

Public Document Pack



STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB
Telephone 01453 766321
www.stroud.gov.uk Email: democratic.services@stroud.gov.uk

Monday, 7 November 2022

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY, 15 NOVEMBER 2022** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **6.00 pm**

Kathy O'Leary
Chief Executive

Please Note: The meeting is being held in the Council Chamber at Stroud District Council and will be streamed live on the Council's [YouTube Channel](#). A recording of the meeting will be published onto the [Council's website](#). The whole of the meeting will be recorded except where there are confidential or exempt items, which may need to be considered in the absence of press and public.

If you wish to attend this meeting, please contact democratic.services@stroud.gov.uk. This is to ensure adequate seating is available in the Council Chamber.

AGENDA

1. **APOLOGIES**
To receive apologies of absence.
2. **DECLARATIONS OF INTEREST**
To receive Declarations of Interest in relation to planning matters.
3. **MINUTES (Pages 3 - 10)**
To approve the minutes of the meeting held on 6 September 2022.
4. **PLANNING SCHEDULE AND PROCEDURE FOR PUBLIC SPEAKING (Pages 11 - 16)**
(Note: For access to information purposes, the background papers for the applications listed in the above schedule are the application itself and subsequent papers as listed in the relevant file.)
- 4.1 **PARCEL H13 AND H14 LAND WEST OF STONEHOUSE, GROVE LANE, WESTEND, STONEHOUSE S.22/1645/REM** (Pages 17 - 32)
Reserved Matters in Respect of Erection of 216 no. Dwellings, Landscaping, Infrastructure & Associated Works Pursuant to Outline Planning Permission S.14/0810/OUT.

- 4.2 **PLAY AREA, THE BOURNE, BRIMSCOMBE, GLOUCESTERSHIRE**
S.21/1240/FUL (Pages 33 - 56)
Erection of 4 dwellings.
- 4.3 **LAND AT REAR OF 1, CUTLER ROAD, STROUD, GLOUCESTERSHIRE**
S.22/1936/FUL (Pages 57 - 66)
Erection of bungalow with associated car parking, refuse/recycling provision, cycle and electric wheelchair storage and amenity space.
5. **PLANNING AND ENFORCEMENT KPI STATISTICS (Pages 67 - 74)**
To provide planning and enforcement Key Performance Indicator Statistics for information.
6. **PLANNING ENFORCEMENT (Pages 75 - 114)**
To bring forward an updated local enforcement plan for approval to set out the operational objectives of the council's planning enforcement service.

Members of Development Control Committee

Councillor Martin Baxendale (Chair)

Councillor Martin Brown
Councillor Doina Cornell
Councillor Victoria Gray
Councillor Lindsey Green
Councillor Haydn Jones

Councillor Helen Fenton (Vice-Chair)

Councillor Jenny Miles
Councillor Loraine Patrick
Councillor Nigel Prenter
Councillor Mark Ryder
Councillor Lucas Schoemaker



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DEVELOPMENT CONTROL COMMITTEE

06 September 2022

6.00 - 7.48 pm

Council Chamber

Minutes

Membership

Councillor Martin Baxendale (Chair)

Councillor Martin Brown
 Councillor Victoria Gray
 Councillor Haydn Jones
 Councillor Chris Brine
 Councillor Mark Ryder

*= Absent

Councillor Helen Fenton (Vice-Chair)

Councillor Jenny Miles
 Councillor Loraine Patrick
 Councillor Lucas Schoemaker
 * Councillor Jason Bullingham *
 * Councillor Ashley Smith *

Officers in Attendance

Head of Development Management
 Majors & Environment Team Manager
 Senior Planning Enforcement Officer
 Development Team Manager

Locum Planning Lawyer
 Planning Officer
 Democratic Services & Elections Officer

Other Member(s) in Attendance

Councillors Jockel

DCC.074 Apologies

Apologies for absence were received from Councillors Smith, Bullingham, Brine and Ryder.

DCC.075 Declarations of Interest

There were none.

DCC.076 Minutes

RESOLVED That the Minutes of the meeting held on 14 June and 26 July 2022 were approved as a correct record.

DCC.077 Budget Monitoring Report Q1 2022/23

The Principal Accountant introduced the report and explained that the purpose of these reports was to notify Members of any known significant variances within the budget which for this report, there were none.

The Chair, Councillor Baxendale, proposed and Councillor Brown seconded.

After being put to a vote, the Motion was carried.

RESOLVED To note the outturn forecast for the General Fund Revenue budget for this Committee.

DCC.078 Planning Schedule and Procedure for Public Speaking

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

1	S.22/0918/FUL
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DCC.079 Thomas Keble School, Eastcombe, Stroud, Gloucestershire S.22/0918/FUL

The Planning Officer introduced the application and explained that the application was for the secondary school located within the settlement boundary for Bussage, it had been identified by the government re-building programme as requiring substantial work. She showed the plans for the site and highlighted the following:

- The buildings that were due to be demolished,
- The proposed buildings' proximity to residential properties,
- The site was within the Cotswold Area of Outstanding Natural Beauty (AONB).
- The construction of the new building would begin first and then the demolition of the main building would follow to help minimise the disruption to pupils.
- The south of the site contained protected open space which the new building would encroach on, an additional mini pitch was proposed on the eastern side of the site to mitigate the loss which Sport England were content with.
- Designed to blend in with the residential buildings surrounding the school to minimise impact on the AONB.

The Planning Officer explained the key concerns raised by residents and what had been done to alleviate them:

- Concerns raised from Stonecote Ridge regarding overbearing and the impact on privacy. A shadow analysis had been completed and confirmed that the building would not cause overshadowing. In addition, an obscure glazing condition was also recommended.
- Concerns raised regarding potential noise. Environmental Health Officers had assessed the application and confirmed that subject to the conditions the proposal would not create an unacceptable level of noise.
- Concerns raised regarding the storage containers on the site, all but one of which had been re-positioned towards the eastern boundary.
- Concerns were raised regarding the access and its increased usage. This was an existing access and it was felt unreasonable to condition its usage.

Councillor Jockel spoke as a Ward Member for Chalford. He stated that he agreed with concept of the development and many of its aspects and therefore supported the development in its principal. He further informed the Committee that he would like to register his main objection with the application which was its positioning on the site. He then drew the Committee's attention to the following points:

- Had there been a proper community consultation, the design would have been moulded by a variety of views and would likely look different to the one proposed.

2022/23

- They could now only comment on the aspects of the design as opposed to influencing the design itself.
- Residents felt that their concerns had been framed as standing in the way and holding up the project.
- The Members needed to consider additional bunds and fencing and possible internal space reconfiguration.
- Members should also look to maximise the embedded sustainability of the design.
- The planning of the travel and construction phase would need to be drafted and then monitored.
- They needed better provisions for cycle parking and encouragement for active travel such as electric vehicle charging.
- Could Members consider the ecological impact of the carbon and the construction materials and whether the use of local suppliers and supply chains could be conditioned.

Mr Morris-Wyatt, a Parish Councillor, spoke on behalf of Chalford Parish Council in favour of the application. He stated the following:

- Their written response was included as part of the reports pack.
- They shared the regrets with the poor consultation process however, they were supporting the project due to its importance to the community.
- They understood the reasons for the design and layout of the school regarding the protected spaces and AONB. However, they asked Councillors to do what they could to ameliorate the material impact on the surrounding residential houses.
- They were grateful for the requested Conditions 3, 5, 13 & 16 (pages 67-71 of the reports pack) however questioned whether these could be extended to include the Parish Councils within the consultation on discharge. This was due to the local knowledge of the areas. including knowledge of the narrow lanes and concerns with large delivery lorries causing congestion and potential accidents.
- He requested that Condition 5 be amended so as to not include peak school hours. The current condition allowed construction traffic between 8am-6pm.
- They shared concerns with the infrastructure surrounding the school and asked for increased:
 - Walking and cycling corridors
 - Wider pavements
 - Pedestrian crossings
 - Cycling routes
 - And 20mph zones if required.
- They further raised concerns with the pedestrian entrance to the school causing congestion to the nearby cul-de-sac, Stonecote Ridge, where pupils were dropped off instead of the main entrance.

Ms Exley, a Parish Councillor, spoke on behalf of Bisley with Lypiatt Parish Council in favour of the application. She raised the following key considerations to the Committee:

- They were aware of the large amount of time spent formulating the design for the building and they did not wish to slow the process down further by amending the design.
- The design of the layout and position of the new building was well thought out forming a central hub around the classrooms and additional spaces.
- There were many detailed drawings yet to be drawn up which would directly impact nearby residents, she asked for a condition to allow the Parish Councils to comment

on the detailed designs including choice of materials and the construction management plan.

- The majority of the current buildings were screened with mature trees, it would be essential to provide further planting to ensure these new buildings would also be screened.
- They recommended a crescent shaped bund to be planted to allow for extra screening and provide pupils with a shaded area to enjoy. This should be in place of the reseeded sports pitch and would allow for materials to be recycled and re-used on site.
- Planting ahead of the construction would allow time for the trees to establish.

Mr Leach, a local resident, spoke against the application. He asked the Committee to reject the application for the following reasons:

- The residents directly affected by the proposal were not opposed to the re-development of the school, they were objecting only to the size and location of the new building.
- During a Zoom meeting in April 2021, it was minuted that the public consultation would be held at the pre-planning application stage. These objections could have been avoided had the earlier consultation taken place.
- Many of the objections received referred to the omission of the community consultation which had not been addressed.
- The proposed building was overbearing, intrusive and would greatly infringe on residents' privacy, security and quality of life.
- Amending the plans to lower the floors in the building facing the western boundary and therefore the houses (from 3 storeys to 2) and increasing the floors on the building facing the southern boundary (from 2 storeys to 3) would reduce the impact on the residential houses.
- Students were already being dropped off into the residential cul-de-sac where the footpath entrance to the school resided, which had caused increased traffic. The proposed building had an entrance nearer to this footpath which would increase the traffic in an area unsuited to heavy traffic.
- There were a number of contradictions included within the planning statement.
- Statement 5.17 related to the public consultation. The residents dispute this statement. They had 1 weeks' notice of a public presentation event and 48 hours to make comments. This was not early, proportionate or effective consultation as required by the National Planning Policy Framework (NPPF).
- Compulsory and substantial trees planted between the proposed building and the residential dwellings would soften the impact.

Mr Shaw, The Head Teacher, Spoke in favour of the application. He asked the Committee to support the application for the following reasons:

- The current school buildings were constructed in the 1960's using the intergrid framing system which had since been given a 30 year life span. The buildings were now 60 years old.
- The Department for Education announced a school re-building programme in 2021 and a structural survey of the school found several of the school buildings in urgent need of replacement.
- Following that, the projects team entered into pre-application process with Stroud District Council (SDC) which resulted in an exemplary scheme.
- The project then progressed to the community information process which consisted of: a leaflet drop, an online survey and an in person public event held at the school.

2022/23

- Officers have confirmed within the report that there would be no harm to neighbouring communities. Despite this it has been agreed to use obscure glazing on the upper floor windows.
- The new proposal would bring the following enhancements to the site:
 - A fresh, modern aesthetic.
 - Existing trees would be safeguarded, and new trees would be planted.
 - Biodiversity net gains would enhance habitats for protected species.
 - Sustainable features including air source heat pumps, electric vehicle charging and solar panels.
 - Improved drop off and parking arrangements.

The Planning Officer gave the following responses to questions asked:

- The pre-application discussion that took place prior to the formal submission of the application was an informal discussion. However residents may have thought this was a formal meeting and that their views were not being heard.
- SDC also had a statutory process to consult residents which had taken place correctly. A number of concerns were alleviated this way such as the storage containers' location and the addition of the obscure glazing.
- Condition 4 on page 68 of the reports pack related to the appearance of the containers which would need to be approved before the condition could be discharged.

Councillor Brown questioned whether there could be additional planting along the western boundary. The Planning Officer confirmed that often large trees which would provide the best screening tended to be overbearing in themselves to neighbouring properties.

Councillor Brown further queried the Parish Councils' requests to be consulted on both the construction management plan and the travel management plan. The Head of Development Management confirmed that they could consult with and share the plans with the Parish Councils once received. However, the Local Planning Authority would need to make the final decision within the statutory timeframe for discharge of conditions.

In response to Councillor Fenton, it was confirmed:

- that the application had been deemed as acceptable and therefore there were no requests to alter the proposal. Had the application been deemed unacceptable then further alteration requests would have been made.
- Sport England requested the additional mini pitch to mitigate the loss of the protected open space.

Councillor Brown raised concerns regarding bicycle parking on site. The Planning Officer explained that the site currently accommodated 20 bicycle parking spaces, this was proposed to increase to 50 spaces. Councillor Brown further questioned whether there would be any electric vehicle charging points to which the Planning Officer confirmed that they would be working closely with Gloucestershire County Council (GCC) Highways to ensure a satisfactory number but the figures were not available at that time.

The following responses from Officers were given to Members:

- GCC Highways were the technical experts and their views carried weight.
- The school was already an existing building therefore Officers could only assess the improvement the proposal brought as opposed to a new building which would need to meet different criteria.
- 688 Pupils attended the school.

- The largest distance between the proposed building and the neighbouring properties on the western boundary was 45m and the shortest distance was 38.5m.
- The pedestrian access to the site was an existing access, it also would be managed thorough the travel plan.

Councillor Brown proposed the Officer recommendation and The Chair, Councillor Baxendale seconded.

Councillor Schoemaker proposed an amendment to condition 5 and an additional condition to limit construction delivery traffic between the hours of 09:00 – 15:00 Monday to Friday. Councillor Fenton Seconded.

Councillor Fenton proposed a further amendment to Condition 22 to replace the mini sports pitch with additional planting on the western boundary. Councillor Schoemaker seconded.

The Head of Development Management informed the Committee that the loss of the sports pitch could potentially lead to an objection from Sport England.

The Locum Planning Lawyer advised that the Committee should debate and vote on the first amendment before debating the second amendment.

Councillor Brown debated whether it was too early to condition the construction traffic as there had not yet been a construction management plan drawn up.

After being put to a vote the first amendment was carried.

Councillor Fenton stated that residents had asked for greater screening between their houses and the proposed building. She further debated the alternative to pitch sports such as cycling and whether Sport England could be content with an increase drive from the school for cycling provisions.

Members debated whether the loss of the sports pitch would lead the whole application to fall through and whether the use of an informative would be better than an amendment to the condition.

Councillor Patrick debated the potential uses of the mini pitch and whether it could be narrowed to allow planting along the border of the boundary.

The Head of Development Management confirmed that should the amendment be approved; the Officer's would recommend deferral until such a point that Sport England could be consulted on the changes. This was echoed by the Locum Planning Lawyer

After being put to a vote the amendment was rejected with 3 votes for and 5 against.

Councillor Schoemaker proposed to add an informative to maximise the amount of planting on the western boundary as practically possible. Councillor Fenton seconded.

After being put to a vote the amendment was carried unanimously.

2022/23

Councillor Patrick expressed her concerns with the developer's strict timescale. She further debated that they should have taken time earlier in the process to consult with the Parish and its communities.

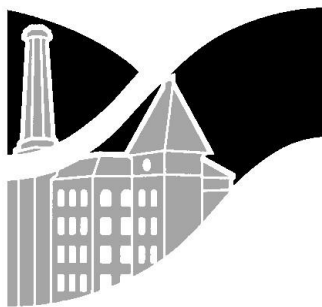
After being put to a vote, the Motion was carried with 5 votes for, 1 against and 2 abstentions.

RESOLVED To PERMIT the application subject to an amendment to Condition 5 removing the reference to construction related deliveries and an additional condition to restrict construction delivery traffic on site between 9am and 3pm Monday to Friday and adding an informative advising the applicant of the need to maximise the screening planting on the western boundary as is practically possible.

The meeting closed at 7.48 pm

Chair

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Planning Schedule 15/11/2022

Stroud District Council

Planning Schedule

15th November 2022

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

**Planning Schedule 15/11/2022****DEVELOPMENT CONTROL COMMITTEE****Procedure for Public Speaking**

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

- 1. Scheduled DCC meetings**
- 2. Special meetings of DCC**

Introduction

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

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

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

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

Before the meeting

You must register your wish to speak at the meeting. You are required to notify both our Democratic Services Team democratic.services@stroud.gov.uk and our Planning Team planning@stroud.gov.uk in advance and you have until noon on the day of the meeting to let us know.

At the meeting

If you have registered to speak at the meeting, please try to arrive at the Council Chamber 10 minutes before the Committee starts so that you can liaise with the democratic services officer and other speakers who have also requested to speak in the same slot. Where more than one person wishes to speak, you may wish to either appoint one spokesperson or share the slot equally.

If you have not registered to speak, your ability to do so will be at the discretion of the Chair.



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Planning Schedule 15/11/2022

1. Scheduled DCC Meetings

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

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

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

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

- ❖ They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- ❖ Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
- ❖ Names of speakers will also be recorded in the Committee Minutes which will be published on the website.
- ❖ Speakers will not be allowed to ask questions of the Councillors or Officers; Committee Members are not able to question speakers directly but can seek points of clarification through the Chair with responses delivered by Officers.
- ❖ Minutes of the meeting will be taken, and these will record the names of all speakers on all applications and the decision made.

The order for each item on the schedule is:

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



Planning Schedule 15/11/2022

2. Special DCC meetings

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

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

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

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

- ❖ They will be recorded and broadcast as part of the Council's webcasting of its meetings.
- ❖ Webcasts will be available for viewing on the Council's website and may also be used for subsequent proceedings e.g. at a planning appeal.
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Planning Schedule 15/11/2022

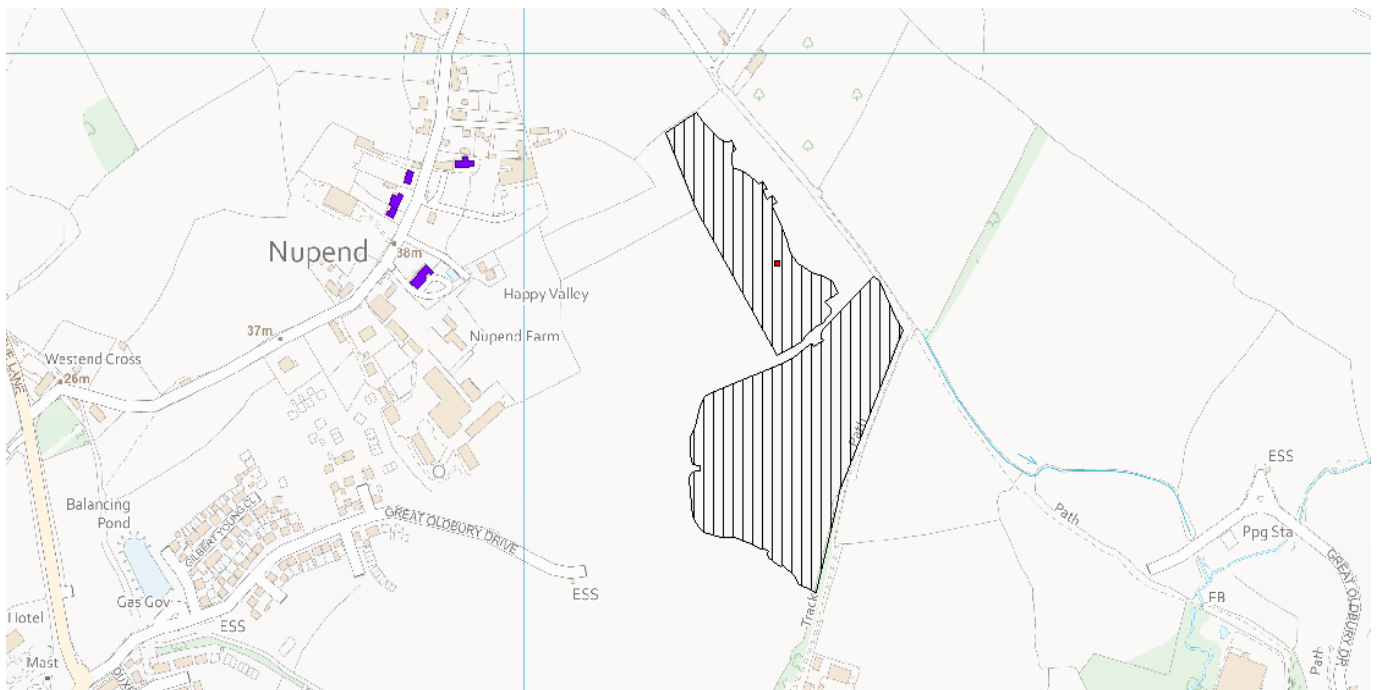
Parish	Application	Item
Eastington Parish Council	Parcel H13 And H14 Land West Of Stonehouse, Grove Lane, Westend. S.22/1645/REM - Reserved Matters in Respect of Erection of 216 no. Dwellings, Landscaping, Infrastructure & Associated Works Pursuant to Outline Planning Permission S.14/0810/OUT	01
Brimscombe And Thrupp Parish Council	Play Area, The Bourne, Brimscombe. S.21/1240/FUL - Erection of 4 dwellings	02
Stroud Town Council	Land At Rear Of 1, Cutler Road, Stroud. S.22/1936/FUL - Erection of bungalow with associated car parking, refuse/recycling provision, cycle and electric wheelchair storage and amenity space.	03

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Development Control Committee Schedule 15/11/2022

Item No:	01
Application No.	S.22/1645/REM
Site Address	Parcel H13 And H14 Land West of Stonehouse, Grove Lane, Westend, Stonehouse
Town/Parish	Eastington Parish Council
Grid Reference	379272,206784
Application Type	Reserved Matters Application
Proposal	Reserved Matters in Respect of Erection of 216 no. Dwellings, Landscaping, Infrastructure & Associated Works Pursuant to Outline Planning Permission S.14/0810/OUT
Recommendation	Approval
Call in Request	Parish Council



	<p align="center">Development Control Committee Schedule 15/11/2022</p>
Applicant's Details	Vistry Homes Ltd C/o Pegasus Group 1st Fl South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL
Agent's Details	Pegasus Planning Group Ltd First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL
Case Officer	Simon Penketh
Application Validated	27.07.2022
CONSULTEES	
Comments Received	Eastington Parish Council Contaminated Land Officer (E) Arboricultural Officer (E) Flood Resilience Land Drainage Development Coordination (E) Archaeology Dept (E) Housing Strategy and Community Infrastructure Contaminated Land Officer (E)
Constraints	Consult area Neighbourhood Plan Eastington Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer Surface flooding 1 in 100 years Surface flooding 1 in 30 years
OFFICER'S REPORT	

1 MAIN ISSUES

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

2 DESCRIPTION OF THE SITE

2.1 The site is made up of land parcel H13, and the western part of H14 (referred to as H14B by the applicant). For the avoidance of doubt, the application excludes the eastern part of parcel H14 and that area of the allocation will be subject to consideration at a later date. The proposal is part of the outline planning permission S.14/0810/OUT which includes consent for up to 1350 dwellings, 9.3 hectares of employment land and a mixed use local centre and new primary school. The land is located on the Northern area of the outline



Development Control Committee Schedule 15/11/2022

planning permission site and falls under master planning approval for land parcels H13, H14 and H15.

