



Development Control Committee Schedule 23/02/2021

Applicant's Details	Ms A Fisk Stroud District Council, Ebley Mill, Stroud, Gloucestershire GL5 4UB
Agent's Details	None
Case Officer	John Chaplin
Application Validated	12.07.2019
CONSULTEES	
Comments Received	Biodiversity Officer SDC Water Resources Engineer Contaminated Land Officer (E) Environmental Health (E) Arboricultural Officer (E) Natural England (E) Brimscombe and Thrupp Parish Council Minchinhampton Parish Council Historic England SW Flood Resilience Land Drainage Archaeology Dept. (E) Sport England
Constraints	Aston Down Airfield Consultation Zones Adjoining Canal Affecting the Setting of a Cons Area Consult area Conservation Area Within 50m of existing cycle track (LP) Flood Zone 2 Flood Zone 3 Kemble Airfield Hazard Key Employment Land (LP) Key Wildlife Sites - Polygons Listed Building Within 50m of Listed Building Neighbourhood Plan Brimscombe and Thrupp Parish Council Affecting a Public Right of Way Railway land with 10m buffer Rodborough 3km core catchment zone Settlement Boundaries (LP)
OFFICER'S REPORT	



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MAIN ISSUES

- Principle of development
- Design and appearance
- Ecology
- Hydrology & Flood risk
- Highways
- Archaeology & Heritage Assets
- Landscape impact
- Contaminated land
- Noise & Residential Amenity

DESCRIPTION OF SITE

The application site comprises the Brimscombe Port Business Park and Industrial Estate. The Canal originally ran through the site which was once a large bustling inland port. The main Port Mill building is the large Grade II listed stone building, with the listing including the 20th century attached modern industrial buildings. Port House, a small adjacent warehouse building for the main mill, is also a curtilage listed building. Also on site are the Salt Warehouse and part of the port walls which are also Grade II listed. The site is located within the Stroud Industrial Heritage Conservation Area.

During the 1950's the canal was infilled and large modern portal framed buildings were built. These have become dated and redundant and along with areas of hard surfacing they cover large parts of the site and the former canal.

The River Frome also flows through the site with part of this culverted beneath some of the existing warehouse buildings with the site being in Flood Zone 3.

Access to the estate is currently via 2 accesses on Brimscombe Hill and a third off Port Lane. No vehicle access is currently present from A419 London Road. The application site also includes the highway from Brimscombe Hill.

PROPOSAL

This proposal is for the enabling infrastructure works of the Brimscombe Port redevelopment project. The main elements being the canal reinstatement and a new canal basin within the port area, de-culverting and a re-alignment of the River Frome, a new highway bridge from Brimscombe Hill over the new section of canal and opened up river and a new site access from the A419 London Road.

The proposal also includes demolition of the existing modern industrial buildings, the formation of a development plateau to lift the site out of flood risk to allow for the later residential redevelopment phases.

The demolition of Port House a curtilage listed building is also proposed as part of the development.



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The details design and layout of the wider redevelopment will come forward as part of a separate application.

REVISED DETAILS

Heritage statement received on 06 Aug 2019.

CEMP received on 23 Jan 2020.

Environmental Statement received on 28 July 2020.

Environmental Statement addendum, updated drawings including highways received on 14 Jan 2021.

REPRESENTATIONS

Statutory Consultees:

Brimscombe and Thrupp Parish Council: Support

Revised plan - Brimscombe and Thrupp Parish Council:

The Parish Council have been unable to discuss the changes to the planning application recently submitted. The technical drawings are too small to see and too big to print out. We need a more detailed summary of changes please to allow us to make an informed comment.

At our meeting on 01/02/20 the council also expressed concern that the programme for the demolition and development was still unclear. We note that another of the units is now vacant and has already been the subject of anti-social behaviour reported by our PCSO and we are concerned that as more tenants move out this will increase before work starts proper.

We would like to be re-assured that the programme between demolition and development is kept to a minimum - we would neither want a delay to the demolition once vacated nor a fenced off site for a prolonged period post demolition. There are several vacant buildings already along the canal - notably Brimscombe Mills and the site adjacent to Wimberley Mills that are becoming increasingly run down, covered in graffiti and rubbish. Break ins are frequent. If we add Ham Mills into the mix, we would have a disproportionate amount of 'development sites' that are incomplete and cause for concern in our Parish - we do not want to add the port into this already substantial issue.

In this period of uncertain economic times we feel we are unable to give our full and unconditional support to this application without additional reassurances that this project can and will proceed within a planned and co-ordinated programme.

The port is currently home to a thriving community and social enterprise hub - their daily presence on the site means anti-social behaviour is limited and the port is used and useful to the local and wider community. We would like this to continue for as long as is practicably possible until there is more certainty around timescales for the development.

Minchinhampton Parish Council: Support

Stroud Town Council: neither object or supports

The proposed site layout is very car dominant and doesn't support the ambitions expressed in the Local Plan, the Local Transport Plan or the innovative A419 Inspiration Study (funded by Stroud Town Council, Chalford Parish Council, Brimscombe and Thrupp Parish Council, Stroud



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Valleys Cycle Campaign and Gloucestershire County Council), which could support a modal shift to more sustainable transport including walking and cycling to and from Stroud town. Brimscombe Port is a key site for development and economic regeneration, which should include opportunities for sustainable transport and reduce reliance on private motor vehicles for all new residents and visitors. Stroud Town Council would like to see infrastructure which prioritises access to safe, direct and high quality cycling and walking provision for all members of the community, including vulnerable, protected characteristic groups.

Historic England:

Brimscombe Port site is situated within the Stroud Industrial Heritage Conservation Area which covers the entire extent of the industrial landscape of the Stroud valleys. Historically, it served as an inland transshipment port and the principal focus of activity on the Thames and Severn Canal in the late C18 and C19. The site of the present Industrial Estate has severed a section of the Canal, which we understand would be reinstated as part of current outline proposals with potential recognisable heritage benefits. The application site includes the Grade II Brimscombe Mill, a fine example of a stone-built mill complex of early to mid-C19 date, with high quality detailing, and a late C18 century Salt Warehouse, also Grade II. The proposed demolition relates to Port House, an ancillary warehouse to the mill and the C20 portal framed buildings attached to the north-west side of the mill itself. In terms of significance, the associated heritage values relate to its evidential and historic aspects, rather than aesthetic value. Its physical form and juxtaposition with the mill is intrinsically part of its special interest and its historical function within the former mill complex still contributes to its significance. We do not consider that the significance of the buildings subject to this application have been properly assessed, in line with the requirements of para 189 of the NPPF.

