



Appeal Decision

Site visit made on 13 January 2015

by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC

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

Decision date: 26 January 2015

Appeal Ref: APP/C1625/A/14/2226364

Starkey Hire Ltd, 18 Woodmancote, Dursley, GL11 4AG

- 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 Mr D Starkey against the decision of Stroud District Council.
 - The application Ref S.13/1437/FUL, dated 15 October 2012, was refused by notice dated 17 April 2014.
 - The development proposed is the demolition of existing vehicle hire premises, erection of 12 no. dwellings with parking, cycle storage and recycling/refuse facilities and re-instatement and upgrading of the existing access road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development set out above is taken from the decision notice and reflects amendments made prior to the application being determined by the Council, including the reduction in the number of dwellings proposed from 14 to 12. The proposals include four different house types. Although the layout plan submitted at application stage does not identify which house type relates to which plot, the street scene drawings provide clarification and the appeal documentation confirms the house types by plot. Floor plans for house types B1 and B2 do not form part of the documentation, and there are no elevation drawings for the conservatories indicated on six of the plots.
3. I have dealt with the appeal on the basis of the plans determined by the Council and I am satisfied that there is sufficient information before me to allow me to reach a decision on the submitted proposals. For the avoidance of doubt this decision is based on the following plans: MD/ADS/095/01A; MD/ADS/095/02A; MD/ADS/095/03; MD/ADS/095/04; MD/ADS/095/05; MD/ADS/095/06; MD/ADS/095/07; MD/ADS/095/08/1; MD/ADS/095/08/2; MD/ADS/095/08/3; MD/ADS/095/09; MD/ADS/095/10.

Main Issues

4. These are:
 - (i) the effect of the proposed development on the character and appearance of the area, with particular regard to the effect of the proposals on the setting of listed buildings and the Dursley Conservation Area;

- (ii) the effect of the proposal on the supply of employment land;
- (iii) whether the proposal should contribute towards affordable housing;
- (iv) whether the proposal makes adequate provision for leisure facilities and open space; and
- (v) whether the proposal represents sustainable development.

Reasons

Character and appearance of area and setting of designated heritage assets

5. The appeal site comprises buildings and open land associated with a vehicle hire business. An existing access divides the site into two parts, serving the site and a small number of properties outside the site. To the south side of the access, land is used for the parking and display of vehicles. To the north of the access single storey buildings are partially cut into the slope the site. At the time of my site visit, vehicles were displayed on the forecourt area in front of the main building.
6. The appeal site is surrounded on three sides, north, south and east, by the Dursley Conservation Area. The site itself is excluded from the designated area which in this part of the town is largely confined to the buildings which front the main road and their associated curtilages. I have not been provided with any formal appraisal of the conservation area. North of the appeal site buildings have a clear relationship with the road alignment. This relationship is even more strongly evident on the east side of Woodmancote where many of the houses sit at the back edge of the pavement. Individual houses vary considerably in terms of age, height, design and materials. However, their strong alignment to Woodmancote and largely terraced nature creates a sense of enclosure to this part of the town. Other than the appeal site where, by the nature of the existing use, parked vehicles are very apparent there is little evidence of frontage parking. Development to the south and west of the appeal site includes detached houses set within individual and relatively large plots.
7. There are several listed buildings close to the appeal site. These include 8 to 16 Woodmancote (immediately to the north of the site) and 30 Woodmancote to the south of the appeal site. On the east side of Woodmancote, Stanthill House and Nos 1 – 5; 11- 19, 27 – 35 and No 47 are also listed buildings. Nos 19 and 27 are directly opposite the appeal site. All of these properties are within the conservation area. The quality of many of the buildings within the conservation area, in particular the listed buildings in the vicinity of the appeal site, make a significant and positive contribution to the character and appearance of the area.
8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on decision makers in considering whether to grant permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
9. Setting is defined in the National Planning Policy Framework (Framework) as the surroundings in which a heritage asset is experienced. The appeal site forms part of the setting of the conservation area and the listed buildings in the

