

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	06.09.2022
Address/Location:	121 Elmleaze, Gloucester, GL2 0LD
Application No:	22/00113/FUL
Ward:	Elmbridge
Expiry Date:	05.08.2022
Applicant:	Mr Aaron Mills
Proposal:	Proposed 4 bedroom detached dwelling with associated access and parking.
Report by:	Rhiannon Murphy
Appendices:	1.Site Location Plan 2. Proposed Site Plan

1.0 **SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application relates to the construction of a 4 bedroom detached dwelling with associated access and parking. The application has been referred to committee by a local Councillor on the grounds that the proposal would conflict with a public footpath and result in safety concerns and the proposal would have a negative impact on the amenity of neighbouring residents.
- 1.1 The site is located within the Elmbridge ward of Gloucester to the north of Elmleaze Road. The application site comprises the existing front and side garden area of 121 Elmleaze which is a grassed area benefitting from trees and planting. 121 Elmleaze is a two storey semi detached hipped roof dwelling which fronts onto a small cul de sac accessed from Elmleaze Road. The dwelling is set back from the road by a small garden area at the front of the property and benefits from further garden space to the side and rear. The property is constructed from white rendered walls and a tiled roof.
- 1.2 This application seeks the subdivision of the existing site to allow for the construction of a two storey detached dwelling within the side garden area of the property. A vehicular access, driveway and parking area would be introduced for both the existing and proposed dwelling. One parking space would be provided to the north side of 121 Elmleaze for the existing dwelling and two spaces would be provided in front of the proposed dwelling. The proposed dwelling would benefit from rear garden space and a dedicated area for bin and cycle storage. The proposed development would involve the removal of a small number of trees at the site.
- 1.3 The proposed dwelling would be two storey in height and would include a single storey projection to the front and two storey projection to the rear. The dwelling would be constructed from render walls and concrete tiled roof. The first floor element of the rear projection would be timber clad and windows and doors would be Grey UPVC. The proposed dwelling would consist of front porch, hall, living room, utility room and kitchen/ dining area on the ground floor and 4 bedrooms (one of which would be en- suite) and a

bathroom on the first floor.

2.0 RELEVANT PLANNING HISTORY

Unable to access site history at the time of writing.

3.0 Policies and Guidance

3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS include:

SP1 - The need for new development
SP2 – Distribution of new development
SD3 – Sustainable design and construction
SD4 – Design requirements
SD10 – Residential development
SD11 – Housing mix and standards
SD14 – Health and environmental quality
INF1 –Transport network
INF2 – Flood risk management
INF3 – Green Infrastructure

3.4 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 Emerging Development Plan

Gloucester City Plan

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The hearing sessions for the examination of the pre- submission version of the Gloucester City Plan (City Plan) have concluded and the examining Inspector's post hearing letter has been received. The letter provides the inspector's view on modifications required to make the plan sound. Policies which are not listed as requiring main modifications may now attract more weight in the

consideration of applications, with those policies which require main modifications attracting less weight depending on the extent of the changes required.

The plan remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objection, the greater the weight that may be given(and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

Relevant policies from the emerging Gloucester City Plan include:

A1 – Effective and efficient use of land and buildings

A6 – Accessible and adaptable homes

E4 – Trees, woodlands and hedgerows

E5 – Green Infrastructure: Building with Nature

E6 – Flooding, sustainable drainage, and wastewater

F1 – Materials and finishes

F3 – Community safety

F6 – Nationally described space standards

G2 – Charging infrastructure for electric vehicles

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. None of the development management policies are relevant to the consideration of this application.

3.7 **Supplementary Planning Guidance/ Documents**

N/A

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

No principle objection in terms of highway impact or highway safety.

No recorded Personal Injury Collisions have been recorded on the local highway network in the vicinity of the site within the last 5 years.

Based on the analysis of the information submitted, the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection can be maintained.

Further to ongoing discussions with the highways authority regarding the pedestrian lane next to the site, highways confirmed that vehicles would be able to enter and exit the site safely without presenting safety concerns for pedestrians.