We have no objection to the proposed demolition of the C20 elements of the building, as their removal will reinstate the full northern elevations of the mill, presently consumed by the lower portal-framed structure. This will have a moderate heritage benefit, but combined with the future planning of the space to north of the mill, there is opportunity to enhance the setting of the mill through careful place-making and landscaping.

While we do not object to the applications, the proposed removal of Port House is very regrettable and we advise that this would result in harm to significance to both the warehouse and the setting of the Grade II mill. The harm caused by loss of the historic building would be less than substantial; para 196 of the NPPF requires you to weigh the public benefits of the proposals against the harm. We are aware that the longer term plans for the wider site includes some meaningful heritage benefits to include the reinstatement of the canal basin and the presently severed section of canal. You should satisfy yourselves that these benefits cannot be delivered in a way that would retain the warehouse.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset's setting requires consideration. Para 193 states that in considering the impact of proposed development on significance great



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weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm.

Recommendation

Historic England does not object to the applications on heritage grounds. However, we consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 189, 193 and 194 of the NPPF. In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

GCC Archaeology:

I advise that I have checked the application site against the County Historic Environment Record. Brimscombe Port was constructed in the late 18th century and is a site of historic and archaeological importance since it represents the point of transshipment between the Stroud water and Severn and Thames canals, and it contained the headquarters of the Severn and Thames Canal Company. The historic importance of the port is recognised by its incorporation within the Stroud Industrial Heritage Conservation Area.

I note that this planning application is supported by an archaeological desk-based assessment (Cotswold Archaeology, January 2019) which provides a helpful summary of the port and its associated buildings and structures constructed during the late 18th - 20th centuries, most of which are demolished. The assessment confirms that there is potential for the remains of historic port buildings and structures to be preserved as little as 0.3m - 0.5m below current ground level. The assessment also identifies some potential for the remains of watercraft to be buried within the infilled basin of the port, and also some limited potential for archaeological remains associated with early milling along the River Frome to be present within the application site. Ground works required for the proposed development may therefore reveal or adversely affect significant archaeological remains relating to Brimscombe Port and earlier activity.

I advise that I have no objection in principle to the proposed development with the proviso that a programme of archaeological work should be undertaken in order to record any significant archaeological remains which may be revealed or adversely affected by this scheme.

To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, i.e.;



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'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be revealed or destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.

I have no further observations.

Natural England:

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES
- Habitats Regulations Assessment (HRA Stage 2 - Appropriate Assessment) required.

As submitted, the application could have potential significant effects on migratory fish designated as part of the Severn Estuary Special Area of Conservation (SAC) and Ramsar Site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required: Measures to avoid or mitigate impacts on migratory fish during and after the proposed works.

The Council will then need to carry out an Appropriate Assessment of the proposal including any proposed mitigation. Without this information, Natural England may need to object to the proposal.

Revised Natural England: to be reported

Environment Agency: to be reported

GCC Highways: to be reported

SDC Environmental Health:

With respect to this application, I would recommend that any permission should have the following conditions and informative applied: -

Conditions: 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.



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3. No development shall commence unless and until a full Asbestos Survey of the units to be demolished has been undertaken and no demolition works shall commence unless and until a scheme detailing methods, controls and management procedures relating to the removal and disposal of any identified Asbestos Containing Materials has been submitted to, and approved in writing by, the Local Planning Authority.

SDC Contaminated Land Officer:

Thank you for consulting me on the above application. I have read the submitted site investigation report. Whilst they have demonstrated what contamination is present they have not submitted a remediation statement to demonstrate how they will remediate the site. I am however happy for this to be conditioned and I propose the use of the below amended full condition to any permission granted.

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 remediation scheme 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 this scheme without prior written approval from the Local Planning Authority. No part of the development hereby permitted shall be occupied until: -

2. Any previously unidentified contamination encountered during the works has been fully assessed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.

3. A verification report detailing the remediation works undertaken and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology has been submitted to, and approved by, the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

GCC as Local Lead Flood Authority (LLFA):

The Flood Risk Assessment and Drainage Strategy supporting this application describes works that are acceptable to the LLFA. Concerns about the possibility of increased flood risk outside the developments area are addressed by the phased approach with modelled flood outlines for the 3 phases of development showing that any changes to flood levels are manageable.

Information supplied is complete enough that no conditions will be required by the LLFA to any permission granted for the demolition and infrastructure construction at Brimscombe Port.

SDC Water Resources Engineer:

Defer to LLFA.



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SDC Senior Arboriculture Officer:

The proposal includes the demolition of units 1, 2a, 2b, 3, 4 and the Port House on the Brimscombe Port Business Park, and units, 1, 2, 3, 4a, 4b, 6, 7 and 8 on the Industrial Estate, the construction of the infrastructure for the future redevelopment of the Port to include the reinstatement of the canal from Bourne Mill to Goughs Orchard lock, and a new basin, a new access road off the A419 and road and bridge works on Brimscombe Hill to enable a canal and river crossing.

The realignment of the river Frome will require the removal of three mature cedar trees. The removal of the trees in relation to the proposed developed hasn't been justified and is contrary to local plan policy ES8. The applicant was given pre-application advice regarding the trees, and was advised to instruct an arboriculture consultant to deal with the constraints that the trees pose at the design stage. The advice hasn't been acted upon and the application has been submitted without any arboriculture information.

The author of this report has assessed the cedar trees quality in line with BS 5837:2012 Trees in relation to design, demolition and construction -Recommendations using the cascade chart for quality assessment. The trees have been assessed as A2: Trees of high quality with an estimated remaining life expectancy of at least 40 years. 2: Trees, groups or woodlands of particular visual importance as arboriculture and/or landscape.

The application does little to enhance and expand the Districts tree and woodland resource. Policy ES8 states "Where the loss of trees is considered acceptable, adequate replacement provision will be required that utilise species that are in sympathy with the character of the existing tree species in the locality". No engineering / landscape details have been submitted to demonstrate that it is possible to replant mature trees in the development.

