



Your Ref: S.22.0460 FUL

Our Ref: CP0004

Planning Committee
Stroud District Council
Ebley Mill
Stroud
GL5 4UB

BY EMAIL ONLY

15 January 2023

Dear Member,

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

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

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

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

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

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

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Farmhouse Triangle concept and consultation

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

The proposals are important to Hunts Grove because they provide:

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

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

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

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

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

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

Context for the officer recommendation

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

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

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

Why planning permission could be granted by Members

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

Development Plan (Adopted Stroud Local Plan)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Balance and Material Considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,



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