

## **7. BUILT ENVIRONMENT**

### **7.1 GENERAL OBJECTIONS TO BUILT ENVIRONMENT CHAPTER**

#### **The Objections**

BEnv/1/0057

Gloucestershire County Council

#### **Summary of Objections**

- (a) Objects to the omission of a policy protecting local heritage.

#### **Inspector's Reasoning and Conclusions**

7.1.1 It is suggested that a separate policy to protect local heritage could be helpful. Paragraph 6.16 of PPG15 states that it is open for local planning authorities to draw up lists of locally important buildings and to formulate policies for their protection. I am satisfied that the Built and Natural Environment chapters of the Plan are sufficient to protect those resources which the Council view as being part of the District's built heritage. Policies such as B14 on Historic Parks and Gardens are also important, and should be updated to take such local resources more fully into account (see section 7.18 below). I consider therefore that no additional policy is necessary.

#### **RECOMMENDATION 7.1**

Make no modification to the Plan in response to this objection.

### **7.2 PARAGRAPH 7.1.1**

#### **The Objections**

BEnv/para 7.1.1./1/0128-CW

Gloucestershire County Council

#### **Summary of Objections**

- (a) Change the title of the section to "historic environment."  
(b) This introductory paragraph should make fuller reference to archaeological sites, the historic landscape and historic settlements.

#### **Inspector's Reasoning and Conclusions**

7.2.1 I find no reason to modify the title as suggested because this part of the Plan covers the whole of the built environment rather than just that which has historic significance.

7.2.2 I agree that it would be helpful if the introductory paragraph more fully recognised the historic environment, particularly archaeological sites, the historic landscape in its widest sense, and historic settlements. I note that the Revised Deposit Draft has overcome this objection with the insertion of new wording in paragraph 7.1.1. As the objection has been conditionally withdrawn, I shall not comment further.

## **RECOMMENDATION 7.2**

Make no modification to paragraph 7.1.1 in response to this objection.

## **7.3 PARAGRAPH 7.2**

### **The Objections**

BEnv/para 7.2.0./1/0129-CW Gloucestershire County Council

### **Summary of Objections**

- (a) This paragraph should be reworded to ensure new development respects the District's historic environment.

### **Inspector's Reasoning and Conclusions**

7.3.1 I refer to my conclusions to the related objection to paragraph 7.1.1 where I agree that it would be helpful if the Plan made fuller reference to archaeological sites, the historic landscape in its widest sense, and historic settlements. I note that the Revised Deposit Draft has also overcome this objection with the insertion of new wording in point 1 of paragraph 7.2 to address the need for new development to respect and reflect the distinctive character of the District's historic environment. The objection has been conditionally withdrawn and I shall not comment further.

## **RECOMMENDATION 7.3**

Make no modification to paragraph 7.2 in response to this objection.

## **7.4 POLICY B1A**

### **The Objections**

B01A/409/3423	Buchanan Partnership
B01A/412/3469	Crest Strategic Projects Limited
B01A/412/3465	Crest Strategic Projects Limited
B01A/409/3422	Buchanan Partnership
B01A/578/3883	The House Builders Federation
B01A/412/3463	Crest Strategic Projects Limited

### **Summary of Objections**

- (a) Criterion 5 of the policy is an unnecessary constraint and should be deleted.
- (b) Object to the level of detail. The matters are appropriate for Supplementary Planning Guidance and relevant Development Briefs.

- (c) Object to the level of detail in paragraphs 7.3.9a, 7.3.9c and 7.3.9b, contrary to PPG12.
- (d) The section does not display a proper understanding of urban design concepts. It is unclear whether the concept of permeability is directed at vehicular movement or pedestrian movement. The division of built-up areas into “historic settlements” and “modern development, particularly cul-de-sacs” is simplistic. An explanation of how it is possible to “move through all public areas in a logical manner” is necessary. The words “arbitrary barrier” in relation to legibility should be defined. The paragraph on human scale lacks clarity. Not all “activity” can be located at the ground floor. The suggestion that “buildings should front streets” in relation to public and private space is a sweeping generalisation. The source of concepts such as ‘permeability’ and ‘legibility’ should be acknowledged.

### **Inspector’s Reasoning and Conclusions**

7.4.1 Whilst there may be design schemes where there is no clear distinction between public and private space, the purpose of criterion 5 is to provide privacy and security, for example in residential schemes. One of the Government’s key urban design objectives is to promote the continuity of street frontages and the enclosure of space by development, in order to clearly define private and public areas (‘By Design: Urban design in the planning system - towards better practice’)<sup>1</sup>. This best practice advice has been written to help implement the Government’s commitment to good design, as set out in PPG1, and it emphasises the need for continuity and enclosure, stating that successful urban space (including street space) is that which is defined and enclosed by buildings, structures and landscape. However, I appreciate that the relationship between semi-public and semi-private space is less clear, and it is therefore right that this has been omitted from the Policy. In view of this, I do not consider Criterion 5 to be an unreasonable constraint to development and there is no justification to delete it.

7.4.2 On issues (b) and (c), government guidance does seek to avoid lengthy and overly-detailed plans and unnecessary prescription and detail. However, I do not agree that the guidance provided in Policy B1A and the supporting text detracts from the efficient implementation of the Plan, or that it is unnecessarily detailed. It is difficult to see where else it might be placed, since these are fundamental policy matters and could be overlooked if placed outside the Plan.

7.4.3 Design considerations have been given an increased emphasis in recent government publications, including the revised PPG1 and the publication “By Design: Urban design in the planning system”. Such guidance recognises that new buildings and their curtilages have a significant effect on the character and quality of an area by defining public spaces, streets and vistas and creating a context for development. The Council gives great weight to the need for new development proposals to consider their context and Policy B1A identifies the components of urban design that the Council considers essential in this District, drawing upon advice in the Planning Officers’ Society publication “Better Local Plans”. This approach is also advocated in the government publication “By Design: Urban design in the planning system” which, in describing a vision for good development plans, states that how the design policies are set out in the plan will depend on the emphasis that is appropriate locally. I consider that Policy B2 alone does not provide sufficient guidance, and indeed deals with a different aspect of development.

7.4.4 I am aware that Supplementary Planning Guidance on Residential Design (CD/L21) has been issued by the Council to set out further advice on the way in which policies will be applied in particular circumstances. However, that publication would not be the appropriate place for the

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<sup>1</sup> See for instance, page 15 of ‘By Design: Urban design in the planning system - towards better practice’ Department of the Environment, Transport and the Regions and the Commission for Architecture & The Built Environment (2000)

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contents of this section of the Plan, since it deals with more than residential development. On balance, I therefore consider that the policy and supporting text should remain in the main body of the Plan and should not be placed within an Appendix, which would tend to lengthen and add confusion to the Plan, or in Supplementary Planning Guidance as suggested.

7.4.5 It is argued that much of section 7.3.9b is poorly written and that it does not demonstrate a clear understanding of urban design concepts. I note that the Council has suggested a number of Proposed Changes to the supporting text to address the comments raised in issue (d) and I consider these matters below. I agree with the general point that the source of concepts such as 'permeability' and 'legibility' should be acknowledged and I note that the Revised Deposit Draft has overcome this objection through paragraph 7.3.4a which incorporates a reference to the DETR publication "By Design: Urban design in the planning system".

7.4.6 On the issue of permeability, the supporting text states that the concept is relevant to all modes of transport, although the needs of pedestrians should be put before other traffic. I do not consider the division between historic settlements and modern development to be overly simplistic, since much modern development displays a lack of through routes, particularly from the heads of culs-de-sac. This is especially inhibiting to quick and convenient movement on foot or by bicycle.

7.4.7 Regarding the request to provide further guidance on how it is possible to "move through all public areas in a logical manner", I note that Proposed Change PRO171 has been superseded by an Additional Suggested Change which deletes this sentence and replaces it with a clearer interpretation. The suggested text reads: "*Permeability*: movement to, and through, a place. There should be direct, safe and pleasant routes suitable for pedestrians and cyclists, as well as vehicles, providing good links throughout a development and beyond. Historic settlements tend to have a good level of permeability, whilst more modern development, particularly culs-de-sac, have very low levels of permeability. The needs of pedestrians should be put before other traffic. There should be no unnecessary barriers to the ease of movement." I support this and recommend that the Plan be modified accordingly.

7.4.8 Concerning legibility, Proposed Change PRO172 substitutes the word "unnecessary" for "arbitrary" to provide further clarity, but I note that this final sentence has been moved from the paragraph on legibility to that on permeability as a result of an Additional Suggested Change set out in paragraph 7.4.6 above. I am satisfied that this overcomes the objection.

7.4.9 The paragraph on "Human Scale" would also benefit from further clarification and I support the Additional Suggested Change, which supersedes Proposed Change PRO173, providing an example of how development should be interesting at eye level with pedestrian friendly frontages. I agree that not all "activity" can be located at the ground floor, and the supporting text acknowledges this point by stating that "consideration should be given" rather than it being a specific requirement. However, I do not consider that the sentence "Building frontages to public spaces should incorporate doors and windows to provide physical and visual links between them" requires further clarification, as the sentence is self-explanatory. I accept the wording in the Council's later Additional Suggested Change, which provides greater clarity. The text becomes "*Human Scale*: what is perceived at eye level. A comfortable pedestrian environment relates to the scale and pace of the pedestrian, rather than vehicle occupants. Development should be interesting at eye level with pedestrian friendly frontages, i.e. frontages with activity or which provide informal surveillance. Consideration should be given to locating activity at the ground floor, particularly at focal points of pedestrian movement. Building frontages to public spaces should incorporate doors and/or windows to provide physical and visual links between them. Streets and public spaces should be defined by built form or, where appropriate, structural planting. Any gaps in the building line should be intentional, and well defined by the buildings that surround them."

7.4.10 I do not agree that the paragraph on Public and Private Space attempts to dictate a single design solution. The suggestion that buildings should front streets is also justifiable, for reasons of security and natural surveillance. I do however, support Proposed Change PRO174, which expands the text to state that buildings should front streets 'or other public spaces'.

#### **RECOMMENDATION 7.4**

Modify Policy B1A in accordance with Proposed Change PRO174 and the Additional Suggested Changes relating to paragraph 7.3.9b - Permeability, Legibility, Human Scale, and Public and Private Space as follows:

*“Permeability: movement to, and through, a place. There should be direct, safe and pleasant routes suitable for pedestrians and cyclists, as well as vehicles, providing good links throughout a development and beyond. Historic settlements tend to have a good level of permeability, whilst more modern developments, particularly cul-de-sacs, have very low levels of permeability. The needs of pedestrians should be put before other traffic. There should be no unnecessary barriers to the ease of movement.*

*Legibility: the ease with which pedestrians, cyclists and/or drivers can orientate themselves and 'read' an area to understand how it is arranged, and which way to go for different places, amenities and facilities. A number of physical features can play a key role in achieving greater legibility. Sequences of spaces can be linked through the use of landmarks which act as points of reference, by maintaining views through, or by means of design continuity in choice of materials, street furniture, lighting and landscape. Landmarks may be key buildings, public art features, or landscape features such as specimen trees. Places which are generally distinctive will be more memorable and help people to orientate themselves.*

*Human Scale: what is perceived at eye level. A comfortable pedestrian environment relates to the scale and pace of the pedestrian, rather than vehicle occupants. Development should be interesting at eye level with pedestrian friendly frontages, i.e. frontages with activity or which provide informal surveillance. Consideration should be given to locating activity at the ground floor, particularly at focal points of pedestrian movement. Building frontages to public spaces should incorporate doors and/or window to provide physical and visual links between them. Street and public spaces should be defined by built form, or where appropriate, structural planting. Any gaps in the building line should be intentional, and well defined by the buildings that surround it.*

*Public and Private Space: There should be a clear distinction between these spaces. Where buildings are set back from the pavement, the boundary of the public space should be clearly marked, for example by walls, or fences, which will assist in creating a sense of enclosure. Buildings should front streets or other public spaces, which will increase awareness of activities in public spaces, create more animated public spaces, and safety for users. Strong building lines along street blocks define the street scene and allow private space to be located within the block's interior.”*

## 7.5 POLICY B1

### The Objections

B01/412/3467	Crest Strategic Projects Limited
B01/397/1327	Stroud District Task Force
B01/444/1922	Various Clients of Andrew Watton
B01/362/3351	Colthrop Farm Limited
B01/1/0127	Gloucestershire County Council
B01/409/1403	Buchanan Partnership
B01/362/3346	Colthrop Farm Limited
B01/578/3884	The House Builders Federation
B01/412/3460	Crest Strategic Projects Limited

### Summary of Objections

- (a) Object to the level of detail. The matters are appropriate for relevant development briefs and Supplementary Planning Guidance.
- (b) There is scope for developing a strategy for the public realm and open space in the urban areas of Stroud District.
- (c) The policy is too restrictive in that it does not provide guidance on what is meant by “strong and distinctive”.
- (d) The supporting text fails to acknowledge the influence of the County’s highway standards on the layouts of recent housing developments. The term “high quality urban design” is subjective and should be replaced with “well-designed in terms of the following criteria”. Paragraph 7.3.9 does not make it clear when open land is to be protected and when it may be considered as “under-used”. The source of the reference to Policy BE1 should be clarified. The Residential Design Guide should be included as part of the plan so that it is open to challenge through the statutory planning process.
- (e) Object to the level of detail in paragraph 7.3.9c and its requirements, contrary to PPG12.