For the reasons given above, I would recommend refusing the application under local plan policy ES8.

Revised SDC Biodiversity Officer: Acceptable subject to conditions:

Fish: There is potential for the following SAC and Ramsar qualifying migratory fish species to be present within the River Frome at the site: River Lamprey, Eels and Salmon. Further to this brown trout a notable species listed under the NERC Act 2006 are also likely to be present. Without mitigation the following impacts have been identified that could occur as a result of the proposed development. The following impacts have been identified: changes in water quality (pollution/sedimentation) and quantity, noise and vibration, de watering of the channel, changes in velocity and channel bed composition. In order to mitigate these issues certain recommendations have been made such as ecologist checks before works, removal of fish by a suitably experienced and qualified ecologist prior to de watering of the channel and timings of works to avoid spawning etc. If the above recommendations are fully implemented it is likely that identified impacts can be avoided/ minimised. Therefore, the above compliance condition is recommended above.



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Bats:

The presence of an old bat dropping in building Q and the possible bat emergence from Building P necessitates a precautionary approach to demolition of these buildings as the possibility of bats using them cannot be entirely ruled out, although this is considered unlikely. A pipistrelle roost for low number of bats was later discovered above the access roller in building L. This can also be accommodated under the already submitted CEMP and the same precautionary method should be applied to building L, proposed mitigation will be sufficient to mitigate the loss of the roosts.

Reptiles:

The presence of a small population of slow-worm and common lizard in the eastern end of the site which consists of rubble and a more wooded area was identified, and it is assumed that grass-snake may also be present as there are local records of the species in the area. The submitted CEMP is sufficient to ensure the safe guard of reptiles during site clearance and construction.

Badgers:

An outlying sett comprising two entrance holes that are used occasionally was found and a further outlying sett consisting of one entrance hole that did not appear to be very well used. The submitted CEMP details how the setts will need to be protected during construction and that a licence will be required to close the sett once full planning consent has been agreed.

Water-vole and Otter:

Records of otter exist in the area and sighting have been made on the River Frome at Brimscombe Port and within the Mill pond at Brimscombe Mill. It is considered unlikely that water-vole are present due to the heavily shaded nature of the River Frome at Brimscombe Port. No further survey is recommended, however, the final scheme should seek to provide habitat enhancement features for these aquatic mammals.

Public:

Sport England:

Thank you for consulting Sport England on the above planning application.

The site is not considered to be playing field therefore Sport England does not consider this proposal would require statutory consultation, under the terms of the Town and Country Planning (DMP) (England) Order 2015, at the formal planning application stage.

Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Para. 97). Unfortunately, there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. Please therefore could the following information be provided as soon as possible:

1. There is a loss of an indoor skate facility through the proposed development - this appears to have been omitted from the applicant's description and indeed there is not any indication of its replacement. Therefore, can the applicants:

a. Indicate what steps if any, they have taken to replace the facility and where the facility is to be relocated or if they have not the justification under paragraph 97 for the loss of the facility;



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b. A time frame for when the works would commence and when Unit 3, the home of Rush Skatepark and the its replacement if it is happening.

2. It would be helpful to have copies of any scheme for the replacement of the facility as well as details of the existing facility to ensure that paragraph 97 is being addressed properly.

Sport England's interim position on this proposal is to submit a holding objection. However, we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response, in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above. I would be happy to discuss the requested information further with the applicant and/or the local planning authority if necessary.

Updated Sport England: email confirming they are not a statutory consultee and therefore cannot issue a holding objection. Further formal consultation not required by the Order.

Gloucestershire Society for Industrial Archaeology:

The Gloucestershire Society for Industrial Archaeology has a long standing interest in the Cotswold Canals and is a member of the Cotswold Canals Partnership Board. We are aware that, sadly, the original intention of a full "heritage-led" approach to the restoration project may not be feasible at every location due to economic considerations (as at Brimscombe Port). However, we think it is extremely important (and feasible) that the surviving remains of the historic environment of the port are fully protected in any development that is approved for the site.

Brimscombe Port Mill and the Salt Warehouse are both listed Grade II and therefore well known. East Wharf Cottage is not listed but is a former warehouse dating back to the operational port. Less well known is the access bridge to the site from Port Lane and the retaining wall to Port Lane above the grounds of Port Mill [NGR SO 8691 0225] . Both of these features appear to be the result of the road built from Tom Long's Post to Brimscombe Port by the Thames and Severn Canal Company in 1785 [Glos. Archives: TS 196/9].

The entry for the bridge in the Heritage Survey of the canals carried out in 2003 by Cotswold Archaeology [report CA 03055] is as follows: - "Site 92 Access Bridge, Brimscombe Port The access into the present office and factory area occupying the site of Brimscombe Port from the south crosses the canalised River Frome on a small brick bridge. This is virtually identical to the standard pattern of Thames & Severn accommodation bridges in the Frome valley, built of hand-made red bricks laid to an English Garden Wall bond and with a semi-circular arch protected by a plain drip mould. The parapets are capped with the same chunky plain stone copings.

It seems logical to suggest that this bridge was built by the canal company as part of their Brimscombe Port complex. It is substantially intact, despite repairs to the parapets in particular, and one of the few tangible reminders of the canal port."



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In view of the present state of these historic structures and their vulnerability to damage by heavy traffic using Port Lane, GSIA wishes to propose that a condition of any planning permission that may be granted is that heavy vehicles are prohibited from using Port Lane.

About 117 letters of objection have been received:

Contamination risk - previous industrial use, asbestos and infill materials

Stroud's light industrial heritage is at risk of being destroyed with demolition, loss of the Bensons office and small brick bridge.

Concern regarding construction traffic on Port Lane and conflict with school traffic and pedestrians.

Application is factually inaccurate - it failed to serve notice and would require acquisition of 3rd party land.

No alternative access arrangements have been provided for neighbouring sites. Hinders the lawful use and potential future development of adjacent site.

Exacerbation of flood risk on adjacent land.

Construction would inevitably damage wildlife habitats and increase the carbon footprint.

Parking would become overloaded and it was considered a pointless project until Saul Junction and/or the Lechlade section of the canal were connected.

