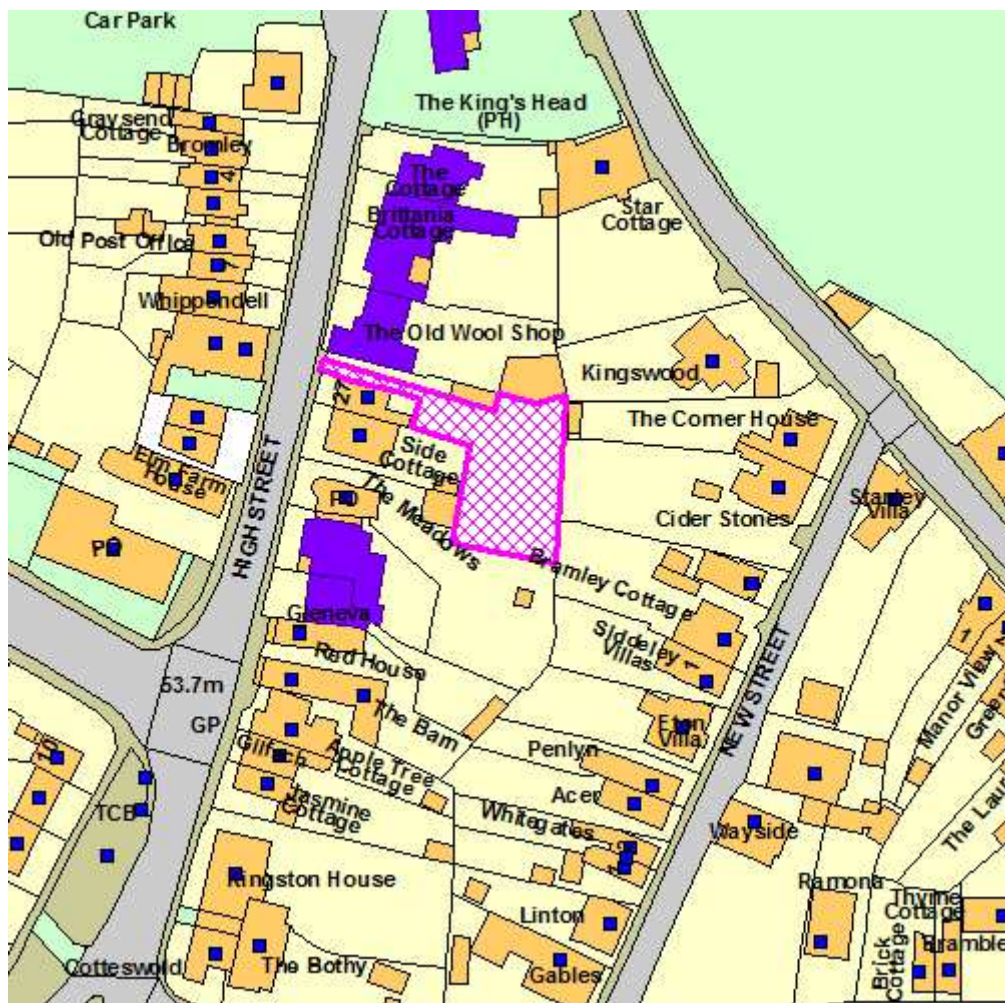




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Item No:	01
Application No.	S.18/2640/FUL
Site No.	7466314
Site Address	Land At 27, High Street, Kings Stanley, Gloucestershire
Town/Parish	Kings Stanley Parish Council
Grid Reference	381185,203409
Application Type	Full Planning Application
Proposal	Construction of two new build houses (revised application following permission S.18/0563/FUL)
Recommendation	Resolve to Grant Permission
Call in Request	Kings Stanley Parish Council





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Applicant's Details	Mr M Webb 18 Goldwater Springs, Station Road, Nailsworth, Stroud, GL6 0AH
Agent's Details	None
Case Officer	Rachel Brown
Application Validated	20.12.2018
	CONSULTEES
Comments Received	Kings Stanley Parish Council Contaminated Land Officer (E) SDC Water Resources Engineer Development Coordination (E) Conservation South Team
Constraints	Consult area Within 50m of Listed Building Kings Stanley Parish Council SAC SPA 7700m buffer Settlement Boundaries (LP)
	OFFICER'S REPORT

INTRODUCTION

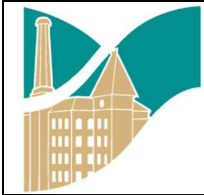
The application before you is a revised scheme following permission S.18/05563/FUL for two new dwellings, removed from the previous scheme.

MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Residential Amenity
- o Highways
- o Landscape
- o Ecology
- o Affordable Housing
- o Archaeology and Heritage Assets
- o Obligations

DESCRIPTION OF SITE

The site is located on the High Street and within the Local Centre of Kings Stanley as defined within the Local Plan and comprises the rear of the former Daniels TV premises, including for sales building and offices. The site is accessed off the High Street and is set back from the road behind buildings that front the High Street. The site is surrounded by residential properties and their associated gardens.



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The site is not affected by any sensitive landscape designation and is not within or adjacent to a Conservation Area. There are a number of nearby listed buildings.

PROPOSAL

This application seeks permission for the construction of two new houses.

REVISED DETAILS

Revised site plan - additional parking spaces

MATERIALS

Walls: Brick and timber
Roof: Slate
Doors/windows: Aluminium and timber

REPRESENTATIONS

Statutory Consultees:

SDC Contaminated Land Officer - No comments

SDC Water Resource Engineer - following submission of additional information has no objection

GCC Highways - No highway objection subject to conditions

Kings Stanley Parish Council - This re-application does not address the reasons the previous application was deferred. Agreed that it must object to this application on the same grounds that it objected previously.

Public:

At the time of writing this report 3 letters of objection had been received on the following grounds:

- o Unacceptable parking provision
- o Damage/disturbance to roots of nut tree
- o Potential for damage to underground stream
- o Increase in air, noise and light pollution from cars accessing the site
- o Increase risk of crime or damage
- o Likely damage to boundary wall
- o Light and noise pollution from properties
- o Highway safety
- o No visit from development before application submitted
- o Does not meet issues previously raised at DCC
- o Site needs to be seen as a whole including previously approved applications
- o Overlooking
- o Legal right of access to the application site is questioned
- o This application does not overcome the previous objections of overbearing, overlooking and over-development



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NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1).

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.

CP9 - Affordable housing.

CP14 - High quality sustainable development.

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

ES3 - Maintaining quality of life within our environmental limits.

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

The site was previously used as office and retail space in association with Daniels TV, an electronics store. The business has moved into Stonehouse and the premises have since been vacant.

In February 2018 an application for the prior notification for change of use from office use (Class B1(a)) to use as three dwelling houses was granted on the two storey building within the north corner of the plot and the two storey building adjacent to the access.

Members will recall an application for the creation of two dwellings (conversion from the office building) and the erection of two new dwellings was presented to the Development Control Committee on the 4th September 2018. That application was deferred to allow the applicant to revise the scheme. The application was revised, omitting the two new build dwellings and was brought back to DCC on the 27th November where the application was permitted.

This current application is for the erection of two new dwellings, omitted from the previous application.



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PRINCIPLE OF DEVELOPMENT

The site lies within the defined Settlement Boundary of Kings Stanley, 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 within walking distance of the village centre and 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.

DESIGN AND LAYOUT

The High Street is varied in terms of the height and design of the buildings and the height and size of the new dwellings would be comparable to neighbouring buildings. The proposed new dwellings would be of a contemporary design would be largely screened from the High Street by the existing buildings with just glimpses through to the site between buildings. The development therefore would not be overly prominent within the street scene.

The siting of the dwellings and their general layout would not compete with the surrounding form of the area and there would be no harm caused to the character and appearance of the street scene.

Whilst the plots are relatively small, the arrangement of the plot as detailed would provide adequate garden for the proposed dwellings with a small outside communal area for the apartments, compliant with the standards set out in the Council's Residential Design Guide and in keeping with the form of surrounding development. Ample space would remain so as to ensure the plots did not appear cramped or overdeveloped.

RESIDENTIAL AMENITY

The dwellings would be positioned towards the south of the site, within approximately 4m of the southern boundary. Immediately to the south of the application site is the private garden for The Meadows. The dwellings have been designed to minimise overlooking with the bedroom windows facing north over the courtyard/parking area and the bathroom windows with obscure glazing facing south. Boundary treatment would provide screening from the ground floor windows. Whilst the development would introduce a new two storey structure, the dwellings would be orientated to the north of the affected garden and there would be sufficient degree of separation so that any impact on amenity would not be so significant to be considered harmful.

HIGHWAYS

The proposed development would make use of the existing access onto the High Street. The access serves both the application site and the neighbouring residential property The Old Wool Shop. It is understood that the occupiers of The Old Wool Shop own the majority of the access (a 3m wide strip). There is some question over the legality of the right of access; however this is a civil matter between the relevant land owners.

The submitted drawings show 6 parking spaces to serve the two new houses and the two apartments previously permitted. The Council's adopted parking standards require an



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average of 1.5 spaces per dwelling. The proposed parking provision therefore satisfies the Council's adopted parking standards.

