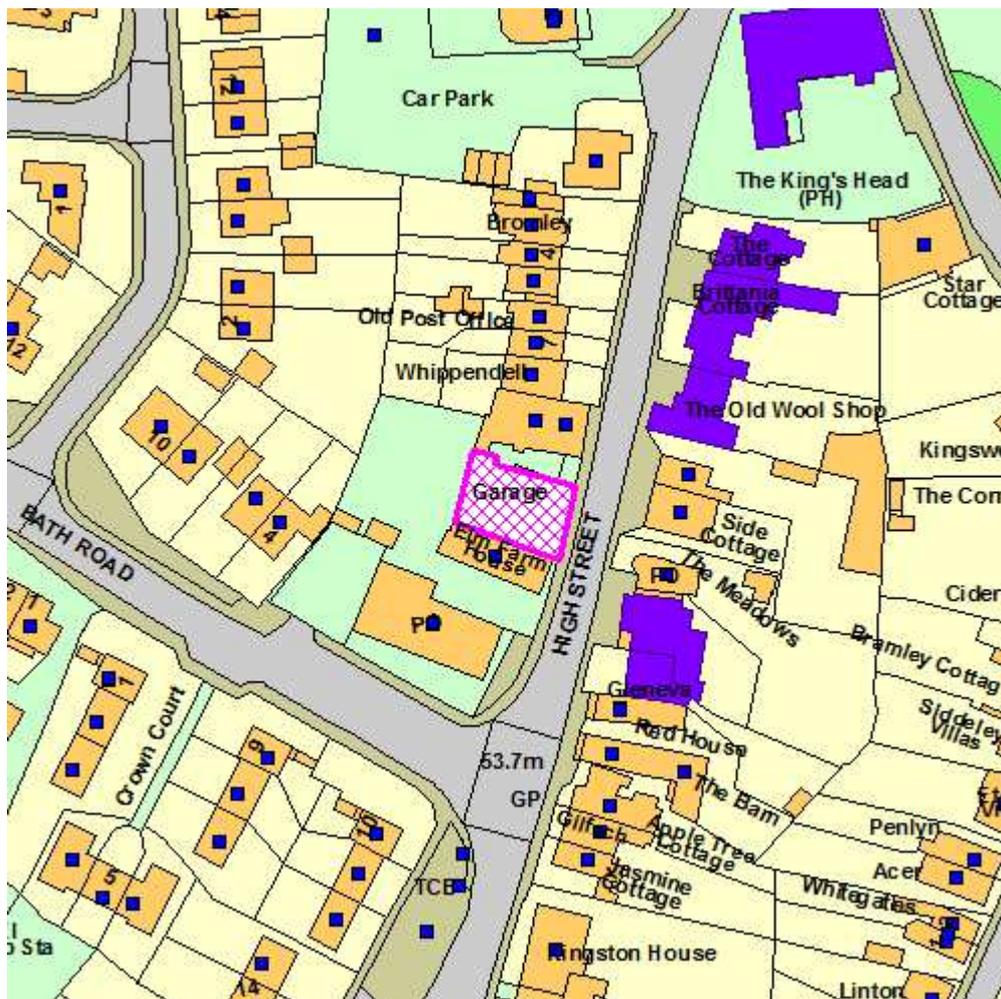




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Item No: 01

Application No. Site No.	S.17/2540/FUL
Site Address	Site Of Former Central Garage, High Street, Kings Stanley, Gloucestershire
Town/Parish	Kings Stanley Parish Council
Grid Reference	381132,203422
Application Type	Full Planning Application
Proposal	Demolition of redundant building (vehicle repair and storage). Erection of two houses (revised application).
Recommendation	Permission
Call in Request	This application is brought before the Development Control Committee at the request of the Head of Planning and the Chair of the Development Control Committee.