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

3 PROPOSAL

3.1 Approval of reserved matters layout, scale, appearance and landscaping under outline permission S.14/0810/OUT - relating specifically to land parcels H13, and H14. The development consists of the erection of 216 dwellings, associated access infrastructure and landscaping.

4 REVISED DETAILS

4.1 Revised layout submitted to address the concerns raised by officers and Eastington Parish Council. The amendments follow direct discussions between the applicant and Eastington Parish Council. This includes the relocation of the proposed apartment building and changes to its external detailing. This has required changes to the layout of the proposed development which includes more dwellings along the southern frontage of the site onto Great Oldbury Way. Additional detail has also been provided on the layout drawings to address concerns raised by the Gloucestershire Public Rights of Way team.

5 MATERIALS

5.1 Mix of facing brick, render, timber fascia boards and concrete roofing tiles (slate and clay type finish).

6 REPRESENTATIONS

- Two periods of public consultation have been carried out to account for revisions submitted for consideration on 5th October 2022

6.1 - Parish/Town Councils:

6.1.1 - Eastington Parish Council

6.1.1.1 *Initial comment* - At the Parish Council meeting on 11th August 2022 the parish council considered this Reserved Matters application. Concerns were raised by a number of residents who attended the meeting from Great Oldbury about the density and height of the properties. The block of flats at the front of the development is close to the road and there are safety concerns regarding the path exiting directly onto the roundabout. The proposed materials are varied and not in keeping with existing properties in Great Oldbury.



Development Control Committee Schedule 15/11/2022

6.1.1.2 The parish council agrees with the residents' concerns and objects to the heights and density of the development and raises the following points;

- the height of the 3-storey block of flats at the front of the development which will be overbearing and will impact the existing neighbouring properties, particularly those across the road which are all two-storey houses, due to the scale, massing and dominating effect.

- the variety of the proposed materials across the development is out of keeping with existing properties.

- paths directly exiting onto roads are a safety concern, particularly regarding children exiting onto the roundabout on a main trunk road, due to the traffic volume and speeds.

6.1.1.3 *Further Comment* - Eastington Parish Council considered this reserved matters application at its meeting on 13th October and supports the change in layout so that the block of flats is not adjacent to the roundabout. The parish council has no further observations.

6.2 - Stroud District Council Technical Officers/Consultants

6.2.1 - Arboricultural Officer

6.2.1.1 No objection

6.2.2 - Contaminated Land Officer

6.2.2.1 Wishes to make no comment

6.2.3 - Community Services (Waste)

6.2.3.1 The Waste Collection Service would not enter on to unadoptable highway/private driveways to retrieve waste. I note that there are bin collection points for some properties located off the adopted highway in particular plots 189-192 and 194-218. These are located too far from the adopted highway and need to be re-located adjacent to the edge of the adopted highway (area shaded in blue on refuse strategy drawing). This not only lessens the collection burden in terms of collection time but it also limits the potential for health and safety issues borne out of walking waste to the vehicle.

6.2.3.2 To ensure there is no disruption to the waste collection service for householders, it is advised that the corners of the roads are painted with double yellow lines to prevent residents/visitors from parking on or too close to the corners, which hinders access for waste collection vehicles.

6.2.4- Affordable Housing Officer

6.2.4.4 The revised affordable housing layout is significantly improved from the original and is in-principle acceptable. It is noted that there is a cluster of 9 affordable houses near the centre of the development, which is contrary to policy. However, as the properties are located in two streets, this should not impact significantly on the integration of the affordable housing with the market units.



Development Control Committee Schedule 15/11/2022

6.2.5- Ecologist (Nature Space)

6.2.4.5 *Initial comment* The applicant has not adequately demonstrated that there will be no impact to great crested newts and/or their habitat as a result of the development being approved. This is due to the absence of a PEA and GCN survey report, mentioned in the biodiversity management plan, submitted with the application.

6.2.4.6 Therefore, in line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

Submit a 'NatureSpace' Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Stroud District Council's District Licence; or

Provide further information (describe the information required), in line with Natural England's Standing Advice, to rule out impacts to great crested newts, or demonstrate Legislation, Policy and Guidance Reasonable Likelihood of Protected Species Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for how any impacts can be addressed through appropriate mitigation/compensation proposals; or,

If it is determined that there is no suitable habitat impacted on site and the likelihood of GCN is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

6.2.4.7 *Further comment* Following the submission of further details in respect of Great Crested Newts the Ecologist states that they would not advise a licence would need to be obtained and have no objection to the application. I would advise, that as proposed under point 10 in the attached note, that RAMs (reasonable avoidance measures) be followed by the applicant on site when undertaking works on site, to reduce the risk to newts.

6.3 - Gloucestershire County Council Technical Officers

6.3.1 - Highway Authority

6.3.1.1 *Initial comment* - Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection.

6.3.1.2 The justification for this decision is provided below.



Development Control Committee Schedule 15/11/2022

6.3.1.3 Whilst I am recommending no objections to this layout in principle, there are issues which will need addressing prior to any formal adoption of the layout. These should be addressed now so that further applications are not required in the future where a variation to the approved plans would be required to accord with the plans resulting from the S38 adoption process. I understand that you will be continuing negotiations with the designers and that amendments will be forthcoming in due course. There are some areas of concern which should be re-examined.

6.3.1.4 The access road running north off the main spine road between plots 319 and 184 is too long at approximately 150m and is therefore not compliant with Manual for Gloucestershire Streets and should either be re-designed or have some form of traffic calming perhaps by way of horizontal traffic calming, we would not wish to see a vertical calming feature here. However, it is noted that the darker coloured carriageway areas shown at junctions may be an appropriate response - it is unclear what materials are being used here, presumably block or granite paviors?

6.3.1.5 The application red line includes the accesses into area H14A; only two should be provided as the three shown are not compliant in terms of adjacent distances as two of the accesses are far too close together and unnecessary.

6.3.1.6 There appears to be an area of grasscrete between plots 207 and 20, is this required as an emergency route? If left open it could become a vehicular cut-through; in any event, the maintenance liability would rest with the estate management company as this section would not be adopted.

6.3.1.7 Whilst cycle parking has been shown for the flats, none has been shown for those units without garages; I am assuming that this will have been covered at the outline application stage, but nevertheless, mention should be made.

6.3.1.8 I am aware of the representations which have been made in respect of the access roundabout into the estate, but this has already been determined and does not form any part of this reserved matters application. I am satisfied with the forward visibility around this roundabout and this has already been fully checked as part of the adoption agreement for the spine road. I am further satisfied that the car parking provision is in accordance with your adopted policies.

6.3.1.9 The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

6.3.1.10 The Highway Authority therefore submits a response of no objection.

6.3.1.11 *Further comment* - No objection subject to conditions.



Development Control Committee Schedule 15/11/2022

6.3.1.12 The justification for this decision is provided below. Following on from our earlier discussions, I can now confirm that I am now content with the layout and details as revised and submitted and I acknowledge your point to include conditions relating to the provision of car parking and cycle storage prior to the first occupation of any unit of accommodation. The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

6.3.1.13 Suggested Condition - Vehicle and cycle parking shall be provided prior to first occupation of each dwelling in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter. Reason; To promote sustainable travel and healthy communities.

6.3.2 - County Archaeologist

6.3.2.1 Nothing of archaeological interest was recorded within the site in relation to S.14/0810/OUT and no further archaeological recommendations made. I therefore have no further observations to make on this reserved matters application.

6.3.3 - Lead Local Flood Authority LLFA

6.3.3.1 No objection

6.3.4 - Public Rights of Way

6.3.2.1 Footpath EEA15 runs around the perimeter of the site and while there appears to be a 'shared' provision for the paths on the eastern boundary, there doesn't appear to be any on part of the north-eastern boundary (parallel to the existing bridleway) and nor is there for EEA 14 which runs generally east-west across the site. It should be noted that the footpath and bridleway are two separate paths running in two different plots (i.e., not on top of each other). We would not accept diverting existing footpaths onto proposed pavements.

6.3.5 - Minerals and Waste Team

6.3.5.1 A Waste Minimisation Statement is requested to reflect the proposal site.

6.4 - Public

6.4.1 *Initial Consultation* - 22 private individuals from the local community have commented in respect of the proposed development. The comments are made in objection and raise the following issues;

The design of the proposed development is out of character with the surrounding residential development.

The proposed development does not conform with the building heights and materials on the surrounding development/area. - the proposed flats are particularly noted in the comments.



Development Control Committee Schedule 15/11/2022

The proposed development does not confirm with the Master Plan for the development.

The proposed development would result in the loss of the rural view from existing dwellings.

The proposed development is too dense and out of keeping with the surrounding development.

Overlooking resulting in loss of privacy, and amenity/light - the proposed flats are particularly noted in the comments.

There are no self build plots on the proposed development.

Trees should be included in the proposed development.

The traffic generated would exceed highway capacity and parking available in the area.

Highway safety issues resulting from the relationship of the proposed development and the roundabout junction.

Potential flooding issues close to the roundabout.

Negative impact on the value of existing property close by the site.

7 NATIONAL AND DEVELOPMENT PLAN POLICIES

Strategic Objectives and Allocations

- SA2 Site Allocation Land West of Stonehouse
- SO1 Accessible Communities
- SO4 Transport and Travel
- SO5 Climate Change and Environmental Limits

Core Policies

- CP1 Presumption in favour of Sustainable Development.
- CP2 Strategic Growth and Development Locations.
- CP3 Settlement Hierarchy.
- CP4 Place Making
- CP9 Affordable Housing

Core Policies - Homes and Communities

- CP6 Infrastructure and Developer Contributions
- CP7 Lifetime Communities
- CP8 New Housing Development
- CP14 High Quality Sustainable Development

Delivery Policies - Homes and Communities

- HC1 - Residential Development in Urban Areas

Delivery Policies - Economy and Infrastructure



Development Control Committee Schedule 15/11/2022

- EI11 Promoting Sport, Leisure and Recreation
- EI12 Promoting Transport Choice and Accessibility.
- EI13 Protecting and Extending our cycle routes
- Delivery Policies - Environment and Surroundings*
- ES3 Maintaining Quality of Life Within Our Environmental Limits
- ES4 Water Resources, Quality and Flood Risk
- ES6 Biodiversity and Geodiversity
- ES7 Landscape Character
- ES8 Trees and Hedgerows and Woodlands
- ES10 Valuing Historic Environment and Assets
- ES12 Better Design of Places.
- ES14 Provision of Semi-Natural and Natural Green Space with New Residential Development
- ES15 Provision of Outdoor Play Space

7.3 - Eastington Neighbourhood Development Plan (2019)

- EP1 Sustainable Development
- EP2 Protect and Enhance Biodiversity and the Natural Environment.
- EP4 Siting and Design of New Development and Conservation.
- EP8 Traffic and Transport
- EP9 Public Rights of Way and Wildlife Corridors

7.5 - County Level Development Plan

- Gloucestershire Local Transport Plan (2020 to 2041)
- Minerals Local Plan (2018 to 2032)

8 PRINCIPLE OF DEVELOPMENT

8.1 The application site is part of land identified for strategic growth under policy SA2 (Land West of Stonehouse) of the Stroud District Local Plan (November 2015). Subsequently, outline planning permission was granted under application S.14/0810/OUT (14th April 2016) comprising up to 1350 dwellings, employment development and a mixed use local centre and new primary school. The application relates to land parcels H13 and H14 (part) which falls into the approved master plan area for land parcels H13, H14 and H15. The master plan was approved against condition 46 of the outline planning permission (conditions application S.21/2814/DISCON) on 16th June 2022.

8.2 Accordingly, the principle of the proposed development is established. This application seeks approval for layout, scale, appearance and landscaping (reserved matters) for the development of 216 new dwellings. The assessment of this application should only consider those matters and issues pertinent to them. The assessment is set out in detail below.

9 LAYOUT

9.1 General Layout - The master plan for land parcels H13 to H15 sets out the broad layout of the parcels. This application focusses on parcels H13 and approximately half of H14 (the Western half). Officers are satisfied that the layout of the proposed development on



Development Control Committee Schedule 15/11/2022

these parcels is consistent with the approved master plan. Nearby land parcels have gained reserved matters consent relatively recently and the development of those parcels is well under way. This proposal reflects a similar layout principle and is considered to be acceptable. The development will allow good permeability and appropriate housing density in the context of the wider Great Oldbury Development. This area of the Great Oldbury development is expected to provide a higher density as it is closer to the local centre (which remains at the outline permission stage) and nearby community services such as the primary school, sports facilities and public transport links. The sports facilities are located immediately to the west of this application site, part of which is well under construction. The area will also include a community hall, changing and parking facilities. Reserved matters applications are anticipated in the near future, but at this stage those elements are still at the outline planning permission stage.

9.2 Housing Mix/Affordable Housing -The development comprises a total of 216 dwellings made up of the following;

- 44 no 2 bed houses (all Affordable units)
- 103 no. 3 bed houses (including 10 no. Affordable units)
- 60 no. 4 bed units (including 2 no. Affordable units)
- 6 no. 2 bed flats (all Affordable units)
- 3 no. 1 bed flats (all Affordable units)

9.3 The development would provide a relatively high proportion of 3 and 4 bed open market units. However, officers are satisfied that this would allow the delivery of a reasonable and balanced mix of housing availability across the strategic allocation and the wider district; and as such is acceptable.

9.4 The proposed development includes 65 affordable units (32 affordable rent and 33 shared ownership). The units are clustered in accordance with SDC Policy. The ratio amounts to just over 30% of the proposed units on these development parcels. This meets the target proportion set out in policy CP9 and as such is acceptable. Officers note that there are nine units clustered together in the centre of the site. This has the potential to conflict with Affordable Housing policy in terms of the clustering of these units. The policy aims to restrict the clustering to eight units so as to encourage affordable tenure types to be provided across the whole site rather than in over concentrated groups. However, these are accessed from a choice of routes and allow sufficient permeability to address this issue.

9.5 Accordingly, in respect of Parcels H13 and H14 (part), officers are satisfied that the layout and proposed housing mix is acceptable and that the Affordable Housing requirement is met.

9.6 Road and Parking Provision - The submitted road layout is consistent with the agreed master plan for parcels H13 to H15. Parking provision is also consistent with the Stroud District Council Parking standards. Gloucestershire County Highway Authority have confirmed that the proposed development is acceptable in highway terms and that the level of proposed car parking is acceptable. A condition is requested that would act to secure the parking ahead of the occupation of respective dwellings detailed in the application.



Development Control Committee Schedule 15/11/2022

Accordingly, whilst officers note the comments from the local community, officers are satisfied that the level of vehicular parking is acceptable.

9.7 Local concern has also been raised regarding the relationship of the development and the existing roundabout junction adjacent to the Southeast corner of the application site. This concern raises the potential for pedestrian and vehicle users to come into conflict with motor vehicles passing the site on the existing spine road (Great Oldbury Drive). The layout of the proposed development has been revised since initial public comments were received. However, the proposal has retained pedestrian and vehicular access from the proposed dwellings directly onto Great Oldbury Drive and the new road way currently under construction. In the case of pedestrian users, the proposed development will introduce a new footway so segregating pedestrian users of the highway. Driveway accesses will also be provided and this would cross the pedestrian footway. Sufficient visibility is available for the users to allow safe access. Furthermore, the Highway Authority consider that the proposal is safe in highway terms and have also confirmed that the relationship of the development with the roundabout junction is also acceptable.

9.8 The Great Oldbury development as a whole is designed to allow access to public transport, cycling and walking network so providing viable alternatives to the use of the private motor car. The proposal submitted under this reserved matters application will allow the new development to integrate into that concept and is well connected. The layout of the development allows for good levels of permeability through the site allowing a great choice of walking/cycling routes through the development, to transport nodes, local areas play, formal and informal open space as well as the wider community infrastructure associated with the Great Oldbury development.

9.9 Officers are satisfied that the development would facilitate good links encouraging healthy outdoor activity and sustainable modes of transport - and in this regard the proposed development is acceptable.

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

9.11 Comments from the local community regarding over-looking and potential over-bearing impacts are noted. The main concerns were raised in respect of the proposed block of flats allowing elevated views of dwellings recently completed to the South of the application site. Whilst officers do not necessarily agree that there would have been harm resulting from the development in that regard, the layout of the development has been amended so that the block of flats is more central in the development and well away from the nearby existing dwellings. The amendments show that a mix of terraced, semi-detached and detached houses would front onto Great Oldbury Drive. These are generally two storey in height whilst the plots closest to the roundabout junction have rooms in the roof space (2.5 storey). Generally, the distance between the proposed and existing dwellings is approximately 30 metres and this would be across the main access road (Great Oldbury Drive). This relationship is typical of a sub-urban environment such as this, where there are



Development Control Committee Schedule 15/11/2022

views towards other dwellings and across private garden areas. It is not considered that the proposed development would result in any significant harm in terms of overlooking. Comments have also been received in respect of loss of light and views of the surrounding countryside beyond the development site. Whilst there is not a right to light, it is appropriate to consider whether there would be an overbearing impact as a result of the scale and proximity of new development in relation to existing dwellings. In this instance, and for the same reasons as set out above, it is not considered that there would be any significant harm. There is not right to a view. Whilst the views of the surrounding landscape from existing dwellings would be partially obscured this would not result in a significant impact in amenity terms. Furthermore, this is an inevitable result of the further development of the Great Oldbury Site consistent with the wider planning of the development.

9.12 Drainage - the strategic drainage of the development of the Great Oldbury Site was considered at the outline stage and is now substantially in place. The Lead Local Flood Authority (Gloucestershire County Council) is satisfied that the proposed development is acceptable. Essentially it will be connected to the drainage existing system now in place which includes sustainable measures such as retaining ponds within the wider landscaped areas of the development. Comments raising concern that parts of the site are retaining water will be addressed by appropriate engineering solutions - and this is a matter covered by the Building Regulation Legislation. Accordingly, officers are satisfied that the development is acceptable in this regard.

9.13 Clearly, there would be some impact upon the existing dwellings as a result of this development proposal. However, the impact must be set in the context of the development of the Great Oldbury New Neighbourhood that is underway. The outline planning permission has secured the principle of the development of this parcel of land for residential use. It is consistent with the outline permission and subsequent master-planning approvals. Officers are satisfied that the proposed development now being considered would introduce any impacts that would negatively deviate from the planned development and as such the proposed layout of the development is acceptable.

10 SCALE AND APPEARANCE

10.1 House Types and Building Form - The proposed development is predominantly made up of a range of 2 storey detached houses with a smaller proportion of semi-detached and terraced houses. There are also a group of 10 dwellings that are 2.5 storey located close to the roundabout junction in the Southeast corner of the site. The development includes an apartment block (containing 9 apartments). The building is 3 storey in height. Notwithstanding this, the proposed development is domestic in scale and character. Whilst it is higher than most of the buildings in the parcel, indicative cross-sections have been provided that demonstrate that the building would not stand out in longer views of the development. Each individual unit is derived from typical 'house type' approach. However, the buildings are modest in form taking on simple detailing with a range of features consistent with the wider Great Oldbury Development. Comments from the local community regarding the design and materials palette are noted. Whilst it is acknowledged that the proposed development represents some variation from existing development nearby, it is not considered that the development would conflict with other development. The range of house types, material and



Development Control Committee Schedule 15/11/2022

detailing across the wider Great Oldbury site is not intended to be limited to a limited palette and this is to ensure that land parcels come forward with a distinctive character of their own to aid the character and legibility of the development. This is consistent with the existing development that has taken place on other parcels associated with the outline planning permission and is considered to represent an acceptable standard of design.

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

11 LANDSCAPING

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

11.2 Officers are satisfied that the landscaping of the site is acceptable and is consistent with the approved master plan.

12 ENVIRONMENTAL ISSUES

12.1 Ecological Considerations - The site has very limited ecological value. However, the site does contain a small area that has had some potential to contain habitat for Great Crested Newts (GCN). However, up to date surveys have demonstrated that this is not the case. Accordingly, the consultant ecologist to the LPA has confirmed that there is no requirement for a District Level Licence (for Great Crested Newts) in respect of this development proposal. However, it is appropriate that the development should be carried out whilst following appropriate *reasonable avoidance measures (RAMs)* for GCN. RAMs are generic measures that guide developers in respect of using ecological construction methods. The applicant has provided an appropriate RAM and this can be secured by way of appropriately worded condition.

