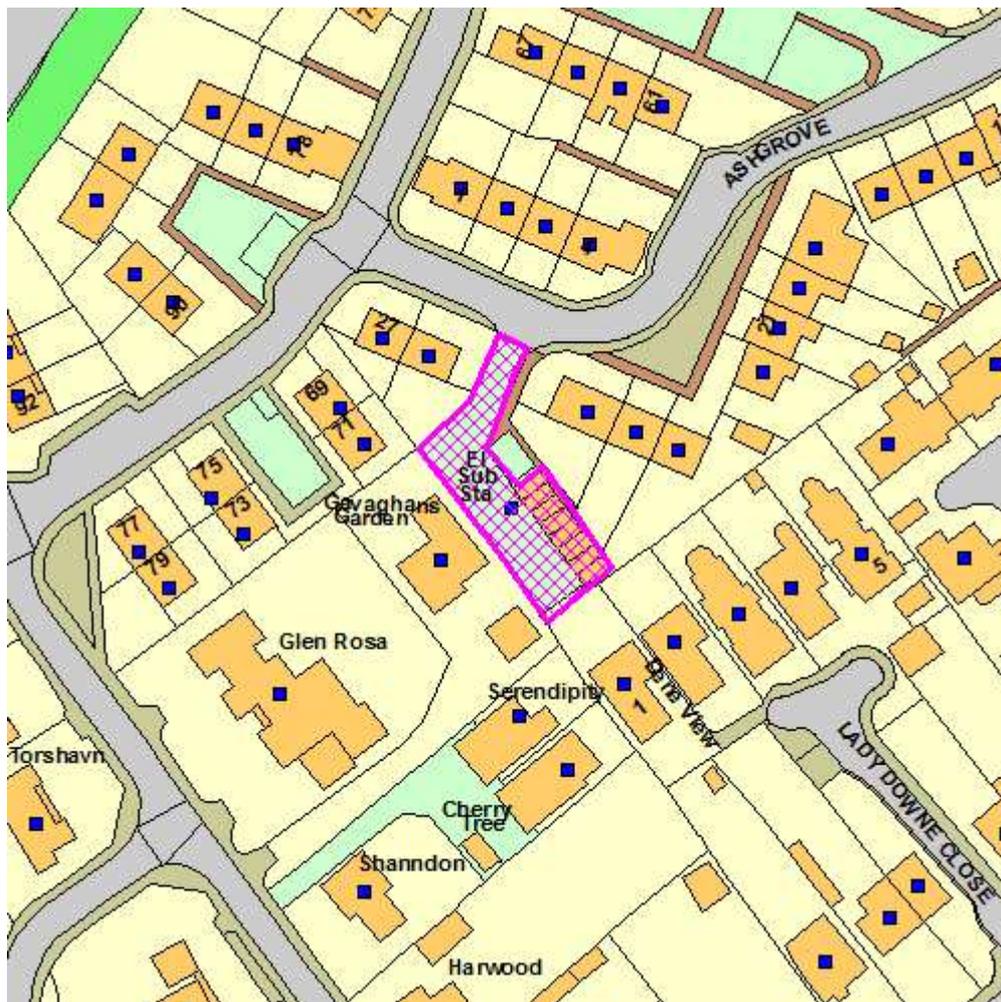




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Item No:	07
Application No.	S.18/2222/FUL
Site No.	PP-07350327
Site Address	Land Adjacent To 26, Ash Grove, Upton St Leonards, Gloucestershire
Town/Parish	Upton St Leonards
Grid Reference	386290,215128
Application Type	Full Planning Application
Proposal	Proposed dormer bungalow.
Recommendation	Permission
Call in Request	Planning Manager





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Applicant's Details	
Agent's Details	John Everitt 105-107 Bath Road, Cheltenham, GL53 7LE, Gloucestershire,
Case Officer	Gemma Davis
Application Validated	12.10.2018
CONSULTEES	
Comments Received	Upton St Leonards PC Environmental Health (E)
Constraints	Within 200m of M5 Upton St Leonards Parish Council Settlement Boundaries (LP)
OFFICER'S REPORT	

MAIN ISSUES

- o Background
- o Principle of development
- o Design and layout
- o Residential amenity
- o Highways
- o Obligations and affordable housing
- o Other matters

DESCRIPTION OF SITE

The application site comprises an area of hard-surfacing and a garage block that once served the homes that surrounds the site. The site is accessed off of Ash Grove and sits amongst residential properties to all four sides.

The site does not lie within any landscape designation.

PROPOSAL

The application seeks permission for the erection of a single 1.5 storey detached dwelling.