No objection raised subject to the inclusion of conditions

4.2 **Drainage**

The site is in Flood Zone 1 and as such a Flood Risk Assessment is not required.

As the development site has the potential to influence the risk of flooding elsewhere a drainage strategy is required – one has been included in the application. Further to comments being raised from Drainage, further details were received to which Drainage confirmed that the proposed design seemed robust and the soakaway test was acceptable. No objection was raised to the application.

4.3 **Severn Trent Water**

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

4.4 **Tree Officer**

5 no. trees are proposed to be felled to facilitate the development. 3 no. trees are proposed to be retained. In all cases the trees are not protected by TPO due to their location relative to the main street they do not make a significant visual contribution to the area and are not worthy of extra protection.

Notwithstanding the above, commensurate with Policy INF3 of the JCS; development that adversely impacts trees should include measures to mitigate loss. Therefore, a scheme of replacement trees should be provided to mitigate against the loss. (This can be agreed via planning condition). All retained trees should be protected by RPAs.

No objection subject to conditions.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified of the proposal. 7 letters of objection were received raising the following concerns in respect to the proposal:

- Over development in the area has already had an impact on privacy – this proposal would worsen overlooking impact for property
- Concern over noise, dust etc as a result of building the proposal
- Devaluation of property
- Would add to traffic and congestion in the area
- Concern for pedestrians using the public alley way with the creation of the new access
- The proposal is out of character with the surrounding properties
- Overlooking to numerous houses along Cheltenham Road
- Two windows on first floor will overlook
- Noise concerns associated with 4 bedroom family house
- Pollution and noise of vehicles coming and going from the property would have an adverse impact on all neighbouring properties and fuel fumes would affect air pollution
- Materials (render and timber clad) out of character with its surroundings

Following the submission of amended plans 1 further letter of objection was received raising the following points:

- Impact on neighbours garden and dwelling
- Overshadowing to garden would affect growth of grass and trees
- Has a daylight/ sunlight assessment been provided taking into consideration Cheltenham Road properties?
- Highway safety impact on users of the alleyway
- Already lack of parking in the area – proposal would make this worse
- Proposal would be totally out of keeping with local homes. It is not of the same appearance, scale or in keeping with the character of the area
- Some of the trees and hedges have already been removed

6.0 OFFICER OPINION

6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:
- a) the provisions of the development plan, so far as material to the application;
 - b) any local finance considerations, so far as material to the application; and
 - c) any other material considerations.

- 6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

- 6.4 It is considered that the main issues with regards to this application are as follows:

- Principle
- Design, layout and landscaping
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Economic considerations

6.5 **Principle**

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review)

- 6.6 The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

At the time of writing, the Council is able to demonstrate a 5 year housing land supply.

- 6.7 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply. The principle of development in this location is considered to be acceptable subject to assessment against other planning considerations.

6.8 **Design, Layout and Landscaping**

The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.

- 6.9 Policy A1 of the emerging Gloucester City Plan requires development to make effective and efficient use of land and buildings, policy E4 states that development proposals should seek to ensure there are no significant impacts on existing trees, policy E5 states that development proposals must contribute towards the provision, protection and enhancement of Gloucester's Green Infrastructure Network. Policy F1 requires proposals to achieve high quality architectural detailing and external materials and finishes that are locally distinctive.
- 6.10 Concerns has been raised from neighbouring residents that the proposed design and use of materials would be out of keeping with its surroundings. These points have been considered as part of the appraisal of the proposal.
- 6.11 Elmleaze is a residential area comprising largely two storey semidetached and terraced properties set back from the road by garden or parking areas and benefitting from garden space to the rear. There are examples of detached properties in surrounding streets. Development along this section of Elmleaze is largely two storey but surrounding streets include single storey development.
- 6.12 Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy states that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type and density and materials appropriate to the site and its setting.

6.13 Layout

The proposed dwelling would follow the existing building line of adjacent development and would be set back from the road by a driveway and parking area. A garden area measuring some 11.7m in depth would be provided at the rear of the site and a 1.8m high boundary would be introduced between the existing and proposed dwelling.

