

An aerial photograph of Stonebury House Day Hospital, showing a large, multi-story building with a complex roofline, surrounded by trees and a parking area. The building is situated on a hillside, with a grassy slope in the foreground. The background shows a wide landscape with more buildings and a clear sky.

PLANNING STATEMENT

Permission in Principle for residential development of a single dwelling and associated vehicular access.

Land at Stonebury House Day Hospital, 22 Grove Rd, Lydney
GL15 5JE

On behalf of:

Gloucestershire Health and Care NHS
November 2023

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1.0 Introduction

- 1.1. Zesta Planning Ltd has been instructed by Gloucestershire Health and Care NHS (“the Applicant”) to submit an application for Permission in Principle (PiP) for a single dwelling and associated vehicular access at land at Stonebury House 22 Grove Rd, Lydney GL15 5JE.
- 1.2. The site forms 0.06 hectares of garden land associated with Stonebury House which, until recently, operated as a day hospital for elderly patients in connection with the adjoining Lydney Hospital site. Stonebury House is now to be used for health visitors and other health services as the new Forest Hospital is constructed and Lydney hospital is sold off.
- 1.3. The application has been formulated with the Council’s current shortfall in five-year deliverable housing land supply in mind and the sustainable location of the site within one of the District’s towns. In light of these factors, whilst the application site is not situated within a defined settlement boundary where the development plan steers new housing, this application is advanced under the provisions of Paragraph 11 of the National Planning Policy Framework (NPPF 2023) directing that permission should be granted where policies which are most important for determining the application are out-of-date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 1.4. The application site fronts onto Grove Road and has Stonebury House to the west and a residential property to the east. The site lies in a predominantly residential area within Lydney’s settlement boundary and is within walking distance to Lydney town centre, with access to a good range of services and facilities, local employment opportunities and transport links.
- 1.5. The application site is therefore considered to be in a suitable location for small-scale new housing which accords with the local spatial strategy. The sustainable location of the proposed development, together with the district’s lack of a sufficient housing land supply, most certainly warrants the granting of a PiP in this case.
- 1.6. This Planning Statement describes the site, its context and the development proposal. It then sets out the relevant development plan policies and assesses the proposed development against the limited range of Permission in Principle matters concerning the location, land use and amount of development.
- 1.7. This Planning Statement also considers the influence of other material considerations such as national policy, especially with regard to housing land supply and sustainable development. It makes the clear case why the proposed development in principle should be permitted.

The 'Permission in Principle' process

- 1.8. The Permission in Principle (PiP) route to obtaining permission was introduced by the Town and Country Planning (Permission in Principle) Order 2017 (as amended), with the express purpose of fast-tracking proposals for residential development in order to speed up the delivery of housing. It is also intended to be a simpler process for establishing the principle of residential development on a particular site.
- 1.9. PiP applications are restricted to minor developments of less than 10 houses only. The legislation limits the scope of matters to be decided at permission in principle stage and the Council's consideration is therefore limited to the following matters only.
 - **location**
 - **land use**
 - **amount of development**
- 1.10. A second stage of technical details consent allows for examination of the details of the development, at which time it is open to the council to refuse permission if harm in relation to other planning issues is identified that cannot be acceptably mitigated and, in a balanced judgement, is found to outweigh the housing and other benefits of the scheme.
- 1.11. The Planning Practice Guidance (PPG) suggests additional information may be voluntarily submitted with a PiP, particularly to give more certainty about how many dwellings a site is capable of supporting. In this case, as the applicant is seeking PiP for only one dwelling, it is not considered necessary to submit an illustrative layout plan. It is self-evident that the site is large enough to accommodate a single dwelling on the site, in a manner that will respect the prevailing character and pattern of built form in the vicinity of the site.
- 1.12. PPG states that a decision on whether to grant planning permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as the NPPF and national guidance, which indicate otherwise.

2.0 The Application Site and Planning History

The Application Site

- 2.1. The application site relates to 0.06 hectares of garden land associated with Stonebury House, a former day hospital which is to be retained in active use for NHS healthcare services as a part of a wider scheme to sell off the main Lydney hospital building to the west. The site is located to the east of the main hospital building and is located in a built up, area within Lydney's settlement boundary, as identified in the Core Strategy.
- 2.2. The site comprises manicured grass behind a boundary hedgerow and fronts onto Grove Road which, despite being in the setting of the main hospital building is predominantly residential in character. Stonebury House itself was constructed originally as a dwelling and has retained its residential scale, form and character.



