



T O M P K I N S T H O M A S

Planning Statement



Land north of Gilnor, The Branch

Dwelling and detached garage

July 2021

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Client	Mr C Bundy
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1 The Application

1.1 Statement brief and structure

1.1.1 This Planning Statement is prepared by Tompkins Thomas Planning on behalf of Mr C Bundy ('the applicant') in support of an application seeking full planning permission for the erection of a self-build dwelling and detached garage on land to the north of the semi-detached dwellings Gilnor and Woodland View, The Branch, Drybrook. The statement should be read in conjunction with the following plans and reports which comprise the application:

- Location plan, Site Plan, proposed and existing plans and elevations;
- Preliminary Arboricultural Report – Wotton Tree Consultancy;
- Preliminary Ecological Appraisal and GCN eDNA analysis – Acer Ecology.

1.1.2 The remaining part of **Chapter 1** explains the site and its context, the planning history of the site, and the development proposals. **Chapter 2** explains legislation pertinent to the proposals, the development plan and other material considerations. The main planning matters are subsequently addressed in turn at **Chapter 3**. **Chapter 4** summarises our findings and advises that planning permission should be granted for the development.

1.2 The Site and it's context

1.2.1 The application site ('the Site' from hereon) is a parcel of land formerly comprising a range of outbuildings associated with the semi-detached dwellings to the south, which are in the ownership of the applicant's wider family. These outbuildings have now been cleared from the site, the bulk of which is edged in red on the aerial photograph at Figure 1 overleaf.

1.2.2 The application site falls within the defined settlement boundary for Cinderford; the largest single settled area with Ruspidge within or on the Forest boundary. The area is identified for growth in the Core Strategy and the principle of development is therefore acceptable.

1.2.3 Cinderford has a population of 8,500 (at the 2011 census) and benefits from a good range of services and including retail, employment land, supermarkets, a doctor's surgery, pubs, takeaways, a church, three primary schools, including Steams Mill Primary School which is within easy walking distance, sports clubs, and a comprehensive bus service that links the town

necessity to assess impacts on tree and ecological resources. The officer confirmed as follows:

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“In my opinion the development of a dwelling on this site could be acceptable subject to the impacts upon bio-diversity, flood risk and the character of the surrounding area being acceptable.”

1.5 The Proposals

- 1.5.1 The application seeks full planning permission for the erection of one two-storey dwelling and detached garage. This is a self-build project that will be undertaken by Mr Bundy; who has recently taken ownership of the site for this purpose.
- 1.5.2 The dwelling would be situated at roughly the mid-point of the plot, gable end onto the rear of Gilnor to mitigate the potential for overlooking, with similar effect towards Miles Cottage beyond the site’s northern boundary.
- 1.5.3 An access point will be formalised at a point outside the Flood Zone where the site is presently open to the trackway serving Gilnor and Woodland View. The driveway will arc around to the north-east towards the dwelling and garage which is set at right-angles and so providing a south-facing roof slope which will be utilised for solar PV panels.
- 1.5.4 The application site is generously proportioned and so allows for a good-sized garden to both front and rear of the dwelling; it being the intention to leave a corridor adjacent the watercourse to the west to allow for habitat creation. The dwelling is two-storey, the walls in brick, render and with some timber-cladding to gables all under a plain clay tile roof. It has a traditional gabled profile which is reflective of the character of the locality.
- 1.5.5 Foul drainage is by mains drains which are available nearby. Surface water will be disposed of to soakaways located beneath the driveway and parking area.

2 Planning Policy and Legislative Context

2.1 The Planning and Compulsory Purchase Order 2004

- 2.1.1 Section 38(6) explains that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.1.2 In this case, the statutory Development Plan for the area comprises the Forest of Dean District Council **Core Strategy** and **Allocations Plan**.
- 2.1.3 The **National Planning Policy Framework** ('NPPF' or 'Framework') declares itself an important material consideration for all planning applications in England.
- 2.1.4 The **emerging Local Plan** is also a material consideration, but being at issues and options stage, can only be accorded very limited weight.

