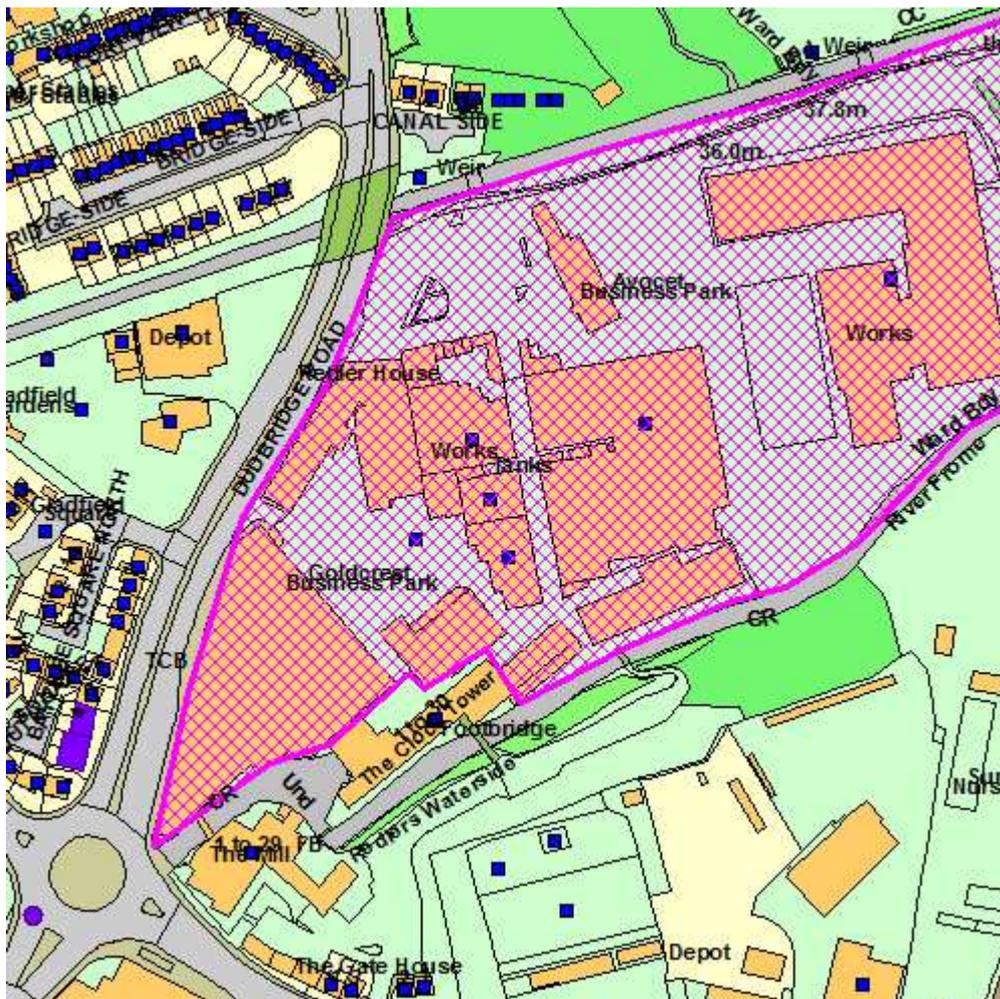




## Development Control Committee Schedule 20/03/2018

<b>Item No:</b>	<b>03</b>
<b>Application No.</b>	S.17/1987/OUT
<b>Site No.</b>	6353415
<b>Site Address</b>	Dudbridge Industrial Estate, Dudbridge Road, Stroud, Gloucestershire
<b>Town/Parish</b>	Cainscross Parish Council
<b>Grid Reference</b>	383590,204751
<b>Application Type</b>	Outline Planning Application
<b>Proposal</b>	Hybrid application. Retail foodstore and flood mitigation measures are submitted in full. Residential development to the east and south is submitted as Outline.
<b>Recommendation</b>	Resolve to Grant Permission
<b>Call in Request</b>	Head of Planning





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<b>Applicant's Details</b>	Avocet Industrial Estates LLP C/O Agent
<b>Agent's Details</b>	Pegasus Group Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
<b>Case Officer</b>	John Longmuir
<b>Application Validated</b>	07.09.2017
<b>CONSULTEES</b>	
<b>Not Yet Received</b>	Highways England Rodborough Parish Council Stroud Town Council Public Open Space (E) Sport England Gloucestershire Playing Fields Association (E) Crime Prevention Design Advisor (E) Flood Resilience Land Drainage Stroud Town Council Cainscross Parish Council Historic England SW Rodborough Parish Council Development Coordination (E) Mr David Lesser Contaminated Land Officer (E) Conservation North Team Biodiversity Officer Gloucestershire Wildlife Trust (E) Canal Team (E) The Environment Agency (E) Historic England SW Parish / Town Policy Implementation Officer (E) Natural England (E) Biodiversity Officer Cotswold Canal Trust (E) The Environment Agency (E) Highways England Arboricultural Officer (E)
<b>Constraints</b>	Adjoining Canal Affecting the Setting of a Cons Area Conservation Area Within 50m of a Proposed Cycle Route



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Flood Zone 2  
Flood Zone 3  
Key Employment Land (LP)  
Within 50m of Listed Building  
Cainscross Parish Council  
Stroud Town Council  
Affecting a Public Right of Way  
Rodborough 3km core catchment zone  
Settlement Boundaries (LP)

### **OFFICER'S REPORT**

#### **UPDATE FOR 20 MARCH DCC**

1.1 This application was considered at the meeting on 9th January. Members resolved to defer the application for negotiation. The minutes specify the following:

“In the expectation that significantly more buildings are retained.  
The layout is substantially re-designed to give an appropriate character and is formally submitted (not indicative).

Elevations: Submission of an overarching character statement and look at potential to condition a design code.

Outstanding information: Ecology (bats and otters), noise and viability (to justify residential use and lack of affordable housing).

Highway matters and retail impact”.