6.14 The proposed parking area would regrettably result in the loss of the front garden area of the existing dwelling. However, the surrounding area is characterised by a mix of front garden and parking areas and so this element of the proposal would not be out of keeping in the street scene.

6.15 Dwelling design

The design of the original dwelling was considered to be unacceptable and the proposal has been altered to include a hipped roof to both sides of the building and the buildings windows have been altered slightly to be more in keeping with the character of the area. The proposed dwelling would follow the eaves and ridge height of the existing building and the use of render and roof tiles would be in keeping with surrounding development.

6.16 Whilst concern has been raised from neighbouring residents in regards to the proposed use of timber, this would be located to the rear of the building and so would not be visible from the street scene and wouldn't unacceptably harm the character and appearance of the area. The size of the proposed dwelling has also been raised as some concern. Whilst the footprint of the building is relatively large, the rear aspects of the building would again not be prominent from the street scene and the proposal as a whole would not appear cramped within the boundaries of the site or appear overly large when viewed from the road.

6.17 The proposal would be located at the end of a small cul de sac, away from Elmleaze Road and therefore would not be visually prominent from the street scene and would not result in detrimental harm to the character and appearance of the area.

Landscaping

6.18 The development would result in the removal of 5 trees whilst three trees are proposed to be retained. The councils tree officer has noted that none of these trees are protected by a Tree Preservation Order due to their location relative to the main street and that they do not make a significant visual contribution to the area. No objection has been raised from the tree officer subject to conditions requiring appropriate tree protection measures and the planting of 5 replacement trees (the details of this will be dealt with by condition).

6.19 The proposal is therefore considered to be acceptable in this respect subject to compliance with conditions.

Traffic and transport

6.20 Paragraph 109 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

- 6.21 The proposal would create a new access at the site to provide parking for both the existing and proposed dwelling. The existing dwelling would benefit from 1 parking space whilst the proposed dwelling would benefit from two parking spaces.
- 6.22 Concern has been raised from neighbouring residents in terms of the impact the proposal could have on traffic and congestion, parking availability, and safety concerns have been raised regarding the creation of the new access and its potential conflict with pedestrians using the public footpath immediately next to the site. All these points have been considered below.
- 6.23 The proposal would create parking for both the existing and proposed dwelling which is considered to be acceptable and no concern has been raised from highways in terms of impact on parking availability for surrounding streets. Highways have confirmed that the proposed vehicular trip generation for the development would result in approximately 10 vehicle trips per day occurring in the road peak hours (8am-9am and 5pm-6pm). This residual impact is not considered to be severe. Elmleaze is considered to be a lightly trafficked area and the introduction of a new dwelling in this location is not expected to result in detrimental harm to the highway network in terms of traffic/ congestion.
- 6.24 Neighbour comments regarding the relationship between the proposed access and public footpath have been raised with the highway authority who suggested that a condition should be added to ensure that visibility splays are provided and boundaries kept below 600mm to allow cars to enter and exit the site safely. A plan showing visibility splays has since been submitted. This plan demonstrated that visibility splays could be achieved to the north and so would allow enough visibility for cars to enter and exist the site safely and wouldn't present safety concerns in terms of pedestrians using the pedestrian alleyway next to the site.
- 6.25 The plans however shows that the visibility splay to the south would cross over the neighbouring properties boundary where the height of the boundary would be out of the applicants control.
- 6.26 This has been raised with highways who confirmed that in regards to the visibility splay to the south, vehicle speeds would be very low in this end of cul- de- sac street. The footway fronting the proposed access is in excess of 2m. If a fence were to be erected by the neighbour an egressing vehicle could edge forward enough to see and be seen. Highways therefore were content that vehicles would be able to enter and exit the site safely and raised no objection from a planning perspective but confirmed that the proposed boundary within the applicants control should be retained and kept below 600mm as per their submitted plan. A condition will be added to any permission in regards to this.
- 6.27 Taking the above into consideration, it is judged that the proposal is acceptable from a highways perspective in accordance with the NPPF and policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).
- 6.28 Residential amenity
Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Policy SD4 of the JCS relates to Design Requirements and, in terms of amenity and space, specifies that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

