

30 June 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held on **TUESDAY, 12 JULY 2016** in the Council Chamber, Ebley Mill, Ebley Wharf, Stroud at **18:00**.



David Hagg
Chief Executive

Please Note:

- i This meeting will be filmed for live or subsequent broadcast via the Council's internet site (www.stroud.gov.uk). By entering the Council Chamber you are consenting to being filmed. The whole of the meeting will be filmed except where there are confidential or exempt items, which may need to be considered in the absence of the press and public.
- ii The procedure for public speaking which applies to Development Control Committees is set out on the page immediately preceding the Planning Schedule.

AGENDA

- 1** **APOLOGIES**
To receive apologies of absence.
- 2** **DECLARATIONS OF INTEREST**
To receive declarations of interest.
- 3** **MINUTES - 7 JUNE 2016**
To approve and sign as a correct record the minutes of the Development Control Committee held on 7 June 2016.
- 4** **DEVELOPMENT CONTROL PLANNING SCHEDULE**
(Note: For access to information purposes the background papers for the applications listed on the above schedule are the application itself and subsequent papers are listed in the relevant file).
- 4.1** **WIMBERLEY MILL KNAPP LANE, BRIMSCOMBE (S.13/2668/OUT)**
Demolition and clearance of the existing buildings and hardstanding, residential development of up to 104 dwellings.

4.2

MAYOS LAND OFF A38, BRISTOL ROAD, HARDWICKE (S.16/0127/REM)

Residential development of 51 dwellings, vehicular access from Meerbrook Way, public open space, car parking and other associated infrastructure and engineering works.

Members of Development Control Committee

Councillor Tom Williams (Chair)
Councillor John Marjoram (Vice-Chair)
Councillor Dorcas Binns
Councillor Chris Brine
Councillor Miranda Clifton
Councillor Nigel Cooper

Councillor Jim Dewey
Councillor Haydn Jones
Councillor Jenny Miles
Councillor Dave Mossman
Councillor Gary Powell
Councillor Mark Reeves

DEVELOPMENT CONTROL COMMITTEE

7 June 2016

 6.00 pm – 9.30 pm
 Council Chamber, Ebley Mill, Stroud
3**Minutes****Membership:**

Councillor Tom Williams **	P	Councillor Jim Dewey	P
Councillor John Marjoram *	P	Councillor Haydn Jones	P
Councillor Dorcas Binns	P	Councillor Jenny Miles	P
Councillor Chris Brine	P	Councillor David Mossman	A
Councillor Miranda Clifton	P	Councillor Gary Powell	P
Councillor Nigel Cooper	P	Councillor Mark Reeves	P
** = Chair * = Vice Chair	P = Present	A = Absent	

Officers in Attendance

Planning Manager	Senior Planning Officer
Planning Team Manager	Solicitor
Principal Planning Officers	Democratic Services Officer

DC.001 APOLOGIES

An apology for absence was received from Councillor Dave Mossman.

DC.002 DECLARATIONS OF INTEREST

There were none.

DC.003 MINUTES – 12 APRIL 2016

RESOLVED That the Minutes of the Development Control Committee held on 12 April 2016 are accepted as a correct record.

DEVELOPMENT CONTROL PLANNING SCHEDULE

Representations were received and taken into account by the Committee in respect of applications:

1	S.15/0707/OUT	2	S.15/2089/OUT	3	S.15/2915/FUL
4	S.16/0617/FUL	5	S.16/0296/HHOLD	6	S.16/0557/HHOLD

Late pages had been circulated to all Committee Members prior to the meeting and hard copies were available at the meeting in respect of Scheduled Items 4, 5 and 6.

DC.004 **LAND NORTH OF FRAMPTON-ON-SEVERN INDUSTRIAL PARK, LAKE LANE, FRAMPTON-ON-SEVERN (S.15/0707/OUT)**

The Principal Planning Officer introduced the above application and updated Committee following receipt of the revised plans to which the Highway Authority had raised no objection. Due to insufficient information being provided by the applicant Environmental Health had raised objections regarding noise.

Councillors John Jones and Steve Davies, Ward Members were concerned about protecting land for future employment, but acknowledged that this land had not been used for many years. There was a need for affordable homes in the village and drew attention to the poor access.

Mr Ross Heaton spoke on behalf of the Parish Council who had supported the application. The site had issues but these were outweighed by the benefit of much needed affordable homes in the area.

Mr Terry Coughlin and Mr John Wyatt, both local residents, objected to the application on grounds of road safety, parking, housing density and flooding issues.

Mr Nick Griffin, the Agent outlined the history of the site and that its current use as an industrial use is not viable.

In replying to Members' questions the following points were clarified:-

- Following the revised access the Highway Authority had raised no objections, subject to conditions.
- A consultant had been employed to look at all possible employment sites for their potential industrial/employment use within the District when the local plan was being prepared.
- 30% of the dwellings built upon the site would be for affordable homes and the site would be the subject of a Section 106 Agreement to secure this.
- North-west of the site there was still employment land available for future development.
- The Council's Water Resources Engineer had raised no objections to the application, any concerns that had been considered had been dealt with by conditions that had been placed upon the application.

A motion to **GRANT PERMISSION**, contrary to the officer's recommendations was proposed by Councillor Haydn Jones and seconded by Councillor Dorcas Binns.

Whilst debating the application members were generally of the opinion that the application should be granted, particularly as the site had not been used for industrial use. Much needed affordable homes would be built in the village, but concerns regarding parking were raised.

Whilst summing up the proposer outlined the need in the village for housing particularly affordable housing; the permission would be subject to a Section 106 Agreement and conditions to noise and drainage would be added to the application.

On being put to the vote there were, 7 votes in favour, 3 votes against and 0 abstentions.

RESOLVED To GRANT application S.15/0707/OUT subject to:

1. **The conclusion of a suitable Section 106 Agreement, and**
2. **Delegated authority to officers to place suitable conditions on the application.**

REASONS

- a. **The village needed housing, particularly affordable housing.**
- b. **The Parish Council supported the application.**
- c. **The application would be the subject of a Section 106 Agreement, together with a noise condition (wording to be delegated to officers to alleviate noise affecting local residents) and other conditions in accordance with the officer's recommendations contained within their report.**

DC.005 LAND ADJACENT TO EASTINGTON TRADING ESTATE, CHURCHEND, EASTINGTON, GLOS (S.15/2089/OUT)

The Senior Planning Officer introduced the above application and provided members with the following updates:-

- A petition of 15 signatures had been received from concerned residents living at Riverside Park, who were located near to the access of the site.
- A local resident, Mrs Gavell had to be added to the list of objectors.
- The Parish Council had provided photographs which would be circulated to members.

Pauline Allen representing the Parish Council raised concerns regarding highway safety with the proximity of Millend Lane, the school and church. Future flooding was also a concern with the site being in Flood Zone 3, an EA pinch point and the local high water table. Eastington Neighbourhood Plan was also highlighted.

Councillors Steve Davies and John Jones, both Ward Members raised concerns about the flood zones and how villages further along the river could be affected. The site is surrounded by the Industrial Heritage Conservation Area and Eastington had a neighbourhood plan which was going to referendum in July 2016.

Sally Mears spoke on behalf of herself and other residents of Riverside Park which had 20 mobile homes for the over 50's. She raised concerns regarding noise, fumes pollution, parking and flooding.

Mr James Griffin, Agent acknowledged concerns on this key industrial site which had been addressed within the officer's report. There had been no objections from either the Local Highway Authority or Environmental Health. A Flood Risk Assessment had been carried out and no objections had been raised by the Environment Agency.

In response to member's questions the following points were clarified:-

- The site was in the previous local plan but not identified within the exiting adopted local plan, however, the site was next to an existing allocated commercial site.
- A noise condition could be drafted, in conjunction with the Council's Environmental Health Officers. The World Health standard for bedroom noise was also noted.

- Limited weight should be given to the neighbourhood development plan, because it had not yet been adopted and the referendum had not been held.
- GCC Highways had raised no objection to the scheme.

Maps showing the flood zones and the whole of the site were displayed for members.

A motion to **ACCEPT** the officer's recommendation was proposed by Councillor John Marjoram and seconded by Councillor Jim Dewey, with an extra condition that "seeks to maximise employment prospects on the site by restricting the use to avoid B8 Storage use would override other impacts".

During debate members wished to protect the quality of life of existing residents of the nearby caravan site; the access could be better as there would be an increase in traffic movements. Officers raised concern about attaching an unenforceable condition on part of the site in regards to operational opening times as it would be difficult to identify which part of the site would be causing noise nuisance. The current occupiers of the units were unknown and not a material planning consideration.

On being put to the vote there were 6 votes in favour, 4 against and 0 abstentions.

RESOLVED To GRANT OUTLINE PLANNING PERMISSION for application S.15/2089/OUT, together with an additional condition restricting the site to not allow B8 use to maximise employment.

DC.006 THE OLD BAKEHOUSE, TOWNSEND, RANDWICK, STROUD (S.15/2915/FUL)

The Principal Planning Officer outlined the site and displayed a plan showing the layout of the two dwellings and updated members that an additional condition could be added to the application regarding levels.

Councillor Jonathan Edmunds, Ward Member raised various objections to the application, including loss of sunlight, its overbearing affect, obtrusiveness, incompatibility with the local surroundings and did not comply with the Randwick Village Design Statement.

Mr Shaun Egan represented Randwick Parish Council confirmed that the applicant had not followed the Parish Council's adopted plan, the Cotswold stone walls should be kept, the gardens were not sympathetic to a village environment, he also raised concerns regarding traffic impact and requested members to refuse the application.

Kay Badham, opposed the application and raised various concerns about traffic onto the bridleway and road. Thirty-seven letters of objection had been submitted regarding this loss of amenity citing paragraph 32 of the NPPF and questioned the sustainability of the proposal.

Mr Milo Mason, Agent confirmed that neighbours had been consulted and after discussions with the planning officers the plans had been redesigned. The main access was a public right of way and no wayleaves regarding utilities exist.

The following points were clarified:-

- The Highway Authority would have been aware of the other 17 houses being built near the site as they would have been consulted on those houses.

- Some trees would be retained and a condition had been attached to the application regarding the boundary.
- The submitted drawings were reasonable to allow for an officer to make a recommendation to committee.

Councillor John Marjoram proposed a motion to **REFUSE** the application, contrary to the officer's advice, this was seconded by Councillor Jim Dewey. The proposer's reasons for refusal were policy CP14, (page 151) the development did not match the environment and NPPF53. He also was concerned about the narrowness of the lane and the strong objections that had been put forward from the Parish Council, Ward Member and local residents.

The Planning Manager confirmed that an independent highway consultant could be employed to look at this site and suggested that the application could be deferred for this work to be carried out.

The proposer and seconder agreed to withdraw their motion and put forward another motion for the application to be deferred until an independent consultant had carried out a highway survey.

Upon the vote there were 3 votes in favour, 7 votes against and 0 absentions, the motion was **LOST**.

Councillor Haydn Jones proposed a motion to move the officer's advice which was seconded by Councillor Dorcas Binns. The proposer requested two additional conditions were added to the application; that the stone walls were retained at the lower level and levels of those walls to be conditioned as appropriate by officers and delegated as such.

On being put to the vote there were 7 votes in favour, 2 votes against and 1 abstention.

RESOLVED To grant PERMISSION for application S.15/2915/FUL, with the addition of conditions as set out above.

At 8.25 pm the meeting was adjourned and reconvened at 8.35 pm.

DC.007 LAND AT BELMONT HOUSE, UPTON HILL, UPTON ST LEONARDS, GLOS (S.16/0617/FUL)

The Principal Planning Officer introduced the application and drew members' attention to the extra condition in Late Pages.

Chrissy Castle represented Upton St Leonards Parish Council and re-iterated their objections to the application, as set out within the officer's report.

Mr James Griffin, Agent spoke in support of the application confirming that the trees were protected by a Tree Preservation Order and the building would be secluded.

The officer confirmed that due to the mix of plants many sedum roofs were successful. Permission would have to be applied for to change the material used to the roof.

Councillor Dorcas Binns proposed a motion to **ACCEPT** the officer's advice, this was seconded by Councillor Miranda Clifton.

Councillor Nigel Cooper, Ward Member welcomed the additional condition and was most sympathetic to the Parish Councils objections.

In summing up the proposer liked the modern design which was located in a very private and secluded area. Another member thought the principals were good and this was the way forward for the future.

On being put to the vote there were 9 votes in favour, and 0 vote against, with 1 abstention.

RESOLVED To GRANT PERMISSION for application S.16/0167/HHOLD in accordance with the officer's recommendations.

