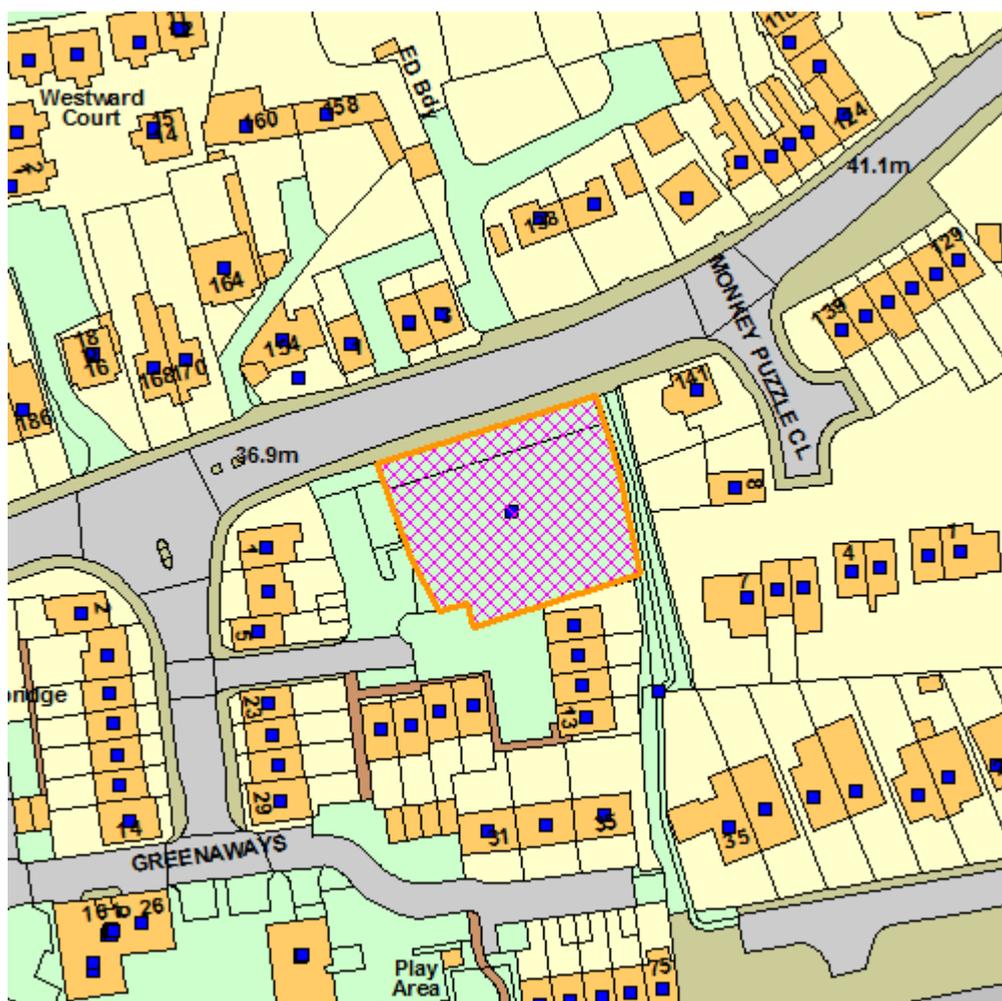




Development Control Committee Schedule 16/06/2020

Item No:	02
Application No.	S.19/2527/FUL
Site No.	PP-08321544
Site Address	Land at, Greenaways, Ebley, Stroud
Town/Parish	Cainscross Town Council
Grid Reference	383004,204744
Application Type	Full Planning Application
Proposal	Erection of 2 flats and 6 terraced houses (Resubmission of refused application S.19/0600/FUL)
Recommendation	Permission
Call in Request	Parish Council





