



STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB

Tel: (01453) 754 351/754 321

www.stroud.gov.uk

Email: democratic.services@stroud.gov.uk

13 November 2020

DEVELOPMENT CONTROL COMMITTEE

A remote meeting of the Development Control Committee will be held on **TUESDAY 5 JANUARY 2021** at **6.00pm**.

Kathy O'Leary
Chief Executive

This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Venue

This meeting will be conducted using Zoom and a separate invitation with the link to access the meeting will be sent to Members, relevant officers and members of the public who have submitted a request to speak.

Public Speaking

The procedure for public speaking which applies to Development Control Committee is set out on the page immediately preceding the Planning Schedule.

Members of the public, who have not submitted a request to speak at the meeting, are invited to access the meeting streamed live via Stroud District Council's [YouTube channel](#).

Recording of Proceedings

A recording of the meeting will be published onto the Council's website (www.stroud.gov.uk). The whole of the meeting will be recorded except where there are confidential or exempt items, which may need to be considered in the absence of press and public.

A G E N D A

1 APOLOGIES

To receive apologies for absence.

2 DECLARATIONS OF INTEREST

To receive Declarations of Interest in relation to planning matters.

3 **MINUTES**

To approve and sign as a correct record the minutes of the Development Control Committee meeting held on 24 November 2020.

4 **PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING**

(Note: For access to information purposes, the background papers for the applications listed in the above schedule are the application itself and subsequent papers as listed in the relevant file.)

4.1 **6 WEIR GREEN, ELMORE, GLOUCESTER, GLOUCESTERSHIRE (S.20/2403/HHOLD)**

Demolition of garage/workshop and erection of two storey extension.

4.2 **PARCEL H16 & H19 LAND WEST OF STONEHOUSE, GROVE LANE, WESTEND, STONEHOUSE (S.20/1898/REM)**

Reserved Matters for layout, scale, appearance and landscape for 178 dwellings and associated works at Parcels H16 and H19 of permission S.14/0810/OUT.

4.3 **PIER VIEW, 34 OLDMINSTER ROAD, SHARPNESS, BERKELEY (S.19/2678/FUL)**

Erection of 14 dwellings, together with new access and associated works.

5 **OFFICER REPORT (To Note)**

(a) Application & Enforcement Performance Statistics Overview

Members of Development Control Committee

Councillor Martin Baxendale (Chair)
Councillor Miranda Clifton (Vice-Chair)

Councillor Dorcas Binns
Councillor Nigel Cooper
Councillor Haydn Jones
Councillor Norman Kay

Councillor Steve Lydon
Councillor Jenny Miles
Councillor Sue Reed
Councillor Mark Reeves
Councillor Jessica Tomblin
Councillor Tom Williams



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DEVELOPMENT CONTROL COMMITTEE

24 November 2020

6.00 pm – 6.50pm

Remote Meeting

Minutes

3

Membership

Councillor Martin Baxendale (Chair)	P	Councillor Steve Lydon	P
Councillor Miranda Clifton (Vice-Chair)	P	Councillor Jenny Miles	P
Councillor Dorcas Binns	P	Councillor Sue Reed	A
Councillor Nigel Cooper	P	Councillor Mark Reeves	P
Councillor Haydn Jones	A	Councillor Jessica Tomblin	P
Councillor Norman Kay	P	Councillor Tom Williams	P

P = Present A = Absent

Officers in Attendance

Head of Development Management
Planner
Principal Planning Lawyer, One Legal

Development Team Manager
Senior Democratic Services & Elections Officer
Democratic Services & Elections Officer

Other Member(s) in Attendance

Councillor Nigel Prenter

DC.017

APOLOGIES

Apologies were received from Councillor Haydn Jones and Councillor Sue Reed.

DC.018

DECLARATIONS OF INTEREST

There were none.

DC.019

MINUTES

RESOLVED That the Minutes of the meeting held on 13 October 2020 were approved as a correct record.

DEVELOPMENT CONTROL PLANNING SCHEDULE

Representations were received and taken into account by the Committee in respect of the following Application:

1	S.20/1686/FUL
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DC.020 **5 KITESNEST LANE, LIGHTPILL, STROUD, GLOUCESTERSHIRE**
(S.20/1686/FUL)

The Planner introduced the application and outlined the key features. It was a resubmission of a previous application that was withdrawn, which was for a similar scheme including two bungalows to the rear of the site. The former shop had not been in use for about twenty years and was derelict. The site fell within the defined settlement limits of Stroud and the conservation area on the opposite side of Kitesnest Lane.

The Planner informed Members that the loss of the community shop had been considered by Officers, but given the length of time it had been out of use and the existing nearby supermarket and DIY store, the loss of retail use wasn't deemed an issue. The Planner drew attention to objections that had been received from some of the neighbours in Hill Close Estate. Concerns had been raised regarding the potential overlooking and overbearing impact, particularly from the two new dwellings. These concerns had all been considered but given the distances involved and the oblique angles between all the first floor windows, the level of overlooking wasn't considered to be unacceptable or to warrant refusal. There were no concerns from Conservation in terms of the setting of the conservation area. An ecology survey had been undertaken for the site which recommended a condition for enhancements.

Ward member, Councillor Nigel Prenter, advised that he was at the meeting on behalf of the residents at Hill Close who had raised concerns, he acknowledged that the plans met legal recommendations regarding overlooking and overbearing impact and that it was not unacceptable in terms of policy. However, he expressed that the concerns of the neighbours were nevertheless understandable.

Laura Gregory, a neighbour, read out a letter from the residents at 22 Hill Close which suggested that the footings on plots 3 and 4 be lowered from 1.5 to 1m to make the building less intrusive, and bring the height more in line with the existing shop building. Many neighbors felt that reverting to the original plans which were for bungalows would be a better solution and would reduce the problem of extra vehicles with inadequate access. Another letter was summarised from the neighbours at 20 Hill Close, who welcome the renovation of the derelict shop but consider the original application for bungalows to be more sympathetic and considerate proposal given the impact to their garden in terms of overshadowing and compromised privacy. Laura Gregory advised that they were not opposed to the development of the site and were in support of the regeneration of the old shop, but her main concern was the new proposal of two-storey houses, which would have a significant impact on light, privacy and overlooking of neighbouring properties.

The Chair advised that Councillor Kay, had joined the meeting but had missed the beginning of the report and therefore would not be able to participate or vote on this matter.

Councillor Binns asked questions about overshadowing and whether there would be any first-floor windows which would overlook houses to the north. The Planner confirmed there are no windows proposed on the north and south facing side elevations, and the mature line

of trees to the south of the site mitigates any overshadowing as does the setting down of the new properties within the site.

The Head of Development Management reminded Members that this application is to be treated on its own merits and not in relation to or in comparison with the previous scheme. There is a residential design guide, and the distances from the north of the new plot to the existing properties are well within, and complies with, these standards.

Councillor Tomblin asked questions regarding plans for the access from the proposed plot to the existing road, its proximity to the junction and whether there was any risk of loss or damage to the trees between the new building and the chalet bungalow during the build. The Planner confirmed that the hard standing laid to the front of the shop had historically been used for parking and the adjacent access point from the front of the plot comes out at the cul-de-sac entrance to Hill Close Estate. The Highways Authority had raised no objection with the level of traffic which would be entering and exiting the plot. It was also confirmed that the trees were within the neighbouring properties boundary.

Councillor Miles asked questions about the style and height of the boundary to the north of the plot starting at the traffic access point, and ownership and usage of the additional car-parking spaces. The Planner confirmed the north boundary is part of the neighbouring properties' boundary and that Highways had deemed there was enough visibility if exiting the plot. There is no clarification as yet about the additional parking spaces, but it is likely they will be attached to one of the dwellings rather than being shared.

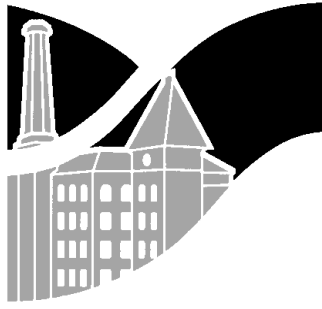
The Chair provided clarification that the proposal to approve the application included the additional updated condition in the Late Pages which had been published online.

On being put to the vote the motion, including the updated condition detailed in the late pages, was carried unanimously.

RESOLVED To APPROVE Permission for Application S.20/1686/FUL

The meeting closed at 6.50 pm.

Chair



Stroud District Council

Planning Schedule

05th January 2021

In cases where a Site Inspection has taken place, this is because Members felt they would be better informed to make a decision on the application at the next Committee. Accordingly, the view expressed by the Site Panel is a factor to be taken into consideration on the application and a final decision is only made after Members have fully debated the issues arising.

DEVELOPMENT CONTROL COMMITTEE

Procedure for Public Speaking

The Council encourages public speaking at meetings of the Development Control Committee (DCC). This procedure sets out the scheme in place to allow members of the public to address the Committee at the following meetings:

1. Scheduled DCC meetings

2. Special meetings of DCC

Introduction

Public speaking slots are available for those items contained within the schedule of applications. Unfortunately, it is not permitted on any other items on the Agenda.

The purpose of public speaking is to emphasise comments and evidence already submitted through the planning application consultation process. Therefore, you must have submitted written comments on an application if you wish to speak to it at Committee. If this is not the case, you should refer your request to speak to the Committee Chairman in good time before the meeting, who will decide if it is appropriate for you to speak.

Those wishing to speak should refrain from bringing photographs or other documents for the Committee to view. Public speaking is not designed as an opportunity to introduce new information and unfortunately, such documentation will not be accepted.

Scheduled DCC meetings are those which are set as part of the Council's civic timetable. Special DCC meetings are irregular additional meetings organised on an ad-hoc basis for very large or complex applications.

Before the meeting

You must register your wish to speak at the meeting. You are required to notify both our Democratic Services Team democratic.services@stroud.gov.uk and our Planning Team planning@stroud.gov.uk by 12 noon 1 clear working day before the day of the meeting, exceptionally, the council will consider late representations if appropriate.

At the meeting

If you have registered to speak at the meeting, please follow the instructions contained within the "Guidance for Public Participants for Remote Meetings which will have been provided to you by Democratic Services. Where more than one person wishes to speak, you may wish to either appoint one spokesperson or share the slot equally, democratic services will inform you by email should there be more than one speaker sharing the timeslot.

1. Scheduled DCC Meetings

There are three available public speaking slots for each schedule item, all of which are allowed a total of **four minutes** each:-

- Town or Parish representative
- Objectors to the application and
- Supporters of the application (this slot includes the applicant/agent).

Please note: to ensure fairness and parity, the four minute timeslot is strictly adhered to and the Chairman will ask the speaker to stop as soon as this period has expired.

Those taking part in public speaking should be aware of the following:

- They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
- Names of speakers will also be recorded in the Committee Minutes which will be published on the website.

The order for each item on the schedule is

1. Introduction of item by the Chair
2. Brief presentation and update by the planning case officer.
3. The Ward Member(s)
4. Public Speaking
 - a. Parish Council
 - b. Those who oppose the application
 - c. Those who support the application
5. Committee Member questions of officers
6. Committee Members motion tabled and seconded
7. Committee Members debate the application
8. Committee Members vote on the application

2. Special DCC meetings

There are three available public speaking slots for each schedule item, all of which are allowed a total of up to **eight minutes** each:-

- Town or Parish representative
- Objectors to the application and
- Supporters of the application (this slot includes the applicant/agent).

Please note: to ensure fairness and parity, the eight minute timeslot will be strictly adhered to and the Chairman will ask the speaker to stop after this time period has expired.

Those taking part in public speaking should be aware of the following:

- They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
- Names of speakers will also be recorded in the Committee Minutes which will be published on the website.

