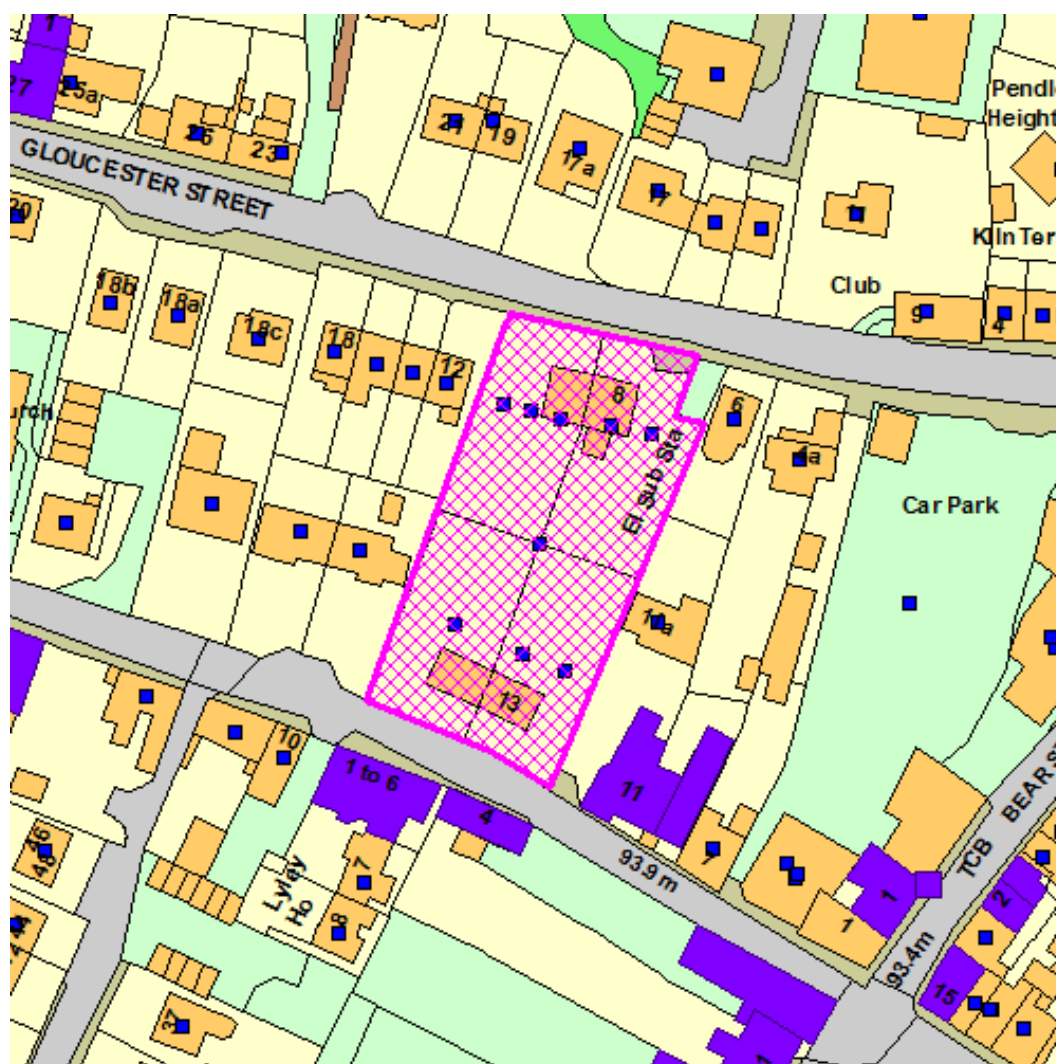




## Development Control Committee Schedule 12/09/2023

<b>Item No:</b>	<b>02</b>
<b>Application No.</b>	S.23/1157/VAR
<b>Site Address</b>	Land North Of, Bradley Street, Wotton-Under-Edge, Gloucestershire
<b>Town/Parish</b>	Wotton Under Edge Town Council
<b>Grid Reference</b>	375500,193407
<b>Application Type</b>	Variation of Condition
<b>Proposal</b>	Variation of condition 2 (approved plans) of application S.19/1054/FUL - Alteration to design of 8 affordable dwellings, with associated vehicle parking and landscaping, following the demolition of the existing buildings.
<b>Recommendation</b>	Permission
<b>Call in Request</b>	Cllr Ken Tucker