2.2 The Core Strategy

- 2.2.1 The Core Strategy sets out a vision for the area for the period 2011 to 2026. The principal role of the Core Strategy is to deliver the spatial planning strategy for the Forest of Dean based on the needs of the area and its local characteristics.
- 2.2.2 **Policy CSP1** explains that new development should consider important characteristics of the site and its setting and maintains or enhances their contribution to the environment.
- 2.2.3 **Policy CSP2** requires that development proposals include a design and layout that reduces the impacts of climate change. The policy goes on to explain that proposals should consider water management, heating and cooling, and biodiversity.
- 2.2.4 **Policy CSP3** sets out that development, including residential development, will be expected to minimise carbon emissions and consider on-site renewable energy.
- 2.2.5 **Policy CSP4** is most relevant to the principle of development. It explains that development will be directed to towns and villages and that most changes will take place within settlement boundaries. It requires that proposals uphold settlement pattern.
- 2.2.6 **Policy CSP5** relates to housing development. It sets out the amount of housing expected to be provided within the District. Within 'Cinderford and Ruspidge urban area', which includes the

application site, the attached table advises that approximately 1050 dwellings are required over the plan period. The policy goes on to explain that priority will be given to the development of previously developed land and that a density of 30dph will be sought.

2.2.7 **Chapter 7** explains the approach to housing delivery within each settlement, again reinforcing the presumption in favour of land within the identified settlement boundary.

2.2.8 **Policy CSP10** confirms that affordable housing will be sought on eligible sites i.e. those over 10 dwellings or 0.3ha in extent. The site does not meet these thresholds.

2.3 The Allocations Plan

2.3.1 The Allocations Plan has covers the period 2006-2026. It identifies specific sites for development or protection as well as providing general policies for the protection of the district.

2.3.2 **Policy AP1** explains that when considering planning applications, the primary consideration will be whether the development is sustainable development.

2.3.3 **Policy AP4** sets out that new development will be high-quality design and make a positive contribution to the quality of the area in which it is proposed. It explains that this will be achieved by having regard for local character, being visually attractive, enhancing the environment, and using vernacular materials.

2.3.4 **Policy AP5** requires that proposals protect and promote the special qualities, historic character and local distinctiveness of the district. The character of the locality will be promoted where appropriate.

2.3.5 **Policy AP7** requires that proposals protect priority species and their habitats, and that biodiversity enhancement is delivered where possible.

2.4 The National Planning Policy Framework

2.4.1 The NPPF (2019) was published in February 2019. It is the second revision of the National Planning Policy Framework and replaces the original NPPF (2012). It sets out the Government's planning policies for England and how they should be applied. The NPPF confirms that it does not supplant the statutory Development Plan, but it, and its policies are a significant material

- consideration when determining planning applications (**paragraphs 2 & 212**).
- 2.4.2 The NPPF post-dates the Core Strategy by over three years. **Paragraph 213** confirms that whilst existing policies aren't out of date simply because they were adopted prior to the publication of the NPPF, the closer the policies in the Development Plan are to the to the policies in the NPPF, the greater the weight they may be given.
- 2.4.3 **Paragraph 8** explains that achieving sustainable development is a notion comprised of three overarching objectives, an economic, social and environmental objective, which are interdependent of each other, but which need to be pursued in mutually supportive ways. However, the courts have clarified that fulfilment of all three objectives is a rare occurrence and not a prerequisite of achieving planning permission.
- 2.4.4 **Paragraph 10** explains that to ensure that sustainable development is positively pursued, there is a presumption in favour of sustainable development which is at the heart of the Framework.
- 2.4.5 The second part of **Paragraph 11** is the cornerstone of decision taking. It explains that the presumption in favour of sustainable development means, for decision-taking, that development which accords with an up-to-date development plan should be approved without delay (**11 c**) and in cases where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, permission should be granted unless one of the following applies (**11 d**):
- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (often referred to as 'the tilted planning balance').*
- 2.4.6 **Paragraph 59** explains that the Government's objective of significantly boosting the supply of homes requires that *"a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."*
- 2.4.7 **Paragraph 61** confirms that housing policies should reflect, among other things, the needs of people wishing to commission or build their own homes. Footnote 26 references the duties

imposed on local authorities under the Self Build and Custom Housebuilding Act 2015 to maintain a register and give enough suitable development permissions to meet the identified demand.

2.4.8 **Paragraph 73** sets out that LPA's should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. As explained later in this statement, the Council are unable to demonstrate a five-year supply of housing land whereby its policies conflict with Paragraph 73 of the Framework.

2.4.9 Otherwise, the following policies of the Framework are relevant to this submission and we assess the scheme against them later in this statement.