Development Control Committee Schedule 16/06/2020

Applicant's Details	Mr D Scott C/o David Scott, 43 The Stirrup, Cashes Green, Stroud, GL5 4SG
Agent's Details	David Scott 43 The Stirrup, Cashes Green, Stroud, GL5 4SG,
Case Officer	Gemma Davis
Application Validated	05.12.2019
	CONSULTEES
Comments Received	SDC Water Resources Engineer Development Coordination (E) Historic England SW Arboricultural Officer (E) Contaminated Land Officer (E) Housing Strategy and Community Infrastructure Manager Cainscross Parish Council Conservation North Team
Constraints	Adjoining Canal Affecting the Setting of a Cons Area Consult area Conservation Area Mixed use Allocation Cainscross Parish Council Rodborough 3km core catchment zone Settlement Boundaries (LP) TPO Areas (Woodland/ Groups)
	OFFICER'S REPORT

MAIN ISSUES

- Background
- Principle of development
- Design, appearance and impact on heritage environment
- Residential Amenity
- Highways and parking
- Landscape
- Trees
- Land Contamination
- Affordable housing
- Flood risk and drainage
- Ecology
- Archaeology and Heritage Assets
- Obligations



Development Control Committee Schedule 16/06/2020

DESCRIPTION OF SITE

The area is known locally as Ebley Wharf. The site has been used as a temporary car park associated with the nearby gym known as The Fifth Dimension and Go Bananas soft play area. The area stands immediately south of Westward Road, Stroud, measuring approximately 1,000 sqm (0.1 hectares) of land.

The site lies to the north of the Stroud Water Canal and is located within the defined settlement boundary of Stroud and is also within an identified Conservation Area (Industrial Heritage Conservation Area). On the eastern boundary of the site is a Public Right Of Way (PROW) identified as Cainscross footpath 20 and a group of protected trees (TPO 346 Westward Road Stroud). The site has no further planning constraints attached.

PROPOSAL

The application seeks permission for the erection of one detached unit comprising two flats and a terrace of six houses.

REVISED DETAILS

Revised drawings have been received with the following amendments:

- Altering the layout of the development to seek to overcome highway safety issues
- Removing a tree from unit 1 to seek to alleviate amenity issues
- Altering unit 1 from a dwelling to two flats
- Amending the internal layout
- Alterations to the elevations of plots 2-7 and 2-5.

MATERIALS

Walls: Ibstock Arden Weathered Brick and buff coloured lintels

Roof: Breckland Black Norfolk pantiles

Doors/windows: Grey UPVc

REPRESENTATIONS

Statutory Consultees:

The Councils Conservation Officer has made the following comments on the proposal.

"Historic England's Note 3 (the Setting of Heritage Assets) states that, 'settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance.'

The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral.

Where Conservation Areas or their settings, are affected by development proposals, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires that, 'special attention shall be paid to the desirability of preserving the character or appearance of Conservation Areas.'



Development Control Committee Schedule 16/06/2020

Where Listed buildings or their settings are affected by development proposals, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision-maker to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

The site is within the Industrial Heritage Conservation Area. I note that the proposals are in a similar vein to the rest of the Ebley Wharf development and will be seen in that context. No further harm would be done to the character or appearance of the conservation area. There is now a great deal of visual separation between the site and the listed buildings in the Ebley Mill complex, therefore there would be no further detrimental impact on their setting."

The Councils Contaminated Land Officer has made the following comment.

"Thank you for consulting me on the above application. Please attach the full contaminated land condition to any permission granted."

The Councils Environmental Health Officer has made the following comments:

"1. No construction site machinery or plant shall be operated, no process shall be carried out and no construction-related deliveries taken at or dispatched from the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

2. Construction/demolition works shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site has been submitted to and approved in writing by the Local Planning Authority.

Burning Informative:

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of smoke/fumes and odour during the construction phases of the development by not burning materials on site. It should also be noted that the burning of materials that give rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated.

In addition, the following comment has been received.

"I would be content for a condition requiring that all demolition/construction works should comply with the submitted document entitled "Control of dust, noise and burning on Construction Site".



