



Project Management



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Planning, Design & Access Statement

33 High Street
Lydney
Glos.

Prepared on Behalf of: Integrated Architecture

Ref: 12931

Date: 12 July 2018

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1. INTRODUCTION

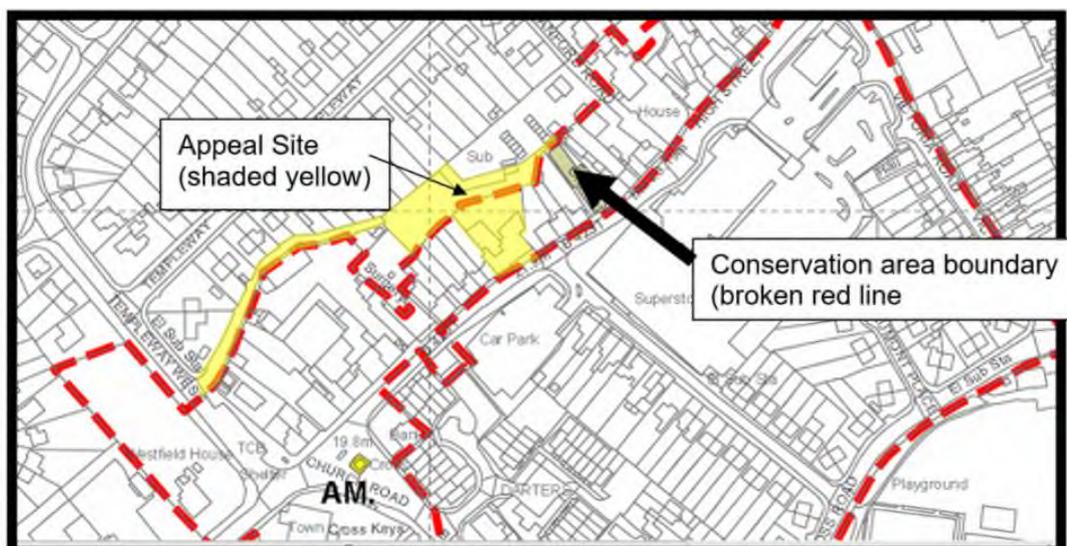
- 1.1 This Planning Statement is submitted in support of the full planning application seeking permission for the demolition of an existing building and erection of 9no. dwellings, together with associated access and landscaping.
- 1.2 This Statement sets out the main planning considerations and justifications for the scheme. In support of the application, this Statement demonstrates that the proposed scheme is acceptable in principle and expands upon issues relating to design, heritage, access and amenity.

Executive Summary

- 1.1 This Statement will explore relevant Development Plan and national planning policies as relevant to development proposed, together with other material planning considerations, which indicate in this instance that the proposed development is acceptable in planning terms.
- 1.2 This Statement is to be read in association with the following plans/documents:
- A1341.01N – Proposed Site Layout
 - A1341.02G - Site Sections
 - A1341.04B - Units 1-3 Plans & Elevs
 - A1341-05C - Units 4-6 Plans & Elevs
 - A1341-06C - Units 7-9 Plans & Elevs
 - SP01 - Refuse Vehicle Swept Path
 - Updated Heritage Statement (Node, July 2018)
- 1.3 It should also, of course, be read in the context of previous planning applications and decisions at the site.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises of two buildings fronting onto the High Street Lydney, together with an irregular shaped parcel of land situated to the north of 33 and 33A High Street. The site extends to 0.26 hectares.
- 2.2 The application site extends behind the rear gardens of 23 to 31 High Street and forms a gap between the end of the long rear gardens serving properties fronting onto the southern side of Temple Way and the rear of properties fronting onto the High Street.
- 2.3 To the east of the site there are a range of dilapidated lockup garages and a common boundary with 35 to 39 High Street. To the west of the site the boundary abuts the rear garden of 19 and 21 High Street.
- 2.4 There is an existing vehicular and pedestrian access serving the site via a private way (within the applicant's control) extending from the eastern side of Temple Quay West. This private way also provides vehicular and pedestrian access to the remaining commercial occupiers which front onto the private way and pedestrian access to the rear of some of the properties fronting Temple Way. The proposed development scheme does not impact upon any existing vehicular or pedestrian access rights.
- 2.5 The site is partially located within the Lydney Conservation Area boundary – see extract from Lydney Conservation Area character appraisal (adopted 2005) below.