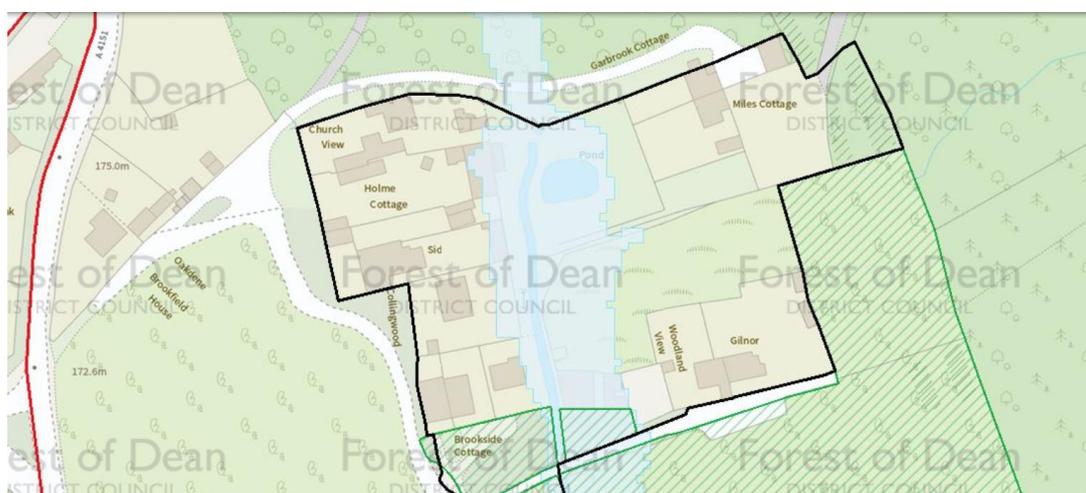
- **Paragraph 68:** Small sites (less than 1ha) can make an important contribution to meeting the housing requirement of an area as they are often delivered quickly.
- **Paragraph 103:** Patterns of growth should be managed to promote walking, cycling and public transport use and to focus development at locations which are or can be made sustainable. Opportunities for public transport will vary from urban to rural areas.
- **Paragraph 108:** Safe and suitable access should be provided to the site for all users.
- **Paragraph 109:** Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- **Paragraph 122:** Appropriate densities will be informed by the need for housing, local market conditions, the availability of infrastructure and the desirability of maintaining the character of the area and creating safe and attractive places.
- **Paragraph 123:** Emphasises the need to seek appropriate densities where there is a shortage of housing land.
- **Paragraph 155:** Directs development away from the areas at highest risk of flooding.
- **Paragraph 170:** Proposals should recognise the intrinsic beauty of the countryside and minimise impacts on and provide net gains for biodiversity.

3 Assessment of the Proposals

3.1 Compliance with housing supply policies of the Development Plan

- 3.1.1 When read together, Core Strategy Policies CSP4 & CSP5 have the effect of supporting the principle of new housing development where it is within an identified settlement boundary. The Allocations Plan map confirms the site's location within the settlement boundary for Cinderford whereby the principle of residential development is acceptable.

Figure 2: The Allocations Plan map



3.2 Housing land supply and the benefits of housing delivery

- 3.2.1 The Council presently has a housing land supply deficit, with the Inspector for a recent appeal at Bradfords Lane, Newent confirming that the supply position was, at most, just 4.8 years.
- 3.2.2 Firstly, and for clarity, despite the housing land supply deficit, as the proposal complies with the Development Plan, paragraph 11 (c) remains the operative mechanism for determining this application.
- 3.2.3 Secondly, the housing land supply deficit means that the benefits accruing from the delivery of housing should be accorded augmented weight in the decision-making process, particularly where the site has a sustainable location which accords with the Development Plan as is the case here.
- 3.2.4 The provision of a dwelling in the context of the housing land supply deficit delivers significant

social and economic benefits including employment of the construction and supporting trades and introducing persons with disposable income to the area which might help sustain the vitality of the village and wider district. The erection of another dwelling also introduces choice to the market which is a further planning benefit.

- 3.2.5 That the site is both a self-build project and a small site is also a planning benefit of the scheme. Paragraph 61 records that local authorities should plan to meet the registered demand for self-build dwellings, whilst paragraph 68 explains the important contribution that small and medium sized sites can make to meeting the housing requirement of an area, noting that smaller sites are often built-out relatively quickly. This is a particularly pertinent benefit of the proposal in the context of the housing land supply deficit as delivering housing quickly will help to address the deficit.