12.2 Bin Waste and Recycling Collection - Community Services have highlighted that there are some bin collection points that exceed walking distances for the collection services. Officers have considered this issue carefully. In particular, officers note that there are two dwellings that are *just* beyond the 25 metre distance considered acceptable for the bin collection personnel to return the bins to the dwellings. The exceedance is not considered to be material and is not of a level that would result in the proposed development being unacceptable in planning terms. Furthermore, the distances are guidelines, and officers are satisfied that the proposal broadly complies with them. In this respect, the proposed development is acceptable.



Development Control Committee Schedule 15/11/2022

13 CONCLUSION AND THE PLANNING BALANCE

13.1 The proposed development is consistent with the wider masterplan for Great Oldbury and the associated land parcels; and development that has already been implemented. The proposed development would provide an important link and open up development land for the next phases of development associated with The Great Oldbury Development; as well as bringing new housing forward. Officers attribute significant weight in favour to this factor.

13.2 Officers are satisfied that the proposed development would not lead to an unacceptable impact in highway safety terms or in terms of the amenity of the surrounding residential areas. Officers are also satisfied that future development phases of the development can provide appropriate landscaping and ecological mitigation consistent with the masterplan for the development.

13.3 Accordingly, officers consider that the benefits of the proposed development outweigh the very limited negative impact and as such the proposed development should be approved.

14 HUMAN RIGHTS

14. 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.

15 RECOMMENDATION

15. That reserved matters consent is approved subject to the conditions set out in this report.

Subject to the following conditions:	<p>1. The development hereby approved shall be implemented strictly in accordance with the following drawings;</p> <p style="margin-left: 20px;">P22-0173_05 (Site Location Plan) As received by the Local Planning Authority on 27th July 2022</p> <p style="margin-left: 20px;"><u>Layout</u> P22-0173_08-1.06-1 Rev A (House Type Pack) P22-0173_08-4.02-4.06 Rev A (House Type Pack) P22-0173_03 REV R (Site Layout) P22-0173_07 Rev A (Materials Plan) P22-0173_10 REV A (Building Heights Plan) P22-0173_09 REV A (Affordable Housing Strategy) P22-0173_11 REV A (Boundaries and Enclosures Plan) P22-0173_13 REV A (Parking Strategy) P22-0173_14 REV A (Adoption Plan)</p>
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Development Control Committee Schedule 15/11/2022

P22-0173_15 Rev A (Refuse Strategy)
P22-0173_12 REV B (External Works Plan)

As received by the Local Planning Authority on 5th October 2022

Engineering

DR-400 Rev C (Planning Stage Levels and Drainage Strategy)
DR-401 Rev C (Planning Stage Highways General Arrangement)
DR-402 Rev C (Planning Stage Swept Path Analysis)

As received by the Local Planning Authority on 5th October 2022

Landscaping

LA5560 002 A (Soft Landscape Proposals 1 of 4)
LA5560 003 A (Soft Landscape Proposals 2 of 4)
LA5560 004 A (Soft Landscape Proposals 3 of 4)
LA5560 005 A (Soft Landscape Proposals 4 of 4)

As received by the Local Planning Authority on 5th October 2022

Reason: For the avoidance of doubt.

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

LA5560 002 A (Soft Landscape Proposals 1 of 4)
LA5560 003 A (Soft Landscape Proposals 2 of 4)
LA5560 004 A (Soft Landscape Proposals 3 of 4)
LA5560 005 A (Soft Landscape Proposals 4 of 4)

As received by the Local Planning Authority on 5th October 2022

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

3. Any plant species (including trees, shrubs and grass land areas) which die within the first 10 years of planting shall be replaced on a like for like basis within the next available planting season.

Reason: In order to ensure that the development is appropriately landscaped in the interest of the landscape and character of the development and the surrounding area, ecology and public health



Development Control Committee Schedule 15/11/2022

and to comply with policies SO1, CP4, CP7, CP8, CP14, ES3, ES6, ES7, ES12 and ES14 of the Stroud District Local Plan (Adopted) November 2015.

4. Individual dwellings within the development hereby approved shall not be occupied until the associated parking provision (for all vehicles including cycle parking) (as shown on drawings numbered P22-0173_03 REV R and P22-0173_13 REV A) has been provided in respect of that dwelling. Thereafter the development shall be retained as such.

Reason: In order to ensure that adequate parking is provided for the residents of the new development and in the interest of highway safety and in accordance with Policy HC1 of the Stroud District Local Plan (Adopted) November 2015.

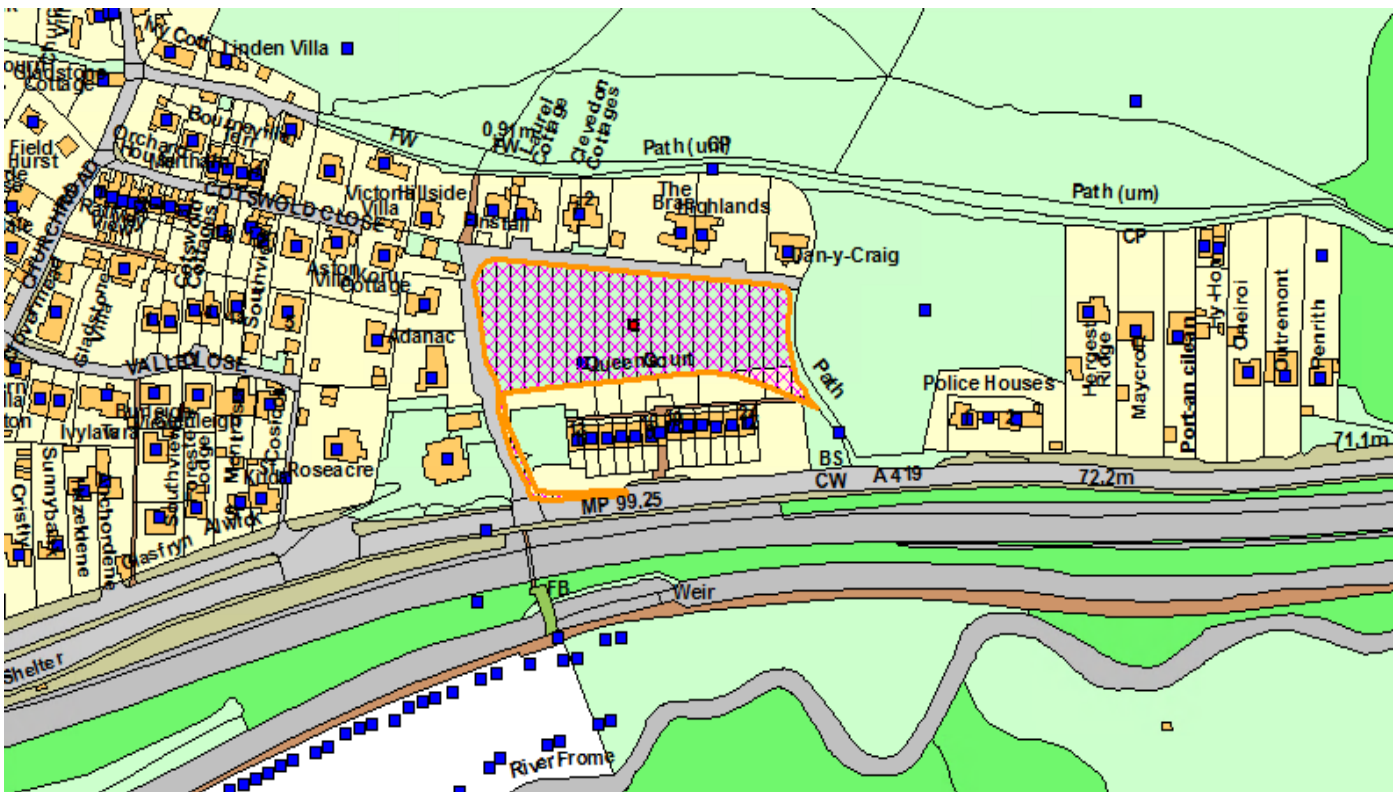
5. The development hereby approved shall be implemented strictly in accordance with the scheme for Reasonable Avoidance Measures as received by the Local Planning Authority on 21st October 2022.

Reason: In order to protect potential ecological interests and in accordance with Policy ES6 of the Stroud District Local Plan (Adopted) November 2015.



Development Control Committee Schedule 15/11/2022

Item No:	02
Application No.	S.21/1240/FUL
Site Address	Play Area, The Bourne, Brimscombe, Gloucestershire
Town/Parish	Brimscombe And Thrupp Parish Council
Grid Reference	387894,202288
Application Type	Full Planning Application
Proposal	Erection of 4 dwellings
Recommendation	Permission
Call in Request	Cllr Christopher Jockel





Development Control Committee Schedule 15/11/2022

Applicant's Details	Ruislip Manor Property Ltd C/o Ken Parke Planning Consultants, Anniversary House, 23 Abbott Road, Bournemouth, BH9 1EU
Agent's Details	Mr Ken Parke Ken Parke Planning Consultants, Anniversary House, 23 Abbott Road, Bournemouth, BH9 1EU
Case Officer	Nick Gardiner
Application Validated	19.05.2021
CONSULTEES	
Comments Received	Conservation North Team Arboricultural Officer (E) Contaminated Land Officer (E) Area Walking Environment Officer Housing Strategy And Community Infrastructure Brimscombe And Thrupp Parish Council Biodiversity Team Development Coordination (E) Environmental Health (E) Conservation North Team SDC Water Resources Engineer
Constraints	Aston Down Airfield Consultation Zones Adjoining Canal Affecting the Setting of a Cons Area Consult area Kemble Airfield Hazard Neighbourhood Plan Brimscombe and Thrupp Parish Council Affecting a Public Right of Way Rodborough 3km core catchment zone Settlement Boundaries (LP) Single Tree Preservation Order Points
OFFICER'S REPORT	

MAIN ISSUES

- o Principle of development
- o Design, Layout, Appearance and Landscape
- o Residential Amenity
- o Environmental
- o Highways and Public Right of Way (PROW)
- o Arboriculture
- o Ecology
- o Heritage Assets
- o Flood Risk
- o Obligations



Development Control Committee Schedule 15/11/2022

INTRODUCTION

The application site relates to a 0.40-hectare rectangular parcel of land, behind Queens Court, London Road, Brimscombe. The site falls outside of the Industrial Heritage Conservation Area, which is found to the south side of London Road, opposite. The site profile is steep, falling North to South.

In its current form, the application site is a mature area of land that is overgrown with seldom management. Numerous large trees are in existence on the site with heavier groupings located towards the East of the site and a protected Walnut tree (TPO 0573) central to the site, with mature hedgerow planting occupy the borders of the site.

The site lies within the development boundary of Brimscombe, in proximity to but outside the Area of Outstanding Natural Beauty whilst being within the catchment areas of the Rodborough Common SAC and Cotswolds Beechwoods.

The immediate vehicular access is from Bourne Lane, an unclassified road with a junction to the A419 London Road. Bourne Lane is on a steep gradient and the current junction in terms of access and visibility with the A419 does not comply with current highway standards. The lane currently serves approximately ten dwellings as well as Queens Court.

Public Footpath 37 runs through the site west to north and footpath 36 runs along the western boundary but outside of the site and this path runs between the site and the adjacent Charlea Community Gardens.

The application has been called in to the Development Control Committee by Councillor Jockel. The planning reasons for the request:

"The proposed layout creates an uncharacteristic cluster of dwellings that relates poorly to the scheme as a whole, therefore the scheme in virtue of its scale, form, layout and amenity is out of keeping with the detached dwellings in large plots in ribbon development found to The Bourne whilst failing to maintain the open nature of this important site contrary to Policy HC1 of the adopted Stroud District Local Plan 2015.

and

By way of the proposed site layout, the design, form, retaining structures and proposed materials to this highly visible site on the periphery of the Cotswolds Area of Outstanding Natural Beauty, the proposed application fails to conserve and enhance a site that is rich in natural features with the proposed building resulting in an incongruous addition, contrary to policy ES7 of the 2015 Stroud District Local Plan as well as paragraph 170 of the National Planning Policy Framework."

PROPOSAL

The proposal seeks permission for the erection of four dwellings with associated access and parking.



Development Control Committee Schedule 15/11/2022

RELEVANT PLANNING HISTORY

13/03/2020 Withdrawn -S.19/2639/FUL Erection of four dwelling (resubmission of S.19/0794/FUL).

01/07/2019 Refused - S.19/0794/FUL Erection of four dwellings.

12/04/2019 Refused - 2019/0003ASSETC Asset of community value nomination.

19/02/2019 Confirmed -TP0-573 - TPO of Walnut from provisional TPO under S.18/2666/NEWTPO.

31/01/2019 Refused - S.18/2353/FUL Erection of eight three-bedroom three storey dwellings.

27/3/1973 Permission -2742/B Use of land as children's play area.

REVISED DETAILS

Submission of revised Transport Assessment, additional drainage and tree information.

MATERIALS

Walls: Natural stone and timber cladding.

Windows: aluminium / UPVC.

Doors: Timber / aluminium / UPVC.

Boundary Treatments: Timber fencing, hedging, and planting.

Access: Tarmac, permeable paving, and block paving driveways.

REPRESENTATIONS

Statutory Consultees:

Brimscombe with Thrupp Parish: Object for a number of reasons.

- o Site Access and highway safety
- o Statements in the design statement are inaccurate
- o Overbearing impact to Queens Court
- o Green space is informally used and there is no evidence that the community does not use it.
- o It is a green space that provides aesthetic and environmental value to the community.
- o Development would lead to a loss of open land that contributes to the landscape value of the area.

Environmental Health: No objections subject to conditions surrounding construction hours, dust emanation as well as a burning informative.

Contaminated Land: The site lies within 250 metres of a former quarry, unknown if filled. Therefore suggests the landfill informative is added to any permission.

Tree Officer: No objection subject to conditions.



Development Control Committee Schedule 15/11/2022

Policy Implementation Manager: Does not trigger a contribution to affordable housing

Biodiversity Team: Acceptable subject to conditions and mitigation in respect of the Rodborough Common and Cotswolds Beechwoods Special Area of Conservation.

Ramblers Association: Object to the loss of the play area and green space in an urbanised area but the indicated diversion of MTH37 through a green corridor between the properties would be acceptable.

Water Resource Engineer: Following clarification from the agent/application and a consultation response from Severn Trent in relation to the combined discharge to foul, no objection.

Severn Trent: No objection and no conditions required subject to informative.

Conservation Specialist: No objection on heritage grounds.

GCC Highways the Local Highway Authority: No objection subject to conditions and financial obligations.

Public:

There have been thirty-seven public representations submitted to the LPA at the time of writing all in objection surrounding the following:

- o Historic use as a play area
- o Designated as public open space
- o No benefit to local residents
- o Invaluable community asset
- o Inadequate open space replacement
- o Impact to adjacent Community Gardens
- o Overlooking to Queens Court residents
- o Loss of privacy
- o Overdevelopment
- o Construction traffic and safety
- o Construction noise
- o Concerns over storm water run off
- o Drainage issues in the locality
- o Impact upon wildlife
- o Sites suitability to support reptile population
- o Loss of verdant back drop
- o Loss of trees and hedgerow
- o Loss of parking to Queens Court
- o Land subsidence
- o Validity of reports



Development Control Committee Schedule 15/11/2022

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1).

Stroud District Local Plan.

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

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

Local Plan policies considered for this application include:

- CP1 - Presumption in favour of sustainable development.
- CP2 - Strategic development and locations
- CP3 - Settlement hierarchy.
- CP4 - Place making.
- CP14 - High quality sustainable development.
- HC1 - Meeting small-scale housing need within defined settlements.
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality, and flood risk.
- ES6 - Providing for biodiversity and geodiversity.
- ES7 - Landscape Character.
- ES8 - Tree, hedgerows, and woodlands.
- ES10 - Valuing our historic environment and assets.
- ES12 - Better design of places.
- ES13 - Protection of existing open space.

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

SPG Residential Design Guide (2000)

Stroud Landscape Assessment SPG (November 2000)

Landscape Sensitivity Assessment (2016)

Stroud District Planning Obligations SPD (2017)

Stroud District Open Space and Green Infrastructure Study (2019)

Brimscombe and Thrupp Parish have designated a neighbourhood area and have an emerging neighbourhood development plan (NDP).

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:



Development Control Committee Schedule 15/11/2022

PRINCIPLE OF DEVELOPMENT

The proposal is for the erection of four new dwellings on an open sloping parcel of land.

The site lies within the defined Settlement Boundary of Brimscombe, designated as a Third Tier Settlement within the 2015 adopted Local Plan, where there is a presumption in favour of development subject to design and amenity considerations and to a satisfactory means of access being provided.

The site in conjunction with Queens Court was owned by Stroud District Council. Queens Court is a residential block of apartments that remains as such under the applicant's ownership. The site had planning permission in the 1970's for the formation of a play area. The site is no longer subject to any play equipment or defined recreational area currently and has not been since the facilities were removed in the 1980's. The site is not designated as a play area or any other designation within any policy documents including the current 2015 SDLP.

There is strong local objection including from the Parish Council to the proposed dwellings due to the loss of the open space that is important to the community.

Policy ES13 pertains to the protection of existing open space:

- o Point A - contribute to the distinctive form, character and setting of a settlement.
- o Point B - create focal points within the built area.

The site has been subject to nomination to be an Asset of Community Value. This nomination was not supported. It was acknowledged that the land once provided play equipment which was subsequently removed, however this was never formally designated as a protected outdoor play space in the Stroud Local Plan.

The Stroud District Quality Audit of Green Infrastructure and Open Space Audit (2019) did assess the site as an old orchard and classified the site as amenity greenspace that was poor in green infrastructure and open space quality. The audit assessed planned spaces, recreational spaces and adopted sports facilities. As the site has no formal designation as open space, its inclusion seems to have been linked to the site being within the council's ownership and therefore whilst in ownership of the council the improvements identified could have been implemented. The report did not take into account that the site had been sold in 2018. Nonetheless, its assessment is useful in identifying that the site has poor access and was poor in quality but did offer the opportunity to become an enhanced community orchard.

The site is well connected to green open space including the adjacent Charlea Community Gardens. There is a good connection of Public Rights of Way from Bourne Lane including footpath 53 which runs along the boundary of Fininstall and Hillside that connect to numerous footpaths across open countryside, representing immediate access to recreational space. The highway improvements will provide a crossing to the south making it easier to navigate to access Footpath 156 bridge over the railway and connect to the canal towpath and connecting to other recreational opportunities.



Development Control Committee Schedule 15/11/2022

The development represents infill development between Queens Court and the development to Bourne Lane. The rear gardens to the development to the north on Bourne Lane marks the settlement development boundary which then extends east, with this site and the adjacent Charlea Community Gardens being green spaces before a row of dwellings up to the eastern edge of the settlement limits. The Cotswolds Area of Outstanding Natural Beauty begins at the edges of the settlement with the site being severed from the AONB by the ribbon development to the north.

The site does form part of the feathering of development at this juncture of the settlement but does not form a transitional space to the AONB and does not have a physical or immediate visual connection to the AONB and open countryside, unlike the adjacent Charlea Community Garden. Due to the site's location within the settlement it does not create a focal point within the built-up area or represent a space that is intrinsic and therefore important to the character of this juncture of the settlement. Charlea Community Gardens would still remain as a green space between existing development. Further, the proposed site layout is at a level of density of housing to allow the appearance of an open and green site with green infrastructure to all the boundaries of the site as well as maintaining an open space in the centre that incorporates the protected tree and public right of way. In this respect the proposal, subject to conditions, would maintain a satisfactory level of green infrastructure, if not offer betterment across the site. The benefit of the development would be that the space would be subject to management and would have increased accessibility. This green boundary would be viewed from each side of the development, offering a visual green break between the built form and therefore a feathering of development at the edge of settlement would be maintained, albeit with four additional units. Overall, the detrimental impact of the short-term construction and overall loss of green space due to the built form being balanced out by the inclusion of green space, its management and improved accessibility, at worst would offer a neutral impact in open space and green infrastructure terms.

This leads to the conclusion that whilst it is acknowledged that the site is currently open parcel of land within the settlement, it is not one of good quality and one that could be closed to the public at any time, other than access to the public footpath. The parcel of land is not deemed to be of such importance to the character of the settlement to preclude development with the proposal not being contrary to the policy ES13.

Emerging Neighbourhood Development Plan:

Brimscombe and Thrupp Parish Council have recently undertaken a public consultation on their emerging Neighbourhood Development Plan. This site was identified as a site in which it is sought to be designated as Local Green Space. The emerging plan at this stage carries minimal weight and the designation process would require for the site to be demonstrated to meet the relevant tests set out within the NPPF.

It is acknowledged that the Parish and local residents object to the application and support the use of the site as a Local Green Space. Comments submitted have also alluded to the community gardens having offered to purchase the site to protect it and extend the community gardens.



Development Control Committee Schedule 15/11/2022

Under current policy the site is not protected or designated as such under the 2015 Local Plan or other legislation and as such the application needs to be considered on that basis.

Principle Summary:

The site is within the defined settlement development limits of Brimscombe where there is a presumption in favour of development. The site is currently an open parcel of land which has been a play area in the past with no formal equipment at the site for approximately 30 years. The comments received indicate that it has been presumed to be a public open space. The site is not designated or protected as such within policy. The site failed to gain approval as an Asset of Community Value and when viewing the site, it is not considered to be an such an important space in terms of the character of the settlement.

The proposal has a neutral impact in green infrastructure terms and due to its location good links to open space remains, and whilst it has the potential for other uses and forms of development, the current application before officers is for the erection of four dwellings. The loss of this open space is therefore attributed minimal weight and when considering the above, the principal of residential development on the site can be considered subject to other material planning considerations with the proposal being in accordance with policy ES13 of the 2015 SDLP.