## Development Control Committee Schedule 12/09/2023

<b>Applicant's Details</b>	Ms E Robbins Stroud District Council (New Homes & Regeneration Team), Ebley Mill, Ebley Wharf, Stroud, Gloucestershire GL5 4UB
<b>Agent's Details</b>	Mr Matt Hinkins WWA Studios, The Malthouse, 60 East St Helen Street, Abingdon, OX14 5EB
<b>Case Officer</b>	Rachel Brown
<b>Application Validated</b>	09.06.2023
	<b>CONSULTEES</b>
<b>Comments Received</b>	Biodiversity Team Environmental Health (E) Development Coordination (E) Housing Strategy And Community Infrastructure Conservation South Team Wotton Under Edge Town Council Contaminated Land Officer (E) Cotswolds Conservation Board SDC Water Resources Engineer
<b>Constraints</b>	Affecting the Setting of a Cons Area Area of Outstanding Natural Beauty Berkeley Safeguard Area Consult area Conservation Area Within 50m of Listed Building Neighbourhood Plan Wotton under Edge Town Council Settlement Boundaries (LP) Surface flooding 1 in 100 years Surface flooding 1 in 30 years Village Design Statement
	<b>OFFICER'S REPORT</b>

### MAIN ISSUES

Principle of development  
Design and appearance  
Residential Amenity  
Highways  
Ecology  
Heritage Assets  
Affordable Housing  
Obligations

### DESCRIPTION OF SITE

The application site is located between Gloucester Street and Bradley Street, within the settlement of Wotton under Edge and formerly comprised two blocks of semi-detached



## Development Control Committee Schedule 12/09/2023

dwellings. These have now been demolished following planning permission S.19/1054/FUL. The application site is rectangular in shape, approximately 0.22 hectares in area. The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and sits adjacent to the Wotton under Edge Conservation Area. There are a number of grade II listed buildings within close proximity to the site.

### **PROPOSAL**

This is a Section 73 application for the variation of condition 2 (approved plans) of planning application S.19/1054/FUL to allow alteration to the design of 8 affordable dwellings, with associated vehicle parking and landscaping, following the demolition of the existing buildings.

### **REPRESENTATIONS**

#### **Statutory Consultees:**

*Conservation Team* - The proposal will not cause any harm to the character of the conservation area or the setting of the listed building.

*Contaminated Land Officer* - The proposed development lies within 250 metres of a former clay pit (unknown if filled). As such, please attach the landfill informative to any permission granted.

*Affordable Housing Officer* - Fully in support of the changes

*Environmental Health* - No comments

*GCC Highways* - No objection

*Cotswolds National Landscape Board* - Do not object

- *Biodiversity Team* - There is no ecological objection. The ecological enhancement features and lighting design strategy associated with the previous application should be fully implemented.

*Sustainable Drainage Engineer* - no objection to the plan, overall site layout will be able to accommodate the agreed drainage strategy.

*Wotton under Edge Town Council* - Wotton-under-Edge Town Council wishes to make the following comments on this application. Concern remains regarding the parking arrangements for plots 4,5 and 6 which will result in vehicles having to reverse in or out into Gloucester Street - a busy main route into the town. The revised plans would appear to contravene Condition 8 of the permitted application S.19/1054/FUL which refers to drawing no. 1502 rev B. There is also concern that the proposals may affect Condition 10 of the same permitted application.

#### **Public:**

At the time of writing this report (22/08/23) 5 public Objections have been received. Reasons for objection can be summarised as:

- Raising of land levels/loss of light



## Development Control Committee Schedule 12/09/2023

- Loss of privacy from unsecured boundary
- Loss of value
- Noise pollution from air source heat pumps
- Out of character
- Height of boundary fence result in loss of light
- Damage to house from excavations
- Impact on hedgehogs from raising level levels and building of wall
- Layout of gardens
- Concerns cars will have to reverse out onto Gloucester Street
- Lack of detail regarding height of structure/potential loss of light
- Lack of details of road wall and foundations
- Lack of parking provision

### **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 66(1).

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

Local Plan policies considered for this application include:

CP1 - Presumption in favour of sustainable development.

CP2 - Strategic growth and development locations.

CP3 - Settlement Hierarchy.

CP9 - Affordable housing.

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.

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)



## Development Control Committee Schedule 12/09/2023

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:

### INTRODUCTION

Planning permission was granted on 04.09.2019 for the Erection of 8no. affordable dwellings, with associated vehicle parking and landscaping, following the demolition of the existing buildings.