Development Control Committee Schedule 16/06/2020

The Councils Housing Strategy and Community Infrastructure Manager has made the following comments:

"At a site size of 1.15Ha and accommodating 7 units, the site falls below the affordable housing threshold for Cainscross."

Cainscross Parish Council made the following comment:

"Cainscross Town Council Noted the application."

The Councils Arboricultural Officer has made the following comments:

"I have no objection to the application subject to the following conditions;

1) Arboriculture supervision / site monitoring for the development must be undertaken by the project tree consultant. A site monitoring / supervision record must be submitted to the local planning authority tree officer in accordance with a timetable to be submitted to and approved by the local planning authority. Any proposed changes to the supervision arrangements shall be subject to prior written agreement of the local planning authority.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170 (b) & 175 (c) & (d).

2) The development shall be undertaken in accordance with the Arboriculture report produced by Jim Unwin dated 29.1.2020. All of the provisions shall be implemented in full according to any timescales laid out in the method statement, unless otherwise approved by the Local Planning Authority.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170(b) & 175 (c) & (d)."

A further comment received from the Councils Arboriculturalist on the 27th May 2020.

The relocation of the terrace increases the juxtaposition between the existing trees and increases the length of the proposed rear gardens. This provides the following benefits;

1. Increased levels of daylight and sunlight entering the gardens and properties.
2. Reduced seasonal nuisance (aphids, and leaf litter).
3. Human Rights. The occupiers will benefit from the full enjoyment of their gardens.

Below ground constraints: Root disturbance. An arboriculture method statement is required for the removal of the bank. The work must be supervised by the project arboriculturalist.



Development Control Committee Schedule 16/06/2020

The Local Highways Authority has made the following comments:

"Further to the latest submitted detailed plans, the Highway Authority recommends no highway objection to be raised subject to the following conditions attached to any permission granted: -

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

The Councils Water Resource Engineer has made the following comments:

"Whereas I am happy with the drainage layout, I cannot see that calculations have been submitted to show the required storage volumes. Nor have discharge calculations been submitted. I therefore do not have sufficient information to comment."

No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System - SuDS) presented in the Drainage Strategy) has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.



Development Control Committee Schedule 16/06/2020

A further comment received from the Water Resources Engineer on the 30/4/20 stating:

"I am happy with the proposals, and happy to accept discharge to foul based on the advice from STW."

Severn Trent Water have made the following comments:

I refer to your Development Enquiry Request in respect of the above site. Please find enclosed the sewer records that are included in the fee together with the Supplementary Guidance Notes (SGN) referred to below.

Protective Strips

Due to recent change in legislation, there could be sewers, which have transferred over to the Company that are not shown on the statutory sewer records, but are located on your clients land. These sewers will have protective strips that we will not allow to be built over. The sewers could be identified whilst the land is being surveyed. If this is the case, please contact us for further guidance upon discovery.

Foul Water Drainage

The statutory sewer records, demonstrate a 150mm diameter foul sewer, within the highway. I can confirm the flows from the proposed development of 2 flats and 6 properties, with an approximate peak flow of 0.1248 l/s (2xDWF) should not have an adverse hydraulic impact on the existing network. A connection will therefore be acceptable at convenient location on the aforementioned sewer, subject to formal S106 approval (see later). I can confirm, we have a single reported flooding incident within the area, however this dates back to 2014 and no further repeat incidents.

Surface Water Drainage

Under the terms of Section H of the Building Regulations 2010, the disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and no watercourse is available as an alternative, the use of sewerage should be considered. In addition, other sustainable drainage methods should also be explored before a discharge to the public sewerage system is considered. I note from your submitted information, the site historically used to discharge directly into the River Frome. In the event of soakaways not being feasible, you should investigate to reutilise this discharge point.