Concerns have been raised regarding the site access and highway safety and the possible increase in traffic. The site is accessed through a narrow passage way between the building to the front of the site and the adjacent building known as The Old Wool Shop. This is approximately 3.4 m wide which does not allow for a vehicle to pass a pedestrian or for two vehicles to pass each other. This is however a historic situation and the site could operate as a retail unit without the need for a further planning application. Therefore the proposed development would represent betterment to the existing situation on the site in highway safety terms. The local highway authority recommends that no highway objection be raised subject to conditions.

ECOLOGY

The site is within 7.7km of the River Severn SAC. Policy ES6 of the adopted Local Plan requires development proposals to contribute to appropriate mitigation and management measures. This would be secured by way of a simple unilateral undertaking for a mitigation contribution of £385 per dwelling. A draft Unilateral Undertaking has been sent to the applicant for completion, however at the time of writing this report, the completed deed has not been returned.

OBLIGATIONS/AFFORDABLE HOUSING

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has been submitted with the application.

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). Given that this policy has now been tested and it has been shown that the majority of these very small sites have been unable to support a payment towards affordable housing, the Council will only be pursuing an affordable contribution in respect of sites less than 4 units where the combined floor area of the units exceeds 1000m².

FLOOD RISK

The application is located in Flood Zone 1. The application details the disposal of surface water to a mains sewer. Severn Trent Water has confirmed that they will accept the proposed surface water flows into the public foul sewer within the site. This will be facilitated by way of a formal Section 106 approval between Severn Trent Water and the developer.

Furthermore, given that the geology and soil is fairly impermeable, a soak away is unlikely to be a viable option for this density of housing at this location.

The Council's Water Resource Engineer has confirmed he has no further objection to this development.



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ARCHAEOLOGY AND HERITAGE ASSETS

The Archaeologist at Gloucestershire County Council were consulted on the previous application however for some reason has not been consulted on this application. A request for comments has been sent but at the time of writing this report a response had not been received. Notwithstanding this, as the application site is the same it is considered reasonable that the response would be consistent with the previous application. The application site is located within Kings Stanley's medieval settlement area. Archaeological remains relating to medieval settlement may be adversely affected by construction ground works required for this development. Therefore, while this site has been the subject of some previous development, it would be prudent to make provision for archaeological monitoring of the ground works required for the construction of this scheme, so that any significant archaeological remains revealed during the development can be recorded. To facilitate the archaeological work, a condition is recommended.

This is a revised scheme for the erection of two houses to the rear of 27 High Street, Kings Stanley. A previous proposal which included these two houses was considered by the Conservation Team which had no concerns relating to the impact on the historic environment.

Where Listed buildings or their settings, are affected by development proposals, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision-maker to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The site is located within 50m of a listed building. However, due to the degree of separation between the application site and the historic asset, it is considered that no harm will arise and there will be no subsequent harm to the setting of the listed building. The application has been assessed in accordance with paragraphs 131-134 of the NPPF and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The proposal has been considered in line with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990; policies set out in the NPPF and the Stroud District Local Plan 2015, and guidance from Making Changes to Heritage Assets'- Historic England Advice Note 2.

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

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



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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:

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.

2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

Site Plan Proposed of 29/01/2019
Plan number = 757(P)11D

Proposed floor plan of 04/12/2019
Plan number = 757(P)16B

Proposed Elevations of 04/12/2019
Plan number = 757(P)17B

Reason:

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

3. No works shall take place on the external surfaces of the building(s) hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area and to comply with Local Plan Policy HC1.

4. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.



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Reason:

It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework

5. No construction site machinery or plant shall be operated, no process shall be carried out and no demolition or 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.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

6. 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), no development permitted under Article 3 and described within Classes A to E of Part 1 of Schedule 2, shall take place.

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.

7. The first floor windows proposed in the south elevation of the dwellings hereby permitted shall be glazed in obscure glass and maintained as such thereafter, as detailed on the approved drawings.

Reason:

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



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8. No window or door openings other than any fenestration shown on the approved plans shall be formed in the development hereby permitted unless otherwise agreed by the Local Planning Authority.

Reason:

In the interests of the amenities of occupiers of adjoining residential properties, and to comply with Local Plan Policy ES3.

9. Throughout the construction [and demolition] 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.

10. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of no. 2 bicycles 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.

11. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.757(P)11D, and those facilities shall be maintained available for those purposes thereafter.

Reason:

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 the paragraphs 108 and 110 of the National Planning Policy Framework.



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12. Prior to the occupation of the building(s) hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason:

To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

Informatives:

1. In accordance with Article 35 (2) the Local Planning Authority have worked with the Applicant. Whilst there was little if any pre-application discussion on this project, it was found to be self contained and required no further dialogue 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.