### Inspector’s Reasoning and Conclusions

7.5.1 On issues (a) and (e), I refer to my conclusions on the similar objection to Policy B1A. I acknowledge the need to avoid unnecessary prescription and detail in local plans but in this case, I do not agree that the guidance provided in Policy B1 and the supporting text detracts from the efficient implementation of the Plan. As I have stated elsewhere in this report, design considerations have been given an increased emphasis in government publications, including the revised PPG1 and the publication “By Design: Urban design in the planning system”. More recent guidance on design in relation to housing schemes is provided in PPG3, which emphasises the need for design and layout to be informed by the wider context and the need to determine local character (paragraph 55). Further advice can also be found in “By Design - Better Places to Live, a companion guide to PPG3”. The approach in Policy B1 and paragraph 7.3.9c also draws upon advice in the Planning Officers’ Society publication “Better Local Plans”.

7.5.2 The Council gives great weight to the need for new development proposals to consider their context and Policy B1 encourages the production of high quality schemes in order to protect the attractive built and natural environment in this District. Supplementary Planning Guidance on Residential Design (CD/L21) has been issued by the Council to explain how the policies will be applied in particular circumstances. I consider that Policy B2 alone does not

provide sufficient guidance on this matter. Overall, I consider that the Policy and supporting text should remain in the main body of the Plan and should not be placed within an Appendix or Supplementary Planning Guidance as suggested.

7.5.3 I agree that there may be scope to develop a strategy for the public realm and open space in urban areas of the District but this is a matter for the Council to consider and should not be included within the Local Plan.

7.5.4 On issue (c) I disagree that the Policy is too restrictive in that it does not provide any guidance on what is meant by the words “strong and distinctive”. The Revised Deposit Draft has overcome this objection by explaining in paragraph 7.3.10 that further guidance on the nature of strong and distinctive urban design can be found in the Councils’ supplementary planning guidance on residential design (CD/L21).

7.5.5 I find no reason to modify the title as suggested because this Chapter of the Plan covers the whole of the built environment rather than just that which has historical significance. This particular section also addresses planning considerations in relation to new development proposals and it would be misleading to change the title of the section to “historic environment”.

7.5.6 On the matter of the County Council’s highway design guidance, I agree that the changes to paragraph 7.3.11, introduced in the Revised Deposit Plan are an improvement on the original wording, acknowledging the impact of highway standards on built form. I also support the Additional Suggested Change, which inserts the words “road and pavement width and alignment” after the words “in terms of” in criterion 3 of Policy B1, to take account of road and pavement width and alignment. I recommend that the Plan be modified accordingly.

7.5.7 “Urban design” is a recognised term used throughout government guidance and I find no reason to replace the words “high quality urban design” with “well-designed in terms of the following criteria” as suggested by the Objector.

7.5.8 I am satisfied that the reference to open undeveloped land in paragraph 7.3.9 is sufficiently clear. Since the value or otherwise of such land will be determined on a case by case basis, making use of the Residential Design Guide and other relevant information, I find no reason to delete the paragraph as suggested.

7.5.9 I note that Revised Deposit Draft has overcome the objection to the reference to Policy BE1 in paragraph 7.3.9 with the deletion of the letter “E”, which appears to be a typographical error. Although the objection has not been fully withdrawn, I shall not comment further.

7.5.10 It is not necessary for the Residential Design Guide to be included in the Plan to enable it to be open to challenge through the statutory planning process. This document was subject to public consultation in November 1999 and has since been adopted by the Council as supplementary planning guidance. In any event, its contents are suitable for expression by way of supplementary planning guidance, and to include it in the Plan would result in a more cumbersome and lengthy document.

## **RECOMMENDATION 7.5**

Modify Policy B1 in accordance with the Additional Suggested Change, so that it reads:

*“New development, will be permitted where the proposal represents a high quality urban design, and is compatible with its surroundings. Where this is not appropriate, the development should create a strong and distinctive urban design itself. In all proposals the following considerations should be addressed:*

- 1. the layout and form of existing and the proposed development, and where appropriate the historic pattern of the area;*

2. *the relationship of the proposed development with its wider landscape setting;*
3. *the scale and character of the existing and proposed townscape in terms of road and pavement width and alignment, building heights, building line, plot size, density, elevational design and materials;*
4. *any features or open spaces, buildings and/or structures of character on or adjoining the site;*
5. *the scale, use and landscaping of the spaces between and around buildings;*
6. *views/vistas afforded from within, over and out of the site; and the roofscape/skyline, development form and boundaries of the existing and proposed development seen in long or medium distance views.”*

## 7.6 POLICY B2

### The Objections

B02/591/2558	Stroud Civic Society
B02/444/1923	Various Clients of Andrew Watton
B02/409/1404	Buchanan Partnership

### Summary of Objections

- (a) The provision of chimneys should be compulsory in the AONB and CAs, and recommended elsewhere.
- (b) The policy is too restrictive in that it does not provide guidance on what is meant by “strong and distinctive”.
- (c) It is retrospective to recreate the past: the supporting text ignores the potential that modern technology offers in design.

### Inspector’s Reasoning and Conclusions

7.6.1 I appreciate that chimneys are traditional and that they may be important for ventilation or alternative forms of heating in some cases. However, a specific requirement for chimneys would be too prescriptive. Chimneys may not be suitable for all forms of development, and criteria 2 and 3 ensure that the form and design of new buildings is considered in the local context, with chimneys being relevant in many cases.

7.6.2 On the second issue, I refer to my conclusions on the similar objection that was made in respect of Policy B1. I again disagree that the Policy is too restrictive in that it does not provide any guidance on what is meant by the words “strong and distinctive”. The Revised Deposit Draft has overcome this objection by explaining in paragraph 7.3.10 that further guidance on the nature of strong and distinctive urban design can be found in the Council’s supplementary planning guidance on residential design (CD/L21).

7.6.3 Finally, I do not agree that paragraph 7.3.12 should be rewritten. It is not the Council’s intention to try to recreate the past whilst ignoring the potential that modern technology can provide. Paragraph 7.3.12 as currently worded draws attention to the need to examine the characteristics that create local distinctiveness and the fact that they should be interpreted in a

modern manner. However, it is also important that new development should not overwhelm or detract from historic areas, or indeed any area, by virtue of its scale, massing, height or layout and the Policy seeks to ensure that this will not occur.

### **RECOMMENDATION 7.6**

Make no modification to Policy B2 in response to these objections.

## **7.7 POLICY B3**

### **The Objections**

B03/444/3674	Various Clients of Andrew Watton
B03/444/1924	Various Clients of Andrew Watton
B03/424/1635	Stroud & Gloucestershire Green Party
B03/411/1448	Hampton Property Company
B03/414/1494	Critchley Group PLC
B03/340/1089	Harper Homes
B03/98/0300	Upton St Leonards Parish Council
B03/1/0160-CW	Gloucestershire County Council

### **Summary of Objections**

- (a) The three aspects of demolition are contradictory and should be clarified. The word “either” should be amended as it is inaccurate to suggest a choice of two when there are three criteria.
- (b) The policy is too restrictive and may impede the re-use of previously developed land and economic development.
- (c) The policy should be reworded to include reference to fauna and flora.
- (d) The policy is too restrictive and does not allow for demolition of buildings in a dangerous condition whose repair is not viable economically.
- (e) The Plan should list settlements where Conservation Areas are to be designated and this should include Upton St Leonards which has areas of special character.
- (f) Paragraph 7.4.6 should contain a reference to Structure Plan Policy NHE.6.

### **Inspector’s Reasoning and Conclusions**

7.7.1 I do not consider that the criteria in Policy B3 are contradictory as they are based on the approach taken in paragraphs 3.19 and 4.27 of PPG15. Regarding the use of the word “either”, I note that the Revised Deposit Plan has inserted the word “and” between the first two criteria, which relate to the proposed demolition, and criterion 3, which relates to the need for planning permission for any subsequent redevelopment. The word “either” clearly relates to criteria 1 and 2 rather than all three criteria and it should therefore remain in the Policy. However, greater clarity might be provided by bringing the first two criteria together and inserting “in either case” after that.

7.7.2 Many of the brownfield sites in Stroud are subject to Conservation Area status and I accept that the need to protect these sites must be balanced against the need to encourage economic development. However, I am satisfied that the Policy, with the insertion of criterion 2 in the Revised Deposit Plan, is not overly restrictive. It seeks to preserve and enhance the character and appearance of Conservation Areas whilst taking into account the need for such areas to function successfully as places for economic activity. To make provision specifically for demolition, in order to provide a cleared site as a catalyst for development, would, in my view, make the policy too weak. The example given, which it is said shows that the Council has allowed demolition against its own policy demonstrates, it seems to me, that a flexible judgement can be made as a result of the wording of the policy, in the light of prevailing circumstances. Attempts to make the policy so flexible or detailed so that it precisely covers almost any eventuality would only make it more cumbersome and prescriptive. I am satisfied that, as drafted in the Revised Deposit version, and subject to the small clarifying amendment which I have already indicated, the policy strikes the right balance

7.7.3 I consider that it is not necessary to reword Policy B3 to include a reference to protection of fauna and flora. This Policy relates specifically to the demolition of buildings and structures in Conservation Areas and any impact upon fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.7.4 I note that the Revised Deposit Plan has overcome the objection to the lack of provision in the Policy for circumstances where a building is in a dangerous condition and its repair is not economically viable through criterion 2. Although not formally withdrawn, I consider this objection has been met and I shall not comment further.

7.7.5 The Council states in response number Policy B3/LPA/KD/002 that it is not intending to designate any additional Conservation Areas in the Local Plan period. Furthermore, the process of assessment, detailed definition or revision of boundaries and formulation of proposals for individual Conservation Areas (as required by Section 71 of the Listed Buildings and Conservation Areas Act 1990) should take place outside of the plan process and is not relevant to the Plan. The Council sets out this legal position in paragraphs 7.4.1 to 7.4.5, as described in PPG15.

7.7.6 I note that the Revised Deposit Plan has overcome the objection requesting a reference in paragraph 7.4.6 to Structure Plan Policy NHE.6. I agree that a reference would be helpful, since Policy NHE.6 is specific to Conservation Areas. As the objection has been conditionally withdrawn, I shall not comment further.

### **RECOMMENDATION 7.7**

Modify Policy B3 by setting it out in the following way, and making the addition indicated:

*“Application involving demolition of an unlisted building, buildings or other structure(s), within a Conservation Area, will only be permitted if:*

- 1. either (a) the structure to be demolished makes no positive contribution to the character or appearance of the area; or (b) the condition of the building or structure is such that the cost of repairing and maintaining it outweighs its importance, and the value derived from its continued use;*

*and*

- 2. detailed proposals have been approved for the re-use of the site, including any replacement building or other structure that retains or makes a greater contribution to the character or appearance of the area than the building or structure to be demolished.”*

## 7.8 POLICY B4

### The Objections

B04/444/1925	Various Clients of Andrew Watton
B04/128/0357	Mrs V Easton
B04/409/1406	Buchanan Partnership
B04/424/1636	Stroud & Gloucestershire Green Party
B04/393/1301	Orchard Trust

### Summary of Objections

- (a) The policy is too restrictive given the fact the District's Conservation Areas are not audited.
- (b) The policy does not give sufficient protection to Conservation Areas. A new criterion is needed to ensure that structures do not dominate the skyline when viewed from within or into a Conservation Area.
- (c) The policy is over-prescriptive and contrary to PPGs 1, Annex A and PPG15. It does not take into account the different characteristics of the District's Conservation Areas. The Policy should be amended to address issues such as historic features and the siting, scale and materials of new development.
- (d) The policy should be reworded to include reference to fauna and flora.
- (e) Reference to fences should be deleted from the policy.

### Inspector's Reasoning and Conclusions

7.8.1 In pursuing issue (a), at the inquiry the Objector made it clear that it was not the Policy which was being criticised, but rather what was seen as a lack of any review of the Conservation Areas of the District. I understand that a review has started, albeit that progress seems to depend on how resources can be allocated. However, the review is not a matter for the local plan, and no modification is warranted as a result of this objection.