Having viewed the statutory sewer records, they demonstrate a 225mm diameter surface water sewer, within the highway. If ground conditions are not favourable, for soakaways and other SUDs techniques and you are unable to reutilise the historic connection point, evidence should be submitted. This would satisfy the SGN (enclosed). A connection to the aforementioned sewer, should be considered once all avenues have been exhausted, with attenuation and flows in accordance with SGN (Greenfield) or as stipulated by the Lead Local Flood Authority (Local Council Authority), as statutory consultee in the planning process.

Subject to the above, you will need to demonstrate how the site is currently drained if indeed it is positively drained, identifying which impermeable areas drain to which pipeline and the connections/outfalls to the public sewerage system identified. In the case of multiple connections, the survey needs to also identify which impervious areas drain to which pipeline.



Development Control Committee Schedule 16/06/2020

Connections

For any new connections (including the re-use of existing connections) to the public sewerage system, the developer will need to submit Section 106 application forms. Our Developer Services department are responsible for handling all such enquiries and applications. To contact them for an application form and associated guidance notes please call 0800 7076600 or download from www.stwater.co.uk

Please quote 8403979 in any future correspondence (including e-mails) with STW Limited. Please note that Developer Enquiry responses are only valid for 6 months from the date of this letter.

Historic England have made the following comments:

"Thank you for your letters of the 6th December regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisors as relevant."

Public:

Seven letters of objection to the revised scheme received raising the following concerns:

- Inadequate parking for site operatives
- Inadequate storage space for building materials
- No turning room for large delivery vehicles
- Highway safety
- Not aesthetically pleasing
- Construction safety issues
- Overdeveloped site
- Out of keeping with surrounding properties
- Overbearing
- Loss of privacy
- Inadequate parking

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1). Impact on setting of Conservation Area



Development Control Committee Schedule 16/06/2020

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website:

https://www.stroud.gov.uk/media/1455/stroud-district-local-plan_november-2015_low-res_for-web.pdf

Local Plan policies considered for this application include:

CP1 - Presumption in favour of sustainable development.

CP2 - Strategic and development locations

CP3 - Settlement Hierarchy.

CP8 - New housing development

CP9 - Affordable housing.

CP14 - High quality sustainable development.

HC1 - Meeting small-scale housing need within defined settlements.

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES6 - Providing for biodiversity and geodiversity.

ES8 - Trees, hedgerows and woodlands.

ES10 - Valuing our historic environment and assets.

ES12 - Better design of places.

The proposal should also be considered against the guidance laid out in:

Residential Design Guide SPG (2000)

Planning Obligations SPD (2017)

IHCA Conservation Area Management Proposals SPD (2008)

The application has a number of considerations which both cover the principle of development and the details of the proposed scheme which will be considered in turn below:

BACKGROUND

The site is part of the Ebley Wharf Industrial Estate this was designated within the former Local Plan 2005 as a mixed use site. The site was previously given permission for a mixed use that would include office space and community facilities, doctor's surgery, under application S.09/0058/FUL (and further renewed under permitted application S.12/0116/VAR). These permissions have since lapsed.

In 2014 application an application for 15 one bed apartments was refused by Development Control Committee (DCC) on the basis of parking concerns and overbearing impact on neighbouring properties. (S.14/1450/FUL)

In 2015, planning permission was granted for the site to be used as a temporary car park (18 months) S.15/2584/FUL to serve nearby Fifth Dimension health club and customers of the nearby facilities in Ebley Wharf, until a new planning application is submitted for the permanent redevelopment of the site.



Development Control Committee Schedule 16/06/2020

In 2019, planning permission was refused for the erection of 7 terraced dwellings and 2 flats on the grounds of the impact on the protected trees and the potential for privacy loss for residents on Monkey Puzzle Close.

The revised application has sought to address the above refusal reasons by reducing the number of units on the site, re-locating the units 25.5m away from residents located on Monkey Puzzle Close and away from the protected trees.

PRINCIPLE OF DEVELOPMENT

The site is part of the Ebley Wharf Industrial Estate of which was designated within the former Local Plan 2005 as a mixed use site. The site was previously given permission for a mixed use that would include office space and community facilities, doctor's surgery, under application S.09/0058/FUL (and further renewed under permitted application S.12/0116/VAR). These permissions have lapsed.

