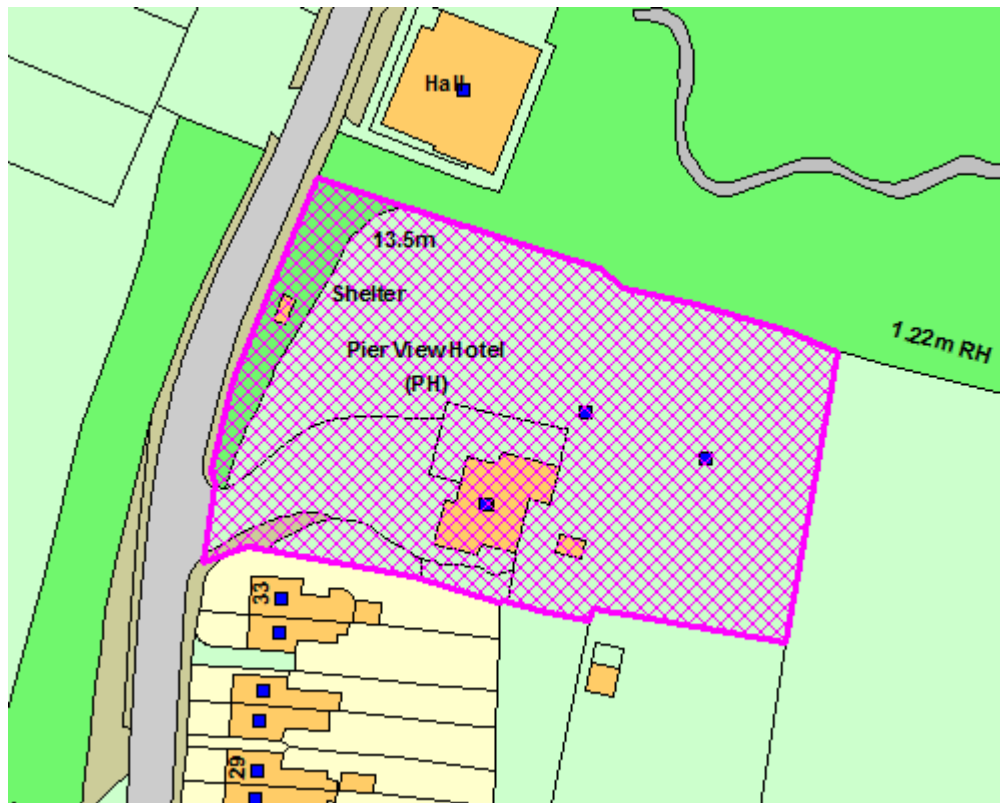




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Item No:	3
Application No.	S.19/2678/FUL
Site Address	Pier View, 34 Oldminster Road, Sharpness, Berkeley
Town/Parish	Hinton Parish Council
Grid Reference	367460,202081
Application Type	Full Planning Application
Proposal	Erection of 14 dwellings, together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





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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 Council's website:

https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf

Local Plan policies considered for this application include:

- CP1 - Presumption in favour of sustainable development.
- 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 EI6 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 rights 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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