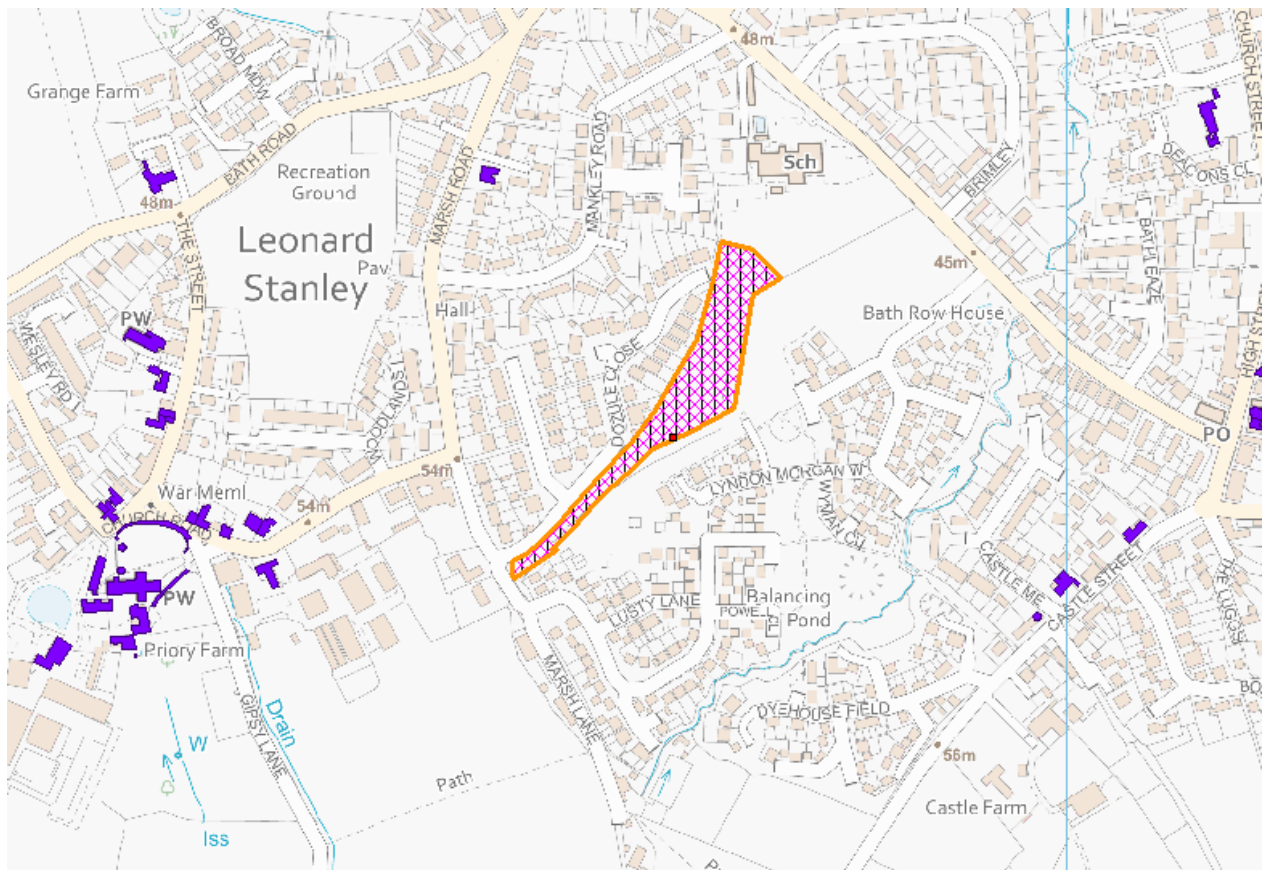




## Development Control Committee Schedule 25/04/2023

<b>Item No:</b>	<b>03</b>
<b>Application No.</b>	S.21/2860/OUT
<b>Site Address</b>	Land Adjacent To, Dozule Close, Leonard Stanley, Gloucestershire
<b>Town/Parish</b>	Leonard Stanley Parish Council
<b>Grid Reference</b>	380675,203384
<b>Application Type</b>	Outline Planning Application
<b>Proposal</b>	Outline application for 13 houses of which 9 are custom build houses and 4 affordable together with associated access, parking & amenity spaces with all matters reserved except access (amended description).
<b>Recommendation</b>	Resolve to Grant Permission
<b>Call in Request</b>	Cllr N Studdert-Kennedy





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<b>Applicant's Details</b>	P Gray, InterGen Homes Limited, Midway House , Staverton Technology Park, Herrick Way Staverton, Cheltenham Gloucestershire GL51 6TQ
<b>Agent's Details</b>	Mr K Davis DJD Architects, 2 St Oswalds Road , Worcester, WR1 1HZ,
<b>Case Officer</b>	Cris Lancaster
<b>Application Validated</b>	15.12.2021
<b>CONSULTEES</b>	
<b>Comments Received</b>	Flood Resilience Land Drainage Area Walking Environment Officer Public Rights of Way Officer Leonard Stanley Parish Council Flood Resilience Land Drainage Development Coordination (E) SDC Water Resources Engineer Biodiversity Team
<b>Constraints</b>	Leonard Stanley Parish Council Affecting a Public Right of Way SAC SPA 7700m buffer Settlement Boundaries (LP)
<b>OFFICER'S REPORT</b>	