REVISED DETAILS

None

MATERIALS

Walls: Red brick
Roof: Tile
Doors/windows: White UPVc



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REPRESENTATIONS

Statutory Consultees:

Upton St Leonards Parish Council objects to the proposed development on the following grounds:

- o Loss of parking
- o Impact on waste vehicles negotiating the site / wider area
- o Potential loss of bus service

The Councils Environmental Health Officer has recommended standard conditions and informatives should planning permission be forthcoming.

Public:

A number of objection letters have been received raising the following concerns:

- o Loss of privacy
- o Loss of parking
- o Loss of trees
- o Loss of bus service
- o Loss of light
- o Increased noise
- o Incremental development at a further date

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view

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

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils 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.
- CP2 - Strategic growth and development locations
- CP3 - Settlement Hierarchy.
- CP9 - Affordable housing.
- CP14 - High quality sustainable development.

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

ES1 - Sustainable construction and design

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES6 - Providing for biodiversity and geodiversity.



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ES8 - Trees, hedgerows and woodlands.
ES12 - Better design of places.

The proposal should also be considered against:

Residential Design Guide SPG (2000)
Planning Obligations SPD (2017)

BACKGROUND

The application is supported by the following statement:

“Due to ongoing maintenance requirements Stroud District Council's garage stock is in decline in terms of being fit for purpose and their financial viability. Reduced demand for garage spaces and historic underinvestment has become a catalyst for anti-social and criminal behaviour in some residential areas which is a concern.

The retention of underused land and garages requires investment that represents an unacceptable impact on Council finances, particularly as investment in housing takes a higher priority. Stroud District Council is obliged to manage its assets and make the best use of its existing property to build new homes and safeguard its finances.

In September 2015 the Council's Housing Committee reviewed its district wide garage ownership and resolved to rationalise its garage stock via various options including their redevelopment and/or sale.

It must be noted that the strategy applies only to garages and parking spaces that are let independently of any other tenancies, and for which a separate charge is levied. Any garages or parking spaces managed by the Council (e.g. garages attached to houses, carports etc) are outside the scope of this policy and managed according to commercial arrangements.”

This current application has been submitted following a withdrawn application for the erection of a single dwelling. That proposal was considered unacceptable due to concerns regarding the design and the impact of the development on neighbouring properties. The previous scheme was much taller and of a larger scale and wholly contemporary in appearance. In addition, concerns were also raised with respect to the impact on neighbouring properties. The revised scheme amends the design of the unit to seek to overcome the above issues.

PRINCIPLE OF DEVELOPMENT

The site lies within the defined Settlement Boundary of Upton St Leonards designated as a Third Tier Settlement within the Local Plan, where there is a presumption in favour of development subject to design and amenity considerations and to a satisfactory means of access being provided.

The site is set amongst other residential properties. In this respect the principle of further residential development on the site can be supported; however, the further consideration of the design, layout and appearance of the scheme has to be assessed.



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DESIGN AND LAYOUT

This part of Upton St Leonards contains dwellings which are largely uniform in appearance. The area is predominately characterised by a mixture of housing comprising two storey detached, semi-detached and terraced units and bungalows.

The submitted drawings identify a 1.5 storey property with the first floor accommodation in the roof space. The proposed dwelling would have a rectangular shape with protruding gables and a pitched roof arrangement. The building would appear proportionate, with suitable ridge height and gable widths and roof to wall ratio. The appearance of the new dwelling has been simplified to ensure that it would appear less bulky, grand and dominant.

Upton St Leonards benefits from a wide range of properties of varying scales, densities, layouts and designs and as such the proposed unit would not be considered to be wholly incompatible with the character, appearance and amenity of the settlement.

The layout of the development is such that the dwelling is afforded a suitable level of private amenity space for the occupants, in accordance with the Council's Residential Design Guide. The proportionate scale of the development is also such that remainder of the site would not appear cramped or overdeveloped and would remain in-line with other properties in the vicinity.

The general layout of the new dwelling would not compete with the surrounding form of the area and there would be no detrimental impact caused to the character and appearance of the street scene.

The dwelling would be finished in materials similar to those found on the adjacent neighbouring houses and as such would not look out of place.

RESIDENTIAL AMENITY

The site has neighbouring properties to all four sides. An existing mature boundary hedge provides screening between the site and the neighbouring properties to the south and fencing and vegetation provides screening between the site and the neighbouring properties to the east and west. Notwithstanding this, it should be noted that the new dwelling has been designed to minimise the impact on neighbouring properties amenities.

In terms of overlooking, the principle elevation contains fenestration overlooking the car park area and the rear elevation only benefits from ground floor fenestration with a roof light to serve the bathroom. In terms of side facing fenestration, the north east elevation is blank and the south west elevation benefits from a ground floor window. As such, there would be no issue in terms of privacy loss to surrounding properties. A condition restricting any future fenestration can be imposed to ensure that privacy of neighbouring properties is maintained.

