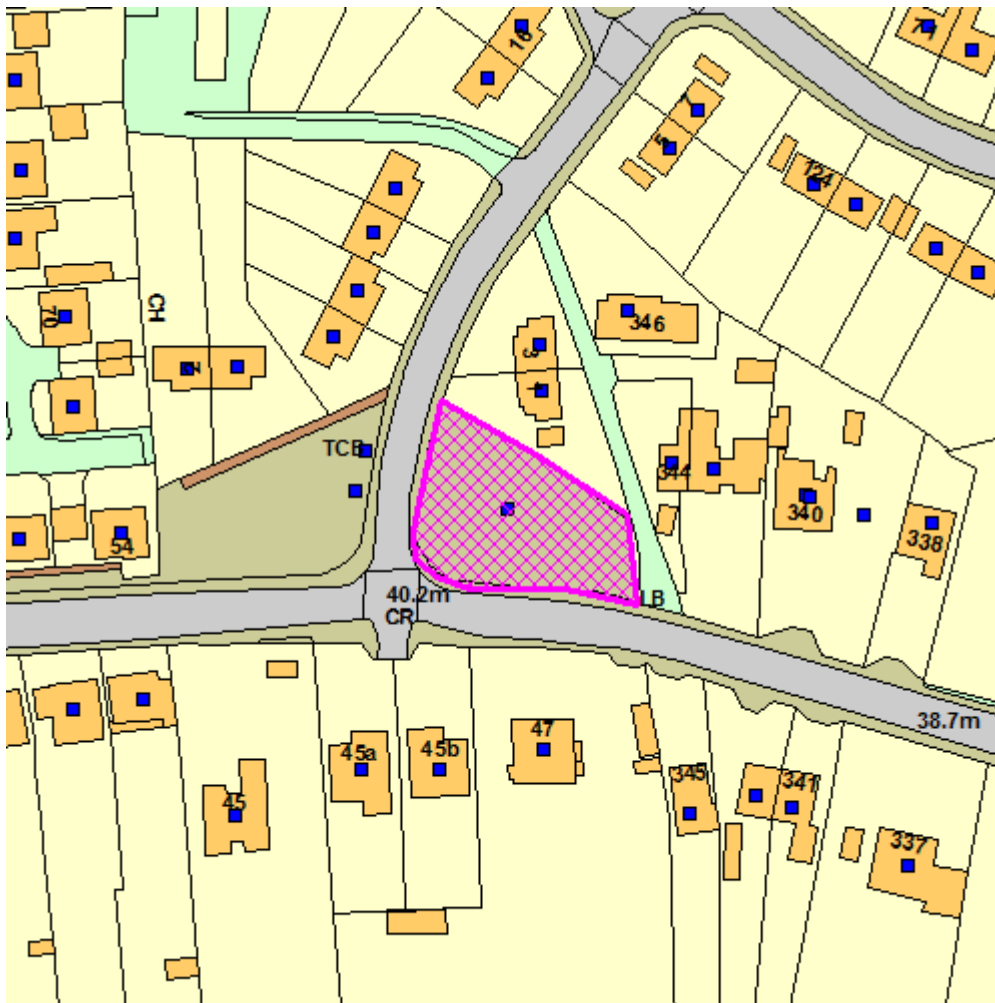




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Item No:	09
Application No.	S.18/2275/FUL
Site No.	PP-07361345
Site Address	Land Adjacent No.1, Orchard Road, Ebley, Stroud
Town/Parish	Cainscross Parish Council
Grid Reference	382262,204732
Application Type	Full Planning Application
Proposal	Erection of a two storey residential apartment block with associated vehicle parking and landscaping.
Recommendation	Permission
Call in Request	Planning Manager





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Applicant's Details	Mr Oliver Tyler 8 Manor Park, Mackenzie Way, Cheltenham, GL51 9TX,
Agent's Details	None
Case Officer	Gemma Davis
Application Validated	19.10.2018
	CONSULTEES
Comments Received	Development Coordination (E) Environmental Health (E) Cainscross Parish Council Contaminated Land Officer (E)
Constraints	Adjoining Canal Affecting the Setting of a Cons Area Consult area Cainscross Parish Council Rodborough 3km core catchment zone 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

DESCRIPTION OF SITE

The application site comprises an area of open green grassland that is located off of Orchard Road. The site is trapezoid in shape and has an area of approx 0.07ha. The site is bounded by a mature tree line along its southern boundary with Westward Road and a maintained hedgerow along its boundary with No.1 Orchard Road.

The site does not lie within any landscape designation.

PROPOSAL

The application seeks permission for the erection of a two storey residential apartment block, comprising two one bedroom flats, with associated vehicle parking and landscaping.

REVISED DETAILS

None



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MATERIALS

Walls:	Traditional brick and render
Roof:	Plain tiles
Doors/windows:	UPVc

REPRESENTATIONS

Statutory Consultees:

The Council's Arboriculturalist raises no objection to the proposal subject to condition.

GCER have identified protected species potentially within 105m of the site.

The Local Highway Authority raises no objection to the proposal subject to condition.

The Council's Environmental Health Manager has recommended standard conditions and informatives should planning permission be forthcoming.