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Applicant's Details	Mr Gary Parker 41 Selwyn Close, Ryeford, Stonehouse, Gloucestershire, GL10 3LH
Agent's Details	Barrie Pierce Building Design 85 Westward Road, Stroud, Gloucestershire, GL5 4JA,
Case Officer	Rachel Brown
Application Validated	13.11.2017
	CONSULTEES
Comments Received	Kings Stanley Parish Council Contaminated Land Officer (E)
Constraints	Within 50m of Listed Building Kings Stanley Parish Council Settlement Boundaries (LP)
	OFFICER'S REPORT

MAIN ISSUES

- o Background and introduction
- o Principle of development
- o Design and layout
- o Residential Amenity
- o Highway safety
- o Contaminated land
- o Archaeology and Heritage Assets

DESCRIPTION OF SITE

The application site is located on the High Street within the settlement of Kings Stanley and formerly comprised a building and forecourt used as a car repair garage. Two dwellings have recently been constructed on the site. Immediately to the south is the residential property, Elm Farm House with the garden area wrapping around the rear of the site. To the North of the site is the residential property, the Old Bakery; and the High Street is to the East.

The site is not affected by any sensitive landscape designation.

PROPOSAL

Demolition of redundant building (vehicle repair and storage). Erection of two houses (revised application).

REVISED DETAILS

None



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MATERIALS

Walls: Reconstituted stone
White render
Painted boarding

Roof: Blue/black slates

Doors/windows: UPVC

REPRESENTATIONS

Statutory Consultees:

KINGS STANLEY PARISH COUNCIL: Comment – “concerned new application perpetuates the building as erected, not in compliance with application granted, and does not mitigate some of the non-compliances of the revised allowed application. The wooden addition is out of keeping with local vernacular and the suggestion it will mitigate effect on light to adjacent building superficial. The narrowing of pavement will restrict amenity for residents using disabled vehicles or child buggies. It is debatable whether revising direction of opening windows provides an appreciable change to parking space. The Parish Council attest that the public right of way extends approximately 1 metre beyond the GCC markers. No distinction of private ownership of any part of the area has been publically demonstrated over that period. When the former garage was in use, a rope or chain was placed across the premises approximately 2 metres from the kerb. Kings Stanley Parish Council believes it may be possible at some time in the future to have this right of way formerly established. The Parish Council is continuing to pursue the matter with the appropriate bodies”.

SENIOR CONTAMINATED LAND OFFICER – recommends a condition.

GCER advise protected species have been recorded within the vicinity of the site.

Public:

One public comment received. Objections raised include: landing window omitted from plans; detrimental effect on light; bathroom juts out almost touching guttering; poses a fire risk with wooden cladding; unsightly;

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view

at:<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1).



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Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Council's website:

https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf

Local Plan policies considered for this application include:

CP1 - Presumption in favour of sustainable development.

CP3 - Settlement Hierarchy.

CP14 - High quality sustainable development.

HC1 - Meeting small-scale housing need within defined settlements.

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES10 - Valuing our historic environment and assets.

ES12 - Better design of places.

The proposal should also be considered against the guidance laid out in:

Residential Design Guide SPG (2000)

Planning Obligations SPD (2017)

The application has a number of considerations which both cover the principle of development and the details of the proposed scheme which will be considered in turn below:

BACKGROUND AND INTRODUCTION

Planning permission was granted in October 2015 for the erection of two houses (S.15/1933/FUL); that permission remains extant.

The development commenced and is virtually complete; however the two dwellings constructed on site have not been built in accordance with the approved plans.

Enforcement action was taken, initially with the serving of a Stop Notice and an Enforcement Notice; however that Enforcement Notice was withdrawn and a new Notice served but without a further Stop Notice.

In the meantime, a retrospective planning application was submitted in order to regularise the authorised scheme; however this was refused by the Development Control Committee on 10th January 2017. The reasons for refusal were:

1. The cumulative impact of the changes to the design (the horizontal emphasis and introduction of cantilevered bathroom at first floor level; increase in the footprint and width of the North elevation and increase in height) results in a poorer design that would have a negative impact on the neighbour's amenities by virtue of blocking their window and the future occupants of the new dwellings by virtue of an inappropriate area of private amenity space. The impact of the parking spaces could also have a negative impact on the highway safety of all users.



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This would be contrary to Policies HC1 (Criteria 1, 7 and 9) and ES3 (Criteria 1 and 5) of the Stroud District Local Plan, Adopted November 2015.