### MAIN ISSUES

- \* Principle of development
- \* Design and appearance
- \* Residential Amenity
- \* Noise
- \* Highways
- \* Landscape impact
- \* Contaminated land
- \* Public open space
- \* Affordable Housing
- \* Ecology
- \* Flood risk and drainage
- \* Sustainability
- \* Obligations

### DESCRIPTION OF SITE

The site is accessed from the north end of Dozule Close which it generally runs parallel to. It is bounded to the west for part of its length by the existing bungalows/dormer bungalows of Dozule Close and to the east by the new residential development of two storey houses and public open space. The site is currently unused grass land, generally flat, with a mix of post and wire and hedge boundaries. There are trees to the south / south western boundaries,



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beyond which is open land. The existing dormer style bungalows to the west of the site have varying garden lengths.

The application site is not the subject of any landscape designations and is located outside the Cotswolds AONB. The site and its immediate surroundings, contain no particularly interesting or unusual features.

The proposal will result in a permanent change to the character of the application site however it is located close to extensive existing housing development.

### **PROPOSAL**

The proposal involves an outline application for 13 houses of which 9 are custom build houses and 4 affordable together with associated access, parking & amenity spaces with all matters reserved except access. This is an amended description following revision by the applicant.

All matters are reserved with the exception of access which forms part of the consideration of this application. The site is accessed off the turning head at the north end of Dozule Close. The plan shows an indicative landscape buffer along the south eastern boundary of the site to be retained/enhanced. Further details of both hard and soft landscaping will be required under the detailed reserved matters application and it will be ensured that sufficient landscaping will be achieved at this point in time.

It aims to ensure consistent good practice in the delivery of custom and self-build homes and in particular the Right to Build legislation. Part PG1 of the guidance makes it clear that a distinction between Custom and Self Build (CSB) is not required in legislation, but it is helpful in the subsequent delivery of homes. The guidance therefore sets out the line between the two:

- o A self-build home is one built to the plans or specifications of the occupant on a single plot.
- o A custom build home is built to the plans or specifications of the occupant on a multiplot site which is actively managed by a third-party enabler.

### **REVISED DETAILS**

As originally submitted the proposal involved 15 no. new custom build houses and associated access, parking and amenity spaces.

Following negotiation, the proposal now includes 4 affordable units with 9 custom built houses. The affordable units are indicated as two pairs of semi-detached dwellings and the self-build units are detached dwellings.

In addition the applicant has responded to concerns about flooding and drainage and these matters are covered within the report.

### **MATERIALS**

This is an outline application meaning materials will be subject of subsequent details in the event of an approval.

Roof: Reserved matter

Walls: Reserved matter



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### REPRESENTATIONS

#### Statutory Consultees

Leonard Stanley Parish Council

\* Overall, the scheme is designed for maximum density for high value development at the expense of proper consideration of the surrounding context and conditions, particularly with regard to traffic and the natural environment.

\* Furthermore, the location of housing on this site is objected to in principle. On balance, planning permission should be refused for this scheme which has little to recommend it. Appeals show that the current development boundary is the last bastion of protection of a complete coalescence of the settlements, albeit that the proposal site is now surrounded by development on all sides.

\* The objection to the principle of this development remains. The emerging local plan has not yet been adopted and there is no certainty that PS42 will indeed survive the Local Plan Inspection.

\* Traffic on Dozule Close will have an impact on safe routes to the primary school and residential amenity, and construction impacts in the form of damage to road surfaces and dirt were not addressed in previous planning decisions in the parish.

\* Should planning permission be granted, the Parish Council requests that the Highways Authority be asked to consider the impact of the proposals on pedestrian movement (notably children, siblings and parents) between Dozule Close and Leonard Stanley Church of England Primary School and seeks that appropriately worded planning conditions are attached to any permission that will preserve and improve this pedestrian linkage.

\* The Parish Council requests that any planning condition that requires a Construction Management Plan also makes provision that any damage to road surfaces by construction traffic will be put right by the land owner (of the entire site, and therefore this applies to the outline permission) before the occupation of the final dwelling in the scheme.

