
Appeal Decision

Site visit made on 2 November 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/C1625/W/21/3276767

Land off James Sleeman Close, Great Oldbury, Stonehouse, Glos., GL10 3GU.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by R Hitchins Ltd. against the decision of Stroud District Council.
 - The application Ref. S.201975/OUT, dated 21 September 2020, was refused by notice dated 11 December 2020
 - The development proposed is residential development of up to 9 dwellings, associated infrastructure, landscaping, with creation of a new vehicular access; and demolition of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 9 dwellings, associated infrastructure, landscaping, with creation of a new vehicular access; and demolition of existing garage, at Land off James Sleeman Close, Great Oldbury, Stonehouse, GL10 3GU, in accordance with the terms of the application, Ref S.201975/OUT, dated 21 September 2020, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. The application is in outline format with all detailed matters reserved for subsequent consideration. I have therefore treated the submitted layout plan drawing P.3.2 Rev A for illustrative purposes only.
3. Three formal, signed and dated, Unilateral Undertakings (UU) have been submitted by the appellant in favour of the Council. In general terms these covenant as part of the development: the provision of open space: a contribution towards mitigation of the effects on the Severn Estuary Special Area of Conservation; and provision of affordable housing. In terms of the 3rd reason for refusal the Council confirms that the UU makes provision for affordable housing which accords with Local Plan Policy CP9 and therefore I do not need to consider this issue further.
4. At the site visit I considered the proposed development from the garden of the neighbouring property Half Acres at the request of the occupier.

Main Issues

5. The main issues are
 - Whether the proposal accords with the development strategy;

- The effect on the character and appearance of the area including the identities of the villages of Great Oldbury and Nupend;

Reasons

6. The appeal site comprises a field which lies on the edge of the 'new' settlement of Great Oldbury between Stonehouse to the south and the small village of Nupend to the north-east. The site is best considered in two halves although the only separation on the ground is the remnants of a field hedge. The northern parcel of the land (now referred to as parcel A) extends up to Nupend Lane to the north and lies between two existing residential properties – Half Acres (also called Nupend Bungalow) to the east and Sunnycroft to the west. There are some disused farm buildings on part of the land. The southern parcel of land (B) lies to the west of other farm buildings and there is new housing development on the land to the south and west served off James Sleeman Close. There is a public footpath right of way along the eastern edge of the appeal site. It is proposed in outline to develop up to 9 dwellings with access from the Close.

Accord with the development strategy

7. The relevant part of the development plan comprises the Stroud District Local Plan (2015) (SDLP) and the Eastington Parish Council Neighbourhood Development Plan (NDP) made in 2016. SDLP policy CP2 allocates land to the west of Stonehouse for some 1,350 houses and Policy SA2 defines the allocated area and sets out development principles.
8. I also understand that when the outline permission related to the allocation was granted it was subject to a condition requiring the submission and agreement of a masterplan and the relevant part for the appeal site is the Western Severn Vale Character Assessment – for character areas H1 to H10 for which the appeal site lies in area 10.
9. Parcel A of the appeal site is shown within the development area defined by Policy SA2 and the Masterplan but parcel B is specifically excluded from the development boundary of the new settlement in these two documents. Policy CP15 applies to land outside of a settlement and this restricts development to specific limited forms which justify a countryside location. The proposal is not of this nature. Therefore, the principle of new residential of the whole of the appeal is not acceptable as the residential development of parcel B conflicts with the development strategy set out in the development plan.

Effect on character and appearance of the area and the identity of Nupend.

10. On the face of it parcel B of the appeal site will be substantially enclosed by existing and committed housing development on three sides and the development proposed in spatial terms would be a form of rounding off. The critical question is what clear planning purpose does retaining the present undeveloped character of parcel B serve.
11. The Council refer to the Area Masterplan concept which, it is said, identifies the appeal site as having visually sensitive boundaries to Nupend and specifies a need for new or enhanced boundary planting enclosing the southern part of the site thereby creating an indented boundary between the new development and rural Nupend. This is reinforced in the NDP with reference to a strategic landscaping buffer.