**DC.008 HIGH HEDGES, STROUD ROAD, BROOKTHORPE, GLOUCESTER
(S.16/0296/HHOLD)**

The Principal Planning Officer had nothing to add to the officer's report but drew members' attention to the amended drawings on Late Pages.

Mr Gordon Simpson, Vice-Chairman of Brookthorpe-with-Whaddon Parish Council outlined the reasons why the Parish Council had raised their objections and urged members to refuse permission.

Mr Nigel Bone, spoke on behalf of himself and also local residents located in Stroud Road and Andrew Close against the application raising concerns about overlooking.

Mr Rory Freeman, owned the property and stated that currently he could look into neighbours gardens and requested permission to be granted.

The officer replied to members' questions.

A motion was proposed by Councillor Chris Brine to **ACCEPT** the officer's advice, this was seconded by Councillor Miranda Clifton.

Members debated the application which they had visited at a recent sites inspection.

On being put to the vote there were 9 votes in favour, 1 against and 0 abstentions.

RESOLVED To GRANT PERMISSION for application S.16/0296/HHOLD.

**DC.009 MOUNT PLEASANT, FORTHAY, NORTH NIBLEY, DURSLEY
(S.16/0557/HHOLD)**

The Principal Planning Officer provided an update on the above application and Late Pages, (an amended site plan (version L) and condition 2, which included levels).

Councillor Ken Tucker, Ward Member had attended the Parish Council meeting where the application had been discussed and because of the affect on the unacceptable loss of privacy of neighbours and urged members to reject the application.

Mr Rex Simmonds represented North Nibley Parish Council who where of the opinion that the development would create an adverse affect on other properties. The property was also outside of the settlement boundary and should be refused.

Mr David Palmer, from a neighbouring property, confirmed that Forthay was a small hamlet and all neighbours had objected to the application on grounds of overlooking.

Dr Wendy Daniell, the applicant confirmed that the application had been amended in response to concerns.

In reply to members' questions it was confirmed that in the opinion of the officer the overlooking into gardens was not significantly adverse and the loss of a view was not a material planning consideration. Members had visited the site and the house required renovating and they had to adhere to the planning law.

A motion was proposed by Councillor John Marjoram to **ACCEPT** the officer's advice to **GRANT** the application, this was seconded by Councillor Chris Brine.

Members debated the application.

On being put to the vote there were 10 votes in favour, 0 against and 0 abstentions.

RESOLVED To GRANT PERMISSION for application S.16/0557/HHOLD.

The meeting closed at 9.30 pm.

Chair



Stroud District Council

Planning Schedule

12th July 2016

In cases where a Site Inspection has taken place, this is because Members felt they would be better informed to make a decision on the application at the next Committee. Accordingly the view expressed by the Site Panel is a factor to be taken into consideration on the application and a final decision is only made after Members have fully debated the issues arising.

DEVELOPMENT CONTROL COMMITTEE

Procedure for Public Speaking

The Council have agreed to introduce public speaking at meetings of the Development Control Committee.

Public speaking is only permitted on those items contained within the schedule of applications. It is not permitted on any other items on the Agenda. The purpose of public speaking is to emphasise comments and evidence already submitted through the planning system. Speakers should refrain from bringing photographs or other documents as it is not an opportunity to introduce new evidence.

The Chair will ask for those wishing to speak to identify themselves by name at the beginning of proceedings. There are four available slots for each schedule item:-

Ward Councillor(s)
Town or Parish representative
Spokesperson against the scheme and
Spokesperson for the scheme.

Each slot (with the exception of Ward Councillors who are covered by the Council's Constitution) will not exceed 3 minutes in duration. If there is more than one person who wishes to speak in the same slot, they will need either to appoint a spokesperson to speak for all, or share the slot equally. Speakers should restrict their statement to issues already in the public arena. Please note that statements will be recorded and broadcast over the internet as part of the Councils webcasting of its meetings; they may also be used for subsequent proceedings such as an appeal. Names may be recorded in the Committee Minutes.

The order for each item on the schedule is

1. Introduction of item by the Chair
2. Brief update by the planning officer.
3. Public Speaking
 - a. Ward Member(s)
 - b. Parish Council
 - c. Those who oppose
 - d. Those who support
4. Member questions of officers
5. Motion
6. Debate
7. Vote

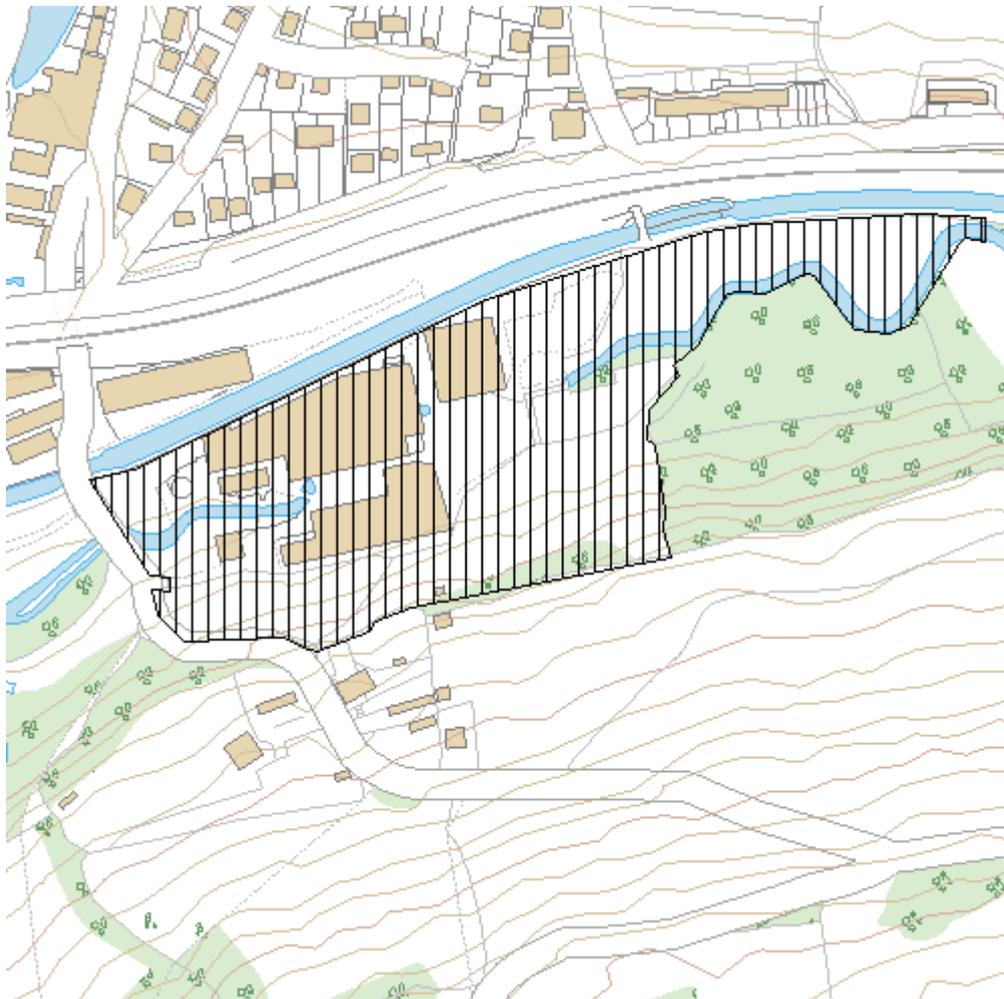
A copy of the Scheme for Public Speaking at Development Control Committee meetings is available at the meeting.

Parish	Application	Item
Minchinhampton Parish Council	Wimberley Mill, Knapp Lane, Brimscombe. S.13/2668/OUT - Demolition and clearance of the existing buildings and hardstanding, residential development of up to 104 dwellings, vehicular and pedestrian access, Internal access roads, car parking, surface water drainage and related works, various engineering operations including changes to site levels, de-culverting the River Frome and works to create new flow and flood channels, associated landscaping including a play area. (Revised Plan 21st November 2014, revised description of development and plans 13.5.2015).	01
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.13/2668/OUT	
Hardwicke Parish Council	Mayos Land Off A38, Bristol Road, Hardwicke. S.16/0127/REM - Residential development of 51 dwellings, vehicular access from Meerbrook Way, public open space, car parking and other associated infrastructure and engineering works.	02
Link to website	http://www.stroud.gov.uk/docs/planning/planning_application_detail.asp?AppRef=S.16/0127/REM	



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Item No:	01
Application No.	S.13/2668/OUT
Site No.	PP-03034892 (251)
Site Address	Wimberley Mill, Knapp Lane, Brimscombe, Gloucestershire
Town/Parish	Minchinhampton Parish Council
Grid Reference	387435,202014
Application Type	Outline Planning Permission
Proposal	Demolition and clearance of the existing buildings and hardstanding, residential development of up to 104 dwellings, vehicular and pedestrian access, internal access roads, car parking, surface water drainage and related works, various engineering operations including changes to site levels, de-culverting the River Frome and works to create new flow and flood channels, associated landscaping including a play area. (Revised Plan 21st November 2014, revised description of development and plans 13.5.2015).





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Applicant's Details	Mr A Lindley Wimberley Park, Knapp Lane, Brimscombe, Gloucestershire, GL5 2TH
Agent's Details	Mr D Hutchison Pegasus Planning Group, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT
Case Officer	P Moore
Application Validated	05.12.2013
RECOMMENDATION	
Recommended Decision	Resolve to Grant Permission
Subject to the following conditions:	<ol style="list-style-type: none">1. Before any development is commenced, approval shall be obtained from the Local Planning Authority in writing of the details of the layout (plot 50 only as defined on plan ref. C.0480_24) scale, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters"). Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved. Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.2. The Reserved Matters applications submitted pursuant to condition no.1 shall be in broad accordance with the guiding design principles of the addendum to the Design and Access Statement dated May 2015.. Reason: In the interests of ensuring the development proceeds in accordance with the approved parameters in the interest of good design.3. Plans and particulars submitted pursuant to condition 1 above shall include the following details:<ol style="list-style-type: none">a. Details of access arrangements including surface material finishes for the highways, footpaths, cycle ways, private drives and all other hard surfaces;b. The soft and hard landscaping of the site and details



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- of screen walls, fences and other means of enclosure
- c. details of existing and proposed ground levels and proposed finished floor levels and building heights;

Reason:

To ensure that sufficient information is provided in the interests of good design.

4. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The detailed design should follow principles as detailed in the drainage strategy submitted with the planning application. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

5. The finished floor levels of the development hereby permitted shall be set no lower than 62.64m AOD (600mm above the modelled 1 in 100 year floor level including an allowance for climate change).

Reason:

To ensure that the development is free from flooding and remains safe for the lifetime of the development in accordance with Chapter 10 of the National Planning Policy



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Framework.

6. The first Reserved Matters submitted pursuant to condition 1 shall include details of the siting and design of a single clear spanning pedestrian footbridge over the River Frome with a soffit level set at a minimum of 600mm above the modelled 1 in 100 year flood level (including an allowance for climate change).

Reason:

To ensure that the development provides safe pedestrian access which is free from flooding and remains safe for the lifetime of the development in accordance with Chapter 10 of the National Planning Policy Framework.

7. For the purposes of condition 6 above the pedestrian bridge shall be solely sited in the general location marked A, B or C on the Indicative Footbridge and Maintenance Margin Locations Plan (ref. C.0480_22E). It shall be constructed in accordance with the approved details prior to the occupation of the 100th dwelling hereby approved.

Reason:

To ensure that the development provides safe pedestrian access which is free from flooding and remains safe for the lifetime of the development in accordance with Chapter 10 of the National Planning Policy Framework.

8. In the event that the pedestrian footbridge is to be sited in the general location marked "C" on the Indicative Footbridge and Maintenance Margin Locations Plan (ref. C.0480_22E) the siting and design of the bridge shall allow for maintenance vehicle access to the River Frome between the bridge position and plot 44.

Reason:

To ensure vehicular access to the River Corridor for the ongoing maintenance of the corridor, in the interests of water management in accordance with Chapter 10 of the National Planning Policy Framework

9. The first Reserved Matters submitted under condition 1 shall include a continuous maintenance margin with a width of up to 8m on the northern side of the River Frome and a continuous maintenance margin with a width of up to 4m on the southern side of the River Frome between the positions identified as " A" to "B" and "B" to "C" on the Footbridge and Maintenance Margin Locations Plan (ref. C.0480_22E).



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Reason:

To ensure vehicular access to the River Corridor for the ongoing maintenance of the corridor, in the interests of water management in accordance with Chapter 10 of the National Planning Policy Framework

10. The River Frome maintenance margins shall be left unobstructed at all times and shall be landscaped in accordance with details that shall first be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The details shall include a timetable for implementation and shall proceed and be maintained in accordance with the approved details.