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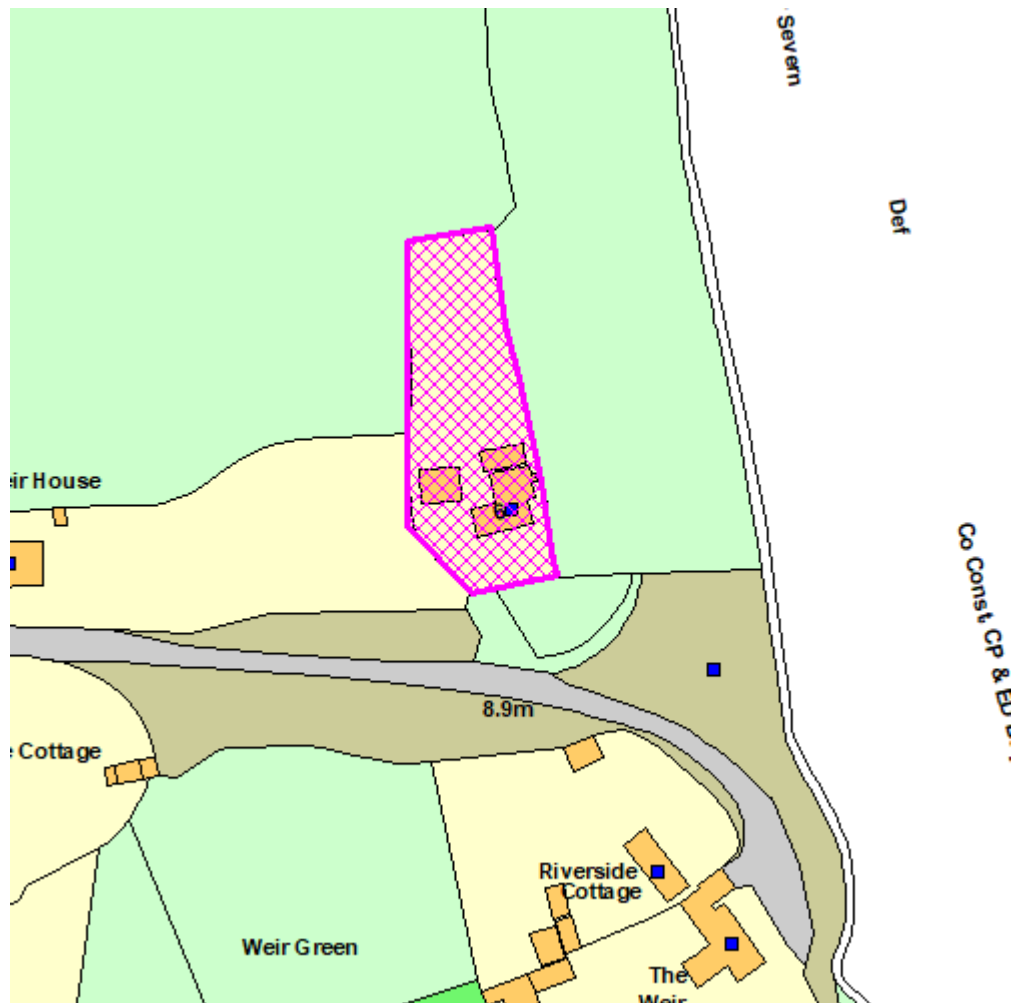
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6. Committee Member tabled and seconded
7. Committee Members debate the application
8. Committee Members vote on the application

Parish	Application	Item
Elmore Parish Council	6 Weir Green, Elmore, Gloucester. S.20/2403/HHOLD - Demolition of garage/workshop and erection of two storey extension.	1
Eastington Parish Council	Parcel H16 & H19 Land West Of Stonehouse, Grove Lane, Westend. S.20/1898/REM - Reserved Matters for layout, scale, appearance and landscape for 178 dwellings and associated works at Parcels H16 and H19 of permission S.14/0810/OUT.	2
Hinton Parish Council	Pier View, 34 Oldminster Road, Sharpness. S.19/2678/FUL - Erection of 14 dwellings, together with new access and associated works (367460-202081)	3



Development Control Committee Schedule 05/01/2021

Item No:	1
Application No.	S.20/2403/HHOLD
Site Address	6 Weir Green, Elmore, Gloucester, Gloucestershire
Town/Parish	Elmore Parish Council
Grid Reference	379189,215398
Application Type	Householder Application
Proposal	Demolition of garage/workshop and erection of two storey extension.
Recommendation	Permission
Call in Request	





Development Control Committee Schedule 05/01/2021

Applicant's Details	Mrs S Sugars C/o MSP, The Pike House, Kingshill Road, Dursley, Glos GL11 4BJ
Agent's Details	Mrs Abigail Snook MSP Town Planning & Architecture, The Pike House, Kingshill Road, Dursley, Gloucestershire GL11 4BJ
Case Officer	Tom Fearn
Application Validated	10.11.2020
	CONSULTEES
Comments Received	SDC Water Resources Engineer
Constraints	Flood Zone 2 Flood Zone 3 Elmore Parish Council
	OFFICER'S REPORT

MAIN ISSUES

- Principle of development
- Design and appearance
- Residential amenity
- Highways
- Flood risk

DESCRIPTION OF SITE

The application site consists of a detached residential dwelling, which is located in a rural location off Weir Lane, close to the village of Elmore. The house has a traditional appearance to the front and is faced in red brick, but has a mixture of materials to the rear, with sections of white render and clad dormer windows. There is an existing single garage to the side of the dwelling which has a workshop to the rear, as well as driveway parking. There is no landscape designation at this site, but it does fall within flood zones 2 and 3 due to its proximity to the River Severn.

PROPOSAL

The application proposes the demolition of the existing garage and workshop and its replacement with a two storey extension which incorporates a new garage, as well as a single storey link at ground floor level to the rear of the property.

MATERIALS

Walls: brick to match, render and timber cladding.



Development Control Committee Schedule 05/01/2021

Roof: plain clay tiles to match.
Windows: powder coated aluminium.
Doors: powder coated aluminium.

REPRESENTATIONS

Statutory Consultees

Parish Council - none received at the time of writing.

Water resources engineer - I am happy with the submitted FRA and have no further comments or observations.

The Head of Planning has referred the application to be determined at Development Control Committee, as the applicant is related to an elected councillor.

Public

None received at the time of writing.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

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

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils 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:

HC8 - Extensions to dwellings.

ES3 - Maintaining quality of life within our environmental limits.

ES12 - Better design of places.

PLANNING CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT

Policy HC8 allows extensions to dwellings and the erection of outbuildings incidental to the enjoyment of the dwelling subject to relevant criteria. Therefore, the principle of development for an extension to this property is deemed acceptable.

DESIGN/APPEARANCE/IMPACT ON THE AREA



Development Control Committee Schedule 05/01/2021

The application proposes a relatively large, two storey extension to the side of the property, which will replace an existing single storey garage and workshop. The proposed extension incorporates a garage at ground floor level and new accommodation above and behind at ground floor level, which will be used by a dependent relative who has mobility issues. The extension will be linked to the main house by a single storey extension to the rear, which will house a new kitchen at ground floor level.

Whilst it is acknowledged that the proposal does add relatively considerable new footprint, the host dwelling sits within a generous plot which can accommodate the development without appearing cramped or overdeveloped. It is also noted that some floor space will be removed with the existing garage and workshop and so it is not considered that the cumulative additional footprint is unacceptable. The design and siting of the extensions ensure they sit within the existing built form, whilst offering a modern juxtaposition, with the additions showing a clear contrast between the historic form of the dwelling and the more contemporary extension. The host dwelling is already faced in a mixture of materials and those proposed are not considered to be objectionable, given the existing character. The proposed roof pitch matches that of the existing gables to the front and rear of the dwelling, ensuring a consistency in design, with the height of the ridge sat just below the ridge height of the existing dwelling, which ensures a subservient appearance. The dwelling sits back from the road and the site is generally well screened, therefore the extension will not have a wide scale impact on the surrounding vernacular.

RESIDENTIAL AMENITY

There is one adjoining residential site to the west of the host dwelling, but there is a large degree of separation between the two properties, as well as mature vegetation which acts as screening. Due to this, the proposed extensions will cause no unacceptable increase in harm to the residential amenity of the occupants of the dwelling.

HIGHWAYS

The host dwelling is served by an access off Weir Lane and has off road parking space for multiple vehicles. The proposal includes a garage which can provide a parking space and the existing access will be unaffected by the proposal. Therefore, no undue harm will arise to highway safety as a result of the scheme.

FLOOD RISK

The application site is located within flood zones 2 and 3 due to its proximity to the River Severn and as such a basic FRA has been submitted with the application, which demonstrates that the scheme complies with the standing advice for minor extensions. It is acknowledged that the proposal involves an extension to a building which is already in residential use and the intended use will not change as a result of the proposal. Therefore, there will be no increase in risk as a result of the proposal. The floor levels of the extension will be no lower than the existing house and the applicant subscribes to the Environment Agency Floodline, which provides advance warnings of flood events along the Severn. Existing connections will be used for drainage connections and existing drainage channels



**Development Control Committee Schedule
05/01/2021**

will be kept in good order. The Council's Water Resource Engineer has been consulted on the proposal and has raised no objections given the information provided.

RECOMMENDATION

In light of the above it is considered that the proposal complies with the policies outlined and is recommended for permission.

HUMAN RIGHTS

In compiling this recommendation, we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

Subject to the following conditions:	<ol style="list-style-type: none"> 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: Proposed location and block plans of 10.11.2020 Plan number - SUG/1220/PL/08/20/003/A Proposed plans and elevations of 10.11.2020 Plan number - SUG/1220/PL/08/20/002/B Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.
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**Development Control Committee Schedule
05/01/2021**

3. The development hereby permitted shall be carried out in strict accordance with the recommendations detailed in the submitted Flood Risk Assessment dated 8th December 2020.

Reason:

To prevent increased flood risk, in accordance with Policy ES3 of the Stroud District Local Plan, November 2015.

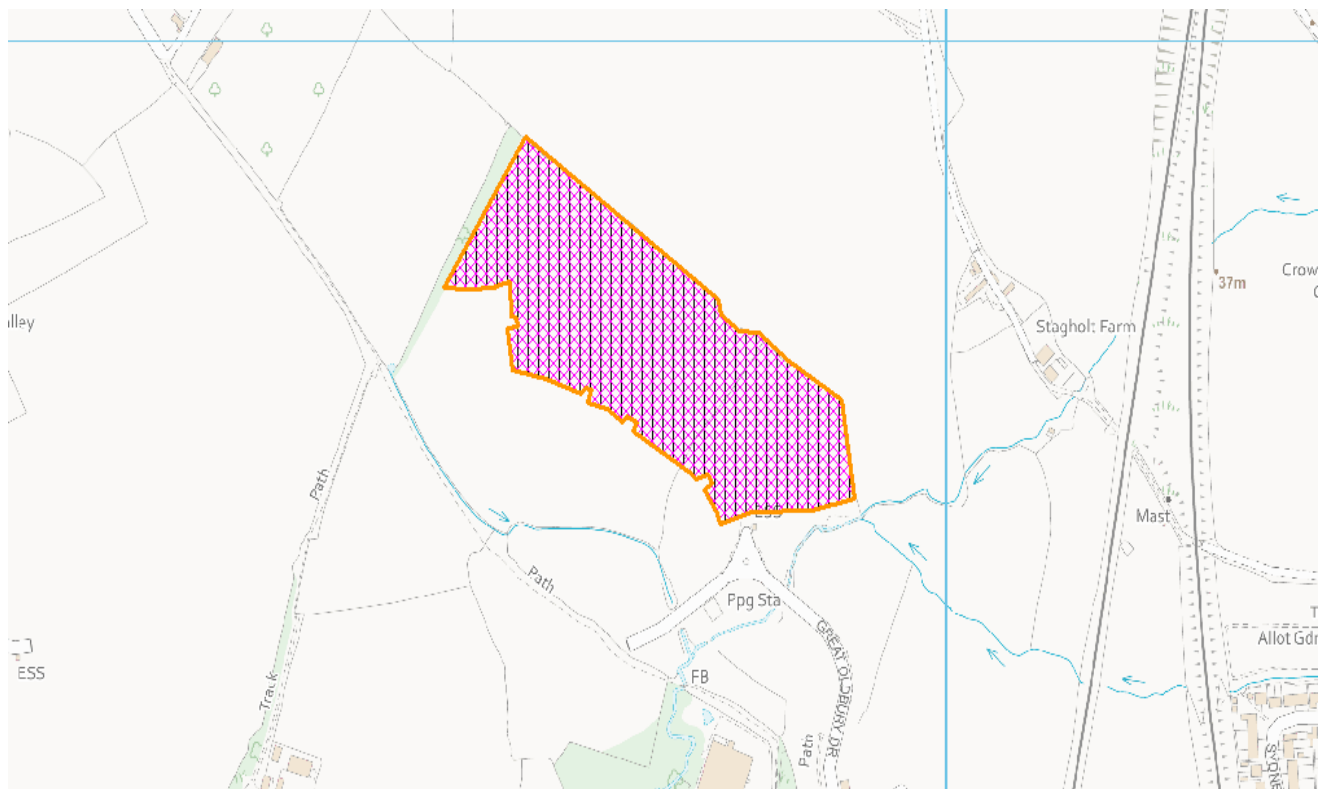
Informatives:

1. ARTICLE 35 (2) STATEMENT - Whilst there was little, if any, pre-application discussion on this project it was found to be acceptable and required no further dialogue with the applicant.



Development Control Committee Schedule 05/01/2021

Item No:	2
Application No.	S.20/1898/REM
Site Address	Parcel H16 & H19 Land West Of Stonehouse, Grove Lane, Westend, Stonehouse
Town/Parish	Eastington Parish Council
Grid Reference	379668,206684
Application Type	Reserved Matters Application
Proposal	Reserved Matters for layout, scale, appearance and landscape for 178 dwellings and associated works at Parcels H16 and H19 of permission S.14/0810/OUT.
Recommendation	Permission
Call in Request	Requested by DCC all LWoS applications.