12. However, I note that the Local Plan policy refers to a need for structural landscaping to the east of Nupend whereas the appeal site lies to the south-west of this settlement. Moreover, the Area Masterplan does not indicate any 'strategic landscape buffer' in the vicinity of the appeal site as it does with the relationship with another adjoining village "Nastend". The Masterplan appears to show hedges to be retained along the northern boundary, adjacent to Nupend lane, and the eastern boundaries of parcel A but makes no reference to existing or proposed planting along the eastern edge of parcel A. Given this, it does not appear to me that the development plan policies set out clear planning reasons for parcel B to be retained as a field.
13. At the site visit I noted that the settlement of Nupend is mainly to the north-east and that the urban grain of the village starts to become less dense around Nupend Farm. Half Area bungalow forms part of a transitional zone with less dense development. New development can be designed on parcels A and B to continue this transitional form but that is a matter for a detailed scheme rather than this outline application.
14. Where additional buffer screening is needed to create some visual separation to Nupend this can be achieved by a landscape belt on the west side of the footpath of around 5-7m in extent. Such landscaping can be required by condition. Bearing in mind that the proposal is for *upto* 9 dwelling and the layout shown is purely illustrative, I am satisfied that new residential development can reasonably take place on both parcels A and B while enhancing the setting of Nupend and maintaining its visual separation from the strategic development site.

Planning balance

15. On the main issues I have found that while the principle of residential development on the southern part of the appeal site (Parcel B) conflicts with the provisions of the development plan, residential development could reasonably take place on the whole of the appeal site with an appropriate landscaping belt. This would maintain the separate visual and spatial identity of Nupend, while completing the local phase of the strategic housing site and makes efficient use of the land rather than leave it vacant as a small field. The other considerations which arise in this case therefore greatly outweigh the conflict with the development plan. This indicates that the appeal should be allowed.
16. I am also satisfied that the three formal undertakings (UU) submitted with the appeal are necessary to make the development acceptable in planning terms, and are directly and reasonably related to the development in scale and in kind. I have therefore taken the UUs into account.

Conditions

17. In terms of conditions the Council recommends 12 which I will consider under the same numbering. In addition to the normal conditions relating to the timing and submission of 'reserved matters' (No's 1,2 and 3) and specifying the plans that are approved (No.4) it is reasonable and necessary to require the submission of further details of cycle storage (No.6) and electric vehicle charging points (No.7) to promote and accommodate sustainable travel. Further, in the interests of promoting biodiversity an 'ecological design strategy' should be submitted agreed and implemented (No.9) along with a

landscape and ecological management plan (No.10). In order to maintain the appearance of the area the submission and agreement of external materials of the dwellings should form part of the reserved matters concerning the appearance of the development. It is also necessary to impose condition No.8 on drainage matters in the interests of avoiding pollution and flooding.

18. In order to limit the impact of development especially during the construction phase and because of the proximity to other housing, construction hours should be limited as per condition No.5 and the submission, agreements and implantation of a Construction Method Statement (No.11) is also reasonable and necessary.
19. Finally, given my comments in paragraph 14 above about the landscaping of the site I will impose a condition requiring that the 'reserved matters' specified in Condition 3 above shall make provision for a landscaping belt of a width not less than 6m wide located on the western side of the public footpath on site between Nupend Lane and the access to the site as shown on the illustrative plan P.3.2.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of conditions

- 1) 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.
- 2) 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
- 3) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

The reserved matters of 'landscaping' and 'layout' shall include a landscaping belt, of a width not less than 6m wide, located on the western side of the public footpath on site between Nupend Lane and the access to the site shown on the illustrative plan P.3.2. Details of the planting within the belt and its subsequent maintenance, shall be submitted as part of the reserved matters scheme.
- 4) The development hereby permitted shall be carried out in all respects in strict accordance with the plans listed below: Site Location Map drawing No: P.3.2 A.
- 5) 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.
- 6) The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 no. bicycles per dwelling have been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 7) The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with electric vehicle charging points. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.
- 8) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 9) As part of the reserved matters application, an ecological design strategy (EDS) 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 EDS shall include the following:

- i) Details of planting, such as hedgerows, wildflower planting and establishment.
- ii) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- iii) Time table for implementation demonstrating that works are aligned with the proposed phasing of development.
- iv) Details for the installation of bird and bat boxes within the development.
- v) Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

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

- 10) A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of the development. The content of the LEMP shall include the following:

- i) Description and evaluation of the features to be managed. - Aims and objectives of management
- ii) Appropriate management options for achieving aims and objectives
- iii) Prescription for management actions
- iv) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 20-year period)
- v) Details of body or organisation responsible for implementation of the plan.
- vi) Ongoing monitoring and remedial measures.

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

- 11) Prior to any demolition or above ground development, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. provide for the parking of vehicles of site operatives and visitors;
- ii. provide for the loading and unloading of plant and materials;
- iii. Provide for wheel washing facilities
- iv. provide for the storage of plant and materials used in constructing the development;

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