Loss of Inside Football facility, the venue for a variety of purposes for example Walking Football which provides valuable exercise and social interaction for retired men. The nearest alternative is in Cirencester and attendees were keen that the venue be left intact until a developer has been found.

The vast majority of the objections were concerned with the closure of Rush Skatepark. The points made were:

Rush is a unique facility - any assessment of the loss of sporting facilities would be unlikely to provide sufficient justification in planning terms to demolish. The application does meet the NPPF (para 97) as identified by Sport England. New facility provision is dependent on securing funding. Would have to be able to continue in current site until new building was ready. Recreational use of canal basin and moorings does not outweigh the loss of Rush.

It is a world-class facility. It is a great tourist attraction. People from all over the country and world use it. There is no other facility within 1.5 hours' travel. The road could be built in another location without having to demolish Rush. It is the biggest indoor skate park in the southwest. The cost of travel to other facilities would put some people off the sports as they would have to travel to Cardiff or Birmingham. Users have travelled from Scotland to visit two years running, supporting local businesses. Other visitors have come from London and used local taxi firms, shops and markets. Competitions bring in many people who spend money locally. Its demolition would have a much bigger impact on the local area than people realise.

A large part of the Brimscombe and wider community would be lost. It encourages a feeling of community. Its closure would have a negative effect on the local community.

Its value to children and adults is significant and unique. It is a multi-sport venue. It is the only place to ride in the dry. Rush has won many awards and has achieved so much in six years.



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BMX and Skateboard are in the next Olympic Games - having the facility here puts Stroud on the international map. Users can meet world champions there and be inspired by them. There would be an outcry if a playing field was being destroyed - Rush is a sporting facility. Users have risen to be in the top ten BMXers, scooter riders, skaters and skateboarders in the country. It is the only indoor venue in the area for extreme sport. The wellbeing of an entire region would be effected. Its closure would mean many bright futures would be put at risk with potential careers lost.

It is beneficial to mental and physical health. Users can forget all their worries when using the facility. Without it, users would not get exercise elsewhere. Its closure could increase gang behaviour. People can have fun without thinking about negative things. It provides a healthy way to have fun. Its use increases self-esteem and improves mental health. It encourages exercise.

It teaches a generation to see self-propelled transport as a norm. Rush upskills people in the use of non-motorised transport.

Staff would become unemployed. The livelihoods of the business owners would be ruined. It is the best social and recreational venue available in the area. Its users are like a family. It is a place for young and old to meet safely and develop their talents. SDC does not realise how famous and valuable it is.

Children are the future and will be the biggest losers. It keeps children off the streets and stops them hanging around unsupervised. It gives children progression and good influences. It gives children the encouragement to persevere, learn new skills and a space to burn off energy. It limits the amount of time children watch television and/or play games on various consoles. The venue helps children with social anxiety and helps build resilience. It has led to an improvement in behaviour at school for some users. Its demolition would show children that their locally elected representatives care nothing for their interests, passions and wellbeing. It is an expressive place for children to play. It is a great place for children to transition into sports. Rush needs to be saved for the child inside all of us. Rush is great for children with autism and/or ADHD. Hundreds of children would be affected.

Brimscombe can cope without the development which will not benefit many people compared to the customers of Rush. People can already enjoy the towpath as it is. Passing boats would add little to the local economy. It enhances the reputation and awareness of Brimscombe. Its closure would destroy local enterprise.

It helps with mental health issues which saves the NHS being overwhelmed. It is used by people ages 4-60. It provides a space for people to express themselves. It helps prevent antisocial behaviour. It makes users feel good about themselves. It keeps people away from crime. It provides a safe haven where no one is judged. Without it, people would not be who they are today - its closure would be like destroying their childhood. It creates positive memories and is a highlight of many people's day/week. Lone riders would be at risk using outdoor parks.

Stroud should be proud to have Rush. It is used by professionals and by others as a hobby. It provides a decent skate shop. It provides a venue to meet new people. It introduces riders to ramp and bowl skating. It is one of a kind. You tubers such as Claudius Vertesi have posted about keeping Rush open.



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It is great for people who don't like group sports. Its closure would mean sponsored riders would lose out. It improves self-worth and other riders help to improve skills.

It is home to Chicks in Bowls Gloucestershire, an organisation which encourages women and girls to skate and skateboard and the staff at Rush have been very supportive. It is an exciting time for females and action sports and Rush is pivotal in this. Amazing events are held there, for example Scootfest, to which international travellers came to see top professional riders.

Normally commercial and residential applicants have to make a positive contribution to the community by building something or paying CIL S106 or CIL to be used to help fund and support Rush. Developers should pay for its relocation. The end buyer seems unlikely in uncertain times. After demolition the site could stay vacant for years.

Neutral - keen to see canal and space for wildlife and exercise but concerned that tourism would become heavier and be a risk to wildlife.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework 2.2.

Available to view at:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1).

Section 72(1).

Stroud District Local Plan.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Council's 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 growth and development locations.

CP3 - Settlement Hierarchy.

CP4 - Place Making.

CP5 - Environmental development principles for strategic growth.

CP13 - Demand management and sustainable travel measures.

CP14 - High quality sustainable development.

SA1 - Site allocation Stroud Valleys.

E11 - Key employment sites.

E12 - Regenerating existing employment sites.

E111 - Promoting sport, leisure and recreation.

E112 - Promoting transport choice and accessibility.

E113 - Protecting and extending our cycle routes.



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- ES1 - Sustainable construction and design.
- ES2 - Renewable or low carbon energy generation.
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality and flood risk.
- ES5 - Air quality.
- ES6 - Providing for biodiversity and geodiversity.
- ES7 - Landscape character.
- ES8 - Trees, hedgerows and woodlands.
- ES10 - Valuing our historic environment and assets.
- ES11 - Maintaining, restoring and regenerating the District's Canals.
- ES12 - Better design of places.

The proposal should also be considered against the guidance laid out in:
Stroud District Landscape Assessment SPG (2000)
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:

PRINCIPLE OF DEVELOPMENT

This application is for the enabling works of the Brimscombe Port redevelopment. The main elements of this include the canal reinstatement and a new canal basin, de-culverting the River Frome, a new highway bridge on Brimscombe Hill over the new section of canal and opened up river, a new site access from the A419 London Road and the demolition and alteration of levels on site. This enabling infrastructure will allow the main redevelopment of the site to come forward at a later date when another planning application for the detailed residential, commercial and community elements will be assessed.