7.8.2 In support of the request for a new criterion to protect skylines, the Objector refers to the impact of the wind turbine in Nymphsfield, particularly when the village is viewed from Cockadilly. However, I am satisfied that criterion 4 of Policy B4 would address such an issue if it arose and the criterion suggested by the Objector is unnecessary.

7.8.3 In respect of Issue (c) the Objector suggests that the policy should be re-worded as follows:

*“Development within or affecting the setting of a Conservation Area will only be permitted if:*

- 1. Historic or other feature which contribute positively to the character or appearance of the area are preserved;*
- 2. The siting of new development does not detract from the character or appearance of the conservation area;*
- 3. The scale of development is sympathetic to the scale of existing historic features;*
- 4. Materials used do not detract from the character or appearance of the conservation area.”*

7.8.4 I do not agree that Policy B4 is overly prescriptive as the Policy as drafted generally reflects best practice advice in the Planning Officers Society publication “Better Local Plans”

and government guidance in PPG15. The depth to which policies for Conservation Areas are explored in a local plan will depend upon the relative importance of areas of architectural and historic interest in the local authority area. In this District, conservation is clearly of considerable importance and the Council is justified in treating it in some detail. I acknowledge that the objective of preserving or enhancing the character or appearance of a Conservation Area is a key objective in PPG15 and I am satisfied that the Policy achieves this. I also consider that the Policy does take the variations in the character of the District's Conservation Areas into account with its reference to siting, scale, historic features and materials. I cannot see any advantage arising from the adoption of the wording for the policy suggested in the objection.

7.8.5 On the issue of whether Policy B4 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B4 relates specifically to development within or affecting the setting of a Conservation Area and any impact upon fauna and flora should be assessed through other more relevant policies in the Plan such as those in the Natural Environment Chapter.

7.8.6 In respect of issue (e), fencing can be of a temporary nature and it can undergo regular replacement. However, fences, walls and hedges are often used to define boundaries between public and private spaces and they can have a strong and distinctive influence on the character and appearance of a Conservation Area. The Council has recently put forward an Additional Suggested Change, which deletes the words "hedges, walls and fences" and replaces them with the generic term "boundary treatment". I consider that this wording is more helpful and I recommend that the Plan be modified accordingly.

#### **RECOMMENDATION 7.8**

Modify Policy B4 by deleting the words "*hedges, walls and fences*" and replace them with "*and boundary treatment*" in accordance with the Council's Additional Suggested Change.

## **7.9 POLICY B5**

### **The Objections**

B05/444/1926 Various Clients of Andrew Watton

B05/424/1637 Stroud & Gloucestershire Green Party

### **Summary of Objections**

- (a) The policy is too restrictive given the large extent of Conservation Areas.
- (b) The policy should be reworded to include reference to fauna and flora.

### **Inspector's Reasoning and Conclusions**

7.9.1 In pursuing issue (a), at the inquiry the Objector made it clear that it was not the Policy which was being criticised, but rather what was seen as a lack of any review of the Conservation Areas of the District. I understand that a review has started, albeit that progress seems to depend on how resources can be allocated. However, the review is not a matter for the local plan, and no modification is warranted as a result of this objection.

7.9.2 On the issue of whether Policy B5 should be reworded to include a reference to

protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B5 relates specifically to proposals to later or extend a building in a Conservation Area and any impact upon fauna and flora should be assessed through other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

#### **RECOMMENDATION 7.9**

Make no modification to Policy B5 in response to these objections.

### **7.10 POLICY B6**

#### **The Objections**

B06/414/1495	Critchley Group PLC
B06/444/1927	Various Clients of Andrew Watton
B06/409/1407	Buchanan Partnership
B06/424/1638	Stroud & Gloucestershire Green Party
B06/411/1449	Hampton Property Company

#### **Summary of Objections**

- (a) Criterion 1 of the policy is flawed. The demolition of buildings is covered by other policies.
- (b) The policy is too restrictive given new working patterns, and given the fact the District's Conservation Areas are not audited.
- (c) The policy should be deleted due to lack of clarity.
- (d) The policy should be reworded to include reference to fauna and flora.

#### **Inspector's Reasoning and Conclusions**

7.10.1 I note that the Revised Deposit Plan has overcome the objection to criterion 1, which has been deleted. Although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

7.10.2 In pursuing issue (b), at the inquiry the Objector made it clear that it was not the Policy which was being criticised, but rather what was seen as a lack of any review of the Conservation Areas of the District. I understand that a review has started, albeit that progress seems to depend on how resources can be allocated. However, the review is not a matter for the local plan, and no modification is warranted as a result of this objection.

7.10.3 I do not agree that Policy B6 should be deleted because of a lack of clarity. As stated above, the Revised Deposit Draft has overcome the objection to criterion 1, which has been deleted. The remaining criteria are generally in accordance with best practice advice in the Planning Officers Society publication "Better Local Plans" and government guidance in PPG15. I do not accept that they are difficult to assess and I consider that they are relevant planning considerations.

7.10.4 On the issue of whether Policy B6 should be reworded to include a reference to

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protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B6 relates specifically to changes of use within a Conservation Area and any impact upon fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

**RECOMMENDATION 7.10**

Make no modification to Policy B6 in response to these objections.

**7.11 POLICY B7**

**The Objections**

B07/424/1639	Stroud & Gloucestershire Green Party
B07/444/1928	Various Clients of Andrew Watton
B07/543/2286	Government Office for the South West

**Summary of Objections**

- (a) The policy should be reworded to include reference to fauna and flora.
- (b) The policy is too restrictive and requires a subjective test. Stronger criteria with reference to English Heritage are required.
- (c) The policy should be redrafted to reflect the significance of Listed Buildings and the general presumption in favour of their retention. The word “normally” should be deleted.

**Inspector’s Reasoning and Conclusions**

7.11.1 On the issue of whether Policy B7 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B7 relates specifically to development proposals involving the demolition of listed buildings and any impact upon fauna and flora should be assessed through other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.11.2 I do not agree that Policy B7 is too restrictive or that it requires a subjective test. There is a statutory requirement that authorities should have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest it possesses. I therefore find that Policy B7 is generally in line with government policy and advice in PPG15; and with a presumption in favour of the retention of listed buildings, it is right that this Policy has a restrictive tone. English Heritage is automatically notified regarding any proposals for the demolition of listed buildings, but I agree that it would be helpful to clarify the situation with a reference to English Heritage in the supporting text.

7.11.3 I note that the Revised Deposit Plan has overcome the objection regarding the need to reflect the significance of listed buildings. This updates the Plan in the light of government guidance in PPG15 reflecting the general presumption in favour of their retention. I also support the deletion of the word “normally” which introduced a lack of clarity in the text. Although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

## **RECOMMENDATION 7.11**

Modify the supporting text to Policy B7 to include a reference to the role of English Heritage.

## **7.12 POLICY B8**

### **The Objections**

B08/444/1929	Various Clients of Andrew Watton
B08/424/1640	Stroud & Gloucestershire Green Party
B08/543/2287	Government Office for the South West
B08/409/1408	Buchanan Partnership

### **Summary of Objections**

- (a) The policy is too restrictive and requires a subjective test. It will affect modern buildings.
- (b) The policy should be reworded to include reference to fauna and flora.
- (c) The policy should be redrafted to reflect the significance of Listed Buildings and the fact that their demolition will not be permitted.
- (d) The policy fails to recognise that there may be instances where it is desirable or necessary to allow demolition.

### **Inspector's Reasoning and Conclusions**

7.12.1 I do not agree that Policy B8 is too restrictive or that it requires a subjective test. I refer here to my conclusions on the similar objection raised to Policy B7. I consider that this Policy is also in line with best practice advice in "Better Local Plans" and PPG15, and it is right that that it has a restrictive tone. There is no reason why modern buildings should not be subject to the Policy when they come within its ambit.

7.12.2 On the issue of whether Policy B8 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B8 relates specifically to demolition of listed buildings and any impact upon fauna and flora should be assessed through other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.12.3 I note that the Revised Deposit Plan has overcome the objection regarding the need to reflect the significance of listed buildings. This updates the Plan in the light of government guidance in PPG15 reflecting the general presumption in favour of their retention. Although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

7.12.4 I do not agree that the Policy fails to recognise that there may be instances where it is desirable or necessary to allow demolition. Partial demolition may be acceptable where the relevant part does not contribute to the character of the Listed Building and its setting. Buildings are listed to ensure their preservation. Whilst there may be instances where demolition is necessary for such reasons as public safety or to enable economic development, these are best addressed at the planning application stage.

## **RECOMMENDATION 7.12**

Make no modification to Policy B8 in response to these objections.

## **7.13 POLICY B9**

### **The Objections**

B09/409/1409	Buchanan Partnership
B09/444/1930	Various Clients of Andrew Watton
B09/424/1641	Stroud & Gloucestershire Green Party
B09/591/2560	Stroud Civic Society

### **Summary of Objections**

- (a) The policy is unnecessary as the protection of Listed Buildings is adequately covered in PPG15. It is desirable to protect the listed features of a Listed Building but many extensions may be acceptable even where they do not contribute to the protection of the listed feature. The policy does not address the need to encourage a continued viable use for Listed Buildings.
- (b) The policy is too restrictive and requires a subjective test. It will affect modern buildings.
- (c) The policy should be reworded to include reference to fauna and flora.
- (d) The policy gives more weight to economic regeneration than PPG15 and will not protect Listed Buildings.

### **Inspector's Reasoning and Conclusions**

7.13.1 Planning authorities should have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest it possesses. Plans should also include policies for works of demolition or alteration which could affect a decision on a related application for planning permission. Policy B9 is generally in line PPG15 and with best practice advice in "Better Local Plans" and it should remain in the Plan.

7.13.2 The Council in its response, Policy B9/LPA/KD/008, accepts that Policy B9 as currently worded is ambiguous, and clarifies that it is the existing feature which needs to 'contribute', not the alteration or extension. I support the Council's Additional Suggested Change, which amends the word "contribute" to "contributes" in the Policy text.

7.13.3 The request to address the need to encourage a continued viable use for a listed building has already been accommodated in 7.5.3 of the Plan, which provides detail on central government advice. The text explains, based upon paragraph 3.8 of PPG15, that generally the best way of securing the upkeep of historic buildings is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing uses, will often necessitate some degree of adaptation. There is no need to repeat

this information in the reasoned justification or the Policy itself.

7.13.4 I do not agree that Policy B9 is too restrictive or that it requires a subjective test. I refer to my conclusions in response to similar objections to Policies B7 and B8.

7.13.5 On the issue of whether Policy B9 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B9 relates specifically to development proposals to extend or alter listed buildings and any impact upon fauna and flora should be assessed through other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.13.6 I note that the Revised Deposit Plan has overcome the objection to the Policy on the basis that it gives more weight to economic regeneration than PPG15. This part of the Policy has been deleted, and although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

### **RECOMMENDATION 7.13**

Modify Policy B9 in accordance with the Council's Additional Suggested Change by amending the word "*contribute*" to "*contributes*" in the Policy text.

## **7.14 POLICY B10**

### **The Objections**

B10/424/1642

Stroud & Gloucestershire Green Party

B10/543/2288

Government Office for the South West

### **Summary of Objections**

- (a) The policy should be reworded to include reference to fauna and flora.
- (b) The policy should be redrafted to reflect the statutory duty in respect of Listed Buildings.

### **Inspector's Reasoning and Conclusions**

7.14.1 On the issue of whether Policy B10 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B10 relates specifically to development proposals involving the change of use of a listed building and any impact upon fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.14.2 I agree that there is no statutory requirement that development including changes of use affecting a listed building should enhance the building, its setting or features. I note that the Revised Deposit Plan has overcome the objection through the deletion of the word "enhance" and the reference to the assessments of countervailing benefits from the Policy text. Although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

### **RECOMMENDATION 7.14**

Make no modification to Policy B10 in response to these objections.

## 7.15 POLICY B11

### The Objections

B11/444/1931	Various Clients of Andrew Watton
B11/409/1410	Buchanan Partnership
B11/543/2289	Government Office for the South West
B11/424/1643	Stroud & Gloucestershire Green Party

### Summary of Objections

- (a) The policy is too restrictive and does not allow normal development adjacent to Listed Buildings.
- (b) The policy does not allow for development that either enhances or does not have a negative impact on the setting of a Listed Building.
- (c) Criterion 2 of the policy should be deleted to reflect fully the statutory duty in respect of Listed Buildings.
- (d) The policy should be reworded to include reference to fauna and flora.