The agent has advised that attempts to secure an end user for a mixed use scheme has failed and hence the submission of an application solely for residential. The agent has advised that the former landowner had marketed this plot for over 10 years, since 2004, without any success.

The agent has advised that Persimmon stopped work on the site but the marketing continued. There was no interest in offices, and the landowner then shifted focus to a doctor's surgery but this did not proceed. The site has been well marketed nationally and locally by various agents including Bruton Knowles, John Ryde Commercial and Alder King.

In 2015 the land was acquired by Health and Leisure Properties Ltd, at that time the company were busy with other projects so they applied and gained planning consent for a temporary car park which was rented out to Fifth Dimension and Go Bananas. This consent has expired and the applicant is now applying for residential use.

There is clear evidence that there was no market interest in the site for offices or any other similar use. Furthermore, it should also be noted that the principal of residential was not objected to in previous applications.

While it is noted that the site was designated within the former Local Plan as a mixed use site, the site is no longer an allocation in the current Local Plan of which is up to date. As such, developing the site as solely residential would not be contrary to the Local Plan. It is also noted that a mixed use for the site has not come forward in 15 years.

The site is situated within Stroud which is identified within the SDLP as a First tier settlement. First tier settlements are the districts main towns and are the primary focus for growth and development. They will continue to provide significant levels of jobs and homes together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way.



Development Control Committee Schedule 16/06/2020

Given the site is located within the settlement limits as defined in the SDLP, the principle of sustainable residential development is acceptable. This is subject to further considerations of the character and appearance, the impact on the living conditions of neighbouring occupiers, impact on trees, and a satisfactory means of access being provided.

DESIGN, APPEARANCE AND IMPACT ON THE HISTORIC ENVIRONMENT

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, 'special attention shall be paid to the desirability of preserving the character or appearance of Conservation Areas.' Chapter 12 of the NPPF (paragraphs 128 and 132-134) outlines the requirement to safeguard designated heritage assets whilst at the same time promoting a balancing approach between the degree of harm caused to an asset, the heritage significance of that asset and the benefits arising from the overall scheme.

At the local level in respect of listed buildings, Conservation Areas, archaeology etc the relevant SDLP policy is Delivery Policy ES10 with general design matters considered under Policy CP14, a checklist for quality.

Local Plan Policy HC1 requires new housing to be of a scale, density, layout and design compatible with its surroundings.

The site comprises an overflow car park associated with The Fifth Dimension.

The scheme utilises the existing access road and proposes a terrace of six units facing west and a detached block of two flats facing south. The proposed development comprises the following mix of dwellings.

6 No. 3 bedroom properties
2 No. 1 bedroom flats

The dwellings would be three storey and similar in height, proportions and design to neighbouring properties. Window to wall ratios and wall to roof ratios are considered appropriate for the location and the proposed units would blend with the existing built form. As such, the proposed design of the units is appropriate for the context.

The layout and form of development would effectively 'square off' the built form in this location. As such, the proposed design, form and layout would not harm the character and appearance of the street scene.

The prevailing form of development within this part of Ebley is mixed, however mainly three storey terraced units and blocks of four storey apartments. The surrounding area is of a high density, with dwellings being set back from the road edge, and others that sit directly fronting the road.



Development Control Committee Schedule 16/06/2020

The proposed development would be compatible with its surroundings and the density proposed is considered acceptable in this location. The arrangement of plots 2-7 would provide an appropriate garden area for the proposed dwellings, compliant with Local Plan Policy and the standards set out in the Council's Residential Design Guide. Furthermore, the level of amenity space would be reflective and in keeping with the form of surrounding development. Whilst the garden areas' associated with units 2-7 are appropriate in size, it is acknowledged that should any future additions be constructed, each individual plot may become cramped or overdeveloped, therefore to ensure that the site does not become cramped or overdeveloped, a condition removing permitted development rights from plots 2-7 will be imposed.