\* Flooding, habitats and biodiversity net gain The Parish Council notes and agrees with the conclusions of the Biodiversity Team. The proposals pay scant regard to the environmental impacts of the scheme and therefore do not conform to the Environment Act 2021 which requires development to provide 10% biodiversity net gain, nor NPPF para 179. Para. 179 is relevant here for two reasons. assumed and set as the baseline. Many of the representations from residents on Dozule Close have indicated that there is localised flooding in the area (hence the name "Marsh Fields".) The LFFA and the Stroud Water Resources Engineer both raised significant concerns that are worthy of refusal. The scheme in its current form is deficient in its consideration of both biodiversity and flooding. It should have addressed surface water drainage and habitat creation using natural flood management methods. The Parish Council has grave concerns that the applicant did not follow the advice of its own Ecologist and purposefully damaged habitats against the recommendations of the Preliminary Ecological Assessment. The recommendations in that document now appear to be impossible to deliver. The Local Planning Authority is requested to take action to determine whether the recommendations of the Preliminary Ecological Assessment have been delivered, and if not, to consider a new baseline for biodiversity net gain, using a maximalist approach.

\* The Parish Council also objects to the scheme on the grounds that it pays insufficient regard to surface water flood management, fails to use good design of natural flood management techniques that could also provide habitat improvement, fails to demonstrate how biodiversity net gain will be achieved, and makes no realistic proposals for the protection



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of protected species in situ other than as toolkit talks which are not in themselves sufficient to safeguard these species

GCC as Lead Local Flood Authority:

The LLFA is a statutory consultee for surface water flood risk and management and has made the following observations and recommendation. An infiltration test has been provided by the applicant, which did not provide a successful result.

Although it was only a singular test, considering the site is relatively small, the lack of soakaways being used in the surrounding area (for example the surface water sewers in Dozule Close, Clutterbuck Close) and an alternative option found, the LLFA accepts that soakaways are unlikely to be viable.

The letter from Severn Trent Water on 17th February 2023 confirms they assume ownership of the surface water sewer in Dozule Close, the proposed method for discharging the site, and that they would accept a discharge rate of 3.3 l/s. Knowing this is a public sewer and the discharge rate has been agreed, the LLFA no longer requires an assessment of the sewers condition and capacity.

The applicant's email from 1st March 2023 states that "Rights of access rear gardens for maintenance" of the land drain will be set up and included in the sale of the properties allowing the management company to carry out the necessary maintenance. If this is possible then it will allay the LLFAs concerns regarding the maintenance of this drain.

Finally, in response to the comments forwarded to the LLFA regarding the sustainability of the drainage strategy, the LLFA agrees that the use of pumps is not a particularly sustainable solution. However, it has been shown that the drainage strategy provided meets the Non-statutory Technical Standards for Sustainable Drainage and will minimise the impact of the development on flood risk elsewhere so the LLFA has no objections. The LPA may wish to consider the sustainability of the drainage strategy in the context of the development's other sustainability impacts and the council's wider sustainability aims.

**LLFA Recommendation** The LLFA no further objections but does recommend the following condition to be applied to any approval granted:

**Condition:** No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

**Reason:** To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Gloucestershire County Council Community Infrastructure Team:



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This application has been assessed for impact on various GCC community infrastructure in accordance with the "Local Development Guide" (LDG). The LDG was updated in March 2021 (following a targeted consultation which took place in Spring 2020). The LDG is considered a material consideration in the determination of the impact of proposed development on infrastructure. <https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-local-development-guide/> The assessment also takes account of CIL Regulations 2010 (as amended).

The site will impact on the following education planning areas:

- Stonehouse Primary Planning Area
- East Stroud Secondary Planning Area

GCC confirms that at this time the additional capacity can be accommodated in existing schools and it is not currently seeking a primary or secondary contribution towards places arising from this development.

There is no library contribution required for this proposed development as the number of proposed dwellings falls below the number that constitutes a library requirement

GCC Public Rights of Way (PROW):

This application acknowledges and does not appear to affect the nearby public rights of way, MLS12 & MLS13, as long as these routes remains unaffected, with no changes with the current access e.g. new Gates etc, we offer no objections.

Please note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and

there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at:

<https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>

b) If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route by the Planning Authority under the Town and Country Planning Act 1990 as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.



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d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

Cotswolds National Landscape (formerly Cotswold Conservation Board):

Given the distance from the Cotswolds National Landscape (i.e. @ 2.3km from the CNL boundary and 3km+ from elevated views within the CNL) and the scale of existing development between the proposed scheme and the CNL, I don't think that there are likely to be any adverse visual effects on the CNL, so on this occasion the Board won't be submitting a formal response.

Ramblers Association:

The RA's South Cotswolds group is pleased to note the developer's statement that "(the development) will have a layout, safe access and parking appropriate to the site and its surroundings and will, where possible, improve local access to walking and cycling routes" and that "MLS13 crosses the site west-east connecting with routes through the new development to the east. The public right of way will be unchanged by the proposals." and that there is acknowledgement of an adopted footpath running from the end of Dozule Close, along the boundary of the site towards the school. However, MLS12 also runs across the site (see p. 14 of design and access statement) and this must also be maintained.

GCC as Local Highways Authority:

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 subject to conditions.

SDC Biodiversity Team:

Amended details and plan were submitted during the course of negotiation and the Council's Ecologist has no objections.