### Inspector's Reasoning and Conclusions

7.15.1 On Issue (a), at the inquiry the Objector made it clear that what was sought is a definition of the setting of a listed building where development is to take place. It was accepted that this could not be done in the Plan, but could be done through development briefs. Thus there is no modification required of the Plan in response to this objection.

7.15.2 As there is a general acceptance of the need and desirability of preserving the setting of Listed Buildings, Policy B11 should have a restrictive tone. I therefore disagree with the suggestion that "will preserve" should be replaced with "does not detract from" as this could imply a more relaxed or less comprehensive policy position. The policy as drafted generally reflects government advice in PPG15 and does not restrict development which enhances or does not have a negative impact on the setting of a listed building as suggested.

7.15.3 I agree that Policy B11 should be modified to more fully reflect the statutory provision in respect of Listed Buildings and I note that the Revised Deposit Plan has overcome the objection through the deletion of criterion 2 from the text. Although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

7.15.4 On the issue of whether Policy B11 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B11 relates specifically to development affecting the setting of listed buildings and any impact upon fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

### RECOMMENDATION 7.15

Make no modification to Policy B11 in response to these objections.

## **7.16 POLICY B12**

### **The Objections**

B12/444/1932	Various Clients of Andrew Watton
B12/424/1644	Stroud & Gloucestershire Green Party
B12/543/2290	Government Office for the South West
B12/1/0161	Gloucestershire County Council
B12/1/0162-CW	Gloucestershire County Council

### **Summary of Objections**

- (a) The policy should not prohibit development affecting SAMs as associated development may be sought.
- (b) The policy should be reworded to include reference to fauna and flora.
- (c) The policy should be redrafted as it is not fully consistent with PPG16.
- (d) The supporting text should make reference to advice in PPG16 relating to locally important archaeological sites.
- (e) All of the relevant Structure Plan policies should be referred to in the supporting text.

### **Inspector's Reasoning and Conclusions**

7.16.1 I disagree that Policy B12 as drafted prohibits all development affecting a scheduled Ancient Monument, it would only apply to proposals that would cause harm to an Ancient Monument or its setting. As there is a general presumption in favour of the preservation of Ancient Monuments in government guidance, it is right that Policy B12 should have a restrictive tone. A more flexible policy as suggested by the Objector could imply a more relaxed or less comprehensive policy position and would be contrary to advice in PPG16.

7.16.2 On the issue of whether Policy B12 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B12 relates specifically to development proposals affecting Archaeological Sites of National Importance and any impact upon fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.16.3 I agree that Policy B12 should be modified to more fully reflect guidance in PPG16 and I note that the Revised Deposit Plan has overcome the objection with the redrafting of the Policy wording as suggested. Although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

7.16.4 I agree that a reference in the introductory text to locally important archaeological sites and archaeology within the development control process would be helpful. The Council has accommodated this request through an Additional Suggested Change and I recommend that paragraph 7.6.2 be modified accordingly.

7.16.5 I note that the Revised Deposit Plan has overcome the objection requesting a reference to the relevant adopted Structure Plan policies. I agree that a cross-reference would be helpful and that the reference to the Deposit Draft Structure Plan needs updating. As the objection has been conditionally withdrawn, I shall not comment further.

### **RECOMMENDATION 7.16**

Modify paragraph 7.6.2 to insert an additional final sentence as follows:

“ The PPG also provides advice on the processing of planning applications that affect sites with remains of lesser importance and the need for satisfactory arrangements for the excavation, recording and publication of results for such remains.”

## 7.17 POLICY B13

### The Objections

B13/320/0957	Country Land & Business Association
B13/444/1933	Various Clients of Andrew Watton
B13/424/1645	Stroud & Gloucestershire Green Party

### Summary of Objections

- (a) A common sense approach is required to avoid locally important sites being afforded too much protection.
- (b) Development affecting remains should not be totally prohibited as associated development such as heritage and visitor centres may be sought. Policy B13 should be more flexible with specific criteria for such exceptions.
- (c) The policy should be reworded to include reference to fauna and flora.

### Inspector's Reasoning and Conclusions

7.17.1 On issues (a) and (b), I consider that Policy B13 as drafted does not give locally important sites too much protection or prohibit all development but it seeks to reconcile the need for development with the interests of conservation. However, I suggest for reasons of clarity that the word “detrimentally” is inserted before “affects” in the Policy in accordance with best practice advice. I accept that there may be proposals for farm enterprises or heritage and visitor centres which are likely to be on or adjacent to land forming part of archaeological sites but I am satisfied that the Policy strikes the right balance by only permitting development which would outweigh the value of the remains. The supporting text also explains that where planning permission is given for development which would affect remains of local archaeological value, conditions will be imposed to ensure that the remains are properly recorded and evaluated, and where practicable, preserved. A more flexible policy would be contrary to government policy in PPG16. Proposals affecting Ancient Monuments are a separate matter and would be considered under Policy B12.

7.17.2 On the issue of whether Policy B13 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B13 relates specifically to development proposals affecting Archaeological Sites of Local Importance and any impact upon fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

### RECOMMENDATION 7.17

Modify Policy B13 to insert the words “*detrimentally*” before “*affects*”.

## 7.18 POLICY B14

### The Objections

B14/424/1646	Stroud & Gloucestershire Green Party
B14/444/1934	Various Clients of Andrew Watton
B14/354/1165	The National Trust
B14/1/0056	Gloucestershire County Council
B14/1/0164-CW	Gloucestershire County Council

### Summary of Objections

- (a) The policy should be reworded to include reference to fauna and flora.
- (b) The reference to “setting” in the supporting text is too vague and capable of misinterpretation.
- (c) The policy should be strengthened with a reference to the protection of the environment of historic parks and gardens and important views.
- (d) The policy and supporting text should include reference to historic parks and gardens generically.
- (e) The supporting text should cross-reference to the relevant Structure Plan policy.

### Inspector’s Reasoning and Conclusions

7.18.1 On the issue of whether Policy B14 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B14 relates specifically to development proposals that would affect historic parks and gardens and any impact upon fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.18.2 I do not agree that the reference to “setting” is too vague and that it will be misinterpreted. Best practice advice in the Planning Officers Society document “Better Local Plans” states that as the nature of proposed development may influence whether it is deemed to affect the setting of a historic park or garden, the definition should remain flexible and should not be made in the local plan itself. “Setting” is a widely accepted term and further clarification is not necessary.

7.18.3 I appreciate that changes to the environment generally can have an adverse effect on historic parks and gardens, for example, noise, pollution, increased traffic and poor water quality. However, I find no justification to strengthen the Policy as suggested because this would go beyond government policy and best practice advice, whose objective is to simply protect historic parks and gardens from development that would harm their historic character. With respect to the potential impact of development on important views, I note that the Revised Deposit Draft has helped overcome this concern with the insertion of a reference to views in paragraph 7.7.4.

7.18.4 I support the Additional Suggested Change now proposed by the Council to delete the word “registered” from the Policy. This would reflect the fact that registered gardens have no special planning status and therefore the whole resource should be protected, in accordance with Structure Plan Policy NHE.6. I am satisfied that this Suggested Change would overcome the objection.

7.18.5 I note that the Revised Deposit Plan has overcome the objection to the request for a reference in paragraph 7.7.2 to Structure Plan Policy NHE.6. I agree that a cross-reference

would be helpful, since Policy NHE.6 refers specifically to historic parks and gardens. As the objection has been conditionally withdrawn, I shall not comment further.

### **RECOMMENDATION 7.18**

Modify Policy B14 in accordance with the Additional Suggested Change as follows:

*“Development which would lead to the loss of, or harm to, the historic character, or setting, of any part of an historic park or garden will not be permitted.”*

## **7.19 POLICY B15**

### **The Objections**

B15/424/1647	Stroud & Gloucestershire Green Party
B15/308/0864-CW	Ministry of Agriculture Fisheries and Food (MAFF)
B15/409/1413	Buchanan Partnership
B15/1/3030	Gloucestershire County Council
B15/400/1336	Mr & Mrs S Adams
B15/397/1332	Stroud District Task Force
B15/395/1311	Miss A Webb
B15/424/1664	Stroud & Gloucestershire Green Party
B15/418/1529	Advanced Planning & Architecture Ltd
B15/320/3224	Country Land & Business Association
B15/1/0146	Gloucestershire County Council
B15/577/2514	NHS Executive South West
B15/552/2339	Painswick Parish Council
B15/444/1935	Various Clients of Andrew Watton
B15/581/2543	Mr RD Grist
B15/333/1052	Painswick and District Conservation Society
B15/543/2291	Government Office for the South West
B15/409/1412	Buchanan Partnership
B15/409/3424	Buchanan Partnership
B15/308/3202-CW	Ministry of Agriculture Fisheries and Food (MAFF)
B15/1/3029-CW	Gloucestershire County Council
B15/400/1339	Mr & Mrs S Adams
B15/320/2649	Country Land & Business Association
B15/395/1314	Miss A Webb
B15/308/0865	Ministry of Agriculture Fisheries and Food (MAFF)
B15/354/1169	The National Trust

### **Summary of Objections**

- (a) The policy should be reworded to include reference to fauna and flora.
- (b) Criteria 2, 5 and 7 are too restrictive and will restrict employment opportunities in rural areas. Criterion 5 should be amended to refer to policy E5.

- (c) The policy does not recognise the contribution of small businesses to the rural economy, nor does it accommodate the increase in flexible and home working. Criteria 5 and 7 should be deleted.
- (d) The policy should reflect the needs of the rural economy.
- (e) The supporting text should include encouragement for the use of ecological conversions to minimise carbon dioxide emissions and aid sustainability.
- (f) An additional criterion should be included relating to walking and cycling. Criterion 5 should be reinstated.
- (g) The definition of rural building may be troublesome – better expressed as ‘buildings in rural areas’.
- (h) An additional criterion should be included relating to landscaping.
- (i) The policy is too restrictive and does not relate to location.
- (j) Amend Policy B15 to encourage the re-use of all existing redundant buildings, particularly where this is connected to the diversification of an agricultural building.
- (k) The policy requires clarification. Re-number criterion 6 to become criterion 5, and 5 become 6. Criterion 5 should be amended to refer to policy E5.
- (l) The policy should be redrafted to provide safeguards regarding trip generation, and criterion 6 should be deleted.
- (m) The research referred to in the supporting text should be identified.
- (n) The supporting text should be amended to remove reference to policies T1 and E1A as these will restrict opportunities.
- (o) The supporting text (paragraph 7.8.6) should be amended to reflect the Structure Plan.
- (p) The supporting text is over prescriptive and does not accord with PPG1, Annex A. It may exclude suitable buildings for conversion.
- (q) The supporting text is too restrictive as it excludes modern buildings.
- (r) The policy should give consideration to combined residential and commercial conversions.

### **Inspector’s Reasoning and Conclusions**

7.19.1 On the issue of whether Policy B15 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B15 relates specifically to conversion of buildings to non-residential use and any impact upon fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.19.2 I do not agree that criterion 2 is too restrictive or that the meaning of the words “form, bulk and general design” is unclear. Criterion 2 is based upon guidance in paragraph 3.14 of PPG7 and follows good practice advice in ‘Better Local Plans’ and the Council’s interpretation of the criterion in paragraph 7.8.9 of the Plan now updated by an Additional Suggested Change as set out in my recommendations below, is reasonable.

7.19.3 The Revised Deposit Draft has overcome the objections to criterion 5, which I agree is too restrictive and could frustrate acceptable proposals for farm diversification as encouraged by PPG7. I consider that this criterion could restrict employment opportunities in the rural areas of the District and I support its deletion from the Plan.

7.19.4 This is in spite of the objection from the County Council to this deletion. The county’s

objection is on the basis of the need to integrate planning and transport so as to achieve the objectives of sustainability. In this reliance is placed on PPG13 – Transport, and on Regional Planning Guidance for the South West (RPG10), both of which emphasis the promotion of accessibility to jobs by public transport, walking and cycling, and reducing the need to travel, especially by car. Clearly this is an important objective, at the heart of current planning policies. However, when considering any particular development plan policy it is necessary to look at what is practical, and its actual likely effects.

7.19.5 In the case of Stroud District, much of the rural area has a poor level of public transport provision, and therefore criterion 5 would have put a severe restriction on the re-use of buildings in rural areas, and would not be conducive to farm and rural diversification, which should be encouraged. Furthermore, the reasoned justification refers to the 1997 Rural Employment Study which showed that rural businesses within the District tend to draw a high proportion of their employees from the local area. The text goes on to explain the advantages of locations within or close to an identified settlement: advantages which appear to me to be sound and desirable to promote. The text, along with criterion 4, addresses the potential problems of rural buildings in more remote locations, and gives a clear warning about the reliance on private cars and the generation of unacceptable levels of traffic. Unfortunately, it seems to me that the paragraph (7.8.6), as proposed to be changed (PRO176), does not come to its logical conclusion, which is that in such circumstances any proposals will have to be looked at very carefully. I recommend a further modification to that effect.

