

STROUD DISTRICT LOCAL PLAN: PROPOSED MODIFICATIONS, MAY 2005

3. GENERAL POLICIES

3.1. Introduction

3.1.1. This Plan deals with most subjects in chapter format, and contains policies which set out criteria when permission may or may not be granted for a particular form of development. However, there are some criteria which any development would be expected to comply with. To add these to every criteria based policy would make those policies unnecessarily lengthy and wordy. These criteria are thus set out here as a series of general policies, which all development will be expected to comply with.

3.2. Effect on Nearby Occupants

3.2.1. The effect of a development on the amenities of any residents or occupiers of adjacent land who may be affected is a material planning consideration. The likelihood of development on particular sites causing harmful or disturbing effects will vary greatly, depending on the nature of the development proposed, and the number and proximity of nearby residential properties and other occupied property. The important point is that such effects should be considered when putting forward a scheme, to avoid these effects rising to an unacceptable level. **These effects will be a consideration where sensitive new development is proposed in a location where that new development might be affected by an existing site which gives rise to smell, noise, vibration, etc. In such a situation, consideration must be given to the need for the protection of the existing use from future complaints from the occupiers of the new development. (M/03/01/T)**

3.2.2. Residents' amenities can be harmed in a number of ways, but they all involve the disruption of their daily life in one way or another. Harm is likely to arise from a development which would lead to an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or have an overbearing effect. In this context, the definition of 'overbearing effect' is the effect a development proposal may have when it looms over, or dominates the amenity space or outlook of the occupiers of a (usually) residential property.

POLICY G1

Permission will not be granted to any

development that would be likely to lead to an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or have an overbearing effect.

3.3. Pollution

3.3.1. As well as adversely affecting the amenities of nearby premises, the release of substances into the air, ground or water or excessive noise, dust, vibration, light or heat may also cause pollution. The planning system has an important role to play in ensuring development is not located in proximity to sources of pollution, or on sites unsuitable for development, and in protecting sensitive uses from such pollution.

3.3.2. The quality of the atmosphere directly relates to the quality of life. Various operations, activities and uses can damage the atmosphere by the release of gases or by the emission of dirt, dust and fumes. Pollution is also generated by vibration, smell and the intrusion of light. The Environmental Protection Act 1990 defines pollution of the environment as 'the release (into any environmental medium) from any process of substances which are capable of causing harm to man or any other living organisms supported by the environment.'

3.3.3. In any development, the developer should have regard to minimising potential air pollution both in design, construction and in the use of materials. In particular, developers will be encouraged to design buildings so that potential sources of pollution are removed. With respect to new industrial development and changes of use of existing industrial processes, the District Council will consult the Environment Agency or other appropriate authorities to ensure that standards on pollution control are met before planning permission is granted.

3.3.4. The Environment Act 1995 requires the Secretary of State to prepare and publish a national Air Quality Strategy. This requires local authorities to produce a local air quality strategy and define areas where national air quality objectives are not met or are at risk and designate such areas as Local Air Quality Management Areas (LAQMA). Proposals for development will need to have regard to the local strategy and LAQMAs, once these have been defined, to ensure that development does

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not have an adverse effect on air quality in these areas.

3.3.5. Where appropriate, noise generating developments should be sited in locations which avoid the possibility of creating any noise disturbance. In all cases, steps should be taken to minimise the impact of noise through sound insulation measures.

3.3.5a. Certain substances defined under The Planning (Hazardous Substances) Regulations 1992 are considered to be a risk to public health or safety due to their toxic, reactive or explosive nature. The Planning (Hazardous Substances) Act 1990 explains the procedures for consulting on, and determining applications for, hazardous installations. Proposals for the expansion of existing, or provision of new, hazardous installations will be subject to stringent planning controls to ensure that there is no harm to the environment, or unacceptable risk to public health or safety. With regard to public health and safety, the type and proximity of adjacent land uses will be an important consideration. The District Council will consult the Health and Safety Executive (HSE) and the Environment Agency when considering proposals for hazardous installations.