DESIGN/ LAYOUT, APPEARANCE AND LANDSCAPE

The site is set below, and adjacent ribbon development served by Bourne Lane which is characterised by semi-detached and detached single storey and two storey dwelling varying from Victorian red brick dwellings to Bradstone more modern bungalows, some of which have been subject to extension and modernisation. Queens Court is set below the site and is a mid-century modernist flat roof ex- local authority housing block.

The proposal is for four detached dwellings set centrally within a reasonably large plot and into the slope of the land. Each unit has parking as well as an integral garage and front gardens. The plot size for each unit, parking provision and amenity are typical of the dwellings in the vicinity and therefore the proposal would be in keeping with the pattern of development. There is sufficient amenity space for each unit, which includes an area of private amenity space to accord with the Residential Design Guide.

The proposed dwellings are contemporary two storey flat roof units completed in timber cladding and natural stone. The proposal therefore relates in scale and form to the surrounding residential dwellings whilst also responding to the topography. The design does not emulate the mid-century modern form of Queens Court nor offer a pastiche representation of the nearby house types, instead opting for a contemporary approach that will offer a welcome juxtaposition. The combination of materials, scale and form units will not appear strident within the street scene. The materials are key in a cleaned lined contemporary scheme, and it is therefore necessary to apply a materials sample condition to any permission.

The proposal seeks to maintain an area of green communal space within the centre of the site surrounding the now protected walnut tree, whilst making a more defined and formalised



Development Control Committee Schedule 15/11/2022

public right of way. A condition for management of the public area of the site will be applied to any permission. In order to maintain the green edges and open feeling to the development. This will be combined with the landscape and ecological management condition.

Due to proposal seeking to maintain the open nature it is necessary to remove permitted development rights requiring any outbuildings or structures requiring the benefit of planning permission. Further, a pre-commencement condition for approval of levels and site sections is required to ensure the acceptability of the development in terms of building heights, visual appearance and landscape.

The site can be seen from localised close-range viewpoints as well as in wide range views, but the proposal preserves some of the green open space nature of the site, especially to the edges of the site and therefore would be viewed in the context of the surrounding development to the north, south and west of the site, with the east being the Charlea Community Gardens. The access road would site behind Queens Court in longer range views and the flat roof nature in conjunction with the palette of materials will result in the important setting, and views into and out of the AONB would not be detrimentally impacted. The site also does not fall within in an at-risk zone contained within the Stroud District Landscape Sensitivity Assessment. The proposed layout includes tree and hedging planting to which a condition to secure the details and implementation of this planting can be applied to any permission.

The proposed development offers four dwellings that are commensurate and compatible with the scale of dwellings that surround the site. The number of units has been kept to follow this density to in-keeping but also to maintain the sense of openness of the site as well as accommodating the protected tree and public right of way.

RESIDENTIAL AMENITY

The proposed dwellings are set quite centrally within each plot, set back from the access the road which is bordered by a wide green open space to the boundary with Queens Court. The dwellings are built into the sloping land. Each unit is individual and responds to the land levels at that juncture of the site. The units are all two storey and approximately six meters in height with a large proportion of glazing to the front elevations and an external terrace.

The residential design guide indicated that all clear glazing facing clear glazing needs to be a distance of 25 metres which can be reduced to 10 metres should one be obscurely glazed or a blank elevation. The layout indicates a minimum distance of 26.5m from unit 4 with all other units being further away from Queens Court. As a result the proposal will not give rise to an unacceptable degree of overlooking or loss of privacy. Due to the modest height of the units, being set into the bank and the degree of setback within the site there would be no overbearing, overshadowing, loss of light or loss of privacy to Queens Court.

To the rear the units are set approximately 3m above ground, with the rear elevation being set into back from the ground by the sunken rear terrace set within a retaining wall, with the rest of the sloping garden above leading up to the northern section of Bourne Lane. Due to degree of separation and units being set down in the plot there will be no overlooking, loss of privacy to the dwellings to the north. A construction hours condition would be applied to any permission to protect the amenity of the residential properties surrounding the site.



Development Control Committee Schedule 15/11/2022

Due to the sloping nature of the site it is necessary to apply a pre-commencement condition for the submission and approval of levels and finalised site sections to ensure the amenity of the adjoining properties is maintained.

ENVIRONMENTAL

The site lies within 250 meters of a known quarry unknown if filled and as such a landfill informative will be applied to any permission. The proposed dust condition will not be applied.

HIGHWAYS & PROW

The proposed layout includes a parking area to the front of each unit large to accommodate at least two parking spaces per dwelling, sufficient to accord with the adopted parking standards contained within the SDLP. The site is located within settlement within walking distance of bus stops and access to the canal towpath to encourage alternative modes of transport other than the motor vehicle.

The existing access from London Road onto Bourne Lane is inadequate when assessed against current standards. The access serves approximately ten dwelling plus the units contained within Queens Court. The revised submitted transport assessment demonstrates that the number of vehicle trips generated by the proposed four dwellings will not have a serious impact to highway safety.

The details proposed include a suitable access to the proposed development as well as significant improvements to the current A419 junction, improved vertical alignment to Bourne Lane, introduction of a pedestrian footpath and crossing place to reach the southern side of the A419 representing betterment for all residential dwellings served by Bourne Lane, in highway safety terms as well as a footway to the bus stop and crossing point to the A419. The London Road junction visibility splays would be improved by the acquisition of land which has been demonstrated to be in control of the applicant. The proposal is therefore acceptable and does not give rise to a detrimental impact to highway safety. The mentioned highway improvements would be subject to a Section 278 and Section 38 Highway Agreement, however they would be secured by way of condition to ensure the off-site improvements are carried out prior to occupation. The Transport Assessment and drawings contained within will be subject to compliance conditions and will form part of the approved plans.

The proposed works to the access seem to have caused confusion in relation to the current parking provision at Queens Court. The proposal does not reduce the existing parking provision attributed to the units at Queens Court. It is inevitable that the construction phase of development and alterations to the junction and Bourne Lane will cause short term inconvenience. Due to the nature of the works onto an A-road, GCC Highways have suggested a Construction Management condition. This would not usually be deemed necessary for developments of this scale, however in this instance, due to the location and highway safety implications of the works, a construction management condition will be applied to any permission.



Development Control Committee Schedule 15/11/2022

A public right of way runs through the site running west to north. The exact route on the ground is unclear currently, but there is a definitive route mapped. The proposal seeks to formalise the PROW but the route will be need to permanently altered from the definitive mapped route. This proposed route still runs west to north, is proposed to offer better accessibility and legibility, and therefore is considered to be a suitable alternative that would not undermine its public use or disadvantage its users. GCC have not objected to the proposal but offer informatives to make the applicant / developer aware of the requirements upon them in temporarily altering, closing, or permanently altering the route of a PROW which is subject to separate legislation.

The electric vehicle charging point condition will not be applied as this now forms part of the Building Regulations requirements. A condition will be applied to any permission to secure the details and issuing of a sustainable transport welcome pack to new occupiers. This is important to inform occupants of sustainable and alternative methods of travel other than by the motor vehicle.

Stroud District Council is CIL Charging Authority. GCC Highways have sought a contribution via a planning obligation towards improvements to bus stops, including poles flags, timetable cases, carriageway markings and shelter. These could be applied for under CIL and is considered to be overly onerous upon a development of four dwellings which has includes significant highway improvements.

ARBORICULTURE

The site does not fall within the conservation area and is subject to one tree preservation order to the central walnut tree. Trees that are not protected and that do not fall within the conservation do not require permission for works or felling to be undertaken.

The development has been designed in such a way to leave an open space at the centre of the site that encompasses the public right away and ensures the integrity and root protection zones of this protected tree. There are many retained trees proposed. Indicative landscaping has been shown and a landscaping plan, detail and implementation condition can be applied to secure suitable landscaping scheme.

SDC's Tree Officer offers no objection subject to conditions. The proposed pre-commencement onsite meeting with the tree officer is not reasonable or necessary due to the compliance condition for the development to be carried out in accordance with the details as contained within the report.

The pre-commencement condition for service runs method statement to be undertaken by a moling contractor is deemed to be necessary for the proposed drainage strategy and is more than the limitations of the submitted tree survey.

ECOLOGY

The application has been supported by and ecological appraisal and retille survey. There have been comments received in relation to the site being mown prior to the appraisal. The site could be mown at any time. The report confirmed a low population of slow-worms and common lizards are present. In addition, the site provides suitable habitat for nesting birds,



Development Control Committee Schedule 15/11/2022

commuting, and foraging bats and badgers. Subsequently, both reports have included appropriate safeguarding measures that need to be adhered to throughout the construction phase. Furthermore, the reptile report has included appropriate mitigation and compensation proposals to offset the loss of suitable reptile habitat.

The site falls within the 3.3 km core catchment zone of the Rodborough Common SAC therefore, the applicant can either make a one-off S106 contribution per new dwelling to the Stroud District Council's avoidance mitigation strategy; the cost is £200 per new dwelling. Or the applicant can provide their own bespoke strategy to mitigate the identified impacts the proposed development will cause. Bespoke mitigation has not been submitted. A signed and completed unilateral undertaking by the applicant/agent for a mitigation contribution of £800.00 for the four dwellings will be required prior to determination.

The proposed site falls within the 15.4 km core catchment zone of the Cotswold Beechwoods, identified via visitor surveys undertaken by Footprint Ecology and agreed with Natural England. The core catchment zone indicates that any new dwelling or holiday accommodation within the core catchment zone is highly likely to result in an increase in recreational pressure to the Cotswold Beechwoods; at a level considered detrimental to the sites qualifying features. The Cotswold Beechwoods has been designated as a Special Area of Conservation and as such is classed as a European protected site, which are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The site is also notified at National level as The Cotswold Common and Beechwoods Site of Special Scientific Interest (SSSI). After carrying out a preliminary screening regarding this application, SDC as the competent authority have determined, that there is potential that without appropriate mitigation the proposed new dwellings could result in negative effects to the European site through increased recreational pressure. Therefore, SDC as the competent authority has undertaken an Appropriate Assessment and has identified additional mitigation measures considered necessary to address the uncertainty of the proposal. As a result, a homeowner information pack will need to be created for the new resident(s). This will need to be submitted to and agreed in writing by the Local Planning Authority, it will need to detail the ecological importance of the Cotswold Beechwoods, appropriate code of practice for using the woodlands and alternative local recreational sites A suitably worded condition will be applied to any permission.

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Whilst there are some reptile enhancements outlined within the submitted report, to which will be subject to compliance conditions, further enhancements can be made on site, and as such the suggested enhancement condition will be applied to any permission.

The submitted report concluded boundary hedges and tree lines were likely to function as nocturnal ecological corridors for important wildlife, namely, European protected bat species. As a result, lighting should be carefully considered during the construction phase and post-development. If lighting must be used at night, it should not be allowed to spill over habitats beyond the site boundaries and it should only be used when necessary. A lighting condition will therefore be applied to any condition.



Development Control Committee Schedule 15/11/2022

A landscape and ecological management plan condition will be applied to any permission to be provided and approved prior to occupation to ensure appropriate management of the site not only for ecological purposes but also to maintain the communal areas of the site.

The application has demonstrated that subject to conditions that the development will not have a detrimental impact to the biodiversity of the site.

HERITAGE ASSETS

The application site is located in close proximity to the Industrial Heritage Conservation Area (IHCA); special attention must therefore be paid to the desirability of preserving or enhancing the character and appearance of the area in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Whilst the development would not impact the conservation area directly, it would be visible in many long- and short-range views from and across the conservation area.

The proposed dwellings would be appropriate in design and siting, though attention will have to be paid to the levels to ensure that they would not be overly dominant in the landscape, to which a can be controlled by a suitably worded levels condition.

Due to the site's location and therefore degree of separation from the IHCA in conjunction with the proposed form of the proposal there is no harm caused to the setting of the IHCA and as such no objection was raised by the Conservation Team.

FLOOD RISK

The site is within Flood Zone 1, however Flood Zone 2 and 3 are South on London Road. Due to the large fall across the site and the presence of clays and sandstone, it is unlikely that soakaways would be viable to use on the site. There are no surface water sewers or existing watercourses to connect to and therefore a combined connection into the foul water sewer is shown. The indicated flow has been restricted down each plot to 1.0l/s for a total discharge rate of 4.0l/s into the foul water sewer. Any connection would be subject to Severn Trent approval.

Severn Trent have been consulted on the application and comment in no objection and do not require any conditions. This is not acceptance to the drainage proposals which will be subject to approval outside of the planning process. They also advise that there may be a public sewer located within the application site and therefore to which can give rise to build out and connection issues. As such relevant informatives will be applied to any permission.

SDC's Water Resource Engineer comments in no objection following Severn Trent's comments.

OBLIGATIONS

The site is not within a designated rural area or within the AONB and therefore does not trigger any contributions as outlined with the Planning Obligations SPD (2017).



Development Control Committee Schedule 15/11/2022

Stroud District Council is a Community Infrastructure Levy (CIL) Charging Authority. An additional questions form has been submitted as part of the planning application.

PLANNING BALANCE

The site falls within the defined settlement development limits where there is a presumption in favour of sustainable development. The site is an open parcel of land that has had historic use as play area and represents a green open space. The site is not designated or protected as a play area or green space in policy and was highlighted as a poor area of green infrastructure and accessibility.

The proposal before officers is for four dwellings with associated access within defined settlements limits which affords significant weight. Due to the open space being of poor quality and not designated it is not considered to be an important space to the character of the settlement and therefore its partial loss is given minimal weight.

The proposed layout offers a good balance between built form and green space with a sense of openness in combination with the proposed built form and ecological mitigation, the development gives rise to a neutral impact in ecological and landscape terms.

The application mitigates against ecological harm and will secure enhancements whilst offering a density of development that maintains a good provision of green infrastructure and its improved accessibility, whilst due to the proposed layout, design and form of development it does not give rise to detrimental impacts to landscape or residential amenity, therefore gaining neutral weight.

There is a desire for the site to be designated a Local Green Space and has been put forward as such in the emerging Brimscombe and Thrupp Neighbourhood Development Plan. At the current stage of the emerging plan this carried minimal weight.

The provision of improved accessibility and highway safety due to the works proposed and secured by condition offers public benefit is given positive weight.

Overall the benefits of the proposal outweigh the harm.

RECOMMENDATION

The application is considered to comply with the relevant policies and is therefore recommended for permission, subject to conditions.

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.



Development Control Committee Schedule 15/11/2022

<p>Subject to the following conditions:</p>	<ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <p style="margin-left: 40px;">Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> 2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below submitted <p style="margin-left: 40px;">Site Location Plan, Drawing 1570P/301D Proposed Site Plan, Drawing 1570P/300E Unit 1 Floorplans, Drawing 1570P/302 Unit 1 North and South Elevations, Drawing 1570P/303 Unit 1 West and East Elevations, Drawing 1570P/304 Unit 2 Floorplans, Drawing 1570P/305 Unit 2 North and South Elevations, Drawing 1570P/306 Unit 2 West and East Elevations, Drawing 1570P/307 Unit 3 Floorplans, Drawing 1570P/308 Unit 3 North and South Elevations, Drawing 1570P/309 Unit 3 West and East Elevations, Drawing 1570P/310 Unit 4 Floorplans, Drawing 1570P/311 Unit 4 North and South Elevations, Drawing 1570P/312 Unit 4 West and East Elevations, Drawing 1570P/313 Proposed Street Scene, Drawing 1570P/314 Transport Assessment by Helix Transport Consultants Limited Document 2112REP01 Reptile Survey by All Ecology Project Number 18123 Ecological Appraisal by All Ecology Project Number 18123 Arboriculture survey, impact assessment, and tree protection plan by Matt Reid: MHP 21046 V2.</p> <p style="margin-left: 40px;">Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> 3. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays. <p style="margin-left: 40px;">Reason: In the interests of residential amenity.</p> 4. Prior to the commencement of the development hereby permitted details of a construction management plan shall be submitted to
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Development Control Committee Schedule 15/11/2022

and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall include but not be restricted to:

Parking of vehicle of site operatives and visitors (including measures taken to):

ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
any temporary access to the site;
locations for loading/unloading and storage of plant, waste and construction materials;
method of preventing mud and dust being carried onto the highway;
arrangements for turning vehicles;
methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: This is required as a pre-commencement condition in the interests of safe operation of the adopted highway during the construction phase of the development.

5. Prior to the first occupation of any dwelling forming part of the development hereby permitted the access including visibility splays and highway improvements, parking and turning facilities shall have been provided as shown on the approved drawings and contained within the approved Transport Assessment and be maintained as such for the lifetime of the development.

Reason: To ensure conformity with submitted details and means of safe access prior to occupation.

6. Prior to the first occupation of any dwelling forming part of the development hereby permitted the details of a residential welcome pack promoting sustainable forms of access to the development shall have been submitted to and approved in writing by the Local Planning Authority. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason: To reduce vehicle movements and promote sustainable access.

7. Prior to the occupation of the development hereby approved details of the Cotswolds Beechwood's Special Area of Conservation Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following details:



Development Control Committee Schedule 15/11/2022

A homeowner information pack (HIPs) that includes information on recreational opportunities in the local area and describes sensitivities of locally designated sites such as Cotswold Beechwood's Special Area of Conservation.

Reason: The above strategy will ensure that the development does not significantly affect the Cotswold Beechwood's Special Area of Conservation, this enables Stroud District Council as the competent authority to discharge its Statutory duty in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

8. All works shall be carried out in full accordance with the recommendations contained in the Ecological Appraisal and Reptile Survey, All Ecology, dated February 2020 and June 2020 respectively, already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 174 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

9. Prior to occupation of the development hereby approved, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird and bat boxes, hedgehog friendly fencing, wildflower planting and native hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Reason: To protect and enhance the site for biodiversity in accordance with paragraph 175 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

10. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of the development. The content of the LEMP shall include the following:



Development Control Committee Schedule 15/11/2022

- a. Description and evaluation of the features to be managed.
- b. Aims and objectives of management
- c. Appropriate management options for achieving aims and objectives
- d. Prescription for management actions
- e. Preparation of work schedule (including an annual work plan capable of being rolled forward over a 20-year period)
- f. Details of body or organisation responsible for implementation of the plan.
- g. Ongoing monitoring and remedial measures.
- h. Include specific management details of open and communal areas.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity and open space objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To protect and enhance the site for biodiversity in accordance with the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

11. Prior to the installation of external lighting for construction purposes or attached to the approved dwelling hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) identify the areas/features on site that are particularly sensitive for foraging bats;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Reason: To maintain dark corridors for nocturnal wildlife in accordance with Local Plan Policy ES6.



**Development Control Committee Schedule
15/11/2022**

	<p>12. The development hereby approved shall be carried out in strict compliance with the submitted and approved arboriculture survey, impact assessment, and tree protection plan produced by Matt Reid: MHP 21046 V2. The fencing must be fully compliant with figure: 2 contained within BS5837: 2012 Trees in relation to design, demolition, and construction and shall be erected prior to any construction works and remain in situ until the development is complete.</p> <p>Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170(b) & 175 (c) & (d).</p> <p>13. All service runs that are to be sited within the root protection areas (RPAs) of the retained trees must be undertaken by a moling contractor. A method statement must be submitted to the local planning authority prior to the work commencing and the works need to be carried out in strict accordance with the approved method statement.</p> <p>Reason: This needs to be a pre-commencement condition to ensure the preservation of trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170(b) & 175 (c) & (d).</p> <p>14. Prior to the construction of the external surfaces of the development hereby approved, samples / specification of the materials (natural stone, timber cladding, roofing and retaining structure surfacing) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include all boundary treatment and drive/ parking area material details. The development shall then be carried out in strict accordance with the approved materials.</p> <p>Reason: In the interests of the visual appearance of the area in accordance with policy HC1 and ES7 of the 2015 Local Plan.</p> <p>15. Prior to implementation of any landscaping indicated on the approved site plan, a landscape plan along with specific details of the species, quantity and size of specimens shall be submitted to the local planning authority and approved in writing. These details shall include the details of boundary planting details. The development shall be carried out in accordance with the approved</p>
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Development Control Committee Schedule 15/11/2022

details. All planting, seeding or turfing approved shall be carried out in the first complete planting and seeding seasons following the completion of the development to which it relates. Any trees or plants which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3, and described within Classes A-H inclusive of Part 1 of Schedule 2 (includes extensions and outbuildings), and within Class A of Part 2 of Schedule 2 shall take place.

Reason:

In the interests of the surrounding landscape and to comply with Policies HC5 and ES7 of the adopted Stroud District Local Plan, November 2015.

17. Notwithstanding the submitted details, no development shall take place until details of the existing and proposed ground levels including submission of site sections which include the public right of way, relative to a datum point which is to remain undisturbed during the development have been submitted to and approved by the Local Planning Authority. The development shall thereafter be constructed in accordance with these approved details.

Reason: Ground level and site section details must be agreed prior to commencement of development and any works take place in order to avoid a situation where unacceptable ground level alterations cannot be undone without significant reconstruction work and to ensure a satisfactory appearance of the development.

Informatives:

1. ARTICLE 35 (2) STATEMENT - The case officer contacted the applicant/agent and negotiated on elements of the scheme to allow for a positive recommendation.
2. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be



Development Control Committee Schedule 15/11/2022

noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, may constitute immediate offences, actionable by the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume or odour complaints be received.

3. The application site is within 250 metres of a suspected landfill site, the applicant/developers attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice, regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health Section will make available to you, free of charge, any information or data which it has in relation to the land to which the application applies.
4. The development hereby permitted includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement
 A Monitoring Fee
 Approving the highway details
 Inspecting the highway works
 Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

5. The development hereby permitted includes the construction of new highway visibility splays. To be considered for adoption and ongoing maintenance at the public expense the splays must be provided to the Highway Authority's standards. You are advised that you must enter into a highway agreement under Section 38 of



Development Control Committee Schedule 15/11/2022

the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

Drafting the Agreement
Set up costs
Approving the highway details
Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

6. All new streets should be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

7. There is a Public Right of Way running through the site. The developer will be required to contact the PROW team to arrange for an official diversion if necessary. If the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the Right of Way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the Public Right of Way for vehicular traffic. This permission does not authorise additional use by motor vehicles, or obstruction, or diversion.