Reason:

To ensure suitable landscaping and management of the maintenance margins to enable access to the River Corridor for the ongoing maintenance of the corridor, in the interests of water management in accordance with Chapter 10 of the National Planning Policy Framework

11. The development hereby permitted shall not commence until further details of the proposed means of maintenance vehicular access to and from the maintenance margin on the southern side of the River Frome between the positions identified as "P" and "C" on the Footbridge and Maintenance Margin Locations Plan (ref. C.0480_22E) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed and be maintained in accordance with the approved details.

Reason:

Information required as part of the detailed design phase in order to ensure vehicular access to the River Corridor for the ongoing maintenance of the corridor, in the interests of water management in accordance with Chapter 10 of the National Planning Policy Framework.

12. No development comprising the erection of the buildings hereby permitted shall take place above slab level until the River Frome Culvert has been reopened. The works to reopen the River Frome Culvert shall accord with the Sections detailed on drawings C.0480_23C-1 and C.0480_23C-2.

Reason:

To ensure that the development is free from flooding and remains safe for the lifetime of the development in accordance with Chapter 10 of the National Planning Policy Framework.



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13. Following demolition but prior to the commencement of development 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:-

- I. A Phase I 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 environmental risk assessment, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice.
- II. If identified as required by the above approved Phase 1 site investigation report, a Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment including off site receptors.
- III. If identified as required by the above approved Phase II intrusive investigation report, 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:-

1. 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.



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2. 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:

Information required as part of further investigations, in order to protect the health of future users of the site and ground and surface water receptors from any possible effects of contaminated land in accordance with the guidance within the National Planning Policy Framework in particular, Paragraph 120.

14. The development hereby permitted shall not commence until details (including samples) of the walling, roofing and fenestration to be used in the construction of the external surfaces of the building works hereby permitted have been submitted to and approved by the Local Planning Authority. This shall include a schedule of which materials shall be used on each buildings. Development shall then only be carried out in accordance with the approved details.

Reason:

Information required as part of the detailed design phase in the interests of the visual amenities of the area.

15. The development hereby permitted shall not commence until details of the proposed Local Equipped Area of Play (LEAP) including details of its siting, the hard surfaced areas, means of enclosure and boundary treatments and details of the play equipment, and any signs and lighting (if applicable) together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The features shall then only be developed in accordance with the approved details and in accordance with the approved implementation programme.

Reason:

Information required as part of the detailed design phase in order to ensure that adequate recreation facilities are provide on site.



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16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is the sooner. 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.

Reason:

In the interests of the visual amenities of the area.

17. The development hereby permitted shall not commence on site until a plan indentifying the trees and/or hedges to be retained and those to be removed as part of this development, and the method and timetable for implementation of the protection of the retained trees/hedges during construction has been submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the approved details.

Reason:

Information required as part of the detailed design phase in order to ensure the health and safety of the trees on the site and to ensure continuity of the visual amenity that they provide and the ecological habitat potential and to comply with Policy ES6, ES8 of the adopted Stroud District Local Plan, November 2015 and guidance within the National Planning Policy Framework.

18. The development hereby permitted shall not commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction
- vii hours of working



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viii measures to protect the water course during construction
ix measures to protect ecological habitat during construction phase.

Reason:

The provision of further information in order to reduce the potential impact on the public highway during the construction phase in accordance with Policy ES3 of the adopted Stroud District Local Plan, November 2015 and the National Planning Policy Framework Chapter 4.

19. The development hereby permitted shall not commence until details of the proposed improved connection of the PROW to the canal towpath has been submitted to an approved in writing by the Local Planning Authority, together with a timetable for the implementation of the highway works. The works shall then be completed in accordance with the approved timetable and shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason:

Information is required as part of the detailed design phase to ensure that there suitable access details are provided to reduce potential highway impact, in accordance with paragraph 32 of the National Planning Policy Framework.

20. The dwellings hereby permitted shall not be occupied until the highway works as shown on approved plan H816-101 Rev D, shall be completed in all respects and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason:

To reduce potential highway impact, in accordance with paragraph 32 of the National Planning Policy Framework.

21. The development hereby permitted shall not commence until details of the highway works has been submitted to and agreed in writing by the Local Planning Authority, including:
- o Bus infrastructure improvements at the bus stops on Toadsmoor Road
 - o Improvements to the existing steps on Knapp Lane providing access to Toadsmoor Road
 - o 30mph speed limit signage along Knapp Lane

The dwellings hereby permitted shall not be occupied until the approved works have been completed, the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.



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Reason:

Information is required as part of the detailed design phase to ensure that suitable access details are provided to reduce potential highway impact, in accordance with paragraph 32 of the National Planning Policy Framework.

22. No house building operations shall commence on site until the first 20m of the proposed access road which provide access to the site from Knapp Lane, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

Reason:

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

23. No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason:

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

24. No dwelling hereby permitted shall be occupied until a Management Strategy, has been submitted to and approved in writing by the Local Planning Authority, for the management and maintenance for the following;
- o Drainage - proposals outlined in the approved Drainage Scheme,
 - o Open space areas - including any formal and informal play areas,
 - o Ecological enhancement measures as outlined in the approved plans, and
 - o The River Frome maintenance margins
 - o All other areas of open space not subject to adoption by public authorities,



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The Management Strategy shall include a programme for implementation, long term management responsibilities, maintenance schedules and details of any Management Company proposed and its terms of reference. The areas shall then be managed in accordance with the approved Strategy.

Reason:

To ensure that adequate safeguards are provided to ensure the ongoing management of these spaces within the development in accordance with Policies CP14, ES3, ES4, ES6, ES8 of the adopted Stroud District Local Plan, November 2015 and the guidance within the National Planning Policy Framework.

25. The development hereby permitted shall be implemented in accordance with the Bat Report by Ecology Solutions Ltd (November 2013), Ecology Survey Report by Applied Ecology Ltd (August 2013) and Ecological Assessment by Corylus (November 2012) and the approved plans, with particular reference to the need to fully accord with all the recommendations and evaluation made within the reports.

Reason:

To protect features of recognised nature conservation importance in accordance with Policy ES6 and CP14 of the Local Plan and Chapter 11 of the NPPF.

26. Prior to the commencement of development, a plan detailing the position of fire hydrants on the site to be served by mains water supply shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details with the hydrants provided prior to the occupation of the units to which they relate.

Reason:

In the interest of community safety.

27. 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 previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with



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	<p>paragraph 141 of the National Planning Policy Framework.</p> <p>28. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Master plan dwg no. C.0480_14N-2 Sections Location Plan dwg no. C.0480_23C Sections through River Frome Corridor dwg no. C.0480_23C-2 Indicative Footbridge and Maintenance Margins Locations dwg no. C.0480_22E Extent of Plot 50 dwg no. C.0480-24 General Road Arrangement Road 2 dwg no. H.816-301 Rev G General Arrangement Road dwg no. H.816.302 Rev F Tracking for Refuse Vehicle (Northern) dwg. H.816-TRO1 Rev E Tracking for Refuse Vehicle (Southern) dwg. H.816-TRO2 Rev E</p> <p>All received by the LPA on the 14th May 2015.</p> <p>Reason: For the avoidance of doubt and in the interests of good planning.</p>
	CONSULTEES
Comments Received	Development Coordination (E) Contaminated Land Officer (E) Mr D Lesser Environmental Health (E) The Environment Agency (E) Development Coordination Revised Details (E) Natural England (E) Parish / Town Historic England SW Brimcombe With Thrupp Parish Council Archaeology Dept (E)
Not Yet Received	Property Shared Services Centre British Waterways Canal Team (E) Cotswolds Conservation Board (E) Ecology Historic England SW Gloucestershire Education Dept (E) Gloucestershire Wildlife Trust (E) Cotswolds Conservation Board (E) Gloucestershire Education Dept (E)



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CONTRIBUTORS	
Letters of Objection	<p>P Wilkie, The Old Coach House, Hyde Brimscombe And Thrupp Parish Council, 11 Broadstone Close, Barnwood G and T Callow, Hyde House Cottage Knapp Lane, Hyde G Foxley, Badgers Bank, Knapp Lane P Battye, Greenhills, Dr Crouchs Road J Leake, 4 Knapp Cottages, Knapp Lane,, Brimscombe R Watt, 4 Knapp Cottages, Knapp Lane Olympic Varnish Co Ltd, NO POSTAL ADDRESS PROVIDED, J Clifford, Knapp House, Knapp Lane Mrs N John, Knapp House Knapp Lane Brimscombe Stroud Glos, T. Callow, Hyde House Cottage, Hyde B Fletcher, Cristley, London Road A Holman, Hyde Green Cottage, Hyde M Wheeler-Carmichael, Hyde Grange, Knapp Lane J and R Leake, 4 Knapp Cottages Knapp Lane Brimscombe, Stroud Mr W B Petyan, The Dockyard, Brimscombe Minchinhampton Parish Council, Trap House, Minchinhampton G Foxley, Badgers Bank, Hyde Mr and Mrs Wilkie, Old Coach House, Hyde C and I Shearman, Ivy Cottage, Hyde P And S Cole, Foresters Lodge, London Road Mr T Howell-Hughes, Greendale, Churchill Road</p>
Letters of Support	
Letters of Comment	<p>Lux, Hyde Brae And St Mary's Farm, Hyde Hill L Stevens, The Walled Garden, Hyde Chalford Parish, Chalford Parish Centre, Gerals Way Minchinhampton Parish Council, The Trap House, West End Cotswolds Conservation Board, Fosse Way, Northleach Pencarrow, Quarhouse Lane G Wheeler-Carmichael, Hyde Grange, Chalford</p>
OFFICER'S REPORT	

UPDATE FOR JULY DCC

This application was reported to the Development Control Committee on 12 January 2016. Members resolved to grant permission subject to a S106 agreement to secure:

Primary Education £303,992 (based on no current capacity and therefore 0.25 pupils per qualifying dwelling – thus 26 dwellings x £11,692 per pupil place)

Libraries £20,384 (based on £196 per dwelling)

Rodborough SAC £20,800 (based on £200 per dwelling)



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Affordable housing: no affordable housing required as part of the redevelopment however an overage clause to be included such that if the scheme yields a profit in excess of 20% gross development value then 50% of the excess should be secured to provide affordable housing.

Since this resolution there has been a significant, material change in Government policy in respect of affordable housing.

The Government issued a Ministerial Statement in November 2014 which set out specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from certain development. This Statement was challenged by Reading Borough and West Berkshire Councils and was quashed. However, the Government successfully challenged the ruling in the Court of Appeal. The resulting order of the Court of Appeal dated 13 May 2016, gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

The Ministerial Statement is relevant to this application as it re-introduced the Vacant Building Credit (VBC). The Ministerial Statement defines VBC to be “a financial credit, equivalent to the existing gross floor space of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes. This will not however apply to vacant buildings which have been abandoned.” However it should be noted that there is nothing in the Ministerial statement to define what constitutes a “vacant building”, or at what stage a building is considered to be vacant. As such, whilst it could be alleged that both the owner and occupiers of the buildings have been aware that the industrial use of the site and the buildings have been vacated intentionally, because of the proposed redevelopment, it is the current state of the buildings that should be taken into account in assessing the vacant building credit.

In the case of Wimberley Mills there are a number of vacant buildings on site, which could be brought back into reuse. The table below sets out the schedule of existing industrial floorspace and proposed residential floorspace.

Existing floorspace (gross sq m)	Proposed House type			
		Floor area	no	total
Building A	Type 1	167.2	8	1338
Building B	Type 2	139.4	15	2090
Building C	Type 3	139.4	19	2648
Building D	Type 4	120.8	15	1812
Building E	Type 5	92.9	26	2415
Building F	Type 5a	116.1	1	116
	Type 6	83.6	12	1003
Total	Type 7	167.2	3	502
	Type 8	111.5	5	557
	Total			12481



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Using these figures the amount of residential floorspace would exceed the existing industrial floorspace by 1021 sq m. This area would be subject to a requirement for affordable housing. If the scheme yields a profit in excess of 20% gross development value then 50% of the excess should be secured to provide affordable housing.

Officers seek to secure contributions towards affordable housing wherever these are reasonable and result from a viable scheme. However in this case there are reasons not to require a contribution to affordable housing on this scheme.

The viability report submitted as part of the application indicated that the scheme would not be viable if any affordable housing was required. The viability of the scheme was checked by the District Valuer and agreed by the Members of DCC so no affordable housing was required. This situation has not changed so the recommendation remains that there should be not affordable housing provided as part of the proposed development.

