



Your Ref: S.22.0460 FUL

Our Ref: CP0004

Planning Committee
Stroud District Council
Ebley Mill
Stroud
GL5 4UB

BY EMAIL ONLY

15 January 2023

Dear Member,

RE: PLANNING APPLICATION S.22.0460 FUL (Farmhouse Triangle Extension)

I am writing at short notice on behalf of the applicant regarding planning application S.22.0460FUL (Farmhouse Triangle Extension) for reasons that will be briefly explained in this letter. I hope the commentary below and attached will allow sufficient opportunity to consider the merits and planning justification for granting planning permission against an officer recommendation for refusal.

There are many important inaccuracies in the Committee Report which underpin the refusal recommendation and it is of significant concern to the applicant that Members may be led into making a misinformed decision.

Given the volume of erroneous information which has only been available to us for a few days, the detail of our concern is set out in two appendices. It is also summarised in this letter for ease.

- Appendix 1: Planning fact check sheet
- Appendix 2: Ecology fact check sheet

I hope Members can bear with the applicant whilst this is brought to their attention especially in the circumstances explained below.

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Farmhouse Triangle concept and consultation

The context for this application is important. It has taken over 2 years of local consultation to formulate the proposals including site visits with Parish Councils, exploration of alternative options (and sites), regular meetings to present proposals, a dedicated website and two public exhibitions (when Covid restrictions allowed).

The proposals are important to Hunts Grove because they provide:

- A mix of family and smaller homes for those entering the housing market as requested by the Housing Officer.
- 30% affordable homes.
- The re-use of Haresfield Farmhouse as a commercial community hub enterprise rather than demolition as currently approved.
- Small-scale local retail and commercial space for local businesses.
- The provision of two allotment sites more evenly spread walking and cycle access to all of Hunts Grove and improved facilities including new raised beds for less able people a groundsman's store plus a net increase in overall provision of 116%.
- Additional 57% net bio-diversity gain through the provision of a new wildlife area in an appropriate location (which is beyond the emerging national requirement for 10%).
- Relocation of newts from Haresfield Farm pond away from housing to a better connected set of ponds and a dedicated new managed habitat area is a robust long-term solution.
- 2% self-build dwellings.
- A detailed design that actively responds to the Build Better Commission values and re-provides the lost 2008 Masterplan gateway to Hunts Grove.

The proposals are community, environmentally and sustainably led. They complete the Farmhouse Triangle and seek to create a legacy that the Hunts Grove community has invested time in creating with the applicant. For the community it also sets the tone for the future quality they may expect. This includes a greater sense of place and character that provide streets, squares and public places which will contribute significantly to the quality of community life within Hunts Grove.

The applicant has gone to great lengths to align with new Government policy for housing as expressed through National Design Guidance and more recently reinforced by the newly created Government Office for Place. This is through support for a wider mix of facilities placed within easy reach to better support residents

more effectively at every stage of their lives and encouraging walking and cycling as primary transport modes. This benefits not only health but encourages social interaction and makes Hunts Grove a place where a local community can flourish on the 10 minute walkable neighbourhood principles.

It is in this context that Table 1 (later in this letter) summaries the planning balance and the weight to be attached to different aspects of the proposals based on the Stroud Local Plan, the National Planning Policy Framework and other demonstrable evidence. It compares this to the Committee Report balancing exercise.

This letter also addresses the recommendation for refusal. It concludes by respectfully suggesting that Members can use their judgement to reach a different conclusion to that set out in the Committee Report and support the proposals.

Context for the officer recommendation

Members of the Committee have the officers' reasons for refusal, but it is important to note the following:

- Validation took place in February 2022 and over the last 12 months the case officer has not meaningfully engaged with the applicant despite many requests. The report is based on no communication with the applicant to understand the submission.
- After 12 months of a live planning application, the first time biodiversity officer comments were receive was 6 January 2023. This left no time to respond before the Committee Report was published and there has been no reply to requests to engage since.
- The applicant held a Teams meeting on 12 September 2022 with the housing officer and the original affordable housing offer was altered in October 2022 to match that advice. The applicant has always been willing to support affordable housing delivery and to agree reasonable amendments when requested.

Officer engagement matching that of the local community would have enabled a more balanced report to be written to Members so that a reasonable planning judgement could be reached. In the absence of any meaningful engagement the remainder of this letter and its appendices explain how and why Members could reach a decision to support the proposals.

Why planning permission could be granted by Members

Having regard to several important errors in the Committee report this letter explains why Members could reach a positive conclusion and grant planning permission based on a transparent assessment of the Development Plan and a reasonable Planning Balance.

Development Plan (Adopted Stroud Local Plan)

28 Development Plan policies are listed as relevant in section 7.2 of the Committee Report of which conflict is claimed by the case officer with 7 policies in the reasons for refusals (SO1, CP4, CP6, CP8, CP9, ES6 and HC1). It is therefore agreed that at least 21 of the policies of the Development Plan are met.

The applicant also notes policy ES13 has not be applied and yet it directly relates to the re-use of recreational land (including allotment land). It was assessed in Copperfield's original planning supporting statement in January 2022 which explained the proposals met the policy test because they provided better allotment provision, thus meeting criterion 2 of the policy because:

- 53% of the proposed allotments would be situated in their current location at Farmhouse Triangle but with enhanced facilities including:
 - Groundsman's Store
 - Raised planting beds for accessibility (as illustrated on the landscape drawings)
- 63% of the proposed allotments would be situated directly off the existing metalled PRoW to the south of the M5, which is closer in walking and cycle distance to the northern and eastern parts of Hunts Grove than those at Farmhouse Triangle supporting walkable neighbourhoods.
- There would be a 16% increase in allotments when compared to a 2% increase in housing.
- The allotments to the south of the M5 would benefit from being surrounded by a managed nature area.