Figure 1 Aerial image of site. Source: Google Maps

- 2.3. Lydney is the most accessible of the four towns in the District and is identified in the Development Plan as the settlement most capable of change and growth. The site lies 325 metres from Lydney Town Centre which offers a range of services, facilities and employment opportunities. The site is a 2-minute walk away to the nearest bus stop, a 5-minute walk to Lydney Primary School and a 7-minute walk to Lydney Train Station, all of which are walkable via street lit pavements.

2.4. The application site is not subject to any land-use designations or constraints which would restrict its use for housing. The site is not within an area of Green Belt, Area of Outstanding Natural Beauty and does not fall within a Conservation Area. There are no nearby listed buildings and the site is located within Flood Zone 1 (low risk) as shown on the Environment Agency's Flood Maps for Planning.

Planning History

2.5. The Council's online records do not bring up any relevant applications on or immediately adjacent to the site.

2.6. A history search of the wider area demonstrates that applications for residential development on garden land have been supported in the locality in recent years, where they are located within the settlement boundary. These records include:

- **P0938/19/FUL:** Planning permission was granted on 23/08/2019 for the erection of a detached dwelling with associated parking, landscaping and ancillary works. (Revised Scheme) at Woodlands Bream Road. The dwelling was three storeys in height (split level) and situated on garden land to an existing dwelling. The Officer stated, *"Whilst it is noted that the dwelling would be in very close proximity to the existing dwellings, the Woodlands and Peacehaven it is considered...not out of keeping with the grain of development of the area"*.
- **P1861/20/FUL:** Erection of a dwelling at 3A Stanford Road, Lydney. Granted permission 05/01/2021
- **P0989/23/PIP:** Permission in principle for the erection of a single dwelling at Land At 2 Sunnyside Oakwood Road Bream. Granted permission 05/09/2023
- **P1061/20/PIP:** Permission in principle for the erection of 6 flats at Land off Swan Road, Lydney. Granted permission 27/08/2020

2.7. It is also noteworthy that allocated site AP53 Holms Farm lies to the south east of the site, to the rear of the Physiotherapy centre on the opposite side of the road of the site. The 1.8Ha site is allocated for 27 dwellings.

3.0 The Proposed Development

- 3.1. This application seeks Permission in Principle for a residential development of a single dwelling on the site. The dwelling would be accessed via a single access point off Grove Road.
- 3.2. A single dwelling can be accommodated on the site in an in-keeping arrangement that respects the streetscene and character of the area. Beyond the principle of the amount of development appropriate to the site, detailed considerations are not matters for this application but for the next technical details stage of consent and therefore are not determinative of the current application.

Use and Amount

- 3.3. The proposed development is for a single dwelling (Use Class C3) on the site. It is envisaged that the dwelling would be two storey in height. This is considered to be an appropriate use of land in this location which lies immediately adjacent other residential development in a similar linear layout.
- 3.4. In addition to a single dwelling, there is adequate space on the site for a driveway from Grove Road, a parking and turning area and garden space to the rear, in which existing trees can be retained.



Figure 2 Zoomed in aerial image of site outlined in red.

4.0 Planning Policy Context

- 4.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that applications should be determined in accordance with the Development Plan, unless other material considerations indicate otherwise.
- 4.2. The Development Plan in this case comprises of the Forest of Dean Core Strategy (adopted 2012) and the Forest of Dean Allocations Plan 2006-2026 (adopted 2018).
- 4.3. Forest of Dean District Council are at the early stages of preparing a new local plan for the period 2021-2041. The Forest of Dean District Local Plan Second Preferred Option July 2022 sets out the revised (draft) strategy for the Forest of Dean District (FODD) Local Plan. Following that consultation the strategy has been reviewed and the revised (2022) version sets out the overall approach for the Local Plan (LP) for the period 2021-41. The Second Preferred Option is at a very early consultation stage and does not contain specific policies and therefore carries no weight. It does, however, show the direction of travel for the Council in terms of aims, objectives and future allocations.
- 4.4. The Lydney Neighbourhood Development Plan 2014 – 2024 (adopted in October 2015) sets out an economic and socially sustainable vision to deliver the Core Strategy’s largest portion of housing allocations in Lydney of 1,900 by 2026.
- 4.5. Other relevant material considerations include the Government’s National Planning Policy Framework 2021 and Planning Practice Guidance.
- 4.6. As a result, the following planning policy documents are considered relevant:
 - Forest of Dean Core Strategy (2012)
 - Forest of Dean Allocations Plan 2006 – 2026 (2018)
 - The National Planning Policy Framework 2021
 - Planning Practice Guidance