Development Control Committee Schedule 05/01/2021

Applicant's Details	Diverse Partnerships Vistry Homes Ltd C/O Pegasus Planning Group Ltd, First Floor, South Wing, Equinox North, Great Park Road Almondsbury Bristol BS32 4QL
Agent's Details	Pegasus Planning Group Ltd First Floor, South Wing, Equinox North, Great Park Road, Almondsbury Bristol BS32 4QL
Case Officer	Simon Penketh
Application Validated	14.09.2020
	CONSULTEES
Comments Received	Eastington Parish Council Public Rights Of Way Officer Development Coordination (E) Flood Resilience Land Drainage Archaeology Dept (E) SDC Water Resources Engineer Environmental Health (E) Contaminated Land Officer (E) Arboricultural Officer (E) Conservation North Team Planning Strategy Manager (E) Housing Strategy And Community Infrastructure
Constraints	Neighbourhood Plan Eastington Parish Council Standish Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer
	OFFICER'S REPORT

MAIN ISSUES

- Principle of development
- Design and appearance
- Residential Amenity
- Parking
- Landscaping
- Affordable Housing
- Green Infrastructure
- Drainage



Development Control Committee Schedule 05/01/2021

DESCRIPTION OF SITE

The site is made up of land parcels H16 and H19 of Outline Planning Permission S.14/0810/OUT for Land West of Stonehouse (Great Oldbury) which includes consent for up to 1350 dwellings, 9.3 hectares of employment land and a mixed use local centre and new primary school. The land is located on the North-eastern area of the outline planning permission site and falls under master planning approval for land parcels H16 to H20.

The development approved under the outline planning permission is well underway with a number of residential parcels and community infrastructure consented, nearing completion or complete and occupied or. Significant infrastructure is already in place including water management, primary routes, public transport facilities, cycle and walking routes and open space facilities.

PROPOSAL

Approval of reserved matters layout, scale, appearance and landscaping under outline permission S.14/0810/OUT - relating specifically to land parcels H16 and H19. The development consists of the erection of 178 dwellings, associated access and landscaping.

REVISED DETAILS

Revised layout submitted to address the permeability of the proposed development, and the clustering balance of affordable housing units across the proposed development.

Revised building submitted to address the design of flats on plots 56 to 64 of the proposed development.

Revised landscaping submitted to address the 'green node' associated with land adjacent to plots 105 to 107 of the proposed development

MATERIALS

Mix of facing brick, render and tiles

REPRESENTATIONS

Statutory Consultees:

Eastington Parish Council - Object on the following grounds;

i) There appears to be significant banks of parking, particularly in close proximity to junctions and on one of the routes to the proposed PS19a allocation. Can this be designed out as it appears as poor design and a potential highway hazard?

ii) A new proposed cycle way forms part of the pedestrian pavement in front of plots 116 - 133 but appears narrow given that is shared with pedestrians and it appears to be intended for two-way traffic. This is particularly concerning if PS19a is allocated in due course.



Development Control Committee Schedule 05/01/2021

iii) A key green nodal space (Masterplan) in front of plots 105-107 seems limited in scale but also appears to be a semi-private space and this raises the question as to who maintains it and for what purpose it is used. Can this be maintained as a single mass of open street space and is it being adopted or added to the maintenance scheme along with other similar areas which should emerge with the next phase of development?

iv) A new path is shown to continue from the footpath at the north of the site, through the dense hedge running north-south and on to meet the main road in H19. It would be good to know that this is not harmful to the hedge at that point and is not therefore needlessly wide.

v) Where new pedestrian gates are necessary, such as at FPEEA7 Eastington Parish Council favours buggy sized kissing gates rather than styles.

vi) Outside of the parameters of the masterplan as agreed under Condition 46 of S.14/0810/OUT, is a block of nine flats which is proposed at the southern corner of the site, rising to around 13m tall. Whilst this is part of what the Masterplan set out to call a Primary Street Frontage (but without a primary road), in terms of its character these areas were also proposed to be 'larger detached dwellings, set back from the highway, allowing in-curtilage tree planting to continue the verdant character of the main street'. Whilst scale is being determined in this application it's scale is significantly greater than other buildings and approximately 2m higher than the maximum heights set out in the agreed Masterplan. The height of the building is too tall for the site and this should not be a three storey structure with such a high ridgeline.

vii) The block of flats is surrounded at close quarters by insufficient parking and very little amenity space for the nine flats. Most of the flats use two front doors facing the street but these flats access their bins and cycle store awkwardly with all but one owner/tenant having to go right around the building to get access to the bin and bike store. This appears to be likely to conflict with neighbourly use of the bins and less likelihood of using cycles, nor does it appear good for security. One occupant would have no natural surveillance on their only access to the flat as it's door is situated alone on the rear elevation. This is poor design.

viii) Insufficient parking at the flats in particular - one space per two-bedroom flat is not acceptable.

Standish Parish Council - No comment has been received;

Highway Authority (Gloucestershire County Council) - No objection

County Archaeologist (Gloucestershire County Council) - No objection

Lead Local Flood Authority (Gloucestershire County Council) - wish to make no comment

Public Rights of Way Officer (Gloucestershire County Council) - No objection in principle. It is noted that the development does not appear to affect the nearby public right of way. In the



Development Control Committee Schedule 05/01/2021

event that the public right of way is affected as a result of temporary closure or permanent diversion the developer should make contact with GCC Public Rights of Way Team.

Internal Consultees

Biodiversity Officer - Acceptable subject to conditions

Senior Arboriculture Officer - No objection

Senior Conservation Officer - No objection. Confirmation that the development would not directly impact upon the nearest listed buildings at Nupend and Nastend

Water Resources Engineer - No objection

Contaminated Land Officer - wish to make no comment

Environmental Health Officer - Notes the use of informative relating to the standards to be achieved in the development attached to Outline Planning Permission S.14/0810/OUT and notes that no information relating to those standards has been submitted with this Reserved Matters Application

Housing Strategy and Community Infrastructure Manager - No objection in principle. Concerns raised regarding the cul-de-sac style layout of affordable housing on plots 159 to 175. Concern is also raised as to the slight under provision of affordable housing against the 30% target and the nature of the housing mix. It is acknowledged that the deviation is acceptable in principle however, it is further noted that there is no proposal for addressing how the accumulation of such deviation can be addressed in future phases.

Nature Space (Ecological Consultant to SDC for District Level Newt Licencing) - Notes the following;

The development falls within the amber impact risk zone for great crested newts - risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence - in the amber impact zone, there is suitable habitat and therefore great crested newts maybe present.

There are ponds within 500m of the red line boundary.

There are GCN records within 500m of the redline boundary.

In line with the guidance from Natural England [Great crested newts: District Level Licensing for development projects, Natural England, January 2020] and if situations on site have changed then updated further information is required to rule out impacts to great crested newts (i.e. to show that any ponds within 500m are not suitable for great crested newts, or carry out a survey to determine presence/likely absence and then present appropriate mitigation and compensatory measures to satisfy the licensing tests).

Public:



Development Control Committee Schedule 05/01/2021

No comments from members of the public have been received

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework 2.2 (Feb 2019).

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

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils 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:

- SO1 - Accessible Communities
- S05 - Climate Change and Environmental Limits
- CP1 - Presumption in favour of sustainable development.
- CP2 - Strategic growth and development locations.
- CP3 - Settlement Hierarchy.
- CP4 - Place Making.
- CP6 - Infrastructure and developer contributions.
- CP7 - Lifetime communities.
- CP8 - New housing development.
- CP9 - Affordable housing.
- CP13 - Demand management and sustainable travel measures.
- CP14 - High quality sustainable development.
- ES1 - Sustainable construction and design.
- ES2 - Renewable or low carbon energy generation.
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality and flood risk.
- ES5 - Air quality.
- ES6 - Providing for biodiversity and geodiversity.
- ES7 - Landscape character.
- ES8 - Trees, hedgerows and woodlands.
- ES12 - Better design of places.
- ES13 - Protection of existing open space.
- ES14 - Provision of semi-natural and natural green space with new residential development.

The proposal should also be considered against the guidance laid out in:

- Residential Design Guide SPG (2000)
- Stroud District Landscape Assessment SPG (2000)
- Planning Obligations SPD (2017)

Eastington Neighbourhood Development Plan (October 2016).



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PRINCIPLE OF DEVELOPMENT

The application site is part of land identified for strategic growth under policy SA2 (Land West of Stonehouse) of the Stroud District Local Plan (November 2015). Subsequently, outline planning permission was granted under application S.14/0810/OUT (14th April 2016) comprising up to 1350 dwellings, employment development and a mixed use local centre and new primary school. The application relates to land parcels H16 and H19 which falls into the approved master plan are for land parcels H16 to H20. The master plan was approved against condition 46 of the outline planning permission (conditions application S.19/2165/DISCON) on 17th June 2020.

Accordingly, the principle of the proposed development is established. This application seeks approval for layout, scale, appearance and landscaping (reserved matters) for the development of 178 new dwellings. The assessment of this application should only consider those matters and issues pertinent to them. The assessment is set out in detail below;

LAYOUT

General Layout - The master plan for land parcels H16 to H20 sets out the broad layout of the parcels. This application focusses on parcels H16 and H19. Officers are satisfied that the layout of the proposed development on these parcels is consistent with the approved master plan. Parcels H17, H18 and H20 are for consideration at a later date (under a further reserved matters application).

Revisions have been submitted that allow improved pedestrian permeability/connectivity through the central area and along the North-eastern Edge. Further changes relate to the green space (to the front of plots 105 to 107). The changes would act to clearly define the space and separation of public and private space. Street furniture is to be introduced in the public area (the exact detail of which can be controlled by planning condition).

A block of 9 apartments has been included in the proposal and these are located at the South-east area of the site close to the roundabout junction with the main spine road associated with the wider development. This does not represent a deviation from the approved master plan and remains consistent with it. The parking layout would be to the South and West elevation of the building and this is aligned to other parking spaces that continue along the frontages of dwellings to the North and East of the building. These will be provided within banks of landscaping that includes tree planting and hedging. Cycle and bin storage is located to the north of the building and is secure. Access to the facility is via secure gates. Furthermore, the area is overlooked by the occupants of the apartments. Whilst the location of the bin/cycle is separate from the main building, officers are satisfied that the appropriate management of the building will ensure that this is used correctly and that miss-use can be adequately addressed by the accommodation provider.

The access door to the rear of the building is overlooked and contained within a secure space.

Housing Mix/Affordable Housing -The development comprises a total of 178 dwellings made up of the following;

102 no. 3 bed units (including 2 no. Social rent and 5 no. Shared ownership Affordable Units)



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47 no. 2 bed units (including 17 no. Social rent and 18 no. Shared ownership Affordable Units)

20 no. 4 bed units (including 2 no. Social rent Affordable Units)

6 no. 2 bed flats (Affordable Units only comprising 4 no. Social rent and 2 no. Shared ownership)

3 no. 1 bed flats (Affordable Units only comprising 3 no. Social rent).

The development would provide a high proportion of 3 bed open market units on parcels H16 and 19 (95 units approximately 76% of the total number of proposed open market units) with the remaining 2 bed and 4 bed open market units making up a smaller proportion (30 units approximately 24% of the total number of proposed open market units). This means that the proposed mix deviates from the Gloucestershire Strategic Housing Market Assessment with an over provision of 3 bed units on the land parcels. The applicant has acknowledged this factor.

It is important to note that the Outline Planning Permission (S.14/0810/OUT) does not control the mix of open market housing types within the development. In this context, the housing mix is not an issue that could warrant a refusal reason. The applicant argues that the proposed mix reflects the circumstances of the site and its relationship with the earlier phases of the development and the wider delivery of affordable housing. Notwithstanding the arguments, officers are satisfied that in this instance, the identified deviation does not materially undermine the delivery of a balanced mix of housing availability across the strategic allocation and the wider district; and as such is acceptable.

The proposed development includes 53 affordable units (28 social rent and 25 shared ownership). The units are clustered in accordance with SDC Policy. The ration amounts to 28.78% of the proposed units on parcels H16 and H19. Whilst this is just under the target proportion set out in policy CP9, it is rounded to the nearest whole unit. In this instance, the planning obligation for affordable housing makes an allowance for deviation of up to 10% on an individual phase(s) of the development and as such is considered acceptable. However, the development is legally required to meet the 30% target across the whole development.

Whilst the shortfall is less than 0.25% of the target officers note that relatively small shortfalls such as this can potentially accumulate at the point where the final parcels of the development come forward. This is not a matter which can be addressed specifically as part of this reserved matters application as the key legal principle is met. Nonetheless, the whole development must comply with the 30% minimum target density for Affordable Housing and as such it is for the promoter of the site and future developers to bring any shortfall up to the target by the last phase.

Accordingly, in respect of Parcels H16 and H19, officers are satisfied that the layout and proposed housing mix is acceptable and that the Affordable Housing requirement is met.

Road and Parking Provision - The submitted road layout is consistent with the agreed master plan for parcels H16 to H20. Parking provision is also consistent with the Stroud District Council Parking standards. Gloucestershire County Highway Authority have confirmed that the proposed development is acceptable in highway terms and that the level of proposed car



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parking is acceptable. Accordingly, officers are satisfied that the level of vehicular parking is acceptable. Furthermore, the development as a whole is designed to allow access to public transport, cycling and walking network so providing viable alternatives to the use of the private motor car. The developer has indicated that all residential units (including the apartment block and irrespective of tenure) will include 'electric vehicle' charging points. For the most part, the charging points will be located within individual properties. Where parking areas are within communal areas or in parking bays the developer has indicated that there are viable solutions (such as ground mounted charge points). The exact detail for the location and method of providing the charge points can be secured by way of appropriately worded condition in the event that the application is approved.