1.2 Discussions have been ongoing on the above. More information has been provided. A revised layout has been formally submitted for consideration i.e. not indicative. The layout has been substantially changed including more building retention. At the time of writing this is the subject of formal reconsultation. An indicative canalside elevation has been submitted as well as an indicative building heights plan.

1.3 The following report is based on that to the 9th January meeting but has been substantially amended.

#### **THE PROPOSAL**

2.1 A 2,206sqm foodstore with 132 dedicated car parking spaces, side on to the bypass and fronting the canal. Deliveries would be to the far (eastern) side.

2.2 Approximately 130 dwellings were proposed in the original submission and this is broadly maintained in the revised scheme. Some commercial reuse of the buildings including Redlar House is also proposed.



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2.3 The application as originally submitted, proposed demolition across the site. The extent of demolition has been reduced in the revised plans.

2.4 A plan of the existing buildings is attached in the appendix to this report to help comprehension of the scheme.

2.5 The application was originally submitted in outline. However following a formal request for more details, the layout has been formally submitted.

2.6 The scheme is intended to enable the relocation of Stroud Metals to Stonehouse. An alternative site has been identified (and permitted). However there is no guarantee that this would be implemented as such and accordingly Members should not give this consideration.

2.7 The proposal has been screened under the Environmental Impact Regulations and an Environmental Statement was not considered to be necessary.

### **THE SITE AND SURROUNDINGS**

3.1 The application site extends between the canal and the River Frome and from the bypass to the row of conifers by the Marling School playing field.

3.2 The site is approximately 3.95ha. It is almost all hard surfaced with substantial ranges of varied buildings.

3.3 The adjacent site, on the other side of the river, is Dudbridge Mill, which displays the distinctive clock tower. The Mill has been converted to residential use.

### **CONSULTATIONS**

4.1. Amended plans were received and sent out for sent out for reconsultation on 1st March. Responses due back on 11th March.

4.2 Comments as reported to January DCC

Cainscross Parish Council: Concern about access roads along canal, lack of parking. "Archaeological heritage needs to be recognised and reflected in any design".

Rodborough Parish Council: Request that "some consideration is given to the acknowledgment of the industrial heritage"

Stroud Town Council Support. Pedestrian access to canal towpath is important, housing needs to be all sizes and for all age ranges, potential for affordable housing, some soft landscaping would be welcome.

3 Individual objection: Traffic from supermarket.

Textile Trust request some premises for a weaving shed

County Highways: Request further details.

County Archaeologist: No objection in principle.

Highways England: No objection.



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SDC EHO: Concern about noise within the site and the impact on dwellings to the north from supermarket deliveries.

SDC Contaminated Land Officer: Full contaminated land study required.

SDC Biodiversity Officer: Objection - Mitigation for otters and bats has not been provided. Other aspects could be conditioned including treatment of invasive species and badger sett.

SDC Conservation Officer: Objection. Extent of demolition. Conservation Area Impact.

Environment Agency. No objection subject to conditions.

County Lead Flood Authority: No objection

SDC Water Services Engineer: No objection.

Historic England. Concern: "I think that the site meeting last week was very useful and confirmed the significance and merits of the buildings on site. Even accounting for the anticipated ground level rise to mitigate the flood risk, the existing ceiling and cill heights would still appear provide internal spaces and volumes that could be converted to a myriad of uses. The redundant (and those still in use) buildings should be seen as a real asset, and keeping the best ones would be the most sustainable way to re-develop the site, both in heritage terms and their embodied energy. There will be some that may not view the site as particularly significant, since the buildings are not listed. However, sites such as this are intrinsic to the designation and local distinctiveness of the conservation area. Another loss would further erode the identity of the Stroud valleys as one of the key industrial centres of the south west. We have an optimistic vision for the site and appreciate its full potential. I suspect that enthusing all stakeholders in what could be delivered on the site is probably the best way forward".

### 4.3 Consultations following revisions (1 March submission):

SDC EHO: No objection subject to condition

SDC Biodiversity Officer: No objection subject to condition

SDC Conservation Officer. Concern about extent of demolition, loss of riverside buildings is particularly regrettable. Need clarification on reuse/retention and adaption of what buildings are being retained and how. Concern about raising land levels. Car port/ parking needs to be carefully treated, need to apply NPPF paragraph 134 test, rebuilding post demolition needs to be conditioned.

### **PLANNING HISTORY**

5.1 S.14/0677/FUL 5,402sqm foodstore with 326 parking spaces. Permitted 17/8/15. This occupied only part of the site; the south western quarter was excluded.



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### PLANNING CONSIDERATIONS

6.1 The starting point is section 38(6) of the Planning and Compulsory Purchase Act 2004, read together with section 70(2) TCPA 1990. Section 38(6) provides:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”

6.2 In May 2017, the Supreme Court reiterated that the NPPF (paragraph 14 and 49 in particular) is guidance and does not overrule the statutory development plan.

6.3 This plan led emphasis is echoed by paragraphs 2 and 196 of the NPPF.

6.4 The particularly relevant Local Plan Policies in considering this application are as follows. They are given more explanation/interpretation later in the report.

SA1a: Site allocation

ES10: Historic Environment

ES11: Maintaining, restoring and regenerating the District's Canals

CP14: High quality sustainable development

CP4 Place Making

CP5: Environmental development principles for strategic sites

HC1: Meeting small scale housing need

ES7: Landscape character

ES6: Biodiversity

EI13: Small employment sites

EI12: Regenerating existing sites

CP13: Demand Management and sustainable travel

ES1: Energy efficiency and sustainable construction

ES3: Maintaining Quality of Life within our Environmental Limits

ES5 : Air quality

ES4: Flood risk and water resources

CP9: Affordable housing

CP12: Town Centres and retailing

6.5 The NPPF also needs consideration. The following are particularly relevant: Paragraphs 23 and 24 promote “town centre first” retail viability, 134 requires balance of harm/benefits to Conservation Areas, 136 comments on demolition/replacement, 115 protects the AONB and its setting, 56-64 look at design, 7 and 14 highlight sustainability, 17 general planning principles, 101-103 explain the sequential and exception tests for flood risk and 70 respects the social needs of communities.