- 2.6 There are no locally listed buildings or notable buildings within or abutting the application site boundaries. The extreme eastern tip of the site shares a common boundary with the Baptist Chapel (fronting the High Street) which is a Grade II listed building. Planning permission and listed building consent was refused in late 2017 in respect of alterations and development of 7no. residential units (P1708/16/FUL and P1709/16/LBC refer) at the chapel site.

3. DEVELOPMENT PROPOSAL

- 3.1 The application seeks planning permission for the demolition of no.33A High Street and the construction of a new residential development comprising nine new units. No.33, which falls within the site boundary, is to be retained.
- 3.2 Responding to the various concerns of the original Inspector, case officer, consultees and Members, the revised scheme seeks to reduce the overall quantum of new development and retain no.33 High Street in full, relocating the main site access, together with incidental landscaping, to the current position of no.33A, which is to be demolished.
- 3.3 No.33 is to be configured with a new rear garden, in keeping with the general plot pattern along this side of the High Street, while the opposite side of the new entrance way is to be landscaped and include provision for allocated bin storage.
- 3.4 The main access way is to terminate in a shared turning area large enough to enable use by refuse vehicles and emergency services, from which allocated car parking is to be provided. A proposed enlarged landscaped play area, to be maintained by a suitable management company, has been relocated to the northeast corner of the site.
- 3.5 The new units themselves – now set wholly back from the High Street – are to follow a similar design palette to that proposed and supported in the course of previous applications, incorporating a horizontal split of masonry and render as seen at no.33. They are to be of modest two-storey proportions and a more modern, ‘lightweight’ character suited to this backland position.
- 3.6 Dwellings are to benefit from private rear gardens and peripheral shared landscaping to provide a consistent sense of street scene within the development. Boundaries between properties are to be demarcated with timber fencing, while visible public boundaries are to make use of brick and stone.
- 3.7 16no. Parking spaces are to be provided within the site. This includes allocated provision for no.33 (which previously had none) and visitor parking. The main access has been configured as appropriate for the 20mph High Street and the turning radii of occasional larger vehicles.

4. PLANNING HISTORY

4.1 *P0554/17/FUL | Redevelopment of site by a mixed use scheme comprising of one retail unit and construction of 10 dwellings with associated highway works and landscaping. Demolition of 33 and 33A High Street, Lydney. | 33 High Street Lydney Gloucestershire GL15 5DP*

4.2 This application was finally refused by Committee on 17 January 2018, in line with Officer recommendation, for the single following reason:

“By reason of the break in the frontage buildings with open views towards the development at the rear, the proposed development causes unacceptable harm to the significance of the Lydney Conservation Area. As a consequence it fails to preserve or enhance the character or appearance of the Conservation Area and its setting, as required under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to the National Planning Policy Framework, National Planning Policy Guidance and Policy CSP.1 of the Core Strategy.”

4.3 This scheme was modified during the course of the application to omit a ‘cart’ entrance feature with accommodation above in order to address Member concerns that prompted a deferral at Committee in August 2017. Notwithstanding, in the view of officers and Members this created a harmful loss of enclosure akin to that identified by the earlier Inspector.



(Above) 3D projection of scheme as determined and (below) as dismissed at appeal



- 4.4 *P1442/13/FUL | Demolition of 33 and 33A High Street, Lydney and redevelopment by a mixed use scheme comprising one retail unit and construction of 11 dwellings with associated highway works and landscaping. | 33 High Street Lydney Gloucestershire GL15 5DP*
- 4.5 This application was refused by the Local Planning Authority for three reasons, one of which being broadly upheld by the Inspector in dismissing a later appeal. Of particular concern to the Inspector was the degree of demolition along the site frontage and the consequent loss of the perceived sense of enclosure that characterises the historic High Street.
- 4.6 It is relevant to note that the principle of development, greater quantum of development, proposed access and amenity impacts were considered acceptable at the time and there is little reason why this situation should have changed in the time elapsing since.
- 4.7 It should also be noted that the configuration of site frontage as proposed was informed in part by the need to provide adequate visibility onto the 30mph-limited High Street. Since the time of the application, however, the speed limit has been reduced to 20mph, enabling greater flexibility in the layout and specification of any prospective site access.