- vicinity of the site. Whilst the appeal site in its current form is somewhat at odds with the predominantly residential nature of its surroundings, the openness of much of the appeal site and the low height of the buildings to some extent mitigates the impact which the site has on its surroundings, notwithstanding the visual impact of parked vehicles.
10. Proposed street elevations have been provided, but these are partial and do not show the development in the context of its surroundings, nor do they show the development as whole. The proposals include two storey housing parallel to the road with some variations in height. This would reflect some of the characteristics of the surrounding area.
 11. The need to retain access to buildings at the rear of the site whilst utilising the depth of the site imposes some constraints on the layout. The appellant suggests that the gap in the proposed site frontage, which includes the access drive, could be narrowed by fencing and planting. However, this would provide only a limited sense of enclosure. Fencing would not obscure views from Woodmancote of the entirety of the parking areas nor would it block views of the proposed plots on the rising ground to the rear. Those parts of the development behind Woodmancote, set more or less at right angles to the main road, would be at odds with the predominant character of the surrounding area. Although the proposed gap in the frontage would allow views of the hillside to the west of site, I am not persuaded that this is part of a planned design concept for the site. The layout drawings do not confirm that the full width of the gap is necessary to achieve required visibility splays.
 12. Four house types are proposed with the same external materials for each. The variations in the appearance of the dwellings would not be sufficient to reflect the varied character and appearance of surrounding housing. Although the grounds of appeal suggest materials could be addressed by condition, this is an application for full planning permission and the materials have been specified.
 13. Notwithstanding the existing appeal site arrangements, the roadside parking which is proposed forward of the frontage of the houses on plots 8 and 9 would be unduly prominent in the proposed development and uncharacteristic of the surrounding conservation area. Given that this part of the appeal site is immediately adjacent to and partially in front of 16 Woodmancote, this element of the scheme fails to take the opportunity offered by the redevelopment to positively address the setting of the listed building.
 14. The house on plot 7 would present a large area of blank elevation facing onto Woodmancote whilst the staggered layout of plots 7, 8 and 9, which appears somewhat suburban on plan, does not have a clear relationship to the layout of the historic, urban properties in the vicinity. There is little in the layout or submissions to explain how the boundaries of these and other plots fronting Woodmancote have formed part of the overall design. The site plan refers to existing boundary treatments remaining, but there is no boundary feature in front of the existing workshop building and currently there is a low retaining wall south of the existing access. Although the street elevations indicate that the retaining wall would remain, the houses would appear to be set below current ground level.
 15. Whilst any one of these matters alone would not necessarily result in an unacceptable scheme, when taken as a whole the scheme fails to reflect and reinforce the positive characteristics of the surrounding area. The layout of the

proposed development is not characteristic of the close knit nature of the buildings to the north and east of the appeal site. Neither does the layout reflect the character and appearance of houses in individual plots to the south or west of the site.

16. Section 7 of the Framework highlights that good design is of great importance and a key aspect of sustainable development, indivisible from good planning and should contribute positively to making places better for people. Whilst decisions should not impose architectural styles or particular tastes, it is proper to promote and reinforce local distinctiveness.
17. The development would be seen in the context of the surrounding conservation area and would harm its setting. The proposal would conflict with 'saved' Policy BE5 of the Stroud District Local Plan 2005 (Local Plan). This policy states that development affect the setting of a conservation area will only be permitted if, amongst other matters, important views within and into the area are protected.
18. With regard to the statutory duty imposed by Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, the proposal would fail to preserve the setting of listed buildings in the vicinity of the site. For these reasons, the proposal is also contrary to Policy BE12 of the Local Plan. I am satisfied that Local Plan Policies BE5 and BE12 are consistent with the Framework and I therefore accord them full weight.

The effect of the proposal on employment land

19. Local Plan Policy EM4 allows for the redevelopment of existing employment land where the site is no longer suitable for employment use and one or more other criteria are met. Criteria of relevance to this appeal include there being an adequate supply of employment land to meet local needs without retention of the site, and demonstrable environmental or conservation benefits outweighing the loss of the employment land.
20. The appeal site in its current use provides only a low level of employment and is stated to be poorly located for a vehicle hire business. The appellant refers to potential difficulties in securing planning consent for redevelopment of the site for employment purposes due to the site's location amongst housing and close to listed buildings and the conservation area. However, no detailed evidence from commercial agents or correspondence with the local planning authority has been provided to support this claim. B1 employment uses are by definition capable of being carried on in a residential area. Consequently, the evidence on this matter does not persuade me that there is no reasonable prospect of the site being used for employment purposes.
21. The Council refers to the loss of large employers in the Cam and Dursley area reinforcing the need to protect remaining employment sites in the town. The appellant contrasts this with key employment site allocations in the emerging Stroud Local Plan (draft Local Plan) which focus on the M5 and A38 corridors and the Stroud Valleys. In addition, the appellant refers to an employment site allocation in Dursley at the Littlecombe Business Park.
22. Policy EI3 of the draft Local Plan seeks to protect small employment sites from non-employment uses other than in wholly exceptional circumstances. However, the Examination of the draft Local Plan is ongoing and the extract

provided from the Inspector's initial conclusions on parts of Stage 1 of the hearings, indicates that additional work on housing and employment requirements was needed. I therefore find that I can attach only very limited weight to draft Policy EI3. Overall employment land requirements and future policy are a matter for the Examination into the draft Local Plan rather than this appeal. I consider there is no necessary conflict between Policy EM4 and the Framework. However, on the basis of the limited evidence before me, I consider the current position on the supply of and demand for employment land to be unclear.