Impact on the living conditions of neighbouring residents

6.29 Concerns have been raised from neighbouring residents over impact on amenity. Comments include that the proposal would result in a loss of privacy and overlook properties along Cheltenham Road, proposal would overshadow rear gardens thereby affecting tree and grass growth and proposal would result in noise both from construction and noise in association with a 4 bedroom family house and comings and goings to the property. All of these concerns have been considered as part of the assessment of the proposal.

6.30 The proposed plans have been amended since their original submission. The roof has been hipped on the north side which lowers the eaves height and would assist in limiting the impact on neighbouring properties along Cheltenham Road. Additionally, north facing windows have also been altered to ensure they serve non habitable rooms and would be top opening and obscure glazed in order to prevent overlooking from occurring. This element will be secured by condition.

The main dwellings likely to be impacted by the proposal are:

- 6.31
- 200 Cheltenham Road
 - 202 Cheltenham Road
 - 204 Cheltenham Road
 - 125 Elmleaze
 - 119C Elmleaze

200 Cheltenham Road

6.32 200 Cheltenham Road is located to the north west of the site. The rear garden boundary of 200 Cheltenham Road is located next to the site. A site visit has been made to this property further to concerns being raised and to allow further assessment of the proposal.

6.33 The front elevation of the proposed dwelling would be located away from the rear garden boundary of 200 Cheltenham Road (approximately 3.3 metres to the east). Given the orientation of the two properties, it is not considered that the proposal would harmfully overshadow or overbear this neighbouring properties dwelling or garden space. No windows are proposed which directly overlook the rear garden space of 200 Cheltenham Road and all north facing windows would be obscure glazed and top opening to prevent any possible overlooking from occurring.

6.34 The parking area for the proposed dwelling would be located immediately south of the rear garden area of 200 Cheltenham Road. Whilst the creation of a driveway in this location would result in some noise in terms of comings and goings, this is not considered to be to an unacceptable extent and so the impact on 200 Cheltenham Road is not considered to be unacceptably harmful.

202 Cheltenham Road

6.35 It has not been possible to make a site visit to 202 Cheltenham Road. However, the occupants of this dwelling have provided photographs from their rear garden and first floor rear windows which has assisted in the assessment of this application.

- 6.36 202 Cheltenham Road is located to the north of the site. The side elevation of the proposed dwelling would be located approximately 3.1m away from the shared boundary with 202 but would extend across most of the width of their rear garden boundary.
- 6.37 Concerns were raised regarding the original plans with the agent in terms of overlooking and overbearing impacts and amended plans were received which included a hipped roof on the north side elevation as well as various window alterations.
- 6.38 The proposed side elevation on the amended plans contain three first floor side facing windows; one to a landing, one to a bathroom and the other to the en suite of bedroom 2. All of these windows are non habitable rooms and the windows would be conditioned to be obscure glazed and top opening to prevent any harm in terms of overlooking from occurring.
- 6.39 Given the distance of the rear elevation of 202 Cheltenham Road from the side elevation of the proposal (some 25 metres), the proposal would not result in overshadowing/ overbearing impacts for the rear facing windows of no. 202.
- 6.40 Whilst there would be some impact on the rear garden of 202 Cheltenham Road. The garden is notably long and it would be the rearmost part of the garden that would be affected. The introduction of the hipped roof would help to minimise any negative impacts of the proposal and it is judged that the proposal would not result in unacceptable harm to the living conditions of occupants of 202 Cheltenham Road.
- 6.41 204 Cheltenham Road
- 204 Cheltenham Road is located to the north east of the site. Given the orientation of the two properties, the side elevation of the proposed dwelling would not extend across the whole rear boundary of no. 204. Given the distance between the dwelling at 204 Cheltenham Road and the proposal, the rear facing windows of 204 Cheltenham Road would not be impacted in terms of overshadowing. The proposal would again only impact the rearmost part of the rear garden in terms of overshadowing and its impacts are not considered to be unacceptable and would be reduced by the introduction of the hipped roof. The introduction of obscure glazing to the proposed north facing windows would again prevent any overlooking from occurring.
- 6.42 125 Elmleaze
- 125 Elmleaze is located to the rear (east) of the site and the rear boundary of the proposed property would be adjacent to the side boundary of no. 125. The proposed dwelling would include rear facing windows which would look towards 125 Elmleaze at a distance of approximately 11.3 metres. This distance is considered to be sufficient in preventing unacceptable levels of overlooking from occurring. Given the relationship and orientation of the two properties, I have no concerns in terms of unacceptable overshadowing or overbearing impacts.
- 6.44 119C Elmleaze
- 119C Elmleaze is located to the west (front) of the site. Given the orientation of the two properties, it is judged that the proposal would not result in unacceptable impacts on 119C in terms of overshadowing or overbearing. The proposed dwelling would be located 10 metres from the dwelling at 119C Elmleaze and front facing windows of the proposed