Biodiversity Net Gain

An amended Biodiversity Net Gain metric calculation and supporting plans, including a revised Proposed Illustrative Site Plan have now been submitted and have clearly demonstrated that net gain can be achieved on site. A Biodiversity Net Gain/Landscape Management Plan (BNGLMP) will be required to secure and maintain the net gain in the long term.

Recommendations:

Acceptable subject to the following conditions:

All works shall be carried out in full accordance with the recommendations contained in Preliminary Ecological Appraisal by Cotswold Environmental (June 2021) and the



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Precautionary Working Method Statement Reptiles and Amphibians by Cotswold Environmental (October 2021) 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.

\* Prior to the installation of external lighting for the development 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/commuting 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 bat 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.

\* No works shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not limited to the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.
- d) Avoidance mitigation strategy to safeguard great crested newts, breeding birds, bats, badgers and reptiles and other mammals such as hedgehog
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- f) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- g) The timing during construction when ecological or environmental specialists need to be present on site to oversee works
- h) Responsible persons and lines of communication
- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- j) Use of protective fences, exclusion barriers and warning signs
- k) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works





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The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**REASONS:** To adequately demonstrate biodiversity is safeguarded as required by The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006.

\* Prior to the commencement of works, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) shall be submitted to, and be approved in writing by, the local planning authority addressing how the site will be ecologically enhanced and maintained.

The BNGLMP will be based on the Amended Biodiversity Net Gain metric calculation (November 2022) and supporting plans (including Proposed Illustrative Site Plan K939-03 (F)) by DJD Architects (November 2022) and the Preliminary Ecological Appraisal by Cotswold Environmental (June 2021) and shall include the following:

- 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) Details for the erection of bird and bat boxes and other biodiversity enhancements for reptiles and hedgehogs
- f) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
- g) Details of body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The BNGLMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**REASON:** In order to fulfil the requirements of paragraph 175 of the NPPF by ensuring that biodiversity net gains are secured, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) will be required to be provided prior to the commencement of development.

\* This site falls within the 7.7 km core catchment zone of the Severn Estuary SPA/SAC site, the applicant has the opportunity to make off site S106 contributions per new dwelling as part of Stroud District Council's avoidance mitigation strategy, or provide the LPA with their own mitigation strategy and enhancement features which will need to be agreed by SDC as the competent authority and Natural England.

\* This site falls within the 15.4 km core catchment zone of the Cotswold Beechwoods SAC site, the applicant has the opportunity to make off site S106 contributions per new dwelling as part of Stroud District Council's avoidance mitigation strategy, or provide the LPA with their own mitigation strategy and enhancement features which will need to be agreed by SDC as the competent authority and Natural England.

**REASON:** To ensure that protected species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended).



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### SDC Affordable Housing Lead:

The officer comments that the development is acceptable but that the garden spaces, particularly for plots 12 & 13 look pretty small, especially when compared to the custom build plots.

### Public:

One comment supporting the application was received.  
This welcomed provision of affordable housing.

Forty six (46) objections were received raising the following issues:-

1. The development site is not allocated for residential development and should be refused;
2. The development will result in construction damage on local roads;
3. Noise from construction traffic and development;
4. Local footpaths are inadequate and there is a risk of conflict between vehicles and pedestrians (children from the local school at the end of Dozele Close are specifically identified);
5. The site suffers flooding and there is concern that development will result in localised surface water flooding;
6. The local sewers are at capacity;
7. The applicants surface water proposals are not sustainable
8. There are insufficient local facilities. There is only a public house and village hall;
9. Inadequate consideration for wildlife/ loss of habitat
10. Loss of outlook (views of Selsley Common and Penn specifically mentioned);
11. Two storey development will overshadow existing single storey dwellings;
12. Traffic generation will harm local area.
13. Development of self-build will take a long time meaning disturbance will last a long time;
14. No guarantee that there will be consistent build quality
15. No site notices were displayed and inadequate neighbour notification was undertaken.
16. The leaflet circulated in the vicinity appears to contain errors and is misleading.

### NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework 2.2.

Available to view at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

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.



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CP3 - Settlement Hierarchy.  
CP4 - Place Making.  
CP5 - Environmental development principles for strategic growth.  
CP6 - Infrastructure and developer contributions.  
CP7 - Lifetime communities.  
CP8 - New housing development.  
CP9 - Affordable housing.  
CP13 - Demand management and sustainable travel measures.  
CP14 - High quality sustainable development.  
CP15 - A quality living and working countryside.  
HC1 - Meeting small-scale housing need within defined settlements.  
HC3 - Strategic self-build housing provision.  
HC4 - Local housing need (exception sites).

ES1 - Sustainable construction and design.  
ES2 - Renewable or low carbon energy generation.  
ES3 - Maintaining quality of life within our environmental limits.  
ES4 - Water resources, quality and flood risk.  
ES5 - Air quality.  
ES6 - Providing for biodiversity and geodiversity.  
ES7 - Landscape character.  
ES8 - Trees, hedgerows and woodlands.  
ES12 - Better design of places.  
ES13 - Protection of existing open space.  
ES14 - Provision of semi-natural and natural green space with new residential development.  
ES15 - Provision of outdoor play space.  
ES16 - Public art contribution.