The pre-commencement conditions have been discharged and the existing building has been demolished.

This application seeks to vary Condition 2 (approved plans) to allow alteration to the design, associated vehicle parking and landscaping.

This application seeks to amend the following details of the consented scheme:

- Finish floor heights (and thus ridge heights) have been adjusted to comply with the Council's current Building Regulations (BR) access requirements.
- Plot 4 parking space layouts have been adjusted to enable access around the existing BT pole and ensure compliance with BR.
- Plot 3 now had its parking positioned outside the property for security and ease of access. External works adapted to suit.
- The boundary wall along Bradley Street is reprofiled to take account of the existing BT pole as well as complying with visibility splay requirements.
- Plots 7 & 8 are set back to avoid undermining the adjacent substation during the works.
- False chimneys omitted from elevations.
- The rear gable to plot 8 has been removed to increase the available space for PV array.
- Rear garden access and bin/cycle storage areas updated in line with the Council's requirements.
- Retaining walls now shown as necessary to facilitate required approach gradients (governed by BR) and minimum garden falls following construction of dwellings.

### PRINCIPLE OF DEVELOPMENT

The application site is located within the defined settlement limits of Wotton under Edge, however of most relevance is the extant planning permission S.19/1054/FUL that this application seeks to vary. This establishes the principle of development.

As a Section 73 application, the principle of development is established, and the Local Planning Authority can only consider the conditions attached to the permission.

### DESIGN AND LAYOUT

The changes proposed to the design including the omission of the false chimneys. The chimneys have been omitted because the applicant considered that the scale did not match the existing chimneys within the street scene. Modest changes are proposed to the detailing of the fenestration.

It is also proposed to remove the rear gable to plot 8 and change the roof shape to facilitate an increase in the available space for PV array.



## **Development Control Committee Schedule 12/09/2023**

Changes are proposed to the land levels to provide gardens at a reasonable gradient. The level of the rear garden lawns has been revised to avoid steps that require guarding or handrails. Instead, the gardens will be banked with steps of 600mm level change that require no guarding or handrails and lawns laid to 1:12 fall.

The layout has been amended to enable access around the existing BT pole and improve security and ease of access and ensure compliance with Building Regulations. The revisions also avoid undermining the adjacent sub-station.

The siting of the dwellings and their general layout would not compete with the surrounding form of the area and there would be no detrimental impact caused to the character and appearance of the street scene.

The arrangement of the plots as defined would provide an adequate garden for the proposed dwellings, including sufficient area for bin and cycle storage, compliant with the standards set out in the Council's Residential Design Guide and in keeping with the form of surrounding development. It is also noted that ample space would remain so as not to appear cramped or overdeveloped.

The changes would not result in a detrimental impact when considered against the design and appearance of the consented scheme and on this basis, officers are satisfied that the changes are acceptable.

### **RESIDENTIAL AMENITY**

More than adequate distances will continue to be observed between the new dwellings and neighbouring properties and the revised design and layout would not result in any additional adverse impact on residential amenity.

Concerns have been raised regarding the height of boundary features. The boundary features higher than 2m are only proposed between the new dwellings within the site itself (and only on the non-retaining side) not alongside existing neighbouring boundaries. It is also noted that the plots located at a higher level are situated to the north of the site, and so will not affect daylight within gardens to the south. The details of the retaining walls will be reserved by condition.

The proposed ground levels at the edges of the site have been designed to closely match the existing wherever possible. This, along with the retention of existing boundary hedgerows mean daylighting within neighbouring gardens should not be significantly affected.

### **HIGHWAYS**

The approved parking layout has been altered but continues to provide 2 no. off road parking spaces per dwelling. The changes are required to enable access around the existing BT pole, as well as complying with visibility splay requirements and ensure compliance with Building Regulations.

The Highway Authority have reviewed the application and consider the revised layout details are acceptable and therefore raise no objections.





## Development Control Committee Schedule 12/09/2023

### **LANDSCAPE**

The site is located within the Cotswold Area of Outstanding Natural Beauty however is surrounded by other residential properties and the amendments would not have a harmful impact on the wider landscape within this part of the AONB.

### **ECOLOGY**

The Biodiversity Team have reviewed the application and raise no ecological objection. The ecological enhancement features and lighting design strategy associated with the previous application should be fully implemented and a condition is recommended to secure this.