dwelling would look towards only the front/ side of the building that is already visible from the road . It is therefore judged that the proposal would not result in unacceptable harm in terms of loss of privacy.

6.44 Impact on the living conditions of the existing dwelling

The proposal would result in the sub division of the existing garden at 121 elmleaze. The existing dwelling would still benefit from spacious garden space to the rear following the development which is considered acceptable in terms of providing acceptable outdoor amenity for existing occupants. The proposed dwelling would include one side facing window to a utility room and bi fold doors to the dining room which would face towards the existing dwelling. However, the introduction of a 1.8m high boundary fence between the two properties would prevent any unacceptable levels of overlooking from occurring. No first floor windows are proposed on the side elevation. The proposed dwelling would extend further to the rear than the existing dwelling at 121 Elmleaze. However, given the design of the rear projection which is set away from the existing dwelling, the proposal would not result in unacceptable levels of overshadowing for the existing dwelling. The impact of the proposal on the existing dwelling would therefore not be unacceptable.

6.45 Living conditions on future occupants of the proposed dwelling

The "Delivery" section of Policy SD11 advises that the Government's Housing Standards Review was completed in 2015, which presents a single set of national space standards. The National Space Standards have been taken forward within the Gloucester City Plan. Policy F6 of the emerging plan provides that development proposals for new residential development (including change of use or conversions) must meet Nationally Described Space Standards. On the basis of the stage of preparation the plan has reached, and the consistency of policy with the NPPF, and its reference to national standards, Policy F6 can be afforded moderate weight in accordance with paragraph 48 of the NPPF.

6.46 Furthermore, the City Plan pre- submission Housing Background Paper (September 2019), indicates the need for National space standards within the city. The data shows that the conversions sampled often fall below the NDSS. 66% of conversions were below the standard for internal floor area.

National space standards require the following gross internal floor area:

- 4 bedroom, 6 person, 2 storey dwelling – 106 square metres

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

6.47 The proposed dwelling appears to accommodate 6 persons, showing 2 x double beds and

2 x single beds on their floor plans. In order to accommodate 6 persons, the dwelling would need to have a floor area of 106m². The floor area for this dwelling is approximately 112m² and so large enough to accommodate 6 persons. All habitable rooms would include windows that would allow appropriate levels of light and outlook. The proposed dwelling would benefit from a spacious garden to the rear which would measure some 11.7m in length which is acceptable in terms of amenity. The proposed dwelling would not be harmfully overshadowed by other neighbouring properties. One first floor side window on the existing dwelling at 121 Elmleaze would face towards the proposal. However, the applicants have confirmed that this window is to a landing and is obscure glazed and as such overlooking caused by this windows is not considered to be harmful.