However, it was resolved to include an overage clause in the S106 agreement. This secures money towards affordable housing, if the development yields a profit exceeding 20% of the gross development value. Members are now asked to consider whether there should be an overage clause relating to the potential for profit from the site.

Normal developer profit is generally expected to be 20% of the gross development value of a site i.e. where the receipts from the sale of all the houses exceed the development costs by 20%. If profits are expected to be lower than this a developer is not likely to proceed with the development. Anything more, then contributions are wholly appropriate. Furthermore the Council cannot require a contribution for affordable housing on 11,460 sq m of development (which equates to the vacant building credit). Consequently here an overage clause can only relate to 1021 sq m floorspace. Assuming an average floorspace per dwelling of 125 sq m (taken as an average for this development), this equates to 8 dwellings. Policy CP9 of the adopted Local Plan seeks contributions of 30% on developments of 4 or more units. Consequently the overage clause should relate to the provision of 2.4 houses. The Policy Implementation Manager commented that "the District Valuer report from October 2015 showed the scheme to be unviable, even with no affordable housing, because of the high level of abnormal costs." It has been suggested that there could be a review of viability required if development is not completed within a given timescale (e.g. 5 years). However, the applicant has indicated that reserved matters should be submitted in 6 months and that development should commence shortly after reserved matters are agreed. Provided that there is nothing untoward found with regard to contamination or other contingencies the applicant envisages completion within 3 years of commencement. Given this timescale, it is unlikely that property prices would have risen substantially and therefore it would seem unreasonable to require an overage clause or review of viability condition as part of any planning permission.

RECOMMENDATION FOR JULY DCC

Officers recommend that Members resolve to grant permission for the proposed development on the grounds detailed above, subject to the applicant entering into an appropriate legal agreement to secure:

Primary Education £303,992 (based on no current capacity and therefore 0.25 pupils per qualifying dwelling – thus 26 dwellings x £11,692 per pupil place)
Libraries £20,384 (based on £196 per dwelling)



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Rodborough SAC £20,800 (based on £200 per dwelling)

This is the same resolution as previously agreed only with no reference to a requirement for an overage clause to secure money towards affordable housing.

The officer's previous full report is attached below.

REPORT TO 12 JANUARY DCC

SITE

The application site consists of a largely linear site known as Wimberley Mills located at the bottom of the valley. The site is currently made up of a series of occupied and unoccupied commercial buildings as well as hard surfaced areas. The land sits alongside the canal to the north boundary with the River Frome culverted through the site.

The land is broadly flat to the northern most part of the site and then rises steeply on the southern boundaries. The site has a mix of mature and semi mature hedgerow and trees.

There is a public right of way running through the site from the southern edge across to the north eastern corner.

The site falls within the Industrial Heritage Conservation Area, as well as forming part of a designated flood plain.

The site is within the Cotswold Area of Outstanding Natural Beauty (AONB).

PROPOSAL

The proposal seeks outline permission for the erection of up to 104 dwellings with the matters of layout and access being considered and all other matters reserved. In relation to Plot 50, the matter of layout is also a reserved matter for future consideration because the position and design of the bridge is yet to be determined and this will have some bearing on the position of the house on plot 50.

The proposed access is taken from the existing access into the industrial site from Knapp Lane.

REVISED DETAILS

Revisions have been made to the initial scheme to clarify the proposal and remove the sheltered housing units. Further revisions have been made to the layout of the scheme and the supporting documentation including an Addendum to the Design and Access Statement.

RELEVANT PLANNING HISTORY

S.12/2264/OUT – an application for the redevelopment of the site for 96 dwellings and up to 20 sheltered units was withdrawn in March 2013.



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The site is an allocation in the adopted Local Plan, November 2015 as part of the Stroud Valley Allocation SA1 which promotes a mixed use redevelopment of this site.

CONSULTATION RESPONSES

Public: A number of objections to the proposed development, covering the following issues;

- * Access – Knapp Lane and Toadsmoor Road junctions including the bridge, drivers wanting to go south may find using Knapp Lane attractive and highway safety aspects of this have not been addressed
- * Traffic generation exacerbating existing congestion
- * Flooding
- * Unsustainable Location with limited access to facilities.
- * Wildlife impact
- * Loss of Employment
- * Impact on operation of other commercial premises in the area. Conflict of proposed residential use with existing industrial use.
- * Development appears cramped and out of keeping, limited parking provision will add to traffic problems

Minchinhampton Parish Council:

Object – access, the safety of potential traffic to use Knapp Lane, and the lack of affordable or social housing,(adopted policy reference HN5). Cllrs had concerns about access, traffic flows, and site clean-up costs. Car parking was inadequate leading to displacement to other areas. There was also potential for traffic congestion under the bridge which would itself need reconstruction. Site clean-up costs have been under estimated. The application misses the opportunity to look at canal regeneration to enable manageable traffic to go through. The Knapp Lane South junction needs serious re-consideration.

Brimscombe with Thrupp Parish Council: (adjoining Parish)

Object – Knapp Lane and Toadsmoor/A419 Junctions are already overstretched with traffic and any additional traffic without road improvements will cause significant highway problems

Chalford Parish Council: (adjoining Parish)

We are concerned that the increase in traffic will add to the existing congestion at the junction of Toadsmoor Road and the A419. While we would not wish to oppose the redevelopment of brownfield sites to meet housing needs and generate employment opportunities, we believe improvements to the road junction are required.

Local Highway Authority:

The LHA has considered the information provided and originally objected on the basis that the submission has not demonstrated that a safe and suitable access can be provided. Further work has been undertaken regarding a road safety audit. The LHA has been reconsulted and raises no objection subject to conditions. This is on the basis that the NPPF states at paragraph 32 that development should not be refused on transport grounds unless the residual cumulative impacts of development are severe. It is considered that impacts are not severe.

GCC Archaeological Officer:



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Recommend that no objection is raised providing that a condition requiring a scheme of investigation to be secured be added to any permission granted.

SDC Housing and Policy Implementation Manager:

The District Valuer has confirmed that the scheme is not financially viable if affordable housing is included within it. However, I would expect there to be a s.106 agreement with an overage clause such that if the scheme yields a profit in excess of 20% gross development value, 50% of this excess should be secured to provide affordable housing.

Environmental Protection Manager:

No objection and makes suggestions of conditions controlling delivery times and dust management. The need for conditions controlling contaminated land has also been requested.

Environment Agency:

Has no objection to the proposed development subject to conditions controlling the associated impacts of the development.

Natural England:

Identify the potential impact on Rodborough Common SAC and advise that appropriate mitigation is provided in line with the interim strategy. No comment is made on protected species.

Historic England:

The application should be in line with national and local guidance, and on the basis of the Council's specialist conservation advice. However, there are some concerns about the loss of building 4 which exhibits some characteristics of value.

Gloucestershire Police:

Make comments on the layout of the site and make suggestions on the physical changes that could be made to improve security. A request for a contribution towards policing is outlined.

Severn Trent Water:

No objection but suggest condition regarding surface water run off

Ecologist:

No objection subject to a condition requiring an ecology mitigation and enhancement plan.

Water Resources Engineer:

Comments on the increase in number of dwellings from 96 to 104 and suggests a condition relating to surface water drainage.

PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Stroud District Local Plan, November 2015 is the Development Plan for Stroud District. This plan has recently been found sound by the Appeal Inspector and adopted and is therefore considered consistent with the National Planning Policy Framework. The National



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Planning Policy Framework sets out the Government's core planning principles and a statement on achieving sustainable development. The document then provides guidance in a series of 13 chapters covering the range of planning considerations.

Core Policy CP1 of the adopted Stroud District Local Plan, November 2015 and the core planning principles of the NPPF (Paragraph 17) seek to enhance and improve the places in people live, support sustainable development, secure high quality design, protect important landscape features, encourage the use of renewable sources, conserve and enhance the natural environment, re-use previously developed land, promote mixed use developments, conserve heritage assets, encourage sustainable transport and improve health, social and cultural wellbeing for all.

Local Policy CP2 sets out the overall strategy for distributing future housing growth and meeting the District's strategic housing needs throughout the Plan period. This spatial plan is backed up by CP4 which, together with CP5, aims to ensure that future development responds to local needs and local characteristics, and is well built and well integrated into local communities. Policy SA1 identifies Wimberley Mills as a site suitable for mixed use development, subject to viability and site specific circumstances. SA1 indicates 100 dwellings and employment uses would be appropriate.

Policy CP15 seeks to protect the separate identity of settlements and the quality of the countryside and only seeks to permit essential development under identified circumstances. This aims to discourage unplanned development outside of the main urban areas and defined settlement boundaries.

Local Policy CP14 (together with ES12) places the quality of design and development right at the heart of the Local Plan and stresses the importance of careful design and layout in achieving development (of all kinds) that is truly integrated into its setting, with good, safe and convenient connections to surrounding facilities and amenities. This is consistent with Chapter 10 (Paragraphs 93-108) of the NPPF which establishes the Governments objectives in supporting the delivery of a low carbon future which would aids to reduce greenhouse gas emissions, minimise vulnerability and provide resilience to the impacts of climate change. This chapter considers the implications of development on areas prone to flooding by virtue of proximity to watercourses or management of surface water. Local Plan Policy ES4 considers water resources, quality and flood risk. Chapter 7 (Paragraphs 56-68) of the National Planning Policy Framework (NPPF) also stresses the importance of quality design in the provision of sustainable development.

Local Policy CP13 sets out what will be expected of new development, in terms of sustainable travel and transport planning. Chapter 4 (Paragraphs 29-41) of the NPPF also promote the need for sustainable transport. These outline the need to offer people access to a real choice about how they chose to travel and require access to sustainable transport modes. Sustainable transport solutions will vary from urban to rural areas is also recognised. Local Plan Policy ES3 maintains highway safety including public rights of way. Policy EI12 details the Councils parking standards.

Local Plan Policy ES3 seeks to maintain quality of life by preventing an unacceptable level of noise, general disturbance, smell, fumes, loss of daylight or sunlight, loss of privacy or an overbearing effect. Additionally the policy seeks to maintain highway safety including public rights of way.



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Local Plan Policies ES6 - ES9, ES11, ES13 and ES14 have particular regard to landscape character, green space and biodiversity, stressing the need to avoid harm and erosion, as well as identifying opportunities to enhance and reinforce the quality and quantity of the District.

Local Plan Policy CP9 details the Councils requirements for affordable housing and their integration and seeks to ensure an adequate and well-targeted supply of affordable housing across the District.

Local Plan Policy CP7 sets out how new development will be expected to contribute towards meeting the needs of all sections of the community and should help to encourage community cohesion through the provision of facilities for community use, for health, social care, leisure, education or play. This is consistent with Chapter 8 (Paragraphs 69-78) of the NPPF which details how planning can play an important role in facilitating social interaction and creating healthy, inclusive communities and sets out objectives for the provision of high quality public spaces which encourage the active and continual use of public areas.

Local Plan Policy ES10 and Chapter 12 (Paragraphs 126-141) of the NPPF are relevant when assessing proposals on sites designated as Conservation Areas, or listed buildings and their setting. They establishes the importance of the historic environment, heritage assets and archaeology and provides guidance on conservation and enhancement.

The proposal should also be considered against the guidance laid out in SPG Residential Design Guide (2000), SPG Residential Development Outdoor Play Space Provision, SPG Stroud District Landscape Assessment, SPD Affordable Housing (Nov 2008) and SPD Housing Needs Survey (2008).

For the full content of the Stroud District Local Plan Policies (adopted November 2015) mentioned above, together with the preamble text and associated supplementary planning documents are available to view on the Councils website <http://www.stroud.gov.uk/localplan>.

Full details of the NPPF are available to view at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

PARISH PLANS

Where there are prevailing Parish Plans in place, these form part of the Development Plan. At the time of writing there are no Parish Plans which have been consulted on or adopted as part of the Development Plan.

PRINCIPLE OF DEVELOPMENT

The site lies within the development limits of Stroud and is identified in policy SA1 as a site suitable for mixed use redevelopment. Policy SA1 sets out criteria against which applications should be assessed. The policy sets out 11 criteria including provision of affordable housing (where viable); contributions to education and community uses; outdoor playspace/accessible greenspace and/or landscaped canalside public realm; landscape; drainage; flood risk; improvements to river corridor for biodiversity and flood risk



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improvements; cycle and pedestrian routes; towpath restoration; contributions to bus services.