### **HERITAGE ASSETS**

The application site is situated near the Wotton under Edge Conservation Area. Special attention must be paid to the desirability of preserving or enhancing the character and appearance of the area.

Where Listed buildings or their settings, are affected by development proposals, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision-maker to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. There are a number of nearby listed buildings.

This proposal is for the variation of condition 2 (approved plans) of application S.19/1054/FUL - Alteration to design of 8 affordable dwellings, with associated vehicle parking and landscaping, following the demolition of the existing buildings.

The Conservation Specialist has reviewed the application and confirms that the proposal will not cause any harm to the character of the conservation area or the setting of the listed building. The application has been assessed in accordance with Sections 66(1) & 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Given the assessment of the visual impact outlined above, officers are satisfied that the changes would not result in a detrimental impact upon the setting of the conservation area or upon the setting of the nearby listed buildings.

### **AFFORDABLE HOUSING**

The application will provide 8 affordable homes. As the applicant is Stroud District Council, this provision will be secured by condition.

### **REVIEW OF CONDITIONS FROM PREVIOUS DECISION**

1. Implementation within 3 years - The proposal has commenced; this condition is therefore no longer necessary.
2. Approved Plans - amended drawings as relevant should be applied
3. Samples of materials - Appropriate to reapply
4. Drainage Strategy - Details already approved (S.23/1294/DISCON)



## Development Control Committee Schedule 12/09/2023

5. Ecological enhancement features - Appropriate to reapply
6. Lighting strategy - Appropriate to reapply
7. Construction management - Details already approved (S.23/1294/DISCON)
8. Parking and turning - Appropriate to reapply and amend as relevant
9. Fire hydrants - since the previous permission fire hydrants for new dwellings are covered by Building Regulations (Approved Document B (2019)) therefore there is no need to reapply this condition
10. Gloucester Street Access - Appropriate to reapply and amend as relevant
11. Bradley Street Access - Appropriate to reapply and amend as relevant
12. Cycle storage - Appropriate to reapply
13. Management and maintenance of streets - Appropriate to reapply
14. Site hours - Appropriate to reapply
15. Retaining walls - Appropriate to reapply
16. Dust control - Details already approved (S.23/1294/DISCON)

### REVIEW OF CONSULTATION RESPONSES

Letters of objection and comment have been received in response to the application and these are available to view on the electronic planning file.

The objections and comments raised have been duly noted and considered in full in the main body of this report.

Concerns have been raised regarding the potential for construction to affect neighbouring properties (in terms of undermining etc...). This is considered a civil matter, not a planning matter. It is understood that the applicant intends to appoint suitably qualified professionals and contractors to carry out the design and construction process to avoid such eventualities.

With regards to the Town Council's comments about conditions 8 and 10 from the previous permission, these will be reapplied and amended accordingly.

### CONCLUSION

The principle of the development of the site has been established and the relevant planning consent is extant.

The number of units and parking spaces as well as the general internal layout of the units remains unchanged. The amended retaining walls, finish floor heights and location of plots 7 & 8 result in a minor change to the approved scheme. The proposed amendments are such that they would not undermine the principle of the development and the amendments do not





## Development Control Committee Schedule 12/09/2023

materially affect the proposal relative to local plan policy. The character of the area remains unaffected by the proposed changes.

In light of the above, it is considered that the proposal complies with the policies outlined.

### RECOMMENDATION

That the variation of the planning permission is approved, subject to the conditions set out in this report.

### HUMAN RIGHTS

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

<b>Subject to the following conditions:</b>	<p>1. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</p> <p>Site Location Plan of 09/06/2023 Plan number = 1501</p> <p>PROPOSED EXTERNAL WORKS PLAN of 09/06/2023. Plan number = 1155-WWA-EX-XX-A-0001 P7</p> <p>HOUSE TYPE 1 FLOOR LAYOUTS PLOT 1 of 09/06/2023 Plan number = 1155-WWA-01-XX-A-0110-P4</p> <p>HOUSE TYPE 1 - PROPOSED ELEVATIONS of 09/06/2023 Plan number = 1155-WWA-01-XX-A-0210-P4</p> <p>HOUSE TYPE 2A &amp; B FLOOR LAYOUTS PLOTS 2-3 &amp; 7-8 of 09/06/2023 Plan number = 1155-WWA-02-XX-A-0120-P4</p> <p>HOUSE TYPE 2A ROOF PLAN PLOTS 2-3 of 09/06/2023 Plan number = 1155-WWA-02A-XX-A-0121-P1</p> <p>HOUSE TYPE 2B ROOF PLAN PLOTS 7-8 of 09/06/2023 Plan number = 1155-WWA-02A-XX-A-0122-P1</p> <p>HOUSE TYPE 2A - ELEVATIONS PLOTS 2-3 of 09/06/2023 Plan number = 1155-WWA-02A-XX-A-0220-P4</p> <p>HOUSE TYPE 2B - ELEVATIONS PLOTS 7-8 of 09/06/2023 Plan number = 1155-WWA-02A-XX-A-0221-P4</p>
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## Development Control Committee Schedule 12/09/2023