6.6 At the time of writing, draft revisions to the NPPF have just been published. This in particular promotes economic growth, housing delivery, increasing housing density and maintains the heritage test. It is only a limited consideration being draft.



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### PRINCIPLE OF RETAIL

7.1 The proposal includes the Lidl store and some small conversion of existing floorspace to commercial uses.

7.2 Local Plan Policy SA1a in the lower case text states that retail development can be provided as long as it is “compatible with the retail hierarchy”. Local Plan Policy CP12 is similar. This promotes town centres and emphasises sustainability in terms of accessibility.

7.3 There is an extant permission (until August 2018) for a 3,395 sqm foodstore. Whilst it cannot be guaranteed that this would be implemented, it nonetheless could be. Such a retail permission has a substantial land value and therefore is unlikely to be abandoned. The permission could be used by any operator even one relocating from elsewhere in Stroud.

7.4 This proposal should obviously have considerably less impact than the extant scheme. The extant store also has no limitations on the range of sellable goods, opening hours, or division of floorspace. Moreover this proposed store is 60% smaller than the extant store (being 2,206 sqm with a net sales area of 1,325 sqm).

7.5 On the southern edge of Stroud, planning permission has been granted for an Aldi and a similar sized store at Bath Road. The determination of both applications took into account the accumulative impact of this extant permission. The 5th September 2017 DCC reports for both the Daniels and Bath Road supermarkets specifically consider the accumulative impact of all three sites, and the Avocet permission.

7.6 Paragraphs 2.8 and 2.9 are even titled “Avocet/Dudbridge permission”.

7.7 Paragraph 2.9 (in part) “ consideration has been given to the most impact case scenario, a cumulative retail impact of the mainstream food store on the Avocet permission and both of the Bath Road and Daniels proposed schemes being permitted. This assessment concluded that the cumulative retail impact would not be significant adverse and therefore passes the impact test.

7.8 This is repeated in paragraph 9.37: “with input from our retail consultant, we do not consider the trading impact of both the Bath Road Trading Estate and Daniels Industrial Estate stores would increase the financial impacts upon these anchor stores over and above the level predicted for the Avocet mainstream retailer permission”.

7.9 There is mention of Avocet’s impact in other paragraphs too at 9.3 and 9.34.

7.10 A Retail Impact Note has been submitted by specialists commissioned by the applicants. The Council’s appointed retail consultant has considered this note and the situation. This letter is attached to the report and the appendix is publically available on the electronic case file. He advises that this proposal would have 0.8/1.0% detriment on Use Class A1 in Stroud town, 2.3/2.4 % on A1 uses in Stonehouse and 2.1% on A1 uses in Nailsworth. He also looks at the accumulative impact from the addition of both the Daniel’s and Bath Road permissions. This proposal has significantly less impact than that of the



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extant permission of this site. Consideration is also given to other facilities outside of the above towns. Again impact is not considered to be particularly significant.

7.11 Accordingly the proposal is felt to comply with Local Plan Policies SA1 and CP12 as well as NPPF paragraphs 23 and 24.

### **PRINCIPLE OF RESIDENTIAL USE**

8.1 The Local Plan Policy SA1a specifically deals with the site. It is allocated for “canal related tourism development, retail and employment uses”. Clearly the residential development proposed contravenes this policy. It is also a substantial element of the proposal.

8.2 Do material considerations indicate otherwise? The additional new housing has to be regarded as an economic benefit, promoted by the NPPF and recent White Paper. The site is also in a very sustainable location. Although the Council has a 5+ year land supply, which meets immediate need, the 130 or so additional would bolster the situation.

8.3 The site does not seem to have good economic prospects. It is in a Flood Zone 3 which discourages reuse. The swale will involve expensive engineering and take up a lot of otherwise developable land. The access is less than ideal. There is widespread land substantial contamination.

8.4 The site is notable for its perceptible industrial heritage. This does not preclude residential uses but the design (or reuse of buildings) needs to be careful to avoid a domestic appearance. This is considered further below in planning balance.

### **HYDROLOGY**

9.1 The site is in an Environment Agency designated Flood Zone 3 wherein residential development is normally precluded. Hence the extant scheme for a supermarket was considered differently and had different mitigation works and tolerances.

9.2 Paragraph 100 of the NPPF guards against development in areas of flood risk. A “sequential approach” is advocated in NPPF paragraph 101 and the NPPG. If a development fails to meet this sequential preference then the next stage is the “exception” test highlighted in paragraph 103 of the NPPF. Climate change is acknowledged as an influence. Paragraph 104 advises about the potential impact on other sites, the need for escape routes and emergency plans.

9.3 Local Plan Policy ES4 echoes the above tests. It also makes reference to SUDS principles, safeguarding watercourses, the ecological value of water and the proper discharge of water.

9.4 The Council does have a 5+ year land supply and there are other sites in the District, outside of Flood zones 2 and 3. In relation to the exception test, this is a brownfield site wherein there is encouragement for its re-use, especially bearing in mind it is currently very



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under used in terms of the extent and type of land uses. Moreover there are buildings here which could and should be reused. It is also in a sustainable (accessible) location. In principle there is also a need for redevelopment in the interest of the Conservation Area rather than leaving it to continue to degrade.

9.5 A Flood Risk Assessment has been undertaken. The applicants and planning officers have had ongoing meetings with the Environment Agency. The proposal creates a broad grass hollowed swath adjacent to the river which would overflow at times of flood. Effectively extra capacity would be formed to hold water. The openness of this grassed area will have to be retained and maintained and properly managed thereafter. Some marginal planting could help water quality.

9.6 The Environment Agency advise that such works in their totality are a prerequisite for residential development. This extra flood storage would then allow the raising of land levels across the site to prevent dwellings being flooded. The passage of flood water would also change from going across the middle of the site to the riverside corridor.