In response to the remaining 7 policies where non-compliance is claimed the following observations are drawn to Members attention:

SO1 (Accessible Communities) is a strategic objective which seeks to *"...enable a greater range of service and leisure provision, which can be used by people living within the existing settlement as well as those inhabiting the new development."* The location of the two allotment sites improves the overall quantum at Hunts Grove and supports a 10 minute (800m) walkable neighbourhood which the current proposals do not. 'Sustrans' tells us that 80% of all journeys under 20 minutes are made by foot. We should encourage this especially in respect of recreational pursuits.

CP4 (Place Making) amongst other matters, expects proposals to *"1....reduce car dependency, improve transport choice, support local community services..."*. Whilst the policy is not directly related to allotments, the location of the two allotment sites seeks to increase pedestrian and cycle access and reduce car dependency (see above).

CP6 (Infrastructure and Developer Contributions), as a 116% net increase in allotment provision is proposed alongside the completion of a S106 agreement covering requested contributions there is no obvious conflict with any aspect of policy CP6.

CP8 (New Housing Development), there is no obvious conflict with policy CP8 as the proposals support pedestrian and cycle access to both allotments (policy criterion 2) and provide more community facilities in the form of commercial/ shop units, commercial community hub and a net increase in allotments (policy criterion 3). They also provide an additional bio-diversity net gain of 57% (last paragraph) which is exceptional.

CP9 (Affordable Housing), a full 30% affordable housing provision is proposed with a 50 affordable rent/ 50 intermediate tenure and an approach to mix that was requested by the housing officer focusing on a greater proportion of 1 bed flats at this site. There is no discernible external or internal difference between affordable housing and market housing (see submitted house type details).

ES6 (Biodiversity and Geodiversity), as set out in Appendix 2 it is the professional opinion of Dr Peter Shepherd that the current newt mitigation strategy for Hunts Grove will not support a local newt population with or without the proposals in this planning application. Moreover, the new bat barn is better located and likely to be maintained when used. In accordance with the last paragraph of policy ES6, compensatory measures are proposed which in Dr Shepherd's expert opinion:

"..the concerns expressed by the officers are fully addressed by the proposals for newt and bat mitigation and indeed a better solution will be achieved that secures the long term favourable conservation status of the protected species. As such it is considered that the recommendations for refusal on the grounds of adverse impacts on newts and bats should not weigh against the determination of the application. In fact the improved mitigation measures are considered a positive element of the application."

HC1 (Small-scale Housing Need Within Defined Settlements), as with Policies CP6 and CP8, there is no obvious conflict with policy HC1 regarding refusal reason 2 (loss of community facility). There is no loss of open space that is important to the character of Hunts Grove (criterion 4), and it has a layout that focuses on sustainable walking and cycling for access in accordance with other aspects of the development plan (criterion 9). It is acknowledged there is less convenient car access for occasional deliveries to the second allotment site, but no objection from Gloucestershire County Council.

In conclusion it is extremely difficult to see how the policies quoted in the reasons for refusal are justified especially as none are transparently discussed, referenced or quoted anywhere Committee Report.

By comparison the original planning statement of January 2022 provides a full and transparent analysis of the development plan but this has not been brought to Members attention in the Committee Report.

The above illustrates that, rather than supporting the reasons for refusal, policies represent support for the grant of planning permission when openly interrogated. Members are invited to consider there is no material conflict with any of the 29 relevant development plan policies.

Paragraphs 11c and 47 of the NPPF as well as Section 38(6) of the Planning and Compulsory Purchase Act explains that LPAs should grant planning permission where proposals accord with an up-to-date development plan unless material considerations indicate otherwise. Our conclusion is that the proposals are aligned with the development plan and material considerations are discussed below.

Planning Balance and Material Considerations

The Committee Report discusses each matter in the planning balance in sections 8-14 and concludes at section 15. It represents a planning judgement and Members can reach a different conclusion especially considering the supportive development plan summary above.

In Appendix 1 of this letter the applicant demonstrates many errors throughout Sections 8-14 of the Committee Report, some clearly contrary to the National Planning Policy Framework and some very clearly demonstrating unreasonable bias when attributing weight.

It is respectfully requested that Members consider the reliability of the balancing exercise for the detailed reasons in Appendix 1. To assist a table is provided below which summarises the Committee Report’s assessment of the planning balance. It also provides an alternative evidence-based weighting of the planning balance and a short summary explanation to illustrate how Members may approach their own rebalancing.

Committee Report Topic	Officer Weighting	Applicant Weighting	Summary of Applicant’s Reasons for Weighting
Principle of Development Hunts Grove Allocation (Policy SA4)	<i>Substantial negative weight</i>	Development Plan weight in favour (Significant positive weight)	The site is allocated for housing and the policy requirement is for a Masterplan for the adjacent site. There is no conflict with SA4 and the principle should be given positive development plan weight.
Socio-economic (Affordable housing and self-build)	<i>Modest positive weight</i>	Development Plan weight in favour (Significant positive weight)	30% affordable housing and 2% self-build is compliant with the development plan. It must be given positive development plan weight. It also represents 20% of total Stroud annual affordable housing delivery as per paragraph 1.37 of the Planning Obligations SPD 2017.
Socio-economic Commercial and Community benefits	<i>Neutral positive weight</i>	Significant positive weight.	Paragraph 81 of the NPPF tells LPAs “ <i>significant weight should be placed on the need to support economic growth and productivity</i> ”.
Community Allotments	<i>Substantial negative weight</i>	Development Plan compliant. Moderately beneficial (improved	Demonstrably biased assessment of weight (see Appendix 1 for explanation). Also, policy ES13(2) compliant