The Highway Authority have noted the position of the cycle parking for the apartment block and has confirmed that no objection is raised.

Pedestrian Access, Connectivity and Permeability - Revisions to the layout of the proposed development have been submitted by the applicant following discussions with officers. This has enabled improved permeability through the site allowing a great choice of walking/cycling routes through the development, to transport nodes, local areas play, formal and informal open space as well as the wider community infrastructure associated with the whole development.

A cycle route is included within the proposed development that will connect the site with the development and the local area - linking into the cycling network to Stroud and national cycle network. This route is consistent with the master plan, and is facilitated via a widened pathway off the main highway in the North-west of the proposed development. The facility is wide enough to provide for simulations pedestrian and cycle use. The Highway Authority has not raised concern with this facility. Officers are satisfied that the route would not result in a severe highway safety issue and that the cycle route can be used safely as part of the highway in this location; and it is not considered that this would become otherwise should there be further development beyond this site in the future.

Accordingly, with the revisions submitted, officers are satisfied that the development would facilitate good links encouraging healthy outdoor activity and sustainable modes of transport - and in this regard the proposed development is acceptable.

Residential Amenity - The layout of the proposal allows for sufficient separation between dwellings to prevent unacceptable overlooking to occur and the development would provide sufficient private outdoor amenity space. In addition, appropriate connectivity to public open spaces and recreation is also available as part of the development.

Drainage - the strategic drainage of the development as a whole was considered at the outline stage and is now substantially in place. The Stroud District Water Resources Engineer is satisfied that the proposed development can be connected to the existing system now in place. Accordingly, officers are satisfied that the development is acceptable in this regard.



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The layout of the development is acceptable.

SCALE AND APPEARANCE

House Types and Building Form - The proposed development is predominantly made up of a range of terraced (no more than three units per terrace), semi-detached and detached units. The proposed development is domestic in scale and character. Each individual unit is typical volume house builder 'house type'. This is consistent with the existing development that has taken place on other parcels associated with the outline planning permission.

The vast majority of the proposed dwellings are two storey in height. However, some of the terraced/semi-detached units include dormer windows to provide for second floor accommodation in the roof space. Whilst these are shown by the applicant as 3 storey units they are not a full three storey building. The higher dwellings are located in key locations such as at road junctions and principal street frontages in order to act as a landmark buildings and to add interest in the street scene.

The development includes a block of 9 apartments. This is a full three storey building which is located close to the roundabout junction of the main spine road of the development. The overall height of the building has been reduced during the course of the assessment of this application. Elevational features are provided in the form of a central gable to the principle elevation and part dormer windows on the second floor level (breaking the eaves of the building) and these are picked out in a change of material. The reduction in the height of the building has allowed it to sit comfortably in the street frontage over-looking the open space area (outside the site) to the south.

Whilst the building is of no particular architectural merit and typical of volume built apartment buildings, is it consistent with other buildings seen in the local area. The position and overall height does provide some positive legibility and sense of place.

The buildings would be constructed in a range of materials including brick (Brunswick farmhouse multi or Bridgewater weathered red), render (Weberlight beige) or reconstituted stone (Bekstone Oolite Cream) with the use of one of three concrete tile types (brown, dark brown or red). The apartment building is proposed to be a mix of reconstituted stone, render and brick to demarcate specific elevational features. Windows and doors are in white uPVC (except front door and garage doors which are to be black).

The proposed development is domestic in scale and consists of modest residential dwellings. Officers are satisfied that, whilst the apartment building is larger than the other buildings proposed, it is also of a domestic scale and character. The proposed development would be consistent with the scale and character of the wider development emerging across the allocation; and, as such is acceptable.

LANDSCAPING

Planting and Layout - A comprehensive planting scheme is proposed as part of the development. The development includes the provision of street trees and shrub planting in the semi-private and public realm that would enhance the sub-urban environment under development. It would also contribute towards a sense of place and local distinctiveness. A



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good selection of plant species is proposed and the landscaping is supported by a 10 year Landscape Maintenance and Management Plan.

Amendments have been submitted in respect of the 'green node' associated with plots 105 to 107. This would now provide a public space with tree cover, shrubs and seating. This would act as a focal point at the intersection of parcels H16, H17 and H18 (H17 and H18 are not under consideration with this planning application). The arrangement would also provide appropriate demarcation of public and private space (to the front of the dwellings overlooking the space). Officers are satisfied that this has addressed initial concerns over the value of the space that that the proposal would now create a positive amenity area and landscape feature.

Green infrastructure is also proposed and this would retain and enhance existing landscape features for the benefit of informal open space and ecology value. The creation of informal open space would follow existing landscape features creating a landscape buffer to the North and East perimeter of the site. These would provide natural habitat (enhanced with bird and bat box provision) that would also act as ecological and recreational links to the wider development and beyond the land allocation

Officers are satisfied that the landscaping of the site is acceptable and is consistent with the approved master plan. It would also provide a positive contribution to the ecological value of the new development and recreational/wellbeing value. In order to protect the viability of the ecological areas and encourage use by various species, it is appropriate to control and minimise the level of artificial lighting in the areas close to the ecological landscaping. Accordingly, and appropriately worded condition can be added to secure appropriate lighting information in the event that the application is approved. Details of gates and other structures to new and existing footpaths should also be secured in order to ensure that the areas are fully accessible for the occupants of the new development and elsewhere in the community.

RECOMMENDATION

That the planning application is approved subject to the conditions set out in this report.

HUMAN RIGHTS

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.



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<p>Subject to the following conditions:</p>	<p>1. The development hereby approved shall be implemented strictly in accordance with the following drawings;</p> <p>P20-1188_02 (Location Plan) As received by the Local Planning Authority on 14th September 2020</p> <p>Layout P20-1188_11 Rev M (Site Layout) P20-1188_09 Rev C (Materials Plan) P20-1188_06 Rev D (House Type Pack) P20-1188_13 Rev B (Affordable Housing Strategy) P20-1188_19 Rev B (Boundaries and Enclosures) P20-1188_20 Rev B (External Works) P20-1188_21 Rev B (Parking Strategy) P20-1188_22 Rev B (Refuse Strategy) P20-1188_23 Rev B (Adoptable Areas) P20-1188_26 rev B (Green Infrastructure)</p> <p>Engineering 73-002-01 Rev F (Preliminary Drainage Strategy) 273-002-02 Rev D (Preliminary Drainage Strategy) 529-100-01 Rev P03 (General Engineering Layout) 529-200-01 Rev P03 (Highway Sections)</p> <p>Landscaping and Ecology P20-1188_26 rev B (Green Infrastructure) 20174.105 Rev D (Green Infrastructure) 20174.101 Rev C (Soft Landscape proposals Sheet 1 of 3) 20174.102 Rev C (Soft Landscape proposals Sheet 2 of 3) 20174.103 Rev C (Soft Landscape proposals Sheet 3 of 3) 20174.104 Rev A (Gateway Planting Proposals) 10 Year Landscape Maintenance and Management Plan (Version 3) 20170.502 rev C (Arboricultural Survey, Impact Assessment and</p>
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Protection Plan)
9269 REV C (Bat and Bird Box Locations)

As received by the Local Planning Authority on 4th December 2020

Reason:
For the avoidance of doubt.

2. The landscaping of the site shall be implemented no later than the first available planting season after the completion of the development hereby approved and in strict accordance with the following plans;

P20-1188_26 rev B (Green Infrastructure)
20174.105 Rev D (Green Infrastructure)
20174.101 Rev C (Soft Landscape proposals Sheet 1 of 3)
20174.102 Rev C (Soft Landscape proposals Sheet 2 of 3)
20174.103 Rev C (Soft Landscape proposals Sheet 3 of 3)
20174.104 Rev A (Gateway Planting Proposals)

as received by the Local Planning Authority on 4th December 2020

Reason:
In order to ensure that the development is appropriately landscaped in the interest of the landscape and character of the development and surrounding area, ecology and public health and to comply with policies SO1, CP4, CP7, CP8, CP14, ES3, ES6, ES7, ES12 and ES14 of the Stroud District Local Plan (Adopted) November 2015.

3. All landscaping implemented as part of the development hereby approved shall be maintained strictly in accordance with the 10 Year Landscape Maintenance and Management Plan (Version 3).

Reason:
In order to ensure that the development is appropriately landscaped in the interest of the landscape and character of the development and the surrounding area, ecology and public health and to comply with policies SO1, CP4, CP7, CP8, CP14, ES3, ES6, ES7, ES12 and ES14 of the Stroud District Local Plan (Adopted) November 2015.



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4. Prior to the installation of domestic external lighting to dwellings within the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. Any lighting shall then accord with the approved strategy. For the avoidance of doubt, the strategy will;

a) identify the areas/features on site that are particularly sensitive for foraging bats;

b) show how and where external lighting will be installed with appropriate lighting contour plans and technical specifications.

Reason:

To maintain dark corridors for nocturnal wildlife in accordance with Policy ES6 of the Stroud District Local Plan (Adopted) November 2015.

5. The proposed bird and bat boxes shall be installed in accordance with drawing numbered 9269 REV C (Bat and Bird Box Locations) (as received on 4th December 2020) no later than the first occupation of the final dwelling constructed in the development hereby approved. Thereafter the development shall be retained as such.

Reason:

In the interest of the protected species and the wider ecology of the site and surrounding area in accordance with Policy ES6 of the Stroud District Local Plan (Adopted) November 2015.

6. No gates providing access to public rights of way or other recreational routes and no public benches or amenity furniture shall be installed until the details and locations of such has been submitted to and approved by the Local Planning Authority. The development shall be implemented strictly in accordance with the approved details and thereafter retained as such.

Reason:

In order to ensure that there is appropriate access to public rights of way and other recreational routes and that public benches and amenity furniture is appropriately designed in the interest of the public amenity of the development, and public health and to comply with policies SO1, CP4, CP7, CP8, CP14, ES3, ES7 and ES12 of the Stroud District Local Plan (Adopted) November 2015.



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7. Prior to the occupation of the first dwelling a scheme to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

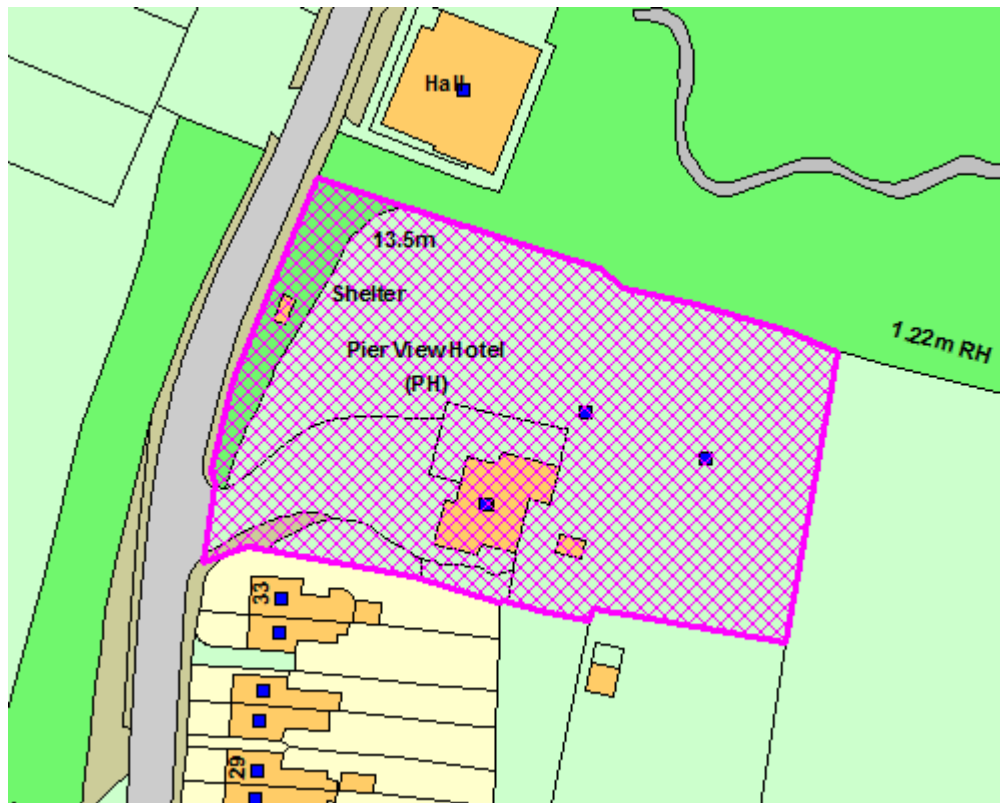
Reason:

To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in order to encourage the use of zero carbon vehicles and the reduction of air borne pollution and to comply with Policy CP4, ES1 and ES5 of the Stroud District Local Plan (adopted November 2015).



