



PLANNING COMMITTEE

**Meeting: Tuesday, 7th July 2015 at 18.00 hours
in Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP**

ADDENDUM

The following items were circulated at the meeting in respect of the agenda item below:

4.	80 LONGFORD LANE - 15/00330/FUL (PAGES 5 - 14) Late Material relating to application for determination. Contact: Development Control (Tel 01452 396783)
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Yours sincerely

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Martin Shields
Corporate Director of Services and Neighbourhoods

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and

- (b) either –
- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

Agendas and reports can be viewed on the Gloucester City Council website: www.gloucester.gov.uk and are available to view five working days prior to the meeting date.

For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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PLANNING COMMITTEE 7 JULY 2015

LATE INFORMATION REPORT

AGENDA ITEM 4 – 15/00330/FUL, 80 LONGFORD LANE

1 Since the Committee agenda was published, the applicant has submitted various documents relating to this application. This late information report outlines what has been submitted (and circulated direct to Committee Members by the agent); discusses the issues raised in those documents; updates Committee on consultee comments; and considers the recommendation to Committee.

2 On Friday 3 July the applicant's agent circulated to Members an email message containing various comments on the proposal. In addition, that message had an updated Environmental Noise Report, to address issues raised by the Council's Environmental Protection officer.

3 On Monday 6 July the applicant's agent circulated to Members an email message which had attached to it a Counsel Opinion document from Thea Osmund-Smith of No5 Chambers. Where relevant, this Late Information Report responds to issues raised in that Opinion.

4 Following receipt of the updated Environmental Noise Report, this has now been considered by the Council's Environmental Protection officer. His comments are set out in full below:-

"I have reviewed the attached report and I am still not comfortable that the worst case scenario of impactive vehicle door and boot noise is not going to create issues to the surrounding residents. Additionally, I do not agree with the acoustic consultant that impactive noise should be averaged over an 8 hour period. Although I do have to agree that there is unlikely to be a significant amount of vehicle movements at night.

Nevertheless, the consultant has addressed my previous points on a whole and with this in mind I would also not be comfortable in refusing the application in its current form. Therefore, I would recommend approval of this application subject to the acoustic consultant's recommendation that the gravel parking area be replaced with a paved surface to minimise noise from moving vehicles."

5 The main Committee report omits to make reference to the benefits of providing an additional residential dwelling. It should be noted that as the Council can currently demonstrate a 5-year housing supply (plus appropriate buffer), there is no over-riding need to provide an additional dwelling. The provision of an additional dwelling would however assist, albeit in a small way, in delivering the Council's housing requirements.

The provision of an additional housing unit therefore weighs in the favour of the proposal in the overall planning balance.

6 In terms of the comments of Environmental Protection on the latest noise report submitted by the applicant, it is worth considering some background information. It is important to note that there are no recognised 'official' guidelines against which noise impacts from vehicles using site access driveways and on-site turning areas can be judged. The applicant's noise consultants have compared the vehicle noise impacts with guidelines for assessing road traffic noise. Clearly the impacts of continuous road traffic on a property adjacent to a highway are very different from the occasional, intermittent noise generated by a vehicle using a driveway immediately adjacent to a house in an otherwise quiet garden location. As such, while the technical noise assessment work does indicate that the noise impacts of the proposal should not be particularly harmful at adjoining properties, it has to be noted that Environmental Protection are still not comfortable that the worst-case scenario of impactful vehicle door and boot noise is not going to create issues to surrounding residents. There are still concerns over the averaging of these impacts over an 8-hour period, which would undoubtedly lessen their severity.

7 The key issue in my opinion here is that the amenity impacts of vehicles using the proposed development, are of a character and nature which would be noticeably different from those likely to be currently experienced at nearby and adjacent residential properties. The area to the rear of properties along Longford Lane is characterised by quiet and tranquil garden areas. The proposal would introduce a new, free-standing residential property to that context. It is quite clear that the comings and goings of vehicles to and from such a property would alter the character and nature of that location significantly. While in terms of measurable and modellable noise impacts the proposal would not appear to cause harm to nearby residents, it is quite apparent that the new use would be one which is very different in its nature and impacts than the present use.

8 While the Inspector in the most recent appeal did indeed consider that the character and appearance of the area would not be harmed by the proposal, the main report in paragraph 6.19 sets out why I consider it is reasonable for the Council to consider this issue in relation to this application. The character and appearance of an area is also in my view not just a 'visual' issue. The character of an area can be affected significantly by change to the nature of activities taking place within it. The noise impacts and disturbance of those activities therefore does also impact upon the character of the area. I have referred previously to the quiet nature of rear gardens away from traffic noise on roads to the front of houses. I therefore feel that while the noise work undertaken by the applicant's noise consultants satisfies Environmental Protection that noise from the proposed use would not be harmful to residents, its

contribution to the character of the area should also be considered. I therefore advise that the impact of the introduction of additional vehicle noise and disturbance at the site could still be considered to have a detrimental effect.