		facilities and quantum)	but not referred to in Committee Report.
Design	<i>Neutral weight</i>	Development Plan weight in favour (Significant positive weight)	Paragraph 124 of the NPPF explains that significant weight (rather than neutral weight in the Committee Report) should be given to development that reflects local design policies.
Landscape	<i>Moderate negative weight</i>	Neutral	No assessment by a qualified landscape officer/ consultee to support the assertion of negative weight.
Historic	<i>Neutral weight</i>	Great positive weight	Paragraph 199 of the NPPF tells councils to give great weight to an asset's conservation (including non-designated heritage assets like the Haresfield Farmhouse which already has permission for demolition).
Ecology	Substantial negative weight	Neutral or positive weight	The proposals for newt and bat mitigation represent a better solution that secures the long-term favourable conservation status of the protected species.
Net Bio-diversity gain	-	Significant positive weight	The Environment Act expects 10% bio-diversity net gain. This proposal achieves an unprecedented 57% gain.
Highway	<i>Neutral weight</i>	Neutral weight	No highway or sustainable travel harm or benefit arises. No objection from consultees.
Planning Obligations	-	Neutral weight	The applicant is willing to enter a S106 agreement that meets CIL Regulation 122(2)

Given the above, Members are again respectfully requested to revisit Section 15 (the planning balance) of the Committee Report and consider exercising their own reasonable judgement. The applicants' conclusions are:

- There are many instances across Hunts Grove where the approved development is materially different to the two Masterplans which are now 17 and 8 years old respectively. Members can be flexible especially where it would support the preferences of the Hunts Grove community who we have worked to support. There is no conflict with development plan policy SA4 either (see Appendix 1 for detail).
- There is no net loss of allotment land. There is a net increase of provision and quality including better access for less able people.
- Having two sites would make allotment access much more convenient to a greater proportion of Hunts Grove by sustainable means (walking and cycling) to reduce car dependency, thus supporting the principle of 800m walkable neighbourhoods.
 - For those that are less able the Farmhouse Triangle site will still provide 53% of the allotments which are convenient for private car access.
 - For those wishing to embrace a more sustainable and walkable future, the Pool Farm allotments south of the M5 bridge provide 10-minute walkable (800m) access. Less convenient access for private cars is also provided to enable deliveries as well as being acceptable to Gloucestershire County Highways.
- Members are invited to give moderate, positive weight rather than substantial negative weight to a carefully considered set of sustainable allotment proposals.
- Allotments are not intended to mitigate any ecological loss as suggested. A substantial and newly created separate ecological area is proposed. A 57% overall bio-diversity net gain will be delivered as well as full mitigation for the removal of the man-made Harefield Farm pond (Appendix 2 provides Dr Shepherd's clarification based on his 20 years' experience on site).
- A judgement on landscape impact has been made without following any of the Landscape Institutes Guidance on LIVA which is normally applied when reaching an informed and balanced conclusion. It would be unreasonable to give any weight to the conclusion of moderate harm.
- 30% of the qualifying dwellings are affordable and as agreed by the housing officer this meets the development plan requirement. As with so many appeal decisions, development plan weight (very substantially positive) should be applied, not moderate weight against.
- The applicant followed affordable housing mix advice provided during a Teams meeting on 12 September 2022 with the housing officer to include additional smaller dwellings (1 bed apartments) for affordability reasons as well as larger dwellings as houses rather than flats. They would be willing to amend this in light of the late housing officer response as part of concluding a S106 agreement.

Based on evidence, good practice and many different appeals where the weight attributed to the above has been discussed previously, Members are invited to discard the conclusion at 15.6 of the Committee Report. The Committee Report contains too many errors, evidence of bias and fails to follow National Planning Policy. It also mis-represents development plan policy in some instances.

In the absence of positive engagement from the case officer during the last 12 months and the very late receipt of the ecology and housing officer responses (published online on 6 January 2023) the applicant has been left with no alternative but to submit this late rebuttal letter which we believe illustrates how Members could exercise their judgement and reach a conclusion that:

- The proposals accord with all 29 development plan policies (Stroud Local Plan).
- The planning balance is clearly and firmly in favour of granting planning permission on this allocated housing site having had transparent regard to the matters discussed above and in Appendix 1 and 2 of this letter.
- The applicant will enter into a S106 agreement as previously stated.

The applicant therefore requests that Members consider exercising their ability to reach a different conclusion to the Committee Report in light of the above information and support the proposals based on the benefits clearly outweighing the impacts.

Likewise given the late affordable housing comments which differ from those provided during the Teams meeting in September, the applicant would be pleased to discuss a revised affordable housing mix through the S106 agreement process if Members were able to support the proposals that represent over 2 years of local consultation.

I will be attending Committee and would be pleased to expand on any of the matters raised if Members have any questions. Once again, I apologise for this late representation and the length of it but this was due to circumstances outside of our control.

Yours sincerely,



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APPENDIX 1: Planning fact check sheet (Planning Balance)

Prepared by Copperfield

This note provides a more detailed commentary on aspects of the Committee Report to amplify and explain some of Copperfield covering letter conclusions.

It is a technical exercise to support Members in their decision-making capacity. It is structured to focus on the planning balance and reasons for refusal set out in the Committee Report and comments on the following:

- Principle of development
- Socio-economic considerations
- Housing
- Community Facilities
- Design and Layout
- Landscape
- Historic
- Ecology (see separate Appendix 2)
- Highways and Accessibility
- Planning Obligation
- Planning Balance

Principle of Development

- Hunts Grove as a whole is an allocated housing (Policy SA4) site and therefore the principle of housing and affordable housing should not be in question. The local plan proposals map provides a blanket allocation and does not distinguish the use of this location from any other part of Hunts Grove.
- Policy SA4 seeks the approval of a masterplan for land south of Haresfield Lane not the site subject of this application. The proposals cannot be contrary the requirement for alignment with a future masterplan for the adjacent site.



- We acknowledge the proposals are different to the two adopted masterplans accompanying planning permissions S.06/1429/OUT and S.15/1498/VAR. These masterplans may be material considerations but are not development plan policy. There are also many instances across Hunts Grove where approved development is materially different to the Masterplans of 17 and 8 years old respectively. Members could therefore decide to exercise some flexibility as they have in other areas of Hunts Grove.