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Item No:	3
Application No.	S.19/2678/FUL
Site Address	Pier View, 34 Oldminster Road, Sharpness, Berkeley
Town/Parish	Hinton Parish Council
Grid Reference	367460,202081
Application Type	Full Planning Application
Proposal	Erection of 14 dwellings, together with new access and associated works.
Recommendation	Refusal
Call in Request	Cllr Green



	<h2 style="margin: 0;">Development Control Committee Schedule</h2> <h3 style="margin: 0;">05/01/2021</h3>
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Applicant's Details	Easton Bevins Ltd 436-440 Gloucester Road, Bristol, BS7 8TX, ,
Agent's Details	LPC (Trull) Ltd Trull, Tetbury, Gloucestershire, GL8 8SQ,
Case Officer	Amy Robertson
Application Validated	24.01.2020
CONSULTEES	
Comments Received	Biodiversity Officer Conservation South Team Development Coordination (E) Flood Resilience Land Drainage SDC Water Resources Engineer Planning Strategy Manager (E) Housing Strategy and Community Infrastructure Environmental Health (E) Contaminated Land Officer (E) Strategic Planning
Constraints	Consult area Hamfallow Parish Council Hinton Parish Council SAC SPA 7700m buffer Settlement Boundaries (LP) Village Design Statement
OFFICER'S REPORT	

MAIN ISSUES

- Principle of development
- Affordable Housing
- Design/appearance & Impact on Non-Designated Heritage Asset
- Ecology
- Residential Amenity
- Highways
- Flood risk & Drainage
- Obligations

DESCRIPTION OF SITE

The application site is located centrally between Newtown and Sharpness to the east of Oldminster Road with Sharpness Village Hall to the north and residential properties to the south located within the Newtown/Sharpness settlement development boundary as defined by the adopted Stroud District Council Local Plan (SDLP).

The site contains the Pier View Hotel, a large detached Victorian public house that is set back from the road on rising ground with a large open grassed garden to the north. To the rear is mowed area that appears to be privately used by the public house with mown field



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beyond whilst of the south eastern corner a section of the site runs to the rear of residential properties fronting Oldminster Road. This area is also a mown grass field with outbuildings.

Three previous applications have been submitted on the site. S.13/0533/FUL was refused on the grounds of development outside the settlement boundary, highway access, appropriate provision of affordable housing and, the effect of ecology on the area and was dismissed at appeal. A further application S.15/2545 /FUL was withdrawn. The most recent application, ref: S.16/2378/FUL was refused and dismissed on appeal.

PROPOSAL

The application seeks full planning permission for the erection of 14 dwellings as well as the creation of new access and associated works.

REPRESENTATIONS

Statutory Consultees

SDC Strategy team were consulted and provided comment stating: "the application should be refused as being contrary to the development plan, unless material considerations indicate otherwise". The full response can be viewed on SDCs website.

SDC Conservation team were consulted and provided response stating the application "still causes harm to the non-designated heritage asset, therefore I suggest that the same refusal reason as last time is used".

SDC contaminated land officer was consulted and provided response stating "no comments". SDC environmental health were consulted and recommended a number of normal conditions to be imposed on any permission granted.

GCC Highways were consulted and provided a response stating no objections subject to conditions.

Gloucestershire Lead Local Flood Authority were consulted and responded stating:

SDC biodiversity team were consulted and provided comment stating no objection subject to conditions and a s106/ bespoke mitigation scheme.

GCC economic growth and strategic planning were consulted and responded requesting financial contributions if the scheme were to be approved for library and educational facilities.

Public

At the time of writing, 9 public comments have been received in support of the application. All comments discuss the following points:

Small developments welcomed in local area

'Eco-housing' encouraged

In-fill development better than green field development

Houses located central to the village

More houses welcomed for the community

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at:

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



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Planning (Listed Buildings and Conservation Areas) Act 1990

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils 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.
- CP2 - Strategic growth and development locations.
- CP3 - Settlement Hierarchy.
- CP4 - Place Making.
- CP5 - Environmental development principles for strategic growth.
- CP6 - Infrastructure and developer contributions.
- CP8 - New housing development.
- CP9 - Affordable housing.
- CP13 - Demand management and sustainable travel measures.
- CP14 - High quality sustainable development.
- HC1 - Meeting small-scale housing need within defined settlements.
- EI3 - Small employment sites (outside identified employment areas).
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality and flood risk.
- ES12 - Better design of places.
- ES15 - Provision of outdoor play space.

The proposal should also be considered against the guidance laid out in SPG Residential Design Guide (2000), SPG Residential Development Outdoor Play Space Provision, SPG Stroud District Landscape Assessment, SPD Affordable Housing (Nov 2008) and SPD Housing Needs Survey (2008).

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:

PRINCIPLE OF DEVELOPMENT

The Stroud District Local Plan (SDLP) is adopted and full weight should be given to its contents, in accordance with paragraphs 12 and 15 of the NPPF. There is a presumption in favour of sustainable development as applied locally through the policies contained within the Local Plan. Consequently, decision makers should approve proposals that accord with the Local Plan without delay, but should refuse proposed development that conflicts with the Local Plan, unless material considerations indicate otherwise.



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Policy CP1 of the SDLP gives a presumption in favour of sustainable development whilst policy CP2 establishes that the District's identified housing need will be first and foremost provided through the Plan's allocations with smaller scale sites allowed within settlement boundaries and in accordance with the settlement hierarchy.

Policy CP3 sets out the settlement hierarchy. The application site is located within the settlement boundary of Newtown and Sharpness. Within the identified settlement boundary housing development is considered appropriate in principle, subject to detailed layout and design matters.

The site is an existing public house where policy E16 seeks to protect village shops, public houses and other community uses. The proposal seeks to retain the public house and argues that the proposal will re-establish the public house by finding additional uses for unused areas of the building and potentially re-vitalising the public house.

Whilst based on location alone the Local Plan supports the principle of residential development in this area, it does so on the proviso that other material considerations are not outstanding and are suitable resolved. In this case, a number of important considerations such as design, impact on the locally listed heritage asset and affordable housing provision are unresolved with the Local Planning Authority (LPA) and therefore tip the planning balance away from a positive principle of development for this scheme. Each of the items will be addressed in turn throughout the remainder of the report.

AFFORDABLE HOUSING

Policy CP9 of the Local Plan refers to affordable housing and requires that all residential proposals of at least 4 dwellings will provide at least 30% of the net units proposed where viable.

This application proposes 14 new residential units on the site, and therefore is required to provide a minimum of 4.2 affordable units to meet the policy compliant 30% benchmark. Only 4 affordable units are proposed as part of this application. In these circumstances the applicant has the option to round up and provide another unit on site, or to provide a commuted sum equivalent to the cost of providing 0.2 of an affordable housing unit.

The provision of affordable housing within the District is a key concern, and all development should be required to meet the policy requirement of 30%, unless financial restrictions prove the development to be unviable.

An affordable housing statement was provided as part of the application. Within this document, type, tenure and size of the proposed affordable units are put forward. 4 affordable units are being proposed, made up of one ground floor 3 bedroom flat and three 2 bedroom terraced houses.

Within the affordable housing statement and the remainder of the documents submitted as part of the application, there is no acknowledgement of the shortcomings in the proposed affordable housing provision, nor any financial justification or figures to suggest financial unviability of providing the full required contribution.



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In addition to the above, the proposed tenure split of the affordable units is not considered acceptable to the LPA. The affordable housing statement proposes that the units are provided as 100% shared ownership. However, this is in conflict with affordable housing policy and will not meet need, which is primarily for rented units within this area.

It is important for all developments, where viable, to provide the correct levels and types of affordable housing to meet current demand and needs. Stroud District Council have pledged the provision of affordable housing within the District as a 'key priority' for the immediate and forthcoming years; one that should be actively encouraged and promoted when and where possible.

This application does not meet the required levels of affordable housing for the quantum of development proposed, nor the tenure split as prescribed under local policy CP9 and the information in the Council's adopted Planning Obligations SPD.

DESIGN/APPEARANCE AND IMPACT ON NON-DESIGNATED HERITAGE ASSET

In assessing whether or not any proposed development is acceptable or not, consideration must be given into the design, appearance, and its impact on any neighbouring buildings/surroundings. In this case, the building to be retained on site comprises of the Pier View Hotel, a visually significant and dominant non-designated heritage asset situated within the site.

At the local level in respect of listed buildings, Conservation Areas, archaeology etc the relevant SDLP policy is Delivery Policy ES10 with general design matters considered under Policy CP14, a checklist for quality.

The design and overall layout of the proposals will be assessed below, and then will be addressed in relation to the impact this will have on the Pier View Hotel and its site itself.

DESIGN/ APPEARANCE AND LAYOUT

The proposals show an 'L' shape development with residential units running to the side of the existing Pier View Hotel building and a small number of units proposed to the rear of this building.

All properties are accessed from the proposed repositioned access road off Oldminster Road, accessing both the residential units and the public house. Parking for patrons of the Pier View Hotel and Public House will be to the front of the existing building, immediately turning right when entering off Oldminster Road.

There are to be three dwellings located in front of the Public House's building line off to the left when viewing the site from Oldminster Road. A car park and small landscaped area is also proposed in front of the Public House.

The application puts forward 3 different house types. House type 1 will be made up of 3 units fronting onto Oldminster Road which will comprise a row of terraced properties. Types 2 and 3 are largely similar and will be positioned within the site facing onto the proposed access road.



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The design of the units proposes red brick, dark roofs with vertical features. The buildings are a mix of two and three storey. The roof form proposes an off centre pitch. All units are proposed in a modern architectural style.

The LPA have repeatedly expressed concern over the design and scale of development in response to numerous previous formal applications and pre-application requests. It should also be noted that an appeal inspector similarly concluded that design on the site (should any residential development be principally accepted here), would need to be reflective of surrounding buildings owing to the sensitivity of the site and the presence of the non-designated heritage asset (appeal ref: APP/C1625/W/17/3181366).

Whilst it is noted that this application does propose some architectural features reflective of the surrounding area, be that of red brick and pitched roofs, the overriding style is still seen to be in juxtaposition with the traditional surroundings in which the site sits.

Whilst it would not be expected that any proposed buildings would mimic the styling of neighbouring buildings, it would be expected that there would be some attempt to use detailing and architectural styling to transition between proposed new development and the existing. The proposed designs fail to pick-up any of the traditional design parameters of the surrounding properties/ buildings except for the proposed use of red brick and dark roof colouring. It is therefore considered that the design of the scheme neither presents a modern twist to design, nor a traditional adaptation and thus, it is considered the development falls short of the parameters of good design as outlined under policy CP14 and ES12 of the Local plan.

The layout of the scheme is also of concern to the LPA. Notably, the three terraced properties situated to the east of the site, aligning with Oldminster Road, are considered to be sited fundamentally in the wrong location. These terraced units are situated matching the building line of surrounding buildings to the north and south of the site, however fail to account for the positioning of the non-designated heritage asset within the site. As a result, the presence of the terraced units demotes the Pier View hotel building remnant of back-land development, rather than preserving the buildings assertiveness and presence within the street scene that is required in order to protect or enhance its historical significance (as required under policy).

A typical feature of successful layout and design is to have residential units facing onto roads or significant spaces. The proposed plans show the terraced units backing onto Oldminster Road in juxtaposition with both the immediate surrounding properties as well as widely regarded urban design norms.

Not only is it considered that the orientation of these units is incorrect for this site when compared to design norms, it is considered that this arrangement also damages the siting of the non-designated heritage asset. When stood or travelling south within the public domain, the secondary elevations of the buildings and boundary treatments will first become visible



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within the site. This aspect will lessen the positive and striking impact the Pier View Hotel has within the site - a key feature of its significance.

IMPACT ON NON-DESIGNATED HERITAGE ASSET

Arguably one of the most important elements in the determination of this application, is the relationship the proposed development will have to the non-designated heritage asset, the Pier View Public House situated on site. The application does not assess the heritage significance of the Hotel and its setting, nor provide any clear justification as to why loss to its setting should be considered.

Application reference: S.16/2378/FUL was refused under delegated powers for a number of reasons; including the impact the development would have on the setting of the non-designated heritage asset and the impact this would have on the Public House and its future prosperity as a result of development. Critically, this application was also dismissed at appeal (ref: APP/C1625/W/17/3181366).

The appeal inspector stated:

"16 - The setting of this large and somewhat grand Victorian building is enhanced by the open spaces at the front and side. The result of the development would be to relegate the once prominent and important feature to the rear of a house. This would not only harm the setting of the non-designated heritage asset; it would also significantly diminish the contribution the building makes to the current street scene

17 - Even with new landscaping, the dwelling to the front and side of the pub would still be highly visible components of the streetscene. They would also be clearly visible to visitors of the public house. The incongruous nature of the design of these dwellings would therefore be readily apparent from a number of publically accessible vantage points.