Due to the reduction in height and footprint of the dwelling, the fact that it has been positioned away from the boundaries and the orientation of the proposed dwelling in relation to the neighbouring occupiers, there would be no unacceptable overbearing effect or impact upon light levels for the occupiers that would warrant refusal of the application. While it is noted that there will be a physical presence, this does not warrant refusal of the application.



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It should be further noted that existence of a planning permission for the proposed dwelling does not prevent the Council from taking action under Statutory Nuisance legislation should the need arise. This legislation is entirely separate to planning legislation and would enable a nuisance such as noise to be controlled irrespective of its compliance with any pre-existing planning permission or condition attached thereto.

HIGHWAYS

The site is located within a built up residential area, where traffic speeds are fairly slow. The proposed arrangements would necessitate vehicles reversing in to or out from the parking spaces in common with other arrangements in the area. Turning facilities are shown and would ensure that vehicles and pedestrian can successfully negotiate the site. As such, access arrangements are considered to be acceptable and in accordance with the provisions of Policy ES3.

The proposed scheme would utilise its own private access and would provide two parking spaces for the proposed unit, meeting the Council's parking standards. As such, the scheme is not considered to be detrimental to highway safety.

Moreover, the site is located within the defined settlement boundary and as such, the occupiers of the property would have easy access to local facilities without the need to travel by car.

Local residents have raised objections to the loss of the parking area; however the site's use to date for parking has been by informal permission only with the users having no known rights of the land. Furthermore, the site is not linked to any current Council tenancy agreement.

AFFORDABLE HOUSING / OBLIGATIONS

Adopted Local Plan policy CP9 specifies that small scale residential schemes (1 -3 dwellings) for should pay a contribution to affordable housing of at least 20% of the total development value (where viable). However, in May 2016, planning practice guidance was updated to stipulate that contributions for affordable housing should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016 which gives legal effect to policy set out in the Ministerial Statement on 28 November 2014.

In order to support the delivery of small scale housing, the Council will follow national guidance and not seek contributions for the proposal.

OTHER MATTERS

The potential loss of property value would not be a material planning consideration and therefore such a concern does not carry any weight in the determination of the planning application.

The local bus being unable to negotiate the roads due to on street parking would not be a material planning consideration.



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REVIEW OF CONSULTATION RESPONSES

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

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

RECOMMENDATION

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

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="448 1093 1511 1352">1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.<li data-bbox="448 1388 1511 1682">2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans: PL003 Proposed site plan, PL004 Proposed layout and PL005 Proposed elevations. Reason: To ensure that the development is carried out in accordance with the approved plans.<li data-bbox="448 1718 1511 1935">3. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Monday to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
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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 ES3.

4. The proposed dwelling shall not be occupied until all the car parking has been provided in accordance with the submitted plan (PL005/B) and that area shall not be used for any other purpose other than for the parking of vehicles thereafter.

Reason:

To ensure that adequate off road parking is provided, in the interests of highway safety and to comply with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

5. No construction works shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

1. provide for the parking of vehicles of site operatives and visitors;
2. provide for the loading and unloading of plant and materials;
3. provide for the storage of plant and materials used in constructing the development;
4. measures to control the emission of dust and dirt during construction

Reason:

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in the interests of highway safety and accordance with Local Plan Policy ES3.

6. No development shall take place until details of the existing ground levels, proposed finished floor levels, ridge and eave heights of the dwelling and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during the development have been submitted to and approved by the Local Planning Authority. Such details shall also provide comparative levels of eaves and ridge heights of the proposed and adjoining properties. The development shall be carried out in strict accordance with the details as approved.



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Reason:

Ground levels must be agreed prior to any works taking place in order to avoid a situation where unacceptable ground level alterations cannot be undone without significant reconstruction work. Ground levels need to be agreed to secure an acceptable finished building height to ensure the satisfactory appearance of the development, in accordance with Policies HC1 of the Stroud District Local Plan, November 2015.

7. The turning / manoeuvring space hereby permitted in accordance with plan PL003 Proposed site plan shall be maintained free of obstruction and shall only be used for the purposes of turning / manoeuvring only.

Reason:

To ensure that sufficient parking and turning space is made available in the interests of highway safety.

8. No additional windows or doors shall be formed in the Northern, Eastern, Southern and Western elevations of the dwelling hereby permitted.

Reason:

In the interests of the amenities of the occupiers of adjoining residential properties to accord with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant.
2. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke or fume complaints be received. For further information please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.