The level of amenity space proposed for the flats is considered appropriate. The area proposed, comprises a small courtyard to the north of the property that is bound by the main highway. This garden area exceeds the standards as set out in the Council's Residential Design Guide.

The proposed materials palette includes brick, render and concrete roof tiles. These are all considered appropriate for the location.

The proposed development will embody sustainable construction methods. The development will incorporate SUDS by the use of permeable paving to the road surface, and stormwater attenuation crates. Adequate services, water supply, foul drainage and sewage other utilities, transport and community infrastructure are on or adjacent to the site.

RESIDENTIAL AMENITY

The proposed terrace of dwellings would have an outlook to the east and the west. To the east are other residential properties within Monkey Puzzle Close that are approximately 25.5m away. Number 8 Monkey Puzzle Close has rear windows that face towards the application site. The Council's residential design guide (November 2000) identifies a standard distance of 25m where buildings face each other and both have clear glazing as a minimum distance to ensure privacy for the occupiers of that dwelling. The proposed development satisfies this.

Number 141 Westward Road is side facing so no concerns are raised in terms of privacy loss.

Number 15 & 17 Greenaways are located approximately 25m away from Unit 1, as such no concerns are raised with regards to the privacy to these dwellings.

Overall, the position and orientation of the new houses are sufficiently distanced to avoid any loss of light or overbearing effect. In addition, the new houses have been designed and positioned to avoid any potential loss of privacy.



Development Control Committee Schedule 16/06/2020

HIGHWAYS AND PARKING

It is noted that residents have expressed concern that the access to the site is inadequate given the amount of existing congestion and on-street parking around the entrance, however the proposed scheme would use the access already approved in previous permissions on the site.

It is noted that facilitating a residential development could create additional congestion within Greenaways, however weight should also be given to the fact that there are historic permissions on the site comprising a doctor's surgery and a temporary car park (33 spaces) that would generate a higher level of traffic movements than a residential development of 8 units that includes 12 parking spaces. As such, the proposed development is not considered to adversely affect highway safety.

Whilst the comments received are noted with regard to the low parking levels and the existing on-street parking problems in the area, the proposal is in a highly sustainable location and there is sufficient parking proposed to serve the development and as such, a refusal on these grounds would be difficult to sustain on appeal.

The development is located within the settlement boundary and is in close proximity to a number of local facilities. It is also highly accessible, with a bus stop located approximately opposite. In this respect the proposal would be considered sustainable.

It should also be noted that the Local Highway Authority do not raise any objection to the proposal as such it would be difficult to sustain at appeal.

LANDSCAPE

The development would be located amongst an existing group of dwellings and built form, given the density, scale and design, there would be minimal landscape impact.

TREES

On the eastern boundary of the site is a Public Right Of Way (PROW) identified as Cainscross footpath 20 and a group of protected trees (TPO 346 Westward Road Stroud).

The relocation of the terrace increases the juxtaposition between the existing trees and increases the length of the proposed rear gardens. This provides the following benefits;

1. Increased levels of daylight and sunlight entering the gardens and properties.
2. Reduced seasonal nuisance (aphids, and leaf litter).
3. Human Rights. The occupiers will benefit from the full enjoyment of their gardens.

The proposed development requires no tree removal and no pruning. Off-site trees can be protected with careful development methods, as outlined in section 6 of the Arboricultural report.

The Councils Arboriculturalist raises no objection subject to condition.



Development Control Committee Schedule 16/06/2020

LAND CONTAMINATION

Given the previous use of the site, it is proposed to condition that a full contaminated land survey be submitted to ensure that no environmental pollution would be caused and to protect the health of future users of the site from any possible effects of contaminated land.

AFFORDABLE HOUSING

At a site size of 1.15Ha and accommodating 8 units, the site falls below the affordable housing threshold for Cainscross.