3.3 Sustainable design

- 3.3.1 Policies CSP1 & CSP2 of the Core Strategy and AP4 of the Allocations Plan seek high quality sustainable design across the District. The Framework reiterates the importance of sustainable design.
- 3.3.2 The proposed development is designed according to the fabric first approach, utilising a timber-frame that allows for the use of greater volumes of insulation by comparison with traditional masonry construction. The dwelling has been orientated to avoid the potential for overlooking but the south facing roof-slope of the garage will be utilised for solar panels to provide hot water and electricity. Thus, the amount of energy required from the grid is minimised. The proposed dwelling would also include thermal efficiency in excess of building regulations requirements, the use of porous hard surfacing, and new planting.
- 3.3.3 The building's appearance is predicated on the established local vernacular. The proposal has a traditional two-storey design with gabled profile, mimicking local development. Furthermore, the dwelling and garage would be clad in render, brick and timber under a tiled roof which follows the established character of the area as expressly sought by Policy AP4.
- 3.3.4 The characterful approach to development will ensure that the proposed building will assimilate with its context and uphold the appearance of this part of the settlement.
- 3.3.5 The proposed dwelling is to the north of Gilnor and Woodland View whereby it would not affect

the sun's path and thus there is no opportunity for overshadowing or loss of light to these properties. There are only three windows in total within the flank elevations and those all serve bathrooms/en-suites and will be obscure glazed.

3.3.6 There is no potential for overlooking of property at the rear, whilst the front (west-facing elevation) is sufficient distance from Southwood to mitigate any overlooking in that direction. The dwelling would both benefit from more than 100sqm of garden space too. Accordingly, residential amenity and privacy is maintained.

3.3.7 Accordingly, the proposals represent sustainable design in accordance with the Development Plan and the NPPF.

3.4 Landscape and visual impact

3.4.1 Policy CSP1 of the Core Strategy sets out the development must consider important characteristics of the environment including landscape. Policy AP5 requires that historic character and setting is upheld.

3.4.2 In this instance the Site is defined by its relationship with adjoining residential property and the planting and watercourse along the northern and western boundaries. The pre-application advice confirmed that the principle of development would be acceptable in the context of the Site's inclusion within the settlement boundary and as noted above, the site is free from any specific landscape designation.

3.4.3 The impact of the proposal on landscape character is negligible. Due to the site's proximity to existing residential development visual impact is likewise marginal. We detect no conflict with CSP1 or AP5 accordingly.

3.5 Biodiversity

3.5.1 Acer Ecology were commissioned to conduct a Preliminary Ecological Appraisal, which was extended to encompass GCN eDNA surveying of the off-site pond to the north in the adjoining garden.

3.5.2 The PEA concludes that due to the small scale and localised nature of the proposed development, no adverse impacts to protected sites (SAC, SSSI) are envisaged. The same conclusion was reached in respect of Local Wildlife Sites and Ancient Woodland.

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- 3.5.3 With respect bat habitat, the ash trees that are likely to be felled due to dieback are all young and have negligible potential to support roosting bats. The hedgerows and remaining scattered trees are proposed for retention and will remain intact along with their function as linear habitat features. Direct adverse impacts to bats are therefore considered unlikely.
- 3.5.4 However, the numerous semi-mature trees, that have low potential to support roosting bats, could be inadvertently damaged during construction activities. Protective barriers will therefore be installed prior to any site work, as detailed in Section 4 of the PEA (see also the AIA). Furthermore, increased lighting during the construction and operational phases of the development may negatively impact 'light-sensitive' horseshoe species foraging and commuting on the northern and eastern hedgerows of the site. A sensitive lighting strategy must therefore be developed, as detailed in Section 4.
- 3.5.5 The PEA also records the potential for use of the site and surrounding area by a number of species; although no evidence of otters, water vole, dormice or white clawed crayfish was recorded at the time of the survey.
- 3.5.6 The GCN eDNA testing conducted in relation to the off-site pond has returned a negative result, confirming that the pond is not used by breeding GCN.
- 3.5.7 The PEA confirms the necessity, prior to commencement of development, of further reptile and terrestrial-phase GCN surveys and an updated otter inspection. Given the potential for impacts on Old Engine Brook during the construction phase, a Construction Environmental Management Plan is recommended, alongside protective measures for retained trees and hedgerows – see 4.2.2 and 4.2.3 of the PEA. This additional survey work is already instructed and underway. We will update the planning application accordingly in due course.
- 3.5.8 The necessity for a sensitive lighting strategy is also recorded and should follow a 'bat friendly' specification.
- 3.5.9 Compensation and enhancement measures include the eradication of Himalayan Balsam and the erection of bird boxes, as well as the establishment of a buffer along the brook corridor and the planting of fruit and nut bearing native species trees and shrubs.
- 3.5.10 Subject to this compensation and enhancement, the PEA concludes that there should be no impediment to the site's development. The applicant is aware of these requirements and

content to accept a planning condition to require fulfilment of the PEA's recommendations.