5. PLANNING POLICY CONTEXT

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise.

5.2 Paragraph 214 of the National Planning Policy Framework advises that for 12 months from the day of its publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. Following this 12-month period and in other cases, Paragraph 215 advises that due weight should be given to relevant policies in existing Plans given their consistency with the Framework.

National Planning Policy Framework

5.3 The National Planning Policy Framework (The Framework) was published on 27th March 2012. The Framework sets out the Government's economic, environmental and social planning policies for England and details how these are expected to be applied. It is, in itself, a material consideration in planning decisions.

5.4 At the heart of The Framework is a presumption in favour of sustainable development. For decision taking, this means "approving development proposals that accord with the Development Plan without delay" and where the Development Plan is absent, silent, or relevant policies are out-of-date, granting permission unless "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; or specific policies in this Framework indicate development should be restricted".

5.5 The Framework defines the three dimensions of sustainable development as:

An Economic Role: Contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;

A Social Role: Supporting strong, vibrant and healthy communities;

An Environmental Role: Contributing to protecting and enhancing our natural, built and historic environment.

- 5.6 Furthermore, the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. Furthermore, they should look for solutions rather than problems.
- 5.7 Section 4 of The Framework addresses the transport impacts of development, making clear that - while safety is absolute - proposals should only be refused on more general transport grounds "*where the residual cumulative impacts of development are severe*" (Paragraph 32).
- 5.8 Section 6 of The Framework outlines the need to "boost significantly" the supply of housing, emphasising a desire to make efficient use of land and, in particular, to utilise under-used brownfield sites to deliver new homes.
- 5.9 Section 7 of The Framework provides context to design within planning. Paragraph 56 states "*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*"
- 5.10 Section 12 of The Framework establishes the process for decision-making where development concerns designated and non-designated heritage assets, including Conservation Areas. It places explicit value on 'significance', requiring that this is firstly identified before the likely effects of proposals on a heritage asset are assessed. It also requires that any harm is quantified and balanced against the public benefits arising from development.

The Development Plan

- 5.11 The Development Plan policy context for the site and surrounding area is provided by the adopted Forest of Dean Core Strategy (2012) together with the policies of the Lydney Neighbourhood Plan (2016).
- 5.12 The relevant policies contained in the Core Strategy are as follows:

- CSP.1 – Design and Environmental Protection
- CSP.2 – Climate Change
- CSP.3 – Sustainable Energy Use with Development Proposals
- CSP.4 – Development at Settlements
- CSP.5 – Housing
- CSP.7 – Economy
- CSP.9 – Recreational and Amenity Land
- CSP.12 & 13 – Lydney

5.13 The relevant policies contained in the Neighbourhood Plan are:

- LYD ENV1 – Location of New Development
- LYD ENV2 – Protecting the Natural Environment
- LYD GEN1 – Water Management
- LYD TRAN1 – Improvements to the Highway Infrastructure
- LYD TRAN2 – Pedestrian Infrastructure: Safer Walking
- LYD TRAN3 – Public Rights of Way and Wildlife Corridors

Other Material Consideration

- 5.14 The National Planning Practice Guidance advises on the consideration and determination of planning applications, including the balancing of considerations in decision-making.
- 5.15 Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter 'The Act') provides the legal backdrop against which applications for planning permission within Conservation Areas are to be considered.
- 5.16 At the time of writing the emerging Forest of Dean Allocations Plan has most recently been subject to further consultation on its main modifications, although a timescale for final submission is not yet apparent. Given the volume of further comments and uncertainty as to its final content, the Plan can be afforded only moderate weight. However, the following policies are relevant:
- AP1 – Sustainable Development
 - AP4 – Design of Development
 - AP5 – Historic character and local distinctiveness

AP6 – Locally Distinctive Areas

AP7 – Biodiversity

AP8 – Green Infrastructure

AP38* – Lydney Town Centre

* Policy number TBC as superseded in proposed main modifications

6. PLANNING CONSIDERATIONS

6.1 Having regard for the proposed development; the site's planning history; the relevant planning policy context; and all other material issues; the main residual planning considerations for the determination of this application relate to the means of access and the proposals' impact upon the significance of the Conservation Area.