FLOOD RISK AND DRAINAGE

The site is located within Flood Zone 1 the safest of the Environment Agency designated flood zones.

The application site is less than a hectare in size and more than 20 metres from the Stroudwater Canal. Accordingly, the application site is at very low risk of flooding.

STW have requested that connecting to the existing sewer should be dealt with by a Section 106 agreement. This would not be the correct mechanism in doing so as a sewer adoption by for example Severn Trent would be a S.104 agreement. The Local Planning Authority would not be party to this this would be for the developer to discuss separately with the water board. The proposal has been assessed by Severn Trent Water and the Council's Water Resources Engineer and has been deemed suitable subject to condition.

ECOLOGY

It is considered that the garden area may have the potential for habitat for common reptile species which are protected under the Wildlife and Countryside Act 1981 from deliberate harm. It is therefore recommended that the site be managed in order to make the development site less appealing to reptiles by keeping grass cut short and any debris removed allowing natural movement of animals away from the site.

Finally, in accordance with NPPF and Section 40 of the NERC Act we would welcome any opportunities for biodiversity enhancements to the proposed development, such as the erection of bat boxes, bird boxes or wildflower meadow planting.

ARCHAEOLOGY AND HERITAGE ASSETS

The site is within the Industrial Heritage Conservation Area. As discussed above, the proposals are in a similar vein to the rest of the Ebley Wharf development and will be seen in that context. In light of this, the Council's Conservation Specialist considers that no further harm would be done to the character or appearance of the conservation area. Furthermore, the Council's Conservation Specialist has also noted that there is now a great deal of visual separation between the site and the listed buildings in the Ebley Mill complex, therefore there would be no further detrimental impact on their setting.



Development Control Committee Schedule 16/06/2020

OBLIGATIONS

Residential development is normally required to make a contribution towards off-site recreation provision and in this case, as the site lies within 3km of the Rodborough Common Special Area of Conservation (SAC), development would also result in the need for an appropriate mitigation strategy or for the developer to enter into an appropriate Section 106 agreement. A signed Section 106 agreement has been received securing a £200 contribution per dwelling unit.

The Council has implemented a Community Infrastructure Levy (CIL). A completed CIL additional questions form has been submitted with the application.

RECOMMENDATION

In light of the above, it is considered that the proposal complies with the policies outlined and is therefore recommended for permission

HUMAN RIGHTS

In compiling this recommendation, we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.

Subject to the following conditions:	<ol style="list-style-type: none">1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.2. The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:<ul style="list-style-type: none">• S15/758/002 Rev J Proposed site layout• S18/758/004 Rev F Plots 2-7 plans and elevations• S18/758/005 Rev C Sectional elevation showing North Boundary wall• S18/758/009 Plans and Elevations Plots 1 and 1a• S18/758/006 Rev D Sectional elevation showing North Boundary wall• S18/758/008 Rev B Drainage layout• Control of dust, noise and burning document received 14/2/20• Tree protection method statement rev 29/1/20• GRATRP-Jan 20 Tree retention and protection plan• GRARPA-MAY 19 Root protection area plan• S18/758/007 Landscape layout• Location plan 1:1250
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Development Control Committee Schedule 16/06/2020

Reason:

To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.

3. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

4. No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System – SuDS) presented in the Drainage Strategy) has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.



Development Control Committee Schedule 16/06/2020

Reason:

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality

5. The development shall be undertaken in accordance with the Arboriculture report produced by Jim Unwin dated 29.1.2020. All of the provisions shall be implemented in full according to any timescales laid out in the method statement, unless otherwise approved by the Local Planning Authority.

Reason:

To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in accordance with Stroud District Local Plan Policy ES8 and with guidance in revised National Planning Policy Framework paragraphs 15, 170 (b) & 175 (c) & (d).

6. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries taken except between the hours of 08:00hrs and 18:00hrs on Monday to Fridays, between 08:00hrs and 13:00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenity of the locality, especially for the people living/ or working nearby, in accordance with Stroud District Local Plan Policy ES3.