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)  
Village Design Statement  
Neighbourhood Development Plan

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 2015 Local Plan has been adopted and full weight should be given to its contents, in accordance with the paragraphs of the NPPF. There is a presumption in favour of sustainable development as applied locally through the policies contained within the Local Plan. Consequently, decision makers should approve proposals that accord with the Local Plan without delay, but should refuse proposed development that conflicts with the Local Plan, unless material considerations indicate otherwise.



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The proposal is for the development of land outside settlement development limits. The major policy issues relate to the principle of development in this location and the relationship with other adjacent development.

The site is located outside settlement limits and as such development of this land is contrary to policies CP2 and CP3 of the Local Plan. With the location beyond the current settlement development limits the scheme also does not satisfy any of the principles or criteria of CP15.

The site has however been put forward and is now a draft allocation in the draft Local Plan (Site PS42). The draft Local Plan is now at the hearings stage.

This draft allocation has received a number of comments and the level of objection is not considered to be great or to the principle of development, although this comment has been made in relation to the current application. The issues raised such as ecology, access and flood risk have been addressed within this application or can be resolved through subsequent reserved matters. The connectivity and highway impacts have been addressed.

The 2015 Local Plan has been adopted and full weight should be given to its contents, in accordance with the paragraphs of the NPPF. There is a presumption in favour of sustainable development as applied locally through the policies contained within the Local Plan. Consequently, decision makers should approve proposals that accord with the Local Plan without delay, but should refuse proposed development that conflicts with the Local Plan, unless material considerations indicate otherwise.

The proposal is for the development of land outside settlement development limits. However, the site is located adjacent to the Leonard Stanley settlement, a 3rd tier settlement identified under Policy CP3 of the Local Plan. One of the primary aims of establishing a settlement hierarchy is to promote sustainable communities by bringing housing, jobs and services closer together in an attempt to maintain and promote the viability of local facilities and reduce the need to travel to services and facilities elsewhere. A settlement hierarchy policy can help to achieve this by concentrating housing growth in those settlements that already have a range of services.

The 3rd tier villages possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the Local Service Centres for greater self containment. They will provide for lesser levels of development in order to safeguard their role and to provide through any Neighbourhood Plans some opportunities for growth and to deliver affordable housing.

The site has been put forward and is now a draft allocation in the draft Local Plan. The draft Local Plan has now past Regulation 19 stage and the draft plan has now been submitted for examination.

The application site is not of a strategic nature and it is considered by officers that no harms exist through its small scale development. The site is located within 800m of limited facilities and amenities in Leonard Stanley and shops in Kings Stanley and is served by Leonard Stanley Primary School, and would therefore be considered as a sustainable location,



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meeting the requirements of the NPPF Promoting Sustainable Transport policies which will be acceptable.

Together with the emerging policy position and the sustainability credentials of the location being located adjacent to an established settlement it is concluded that the proposal can be considered alongside the other benefits associated with the development and the planning balance weighed accordingly.

### **DESIGN AND APPEARANCE**

The proposal is an outline application and the design and appearance will be for consideration under reserved matters. The scheme provides a mix of housing tenures with self-build and affordable shared and rented units. Whilst the larger units are open market with affordable units being smaller there is a mix across the site. This is addressed further in the affordable housing section below. Improvements have been made with the revised plans and it is considered this mix is acceptable.

The proposed development will be predominately 2 storeys in height. The potential amenity issues associated with this are further considered below.

The applicant advises that in terms of the open space, this will be managed by a management company, to be set up for the site, that will also be responsible for the road, drainage etc.

### **RESIDENTIAL AMENITY AND NOISE**

Whilst it is appreciated that the new built form will still be evident in the outlook from some of the existing neighbouring properties this is an outline application with matters including both design and siting to be determined at reserved matters stage. Loss of view is not a material consideration. Whilst these matters are subject to subsequent consideration, it is considered the impact on existing dwellings will be limited and the separation distance and subsequent design considerations will be able to avoid any direct material overlooking, loss of privacy and overbearing impact.

The Affordable Housing Officer has commented on the relative smaller size gardens of the affordable units. However, this is an outline application and the layout will be subject of reserved matters, if approved.

Construction mitigation including hours of operation, CMS and dust controls conditions have been included to mitigate the impact on nearby residents.

### **HIGHWAYS**

The application seeks outline consent with all matters reserved except access. On the plans submitted, one main vehicular access point is proposed off the end of Dozule Close.

The site is located off the turning head at the end of Dozule Close, a residential cul de sac with a 30mph speed limit. The site is located within 800m of limited facilities and amenities in Leonard Stanley and shops in Kings Stanley and is served by Leonard Stanley Primary School, and would therefore be considered as a sustainable location, meeting the



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requirements of the NPPF Promoting Sustainable Transport policies which will be acceptable.