19- The development as a whole would therefore result in unacceptable harm to the character and appearance of the area and non-designated heritage asset. Accordingly, there would be conflict with SDLP policies CP4, HC1, CP14 and ES10 which seek among other things, to ensure development is of a layout and design which protects and enhances the built environment, is compatible with the character and appearance of an area and protects the significance of locally identified heritage assets. There would also be conflict with paragraph 135 of the Framework in relation to the protection of non-designated heritage assets"

Whilst it is noted that this application proposes a reduction in the number of proposed residential units when compared to the previously refused and dismissed application, this is largely due to the removal of the units proposed within the section of land located external of the settlement boundary which has not been included within this application. When looking at the same 'development area' between the two applications, only one 'block' of units have



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been removed as proposed under this application. This block relates to the section of the site directly in front of the Pier View Hotel itself.

The removal of these units from the front of the Pier View Hotel building itself is of course an improvement on the previously refused scheme as it seeks to open up the views of the Public House when viewed within the public realm. It is not considered however that the removal of the units positioned directly in front of the Pier View is enough to outweigh this concern.

As the inspector pointed out, the prominence of the Pier View building is enhanced not least by the open spaces to its front and side. These open garden areas serve to enhance the setting of the building, and also make the building an imposing feature within the street scene. To remove this critical element by providing built development on these areas would detrimentally harm the setting of this non-designated heritage asset. The proposed development would in effect, swamp the Pier View building and demote its significance within the locality.

The layout, and critically the positioning of the three terraced properties aligned to Oldminster Road, and the impact this has on the setting of the non-designated heritage asset has been addressed in the previous section. For the avoidance of doubt, the LPA strongly consider that the layout of the proposed development will cause a significant negative impact on the setting of the Pier View Hotel.

As the Pier View building is locally considered as a non-designated heritage asset, policy ES10 applies. The main aim for policy ES10 is the protection of historic and environmental assets. Importantly, policy ES10 (3) states:

"Proposals will be supported which protect and, where appropriate, enhance the heritage significance and setting of locally identified heritage assets, such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest".

The proposed application conflicts with this policy. The development within the existing grounds of the non-designated heritage asset would neither enhance nor protect its setting and thus, its historical significance.

RESIDENTIAL AMENITY

Delivery Policy ES3 seeks to ensure that development maintains quality of life in terms of noise, disturbance, privacy, smell and light in addition to flooding, pollution, highway safety and contamination. Delivery Policy ES5 also seeks to control the impact upon air quality. Criterion 7 of policy CP14 seeks to ensure that there is no unacceptable adverse effect on the amenities of neighbouring occupants.

The only existing residential properties that could be affected by the proposal are those that back onto the southern area of the site. The rear garden of no. 27 continues at right angles to their main garden, running along the western boundary at this point.



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The nearest proposed dwelling will be the single block of type 2 dwelling types to be located directly behind the Pier View hotel itself. There is to be a significant distance between these proposed units and the existing residential dwellings along Oldminster Road (approximately 50m from rear elevation of number 33 Oldminster Road and rear elevation of the closest proposed new dwellings). As such, it is not considered that the proposed development would have any significant negative impact into the residential amenity of existing/ neighbouring occupiers in terms of loss of amenity, any overbearing impact of development or general loss of privacy.

The LPA need also to consider the residential amenity of future residents within the proposed scheme. The plans provided show a massive variation in external garden sizes within the proposed development ranging from only 31m² to 156m². Whilst the LPA does not stipulate minimum garden sizes, 'SDC Residential Design Guide 2000' states that *"the development as a whole should provide an average of 100 square metres of private usable gardens per dwelling"*. The average for this development comes out at approximately 75m², considerably short of this average.

It is also noted that the residential design guide accounts for 'useable' garden space. When looking at the proposed soft landscaping plan (04.4/R3), a substantial amount of the private amenity space is shown to be taken up either by the vegetative boundary treatment, or will be under tree canopy cover and will thus be largely unusable space. This in itself shows how the layout of the proposed development does not reflect the developable parameters of the site and clearly demonstrates overdevelopment (notwithstanding the outstanding issue of the impact of development on the non-designated heritage asset). The private amenity spaces are a symptom of overdevelopment and poor design.

It is therefore considered that the residential amenity of future occupiers of the site is below the levels deemed appropriate in relation to private amenity space.

IMPACT ON PUBLIC HOUSE/COMMUNITY FACILITY

SDCs adopted Local Plan protects the loss of existing community facilities, including public houses through policy EI6. This policy, whilst foremost seeking to protect and preserve such facilities, does also allow for development under certain criteria.

Policy EI6 states that the loss of a community facility, such as the Pier View Hotel will be permissible where certain criteria are met, specifically: *"where there is no prospect of a continued community use (which is evidenced)", and "the current or previous use is no longer viable, demonstrated by audited financial and marketing evidence over an agreed reasonable period"*.

Whilst this application does not propose to close the public house, it is the LPAs considered opinion that the development put forward would remove the potential attraction of the public house as a destination and functionality as a result of the loss of grounds which could be utilised more effectively than at present, in order to provide outdoor entertainment/ beer garden type community facilities.



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It is therefore deemed that this development, if approved, would lead to a likely reduction in business as the site itself becomes a less attractive facility to frequent.

In addition to the above, whilst the applicant states that the profit from the residential development will help to revitalise the public house, no material to evidence this has been provided within the application and as such, the LPA is not in a position to assess the credibility of this claim.

ECOLOGY

Within the SDLP, Delivery Policy ES6 is all encompassing, seeking to safeguard and protect all sites of European and global importance, national sites and local sites. It also requires that all new development conserves and enhances the natural environment and does not adversely affect European Protected Species.

The site falls within the identified 7.7km visitor catchment identified by Stroud District Council for the River Severn Estuary European Marine Site SPA/SAC/RAMSAR. The council as the competent authority has a duty to ensure that no likely significant adverse effect arises from any proposed development and needs sufficient information provided by a suitably qualified/experienced Ecologist to be able to decide if the proposal would have a significant effect upon the estuary. Where the screening finds there may be a significant effect then mitigation will need to be provided.

In reviewing the application in relation to possible ecological and biodiversity impacts, the Council's Biodiversity team requested further information and updated reports. This was subsequently received by the LPA and the Biodiversity team were able to carry out their assessment.

The site in question is roughly 0.7ha which is currently managed mown grass, tall ruderal species, hedgerow and scrub. There are some mature trees located within the site, notably along Oldminster Road. The previous application found a badger sett which due to the now smaller application site, is not included within the application area for this application. Nonetheless, the proximity to it and the inevitability of the badgers foraging through the application site needs to be considered in careful mitigation if the proposed development were to be consented.

The extensive vegetation along the borders of the site was also found to encourage both foraging and commuter bats. The ecological report provided as part of the application concluded that the boundary vegetation was an important for bat movements through and within the site and wider area. The ecological report also found two types of reptile (slow work and grass snake) on site.

No objection has been raised by the Biodiversity team to the application however a number of conditions are recommended should the application be granted consent. As per any new residential development within the catchment area, a charge of £385 per dwelling would be



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required to contribute towards our adopted mitigation strategy or a bespoke mitigation scheme to be agreed. Details of these have not been submitted but would be required if consent were granted.

Although no objection to the proposed development has been put forward by the biodiversity team, the LPA are concerned that the development of the site for residential purposes will put pressure on the existing vegetation, particularly hedgerow to be retained. It is important to note that the hedgerow retention is critical in providing clear travel and foraging corridors for a range of species not least bats, and that pressure from residential users of the site may lead to ill management and even its loss.

HIGHWAYS

Paragraphs 108-111 of the NPPF places the test of ensuring that a development does not have a severe impact on highway safety. This is an important point as it infers that a level of impact is acceptable providing that the resultant impact is not severe. It must also be noted that the impact on the highway is directly related to the proposed development and not pre-existing concerns or issues.

Criterion 3 of Delivery Policy ES3 of the SDLP seeks to ensure there is no detrimental impact upon highway safety whilst E112 looks to enhance the accessibility of sites and promotes the use of travel plans and relevant parking standards.

The application proposes to change the location of the existing access onto the site. A spine road is then proposed to travel through the centre of the site with the majority of proposed residential units being located to the left, and the Pier View Hotel and car park to the right.

A total of 36 vehicular spaces are proposed split into 22 for the residential units with 4 visitor spaces, and 10 for the public house car park. 4 motorcycle spaces and 12 bicycle spaces are also provided on site.

All residential units proposed will have access from within the site and as such, only one entry/egress point onto Oldminster Road shall remain.

Gloucestershire County Council Highways department have assessed the application and are satisfied that the scheme meets their requirements in terms of highway safety and workability. They have suggested a number of conditions should however be imposed onto any consent in order to secure further detail; in particular relating to pedestrian safety features within the site.

FLOOD RISK & DRAINAGE

Policy ES4 of the SDLP refers to flood risk including a requirement for the incorporation of Sustainable Drainage Measures (SuDS) within development.

The proposed development is situated wholly within flood zone 1 and proposes infiltration. Gloucestershire County Council, as Lead Local Flood Authority (LLFA) assessed the application and provided comment stating no comment subject to conditions should the application be approved.



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RECOMMENDATION

The application proposes a development that will cause significant negative harm on the setting of the non-designated heritage asset located within the site. The proposed development is also considered to restrict the future prosperity of the Pier View Public House by removing the external space surrounding the public house. The design of the proposed development is not considered to constitute good design, nor meet the levels expected by the LPA. The proposal also fails to satisfy the requirements in terms of affordable housing provision.

In response to the issues raised above, the planning balance is tipped against the development and the application is recommended refusal.

HUMAN RIGHTS

In compiling this recommendation, we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

For the following reasons:	<ol style="list-style-type: none"> 1. The proposed development by reason of the location of dwellings in front of the existing Pier Hotel and loss of its associated garden area would fail to protect the significance and setting of the Pier Hotel, a historic building of local architectural and social interest. As such the proposal is contrary to policies CP4(2) and ES10 of the adopted Stroud District Local Plan (November 2015) and paragraph 184 of the National Planning Policy Framework. 2. The proposed development by reason of the location of dwellings in front of the existing Pier View Hotel would reduce the attractiveness of the public house by reducing its visibility within the streetscene and losing the function of the associated garden. The proposed design, detailing, scale and position in front of the established building line of Oldminster Road would appear incongruous within the street scene. As such the proposed development would be contrary to policies HC1 (1) CP4(1) and ES10 (3) of the adopted Stroud District Local Plan (November 2015). 3. The proposed development fails to provide the required levels of affordable housing as stipulated by policy, nor does it propose a suitable mix in tenure as evidenced and required and no financial
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	<p>viability appraisals have been provided to account for such shortcomings. As such, the proposal is contrary to policies CP9 of the adopted Stroud District Local Plan (November 2015), paragraphs 62 and 63 of the National Planning Policy Framework as well as the information contained within the Council's adopted Planning Obligations SPD.</p> <p>4. Insufficient information, neither a bespoke mitigation strategy or a legal agreement offering a contribution towards our adopted mitigation strategy has been received, to address the additional recreation pressure of the proposal on the nearby Severn Estuary SAC, SPA and Ramsar Site.</p>
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Appeal Decision

Site visit made on 4 January 2018

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th January 2018

Appeal Ref: APP/C1625/W/17/3181366

Pier View, 34 Oldminster Road, Sharpness, Berkeley GL13 9NA

- 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 Chris Easton of Easton Bevins Ltd against the decision of Stroud District Council.
 - The application Ref 16/2378/FUL, dated 24 October 2016, was refused by notice dated 3 February 2017.
 - The development proposed was originally described as "The Daisy Chain Project: energy efficient housing. 2,3 and 4 bed housing around existing hotel."
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Chris Easton of Easton Bevins Ltd against Stroud District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. Following refusal of the application, the appellant continued to have dialogue with the highway authority. This has resulted in additional information being submitted as part of the appeal. The Council has indicated they are now satisfied that this issue could be adequately addressed by a planning condition. I have regard to this in my decision below and no longer need to address it as a main issue.
5. The Council has indicated that they can demonstrate a five year supply of deliverable housing land as required by paragraph 47 of the National Planning Policy Framework (the Framework). This has not been disputed by the appellant. The Stroud District Local Plan (SDLP)(2015) was adopted relatively recently and there is nothing to suggest its policies are not consistent with those of the Framework. Accordingly, the relevant policies for the supply of

housing are up-to-date and the tilted balance set out in the fourth bullet point of paragraph 14 of the Framework does not apply.

Main Issues

6. The main issues in this case are:

- Whether the development is appropriately located having regard to the relevant policies of the development plan;
- The effect of the development on the character and appearance of the area, including a non-designated heritage asset;
- The effect of the development on protected species;
- The effect of the development on flood risk and drainage; and
- The effect of the development on the River Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and RAMSAR site.