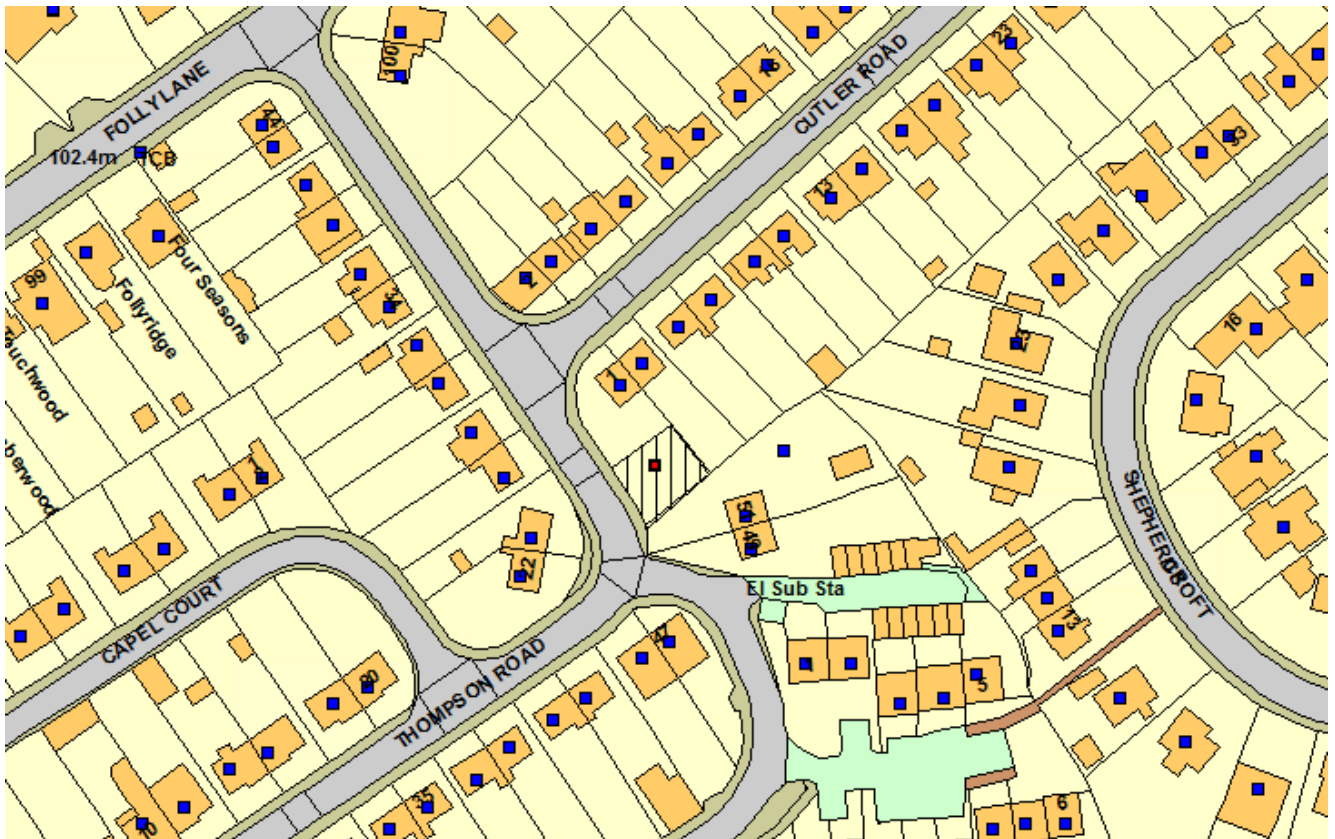
**Development Control Committee Schedule
15/11/2022**

	<p>8. Drainage arrangements shall be provided to ensure that surface water from the site does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.</p> <p>9. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.</p> <p>Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.</p>
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Development Control Committee Schedule 15/11/2022

Item No:	03
Application No.	S.22/1936/FUL
Site Address	Land At Rear Of 1, Cutler Road, Stroud, Gloucestershire
Town/Parish	Stroud Town Council
Grid Reference	385696,205879
Application Type	Full Planning Application
Proposal	Erection of bungalow with associated car parking, refuse/recycling provision, cycle and electric wheelchair storage and amenity space.
Recommendation	Refusal
Call in Request	Cllr Paula Baker





Development Control Committee Schedule 15/11/2022

Applicant's Details	Mr M McTaggart 9 Folly Lane, Stroud, Gloucestershire, GL5 1SD,
Agent's Details	Mr J Dean Thomas Dean Architects Ltd, Rhyne Cottage, Moreton Valence, Gloucester, Gloucestershire GL2 7NA
Case Officer	Gemma Davis
Application Validated	20.09.2022
	CONSULTEES
Comments Received	Development Coordination (E) Environmental Health (E) Stroud Town Council Contaminated Land Officer (E)
Constraints	Consult area Stroud Town Council Rodborough 3km core catchment zone Settlement Boundaries (LP)
	OFFICER'S REPORT

MAIN ISSUES

- o Principle of development
- o Design, layout and appearance
- o Residential Amenity
- o Highways
- o Landscape
- o Ecology
- o Obligations
- o Planning balance
- o Recommendation

INTRODUCTION

The application site consists of an enclosed plot of land that was formally associated with the residential curtilage of No.1 Cutler Road.

The land benefits from its own access from Cutler Road.

The site is located within the defined settlement limits for Stroud, a first tier settlement.

The site does not lie within any landscape designation.

There have been two previous applications for nearly identical schemes submitted on the site (ref S.20/2748/FUL and S.21/2728/FUL). These have both been withdrawn based on Officers advice of recommendation for refusal.



Development Control Committee Schedule 15/11/2022

The application has been called to development control committee by Cllr Paula Baker. The planning reason for the call-in request:

"The wider setting of the site generally consists of two storey dwellings which sit towards the front of their plots and have long linear gardens to the rear. The provision of a bungalow would therefore not only be out of character with the surrounding vernacular but would also not fit with the general pattern of development. As such, the scheme would not be compliant with the provision of policy HC1 (criteria 1) and would likely appear incongruous within its wider setting."

PROPOSAL

Proposed erection of new bungalow with associated car parking, refuse/recycling provision, cycle and electric wheelchair storage and amenity space.

MATERIALS

Walls: Roughcast render
Roof: Concrete tiles
Doors/windows: White UPVc

REPRESENTATIONS

Statutory Consultees:

Stroud Town Council

Request parking area is permeable to prevent run off.

Contaminated Land Officer

No comments

Environmental Health Officer

Standard conditions and informatives

Highways

No objection subject to condition

Public:

On the 26th October, 19 letters of support have been received.

Support email from local Councillor (Cllr P Baker)

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Stroud District Local Plan.

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



Development Control Committee Schedule 15/11/2022

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.
- CP3 - Settlement Hierarchy.
- CP14 - High quality sustainable development.
- HC1 - Meeting small-scale housing need within defined settlements.
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality and flood risk.
- ES6 - Providing for biodiversity and geodiversity
- ES12 - Better design of places.

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

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

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 application site is located within the settlement development limit of Stroud, a first tier settlement as defined by policy CP3. First tier settlements are defined as accessible local service centres. Stroud being a main town of the District, it is subject to being a primary focus for growth and development to safeguard employment as a service centre. These service centres will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way.

The plot is set within a residential area of Uplands and in this respect the principle of further residential development on the site can be considered.

DESIGN, LAYOUT AND APPEARANCE

Local Plan Policy HC1 requires that proposals for small-scale housing developments within defined settlements are of a scale, density, layout and design compatible with the character and appearance of the surrounding area; and provide appropriate private amenity space.

The site comprises of a former garden that was associated with No.1 Cutler Road. It has been fenced off and forms a single plot. The site is just before the curvature of the road where Cutler Road meets Thompson Road and John Bevan Close.

Cutler Road and adjoining Thompson Road are predominantly characterised by semi - detached and terraced two storey 1960s style rendered dwellings set back from the main highway edge, with relatively long good sized rear gardens.



Development Control Committee Schedule 15/11/2022

John Bevan Close is located to the south of Cutler Road. John Bevan Close benefits from a mixture of two dwellings and bungalows. Immediately to the south of the pair of semi-detached dwellings and detached dwelling located on Cutler Road is an enclave of 5 bungalows.

The surrounding area is of a high density and the housing is of a particularly ordered and balanced layout with development mostly of a linear layout which follows the existing road network with properties fronting onto the highway that are predominantly set-back within their plots.

The scheme proposes a single storey one bed dwelling utilising the existing access.

Each property within the vicinity sits within a reasonable sized plot that is proportionate to the size of the unit. The scheme proposes a single storey dwelling that has a footprint of approximately 51.2m² on a site of approximately 160m². The drawings show that the footprint of the new bungalow would take up a large proportion of the plot; with just a small area of open land remaining to the perimeter. The vehicular access to the new bungalow would be utilised from the existing access and parking would take up the area to the south east of the new property. As a result, the footprint of the unit in conjunction with the restricted size of the constrained site would appear cramped and overdeveloped and out of character with the pattern of development for this part of the settlement. In this regard the proposal would be contrary to Local Plan Policy HC1 (1) (7) and CP14 (5).

There is a building line that is formed along 1 Cutler Road to 35 Cutler Road and in the other direction, 1 Cutler Road, 2 Cutler Road and 100 Folly Lane. The built form would be set forward in the plot and therefore inconsistent with the layout of the wider area. As a result, the building would appear awkward and incongruous in the street scene. This coupled with the proposed dwelling being detached and single storey is out of character with the immediate wider area that is predominantly two storey houses. In this regard, the proposal would be contrary to Local Plan Policy HC1 (1) and CP14 (5).

Although the surrounding streetscene is not inspiring in its character or design, the layout of the estate and the spacing between the plots contribute to the amenity of the area as a whole. These areas contribute to the character and appearance of the estate by providing relief from the built form, and by their use as domestic gardens. In this regard, the proposal would be contrary to Local Plan Policy HC1 (4) and CP14 (5)(9).

It is acknowledged that the creation of dwellings on garden land associated with residential properties have been permitted within the vicinity, however these have been of a scale suitable to the plot and the surrounding properties as well as the semi-detached and terraced nature of development and of layouts that follow the existing building line.

In terms of the National Design Guide, the proposal fails to understand and relate well to the site and its local context, (Context C1). The proposal has not been influenced by the local vernacular (C2). The scale and design do not complement or enhance the local context (I2).



Development Control Committee Schedule 15/11/2022

Whilst the NGD (Built Form B1) supports efficient use of land which optimises density, development must also relate well to and enhance the existing character and context, which the proposal fails to do. Homes and Buildings (H1) sets out that well designed homes and buildings are functional, healthy and sustainable. The unit has limited private outdoor amenity space and therefore should not be considered as good design.

The unit would be single storey and of a rectangular form. Proportions and design appear satisfactory. The materials proposed are considered acceptable as they match the surrounding area.

Overall, the proposal cannot be considered to be of a scale, character, form and layout that is compatible with the area and is therefore the proposal conflicts with the Design principle set out the NPPF (chapter 12) and the National Design Guide (2019), as well as Local Plan Policies HC1(1, 4, 7,8,9) and CP14 (5,9).

RESIDENTIAL AMENITY

The dwelling has been designed to minimise amenity loss to neighbouring properties as it of a single storey nature.

The private garden space is located to the north of the plot. It is proposed to be enclosed, however it would be overlooked by the first floor windows that serve No.53 Thompson Road. As a result, the space provided is not considered to be at all private or of any quality and therefore criterion 7 of HC1 cannot be supported.

The Council considers that access to adequate private outdoor space can play an important role in the physical and mental health and wellbeing of people. This policy is also consistent with the broad aims and principles of the framework that seeks, amongst other things to secure a good standard of amenity for all existing and future occupants of land and buildings.

HIGHWAYS

Criterion 3 of Delivery Policy ES3 of the local plan 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 submitted site plan details sufficient space for two parking spaces for the new dwelling, compliant with the council's adopted parking standards.

The site is positioned within a residential area. The site is considered accessible with access to public transport within walking and cycling distance.

The additional traffic generated by one new dwelling would not have a severe impact on the surrounding highway network and the development would not be detrimental to highway safety.



Development Control Committee Schedule 15/11/2022

LANDSCAPE

The development would be located within an existing dense urban area, given the density, scale and design would have minimal landscape impact.

ECOLOGY

Under the Habitats directive, Stroud District Council has a duty to ensure that all activities the council regulates has no adverse effect on the integrity of any of the Natura 2000 sites. In this instance, the site falls within the 3 km catchment zone of the Rodborough Common SAC and within 15.4km of Cotswolds Beechwood SAC.

Habitat Regulations Assessments have concluded that proposed residential growth located in these areas could have a likely significant effect, in the absence of appropriate mitigation.

Local Plan Policy ES6 requires development proposal to contribute to appropriate mitigation and management measures to fund a project designed to avoid an increase in recreation impact or to mitigate the effects of increased recreational activity on the designated area.

The applicant has not addressed this issue by way of bespoke mitigation or secured by a financial contribution to the agreed Rodborough Common Mitigation measures.

In regard to the Cotswolds Beechwood SAC, the core catchment zone indicates that any new dwelling or holiday accommodation within the core catchment zone is highly likely to result in an increase in recreational pressure to the Cotswold Beechwoods.

The Cotswold Beechwoods has been designated as a Special Area of Conservation and as such is classed as a European protected site, which are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). This could be addressed by an appropriate planning condition should planning permission be forthcoming.

OBLIGATIONS

The proposal is of a scale that does not give rise to the need for an Affordable Housing Contribution.

Stroud District Council is a Community Infrastructure Levy (CIL) Charging Authority. An additional questions form has been submitted as part of the planning application.

PLANNING BALANCE

While the proposal would contribute to a range of house sizes within the area, this benefit alone would not outweigh the harm of permitting a low quality design.

While the application site lies within the defined settlement limits as prescribed within the Local Plan, the Council has a proven housing supply of over 5 years. This figure shows that the Council is able to provide its required housing numbers within other sites of the District and strengthens its position in refusing applications lying within settlement limits that are ultimately unacceptable for other reasons.



Development Control Committee Schedule 15/11/2022

The applicant's requirement for a wheelchair friendly dwelling has been noted. However, the public benefits of the scheme in permitting the proposed dwelling in this location would be limited and would not outweigh the harm of permitting a new dwelling that is out of keeping with the area and has design issues. The only benefit of permitting this scheme would be to the benefit of the applicant.

It should also be noted that the planning authority would not be able to condition the future use of the dwelling or secure its occupation by personal condition as this would go against local plan policy in that the dwelling is not compatible with the area and does not provide a sufficient level of private amenity space.

In this regard, the application is recommended for refusal.

RECOMMENDATION

The proposal is NOT considered to comply with the provisions of policies listed in the reasons for refusal and contained in the adopted Stroud District Local Plan, November 2015 and the core planning principles set out in the NPPF.

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.



Development Control Committee Schedule 15/11/2022

For the following reasons:

1. The proposal would introduce development on a constrained plot that would dominate the space resulting in the site appearing cramped and overdeveloped. The development of a dwelling on this site would not be consistent with the layout and street scene of the surrounding area and would cause harm to the overall character and appearance of the area, contrary to Policies HC1 (criteria 1, 7 and 9) and CP 14 (criteria 5 and 9) of the adopted Stroud District Local Plan, November 2015.
2. The layout of the estate and the spacing between the plots contribute to the amenity of the area as a whole. These areas contribute to the character and appearance of the estate by providing relief from built form, and by their use as domestic gardens. The development of the proposed site would erode this open character and would create an enclosed feeling that would detract from the character and appearance of the surrounding estate. The proposal is therefore contrary to Local Plan Policy HC1 (4).
3. Due to the size and scale of the proposed dwelling coupled with the proximity of No.53 Thompson Road, the resultant amenity space would be of insufficient quality as it would be significantly overlooked. The proposal would therefore be contrary to Local Plan Policy HC1 (4).
4. Insufficient mitigation measures have been submitted to seek to reduce the impact of the new dwelling in terms of recreational activity upon the Rodborough Common (SAC) and Cotswolds Beechwood SAC. The proposal is therefore contrary to Local Plan Policy ES6.

Informatives:

1. ARTICLE 35 (2) STATEMENT - Unfortunately this application was submitted without any meaningful pre-application discussions. For the reasons given above the application is recommended for refusal. The applicant/agent has been contacted and the issues explained.

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**DEVELOPMENT MANAGEMENT SERVICE
APPLICATION & ENFORCEMENT PERFORMANCE STATISTICS Q3 2022
DEVELOPMENT CONTROL COMMITTEE 15/11/22 FOR INFORMATION**

Introduction

Dear Members of DCC,

Below are the most recent statistics covering planning and other applications and enforcement

cases.

As with previous versions, the figures compare the most recent data from 2022 with the last four

years to provide context.

I hope the information is self-explanatory but if you have any queries, please do not hesitate to ask.

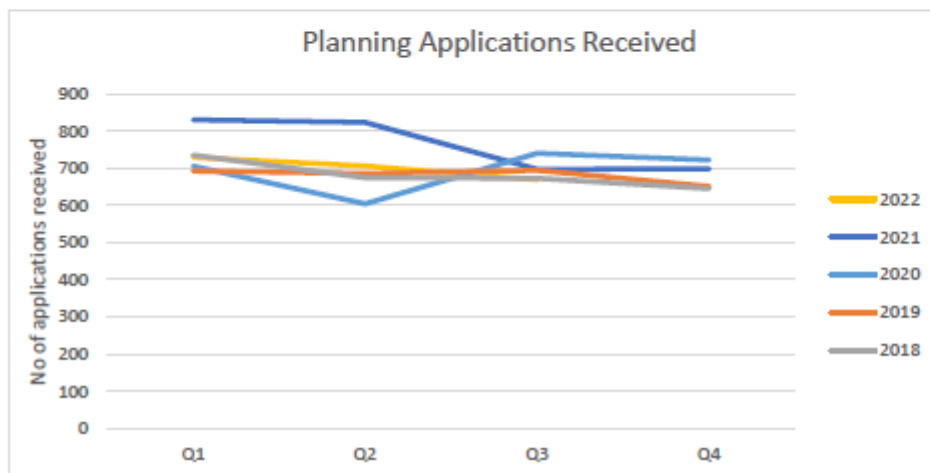
Geraldine LeCointe, Head of Development Management

Development Management Applications

Table 1: Planning Applications – Received

Development Management	2022		2021		2020		2019		2018	
No of applications received per quarter (Excludes Pre-applications)	Q1	729	Q1	830	Q1	705	Q1	692	Q1	735
	Q2	706	Q2	823	Q2	604	Q2	686	Q2	674
	Q3	669	Q3	697	Q3	740	Q3	694	Q3	673
	Q4		Q4	698	Q4	722	Q4	651	Q4	645
	Total	2104	Total	3048	Total	2771	Total	2723	Total	2727

* figure up to 30.09.2022

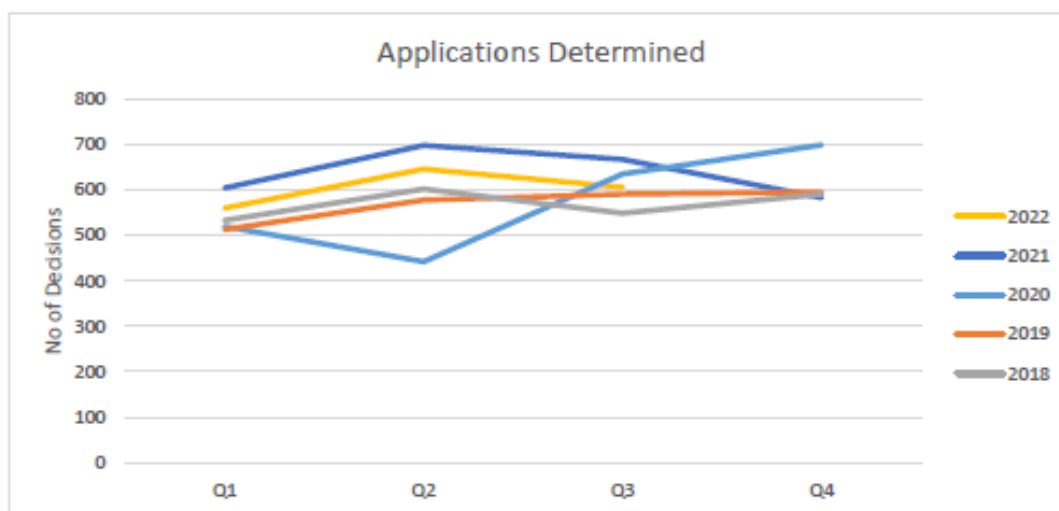


Geraldine LeCointe, Head of Development Management
Email: geraldine.lecointe@stroud.gov.uk

Table 2: Planning Applications – Determined

Development Management		2022		2021		2020		2019		2018	
		No	% in time	No	% in time	No	% in time	No	% in time	No	% in time
No of applications determined per quarter (Excludes Pre-applications)	Q1	560	90%	604	93%	520	85%	513	88%	533	87%
	Q2	646	81%	698	91%	442	89%	578	86%	602	89%
	Q3	606	84%	667	90%	635	95%	591	84%	549	84%
	Q4			583	91%	699	94%	595	88%	591	85%
	Total & Average % for Year	1812*		2552	91%	2296	91%	2277	87%	2275	86%