3.6 Highway Safety

- 3.6.1 The site is accessed via a trackway that leaves The Branch a short distance to the west and serves Gilnor and Woodland View as well as the application site. Movements along the track are limited to those associated with dwellings located thereon.
- 3.6.2 The site proposes to formalise an access onto this track, which benefits from ample visibility and by which no accidents are recorded to our searches. The access is thus safe for continued use by one additional dwelling.
- 3.6.3 The increase in movements on the highway is just those associated with one dwelling. This could not be considered to affect the safety or free flow of traffic on the highway, and certainly not to a level that could be considered severe. Thus, the Core Strategy and NPPF advise that permission should not be restricted on highway grounds.

3.7 Arboriculture

- 3.7.1 Wotton Tree Consultancy was commissioned to undertake an Arboricultural Report comprising an Impact Assessment and Method Statement. This confirms that trees with ash dieback are intended for removal but with all other trees, the majority of which are off-site, retained and their RPAs protected during construction.
- 3.7.2 The survey categorised a total of 15 items within and adjacent the site, comprising 11 individual trees and 4 groups. The majority (53%) were recorded as Category C, with 34% Category B and 13% Category U. G1, T2 and T3 are proposed for removal; due to ash dieback.
- 3.7.3 As per the PEA, the report prescribes the erection of protective fencing to be erected to the dimensions shown on the 'tree protection plan' – see Appendix 4 of the AIA.
- 3.7.4 The site's arboricultural resource has therefore been professionally surveyed and categorised with appropriate recommendations for tree removal and protection. Subject to the implementation of the prescribed tree protection measures, there is no arboreal-related basis upon which to object to the proposal.

3.8 Flood risk and drainage

- 3.8.1 The site of the proposed dwelling is within Flood Zone 1 according to EA mapping, which has a less than a 1 in 1000-year chance of flooding each year and represents the land least susceptible to flooding. In principle, the Framework prefers the development of land in Flood Zone 1. Furthermore, the site is not susceptible to surface water flooding according to EA mapping.
- 3.8.2 As the site is less than 1 hectare and it hasn't been identified as having critical drainage problems by the EA whereby there is no requirement for site specific FRA as set out at footnote 50 of the NPPF.
- 3.8.3 Land running alongside and associated with the watercourse is within Flood Zone 3, but the application site does not extend into this and built development is well removed from it.
- 3.8.4 An outline drainage strategy is prepared for the site. It proposes that foul sewage is to mains as is preferred by the Core Strategy and binding rules. Surface water will be drained from the site via soakaway crates whilst new hardstanding is permeable. The strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner and would leave the site at no greater rate than that associated with the existing site. The development would be appropriately safe for its lifetime taking account of the vulnerability of its users, would not increase flood risk elsewhere, and would reduce flood risk overall.

3.9 Planning Obligations and Affordable Housing

- 3.9.1 As the development proposal is for 1 dwelling only, there is no policy requirement to provide planning obligations including affordable housing.

4 Should planning permission be granted?

- 4.1.1 Now that the salient planning matters have been assessed, it is necessary to consider whether planning permission should be granted. The starting point in making that determination is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that such a determination is made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.1.2 The Development Plan in this case is the Core Strategy and Allocations Plan. The proposal has

been explained in the context of its policies. Importantly, this statement has established that the site is within the settlement boundary. The development proposal thus has a sustainable location which complies with the provisions of the Development Plan.

- 4.1.3 The proposal is also a self-build dwelling – the applicant seeking permission to build a family home. This is something that the NPPF and primary legislation confirms the decision-maker should attach weight to.
- 4.1.4 The proposal has a layout and design which upholds the character and appearance of the locally distinctive area including its settlement pattern, delivers sustainable design which minimises carbon creation, and avoids harm to the amenity of neighbours. It is also established that there is no conflict with any other policies of the Core Strategy having particular regard for those relating to highway safety, biodiversity, and drainage. Accordingly, the application proposal complies with the Development Plan in the round.
- 4.1.5 The delivery of policy compliant housing should be accorded significant weight in this instance given the housing land supply deficit in the Forest of Dean.
- 4.1.6 Section 38(6) of the Act also requires consideration of other material planning factors. The Framework is one such consideration and explains at paragraph 11 that the presumption in favour of sustainable development means that proposals in accordance with the development plan should be approved without delay.
- 4.1.7 **Accordingly, as the application proposal complies with the Development Plan and without material considerations indicating to the contrary, S38(6) of the Act, supported by paragraph 11. c) of Framework, requires that planning permission is granted without delay.**