7.19.6 I see no need for a new criterion to ensure that the site is safely accessible by walking and cycling. Given the particular local circumstances of the District, I consider that to require safe pedestrian and cycle access for all rural conversions would unduly restrictive. Where it would be reasonable to expect such access to be provided, the Plan's transport policies would adequately address this issue.

7.19.7 Criterion 7 (now 6) has also been modified since the publication of the Revised Deposit Draft. So far as reconstruction is concerned, it is based upon paragraph 3.14 (e) of PPG7 and that part of it should remain as currently drafted. However, in my opinion the element dealing with extensions is too restrictive, since it could be interpreted as being a total ban on any extension. I believe that the intention may have been to link the word 'major' in relation to reconstruction also to extension. Certainly I would regard that as being reasonable. The criterion would be more clear, and would better meet the needs of rural diversification if it were worded '...without major or complete reconstruction, or major extension'.

7.19.8 On issue (c) the Objector requests the deletion of criteria 5 and 7. Criterion 5 has been deleted in the Revised Deposit Draft and I outline above why criterion 7 (now 6) should remain as currently drafted. I therefore do not agree that the Policy neglects the contribution of small businesses to the rural economy, or that it fails to accommodate the increase in flexible and home working as suggested.

7.19.9 I agree that Policy B15 should reflect the needs of the rural economy, and I am satisfied that the Policy, as amended by Proposed Changes PRO175 and PRO176 and the Council's Additional Suggested Change, meets the general thrust of this objection. The Policy seeks to sustain and diversify the rural economy by promoting the re-use and adaptation of rural buildings for commercial, industrial and recreational uses in the rural areas of the District as advised by government guidance in PPG7.

7.19.10 On issue (e), whilst the encouragement of ecological materials in buildings is a laudable objective, if adopted it should apply to all developments, not just conversions. However, such a requirement would be too restrictive, and is not supported by government policy.

7.19.11 I agree that the definition of "rural buildings" can be troublesome. Advice in PPG7

seems to indicate that the term may apply to any building in the countryside including any settlement that is regarded as rural. Since the Revised Deposit Draft has overcome the objection by amending the reference to 'a building in a rural area,' I shall not comment on this matter further.

7.19.12 Whilst I sympathise with the request for the proposed curtilage of a site to be landscaped in keeping with its rural surroundings, this would be applicable to all new developments, not just conversions. The need for landscaping would be a consideration at the planning application stage, in the light of Policy N12, which relates to landscaping for new development. Criterion 2 also requires that the form, bulk and general design of the building is in keeping with its surroundings and setting within the landscape, and paragraph 7.8.9 explains that this includes the buildings size, layout, design features, materials and appearance within the natural and built environment. I consider that this gives sufficient guidance and a separate criterion on landscaping is not necessary.

7.19.13 On issue (i) the Council acknowledges that the original wording of the first sentence of Policy B15 was unclear and the Revised Deposit Draft has redrafted this text together with criterion 6 (was 7) which relates to location. I therefore do not agree that the Policy as currently drafted is too restrictive or that additional clarification is needed with regards to location.

7.19.14 In consideration of whether Policy B15 should be amended to encourage the re-use of all existing redundant buildings, particularly where the re-use is connected to agricultural diversification, I note what the government says in the Rural White Paper (CD/N35) which states that not all farm buildings are suitable for re-use. Paragraph 9.24 of the document states that farm diversification projects can often make use of existing farm buildings and the Government is in favour of ensuring that good quality existing buildings are re-used to provide jobs in the countryside. However, as some farm buildings can be unsightly and were not designed to be permanent, it also emphasises the need to strike a proper balance between helping the rural economy and protecting the environment. I support the Council's Additional Suggested Change as this helps to clarify the requirement for a building with substantial, sound and permanent construction, as set out in my recommendations below.

7.19.15 On issue (k), I note that the Revised Deposit Draft has overcome the objection to the numbering of criteria 5 and 6. As criterion 5 has been deleted it is not necessary for it to be re-numbered as criterion 6 to ensure that the references to settlements are printed consecutively. Similarly, there is no need to modify the wording on identified settlements as suggested.

7.19.16 I have dealt with objections to criterion 5 above and since I support its deletion, the request to redraft the criterion to provide adequate safeguards in respect of trip generation is no longer relevant. The Revised Deposit Draft has overcome the objection to criterion 6 (now 5) through the deletion of the requirement for parking provision to accord with the Council's adopted parking guidelines. I agree that since the Council's parking standards do not form part of the development plan, the Plan cannot require compliance with them. However, the criterion as revised is reasonable.

7.19.17 I agree that the research referred to by the Council in paragraph 7.8.5 should be identified and I support Proposed Change PRO175 and the Additional Suggested Change, which clarifies that the research was undertaken in 1997 and that it was titled "The Rural Employment Study".

7.19.18 I support Proposed Change PRO176, which overcomes the objections to paragraph 7.8.6, to more fully reflect guidance in the adopted Structure Plan and remove the references to Policies T1 and E1A as requested. The deletion of the second part of this paragraph meets the valid concerns raised in issues (n) and (o) and the Plan should be modified accordingly.

7.19.19 I consider that the supporting text of Policy B15 adequately reflects national planning

guidance regarding the design of new buildings and conversions, therefore it is unnecessary to amend this text with respect to issue (p).

7.19.20 I do not agree that paragraph 7.8.9 as updated by the Council's Additional Suggested Change, excludes modern buildings. I support this Additional Suggested Change which clarifies the explanatory comments referred to in the paragraph and meets the general thrust of the objection.

7.19.21 I recognise the benefits associated with combined residential and commercial conversions in allowing people to work from home, thus reducing the need to travel. Policy B15 does not prohibit such conversions and paragraph 7.8.7 provides guidance on changes of use that combine residential and employment use. The Council also points out that often activities such as home working may not require a change of use. Therefore, as I consider that this matter is adequately addressed by these current policies, I find no reason to make the additional amendment suggested.

### **RECOMMENDATIONS 7.19**

- 1) Modify criterion 6 as indicated in paragraph 7.19.7 above.
- 2) Modify the reasoned justification to Policy B15 in accordance with Proposed Change PRO175 and the Council's Additional Suggested Change to the third sentence of paragraph 7.8.5 as follows:

*“Research commissioned by Stroud District Council on rural employment in 1997 (The Rural Employment Study) has shown that rural businesses within Stroud District tend to draw a high proportion of their employees from the local area.”*

- 3) Modify reasoned justification to Policy B15 in accordance with Proposed Change PRO176, with the addition of the following at the end of the paragraph:

*“In such cases the benefits of the development will have to clearly outweigh the harm arising from the traffic generated, if permission is to be forthcoming.”*

- 3) Modify reasoned justification to Policy B15 in accordance with the Council's Additional Suggested Change to the first bullet point of paragraph 7.8.9 as follows:

*“ Substantial, sound and permanent construction implies a building of stone or brick walls, usually under a tiled or slated roof. It would not usually include buildings made of wood, metal sheeting, or a single skin of concrete blocks, or roofed with corrugated plastic or metal, or any form of sheeting unless these are suitable for the intended purpose.”*

## **7.20 POLICY B16**

### **The Objections**

B16/354/1185	The National Trust
B16/444/1936	Various Clients of Andrew Watton
B16/395/1312	Miss A Webb
B16/424/1648	Stroud & Gloucestershire Green Party
B16/409/1414	Buchanan Partnership

B16/320/2648	Country Land & Business Association
B16/400/1337	Mr & Mrs S Adams
B16/333/1053	Painswick and District Conservation Society
B16/339/1084	Moreton C Cullimore (Gravels) Ltd
B16/577/2515	NHS Executive South West
B16/581/2544	Mr RD Grist
B16/400/1338	Mr & Mrs S Adams
B16/424/1666	Stroud & Gloucestershire Green Party
B16/395/1313	Miss A Webb

### **Summary of Objections**

- (a) Criterion 2, with its reference to criterion 5 of policy B15, is too restrictive and may cause good quality traditional buildings to become derelict.
- (b) The policy should give consideration to combined residential and commercial conversions.
- (c) The policy is over-prescriptive as changes of use to residential cause little traffic impact and add to housing choice and affordability.
- (d) The policy should be reworded to include reference to fauna and flora.
- (e) The policy does not recognise the need for low cost rural accommodation, the need to house family members, or the potential for home working.
- (f) There should be reference to the national rural property database as a source of securing the economic use of buildings.
- (g) An additional criterion should be included relating to landscaping.
- (h) The policy is negative and does not contain as much flexibility as PPG7. The policy should be reworded to allow residential conversion where it is capable of accommodation and presents an acceptable use.
- (i) Amend Policy B16 to encourage the re-use of all existing redundant buildings, particularly where this is connected to the diversification of an agricultural building.
- (j) The supporting text should include reference to innovative construction methods and materials to minimise carbon dioxide emissions.
- (k) The supporting text does not recognise the changing pattern of work in rural areas.
- (l) The definition of rural building may be troublesome. Revise the first criterion of Policy B16 to acknowledge that some buildings, particularly listed buildings, may lend themselves more to a residential use than employment or community use.
- (m) The issue of residential and holiday lets is not adequately addressed by the criteria applying to this Policy.

### **Inspector's Reasoning and Conclusions**

7.20.1 I consider that the restrictive nature of criterion 2, relating to meeting the requirements set out in Policy B15, is justified. Policy B15 deals with the re-use and adaptation of buildings in rural areas to commercial, industrial or recreation use. Any re-use or adaptation to a residential use, being a use which should only follow after failed attempts to find a re-use conforming with Policy B15, should therefore follow tests which are at least as rigorous.

7.20.2 At the Inquiry it was suggested that it would be better to combine the 2 policies, so that B15 would deal with proposals for all kinds of re-use, including residential use. This suggestion does not have merit in my opinion, since the B15 tests would remain, but the important policy

intention of only allowing a residential use when other more acceptable uses cannot be found, would be lost. Whilst it would be possible to re-draft B15 to provide for this, it would be less clear than having the 2 separate policies.

7.20.3 With regard to issue (b), I refer to my conclusions on the similar objection to Policy B15 where I acknowledge that there can be benefits associated with combined residential and commercial conversions in allowing people to work from home, thus reducing the need to travel. Policy B16 does not prohibit such conversions, but requires that alternative uses be investigated before residential schemes are proposed. Paragraph 7.8.7 provides guidance on changes of use that combine residential and employment use. The Council also points out that often such activities may not require permission for a change of use. Therefore, I consider that this matter is adequately addressed by these current policies, and find no reason to make the additional amendment suggested.

7.20.4 The point raised in issue (c) about traffic from a residential use is one that can be considered at the development control stage. Whilst a residential re-use may add to housing choice and affordability, it is clear from government guidance that residential development in the open countryside is not generally acceptable. The same consideration leads me to conclude that the proposition in issue (e) is not well founded.

7.20.5 On the issue of whether Policy B16 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B16 relates specifically to conversion of buildings into residential use and any impact upon fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.20.6 I agree that a reference to the national Rural Property Database (issue (f)) would be helpful, given its role in marketing premises for commercial development. I therefore support the Council's Additional Suggested Change, which inserts a sentence in paragraph 7.8.7 outlining the function of the Gloucestershire Development Agency in this respect.

7.20.7 Regarding the request (issue (g)) for a new criterion to ensure that the proposed curtilage of a site is landscaped in keeping with the rural surroundings, I refer to my conclusions on the similar objection to Policy B15. This is a matter for consideration at the planning application stage in the light of Policy N12, which relates to landscaping for new development. I am satisfied that this Policy together with criterion 2 and the supporting text in paragraph 7.8.9 provides sufficient guidance to meet the general thrust of the objection. A separate criterion on landscaping is not necessary.

7.20.8 Issue (h) covers similar ground to issues (c) and (e), as does issue (k). My conclusions are similar. I consider that Policy B16 is in accord with the advice contained in the recently issued PPG 7, and that it is right to adopt a restrictive approach to a proposal for a residential re-use. I accept that the recent turmoil in the countryside makes it all the more important that planning policy should not be unduly restrictive, a proper balance must always be struck. Whilst a residential or holiday let use may produce a more positive and predictable income stream for farmers and land owners, that is only one consideration to set against the overall policy stance of PPG7.