* Figure up to 30.09.2022



Planning Applications - Covid period comparisons

Table 3: Planning Applications received – Covid period

Applications received – Covid period				
COVID Pandemic - comparison	2020/22	2019/21	2018/20	2017/19
No of applications received in a two and half year period between 23rd March to 30 th September (Excludes Pre-applications)	7266	7203	6830	6955

**Development Control Committee
 INFORMATION SHEET
 November 2022**
Table 4: Planning Applications determined - Covid period

Applications determined - Covid period				
COVID Pandemic - comparison	2020/22	2019/21	2018/20	2017/19
No of applications determined in a two and half year period between 23rd March to 30 th September (Excludes Pre-applications)	6186 of which 90% in time	6081 of which 90% in time	5686 of which 87% in time	5851 of which 86% in time

Enforcement Statistics
Table 5: Enforcement Enquiries – Received

Enforcement	2022		2021		2020		2019		2018	
	Q1	134	Q1	218	Q1	153	Q1	132	Q1	120
No of enquiries received per quarter (Excludes compliance, No action & solicitor/estate agent queries)	Q2	113	Q2	158	Q2	168	Q2	128	Q2	96
	Q3	114	Q3	152	Q3	165	Q3	110	Q3	96
	Q4		Q4	115	Q4	118	Q4	126	Q4	90
	Total	361	Total	643	Total	604	Total	496	Total	402
	Annual Percentage Increase/Decrease on previous year		↑	6%	↑	22%	↑	23%	↓	1%

* Figure up to 30.09.2022

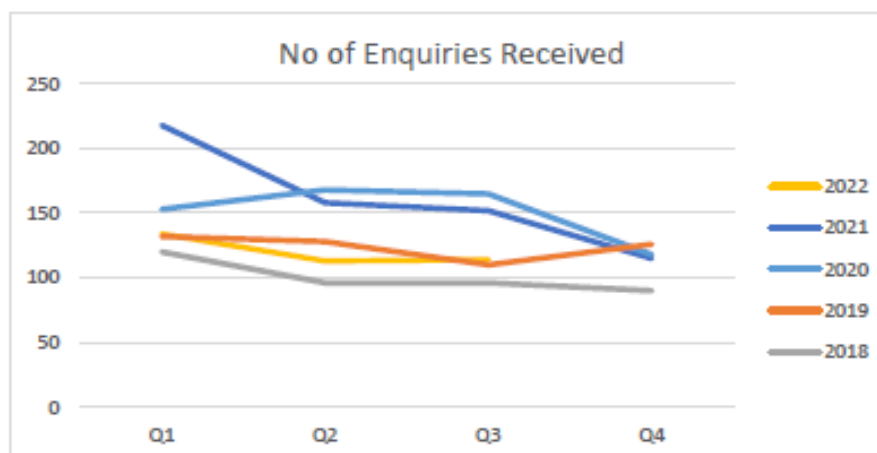
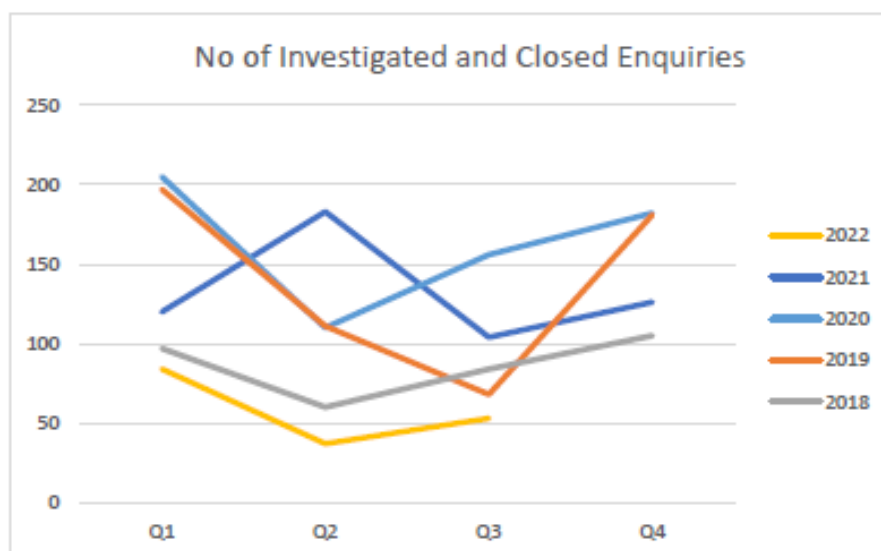


Table 6: Enforcement Enquiries – Investigated and closed

Enforcement	2022		2021		2020		2019		2018	
	No of enquiries resolved/closed per quarter (Excludes compliance/No action & solicitor/estate agent queries)	Q1	84	Q1	120	Q1	205	Q1	197	Q1
Q2		37	Q2	183	Q2	110	Q2	111	Q2	60
Q3		53	Q3	104	Q3	156	Q3	68	Q3	84
Q4			Q4	126	Q4	182	Q4	181	Q4	105
Total		174*	Total	533	Total	653	Total	557	Total	346

* Figure up to 30.09.2022



Enforcement Enquiries - Covid period comparisons

Table 7: Enforcement Enquiries received - Covid period

Enforcement Enquiries received - Covid period				
COVID Pandemic - comparison	2020/22	2019/21	2018/20	2017/19
No of enquiries received in a two and half year period 23rd March to 30 th September (Excludes compliance, No action & solicitor/estate agent queries)	1468	1513	1274	1084

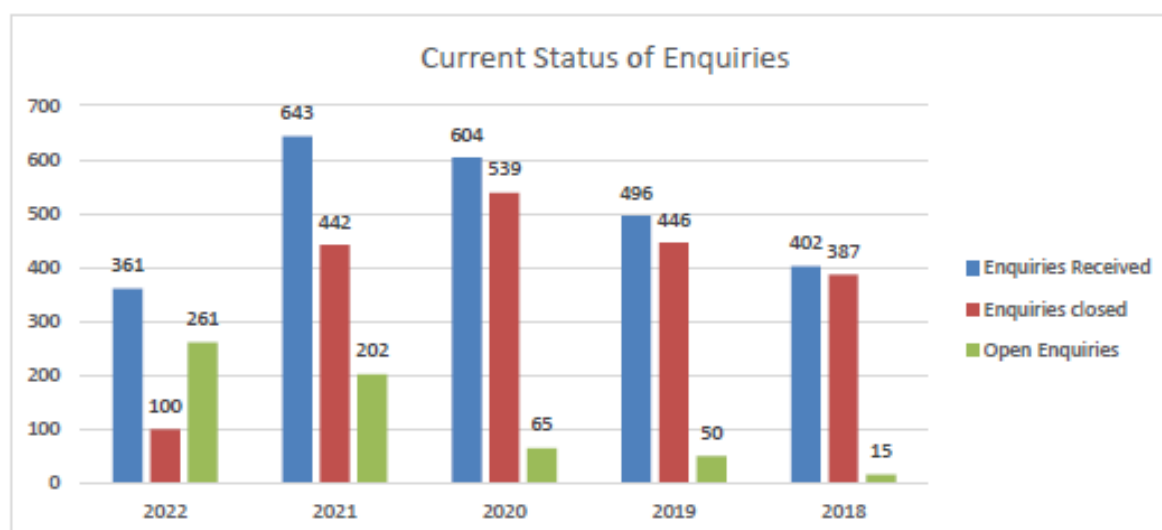
**Development Control Committee
 INFORMATION SHEET
 November 2022**
Table 8: Enforcement Enquiries investigated and closed - Covid period

Enforcement Enquiries investigated and closed - Covid period				
COVID Pandemic - comparison	2020/22	2019/21	2018/20	2017/19
No of enquiries closed in a two and half year period 23 rd March to 30 th September (Excludes compliance, No action & solicitor/estate agent queries)	1191	1443	1282	1011

Table 9: Enforcement Enquiries – Summary of Enquiries Received/Closed

(Excludes compliance, No action & solicitor/estate agent queries)	2022	2021	2020	2019	2018
Enquiries Received	361*	643	604	496	402
Of these the number closed in the same year	100* 28%	371 58%	393 64%	323 65%	262 66%
Of those closed above the average working days taken to resolve	34	32	26	34	42
No of Open Enquiries at the end of the year		272 42%	219 36%	171 35%	137 34%
No of Enquiries currently open as of 30.09.2022	261*	202*	65*	50*	15*

* Figures based on records up to 30.09.2022



**Development Control Committee
 INFORMATION SHEET
 November 2022**
Table 10: Enforcement/Breach of Condition Notices – Served

Notice Type	2022	2021	2020	2019	2018
No of Enforcement notices	2*	10 (one withdrawn and reissued)	4	2	4
No of Breach of Condition notices	1*	0	0	0	0

* Figures based on records up to 30.09.2022

Breakdown of Enforcement/Breach of Condition Notices Issued in 2021/2022				
Case Reference	Address	Notice Type	Date issued	Compliance Date
S.21/0560/BRCON	2 Dursley Road Woodfields Dursley	Breach of Condition	21.07.2022	Withdrawn 04.10.2022
S.21/0442/UENG	Land Adjacent to Rose Cottage Stroud Road Whaddon	Enforcement Notice	18.05.2022	Appeal in progress
S.20/0691/UNCHU	Yard and Premises Adjacent Halmers End Coaley	Enforcement Notice	08.04.2022	Appeal in progress
S.20/0695/UNCON	1 Fort View Terrace Stroud	Enforcement Notice	07.12.2021	Appeal dismissed- compliance date 08 th December 2022 (6 months from appeal decision)
S.20/0398/UENG	West of The Weighbridge Inn Avening Road	Enforcement Notice	30.11.2021	Appeal dismissed- compliance date 09 th November 2022 (6 months from appeal decision)
S.21/0054/UNCHU	Land Parcel at Tyley Bottom Coombe Wotton – Under-Edge	Enforcement Notice	01.10.2021	06.05.2022
S.21/0347/UNCHU	Gladwish Fields Farmhill Lane Stroud	Enforcement Notice	30.09.2021	Notice complied with
S.21/0557/UNBWK	Ashen Plains Wood Waterley Bottom North Nibley	Enforcement Notice	30.09.2021	Appeal in progress
S.20/0680/UNBWK	New house at Site of Former Verona Cottage Sticky Lane Hardwicke	Enforcement Notice	23.09.2021	29.07.2022 Planning permission S.22/0207/HHOLD has authorised development which would rectify the harm. Notice in force

**Development Control Committee
 INFORMATION SHEET
 November 2022**

				but not being pursued at present; in discussions with land owner on implementation of planning permission
S.21/0033/UENG	Horizons Main Road Whiteshill	Enforcement Notice	18.03.2021	16.07.2021
S.19/0074/UNBWK	Land Opposite New Inn Waterley Bottom North Nibley	Enforcement Notice	03.03.2021	21.04.22 (appeal dismissed)
S.19/0184/UNBWK	The Wad Damery Lane Berkeley	Enforcement Notice	16.02.2021	05.04.22 (appeal dismissed) With enforcement to action.

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STROUD DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE

15 NOVEMBER 2022

Report Title	Planning Enforcement			
Purpose of Report	To bring forward an updated local enforcement plan for approval to set out the operational objectives of the council's planning enforcement service.			
Decision(s)	The Committee RESOLVES: a) To approve the Planning Enforcement Operational Protocol, for implementation from 01 January 2023 b) To receive an annual update on the implementation of the plan c) That the plan will be reviewed in 12 months			
Consultation and Feedback	The draft local enforcement plan was reviewed by Development Management Advisory Panel, prior to and following public consultation. The draft local enforcement plan was subject to 6-week public consultation.			
Report Author	Griff Bunce, Development Team Manager Email: griffith.bunce@stroud.gov.uk			
Options	The committee may choose not to approve the local enforcement plan, retain the existing plan, or to have no plan. The local enforcement plan is not part of the statutory Development Plan.			
Background Papers	Internal Audit Planning Review (Enforcement), November 2021 Planning Enforcement Policy and Procedure			
Appendices	Appendix A – Planning Enforcement Operational Protocol (proposed version) October 2022 Appendix B – Planning Enforcement Plan: Policy and Procedure (consultation version) June 2022 Appendix C – Consultation Summary Appendix D – Equality Analysis Report			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	Yes	No	No

1. INTRODUCTION

- 1.1 There are three main strands to council's planning function: plan making, development management, and planning enforcement. Both plan making and development management are statutory functions with accompanying regulations and obligations. Planning enforcement, while equally as important to the system as a whole, does not have its own set of procedures or regulations.

1.2 Paragraph 59 of the National Planning Policy Framework states:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

1.3 This report brings forward a ‘local enforcement plan’ for approval.

2. BACKGROUND

2.1 The council already has a local enforcement plan, ‘Planning Enforcement Policy and Procedure’. However, that plan is now out of date and the status is ambiguous; it is not known when it was written and by whom, what public consultation it was subject to, whether it had the approval of members, whether it was intended to be a ‘local enforcement plan’ or a guide to planning enforcement. The plan needs to be replaced.

2.2 Officers commenced a review of the current plan in Winter 2020. The planning enforcement team had exceptionally busy years in 2020 and 2021 with significant changes in staff and progress on the review was slow. The team was subsequently audited with the final report appearing before the Audit and Standards Committee on 30 November 2021. The audit recommended that the existing Planning Enforcement Policy and Procedure was reviewed and approved by members.

2.3 The new local enforcement plan, the ‘Planning Enforcement Operational Protocol’, is part of a range of improvements to the council’s planning enforcement service, other notable elements include an IT upgrade. The new local enforcement plan is the critical piece of the service’s Business Improvement Plan and fundamental to the delivery of the service. Once the new local enforcement plan is in place, work can take place on other recommendations in the audit – such as time and task monitoring (which will be based on the Operational Protocol), and a resource review of the service.

3. SCOPE AND PURPOSE OF PLAN

3.1 Planning enforcement may not have the procedures or regulations of development management, however, like development management central government provides advice on planning enforcement matters. The Planning Practice Guidance includes a section on ‘enforcement and post-permission matters’ with separate chapters on the various planning enforcement tools available to the local planning authority. Guidance and advice are also provided by the National Association of Planning Enforcement (NAPE), a network of the Royal Town Planning Institute (RTPI).

3.2 Given that explanations of various planning enforcement tools are readily available, the scope and purpose of the revised plan is to explain to service users what the council will do during an enforcement investigation and when an update will be provided.

3.3 To achieve this, the Operational Protocol is devised around ‘frequently asked questions’. These are used to provide commentary on the proposed operational process. This approach is different from the previous plan.

4. OPERATIONAL ENFORCEMENT PROCESS

- 4.1 Utilising the IT upgrade, many more processes can now be automated, and case management tools applied throughout the life cycle of a complaint. This has enabled a redesign of the operational processes. Enforcement complaints received under the proposed plan would be subject to the following new or updated processes that did not form part of the previous plan:

Triage

- 4.2 All complaints would be booked in and acknowledged by the planning support team, then passed to the enforcement section to be triaged. The triage process is aimed at ensuring that reports received by planning enforcement can be dealt with best by planning enforcement and that enforcement officers have all the relevant information they need before visiting.
- 4.3 Following triage, a case will either be closed or allocated for investigation. Cases will be closed where: they do not relate to 'development', or there is no breach of planning control – for example the development is permitted development. When closing a case, the complainant will be notified and signposted to a more appropriate service if available; for example, an odour complaint would be referred to Environmental Health.

Initial investigations and assessment

- 4.4 Now, having triaged cases, an enforcement officer will visit sites where an alleged breach of planning control has occurred. The officer will collect evidence and assess the impact any development has on the site and its context.
- 4.5 Following the initial investigations and site visit, the enforcement officer will review the policies in the Development Plan, the NPPF, and other material planning considerations and reach a conclusion on the merits of progressing the case. Where a development would likely be granted planning permission (as it resulted in little or no harm to the site and its context), officers will advise the developer to obtain planning permission to regularise the situation, inform the complainant of the outcome and prepare a closure note which would be signed off by a senior officer, before closing the case, and taking no further action.
- 4.6 Where the development has resulted in a moderate harm to the area, enforcement officers will seek to negotiate the removal of the breach within a given timeframe. If the breach is not rectified, officers will review the case and write an expediency report. This will recommend either taking formal enforcement action or taking no further action and give the reasons and justification for doing so.
- 4.7 Where the development has resulted in significant harm to the area, officers will advise the landowner that formal enforcement action is being considered against them and request that the breach is rectified. Officers will write an expediency report setting out what formal action is recommended.
- 4.8 Where an expediency report is required, this will be circulated to all members of the Development Control Committee and the member(s) for the Ward in which the site is located. Members have a maximum of two weeks to comment on an expediency report. This process is set out in the council's constitution.

5. CONSULTATION ON PROPOSAL

- 5.1 Draft versions of the local enforcement plan were reviewed by groups of officers before being presented to the Development Management Advisory Panel in May 2022.
- 5.2 The plan was subject to public consultation for 6 weeks in June and July 2022. Details of the consultation were included within 'e-news' and the Members' weekly bulletin. Details of the consultation were also emailed directly to every town and parish council and meeting within the district. The consultation consisted of copies of the proposed document and an online survey.
- 5.3 Following consultation, the plan was amended. The final version was then presented to the Development Management Advisory Panel in October 2022.

Feedback

- 5.4 The response to the public consultation was disappointing. Of the 53 town/ parish council/ meetings in the district, 9 responded to the online survey (17%) and two sent detail comment. Of the 51 elected members of Stroud District Council, 3 responded (6%). While the primary audience of the consultation was town and parish council and elected members of Stroud District Council, the consultation was displayed on the council's website and 6 residents took the opportunity to respond.
- 5.5 Questions in the online survey sought a scoring (1 being the lowest, 5 being the highest) on various elements of the plan. 61% of respondents the language and contents of the plan was either 'clear' or 'very clear'.
- 5.6 There were also clear results for questions on how the proposed process would operate, scoring a 4 on average. However, 39% of respondents scored a 3 when asked how confident they would be in the system regardless of the outcome of the complaint. This is not to be unexpected given the circumstances the team has faced recently which culminated in the audit.

Changes to the plan

- 5.7 Several changes were made to the plan following consultation, including clarifying how an unauthorised change of use would be considered, introducing faster timeframes for developments which would have an irreversible harm. Many of the comments received do not need a response as the issue they raise will be addressed, an example being a explanation as to how a decision was reached which would be contained in the closure note or expediency report.

6. CONCLUSION

- 6.1 The planning enforcement team has been the subject of an audit report which, amongst other things, recommended a review of the Planning Enforcement Policy and Procedure. While the service recognises that, particularly in 2020 and 2021, high levels of service demand adversely affected the team's performance, there are several elements which impact on service delivery.
- 6.2 One such element is the age and status of the current local enforcement plan. The proposed Operational Protocol would comprehensively replace the current Planning Enforcement Policy and Procedure. The protocol integrates measures which can be used

for performance reporting (subject to completion of other audit recommendations, namely time and task monitoring and resource review). Planning guidance recommends approving a local enforcement plan. The protocol sets out good practice and a guide to how the planning enforcement service operates.

7. IMPLICATIONS

7.1 Financial Implications

There are no significant implications within this category.

Andrew Cummings, Strategic Director of Resources
Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk

7.2 Legal Implications

Although a local authority has a discretion as to whether to take enforcement action or not the Government's Planning Practice Guidance provides that local authorities have a responsibility for taking whatever enforcement action may be necessary. Consequently, a local authority will need to reach a decision in each individual case.

In taking a decision in respect of planning enforcement a local authority must be satisfied that it is expedient to take planning enforcement action, that the action is in the public interest and the action is proportionate. Conversely, a local authority must also be able to justify why it did not consider enforcement action to be necessary.

The approval and adoption of the Planning Enforcement Operational Protocol will enable the Council to take decisions within a clear framework which provides greater certainty for all engaged within the planning system. This will provide for more robust and transparent decision making which is less likely to be successfully challenged.

Jeremy Patterson. Principal Planning Lawyer, One Legal
Tel: 01684 272174 Email: Jeremy.patterson@onelegal.org.uk

7.3 Equality Implications

An EIA has been carried out by Officers in relation to the decision made in this report and no equality implications arise, this can be found at appendix D.

7.4 Environmental Implications

The local enforcement plan is, overall, a plan which manages the environment. There would be no direct environmental implications. The local enforcement plan draws on the policies of the Development Plan which seek to manage the environmental implications of development.

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Planning Enforcement Operational Protocol

Proposed for Approval
October 2022

Development
Management

Stroud District Council
Ebley Mill
Stroud
GL5 4UB

Email: customer.services@stroud.gov.uk
Website: <https://www.stroud.gov.uk/>
Telephone: 01453 766321

Document Responsibility		
Name	Document title	Service
Development Team Manager	Planning Enforcement Operational Protocol	Development Management

Document Version Control			
Date	Version	Issued by	Summary of changes
October 2022	Proposed for Approval	Development Team Manager	

Policy Review			
Updating frequency	Review date	Person responsible	Service
Due to the current planned change programme for Planning Enforcement, this policy shall be reviewed annually until the business improvement plan is completed	January 2024	Development Team Manager	Development Management

Document Review and Approvals		
Name	Action	Date
Development Control Committee		

1 WHAT IS PLANNING ENFORCEMENT?

Many people are familiar with the need to obtain planning permission for building projects – ranging from an extension to a home, to large housing estates and industrial facilities. The planning system regulates development. “Development” is defined in the Town and Country Planning Act 1990 as:

“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”

Planning enforcement is the process of managing development that has been undertaken without the appropriate permissions. The Town and Country Planning Act gives discretion to the Local Planning Authority in the exercise of its powers in controlling unauthorised development. Fundamentally, planning enforcement manages breaches in planning control.