The Local Plan acknowledges that several mill sites along the valley bottom are underused and redevelopment could achieve sustainable locations for living and to support canal conservation, recreation and tourism opportunities. The key priority for Wimberley Mills is to deculvert the River Frome, to take the site out of the flood plain. The intention of the Wimberley Mills and Dockyard sites is to achieve satisfactory access through Knapp Lane and Toadsmoor Road to the A419. The Local Plan aspires to have residential and high quality employment space at Wimberley Mills.

The site is a brownfield site and the NPPF strongly encourages the reuse of brownfield land, such as this site, outlined in Chapter 11 of the NPPF. Para 111 states;

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

The NPPF places a number of objectives and promotes a sequential type of approach in the consideration of residential development land. The allocation of the site for redevelopment in the Local Plan has addressed the sequential approach promoted in the NPPF.

In considering applications there has to be a balance between some of the somewhat competing objectives. In this case, the site is a brownfield site which the NPPF places a priority for redevelopment ahead of greenfield development, and is located inside the settlement boundary and has reasonable access to facilities, shops and services albeit localised. The site has footpath access and links to surrounding facilities and should not be considered as unsustainable. Brownfield sites such as this pose unique challenges for redevelopment and may not be able to achieve all the aims of the policy. In these cases a balance has to be made as to whether the benefits of the proposed development outweigh any negative impacts.

CONSIDERATION OF THE PROPOSED DEVELOPMENT

The main issues relating to this development are loss of employment land; impact on highway safety; flood risk; design and landscape; heritage impact and ecological impact. These are discussed below.



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LOSS OF EMPLOYMENT LAND

The proposed development is for residential development with no provision for mixed uses or commercial uses. The application has been accompanied by an appraisal of the commercial opportunities for the site. The allocation for this site seeks a mixed use development.

In assessing this application, which results in the loss of the key employment site, regard should be had to the objectives of the Local Plan Policy and its intentions. The main objective of including mixed uses is to ensure that there are sufficient levels of employment site available to provide jobs across the District as part of the relationship of providing jobs alongside housing and creating sustainable communities. This is balanced against the provision of housing.

Implicit in this approach is that there is an identifiable need for the site to be protected. As part of the plan making process, evidence is gathered which seeks to identify trends and requirements for employment provision in the future plan period. To defend a decision on the basis of the loss of employment land, evidence would need to show the demonstrable harm that would result from the loss of this land, and that there is an identifiable demand for this provision. If the site has no future demand, then its ongoing protection is unreasonable. Therefore, this application has to demonstrate that there is no demand or future need for employment uses on the site.

CURRENT EMPLOYMENT

There is limited demand for the current occupancy on the site with occupancy rates reducing to approximately 21% of the site with limited interest in the remaining 79% of the site.

The site has been marketed since February 2008 with limited interest and rents that have been secured are on short term basis which are unsustainable in the long term compounded by the physical constraints of the site.

CONTINUED EMPLOYMENT USES

Having had regard to authorised uses of the site, consideration should also be given to the potential continued employment uses. Review work has assessed against a number of indicative criteria such as the ownership, building age, building quality, general external environment, void periods, existing tenants, market attractiveness, and accessibility – strategically and locally.

The conclusions for continued employment use (B1, B2 and B8) are heavily restricted given the highly restricted nature of the site and the level of capital investment required for remediation/demolition/conversion and the lack of suitable HGV access limits the site's commercial attractiveness. This is further impacted by the lack of road frontage and limited site size as well as proximity to sensitive adjoining land users. The market attractiveness of this site has to be weighed up against the attractiveness of the other opportunities that exist elsewhere in the District.



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ALTERNATIVE COMMERCIAL USES

As identified above, the site has a number of limitations which restrict the market attractiveness and these issues equally apply to other non B-Class uses such as retail, leisure and healthcare. The significant issues for commercial use are the lack of road frontage, limited space and access issues.

Overall, the applicant has demonstrated that there is no demand for the site as a continued employment site.

ALTERNATIVE SITES

There are other sites in proximity of the site such as Brimscombe Port, Bath Road Trading Estate, Inchbrook Trading Estate as well as those further afield such as Stroudwater Business Park, Oldends Lane Industrial Estate and Severn Distribution Park at Sharpness. The majority of alternative sites are located more centrally within the District with road frontages and/or good transport links.

CONCLUSIONS

The purpose and objective of the emerging policy to promote mixed use schemes is to protect for the demand and need for employment space in Stroud urban area and the wider District area and to provide for sustainable communities. The application has demonstrated the very limited commercial opportunities for the site which have demonstrated that there is not a viable mixed use scheme.

Overall, the considerations will need to evaluate the harm and benefits associated with these key issues which can then be addressed in the planning balance at the end of this report. In coming to a recommendation, the decision maker will need to have regard to the balance of the need for the development and the benefits associated and whether these outweigh the harm that may be attributed to the development.

HIGHWAY IMPACT

Paragraph 32 of the NPPF places the test of ensuring that a development does not have a severe impact on highway safety. This is an important point as it infers that a level of impact is acceptable providing that the resultant impact is not severe. It must also be noted that the impact on the highway is directly related to the proposed development and not pre-existing concerns or issues.

In considering the impact of the development on the highway network, Gloucestershire County Council as Local Highway Authority (LHA) has been consulted. The LHA has assessed the application and, following receipt of additional information, have not objected, subject to conditions.

The LHA comments are lengthy and are available in full on the Council's website. The comments consider the proposed development and assess the highway impact against the fallback position i.e. the impact that could be present if all the buildings on the site were occupied for their authorised use. This assessment concludes: "On the basis that the extant use of the site would generate almost double the amount of traffic of the residential proposal, the Highway Authority is unable to object on congestion grounds or the safety of users along Knapp Lane, as the impact can not be considered to be 'severe'. Consideration was given to a Traffic Regulation Order, but this is not considered necessary to make the proposed



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development acceptable. Other elements such as works to the highway; access for service vehicles (via the tunnel at Knapp Lane); access to public transport; layout of development; construction traffic; and public rights of way have all been considered. The overall conclusion of the LHA is "The National Planning Policy Framework states at paragraph 32 that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF states that "safe and suitable access to the site can be achieved for all people", and that "opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure." It is considered that the development proposals will meet these criteria. It is recommended that no highway objection be raised to this application" subject to the conditions being attached to any permission granted.

Significant objections have been made with reference to the potential impact of the proposed development on Knapp Lane as well as the limited access under the bridge and onto Toadsmoor Road. These have been given weight in the determination of this application but the decision maker has to have regard to contributing material factors. The road is a public highway which the public have the ability to pass and re-pass, in combination, the site is currently a commercial site which could also (in theory) use Knapp Lane and the restricted height bridge. This fall back position is a strong factor and must be given significant weight. On balance, whilst these concerns are acknowledged, there are no demonstrable grounds for refusing this application on highway safety concerns.

DESIGN :

The application seeks outline planning consent but with the matter of layout under consideration at this stage (except for plot 50).

LAYOUT AND DESIGN APPROACH:

The layout of the site is determined by the constraints of the site resulting from the topography changes and the re opening of the river corridor. This has had the effect of creating a linear development site which is split into three main areas. The layout approach considers the relationship of the built form to the surrounding natural characteristics such as the river, the canal and the level changes. The design seeks a modern approach, providing strong building lines and edges to the canal frontage. This provides a firm boundary to the canal with fenestration at higher levels which replicates the physical relationship of industrial buildings to the canal, as well as ensuring security to these units.

The middle section of the site reflects the relationship to the river with the indicative elevations within the Addendum to the Design and Access Statements outlining a modern approach combining industrial building lines and materials into domestic scale. This approach is echoed with variation in the upper (third) lines of dwellings.

The site is within the Industrial Heritage Conservation Area (IHCA) and the design emphasis seeks an appropriate balance of industrial scale development within a domestic scale. Subject to appropriate conditions and careful control of details and materials, the design approach is innovative and should be supported within the IHCA.

The innovative layout of the site has required a different approach to the provision of amenity space which will be provided through a range of wider communal areas and smaller decked



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areas or roof terraces to individual properties. This as a concept is acceptable subject to appropriate control mechanisms on long terms management responsibilities and this can be controlled by condition.

LANDSCAPE IMPACT:

The proposed development would be visible to the wider Cotswold Area of Outstanding Beauty (AONB) but this impact would be one of minimal impact on the characteristics of the wider AONB. The site is at the bottom on the valley. It is visible to the public vantage but the visibility of the site does not render a scheme unacceptable.

The details of the landscaping would be considered as part of the detailed reserved matters but the indicative information has demonstrated that the scheme can provide an acceptable level of internal landscaping, thus minimising the impact on the wider landscape setting.

The prominence to the IHCA has a greater impact to the character of the area and this has been considered above.

Overall, the scheme would not have a significantly detrimental impact on the character and appearance of the AONB.

FLOODING & WATER MANAGEMENT:

The site is a former mill complex with large sections of the river being culverted under the hard surfacing of the site and also underneath some of the buildings.

The site falls within designated Flood Plain Zones 2 and 3 and the guidance within Chapter 10 of the NPPF and accompanying Technical Guidance in the NPPG are a critical consideration. Within the designated flood plain, especially those in Zone 3, guidance in the NPPF seeks to steer development to areas with the lowest risk of flooding.

The scheme seeks to make a series of hydrological enhancements. The application proposes to re-open the river through the site which is currently culverted through the site. This has multiple benefits to the site, firstly in terms of reducing the risk of flooding down from a Flood Zone 3 to a Flood Zone 2. This has been confirmed by the Environment Agency. Other benefits include ecological and landscape improvements.

The effective downgrading of the flood risk of the site to Flood Zone 2 removes the need for the Sequential and Exception Tests to be applied to the site. The decision maker needs to have regard to the impact of the development and the risk of flooding. These aspects have all been taken into account in the allocation of the site as part of the Local Plan process.

The Environment Agency (EA) has been involved in discussions relating to the proposed development on the site and has formally commented to the proposed development. Their comments are detailed and are available in full on the web site.

The extensive discussions with the EA demonstrate that they are satisfied that the scheme is acceptable from a flood risk, biodiversity and a controlled water perspective subject to appropriate control mechanisms. The River Frome, which runs across the site, is currently culverted and the culverted section of the river cannot convey flows. The proposed development opens up the river. Modelling has demonstrated that this will improve flows significantly such that the flood classification is reduced from zone 3b to zone 2. Conditions are proposed relating to the opening up of the river; the access details; footbridge



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requirements; and ongoing management. Land contamination conditions are proposed to ensure that controlled waters are not contaminated. The conditions require details of remediation and work along with the control of the impact of contaminated land on human health with the Environmental Health department.

The Water Resources Engineer has advised that the application is acceptable in principle subject to approval of a specific drainage scheme, which can be secured through planning conditions.

Overall, subject to a series of planning conditions, the scheme has demonstrated that is acceptable in water management terms and that the scheme provides for a number of benefits the environment.

ECOLOGICAL IMPACT:

This is a brownfield site which has the potential for ecological value. The site has been subject to a number of ecological surveys identifying the impact of the development on such habitat. The site has potential for ecological habitat for a variety of species given the presence of water and mature landscaping. The ecological surveys highlighted the potential for bats on the site but there was no evidence of badgers, otters, water voles, white claw crayfish and great crested newts.

The ecological surveys have indicated that only the eastern part of Building B1 has some potential for bats. The demolition of this building would be the subject of a licence from Natural England which subject to details and timing of demolition is likely to be acceptable.

The site offers foraging potential within the mature trees, wooded areas and the adjacent canal. The scheme will require the approval of the landscape for which the indicative plans show substantial tree/hedgerow retention. The majority of the site is proposed for development within the areas of existing built form. The reinstatement of the river corridor offers a significant ecological enhancement.

The details of the landscaping of the river corridor and its long term management is the subject of planning conditions as are the contents of the submitted ecological reports.

Habitat Regulations Assessment (HRA) - Under Article 6(3) of the Habitats Directive, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites (Together SPAs and SACs make up the network of Natura 2000 sites). The effect of the Regulations is to require Local Planning Authorities to ensure that no likely significant adverse effect arises from any proposed development scheme or Local Plan. The effect of this legislation together with the Natural England and Rural Communities Act 2006 is to impose on local authorities a legal duty of care to protect biodiversity. If local authorities think harm or "likely significant effect" could occur they are legally obliged to not approve the proposed plan or project unless appropriate avoidance and mitigation measures can be put in place. The various Habitat Regulation Assessment iterations concluded that proposed residential growth in the Local Plan within the catchment could have a likely significant effect, in the absence of appropriate mitigation.