3.3.5b. In addition, the existence of a hazardous installation is a material consideration when determining development proposals which are in the vicinity of that installation. The HSE has identified consultation zones around hazardous installations to prevent inappropriate development which could, potentially, result in a risk to public health or safety. Land use within these consultation zones will be controlled in accordance with specific risk criteria. Thus, the District Council will consult the HSE and Environment Agency when considering proposals for development which are in the vicinity of hazardous installations.

POLICY G2

Permission will not be granted for any development that is likely to create unacceptable atmospheric or environmental pollution to water, land or air.

3.3.6. As well as ensuring that new polluting uses are not permitted, it is also important to ensure that new noise sensitive development is not located within areas of existing

unacceptable noise. Noise-sensitive development includes development such as housing, hospitals, schools and community facilities such as libraries. Where relevant, the noise standards set out in PPG24: Planning and Noise 1994, will be applied, and compliance with them will be a material consideration in assessing proposed development.

POLICY G3

Permission will not be granted for noise sensitive development in locations where it would be subject to unacceptable noise levels.

3.4. Flooding

~~3.4.1. Flood Plains and areas of low lying land adjacent to watercourses provide storage and conveyance capacity to floodwater by flooding under certain conditions. These areas can also make an important contribution to the operation of ecosystems by sustaining species and habitats dependent on seasonal flooding. Proposals adjacent to watercourses will be assessed to determine their impact on nature conservation. Development can reduce the capacity of the floodplain, impede the flow of water and increase the risk of flooding elsewhere. The development itself can also lead to increased surface water run off, which can exacerbate flooding and drainage problems beyond the floodplain.~~

~~3.4.2. The District Council will consult with the Environment Agency about proposed development in their defined 'Areas Liable To Flood'. Within other areas, development which would result in or increase the risk of flooding may be permitted subject to certain conditions. It is acknowledged that, in some cases, the level of increased flood risk may be so small as to be insignificant. The District Council must be satisfied that development proposals within certain flood risk areas incorporate mitigation measures which are themselves environmentally acceptable. Developers should have regard to the consultation draft of PPG25: Development and Flood Risk 2000 and the Environment Agency's 'Policy and Practice for the Protection of Flood Plains'. Developers will also be expected to meet appropriate costs, through Section 106 Legal~~

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~~Agreements, for providing any appropriate measures to mitigate the effects of water discharge, surface water drainage impact and providing long term management.~~
M/03/02/T

POLICY G4

~~Development will not be permitted on land liable to flood, or where the surface water run-off from such development would result in, or increase the risk of flooding, or involve loss of access to watercourses for future maintenance, unless all the following criteria are met:~~

- ~~1. approved measures are undertaken, or financial contributions are made, to obviate these risks and accommodate the increased run-off;~~
- ~~2. satisfactory measures are proposed to ensure that existing land drainage systems on the site are not adversely affected; and~~
- ~~3. adequate land drainage is provided for the site once it is developed.~~

M/03/02/P

~~3.4.3. Developers should always seek the advice and, when required, consent of the Environment Agency before any works are carried out around or affecting watercourses.~~
M/03/02/T

3.4 Flooding

3.4.1 Flood plains are the generally flat areas adjacent to a watercourse, tidal length of a river or the sea where water flows in times of flood or would flow but for the presence of defences. Development in such areas can reduce the storage capacity of the floodplain, impede the flow of water, increase the risk of flooding elsewhere and put life and property at risk. These areas also make an important contribution to the operation of the ecosystem by sustaining species and habitats dependent on seasonal flooding. (M/03/02/T)