9.7 Residents would be able to escape to higher ground, towards the canal.

9.8 The conversion of the existing buildings would also involve the raising of internal floor levels.

9.9 The flood storage area was originally envisaged to be a broad swath circling around Dudbridge Mill which is effectively an obstacle. However the shape of this swath would have led to the demolition of some of the notable northlight buildings. Following further meetings with all parties, including the Environment Agency, the flood model has been re-run plotting a much narrower (12m wide) route in this area (to reduce the extent of demolition). The Agency is currently verifying the modelling data, and their response is expected by mid March. The officer recommendation is dependent on their lack of an objection.

9.10 Currently at the south western corner of the site is a culvert, (effectively underneath the Dudbridge Road bypass). These are always at risk from blockage by debris at times of flood, which can have pronounced consequences. Currently there is no access to the culvert to remove such debris and this proposal does give access, which is a considerable benefit.

9.11 The site is currently almost entirely covered by hard surfaces leading to rapid water run off during heavy rain. There is potential for a SUDS improvement using drainage ditches and in particularly permeable surfaces. Relevant calculations show this would be effective in dealing with run off. This should also help water quality by allowing some filtration.

9.12 These works are needed to make the site safe for residential development but would lead to more widespread benefit outside the application site. The buildings to the west of the Dudbridge Road would be brought out of Flood Zone 3. Approximately 40 dwellings would benefit as well as the commercial garage. This is considered in the planning balance.



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### **HERITAGE**

#### Policy and legislative background

10.1 Heritage is particularly considered by Local Plan Policy ES10 Valuing our historic environment and assets. This states:

“Proposals involving a historic asset need to describe the assets, its significance, its setting and assess the impact. Proposals will be “supported which conserve and where appropriate enhance the heritage significance and setting of the Districts heritage assets especially those elements which contribute and to the distinct identity of the District”. Listed Buildings and archaeological sites are highlighted for their heritage significance including their setting. Key views especially of spires and towers are highlighted. Any harm or loss would require “clear and convincing justification”.

10.2 ES10 requires that any harm or loss would require “clear and convincing” justification. This provides a similar protection to that provided by the NPPF where the harm is less than substantial.

10.3 CP4 titled “Place Making” emphasises the need to protect or enhance the sense of place.

In addition to the Local Plan there are other important matters:

10.4 The Planning (Listed Buildings and Conservation) Act 1990 is very significant. Section 72: “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area”. Section 66 has a very similar test for listed buildings, including their setting.

10.5 Paragraph 134 of the NPPF states:” Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal, including its optimum use”.

10.6 Various High Court case law points to a special emphasis of heritage consideration which overrides the normal development presumption.

10.7 The need to give “special regard” was highlighted in the Barnwell Manor Court of Appeal case in 2014. The Inspector failed to give special regard to the setting of a listed building and the decision was consequently quashed. The Court made clear that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

10.8 The East Staffordshire case concluded that it was up to the decision maker to decide whether harm was “less than substantial or “substantial” and accordingly whether paragraphs 133 or 134 applied.

10.09 The Forest of Dean case emphasises that NPPF paragraphs 14 should not be included in the required heritage impact balancing exercise.



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10.10 The Mordue High Court case highlighted the need to analyse the asset and its setting then establish the degree of harm, which can be weighed up in any balancing exercise.

10.11 NPPF paragraph 136 highlights demolition and the need for a condition for rebuilding.

10.12 NPPF paragraph 137 recommends opportunities are taken to enhance the setting of assets.

10.13 NPPF paragraph 138 confirms that impact may be substantial/less than substantial. This is not necessarily dependent upon whether demolition or alteration or setting is involved.

10.14 NPPF paragraph 141 suggests the recording of assets to be lost.

10.15 The various policies in the Local Plan, in particular heritage, need consideration. However the heritage tests are a free-standing exercise. Harm must be explored and quantified in a weighting/balancing exercise “the preservation of the heritage asset should be given considerable or particular importance and weight”.

10.16 In this case, the principal Development Plan policies relate to the conservation of heritage assets. Section 38 requires determination in accordance with the Development Plan unless other policies dictate otherwise including the NPPF. Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act must be considered and applied to the particular circumstances of this case.

Other guidance 10.17 Local Plan Policy SA1a makes reference to IHCA Management Principles SPD. The Industrial Heritage Conservation Area (IHCA) is covered by a character assessment which deals with the area as a whole and by way of more detailed area appraisals. The associated IHCA Design Guide covers the whole area, with advice on the pattern of development, heights, form, massing, materials, detailing, and boundary treatment. The Design Guide has two policies specifically on large buildings:

10.18 PDG2 “The full impact of large developments or individual bulky/tall buildings on long range views and the setting of existing historic buildings will be a consideration when assessing proposals for development. Particular attention will be given to the effect that such proposals would have on the transition between built form and rural land, especially on the fringes of existing historic mill sites and small settlement groups. Development which would cause harm to this aspect of the IHCA character will not be permitted”.

10.19 PDG3 “The full impact of large developments or individual bulky/tall structures on the hierarchy of buildings within a particular group will be a consideration when assessing proposals for development. Development which has an overbearing effect on a group or inhibits the dominant/landmark qualities of its principle building(s) will not normally be permitted”.

10.20 The recommended approach is to analyse the significance of the asset and its setting, consider the capacity for change, consider the various impacts (positive and negative) of the specific proposal, whether the impacts can be mitigated and the permanence of the impacts.



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10.21 Similarly, English Heritage in 2008 (now latterly Historic England) published Conservation Principles. This looks at the criteria for understanding heritage assets. (1) Evidential: Potential for evidence to be discovered about our past. (2) Historic, which is the way in which past, people, events and life can be connected through a place. This will usually be illustrative or associative. (3) Aesthetic is the sensory or intellectual value. (4) Communal, this is the meaning of a place to people.

10.22 The NPPF Glossary also defines significance: “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, artistic or historic. Significance derives not only from a heritage asset’s physical presence but also from its setting”.

### The proposal and its heritage impacts

10.23 The buildings show part of the history evolution of the Stroud Valleys. Their collective presence is particularly important reflecting the working practices that created the wealth and prospects of the area.

