer report that the applicant had adopted a sequential approach in locating suitable sites and that the Northfield Road provided the most suitable location. The Northfield Road site presented limited impacts and provided a more sustainable location. The provision of 12 much need affordable homes was a significant benefit.

At both the January and the February DCC meetings, Members raised availability of the Ellis Transport site coming forward for development. Indeed an application was submitted on the 8th February, however it was invalid and no validating information was received and the application was duly returned to the planning agent on the 20th March 2013. A revised application is yet to be received. It is uncertain as to whether the application would have been supported in any event as there were other significant policy issues that needed to be addressed.

In order to ensure the affordable housing provision is offered to Slimbridge Parish residents and in order to ensure that the S106 is not indirectly discriminatory, it is recommended that the wording of the S106 is amended to include three tiers of eligibility.

- a) Residents of Slimbridge Parish, currently ordinarily resident within or has a local connection with the surrounding area.
- b) Qualifying residents, currently ordinarily resident within or have a local connection within the Severn Voice Group of Parishes
- c) Qualifying residents, currently ordinarily resident within or who have a local connection within the District of Stroud.