Reasons

Location & Strategy

7. The appeal relates to the generous grounds of a public house known as The Pier View Hotel. Part of the site lies within the settlement development limits (SDL) of Newtown/Sharpness, which is identified as a 'third tier' settlement in the hierarchy in SDLP Policy CP3. Subject to satisfying all other policy requirements, the principle of housing within the SDL of third tier settlements is acceptable in principle under policies CP2 and CP3. The area of the site ostensibly given over to what the appellant describes as affordable housing lies outside the SDL. For the purposes of the SDLP, this area is considered to be within the countryside and is the main element of concern in terms of the Council's housing strategy.
8. SDLP Policy CP2 only allows for limited development outside a SDL in accordance with other policies in the plan, including Policy CP15 which deals specifically with housing in the countryside. This states that in order to protect the separate identity of developments and the quality of the countryside, proposals outside identified settlement limits will not be permitted unless they meet one of a number of exceptions. The appellant argues that development outside the SDL constitutes a 'rural exception' under criterion 3 of this policy.
9. The appellant's appeal statement, background papers, submitted plans and the description used by the Council in its decision notice all include reference to the provision of affordable housing. The Framework defines rural exception sites as 'small sites used for affordable housing in perpetuity where sites would not normally be used for housing¹'. The appellant considers that locating all of the affordable provision in the area outside the SDL satisfies the policy requirement. However, there is no mechanism before me to ensure the dwellings in question would be delivered as affordable housing as defined in the Framework, that they would reflect the preferred tenure mix, or that they would be provided as affordable homes in perpetuity. I note that comments made by the Policy Implementation Manager that a S106 agreement would be needed, but no such agreement is before me.

¹ See Annex 2: Glossary

10. For this reason, the dwellings would not properly constitute affordable housing, would not comply with the requirements of criterion 4 in particular of SDLP Policy H4 and would not be consistent with the definition of rural exception sites in the Framework. I cannot therefore give any weight to the assertion that the scheme would deliver affordable housing.
11. Even if I were to consider the units as affordable housing, I am not convinced that what is proposed would meet other requirements of both policies CP15 or HC4. There is nothing before me which provides clear and substantive evidence of a local need as required by both policies. Reference is made to the delivery of 750 windfall units across the plan period. However, this is a district wide figure to meet general housing needs and does not relate to the local affordable housing needs of this settlement. Policy CP2 identifies a strategic site in Sharpness for 300 dwellings. In lieu of anything to the contrary, it would be reasonable to assume that any references to the delivery of 300 dwellings in this settlement would relate to this strategic site and not a general need or allocation. While the dwellings inside the SDL might meet a more general need, there is nothing which would justify development in the countryside.
12. In addition, the definition of a 'rural exception' in both Policy HC4 and the Framework is where the majority of dwellings are affordable, with limited cross subsidy from a minority of market units. Looking at the proposal as a whole, it would not provide a majority of affordable units. Indeed, it would provide no more than would normally be necessary under Policy CP9. I do not consider it to be within the spirit or intent of the policy to artificially separate out two elements of the proposal in order to justify development that would otherwise be unacceptable in principle. Therefore, not only would the lack of any legal agreement result in conflict with the policy requirement, there are a number of other reasons why development outside the SDL would not constitute a rural exception under Policies CP15 and HC4 in this case.
13. Criterion 4 of Policy CP15 allows for development in the countryside where it is demonstrated it would be enabling development required to maintain a heritage asset of acknowledged importance. The Council has identified the public house as a locally important non-designated asset. The appellant argues that the development would allow much needed investment into the building and in the business. However, there is nothing before me which fully describes or quantifies the investment needed to ensure the heritage asset is maintained, particularly in terms of the physical appearance and fabric of the building. There is also nothing which demonstrates that the level of return from the development is the minimum necessary to carry out the required investment. In addition, it is also not clear that development outside the SDL is absolutely necessary in itself to deliver the investment required. Based on the evidence before me I am not persuaded that the proposal is consistent with criterion 4.
14. Irrespective of the housing proposed within the SDL and the proximity of the site to the SDL boundary, the development as a whole would conflict with the housing strategy set out in Policies CP2, CP3 and CP15 of the SDLP. Together these seek to focus development into the SDL of settlements in the hierarchy and limit development outside SDLs to that which meets specific exceptions.

Character and appearance, including the effect on the public house.

15. The design of the dwellings proposed would not complement that of the Pier View Hotel or the pitched roof red brick semi-detached housing that sits adjacent to the site. The different building types within the scheme would share a similar contemporary design and use of materials, with garden roofs, balconies and external staircases. Although paragraph 60 of the Framework states that decisions should not attempt to impose architectural styles, it also states it is proper to seek to reinforce local distinctiveness. Paragraph 58 also states that development should respond to local character. The resulting boxy appearance of the buildings, along with the particular use of materials, would appear jarring against the more traditional forms of the adjacent dwellings and the character of the public house itself.
16. The design and access statement states that there would be no dwelling in front of the pub. However, the submitted plans include one pair of semi-detached dwellings between the pub and the road, with another in front of the building line on the northern side of the proposed access. I must consider the proposal as submitted. The pub is clearly visible through the existing wide access and is an important and prominent feature of the street scene. The setting of this large and somewhat grand Victorian building is enhanced by the open spaces at the front and side. The result of the development would be to relegate the once prominent and important feature the rear of a house. This would not only harm the setting of the non-designated heritage asset, it would also significantly diminish the contribution the building makes to the current street scene.
17. Even with new landscaping, the dwellings to the front and the side of the pub would still be highly visible components of the street scene. They would also be clearly visible to visitors to the public house. The incongruous nature of the design of these dwellings would therefore be readily apparent from a number of publically accessible vantage points. The juxtaposition of the large Victorian public house set amongst the modern flat roofed dwellings would result in an incoherent and unsympathetic form of development, particularly when also considering the character of other housing in the immediate vicinity. This would constitute harm to the visual quality of the area, which could not be remedied by landscaping.
18. Notwithstanding the conflict with Policy CP15, the dwellings to the rear of the pub would be well screened and not as harmful to either its setting or the street scene. Nonetheless, they would still represent an encroachment into a pleasant open area outside the defined limits of the settlement. This would have an urbanising impact that would add weight to my overriding concerns over the effect of the development on local character.
19. The development as a whole would therefore result in unacceptable harm to the character and appearance of the area and a non-designated heritage asset. Accordingly, there would be conflict with SDLP policies CP4, HC1, CP14 and ES10 which seek, amongst other things, to ensure development is of a layout and design which protects and enhances the built environment, is compatible with the character and appearance of an area and protects the significance of locally identified heritage assets. There would also be conflict with paragraph 135 of the Framework in relation to the protection of non-designated heritage assets.

On-site Biodiversity

20. Evidence of a main badger sett was found on the site. The recommended mitigation was to design the development so as not to affect the sett through the provision of a 30 metre buffer and/or to move the sett within the site. Reference has been made in the appellant's evidence to addressing the mitigation strategy by condition. However, it is not clear from what is before me whether or not any of the measures suggested in the Phase 1 or Phase 2 surveys would be capable of being implemented within the current layout of the development. I note that the hedgerow near to the sett is to be maintained, but this may not be sufficient on its own to ensure adequate protection considering the proximity of dwellings. Without a detailed mitigation strategy, there can be no guarantee that the potential impact on badgers can adequately mitigated. In such circumstances, it would not be reasonable to address this issue by condition as it is possible that the condition could not be discharged. This would prevent the development proceeding.
21. The Council is concerned that additional survey work for dormice and reptiles recommended in the Phase 1 Habitat survey has not been carried out. Paragraph 99 of Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The Phase 1 survey clearly states the need for further survey work. I have noted the appellant's comments that the biodiversity officer told them such surveys were not necessary. However, there is nothing to corroborate this, or that the suggested mitigation would be acceptable. In light of the advice in the circular, as there is clear evidence of the potential for other protected species on the site that has not been ruled out, it would not be appropriate to conclude that additional survey work is not needed or to address the issue by condition.
22. A bat roost was found in the roof of the pub. I am satisfied there would be no direct impact on the species, though mitigation would be needed to minimise potential impacts. To this end, a lighting scheme has been provided which the appellant states is based on advice from the ecologist. There is nothing to corroborate this in the strategy itself. Based on what I have before me, I cannot be certain that the lighting strategy submitted would provide an appropriate solution. However, unlike the matters above I consider it likely that a solution to lighting and the retention of vegetation could be found within the current layout. Therefore, if I were minded to allow the appeal then this element alone could be addressed by an appropriately worded condition.
23. Nevertheless, based on the evidence before me I cannot be certain that the development would not cause unacceptable harm to protected species, in particular badgers. Accordingly, there would be conflict with SDLP policies CP8 and ES6 which seek, amongst other things, to resist development that could adversely affect protected species without appropriate mitigation and enhancement. There would also be conflict with paragraphs 109 and 118 of the Framework which seek to minimise the impact on biodiversity.

Flood Risk

24. The design and access statement states that drainage would be achieved through a small pond, with a large soakaway to collect surface water from the

majority of the site and smaller soakaways for the buildings to the north. I have noted the comments from the Council's Water Resources Engineer and the suggestion of a condition relating to drainage. This addresses the operation and management of the agreed drainage, but not the details of any scheme itself. The comments from the Lead Local Flood Authority (LLFA) suggest that there is insufficient evidence to determine whether the measures proposed would be adequate.

25. It is not necessarily unusual to address matters such as this by condition. Before considering such a course of action, there needs to be comfort that an adequate solution within the proposed layout is achievable in practice. There is limited detail on this in the evidence. The site is currently largely open and undeveloped. Even with the use of green roofs and sustainable construction techniques, the increase in built development and hard surfacing would be likely to have some effect on surface water.
26. SDLP Policy ES4 seeks to ensure development includes sustainable drainage measures (SUDs) which are informed by specific catchment and ground characteristics and the early consideration of a wide range of issues relating to the management, adoption and maintenance of SUDs. It is not clear that this type of assessment has been carried out or that the effects have been quantified. The evidence before me does not provide me with the necessary comfort that an appropriate strategy is achievable within the layout proposed. Again, it would not be reasonable to address this by condition as there is no guarantee it could be discharged.
27. Accordingly, based on the evidence before me, there would be conflict with Policy ES4 and paragraph 130 of the Framework which seek to ensure flood risk is not increased elsewhere and the site is appropriately flood resilient and resistant.

Protected Habitats

28. The development would be located within the visitor catchment identified by the Council for the SPA, SAC and RAMSAR site. As the 'competent authority' in this appeal I am required by the Habitat Regulations to decide whether the development, either alone or in combination with other plans or projects, would be likely to have a significant adverse effect on the integrity of these designated habitats.
29. The limited evidence before me does not provide adequate comfort that there would be no unacceptable impact, including from any additional pressure from an increase in visitors. There is also no evidence relating to the effects of cumulative development in the area. Neither party has referred me to any mitigation strategies that exist for the SPA/SAC. Reference is made to further discussions having taken place and that alternative green space nearer to the site is available that would soak up any additional pressure. Again, the full outcome of the discussion is not before me and the open space in question not identified. I cannot conclude therefore that this would be sufficient to avoid any impact on the protected habitats or that it would provide satisfactory mitigation should adverse harm exist.
30. As with my concerns over protected species on the site itself, it would not be appropriate to address this issue by condition, particularly if the mitigation needed were to involve land outside the control of the appellant or required a

financial contribution. In these circumstances, acting in accordance with the precautionary principle, I find the development unacceptable in relation to this issue and thus contrary to SDLP Policy ES6, which seeks to protect all sites of European importance, including SPAs and SACs.

Other Matters & Planning Balance

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework confirms the statutory status of the development plan as the starting point for decision making. One of the core planning principles set out in paragraph 17 of the Framework is that planning should be genuinely plan-led. The conflict with the development plan identified above therefore carries very significant weight.
32. I recognise that parts of the development are within the SDL and the development would contribute to the housing land supply. However, in the context of the five year supply, and with no evidence of a specific local need, this would not outweigh the conflict with the housing strategy or other harm I have identified.
33. Although not 'enabling development' in the context of relevant policies, I have still had regard to the benefits that would be associated with investment in the public house. I recognise the importance that such facilities can have both socially and economically in an area. However, there is no substantive evidence before me that the pub would inevitably close if the appeal were dismissed or that that the same benefit could not be achieved in another policy compliant or less harmful way. I have not therefore given this factor significant weight in my decision. While I acknowledge the investment that has been made in submitting this and previous applications, this does not justify allowing something which would cause unacceptable harm.
34. The provision of low carbon housing and the district heating system is noted. I recognise that such aspects of the development would meet the requirements of some policies in the SDLP. Future occupants would also be able to access facilities within the settlement. These factors would provide both environmental and economic benefits, which carry moderate weight in favour of the proposal. However, these benefits are not necessarily dependent on the specific character or extent of the development proposed and thus do not justify the potential environmental harm or conflict with strategy.
35. I have considered the discussions between the appellant and highway authority and am satisfied that the issue could be addressed by condition. However, a lack of harm in this respect would be neutral and weigh neither for nor against the development. The same would apply for a lack of harm associated with the effect on living conditions of neighbouring residents.
36. The appellant's concern with the way the application was handled by the Council is a matter between the two parties and has little bearing on my decision. I have considered the appeal based on the evidence before me and my observations of the area.
37. There are clearly some policy compliant elements of the proposal and some associated social, economic and environmental benefits. However, when all

matters are taken into account these factors do not outweigh the conflict with the development plan strategy, the harm to the character and appearance of the area or the significant outstanding area of concern and the potential effects on protected species, protected habitats and drainage. As such, the benefits and other material considerations considered above do not justify making a decision other than in accordance with the development plan.