2. The applicant has undertaken a desk study and a Phase 2 Site Investigation in relation to the previously approved scheme S.15/1933/FUL. This identified that remediation was required at the site in order to make it suitable for a residential end-use. The detailed remediation and subsequent validation has never been submitted for approval, so the applicant has not demonstrated that the removal works required were actually undertaken at the site and therefore has not proved that the site is suitable for a residential end-use. In addition, the site investigation and risk assessments were based on the original planning proposals for the site and as this has not been complied with and may therefore be different with the new layout at the site. The necessary evidence has therefore not been provided to demonstrate that the site was remediated and that the development would not have an adverse effect on contaminated land where there is a risk to human health or the environment, contrary to Local Plan Policy ES3(6).

In June 2017, two appeals were lodged with the Secretary of State following the issuing of the enforcement notice and the subsequent refusal of planning permission. An Inquiry was held in October 2017

The Inspector considered that due to changes made to the submitted details, this precluded him from making a decision. In relation to the appeal the inclusion of the additional land to provide the extra amenity space meant that the 'red line' area is now not the same as that for the planning application as originally submitted. Furthermore, that application was accompanied by a signed Certificate A, certifying that on the day 21 days before the date of the application all of the land to which the application relates was in the ownership of the appellant. The additional land to provide the extra amenity space was not in the ownership of the appellant at that time, such that the inclusion of that additional land means that the Certificate A signed at the time the application was submitted no longer reflects the position in terms of land ownership. This in turn means that, even if the Inspector was to allow the appeal, the permission would not be valid.

It was therefore agreed to hold both appeals in abeyance in order to give the appellant sufficient time to submit a fresh planning application for the development as now proposed, and to enable the Council to determine that application in accordance with its normal procedures.

As part of the appeal process, a Statement of Common Ground has been signed on behalf of the Appellant and the Local Planning Authority (SDC).

The Statement identifies the following key issues:

- a. Slightly sub-standard rear garden areas to the two dwellings.
- b. Adverse impact on the neighbours' amenity in terms of loss of light to the first-floor landing window.
- c. Land contamination issues.



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d. Highway issues.

Each of these points are discussed in the report below.

In May 2017 the Council issued a Certificate of Lawfulness for a proposed development, namely the construction of a means of enclosure not exceeding 800mm in height along the front boundary of the site. That work has now been carried out.

PRINCIPLE OF DEVELOPMENT

The application site is located within the defined settlement development limits of Kings Stanley, designated as a Third Tier settlement within the Local Plan.

Historically the site was a commercial garage. In 2015 a planning application for two dwellings was permitted based on information submitted that demonstrated the commercial use of the site was no longer viable. The principle of residential development on this site has therefore been accepted.

DESIGN AND LAYOUT

GARDEN AREA

The applicant has secured an agreement with the adjoining landowner to purchase approximately 4 square metres of additional land. This has enabled a private rear garden area of at least 20 square metres to be provided for each dwelling. Whilst this is at the minimum level expected for each new dwelling as set out the Council's adopted Residential Design Guide, given the size of the dwellings and proximity to the Kings Stanley playing field, the minimum amount of garden space is considered acceptable in this instance. Furthermore, this reflects the size of the gardens already agreed under application S.15/1933/FUL.

BUILT FORM

The dwellings replace an existing dilapidated garage. The houses are finished in reconstituted stone, under a slate roof. These materials have been previously approved. It is proposed that the boarded cantilevered bathroom be painted white and that a through coloured white render be added to the south facing elevation. This would help minimise the visual intrusion of the cantilevered element. In addition a canopy has been added to the right hand house.

Whilst the depth and overall height of the houses have been increased over that previously permitted, this is reflective of neighbouring properties; furthermore the ridge height of the proposed houses is approximately 1m below the ridge height of Elm Farm House, immediately to the south.

The revised application addresses the design and layout issues



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RESIDENTIAL AMENITY

LOSS OF LIGHT TO NEIGHBOUR'S LANDING WINDOW

It is proposed to render and paint the South-facing elevation of the left-hand house in white to reflect the south-facing wall of the Old Bakery and other properties within the locality. This would help reflect light and improve the level of light received by both the first floor landing and rear bathroom window.

Apart from a single roof light, all windows on the new houses face either westwards into their own gardens or eastwards onto the parking area and the High Street.

The revised application addresses the negative impact imposed on the neighbouring occupiers and the future occupiers of the new dwellings.