Socio-economic considerations

Housing

The officer assessment of weight to be attached to the delivery of housing on an allocated site is inconsistent with numerous appeal decisions across the UK and the emphasis the Government continues to place on housing and affordable housing delivery.

- The rest of Hunts Grove was subject to 0% affordable housing within its planning permission. Therefore, both the 30% affordable and the 2% self-build proposed in our scheme must be given Development Plan policy compliance weight (ie. 'very substantial') and not limited weight as suggested by the officer. It is not contrary to Policy CP9 in this regard.
- Paragraph 1.37 of the Council's adopted Planning Obligations SPD states, "*In order to create balanced communities, the mix of affordable housing should broadly reflect the mix of market housing on the site. However, in some circumstances this may not meet housing need and a different mix may be required in order to balance provision. Early discussion with the Council is encouraged in order to agree the most appropriate mix for a site.*" The Applicant followed advice given during a Teams meeting on 12 September 2022 with the Affordable Housing Officer to provide additional smaller dwellings including 1 bed apartments for affordability reasons as well as providing larger dwellings as houses rather than flats. The late consultation response (received 6th January 2023) suggests that the revised affordable housing mix is not compliant but gives no details or evidence why?
- The applicant would support an opportunity for a second discussion with the affordable housing officer as part of concluding a S106 Agreement to make reasonable adjustments to the mix. The tenure split of a 50 affordable rent/ 50 intermediate is aligned with policy.

Community facilities

- The officer's consideration of commercial and community facilities is demonstrably biased and unreasonable. Paragraph 9.2 of the report acknowledges the benefits of community and commercial proposals, but then attributes neutral weight 'because it would not make the proposed development acceptable'. This is a biased rebalance of the specific benefits to the community of this element. As with affordable housing delivery, there are



numerous appeal decisions that give significant weight to this type of community benefit which can then be considered with the rest of the balancing exercise to reach an overall conclusion.

- The applicant is concerned by statements such as that at 9.3 of the Committee Report which claims there is a lack of detail in respect of the commercial floorspace. This application is a full application with all details, floor plans etc provided to the same detail as the housing and other elements.
- The statement at 9.4 *“The proposed development would reduce the area of the allotments to be provided for the Hunts Grove development by a significant amount”* is incorrect. Paragraph 9.5 confirms 116% (ie over provision) is provided across two sites, both serving Hunts Grove. The significant decrease is in fact a significant increase.
- There is not a 50% loss of allotments as suggested, but a 116% gain overall. Noting 47% are proposed to be relocated (access is discussed below). In quantum terms this must be a benefit in the planning balance.
- The quality of allotment provision is improved including raised planters for less able people and dedicated storage via a groundsman’s building. In quality terms this must be a benefit in the planning balance.
- 9.6 of the Committee Report claims the second allotment site would be poorly located and separate from the Hunts Grove community by the M5 motorway further separated by being in an adjacent parish. The Committee Report fails to acknowledge by walking and cycling (ie the most sustainable transport means), they are closer to residents in the northern part of Hunts Grove when the route is measured. Moreover, the administrative boundary does not deter Hunts Gove residents regularly using this walking and cycling route for leisure already. It was clear from speaking to residents at our public consultation that some preferred the second allotment site due to its convenience and it helps achieve the concept of an 800m walkable neighbourhood which a single allotment site would prevent. This is a significant sustainable benefit.
- It is acknowledged travel by private car would be less convenient to the second allotment site, being more circuitous. However, it is not the policy of the Council or the development plan to encourage car use, especially when a walking or cycling alternative is convenient and available. For those needing convenient access by car (ie those with mobility difficulties) there are still many allotments (ie 53%) to the north of the M5 at the Farmhouse Triangle in the first allotment site. At worst the effect is a minor negative one for a small number of car users and may reduce the significant allotment benefit to moderate. This does not take away from the separate significant affordable housing and



community facility benefits of the commercial/ shop units and commercially operated community hub as suggested.

Design and Layout

- Paragraph 124 of the NPPF explains that significant weight (rather than neutral weight in the Officer Report) should be given to development that reflects local design policies or is outstanding or innovative or helps raise the standard of design generally (paraphrased). The proposals not only reflect local design policy but also National Design Guidance.
- As with paragraph 9.2, paragraph 9.4 (design) of the officer's report demonstrates clear bias, by stating "*Officers are satisfied that the design and layout of the development is acceptable and consistent with the emerging development associated with the wider Hunts Grove area. However, this does not make the proposed development otherwise acceptable and as such neutral weight is attributed to this factor.*" Two errors emerge, the first is not applying paragraph 124 of the NPPF (and applying significant weight); the second is then applying neutral weight because it would not make the development acceptable. The former is a failure to apply national policy, the second is demonstrable bias in the weighting exercise.
- The masterplan for the approved Farmhouse Triangle (FHT) and the Farm House Triangle Extension (FHTE- subject of this application) sites embodies the principles of beauty, character and sense of place that underpins the National Design Guidance. Together these sites form a neighbourhood designed to be the centre that Hunts Grove, which the development, currently lacks. To do this, this neighbourhood is planned around a tight structure of interconnected streets, lanes and squares, the sort that you would expect at the heart of a traditional settlement. In addition to this the FHTE introduces a new mixed use community element around several of the green squares giving the centre a sense of purpose and links it directly to the community centre and playing fields next door. The old farmhouse on the FHTE site is retained and restored providing a natural connection with the locality and its past. The surrounding houses in the neighbourhood are also designed to ensure a diversity of architecture drawn from the local vernacular of the surrounding area so that the result is familiar and once complete should appear as if it had always existed there.