Conclusion

38. For the reasons given above the appeal should be dismissed.

S J Lee

INSPECTOR

DEVELOPMENT MANAGEMENT SERVICE

APPLICATION & ENFORCEMENT PERFORMANCE STATISTICS OVERVIEW

Dear Councillor,

It was agreed earlier this year that it would be useful to circulate development management performance statistics to all members to provide an overview of the service. These figures will be provided on a half yearly basis and from next year will be circulated in April and October via the Members Weekly Update. They will also be attached for information to the agenda of the next available Development Control Committee following that circulation.

The statistics relate to planning (and other) applications and enforcement cases. They do not, at present, capture pre-application submissions or enforcement compliance cases.

The statistics show the number of planning applications received and determined in each quarter, in addition to a total number, alongside figures for the last 3 years' figures that have been provided for comparison. The statistics also refer to the % rates for determination within statutory timescales, again with comparative years' data.

This year, also included is some basic comparative information covering the Covid 19 period since 23rd March 2020 with previous years.

The enforcement data concentrates on complaints received which required investigation and those closed per quarter. Cases received where no action was required are not included in the figures.

If you have any queries regarding the figures, please don't hesitate to contact me.

Geraldine LeCointe

Head of Development Management

Development Management Applications

**Geraldine LeCointe, Head of Development Management
Email: Geraldine.lecointe@stroud.gov.uk**

Table 1: Planning Applications – Received

Development Management	2020		2019		2018		2017	
	No of applications received per quarter (Excludes Pre-applications)	Q1	705	Q1	692	Q1	735	Q1
	Q2	604	Q2	686	Q2	674	Q2	730
	Q3	740	Q3	694	Q3	673	Q3	726
	Q4	561*	Q4	651	Q4	645	Q4	620
	Total	2610*	Total	2723	Total	2727	Total	2829

*Q4 figure only up to 04.12.2020

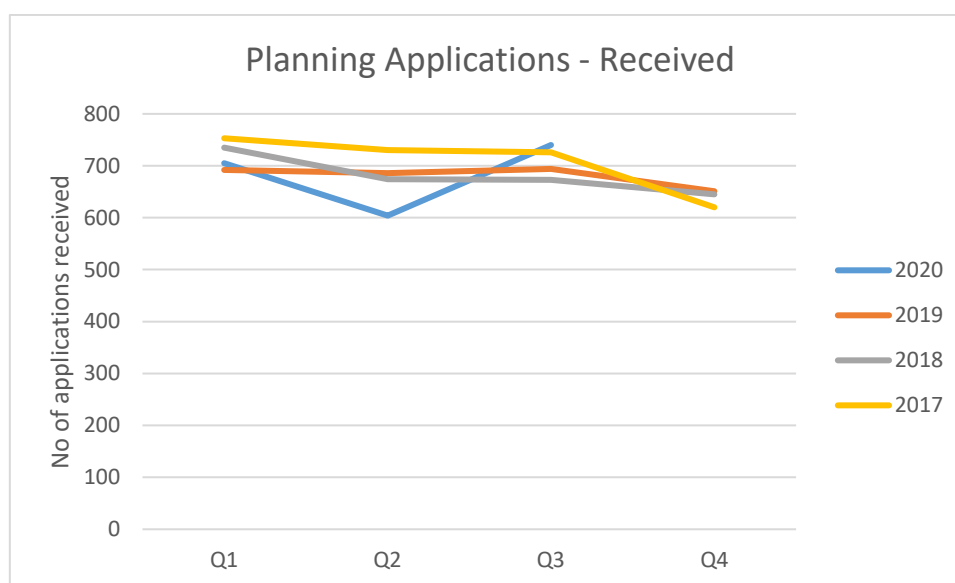


Table 2: Planning Applications received – Covid period

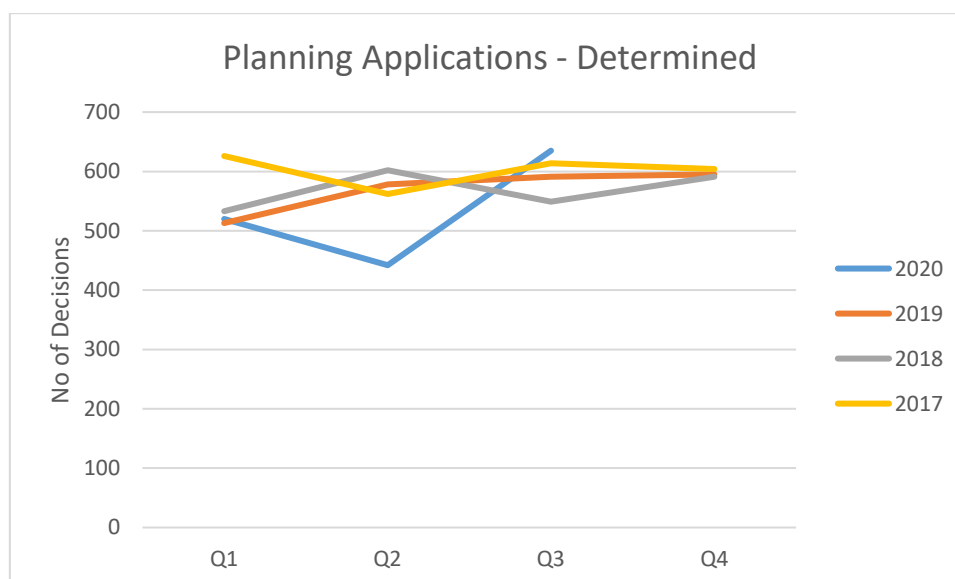
Applications received – Covid period				
COVID Pandemic - comparison	2020	2019	2018	2017
No of applications received between 23rd March to 4th December (Excludes Pre-applications)	1952	1924	1903	2027

Table 3: Planning Applications – Determined

Development Management		2020		2019		2018		2017	
		No	% in time	No	% in time	No	% in time	No	% in time
No of applications determined per quarter (Excludes Pre-applications)	Q1	520	85%	513	88%	533	87%	626	91%
	Q2	442	89%	578	86%	602	89%	562	88%
	Q3	635	95%	591	84%	549	84%	614	84%
	Q4	531*	94%	595	88%	591	85%	604	86%
	Total & Average % for Year	2128*	91%*	2277	87%	2275	86%	2406	87%

*Q4 figure only up to 04.12.2020

Government determination targets are 60% for Major application



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Table 4: Planning Applications determined - Covid period

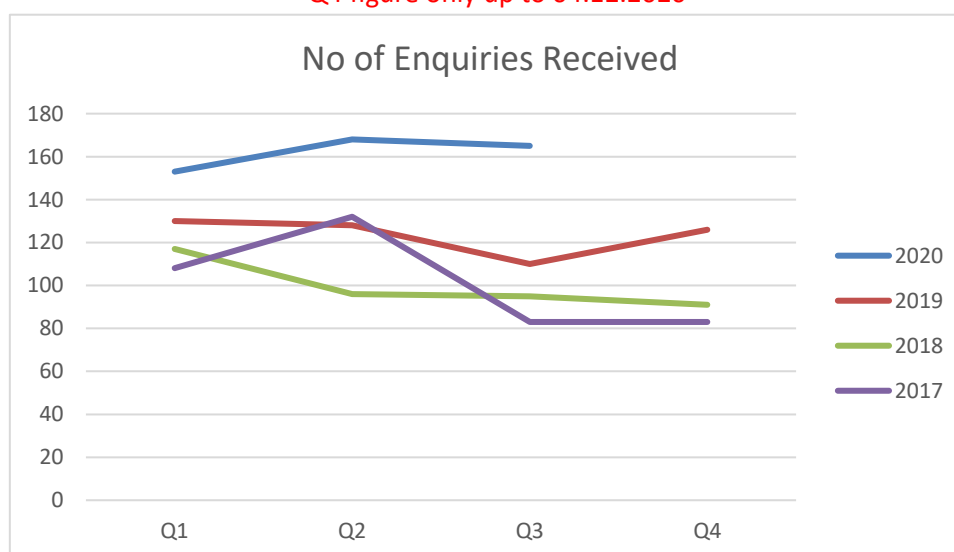
Applications determined - Covid period				
COVID Pandemic - comparison	2020	2019	2018	2017
No of applications determined between (23rd March to 4th December) (Excludes Pre-applications)	1653 of which 93% in time	1645 of which 86% in time	1651 of which 86% in time	1707 of which 86% in time

Enforcement Statistics

Table 5: Enforcement Enquiries – Received

Enforcement	2020		2019		2018		2017	
	No of enquiries received per quarter (Excludes compliance, No action & solicitor/estate agent queries)	Q1	153	Q1	130	Q1	117	Q1
Q2		168	Q2	128	Q2	96	Q2	132
Q3		165	Q3	110	Q3	95	Q3	83
Q4		99*	Q4	126	Q4	91	Q4	83
Total		585*	Total	494	Total	399	Total	406
Annual Percentage Increase/Decrease on previous year	↑ 18%		↑ 24%		↓ 2%		↑ 7%	

*Q4 figure only up to 04.12.2020



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Table 6: Enforcement Enquiries received - Covid period

Enforcement Enquiries received - Covid period				
COVID Pandemic - comparison	2020	2019	2018	2017
No of enquiries received between (23rd March to 4th December) (Excludes compliance, No action & solicitor/estate agent queries)	442	346	268	296

Table 7: Enforcement Enquiries – dealt with and closed

Enforcement	2020		2019		2018		2017	
	Q1	Q2	Q1	Q2	Q1	Q2	Q1	Q2
No of enquiries resolved/closed per quarter (Excludes compliance/No action & solicitor/estate agent queries)	203	108	197	110	97	60	86	86
	152	88*	66	180	84	105	92	98
	88*	551*	66	180	84	105	92	98
	551*	553	346	362	346	346	362	362
	551*	553	346	362	346	346	362	362

*Q4 figure only up to 04.12.2020

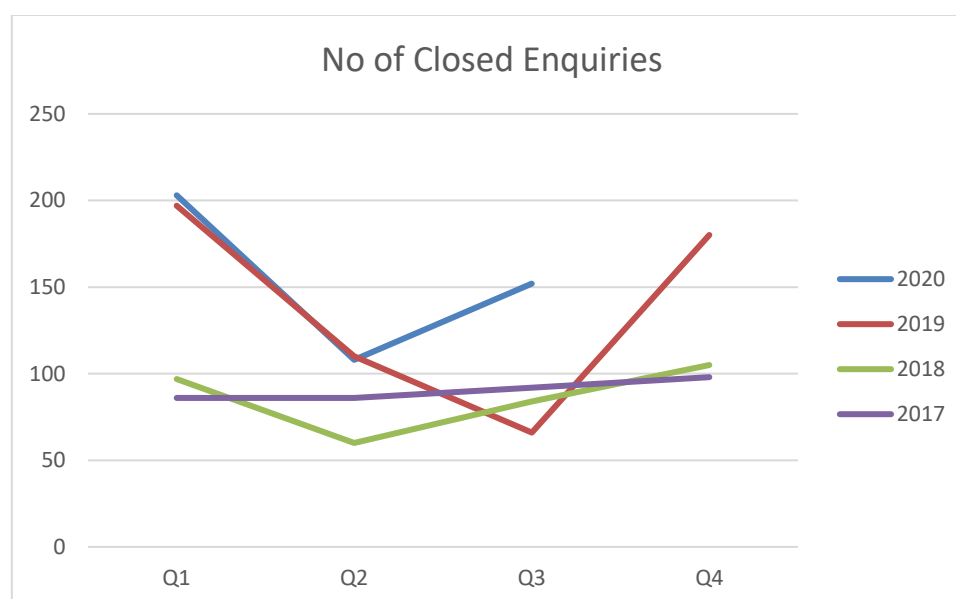


Table 8: Enforcement Enquiries closed - Covid period

Enforcement Enquiries closed - Covid period				
COVID Pandemic - comparison	2020	2019	2018	2017
No of enquiries closed between (23rd March to 4th December) (Excludes compliance, No action & solicitor/estate agent queries)	360	322	224	264

Table 9: Enforcement/Breach of Condition Notices - Served

Notice Type	2020	2019	2018	2017
No of Enforcement notices	4*	2	4	2
No of Breach of Condition notices	0*	0	0	0

*Up to 04.12.2020

Breakdown of Enforcement/Breach of Condition Notices Issued in 2020				
Case Reference	Address	Notice Type	Date issued	Compliance Date
S.19/0517/BRCON	Crown Inn, High Street, Minchinhampton	Listed Building Enforcement Notice	19.08.2020	Notice complied with
S.19/0074/UNBWK	Land Opposite New Inn, Waterley Bottom, North Nibley	Enforcement Notice	21.02.2020	Notice nullified at appeal
S.19/0332/UENG	Lot 1 & 2 Waterley Bottom, North Nibley	Enforcement Notice	14.02.2020	Appeal against notice dismissed. 26 th December 2020
S.14/0453/UNLB	Delacy Cottage, The Street, Frampton On Severn	Listed Building Enforcement Notice	14.02.2020	4 th May 2022