HOUSE TYPE 03 FLOOR LAYOUTS PLOTS 4 - 6 of 09/06/2023  
Plan number = 1155-WWA-03-XX-A-0130-P4

HOUSE TYPE 03 ROOF PLAN PLOTS 4 - 6 of 09/06/2023  
Plan number = 1155-WWA-03-XX-A-0131-P1

HOUSE TYPE 03 - ELEVATIONS PLOTS 4 - 6 of 09/06/2023  
Plan number = 1155-WWA-03-XX-A-0230-P4

SITE SECTION 01 of 09/06/2023  
Plan number = 1155-WWA-EX-XX-A-0300-P5

SITE SECTIONS 02 of 09/06/2023  
Plan number = 1155-WWA-EX-XX-A-0301-P5

SITE SECTIONS 03 of 09/06/2023  
Plan number = 1155-WWA-EX-XX-A-0302-P5

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

2. No works shall take place on the external surfaces of the building(s) hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

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

3. All works shall be carried out in full accordance with the detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy presented in the Drainage Strategy already approved by the Local Planning Authority under application S.22/1294/DISCON.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

4. Prior to the first occupation of the permitted development the ecological enhancement features will be implemented in full accordance with the previously agreed site plan, drawing number 1502 Rev B, dated July 2019.



## Development Control Committee Schedule 12/09/2023

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.

5. Prior to the occupation of development a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority

a) The strategy will 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 in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

6. All works shall be carried out in full accordance with the Revised Construction & Demolition Environmental management plan (received 29/06/2022) from Beard Construction, already approved by the Local Planning Authority under application S.22/1294/DISCON.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

7. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 1155-WWA-EX-XX-A-0001 P7, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Local Plan Policies ES3, EI12 and CP14 and the National Planning Policy Framework.



## Development Control Committee Schedule 12/09/2023

8. The vehicular access (Gloucester Street) hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 37m east and 31m west (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Policies ES3, EI12 and CP14 of the Local Plan and the National Planning Policy Framework.

9. The vehicular access (Bradley Street) hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 13m west and 19m east (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Policies ES3, EI12 and CP14 of the Local Plan and the National Planning Policy Framework.

10. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.



## Development Control Committee Schedule 12/09/2023

11. Prior to occupation of the proposed development hereby permitted details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 the National Planning Policy Framework Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 127 of the Framework.

Note: The applicant is advised that to discharge condition 11, that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

12. No construction site machinery or plant shall be operated, no process shall be carried out and no demolition or 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.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

13. Prior to their construction, details of any new retaining wall elements, shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

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

14. All works shall be carried out in full accordance with the Specifications of the Motofog Dust Suppression Unit to be used on site (received 29/06/2022), already approved by the Local Planning Authority under application S.22/1294/DISCON.



## Development Control Committee Schedule 12/09/2023

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015.

15. No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the NPPF or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 30% of the dwellings.
- ii) the timing of the construction of the affordable housing and its phasing relative to the occupancy of any open-market housing (if part of the scheme).
- iii) details of the management of the affordable housing or the arrangements for the transfer of the affordable housing to another Registered Provider.
- iv) the arrangements to ensure that the affordable housing provision is affordable for both first and subsequent occupiers.
- v) the occupancy criteria to be used for determining qualifying occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall be implemented strictly in accordance with the scheme so approved and maintained thereafter as such.

Reason: The condition is pre-commencement because the development proposes more than 4 dwellings and therefore a minimum of 30% of the dwellings are required to be made affordable in accordance with Policy CP9 of the adopted Stroud District Local Plan (November 2015).

Informatives:

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