10.24 Page 76 of the IHCA Design Guide has a picture of the frontage wall, a building proposed for demolition and the clock tower of the adjacent site. This is repeated on page 100. The caption below states: “The industrial environment is full of exciting shapes, colours and materials as well as the very strong traditional vernacular of its historic mills. This offers so much potential for interesting and innovative architecture, rooted in the area’s character and traditions”.

10.25 This is important because it is one of the main public views of the site. However the proposal retains the tall brick wall fronting the bypass. This is a welcome aspect of the proposal as it is a distinctive feature. The Redlar drawing office building is also proposed for retention. Some repairs/adaption may be necessary but this too is a landmark worthy of retention.

10.26 The creation of the river overflow and the formation of a maintenance access necessitate the demolition of some of the riverside buildings (the south western corner of the site nearest Sainsbury’s). This is loss of buildings is regrettable as it involves a row of Victorian northlight buildings seen appropriately close to the river. They are very good examples of this particular architecture and reflect the IHCA.

10.27 However the revised scheme has sought to minimise extent of demolition by constricting the width of the flood bypass. The plans show the buildings nearest Dudbridge Mill cut back away from the river but their end gable elevations would be reinstated albeit further back. This would retain much of the roofscape which is very characteristic. The most prominent buildings from the main public view (by the bridge on Dudbridge Road) would be retained.

10.28 Buildings A, B and C form a close knit group around the Redlar building. Their roofscape is prominent from the elevated position of the bypass near Tricorn House. They have a quirky detailing in their red brick elevations. They make a valuable contribution to the



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Conservation Area, particularly collectively. There are also at least glimpsed from public views on Dudbridge Road. In the revised plans they are now shown for retention. The floor levels will have to be raised to ensure flood resilience but this is acknowledged in the Historic England response, whereby they advocated the nature of the buildings, particularly cill heights, makes them reusable. Being well fenestrated high roofed/eaves buildings, their internal spaces lend themselves to “Manhattan loft style”.

10.29 Building E again has interesting brick detailing in its elevations and empathises with the facing elevations of buildings B and C as well as their roofline. This aspect is vividly shown on page 121 of the IHCA Design Guide. This building was used for the construction of Hampton cars, which has cultural value to the IHCA. This is shown for demolition however this was granted in the extant scheme. Whilst there is no guarantee the consent would be implemented it nonetheless shows the principle of demolition has been accepted.

10.30 The remaining buildings are of significantly less value and their demolition is less harmful.

10.31 The only other significant public view not mentioned above is from the canal towpath. The development in this part of the site would not involve demolition of any significant buildings. Currently the site is open but appears unsightly and derelict. There is no defined frontage to the canal. The Lidl store would be close to this edge, partly behind a frontage brick wall. Such big bulky buildings near the canal are characteristic of the Conservation Area. The elevations are low key and neutral.

10.32 The roofscape is notable from higher vantage points particularly the Tricorn House roundabout and even from Whiteshill. The roofscape is a distinctly tight network of buildings, with varied juxtapositions and rooflines. There are also interesting features in particular the northlights and ventilation stacks. The adjacent tower is a landmark.

10.32 The roads around the development will have to be raised to ensure they are outside the flood plain. The raising of the roads will also lead to the raising of the external levels of the surrounding buildings by around 1m. This is not an overriding concern and only involves the central buildings. None of the buildings are prominent from external views at the public viewpoints (which limits Conservation Area impact). The roofscape will be unaffected. Secondly they do not have formal proportions rather they are more informal workaday structures. Indeed Redlar House has a basement, which looks slightly cumbersome from inside the site. Building B, southern elevation, is the most prominent which would be affected. But this elevation only has two irregularly arranged windows and a very haphazard roofline. Its western elevation, like Building K, and others has very large windows which could be foreshortened. The buildings too have a steep roof pitch which draws the eye rather than the walling. Internally the buildings can accommodate the raising of the floor levels and Building Control advise that fire and ventilation implications are resolvable.

10.33 There are listed buildings opposite at Baytree Square. These houses front the bypass and overlook the site. Their historic relationship and appearance with the site has been obliterated by the bypass. Nonetheless their aspect would be unchanged as the frontage wall and Redlar building are being retained.



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10.34 Gladfield House to the west is another listed building but has no relationship with the application site. Similarly there is a listed crane which relates to the canal side in that area, rather than the application site, which is fundamentally segregated the bypass. There are more distant listed buildings to the north and south, which are unaffected.

10.35 There are no significant non designated heritage assets affected.

### Conclusion on heritage

10.36 Architecturally these buildings have value depicting the style and character of their form and function. These groups of buildings have collective value depicting the industrial heritage in the Conservation Area.

10.37 Historic England did express concern about the scale of demolition in the original submission. However the revised plans show more of the buildings retained and a much more appropriate layout. Their comments are awaited.

10.38 The extant supermarket scheme demolishes a significant amount of buildings. Layout plans have been submitted which show the comparison with the current proposal. The difference in areas has been quantified. There are also photographs of some of the particular buildings involved.

10.39 The amount of demolition in the permitted scheme is less than the current proposal but not vastly so. 16,027sqm is now proposed for demolition with 3,514sqm retained. In the extant scheme 13,417sqm was demolished with 6,124sqm retained. A substantial part of this demolition now proposed does include two large modern metal clad buildings (buildings identified as J and I on the layout in the appendix). The central buildings which are notable are being retained by this particular scheme. These offset the loss of the northlight buildings at the south west corner.

10.40 The archaeology has been assessed and it is considered only a “watching brief” condition is required.

10.41 Case law confirms that the loss of significant buildings can only be accepted where it is clear what replacement buildings would be going back. The application as originally submitted was in outline with few details. Officers requested more details, in particular the layout and an indication of elevations. The redevelopment here needs to reflect the historic industrial form of buildings. These are tight knit, dense and inter linked. Domesticisation in terms of architecture and spaces would need to be avoided. These aspects are dealt with below. Nonetheless the scheme needs to ensure the replacement of the demolished buildings and the conversion of the few retained structures. In accordance with case law, a signed contract for these works would be needed to ensure implementation prior to any demolition work. This would have to be conditioned and could be a constraint to the commencement.