Forest of Dean Core Strategy

- 4.7. The Core Strategy sets out the strategic objectives for the district as well as how these objectives will be delivered, including setting out a settlement hierarchy and future role for each settlement. The Core Strategy was adopted in 2012.
- 4.8. The following policies of the Core Strategy are relevant to this application:

- 4.9. **Policy CSP1: Design, Environmental Protection and Enhancement** sets out that new development must consider important characteristics of the environment and conserve, reserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment.
- 4.10. **Policy CSP4: Development Principles, development at settlements**, of relevance, sets out that most growth in towns and villages will be expected to take place within the existing settlement boundaries. Areas outside settlement boundaries will be treated as open countryside where new housing is restricted unless for rural exceptions such as affordable housing.
- 4.11. **Policy CSP5: Housing** sets out the levels and distribution of housing expected to be provided within the district. Huntley is not listed as a location for planned new housing growth and therefore is included within 'other villages and rural' where around 608 dwellings are to be provided by 2026 to meet local community needs, with 60% at defined settlements, on sites yet to be allocated and future permissions on other unidentified (windfall) sites, with priority to previously developed land.
- 4.12. The council's current housing supply shortfall is a circumstance justifying the grant of permission for housing on windfall sites, both previously developed and greenfield, in order to meet the plan's housing delivery requirements.
- 4.13. The policy sets out that new housing will need to achieve a density that is appropriate to their surroundings, using 30 dwellings per hectare as a reference.
- 4.14. **Policy CSP12** supports the creation of a new neighbourhood on land to the east of Lydney comprising around 1900 new dwellings as well as town centre improvements.

Allocations Plan 2006 - 2026

- 4.15. The Allocations Plan provides policies which identify specific areas of land for protection or for development. The Allocations Plan was adopted in 2018 and together with the Core Strategy (2012) comprises the Local Plan for the Forest of Dean. It is intended to be read in conjunction with made Neighbourhood Plans and national policy guidance.
- 4.16. **Policy AP1: Sustainable Development** sets out 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 "tests" of sustainable development are referred to in the Core Strategy.
- 4.17. **Policy AP4: Design of Development** expects new development to be of a high design quality by *inter alia* establishing a strong sense of place, taking account of local character, employing good architecture and landscaping and contributing to environmental enhancement.

The National Planning Policy Framework 2021

- 4.18. The National Planning Policy Framework 2021 (NPPF) sets out the Governments overarching planning policies and how it intends them to be applied at the local level. The NPPF provides guidance for local planning authorities in determining applications. As national guidance it is a material consideration capable of outweighing the provisions of the development plan.
- 4.19. **NPPF paragraph 11** sets out the presumption in favour of sustainable development. It goes on to assert that the balance between the benefits and adverse impacts of a proposed development should be considered alongside specific policies. For decision taking this means:
- c) *Approving development proposals that accord with the development plan without delay; or*
 - d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas of 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 the framework taken as a whole.*
- 4.20. **Footnote 7** clarifies that for the purposes of 11d), policies most important for determining applications including housing will be 'out of date' in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The application of the 'tilted' planning balance therefore applies in the determination of this application because the Council cannot demonstrate a five-year housing land supply shortfall, as discussed in further detail later within this Statement.
- 4.21. **Paragraph 60** sets out the Government's objective of significantly boosting the supply of new housing, and to achieve this it is important that a sufficient amount 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 delay.
- 4.22. **Paragraph 69** states that small sites can make an important contribution to meeting the housing requirement of an area and local planning authorities should support the development of windfall sites through their policies and decisions.
- 4.23. **Paragraph 79** states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Further, the paragraph sets out that the development in one village may support services in a village nearby.

- 4.24. **Paragraph 105** aims for the transport system to be balanced in favour of sustainable modes of travel, which will in turn offer people a genuine choice over how they travel. The government do, however, recognise that opportunities for sustainable transport may vary from urban areas to rural areas.

