



Appeal Decision

Site visit made on 21 July 2020 by Scott Britnell MSc FdA MRTPI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/P1615/W/20/3251097

**Site Compound, Edmunds Way, St. Whites Road, Cinderford,
Gloucestershire GL14 3FD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by P & A Adams (Homes) Ltd against the decision of Forest of Dean District Council.
 - The application Ref P1376/19/FUL, dated 16 August 2019, was refused by notice dated 29 October 2019.
 - The development proposed is described as 'Revised proposal to P0410/19/FUL. Erection of a pair of 2 bedroom semi-detached houses with associated parking.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two semi-detached dwellings with associated parking, landscaping and works at the Site Compound, Edmunds Way, St Whites Road, Cinderford, Gloucestershire, GL14 3FD, in accordance with the terms of application Ref P1376/19/FUL, dated 16 August 2019 and subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In my formal decision above, I have used the description of development given by the Council in its decision notice, which is different to that set out in the application form. The appellant in his appeal form confirms that he did not object to the changes made. Consequently, I have used this agreed form of words to describe the development, which I consider accurately reflects the proposal.
4. During the course of the appeal, it was evident that there was doubt over which details the Council took into account with regard to the drainage of the appeal site in their final determination of the application. The Council has confirmed that they have no objection to me considering drawing PA 3435-05A for that purpose, subject to a suggested planning condition. I have proceeded on the basis that I shall consider this drawing.

Main Issue

5. The main issue in this matter is whether this would be a suitable location for the proposed development, with particular regard to whether it would be an effective use of land.

Reasons for the Recommendation

6. The appeal site comprises a parcel of land at the southern end of Edmunds Way within the built up area of Cinderford. It is currently used in association with the development at Edmunds Way as a site compound. To the west of the appeal site is a larger parcel of land, the boundaries of which were densely vegetated at the time of my visit. The surrounding area is residential in nature and the proposal is for the erection of a pair of two bedroom, two storey semi-detached dwellings with associated gardens and two parking spaces to the front of each dwelling.
7. The site is within the Cinderford settlement boundary as defined in the Forest of Dean District Council Allocations Plan 2006 to 2026 (June 2018) (AP) and the Forest of Dean District Council Core Strategy Adopted Version (February 2012) (CS). The Council's principal concern is that the proposal would prevent a suitable layout for vehicular access from Edmunds Way to support development of land to the west of and beyond the appeal site.
8. A part owner of the land to the west of the appeal site states that they have been in advanced negotiations with a developer for over a year for the residential development of that land. They advise that this is on temporary hold due to the Coronavirus outbreak.
9. The Council state that the land to the west has the potential to provide at least 14 family homes. However, no further details have been provided to substantiate this number of dwellings.
10. I have been provided with limited details regarding the planning history of the land to the west of the appeal site. The part owner of this land indicates that outline planning permission for residential development of the site was granted in November 2002¹ but has now lapsed. They also advise that an application for residential development of the land was refused in July 2007² as a Section 106 Agreement had not been completed. Consequently, as the 2002 planning permission has expired and the 2007 application was refused, they carry no weight in my assessment of the appeal.
11. The part owner of the land to the west of the appeal site has also provided a potential development plan showing how the land could be developed. This shows the potential location of dwellings and access from Edmunds Way. Any proposal to develop the land must of course be made to the Council. I do not consider that this plan offers compelling evidence that a planning application is being readied for the development of the land.
12. Having regard to the above, there is no evidence to indicate that any further schemes have come forward to the Council to develop the land to the west of the appeal site since the refused application in 2007. There is also no evidence

¹ A print out sheet of the details relating to application P1340/02/FUL has been provided. This indicates that the application was submitted in November 2002 and outline planning permission was granted on 13 January 2003.

² P0582/07/OUT.

before me that there are any extant planning permissions relating to the land and no evidence that the Council has allocated the site for residential development, or that it has been identified as a site within the Strategic Housing Land Availability Assessment.

13. During the application process, a third party indicated that a parcel of land to the immediate south of the appeal site is available for development, along potentially with a further parcel of land to the south of this. It is stated that the developer has been made aware that, if required, that land would be available but that they have received no response. The owners of the gardens to the south of the appeal site indicate that they have also offered the opportunity to purchase and assist with future needed local housing possibly totalling 18 houses or more.
14. However, no further details have been provided and it is not clear whether the figure of 18 houses includes any potential housing on the land to the west of the appeal site. The Council did not object to the appeal proposal on the basis of preventing access to the land to the south of the site. Moreover, there is no evidence before me that a planning application for the development of that land is being prepared. As such, I afford this matter limited weight in my assessment.
15. I have also been referred to the outline planning permission P0711/00/FUL, dated 28 March 2007, for the development on Edmunds Way. Advice note 3 states that the reserved matters should include a scheme for the whole of the site and show provision for access to the adjoining land to the south which is capable of future residential development. The part owner of the land to the west states that the provision for access to the adjoining land, including their land, and other potential development land was provided by the developer.
16. The advice note refers specifically to Condition 8 of the outline planning permission, which is concerned with the provision of a play area and open space. I consider that this is likely to be an error, as it is Condition 6 of the outline planning permission which states that the layout shall be so designed as to provide for the comprehensive development of the adjoining land to the south. Although the appellant advises that the reference to the land to the south is to the south of the then application, the southern part of the now developed estate which would have included the appeal site, it is not possible to be certain which parcel of land the advice note and related condition were referring to.
17. Alternative arrangements to access the land to the west of the appeal site may become possible in the future. Based on the evidence before me as part of this appeal, I conclude that there is no compelling evidence to enable me to conclude that the proposed development would prejudice the development of the land to the west of the appeal site or prevent the effective use of land.
18. As such, it would be a suitable location for the proposed development and the proposal complies with Policies CSP.4 and CSP.5 of the CS, which state, among other things, that proposals should be resource efficient and make the best use of infrastructure. It would also comply with AP Policy AP 1 which states that in assessing planning applications, the primary consideration will be whether or not the development proposed is sustainable with the overall aim of improving the economic, social and environmental conditions of the area. The proposal would also comply with the aims of the National Planning Policy Framework