Over the last year SDC has collaboratively worked with Natural England (NE), the National Trust (NT), the Rodborough Commoners and Stroud Valleys Project (SVP) to devise an



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agreed interim impact avoidance strategy for housing within an identified 3km catchment. The Interim Strategy for Avoidance of Likely Significant Adverse Effects on Rodborough Common Special Area of Conservation (SAC) was adopted at Environment Committee on 19th March 2015 (Agenda Item 10).

The application includes a contribution towards the mitigation of the recreational impact on the Rodborough Common SAC and accordingly the LPA can be satisfied that the scheme will not result in a significant or adverse impact on the SAC.

AMENITY:

The proposed layout ensures that the distances from existing properties to those proposed are in excess of the minimum requirements of the adopted guidance in the Residential Design Guide. The proposed dwellings by virtue of the layout proposed would not have any significant impact on the amenity of the other proposed dwellings.

Overall, the scheme would not give rise to any significant loss of privacy, overbearing effect or loss of light, and Policy GE1 of the Local Plan would be satisfied as would guidance with the Framework.

The construction of this site could give rise to some concerns on residential amenity concerns but these could be satisfactorily be addressed by conditions relating to construction times and delivery times.

There are adjoining commercial premises which may have an effect but this is not considered to be significant detrimental. The emerging allocation of this site for housing should also be noted.

HERITAGE IMPACT:

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.'

Wimberley Mills is classified as a 'Non-landmark Mill' in the Council's Industrial Heritage Conservation Area statement. These are mills that have lost most of their historic buildings and much of their previous site form. The existing original buildings on such sites have often gone through several phases of adaptation that have seen their former prominence much reduced and their millponds, like many, have been filled in and concreted over. This extra open space has been used to create car parking or room for larger modern industrial units. The 20th century buildings on the site are very typical of the IHCA, and can be deemed to be a significant contributor to its inherent gritty, not pretty, character.

The one surviving 19th century, two-storey building on the Wimberley Mills site is almost unrecognisable due to replacement windows and doors, however the shallow brick headed segmental windows tell of its origins. Attached, is a brick element with a corrugated roof. This is perhaps the most interesting structure on the site, having the words 'Critchley Bros Pins' written in large letters so as to be visible from the main road and the railway. The loss of this one roof is the most regrettable part of the application.

The loss of any distinctive part of a heritage asset has to be carefully considered. Since the advent of the NPPF, the public benefits of the scheme have to form part of that consideration.



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Bearing in mind the relatively poor condition of the buildings, their unfortunate loss can be deemed to be outweighed by the benefits of the provision of housing.

ARCHAEOLOGY:

The site is acknowledged to have a series of historic mill buildings dating back from the mid 19th Century, and that the site represents a complex of some significant to the understanding of the industrial development of the locality. The County Archaeologist has considered the application and makes reference to the historic importance of the site and makes a requirement for a condition for a programme of archaeological work. This accords with the guidance within the NPPF para. 128, Chapter 12.

AFFORDABLE HOUSING:

Policy CP9 of the adopted Local Plan 2015 seeks sites of this size to provide affordable housing of 30% of the net units proposed where viable. The applicant has provided information to demonstrate that there are abnormal costs associated with the redevelopment of this site. The District Valuer has reviewed the financial justification and agrees that the scheme would not be viable if affordable housing is required. Consequently officers are recommending that no affordable housing is required, however a S106 agreement will be required and this will have an overage clause such that if the scheme yields a profit in excess of 20% gross development value then 50% of the excess should be secured to provide affordable housing.

OBLIGATIONS

1. Primary Education £303,992 (based on no current capacity and therefore 0.25 pupils per qualifying dwelling – thus 26 dwellings x £11,692 per pupil place)
2. Libraries £20,384 (based on £196 per dwelling)
3. Rodborough SAC £20,800 (based on £200 per dwelling)
4. Affordable housing: no affordable housing required as part of the redevelopment however an overage clause to be included such that if the scheme yields a profit in excess of 20% gross development value then 50% of the excess should be secured to provide affordable housing.

The scheme also provides for an on site LEAP as well as a series of localised improvements to the highway network including street lighting, signage, and bus stop improvements. These are controlled by planning conditions.

The proposed development would give rise to an off site recreational impact for youth/adult provision subject to compliance with the CIL tests in identifying a harm to be mitigated, a proportionate contribution towards a specific scheme. Given the scheme has demonstrated that there are unusually complex associated costs of the development, it has been demonstrated that the scheme cannot contribute towards youth/adult recreation.

The proposed development is in close proximity to the canal although the canal projects are not currently working in the vicinity of the site. Given the viability matters, the scheme does not make a contribution towards the canal.



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Gloucestershire Police has sought a contribution towards policing, this is not considered to be CIL compliant as being related to the development. This is not a speculative development forming part of the emerging housing allocations.

PLANNING BALANCE

The consideration of this application requires decision makers to have regard to Paragraph 14 of the National Planning Policy Framework alongside other planning considerations. The National Planning Policy Framework is a pro-growth and the basis of Paragraph 14 is the promotion of sustainable development unless the

“adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or where specific policies in this Framework indicated development should be restricted. “

There are no specific policies in the Framework which indicate that this application must be refused and therefore, the decision maker is required to assess the impacts of the development and whether these significantly and demonstrably outweigh the benefits. The above sections have discussed the material considerations and highlighted the benefits and impacts of the proposed development. In turn it is then required to assess these factors as a whole in reaching a balance.

In considering the application, it should be noted that the Council has demonstrated that it has a 5 year land supply. The NPPF seeks to boost housing provision. However the Local Plan Inspector has agreed the housing figures set out in the Local Plan as being compliant with the NPPF. The application is an allocated site in the Local Plan, identified for 100 dwellings and business uses.

The scheme would comply with the housing element of Local Plan allocation and bring about a level of benefits associated with additional housing, including jobs/economic growth allied with the construction and occupation of the houses. It would also result in regeneration of an underused brownfield site.

There are benefits associated with opening up the River Frome, both in terms of reducing flood risk and improvements to the ecological interest of the river corridor.

Concerns have been expressed with regard to highway safety and flooding. Whilst these concerns are acknowledged, the relevant consultees have not objected to the proposed development for reasons set out in the above report. The benefits of the proposed development are considered to outweigh any disadvantages.

RECOMMENDATION

Officers recommend that Members resolve to grant permission for the proposed development for the grounds detailed above, subject to a S106 agreement to secure:

Primary Education	£303,992	(based on no current capacity and therefore 0.25 pupils per qualifying dwelling – thus 26 dwellings x £11,692 per pupil place)
Libraries	£20,384	(based on £196 per dwelling)
Rodborough SAC	£20,800	(based on £200 per dwelling)



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Affordable housing: no affordable housing required as part of the redevelopment however an overage clause to be included such that if the scheme yields a profit in excess of 20% gross development value then 50% of the excess should be secured to provide affordable housing.

ARTICLE 35(2) STATEMENT

The application was subject to discussion with the agent as part of formal pre-application discussions where these issues were identified and as part of the application, the agent was informed of the grounds for refusal.

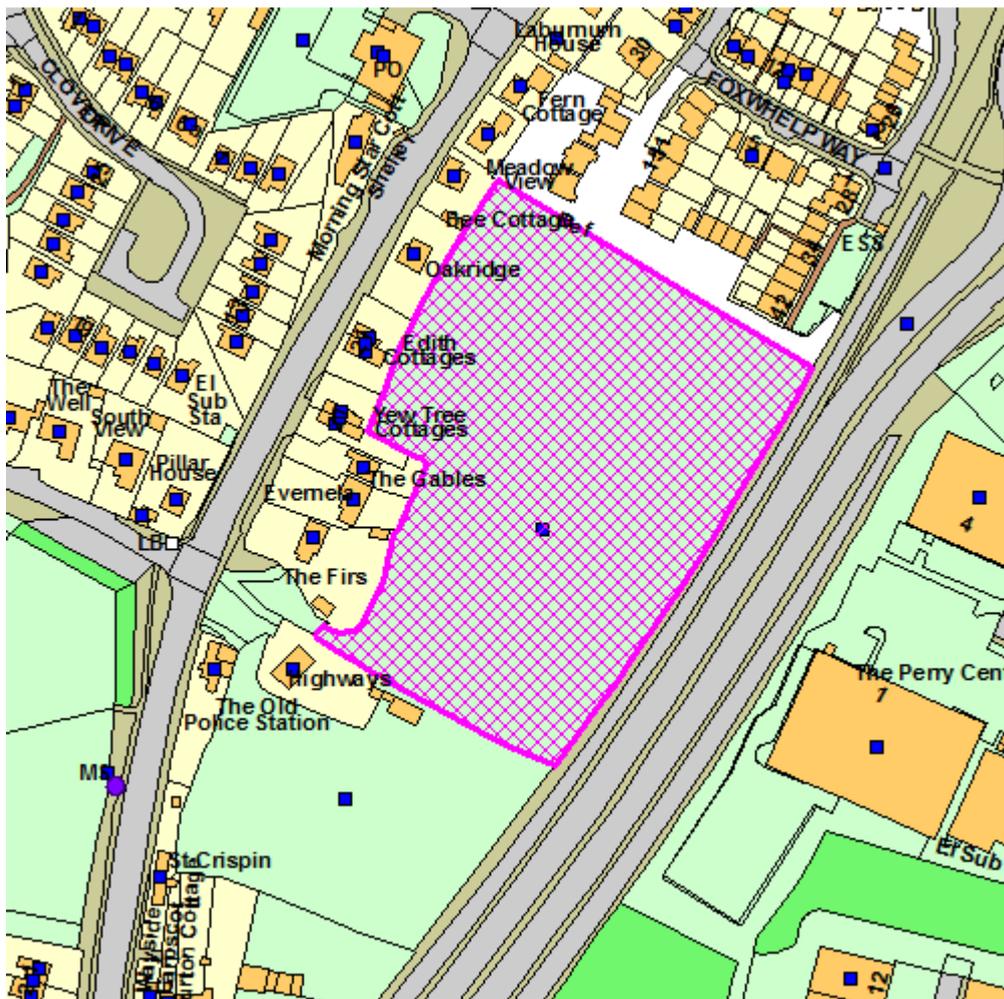
HUMAN RIGHTS

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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Item No:	02
Application No.	S.16/0127/REM
Site No.	PP-04753459
Site Address	Mayos Land Off A38, Bristol Road, Hardwicke, Gloucester
Town/Parish	Hardwicke Parish Council
Grid Reference	380621,212799
Application Type	Approval of Reserved Matters
Proposal	Residential development of 51 dwellings, vehicular access from Meerbrook Way, public open space, car parking and other associated infrastructure and engineering works.





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Applicant's Details	Mr S Hughes Alexander House, Excelsior Road, Western Avenue, Cardiff, CF14 3AT
Agent's Details	Development Design Partnership Unit C23, Kestrel Court, Harbour Road, Portishead, Bristol BS20 7AN
Case Officer	D Lowin
Application Validated	21.01.2016
RECOMMENDATION	
Recommended Decision	Approval
Subject to the following conditions:	<ol style="list-style-type: none">1. The development hereby permitted shall be commenced within two years. Reason; To comply with Section 92 of the Town and Country Planning Act 1990.2. The development hereby permitted shall be constructed in strict accordance with the following plans and the drawing notes attached thereto: DRG No 2975-000 Location Plan DRG No 2975-100Rev N Planning Layout DRG No 2975-101 Rev C Materials Plan DRG No 2975-102 Rev C Boundary Treatments DRG No 2975-WROU-EL02 Wroughton House Type (Brick) DRG No 2975-WROU-EL01 Wroughton House Type (Brick and Render) DRG No 2975-WILC-EL02 Wilcott House Type (Brick) DRG No 2975-WILC-EL01Rev A Wilcott House Type (Render) DRG No 2975_WICK-EL01 Rev A Wickford House Type DRG No 2975-WAL-EL01Rev A Walton House Type (Brick) DRG No 2975-WAL-EL02 Rev A Walton House Type (RenderV1) DRG No 2975-SOUT-EL01 Southcott House Type DRG No 2975-SHIP-EL01 Shipton House Type DRG No 2975-SHER-EL01 Sherbourne House Type DRG No 2975-WHIT-EL01 Whitecroft House Type DRG No 2975-STAN_EL01 Standish House Type DRG No 2975-4R-EL01 4R House Type DRG No 2975-2R-EL01 2R House Type DRG No 2975-3R-EL01 3R House Type DRG No 2975-2.1.1-EL01 2.1.1 House Type



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DRG No 2975-GAR-ELFP01 Garages
DRG No 2975-GAR-ELFP02 Garages
DRG No 2975-GAR-ELFP03 Garages
DRG No 2975-BCS-01 Bin & Cycle Store Details
Plan EDP2: Tree Protection Plan

Reason:
For the avoidance of doubt.