The site is located within the settlement limits for Brimscombe and is also within the Stroud Valleys site allocation Policy SA1e Brimscombe Port which is identified for a mixed use redevelopment for 150 dwellings, canal related tourism development and employment uses. Policy ES11 also supports the restoration of the canal.

The site is also identified within Policy E12 as an existing employment site where there is scope for regeneration and investment through a mixed-use redevelopment.

To enable the redevelopment, the scheme required the demolition of some of the existing buildings. These include the modern industrial buildings on site with some being used for Indoor football and RUSH Skatepark.

A large number of public comments have been received during the early stage of the consideration of the application from users and their families of the indoor skate park and football. These highlight the positive benefits the facility brings its users. This is acknowledged along with the wide reach given the location comments were received from. Sport England and Active Gloucestershire have also highlighted the loss of these indoor sports facilities.



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The applicant has outlined that the tenants entered into leases on the understanding and agreement that their use of the building would only be a temporary use and were fully aware that the site was 'earmarked' for redevelopment.

Paragraph 97 of the NPPF outlines that existing open space, sports and recreational buildings and land should not be built on unless a) the land/building is surplus to requirements, or b) the loss is replaced by equivalent or better provision or c) the development is for alternative sports or recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The applicant (SDC as landowner) has agreed to offer a ground lease of a site at Stratford Park (Strategy and Resources committee meeting April 2018) with the Heads of Terms subsequently agreed with RUSH in June 2018. This would have been an enhanced provision allowing RUSH to provide additional facilities which are essential to improve its business model and financial sustainability. This is subject to planning permission and RUSH raising the requisite funding for the project. It has been in RUSH's hands since 2018 to take this forward and whilst it does not look like it will progress RUSH are looking at other options within the district.

While the recreational facilities currently provided by the Skatepark and indoor football are acknowledged and the number of comments received show the use, support and benefits, the restoration of the canal and river along with the towpath and canal basin also provides a significant recreational provision. This includes tourism, boats and with the use of the towpath for cycling, running and walking etc.

The canal restoration is supported by Local Plan Policy ES11 which emphasis among the benefits an improved access for leisure/recreational purposes with the Cotswold canals providing a valuable resource for the public to enjoy both active and passive recreational activity.

The applicant has also highlighted that Canal side facilities are used by a wide demographic, with use in all weathers open to the wider local community and would compare positively with the narrow user groups of the indoor facilities.

The Active Gloucestershire's catchment analysis also misses at least 2 other outdoor facilities in the district; in Cam (Jubilee Field) and Stroud (Stratford Park) and makes assumptions of the impact of the loss of the Skatepark at Brimscombe Port which are not evidence based.

Whilst the impact of the loss of the existing facilities is acknowledged, it is considered that, also noting the offer of Stafford park site, the proposal with the re-instatement of this section of canal and basin can be considered to provide significant public benefit which outweighs the loss of the current use. The proposal therefore meets the test of Paragraph 97 of the NPPF and positively address the loss of the indoor facilities.

The Grace Network including the Long Table and furniture sales etc will also have to leave as the buildings they are currently using are proposed to be demolished. Similar to above these units have be let on short tenancies with the knowledge of the wider re-development scheme.



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The SDC has engaged positively with the Grace Network and Rush to help find alternative space within the district.

The applicant has considered the suggestion of retaining some of the units but has outlined that this is not possible to allow the infrastructure to come forward. The employment space within the main mill building is retained and is unaffected.

Whilst the loss of some commercial space is a shame, the proposed infrastructure will enable the significant redevelopment of the wider port site which has the opportunity to provide high quality employment, housing and recreational development. With the site allocated for redevelopment and the benefits the scheme will bring to offset the losses, it is considered that the principle of development is acceptable.

DESIGN AND APPEARANCE

The proposed scheme at this stage involves limited built form with the proposal being the main enabling infrastructure. The details of the appearance and landscaping on the edges of the river, canal and basin will make a positive environmental and heritage impact with the details controlled via condition to provide a suitable appearance. This includes the canal detailing of safety barriers, retaining structures and swing bridge. The proposed new highway bridge does provide a simple functional appearance which would not be overly harmful to the surrounding area.

ECOLOGY

The scheme has been identified as involving changes to the River Frome which is a tributary of the Severn Estuary SAC/Ramsar site and has a functionally linked habitat and as such has the potential to have significant negative effects on the designed site and its important migratory fish species like River Lamprey, Eels and Salmon. Adverse effects on the water quality, pollution and impacts on the channel composition could all have an impact. To address this issue mitigation has been built into the proposed scheme and the construction phase and can be required via condition.

It is for the LPA as the competent authority to make an HRA appropriate assessment, however, specialist input and discussions have taken place with both Natural England and the Environment Agency regarding the scheme and the infrastructure elements covered by this application.

The weir adjacent to the Mill building is a significant barrier to migratory fish who want to travel up stream. This has been identified and whilst this area of the wider site is not affected or altered by this current initial infrastructure stage which is the limits of this application, the applicant has confirmed and committed that the wider redevelopment project will address and investigate options for a fish pass if appropriate. This would be assessed as part of the redevelopment planning application.

Whilst a formal response from Natural England on our draft HRA Appropriate Assessment is still awaited, positive discussions have taken place with both Natural England and the Environment Agency on this issue. It is therefore currently considered that with the embedded mitigation which is an integrated part of the scheme, the distance to the River Severn, the scheme won't have adverse effects on the SAC or associated migratory fish.



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Natural England's comments and advice on the draft HRA Appropriate Assessment will be updated in late pages or at committee before the final confirmation as to whether the LPA as the competent authority can confirm our current draft position that the project would not have adverse effects on the European Site.

Whilst there is a low possibility of bats, a precautionary approach to the demolition is being following and is covered by the details submitted in the Construction Environmental Management Plan (CEMP). A new purpose made bat roost has also already been approved on the wider site. The submitted CEMP is also considered sufficient to safeguard any reptiles and badgers interest during site clearance and construction.