6.2 Under the current application, the quantum of development represents a further reduction relative to earlier schemes, retaining no.33 intact as a single dwelling rather than replacing the building with two flats. It is not considered that this in itself materially impacts upon the consideration of the application, which is nonetheless considered to be of an appropriate density for this central location.

Access

6.3 Since the original proposals were put forward, the speed limit on Lydney's High Street has been reduced from 30mph to 20mph. In line with Manual for Streets, this alters the safe visibility standards applicable to the site and enables additional flexibility in the configuration of the site entrance.

6.4 Consequently, access to the site is now to be obtained via the eastern part of its street frontage, enabling the retention of no.33. This will be provided on a shared surface arrangement, eliminating vehicle priority and giving pedestrians uninterrupted access to the development. As previously proposed, a new footpath link is also to be created at the northwest corner of the site.

6.5 As can be seen on the accompanying vehicle tracking plans, the access way itself and the enlarged turning area within the site will enable the safe and convenient manoeuvring of large vehicles including refuse trucks, occasional deliveries and, if necessary, emergency vehicles.

6.6 It is duly acknowledged that this was a particular concern raised when previous schemes were considered by the Council, and in part the reason why the earlier cart entrance arrangement was deemed to be inappropriate. As such, this item has been given particular attention. It should be noted that the access and turning head's timely laying out will also assist in reducing disruption during the construction phase.

- 6.7 The proposals incorporate allocated parking provision for 16 vehicles, distributed around the periphery of the main access/turning area. This is considered to be a reasonable level of provision given the size of the units and their highly sustainable central location. This also achieves a reasonable balance against the benefits of over-providing in relation to waste/emergency vehicle access and turning on site.
- 6.8 The retained no.33 is not to benefit from allocated parking; this is however simply a continuation of the current situation and should be treated on a 'nil detriment' basis as the unit's retention as a dwelling does not comprise one of the nine residential units for which permission is now sought.
- 6.9 It is considered that the proposed revised arrangement will overcome previous concerns relating to access – particularly for larger vehicles – and result in a high standard of accessibility for all users. The proposals therefore comply with the relevant policies CSP.1, LYD TRAN1 & 2, and Section 4 of the Framework.

Impact on the Lydney Conservation Area

- 6.10 Previously, concerns have been expressed in relation to the loss of street enclosure arising from the demolition of buildings across the full span of the site frontage. However, earlier efforts to ameliorate this through a 'cart entrance' arrangement were not met favourably on design and access grounds and therefore not pursued further by the Applicant.
- 6.11 As confirmed by the Heritage Statement, although no.33 is not of exceptional design quality, it does contribute to this sense of enclosure – insofar as enclosure can be experienced from only one side of a road – and consistency in the build line along the High Street. Its retention will therefore maintain the arrangement of terraced two-storey buildings currently seen, while making better use of the dwelling with the enhancement of amenity space to the rear.
- 6.12 No.33A, by contrast, already represents a distinct break in the street scene primarily due to its lower scale and physical separation from no.35, such that it is not presently read as a continuation of the fabric characterising this part of the Conservation Area. Consequently, its removal is not detrimental to the said sense of enclosure, as it does not contribute to this in the first instance; the overall impact on the heritage asset in this respect is minor-positive.