7.20.9 At the inquiry, alternative wordings for Policy B16 were suggested. This was followed by a subsequent written submission setting out, for clarification, 2 options. Both options seek to introduce a positive stance to the policy by stipulating "The re-use and adaptation of a rural building for residential use **will** be permitted where the following criteria are met:" In both cases the second criterion of the policy would be a requirement to meet all the criteria of Policy B15. In both options the first criterion would require that 1, of 3, circumstances could be demonstrated. In option 1 these would be as follows:

- “a) the building is unsuitable for employment and/or community use; or
- b) where it meets requirements of policy B15 the site has been marketed for employment and/or community re-use for a period of six months and has not been let or sold; or
- c) an enhancement of amenity and/or highway conditions can be demonstrated”

In option 2, b) would become:

“b) where it meets requirements of policy B15 every reasonable attempt has been made to secure a suitable employment or community re-use for the building;”

7.20.10 I do not consider that either of these options is preferable to Policy B16. Since a residential use is only to be allowed where an employment or community use has proved unattainable, it is perfectly reasonable for the policy to be written in the negative form. As to the circumstances set out in the posited first criterion, these are all matters which can be taken into account under the present policy, and to set them out is doing little more than making the policy less concise. The second circumstance, in option 2, is a re-statement of the existing element of B16, but in its option 1 form provides the certainty of a fixed period of marketing. This has an apparent advantage of certainty, but brings with it a degree of inflexibility. In particular I have in mind that there are periods when the property market is such that the lack of interest in a 6 month period would not necessarily demonstrate anything. The third circumstance, by itself, is perhaps unlikely to over-ride the intention of making employment/community use the preferred use of a redundant building in a rural area. I conclude that the suggestions are not better than the wording preferred by the plan making authority, and that therefore there is no justification for a recommendation in favour of either of the suggested options.

7.20.11 In considering whether Policy B16 should be amended to encourage the re-use of all existing redundant buildings, particularly where the re-use is connected to agricultural diversification, I refer to my conclusions on the similar objection to Policy B15 above. Government advice in the Rural White Paper (CD/N35) states that not all farm buildings are suitable for re-use. Paragraph 9.24 of the document states that farm diversification projects can often make use of existing farm buildings and the Government is in favour of ensuring that good quality existing buildings are re-used to provide jobs in the countryside. However, as some farm buildings can be unsightly and were not designed to be permanent, the guidance also emphasises the need to strike a proper balance between helping the rural economy and protecting the environment. I support the Council’s Additional Suggested Change as this helps to clarify the requirement for a building with a substantial, sound and permanent construction as set out in my recommendations below.

7.20.12 On issue (j), whilst it is a laudable aim to include reference to innovative construction methods and materials to minimise carbon dioxide emissions, it applies to all developments, not just residential conversions. Such a criterion would also go beyond the remit of the local plan and it is not a land-use issue. The modification proposed is unnecessary.

7.20.13 I agree that the definition of “rural buildings” can be troublesome and I refer to my conclusions to Policy B15 on this matter. Advice in PPG7 seems to indicate that the term may apply to any building in the countryside including any settlement that is regarded as rural. Since the Revised Deposit Draft has overcome the objection by amending the reference to ‘a building in a rural area,’ I shall not comment on this matter further.

7.20.14 However, I do not agree that criterion 1 should be reworded as suggested. The emphasis in Policy B16 on the conversion of redundant buildings to commercial rather than residential use is backed up by advice in PPG7. This says that the re-use and adaptation of rural buildings has an important role in meeting the needs of rural areas for commercial and industrial

development, and that it can reduce demands for new building in the countryside, and provide jobs. Paragraph 3.15 of PPG7 allows local authorities to include policies in their development plans which do not allow residential re-use in areas where the creation of local employment is a priority. In such cases, residential re-use may not be permitted unless every reasonable attempt has been made to secure suitable business re-use, or where residential development is a subordinate part of the scheme. The rewording proposed by the Objector would imply a more flexible policy position contrary to advice in this PPG and I do not support it.

7.20.15 As regards issue (m), I consider that it is reasonable that all of the criteria given in Policy B15, following the Proposed Changes and Additional Suggested Changes, apply to all conversion of rural buildings. I do not consider that there is any good reason to make an exception to these criteria in the case of conversion to residential or holiday lets.

## **RECOMMENDATIONS 7.20**

Modify the Reasoned Justification to Policy B16 to insert a new penultimate sentence in paragraph 7.8.7 as set out in the Council's Additional Suggested Change as follows:

*“The Gloucestershire Development Agency has a rural property database which may assist in finding businesses for rural buildings, or to advertise buildings available for employment use.”*

Modify the Reasoned Justification to reword the first bullet point in paragraph 7.8.9 as set out in the Council's Additional Suggested Change as follows:

*“ Substantial, sound and permanent construction implies a building of stone or brick walls, usually under a tiled or slated roof. It would not usually include buildings made of wood, metal sheeting, or a single skin of concrete blocks, or roofed with corrugated plastic or metal, or any form of sheeting unless these are suitable for the intended purpose.”*

Whilst the Council's Additional Suggested Change for paragraph 7.8.8 does not appear to arise directly from the above objections, I recommend that it be put into effect since “highly probable” is a better conjecture than “certain”, and since the cross-reference to Policy T1 is unnecessary.

## **7.21 POLICY B17**

### **The Objections**

B17/424/1649	Stroud & Gloucestershire Green Party
B17/409/1415	Buchanan Partnership
B17/444/1937	Various Clients of Andrew Watton

### **Summary of Objections**

- (a) The policy should be reworded to include reference to fauna and flora.
- (b) The policy should allow for good quality modern design.
- (c) The policy is too simplistic and needs to be clarified with reference to the vitality and viability of town and village centres.

### **Inspector's Reasoning and Conclusions**

7.21.1 On the issue of whether Policy B17 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B17 relates specifically to new and replacement shop fronts and the criterion suggested would not be relevant. The protection of fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.21.2 I disagree with the Objector that Policy B17 does not allow for good quality modern design. PPG1 makes it clear that the appearance of proposed development and its relationship to its surroundings are material planning considerations. The design of retail developments should have proper regard to their relationship with their surroundings and develop and enhance local character. The key test of this Policy is whether the design is sympathetic to the architectural style of a building and its surroundings. It would not preclude sympathetic good modern design. I do not agree with the suggestion that "unless that new development introduces a strong and distinctive design itself". The policy is dealing with the insertion of a new shop front into a building, and if the design is not sympathetic to the architectural style and materials of the building, or does not contribute to the enhancement of the surroundings, etc., then it should need a special justification. This should be dealt with on its merits at the development control stage.

7.21.3 I also do not agree that Policy B17 is too simplistic or that it should be clarified with reference to vitality and viability, in order to take account of the commercial nature of town and village centres. The objective of government policy on shop fronts is simply to ensure that their design makes a contribution to the character of their surroundings and I am satisfied that Policy B17 will help to achieve this. The Council acknowledges that attractive shop fronts assist in improving the image of both town and village centres, and I understand that a grant scheme is in place to assist in improving shop fronts in Stroud and Dursley, where regeneration strategies are in place.

### **RECOMMENDATION 7.21**

Make no modification to Policy B17 in response to these objections.

## **7.22 POLICY B18**

### **The Objections**

B18/424/1650	Stroud & Gloucestershire Green Party
B18/444/1938	Various Clients of Andrew Watton
B18/543/2293	Government Office for the South West
B18/409/1416	Buchanan Partnership
B18/543/2292	Government Office for the South West

### **Summary of Objections**

(a) The policy should be reworded to include reference to fauna and flora.

- (b) The policy is too simplistic and does not take into account commerce and the need to advertise.
- (c) Criterion 1 of the policy goes beyond guidance on advertisement control.
- (d) The wording of criterion 2 of the policy is unclear.
- (e) The supporting text is inconsistent with the guidance in PPG19.

### **Inspector's Reasoning and Conclusions**

7.22.1 On the issue of whether Policy B18 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B18 relates specifically to the display of advertisements and the criterion suggested would not be relevant. The protection of fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.22.2 On the second issue, it is contended that the Policy does not take into account the need for businesses to advertise whether they are in a town, village or rural setting. The Council acknowledges that advertising is an important aspect to commercial activity but wishes to ensure that the quality of the local environment is not downgraded as a consequence of advertisements. Furthermore, best practice advice in "Better Local Plans" states that the main purpose of advertisement control is to contribute to the appearance of an attractive and cared-for environment in towns and countryside. Bearing in mind the need to consider the issues of amenity and public safety, as set out in PPG19, I find that Policy B18 generally strikes the right balance between the needs of commerce and the protection of the environment.

7.22.3 I note that the Revised Deposit Plan has overcome the objection to criterion 1, in accordance with paragraph 9 of PPG19. The deletion of this criterion updates the Plan, making it clear the Council may only control advertisements in the interests of amenity and public safety. Although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

7.22.4 On the fourth issue, the Objector questions the meaning of the word "number" in relation to the former criterion 2 (now criterion 1). The Council clarifies what is intended in its response, Policy B18/LPA/KD/015, that an over abundance of signs in the street can result in an unattractive and visually chaotic streetscape. However, as this consideration is covered by the criterion 2 introduced in the Revised Deposit Plan, I consider that the word "number" should be deleted from the Policy as it is superfluous.

7.22.5 I agree with the Objector that the Council should not seek to proscribe illuminated advertisements in Conservation Areas, regardless of the effect of proposals on the character or appearance of the area. I note that the Revised Deposit Plan has overcome this objection, modifying paragraph 7.9.6 to ensure consistency with guidance in paragraphs 11 and 22 of PPG19. Although not formally withdrawn, I consider this objection to be resolved and I shall not comment further.

### **RECOMMENDATIONS 7.22**

Modify Policy B18 to delete the word "number" from criterion 1.

## 7.23 POLICY B19

### The Objections

B19/444/1939

Various Clients of Andrew Watton

B19/424/1651

Stroud & Gloucestershire Green Party

### Summary of Objections

- (a) The policy does not reflect commercial needs for security.
- (b) The policy should be reworded to include reference to fauna and flora.

### Inspector's Reasoning and Conclusions

7.23.1 I do not agree that Policy B19 fails to reflect commercial needs or that it will cause the economic well being of businesses to be prejudiced. Security grilles and shutters can be highly intrusive and damaging to the appearance of an area. The Council also points out that they can have a deadening effect in street scenes, for example, when shops shut in the evening, and this may discourage people from using these areas, with a knock-on effect on commercial activity. It is therefore reasonable for the Council to seek to ensure that security shutters are not visually intrusive and seek the use of fully perforated shutters where possible, to enable a clear view of the shop window when the shop is closed. I consider that the Policy takes into account a proper balance between the need to protect the character of the street scene and the need for businesses to adapt their premises to meet security needs, and it should remain in the Plan as drafted.

7.23.2 On the issue of whether Policy B19 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B19 relates specifically to the provision of security measures such as external grilles and shutters and the criterion suggested would not be relevant. The protection of fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

### RECOMMENDATION 7.23

Make no modification to Policy B19 in response to these objections.

## 7.24 POLICY B20

### The Objections

B20/116/0345

Mrs H Longhurst

B20/354/1170

The National Trust

B20/128/0358

Mrs V Easton

B20/122/0351

Mr B J Freeman

B20/78/0277

Mr R C Easton

B20/197/0472

Dursley Town Council

B20/327/0989	Nymphsfield Parish Council
B20/334/1069	Mr Baily
B20/102/0313	Ms M L Edmunds
B20/410/1439-CW	CPRE - Berkeley Vale
B20/369/1223	Mr I G Blair
B20/435/1817	Cotswold Protection Group
B20/574/3840	CPRE Stroud Branch
B20/608/3894	ETSU (for the DTI)
B20/444/1940	Various Clients of Andrew Watton
B20/506/2172	Uley Parish Council
B20/435/1816	Cotswold Protection Group
B20/1/3032-CW	Gloucestershire County Council
B20/114/0343	Mr David Vickers
B20/410/1445-CW	CPRE - Berkeley Vale
B20/435/1812	Cotswold Protection Group
B20/435/1813	Cotswold Protection Group
B20/78/0278	Mr R C Easton
B20/1/3031-CW	Gloucestershire County Council
B20/435/1814	Cotswold Protection Group
B20/435/1815	Cotswold Protection Group
B20/327/0990	Nymphsfield Parish Council
B20/578/3874-CW	The House Builders Federation
B20/796/4083	Stinchcombe Parish Council
B20/796/4088	Stinchcombe Parish Council

### **Summary of Objections**

- (a) The policy does not take government guidance in PPG22 into account.
- (b) The policy does not reflect the Structure Plan. There should be a cross-reference to Policies N6 and N8.
- (c) The policy is weak and misconceived. The policy and supporting text should consider the balance between providing renewable energy with its impact on the landscape. Renewable energy proposals that affect the landscape or are visually intrusive should not be allowed within or adjacent to the AONB. Paragraph 7.10.2 should recognise the fundamental importance of designated areas and that conservation of the natural landscape in AONBs should be favoured.
- (d) The policy is to the detriment of the tourism industry. Gloucestershire should be given the same protection as South Norfolk.
- (e) An additional policy should be inserted to protect prominent skylines and vistas from such development.
- (f) A new clause should be inserted to the effect that no further wind turbines will be permitted unless it can be shown that no alternative non AONB sites exist, including sites off shore.
- (g) Paragraph 7.10.8 should be upgraded to the status of policy so that the plan conforms to national guidance.
- (h) The policy should not be deleted. A specific policy is required should the Structure Plan be amended in the future. The Structure Plan policy should be adapted to local circumstances where necessary, either in the policy or supporting text.