The opening up of the river channel and the water of the canal and basin will have significant ecological benefits. Final details of the habitat enhancement and the detailed channel profile will be required via condition and should also include enhancement features for aquatic mammals like Water-vole and Otter.

The proposed scheme includes the loss of 3 mature Cedar trees. The Council's tree officer has raised concern about these trees being lost without full justification and highlighted that they have been identified by the supported arboriculture report as Category 2 trees - Trees of high quality with an estimated life expectancy of at least 40 years. This is noted, however, the constraints of the scheme, the location of the River Frome channel means it is not possible to avoid them and still be able to fit the river and canal and other services between the existing mill building and the access for the existing commercial unit. Replacement trees have been considered within this part of the site but would have been in practical with the limited space available which would result in any planting being too close to buildings or other infrastructure affecting the potential long term retention.

The loss of these 3 trees has to be weighed against the wider ecological benefit the scheme provides with the opening up of the existing currently culverted river, biodiversity gains of providing the canal and the associated water quality improvements.

Whilst it can only be given limited weight the applicant is committed to provide further landscaping and replacement planting elsewhere in the wider redevelopment and has outline an intention to redevelop the rest of the wider Brimscombe Port site in accordance with Building with Nature standards which is likely to involve new trees amongst other planting elsewhere as part of the scheme.

Whilst the loss of any tree is a shame and the lack of replacement planting in this part of the project is also note, however, it is considered that the biodiversity and ecological net benefit provided by reinstating the canal and opening up the culverted river channel outweighs the loss of these trees.



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HYDROLOGY AND FLOOD RISK

Being located in the valley floor the site is currently located within Flood Zone 3 and at high risk of flooding from the River Frome. In flood conditions the confined river over fills into the former canal and provides flood storage capacity. The River Frome is then culverted underneath some of the existing warehouse buildings which are on site.

The proposed scheme includes raising the level of the land to allow for future development that would allow residential properties that are not at such risk of flooding. This increase has the potential to increase flooding downstream but the other parts of the scheme, the canal and canal basin along with the de-culverting of the river provide additional increased flood storage capacity therefore reducing the risk.

Whilst the small section of the culvert of the river underneath the canal does have the potential to restrict high level water flow the scheme includes mitigation to allow water to flow between the river and the canal to address this constraint. The applicant's flood modelling demonstrates that the flow rate would be equal or lower than existing.

Following discussions, the Environment Agency appear satisfied with the modelling and the principle of the scheme and the merits and betterment it will provide. However, at time of writing this report final written comments from the EA had not yet been received. These along with any updates to the proposed conditions will be reported in late pages or at the meeting.

The reinstatement of the canal, the canal basin and the opening up of the river also have similar positive benefits for the surface water drainage from the built elements of the site. These features along with the some cellular attenuation provide storage and flow control to incept storm event runoff and include a betterment on the current levels. Provision within the drainage system highway drains, trap gullies and interceptors result in the scheme have a negligible adverse impact on water quality.

With appropriate mitigation during the construction phase within the CEMP and the ongoing functional element which are part of the scheme it is considered that the scheme will not have an adverse impact.

GCC as LLFA is satisfied with the submitted information and they do not require any further information for the demolition and infrastructure phases which this application covers. The SDC drainage engineer has also not required any further information and is satisfied to defer to the LLFA any technical comments.

Given that this application is for the infrastructure elements the management and maintenance of the reinstated canal for its flood and drainage benefits will rest with the Stroud Valley Canal Company.



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HIGHWAYS

The proposed scheme includes a new access onto the A419 and requires a new highway bridge over the reinstated canal and river at Brimscombe Hill. The new access provides access to the wider regeneration scheme and the existing commercial building (Carpet Hotline) which is not within the applicant's control. This part of the scheme also includes a temporary boat craning position adjacent to the new canal cut. The applicant has outlined that this is important to provide the option for access for boats via road and with the need for large lorries and crane.

Whilst a formal comment from GCC Highways has not yet been received details discussions have taken place with the Highways Officers. This has resulted in amendments to the highway layout and technical detailing with the Highways Officers being happy that the draft details address the issues raised. It is therefore considered that the technical details of the new bridge include the proposed gradient, the new access and internal layout with access, the crane and turning facilities are acceptable. Given this is only the enabling development and further provision will follow in the detailed wider redevelopment the pedestrian provision is also considered acceptable. It is therefore considered that the scheme will not have an unacceptable or severe impact on highway safety.

Stroud Town Council has raised the potential cycle route along London Road. The merits of this are appreciated but the project is in the very early stages with no design. The scheme does not prevent the project in the future but is not appropriate to make the scheme make provision for this at this stage as the details are not yet known. This application is also only the enabling infrastructure but the canal restoration will provide other sustainable benefits with the towpath provided pedestrian and cycle connections. GCC Highways have not sought or make reference to the potential scheme.

Gloucestershire Society for Industrial Archaeology have highlighted the potential importance and historic links to the port complex of the access bridge from Brimscombe Hill. This is noted along with their suggestion of limiting heavy traffic over it. Whilst restriction of the traffic would be a matter for GCC as the local Highway Authority and is unlikely to meet the tests for the planning conditions, with the reinstatement of the Canal and opening up of the river, the main access to the port redevelopment site will be from the new proposed access onto London Road.

ARCHAEOLOGY & HERITAGE ASSETS

The application site, which lies within the Industrial Heritage Conservation Area (IHCA), includes the Grade II listed Port Mill, the Salt Warehouse and a key non-designated heritage asset, The Ship Inn.

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.

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.'



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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.

The Conservation Officer has outlined that it is not just the set-piece landmark buildings that are important in the IHCA, the special historic interest of the earlier main mill ranges is greatly strengthened by the group value of their supporting cast of ancillary buildings. Most were built to serve the purposes of the original woollen mill, some were built to facilitate the later industries on the site in their various incarnations and tell the story of the continuous advances in manufacturing processes and industry. Importantly, the ancillary buildings also bring with them a mixed palette of building materials, some reflecting the original mill range, others modern.

The loss of the majority of the buildings proposed for demolition are non-contentious with both the Conservation Officer and Historic England rising no objection. There is a moderate heritage benefit, combined with the future planning of the space to the north of the mill, to enhance the setting of the mill through careful place-making and landscaping.