Dozule Close is served by 5.5m carriageway with 2m footways. Access will be provided by continuing the carriageway and footway off the end of the turning head which the Highway Authority confirms will be acceptable.

The Highway Authority (GCC) confirms that traffic generated by the proposed development is unlikely to impact upon highway safety, capacity or congestion and will therefore be acceptable and therefore offers no objection to the outline application with all matters reserved except for access.

Whilst the development is not considered to have an adverse impact on pedestrian or vehicular movement in the vicinity including to and from the primary school, additional vehicle movements will be generated during the construction period and therefore a Construction Environmental Management Plan will be required, particularly in this residential area close to a school which should be conditioned. The Highway Authority has undertaken a robust assessment of the planning application. It is considered that there are no justifiable grounds on which an objection could be maintained.

The Council has a parking standard of 1.5 spaces per residential unit that will be required for the site. The indicative plan shows parking at 2 spaces per unit, which is considered acceptable in this location. Provision for cycle parking and electric vehicle charging will also be required. The requirement for electric power points is now a matter for Building Regulations meaning a condition is not required.

### **LANDSCAPE IMPACT**

The site appears to provide only limited visual amenity as it is only a small section of undeveloped land within a wider developed area. Although the undeveloped nature and existing vegetation of the site does soften views of the physical development from outside the site.

The site is relatively self-contained and retains a small landscape gap to other residential development to the east. As such a degree of separation is retained between Leonard Stanley and Kings Stanley.

The site is outside of the Cotswolds Area of Outstanding Natural Beauty (AONB). Given the limited scale of the development and its vegetated boundaries which assist in filtering views, it is considered that the impact on the setting and views from the AONB would be limited, even from elevated positions including Selsey Common to the east and any impact would effectively be absorbed by existing development within Leonard Stanley.

It is proposed to retain and enhance the boundary hedgerows and trees. Consequently, proposal would moderately effect on the local landscape character but would not have a significant impact on the wider landscape setting or the surrounding countryside.



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It is therefore considered that the development would have a moderate adverse impact on landscape character.

### **AFFORDABLE HOUSING**

The applicant proposes four (4) no. affordable housing units in the form of 2-storey dwellings. This represents 30% of the development. Criteria within both the National Planning Policy Framework (NPPF), and those contained within the SDC local plan. Core policy CP7, Lifetime Communities, seeks to ensure that new development contributes to the provision of sustainable and inclusive communities, particularly concerning the ageing population, people with special needs and any other minority group.

The local plan encourages mixed communities that will benefit all members of society, something that could effectively be achieved through the provision of intergenerational homes. The provision of affordable housing is one of the Council's main ambitions, and all planning applications will be required to provide this where viable.

Policy CP9 of the SDLP requires 30% affordable housing with the units at a tenure mix basis of 50% rented and 50% intermediate affordable housing. The proposal makes provision for 30% on-site affordable housing in accordance with this policy.

The addition of 4 no affordable units and the tenure mix will be subject of a Section 106 Agreement if planning permission is supported by the Committee. The design of the units will be subject to reserved matters.

### **ECOLOGY**

An amended Biodiversity Net Gain metric calculation and supporting plans, including a revised Proposed Illustrative Site Plan have now been submitted and have clearly demonstrated that net gain can be achieved on site. A Biodiversity Net Gain/Landscape Management Plan (BNGLMP) will be required to secure and maintain the net gain in the long term. This matter will be subject of a condition seeking that prior to the commencement of works, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) shall be submitted to, and be approved in writing by, the local planning authority addressing how the site will be ecologically enhanced and maintained.

The BNGLMP will be based on the Amended Biodiversity Net Gain metric calculation (November 2022) and supporting plans (including Proposed Illustrative Site Plan K939-03 (F)) by DJD Architects (November 2022) and the Preliminary Ecological Appraisal by Cotswold Environmental (June 2021).

The site falls within the 7.7 km core catchment zone of the Severn Estuary SPA/SAC site, the applicant has the opportunity to make off site S106 contributions per new dwelling as part of Stroud District Council's avoidance mitigation strategy, or provide their own mitigation strategy and enhancement features which will need to be agreed by SDC as the competent authority and Natural England. The applicant has offered to make the contribution and this will be contained within the S106 agreement.

This site also falls within the 15.4 km core catchment zone of the Cotswold Beechwoods SAC site. The applicant is again willing to make the off site S106 contribution per new



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dwelling as part of Stroud District Council's avoidance mitigation strategy to mitigate the recreational pressure the scheme will generate on the SAC.

### **FLOOD RISK/DRAINAGE**

The site does not meet the requirements in the NPPF for a flood risk assessment as the site is not located within an area identified as being susceptible to flooding. The site is not within Flood Zones 2 or 3.

However, in response to concerns from a number of residents that a number of adjoining back gardens get waterlogged, an infiltration test was undertaken by the applicant, which did not provide a successful result. Although it was only a singular test, considering the site is relatively small, the lack of soakaways being used in the surrounding area (for example the surface water sewers in Dozule Close, Clutterbuck Close) and an alternative option found, the LLFA indicates that it accepts that soakaways are unlikely to be viable.