A breach in planning control includes carrying out development without the required planning permission, listed building consent, or advertisement consent. It includes failing to comply with a permission or any condition or limitation attached to it, and certain changes of use in land or buildings. A breach in planning control would also occur where development is undertaken as “permitted development” but does not comply with the regulations. The planning enforcement system also manages unauthorised works to protected trees.

Effective planning enforcement is important to maintain public confidence in and ensure the credibility of the planning system. However, planning enforcement is a discretionary service and should only be used to remedy harmful effects of unauthorised development. The key aims of the council’s planning enforcement service are:

- to positively manage and resolve unauthorised development
- to take formal planning enforcement action when it is proportionate to do so and in the public interest
- to help deliver the strategic aims of the Local Plan
- to be fair, consistent, effective, and value for money.

2 HOW DO I MAKE A PLANNING ENFORCEMENT COMPLAINT?

Complaint should be made through the 'Report it' section of our website:

<https://www.stroud.gov.uk/report/report-a-breach-of-planning-rules>

Where internet access is unavailable, complaints can be made by telephone during our business hours on **01453 766321** or in person at our offices.

Please be advised that during the triage process, we may contact you for evidence. If there is insufficient evidence, we may not progress your complaint.

3 WILL YOU TREAT MY COMPLAINT IN CONFIDENCE?

We will not tell anyone we are investigating the source of the complaint.

We will endeavour to keep your details confidential. However, our planning enforcement service is subject to the same regulation as other public services. During an active or recent investigation, we will resist the release of information made under the Freedom of Information Act or Environmental Information Regulations. We will also apply our privacy and data retention policies to your complaint; these are available on our website. Under the General Data Protection Regulations, we are obliged to provide information when requested unless an exemption can be applied. In the event that we release information, we shall redact all personal information which would identify you as the complainant.

In the event that we prosecute following formal planning enforcement action we may ask you to appear as a witness in court or use your evidence. In doing so, we would no longer be able to keep your information or identity private. However, such cases are very rare.

4 WHAT CAN I MAKE A PLANNING ENFORCEMENT COMPLAINT ABOUT?

You can make a complaint about any development or change of use that does not have a planning permission. You can also make a complaint about any development which you do not think complies with a planning permission, including any conditions attached.

You can also make a complaint about works to a listed building that either do not have a consent or which you do not think complies with a consent.

You can also make a complaint about advertisements that either do not have a consent or which you do not think complies with a consent.

Planning enforcement will also investigate complaints about works to protected trees or works to trees within a conservation area where they do not have a consent or which you do not think complies with a consent.

You can complain about untidy land.

5 ARE THERE ISSUES THAT PLANNING ENFORCEMENT WILL NOT INVESTIGATE?

Yes. Planning enforcement is limited. While the council has a number of planning enforcement powers, they can only be applied where the works undertaken fall within the statutory definition of “development”. Where a complaint does not involve development, Stroud District Council as the Local Planning Authority is unable to intervene. In such circumstances, other regulatory regimes may be a more appropriate mechanism to resolve the issue. These may be other Stroud District Council services, such as Environmental Health, or services provided by our partner organisations. Where a complaint relates to a civil matter, you should seek your own legal advice.

There is also a time limit in which formal planning enforcement action must be taken. When action has not been taken against a breach of planning control within 4 years (in relation to building operations or the change of use of an existing building to a house) or 10 years (in relation any other breach) then it will become immune from

formal planning enforcement action. If, following our triage of your complaint, the development has become immune, we will not investigate further.

Planning enforcement is not an arbitration service. Planning enforcement is only concerned with breaches of planning control. Planning enforcement will generally not investigate (unless there is clear evidence of irreversible harm):

- anonymous complaints
- complaints not related to or involving “development” or other matters covered by the Town and Country Planning Acts
- malicious, vindictive, vexatious, or tit-for-tat complaints
- unreasonable or persistent complaints.

6 WHAT DO WE DO WITH YOUR PLANNING ENFORCEMENT COMPLAINT?

Once we have received a complaint, we will **triage** it. During the triage process we will apply three questions: has there been development? is it permitted development? if there has been development, is it immune from enforcement action?

Where there has been no development, or the development that has been undertaken is permitted development, we will close the case and give you our reasons for doing so. If we need further information to triage your complaint, we will ask you for it. If we do not receive the further information requested within 10 business days, we will close the case in writing. Where another service or organisation is better placed to investigate your issue, we will signpost you to them. If necessary, an officer will visit the site to check permitted development complies with the regulations.

If, having triaged your complaint, we identify a **breach of planning control** we will allocate your complaint to a Planning Enforcement Officer for investigation. An officer will now, impartially, gather the facts and merits of the case. Having established these, we will make a judgement – based on material planning considerations – as to whether the breach is harmful. If it is harmful, we will need to consider whether it is expedient and in the public interest to take formal planning enforcement action. Where the complaint relates to irreversible harm, we will prioritise the investigation.

Where the breach results in **little or no harm**, and (should an application be made) planning permission would be given, we will:

- advise the developer to obtain planning permission
- inform you of the outcome of our investigations
- write a closure note
- close the case.

Where the breach results in **moderate or significant harm**, or it is not clear cut that planning permission would be given, we will ask the developer to remove the unauthorised development. If, after the given period, the unauthorised development remains and is still causing harm, we write an expediency report. The report shall set out our analysis of the case, apply planning policy, consider any other material planning issues, and make a recommendation. That recommendation will either be to close the case, as it is not expedient and in the public interest to pursue, or to take formal planning enforcement action.

When the recommendation is that we do not take action, we will inform you of the outcome of our investigations and close the case.

When the recommendation is that we take formal planning enforcement action, we will prepare and issue an appropriate notice, commence prosecution proceedings, or seek an injunction.

7 WHEN WILL I HEAR FROM YOU?

We aim to:

- acknowledge your complaint, in writing, within 3 business days
- after this, triage your complaint within 5 business days (subject to any request for additional information).

If we are closing your case following triage we aim to:

- inform you of the outcome within 1 business day of the decision.

When we have identified a breach in planning control, we aim to:

- allocate to an Enforcement Officer within 1 business day of triage
- where a site visit is necessary, visit the site within 10 business days of allocation, unless the complaint relates to irreversible harm – in which case visit the site within 2 business days
- update you on our initial findings within 7 business days of the site visit
- keep you informed of progress by updates no longer than 30 business days apart.

If we are closing your case as there is little or no harm, because the unauthorised development has been removed, the development has been regularised by a planning permission, or the expediency report recommended no action is taken we aim to:

- inform you of the outcome within 1 business day of the decision.

If we are taking formal planning enforcement action, we aim to:

- inform you of our intention to issue a notice within 5 business days of the decision
- issue a notice within 15 business days
- inform you that a notice has been issued within 5 business days of issuing the notice.

8 HOW LONG DOES AN ENFORCEMENT INVESTIGATION TAKE?

There is no defined timescale for a planning enforcement investigation and each investigation will vary. Every case is unique and the more complex the case, the longer it will take to investigate. As we embed this policy, we will review the length of time it takes to bring an investigation to resolution and update the policy as necessary. For the meantime we aim to resolve 80% of complaints within 6 months of receipt.

9 WHAT CAN I DO IF I AM DISSATISFIED WITH THE OUTCOME OF A PLANNING ENFORCEMENT INVESTIGATION?

Planning enforcement is not punitive. It does not punish people for undertaking unauthorised development but seeks to address harmful impacts of development. Carrying out unauthorised development is not in itself an offence (the exception being carrying out unauthorised works to a listed building, protected tree, or tree within a conservation area). An offence is only committed when a notice is not complied with.

Planning enforcement is discretionary. There is no obligation on the council to take formal planning enforcement action, however, the council recognises the impact that unauthorised development has on our communities.

If you are unhappy with the outcome of a planning enforcement investigation, you should use the council's complaints procedure. Details of our complaints procedure can be found on our website. Having gone through the council's complaints procedure, if you are still dissatisfied you may complain to the Local Government and Social Care Ombudsman.

10 GLOSSARY

We know planning is littered with jargon and sometimes can be difficult to navigate. Here is a list of the main terms we use in planning enforcement and their meaning:

“Business day(s)” means a day when our staff are working. These are Monday to Friday. The planning enforcement team do not work on the weekends or bank holidays and there is no out-of-hours service. Complaints received over the weekend will be handled at the start of the next working week.

“Business hours” are the hours during the day when you can contact a member of staff. These are between 08:45 and 17:00 Monday to Thursday and 08:45 and 16:30 on a Friday.

“Development” has the same meaning as in Section 55 of the Town and Country Planning Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/8/section/55>)

“Expediency” is not formally defined in planning legislation, but the term ‘expedient’ is used in the section 172(1)(b) of the Town and Country Planning Act 1990; this section requires the legal test of ‘expedient’ to be applied to any formal planning enforcement action. While the Act uses it generally, we use it to mean an assessment of what is appropriate or suitable. In assessing the expediency, officers will look at a range of matters including planning policy, the likelihood of planning permission being granted (had an application been made), the level of harm and impact on nearby residents, the level of harm and impact on protected places, and whether the action required to resolve the issue is proportionate to the harm it causes.

“Formal planning enforcement action” may also refer to the serving of a notice, undertaking prosecution proceedings, or seeking an injunction. There are several different types of notice. A notice is used to force a developer to do – or stop doing – certain things. The type of notice used will depend on the breach. The council must carefully write and issue a notice. Most notices have a right of appeal or legal challenge.

“Harm” is used to refer to the adverse impacts of development. For example, this could be an impact on the living conditions of a nearby occupier through overlooking, or a visual harm through poor design. Harm can also refer to matters of principle, for example building in areas of flood risk. When officers identify harm, they will use their professional judgement to measure the level of harm. Some impacts result in significant harm (and are therefore more likely to require formal planning enforcement action) while other impacts will have moderate, little, or no harm.

“Local Plan” refers to the council’s strategic planning policies. The Local Plan defines certain areas, such as villages and towns, and makes allocations for growth. It also provides the framework for managing the impacts of new development. In particular, it includes policies for protected areas such as the AONB, flood plains, conservation areas, and listed buildings.

“Material planning consideration” refers to matters that planning and enforcement officers will consider when making a recommendation. Material planning considerations include design and appearance, car parking, privacy,

overlooking, and overshadowing. The planning system cannot take into account other considerations, such as property value, views, business competition, or civil legal or restrictive covenants.

“Permitted development” is development which does not require planning permission. There are strict rules and limitations on permitted development. Central government sets what is permitted development. Some forms of permitted development need a prior ‘approval’ or ‘notification’ to the council.

“Public interest” means looking at the wider picture and common values. The planning system works in the best interests of the community as a whole. The planning system does not protect private interests or favour one particular party against another (unless it is in the public interest to do so, an example being to advance social justice). By considering the public interest in planning enforcement we ensure that any actions are proportionate to the breach and an appropriate use of public money.

11 FURTHER INFORMATION

Visit our website: www.stroud.gov.uk

Email us: planning.enforcement@stroud.gov.uk

Write to us: Planning Enforcement

Stroud District Council

Ebley Mill

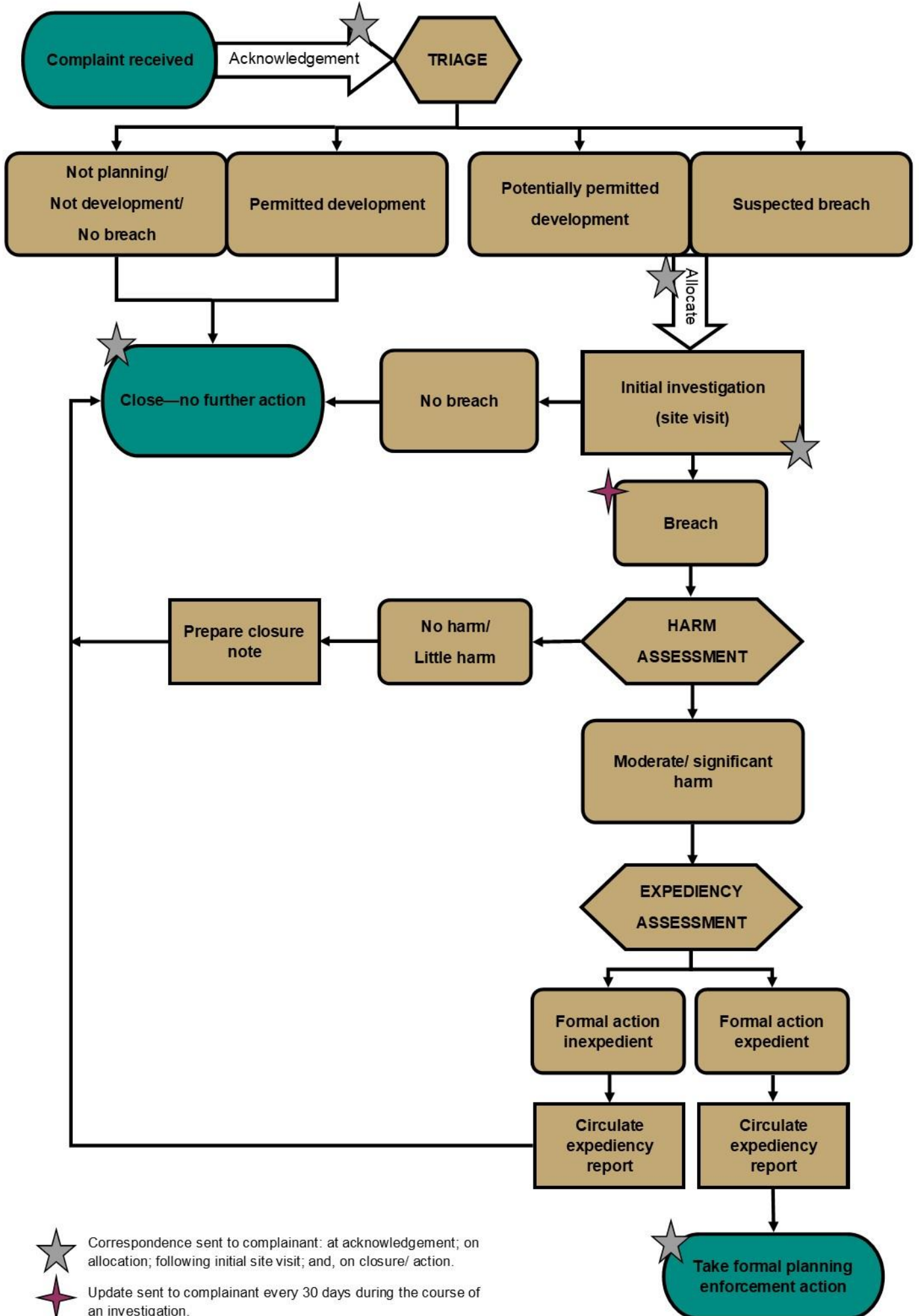
Stroud

GL5 4UB

Call us: 01453 766321

Agenda Item 6
Flowchart: Planning enforcement investigation process

Appendix A



Planning Enforcement Plan

Policy and Procedure

CONSULTATION VERSION | JUNE 2022

Section 1: What is planning enforcement?

Many people are familiar with the need to obtain planning permission for building projects – ranging from an extension to a home, to large housing estates and industrial facilities. The planning system regulates development. “Development” is defined in the Town and Country Planning Act 1990 as:

“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”

Planning enforcement is the process of managing development that has been undertaken without the appropriate permissions. Fundamentally, planning enforcement manages breaches in planning control.

A breach in planning control includes carrying out development without the required planning permission, listed building consent, or advertisement consent. It includes failing to comply with a permission or any condition or limitation attached to it. A breach in planning control would also occur where development is undertaken as “permitted development” but does not comply with the regulations. The planning enforcement system also manages unauthorised works to protected trees.

Effective planning enforcement is important to maintain public confidence in the planning system and to remedy harmful effects of unauthorised development. The key aims of the council’s planning enforcement service are:

- to positively manage and resolve unauthorised development
- to help deliver the strategic aims of the Local Plan

- to be fair, consistent, effective, and value for money.

However, planning enforcement is a discretionary service. Planning enforcement should only be undertaken where it is expedient to do so in the public interest. Any planning enforcement must be proportionate to the breach.

Section 2: How do I make a planning enforcement complaint?

The easiest way to make a planning enforcement complaint is through the ‘Report it’ section of our website: <https://www.stroud.gov.uk/report/report-a-breach-of-planning-rules>

Complaints can also be made by telephone during our business hours on **01453 766321**.

You may make a planning enforcement complaint in person in our offices during business hours.

Please be advised that during the triage process, we may contact you for evidence. If there is insufficient evidence, we may not progress your complaint.

Section 3: Will you treat my complaint in confidence?

We will not tell anyone we are investigating the source of the complaint.

We will endeavour to keep your details confidential. However, our planning enforcement service is subject to the same regulation as other public services. During the course of an active or recent investigation we will resist the release of information made under the Freedom of Information Act or Environmental Information Regulations. We will also apply our privacy and data retention policies to your complaint; these are available on our website. Under the General Data Protection Regulations, we are obliged to provide information when requested unless

an exemption can be applied. In the event that we release information, we shall redact all personal information which would identify you as the complainant.

In the event that we prosecute following formal planning enforcement action we may ask you to appear as a witness in court or use your evidence. In doing so, we would no longer be able to keep your information or identity private. However, such cases are very rare.

Section 4: What can I make a planning enforcement complaint about?

You can make a complaint about any development that does not have a planning permission or which you do not think complies with a planning permission.

You can also make a complaint about works to a listed building that either do not have a consent or which you do not think complies with a consent.

Planning enforcement will also investigate complaints about works to protected trees or works to trees within a conservation area where they do not have a consent or which you do not think complies with a consent.

You can complain about untidy land.

Section 5: Are there issues that planning enforcement will not investigate?

Yes. Planning enforcement is limited. While the council has a number of planning enforcement powers, they can only be applied where the works undertaken fall within the statutory definition of “development”. Where a complaint does not involve development, Stroud District Council as the Local Planning Authority is unable to intervene. In such circumstances, other regulatory regimes may be a more appropriate mechanism to resolve the issue. These may be other Stroud District

Council services or services provided by our partner organisations. Where a complaint relates to a civil matter, you should seek your own legal advice.

There is also a time limit in which planning enforcement action must be taken. When enforcement action has not been taken against a breach of planning control within 4 years (in relation to building operations or the change of use of an existing building to a house) or 10 years (in relation any other breach) then it will become immune from formal enforcement action. If, following our triage of your complaint, the development has become immune, we will not investigate further.

Planning enforcement is not an arbitration service. Planning enforcement is only concerned with breaches of planning control. Planning enforcement will generally not investigate (unless there is clear evidence of a breach of planning control):

- anonymous complaints
- complaints not related to or involving “development” or other matters covered by the Town and Country Planning Acts
- malicious, vindictive, vexatious, or tit-for-tat complaints
- unreasonable or persistent complaints.

Section 6: What do we do with your planning enforcement complaint?

Once we have received a complaint, we will **triage** it. During the triage process we will apply three questions: has there been development? is it permitted development? are planning enforcement best placed to investigate this?

Where there has been no development, or the development that has been undertaken is likely to be permitted development, we will close the case and give you our reasons for doing so. Where another service or organisation is better placed to investigate your issue, we will signpost you to them. If necessary, an officer will visit the site to check permitted development complies with the regulations.

If, having triaged your complaint, we identified a **breach of planning control** we will allocate your complaint to a Planning Enforcement Officer for investigation. An officer will now, impartially, gather the facts and merits of the case. Having established these, we will make a judgement – based on material planning considerations – as to whether the breach is harmful. If it is harmful, we will need to consider whether it is expedient and in the public interest to take formal planning enforcement action.

Where the breach results in **little or no harm**, and (should an application be made) planning permission would be given, we will:

- advise the developer to obtain planning permission
- inform you of the outcome of our investigations
- close the case.

Where the breach results in **moderate or significant harm**, and it is not clear cut that planning permission would be given, we will ask the developer to remove the unauthorised development. If, after the given period of time the unauthorised development remains and is still causing harm, we write an expediency report. The report shall set out our analysis of the case, apply planning policy, consider any other material planning issues, and make a recommendation. That recommendation will either be to close the case, as it is not expedient and in the public interest to pursue, or to take formal action.

When the recommendation is that we do not take action, we will inform you of the outcome of our investigations and close the case.

When the recommendation is that we take action, we will prepare and issue an appropriate **planning enforcement notice**.

Section 7: When will I hear from you?

We aim to:

- acknowledge your complaint, in writing, within 3 business days

- after this, triage your complaint within 5 business days.

If we are closing your case following triage we aim to:

- inform you of the outcome within 1 business day of the decision.

When we have identified a breach in planning control, we aim to:

- allocate to an Enforcement Officer within 1 business day of triage
- visit the site within 10 business days of allocation
- update you on our initial findings within 7 business days of the site visit
- keep you informed of progress by updates no longer than 30 business days apart.

If we are closing your case as there is little or no harm, because the unauthorised development has been removed, the development has been regularised by a planning permission, or the expediency report recommended no action is taken we aim to:

- inform you of the outcome within 1 business day of the decision.

If we are taking planning enforcement action, we aim to:

- inform you of our intention to issue a notice within 5 business days of the decision
- issue a notice within 15 business days
- inform you that a notice has been issued within 5 business days of issuing the notice.

Section 8: How long does an enforcement investigation take?

There is no defined timescale for a planning enforcement investigation and each investigation will vary. Every case is unique and the more complex the case, the longer it will take to investigate. As we embed this policy, we will review the length of time it takes to bring an investigation to resolution and update the policy as

necessary. For the meantime we aim to resolve 80% of complaints within 6 months of receipt.

Section 9: What can I do if I am dissatisfied with the outcome of a planning enforcement investigation?

Planning enforcement is not punitive. It does not punish people for undertaking unauthorised development but seeks to address harmful impacts of development. Carrying out unauthorised development is not in itself an offence (the exception being carrying out unauthorised works to a listed building, protected tree, or tree within a conservation area). An offence is only committed when a formal enforcement notice is not complied with.