Planning Practice Guidance

- 4.25. The NPPF is supplemented by the Government's Planning Practice guidance.
- 4.26. The PPG highlights that rural housing is essential to the retention of local facilities, and that all rural settlements can play a role in the delivery of sustainable development. This is a clear recognition from the Government that rural areas do need to be allowed to provide some organic growth, to support communities and people from rural backgrounds. Small-scale housing can also assist in building community cohesion.
- 4.27. PPG also provides relevant guidance on the Permission in Principle regime, as follows:
- A decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the NPPF, which indicate otherwise (para. 011).
 - The scope of permission in principle is limited to location, land use and amount of development. Other matters should be considered at technical details consent stage.
 - Additional information can be volunteered to give more certainty about how many dwellings the site is capable of supporting and whether mitigation of likely impacts that may result from development is possible (paragraph 043).

5.0 The principle of housing on the application site

- 5.1. An application for permission in principle may only be decided on the basis of matters of location, land use and the amount of development proposed, in accordance with legislation and national practice guidance governing this route to planning permission.
- 5.2. In this section it is demonstrated that the dwelling proposed would be acceptable in terms of location, land use and amount of development; meeting all the requirements necessary to merit a grant of permission in principle, with regard also being had to other material considerations relevant to the principle of development, notably the District Council's five-year housing land supply shortfall.

Location – Development Plan

- 5.3. The starting point for establishing the principle of new housing is the Development Plan. The Core Strategy seeks to concentrate new development at the district's towns, namely Lydney. Core Strategy Policy CSP.4 states, *"New development must contribute to reinforcing the existing settlement pattern in a manner which emphasises the importance of the towns, especially Lydney and Cinderford where most change will take place."*
- 5.4. The site is located within the settlement boundary of Lydney and the proposed development is therefore wholly compliant with the spatial strategy for the District. The proposed development would, subject to scale and detailed design, relate well to the established pattern of development, giving rise to no visual harm.
- 5.5. While the proposal complies with Core Strategy Policy CSP.4, it is noted that the Council cannot currently demonstrate a robust five-year deliverable housing land supply. As a result, the policies of the Core Strategy relating to the supply of housing are out of date in terms of maintaining a five-year supply of housing as required by Paragraph 74 of the NPPF. Therefore, it is not possible to rely on settlement boundaries as set out in the Core Strategy and Allocations Plan to deliver required numbers of houses, with only limited weight able to be afforded to these housing policies. In such circumstances, paragraph 11 d) of the NPPF sets out that planning permission should be granted, unless the application of Framework policies that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
- 5.6. Utilising a sustainable site within the defined settlement boundary must be afforded enhanced weight in the context of the housing land supply deficit.

Location – sustainable and accessible

- 5.7. The site is located within the defined settlement boundary of Lydney which the Core Strategy identifies as the most accessible of the four towns in the District. The site is located 325 metres

from the town centre and is therefore a comfortable walking distance of a wide range of services, facilities and employment opportunities. The site is also within walking distance from bus routes to Lydney and Gloucester as well as Lydney Train Station which links the town to Gloucester and Cardiff via Chepstow.

- 5.8. Taking the above into account, the site is suitably located within a town and in a very sustainable location with regard to accessibility.

Location – area character

- 5.9. The site is located within a built-up area within the settlement boundary of Lydney. Furthermore, the application site does not fall within a specific landscape designation. The site is a part of a predominantly residential streetscene with a linear grain of development, comprising mainly detached dwellings addressing the highway. It is envisaged that the proposed dwelling would sit alongside the adjacent dwelling and would appear in keeping with the character and appearance of the area.
- 5.10. A dwelling in this location would not conflict with Policy CPS.1 and would be in-keeping with an established linear development area character.

Land-use

- 5.11. As mentioned previously, the application site lies within a predominantly residential area and so the proposed development would not appear out of character with the surrounding land uses. The land has served as amenity land to the day hospital but has never been actively used. The subdivision of the site will not affect the use of Stonebury House for health services and there will be no loss of community use as a result of the development.
- 5.12. In terms of access, a new access point would be created to Grove Road. The number of trips associated with one additional dwelling would be minor and would not have an adverse impact on the highway network. Furthermore, the access would benefit from acceptable visibility in both directions. The exact details would be assessed at the technical details stage.
- 5.13. The site is also located within Flood Zone 1 and is therefore at a low risk from flooding. Drainage details would also be secured at the technical details stage.