3.4.2 The Environment Agency provides advice on flooding issues and produces indicative flood plain maps for stretches of

watercourses where such information is available. The Environment Agency should therefore be consulted by developers, before submitting a scheme where proposals fall within, or will drain to, areas where development could contribute to flooding problems. For all such proposals an appropriate flood risk assessment (FRA), as set out in Planning Policy Guidance Note 25 "Development and Flood Risk" (Appendix F), must be carried out by the developer. The FRA will identify the likely frequency and impact of flooding, taking into account the adequacy of flood defences, the effect the development will have both on and off site and an assessment of the impact of climate change. When a planning application is received, where development could contribute to flooding problems, the District Council will consult the Environment Agency, and the FRA will inform the planning decision and may identify appropriate design and mitigation measures. (M/03/02/T)

3.4.3 PPG 25 sets out that local planning authorities should apply a risk-based approach to their decisions through the application of a sequential test. Three zones are identified according to degree of flood risk, ranging from little or no risk, through to sites at high risk. Within the high risk flood zone there are 3 sub-divisions: functional flood plain, undeveloped and sparsely developed areas, and developed areas. Within high risk areas, the functional flood plain is defined as the unobstructed or active areas where water regularly flows in times of flood. Built development in such areas should be wholly exceptional and limited to essential transport and utilities infrastructure that has to be there. Built development should also be exceptional in undeveloped or sparsely developed areas unless that particular location is essential. In developed areas, there may be more scope for development provided that the appropriate minimum standard of flood defence can be maintained for the lifetime of the development. (M/03/02/T)

3.4.4 Where flood defences and related engineering works are proposed, the developer should ensure that recognised ecological, geomorphological, archaeological, landscape and recreational

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interests associated with a watercourse or the land physically or visually linked to it are fully taken into account and, where appropriate, mitigation provided. In areas at lower risk the opportunities for development are greater but measures may still be required to mitigate potential flood risk. It is important for developers to discuss their proposal with both the Council and the Environment Agency at the earliest practical opportunity to assess the risks and to identify, in appropriate cases, what design criteria are necessary to mitigate flood risk problems. In all cases where the FRA reveals that mitigation works are necessary, these must be incorporated within the development itself, or at least be capable of being secured through conditions or a planning obligation. Where additional flood defences, other mitigation works or warning measures are required, they must be fully funded by the developer including on-going maintenance through a dedicated sum as advised in PPG25. In formulating development proposals or mitigation measures, a minimum access strip of 8 metres on main rivers and 5 metres on ordinary watercourses should be provided for the purposes of maintenance and emergency access. (M/03/02/T)

3.4.5 The areas of flood risk are shown on the Proposals Map, correct at May 2005. Updates indicating these areas will be available on the Environment Agency's web site. (M/03/02/T)

Policy G4

Planning applications within areas at risk of flooding must be accompanied by a flood risk assessment in accordance with PPG25, Annex F. Development will be permitted where an appropriate flood risk assessment has been carried out and the proposed development meets all the following criteria:

1. There are no other reasonable options available in a lower risk zone.
2. It will not itself be at unacceptable risk from flooding and will not increase the risk of flooding to third parties within the floodplain or in adjoining areas, so that the risk to human life and property

is acceptable.

3. Provision is made for a minimum access strip of 8m on main rivers and 5m on ordinary watercourses.
4. Existing flood defences and other existing or potential flood alleviation measures are adequately safeguarded.
5. It would not result in extensive culverting.
6. Where additional flood defences, other mitigation works or warning measures are required, provision is made for them to be fully funded, including adequate provision for ongoing maintenance through an appropriate dedicated commuted sum.
7. The proposal does not involve significant and unsustainable additional flood defences in undeveloped or sparsely developed areas or within the functional floodplain.
(M/03/02/P)