HIGHWAY SAFETY

Gloucestershire County Council has agreed that the GCC boundary markers within the pavement do show where the boundary line of the highway is. The area behind this is not part of the publically maintainable highway. Furthermore, the submitted plans detail the ground floor windows as tilt and turn opening inwards, to avoid possible conflict with the proposed parking. It is therefore agreed that the size of the parking spaces 4.8m x 2.4m can be achieved.

The issue of whether or not a pedestrian right of way exists is still being contested but does not preclude Members from determining this application.

The provision of three parking spaces for the two 2-bedroom dwellings is acceptable and complies with the parking standards as set out within the Local Plan. The principle of the three parking spaces, perpendicular to the road, has been established by planning approval S.15/1933/FUL.

CONTAMINATED LAND

There is an outstanding matter regarding a land contamination conditions. As such no dwelling must be occupied until remediation works have been carried out in full and Quality Assurance certificates submitted to and approved in writing by the Local Planning Authority.

ARCHAEOLOGY AND HERITAGE ASSETS

The site is archaeologically sensitive since it is located within Kings Stanley's medieval settlement area. An archaeology report was undertaken on the site in May 2016. Gloucestershire County Council's Archaeologist has confirmed that no further archaeological investigation or recording should be required in connection with the current proposals.

To the east side of the High Street, there are a number of grade II listed buildings. The new dwellings replace an existing dilapidated garage. The scale, design and materials of the new dwellings are reflective of other dwellings within the High Street. The new dwellings would not harm the character and setting of the

REVIEW OF CONSULTATION RESPONSES



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

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

RECOMMENDATION

The application accords with the agreed Statement of Common Ground signed by the Council and the Appellant.

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

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.

Subject to the following conditions:	<ol style="list-style-type: none"><li data-bbox="451 1128 1511 1478">1. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below: Proposed plans and elevations of 07/11/2017 Plan number = 2409 10 Version number = D Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.<li data-bbox="451 1478 1511 1836">2. The proposed dwellings shall not be occupied until car parking has been provided in accordance with drawing No 2409 10 D. The parking areas shall be kept clear of obstruction and must not be used for any purpose other than for the parking of vehicles thereafter. Reason: In the interests of highway safety and to accord with Local Plan Policies ES3 and HC1.<li data-bbox="451 1836 1511 2040">3. Within one month of the date of this permission details of a scheme of contaminated land remediation and mitigation must be submitted to the local planning authority for approval. No dwelling must be occupied until the remediation works have been carried out in full and Quality Assurance certificates to show that the works
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have been carried out in full have been submitted to and approved in writing by the local planning authority.

Reason:

To protect the health of future users of the site from any possible effects of contaminated land in accordance with the guidance within the NPPF, in particular, paragraph 120 and Local Plan Policy ES3.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), Schedule 2, Part 1, Class F, no hard surface used to cap any contaminated land on the site shall be removed or altered.

Reason:

To protect the health of future users of the site from any possible effects of contaminated land in accordance with the guidance within the NPPF, in particular, paragraph 120 and Local Plan Policy ES3.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), Schedule 2, Part 1, Class A, no windows or door openings other than those shown on the approved plans, will be formed in the development hereby permitted.

Reason:

In the interests of the amenities of the local residents and the surrounding area and to comply with Policies HC1 and ES3 of the adopted Stroud District Local Plan, November 2015.

6. Prior to the occupation of either dwelling, the masonry to the south-facing wall of the southern dwelling shall be rendered and painted in white in accordance with drawing 2409 10 D and the timber first-floor extension of that dwelling painted white. That colour shall be permanently maintained thereafter.

Reason:

In the interests of the amenities of the local residents and the surrounding area and to comply with Policies HC1 and ES3 of the adopted Stroud District Local Plan, November 2015.



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7. Prior to the occupation of either dwelling, the side-hung opening casements of the ground floor windows facing the street of both houses shall be altered so that the casements open inwards; the said casements shall be thereafter so maintained.

Reason:

In the interests of highway safety and to accord with Local Plan Policies ES3 and HC1.

8. No dwelling hereby permitted will be occupied until the rear amenity space shown on drawing 2409 10 D has been completed and made available to the occupiers of the development.

Reason:

In the interests of the amenities of the occupiers of the dwellings, in accordance with Local Plan Policies HC1 and ES3.

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. The case officer was in regular contact with the applicant/agent and the community, acting in a positive and proactive manner, seeking dialogue and solutions. Copies of this correspondence are on the electronic planning file.