- 6.13 Moreover, the overall materials, proportions and appearance of no.33A are poor and not in keeping with the overall sense of quality experienced along this side of the High Street. Given the need to conserve or enhance the Conservation Area, and the value released by redeveloping the land to the rear, it is considered for these reasons that its removal alone would achieve the latter.
- 6.14 The introduction of a backdrop of new built fabric, retaining the materials and proportions of other traditional buildings on the High Street, will enhance the visual quality of the Conservation Area. Although the entrance will represent a break in the built fabric immediately fronting the highway, when viewed from the opposite side of the High Street – incidentally an area with no such street presence – the visual effect will be broadly similar as scale and materials are to be carried through to the visible new buildings.
- 6.15 Turning then to the design of the development itself, this has incorporated appropriate landscaping, building design and materials to complement, rather than directly imitate, the existing fabric found in the vicinity. It is noted that the individual design of units has not been found to be a shortcoming of the previous schemes per se, however in their revised form now presented all new build fabric is set well back within the site, so that views will be secondary to the built fabric along this side of the High Street.
- 6.16 Considering the above factors in the round, the proposals will conserve and enhance the Conservation Area, consistent with Policies CSP.1 & 12, emerging Policy AP5 and Section 72(1) of The Act. As found previously, the proposals will not impact to any noticeable extent on the significance or settings or nearby listed buildings, with the built development's distance from the listed Baptist Chapel now further increased.
- 6.17 Plainly, this part of the Conservation Area is not in its optimum viable use presently. The site is extremely underutilised, and the nature of retail conducted is not conducive to long-term maintenance and enhancement. Consequently, even in a mixed street scene, the visible parts of the site are a notable detractor from the character of this side of the High Street. Securing a viable future use of this land, lying within the Conservation Area designation, is therefore a public benefit weighing in favour of the proposals.

- 6.18 In addition to this, the scheme will also offer public benefits including the provision of managed local play space and pedestrian links through the site, in addition to the important contribution of an additional nine units to local housing supply. The scheme will also create some limited economic benefit by generating employment opportunities during the construction phase.
- 6.19 Paragraphs 131 and 134 of the Framework seek to protect heritage assets against harm, requiring that this is quantified in decision-making, and that where less than substantial harm is identified, this should be weighed against the public benefits arising from development.
- 6.20 In this instance, the view is simply that there is no discernible harm – less than substantial or otherwise – arising from the development and that assets will be conserved and enhanced as appropriate to their significance. Should some limited degree of harm be identified, however, it is clear that the significant public benefits arising from the development are sufficient to outweigh this. Accordingly, the proposals satisfy the requirements of the Framework in respect of heritage assets.

Other matters

- 6.21 As set out above, it is considered appropriate that this Statement focuses on the outstanding matters of concern that have in turn been addressed by the current revised proposals, those being access and impact on the Conservation Area. As this has required changes to layout, however, it is only proper that any other implications of the changes are considered.
- 6.22 In terms of residential amenity, the revised proposals will provide an increased level of both private and public outside space relative to their predecessors. The units are set well back from the generous neighbouring gardens and orientated to maintain a back-to-back arrangement with those along Templeway. This was not raised as an issue previously, the proposals being adjudged to comply with Policy CSP.1, and it is therefore anticipated that little further comment is required. No.33 will benefit from an improved standard of outside amenity space derived from a formalised and well-proportioned rear garden.
- 6.23 This approach, of course, will also protect the occupiers of no.31, a property not in the applicant's control, from any perceived loss of amenity by maintaining a

'buffer' property between their eastern gable wall and the new site entrance. Although it is not considered in any case that any issues would have arisen upon occupation of the original proposals, this will of course minimise disturbance by ensuring that demolition and construction works do not take place directly adjacent to no.31.

- 6.24 Noting in particular the earlier need for an Air Quality Assessment and associated methodology for the protection of future occupants of the previously-proposed flats from air pollution, the elimination of these flats from the scheme overcomes this issue. Thus, future residents, being set well back within the site, would not encounter the same immediate issue, a similar case being made in respect of exposure to noise generated by the High Street. This represents a significant improvement in terms of overall residential amenity.
- 6.25 The current proposals improve upon the level of play provision previously indicated and accepted. This area is to be enlarged by a further 50% and will be available and accessible to the wider community upon completion of the development. This is a further benefit, as discussed above, and may provide future functional linkage to the nearby Baptist Chapel, whose immediate ongoing use as a community facility has been established by the refusal of permission for part-conversion to flats. The Heritage Statement otherwise confirms a neutral effect on the setting and significance of this listed building.
- 6.26 In order to deliver the best practicable outcome in respect of access and heritage, the proposals will now result in the permanent loss of a modest existing retail unit. While adopted Policy CSP.7 presumes against the loss of 'employment-generating use(s)', including service-based uses, it must be noted that the employment generation of the existing unit at no.33A is extremely small. Although long-established, it cannot be said that the existing business contributes at a strategic level to the 'range and quality of employment' as sought at Para 6.45 of the Core Strategy and, as a whole, the site is both underused and unsuitable for employment-generating use.