3.5. Highway Safety

3.5.1. Most highway related issues are dealt with in the Transport chapter of this Plan. However, highway safety is another material planning consideration which should be taken into account when dealing with any proposal for development, and it is therefore appropriate to include a policy. Again, the likely severity of any effect on highway safety will vary from proposal to proposal, and upon its location. It is also important to note that highway safety, as expressed in Policy G5, includes the safety of all users of **public highways and public rights of way (PROW)**, including pedestrians, cyclists and horse riders, as well as the drivers and passengers of private cars, motorcycles, goods vehicles and buses. When considering the effect any development proposal has on highway safety, this will always have to be compared against the effect an existing authorised use already has, or would have. **In applying this policy, the Council would take into account any mitigating measures that would overcome highway safety concerns and these would be secured through the use of Section 106 agreements or planning conditions. (M/03/03/T)**

POLICY G5

Permission will not be granted for any development that would be **likely to be**

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detrimental to the highway safety of any user of ~~public highway~~ any highway or public right of way.
(M/03/03/P & M/03/07P)

3.6A. Contaminated Land

3.6.1a. The reuse of previously developed land is one of the main objectives of sustainable development. However, many previously developed sites have given rise to historic ground contamination. Sites that are most likely to suffer from ground contamination include those that have previously accommodated industrial activity or have been subject to landfill. Contamination can pose a threat to the health of prospective users of a site and can also harm the wider environment if the development itself results in the release of contaminants through land disturbance. Although few sites are so badly contaminated they cannot be used at all, the extent and nature of the contamination may limit the range of potential future uses. **Likewise, it is acknowledged that the costs associated with the remediation of contaminated land can influence the viability of any development proposal on that land. In an attempt to address this issue, the Urban White Paper 2000 makes reference to a number of new initiatives relating to the cleaning up of contaminated land.** The District Council recognises the contribution previously developed land can make towards more sustainable patterns of development, but it also recognises that this objective needs to be evaluated against the risks of developing contaminated land. The District Council will encourage the redevelopment of appropriate contaminated sites, provided there is no unacceptable risk to human health or the environment. (M/03/04/T)

POLICY G6A

Development proposals affecting contaminated land will be permitted provided that appropriate remedial measures are taken to ensure that there is no unacceptable risk of harm to human health and the environment.

~~3.6.1b. Paragraph 4.10 of PPG23: Planning and Pollution Control 1994 states that developers, primarily, are responsible for providing information on whether land is contaminated or not. Paragraph 23 of~~

Planning Policy Statement 23: Planning and Pollution Control states “The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990. Intending developers should be able to assure LPAs they have the expertise, or access to it, to make such assessments”. Where it is known or suspected that land is contaminated, the District Council will require the developer to undertake a detailed site survey to provide information on the extent, nature and location of the contamination present, together with suitable mitigation measures. The District Council will consult pollution control agencies, such as the Environment Agency, when evaluating any development proposal which involves contaminated land. If remedial measures are required, the District Council will consider the use of planning conditions and/or obligations to ensure necessary remedial measures are undertaken prior to the commencement of the development. On assessing the need for remedial works, the District Council will also take into account the proposed future use of the site. (M/03/05/T)

3.7 Service Amenities and Infrastructure requirements for development.

3.7.1 It is a principle of good planning that new development should provide the necessary infrastructure, including services and amenities, needed to provide necessary statutory services. An explicit assessment must be made of infrastructure requirements arising from the development and how these should be met. Such provision is a key element in the quality of life of new and existing residents. (M/03/06/T)

POLICY G7

Where development is acceptable in principle under the policies of this plan, development proposals will be expected to have regard to existing levels of infrastructure, services and amenities.

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Where development gives rise to the need for the provision of new or extended public and community services, the Council will assess the nature and extent of planning obligations required as a result of new development in accordance with National Planning Guidance.

Planning Permission will not be granted until the Planning Authority is satisfied, by imposing conditions, or where these are not appropriate or adequate, by seeking a legal agreement, that an appropriate level of infrastructure, services and amenities required as a consequence of and directly related to, the development is capable of being, and will be, provided within the timescale of the proposed development and in accordance with an agreed phasing programme.

(M/03/06/P)