Landscape

- The planning officer concludes at 10.1 there would be harm caused to landscape impact of a moderate weight yet there is no professional landscape officer response to the application to support this. Moreover, the judgement has been made without following any of the Landscape Institutes Guidance on LIVA which is normally applied when reaching an informed and balanced conclusion. It would be unreasonable to give any weight to the assessment



Historic

- The officer's assessment of the traditional farmhouse is factually incorrect. The extant outline planning permission included the demolition of the farmhouse except for one small barn. This application therefore saves a building which officers state at 11.1 to be non-designated heritage asset. The NPPF tells councils to give great weight to an asset's conservation this is substantially different to the neutral weight attributed by the case officer.

Ecology

- Please Appendix 2 for full details of this matter provided by Dr Peter Shepherd of BSG Ecology.

Highways and Accessibility

- It is important that both National Highways and Gloucestershire County Council support the proposals from a sustainable travel and highway perspective. The applicant would be pleased to work with GCC via a planning condition to provide a bespoke travel plan for this application and clarify any further tracking queries. However, compliance with the Stroud Local Plan must be given its proper weight. It must be given development plan weight and not neutral weight as suggested in the officer's report. Again, the report puts Members at risk of making an unreasonable decision based on unreasonable and incorrect information.
- Whilst there is no planning policy to require convenient access to allotments by car there are however policies that support greater ease of walking and cycling which these proposals achieve. They ensure allotment provision is more accessible by these means by bringing them closer to the northern part of Hunts Grove which would otherwise be well outside the 800m walkable neighbourhood distance.
- Due to the retention of 53% of the allotments at the Farmhouse Triangle, those that need convenient vehicular access due to mobility problems still benefit from easy access. This is supported by raised allotment planters not currently provided under the extant planning permission for the site.

Planning Obligation

- The applicant has always maintained a willingness to enter into a S106 agreement that meets the requirements of CIL Regulation 122(2).
- 30% of the qualifying dwellings are affordable and as agreed by the housing officer this meets the development plan requirement. As with so many appeal decisions,



development plan weight should be applied, not 'moderate weight against' as suggested in paragraph 14.2 of the officer report.

- The applicant is willing to engage in an adjustment of affordable housing provision through the S106 process if this is deemed necessary in light of the late housing officer response.

Planning Balance

The purpose of this planning application is to complete the Farmhouse Triangle Reserved Matters scheme and to deliver a comprehensively planned walkable neighbourhood.

The proposals deliver the following benefits:

- A mix of family and smaller homes for those entering the housing market as requested by the Housing Officer.
- 30% affordable homes.
- The re-use of Haresfield Farmhouse as a commercial community hub enterprise rather than demolition as currently approved.
- Small-scale local retail and commercial space for local businesses.
- The provision of two allotment sites more evenly spread walking and cycle access to all of Hunts Grove and improved facilities including new raised beds for less able people a groundsman's store plus a net increase in overall provision of 116%.
- Additional 57% net bio-diversity gain through the provision of a new wildlife area in an appropriate location (which is beyond the emerging national requirement for 10%).
- Relocation of newts from Haresfield Farm pond away from housing to a better connected set of ponds and a dedicated new managed habitat area is a robust long-term solution.
- 2% self-build dwellings.
- A detailed design that actively responds to the Build Better Commission values and re-provides the lost 2008 Masterplan gateway to Hunts Grove.

These benefits above are substantial. The cost of delivering them is however less convenient private car access one of the two allotment sites (south of the M5 footbridge), but again this has to be weighed against the improved pedestrian and cycle accessibility for Hunts Grove residents living in the northern part of the site. In circumstances where national policy and local policy place a high regard on reducing private car dependence and increased walkability the overall balance is substantially favourable to the list of benefits above.

Farmhouse Triangle response to Case Officers report to planning committee and Biodiversity Officers response to the application

Summary

This note responds to the concerns raised by the Planning Case Officer and the Biodiversity Officer and sets out why the author and the applicant believe the mitigation measures proposed as part of the development represent a betterment when compared to the approved scheme for this area of land. In summary it is argued that this is because:

1. Even with the agreed newt mitigation strategy the Hunts Grove newt population will be isolated from the wider meta-population of newts by the M5, the A38, the B4008 and the new development at Hunts Grove. In addition, the future development of the allocated land south of Haresfield Lane (LSoHL) will further isolate the Hunts Grove newt population. As such in the longer term this isolated population will be vulnerable to stochastic changes and inbreeding which will increase the chances of the loss of the population.
2. The proposal to move the newt population to a newt reserve south of the M5 will provide high quality breeding and terrestrial habitat for newts in a bespoke newt reserve with connectivity to three existing newt populations in the local landscape thereby enhancing the long-term viability of the newt meta-population. The proposed newt reserve in contrast to retaining the newts in situ at Hunts Grove will not be isolated by busy major roads and new development. Railway lines are not, as suggested, a barrier to the movement of newts and elsewhere in the country provide important habitat for newt populations. Minor country roads, whilst presenting a low mortality risk are not a physical barrier to newt movement and are an improvement on the mortality risk and physical barrier represented by new urban roads.
3. The effectiveness of proposed bat mitigation measures will not be diminished by the relocation of the bat barn approximately 130 m to the south of the approved location especially considering the nature and status of the roosts that mitigation is seeking to address. It will provide the features required by the target bat species, be located away from light sources in the new residential development, be located within an area of open green space in close proximity to established and proposed linear habitats likely to be used as flight lines and foraging habitat by bats.
4. The proposal to give the bat house a dual use, and thereby value to the local community, is likely to improve the policing and maintenance of the bat house compared to a structure that has no use or 'local ownership'. This and the location of the bat house within the allotments will ensure a better long term future than the current agreed mitigation.

In conclusion, the concerns expressed by the officers are fully addressed by the proposals for newt and bat mitigation and indeed a better solution will be achieved that secures the long term favourable conservation status of the protected species. As such it is considered that the recommendations for refusal on the grounds of adverse impacts on newts and bats should not weigh against the determination of the application. In fact the improved mitigation measures are considered a positive element of the application.