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10.42 Overall the revised scheme is felt to be moderately adverse to the character of the Conservation Area. It is only moderate because from public viewpoints the critical buildings are being retained and restored. Much of the demolition is away from public view. It also involves substantial modern structures. The extant scheme has significant demolition and this retains some of those more interesting buildings.

10.43 Paragraph 134 of the NPPF requires such harm, even where moderate, to be balanced with other planning objectives. The 1990 Act requires “great weight” to be given to the heritage and this is reflected in the planning balance. Comments are also awaited from Historic England, but their previous comments were not an objection.

### **DESIGN**

11.1 The layout needs to address several key frontages, which are prominent and important to the character of the area.

11.2 The River Frome runs along the south side of the site. This is the context for the adjacent and restored mill buildings. Typically such buildings do not slavishly follow the lines but rather the architecture (and siting) is functional.

11.3 The canal is on the north side of the site. The buildings should not overly enclose/address the waterside, and some through views will be important. Access to the canal towpath is currently constrained along the boundary. This will need to be improved by the formation of an open space. This will also help boat launching as well as providing access for those who have challenged mobility, which is a problem along parts of the canal.

11.4 The views from Dudbridge Road side are largely defined by the frontage wall, which is being retained. The buildings behind are also being largely retained which will be important to support and maintain this wall.

11.6 Originally only an indicative layout was submitted, which only specified the foodstore siting and the points of access. This indicative layout failed to replicate the characteristics of the current site which has tight, enclosed, short rows. It would have appeared weak. Following a formal request, the layout not only has been revised but also formally submitted for consideration.

11.7 This revised layout addresses the above points. With the exception of the supermarket site, the buildings deflect the roads, to avoid the perception of a road dominated layout. The road on the indicative plan did slavishly follow the flood relief channel, which produced a flowing curving layout, which would not have been akin to the traditional form of a Stroud Valley industrial estate. This revised layout is more tightly knit, enclosed, irregular, and short building frontages. The layout offers a series of views, some deflected, some ending more dramatically.



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11.8 The provision of car parking is a frequent challenge on such valley sites. Space is limited, density is high, and turning is limited. This layout strives to place parking in less prominent locations thereby allowing the architecture and spaces to stand out. Garages/car ports are widely used rather than just relying on open parking which would dominate the view. The precise design of these garages/car ports is best addressed in a design code.

11.9 The revised scheme shows a tall 3m rustic brick wall along the southern edge of the Lidl car park, emulating the presence of the Dudbridge Road wall. This wall will obscure parked cars, but also help provide a sense of enclosure and continuity of brick architecture along the new road.

11.10 Spacious and well overlooked pedestrian access is provided through to the canal into several places. The new development is set back from the canal to give some open space similar to Ebley Wharf. The new development would be varied to give an informal organic approach. An indicative streetscene elevation has been submitted.

11.11 A well overlooked play area is proposed. This would be adjacent to the flood relief area, which would utilise its outlook and openness. One specimen landmark tree is proposed to act as a focal point. There is considerable space for such a specimen to flourish.

11.12 An indicative heights plan has been submitted. This shows a variety of heights across the site. Such variety is important and would be emphasised by the varied juxtapositions. The site can absorb high buildings if the elevations are appropriately designed. This is an aspect to explore further in a design code and reserved matters.

11.12 The frequent presence of underground utilities has substantially constrained the layout due to the inability to build over pipes and their easements. The revised design has had to work around these constraints.

11.13 Importantly the layout shows a non domestic approach to create a distinctive sense of place appropriate to the surroundings. The design concept is warehouses rather than an overtly house style.

11.14 The retention of more buildings has helped to devise the layout, capitalising on their traditional form and influence.

11.15 There is also a sustainability justification to reuse of these buildings, which appear weather proof, well fenestrated and structurally sound.

11.16 The layout has been formally submitted for consideration and a condition confirms its adherence. Any departure would need a new (full) application rather than reserved matters.

11.17 An indicative elevation of the canal frontage has been supplied. This shows an informal varied juxtaposition, roofline and style. It shows the basis for a reserved matters application. The Dudbridge bypass is the on the main public elevation but that is largely obscured by the frontage wall. The roofscape (as visible from elevated positions including Tricorn House roundabout) is largely derived from the layout. Consequently the elevations are not critical



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enough to warrant full details now. Rather than totally leaving them to reserved matters a condition is suggested requiring submission and approval of a design code which will then inform the reserved matters. This gives control and confidence over the future submissions.

### **LANDSCAPE**

12.1 The AONB is demarcated by the hills to the north and south/east. The site is particularly visible from Selsley Hill/Common and Rodborough. There are also distant viewpoints in and around Whiteshill. However it is largely seen against existing buildings and within an urban area, consequently the new development would look appropriate and not harmful to the outward views from the AONB. Local Plan Policy ES7 would be respected.

12.2 The design allows for the opportunity for outward views in several places.

### **CONTAMINATED LAND**

13.1 Local Plan Policy ES3 highlights the risks from contaminated land and the implications of pollution.

13.2 The site has had various ongoing industrial uses for over a hundred years. Consequently there is potentially very significant contamination. This is further complicated by the hard surfaces which have partially held some of the material in place. There is also some leaching of contaminants into the adjacent river and canal. The new building will lead to foundations/ services/ roads/surfaces which all could spread contaminants. This exacerbated on this site by the extent of groundworks required.

13.3 The universally accepted starting point is to research previous activities and undertake bore hole testing. Such bore hole sampling quantifies and locates the scope of the problem, after which remediation action can be planned and land uses can be established. (Residential uses in particular need lesser levels and gardens can be a problem in their own right if soft landscaped/grassed).

13.4 Some initial survey investigation has taken place. This has shown that there are levels of toxic metals and hydrocarbons well in excess of safe levels. Further detailed investigation is required to pin point the remediation works.

### **RESIDENTIAL AMENITY**

14.1 Local Plan Policy ES3 also protects amenity in terms of noise, general disturbance, smell, fumes, loss of daylight, loss of privacy or an overbearing effect.

14.2 Potentially privacy, shadowing and overbearing implications for new residents can be designed out. Similarly the neighbouring dwellings should not be impaired in these respects.