However, the loss of the Port House, a curtilage listed building, dating from the 19th century with later alterations is deeply regrettable. The Conservation Officer outlines that it has nice architectural detailing, and definitely plays a supporting role in the setting of the main mill building and the Salt Warehouse with HE also highlighting its merits.

The loss of the Port House would result in substantial harm to the curtilage listed building. In such instances, Paragraph 195 of the NPPF requires that it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The loss of the building would also cause some harm to special interest of the adjacent listed buildings through development in their setting, and to the character and appearance of the conservation area. This harm would be less than substantial. In such cases, Paragraph 196 of the NPPF requires that this harm should be weighed against the public benefits of the proposal.

Having discussed with the applicant, it is understood and appreciated that there are sound infrastructure reasons given the constraints of the site that preclude the retention of the Port House, Officers are satisfied that the longer term heritage benefits cannot be delivered in a way that would retain the warehouse.

The heritage balance is therefore required. The reinstatement of the canal would have significant heritage benefit and adds significant value to the Industrial Heritage Conservation Area by enhancing and improving the appearance and historic interpretation. The improvements to the setting of the Listed buildings and wider area are also noted along with the other wider public benefits of the scheme. It is therefore considered that the harm and loss is outweighed by the public benefits.



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The proposal also includes a new road bridge over the reinstated canal and river and requires the associated re-grading of the road adjacent to the Ship Inn. The Conservation Officer has highlighted the Ship Inn as a rare canal-related building that can be considered to be a significant non-designated heritage asset.

Whilst the bridge will be higher and have a functional appearance, the re-grading work adjacent to The Ship are likely to be limited. Given the existing highway it is therefore considered that whilst there is likely to be a degree visual impact, as the building itself would not be touched, any harm would be less than substantial. Paragraph 197 of the NPPF states that, 'in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' The wider heritage benefits of the scheme are also considered to outweigh this harm.

Brimscombe Port was constructed in the late 18th century and the County Archaeologist highlights its archaeological importance and that this has been recognised by its incorporation within the Industrial Heritage Conservation Area.

The site had significant activity between the late 18th - 20th century and whilst most of the historic building are no longer present the applicant's assessment confirms that there is potential for remains of the historic port buildings and structures to be preserved near the surface. In addition, there is potential of remains of boats within the infilled basin of the port and early milling along the River Frome which the proposed groundworks may reveal. It is therefore proposed that a programme of archaeological work is undertaken in order to record any significant archaeological remains. This can be required via condition.

LANDSCAPE IMPACT

The site is located within the valley floor and whilst it is not within the Cotswold AONB the surrounding valley sides are located within this designated landscape. The proposed scheme seeks to demolish the large modern commercial buildings on the site and restore the canal, river and canal basin. The application is only for the key infrastructure to make the wider site ready for further phases of development that will come later. These later phases would have to assess the details of how they impact on the wider landscape character once submitted. The demolition and opening up of the river and reinstatement of the canal will improve and enhance views of the site along the valley and from the valley side. Whilst the highway bridge will be larger than the existing structure, to be able to make the crossing, is it not considered it will have a significant adverse impact or be an overly dominant feature in the landscape.

It is therefore considered the improvement to the heritage setting of the listed mill buildings and the IHCA will also have a positive landscape impact.

CONTAMINATED LAND

Given the previous use and amount of made up land within the site the application has been supported by the submission of a site investigation report, this includes various desk assessments and soil samples. This outlines what contamination is present but does not outline a detailed remediation strategy. The Senior Contaminated land officer is satisfied with the submitted information but recommends that the remediation statement is submitted and approved prior to commencement of development. This can deal with the contaminants on site and provide the appropriate mitigation.



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NOISE & RESIDENTIAL AMENITY

The reinstatement of the canal will increase public access and recreational use along the water and towpath. With the distance between any of the nearby residential properties at Port Terrace and Brimscombe Hill and considering the nature of the work and proposed use it is considered the proposal will not result in an adverse impact on the residential amenities of local residents.

Appropriate controls over the demolition and construction phases will be applied via conditions to mitigate noise, dust and disruption to local residents.

PLANNING BALANCE AND CONCLUSIONS

The proposed site is identified as a site for redevelopment which is reflected in the policy allocation within the Local Plan. The canal restoration also has significant policy support along with the conservation, ecological and hydrological benefits.

The proposed scheme does result in the loss of existing commercial employment space include some that is currently used as indoor sports facilities. The loss of a curtilage listed building is also proposed. Whilst these are acknowledged and addressed above, it is considered that the significant public benefits of the reinstatement of the canal and basin, the river re-opening would have significant demonstrable conservation and environmental benefits. Leisure, recreational and economic benefits would also be significant from the proposal. The proposal is also enabling development for the wider redevelopment scheme which can provide further significant benefits to the local community.

It is therefore considered that the proposal provides significant positive public benefit that outweigh identified negative or harmful aspects of the scheme.

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.



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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: to be updated Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of good planning.3. No above ground works shall commence on site until full details of a scheme of hard and soft landscaping have been submitted to and approved by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping areas including the crane loading area and boundary treatments (including the type and colour of materials), written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant size and proposed numbers/densities. Reason: In the interests of visual amenity, biodiversity and the character of the area in accordance with Policies CP8, CP14, ES10 and ES11 of the adopted Stroud District Local Plan, November 2015.4. All hard and soft landscape and boundary treatment works shall be completed in full accordance with the approved scheme, within the first planting season following the first occupation of the development hereby approved, or in accordance with a programme submitted to and approved by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of visual amenity, biodiversity and the character of the area in accordance with Policies CP8, CP14, ES10 and ES11 of the adopted Stroud District Local Plan, November 2015.
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5. No development including demolition shall take place until a detailed phasing plan has been submitted to and approved by the Local Planning Authority. The phasing plan shall include a timetable and sequence of the works proposed and include the demolition and construction phases of the proposed development. The approved scheme shall then be implemented in accordance with the approved phasing plan.

Reason:

To retain control of the development and require a timely provision of the public benefits of the scheme, including the reinstatement of the canal and de-culverting of the River, which require the demolition of a curtilage building and were given significant weight. In accordance with Policies CP14, ES10 and ES11 of the adopted Stroud District Local Plan, November 2015 and paragraph 195-6 of the National Planning Policy Framework.