Introduction

This document sets out the applicants (CFL's) response to the Case officers report to Planning Committee, which in turn has been informed by the response to the planning application made by the Biodiversity Officer. This note has been prepared by Dr Peter Shepherd of BSG Ecology, who has

been advising on the Hunts Grove development since before the original planning application (Spring 2004).

Biodiversity Officer's report

The conclusion of the Biodiversity Officer's report states:

Recommendations

Refusal is recommended for the following reasons:

The proposal will have significant impact on biodiversity. Licences (under The Conservation of Habitats and Species Regulations 2017 (as amended)) have been issued by Natural England which secure the site as mitigation and as a biodiversity enhancement area for the consented Farmhouse Triangle scheme which sits within the wider Hunts Grove develop. The proposed new mitigation would also be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

This reason for refusal appears to relate to impacts on newts as it refers to licences issued by Natural England which only relate to newts. In relation to newts the Biodiversity Officer report states:

Newts

The proposed proposal will see the loss of the existing breeding pond, the agreed mitigation site and fragmentation of the agreed Green Infrastructure Corridor. The suggested mitigation for this loss on the proposed new allotment site (on the opposite side of the M5) would not maintain the favourable conservation status of the species as previously agreed. This site is an isolated land parcel surrounded by barriers to GCN dispersal (M5, roads and railway line) and is fragmented from the existing meta population.

However, the Planning Case officer's report also refers to adverse impacts on bats and as such it is assumed that the last sentence of the proposed reason for refusal provided by the Biodiversity Officer includes bats as well as newts. The last sentence states: *The proposed new mitigation would also be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

The Biodiversity Officer's report in relation to bats states:

Bats

The Farmhouse and Main Barn are known to be used by 6 species (day and night roosts) of bats. The existing mitigation proposals for the consented Farmhouse Triangle scheme which sits within the wider Hunts Grove development, include the creation of a bespoke bat house/barn to replace the loss of the Main Barn. This bat house is to be located within close proximity to the lost barn to ensure that the mitigation will work.

The proposal will see the loss and disturbance of bat roosts within Colethroup Farmhouse and the Main Barn. The suggested mitigation for the loss of the Main Barn will see the modification to the existing design (bespoke bat house) and its relocation further away from the existing Main Barn (lost barn) to the allotments site, so that it can also be used by allotment holders as a store and toilet.

The section on bats in the Biodiversity Officer's report does not include a specific recommendation for refusal on bat grounds.

Response

This response has been prepared in the absence of a discussion with the Biodiversity Officer as it has not proven possible at the time of writing to arrange such a discussion in advance of the planning committee. The applicant remains willing to discuss concerns expressed by the Biodiversity Officer if this is considered helpful. In response to the reason for refusal set out in the Biodiversity Officer's report BSG Ecology would make the following comments/argument:

Newts

The Biodiversity Officer's concern in relation to newts is that the translocation of the newt population to the proposed allotment and newt reserve site south of the M5 "would not maintain the favourable conservation status of the species as previously agreed". The reasoning for this assessment is that the proposed allotment and newt reserve site "is an isolated land parcel surrounded by barriers to GCN dispersal (M5, roads and railway line) and is fragmented from the existing meta population"

BSG Ecology has been involved with the Hunts Grove development and the land north of the M5, east of the B4008 and south of the A38 since the original planning application and has an ongoing role. Throughout this period BSG Ecology has discussed best approaches to conserving newts as part of the Hunts Grove development with officers at Stroud District Council and ultimately with Natural England through the licensing process. In common with concerns expressed about Favourable Conservation Status by the Biodiversity Officer these discussions have been focussed on finding the best solution for the long-term viability of newts in this local area. This did include consideration of the possibility of moving newts to a more sustainable location in the long term as part of the initial options for the Hunts Grove development. However, at the time the masterplan and newt strategy were developed translocating the newt population off site was not an option because Natural England's approach to licensing at that time was to retain newts in situ within the fabric of the development.

Working within this constraint the approach to conserving newts on site was based around the retention of the only breeding pond at Colthrop Farm, the retention of linked green space within the wider development within 250 m of the breeding pond and the creation of new ponds to provide additional breeding sites and a link to the open farmland south of Haresfield Lane and the existing ponds close to the M5 junction with the A430, even though they did not support newts. The aim was to mitigate the impacts on the newt population arising from loss of farmland terrestrial habitat by increasing the population of newts within the retained greenspace to increase its resilience. This was considered important given the isolated nature of the newt population within the Hunts Grove development.

Since the establishment of the newt strategy based on retaining newts on site approaches to newt conservation have changed particularly since 2017 when Natural England introduced District Wide Licensing approaches to newt conservation. The Natural England Technical Information Note (TIN) 176 sets out the framework for the new approach and the thinking behind it and states:

District licensing of development affecting great crested newts (GCN) involves consideration of the conservation of this species at a geographical scale broader than the development site in question. It can allow harm to individual GCN and their habitat caused by a development to be compensated for by the creation and/or restoration of suitable amounts of new habitat elsewhere.

In appropriate cases, instead of requiring harm to GCN to be avoided or mitigated at a development site, GCN are benefited elsewhere in the area at the developer's expense. This safeguards the

conservation status of GCN in the area concerned and also represents a significant streamlining of the GCN licensing element of the development consent process.

The new and current approach embodied by District Wide Licensing clearly recognises that creating new habitat in better locations in the local area can be a better option for maintaining favourable conservation status of newts than retaining newts on site in close proximity to new urban development.