- (i) The policy should require an assessment of the significance of the energy produced, which should be audited by an independent expert.
- (j) Paragraph 7.10.3 is incorrect with reference to emerging Structure Plan policies which were deleted by proposed modifications of March 1999.
- (k) The last sentence of paragraph 7.10.3 should not be deleted.
- (l) Paragraph 7.10.4 is contrary to national policy. It also fails to deal with the importance of statutory designated areas.
- (m) Paragraph 7.10.5 is factually incorrect. Its first two sentences are potentially prejudicial to the future of the village of Nymphsfield.
- (n) Structure Plan policy EN3 should not be repeated as PPG12 requires plans to be succinct and void of excessive detail.
- (o) Paragraph 7.10.8 does not adequately reproduce the clauses contained in the Structure Plan policy EN3.
- (p) Paragraph 7.10.8 will ease the erection of communication masts and wind turbines to the detriment of the AONB landscape. The wording gives 'carte blanche' to any government body to erect or allow the erection of any installation at any sensitive location without concern for the quality of the landscape. Such latitude should only be granted following promulgation of a State of Emergency.

#### **Proposed Changes**

B20/PRO179/1/6004/CO	Gloucestershire County Council
B20/PRO179/102/6010/CO	Ms M L Edmunds
B20/PRO179/608/6012/CO	ETSU (for the DTI)
B20/PRO179/753/6005/CO	Woodchester Parish Council

#### **Summary of Objections**

- (q) The policy should fully reflect the Structure Plan – eg it does not address the effect on areas or facilities of special importance for tourism and recreation or the amenity of nearby residents.
- (r) Developers should be required to remove wind turbines where these are not viable economically.
- (s) The restrictive nature of the policy would result in no schemes for renewable energy being approved.
- (t) The words “visual impact” should be replaced with “special character” in criterion 1, to more fully reflect Structure Plan Policy EN3.

#### **Inspector's Reasoning and Conclusions**

7.24.1 Government policy in PPG22 is to stimulate the development of new renewable energy sources, where they have the prospect of being economically attractive and environmentally acceptable. In determining the suitability of the sites it is important that a particular proposal should cause minimum harm to the countryside. Policy B20 as re-instated by Proposed Change PRO179 generally meets the Government's objective by balancing the benefits of renewable energy schemes against the need to protect the District's high environmental qualities. The Policy sets out specific criteria against which proposals can be assessed, taking into consideration the visual impact of such schemes on the landscape and the need to protect the Cotswold AONB and other defined areas of landscape quality. Proposed Change PRO178

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introduces supporting text to explain that the erection of wind turbines in the Cotswold AONB would be unlikely to be acceptable, and would require special justification to outweigh the adverse effects on the landscape. This leaves sufficient flexibility whilst still retaining the restrictive tone of the Policy.

7.24.2 I agree that there are aspects of Structure Plan EN3 which are not reflected in Policy B20, as re-introduced by Proposed Change PRO179. In particular, the Policy does not address the effect of renewable energy developments on areas or facilities of special importance for tourism and recreation, nor does it fully address the amenity of neighbouring residents. Criterion 3 lists noise, electrical disturbance and other environmental effects but fails to take into account the fact that there may be other site-specific factors. In addition, the Policy does not mention the need for adequate information to indicate the extent of possible environmental effects and how they can be satisfactorily mitigated, in line with the adopted Structure Plan and government policy. I consider that it would be helpful if concerns were addressed, although the deletion of the existing criteria and repetition of the Structure Plan requirements would create unnecessary duplication. I suggest therefore that Proposed Changes PRO178 and PRO179 are modified as set out in my recommendations below to ensure that Policy B20 is more robust.

7.24.3 One Objector has requested further criteria, to prevent adverse effects on historic parks and gardens and their settings, and to prevent adverse effects on the infrastructure of the area. However, these suggestions go beyond guidance in the Structure Plan and I do not consider that they are necessary. The additional request for a criterion to prevent adverse impacts upon local communities through noise or increased traffic would be covered under criterion 3 on local amenities, as modified in my recommendations below. However, a criterion to require that a renewable energy proposal should be justified in terms of national/ regional energy policies is not necessary as this repeats guidance in PPG22. In any event, it seems likely that some justification in those terms is likely to be necessary for most proposals, since few, if any, will be seen as devoid of any environmental harm. The need to avoid the cumulative impact of renewable energy schemes is noted in Proposed Change PRO178. Regarding the request for a reference to Policy N6, The Cotswold AONB and Policy N8, Landscape Character, the Plan should be read as a whole and a cross-reference would result in needless duplication.

7.24.4 On Issue (c), I refer to my conclusions on the related objections to issues (a) and (b) above. No form of energy is without environmental implications, and every effort should be made to ameliorate adverse effects. However, I am satisfied that Proposed Changes PRO178 and PRO179 meet the general thrust of the objection by providing specific criteria against which renewable energy proposals can be assessed, taking into consideration the visual impact of such schemes on the landscape, particularly the need to protect the Cotswold AONB. I am also satisfied that paragraph 7.10.2 accurately reflects government advice on designated areas in PPG22.

7.24.5 I do not agree that Policy B20 is to the detriment of the tourist trade, although I recommend under issue (b) that tourism and recreation should be added to criterion 2 to more fully reflect advice in Structure Plan Policy EN3. The Council also points out that it has advertised the presence of the wind turbine at Nymphsfield in a positive manner in its official tourist guide, 'Undiscovered Cotswolds,' in 2000. I acknowledge the degree of protection given to South Norfolk but PPG22 makes it clear that each authority should consider the contribution their specific area can make to meeting need on a local, regional and national basis (paragraph 23) according to its own individual circumstances.

7.24.6 I sympathise with concerns to ensure the protection of prominent skylines and vistas but an addition to the Policy to prevent development that would harm such features is unnecessary, given that visual impact is already a criterion in the revised Policy (as set out in Proposed Change PRO179).

7.24.7 I do not consider that a new criterion or statement should be inserted to the effect that no further wind turbines will be permitted unless it can be shown that no alternative non AONB sites exist (including sites off shore), as this would go beyond government guidance in PPG22. I appreciate that the technology exists to allow electricity to be transferred from areas of excess to ensure an adequate supply and that particular care should be taken, in assessing proposals for developing renewable energy projects in Areas of Outstanding Natural Beauty. However, I am satisfied that Policy B20 as redrafted provides the correct balance between the need to take full account of designated areas and the need to provide renewable energy.

7.24.8 On issues (g) and (h), since government policy in PPG22 is to stimulate the development of new renewable energy sources where they have the prospect of being economically attractive and environmentally acceptable, I agree that it is important to retain a policy on renewable energy in the Plan. However, I consider that the Council's repetition of Structure Plan Policy EN3 in paragraph 7.10.8 is unsatisfactory and it would be wrong to simply upgrade this paragraph to give it policy status. I therefore support Proposed Change PRO180, which deletes paragraph 7.10.8 from the Plan and Proposed Change PRO179, which re-introduces a policy on renewable energy. This recognises the requirement in PPG22 for local authorities to consider the contribution that their area can make in meeting the need for renewable energy resources on a local, regional and national basis (paragraph 23).

7.24.9 I do not agree that Policy B20 should require an assessment of the significance of the energy produced, audited by an independent expert. The emphasis in paragraph 28 of PPG22 on the need to take particular care in assessing proposals for developing renewable energy projects in designated areas has been taken into account by the Council in the redrafting of Policy B20. Also it is not the responsibility of the Council to determine the contribution that a source of energy makes.

7.24.10 I agree that the reference to Structure Plan Policies EN3, EN4 and EN5 in paragraph 7.10.3 is incorrect, since these relate to the Deposit Draft Structure Plan which has now been formally adopted. The Revised Deposit Draft has updated the Local Plan in the light of this and although not formally withdrawn, I consider these objections to be resolved and I shall not comment further.

7.24.11 I support Proposed Change PRO178 which re-instates the last sentence of paragraph 7.10.3 and includes additional text to more closely reflect the guidance in the adopted Structure Plan on the AONB. I note that the objection has been conditionally withdrawn and I recommend that Policy B20 is modified accordingly, subject to the additional wording which I have already mentioned.

7.24.12 Paragraph 7.10.4 should not be deleted. It does not assume that all renewable energy schemes will be permitted but simply draws attention to the fact that Stroud District has potential for harnessing renewable energy, although this will need to be balanced against the need to protect landscape, nature conservation, archaeological and historic interests. This is in accordance with government policy in PPG22. Statutory designated areas are dealt with in the revised Policy B20 and supporting text introduced through Proposed Changes PRO179 and PRO178.

7.24.13 I understand the concerns raised in respect of the wind turbine at Nymphsfield, but I do not consider that paragraph 7.10.5 is prejudicial to the future of the village or that the wording is factually incorrect. Planning permission for a single wind turbine was granted on appeal and the fact that permission was initially sought for two turbines is not relevant. The important point, which is emphasised in the text, is that full consideration was given to the potential impact of a wind turbine before a final decision was made. I find no reason to delete the first two sentences of paragraph 7.10.5 as suggested.

7.24.14 I agree that the Council's repetition of Structure Plan Policy EN3 in paragraph 7.10.8 is unsatisfactory, given the requirement in PPG12 to be succinct and avoid excessive detail. As I have stated under issues (g) and (h) above, I support Proposed Changes PRO180 and PRO179, which delete paragraph 7.10.8 and re-introduce a policy on renewable energy. I am satisfied that these modifications would overcome the objection.

7.24.15 Given my support for Proposed Change PRO180 which deletes paragraph 7.10.8 from the Plan, the matter of whether the paragraph adequately reflects the clauses in Structure Plan Policy EN3 is no longer relevant.

7.24.16 On issue (p), paragraph 7.10.8 is now to be deleted, as sought by the Objector. However, I do not agree with the remarks about 'carte blanche' being provided by the policy.

7.24.17 On issue (q), I agree that there are aspects of Structure Plan Policy EN3 which are not reflected in the new Policy B20 and I consider the related counter-objection under issue (b) above.

7.24.18 Concerns are raised in respect of issue (r) that commercial pressures will result in small operators walking away from uneconomic wind turbine schemes leaving the public to pay for their removal. Paragraph 38 of PPG22 acknowledges that many renewable energy projects will be in the early stages of technical development, and some may prove unsuccessful. If there is concern about a particular development remaining in perpetuity, the local planning authority may consider imposing a condition, for example that if a wind turbine generator is not in operation producing electricity for six months it would be deemed to have ceased to be needed and must be dismantled with the land restored unless the local planning authority agree otherwise. This is a matter for consideration at the planning application stage of a development and no modification to Policy B20 is necessary.

7.24.19 I do not agree that Policy B20 as modified by Proposed Change PRO179 is too restrictive or that it would prohibit proposals for renewable energy schemes. It is important to provide a positive framework for appropriate renewable energy projects in the District given the Government's commitment towards encouraging renewable energy supplies. However, such developments should only be permitted in locations where they would not cause environmental harm. Policy B20 meets the Government's objective by balancing the benefits of renewable energy schemes against the need to protect the District's high environmental qualities. There is no need to rethink the Policy wording as suggested.

7.24.20 I do not accept the argument that the words "visual impact" should be replaced by "special character" in criterion 1 of the new Policy B20. I appreciate that the term 'special character' is used in criterion (a) of the Structure Plan Policy, but reference is also made in criterion (d) to the need to avoid an unacceptable level of visual impact. Since the Council considers that visual impact is the primary concern in relation to renewable energy schemes in this District, there is no need for the criterion to be reworded.

#### **RECOMMENDATIONS 7.24**

Modify Policy B20 in accordance with Proposed Change PRO179 with a new criterion 4 and criteria 2 and 3 reworded as follows:

*" 2. there is no adverse effect on sites of nature conservation or heritage conservation interest, or areas or facilities of special importance for tourism and recreation;*

*3. there is no unacceptable adverse effect on the amenities of local residents.*

*4. the proposal is accompanied by adequate information to indicate the extent of possible environmental effects and how they can be satisfactorily mitigated."*

Modify paragraph 7.10.3 of the Reasoned Justification in accordance with Proposed Change PRO178 with the insertion of the words “ *on areas or facilities of special importance for tourism and recreation*” before the words “ *or the amenities of local residents and communities*” in the second sentence.