6. All works shall be carried out in full accordance with the recommendations contained in the report entitled Bat, GCN & CEMP, by Wild Service, dated 2020, Addendum to the Preliminary Ecological Appraisal – Fish, by Severn Rivers Ecology, dated 2020, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason:

To protect functionally linked habitats associated with the Severn Estuary SAC and Ramsar site and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). The condition further protects and enhances the sites biodiversity in accordance with paragraph 175 of the National Planning Policy Framework, Policy ES6 of the Stroud District Local Plan 2015 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

7. Prior to commencement an ecological design strategy (EDS) shall be submitted to and approved by the Local Planning Authority. This shall address mitigation and enhancement and include the following:
- Full details of habitat creation/ enhancement features
 - Details of planting, such riparian planting, wildflower planting and establishment.
 - Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - Details for the erection of bird/bat boxes.



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f) Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason:

To protect and enhance the site's biodiversity in accordance with Policy ES6 of the Stroud District Local Plan 2015 and paragraph 175 of the NPPF. This is required prior to the commencement to ensure Biodiversity Net gains are achieved.

8. Prior to commencement a landscape and ecological management plan (LEMP) shall be submitted to and approved by the Local Planning Authority. The content of the LEMP shall include the following:
- a) Description and evaluation of the features to be managed.
 - b) Aims and objectives of management
 - c) Appropriate management options for achieving aims and objectives
 - d) Prescription for management actions
 - e) Preparation of work schedule (including an annual work plan capable of being rolled forward over a 20 year period)
 - f) Details of body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

To protect and enhance the site's biodiversity in accordance with Policy ES6 of the Stroud District Local Plan 2015 and paragraph 175 of the NPPF. This is required prior to the commencement to ensure Biodiversity Net gains are achieved and that long term management ensures success of implemented biodiversity enhancement features.



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9. 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 remediation scheme 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 this scheme without prior written approval from the Local Planning Authority. No part of the development hereby permitted shall be occupied until:

2. Any previously unidentified contamination encountered during the works has been fully assessed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.

3. A verification report detailing the remediation works undertaken and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology has been submitted to, and approved by, the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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, Section 15, paragraph 178.

10. No development shall take place until a Construction Method Statement and a Construction Traffic Management Plan has been submitted to and approved by the Local Planning Authority. The Method Statement and Management Plan shall be shall provide for:

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- i. The parking of vehicles of site operatives and visitors;
- ii. The unloading and loading of materials;
- iii. The storage of plant and materials used in constructing the development;
- iv. Wheel washing facilities to be utilised by vehicles leaving the Site;
- v. Measures to control the emission of dust and dirt during construction;



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- vi. A scheme for recycling/disposing of waste resulting from construction works;
- vii. Details of the Site access, routeing strategy and signage during the construction period;
- viii. External construction works and external operation of plant and equipment;
- ix. Working hours.

The approved Statement and Construction Traffic Management Plan shall be strictly adhered to throughout the construction period.

Reason:

To reduce the potential impact on the public highway, accommodate the efficient delivery of goods and supplies and protect the amenities of local residents in accordance with Policies CP13, EI11, ES1, ES3 and ES6 of the adopted Stroud District Local Plan, November 2015 and Paragraphs 102, 108 and 110 of the National Planning Policy Framework.

11. No development shall take place until a full Asbestos Survey of the units to be demolished has been undertaken and no demolition works shall commence unless and until a scheme detailing methods, controls and management procedures relating to the removal and disposal of any identified Asbestos Containing Materials has been submitted and approved by the Local Planning Authority. The development shall then take place in accordance with the approved details.

Reason:

Details are required to be submitted prior to commencement of development to ensure that the risks from asbestos to the local environment, future users of the land and neighbouring land are minimised and that the development can be carried out safely in accordance with Policies CP14 and ES3 of the adopted Stroud District Local Plan, November 2015.

12. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved by the Local Planning Authority.

Reason:

It is important to agree a programmes of archaeological work in advance of the commencement of development so as to make provision for the investigation and recording of any archaeological remains that may be revealed or destroyed by ground works



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required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework.

13. Prior to their construction or installation on site, detailed drawings and material finishes of all retaining structures, walls, fencing, bollards and other safety fencing or similar structures shall be submitted to and approved by the Local Planning Authority. The development shall then take place in accordance with the approved details.

Reason:

In the in the interests of the visual amenity and character of the surrounding Conservation Area and setting of nearby Listed buildings and to ensure the satisfactory appearance of the development in accordance with Policies CP14, EI11, ES3, ES7, ES10, ES11 and ES12 of the adopted Stroud District Local Plan, November 2015 and the provisions of the Revised National Planning Policy Framework.

14. Prior to their construction or installation on site, detailed drawings and material finishes of the proposed swing bridge and other canal related features shall be submitted to and approved by the Local Planning Authority. The development shall then take place in accordance with the approved details.

Reason:

In the in the interests of the visual amenity and character of the surrounding Conservation Area and setting of nearby Listed buildings and to ensure the satisfactory appearance of the development in accordance with Policies CP14, EI11, ES3, ES7, ES10, ES11 and ES12 of the adopted Stroud District Local Plan, November 2015 and the provisions of the Revised National Planning Policy Framework.

15. Prior to their first use, detailed drawings of the proposed canal moorings/pontoons and any associated structures shall be submitted to and approved by the Local Planning Authority. The approved canal moorings/pontoons shall then be implemented in accordance with the approved details and retained available for use thereafter.



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	<p>Reason: To enable the Local Planning Authority to ensure the satisfactory appearance of the development and the provision canal facilities which was given positive weight within the planning balance of the scheme, in accordance with Policies CP4, CP14, ES3, ES7 and ES10 of the adopted Stroud District Local Plan, November 2015.</p> <p>16. No development shall take place until a timetable for the implementation of the surface water drainage scheme shown on the approved plans has been submitted to and approved by the Local Planning Authority. The approved drainage scheme shall then be implemented in accordance with the approved timetable.</p> <p>Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Policies CP14 and ES4 of the adopted Stroud District Local Plan, November 2015.</p> <p>17. Environment Agency conditions tbc</p> <p>18. Highway conditions tbc</p>
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