It should also be noted that at the time the newt strategy and the Hunts Grove masterplan was developed the allocation of land south of Haresfield Lane (LSoHL) was not an established future development allocation. The retention of the arable farmland south of Haresfield Lane was considered a benefit in the original newt mitigation strategy. With the allocation a proportion of the open farmland will in future be lost reducing the ability of newts to disperse within the land between the A38, B4008 and the M5 and the Hunts Grove development.

During the development of the on-site newt strategy it was recognised that the retained population would be physically isolated from ponds in the wider landscape by the M5, the A38, the B4008 and the new development at Hunts Grove. In the long term this isolated population will be vulnerable to stochastic changes such as disease or introduction of fish into ponds from the new urban population, unexpected increase in predation or a series of severe droughts etc. These could reduce the population size to the point where it is unable to survive. In a connected landscape new recruits from other populations would either bolster the affected population or enable recolonisation of ponds if the population died out. This is a typical process in meta-population dynamics but does require sufficient connectivity to enable these processes to take place and why habitat fragmentation can have harmful effects over a longer period of time. The retained population on site is not connected to populations of newts in the wider landscape and is therefore an isolated low (2021) to medium (2018) size population.

Connectivity to other colonies in a meta-population (several colonies in the landscape with interchange between them) in the longer term is also important to ensure populations remain genetically robust. Without occasional recruitment of new DNA into a colony within a meta-population as a result of the arrival of newts from other breeding populations in the landscape inbreeding in an isolated population increases the risk of local extinction due to reduced breeding success. Within newt populations a small percentage of newts disperse from a natal pond and do not return to it, but they will only successfully find and interact with other populations in the landscape if they can access them.

BSG Ecology (and the Applicant) shares the concern expressed by the Biodiversity Officer about ensuring the long term favourable conservation status of newts in this part of the world. However in contrast to the concern raised and recommendation of refusal we consider that moving newts south of the M5 will improve connectivity between the wider dispersed colonies in the landscape and that retaining newts on site through the existing newt strategy will ensure continued isolation of the newt population at Hunts Grove, which make the population more vulnerable in the longer term and would miss the opportunity to improve connectivity within the meta-population south of the M5. The existing population at Hunts Grove is isolated by the M5 corridor to the south the busy A38 and B4008 roads to the south-west and the new Hunts Grove development to the north. There are no known local populations within this area other than the population centred on the pond at Colethrop Farm and as such no likelihood of genetic interchange with the wider newt populations.

In contrast the proposed newt reserve south of the M5 is not isolated from the existing meta population in the open countryside between Haresfield, Colethrop and the M5. It will be better

connected to the meta population in the local area increasing the likelihood of long-term survival of the translocated newt population.

Our reasoning for this is as follows:

1. The land between Hunts Grove development the M5, A38 and B4008 is an isolated location with no connectivity to the wider landscape and newt populations to the south of the M5 corridor. It is effectively cut off from other newt populations in the landscape by three major roads and significant new development.
2. Isolation at the Hunts Grove location will increase further and available habitat will decrease with the development of the allocated land south of Haresfield lane. It is currently open farmland but is an allocated site for further residential development.
3. The proposed newt reserve south of the M5 is directly linked to open countryside. There are minor country lanes in the landscape, but these do not represent significant barriers to movement or risk of mortality as they are narrow, generally do not have kerbs and are relatively infrequently used compared to urban environments and the future road network within the Hunts Grove development.

The land south of the M5 is in much closer proximity to other existing newt populations at Pool Farm (within 500m of the proposed newt reserve), a series of field ponds between Colethrop and the M5, a ditch/pond associated with the railway embankment at Haresfield and a series of ponds north west of Haresfield (see Figure 1). This is in stark contrast to the situation north of the M5.

4. The railway line is not a barrier to movement of newts and may even provide valuable terrestrial habitats for newts and improved landscape connectivity. The railway embankments and rail side habitats comprise woodland, scrub and grassland and they are not subject to agricultural or regular management. The embankments may also provide hibernation opportunities. Unlike roads railways do not present a high risk of mortality as rails are raised up above the ground and train services are much less frequent than main roads. BSG Ecology worked on the first phase of the East West Rail project between Oxford Parkway station and Bicester and the railway embankment and associated burrow pits support significant populations (Large to Medium) along this length of railway (12Km). During the trap out exercise for that project large numbers of newts were trapped from the railway clinker including under rails and on railway embankments. In addition. there are existing underpasses that link the farmland either side of the railway.
5. To further enhance connectivity the applicant is willing to create/restore field ponds in the land between Pool Farm and Haresfield Lane (see Figure 1). This will further improve connectivity in the landscape.

Given the above it is considered that the proposed newt reserve south of the M5 represents a better location for newts as it is connected to the meta population of newts in the landscape south of the M5. Retained newts within the Hunts Grove development will be extremely isolated by the current and future development and the significant barriers represented by the network of major roads.

For the reasons set out above BSG Ecology and the applicant are of the strong opinion that the proposed translocation of newts out of the highly isolated location of the Hunts Grove development to a better connected site is a betterment of the current existing strategy of retaining newts on site. As such we do not agree with the assessment made by the Biodiversity Officer that this proposal *would not maintain the favourable conservation status of the species* especially as the reasoning for this opinion is that the location south of the M5 is more isolated than the land at Hunts Grove. It

clearly is not and as such is likely to result in an improvement in the Favourable Conservation Status of newts in this local area and thus their natural range. Furthermore it provides an ongoing benefit for when the land South of Harefield is developed.

Bats

The Planning Case Officer's report states:

12.6 The proposed development would also change the mitigation for the loss of roosting habitat that is present in the barn associated with Colethrope Farm. The agreed mitigation provides a bespoke bat roosting house. This would be located in close proximity to the barn to ensure that the alternative provision is used by the bats. The proposed development would modify this mitigation and move it further away from the barn and to within the remaining area of allotments on the Northside of the M5. However this would be combined with a store and toilet for the allotment users.