Severn Trent Water confirms they assume ownership of the surface water sewer in Dozule Close, the proposed method for discharging the site, and that they would accept a discharge rate of 3.3 l/s.

Knowing this is a public sewer and the discharge rate has been agreed, the LLFA no longer requires an assessment of the sewers condition and capacity. The applicant has confirmed that "Rights of access rear gardens for maintenance" of the land drain will be set up and included in the sale of the properties allowing the management company to carry out the necessary maintenance.

If this is possible then it will allay the LLFAs concerns regarding the maintenance of this drain. Finally, in response to the comments forwarded to the LLFA regarding the sustainability of the drainage strategy, the LLFA agrees that the use of pumps is not a particularly sustainable solution. However, it has been shown that the drainage strategy provided meets the Non-statutory Technical Standards for Sustainable Drainage and will minimise the impact of the development on flood risk elsewhere so the LLFA has no objections. The LLFA have no further objections and recommends a condition to be applied to any approval granted.

Some objectors have questioned the sustainability of the proposals. The LLFA was requested to respond directly to this issue and did so in the detailed response. Whilst initial drainage proposals were considered unsatisfactory by the LLFA, after significant revisions, the proposal is now sufficient for the LLFA to remove its objection and support the scheme subject to conditions. Full detailed design and future management details can be required via condition.

### **SUSTAINABILITY**

The application is accompanied by a completed Stroud District Sustainable Construction Checklist. The applicant confirms in the submitted Design and Access Statement that all development will be built in accordance with the Sustainable Construction Checklist.





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The site adjoins Leonard Stanley which is a Tier 3a settlement (Accessible Settlements with Local Facilities). The site is identified within the emerging Local Plan which recognises that this is a sustainable location.

In terms of the site allocation policy the proposals the proposal retain the majority of the southern part of the site as open space. It also conserves existing trees and hedgerows. In addition the public right of way across the site is retained and pedestrian links through the site, connecting with this will be subject to detailed design.

It is understood that the scheme will be developed by custom builders who will live in the properties, respond directly to housing need. It does not result in the loss of biodiverse habitat - Hedges and trees are retained and will be controlled by condition. Connections from the site to the existing public rights of way are provided to encourage walking.

### **OBLIGATIONS**

The proposed scheme seeks to provide the following which will be secured via a S106 legal agreement:

- Affordable Housing - 30% (mixed tenure)
- £385 per dwelling contribution towards the adopted SDC River Severn Estuary SAC/SPA/Ramsar Avoidance and Mitigation Strategy.
- £673 per dwelling contribution towards the adopted Cotswold Beechwoods SAC Recreational Mitigation Strategy.

GCC have confirmed that no separate library or education contribution arises from this development.

### **REVIEW OF CONSULTATION RESPONSES**

The representations received both from individuals and those from the Parish Council are responded to throughout the report. This includes the principle of development given the current status of the Local Plan review. Several residents refer to the leaflet that the developer distributed throughout the area. For the avoidance of doubt this does not form part of the submission and is not a material consideration. Detailed concerns including impact on local highways, local school movements, impact on residential amenities and surface water drainage are dealt with within the report.

### **CONCLUSION AND PANNING BALANCE**

The presumption in favour of sustainable development in paragraph 11d of the NPPF applies to this application. This means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

The proposed scheme seeks to provide residential dwellings within an emerging site in the Local Plan Review. The site is within a sustainable location and makes an efficient use of land.

In terms of benefits, it is acknowledged that the site would deliver new market housing and provide a policy compliant level of affordable housing at 30%.



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The scheme provides a policy compliant level of affordable housing, custom-build plots and open space. The highway and ecology impacts can be adequately mitigated and drainage and flood risk addressed.

In weighing up the planning balance, it is recommended that planning permission be granted.

### RECOMMENDATION

That Planning Permission is **GRANTED** subject to the planning conditions as set out in this report and the applicant first voluntarily entering into appropriate legal agreements to secure the obligations outlined 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>	<ol style="list-style-type: none"><li>1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.</li><li>2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.</li><li>3. Approval of the details of the siting, design and external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development is commenced.  Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.</li><li>4. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:</li></ol>
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K939- 03(F)  
K939-01(-) Location Plan  
Drainage strategy received 17.02.2023

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

5. No works shall take place on individual plots until samples of the external materials to be used in the construction works for that plot have been submitted to and approved 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.

6. The details to be submitted for the approval of reserved matters shall include details of the existing ground levels, the dwellings in relation to surrounding buildings, proposed finished floor levels of the dwellings, and the proposed finished ground levels of the site, 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 be carried out in accordance with the details as approved.

Reason: In the interests of the amenities of local residents and to ensure the satisfactory appearance of the development, in accordance with Policies CP8 and ES3 of the adopted Stroud District Local Plan

7. The development hereby permitted shall not be brought into use until detailed plans of the method of disposal of surface water within the curtilage of the of the site have been submitted to and agreed by the Local Planning Authority. The development shall not be brought into use until that agreed method has been processed and is available for use.