Amount of housing proposed

- 5.14. With regard to housing density, Core Strategy Policy CSP.5 uses the figure of 30dph as a reference for new housing but states that higher densities are encouraged in town centres and lower densities are often required in more rural locations.
- 5.15. The proposal is a small-scale scheme of a single dwelling, which represents a very minor level of growth in-keeping with the overall size of the settlement. One dwelling proposed on the site would

result in a density of 16.7dph. This is lower than the reference figure of 30dph and is in-keeping with the suburban character and form of Grove Road. As such, the amount of housing is considered to respect the character and appearance of the surrounding area.

- 5.16. Overall, it is demonstrated that the proposed development of one dwelling on the site would be acceptable in terms of location, land use and amount of development; meeting all the requirements necessary to merit a grant of permission in principle, having regard for Core Strategy Policies CSP1, CSP.4, CSP.5 and Allocations Plan Policies AP1 and AP4.

Other Material Considerations: Housing land supply shortfall and the tilted balance of NPPF paragraph 11(d)

- 5.17. NPPF paragraph 11 sets out a presumption in favour of sustainable development whereby, if a local planning authority cannot demonstrate a 5-year housing supply, planning permission should be granted for new housing development unless there are adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. This is otherwise known as the 'tilted balance' in favour of development.
- 5.18. The Forest of Dean District Council concedes that it cannot currently demonstrate a 5-year housing land supply. In light of the Council's currently housing land supply situation, the 'tilted balance' is engaged, and relevant Development Plan policies for the supply of housing are to be considered out of date and of reduced weight in decision making. The Lydney town settlement boundary is accordingly out of date.
- 5.19. Paragraph 11 d) sets out that the tilted balance is engaged unless a clear reason exists for refusal of planning permission with regard to impact on protected areas or assets of particular importance. These areas include habitat sites and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, Local Authority Green Space, An Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. None of the NPPF protected areas or assets designations apply to the application site, neither is it within the setting of any protected areas or assets, therefore the tilted balance is not disengaged in this case.
- 5.20. In such circumstances, planning applications for housing should only be refused where the level of harm would be so significant and demonstrable that an overwhelming refusal is justified, and irrespective of whether or not the proposal complies with the development plan. This is a very high-level test, thus setting out an expectation that permission should normally be granted when applying the tilted balance.
- 5.21. When considered in the overall tilted planning balance and presumption in favour of sustainable development, the application must be considered acceptable, with the valuable contribution to

boosting housing supply which this readily built out proposal would make towards to helping meet the substantial undersupply of housing in Forest of Dean District offering a significant benefit which attracts significant weight.

- 5.22. In this case, the fact that the site is located on a developable area of land within the defined settlement boundary of Lydney in a highly sustainable and accessible location provides social, economic and environmental benefits undoubtedly weighs in favour of the proposal.
- 5.23. Furthermore, as the site is located within the built-up area of the town and in a low flood risk area, there would be no undue adverse environmental or landscape impacts to set against the benefit of an additional dwellinghouse in this location.
- 5.24. Therefore, in line with the Framework, planning permission should be granted as there are no adverse effects of doing so that would significantly and demonstrably outweigh the housing and other benefits of the proposal.
- 5.25. In conclusion, whilst the development would comply with the spatial strategy of the Development Plan, the proposal would also represent a sustainable development in the context of paragraph 11(d), for which permission in principle should be granted.

6.0 Summary and Conclusions

- 6.1. In conclusion, the proposal would represent sustainable development in the context of the Development plan and in the context of NPPF paragraph 11(d), given the Forest of Dean District Council's acknowledged shortfall in deliverable 5-year housing land supply.
- 6.2. The site is within a settlement boundary and within easy walking distance to a wide range of services and facilities. The proposed residential development is compatible with the surrounding residential area and the scale is proportionate with the size of the site and surrounding land density. As such, the proposal is acceptable in terms of location, land use and amount of development; meeting all the requirements necessary to merit a grant of permission in principle, having regard for Core Strategy Policies CSP1, CSP.4, CSP.5 and Allocations Plan Policies AP1 and AP4.
- 6.3. Notwithstanding the clear compliance with local and national policy, it has been demonstrated that as a result of the 5-year housing land supply position, the Council's policies for housing are out-of-date and can therefore only be given limited weight in the overall balance. The proposal nevertheless presents a good opportunity to boost housing in a sustainable location, which ought to weigh heavily in favour of the application and provides clear justification for granting permission.



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