9 The enjoyment of the rear gardens of properties surrounding the application site was clearly an issue of concern to the Inspector in the most recent appeal. As stated above, while enjoying the quiet nature of those gardens, the addition of impact noise from vehicle doors, boots, engines and radios would be intrusive, would clearly be noticeable, and would have an adverse effect. In addition there would be noise disturbance from the additional domestic activity associated with an additional dwelling.

10 In accepting the adverse effect of people using the main entrance to the proposed dwelling on neighbours to the west (95 Little Normans), the applicant is now proposing to move the entrance to the southern side of the building (see Para 6.19 of the main report). It has to follow therefore that those adverse effects (identified by the appeal Inspector) will be relocated to the south of the building. That can only increase the impact of those effects on number 82 Longford Lane. That is the property that borders the application site, and has a rear patio area and conservatory at the back of it, i.e. closest to the application site. If the impacts identified by the Inspector as having an adverse effect on 95 Little Normans are significant enough to cause the applicant to seek to address them by moving the doorway, it is clear that the additional adverse effect on number 82 Longford Lane will be unacceptable.

11 Members will have seen reference to boundary treatment to the east of the property in the Counsel Opinion, in relation to light impacts from car headlights. It is accepted that the boundary treatment should prevent undue disturbance from car headlights in that direction.

12 I draw member's attention again to a more recent appeal decision at nearby 26 Innsworth Lane (Para 6.19 of the main report) where the Inspector dismissed the appeal. I append that decision to this report for information.

CONCLUSION

13 While additional information provided by the applicant has now led to Environmental Protection removing their opposition to this proposal, I consider that while the measurable and quantifiable noise harm may not be excessive, its impact on residential properties will still be apparent and would still unreasonably affect the amenity of neighbours. As such, the recommendation in the main report, to refuse permission, still stands.

Appeal Decision

Site visit made on 27 April 2015

by Jameson Bridgwater DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 April 2015

Appeal Ref: APP/U1620/W/15/3002151
26 Innsworth Lane, Gloucester GL2 0DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs E Haywood against the decision of Gloucester City Council.
 - The application Ref 14/00626/FUL, dated 21 May 2014, was refused by notice dated 11 July 2014.
 - The development proposed is described as erect a single storey dwelling on land to rear of 26 Innsworth Lane.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance and access arrangements; and
 - the effect of the proposal on highway safety, with particular regard to the safe and free passage of vehicles and pedestrians.

Reasons

3. The proposal is to erect a single storey dwelling on land to the rear of No 26 Innsworth Lane. The site would be accessed directly from Innsworth Lane between No's 26 and 28 Innsworth Lane. The site is generally level and is bounded by close boarded fencing. The area is characterised by a mixture of detached and semi-detached properties, set back from Innsworth Lane with front gardens defined by boundary walls, fences and hedges.

Character and appearance

4. I accept that the proposed dwelling has been designed to minimise the mass and bulk of the building. However, given the limited size of the site and the proposed relationship to adjoining properties, the dwelling would be situated on a constrained site which would be at odds with the urban grain, in particular the generous plots that characterise the area. The introduction of a new dwelling on the site would result in a proposal that would appear incongruous and cramped when compared to other dwellings in the area. Additionally, the

hard surfaced vehicular access and the parking spaces would result in development that would have a limited amount of garden land for the proposed dwelling which would in turn further contribute to the cramped appearance of the proposal.

5. I therefore consider that the proposal would result in material harm to the character and appearance of the area. Having come to the conclusions above, it follows that the proposal would therefore be in conflict with Policy H.13 of the Gloucester Local Plan Second Stage Deposit 2002. This seeks to ensure that development would not have an unacceptable effect on the character and appearance of a locality or the appearance of the street scene. In reaching my conclusions I have also taken into account emerging Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy pre-submission document June 2014. These objectives are consistent with the National Planning Policy Framework (the Framework).

Living conditions

6. The proposed access arrangements would result in vehicles and pedestrians that would be visiting the proposed new dwelling passing close to the side elevations of No's 26 and 28 Innsworth Lane. I consider that given the scale of the dwelling there would only be a limited number of vehicle movements a day. However, because of the close proximity of the driveway it would introduce noise and disturbance to the occupiers of No's 26 and 28, particularly given the proximity of the parking and turning area to the private rear garden areas. Consequently, the cumulative effect of both the driveway, turning area and general residential activity would by way of noise and disturbance, result in material harm to the living conditions of the occupiers of No's 26 and 28 Innsworth Lane and to a degree that of occupiers of other adjoining properties.
7. Having come to the conclusions above, it follows that the proposal would therefore be in conflict with Policies H.13 and BE.21 of the Gloucester Local Plan Second Stage Deposit 2002. They seek to ensure that development will not have an unacceptable effect on the amenities of existing or proposed occupiers of neighbouring dwellings. In reaching my conclusions I have also taken into account emerging Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy pre-submission document June 2014. These objectives are consistent with the Framework