- 6.48 Taking all of the above into consideration, it is judged that the proposal would provide an acceptable level of amenity for future occupants and would not cause unacceptable harm to the amenity of neighbouring residents in accordance with the NPPF and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).
- 6.49 ***Drainage and flood risk***
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.50 Policy E6 of the emerging Gloucester City Plan refers to flooding, sustainable drainage, and wastewater and states development shall be safe from flooding and shall not lead to an increase in flood risk elsewhere. In accordance with the National Planning Policy Framework, flood risk betterment shall be sought through the development process.
- 6.51 The application site is located in Floodzone 1 and in an area of low flood risk. The Council's drainage officer has been consulted on the application and following the submission of further drainage details confirmed that the proposed drainage design was acceptable.
- 6.52 The proposal is therefore considered to be acceptable in terms of drainage in accordance with the NPPF, policy INF2 of the Gloucester, Cheltenham and Tewkesbury joint Core Strategy (2017) and policy E6 of the emerging Gloucester City Plan.
- 6.53 **Economic Considerations**
The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some limited weight to the case for granting permission.
- 6.54 **Conclusion**
This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of principle, design, impact on trees, impact on amenity and drainage. The proposal is acceptable and accordingly it is recommended that planning permission is granted.

7.0 RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER

7.1 That APPROVAL is granted subject to the following conditions:

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, SUDS statement (received on 05.08.2022), drainage maintenance strategy(received on 18.08.2022), and drawings:

- Site location and block plan 01
- Proposed dwelling elevations Drawing 04, revision A 210322
- Proposed dwelling floor plans Drawing 03 revision A2 10322
- Proposed site plan drawing 02 revision A2 10322
- Drainage construction details 22-OP-1217 A2/002 Revision A

except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 3

No work above floor plate level shall be carried out until details of the proposed materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To provide for high quality design

Condition 4

The proposed landing, bathroom and en suite window on the first floor north side facing elevation of the dwelling hereby permitted shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable. Any part of the window below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent)

Reason

To protect the privacy of adjacent properties.

Condition 5

No development shall be occupied until boundary fences have been installed in accordance with the details indicated on the approved site plan.

Reason

To ensure adequate provision for privacy and in the interests of visual amenity.

Condition 6

No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect retained trees on and adjacent to the site have been installed.

These measures shall include:

1. Temporary fencing for the protection of retained trees on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).
2. Construction Exclusion Zone (CEZ): The area around the retained trees on site shall be enclosed by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Reason

To ensure adequate protection measures for existing trees to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with para 131 of the NPPF, Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017, and Policy E4 of the Gloucester City Plan, pre-Submission version 2019

Condition 7

The 5no. trees to be removed shall be replaced during the first planting season following removal, by trees of species and that are agreed in writing with the local planning authority and in the locations that are agreed in writing with the local planning authority. Any replacement trees which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year period.

Reason

To ensure adequate measures are in place to mitigate for the loss of the 5no. trees that are proposed to be felled. In accordance with para 131 of the NPPF, Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017, and Policy E4 of the Gloucester City Plan, pre-Submission version 2019

Condition 8

The development hereby permitted shall not be first occupied until the proposed development has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason

To promote sustainable travel and healthy communities with paragraph 112 of the National Planning Policy Framework.

Condition 9

The development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on the north side of the access. This splay shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason

To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

Condition 10

Prior to first use of the development hereby permitted, the vehicular access shall be laid out and broadly constructed in accordance with the submitted plan drawing no. 02 revA210322 but with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be drained to prevent surface water run off into the highway and maintained thereafter.

Reason

To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 110 and 112 of the National Planning Policy Framework.

Condition 11

The development hereby approved shall not be brought into first use until the parking and turning facilities for the proposed and existing dwelling has been provided as shown on drawing number 02 revA210322

Reason

To ensure conformity with submitted details.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 2

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 3

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Person to Contact: Rhiannon Murphy (01452 396361)



Planning Application: | 22/00113/FUL

Address: | 121 Elmeaze

Committee Date: | 02.08.2022

Appendix 1: Site Location Plan



Appendix 2: Proposed site plan