(the Framework) by helping to deliver a sufficient supply of homes and by making effective use of land.

Other Matters

19. The appellant indicates that the Council has failed to meet the Housing Delivery Test (HDT) in the latest results published in February 2020. However, I have no further evidence on this matter including the extent of any under delivery. In any case, I have concluded that the proposal would accord with the development plan read as a whole, and there is no reason for me to comment further on any implications arising from the HDT.
20. The officer report indicates that the front part of the appeal site is used as a turning head and is shown as such on the approved plans for the development, although I have not been provided with a copy of these drawings. The Council advise that the appeal proposal would remove this turning area which could cause difficulties for larger vehicles including refuse collection vehicles. Concern has also been expressed regarding vehicle movements across a well-used public footpath. Paragraph 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
21. The residential nature of Edmunds Road and the curved nature of the road would ensure that vehicle speeds in the area are low. In addition, there appears to be sufficient space within the carriageway of the roads to the north of the appeal site for vehicles to undertake the necessary turning manoeuvres without detriment to users of the nearby footpath. Thus, the proposal is unlikely to worsen the existing situation or cause harm to highway safety or result in severe residual cumulative impacts on the road network. In coming to this view, I have taken into account that the Highway Authority has not objected to the proposal.

Conditions

22. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal is allowed. For clarity, I have amended the wording of a number of the suggested conditions so that they comply with the tests set out in the Planning Practice Guidance and the Framework.
23. The standard plans condition will be attached for certainty. Given that details of the roofing and walling materials are set out on the approved elevation drawing and are acceptable, I do not consider that it is necessary for further details to be submitted to the Council.
24. In the interests of enhancing the biodiversity of the site, a condition is required to provide details of bat roosting and/or nesting opportunities for birds. A condition is also required to ensure that the site has adequate drainage. I have considered the drainage condition suggested by the Council when confirming that they are content that I consider drawing PA 3435-05A. I shall attach a condition that the drainage for the site shall be carried out in accordance with that drawing and the accompanying report and shall be managed and maintained thereafter in accordance with any details which have been submitted to and approved in writing by the local planning authority.

25. In the interests of highway safety and to ensure that the proposal has sufficient parking facilities, a condition is necessary requiring the approved parking and turning facilities to be provided. I note that the Council's list of suggested conditions repeats this requirement, albeit with different wording. For clarity, I shall attach the condition that refers to the relevant approved drawing. A condition is also suggested that during the construction phase provision is made on site for adequate parking, storage and wheel wash facilities. This would limit the impact of the development on the local highway network.
26. A condition requiring details of secured cycle storage is also necessary. This would promote cycle use and ensure that the appropriate opportunities for sustainable transport modes have been included within the scheme.

Conclusion and Recommendation

27. For the reasons given above, I recommend that the appeal should be allowed with the conditions set out in the attached schedule.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the conditions included in the attached schedule.

Sarah Housden

INSPECTOR

Schedule

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the approved plans listed below:

Unnumbered Site Location Plan at 1:2500, PA-3435-01, PA-3435-02, PA 3435-03, PA 3435-04, PA 3435-05A, PA 3435-06.
3. Notwithstanding the submitted details, prior to above ground works a scheme for biodiversity enhancements to include the incorporation of permanent bat roosting features and/or nesting opportunities for birds shall be agreed in writing with the Local Planning Authority. The scheme shall include the following details:
 - a. Description, design or specification of the type of features or measures to be undertaken
 - b. The materials and construction to ensure the long lifespan of the features or measures
 - c. Drawings, including elevations, showing the location of the features or measures to be undertaken.

Thereafter the approved scheme and details shall be provided prior to the first occupation of the dwellings hereby approved and shall be retained in perpetuity.
4. No dwelling hereby permitted shall be occupied until the drainage system for the site as shown on approved drawing PA 3435-05A and in the accompanying report has been completed in accordance with those details. The drainage system shall be managed and maintained thereafter in accordance with any details which have been submitted to and approved in writing by the local planning authority.
5. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with approved drawing PA 3435-04 and those facilities shall be maintained available for those purposes in perpetuity thereafter.
6. Throughout the construction period of the development hereby permitted, provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following:
 - a. Parking of vehicles of site operatives and visitors
 - b. Loading and unloading of plant and materials
 - c. Storage of plant and materials used in constructing the development
 - d. The provision of wheel wash facilities
7. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities have been made available in accordance with

details to be submitted to and approved by the Local Planning Authority. The approved secure and covered cycle storage facilities shall be retained in perpetuity for that purpose thereafter.