The Council's Contaminated Land Officer has identified that the proposed building lies within 250m of a former landfill site. As such, a landfill informative has been requested should planning permission be forthcoming.

Public:

Two letters of objection have been received raising the following concerns:

- o Poor access
- o Lack of parking
- o Out of keeping with Orchard Road
- o Loss of open space
- o Construction hindrance
- o Increase in traffic

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view

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

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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:



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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.

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:

“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, therefore the retention of underused land requires investment that represents an unacceptable impact on Council finances, particularly as investment in housing takes a higher priority.

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

This current application has been submitted following a withdrawn application for the erection of a detached building comprising 2 flats. That proposal was considered unacceptable due to concerns regarding the design of the proposal, highway safety matters and the adequacy of the tree report. Since the withdrawal, a revised design has been proposed, the building has been re-located, highway safety issues have been addressed and a robust tree report has been submitted.

PRINCIPLE OF DEVELOPMENT

The application site is located within the development limit of Stroud, a first tier settlement as defined by policy CP3. First tier settlements have the ability to support sustainable patterns of living in the District because of their current levels of facilities, services and employment opportunities. They have the potential to provide for modest levels of jobs and homes in order to help sustain and, where necessary, enhance their services and facilities promoting better levels of self containment and viable, sustainable communities.



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DESIGN AND LAYOUT

The current form of development in Orchard Road is mostly characterised by semi-detached properties of a linear layout which follows the existing road network with properties facing on to the highway which are set back in the plot or with properties fronting areas of open space. The submitted drawings identify a unit that is similar in design to surrounding properties and a unit that fronts the highway and is set back within the plot.

The building has been designed to reflect the local vernacular. The property would sit comfortably within the plot whilst providing an appropriate area of private amenity space. The arrangement of the plot as defined would provide adequate shared garden areas for the proposed units, compliant with the standards set out in the Council's Residential Design Guide and in keeping with the form of surrounding development. It is also noted that sufficient space would remain so as not to appear cramped or overdeveloped.

The building would be finished in materials similar to those found on the adjacent neighbouring houses and as such would not look out of place. The new dwelling would also have a traditional form with a two storey pitched roof form. The dwelling appears proportionate, with a suitable ridge height, gable widths and wall to roof ratio.

While it is acknowledged that the building would be forward of the building line that has been formed by No.1 and No.3 Orchard Road, the general layout of the new building would not compete with the surrounding form of the area. Furthermore, it should also be noted that the building would be constructed within the building line formed by the newly erected residential estate known as Rennard Rise that is located to the west of the site. As such, it would be difficult to argue that there would be detrimental impact caused to the character and appearance of the street scene. In addition, it should also be noted that the building is positioned behind a well established tree line that separates the site from Westward Road, it is therefore considered that the building would not appear prominent or incongruous in the street scene.

RESIDENTIAL AMENITY

The building would more or less follow the building line of the streetscene. Owing to the orientation and position of the proposed windows, the new flats would not result in any unacceptable increase in overlooking. Should additional fenestration be added in the future, a further application would be required as flats do not benefit from permitted development rights.

The proposed layout, separation distance and reduced height ensures that neighbouring properties would not be affected by way of loss of light or have an overbearing impact that would warrant refusal of the application.



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HIGHWAYS

The proposed development is located adjacent to Orchard Road, a Class 4 highway subject to a 30mph speed limit.

In order for the required visibility splays for the proposed access to be provided in accordance with the deemed to satisfy requirements, a speed survey was conducted in accordance with TA22/81. It was concluded the 85thile speeds Northbound of the proposed access were 14.0mph and 16.0mph Southbound. These are respectively subject to 17m and 19m visibility splays (Y distances), which the highway authority deems to be achievable.

The development also comprises a segregated footway from the adjacent highway to each individual dwelling, which is positively emphasized by the highway authority. In relation to parking arrangements, the highway authority deems the proposed level of parking (3no. Parking spaces) for the development to be acceptable and compliant with Stroud District Local Plan.

OBLIGATIONS AND AFFORDABLE HOUSING

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.

As the site lies within 3km of the Rodborough Common Special Area of Conservation (SAC), the development results in the need for an appropriate mitigation strategy or for the developer to enter into an appropriate Section 106 agreement to make contributions to a central fund. A signed Section 106 agreement has been received to secure funding towards the latter.

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.



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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:

- 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.
- The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans: 9A02 Site Plan, 9A11 Proposed elevations, 9A10 Proposed floor plans and 9A01 Location Plan.

Reason:
To ensure that the development is carried out in accordance with the approved plans.
- The development shall be undertaken in accordance with the arboriculture impact assessment report produced by Focus Ecology Ltd dated October 2018. All of the provisions shall be implemented in full according to any timescales laid out in the method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason:
To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Policy ES8 of the adopted Stroud District Local Plan 2015, coupled with paragraph 15, 170(b) & 175 (C) & (D) of the National Planning Policy Framework 2018.
- The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.0m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 17m Northbound and 19m



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Southbound (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:

To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

5. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1no. bicycle has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason:

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

6. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason:

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

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 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.

8. The proposed flats shall not be occupied until all the car parking has been provided in accordance with the submitted plan (9A02) 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.

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 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 Dave Jackson, Environmental Protection Manager on 01453 754489.