- 6.27 Moreover, options comprising the replacement of the ground floor retail unit have not been met favourably in the past and, in balancing the heritage, access and amenity implications of development, the current proposal is simply the best feasible solution. The Framework notes at Para 23 the need to *“recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites”*.
- 6.28 In the same spirit, CSP.13 states *“Within the area of the proposed Area Action Plan, a new mixed form of development will be promoted, using mainly under utilised land and redeveloping or adapting redundant buildings to form an area between the Harbour and the town centre containing recreation, employment and housing together with links to an improved town centre and the existing and new public recreation spaces”* The proposals undoubtedly promote this objective, delivering both housing and recreation on currently underutilised land within a mixed-use area.
- 6.29 Taken as a whole, therefore, it is considered on balance unreasonable that the loss of a single – rather unattractive – retail unit should prevent the delivery of significant redevelopment on an appropriate site.
- 6.30 The quantum of development, being nine units none of which are larger than 92m² is not anticipated to give rise to any requirement for planning contributions, including the provision of affordable housing. In the light of the national Guidance, such contributions are considered particularly onerous in respect of brownfield land such as the application site, where they may otherwise prove an encumbrance to sustainable developments such as this.
- 6.31 Overall, it is considered that the proposals deliver much-needed housing of an appropriate form, density and design within a highly sustainable location. The proposals accord with all relevant Local and Neighbourhood Plan policies, national policies, legislation and guidance. There are no material considerations indicating that permission should not be granted in this instance.

Design & Access Statement

6.32 Use

The proposed development is entirely residential (Class C3).

6.33 Amount

The development comprises 9no. units of mixed two and three-bedroom size.

6.34 Layout

Following a series of amendments, the layout now briefly comprises the removal of an existing retail building to create a shared entrance way leading to turning and parking facilities serving a development of 9no. residential units. These are to be generally arranged across the northern side of the irregularly-proportioned site and provided with private gardens and peripheral landscaping. A Local Area for Play is to be provided at the northeast corner of the site.

6.35 Scale

The proposed dwellings are all to be of modest two-storey proportions to reflect the traditional buildings along the High Street. Terraces of three are to be broken up through varied build line and materials to reduce their overall apparent bulk.

6.36 Landscaping

The development is to be provided with peripheral landscaping to include suitable planting as required, both alongside access/parking/turning areas and surrounding private residential plots. The play area is to remain a public green space.

6.37 Appearance

As with the traditional buildings along the High Street, the proposed dwellings are to be faced in masonry – in this case brickwork – and render beneath slate roofs. They are however of more modern design in order to contribute positively to the varied form of the townscape.

6.38 Access

Vehicular access is to be obtained directly from the High Street via a shared surface arrangement. This will lead to a shared turning area with allocated parking. Pedestrian footpaths will permeate through the site, including links to the new play area and a currently stopped-up pedestrian footpath to the northwest of the site.

7. SUMMARY AND CONCLUSIONS

- 7.1 The application seeks planning permission for the demolition of an existing building and erection of 9no. dwellings, together with associated access and landscaping.
- 7.2 The scheme addresses the limited outstanding issues following consideration of earlier iterations, and specifically Officers' and Members' concerns regarding site access and the relationship to the Lydney Conservation Area. With these matters resolved, there are no other reasons why planning permission should not be granted.
- 7.3 This Statement has reviewed the relevant Development Plan Policy Framework as it applies in this case, together with the other material considerations. On the evidence presented it has been demonstrated that the proposal accords with all relevant Development Plan policies and national guidance, and there are no other material considerations present to override them.
- 7.4 It is therefore urged that the Local Planning Authority grant planning permission for this sustainable development.

Signed.....

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