3. The development shall be undertaken in accordance with the submitted Landscape Management Plan MLQ.LMP.R01RevA dated January 2016.

Reason:
In accordance with Policy CP14 of the adopted Stroud District Local Plan 2015.

4. The development shall be undertaken in strict accordance with the submitted Construction Environmental Management Plan 'Mayo's Land, Bristol Road, Gloucester' dated March 2016 and the provisions contained therein.

Reason;
To protect the residential amenities of the area from dust, noise, ground contamination and mud on roads during construction in accordance with Policy CP14 of the adopted SDLP.

5. The development shall be undertaken in strict accordance with the Sustainable Urban drainage System Management Strategy Report dated May 2016 and drawing No 3760-114 Rev B detailing the design of the attenuation cells.

Reason ;
In accordance with Policy ES4 of the SDLP 2015.

6. The vehicular access hereby permitted shall not be brought into use until the 2m x 15m visibility splays have been provided in general accordance with drawing 3760-101-1-2 D extending from points 2m back along the individual accesses measured from the shared surface carriageway edge (the X points) to points on the nearer shared surface carriageway edges 15m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X distance and between 0.6m and 2.0m at the Y distance above the carriageway level.

Reason:
To reduce potential highway impact by ensuring that adequate



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visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Stroud Local Plan policy CP13.

7. The vehicular accesses except serving plots 39,40, 42-46 hereby permitted shall not be brought into use until the roadside frontage boundaries have been set back to provide visibility splays extending from a 2m back along each edge of the driveway parking spaces, measured from the shared surface carriageway edge or back of footway edge, extending at an angle to 2m along the footway or shared surface carriageway edge. The area between those splays and the footway or shared surface shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway or shared surface carriageway level.

Reason:

To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Stroud Local Plan policy CP13

8. The vehicle accesses serving plots 39,40, 42-46 hereby permitted shall only be brought into use with any roadside frontage boundaries or features provided below 600mm in height extending 2m from vehicle access edges along the back edge of the footway fronting plots 39, 40, 42-45 illustrated on drawing 3760-101-1-2 D.

Reason:

To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Stroud Local Plan policy CP13.

9. Prior to the commencement of development, details shall be submitted to the Local Planning Authority for approval specifying a noise barrier along the eastern barrier of the site and a scheme for acoustic attenuation to safeguard the future occupiers of the dwellings hereby approved. The submitted information shall include full details as to the location, construction and design of the barrier, all external and internal acoustic attenuation measures to be used on the proposed dwellings and a timetable for the implementation and future



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	<p>maintenance of the overall scheme. The development shall then be carried out in accordance with the approved details prior to occupation of the first dwelling and maintained as such thereafter.</p> <p>Reason: To safeguard the amenities of the future occupiers in accordance with paragraphs 122 and 123 of the National Planning Policy Framework.</p>
	CONSULTEES
Comments Received	<p>R Jachowicz- 5 Or More Dwellings(E) Mr D Lesser Parish / Town Quedgeley Parish Council(E) K Colbourn Environmental Health (E) Archaeology Dept (E) Development Coordination (E) Policy Implementation Officer (E) Natural England (E) Contaminated Land Officer (E) Flood Resilience Land Drainage Planning Strategy Manager (E) Archaeology Dept (E) Natural England (E) Policy Implementation Officer (E)</p>
Not Yet Received	<p>Gloucester City Council Gloucestershire Education Dept (E) Flood Resilience Land Drainage GCC Community Infrastructure Contributions</p>
	CONTRIBUTORS
Letters of Objection	<p>Mr M Little, 17 Fox Whelp Way, Quedgeley J Mulcahy, 38 Foxwhelp Way, Gloucester A Herbert, 19 Foxwhelp Way, Quedgeley Cllr C Townley, 4 Thompson Road, Stroud P Davies, 25 Foxwhelp Way, Quedgeley, Gloucester E Perry, 32, Foxwhelp Way, N Sutcliffe, 26 Meerbrook Way,</p>
Letters of Support	
Letters of Comment	<p>J Smith, 20 Meerbrook Way, M and M Hoydan, 27 Bridge Keepers Way, Hardwicke</p>



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N Sutcliffe, 26 Meerbrook Way,
R Sachs, 40, Foxwhelp Way, Quedgeley,
Mr G Baxter, Oakridge, Bristol Road, Hardwicke,

OFFICER'S REPORT

DESCRIPTION OF SITE

The site comprises a 4.27ha field, the subject of outline consent, 21st January 2015, for up to 55 dwellings with vehicle access from Meerbrook Way (S.13/2117/OUT). The site is located at the Northern edge of SDC's administrative area.

The Northern boundary adjoins a newly completed residential scheme from which the sole vehicle and pedestrian access is proposed from Foxwhelp Way which in turn is connected to Meerbrook Way and thence to the Bristol Road.

The Eastern boundary is heavily planted and adjoins the A38 dual carriageway.

The Southern boundary adjoins existing open land, partly in orchard use.

The Western boundary adjoins the rear gardens of dwellings which front onto the Bristol Road.

There are limited inward views apart from the dwellings served from Foxwhelp Way, and the rear gardens of the properties facing Bristol Road. The character of the area is mixed with some late 19th Century cottages and later infill fronting Bristol Road, a 1980's style development on Meerbrook Way and a rather more contemporary residential development on Foxwhelp Way. The overall effect is that the area has no particular built character. The area is not within a protected landscape zone nor a Conservation Area. The scheme utilises standard house designs of the applicant.

PROPOSAL

Application for approval of all reserved matters for the development of 51 dwellings with vehicle access from Meerbrook Way, public open space, car parking and other associated infrastructure and engineering work, including a LEAP of 400sq m. The submitted scheme proposes 15 affordable homes of which 8 are proposed to be social rented and the remaining 7 being intermediate units, making 30% affordable units. The affordable element comprising;

- Four - one bed apartments,
- Seven - two bed houses,
- Three - three bed houses
- One - four bed house

The market element as originally submitted comprised:

- 7 X 3 bed, 29 x 4 bed.

REVISED DETAILS

Revised details comprising the following:

Revised drainage management scheme (submitted 6 May)

Boundary treatments, 2975/102C (submitted 16 May)



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Materials Plan 2975-101C (submitted 16 May)

Revised planning layout 2975-100REV:N (12 x 3 bed, 24 x 4 bed market housing, 4 x 1 bed, 7 x 2 bed, 3 x 3 bed and 1 x 4 bed affordable housing)

Vehicle swept Path Analysis- Refuse Vehicle and Box Van 3760-101-1/2D

Submitted 16 May 2016.

Construction Environmental Management Plan March 2016

All consultees have been re-consulted on revised scheme.

A draft unilateral deed of variation under S106 of the Planning Act was submitted on 11 May 2016 dealing with application specific details of the submitted scheme amending the existing S106 dated 20 January 2015 made as part of the outline consent referred to above. The draft unilateral deals with the provision and tenancy arrangements of the affordable housing, provision of play equipment and responsibility for maintenance of the LEAP and surface water drainage provisions and landscaping.

MATERIALS

Roofs: Redland Mini Stonewold 30 Slate Grey and Redland Grovebury, 36 Tudor Brown

Walls: Forterra, Village Sunglow bricks.

REPRESENTATIONS

STATUTORY CONSULTEES:

Gloucestershire County Archaeologist; Since the programme of archaeological mitigation will be secured by means of the condition attached to the outline consent I would see no need for any condition relating to archaeology to be attached to any planning permission for reserved matters.

SDC Water Resources Engineer:

The revised Drainage Management Strategy is satisfactory.

Environmental Health Officer:

No objection to CEMP. The outline consent has a noise condition requiring further details.

GCC: Lead Local Flood Authority

The application relating to this development was received and approved prior to the commencement of the LLFA's statutory responsibilities in April 2015, the LLFA would not therefore wish to provide any comments.

GCC Highways:

Following receipt of the revised plans and details I have the following comments;

As previously noted there have been a number of highways objections regarding traffic and parking impact of the development on the area.

This site forms Phase 2 of the development of Mayo's Land. The site is located in the Hardwicke area of Stroud District Council's jurisdiction, however the access to the site is via Foxwhelp Way and Meerbrook Way from Phase 1 off Bristol Road (A38) under the jurisdiction of Gloucester City Council. This application is reserved matters application for 51 dwellings following outline approval as part of the S.13/2117/OUT permission granted on the 21st January 2015 for 55 dwellings on the site including access and layout. This permission



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established the principle that 55 dwellings on the site would be acceptable in terms of highways impact and traffic impact subject to a condition for pedestrian improvements.

The plans illustrate Phase 2 will have vehicular access extending from existing Foxwhelp Way in Phase 1 at the north end of the site with suitable inter-visibility onto and along highway. The application also includes a suitable minimum 2m width footway link from site access road to northeast site corner connecting to the existing footway and Meerbrook Way in Phase 1.

Objections have been raised regarding the restrictive access via existing Meerbrook Way and Foxwhelp Way through the northern residential estates and issues for large vehicle access currently and during construction and following occupation for the proposed site development. However as outline approval has been granted for access via these existing highways the arrangements have been considered acceptable with no reported collisions along these highways recorded from the proposed site access to Bristol Road and from previous modelling during the outline permission it was concluded the highways were suitable to accommodate the movements related to the proposed dwellings. The current application can only consider the internal layout and the proposed access where it joins the existing highway.

Refuse vehicle tracking and forward visibility plan has been provided on revised plan 3760-101-1-2 D around the proposed estate roads based on a 11.2m refuse vehicle according to correspondence from the agent on the 5th May 2016 which is anticipated to provide larger tracking than for the 10.4m refuse vehicle stated as intended to be used by the waste operator awarded the area contract. The plan illustrates tracking for the refuse vehicle allowing passing of a box van throughout the estate roads with a further image provided on the 6th May confirming this on the bend nearest the site access with the exception of the two internal junctions where two images provided on the 6th May illustrate a car can turning past a waiting refuse vehicle. On the rare occurrence that a box van and refuse vehicle meet at the junctions inter-visibility would either allow for a box van to turn past the waiting refuse vehicle or turning at the other alternate internal junction.

Junction visibility splays of 2.4m x 22m have been provided from the two internal side road junctions commensurate with a street as per Manual for Gloucestershire Streets guidance as shown on drawing 3760-101-1-2 D. The drawing also illustrates suitable individual and shared driveway visibility splays. Pedestrian visibility splays between the driveways for plots 39, 40, 42, 43 and 46 are slightly restricted in one direction and plots 44 and 45 in both directions by buildings for drivers exiting but accepted as only presenting a very low risk of conflict between pedestrians and vehicles given low frequency of expected exiting vehicle movements, a 2m available footway, pedestrians still having suitable forward visibility of accesses and vehicles would be expected to exiting slowly and drivers emerging cautiously as per Manual for Streets 2.

Parking provision is illustrated on drawing 3760-101-1-2 D with the breakdown noted in the Design and Access Statement provides 136 allocated parking spaces including garage spaces plus 5 visitor spaces which meet the parking standards in the Stroud Local Plan. Manual for Gloucestershire Streets guidance states a minimum of 0.2 visitor spaces should be provided per dwelling which would equate to 10 visitor parking spaces for the 51 proposed



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dwelling. However as per the guidance with a minimum 5.5m road provided allowing for some on-street parking and allocated parking exceeding local plan standards the overall allocated and visitor parking is considered suitable.

The road safety audit identified no road safety issues with proposed layout, it was previously noted that although the engineering layout was provided full details of tracking and visibility throughout the layout were not provided shown in the audited drawings and details. However the revised plans provided since meet Manual for Gloucestershire Streets guidance.

Following previous comments the pathway between plots 47-51 and 35 & 46 has been widened as recommended from 2m to 3m to provide a shared use path link expected to be used by cyclists from the dwellings on the southern end of the site to the site entrance and north onto the wider highway network via the existing shared use path from Foxwhelp Way to Bristol road.

Suitable bin and waste storage and collection arrangements have been illustrated on proposed plans and Design and Access Statement.

Suitable cycle storage has been provided within garages and stores illustrate on plans and within the Design and Access Statement.

It is noted that the outline consent did previously indicate a foot link on the a indicative masterplan from the southeast corner of the site to Bristol Road. This was not required as part of the outline application and illustrated outside of the site red line of the reserved matters application and therefore cannot be considered. The vehicle and pedestrian site accesses are as previously stated all to the north through existing Foxwhelp Way and Meerbrook Way to Bristol Road and are suitable.