14.3 The bypass is less than ideal in such close proximity to the residential environment, with noise and air quality issues. The frontage wall is being retained which could provide some buffering with fenestration on the sheltered side. However there would still be high noise



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levels on site. There are also implications about noise/disturbance from the supermarket delivery area and the particular impact on the dwellings to the north. The Environmental Health Officers had initial concerns and these issues have been addressed.

14.4 The proposal should not undermine air quality.

14.5 There are a few neighbouring dwellings but are distanced by the bypass and the canal so that their amenity will not significantly be impaired.

### **ECOLOGY**

15.1 Local Plan Policy ES6 promotes biodiversity and the needs of protected species.

15.2 The site is important being alongside the canal and river, both of which have considerable potential for wildlife providing foraging, corridors for movement and habitat. Additionally, such vacant buildings often provide habitats for a range of species. Otters and bats are thought to be using the site.

15.3 Clearly works will take place very close to the watercourse and scrub habitats. Some survey work has been undertaken, which is helpful. An ecological overview has been submitted which seeks to minimise impacts during construction. This covers hours of working, partitioning off areas and briefing staff. Following an officer request, measures to protect water quality during construction have been outlined.

15.4 There is a disused badger sett which would need to be checked before any works. Similarly there are invasive species, Himalayan Balsam and Giant Hogweed. These can be conditioned but would need to be treated before development commences.

15.5 Potentially, the proposal has some very positive elements. The increased riverside corridor could help wildlife by assisting river access and providing marginal habitats, which would be ideal for otters to access the river. Such marginal vegetation is also helpful to amphibians.

15.6 External lighting by the canal and river corridors will need to be controlled to safeguard bats, and in any event light spillage should be minimised. Pollution control will also be critical during construction.

15.7 The site is close to the Rodborough SAC and there is potential for new residents to increase pressures on the ecosystem. A contribution to improvement measures will be required in accordance with standard practice.

### **TREES**

16.1 There is very little vegetation on the site, although there are some conifers on the eastern boundary. There is an extant consent for clearance of the few poor specimens on the site itself.



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### **HIGHWAYS**

17.1 There would be two accesses reflecting the current situation, with left turns to enter and left turns only to exit. The Lidl store would generate less traffic than the extant permitted store. The site is also brownfield, with a history of B class uses. The Local Plan allocates the site for B uses and retail. All these aspects point to a baseline of significant traffic generation. The Lidl store would be at a peak on Saturday, thereby avoiding the weekday rush.

17.2 Queuing on the roundabout has been analysed and not found to be significant. Visibility at both junctions meets accepted standards.

17.3 The tracking within the site has been plotted and again meets accepted minimum standards. This includes deliveries to Lidl. Confirmation is awaited from County Highways on the revisions.

17.4 Lidl will have 132 parking spaces, which is typical for their needs. This is segregated from the residential areas to avoid conflict.

17.5 County Highways highlight the need for pedestrian access from the canal towpath. This will be achievable in several places.

17.6 The layout has short stretches of road and the buildings tightly enclose the roads. This form of layout keeps traffic speeds low and is ideal for shared surfaces.

17.7 The residential layout shows parking provision is achievable surpassing the Local Plan requirement of 1.5 spaces per dwelling. As this is a sustainable, accessible location, provision of one dedicated space for Stroud Car Club is warranted to help reduce car ownership.

17.7 The adjacent bus stops will be upgraded with real time information and an improved shelter.

17.8 County Highways have no objection, although they have been reconsulted on the submitted layout. The tracking around corners will need to be checked. There is scope for any tweaking required.

### **MIX OF HOUSING/ AFFORDABLE**

18.1 The scheme does not provide any affordable housing. This can be set aside if the "Vacant Building Credit" applies. (The Draft NPPF retains this concept in paragraph 64). Alternatively a valuation appraisal can be submitted and vetted by the District Valuer. Substantial demolition of vacant buildings is proposed and this offsets the quantum of new building. The proposal therefore does not conflict with Local Plan Policy CP9.



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18.2 The scheme shows a wide of variety dwelling types: flats and housing. Small units are likely. The amount of smaller dwellings is likely to be greater than most greenfield sites. At a higher density, the values could be considerably less than greenfield sites. In such an accessible location they may be attractive to the young and more mature.

### **OTHER MATTERS**

19.1 The reuse of uncontaminated demolition arisings would be a requirement in the interests of sustainability, in accordance with Local Plan Policy CP5.

19.2 The proposal promotes the reuse of the existing buildings which is good from a sustainability point of view. Local Plan Policy ES1 does encourage sustainable design and this will be picked up at the reserved matters stage.

19.3 The Textile Trust has requested premises for a weaving shed. The site has a history which lends itself to such a use. The buildings too may well be suitable. However it would be hard to insist on such provision as a Section 106 requirement. Nonetheless it is hoped that this may be negotiated with the landowners.

### **PLANNING BALANCE**

20.1 The retail element and the limited floorspace of commercial uses comply with the site specific Local Plan allocation and should provide some employment. A retail impact note has been submitted and the Council's own specialist consultant has considered the situation. This foodstore should not undermine the role and vitality of existing centres, particularly bearing in mind the larger unfettered extant permission. The accumulative impact of the other two stores on the south side of Stroud was explicitly considered at the DCC meeting in September 2017.

20.2 The Local Plan does not allocate the site for housing and the proposal clearly conflicts with the Plan. There is a viability justification to depart from the allocation, especially bearing in mind the costs and complexities treating the contamination. Additionally, the thrust of the NPPF and even more so in the revised draft, is on housing delivery.

20.3 The extent of demolition is substantial. Some of the fabric has merit in its own right due its interesting and quirky form/detailing but most of the value is in their collective grouping. Section 72 of the 1990 Act requires "special" consideration. This is a heavy weighting.