Modify the Reasoned Justification in accordance with Proposed Change PRO180.

## **7.25 POLICY B21**

### **The Objections**

B21/20/3046	One2One Personal Communications Limited
B21/228/0548	Stroud Town Council
B21/543/2294-CW	Government Office for the South West
B21/439/1823	Mrs Tyley
B21/506/2173	Uley Parish Council
B21/343/1102	Orange Personal Communications Services Ltd
B21/1/0095	Gloucestershire County Council
B21/444/1941	Various Clients of Andrew Watton
B21/410/1441-CW	CPRE - Berkeley Vale
B21/20/0202	Mercury Personal Communications Ltd
B21/424/1652	Stroud & Gloucestershire Green Party
B21/611/2622	Vodafone Ltd

### **Summary of Objections**

- (a) Criterion 2 is superfluous. Criterion 3 is confrontational. Criteria 2 and 3 should be amended, replacing the word “antenna” with “antennae” in criterion 2 and adding “subject to technical limitations” at the end of criterion 3. The references to least obtrusive and least visually intrusive location should be qualified for clarity. A flexible approach to proposals should be adopted.
- (b) The policy does not recognise the potential health risks associated with telecommunications. Add a new criterion that “The mast must not be within 500 (alternatively 200) metres of residential areas, schools, community centres, churches or libraries”.
- (c) The policy should not seek to proscribe all antennae where mast sharing is not proposed as there may be circumstances where this is not appropriate.
- (d) The policy should not give an assumption that planning permission will be granted.
- (e) New masts should not be permitted in the AONB.
- (f) Operators should not have to meet all the criteria.
- (g) Consideration should be given to the cumulative effects of new telecommunications.
- (h) The policy does not refer to alternative available sites. The best site with the least impact on the environment should be chosen rather than the most economical.

- (i) The policy does not accord with the Structure Plan. Add a new criterion 5 to require that masts must be removed when they cease to be operational.
- (j) The policy should be reworded to include reference to fauna and flora.
- (k) There should be a new policy objective to recognise the connection between telecommunications and transport and to promote the maximisation of access and the maintenance of a variety of choice in telecommunications and transport.

### **Proposed Changes**

B21/PRO182/343/6003/CO	Orange Personal Communications Limited
B21/PRO182/753/6006/CO	Woodchester Parish Council
B21/PRO182/826/6000/CO	Airwave MMO2 Ltd
B21/PRO182/828/6013/CO	Hutchinson 3G UK Limited
B21/PRO182/830/6018/CO	Gloucestershire Police

### **Summary of Objections**

- (l) Criterion 4 should be deleted as it does not accord with national policy.
- (m) Criterion 4 should be deleted, but if kept it should be amended to include a qualification that public concern should be of an informed nature.

### **Inspector's Reasoning and Conclusions**

7.25.1 Whilst licence conditions outside of planning legislation require the possibility of mast sharing to be investigated, I do not consider that criterion 2 is superfluous to the Plan. The Government attaches considerable importance to keeping the numbers of masts, and of the sites for such installations, to a minimum where this is consistent with the efficient operation of the network. Page 9 of PPG8 states that local planning authorities may reasonably expect applicants for new masts to show evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. Policy B21 provides a criteria- based framework for the Government's approach. I also find no need to replace the word "antenna" with "antennae" as suggested. The current wording does not disregard the fact that an application may be made for more than one antenna.

7.25.2 Turning to criterion 3, I do not agree that the reference to seeking the least visually intrusive site is confrontational or that it suggests that operators may deliberately pursue the least satisfactory site. Protection from visual intrusion and the implications for subsequent network development are important considerations in determining telecommunications applications. The meaning of the terms "least obtrusive" and "least visually intrusive location" are already sufficiently qualified in paragraph 7.11.2, aiding the interpretation of this Policy.

7.25.3 In respect of technical limitations, paragraph 54 of the Appendix to PPG8 states that planning authorities should have regard to any technical constraints on the location and proposed development. Paragraph 64 of the Appendix acknowledges that the nature of some telecommunications development may in some cases bring it into apparent conflict with established local and national planning policies. Masts and antennas often require a particular operating height, which allows signals to clear trees and urban clutter. Telecommunications development may therefore need particular locations in order to work effectively, although the Government gives high priority to protecting high quality landscapes and quality in urban areas. However, I do not consider that criterion 3 is too restrictive as it simply seeks to ensure that the impact of telecommunications development is minimised by careful positioning and design. The technical merits of a proposal are best addressed at the planning application stage and there is no need to modify the Policy as suggested. The Objector also stresses the need for the

Council to have a more flexible approach to the assessment of telecommunications applications. However, I am satisfied that the criteria in Policy B21 (as modified by my recommendations below) are flexible enough to allow for the efficient development of the network and the demands imposed on operators by technology and legal requirements.

7.25.4 A number of objections have been raised in relation to potential health risks associated with telecommunications development and in respect of criterion 4 (introduced by Proposed Change PRO182) which addresses these concerns. I consider issues (b), (l) and (m) together.

7.25.5 Paragraphs 85-87 of the Appendix to PPG8 address health effects of exposure to electromagnetic fields and stresses the importance of protecting the public where an adverse health effect exists. Page 10 of PPG8 states that health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. However, it is the Government's firm view that the planning system is not the place for determining health safeguards and local planning authorities should not implement their own precautionary policies. I consider therefore that criterion 4 goes beyond the remit of the local plan and it should be deleted. The criterion could be used to proscribe all planning applications for telecommunications on the grounds of any concern of a perceived health risk and this would be contrary to the Government's policy of facilitating the growth of telecommunications systems. There is no justification for the precautionary approach suggested by the Objector in respect of issue (b) since this is not in line with government guidance. Similarly, there is no need to reword criterion 4 to state that "no known risks to public health are associated with the proposed development" or to qualify criterion 4 to read "considerable informed public concern" as suggested by other Objectors.

7.25.6 I have been provided with a transcript of the case in the High Court: Regina and Tandridge District Council Ex Parte Mohamed Al Fayed (CO 3665/97). I have been referred to a number of appeal decisions in cases where permission for telecommunications development had been refused on the basis of fears about potential health risks. I have been provided with a copy of a decision in a case in Guildford, and I have read reports of a decision in respect of an appeal in Stroud District. All point in the same direction – (in the words of Mr Justice Carnwath in the Al Fayed case) "The operators of such a network can reasonably expect planning decisions to be guided by a consistent and scientifically informed national policy approach. Indeed, if a particular local authority departs from such national policy guidance and such national technical advice without good reason, it risks being overturned on appeal and being ordered to pay the costs." That case preceded the publication of (the revised) PPG8 in August 2001, and the letter written in June 2000 by the Minister for Housing and Planning to all Council Leaders which foreshadowed it, which if anything strengthen Mr Justice Carnwath's point. The situation is abundantly clear – it is the responsibility of central Government to determine health safeguards. The planning system is not the place for such responsibility to be exercised. If there is a health risk in Stroud, and I do not accept the contention put to me that the topography here is such that Stroud is special in this sense, then there is a health risk for the nation. That is a matter for central Government and its advisers. The Government has accepted the recommendation of the Independent Expert Group on Mobile Phones, chaired by Sir William Stewart, that the International Commission on Non-Ionising Radiation Protection guidelines be adopted as a precautionary approach whilst further research is being undertaken into health effects. Unless such further research causes the Government to issue fresh advice to planning authorities, the proposed criterion 4 should not be included in Policy B21. In the exceptional circumstances that a proposal was made which did not meet the guidelines, that fact would be a material consideration, and it would not need a criterion such as that proposed to make it so.

7.25.7 Turning to issue (c) I agree that it is not reasonable to proscribe all antennae where mast

sharing is not proposed. Mast sharing should be encouraged in order to reduce the number of masts where possible, but there may be technical constraints preventing this. I note that the Revised Deposit Draft provided an opportunity to overcome the concerns raised by the Objector through an amendment to criterion 2. I understand that the objection has been conditionally withdrawn, and I shall not comment further.

7.25.8 On issue (d), the Objector believes that the first paragraph of the Policy should be reworded to state that proposals for new telecommunications development will not be permitted unless the criteria listed are met. I do not support this request. PPG8 acknowledges the need to protect the best and most sensitive environments but also emphasises in paragraph 5 of the Appendix that the Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The PPG also stresses that modern telecommunications are an essential and beneficial element in the life of the local community and in the national economy (Appendix paragraph 1). I therefore consider that Policy B21 should be phrased positively to reflect this guidance.

7.25.9 I appreciate the need to prevent harmful development in the Cotswold AONB but I find no justification to amend criterion 1 to proscribe additional masts in order to protect this special landscape. Page 8 of PPG8 states that, in accordance with PPG7, high priority should be given to the need to safeguard areas of particular environmental importance. The PPG does not advocate the prohibition of new masts in designated areas but makes it clear that any proposals in such areas should be sensitively designed and sited and the developer must demonstrate that there are no suitable alternative locations. Policy B21 seeks to ensure that the impact of telecommunications development is minimised and the modification suggested by the Objector clearly goes beyond national policy advice.

7.25.10 I do not consider it to be unreasonable to require that all criteria in Policy B21 should be met. As I have stated above, the Policy (as modified by my recommendations) is sufficiently flexible to allow for the efficient development of the telecommunications network and the demands imposed on operators by technology, as required in PPG8. The criteria are not onerous and provide for the growth of telecommunications development whilst ensuring that suitable environmental safeguards are in place.

7.25.11 Policy B21 as drafted requires mast sharing where technically feasible and paragraph 7.11.1 highlights the importance of mast sharing in order to reduce the proliferation of individual masts. I find this to be in accordance with Page 9 of PPG8, which emphasises the need for local authorities to consider the cumulative impact upon the environment of additional antennas sharing a mast or masts sharing a site. There is no need to duplicate the wording in Structure Plan Policy TEL.1 or the Government's advice.

7.25.12 Issue (h) seems to have been raised on the basis that a particular local decision could be criticised on the basis that insufficient weight was put on environmental and aesthetic issues, and that an urban location was accepted when a non-urban alternative might have been available. I consider that this is one of those frequent cases where a development plan policy is criticised because of what is regarded as a poor decision by the authority. Whether the case in point was poorly decided is not before me, but no amount of tinkering with policy wording will remove the possibility for such contention. It seems to me that the wording of the policy as I recommend it to be adopted is adequate as a basis for controlling telecommunications development, and that decision makers must be left to make the wisest judgement open to them.

7.25.13 In my view, Policy B21 is not contrary to Structure Plan Policy NHE4 on Areas of Outstanding Natural Beauty, because it seeks to minimise the impact of telecommunications development. Policy B21 balances the need to facilitate the growth of new and existing telecommunications development whilst keeping environmental impacts to a minimum in

accordance with government advice. The Plan must be read as a whole and Policy N6 provides specific protection for the Cotswold AONB.

7.25.14 I have considered (issue (i)) whether it is necessary to add a specific criterion to require that masts must be removed when they cease to be operational. I note that the Town and Country (General Permitted Development)(Amendment)(England) Order 2001 – Part 24 – Developments by Telecommunications Code Operators makes provision for certain developments to be carried out without obtaining express permission. The Order applies conditions to the deemed permissions requiring such permitted development to be removed after it is no longer required for telecommunications purposes. In the light of that, and the comment in the explanatory memorandum to Structure Plan Policy TEL1, I consider that the Council's Proposed Change PRO181 is the appropriate way to deal with the matter. This adds the following at the end of paragraph 7.11.2: 'The Council is concerned about the proliferation of redundant masts, and will include a condition on any permission to the effect that, where a mast is no longer required, it should be removed within a reasonable time'.

7.25.15 On the issue of whether Policy B21 should be reworded to include a reference to protection of fauna and flora, I refer to my conclusions on the similar objection to Policy B3. Policy B21 relates specifically to proposals for new telecommunications development and the criterion suggested would not be relevant. The protection of fauna and flora should be assessed through the other more relevant policies in the Plan, such as those in the Natural Environment Chapter.

7.25.16 Finally, in relation to issue (k), I do not consider that the suggested new policy objective is necessary as there is nothing in Policy B21 that conflicts with the Objector's particular concerns.

#### **RECOMMENDATIONS 7.25**

Do not modify Policy B21 by adding Criterion 4 introduced under Proposed Change PRO182.

Modify paragraph 7.11.2 by inserting an additional sentence in accordance with Proposed Change PRO181.