7. The development hereby permitted shall not begin until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing: -

1. A Phase 1 site investigation carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environment risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated sites - Code of Practice.
2. If identified as required by the above approved Phase 1 site investigation report, a Phase 2 intrusive investigation report detailing all investigation works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 investigation of potentially contaminated sites- codes



Development Control Committee Schedule 16/06/2020

of practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.

3. If identities as required by the above approved Phase 2 intrusive investigation report detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined. No deviation shall be made from the scheme without prior written approval from the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:
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4. Any previously unidentified contamination encountered during the works as been fully assed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.
5. A verification report detailing the remediation works undertaken and quality assurance with the approved methodology that has been submitted to, and approved by the Local Planning Authority. Details of any post- remedial criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

For further details, as to how to comply with this condition, please contact Katie Lerner, Senior Contaminated Land Officer tel: (01453) 754469.

Reason:

To protect the health of future users of the site from any possible effects of contaminated land in accordance with the guidance within the NPPF, in particular, paragraph 120.

6. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. S15/758/002 Rev J and those facilities shall be maintained available for those purposes thereafter.

Reason:

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.



Development Control Committee Schedule 16/06/2020

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3 and described within Classes A to E of Part 1 of Schedule 2, shall take place.

Reason:

In the interests of the amenities of the local residents and the surrounding area and to comply with Policies HC1 and ES3 of the adopted Stroud District Local Plan, November 2015.

8. The development hereby permitted shall not be occupied until details of the bin storage facilities has been submitted to and agreed in writing by the Local Planning Authority. The approved bin storage facilities shall then be maintained as such thereafter.

Reason:

In the interests of the amenities of occupiers of adjoining residential properties.

9. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1 bicycle per dwelling has been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be made maintained thereafter.

Reason:

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

10. No window (including roof lights) or door openings other than any fenestration shown on the approved plans shall be formed in the dwellings hereby permitted.

Reason:

In the interests of the amenities of occupiers of adjoining residential properties.



Development Control Committee Schedule 16/06/2020

11. Notwithstanding the submitted details, no development shall take place until details of the existing ground levels, proposed finished floor levels, ridge and eave heights of the dwellings and the proposed finished ground levels of the site including the parking area, relative to a datum point which is to remain undisturbed during the development have been submitted to and approved by the Local Planning Authority. Such details shall also provide comparative levels of eaves and ridge heights of the proposed and adjoining properties. The development shall be carried out in strict accordance with the details as approved.

Reason:

Ground levels must be agreed prior to any works taking place in order to avoid a situation where unacceptable ground level alterations cannot be undone without significant reconstruction work. Ground levels need to be agreed to secure an acceptable finished building height in the interests of the amenities of local residents and to ensure the satisfactory appearance of the development, in accordance with Policies HC1, ES7, ES3, ES10 and ES12 of the Stroud District Local Plan, November 2015.

12. Prior to commencement of the development hereby approved, arboriculture supervision / site monitoring evidence that includes a timetable for the removal of the bank and installation of the boundary fences(s) shall be submitted to and agreed by the Local Planning Authority. The development shall be carried out in strict accordance with the details as approved.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

13. Prior to occupation of the dwellings hereby permitted, surface water and foul drainage details shall be submitted to and approved by the Local Planning Authority and then implemented in accordance with the approved details.

Reason:

To ensure the development is provided with a satisfactory means of drainage.



Development Control Committee Schedule 16/06/2020

Informatives:

1. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise, dust, smoke/fumes and odour during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting, not burning materials on site and advising neighbours in advance of any particularly noisy works. It should also be noted that the burning of materials that gives rise to dark smoke or the burning of trade waste associated with the development, are immediate offences, actionable via the Local Authority and Environment Agency respectively. Furthermore, the granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated smoke, fume, noise or dust complaints be received. For further information please contact Mr Dave Jackson, Environmental Protection Manager on 01453 754489.