20.4 The opening paragraphs of the 2012 NPPF set out central government's approach to the planning system. Paragraph 7 describes the 3 dimensions of sustainable development-economic, social, environmental. The first looks at delivery of development to support growth. This is clearly met by this proposal. The second criterion, social, seeks to support communities, create high quality built environment, support health, social and cultural well being. The provision of a foodstore will help local services but the revised proposal is questionable in terms of its high quality environment, cultural impact and design. The contaminated land situation is not yet fully certain, particularly for residential uses. The third criterion, environmental role refers to the natural and historic matters as well as the use of resources. These three principles are retained in the draft revisions of the NPPF.



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20.5 There is some harm to the Conservation Area, although through the evolution of the scheme this has been significantly reduced. The distinctive Dudbridge Road (bypass) frontage wall is now being retained and the Redlar drawing office. Moreover the extant supermarket permission too had widespread demolition. This permission sanctioned the loss of the central brick built buildings which are notably individually and collectively. These are retained by this proposal. The south west corner buildings were outside the demarcated site boundary of the last application. They were not shown for demolition but their future was not specified. Some of these buildings are now shown for demolition. The extent has been minimised with this revised flood channel route. The biggest demolished building is a modern metal steel clad structure. There is some partial demolition of the Victorian brick northlight buildings fronting the river. This is regrettable but their facade would be rebuilt back from the flood channel. Their loss may be countered against the now proposed retention of the central buildings. The demolished riverside buildings are also not particularly prominent from public viewpoints. The roofscape would be largely still evident.

20.6 Comments are awaited from Historic England on the revised plans. However their response to the earlier more demolition orientated scheme was not specified as an objection.

20.7 The ecology has been investigated. There is a notable potential biodiversity improvement from the shallow (accessible) increased grassed area by the riverside. Such habitat is scarce in the area.

20.8 There are hydrological improvements to the site and surroundings, which are to be welcomed (subject to the awaited confirmation by the Environment Agency). The extra flood storage area and maintenance corridor should be ease potential problems. The removal of the site and the environs from the flood plain is significant when one considers the human and economic impacts of flooding.

### **CONCLUSION**

20.9 Through substantial revisions, the proposal has evolved. There is moderate harm to the Conservation Area. The 1990 Act requires great weight to be given to the character of the Conservation Area. Paragraph 134 of the NPPF requires harm to be balanced with the planning benefits. As quoted in paragraph 10.5 above, this does make reference to “securing its optimum viable use”. This proposal does make use of currently redundant buildings and those potentially redundant in the future. It allows their restoration, maintenance and future retention. There is some likelihood that some of these buildings would degrade from neglect so that they became unconvertible or simply become fall down.

20.10 This is a brownfield site, only partially in use. Its neglected state does not help the appearance of the area, including the canal corridor. It discourages investment in other sites. This proposal would regenerate the whole site. It would deliver some housing which would be welcome and bolster the Council’s 5+ year housing supply.



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20.11 The proposal would remove some of the surrounding land from the flood plain and allow maintenance/clearance of the vulnerable culvert. This is a significant benefit. Once the development is completed there should be an enhancement of the ecology. This is considered as a minor benefit. Some may well welcome the new foodstore but this is offset by its slight impact on neighbouring centres.

20.12 The proposal utilises a brownfield site within an extensive, accessible urban area. This is therefore highly sustainable, reflecting the fundamental essence of the NPPF as advocated in paragraphs 7 and 14. On balance the slight harm to the character of the Conservation Area is therefore accepted, unless Historic England formally object. Similarly this recommendation is on the assumption that the Environment Agency have no objection to the revised flood channel.

20.13 The moderate harm to the Conservation Area is felt to be outweighed by the other benefits above.

20.14 This redevelopment may help fund the re-establishment of Stroud Metals at Stonehouse. However this cannot legally be guaranteed and it is recommended as such that Members do not take this into account.

### **IMPLEMENTATION**

20.14 The implementation of the supermarket, housing and the rest of the scheme if permitted will be dependent upon the treatment of the contaminated land. The extent and nature of the contamination has not been completely assessed. It will delay implementation as investigations have to take place.

20.15 In addition a legally binding contract with the particular builder will be necessary to guarantee the replacement and retention works prior to any demolition. This will need to be conditioned but could delay the start of works on the housing. Similarly a design code will need to be prepared setting the vision for the elevations.

20.16 Similarly the invasive species would need to be treated by a licensed operator in accordance with accepted procedures. A formal license, post planning permission, would also be needed from Natural England to cover the bats and otters, prior to any development.

### **OVERALL CONCLUSION AND RECOMMENDATION**

21.1 The extent of demolition has been lessened in the revised plans. Although it does involve the loss of some particularly interesting buildings and reduces the group value of the buildings, the loss is not now in the most prominent locations. Consideration is also needed of the extant permission for demolition. The replacement scheme has been the subject substantially redesigned and is appropriate.



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21.2 The retail impact should not be overly significant. The fact that a larger unrestricted foodstore was permitted two years ago indicates that the scope for retail growth. The additional housing is welcome.

21.3 Accordingly planning permission is recommended subject to no objections from the Environment Agency or Historic England.

21.4 The precisely worded conditions will be given on late pages, but the generic headings are as follows:

Approved plans  
Layout plan status

REM submission  
Timescale and matters

Lidl  
Foodstore only  
Noise

Heritage/Rebuilding  
Demolition/contract for rebuilding  
Reuse of arisings.  
Method Statement for retention /reuse of buildings.  
Rebuilding of end gables to riverside. When and how.  
Implementation of 3m high wall by Lidl car park  
Design Code submitted prior to REM  
Removal of P.D. rights  
Retention of open area by canal  
Archaeology

Design/Appearance  
Submission of materials + sample panels  
Delivery /maintenance of play area. Details of tree  
Management agreement on open areas including swale  
Landscaping 302 303  
Height of new houses.

Hydrology  
Implementation of flood channel  
Maintenance/retention of flood channel  
Flood levels

Highways  
Provision of bus stops  
Access visibility to be provided  
Parking



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Provision for Stroud Car Club  
Canal accesses.  
Turning

Construction  
CEMP  
Ecological method statement  
Contamination

24.1 Appendix  
Building demolition plans

### **HUMAN RIGHTS**

23.1 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.