Planning enforcement is discretionary. There is no obligation on the council to take planning enforcement action, however, the council recognises the impact that unauthorised development has on our communities.

If you are unhappy with the outcome of a planning enforcement investigation, you should use the council's complaints procedure. Details of our complaints procedure can be found on our website. Having gone through the council's complaints procedure, if you are still dissatisfied you may complain to the Local Government and Social Care Ombudsman.

Section 10: Glossary

We know planning is littered with jargon and sometimes can be difficult to navigate. Here is a list of the main terms we use in planning enforcement and their meaning:

“Business day(s)” means a day when our staff are working. These are Monday to Friday. The planning enforcement team do not work on the weekends and there is no out-of-hours service. Complaints received over the weekend will be handled at the start of the next working week.

“Business hours” are the hours during the day when you can contact a member of staff. These are between 08:45 and 17:00 Monday to Thursday and 08:45 and 16:30 on a Friday.

“Development” has the same meaning as in Section 55 of the Town and Country Planning Act 1990 (<https://www.legislation.gov.uk/ukpga/1990/8/section/55>)

“Expediency” is not formally defined in planning legislation. We use it to mean an assessment of what is appropriate or suitable. In assessing the expediency, officers will look at a range of matters including planning policy, the likelihood of planning permission being granted (had an application been made), the level of harm and impact on nearby residents, the level of harm and impact on protected places, and whether the action required to resolve the issue is proportionate to the harm it causes.

“Formal planning enforcement action” may also refer to an “enforcement notice”. There are several different types of notice. A notice is used to force a developer to do – or stop doing – certain things. The type of notice used will depend on the breach. The council must carefully write and issue a notice. Most notices have a right of appeal or legal challenge.

“Harm” is used to refer to the adverse impacts of development. For example, this could be an impact on the living conditions of a nearby occupier through overlooking, or a visual harm through poor design. Harm can also refer to matters of principle, for example building in areas of flood risk. When officers identify harm, they will use their professional judgement to measure the level of harm. Some impacts result in significant harm (and are therefore more likely to require formal enforcement action) while other impacts will have moderate, little, or no harm.

“Local Plan” refers to the council’s strategic planning policies. The Local Plan defines certain areas, such as villages and towns, and makes allocations for growth. It also provides the framework for managing the impacts of new development. In particular, it includes policies for protected areas such as the AONB, flood plains, conservation areas, and listed buildings.

“Material planning consideration” refers to matters that planning and enforcement officers will take into account when making recommendations. Material planning considerations include design and appearance, car parking, privacy, overlooking, and overshadowing. The planning system cannot take into account

other considerations, such as property value, views, business competition, or civil legal or restrictive covenants.

“Permitted development” is development which does not require planning permission. There are strict rules and limitations on permitted development. Central government sets what is permitted development. Some forms of permitted development need a prior ‘approval’ or ‘notification’ to the council.

“Public interest” means looking at the wider picture and common values. The planning system works in the best interests of the community as a whole. The planning system does not protect private interests or favour one particular party against another (unless it is in the public interest to do so, an example being to advance social justice). By considering the public interest in planning enforcement we ensure that any actions are proportionate to the breach and an appropriate use of public money.

Section 11: Further information

Visit our website: www.stroud.gov.uk

Email us: planning.enforcement@stroud.gov.uk

Write to us: Planning Enforcement
Stroud District Council
Ebley Mill
Stroud
GL5 4UB




Call us: 01453 766321

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Appendix C – Consultation Summary

Draft Planning Enforcement Plan (June 2022)

2. Your details

1. In what capacity are you responding?				
Answer Choices			Response Total	Response Percent
1	Town or Parish Council		9	50%
2	Local resident		6	33%
3	Built environment professional		0	0%
4	Elected Stroud District Council councillor		3	17%
5	Other		0	0%
			answered	18
			skipped	0

3. Survey questions

2. Thinking about Section 1, from the contents of the plan, how well would you rate your understanding of what planning enforcement is?							
Answer Choices	1 – poor	2	3	4	5 – excellent	Response Total	
	0.00% 0	0.00% 0	33.33% 6	66.67% 12	0.00% 0	18	
						answered	18
						skipped	0

3. Still thinking about Section 1, how clear is the language used and how easily was the contents understood?							
Answer Choices	1 – unclear/hard to understand	2	3	4	5 – very clear/easily understood	Response Total	
	5.56% 1	0.00% 0	33.33% 6	38.89% 7	22.22% 4	18	
						answered	18
						skipped	0

3. Still thinking about Section 1, how clear is the language used and how easily was the contents understood?		
Please comment if you would like to expand your answer: (6)		
1	[REDACTED]	I can understand the language used, because I have a Councillor background for 20 years, but for the man in the street it may not be so easy.
2	[REDACTED]	The body of the plan is quite well explained but the Glossary confuses by introducing new jargon in an unsuccessful attempt to explain terms
3	[REDACTED]	It is very focused on legislation and the law and therefore there's loads of jargon that most people will not understand.
4	[REDACTED]	We understand and support the document. Our experience of recent of enforcement, fails to invoke the principles in section 1.
5	[REDACTED]	No further comment
6	[REDACTED]	6th para: This is very generalised. What are the guidelines for discretion in deciding planning enforcement? What does it mean that planning enforcement should only be undertaken where it is expedient to do so in the public interest? How is it judged what enforcement should be applied that is proportionate to the breach?

4. Turning to Section 3, how would you rate your understating of the limitations of confidentiality in a planning enforcement investigation?							
Answer Choices	1 – unclear/hard to understand	2	3	4	5 – very clear/easily understood	Response Total	
	0.00% 0	11.11% 2	11.11% 2	22.22% 4	55.56% 10	18	
						answered	18
						skipped	0
Please comment if you would like to expand your answer: (6)							
1	[REDACTED]	Probably the same comments as in Section 4.					
2	[REDACTED]	It's not clear what factors would lead to names of complainants being released					
3	[REDACTED]	I understand the lack of confidentiality, but I think that's likely to reduce people making a complaint					
4	[REDACTED]	If you follow your guidelines then you should be fine.					
5	[REDACTED]	Can I comment on the question below as there is no comment box to say that I might be put off depending on the circumstances and who is involved.					

4. Turning to Section 3, how would you rate your understating of the limitations of confidentiality in a planning enforcement investigation?		
6	[REDACTED]	No comment

5. Does Section 3 and the limitations on confidentiality in a planning enforcement investigation put you off making an enforcement complaint?			
Answer Choices	Yes	No	Response Total
	22.22% 4	77.78% 14	18
			answered 18
			skipped 0

6. Looking at Sections 4 and 5, can you please rate how well the plan addresses:						
Answer Choices	1 – unclear	2	3	4	5 – very clear	Response Total
What you can make a complaint about	5.56% 1	0.00% 0	27.78% 5	50.00% 9	16.67% 3	18
What the planning enforcement team will not investigate	0.00% 0	5.56% 1	33.33% 6	38.89% 7	22.22% 4	18
What we would do with your complaint if it was not something planning enforcement can assist with	0.00% 0	5.56% 1	33.33% 6	44.44% 8	16.67% 3	18
Complaints that will be turned away	0.00% 0	5.56% 1	33.33% 6	50.00% 9	11.11% 2	18
					answered	18
					skipped	0

7. With reference to both Section 6 of the plan and the accompanying flowchart, how well do you understand our proposed processes?						
Answer Choices	1 – hard to understand	2	3	4	5 – very easily understood	Response Total
	0.00% 0	5.56% 1	27.78% 5	55.56% 10	11.11% 2	18
					answered	18
					skipped	0

7. With reference to both Section 6 of the plan and the accompanying flowchart, how well do you understand our proposed processes?		
Please comment if you would like to expand your answer: (6)		
1	[REDACTED]	Please better define what is classed as 'little harm', 'moderate harm' and 'significant harm'. This is open to interpretation and needs careful definition to be sure people know what the council means by these terms.
2	[REDACTED]	It's too complex and needs to be split into two: one that deals with things that you won't look at, and the other ones that you will/can
3	[REDACTED]	Our concern is not about the criteria for not investigating, we require much greater clarity and consistency about when you will investigate. Little or no harm may not mean much to an officer of the council, but we question whether the planning officer considers the local impact sufficiently.
4	[REDACTED]	The flow chart would benefit from having the timescales added to the processes to make it more understandable for a quick check.
5	[REDACTED]	There should be clear timescales for a planning enforcement investigation, 6 months is too long to resolve a planning enforcement investigation. This should really be no more than 3 months. If an investigation is likely to be protracted updates and interim reports should be made Clear reasons for your action or if no action and the reasons need to be made in a report.
6	[REDACTED]	Section 4 Does not refer to Advertisement Consent. Section 5 1st para: Reference to the Glossary would be useful. Furthermore, it is not clear what "other regulatory regimes" and "partner organisations" are. 2nd para: It is not clear why there is a difference of 4 and 10 years depending on the type of breach. 3rd para: Why not "anonymous complaints" or "persistent complaints" if these are reasonable? How is "reasonability" judged. Section 6 2nd para: The development does not have permission so last sentence should have "permitted" deleted. 3rd para: What does "little or no harm" mean? 4th para: What does "moderate or significant harm" mean? The Glossary is vague. Greater clarity regarding control of Developers activities needs emphasising. Given large scale developments may take a long time to complete it should be clear that compliance with planning permission will be inspected throughout with enforcement when necessary. The intention being to avoid development drift.

8. Thinking about Section 6, how confident would you be in the system (regardless of the outcome of the complaint)?						
Answer Choices	1 – not confident	2	3	4	5 – very confident	Response Total
	22.22% 4	11.11% 2	38.89% 7	27.78% 5	0.00% 0	18
					answered	18
					skipped	0

9. We are still in the process of collecting and analysing data on our performance. That said, (with reference to our commitment to keep complainants informed on progress in Section 7) how reasonable is the target resolution timeframe in Section 8?

Answer Choices	1 – unreasonable	2	3	4	5 – very reasonable	Response Total	
	16.67% 3	5.56% 1	33.33% 6	27.78% 5	16.67% 3	18	
						answered	18
						skipped	0

10. Staying with the target resolution timeframe in Section 8, where on the scale do you think our target is?

Answer Choices	Too short	About right	Too long	Response Total	
	0.00% 0	72.22% 13	27.78% 5	18	
				answered	18
				skipped	0

11. Considering the plan as a whole, but particularly the parameters and limitations of planning enforcement, is there anything missing from the plan?

Answer Choices	Response Percent	Response Total
1 Open-Ended Question	100.00%	12
1 [REDACTED]		Is there enough Enforcement staff to carry pout investigations into breaches of planning consent?
2 [REDACTED]		Section 4 - this does not clearly set out where a 'development' that is not a building, e.g. commercial land based activities (for example, waste activities or doggy day care), might also be legitimate areas of complaint. Most public will not interpret the definition of 'development' as including this type of activity so it is important to include it as an example, alongside complaints about trees and listed buildings. It is also necessary to be clear that 'permitted development' is limited to certain areas and does not apply within protected or conservation areas such as AONB which is predominant in the Stroud area.
3 [REDACTED]		I would like to see more about who makes decisions and when and how a complaint will be called in to Development Control Committee. this section is missing from the previous version.
4 [REDACTED]		Yes. You say that the current plan is out of date, but you don't explain why and how this new one differs - that's basic. Secondly, you don't explain how you plan to resource the team. I know that the lack of staff in the team is common knowledge and has led some people just carrying on as they know that there's unlikely to be any comeback.
5 [REDACTED]		Realistic timescales for review
6 [REDACTED]		Yes. There is a totally disconnect between the laudable time frame expressed in your document and the reality of your current response to complainants with regards to enforcement. Further, frequently they receive no response apart from an initial receipt.

11. Considering the plan as a whole, but particularly the parameters and limitations of planning enforcement, is there anything missing from the plan?		
7	[REDACTED]	Cllrs are concerned that the plan doesn't seem to have enough strength to follow through enforcement processes. Over the past few years the Parish Council have chased for answers on a number of enforcement issues in the parish with little correspondence received back, and little action seemingly taken. This plan needs to work. Cllrs currently feel that when they receive complaints about enforcement issues from parishioners, that when they report it to SDC enforcement, they never have any updates and are constantly chasing for any form of response. This causes frustration for both the Parish Council and parishioners as no answers are forthcoming and no visible action is being taken. The timetables being proposed MUST be adhered to, to gain any confidence back from the Parish Council and public in showing that action is being taken. There must be a clear status of each complaint / enquiry to enforcement where an end result is clearly given as to what action is being taken or why action is not being taken. Can better use of the court systems be had to carry out enforcement. Also the back log of cases that SDC has, could this be outsourced to other District Council's to allow SDC to catch up on work load and enable moving forward with the new policy to be productive and run smoothly?
8	[REDACTED]	A clear reporting system of your findings in all cases. There is also no mention of upholding conditions that apply to planning applications
9	[REDACTED]	Would like to see a shorter period of response time committed to, in addition to a commitment to explain exactly why cases are not deemed to be expedient/ in the public interest (if applicable).
10	[REDACTED]	The plan, I hope is an improvement. The survey could have more comment boxes
11	[REDACTED]	Section 9 1st para: What does "harmful impacts" mean? 2nd para: This seems contradictory. Could lead to unjust application of enforcement. What are the guidelines for this discretion?
12	[REDACTED]	The new plan is very much easier for the layman to understand than the old one. A major concern, however, is that without clearly specified limits and penalties it is wide open to interpretation, particularly by large developers with expert lawyers.
		answered 12
		skipped 6

Equality Analysis Form

By completing this form you will provide evidence of how your service is helping to meet Stroud District Council's General Equality duty:

The Equality Act 2010 states that:

*A public authority must, in the exercise of its functions, have **due regard** to the need to –*

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are listed in Question 9

Stroud District Equality data can be found at: <https://inform.gloucestershire.gov.uk/equality-and-diversity/>

Please see Appendix 1 for a good example of a completed EIA.

[Guidance available on the HUB](#)

1. Persons responsible for this assessment:

Name(s): Griff Bunce	Telephone: 01453 766321
	E-Mail: griffith.bunce@stroud.gov.uk
Service: Development Management	Date of Assessment: 24 October 2022

2. Name of the policy, service, strategy, procedure or function:

Planning Enforcement Operational Protocol

Is this new or an existing one? **Existing**

3. Briefly describe its aims and objectives

To provide a basic outline as to how the council, in its role as local planning authority, will investigate alleged breaches of planning control and what commitments it makes to keeping complainants informed of progress.

4. Are there external considerations? (Legislation / government directive, etc)

Yes. Planning is a highly regulated statutory function. Decisions on planning matters must be made with regard to the Development Plan; the council has a development plan (currently the 'Stroud District Local Plan November 2015'). Decisions should also reflect national guidance and case law. Decisions can be challenged through Judicial Review or appeal. Complaints about planning services may be referred to the Local Government and Social Care Ombudsman.

Planning enforcement will assess the impacts of unauthorised development against the aims, objectives, and policies of the Stroud District Local Plan November 2015, to ensure that development in the district is in the public interest. A decision will be made to either take formal planning enforcement action, or to take no further action. In reaching this decision, officers will weigh up the various factors concerning the development. Where relevant this will include equalities. The Development Plan tackles inequality at a strategic spatial level and individual decisions on enforcement investigations will give weight to any relevant equality considerations.

5. Who is intended to benefit from it and in what way?

This policy is for the benefit of: anyone who submits a planning enforcement complaint; anyone who a planning enforcement complaint is made about; planning agents and officers; and, town and parish councils.

6. What outcomes are expected?

Service users will understand how decisions are made and the time frame for making decisions. Commitment to communicating with our service users will reduce demand on officers for ad-hoc updates.

7. What evidence has been used for this assessment?: (eg Research, previous consultations, Inform (MAIDEN); Google assessments carried out by other Authorities)

In preparing the Local Planning Enforcement Plan, similar documents published by other local planning authorities were reviewed. This informed the drafting of the proposed plan.

8. Has any consultation been carried out?

Yes

Details of consultation

The first draft of the plan was presented to the Development Management Advisory Panel on 5 May 2022

The plan was subject to public consultation in June and July 2022. This consisted of: link to consultation on website; email to all town and parish councils and meetings; publication in e-

news; publication in Members' weekly bulletin. Responses to the public consultation were recorded via online survey.

A second draft of the plan was presented to the Development Management Advisory Panel on 5 October 2022

If NO please outline any planned activities

N/A

9. Could a particular group be affected differently in either a negative or positive way?

(Negative – it could disadvantage and therefore potentially not meet the General Equality duty;

Positive – it could benefit and help meet the General Equality duty;

Neutral – neither positive nor negative impact / Not sure)

Protected Group	Type of impact, reason and any evidence (from Q7 & 8)
Age	<p>When an enforcement investigation is affected by the protected characteristic 'age' officers will be mindful of:</p> <ul style="list-style-type: none"> • The presence of minors and ensure suitable adult supervision during site visits • Decline in health and wellbeing from age, including but not limited to sensory impairment, mobility issues, loneliness • Readiness and ease of using technology (such as the internet or smart phones) • Daily routines, sleeping patterns, personal care <p>Reasonable adjustments to eliminate inequality and promote opportunity will be made on a case-by-case basis to best meet the service user's needs. Examples of adjustments may include:</p> <ul style="list-style-type: none"> • Using powers to enter land sparingly, having given notice of intent to visit in advance and through the most appropriate means (which may not always be in writing alone) • Be aware of any sensory impairments or mobility issue • Provide other means of contact rather than email, phone number or postal address • Use cross-council relationships to raise issues of welfare and signpost to well-being services • Providing 'large text' versions of relevant documents
Disability	<p>When an enforcement investigation is affected by the protected characteristic 'disability' officers will be mindful of:</p> <ul style="list-style-type: none"> • The presence of and need for personal assistants • Using the most appropriate means of communication and language • Physical/ mental limitations • Readiness and abilities to use technology • Daily routines, personal care

	<p>Reasonable adjustments to eliminate inequality and promote opportunity will be made on a case-by-case basis to best meet the service user’s needs. Examples of adjustments may include:</p> <ul style="list-style-type: none"> • Be aware of any sensory impairments, mobility issue, or language barriers • Be aware that the service user may need to be accompanied • Provide other means of contact such email, phone number or postal address, to best meet the service user’s needs • Limit the need for a service user to visit unfamiliar locations or locations without adequate facilities • Use cross-council relationships to raise issues of welfare and signpost to well-being services
Gender Re-assignment	<p>It is considered unlikely that this policy would have either a positive or negative impact on the protected characteristic of gender reassignment.</p>
Pregnancy & Maternity	<p>When an enforcement investigation is affected by the protected characteristic ‘pregnancy and maternity’ officers will be mindful of:</p> <ul style="list-style-type: none"> • The impacts of stress • Daily routines, sleeping patterns, personal care • The presence of minors and ensure suitable adult supervision during site visits <p>Reasonable adjustments to eliminate inequality and promote opportunity will be made on a case-by-case basis to best meet the service user’s needs. Examples of adjustments may include:</p> <ul style="list-style-type: none"> • Allowing, where possible, additional time to respond to information request • Consider the impact of formal enforcement action on pregnancy and maternity • Reducing where possible any related stress on the service user
Race	<p>When an enforcement investigation is affected by the protected characteristic ‘race’ officers will be mindful of:</p> <ul style="list-style-type: none"> • Difference in culture and tradition • Potential language barriers • Specific planning policy or guidance, for example for gypsies and travellers <p>Reasonable adjustments to eliminate inequality and promote opportunity will be made on a case-by-case basis to best meet the service user’s needs. Examples of adjustments may include:</p> <ul style="list-style-type: none"> • Translation • Using non-written means of communication • Applying weight where guided by planning law and guidance
Religion – Belief	<p>When an enforcement investigation is affected by the protected characteristic ‘religious belief’ officers will be mindful of:</p> <ul style="list-style-type: none"> • Festivals and traditions • Fasting, pilgrimage, and holy dates • Daily routines

	Reasonable adjustments to eliminate inequality and promote opportunity will be made on a case-by-case basis to best meet the service user's needs. Examples of adjustments may include: <ul style="list-style-type: none"> • Timing of communications, visits, and action
Sex	It is considered unlikely that this policy would have either a positive or negative impact on the protected characteristic of sex. However, officers will be mindful of the protected characteristic of 'sex' when: <ul style="list-style-type: none"> • Lone females • Mothers with young children • Symptoms of menopause • Signs of domestic abuse
Sexual Orientation	It is considered unlikely that this policy would have either a positive or negative impact on the protected characteristic of sexual orientation.
Marriage & Civil Partnerships (part (a) of duty only)	It is considered unlikely that this policy would have either a positive or negative impact on the protected characteristic of marriage and civil partnership.
Rural considerations: le Access to services; transport; education; employment; broadband;	It is considered unlikely that this policy would have either a positive or negative impact on rural considerations. The founding principle of Town and Country Planning is to manage development in the public interest; this would include development in rural areas.

10. If you have identified a negative impact in question 9, what actions have you undertaken or do you plan to undertake to lessen or negate this impact?

Please transfer any actions to your Service Action plan on Excelsis.


Action(s):	Lead officer	Resource	Timescale

Declaration

We are satisfied that an Impact Assessment has been carried out on this policy and procedure and where a negative impact has been identified, actions have been developed to lessen or negate this impact.

We understand that the Equality Impact Assessment is required by the District Council and that we take responsibility for the completion and quality of this assessment

Completed by: Griff Bunce	Date: 26/10/22
Role: Development Team Manager	
Countersigned by Head of Service/Director:	Date: 26/10/22

	
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Date for Review: Please forward an electronic copy to eka.nowakowska@stroud.gov.uk