Reason: To ensure adequate surface water drainage is provided.

8. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.



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9. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken except between the hours of 08:00hrs and 18:00hrs on Monday to Fridays, between 08:00hrs and 13:00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

10. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement 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);
- Advisory routes for construction traffic;
- 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;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

11. No individual dwelling hereby permitted shall be occupied until provision is made for the parking of the minimum of 2 vehicles. The provision must be on a properly made-up service and of a standard size. The provision shall be retained free from obstruction thereafter.

Reason: To ensure that sufficient parking spaces are made available for use in accordance with the Local Planning Authorities vehicle parking standards.

12. No individual dwelling hereby permitted shall be occupied until a minimum of 2 no. secure and covered cycle storage facilities has been provided for that plot and those facilities shall be retained for the duration of the development.



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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.

13. The development hereby permitted shall not be occupied until the first 10m of the proposed access roads, including the junctions with the existing public roads and associated visibility splays, shall be completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

14. Prior to first commencement of any dwelling hereby approved a custom build delivery strategy shall be submitted and approved by the Local Planning Authority. The delivery strategy shall include a design framework/design code and details of the marketing and disposal timetable. Any application for approval of reserved matters for custom build plots shall be in accordance with the approved custom build delivery strategy.

Reason:

To accord with Policy HC3 of the adopted Stroud District Local Plan (November 2015).

15. Means of vehicular access to the development hereby permitted shall be from Dozule Close only.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and completed in the first planting and seeding seasons following last occupation of that phase (if the development comes forward in phases). Any trees, plants or areas of turfing which within a period of five years from the completion of that phase of the development become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.



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Reason: For the avoidance of doubt and in accordance with Policies ES12 and SA3(4,5,6) of the Stroud District Local Plan (November 2015).

17. All works shall be carried out in full accordance with the recommendations contained in Preliminary Ecological Appraisal by Cotswold Environmental (June 2021) and the Precautionary Working Method Statement Reptiles and Amphibians by Cotswold Environmental (October 2021) 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.

18. Prior to the installation of external lighting for the development 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/commuting 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 bat 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.

19. Prior to the commencement of works, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) shall be submitted to, and be approved in writing by, the local planning authority addressing how the site will be ecologically enhanced and maintained.

The BNGLMP will be based on the Amended Biodiversity Net Gain metric calculation (November 2022) and supporting plans (including Proposed Illustrative Site Plan K939-03 (F)) by DJD Architects (November 2022) and the Preliminary Ecological Appraisal by Cotswold Environmental (June 2021) and shall include the following:

- 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) Details for the erection of bird and bat boxes and other biodiversity



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enhancements for reptiles and hedgehogs

- f) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 30-year period)
- g) Details of body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The BNGLMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In order to fulfil the requirements of paragraph 175 of the NPPF by ensuring that biodiversity net gains are secured, a Biodiversity Net Gain/Landscape Management Plan (BNGLMP) will be required to be provided prior to the commencement of development.

20. No works shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not limited to the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Details of deep excavations to be infilled or ramped access provided to prevent pitfall danger to mammals.
- d) Avoidance mitigation strategy to safeguard great crested newts, breeding birds, bats, badgers and reptiles and other mammals such as hedgehog
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- f) The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- g) The timing during construction when ecological or environmental specialists need to be present on site to oversee works
- h) Responsible persons and lines of communication
- i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person
- j) Use of protective fences, exclusion barriers and warning signs
- k) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.



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Reason: To adequately demonstrate biodiversity is safeguarded as required by The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006.

21. Prior to the occupation of the proposed development, details of the proposed arrangements for future management and maintenance of the proposed open space within the development shall be submitted to and approved by the Local Planning Authority. The open space shall thereafter be retained in accordance with the details as approved under the management and maintenance detail until such time as either a dedication agreement has been entered into or a private management company has been established.

Reason: To ensure that a safe, suitable and secure open space is provided in accordance with Policy CP4 of the Local Plan 2015 and the NPPF

22. The dwellings hereby approved shall not be occupied until details of boundary treatments, including fencing, retaining walls (where applicable), gates or other means of enclosure to be erected in or around the development are submitted to and approved by the Local Planning Authority. The development then take place in accordance with the approved details and subsequently retained

Reason: To ensure the development is in accordance with Policy CP13 of the adopted Stroud District Local Plan, November 2015.

23. The application for reserved matter of layout shall include details of a scheme for the provision of a refuse and recycling storage for the dwellings hereby approved. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

Reason: In the interests of amenity and sustainability to ensure the effective implementation of waste minimisation in accordance with Policies CP8, CP14 and ES1 of the adopted Stroud District Local Plan, November 2015 and Core Policy WCS2 of the Gloucestershire Waste Core Strategy.

Informatives:

1. ARTICLE 35 (2) STATEMENT - The case officer contacted the applicant/agent and negotiated changes to the design that have enhanced the overall scheme.