Therefore I recommend no objection subject to the following conditions:

1. The vehicular access hereby permitted shall not be brought into use until the 2m x 15m visibility splays have been provided in general accordance with drawing 3760-101-1-2 D extending from points 2m back along the individual accesses measured from the shared surface carriageway edge (the X points) to points on the nearer shared surface carriageway edges 15m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X distance and between 0.6m and 2.0m at the Y distance above the adjacent carriageway level.

Reason:

To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Stroud Local Plan policy CP13.

2. The vehicular accesses except serving plots 39,40, 42-46 hereby permitted shall not be brought into use until the roadside frontage boundaries have been set back to provide



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visibility splays extending from a 2m back along each edge of the driveway parking spaces, measured from the shared surface carriageway edge or back of footway edge, extending at an angle to 2m along the footway or shared surface carriageway edge. The area between those splays and the footway or shared surface shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway or shared surface carriageway level.

Reason:

To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Stroud Local Plan policy CP13.

3. The vehicle accesses serving plots 39,40, 42-46 hereby permitted shall only be brought into use with any roadside frontage boundaries or features provided below 600mm in height extending 2m from vehicle access edges along the back edge of the footway fronting plots 39, 40, 42-45 illustrated on drawing 3760-101-1-2 D.

Reason:

To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Stroud Local Plan policy CP13.

SDC Contaminated Land Officer:

No comments.

Natural England

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected species

We have not assessed this application and associated documents for impacts on protected species (February 2016)

(Following this response NE Commented upon re-consultation in March) as follows;

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

SDC's Consultant Ecologist

I have reviewed the documents submitted with the Reserved Matters application and have no objections in respect of ecology matters.

As you know, Condition 4 of the outline planning consent S.13/2117/OUT requires that all applications for reserved matters shall accord with the Wildlife Strategy. This Strategy was



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submitted with application S.16/0090/DISCON and found to be acceptable; Condition 4 was subsequently partially discharged with the following informative:

The condition will not be fully discharged until the development has been completed fully in accordance with the specifications and details hereby approved and a timetable for maintenance and management of the habitat features to be retained has been agreed within an approval of a reserved matters application(s).

I would therefore suggest that a condition to this effect is attached to the Reserved Matters application, with specific reference to the approved Wildlife Strategy EDP921-06A.

I also reiterate our previous recommendation that the financial responsibility for long term monitoring, maintenance and management of the measures proposed in the Wildlife Strategy, whether by SDC itself or by a management organisation, is agreed and legally secured through a S.106 agreement.

Councillor C Townley

Object to proposal

I write to draw attention to conflict between the dwelling mix and the policy of the local plan (CP8) in respect of new developments should take account of the Districts housing needs, as set out in the Strategic Housing assessment. This was updated in 2014 and can be found at http://www.cotswold.gov.uk/media/927160/Gloucestershire_SHMA_2014.pdf. In particular the dwelling mix shown on page 211 and 212 shows a need for a mix of mainly 2 and 3 bedroom properties even for open market sale. The open market properties are predominately 4 bed properties.

Therefore this scheme does not appear to meet local housing needs and I would urge officers to negotiate a better mix of dwellings.

Councillor A Blackburn GCC

Thank you for the revised drawings . They do nothing to put right my fundamental objection to the scheme and continued request that the "reserved matters" should not be approved .

It is quite wrong that the two areas of development in Gloucester and Stroud totalling is it 106 houses should have a single traffic entrance /exit on to the dangerous Bristol Road via Meerbrook Way .106 houses will generate at least 130 cars and there are also service vehicles,dustbin carts and emergency vehicles all having to pass along this narrow road . Many Northbound on Bristol Road will want to turn right and many exiting Meerbrook Way will also want to turn North right across the Southbound traffic. if the development is allowed to go ahead with this single access (which I oppose) what is being done about the congestion and danger of this situation ? I am copying to Cllr Mark Hawthorne and Quedgeley

Pc as my comments apply equally to their part of the development and Meerbrook Way. Please pass on to relevant officers regards

Quedgeley Parish Council

Quedgeley Parish Council wish to objection to the above application for the reasons given below:

- o A master plan for the whole development/site should be submitted.
- o A combined master plan strategy for drainage, utilities, public open space, play area and contributions to off-site facilities such as libraries, health centres, primary and secondary schools should be submitted.



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- o The engineering plan shows a different layout to the indicative layout at outline approval.
- o At link has been provided to the land to the south of the new development. At the density proposed for this application, the land to the south could accommodate another 100+ homes and would all come out through Meerbrook Way
- o The housing layout (as shown on the engineering plan) must be adjusted so that the connecting corridor to the south is physically blocked by new housing.
- o All traffic is diverted through Meerbrook Way and consider this will be too many vehicles for this small junction to accommodate.
- o The off-site traffic management measures proposed are a pedestrian refuse island, a crossing point in Bristol Road and a kerb realignment at the junction of Meerbrook Way with Bristol Road. This junction will be far too busy to allow traffic access safely.
- o The drainage officers comments support our concerns that the land drainage design is inadequate, this discharges (eventually) to Dimore Brook and we already have flooding downstream, during heavy storms (1984, 1991 2007 at least)

Quedgeley Parish Council wish to objection and request refusal until a satisfactory land drainage and flood alleviation plan has been agreed and the traffic issues in Meerbrook Way have been addressed together with the matters given above.

Hardwicke Parish Council

At its meeting on Monday April 4th the Parish Council considered the above application and also heard views from local residents.

Concern was expressed about access to the site during the development work. It was noted that there is no provision for access for construction traffic which will impact on residents living on the completed part of the development.

The provision of the play area, LEAP seems very small and the parish council questions whether this will be adequate to meet the needs of residents.

The Council further reiterates its concern expressed previously about access to the development being through Meerbrook Way.

In conclusion the Parish Council would wish the application be considered by DCC and not be considered under delegated powers.

Public: Approximately 89 letters of objection have been submitted to the scheme as originally submitted and to the revisions submitted by the applicant.

The neighbour objections can be summarised as follows:

- I. The site area is inadequate for fifty one dwellings producing an excessive density which if reduced would provide additional greenspace.
- II. Concern over capacity of storm drains to take additional flows.
- III. Adverse effect on existing residential property by reason of loss of outlook.
- IV. Access through Foxwhelp Way limited by reason of shared access layout of that development, potential detriment to road safety in particular pedestrians and children. Particular concern with Foxwhelp Way being used for construction access.
- V. The junction of Meerbrook Way with the Bristol Road is already congested and further dwellings will exacerbate this situation.



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PLANNING CONSIDERATIONS - NATIONAL AND LOCAL PLANNING POLICIES

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted Stroud District Local Plan, November 2015 is the development plan for Stroud District. Due weight should be given to policies in this plan according to the degree of consistency with the National Planning Policy Framework (NPPF). The NPPF is a material consideration in planning decisions. The NPPF was published on 27 March 2012.

Full details of the NPPF is available to view at

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

For the full content of the Stroud District Local Plan policies above together with the preamble text and associated supplementary planning documents are available to view on the Councils website

http://www.stroud.gov.uk/info/plan_strat/newlocalplan/PLAIN_TEXT_Local%20Plan_Adopted_November_2015.pdf

Local Plan policies considered for this application include:

CP4 - Place Making.

CP6 - Infrastructure and developer contributions.

CP7 - Lifetime communities.

CP8 - New housing development.

CP9 - Affordable housing.

CP14 - High quality sustainable development.

CP15 - A quality living and working countryside.

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

ES1 - Sustainable construction and design.

ES3 - Maintaining quality of life within our environmental limits.

ES4 - Water resources, quality and flood risk.

ES7 - Landscape character.

ES8 - Trees, hedgerows and woodlands.

ES12 - Better design of places.

ES14 - Provision of semi-natural and natural green space with new residential development.

ES15 - Provision of outdoor play space.

The proposal should also be considered against the guidance laid out in SPG Residential Design Guide (2000), SPG Residential Development Outdoor Play Space Provision, SPG Stroud District Landscape Assessment, SPD Affordable Housing (Nov 2008) and SPD Housing Needs Survey (2008).

The application has a number of considerations which both cover the principle of development and the details of the proposed scheme. These considerations can be summarised as the following;

- o Principle of development
- o Design and appearance
- o Residential Amenity



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- o Noise
- o Highway implications
- o Landscape impact
- o Contaminated land
- o Public open space
- o Affordable Housing
- o Ecology
- o Archaeology and historic environment
- o Obligations

PRINCIPLE OF DEVELOPMENT

The principle of residential development was established by the outline consent in January 2015 under ref S.13/2117/OUT. This permitted up to 55 dwellings, 4 dwellings greater than this application.

DESIGN AND APPEARANCE

The design and appearance of the scheme and the dwellings is consistent with the forms of development produced by volume house-builders. Whilst the individual house designs are typical of such development, the area is not marked by any particular style or vernacular treatment and the site is also not particularly visible. On balance the scheme design and individual house types are acceptable and the housing mix has been amended to better reflect the Strategic Housing Market Assessment.

RESIDENTIAL AMENITY

There are existing dwellings on Foxwhelp Way and Bristol Road with an outlook onto this currently open field. However reasonable separation distance is proposed to avoid significant privacy, shadowing or overbearing implications.

Similarly reasonable amenity has been provided for new residents

NOISE

The dwellings are set back from the A38 frontage. Additionally the submitted details show a 2.5m high acoustic fence along the A38 frontage. Acoustic trickle vents are proposed on facing windows. However there is a noise condition on the outline consent requiring further details on "all external and internal acoustic measures". At the moment comprehensive details have not been provided and a condition is warranted.

HIGHWAYS

The access is also unchanged from the outline consent, which showed a single access from the newly built adjacent development in Gloucester City.

The internal highway layout has been substantially amended during the course of the application. It is now supported by the Highway Authority with conditions. Notably they conclude that the layout is appropriate under normal circumstances confirmed by tracking movements.

The site access will be challenging during construction as the access is through an established residential area which lacks the width to properly accommodate large vehicles. A CEMP condition is proposed and building operations will have to respect this constraint.



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LANDSCAPE

The site borders the A38, the Bristol Road frontage and recent development at Foxwhelp Way. It is therefore contained within the settlement. It is also not particularly prominent and does not obstruct or detract from any notable view. The AONB is a considerable distance away. Therefore impact on the landscape would be minimal.

CONTAMINATED LAND

No objection is raised by statutory consultee.

PUBLIC OPEN SPACE

The provision of an equipped 400sqm LEAP is welcome. The provision of play equipment and the maintenance and responsibility for it will be dealt with in the S106 deed of variation. The design allows for reasonable separation for new adjacent residents.

AFFORDABLE HOUSING

The scheme meets the policy requirement for 30% of the dwellings as affordable, with provision and tenure being controlled by the proposed deed of variation.

ECOLOGY

The scheme is considered acceptable by SDC's ecological advisor subject to compliance with submitted wildlife strategy being complied with during construction as referred to in consultee response.

FLOOD RISK

A SUDS strategy has been designed for the site to deal with surface water run off. This is considered acceptable by SDC's drainage engineer.

ARCHAEOLOGY & HISTORIC ENVIRONMENT

No objections raised by the County Archaeologist subject to compliance with condition 17 imposed by the aforementioned outline consent. (S13/2117/OUT)

OBLIGATIONS

A draft deed of variation has been submitted by the applicants to vary the S106 agreement which was signed as part of the outline consent. The deed deals with the provision of the affordable housing, its tenure, the provision and equipping of the LEAP. In addition the deed sets out the mechanism for continued responsibility and maintenance for the SUDS scheme and the play area.

REVIEW OF CONSULTATION RESPONSES

The concerns and objections of the residents and the Parish Councils are set out above and generally both groups raise similar matters. In response to the perceived problems of access to the site, particularly during the construction phase of the scheme the case officer has encouraged the developers to find a secondary access. Two potential properties fronting on Bristol Road were identified which had sufficient land to the sides of their properties to possibly provide such access. One of the property owners contacted by the developer was



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unwilling to enter into discussions, the other is believed to be more receptive and the results of those discussions at the time of writing this report are unknown.

The fact that extant outline consent exists limits the scope for legitimate grounds of concern. It is noted that the concerns by residents concerning density and access are not in the particular circumstances matters which could result in an adverse report. Other concerns on drainage are not supported by statutory consultees. The concerns about traffic congestion and safety are also not supported by the Highway Authority having reviewed the scheme.

ARTICLE 35 (2) STATEMENT

The case officer contacted the applicant/agent to negotiate changes to the design, as described above, which could have enhanced the overall scheme. Unfortunately these suggestions were taken up only in part, however the scheme is still considered permissible.

The case officer was also in regular contact with the applicant/agent and the community, acting in a positive and proactive manner, seeking dialogue and solutions. Copies of the correspondence are available to view on the electronic planning file.