12.7 Whilst this would continue to provide some mitigation for the loss of the barn as a bat roost, it would be a retrograde step in terms of the quality of the mitigation. This is because it would potentially allow for disturbance by the allotment users and would be further still from the original bat roost in the barn. This would result in harm in respect of compromise to the mitigation secured as part of the Master Plan. Accordingly, moderate harm against the proposed development is attributed to this factor.

The Planning Officer's report acknowledges that the proposed mitigation for bats in the form of a bat house is in essence the same as that proposed under the agreed planning consent for Hunts Grove, but raises concern that the bat house will be further away from the Farmhouse and Main Barn and as such will be less likely to be found and used by bats and that disturbance by allotment holders will also adversely affect use by bats.

These concerns should be considered in light of the current status of roost sites used by bats at the Farmhouse and Main Barn as the type of roost compensation is seeking to replace will play a key part in the success or otherwise of proposed compensation and the significance of any effect on the conservation status of bats should compensation be unsuccessful. Whilst up to 6 species of bat have been recorded the level of use is very low (1 to 3 bats of each species) and it is important to understand no significant roosts (maternity or hibernation) that are of particular importance for the conservation of local bat populations have been recorded. Day and night roosts used by small numbers of bats are numerous within the territorial range of local bat populations and individual bats or groups of two or three bats can be recorded in trees and all types of built structures with individual bats often moving between one roost site and the next throughout the active season. As such non-breeding females and male bats will frequently explore new structures including bat boxes and adapt to new roosting opportunities that appear within their territorial area, hence why most developments seek to increase roosting opportunities in new buildings. The likelihood of success of new roosting provisions is therefore much higher than if the replacement roost were aiming to provide specific conditions for a maternity roosts. As such the relocation of the proposed bat house some 130 m away from the farmhouse and main barn in itself is unlikely to materially affect the likely success or otherwise of the proposed bat house as it will be readily found by the local bat population at the location proposed.

A range of factors are more likely to affect success of any new roosting opportunity including high levels of artificial light from new housing, street lamps or playing fields, especially for more light sensitive species such as natterers bat, and a lack of connectivity to flight paths. These factors were

considered when identifying the best location for the proposed bat house, which is some 30 m away from new housing and roads within the allotment garden close to the mature vegetation of the northern embankment of Haresfield Lane. The vegetation on the embankment provides flight lines along the hedgerows on the lane in both northerly and southerly directions. New semi-mature tree planting and hedgerow planting is proposed along the southern edge of the allotments which will provide a dark flight route parallel to the M5 along the mitigation corridor east and west and into the open spaces of the mitigation corridor.

The final factor that influences whether a new roosting opportunity succeeds or not is the design of the bat house and the provision of roosting features within it. Detailed roosting designs have not been proposed as these will be determined through the licensing process, however, the dimensions of the building exceed the minimum bat house requirements set out in the Bat Mitigation Guidelines and as such is considered to be large enough to accommodate the size and diversity of features for the target bat species. Detailed designs will ensure that the bat house will provide external roosting features for crevice dwelling species such as pipistrelle and *Myotis* species, and internal void space and roof void for species such as brown long eared bat. A free flight path access for lesser horseshoe bat into the void and roof space of the bat house will also be provided. In addition to the bat house the new development will provide additional roosting opportunities in the new buildings through the provision of bat tubes within a proportion of the buildings and bat boxes on trees on site and in the newt reserve south of the M5. Given the proposed habitats in the newt reserve and the provision of additional allotments it is considered this part of the development will attract significant foraging activity by a range of bat species.

There is a concern that the likelihood of success of the bat house would be reduced by disturbance from allotment holders. However, bats roost in many locations that are also used by humans for a wide range of activities and human activity and bat use in a building are not mutually exclusive. In fact, many of our bat species rely heavily on human structures for roosting. As such it is unlikely that the use of the bat house by allotment holders as proposed will adversely affect the success of the bat house. There are positive benefits of providing a use for a building designed for bats. From the experience of BSG Ecology roost buildings erected with no use and therefore incentive to maintain them can decline through neglect or vandalism such that the building no longer supports the roosting opportunities provided. By enabling part of the bat house to be used by allotment holders it will have a value to them who are then more likely to police its use and seek to maintain the building. As such it is less likely to be subjected to vandalism or anti-social activity that might generate a much higher level of disturbance. Potential disturbance by allotment holders has been carefully considered and the extent of use of the bat house and areas available for use by the allotment holders has been limited to ensure the features proposed for bats can be provided. The areas that will be available to allotment holders will be restricted to the northern side of the house and will ensure a full height void is retained on the south side of the building as well as the whole roof void.

Given the above it is not considered that the new location of the bat house will diminish the value of the structure and the likelihood of its success. The location of the bat house within the allotments with limited use by allotment holders also provides a purpose for the new structure making it less likely to be neglected or vandalised. As such it is considered that the concerns raised by the Planning Case Officer are unlikely to materialise and that the bat house will provide a good compensation habitat for bats at least as good as the agreed mitigation for bats.

Note on Figure 1

Figure 1 shows locations of 13 existing ponds (darker blue) within 1.3 km of the proposed newt reserve, proposed location of 6 new ponds in the landscape (light blue), the location of recent records of positive newt licence returns (2015 and 2017), two clusters of existing ponds at Mount Farm next to Haresfield (red circle) and north of Colethrop (yellow circle) and the proposed cluster based around the newt reserve and including Pool Farm (purple circle) and the approved balancing pond which will be a permanently wet pond feature. Currently two new ponds proposed to replace the loss of the pond at Colethrop Farm.

The pond cluster north of Colethrop is all within 980m of the proposed newt reserve and the cluster at Mount Farm where there is a known newt population is within 1.3 Km of the proposed newt reserve.

The land between the Mount Farm cluster and the Pool Farm cluster is in the ownership of the applicant

Figure 1 – Proposed ponds and existing ponds within 1.3km of the proposed newt reserve



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