Highway safety

8. In support of the proposal the appellant has submitted a highway visibility plan which relates to photographs contained within the highways section of the design and access statement (DAS). Both the submitted plan 12-140/06 and the photographs contained within the DAS demonstrate that to secure unobstructed visibility any vehicles leaving the site would be required to manoeuvre onto the footpath to secure views up and down Innsworth Lane. This was consistent with my findings during the site visit.
9. Whilst the proposal utilises an existing access serving No 26 Innsworth Lane, the introduction of another dwelling would result in a proposal that would be unacceptable in relation to highway safety. This is as a result of the restricted visibility by way of hedges and fences outside the appellants control at the entrance to the site forcing vehicles to edge onto the footpath of Innsworth Lane, in particular when leaving the site. As such the proposed access

arrangements in the absence of onsite visibility splays would not allow for the safe and free passage of vehicles and pedestrians to the detriment of highway safety. My findings are consistent with the advice of the highway authority set out in their letter of 19 June 2014.

10. Having come to the conclusions above, it follows that the proposal would therefore be in conflict with Policy TR.13 of the Gloucester Local Plan Second Stage Deposit 2002. That seeks to ensure that road accidents are reduced and that road safety is addressed within development proposals. These objectives are consistent with the Framework

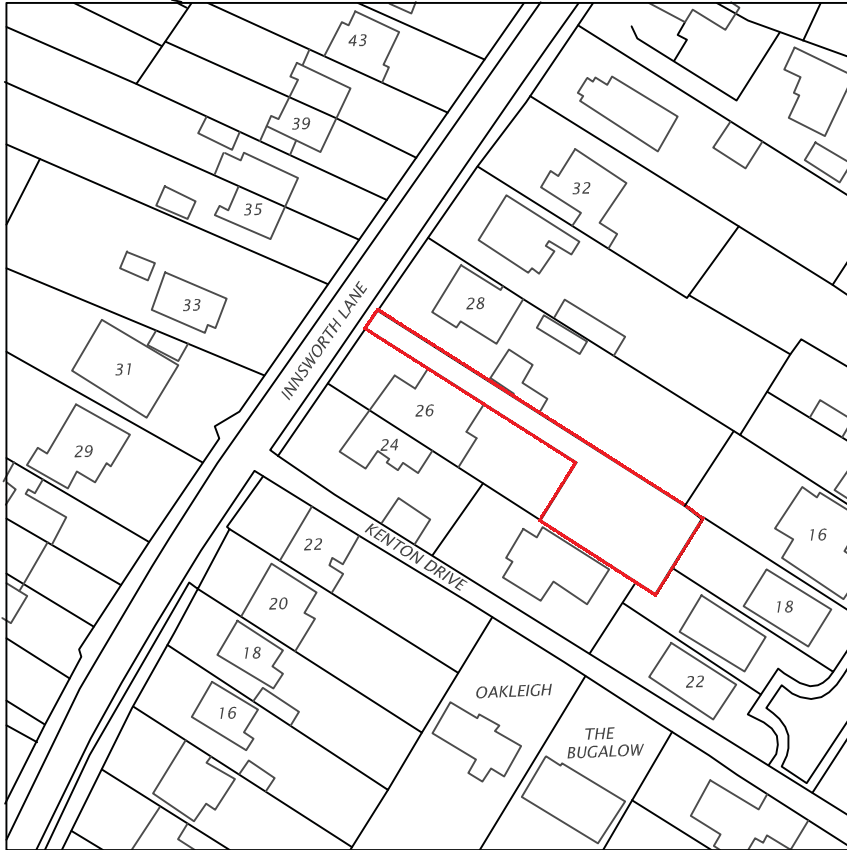
Other matters

11. The appellant refers to a number of other schemes in the area (No's 38 & 49 Innsworth Lane and 90 Longford Lane amongst others) and cites these as setting a precedent for this proposal. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me, and so they do not lead me to a different view in this case.
12. The appellant has suggested that there is a high demand for bungalows and that demand is not being met. However I have no evidence before me to support this assertion, and as such this does not lead me to a different view in this case.
13. For the above reasons, and having carefully considered all other matters raised including the representations made by local residents. I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR

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SITE LOCATION PLAN 1:1250

MARK LE GRAND & CO.
PROPERTY DEVELOPMENT & PLANNING CONSULTANTS

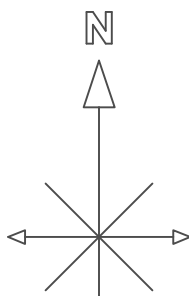
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ARCHITECTURAL SERVICES - PLANNING - PROJECT MANAGEMENT

ADDITIONAL INFORMATION

SCALE BAR



CLIENT	N/A
PROPERTY/LAND	26 INNSWORTH LANE, GLOUCESTER GL2 0DB
DRAWING TITLE	SITE LOCATION PLAN
SCALE	1:1250@A4
DRAWN BY	MLG
DATE	SEP 2013
DRAWING NO.	12-140/01
REVISION	-

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