23. The Council refer to the Local Plan Policy EM4 not taking an 'absolutist' line. However, compliance with Policy EM4 requires the unsuitability of the site for continued employment use to be demonstrated as well as compliance with additional criteria. Given my findings in relation to the first main issue, the scheme clearly falls short of meeting at least one of the additional requirements of Policy EM4 as the environmental and conservation benefits of the scheme are not sufficient to outweigh the loss of employment land.

Affordable housing

24. Policy HN4 of the Local Plan seeks an element of affordable housing in urban areas including Dursley where there is demonstrable need on sites of 0.5 hectares or more, or sites that are capable of developments of 15 dwellings or more.
25. The evidence indicates that the number of dwellings proposed for the appeal site has been reduced from 14 to 12 to address concerns expressed at a pre-consultation stage. The area of the appeal site is stated as 0.19 hectares on the appeal form and 1916 m² on the original application form. These figures are not disputed by the Council. The size of the site is therefore well below the 0.5 ha threshold and the Council has not demonstrated in the evidence provided that the site could satisfactorily accommodate fifteen or more dwellings whilst also meeting other desirable requirements including a mix of housing types and sizes. Although the Council points to three plots which have larger gardens than other plots on the site, none of the twelve plots has excessively large gardens.
26. I do not doubt there is an unmet need for affordable housing in the area. However, notwithstanding issues raised by the appellant regarding the Local Plan being out of date, both the appellant and the Council rely on Policy HN4 in this matter. The proposal does not meet the thresholds set out in Policy HN4 which would require the provision of an element of affordable housing and therefore I find the proposal does not conflict with this policy. For the reasons already set out, I attach only limited weight to the emerging policies of the draft Local Plan. Accordingly, I find that the proposal is not required to make provision for affordable housing.

Leisure facilities and open space

27. Following submission of the appeal, the appellant provided a Unilateral Undertaking which would provide a financial contribution towards the upgrading of the Highfields Play Area which is some 0.75 km from the appeal site. Although this is not the nearest play area to the appeal site, it is adjacent to the nearest primary school where any children from the proposed development would be likely to attend. The Council have confirmed that the submitted

planning obligation overcomes the second reason for refusal and therefore the proposal would now meet the requirements of Local Plan Policy RL5.

28. I have considered the evidence submitted regarding the survey of local provision and needs for outdoor playing space and the extract from the Supplementary Planning Guidance regarding outdoor play space contributions. I am satisfied that the obligation would comply with the tests set out in the Framework insofar as the contributions would be necessary to make the proposed development acceptable in planning terms, and are directly, fairly and reasonably related to the proposed development.

Whether sustainable development

29. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development, which for decision taking means approving development proposals that accord with the development plan without delay. Where the relevant policies of the development plan are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appellant refers to recent appeals in which the Council have accepted they cannot demonstrate a five year supply of land for housing, although no details of these appeals are provided.
30. The site is close to the town centre and a wide range of facilities. There is no doubt that in terms of its location, the site is suitable in principle for residential development. However, the need to secure high quality design is a core planning principle of the Framework. The contribution the housing would make towards housing land supply does not outweigh the harm this particular scheme would cause to the character and appearance of the area. It is thus not sustainable development for which there is a presumption in favour. Paragraph 64 of the Framework confirms that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area. Paragraph 65 of the Framework makes clear that incompatibility with the existing townscape is not acceptable where harm is caused to the setting of designated heritage assets.

Other matters

31. I have considered the Town Council's view that the layout would be harmful to highway safety as the parking bays adjacent to plot 9 would require manoeuvring on the A4135 to access and exit the bays. I note that the layout does not include a turning area within the access drive. Given the narrow width of the western end of the access drive and the tandem parking space arrangements shown, it is unclear that all vehicles would be able to leave the site in a forward gear. Notwithstanding that the highway authority raised no objections subject to conditions being imposed, these matters add to my concerns about the detailed layout of the scheme.
32. I have also noted the comments of other users of the existing access with regard to maintaining access to their properties and those of properties on the opposite side of Woodmancote who consider the development may overshadow their properties. However, these matters do not alter my conclusions on the main issues.

Conclusions

33. In the context of paragraph 134 of the Framework I consider that the development would lead to less than substantial harm to designated heritage assets. There would be public benefits from the provision of 12 additional dwellings which would make a contribution to the supply of housing in the District. I accept that there may be benefits to local residents from relocation of the existing business. However, the Framework requires great weight to be given to the conservation of heritage assets. Any harm to the significance of a heritage asset, including from development within its setting, requires clear and convincing justification. In this case, the public benefits would not be sufficient to outweigh the harm which the proposal would cause to designated heritage assets. I therefore find that the adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
34. For the reasons given above and having taken all matters raised into account, I conclude that the appeal should be dismissed.

Jennifer Tempest

INSPECTOR

Richborough Estates